

COUNCIL MEETING AGENDA

CITY OF GREATER BENDIGO

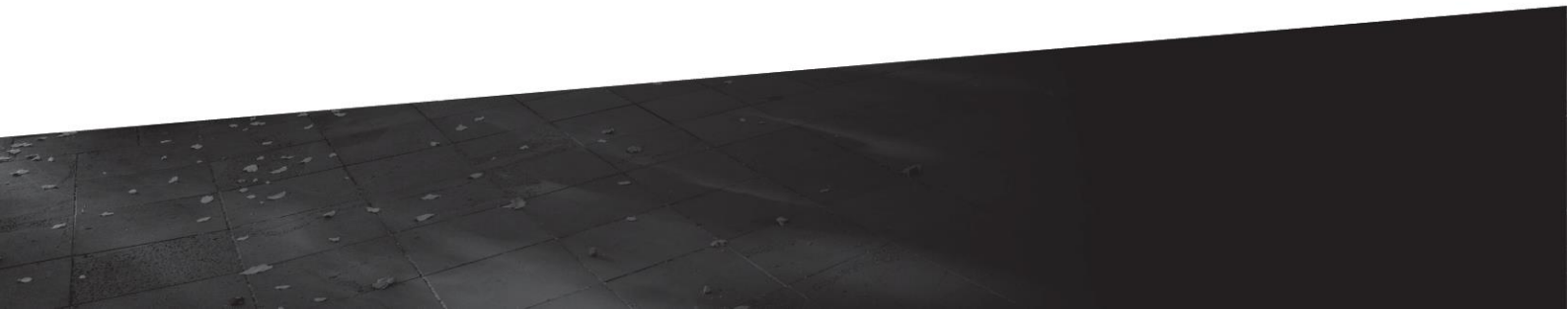
6:00 pm on Monday April 22, 2024

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

Please note, the April Council Meeting will return to the Bendigo Town Hall. Due to water damage caused by the January storm events, there will be limited gallery seating. If you plan on attending the meeting, seating will be prioritised for those who register to attend.

If you would like to attend, please register your interest through the following link: https://www.bendigo.vic.gov.au/about-us/council/council-meetings#register-attend-meeting or call the box office on 5434 6100 no later than 5pm on the day of the meeting.

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





COMMUNITY VISION 2021–2031

Greater Bendigo celebrates our diverse community.
We are welcoming, sustainable and prosperous.
Walking hand-in-hand with the Traditional custodians of this land.
Building on our rich heritage for a bright and happy future.

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

- Local Government Act 2020
- Governance Rules

ORDER OF BUSINESS

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1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

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

RECOMMENDED MOTION

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

8. COMMUNITY RECOGNITION

9. PUBLIC QUESTION TIME

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.

Question time is also not to be used as a platform for campaigning by prospective council candidates.

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, please ensure you leave your contact details with the Governance officer so a response can be provided to you.

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.

10. RESUMPTION OF STANDING ORDERS

RECOMMENDED MOTION

That Standing Orders be resumed.

11. WARD REPORTS

11.1. EPPALOCK WARD - CR O'ROURKE

11.2. LOCKWOOD WARD - CR WILLIAMS

11.3. WHIPSTICK WARD - CR SLOAN

12. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

13. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on March 25, 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

14. PETITIONS AND JOINT LETTERS

14.1. Petition Response - Mitchell Street, Axedale

Author:	Brian Westley, Director Presentation and Assets
Responsible Director:	Brian Westley, Director Presentation and Assets

Purpose

To respond to a recent petition calling for safety improvements, namely ‘flashing lights’ at the intersection of Mitchell Street and McIvor Highway in Axedale.

Recommended Motion

That Council:

1. Advise the lead petitioner that:
    a. The entire intersection, including warning signage along Mitchell Street, is the Department of Transport and Planning (DTP)'s responsibility.
    b. City Officers have written to DTP and the State Government seeking their review of the intersection and identification of potential improvements.
    c. City Officers have previously asked DTP to consider improvements at this intersection through the Federal Government Blackspot Program.
    d. In consultation with Council, DTP have identified some minor safety improvements, such as vegetation trimming, to be undertaken.

Report

Council received a petition calling for safety improvements, namely ‘flashing lights’ at the intersection of Mitchell Street and McIvor Highway in Axedale.

The McIvor Highway is an arterial road managed by DTP on behalf of the State Government. The posted speed limit along this section of the McIvor Highway is 60km, although a reduced 40km speed limit is posted during school crossing times. Mitchell Street in Axedale is a local road managed by the City of Greater Bendigo. The posted speed limit along this section of Mitchell Street is 60km.

Under the Road Management Act 2004, DTP is responsible for the management of entirety of the intersection.

Four (4) casualty crashes were recorded between 10/07/2018 to 30/06/2023, although Council are aware of other reported crashes in the past six months.

Council submitted a Project Nomination under the Federal Blackspot Program for this intersection in 2020, although this project was not supported by DTP.

Several interventions have been implemented, in recent years, to improve safety at this intersection including:

- School time speed reduction along McIvor Highway
- Advance warning '60km Ahead' on both township approaches along Mitchell Street
- Advance warning 'Give Way Ahead' on both township approaches along Mitchell Street
- Extra-large 'Give Way' on both township approaches along Mitchell Street (larger than required by regulation)
- Splitter-island on approaches along Mitchell Street

Council are aware of community concerns regarding safety at this intersection. In response, Council Officers have met with DTP representatives on several occasions over the past 12 months. In addition, Council have recently written to DTP executives and the Hon. Jacinta Allan, Premier of Victoria.

Communications/Engagement

Brian Westley, Director Presentation and Assets, has discussed these matters with the lead petitioner and DTP representatives; in addition to consultation with Council's Engineering Department.

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. Petition Requesting Signage at Mitchell Street, Axedale Redacted [**14.1.1** - 40 pages]

Laura Hough

% - residents of Axedale
[redacted]

RECEIVED
21 FEB 2024
City of Greater Bendigo

20th February 2024

City of Greater Bendigo
GovHub
189-229 Lyttelton Terrace
Bendigo, Vic 3551

Dear Councillers of City of Greater Bendigo,

The residents of Axedale wish to present you with our petition for the purpose of gaining assistance in obtaining flashing lights on Mitchell Street, Axedale.

While we understand signage is the duty of DTP, we know we can not reach the powers that be without your assistance.

As you would be aware, we have had many accidents occur at the intersection of Mitchell Street and McIvor Highway in Axedale and quite frankly, the town is very tired of it. We are extremely frustrated and concerned that we have to play a game of Russian Roulette each time we drive through the intersection.

We appreciate there will be Stop signs going in shortly however we feel this will not be enough to stop people running through the intersection. We wish we did not have to hold the hands of drivers and that the current signage could be sufficient enough however, for whatever reason, the amount of vehicles flying through on this incredibly busy road tells us we do need to.

All we wish for is a safe road. For our families and yours. And we do not wish we had to wait for fatalities to happen before full action is taken by both yourselves and DTP.

Sincerely,
Laura Hough

On behalf of the residents of Axedale.

Petition for upgrade to signage on Mitchell Street, Axedale.

Organised by Laura Hough of 84 High Street Axedale Vic 3551

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

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

Signature	Name	Address
	ROBIN CRAWFORD	[redacted]
	Catherine Trimnell	
	STEPHEN NEMET	
	IAN SIBBALD	
	LAURICE SIBBALD	
	IAN LEECH	
	CHRIS LANCASTER	

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Signature	Name	Address
	Sonya Browne	[redacted]
	Kevin Barrett	
	Jo Drake	
	Jenny McMillan	
	Bruce McWilliam	
	Kerryn Nankervis	
	[illegible] Tuck	
	Bronwyn Karvonen	

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Signature	Name	Address
	Janice O'keefe	[redacted]
	Bernie O'Keefe	
	SHARON MCKENZIE	
	SAM CAVILL	
	Benji Harrold	
	Tara Coffin-Harrold	
	DONALD GOONAN	
	Joshua Hunter	

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Signature	Name	Address
L Stinten	Lorraine	[redacted]
[illegible]	Heather Stinten	
Mandy McKay	MANDY MCKAY	
[illegible]	Eileen SHARE	
R	RUSSELL EASTON	
[illegible]	ANN KERR	
Carolyn Bathurst	Carolyn Bathurst	
[illegible]	Kathryn McKay	

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Signature	Name	Address
J. Hughes.	JAN HUGHES.	[redacted]
T. Lechner	TRUDY LECHNER	
[signature]	NIGEL HUGHES	
J Fordham	JOHN FORDHAM	
L. Gunn	LORRAINE GUNN	
K. Cain	KAREN CAIN	
N. Rigby N. RIGBY	NORAH RIGBY	
[signature]	MARGARET LANE	

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Signature	Name	Address
	IAN CUMMINGS	[redacted]
	Kelly Gwin	
	Donna Brandt	
	COLIN REID	
	Rachel Hunter	
	Shane Carmody	
	KARL BRANDT	
	TED Brandt	

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Signature	Name	Address
	Will Brandt	[redacted]
	Hudson Browne	
	Nash Kipping	
	Sue Stuart-Dent	
	Lauren Kelly-Ainniron	
	Raelene Burns	
	Ree McCabe	
	Cameron McCall	

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Signature	Name	Address
	Phillip Madden	[redacted]
	Shahn Maddocks	
	Anthony Martin	
	ROB VOLPATO	
	Beverly Risstrom	
	Jessica Truscott	
	Angus Johnston	
	Marc Carter	

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Signature	Name	Address
	BRON CARTER	[redacted]
	Katya Bathurst	
	Eve Aurisch-McGrath	
	Zane Van Wynen	
	Erica Rosat	
	Roven Williams	
	M-Green	
	Caleb Green	

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Signature	Name	Address
	Mick [illegible]	[redacted]
	Ollie Smith	
	DANIEL [illegible]	
	NICOLE [illegible]	
	STEVE [illegible]	
	Trevor Marsha[illegible]	
	STUART [illegible]	
	~~Axedale~~ Matt ~~FOOTBALL~~	

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Signature	Name	Address
	Sarah Davison.	[redacted]
	Jenn Spelling	
	Toni Poole	
	Addie Junior	
	Utoh, Rocha	
	Dean Huang	
	Mick Williams	
	veda Haines	

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Signature	Name	Address
	David Wingrove	[redacted]
	Stephen Newcombe	
	Michael Byrne	
	Phil Howard.	
	Ben Rice	
	Mick Lloyd	
	Aimee Barrett	
	Kerrie Hickey	

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Signature	Name	Address
	Zac Shrubsole	[redacted]
	MAGGIE	
	Garry Vanheynen	
	Matt Godden	
	Alisha Mill	
	RYAN HURST	
	B. Miller	
	Taj Atkinson	

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Signature	Name	Address
	David Scates	[redacted]
	Corrina Hartland	
	EMMA ROBERTS	
	Linda Kendall	
	Ben Fiegert	
	Ellyse Sawatijw.	
	Jessica Dooly	

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Signature	Name	Address
	SAM EVANS	[redacted]
	ANDREW PYE	
K. Schubert	Kim Schubert.	
	Maddy Greenwood	
	Tamara Pattison	
	LEE COLLINS	
	ANNE MOSS.	
A. J Davis	TONY DAVIS	
	R Parsons	
	A. McCARTHY	
	A Strang	

Claire Penza 2-28 High St Axedale - C.P.

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Signature	Name	Address
	Lorraine	[redacted]
	Alexc	
	B. Hussain	
	G Hannah	

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Signature	Name	Address
	Rob Burns	[redacted]
	Lisa Macd	
	Monay Bugge	

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Signature	Name	Address
	Lisa Chesters	[redacted]
	BILLY McNALLY	
	Jarrod Threlfall	
	Stephen Young	
	Kelly Young	
B Young	Ben Young	
RM Young	Roslyn Young	
	Mel White	

Petition for upgrade to signage on Mitchell Street, Axedale.

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Signature	Name	Address
	Wouter van Dongen	[redacted]
	Isabella van Dongen	
	Jim Jowett	
	Brodie Raddin-Jowett	
	Ben Holt	
	ERIC POMFRET	
	Kimberley Threlfall	
	STRAY DOG	

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Signature	Name	Address
	C. Leppert	[redacted]
	Brad Cooper	
	W. VELLERE	
	Katelyn Gray	
	Jocelyn Davies	
	James Harkins	
	Alice	
	Karen cain	
	ALLAN McLEAN	

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Signature	Name	Address
	Full Name	[redacted]
	Will Bayley	
	LIAM DRAKE	
	Michael White	
	PAUL THOMSON	
	ROD	
	Krishè Witt	
	Nicole Lacey	
	Melissa Di Donato	

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Signature	Name	Address
	Kevin Dooley	[redacted]
	Jacinta Belz	
	Kyle Belz	
	Anna Gardner	
CK	Cheryse Kraszynski	
	Vanessa Crawford	
	CHARMAINE VIRGONA	
	Emily Maynard	
	Lee Gilbee	

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Signature	Name	Address
	Shana Anderson	[redacted]
	Liz Harrington	
	Rob Tollerfield	
	Rachel	
	Kevin	
	Monica	
	Lyndell	
	Leisa Batterham	
	Tara Gardiner	

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Signature	Name	Address
	Jodi McCooke	[redacted]
	Stacie Corbure	
	Martin Kartner	
	Melissa Mckean	
	Steve Humphrey.	
	Brit Mueck	
	N. Gasco	
	G. Dimitriou	
	Emily Jeffery	

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Signature	Name	Address
	Jack McIntosh	[redacted]
	Crystal McIntosh	
	Pam Kirkpatrick	
	Ainslie Youl	
	Amy Dodson	
	KEN MCCULLOCH	
	Emily McCooke	
	Ben McCooke	
	Mikayla Callaway	

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Signature	Name	Address
	CHOOK CALLAWAY	[redacted]
	Rueben Benfield	
	Sarah Layfield	
	Leah McMahon	
	Jack Batterden	
	Chris Baksby	
	GARRY BOSTON	
	Melissa Doak	

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Signature	Name	Address
	Josh H	[redacted]
	Ashl. W.	
ASchloss	Andy S	
	Ros. C	
	KATHRYN CAIRNEY	
	Chanel Holman	
	Nick Harrap	
	S Risstrom	
	R Riordan	

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Signature	Name	Address
	C N RUTHERFORD	[redacted]
	C. RUTHERFORD	
	Z. UGRENOVIC	
	G. MORRISON	
	N. Campbell	
	F Campbell	
	K. CALLAWAY	
	D. CALLAWAY.	
	C. Crameri	

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Signature	Name	Address
M & Phelps	Mary Phelps	[redacted]
	JOHN HARRINGTON	
	LAURINDA GARDNER	
M.E. Gardner	MICHAEL GARDNER	
	MICHAEL TROWNSON	
C.M. Keith	Catherine Keith	
	Carla Lang	
	Jean Gemmell	

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Signature	Name	Address
	Tahnee Olle	[redacted]
	Tim Collins	
	Jake Ralston	
	Jen Brown	
	Kay Brown	
B whelan	Bev Whelan	
	Kay McGregor	
S PHELPS		

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Signature	Name	Address
	J. DOOLY	[redacted]
	Kylie Morrison	
	BRONWYN GRIFFITHS	
	JESSICA BECKINGSALE	
	TYLER CRAMER	
	SCOTT CAIN	
	JOY KENNEDY	
	JORDAN RHEESE	
	JAMES RANKIN	
	Janet Roy	
	Catherine Beech	

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Signature	Name	Address
	Ebony Ware	[redacted]
	Sharon Ware	
	Britney Mueck	
	Ruby Kelly	
	James Everden	
	James O'Toole	
	Glenis Pavlii	
	Susie Wade	
	George Shaw	
	[illegible]	

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Signature	Name	Address
	Claire Hudson	[redacted]
	Andrew Strang	
	KATIE OSTERFIELD	
	BELINDA YOUNGER	
	FRANCES FORD	
	Luke Barlanger	
	Tim Argus	
	ZITE MARCH	
	KARA THOMPSON	
	Courtney Greenwood	

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Signature	Name	Address
	[illegible]	[redacted]
	Luke Harrington	
	Tayla Barker	
	Carmel Williams	
	Kate Hannah	
	David Lynch	
	ANDREW HANNAH	
	MARION CAMPBELL	
	[illegible]	

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Signature	Name	Address
	Adrian Skinner	[redacted]
	Evelyne Vdbroeke	
	CLAIRE McMAHON	
	MATT SMITH	
	Annica Mitchell	
	Alex James	
	Helen Jenns	
	DARREN ROWE	
	Cheryl Dwyer	
	TIM FLYNN	

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Signature	Name	Address
	GOODMAN	[redacted]
	Angela Lynch	
	Garry Long	
	Pieta Pritchard	
	Heatha Nicholas	
	Matt Nicholas	
	MATT HARGREAVES	
	SCOTT THOMAS	
	DYLAN SANDERS	

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Signature	Name	Address
	Rachel Dillon	[redacted]
	Clinton Richles	
	Joshua Cox	
	Kira Gibbons	
	John McDermott	
	Anthony Aldous	
	Michael Charlton	
	Geoff Beard	
	John McDermott	
	cliff	

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Signature	Name	Address
	JASON LONG	[redacted]
	SHANNON FITTON	
	Anthony Abbott	
	GARRY BOSTON	
	LAURENCE HAYES	
	Shaun Woolard	
	Cliff Farrell	
RMorgan	Robyn Morgan	
	Louisa Kristiansen	

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Signature	Name	Address
	Charli Ranie	[redacted]
	Sharlene Maddocks	
	MIA SPEERS	
	Will Long	
	JAMES BAKER	
	Alex Long	
	Jane Radisich	

14.2. Petition Acknowledgement - Request to establish an LGBTIQA+ Advisory Committee

Purpose

Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process (ie Statutory Planning).

Summary

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

> We, the residents and ratepayers of Greater Bendigo City Council, formally request Council to establish an LGBTIQA+ Advisory Committee.

Signatures - 18

Recommended Motion

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

Conflict of Interest

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

Attachments

1. Petition from Rainbow Local Government - Request for LGBTIQ A+ Advisory Committee Re [**14.2.1** - 1 page]

E-petition



Petition to Greater Bendigo City Council: LGBTIQA+ Advisory Committee

We, the residents and ratepayers of Greater Bendigo City Council, formally request Council to establish an LGBTIQA+ Advisory Committee.

Amelia Johnson	[redacted]	Bendigo
Antony Langdon		Jackass Flat
Atomic Wylder		Golden Square
Damien Stevens-Todd		Bendigo
Daniel de Vries		Bendigo
Di Esbensen		Bendigo
Drew Reid		Strathdale
Katerina Mekon		Huntly
Kaye Lehmann		Maiden Gully
Lara Spiers		Huntly
Maree Bramley		Golden square
Maree Di on		Epsom
Martin de Porres		Long Gully, Bendigo
ruth reading		Ironbark
Samantha Mason		Whitehills
Tayla Johnson		North Bendigo
Tristan Jones		East Bendigo
Zara Jones		Strathdale

14.3. Petition Acknowledgement - Epsom/Huntly Flooding Issues

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 e-petition has been received from residents and ratepayers as outlined below:

“Back Creek has broken its banks at least 7 times in the past 14 years, flooding nearby properties in Epsom and Huntly. One of these events being on the 2nd of January 2024 when the creek went from being empty in the morning, to breaking its banks in the afternoon, after only 30mm of rain. As new information has been brought to life, this has now become a two part petition.

1. STOP APPROVING FUTURE DEVELOPMENTS ON FLOODPLAINS:

The City of Greater Bendigo have been approving numerous developments on floodplains, without considering the flooding impact on Huntly and Epsom residents. The flood waters that once sat on these newly built up developments now have to spread out and flood elsewhere. This is causing the floodplain to become wider and deeper.

We are calling on the Bendigo Council to stop approving all future developments on floodplains. We believe that sustainable development should not come at the cost of our homes or safety.

2. CLEAR/DREDGE BACK CREEK:

Back Creek hasn't received any maintenance in numerous years. It's a shallow/narrow creek and some sections are blocked by trees, causing its capacity to quickly become overwhelmed. As further developments continue to be approved on the floodplain, more and more water is being forced back into the creek, only making the problem worse. This neglect has lead to flooding for new and existing properties alike.

As many of the congested sections of Back Creek are on crown land, we are calling on the Victorian Government to clear Back Creek from 302 Station St, Epsom to Bendigo-Tennyson Road in Huntly, by removing the trees, widening the creek and removing the soil to increase its capacity.

e-Signatures - 256

Recommended Motion

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

Conflict of Interest

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

Attachments

1. Petition Epsom Huntly Flooding [**14.3.1** - 11 pages]

Name	City	State	Postal Code	Country	Signed On
Michael Allen	Epsom		3551	Australia	31/01/2024
Connie Fischer	Wellsford		3551	Australia	31/01/2024
Debbie Dean	Huntly		3551	Australia	31/01/2024
Jeff Glanville				Australia	31/01/2024
Kristy Griffiths	Bendigo		3551	Australia	1/02/2024
Pat Hendy	Huntly		3551	Australia	1/02/2024
Leonie Forrest	Huntly		3551	Australia	1/02/2024
Hayden Shearer	Bendigo		3555	Australia	1/02/2024
Pip Byrne	Bendigo		3550	Australia	1/02/2024
Jessica Allen	Epsom		3551	Australia	1/02/2024
Lorraine Harvey	Huntly		3551	Australia	1/02/2024
Joanne McLachlan				Australia	1/02/2024
Jacquie Pilcher				Australia	1/02/2024
Trudi marshall	Huntly		3551	Australia	1/02/2024
Vicki McCallum	BENDIGO		3550	Australia	2/02/2024
Kristie Hamilton	Bendigo		3550	Australia	2/02/2024
Kylie Crittenden	Bendigo		3556	Australia	2/02/2024
Vicki Hanley				Australia	2/02/2024
Jemma Gill	Huntly		3551	Australia	2/02/2024
Stewart Frost				Australia	2/02/2024
melinda piltz				Australia	2/02/2024
Julie Mulcahy				Australia	2/02/2024
Rainy Allen	Strathfieldsaye		3551	Australia	2/02/2024
Joel Salau	Ascot		3551	Australia	2/02/2024
Charlene Salau	Ascot		3551	Australia	2/02/2024

Renee Meadows			Australia	2/02/2024
Laura Trewin			Australia	2/02/2024
Erin Davis			Australia	2/02/2024
Meg Ferrie	Huntly	3551	Australia	2/02/2024
Tammy McCarthy			Australia	2/02/2024
Dorothy Richards			Australia	2/02/2024
Roslyn Anderson			Australia	2/02/2024
Riley Holland			Australia	2/02/2024
Melissa Young			Australia	3/02/2024
Sally Stubbington			Australia	3/02/2024
Mark Ware	Huntly	3551	Australia	3/02/2024
Laurence Marshall			Australia	3/02/2024
Jason miller	Epsom	3551	Australia	3/02/2024
Ebonie Collins	Huntly	3551	Australia	3/02/2024
Kim Fallon			Australia	3/02/2024
Jye Dingfelder			Australia	3/02/2024
Kylie Ware	Huntly	3551	Australia	3/02/2024
Michael Scrimizzi	Bendigo	3551	Australia	3/02/2024
Bernice Campbell			Australia	3/02/2024
Carol Paynting			Australia	3/02/2024
Cheryl Campbell			Australia	3/02/2024
emily tran			Australia	3/02/2024
Katherine Wells			Australia	3/02/2024
Jason Harriage	Huntly	3551	Australia	3/02/2024
Wendy Greenwood			Australia	3/02/2024
kathrynne grundy			Australia	3/02/2024
Judi Hosking	Huntly	3551	Australia	3/02/2024
Danielle Oswals	Huntly	3551	Australia	3/02/2024
Judith Oswald	Bendigo	3551	Australia	3/02/2024
Sharna A’Vard	Huntly	3551	Australia	3/02/2024

Tasha Marshall			Australia	3/02/2024
Kaylene Fieldew	Bendigo	3550	Australia	3/02/2024
Brodie Marschall			Australia	3/02/2024
Kate Jongebloed	Epsom	3551	Australia	3/02/2024
Kristy Moulday			Australia	4/02/2024
Barry Nolan			Australia	4/02/2024
Joyce Johnson	Huntly	3551	Australia	4/02/2024
Jess Reeves	Huntly	3551	Australia	4/02/2024
John Nimmo			Australia	4/02/2024
Emily-Jane Lelean			Australia	4/02/2024
Damien Webb	Bendigo	3551	Australia	4/02/2024
Jared Kelly	Huntly	3551	Australia	4/02/2024
Simon Bullow			Australia	4/02/2024
Carrene Craig	Huntly	3551	Australia	4/02/2024
Michelle Jones	Huntly	3551	Australia	4/02/2024
Carla Bennett			Australia	4/02/2024
Daniel Andrews			Australia	4/02/2024
Dani Hiddleston			Australia	4/02/2024
Mel Brown			Australia	4/02/2024
Brydie Marshall			Australia	4/02/2024
Leanne SIMEONE	Kangaroo Flat	3551	Australia	4/02/2024
Riley Braddy	Bendigo	3551	Australia	4/02/2024
DaviD Allen	Strathfieldsaye	3551	Australia	4/02/2024
Grant Pearse	Bendigo	3551	Australia	4/02/2024
Samuel Heard	Ironbark	3550	Australia	4/02/2024
Steve Cottrell			Australia	4/02/2024
clair johnson	bendigo	3555	Australia	4/02/2024
Angela Williams	Ascot	3551	Australia	4/02/2024
Nicole Vuglar	Bendigo	3555	Australia	4/02/2024
Deborah Keaveney	Bendigo	3551	Australia	4/02/2024

Karen Miller	Bendigo	3555	Australia	5/02/2024
Lindsay Bennett			Australia	5/02/2024
fvgbjh gbjhnk			Australia	5/02/2024
Sally Richardson	Huntly	3551	Australia	5/02/2024
Shantelle Popple	Bendigo	3556	Australia	6/02/2024
Craig Graham	Eaglehawk	3556	Australia	6/02/2024
Jo Hillman			Australia	6/02/2024
Lindsay Sargeant	Huntly	3551	Australia	6/02/2024
Alan Roberts	Huntly	3551	Australia	6/02/2024
Kevin Cowley			Australia	6/02/2024
Sonya Allott	Huntly	3551	Australia	6/02/2024
Holly Johnston	Huntly	3551	Australia	6/02/2024
Cherie Hammer	Huntly	3551	Australia	6/02/2024
Leon Heynders	Huntly	3551	Australia	6/02/2024
Sue Goldie	Huntly	3551	Australia	6/02/2024
Susan Heynders			Australia	6/02/2024
Anthony O'Flaherty	Huntly	3551	Australia	6/02/2024
Craig Wicks	Huntly	3551	Australia	6/02/2024
Corinna A'Vard	Huntly	3551	Australia	6/02/2024
Bree Holmes	Bendigo	3550	Australia	6/02/2024
Chloe West	Huntly	3551	Australia	6/02/2024
Olga Kolesnikova			Australia	6/02/2024
Penny Watt	Eaglehawk	3556	Australia	6/02/2024
Tenneh Shard			Australia	6/02/2024
Leanne Nebauer			Australia	6/02/2024
Daniel Blundell			Australia	6/02/2024
Karen Nowell	White Hills	3551	Australia	6/02/2024
Emma Gibbons	Huntly	3551	Australia	6/02/2024
Megan McPherson	Huntly	3551	Australia	6/02/2024
Jarrod Radford			Australia	6/02/2024

Tom Hamilton	Bendigo	3551	Australia	6/02/2024
Vanessa Juran Juran			Australia	6/02/2024
Sandy Wade			Australia	6/02/2024
Rosemary Verdon			Australia	6/02/2024
Trudie Newton	Bendigo	3551	Australia	6/02/2024
Ryan King-poile			Australia	6/02/2024
Dann S			Australia	7/02/2024
Alex Slobodian	Huntly	3551	Australia	7/02/2024
Natalie Andrews	Bendigo	3550	Australia	7/02/2024
Vicky Tierney	Epsom	3551	Australia	7/02/2024
Paul Ayoub			Australia	7/02/2024
Nathaniel Varga			Australia	7/02/2024
cie montgomery	Huntly	3551	Australia	7/02/2024
Mark Hamilton	Bendigo	3550	Australia	7/02/2024
Tyler Hawkins	Huntly	3551	Australia	7/02/2024
Cheyenne Edwards			Australia	7/02/2024
Patrick Eid			Australia	7/02/2024
Penny Franklin	Huntly	3551	Australia	7/02/2024
Adrian Holland	White Hills	3550	Australia	7/02/2024
Robert SMALLPAGE	Huntly	3551	Australia	7/02/2024
John Nimmo			Australia	7/02/2024
Stephen Dickins			Australia	8/02/2024
Chris Rudd			Australia	8/02/2024
Lucy --			Australia	9/02/2024
Khambia Clarkson			Australia	9/02/2024
Lorraine Bartlett			Australia	9/02/2024
dan endicott			Australia	9/02/2024
Maninder Kaur			Australia	9/02/2024
Michelle Hocking	Junortoun	3551	Australia	10/02/2024
Tegan Adams			Australia	10/02/2024

Elly Neilsen			Australia	10/02/2024
Leanne Bennett			Australia	11/02/2024
Jacqui Van brunschot			Australia	11/02/2024
Rochelle Morley	Huntly	3551	Australia	11/02/2024
Elizabeth Gian			Australia	11/02/2024
Lily Tranchida			Australia	11/02/2024
Sophie Croxford	Bendigo	3550	Australia	11/02/2024
Michelle Tyquin			Australia	11/02/2024
Jennie Sharpe			Australia	12/02/2024
Vinay Ganji			Australia	12/02/2024
Brooke Morley	Huntly	3551	Australia	12/02/2024
Cleo RW			Australia	12/02/2024
Amanda Fleming			Australia	12/02/2024
Nicholas Lucy			Australia	13/02/2024
Linda Perry			Australia	13/02/2024
Sarah Mcinnes	Huntly	3551	Australia	13/02/2024
Amy Morris	Huntly	3551	Australia	13/02/2024
Robert Smith			Australia	13/02/2024
Eleanor Murley	Bendigo	3550	Australia	13/02/2024
Megan Waldron			Australia	13/02/2024
RAELENE Falzon	Bendigo	3551	Australia	13/02/2024
Lacinta potter	Huntly	3551	Australia	13/02/2024
Larissa Younger	Huntly	3551	Australia	13/02/2024
Kate Ford	Huntly	3551	Australia	13/02/2024
Tiffany Holschier	Bendigo	3550	Australia	13/02/2024
Jane Rechter	Huntly	3551	Australia	13/02/2024
Kerrie Barber	Bendigo	3551	Australia	13/02/2024
Amy Cope			Australia	14/02/2024
Terry Hansen	Bendigo	3551	Australia	14/02/2024
Heather B	Huntly vic	3551	Australia	14/02/2024

Jake Davinci			Australia	14/02/2024
Jennifer Roulston	Bendigo	3555	Australia	14/02/2024
Jon Rothwell			Australia	15/02/2024
Daaruk Kathiria			Australia	15/02/2024
Manuel Solano			Australia	16/02/2024
Tanya Abo-shaban			Australia	16/02/2024
jasmine sullivan			Australia	16/02/2024
Gary Lee			Australia	17/02/2024
Tony McKillop			Australia	17/02/2024
Maya Maloney			Australia	18/02/2024
Karen Leoncelli			Australia	18/02/2024
Hania Watt			Australia	19/02/2024
Majid Khan			Australia	19/02/2024
Trish Zupan			Australia	19/02/2024
Clohee Morrow			Australia	19/02/2024
Sharryn Koppens			Australia	19/02/2024
jen bucknell			Australia	19/02/2024
Liylah MacIntyre			Australia	20/02/2024
Perry Gx			Australia	20/02/2024
Sarah Ryan			Australia	20/02/2024
Sammy Bunney			Australia	20/02/2024
Hamish Lux			Australia	20/02/2024
Beans Mutts			Australia	20/02/2024
Ainas Khdhir			Australia	20/02/2024
Kate Ferguson	Huntly	3551	Australia	29/02/2024
Pauline Campbell			Australia	29/02/2024
Wendy Rampling			Australia	29/02/2024
Bridie Wilson	Huntly	3551	Australia	29/02/2024
Mike Lowther	Bendigo	3550	Australia	1/03/2024
Amanda Breese			Australia	1/03/2024

Andrea Guy	Bendigo	3551	Australia	1/03/2024
Andre Guy			Australia	2/03/2024
Terry Holt	Huntly	3551	Australia	2/03/2024
Romi Hood			Australia	2/03/2024
Lianna P			Australia	2/03/2024
Indiah Guy	Bendigo	3551	Australia	2/03/2024
Pauline Githinji			Australia	2/03/2024
Patricia Moebus			Australia	2/03/2024
Sarah Clarke	Ascot	3551	Australia	2/03/2024
Ray Koschel			Australia	3/03/2024
jack griffiths			Australia	3/03/2024
Mirjana Petrovic			Australia	3/03/2024
Dk Taa			Australia	4/03/2024
Paige C			Australia	4/03/2024
Erin cattle			Australia	4/03/2024
Devlin Boersma			Australia	4/03/2024
Chlo Jones			Australia	4/03/2024
Iysha Ivanova			Australia	4/03/2024
Laura Bozzetto			Australia	5/03/2024
Natasha Booth			Australia	5/03/2024
NICHOLAS WALSH			Australia	24/03/2024
Anthony Bartsch			Australia	24/03/2024
kenny zhou			Australia	24/03/2024
J Gaskin			Australia	24/03/2024
Jack Sunner			Australia	24/03/2024
Annette Sherriff			Australia	25/03/2024
Shaun Newman			Australia	25/03/2024
Erin Morgan			Australia	25/03/2024
Megan Setterberg			Australia	25/03/2024
Madi Di Biccari			Australia	26/03/2024

Beverly-joy Lacey			Australia	26/03/2024
Daisy F			Australia	26/03/2024
Alex Lara			Australia	26/03/2024
Alison Kemp			Australia	26/03/2024
Elisabeth Mortimer			Australia	27/03/2024
Dianne Mihailoff			Australia	27/03/2024
Melissa Harrison			Australia	27/03/2024
Anne Hudson			Australia	27/03/2024
Vicki Woods			Australia	27/03/2024
zahli fleming			Australia	27/03/2024
Jason Watson			Australia	27/03/2024
Simon Turudia			Australia	27/03/2024
Ashlee Shaw			Australia	30/03/2024
Dylan Cahill	Bendigo	3555	Australia	11/04/2024
Courtney Jackson	Huntly	3551	Australia	11/04/2024
Anna Trickett	Huntly	3551	Australia	11/04/2024
Nor Vodden			Australia	11/04/2024
Tammie Alderton	Bendigo	3551	Australia	12/04/2024
Bernie Pellas	Bendigo	3550	Australia	12/04/2024
Marlene Quay	Woodvale . Victoria .	3556	Australia	12/04/2024

Name	City	State	Postal Code	Country	Date	Comment
*Leonie Forrest	Bendigo		3551	Australia	1/02/2024	"I've lived here in huntly for 23 yrs and I have never seen huntly flood as bad as it has in the last few years. Something has changed and it needs addressing asap."
*Hayden Shearer	Bendigo		3555	Australia	1/02/2024	"Water issues need to be rectified before more building approvals are issued, developers need to take responsibility for storm water AFTER it leaves their developments."
*Joanne McLachlan				Australia	1/02/2024	"If you use back creek as a drain treat it like a drain. If the capacity to move water is only say 1 Meg don't try and put 10 megs down it. Clean and repair Bendigo Creek levees also"
*Jason miller	kangaroo flat		3555	Australia	3/02/2024	"Flooding events are affecting my business more frequently and the flooding events are becoming worse with less rain. The urbanisation of the flood zones with improper flood mitigation has to be a contributing factor. The condition of back creek to accept the flows is inadequate."
*Carol Paynting				Australia	3/02/2024	"Something needs to be done now not in 10yrs time"
*Wendy Greenwood				Australia	3/02/2024	"Needed fixing ages ago"
*Judi Hosking	Huntly		3551	Australia	3/02/2024	"Too much damage and heart ache is being caused by the flooding of Back Creek. The problem is one that can and should be fixed before the same people if not more suffer again."
*Melissa Young				Australia	4/02/2024	"So much damage is being dine and so many peoples lives and house are being affected by this. Its time to act and support the community. Over the last 30 yrs the heartache, tears and the aftermath is too much to handle . THIS NEEDS TO BE FIXED NOW!!!"
*Susan Heynders				Australia	6/02/2024	"I'm sick to death of trying to get in and out of flood waters in our street and area . Everyone is affected in some way and council just ignore us all"
*cie montgomery				Australia	7/02/2024	"Council has a duty of care to their communities to ensure a safe and effective environment free from floods"
Vicky Dickins	Bendigo		3551	Australia	8/02/2024	"We've been flooded out by the back creek 3 times in the past 11 years , where water has entered the sheds but not our house (thankfully). The major damage occurs to our driveway and landscape, the worst affected area of driveway is the crossover

Federico Álvarez	Argentina	23/02/2024	which I don't even own. Each time this has happened I have contacted the council asking for assistance, the keep telling me it's my responsibility. The stormwater drains are not sufficient to cope with the amount of water, coupled with the back creek breaking it's banks on the east side of Bendigo golf course leads to all the water traversing through ours and neighbouring properties along Taylor street before trying to enter back creek at Howard Street. I long for the day I can replace our side fence, but I have to lift fence and clear debris to let flood water through our suffer the consequence of water entering our home." "https://www.bendigoadvertiser.com.au/story/8511420/huntly-residents-concerned-about-flood-risk-from-development/?src=rss"
*Andrea Guy	Australia	1/03/2024	"Our home backs onto the creek and we have been flooded twice since we built in 2011. The part of the creek that goes under Howard Street has wire across it and is blocked by debris. Further down at our place, the creek is so full and blocked by branches. The water has no where to go but out, breaking the backs. Have thought about doing it ourselves but could get into trouble! Maybe under the cover of darkness.
*Andre Guy	Australia	2/03/2024	"My property backs on to back creek and is now getting flooded it needs cleaning out"
*Terry Holt	Australia	2/03/2024	"I retired to Huntly 7 years ago, after spending 44 years in the Rural Water Industry(Major Dams). In that time, through my work, I have seen many floods, inundated properties and homes. It never ceased to amaze me to see Councils & other agencies allow developments, or even a house or two be constructed in low(marshy type areas) followed by consequences expected when the country becomes wet. It is still happening in & around Huntly today. This Is Why I Am In Agreeance With & Signed This Petion."
Harrison Elliott	Australia	15/03/2024	"https://www.bendigoadvertiser.com.au/story/8527519/push-for-back-creek-dredging-to-ease-flooding-issues-at-huntly/"
*NICHOLAS WALSH	Australia	24/03/2024	"bendigo council at its most negligent best avoiding the management of back creek. now also preparing to allow 78 new houses to be built on 100% inundation land ,flood plain, at montis rd / saade rd epsom."

*(signed e-petition)

15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded Under Delegation

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

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

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion	Budget
CT000689	Maiden Gully Tennis Pavilion	Duobuild Pty Ltd	Stacy Williams	21-Mar-24	$348,326.00	06-Jul-24	$439,100.00
CT000698	Tom Flood Lighting Upgrade	DeAraugo & Lea Electrical Contractors (VIC) Pty Ltd	Andrew Cooney	14-Mar-24	$530,100.00	28-Jun-24	$749,080.00
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Contract Term & Options	Budget
CT000695	Supply of Road Marking Paint and Products under a Panel Contract Arrangement	Damar Industries Pty Ltd	Brian Westley	1/03/2024 Contractor for Panel Contract who signed during March 2024	Schedule of Rates	3 Years with the option of 1 x 24 months	$100,000.00 per annum
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion / Contract Term & Options	Budget

15.2. February 22, 2024, Audit and Risk Committee Meeting Draft Minutes

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

Purpose

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

Recommended Motion

That Council:

1. Note the unconfirmed minutes of the Audit and Risk Committee meeting held on February 22, 2024; and

2. Note the minutes will be tabled for confirmation at the next Audit and Risk Committee meeting, to be held on May 15, 2024.

Executive Summary

The Committee Charter requires the minutes of Committee meetings be reviewed by the Director Corporate Performance and the Committee Chair and then provided to Council for information at the next opportunity following each Committee meeting. Minutes from the Committee meeting held on February 22, 2024 are attached to this report for information.

Background

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

Report

The Committee Chair has reviewed the unconfirmed minutes of the February 22, 2024 Committee meeting and has approved their release. The unconfirmed minutes of the meeting are attached to this report.

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

1. Audit and Risk Committee Unconfirmed Minutes 22.2.24 [**15.2.1** - 19 pages]

AUDIT AND RISK COMMITTEE MINUTES

10:00 am THURSDAY FEBRUARY 22, 2024

GALKANGU

Unconfirmed

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Unconfirmed

1. INTRODUCTION

1.1. WELCOME

1.2. 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 future 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.

1.3. ATTENDANCE AND APOLOGIES

Attendance

- Jovana Obradovic-Tantra (Chair)
- Stephen Brown (via TEAMS)
- Robert Stephenson
- Dan Butel
- Cr Andrea Metcalf
- Cr Julie Sloan

- Andrew Cooney, Chief Executive Officer
- Jessica Howard, Director Corporate Performance
- Nathan Morsillo, Manager Financial Strategy
- Jessica Clarke-Hong, Manager Governance
- James Stokie, Manager Information Technology
- Nathan Cutting, Coordinator Finance Operations
- Rebecca Maple, Risk and Assurance Advisor
- Rosemary Broad, Risk and Assurance Officer
- Nick Walker, HLB Mann Judd, External Auditor
- Brad Ead, AFS and Associates Pty Ltd, Internal Auditor (joined the meeting after Item 3 Special Business)

Apologies

- Cr Margaret O'Rourke

Unconfirmed

2. DECLARATIONS

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

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

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee.

A member has a ***conflict of interest*** if they have:

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

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

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

Declarations of interest outlined below considered standing declarations:

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

Additional declarations of interest:

- Stephen Brown declared he was an employee of RSD Chartered Accountants approximately 15 years ago.

Unconfirmed

3. SPECIAL BUSINESS

3.1. Internal Auditor Services Presentations - Placeholder

Presentations by organisations shortlisted through the Internal Auditor tender.

The Committee provided feedback to the tender panel following presentations.

Outcomes/Actions:

- The Committee to receive outcome of the Internal Auditor tender.

Unconfirmed

4. STANDING ITEMS

4.1. Internal Auditor Update

Presenter: Brad Ead, AFS and Associates Pry Ltd, Internal Auditor

Feedback/questions:

- Committee discussed scope of Livestock Exchange Audit.
- Committee requested information on procurement that occurs outside of the Procurement policy. Namely how we monitor trends with regards to requests for exemptions from Procurement Policy.

Outcomes/Actions:

- The Committee noted the following reports:
  - Strategic Internal Audit Program Status Update
  - Internal Audit Report: Procurement and Tendering Processes
  - Internal Audit Planning Document: Livestock Exchange I
  - nternal Audit Planning Document: Past Issues Community and Stakeholder Engagement
  - Internal Audit Industry Update February 2024
- The Committee endorsed 2024/2025 - 2026/2027 Internal Audit Program.
- The Committee to receive up-date on processes/procedures in place to assess exemptions to, and procurement undertaken outside of, Procurement Policy and how the City monitors trends in requests for exemptions from the Procurement Policy.

Unconfirmed

4.2. Previous Minutes

Presenter: Jovana Obradovic-Tantra, Chair

Feedback/questions:

Nil

Outcomes/Actions:

Resolution

- The Committee approved the minutes of the Audit and Risk Committee meeting held November 9, 2023.

Moved: Cr Julie Sloan

Seconded: Robert Stephenson

Unconfirmed

4.3. Actions Management

Presenter: Jovana Obradovic-Tantra, Chair

Purpose: Actions Management

Feedback/questions:

Nil

Actions/outcomes:

- The Committee noted the Action Register.

Unconfirmed

4.4. External Auditor Update

Presenter: Nick Walker, HLB Mann Judd, External Auditor

Feedback/questions:

Nil

Outcomes/Actions:

- The Committee noted the Draft Audit Strategy Memorandum for Financial Year ending 30 June 2024.

Unconfirmed

4.5. Risk and Assurance Update

Presenter: Rebecca Maple, Risk and Assurance Advisor

Feedback/questions:

The Committee reviewed and discussed the Audit Action Progress Report Quarter 2, 2023/24.

The Committee discussed and requested further information on data related to employee Fraud and Corruption training.

Outcomes/Actions:

- The Committee noted:
  - noted the Risk and Assurance Update; and
  - noted items 9 and 14 of the Audit Action Progress Report Quarter 2, 2023/24.

- The Committee to receive further break down of data related to Fraud and Corruption training.

Resolution

- The Committee approved extensions for items 1, 2, 3 and 4 of the Audit Action Progress Report Quarter 2, 2023/24.

  Moved: Robert Stephenson
  Seconded: Cr Andrea Metcalf

Unconfirmed

4.6. Finance Update

Presenter: Nathan Morsillo, Manager Financial Strategy

Feedback/questions:

The Committee discussed the Quarter 2 Finance and Capital Management Report and Financial Sustainability indicators and settings and requested clarification on increase in spend and forecast related to waste management.

Outcomes/Actions:

- The Committee noted the Finance Update including:
  - Quarter 2 Finance and Capital Management Report
  - Financial Sustainability Indicators and Settings Update

- The Committee to receive further information related to increase in spend and forecast across garbage trucks and other equipment refer p137 of 196 'Management Reporting - Operating Profit and Loss'.

Unconfirmed

4.7. Cyber Security Report

Presenter: James Stokie, Manager Information Technology

Purpose: Cyber Security Report

Feedback/questions:

The Committee discussed the Cyber Security Roadmap including:

- bench marking to industry
- capability assessment
- vulnerability management

Actions/outcomes:

- The Committee noted the Cyber Security Report.

Unconfirmed

4.8. CEO Report

Presenters: Andrew Cooney, CEO

Feedback/questions:

In addition to the CEO Report the CEO advised:

- Electoral boundaries finalised with nine single councillor wards.
- The City has participated in the VAGO own motion performance audit of the Commonwealth Games.

Outcomes/Actions:

- The Committee noted the CEO Report.

Unconfirmed

4.9. Councillor Expenses & Gifts Report

Presenters: Jessica Clarke-Hong, Manager Governance

Purpose: Councillor Expenses & Gifts Report

Feedback/questions:

Nil

Actions/outcomes:

- The Committee noted the:
  - Councillor Expenses for Quarter 2 2024
  - Councillor Gift Register 2023

Unconfirmed

4.10. Employee Gifts, Benefits and Hospitality Register

Presenters: Rebecca Maple, Risk and Assurance Advisor

Purpose: Employee Gifts, Benefits and Hospitality Register

Feedback/questions:

Nil

Actions/outcomes:

- The Committee noted the Employee Gifts, Benefits and Hospitality Register.

Unconfirmed

4.11. ARC Workplan for 2024

Presenters: For information only

Purpose: ARC Workplan for 2024

Feedback/questions:

Nil

Actions/outcomes:

- For information only.

Unconfirmed

4.12. Internal Control Environment 2024 to 2027

Presenters: For information only.

Purpose: Internal Control Environment 2024 to 2027

Feedback/questions:

Nil

Actions/outcomes:

- For Information only.

Unconfirmed

5. GENERAL ITEMS

5.1. Local Government Performance Reporting Framework (LGPRF) Half Yearly Report 2023/24

Presenters: Jessica Clarke-Hong, Manager Governance

Purpose: Local Government Performance Reporting Framework (LGPRF) Half Yearly Report 2023/24

Feedback/questions:

The Committee discussed time frames for statutory planning decisions.

Actions/outcomes:

- The Committee noted the Local Government Performance Reporting Framework 2023/24 Half Yearly Progress Report.
- The Committee to receive an update from Statutory Planning at a future meeting.

Unconfirmed

6. CLOSE OF MEETING

There being no further business, the meeting closed at 12:15pm.

Unconfirmed

15.3. Councillor Led Motion for ALGA National General Assembly

Author:	Geoff Fallon, Coordinator - Governance
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

The purpose of this Report is for Council to endorse the attached Motion, drafted by Councillor Alden, for submission to the Australia Local Government Association (ALGA) National General Assembly.

Recommended Motion

That Council endorse the attached Motion for submission to the ALGA National General Assembly.

Background

The Australian Local Government Association (ALGA) is the national voice of local government, representing 537 councils across the country. In structure, they are a federation of state and territory local government associations.

Motions for the National General Assembly should:

- Consider how all levels of government in Australia can build trust in each other and earn greater trust from the community
- Consider practical opportunities for the Australian Government to leverage the trust that local communities have in their local council
- Focus on practical programs that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities
- Focus on new program ideas that that would help the local government sector to deliver the Australian Government's objectives
- Be concise, practical and implementable.

The resolutions passed by the 2023 National General Assembly can be found on the ALGA website.

Report

The 2024 National General Assembly will be held in Canberra July 2-4, 2024 with the theme of “Building Community Trust” which acknowledges the critical importance of trust in our democracy’s different level of government, its institutions, and amongst its citizens.

Councillor Dr Jen Alden has prepared the attached submission regarding:

> *This National General Assembly calls on the Australian Government to:*
>
> 1. *Allocate sufficient, secure and ongoing resources to implementation of Threatened Species Recovery Plans, including ensuring ongoing funding for monitoring as well as sufficient funding for local governments to engage their communities and implement their land manager responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).*
>
> 2. *Develop, implement and publish annual progress reports that provide transparent and accessible updates on the Australian Government’s progress with implementing the actions in the Threatened Species Recovery Plans. These reports should be published in between the more comprehensive review of Recovery Plans every 5 years or more.*

Priority/Importance

All Motions must be submitted by April 30, 2024 after endorsement by Council.

Timelines

Task	**Due Date**
Motion submissions close	April 30, 2024
NGA	July 2-4, 2024

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 2 - Commitment to innovation, systems improvement and learning
Goal 4 - Leadership that sets a standard for good governance and integrity in action, working in partnership with regional Councils

Other Reference(s)

About ALGA
2024 NGA Discussion Paper

Conflict of Interest

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

Attachments

1. ALGA motion City of Greater Bendigo 2024 [**15.3.1** - 3 pages]

ALGA Threatened species motion City of Greater Bendigo

Category

Environment

Motion subject

This motion submits to the Australian Government that there is a need for appropriate resourcing for implementation of Threatened Species Recovery Plans, that some of this resourcing should be directed to local governments to enable them to meet their threatened species obligations, and that greater transparency is required in terms of reporting on the implementation of Recovery Plans.

Motion

This National General Assembly calls on the Australian Government to:

1. Allocate sufficient, secure and ongoing resources to implementation of Threatened Species Recovery Plans, including ensuring ongoing funding for monitoring as well as sufficient funding for local governments to engage their communities and implement their land manager responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).

2. Develop, implement and publish annual progress reports that provide transparent and accessible updates on the Australian Government's progress with implementing the actions in the Threatened Species Recovery Plans. These reports should be published in between the more comprehensive review of Recovery Plans every 5 years or more.

National objective

Protection of threatened species is a national issue.

Local governments across the country are responsible for ensuring they meet their obligations under the EPBC Act 1999, where council managed land supports a threatened species or ecosystem. They also are responsible for representing the views of their communities, many of whom are concerned about the biodiversity crisis currently unfolding.

The City of Greater Bendigo is concerned about the future of the Grey-headed Flying fox, which is listed as "vulnerable" under the EPBC Act 1999. It is listed as 'threatened' under the Victorian Flora and Fauna Guarantee Act 1988. The species are found across South Australia, Victoria, New South Wales and Queensland, including in many local government parks and reserves such as Rosalind Park in Bendigo. As a result, ensuring appropriate protection of the species is a national issue that crosses state boundaries.

Overall, the lack of regular and secure funding or support to local governments and the lack of transparent reporting compromises the ability for local governments to ensure they are equipped to fulfil their duties under the EPBC Act 1999. It also limits the ability for local, state and federal governments to work together on coordinated management, monitoring and community engagement that will ensure the ongoing survival of the species in the region.

Summary of Key Arguments

Australia is home to between 600,000 and 700,000 unique species, with 84 per cent of plants, 83 per cent of mammals, and 45 per cent of birds only being found in Australia, all at risk due to human activity causing changes to the landscape and native habitat.

The Threatened Species Index registers data from long-term threatened species monitoring. Updated annually, the most recent 2023 index included data up to 2020. It showed a 61% decline from 2000 to 2020 in Australia's threatened bird, mammal and plant species. 130 species were added to the list in 2023, greater than the previous annual average of 29 species.

As a significant public land manager, local government is often responsible for managing threats to federally listed threatened species in parks and conservation reserves, protecting and enhancing habitat and managing conflicting uses of public space.

A key example of this is the Grey-headed Flying fox which is listed as "vulnerable" under the EPBC Act 1999. This species is under threat from loss and degradation of habitat as well as impacts from human activity, such as fruit tree netting. They are also vulnerable to the impacts of climate change including heat waves and more frequent and intense fires.

The stresses and threats to the Grey-headed Flying fox are evident in Bendigo where large populations roost in gardens due to lack of suitable habitat in other locations. This can result in negative impacts to heritage features, heritage trees and community facilities as well as conflicts with other protected species such as Ibis.

The Grey-headed Flying fox has an impact on the amenity of public spaces and crops, especially fruit. As a result, the community places pressure on land managers to remove or relocate the species from public parks, while fruit growers install netting that is a key threat to the species.

Managing these conflicts and competing objectives is often beyond the resources and expertise of local government. Raising awareness amongst the community about the species and how to protect it is a much needed additional local government task requiring resources to implement.

Local governments have difficulty understanding what action is being taken at state or national level that would support their efforts. The national Grey-headed Flying fox Monitoring Program's most recent comprehensive report is from 2015, the most recent report on survey data from 2019, and the latest Recovery Plan from 2021. Since then it is unclear what actions have been taken, how they might coordinate with local effort or whether we, as a nation, are on track to achieve the Recovery Plan's goals. Insecure continued funding for monitoring means that future declines in population numbers, or the impacts of threats may go unnoticed.

In conclusion:

- Direct financial support from the Australian Government is required to assist local government to implement our obligations under the EPBC Act 1999 and to support community engagement about threatened species.

- Transparent and regular reporting is required on progress with implementing National Threatened Species Recovery Plans.

15.4. Draft Good Governance Framework - Commence Public Consultation

Author:	Geoff Fallon, Coordinator - Governance
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

The purpose of this Report is to present to Council the initial draft of the Good Governance Framework and to seek approval to commence public consultation.

Recommended Motion

That Council **approve** public consultation to commence, via Let's Talk.

Executive Summary

This Report presents a draft Good Governance Framework (**Attachment 1**) that addresses relevant good governance guidance material reviewed to date and seeks approval to commence public consultation.

Background

Governance is the framework of structures, rules and processes by which an organisation is directed and controlled. Good governance is about the processes for making and implementing sound decisions. See **Attachment 2** for detailed background information.

Previous Council decision dates: Not applicable.

Report

Overview

The *Local Government Act 2020* (Vic) (the 2020 Act) addresses many of the better practice principles identified in earlier good governance guidance material (as outlined in **Attachment 2**). Compliance with the 2020 Act is, in itself, evidence of good governance.

There are three main departures from this statement:

- Private sector guidance is heavily focused on the Board/Director structure, roles and processes to ensure a skills and merit-based professional and diverse Board. Given the electoral provisions of the 2020 Act are prescriptive in many of these matters it has limited applicability to our context.

Both the ASX Corporate Governance Principles and Recommendations and the Local Government Inspectorate recommend publishing a document that demonstrates how the entity complies with good governance requirements including through the use of a governance schedule. The publication of this Framework will satisfy this element.

- Many of the guidance materials specifically call out risk management or risk governance. The 2020 Act is largely silent on risk management, other than to specify that:
  - It is one of the roles of the Audit and Risk Committee to monitor and advise on.
  - Integrated Strategic Planning must identify and address risk.
  - Financial risks must be monitored and managed prudently.

It is important to note that we should always:

- Strive to continually assess how we could better address each good governance principle.
- Acknowledge the importance of, and limitations to measuring, culture and leadership on good governance.

The draft Good Governance Framework (**Attachment 1**) builds most heavily on the VLGA Good Governance Guideline but has been restructured to follow the 2020 Act structure.

Please note that the Good Governance Framework does not cover election content.

Priority/Importance

Good governance is important and should remain a priority of Council, Councillors and the organisation.

A Good Governance Framework could make an important contribution to good governance at the City.

Whilst developing the Framework is a priority, it is important that we take the time to develop it properly and consult on it to build understanding and support.

Timelines

The following steps are proposed to finalise this Framework:

1. Externally *Inform/Consult* the entire Framework through Let's Talk and internally through OLT/ADT. Timeline: Apr-May 2024.

2. Take the final draft Framework to Council Meeting for adoption and make publicly available on City website. Timeline: Jun 2024.

Communications/Engagement

External engagement will commence upon Council approval to release this draft.

Financial Impacts

There are no financial impacts.

Risk Assessment

There is a risk that our reputation with community is compromised if the Good Governance Framework falls short of community expectations. This is assessed as LOW risk (and lower than failing community expectations by not having a Framework).

Policy Context

Council Plan Reference

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

- Outcome 1 - Lead and govern for all
    - Goal 1 - Accountable, financially responsible, equitable, transparent decision making
    - Goal 2 - Commitment to innovation, systems improvement and learning

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. Good Governance Framework [**15.4.1** - 40 pages]
2. Good Governance Background [**15.4.2** - 4 pages]



GOOD GOVERNANCE FRAMEWORK

For good and ethical decision-making

ABSTRACT

Good governance is about performance, responsible stewardship, ethical behaviour, decision making, leadership, trust, inclusion, accountability, legitimacy, responsiveness, transparency and fairness.

City of Greater Bendigo

Governance Unit

ABOUT GOOD GOVERNANCE

MAYOR FOREWORD

Good governance …

CEO FOREWORD

Good governance…

ACKNOWLEDGEMENT OF COUNTRY

The City of Greater Bendigo is located on the traditional lands of the Dja Dja Wurrung and the Taungurung Peoples of the Kulin Nation. They are the traditional custodians of this land.

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.

ABOUT GOOD GOVERNANCE

WHAT IS GOOD GOVERNANCE

Good governance lays the foundation for the fulfillment of a **system's** purpose in an ethical, effective and responsible manner in line with stakeholder expectations. It encompasses performance, responsible stewardship, ethical behaviour, decision making, leadership, trust, inclusion, accountability, legitimacy, responsiveness, transparency and fairness.

Where the **system** might be an entire organisation, the governing body, a Directorate, a Unit, or a specific project or undertaking.

WHY IS THIS FRAMEWORK IMPORTANT

This Framework is important to:

1. **Local community** – as it provides assurance that Council, Councillors and the organisation decision making process:
   - Serves the public interest of the entire municipal community
   - Meets legislative requirements
   - Supports mutual respect and trust between all participants
   - Is ethical, defensible and able to withstand public scrutiny.

   Even if community members are opposed to individual decisions they should be able to recognise that the decision has been a result of a good governance process.

2. **Councillors** – provides a summary of your legislative obligations and how you might achieve this ethically and in line with stakeholders expectations.

3. **Employees** – provides an overview of how your frank and fearless advice and/or your own delegated decisions fit into the overarching Council decision-making process.

PART ONE – THE FRAMEWORK

HOW TO APPLY THIS FRAMEWORK

This Framework consists of two parts.

Part One, provides an overarching framework against which any system can be created or evaluated against being 1) the Vision); 2) Our Principles; and 3) the contextual environment of leadership, culture and respect.

Part Two, evaluates the dual governance structures of the Council and the City organisation against this framework. Noting that good governance is not linear or simple. Each of the principles interact, cross-over and compound in complex ways and are intrinsically interwoven with leadership and organisational culture.

DEFINITIONS

This Framework uses 3 discrete and separable terms:

	Councillor cohort meeting formally as decision-makers	**Broader organisation**	**Both combined**
***Local Government Act 2020* (the Act)**	Council	Council	Council
This Framework	Council	City organisation	The City (of Greater Bendigo)

DOCUMENT CONTROL

Approval Level:	Council
Owner:	Governance, Corporate Performance
Approval Date:	
DOC SETID:	
Administrative Updates:	It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

PART ONE – THE FRAMEWORK

Part One - The Framework

THE GOOD GOVERNANCE FRAMEWORK



Figure 1 - Good Governance Framework

THE GOOD GOVERNANCE FRAMEWORK

VISION

Good governance is important to all City of Greater Bendigo Councillors, Executive and employees. We will be accountable to *Our Principles*, especially when this becomes difficult or challenging to Council or the organisation. Behaviour that does not accord with these principles will not be tolerated as we acknowledge that the standard we walk past is the standard we set.

OUR PRINCIPLES

1. Accountable – we have an obligation to report, explain and be answerable for the consequences of decisions to those we represent.
2. Transparent – the community should be able to clearly see how and why a decision was made.
3. Compliant with rule of law – our decisions are consistent with relevant legislation or administrative law (particularly the presumption for natural justice) and are within the powers of the decision-maker.
4. Responsive – we will interact with community members in an informed, timely, appropriate and responsive manner.
5. Equitable and inclusive - we serve the needs of the entire community - all groups, particularly the most under-represented or marginalised, should feel their interests have been considered.
6. Effective and efficient – we will implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for our community.
7. Participatory - Anyone affected by or interested in a decision should have opportunities to have their voice heard whilst understanding that competing interests are inevitable, valid and must be balanced.

LEADERSHIP & CULTURE

Leadership and culture are critical to good governance. By proactively and consistently applying *Our Principles* and upholding the Vision, positive leadership and culture will be created and maintained which will promote and sustain good governance for the municipal community of Greater Bendigo.

- We are all responsible for, and can be leaders in, good governance. Promoting integrity, ethical role modelling and ethical management, fairness and transparency is up to everyone.
- Our culture must empower individuals to understand their responsibilities, provide frank and fearless advice to decision-makers, ask questions and to disclose or raise concerns and issues.

RESPECT

All parties, including community, should interact in a respectful manner towards each other - without prejudicing robust debate.

PART TWO - THE COUNCIL & CITY GOVERNANCE

Part Two - The Council & City Governance

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PART TWO - THE COUNCIL & CITY GOVERNANCE

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LOCAL GOVERNMENT CONTEXT – ROLES & POWERS

ROLE OF LOCAL GOVERNMENT

WHAT THE ACT SAYS

- The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community, section 8 (1).
- Council must achieve this through the overarching governance principles, section 9:
  - Council decisions are to be made and actions taken in accordance with the relevant law
  - Priority is to be given to achieving the best outcomes for the municipal community, including future generations
  - The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted
  - The municipal community is to be engaged in strategic planning and strategic decision making
  - Innovation and continuous improvement is to be pursued
  - Collaboration with other Councils and Governments and statutory bodies is to be sought
  - The ongoing financial viability of the Council is to be ensured
  - Regional, state and national plans and policies are to be taken into account in strategic planning and decision making
  - The transparency of Council decisions, actions and information is to be ensured.
- Council must also take in account the supporting principles:
  - Community engagement principles
  - Public transparency principles
  - Strategic planning principles
  - Financial management principles
  - Service performance principles.

WHAT THE CITY DOES

The Act gives councils a very broad remit and a principles-based approach to good governance – that is very closely aligned to *Our Principles*. The subsequent sections of this Part 2 Framework demonstrate how the City achieves legislative compliance and alignment to *Our Principles*.

Council decisions, whether made by Councillors at a Council Meeting or by City employees under delegation, must achieve the best outcomes for the **entire** municipal community, including into the **future**.

LOCAL GOVERNMENT CONTEXT – ROLES & POWERS

ROLES OF INDIVIDUALS / SEPARATION OF DUTIES

WHAT THE ACT SAYS

ROLE OF MAYOR

- Role of the Mayor, section 18.
- Specific powers of the Mayor, section 19.

ROLE OF DEPUTY MAYOR

- Role and powers of the Deputy Mayor, section 21.

ROLE OF A COUNCILLOR (INCLUDING MAYOR AND DEPUTY MAYOR)

- Role of a Councillor, section 28.

ROLE OF CEO (AND ORGANISATION)

- Functions of the CEO, section 46.
- Delegations by CEO, section 47.

WHAT THE CITY DOES

The Act clearly distinguishes between the roles and responsibilities of the Council and elected Councillors (including the Mayor) and the administrative (Council employees) arm of Local Government. This demarcation of roles is sometimes referred to as the separation of powers. Powers can be delegated (subject to the Act), as detailed in the Delegations section, below.

The primary role of Councillors is to focus on policy development and strategic delivery of services in the public interest. Council decisions are made to direct the work of the City of Greater Bendigo and realise the planned goals that are set out in the Council Vision and Plan.

The internal day-to-day work of Local Government is carried out by City employees under the direction of the CEO. This operational work is directed by the decisions of the Council through the Council Plan.

Council and Councillors operate essentially how a Board of Directors might in a publicly listed entity. With the notable exception that Councillors are democratically elected, not appointed on a merit or skills basis. For example, Councillors:

- **Can** - influence and approve (or not) the Greater Bendigo Public Space Plan and approve the overall budget allocation each year that will attribute dollars to implementing this Plan's outcomes.
- **Cannot** – direct that a play space be built in the vacant block on your street.

Councillors operate collectively, individually neither the Mayor nor Councillors have the legal authority to act or make decisions on behalf of Council. Decisions made at formal Council Meetings provide the direction and authority for the City organisation to act.

LOCAL GOVERNMENT CONTEXT – ROLES & POWERS

ROLES OF EMPLOYEES

WHAT THE ACT SAYS

- Employees must comply with the Employee Code of Conduct, section 49.
- The Code of Conduct must contain provisions for:
  - Gift Policy
  - Conflict of Interest

WHAT THE CITY DOES

- The City organisation adopted this Gifts, Benefits and Hospitality Policy on June 9, 2020.
- The City Employee Code of Conduct, at section 7.2.g, requires all City employees to declare and avoid conflicts of interest.
- Additionally, the City has adopted:
  - This Fraud and Corruption Policy on December 11, 2019. This policy assists good governance by identifying and preventing inappropriate allocation of community funds.
  - This Risk Management Policy on December 11, 2019. This policy assists good governance by assisting decision-makers to make informed and proactive decisions within an environment of tolerable strategic and business risk limits.
  - The Staff values and behaviours of we lead, we learn, we contribute, we care, we respond, and we respect.
  - A suite of People & Culture policies, including recruitment and selection and appropriate workplace behaviours, supported by procedures relating to managing misconduct and underperformance.
  - This Records Management Policy establishes processes and practices for records from their creation, through their effective use, to disposal or preservation as archives.
  - This Privacy Policy which sets out our commitment to protecting your right to privacy and the management of your personal and health information.
- Additionally, the City organisation should apply monitoring, evaluation and learning (MEL) principles to service and project delivery.

LOCAL GOVERNMENT CONTEXT – ROLES & POWERS

ROLE OF AUDIT AND RISK COMMITTEE

WHAT THE ACT SAYS

- Council must have an Audit and Risk Committee, section 53, that:
  - Is Chaired by and has a majority of independent members (not Councillors) who have appropriate expertise and experience.
  - Includes Councillors
- The Audit and Risk Committee must:
  - Have a Charter
  - Monitor Council:
    - compliance
    - financial and performance reporting
    - risk management and fraud prevention systems and controls
  - Oversee internal and external audit functions

WHAT THE CITY DOES

- As required by the Act, the City has an Audit and Risk Committee, who meet a minimum of 4 times per year.
- The Audit and Risk Committee is an advisory committee formally appointed by Council and is responsible to the Council. It plays an important role in providing oversight of the City of Greater Bendigo's financial and performance reporting, risk management, compliance with legislation and internal and external audit functions.
- The Internal Audit Program is a risk-based plan which sets out the intended internal audits for the organisation. It is based on extensive planning and consultation across the City and is approved by the Audit and Risk Committee and Council. There is an Internal Audit Program, which is regularly reviewed and approved, based on emerging and changing internal and external risk profile.
- Further information, including the Charter and Minutes of prior meetings, can be found on the Audit and Risk Committee website.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Effective & Efficient

COUNCIL DECISION MAKING

COMMUNITY ACCOUNTABILITY

WHAT THE ACT SAYS

- Council must have and apply a community engagement policy, section 55 that covers the principles below.
- Principles of community engagement, section 56:
  - Processes must have a clearly defined objective and scope
  - Participants must:
    - Have access to objective, relevant and timely information
    - Be representative of those affected
    - Receive reasonable support to enable meaningful engagement
    - Be informed how the engagement will influence the decision-making.
- Council must have and apply a public transparency policy, section 57:
- Principles of public transparency (unless confidential), section 58:
  - Decision making processes must be transparent.
  - Information must be 1) publicly available and 2) understandable and accessible.

WHAT THE CITY DOES

- The City adopted this Community Engagement Policy, in Mar 2020. The City uses Let's Talk Greater Bendigo as the primary community engagement platform.
- The City adopted this Public Transparency Policy, in Dec 2021.
- The default setting for the City is to publish or release information in the interest of public transparency. As such, we encourage community members to contact the Freedom of Information (FOI) Officer by contacting 1300 002 642 before making a formal application.
- The Freedom of Information Act 1982 (Vic) gives everyone the right to access documents held by government agencies and Ministers, including local councils. This City webpage details how to make a request for information.
- The Office of the Victorian Information Commissioner (OVIC) can independently review a formal FOI determination on request of the applicant.
- Confidential information (as defined by the Act) is treated differently.
- Decision makers should seek out and impartially listen to the community's views before making decisions. Noting that decisions will need to consider the best interest of the entire municipal community over time and including overall financial sustainability – not just the "squeakiest wheel".

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Responsive
- Equitable & Inclusive
- ParticipatoryLocal Government Context – Roles & Powers
- Role of Local Government

COUNCIL DECISION MAKING

COUNCIL MEETINGS

WHAT THE ACT SAYS

- Council Meetings must be conducted in accordance with Governance Rules, section 60.
- Council Meetings must be kept open to the public, section 66.

WHAT THE CITY DOES

- The City adopted these Governance Rules in Mar 2022.
- The City keeps all Meetings open to the public unless to consider confidential information, for security reasons, or to enable the Meeting to proceed in an orderly manner.
- The Governance Rules also allow for, and control, public attendance at Meetings, public question time and petitions and joint letters. Public Question Time is not a requirement of Council under the Act. This Council has provides for Public Question Time to ensure greater public transparency and accountability.
- Further information on Council Meetings, including Agendas, Minutes, livestream and recordings, can be found here: https://www.bendigo.vic.gov.au/About/Council/Council-meetings
- The purpose of Council Meetings is for the elected community representatives (Councillors) to decide matters. To inform Councillors prior to making these decisions:
    - The City organisation regularly arranges briefings for Councillors, including internal Councillor Briefings, workshops, site and/or community group meetings and Community Presentations. Records of all these meetings can be found on the Record of Assembly website. Whilst maintaining records of assemblies is no longer a legislative requirement (as it was under the previous 1989 Local Government Act) the City recognises the importance of this to good governance. Decisions of Council cannot be made at these forums.
    - The City often engages with community on discrete projects through Let's Talk Greater Bendigo.
    - Community members can provide feedback directly to Councillors via:
        - Ward Engagement 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.
- It is important for Councillors to be informed about, and actively participate in, decision making. It is important that Council employees provide frank, honest, well-evidenced and timely advice to Councillors.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Effective & Efficient

COUNCIL DECISION MAKING

LOCAL LAWS

WHAT THE ACT SAYS

- A Council may make local laws for or with respect to any act, matter or thing to provide good governance in its municipal district for the benefit and wellbeing of the municipal community, Division 3 of Part 3 (or sections 71-86).

WHAT THE CITY DOES

Local laws enable Council's to identify local issues that are important to the community and put controls in place to ensure public safety, amenity and protection of natural and community assets.

The City creates local laws that apply to its municipal district through the Local Government Act 2020.

Local laws must not be inconsistent with other legislation or regulation or duplicate any matters contained within a planning scheme.

Local laws determine when activities require permits for residents and others.

City of Greater Bendigo current laws include:

- Local law 2: Keeping of animals
- Community Local Law
- Local law 10: Administration
- Local law 11: Protection of public assets and control of building sites

More about Greater Bendigo's local laws can be found on our Local Laws website.

OUR PRINCIPLES

- Transparent
- Compliant with Law
- Responsive
- Equitable & Inclusive
- Effective & Efficient

COUNCIL DECISION MAKING

DELEGATIONS

WHAT THE ACT SAYS

- A Council may delegate any power, duty or function of Council (except the listed exemptions) section 11, to:
  - members of a delegated committee
  - the Chief Executive Officer.
- The Chief Executive Officer may delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to, section 47:
  - a member of Council staff
  - the members of a Community Asset Committee.

WHAT THE CITY DOES

- The City adopted this Delegations and Authorisations Policy on July 19, 2021.
- Councils have wide-ranging responsibilities, and are given many powers, duties and functions under different pieces of legislation. It would be impossible for a council to exercise all these powers, duties and functions itself because it would need to pass a Council resolution each time it wished to act.
- For day to day operations, Council need others to make decisions and act on their behalf. Delegating a Council's powers, duties and functions is essential to fulfilling the responsibilities of local government.
- When a council delegates a power, duty or function to a City employee or to a committee, the decision of the delegate is deemed to be a decision of the Council.
- All the City delegations are listed on the Instruments of Delegation website.
- City employees should ensure that, when making decisions, they have the delegated power, and that they are in possession of all the facts and have considered all views (particularly of those most affected).

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Responsive
- Equitable & Inclusive
- Effective & Efficient

COUNCIL DECISION MAKING

COMPLIANCE

WHAT THE ACT SAYS

- The Local Government Act 2020 is silent on the many compliance activities undertaken by local government, which are inherited by other Acts, local laws and/or convention.

WHAT THE CITY DOES

- The City provides compliance activities in the following spaces:
  - Public Health
    - Unreasonable Residential Noise
    - Smoke
    - Regulated business (food, accommodation, beauty, aquatic, etc)
    - Septic
  - Statutory Planning
  - Parking
  - Fire Services
  - Public spaces
  - Animals
- Having compliance activities that are transparent, compliant with law, equitable and efficient is important so that residents know:
  - What is expected of them
  - What avenues are available to recourse if others are non-compliant
  - How to seek review if believe the compliance activity is unlawful or unfair
- The City adopted this Compliance Policy on June 17, 2020 which provides a rationale and framework for compliance activities to be:
  - Outcome based, not punitive
  - Realistic, in providing time to correct problems
  - Proportional
  - Risk-based
- The City prioritises compliance actions in the following order 1) Inform; 2) Educate; 3) Warn and 4) Enforce.
- Compliance activities are often raised by residents due to escalating neighbourhood disputes. In most instances this does not lead to satisfactory outcomes for any party. The City encourages neighbours to work together early and collaboratively.
- Parking regulation is a critical element in ensuring equitable access to high-use areas and businesses. However, nobody enjoys receiving an infringement notice. All your questions regarding parking are answered on our Parking website including further information on appealing your fine.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Responsive
- Equitable & Inclusive

COUNCIL DECISION MAKING

DIVERSITY

WHAT THE ACT SAYS

- The role of a Councillor includes considering the diversity of interests and needs of the municipal community (s 28). The Act is otherwise silent on the benefits of diversity and inclusion to good governance.

WHAT THE CITY DOES

- Diversity is critical to good governance for two reasons:
  - Firstly, in a democracy elected representatives should be largely representative of the community they are drawn from. However, the election process is highly legislated and regulated and is outside the scope of this Framework to cover or to influence.
  - Secondly, decisions – whether made by Council in the Chamber or by City employees under delegation – benefit from being influenced by a variety of people with varying backgrounds, skills, knowledge and lived experience. This can be encouraged both by fulsome community engagement and by ensuring diversity within the City organisation.
- The City encourages diversity in the municipality and the City organisation through a range of strategies:
  - Cultural Diversity and Inclusion Plan
  - Intercultural Ambassador Program
  - Aboriginal and Torres Strait Islander reconciliation
  - Positive Ageing
  - Gender equity
  - Youth action plan and programs
  - Disability and Inclusion Reference Committee
  - LGBTIQA+ Inclusion Action Plan
- The City adopted this Social Justice Framework which was adopted Jun 27, 2022. This Framework builds upon human rights with a focus on reducing vulnerabilities through addressing the barriers to equality in the economic, environmental, social and cultural domains.

OUR PRINCIPLES

- Responsive
- Equitable & Inclusive
- Participatory

PLANNING AND FINANCIAL MANAGEMENT

STRATEGIC PLANNING

WHAT THE ACT SAYS

- Council must maintain a Community Vision, section 88.
- Principles: strategic planning must, section 89:
  - Integrate planning, monitoring and performance reporting
  - Address the Community Vision
  - Consider resourcing
  - Identify and address the risks
  - Provide for ongoing monitoring of progress and regular reviews.
- Council must adopt a Council Plan that sets the strategic direction of Council, integrates with other strategic plans, addresses the Community Vision and complies with the strategic planning principles, section 90.
- The other strategic plans that Council must develop in accordance with its deliberative engagement practices and adopt by 31 October in the year following a general election, are:
  - 10-year Financial Plan, section 91 and Part 2 of the Statutory Rule S.R. No. 117/2020 Local Government (Planning and Reporting) Regulations 2020
  - Asset Plan, section 92.
  - Revenue and Rating Plan, section 93.

WHAT THE CITY DOES

- Imagine Greater Bendigo was a two-stage planning process the City of Greater Bendigo undertook throughout 2021 to use extensive community feedback to inform and develop the community vision (and also the Council Plan, Municipal Public Health and Wellbeing Plan, 10-Year Financial Plan and Asset Plan). Our community vision is:
  - *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 further underpinned by 5 values of transparency, sustainability, inclusion, innovation and equity.
- The City adopted this Council Plan (Mir wimbul 2021-2025) in Oct 2021. This Plan is based upon 7 outcomes: 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; and 7) A safe, welcoming and fair community.
- The City adopted this Financial Plan 2021-2031 in Oct 2021, this Asset Plan 2022-2032 on Jun 27, 2022 and this Revenue and Rating Plan in Jun 2021.
- The City has an internal Framework and Governance Group to oversee Integrated Strategic Planning.

OUR PRINCIPLES

- Compliant with Law
- Responsive
- Equitable & Inclusive
- Participatory

PLANNING AND FINANCIAL MANAGEMENT

BUDGET PROCESS

WHAT THE ACT SAYS

- Adopt a 4-year Budget each year that delivers against the Council Plan, section 94 and contains information prescribed by Part 3 of the Statutory Rule S.R. No. 117/2020 Local Government (Planning and Reporting) Regulations 2020.
- Present a quarterly budget report to Council, section 97.

WHAT THE CITY DOES

- The current and previous Budgets, adopted each year prior to end of financial year, are located on the Budget website.
- Each quarter the City organisation presents a budget report to Council:
    - Quarter 1 (Jul-Sep) – at Nov Meeting (Report titled Finance Committee Report Qx)
    - Quarter 2 (Oct-Dec) – at Feb Meeting
    - Quarter 3 (Jan-Mar) – at May Meeting
    - Full year, including quarter 4 (Apr-Jun) – at Sep Meeting (Report titled Annual Financial and Performance Statements).

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Responsive
- Effective & Efficient

PLANNING AND FINANCIAL MANAGEMENT

REPORTING

WHAT THE ACT SAYS

- Council must prepare an Annual Report each financial year, section 98 and Part 4 of the Statutory Rule S.R. No. 117/2020 Local Government (Planning and Reporting) Regulations 2020. The Report must contain:
  - a report of operations of the Council, including:
    - An assessment of Council's governance and management
    - Service performance indicators in report of operations
  - an audited performance statement (with auditor's report)
  - audited financial statements (with auditor's report).
- Each Annual Report must be certified by two Councillors and adopted by Council, section 99.
- Each Annual Report must be adopted by Council, section 100.

WHAT THE CITY DOES

- The City prepares, certifies, adopts and publishes an audited Annual Report each year, no later than Oct, which can be found on the Annual Report website.
- The City actively participates, as we are regulatory required to, in the Local Government Performance Reporting Framework (LGPRF), under the LGV Know Your Council – Greater Bendigo City Council and VAGO Reporting on Local Government Performance websites.
- The City tables quarterly, at Council Meeting, a report on the progress against the Council Plan actions, generally aligned with the budget reporting above.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law

PLANNING AND FINANCIAL MANAGEMENT

FINANCIAL MANAGEMENT

WHAT THE ACT SAYS

- Principles of financial management, section 101:
  - Revenue, expenses, assets, liabilities, investments and financial transactions must be managed
  - Financial risks must be monitored and managed prudently
  - Policies and strategic plans must seek to provide stability and predictability
  - Accounts and records must be kept.
- Council must prepare and adopt financial policies, section 102.
- The Principal Accounting Officer must ensure that there are kept proper accounts and records, section 105.
- Prohibition of Councillor discretionary funds, section 70.

WHAT THE CITY DOES

- The City has the following financial policies:
  - Asset Capitalisation Policy
  - Asset Management Policy
  - Asset valuation and revaluation policy
  - Assets and Surplus Land Disposal Policy
  - Borrowing Policy
  - Corporate Purchasing Card Policy
  - Employee Travel and Related Expenses Policy
  - External Grant Management Policy
  - Financial Reserves Management Policy
  - Garbage, Recycling and Organic Waste Charge Policy
  - Investment Policy
  - Loan Guarantee and Joint Funding Arrangements Policy
  - Portable and Attractive Assets Policy
  - Pricing Policy
  - Public Open Space Contributions Policy
  - Revenue and Debt Collection Policy
  - Financial Hardship Guidelines
- The Principal Accounting Officer at Greater Bendigo is the Manager Financial Strategy Unit.
- The City does not allow Councillor discretionary funds.
- Our Annual Report financial statements are audited by the Victorian Auditor-General's Office (VAGO).
- Members of the public may submit audit suggestions to VAGO via this form.
- The City adopted these Councillor Expense and Support Policy in Mar 2022.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law
- Effective & Efficient

COUNCIL OPERATIONS

SERVICE PERFORMANCE

WHAT THE ACT SAYS

- The principles of service performance, section 106, are:
  - Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community
  - Services should be accessible to the members of the municipal community for whom the services are intended
  - Quality and costs standards for services set by the Council should provide good value to the municipal community
  - Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring
  - Service delivery must include a fair and effective process for considering and responding to complaints about service provision.
- Council must have a complaint policy, including an internal, independent review process, section 107.

WHAT THE CITY DOES

The City of Greater Bendigo delivers 68 services. Some have a legal obligation (ie animal management, local roads, food safety and statutory planning) but most services are discretionary (ie libraries; building permits; playgrounds and sporting facilities). The City has processes to support service planning and review, to ensure all services continue to provide value for money and are in line with changing community expectations and the service performance principles, above. The City seeks to engage with the community to determine how to prioritise resources and balance service provision against other responsibilities such as asset maintenance and capital works – in accordance with the Community Accountability section. Local Government is not responsible for matters such as hospitals, public transport, public housing, education, major road/highway upgrades, mental health services, state and national parks, wildlife management and police.

Our Customer Service Charter explains how employees at the City of Greater Bendigo will interact with you. We commit to the delivery of high quality, accessible and responsive customer service in accordance with our values and behaviours.

Complaints. Feedback is very important in helping the City of Greater Bendigo to deliver a quality experience for our customers. We welcome both positive and constructive feedback as this helps us to improve services for the future. We take all complaints seriously and will work to address complaints in a fair and transparent way. Greater Bendigo approved this Complaints Handling Policy in Dec 2021 and further information can be found on the Feedback and Complaints webpage.

Complaints about an action or decision made can also be escalated to the Victorian Ombudsman.

OUR PRINCIPLES

- Accountable
- Compliant with Law
- Responsive
- Equitable & Inclusive
- Effective & Efficient

COUNCIL OPERATIONS

PROCUREMENT

WHAT THE ACT SAYS

- Council must have a Procurement Policy that seeks to promote open and fair competition and provide value for money, section 108.
- Council must comply with its Procurement Policy.

WHAT THE CITY DOES

- The City adopted this Procurement Policy on Dec 2021.
- Further information, including pre-qualification, tenders and quotes, can be found on this website.
- The City reports, each month at Council Meeting, the capital and service contracts that have been executed in that period under delegation by the City organisation. This report also covers contracts that were awarded at the previous confidential Council Meeting, under section 66 of the Act.

OUR PRINCIPLES

- Accountable
- Compliant with Law
- Equitable & Inclusive
- Effective & Efficient

COUNCILLOR INTEGRITY

IMPROPER CONDUCT - MISUSE OF POSITION

WHAT THE ACT SAYS

- A Councillor must not intentionally misuse their position to advantage themselves or cause detriment to Council or another person, section 123, including by:
  - Making improper use of information acquired as a Councillor
  - Disclosing confidential information, section 125
  - Directing or improperly influencing staff, section 124
  - Performing non-authorised functions
  - Improper use of public funds or resources
  - Participating in decision-making, where they have a conflict of interest
- Penalties may apply and an offence is indictable.

WHAT THE CITY DOES

- The City monitors Councillor behaviour at all times.
- Councillors are required to, under section 5 of the Councillor Code of Conduct, to report all instances of fraud and corruption, and serious and gross misconduct.
- The City encourages any community member to report concerns with Councillor conduct, either:
  - To the City through our Community Complaints About a Councillor Policy
  - To the relevant authority under our Public Interest Disclosure Procedures (formerly whistleblower)
  - To the relevant integrity agency:
    - IBAC – for corruption
    - Victorian Government Inspector (Chief Municipal Inspector) – for breaches of the Local Government Act (including improper conduct).
- The City is committed to:
  - Community members have a right to complain, if necessary.
  - Our process being accessible, transparent, objective and fair, confidential and accountable.
- Noting complaints that have insufficient information provided or are deemed frivolous or vexatious will not be progressed.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law

COUNCILLOR INTEGRITY

IMPROPER CONDUCT – DIRECTING A MEMBER OF STAFF

WHAT THE ACT SAYS

- A Councillor must not intentionally direct, or seek to direct, a member of Council staff, section 124.
- Penalties may apply.
- Directing, or seeking to direct, a member of Council staff is defined as serious misconduct.
- The CEO is responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented, section 46.

WHAT THE CITY DOES

- The City adopted this Councillor Communication and Information Policy in Mar 2022 which in part seeks to regulate the interactions between Councillors and City employees including from the perspective of preserving integrity and avoiding directing employees.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCILLOR INTEGRITY

IMPROPER CONDUCT – CONFIDENTIAL INFORMATION

WHAT THE ACT SAYS

- Councillors and City staff must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information, section 125.
- Penalties may apply.
- The Act, at section 3, defines confidential information as:
  - Council business information
  - Security information
  - Land use planning information
  - Law enforcement information
  - Legal privileged information
  - Personal information
  - Confidential Council Meeting information
  - Internal arbitration information
  - Councillor Conduct Panel confidential information
- Disclosing confidential information is defined as serious misconduct.

WHAT THE CITY DOES

- The City adopted this Councillor Communication and Information Policy in Mar 2022 which in part seeks to regulate the access to information by Councillors including from the perspective of preserving integrity and avoiding misuse.
- The City Employee Code of Conduct, at section 7.2.d, requires all City employees to maintain confidentiality.
- Noting that the City seeks to maximise public transparency and accountability.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCILLOR INTEGRITY

CONFLICT OF INTEREST

WHAT THE ACT SAYS

- As per section 130 a relevant person who has a conflict of interest in respect of a matter must:
  - disclose the conflict of interest
  - exclude themselves from the decision
- Conflicts of interest may either be:
  - **General**, at section 127 – where 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.
  - **Material**, at section 128 – where an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- Penalties may apply.
- Breaching conflict of interest obligations by a Councillor is defined as serious misconduct.
- There are exemptions, at section 129 section 7 of the Statutory Rule S.R. No. 116/2020 Local Government (Governance and Integrity) Regulations 2020, including:
  - Remoteness or insignificance
  - Held in common with a substantial proportion of the community.

WHAT THE CITY DOES

- Part 7 of the City's Governance Rules detail the obligations of Councillors and City employees to:
  - Avoid, identify, disclose and manage conflicts of interest.
  - Not exercise, participate or influence (including by leaving the meeting) decisions.
  - Record conflicts of interest and how they were managed.
- The City Employee Code of Conduct, at section 7.2.g, also requires all City employees to declare and avoid conflicts of interest.
- The transparency and integrity of planning and property development decision making within Victoria, including but not limited to, the provision of donations and in-kind assistance to candidates at State and local government elections has been identified by IBAC (through the Operation Sandon report) to be a serious corruption risk. This is a risk that the City takes extremely seriously and will continue to monitor Councillors and delegated decision-makers and will all reasonable legislative reform and Ministerial guidance.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law

COUNCILLOR INTEGRITY

PERSONAL INTERESTS RETURNS

WHAT THE ACT SAYS

- Councillors, CEO, and City staff nominated by the CEO are required to provide an initial Personal Interests Return (section 133) and resubmit each March and September (biannual Personal Interests Return, section 134).
- The content of the initial and biannual Personal Interests Returns are prescribed by section 8 and 9 respectively of the Statutory Rule S.R. No. 116/2020 Local Government (Governance and Integrity) Regulations 2020.
- Penalties may apply for submissions that are not received, supplied late or are false or incomplete.
- The CEO must prepare and publish a summary of the Personal Interests Returns, section 135.
- The CEO must ensure corporate records are retained and confidentiality maintained, section 136.

WHAT THE CITY DOES

- The City prepares and publishes this summary of the Personal Interests Returns after each specified period.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law

COUNCILLOR INTEGRITY

GIFTS

WHAT THE ACT SAYS

- Councillors must not accept anonymous gifts, section 137. Penalties may apply.
- Council must have and maintain a Councillor gift policy, section 138.

WHAT THE CITY DOES

- The City adopted this Councillor Gift Policy in Mar 2022.
- The City reports on this Policy, the process and the Registrar at least annually to the ARC.

OUR PRINCIPLES

- Accountable
- Transparent
- Compliant with Law

COUNCILLOR INTEGRITY

COUNCILLOR CONDUCT

WHAT THE ACT SAYS

- Council must have a Councillor Code of Conduct, as per section 139, that:
  - Incorporates the standards of conduct prescribed in Schedule 1 of the Statutory Rule S.R. No. 116/2020 Local Government (Governance and Integrity) Regulations 2020.
  - Prohibits discrimination, harassment (including sexual) and vilification.
  - Is re-adopted within the period of 4 months after a general election by at a least two-thirds majority.

WHAT THE CITY DOES

- The City adopted this Councillor Code of Conduct in Feb 2021, that incorporates and expands upon the proscribed requirements.
- This Councillor Code of Conduct is also further supplemented by:
  - Councillor Appropriate Behaviour Policy, adopted Mar 2022.
  - Councillor Prevention of Sexual Harassment Policy, adopted Mar 2022.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCILLOR INTEGRITY

MISCONDUCT / INTERNAL ARBITRATION

WHAT THE ACT SAYS

- Misconduct is defined as a breach of the standards of conduct, as defined in the above section, but excluding behaviour which is defined as Serious or Gross Misconduct under the Act.
- If there is an allegation that a Councillor has engaged in misconduct:
  - The Council or Councillor(s) may apply to the Principal Councillor Conduct Registrar to examine, within 3 months of the alleged incident.
  - The Principal Councillor Conduct Registrar will refer it to an arbiter if an examination determines:
    - It is not frivolous, vexatious, misconceived or lacking in substance
    - There is sufficient evidence.
  - An arbiter will:
    - Be appointed, from a list maintained by the Secretary.
    - Investigate
    - Escalate if the behaviour is deemed serious.
    - Make a finding, including (section 147):
      - Direct the Councillor to apologise or undertake training/counselling
      - Remove the Councillor from other representational duties
      - Suspend the Councillor for up to 1 month
- A copy of the Arbiter's determination must be tabled at the next Council Meeting.
- Misconduct and internal arbitration is detailed at sections 141-147A of the Act and section 11 of the Statutory Rule S.R. No. 116/2020 Local Government (Governance and Integrity) Regulations 2020.

WHAT THE CITY DOES

- Before Council or Councillor(s) apply to the Principal Councillor Conduct Registrar to examine an allegation of misconduct:
  - By a community member – the complaint should be clarified, preliminary checked by the City Governance Unit and undergo an initial assessment by the Mayor (or delegate) and the CEO in accordance with the Community Complaints About a Councillor Policy
- By other Councillor(s) - the Dispute Process in part 6 of the Councillor Code of Conduct.
- The City monitors the Arbiter's determinations as they are released on the Local Government Victoria website.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCILLOR INTEGRITY

SERIOUS MISCONDUCT / COUNCILLOR CONDUCT PANELS

WHAT THE ACT SAYS

- Serious misconduct is defined as:
  - Failure to comply with the arbitration or Councillor Conduct process or an arbiter's or Panel direction.
  - Continued misconduct
  - Bullying
  - Sexual harassment
  - Disclosure of confidential information
  - Directing, or seeking to direct, a member of staff
  - Breach of conflict of interest obligations.
- If there is an allegation that a Councillor has engaged in serious misconduct:
  - The Council, Councillor(s) or the Chief Municipal Inspector may apply to the Principal Councillor Conduct Registrar to examine, within 12 months of the alleged incident.
  - The Principal Councillor Conduct Registrar will refer it to a Councillor Conduct Panel if an examination determines:
    - It is not frivolous, vexatious, misconceived or lacking in substance
    - There is sufficient evidence
    - The Council has taken sufficient and appropriate steps to resolve.
  - The Councillor Conduct Panel will:
    - Consist of two individuals appointed from a list maintained by the Minister.
    - Investigate
    - Make a finding, including (section 167) 1) direct the Councillor to apologise; 2) reprimand the Councillor 3; remove the Councillor from other representational duties; 4) suspend the Councillor for up to 12 months.
  - The Councillor will also, automatically, be ineligible to hold the office of Mayor or Deputy Mayor for the remainder of the Council's term (unless the Panel directs otherwise).
- A copy of the Panel's determination must be tabled at the next Council Meeting.
- Serious misconduct and Councillor Conduct Panels are detailed at sections 153-169 of the Act.

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.
- The City monitors the Panel determinations as they are released on the Local Government Victoria website.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCILLOR INTEGRITY

GROSS MISCONDUCT & VCAT

WHAT THE ACT SAYS

- Decisions of a Councillor Conduct Panel may be reviewed by Victorian Civil and Administrative Tribunal (VCAT), if requested by the parties, section 170.
- VCAT may also hear an application for gross misconduct, if requested by the Chief Municipal Inspector.
- Gross misconduct by a Councillor is defined as conduct that demonstrates a Councillor is:
  - Not of good character
  - Otherwise not a fit and proper person to hold the office of Councillor.

WHAT THE CITY DOES

Cooperates fully with this process, in accordance with the Act.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCIL INTEGRITY

MINISTERIAL GUIDANCE

WHAT THE ACT SAYS

- The Local Government Minister may direct a Council, section 175, to:
  - Update its governance processes and policies
  - Adopt a good practice guideline issued by the Minister
  - Adopt any recommendation made, or take any action recommended, by 1) Municipal Monitor; 2) the Chief Municipal Inspector; 3) a Commission of Inquiry; 4) the Ombudsman; or 5) IBAC.

WHAT THE CITY DOES

Cooperates fully with this process, in accordance with the Act.

The Minister has issued three good practice guidelines since the commencement of the LGA 2020:

- Ministerial Good Practice Guideline (MGPG) 1 - Virtual Meetings (Superseded by MGPG 3)
- MGPG 2 – For Councils Engaging with Aboriginal Victorians
- MGPG 3 – Virtual Meetings.

MUNICIPAL MONITORS

WHAT THE ACT SAYS

- The Minister may appoint a Municipal Monitor, Division 3 of Part 7 (sections 179-181), to:
  - Monitor Council governance processes and practices
  - Advise the Council about governance improvements
  - Report to the Minister on any steps or actions taken by the Council to improve
  - Make recommendations to the Minister
  - Investigate a Councillor and provide a report to the Minister, section 225
  - Monitor and report to the Minister on any other matters determined by the Minister.

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.
  The City monitors the Monitor determinations as they are released on the Local Government Victoria website.

OUR PRINCIPLES

- Accountable
- Compliant with Law

COUNCIL INTEGRITY

CHIEF MUNICIPAL INSPECTOR

WHAT THE ACT SAYS

- The Chief Municipal Inspector has wide ranging powers to investigate, examine and prosecute offences, breaches, all types of misconduct, and public interest complaints, Division 4 of Part 7 (sections 182-199A).

WHAT THE CITY DOES

Cooperates fully with this process, in accordance with the Act.

COMMISSIONS OF INQUIRY

WHAT THE ACT SAYS

- The Minister may appoint a person or persons to be a Commissioner of a Commission of Inquiry, Division 5 of Part 7 (sections 200-223), to conduct an inquiry into the affairs of a Council.

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.
- The City monitors the Commissions of Inquiry Reports as they are released on the Local Government Victoria website.

SUSPENSION OF COUNCILLORS / TEMPORARY ADMINISTRATION

WHAT THE ACT SAYS

- The Governor in Council may, on the recommendation of the Minister, suspend all Councillors and appoint temporary administrators, Division 7-8 of Part 7 (sections 230-233).

WHAT THE CITY DOES

- Cooperates fully with this process, in accordance with the Act.

OUR PRINCIPLES

- Accountable
- Compliant with Law

APPENDICES

APPENDIX ONE – PRINCIPLES MATRIX

Framework Section	Accountable	Transparent	Compliant with Law	Responsive	Equitable & Inclusive	Effective & Efficient	Participatory Local Government Context – Roles & Powers Role of Local Government
Community Accountability	X	X	X	X	X		X
Council Meetings	X	X	X			X	
Local Laws		X	X	X	X	X	
Delegations	X	X	X	X	X	X	
Compliance	X	X	X	X	X		
Diversity				X	X		X
Strategic Planning			X	X	X		X
Budget Process	X	X	X	X		X	
Reporting	X	X	X				
Financial Management	X	X	X			X	
Service Performance	X		X	X	X	X	
Procurement	X		X		X	X	
Improper Conduct – Misuse of Position	X	X	X				
Improper Conduct – Directing a Member of Staff	X		X				
Improper Conduct – Confidential Information	X		X				
Conflict of Interest	X	X	X				
Personal Interests Returns	X	X	X				
Gifts	X	X	X				

APPENDICES		
Councillor Conduct	X	X
Council Integrity	X	X

APPENDICES

APPENDIX TWO – STATUTORY OBLIGATIONS REGISTER

- [to be inserted]

BACKGROUND

Governance

Governance is the framework of structures, rules and processes by which an organisation is directed and controlled. It is also the way in which organisational objectives are set, organisational decisions are made, powers granted, performances verified and accountability ensured. (LGV, 2015, p. 19)

Good governance

Good governance requires strong vision, strategy, leadership, clear and timely decision-making processes and appropriate checks and balances. The structures, systems and policies to support them efficiently and effectively must also be in place. It also requires the right cultures and behaviours, good communications, capable Councillors and staff, clear accountabilities and effective risk management, monitoring and review. (LGV, 2015, p. 19)

Good governance is about the good processes for making and implementing decisions. Having good processes generally leads to better outcomes for local governments and their communities. (VLGA, 2012, p. 6)

It's not about making 'correct' decisions, but about the best possible process for making those decisions. Not everyone will think each decision is the right one. But members of the community are more likely to accept the outcomes if the process has been good, even if they don't agree with the decision. (VLGA, 2012, p. 7)

Good decision-making processes, and therefore good governance, share several characteristics. All have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality protocols, councillor and officer conduct, role clarification and good working relationships. (VLGA, 2012, p. 7)

Framework Definition

A Framework can be described both as:

- The basic structure underlying a system or concept
- A system of rules used to plan or decide something.

Corporate governance

Corporate Governance, as a discipline, has its foundation in the need to protect shareholders in registered companies from debt beyond their investment, in the mid-19th century. It grew to prominence in the wake of the 1929 and 1987 stock market crashes and corporate collapses. In the Australian and international private sector, it lead to the development of:

- AS 8000:2003 Corporate Governance Collection (now withdrawn)
- ASX Corporate Governance Principles and Recommendations 2003 (now in 4th edition, as at 2019). This includes recommendation for organisations to publish a Corporate Governance Statement and the listing requirement to publish the Appendix 4G Key to Disclosures.
- ISO 37000:2019 Governance of Organisation – Guidance

Public sector good governance guidance

Various public sector adaptations have also been established including:

- ANAO 2014 Public Sector Governance Better Practice Guide (noting publication of BPGs, including this one, was largely discontinued in 2017)
- MAV, VLGA, LGV & LGPro 2012 Good Governance Guide, (noting this is based on the now superseded *Local Government Act 1989* requirements). (VLGA)
- Geelong Commission of Inquiry Report 2016
- Local Government Inspectorate (LGI) historic Audit or Examination Reports and general guidance material:
    - The most recent published Report is Yarriambiack Shire in 2019.
    - Bendigo was last reviewed in this format in 2011.
- Melton LGA Governance Charter
- Wodonga Good Governance Charter

Comparison of guidance materials

There is a raft of different (though sometimes overlapping) principles:

- **ASX Corporate Governance Principles and Recommendations**:
    - Lay solid foundations for management and oversight
    - Structure the Board to be effective and add value
    - Instil a culture of acting lawfully, ethically and responsibly
    - Safeguard the integrity of corporate reports
    - Make timely and balanced disclosure
    - Respect the rights of security holders
    - Recognise and manage risk
    - Renumerate fairly and responsibly

  Whilst the ASX principles above are not mandated, it is mandated that listing entities publish how they comply or “if not, why not…”.

- **VLGA Good Governance Guide**:
    - Accountable
    - Transparent
    - Follows rule of law
    - Responsive
    - Equitable and inclusive
    - Effective and efficient
    - Participatory
- The **Independent Commission of Inquiry into Greater Geelong City Council** (2016) established a Good Governance Framework with eight pillars (and acknowledged the principles from VLGA, above). The eight pillars are:
    - Direction and Leadership
    - Culture and Behaviour
    - Structure, Systems and Policies
    - Decision Making
    - Communications and Engagement
    - Capability
    - Risk and Compliance
    - Monitoring and Review

The **ISO 37000:2019 Governance of Organisation – Guidance** contains 3 concentric layers of principles that lead to governance outcomes:

- Primary governance principle: Purpose
- Foundational governance principles:
  (i) Value generation
  (ii) Strategy
  (iii) Oversight
  (iv) Accountability
- Enabling governance principles:
  (i) Stakeholder engagement
  (ii) Leadership
  (iii) Data and decisions
  (iv) Risk governance
  (v) Social responsibility
  (vi) Viability and performance over time

- **ANAO**:
  - Accountability
  - Transparency/Openness
  - Integrity
  - Stewardship
  - Leadership
  - (Efficiency)

The ANAO guide importantly articulates the two main requirements for good governance:

- **Performance**, whereby the organisation uses it governance arrangements to contribute to its overall performance and the delivery of its goods, services or programs; and
- **Conformance**, whereby the organisation uses it governance arrangements to ensure it meets the requirements of the law, regulations, published standards and community expectations of probity, accountability and openness.

The ANAO guide explains that the risk management function should underpin both conformance and performance objectives, so that it achieves its objectives with an acceptable degree of residual risk – seeking to balance maintaining impeccable standards whilst also being forward-looking, proactive, innovative and not risk-adverse.

- **LGI Audit or Examination Reports and general guidance**. The LGI historic Audit or Examination Reports used a standardised template, based on the 1989 Act requirements, that the update of has been delayed due to COVID impacts. They are less principles of good governance as areas of continued interest but given their role in the sector are listed here. The LGI have advised they are likely to continue to focus on their identified key trends of:
  - Sale of land
  - Government grants
  - Corporate credit cards
  - Human resources
  - Corporate information/public records
  - Delegated committees
  - Community asset committees
  - Personal Interest Returns
  - Community grants

- Procurement
- Councillor Code of Conduct
- Policy framework
- Audit and Risk Committee
- Governance culture
- Governance schedule
- Employment and performance of CEO (and senior officers)
- Councillor expenses

The LGI also publishes general guidance material, including a recommendation that councils maintain a governance schedule to facilitate accountability for key dates throughout the year, like:

- annual reporting and budgeting
- interest return deadlines
- other relevant time-critical legislative requirements.

To comply with legislation and meet best practice, councils should:

- develop a governance schedule that takes a whole-of-organisation approach. The schedule should be centrally managed and capture all time critical statutory requirements for the year
- document requirements and so that key personnel aren't responsible for ensuring time critical tasks are met.

- **Melton LGA Governance Charter**
  - Pillar 1 Vision & Values:
    (i) Clear vision and Council and Wellbeing Plan
    (ii) Values and behaviours
    (iii) Positive culture
  - Pillar 2 Authorising Environment:
    (i) Clarity of roles and responsibility
    (ii) Understanding and agreement of roles
    (iii) Working relationships
    (iv) Legal framework
    (v) Integrity agencies
    (vi) Delegations
    (vii) Local laws
  - Pillar 3 Decision Making and Accountability
    (i) Effective decision making
    (ii) Effective management
    (iii) Risk management

15.5. Community Engagement Policy

Author:	Nadine Farlie, Engaged Communities Officer - Community Engagement
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To seek Council approval of the reviewed Community Engagement Policy (2024).

Recommended Motion

That Council approves the reviewed Community Engagement Policy (2024).

Executive Summary

The Local Government Act 2020 requires all Councils to have a Community Engagement Policy (s55) and Principles (s56). The Community Engagement Policy (2020) was the first policy written under the new Act. It outlined our commitment to effective and relevant community engagement. The Policy was reviewed in 2023.

During the review process, Community Engagement officers engaged with City staff and the wider community from June to October 2023 to provide feedback on the reviewed Community Engagement Policy (2024). Feedback was considered and discussed with relevant parties.

The reviewed Community Engagement Policy (2024) is now ready to be tabled for approval and adoption. The next Policy review is due by March 2028.

Background

Council approved the Community Engagement Policy (2020) on March 18, 2020 after internal and external consultation. The policy was due for review by March 2024. After presenting to EMT, staff were given approval to commence the policy review in March 2023. Council and the Governance Unit were notified, and a review was carried out during 2023. The reviewed Community Engagement Policy (2024) is now ready for adoption.

The policy meets Part 3, Division 1, s55 of the Local Government Act 2020 and aligns to Outcome 1 in the Greater Bendigo Council Plan 2021-2025 (Mir wimbul).

The Community Engagement Policy applies to staff and consultants responsible for community engagement undertaken for, or on behalf of, the City.

Previous Council decision dates: Approved Community Engagement Policy (2020) on March 18, 2020

Report

The Community Engagement Policy review (**Attachment 1**) took into consideration Part 3, Division 1, s55 and s56 of the Local Government Act 2020 and alignment to Outcome 1 in the Greater Bendigo Council Plan 2021-2025 (Mir wimbul).

The review process aimed to:

- Educate and inform City staff who need to implement the policy so they had a better understanding of community engagement and could meaningfully provide feedback
- Obtain feedback from key stakeholders on the existing policy
- Based on feedback received, draft a reviewed Community Engagement Policy (2024)
- Obtain feedback from the broader community on the draft Community Engagement Policy (2024)

A desktop review was carried out to benchmark against other local governments and prepare for the internal engagement. The in-scope feedback we received from both internal and public engagement was incorporated into the updated draft policy. The finalised draft Community Engagement Policy (2024) is now ready to be tabled for, feedback, approval and adoption.

Priority/Importance

The Local Government Act 2020 requires all Councils to have a Community Engagement Policy (s55) and Community Engagement Principles (s56).

The City of Greater Bendigo Community Engagement Policy is to be reviewed every four years.

Options Considered

NA

Timelines

The Community Engagement Policy (2024) is due for adoption in March 2024 to meet its four-year review cycle.

Communications/Engagement

Discussion with Gender Equity Officer about an equity impact assessment. Officers were instructed to use the findings of the Imagine Greater Bendigo Equity Impact Assessment.

There were three stages to the stakeholder and community engagement:

- Stage 1. Internal engagement, June – July 2023
- All staff with an email address reached via CEO's email
    - All staff with access to the Insider reached via article in The Insider
    - Roadshow presentation delivered to 15 of the City's 23 units. This covered all staff who do engagement as a part of their jobs
    - We received seven submissions from staff. Five of the suggestions were incorporated into the revised policy. Of the remaining two, one suggested we change/revisit the principles (out of scope), one wanted Council to listen to officer feedback (out of scope)
    - Roadshow and communications campaign led to the highest ever number of engagement projects on Let's Talk since its start
    - Roadshow generated new opportunities for Community Engagement staff to facilitate internal stakeholder engagement
    - Stage 1 also generated better integration in how engagement works with the Equity Impact Assessment process

- Stage 2. Public community engagement, August – September 2023
    - Updated draft policy was uploaded to Let's Talk and open for feedback from October 30 - November 27, 2023
    - We received two submissions. Suggestions from one were incorporated into the policy. The other wanted us to extend the policy to governance (out of scope)

- Stage 3. Finalising the policy, evaluation and closing the loop, December 2023 – March 2024.
    - Monitoring, evaluation and learning was carried out on the policy review process and key learnings recorded
    - When the policy is approved by Council, it will be uploaded to the City site and a news page will be published on Let's Talk to close the loop with the community.

Financial Sustainability

The Community Engagement Policy review was completed within existing resources and has no additional financial impost once adopted.

Risk Assessment

A Community Engagement Policy is required as outlined in the Local Government Act (2020), s55. If the City does not have a current Community Engagement Policy, the City will be at risk of not complying.

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 3 - Active community engagement and excellence in customer service

Other Reference(s)

NA

Conflict of Interest

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

Attachments

1. Community Engagement Policy 2024 [**15.5.1** - 5 pages]

COMMUNITY ENGAGEMENT POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	
Review cycle:	Every four years
Review Date:	18/03/2024
Responsible Officer:	Community Connections Officers – Community Engagement
Owner:	Community Partnerships
Responsible Director:	Healthy Communities and Environments
Relevant Legislation/Authority:	Local Government Act 2020
DOCSETID:	3304829

1. PURPOSE

The purpose of this policy is to:

1.1. detail the City's commitment to effective and relevant Community Engagement;

1.2. facilitate informed and sustainable decision making;

1.3. improve information delivery and sharing; and

1.4. promote a consistent inclusive and accessible approach to engagement.

2. BACKGROUND

2.1 The City is committed to the Municipal Community being as well informed as they can be on major issues, plans and projects. Where the Municipal Community can influence part, or all of a decision, they are provided the necessary information to form an opinion and opportunity to provide input through a community engagement process.

2.2 Community Engagement plays a vital role in assisting Council and the City of Greater Bendigo as an organisation to work together with the Municipal Community and other stakeholders to achieve the vision: *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.*

2.3 In May 2017, VAGO published the report *Public Participation and Community Engagement: Local Government Sector.* The report informs and guides best practice for Community

Engagement in the Local Government Sector and this policy incorporates the recommendations.

3. SCOPE

This policy applies to all Workplace Participants.

4. DEFINITIONS

Act means the *Local Government Act 2020* (Vic).

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

Council means all Councillors collectively.

Councillor means the individual holding the office of a member of Greater Bendigo City Council.

Community Engagement means the process in which the City and Municipal Community connect with each other to exchange views, ideas, and information to (i) inform decisions (ii) build capacity and (iii) strengthen relationships.

Deliberative Engagement means an engagement process with a select group of participants. The process focuses on a defined issue. It weighs up options and provides recommendations to decision-makers.

Deliberative engagement in the Local Government Act must be applied to the development of the Community Vision, Council Plan, Municipal Public Health and Wellbeing Plan, (Long Term) Financial Plan, and the Asset Plan. It is located on the collaborate-empower end of the IAP2 Spectrum of Participation.

International Association for Public Participation Australasia (IAP2)
IAP2 is a leading organisation in public engagement practice and has a series of tools which support the delivery of engagement, specifically core values, public participation spectrum, code of ethics for public participation practitioners, and quality assurance standards.

IAP2 Spectrum of Participation defines the level of participation and the publics role in an engagement process ranging from inform, consult, involve, collaborate and empower.

Municipal Community means:

(a) people who live in the municipal district of the Council;

(b) people and bodies who are ratepayers of the Council;

(c) traditional owners of the land in the municipal district of the Council; and

(d) people and bodies who conduct activities in the municipal district of the Council.

VAGO means the Victorian Auditor-General Office.

Workplace Participants all employees, contractors, volunteers, consultants and any individuals or groups engaging with the community for or on behalf of the City.

5. PRINCIPLES

The following six principles underpin this policy:

5.1 **Transparency** - A Community Engagement process must have clearly defined objectives and scope.

5.2 **Clarity of purpose and scale** - Participants in Community Engagement activities are provided relevant and timely information in order to inform the level of participation and Community Engagement is scaled proportionate to the issue at hand.

5.3 **Inclusion** - Participants in Community Engagement must be representative of the people or groups affected by the Community Engagement subject matter with particular focus on people of different genders, ages, abilities, cultural backgrounds, religions, locations, and sexual orientations.

5.4 **Access and Participation** - Participants in Community Engagement are provided a variety of engagement methods that suit their needs to enable fair access to meaningful and informed engagement.

5.5 **Closing the loop** - Participants in Community Engagement are informed of the ways in which the community engagement process has or will influence the City's decision making.

5.6 **Evaluation** – Community Engagement is evaluated to assess whether the objectives and outcomes have been achieved and/or the Community Engagement Policy Principles have been followed to identify learning and improvement opportunities**.**

6. POLICY

6.1 The Council and City are committed to:

6.1.1 genuine Community Engagement that adheres to the principles of this policy;
6.1.2 using the IAP2 Public Participation Spectrum to assist with selecting the level of participation;
6.1.3 supporting equitable representation in community engagement for policies, programs and services that have a direct and significant impact on the public through the use of the equity assessment process;
6.1.4 considering value for money, policy principles and scale of engagement required, in line with the IAP2 spectrum;
6.1.5 providing the community with information that is clear, easy to understand and accessible to all people, and delivered in consultation with the Communications unit;
6.1.6 clearly communicating which aspects of the engagement are negotiable, and which are not negotiable;
6.1.7 using various techniques and approaches to maximise public participation within reasonable timeframes;
6.1.8 prioritising the collection, analysis and use of gender disaggregated and intersectional data to ensure representative participation;
6.1.9 informing the community about how their input has influenced the final outcome or decision, and;

6.1.10 undertaking evaluation processes to learn from each Community Engagement experience and ensure continuous improvement of our consultation practices.

6.2 The City recognises that no single model or formula fits all situations. The method, extent and depth of Community Engagement will vary according to the scope and scale of the issue, strategy, budget or plan.

7. ROLES AND RESPONSIBILITIES

It is the responsibility of all workplace participants to plan, design and deliver Community Engagement suitable for the scope and scale of the issues, strategy or plan, and be in line with the principles and commitments in this policy. Where a practice is prescribed by regulations, such as Deliberative Engagement, it is delivered in accordance with the legislation.

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Local Government Act 2020
- Planning and Environment Act 1987
- Essential Services Commission Act 2001
- Public Health and Wellbeing Act 2008
- Road Management Act 2004
- Victorian Disability Act 2006
- Equal Opportunity Act 2010
- Gender Equality Act 2020
- Victorian Aboriginal Heritage Act 2006
- Victorian Aboriginal Heritage Amendment Act 2016
- Traditional Owner Settlement Act 2010
- Multicultural Victoria Act 2011
- Department of Premier and Cabinet – Public Engagement Framework (2020)
- Greater Bendigo Council Plan
- Healthy Greater Bendigo 2021 2025
- Social Justice Framework 2022-2032

Further information or advice on this policy should be directed to Community Partnerships.

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such changes may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or

update which materially alters this document must be made through consultation with the staff Consultative Committee, and with the approval of Executive Management Team, or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
April 2016	*LW*	*Health and Wellbeing*	*Development of Community Engagement*	*1*	*2019*
March 2020	*FJ*	*Community Partnerships*	*Review*	*2*	*2024*
November 2020	*RM*	*Legal Services*	*Administrative changes following commencement of Local Government Act 2020 (Vic)*	*3*	*2024*
November 2022	*FJ*	*Community Partnerships*	*Administrative changes include community Engagement SharePoint*	*4*	*2024*

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. 248 Napier Street, Bendigo 3550 - Subdivision of Land into 2 Lots, Demolition of a Dwelling and Construction of 2 Dwellings and Alteration of Access to a Road in a Transport Zone 2

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

Summary/Purpose

Application No:	DS/427/2023
Applicant:	Barry Floyd
Land:	248 Napier Street, BENDIGO 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay 14 Land Subject to Inundation Overlay 1
No. of objections:	0
Consultation meeting:	Not required
Key considerations:	• Whether the demolition of the dwelling in a Heritage Overlay is acceptable. • Whether the proposal is consistent with the neighbourhood character and the requirements of the General Residential Zone • Whether the proposal provides an acceptable design response within the Heritage Overlay. • Whether the vehicle access arrangement is appropriate. • Whether the proposal is consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay.
Conclusion:	The site is well located to take advantage of existing infrastructure, facilities, services, transport options and is an ideal site for infill development. However, the current proposal fails to provide an outcome that respects the heritage significance of the heritage precinct and the preferred neighbourhood character. The demolition of the existing dwelling is not an acceptable planning outcome as it will result in the loss of heritage fabric without an appropriate site responsive replacement design being proposed. The proposal fails to provide an acceptable access

	arrangement. The proposal will result in an outcome where the operation of the road and public safety are compromised, and forward ingress and egress cannot be adequately provided. The design standards for accessways in Clause 52.06-9 (car parking provision) of the planning scheme outline that accessways must be at least 3 metres wide and must be designed so that cars can exit the site in a forward direction. The prevailing setback of the proposed dwellings, combined with an excessive amount of impermeable surface within the front setback to provide for vehicle movements, results in an outcome where there is limited opportunity to provide landscaping to assist in the softening of the built form appearance. This is an unacceptable outcome given the heritage significance and neighbourhood character of the immediate surrounds. In addition to this, if the vehicle turning areas are adequately designed and increased in width to comply with the requirements of Clause 52.06-9 without the footprint of the dwellings being reduced, the proposal would fail to comply with the mandatory minimum garden area requirement of 30% outlined in Clause 32.08-4 of the General Residential Zone. It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit as the proposal presents an unacceptable planning outcome with regards to the purpose of the Heritage Overlay and broader planning policy relating to heritage and neighbourhood character. It is considered that there is the opportunity for infill development on this site. However, the current design does not provide a sympathetic response to ensure heritage significance is conserved.

Recommended Motion

That Council issue a Notice of Decision to Refuse to Grant a Permit for subdivision of land into 2 lots, demolition of a dwelling and construction of 2 dwellings and alteration of access to a road in Transport Zone 2 at 248 Napier Street, BENDIGO 3550 on the following grounds:

1. The proposed development fails to provide a response that is in keeping with the preferred neighbourhood character and as a result the proposal is inconsistent with policy Clause 15.01-5S, Clause 15.01-5L-01, Clause 15.01-5L-02, the General Residential Zone and Clause 55.
2. The proposal does not conserve or enhance a heritage place which is contrary to the policy contained within Clause 15.03-1S, Clause 15.03-1L and the Heritage Overlay.
3. The proposal will adversely affect the significance of a heritage place which is contrary to the policy contained within Clause 15.03-1S, Clause 15.03-1L and the Heritage Overlay.
4. The proposal fails to provide appropriate access to a road in the Transport Zone 2 and fails to meet the design standards for accessway outlined in Clause 52.06-9 of the Greater Bendigo Planning Scheme.

Report

Subject Site and Surrounds

The subject site is located at 248 Napier Street, Bendigo and is formally described as Lot 1 on Title Plan 884208 (Volume 12320 Folio 945). The site is located on the eastern side of Napier Street, which is a road within the Transport Zone 2. The site is rectangular in shape with frontage onto Napier Street of 20.12 metres, a lot depth of 27.43 metres and an overall area of 552 square metres.

The site currently contains a dwelling that is unoccupied and not habitable. The dwelling is an early 20th century structure, constructed with timber frames and weatherboard external cladding, an iron roof and a timber sub-floor structure partially supported on stump foundations, the majority resting directly on the ground. The state of the dwelling is dilapidated, the rafters, roof space and rear of the house were ruined due to a house fire and portions of the front rooms have sunk, further deteriorating the structural quality of the house. Water ingress is extensive, with wood rot present in floor bearers and in the lower portion of walls.

Napier Street is a road within the Transport Zone 2 which is managed and operated by the Department of Transport and Planning. The site is accessed via a driveway to the south of the dwelling. The crossover is positioned between a street tree and pole providing power to the tram line.

The topography of the site is relatively flat. The site does not contain any landscaping or planting.

The site and surrounding area are within the General Residential Zone and affected by the Heritage Overlay – Schedule 14. A small portion of the site at the front (west) is affected by the Land Subject to Inundation Overlay – Schedule 1 (see figure 10 below).

The surrounding context is as follows:

- To the north of the site are two parcels that are narrow and rectangular in shape. These parcels of land both contain inter-war California Bungalow style dwellings that are clad in brickwork, with pitched roofs. The dwellings are constructed on the side boundary with a party wall separating the dwellings. Both parcels adjoin Wortha Street to the rear.
- To the east of the site is a parcel of land in different ownership, containing a single dwelling. The dwelling is of an inter-war style that is clad in render brickwork with a pitched metal sheet roof. This parcel has frontage and access provided onto Wortha Street.
- To the south of the site is a parcel of land in different ownership. This parcel contains a single Federation style dwelling fronting onto Napier Street. The dwelling is clad with weatherboards and has a hipped gable roof and a verandah that are clad in corrugated sheet metal.
- To the west of the site is Napier Street. On the other side of Napier Street are two parcels of land within different ownership that front onto Napier Street. The northern parcel contains a single storey Victorian era dwelling. The southern parcel contains four single storey, brown brick dwellings that have vehicle access via a common property driveway.

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

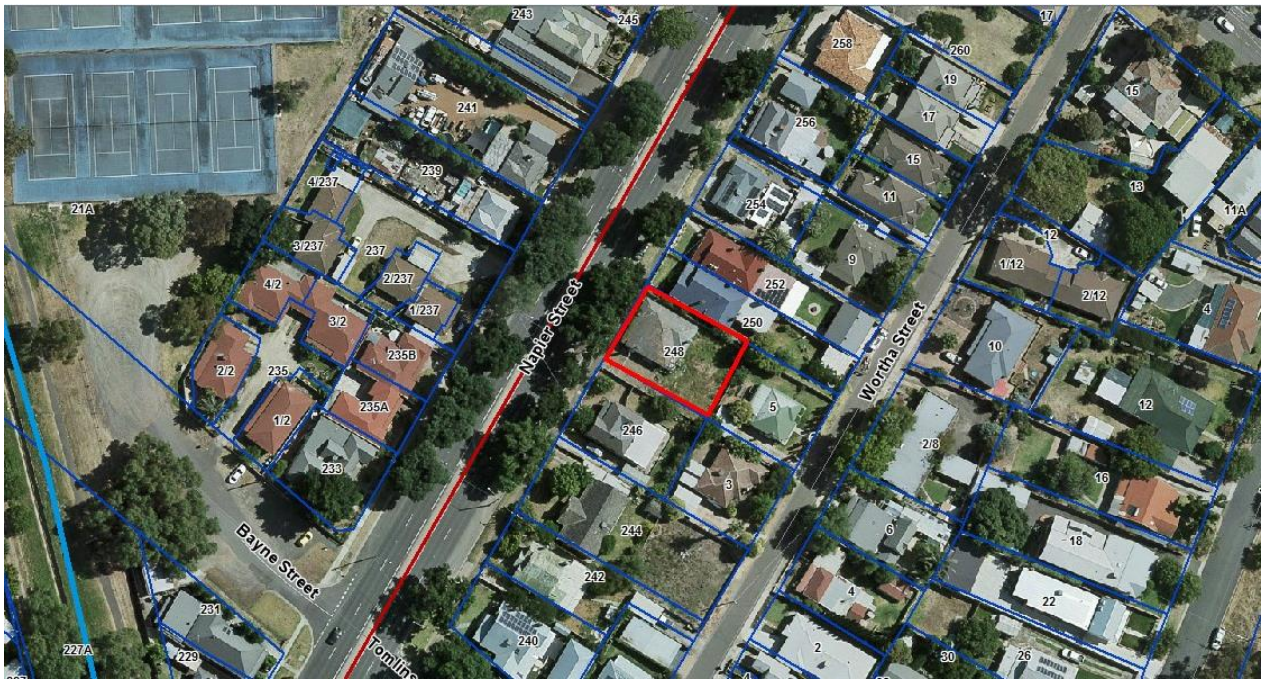


Figure 1: Aerial image of the site and surrounds


Figure 2: Nearmap detail aerial photograph the of site and surrounds (20 October 2023)



Figure 3: View of the existing dwelling located on the site



Figure 4: View of the site from the Napier Street frontage

Proposal

The application is proposing subdivision of the land into 2 lots, demolition of a dwelling, construction of 2 dwellings, and alteration of access to a road in Transport Zone 2.

The application would involve complete demolition of the existing dwelling.

The two new dwellings would be in a side-by-side configuration as shown in Figures 5 and 6 below. Both would be two storey, with close to a mirror-image layout. The dwellings would both be set back 4 metres from the street frontage.

Each dwelling would comprise:

- Master bedroom facing the street, with a single garage recessed behind an additional tandem space.
- Living areas, kitchen and service areas on the remainder of the ground floor.
- Setback of 5.03 metres from the rear boundary, with the setback area used for private open space.
- Two bedrooms and rumpus room at second storey.

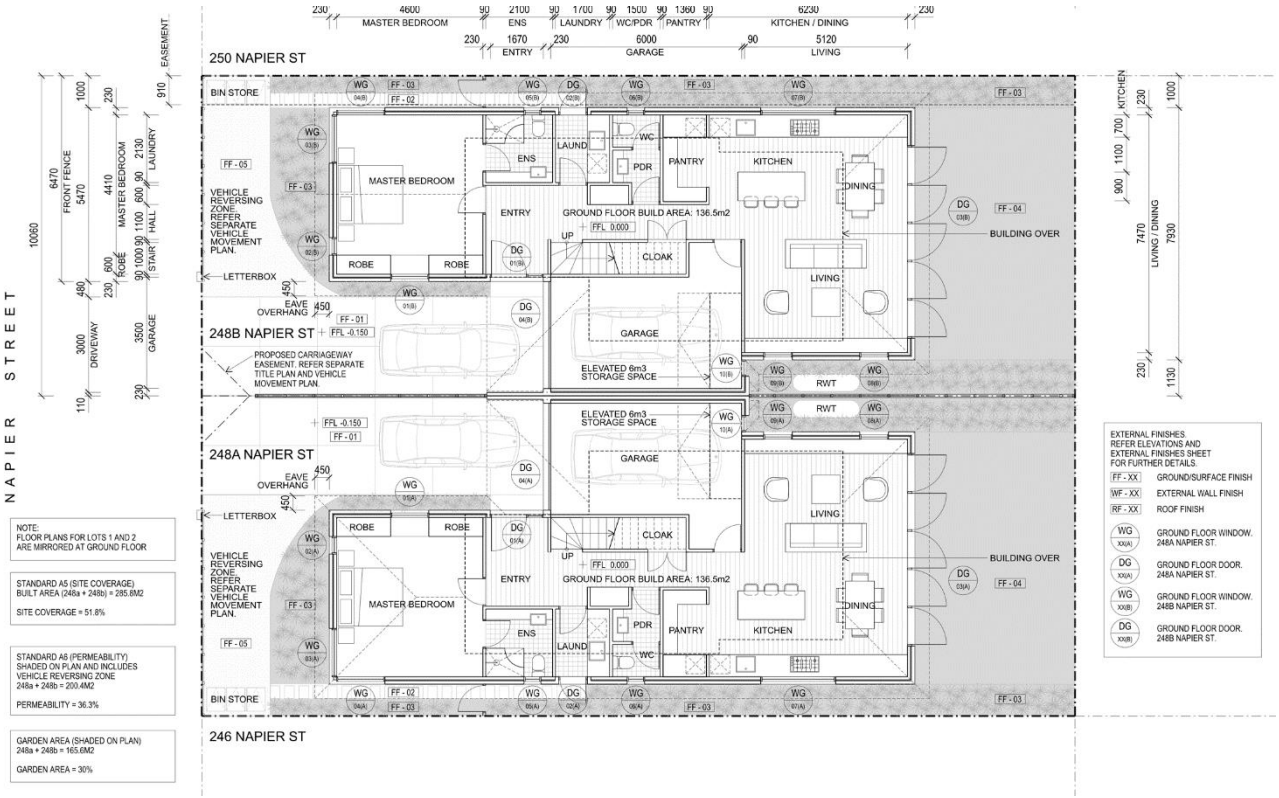


Figure 5: Proposed ground floor plan

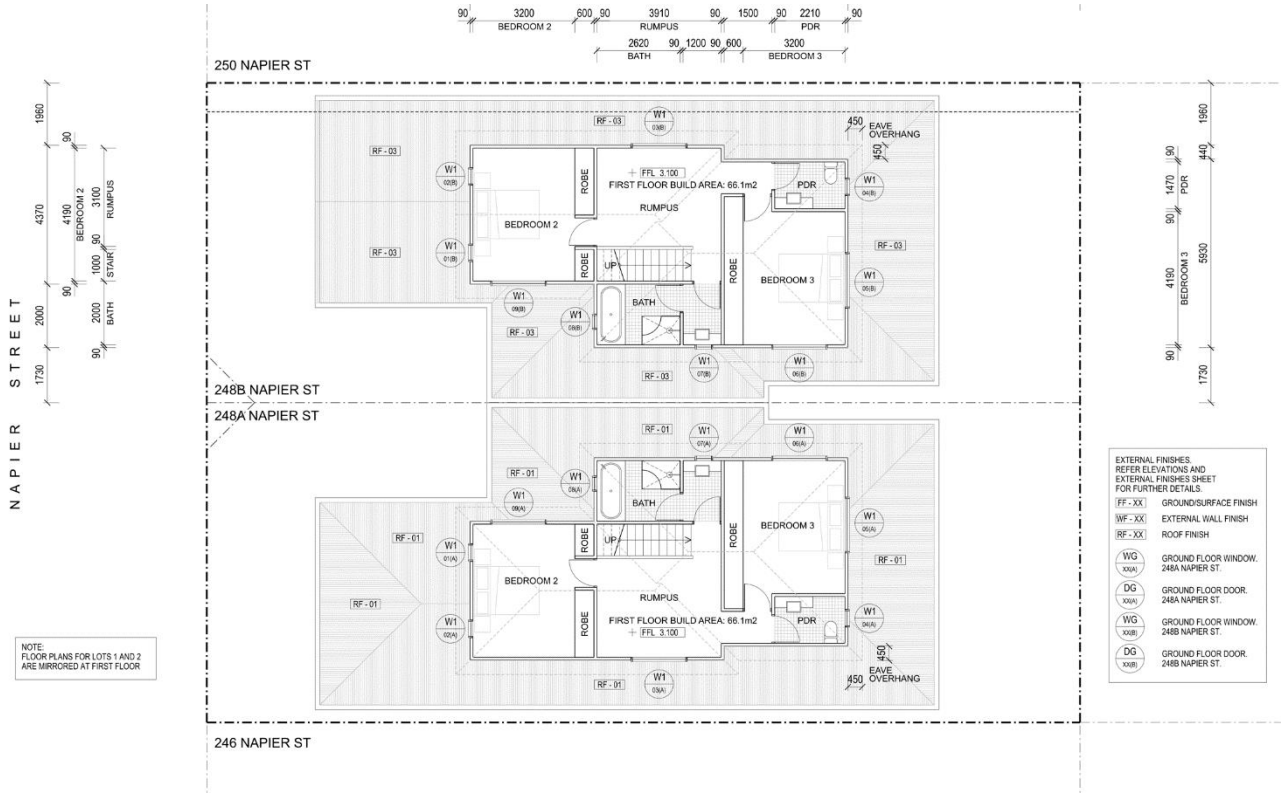


Figure 6: Proposed second storey plan

Turning areas are included within the front setback to allow forward exiting movements on to Napier Street (Department of Transport and Planning requirement).

The architecture is to be a simple contemporary form with a mix of gables and hipped roofs, as well as materials, used to provide some difference across the two dwellings despite their mirrored layouts, as shown at Figure 7.

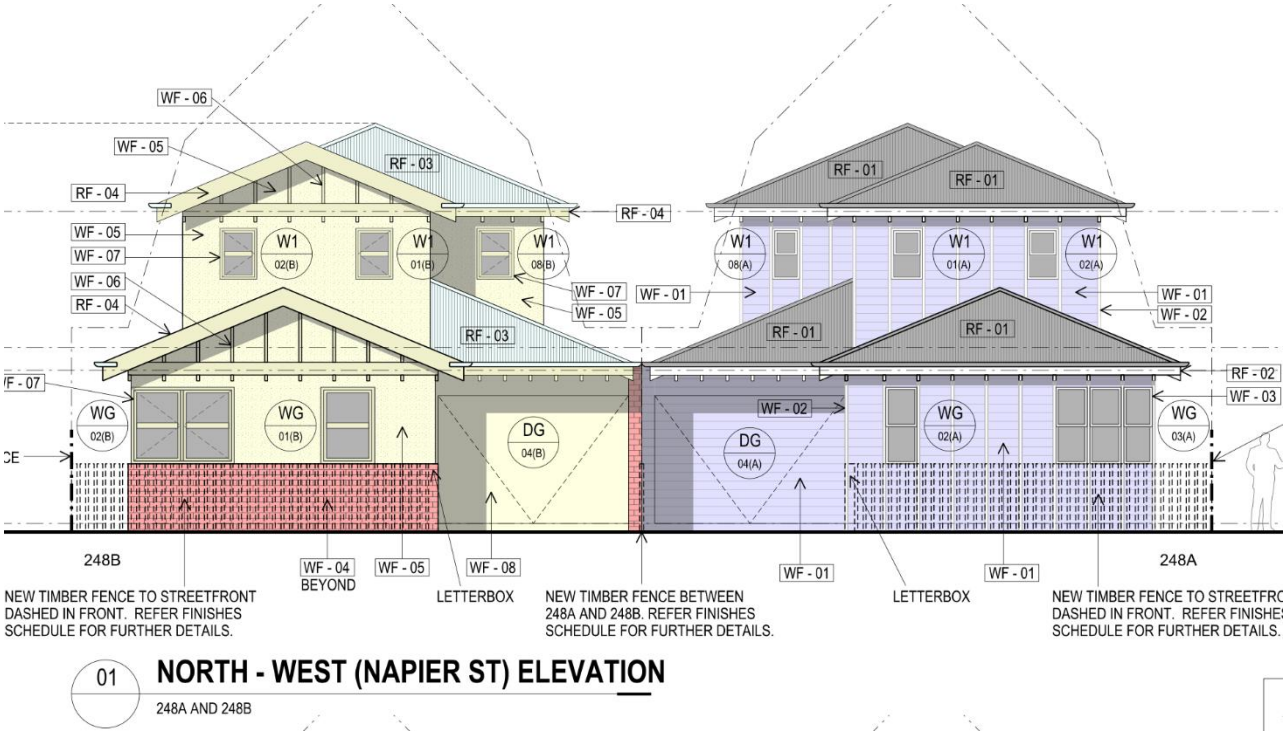


Figure 7: Front elevation

The proposed driveways result in the need for a new, double width access at the centre of the property, which would access Napier Street between the two large street trees visible in Figure 4 above.

The application includes consequential subdivision, which would divide the site into two 276sq parcels. Notably, a small area of carriageway easement is included to reflect the need for vehicles to turn across this space to exit in a forward direction (shown on the proposed plan of subdivision at Figure 8 below).

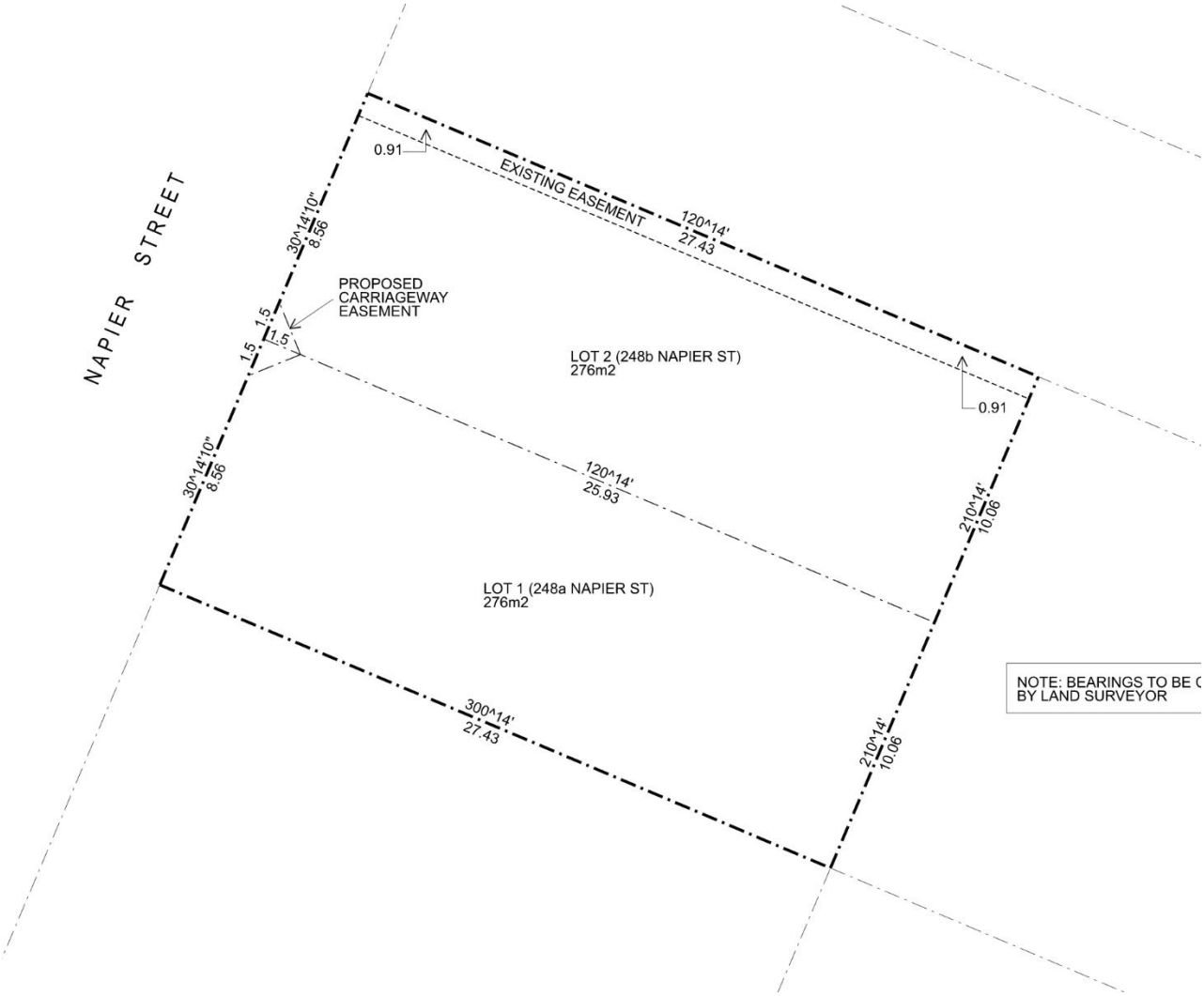


Figure 8: Proposed subdivision

Planning Controls - Greater Bendigo Planning Scheme

Why is a planning permit needed?

Clause	Permit Trigger
Clause 32.08-3 General Residential Zone	A permit is required to subdivide land.
Clause 32.08-7 General Residential Zone	A permit is required to construct two or more dwellings on a lot.
Clause 43.01-1 Heritage Overlay	A permit is required to: • Subdivide land. • Demolish or remove a building. • Construct a building or construct or carry out works.
Clause 44.04-2 Land Subject to Inundation Overlay	A permit is required to construct a building or to construct or carry out

Clause	Permit Trigger
	works.
Clause 44.04-3 Land Subject to Inundation Overlay	A permit is required to subdivide land.
Clause 52.02 Easements, Restrictions and Reserves	A permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
Clause 52.29-2 Land Adjacent to the Principal Road Network	A permit is required to: • Create or alter access to a road in a Transport Zone 2. • Subdivide land adjacent to a road in a Transport Zone 2.

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

Municipal Planning Strategy

- Clause 02.03-1 Settlement
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-5 Built environment and heritage
- Clause 02.03-6 Housing

Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.01-1R – Settlement – Loddon Mallee South
- Clause 11.01-1L-01 Settlement – Greater Bendigo
- Clause 11.01-1L-02 10 minute neighbourhoods – Greater Bendigo
- Clause 11.02-1S Supply of urban land
- Clause 13.03-1S Floodplain management
- Clause 13.03-1L Floodplain management – Greater Bendigo
- Clause 15.01-1S Urban design
- Clause 15.01-1L-01 Landscaping – Greater Bendigo
- Clause 15.01-2S Building design
- Clause 15.01-3S Subdivision design
- Clause 15.01-3L Historic and distinctive streetscapes
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L-01 Neighbourhood character – Greater Bendigo
- Clause 15.01-5L-02 Central Bendigo neighbourhood character
- Clause 15.03-1S Heritage conservation

- Clause 15.03-1L Post contact heritage conservation – Greater Bendigo
- Clause 16.01-1S Housing supply
- Clause 16.01-2S Housing affordability
- Clause 18.02-4S Roads
- Clause 18.02-4L-01 Highways and boulevards – Greater Bendigo

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 44.04 Land Subject to Inundation Overlay – Schedule 1
- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.06 Car parking
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 53.01 Public Open Space Contribution and Subdivision
- Clause 55 – Two of more dwellings on a lot and residential buildings
- Clause 56 Residential Subdivision

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Department of Transport and Planning	No objection subject to conditions.
North Central Catchment Management Authority	No objection subject to conditions.

Referral	Comment
Engineering - Drainage	Provided consent subject to conditions.
Engineering - Traffic & Infrastructure	Not supportive of the proposal as the width of the reversing zone is less than the minimum requirement of 3 metres.
Heritage Advisor	Not supportive of the proposal due to the front setback of the proposed dwellings encroaching on the front setback of the adjoining dwellings.

Public Notification

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

As a result of advertising, no objections were received.

Planning Assessment

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

- Whether the demolition of the dwelling in a Heritage Overlay is acceptable.
- Whether the proposal is consistent with the neighbourhood character and the requirements of the General Residential Zone.
- Whether the proposal provides an acceptable design response within the Heritage Overlay.
- Whether the vehicle access arrangement is appropriate.
- Whether the proposal is consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay.

Whether the demolition of the dwelling in a Heritage Overlay is acceptable.

The Heritage Overlay requires a planning permit to be granted to demolish or remove a building. The purpose of the Heritage Overlay is as follows:

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

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

The site is affected by the Heritage Overlay Schedule 14 which relates to the Tomlins Street, Bendigo Heritage Precinct which includes the following Statement of Significance:

> *The Tomlins Street precinct provides a tangible link between housing development and the growth of industry in the early years of the twentieth century. The area is noted for its representation of workers' housing as a result of the expansion of the establishment and subsequent development of Tomlins Simmie & Co. flourmill, the railway workshops as well as the nearby former cattle market. The development of the railway branches to Inglewood (1876) and Heathcote (1888) and the spur line to the former Sandhurst cattle market define the spatial area of the precinct and the irregular land parcels left over from these activities. (Criterion A)*
>
> *The development of the area for residential activity is significant for its association with a parallel development in industries between 1920 and 1938. The area retains housing related to the key periods of development including Carwardine, Nolan and Wilkie Streets which in 1920 comprised Edwardian and Inter-war housing, while Charleston, Hargreaves and McCrae streets combined private residences and predominantly commercial and industrial activities. Tomlins Street is significant for its visual focus on the former Tomlins, Simmie & Co. Flour Mill at Charleston Road. The area is significant as an example of worker housing, particularly of the Inter-war period. Napier and Wilkie Streets retain some fine examples of Edwardian residences. (Criterion E)*
>
> *The precinct is significant for its establishment and continuation of housing and social groups, including several hotels and sporting clubs that utilised the facilities of Lake Weeroona reserve. (Criterion G)*

The proposal has been referred to the City's Heritage Adviser who provided the following comments in relation to the building's significance in the heritage precinct:

> *The subject site is not listed in Schedule to the Greater Bendigo - Eaglehawk & Bendigo Heritage Study (Volume 5). As such, it has not been graded either as non-contributory, contributory, or significant. Being ungraded does not equate to being non-contributory.*
>
> *The building has been subject to modifications, including a projecting front addition and installation of vinyl siding to the external walls. Nonetheless, it*

retains some legibility in its general built form and decorative elements such as chimney, sash windows and verandah. A recent fire caused significant damage to the roof and rear portion of the building.

Based on a very preliminary assessment, it may meet the threshold for contributory significance. However, it is acknowledged that the modifications to the front façade have compromised integrity and its potential to meet the requirements for architectural or aesthetic significance is substantially reduced.

In assessing an application to demolish a building, the Heritage Overlay requires that any Heritage Design Guidelines incorporated into the planning scheme must be considered.

Under the Greater Bendigo Planning Scheme, the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)*' is an incorporated document. In assessing an application for demolition, the City of Greater Bendigo's objectives are as follows:

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

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

In determining if the proposal will result in an acceptable outcome in relation to these policy objectives, the applicant provided a Structural Condition Assessment Report prepared by Sheldon Consulting Engineers. The report concludes that the building is repairable. However, remediation would entail substantial reconstructive works and the replacement of more than 50% of the original fabric of the building. As such, the building would need to meet current Building Code of Australia (BCA) standards and

would require extensive modifications to the original design to meet these standards. This would result in further impacts to original fabric.

Much of the surviving original fabric would need to be replaced as part of remediation works. This would further lower the building's integrity, thereby reducing its ability to meet heritage significance thresholds.

In 2021 the City approved a permit for partial demolition of the existing building. This permit was not acted upon and has since expired. The extent of demolition approved by this permit included the rear, side and internal walls resulting in only the primary façade and side wall to the chimney. The Heritage advisor provided comment on this, stating "*Facadism is considered a poor outcome from a heritage perspective, especially for the building on this site as the surviving façade is constructed of mostly replacement material."*

Based on this combination of factors, the City's Heritage Adviser provided support for the demolition, but recommended an archival recording be made. The demolition would be considered an acceptable outcome as the building's contributory nature has not been definitively established, the repair of the building would further change the building and a permit has previously been granted for the demolition of the majority of the building.

However, the demolition should only be supported where an appropriate replacement development is proposed that would fit comfortably within the streetscape and respond to the heritage significance of the precinct. As an appropriate replacement design has not been provided, the proposed demolition cannot be supported.

Reasons outlining why the proposed development is not an acceptable response will be discussed further into the report.

Whether the proposal is consistent with the requirements of the General Residential Zone and the preferred neighbourhood character of the area

The General Residential Zone requires a planning permit to subdivide land and to construct two or more dwellings on a lot. The purpose of the General Residential Zone is:

- *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.*

It is clear that the subject site has the potential to assist in providing infill development given that it is strategically located on a transport corridor within proximity to the Bendigo City Centre with good access, servicing, public transport and recreation facilities.

The construction of two or more dwellings on a lot must meet all of the objectives of the clause and should also meet the standards of Clause 55 (Two or more Dwellings on a Lot and Residential Buildings). A key consideration is whether the proposal achieves a residential development outcome that appropriately responds to the site and its context, and whether the proposal would result in unreasonable amenity impacts for surrounding properties and future residents.

The application is assessed as failing to meet the objectives and standards of the following provisions:
- Clause 55.02-1 Neighbourhood character objectives (Standard B1);
- Clause 55.03-1 Street setback objective (Standard B6); and
- Clause 55.03-8 Landscaping objectives (Standard B13).

An assessment of these objectives and standards of Clause 55 are discussed below.

- Clause 55.02-1 Neighbourhood character objectives (Standard B1)

The neighbourhood character objectives outlined in Clause 55.02-1 are to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character, and to ensure that development responds to the features of the site and the surrounding area. This is also reflected in the decision guidelines for the General Residential Zone. The relevant policies relating to Neighbourhood Character are outlined below.

The objective of Clause 15.01-5S Neighbourhood character aims to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Relevant strategies of this policy include:
- *Supporting development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensuring the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*

Policy through Clause 15.01-5L-01 Neighbourhood character – Greater Bendigo seeks to ensure new buildings and extensions do not dominate the streetscape by

matching their height and roof form with the predominant height and roof form in the street.

Clause 15.01-5L-02 Central Bendigo neighbourhood character applies to applications for development in the areas shown on the Central Bendigo neighbourhood character precinct map. The site is located within the Central Bendigo Precinct 1 which seeks to maintain the existing neighbourhood character of this precinct that is drawn from:

- *The cottage feel and heritage qualities of the streetscapes.*
- *The predominantly Victoria, Edwardian and Inter-war housing.*
- *Weatherboard cottages and picket fences.*
- *The closely spaced housing pattern and small front setbacks which provides an intimate, pedestrian friendly environment,*
- *Retain heritage buildings that contribute to the valued character of the precinct.*

The design response must be appropriate to the neighbourhood and the site; and the proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Consideration is required to be given to the neighbourhood character objectives, policy and statement, the neighbourhood and site description and the proposed design response.

The proposal is inconsistent with policy objectives outlined in Clause 15.01-5S as the design fails to respect the existing and preferred neighbourhood character due to the siting of the dwellings, the lack of opportunities for landscaping within the front setback and the excessive amount of hard surfacing required to facilitate the vehicle movement.

As previously mentioned, the site ideal for medium density, infill development. However, this must be a balanced response to consider the important character elements within the streetscape.

The proposal is inconsistent with Clause 15.01-5L-01 Neighbourhood character – Greater Bendigo as the built form proposed will be significantly higher than the adjoining dwellings and with an encroaching front setback.

Policy seeks to ensure new buildings and extensions do not dominate the streetscape by matching their height and roof form with the predominant height and roof form in the street. In order for two storey development to be supported on this site, the ground floor façade should be setback further into the site to match adjoining dwellings and to provide for additional landscaping in front of the dwellings to soften the built form.

- Clause 55.03-1 Street setback objective (Standard B6)

The objective of Clause 55.03-1 Street setback is to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6 states that walls of buildings should be set back from streets:

- *At least the distance specified in a schedule to the zone, or*
- *If no distance is specified in a schedule to the zone, the distance specified in Table B1.*

There is no setback distance specified in the General Residential Zone Schedule and in order to comply with the minimum front setback the proposal is required to provide a front setback in accordance with Table B1. Table B1 outlines that as there is an existing building on both of the abutting allotments fronting the same street, the minimum front setback is the average setback of existing buildings on abutting allotments facing the front street or 9m, whichever is the lesser.

The existing setbacks are demonstrated through Figure 9 below which shows the adjoining dwelling to the north having a front setback of 5.12 metres and the adjoining dwelling to the south having a front setback of 4.63 metres. Therefore, the minimum front setback is the average setback of the adjoining dwelling which equates to 4.88 metres. The proposal seeks a variation to this standard as the dwellings are proposed to have a front setback of 4 metres.



Figure 9: Demolition plan that shows the existing conditions of the site and surrounds

Before deciding on an application to vary the front setback the following decision guidelines must be considered:

- *Any relevant neighbourhood character objective, policy or statement set out in this scheme.*
- *The design response.*
- *Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.*
- *The visual impact of the building when viewed from the street and from adjoining properties.*
- *The value of retaining vegetation within the front setback.*

The subject site is located within the Central Bendigo Precinct 1 as outlined in Clause 15.01-5L-02 Central Bendigo neighbourhood character. Whilst this policy seeks to provide closely spaced housing pattern and small front setbacks which provides an intimate, pedestrian friendly environment, the proposed design response fails to enhance and retain the cottage feel and heritage qualities of the streetscapes due to the proposed dwellings being sited with a lesser setback than the adjoining dwellings. This will result in the proposed dwellings becoming a dominant feature within the streetscape, especially noting the double storey design. It would be more appropriate to provide a setback that is compliant with Standard B6 and is the average of the two adjoining dwellings.

Whilst it is acknowledged that the existing dwelling has a minimal front setback, with the closest edge being less than 1 metre from the front boundary, this is considered to be an outlier in the streetscape and the proposed dwellings will be detrimental to the character of the area due to the prominent siting, the excessive hard surfacing within the front setback, the double storey form and the side-by-side nature of the design.

The applicant has attempted to reduce the bulk of the development by recessing the upper floors of the dwellings. However, there are no double storey buildings in the immediate area. The form, combined with the encroaching front setback, will result in an outcome that is at odds with the preferred character of the area. Given the large rear yard proposed for each dwelling, it is considered that there is opportunity for the development to be further setback into the site whilst still complying with requirements for private open space. The applicant was not willing to amend the proposal to provide a greater setback.

The General Residential Zone requires a minimum garden area of 30% of the site. The application in the current format provides the absolute minimum garden area requirement of 30%, which complies. However, required alterations to the vehicle access will result in the proposal no longer meeting the minimum garden area requirement. This will be discussed in greater detail below.

Policy through Clause 15.03-1L Post contact heritage conservation - Greater Bendigo seeks to ensure that new buildings respond to the context of the heritage place and nearby contributory buildings by providing appropriate setbacks.

The proposal fails to meet the minimum Standard B6 and a variation is not appropriate due to the reasons outlined above. As a result of the proposal not meeting the standard for front setbacks, it is considered that the proposal also fails to meet the decision guidelines and purpose of Clause 55.03-1. The proposed dwelling should be setback further into the site to provide a setback that is consistent with the adjoining dwellings. This would assist in reducing the visual dominance, provide an outcome that is consistent with the streetscape pattern and allow for further landscaping within the front setback to soften the appearance of the dwellings.

- Clause 55.03-8 Landscaping objectives (Standard B13)

The objectives of Clause 55.03-8 relevant to the proposal are to encourage development that respects the landscape character of the neighbourhood and to provide appropriate landscaping.

The current version of the plans shows a landscaping strip with a width of 2 metres in the front setback of each dwelling. However, this landscaping strip would be reduced in width as a result of the vehicle turning areas that are required to be increased in

width. The increase in the turning areas would result in the landscaping strip only having a width of 1 metre. A 1 metre width strip for landscaping is considered to be insufficient to provide for meaningful landscaping. Canopy trees would not be able to thrive in such a small area and the space is insufficient to soften the appearance of the new buildings to blend in with the heritage precinct.

The objective of Clause 15.01-1S Urban design is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Relevant strategies of this policy include requiring development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate and ensuring that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Strategies outlined in Clause 15.01-1L-01 Landscaping - Greater Bendigo include incorporating sustainable landscaping using a mix of drought tolerant species and increasing the provision of shade across the municipality by providing shade-giving elements such as trees and structures to be included as part of developments.

A strategy outlined in 15.01-2S Building design is to 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.

Due to the limited front setback and excessive hard surfacing for the proposed vehicle access, the proposal does not provide opportunity for meaningful landscaping to be provided. The minimal opportunity for landscaping that the proposal provides will result in an outcome that is at odds with the landscape character of the neighbourhood. As a result, the proposal is inconsistent with the objectives and decision guidelines of Clause 55.03-8.

Whether the proposal provides an acceptable design response within the Heritage Overlay

The key purpose of the Heritage Overlay to be considered when assessing the proposed development is to ensure that development does not adversely affect the significance of heritage places. The relevant heritage policy is outlined below.

A key built environment and heritage issue for Greater Bendigo, outlined in Clause 02.03-5, is to protect neighbourhood character and heritage assets while encouraging infill development.

The strategic directions for heritage relevant to the proposal are:

- *Protecting the city's valuable sites, places and features of natural, archaeological, and cultural heritage significance.*

- *Balancing the protection of heritage places with support for sensitive and innovative development to accommodate projected population growth.*
- *Supporting high quality sympathetic contemporary design when undertaking new development in heritage precincts and places.*

Policy through Clause 15.03-1S Heritage conservation aims to ensure the conservation of places of heritage significance. Relevant strategies of this policy include:

- *Providing for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encouraging appropriate development that respects places with identified heritage values.*
- *Retaining those elements that contribute to the importance of the heritage place.*
- *Encouraging the conservation and restoration of contributory elements of a heritage place.*
- *Ensuring an appropriate setting and context for heritage places is maintained or enhanced.*

Clause 15.03-1L Post contact heritage conservation – Greater Bendigo includes the following relevant strategies:

- *Ensure integration of new development by encouraging design that respects the heritage place through its setting, location, bulk, form, materials and appearance.*
- *Support new buildings that do not adversely affect the significance, character or appearance of the heritage precinct, and are visually recessive.*
- *Ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks and materials.*
- *Ensure that infill buildings in a heritage place or precinct do not detract from the significance or views to adjoining heritage places from the public realm.*
- *Support new development within a heritage precinct that is contemporary in appearance and that does not mimic historic styles or details.*

This policy also requires consideration to be given to the *Heritage Design Guidelines (City of Greater Bendigo, September 2020)* objectives for infill development. The design of a new building should consider the prevailing built form which contributes to the significance of the Heritage Overlay area, with specific regard to setbacks (front and side), rhythm and orientation to the street, form and massing, height and scale, materials and finishes, window and door openings, architectural detailing, fencing and car parking, landscaping and designs in diverse streetscapes.

The relevant design elements and objectives outlined in the infill development section of the *Heritage Design Guidelines (City of Greater Bendigo, September 2020)* are outlined below.

Setback (front and side)

- *Front setbacks should be consistent the adjoining contributory elements e.g. verandahs should be set back to match adjoining verandahs and facades should be set back to match adjoining front walls.*
- *Where there are different adjoining setbacks the greater setback will apply.*
- *Where the site does not adjoin a contributory building, or adjoins an atypical setback, adopt the setback common for contributory buildings in the streetscape.*
- *Where parts of the development are proposed to be taller than the front façade height increase the front setback of the taller parts.*
- *Adopt the side setbacks which are common within the heritage precinct*

Form and massing

- *The overall shape and volume and the arrangement of the parts of any new development should not dominate the Contributory buildings within the heritage precinct.*
- *Roofs should respond to any predominant roof form characteristic of the streetscape including regard for pitch of roofs, ridge height, eaves level, and any other predominant detailing in the streetscape.*

Height and scale

- *Encourage similar façade heights (roof and eaves) to the adjoining contributory elements in the street. Where there are differing façade heights the design should adopt the average height.*

Landscaping

- *Landscaping is encouraged to soften and blend new buildings into a heritage precinct.*

The proposed development is inconsistent with the objectives outlined in the *Heritage Design Guidelines (City of Greater Bendigo, September 2020)* due to the siting and front setback of the proposed dwellings; the form, height and scale of the dwellings, and the limited landscaping opportunities within the front setback. The inconsistencies with the design guidelines will result in an outcome that adversely affects the heritage precinct.

The application was referred to the City's Heritage Adviser who confirmed that the proposal would be supportable subject to an increased setback from the street frontage. The permit applicant was not prepared to increase the front setback of the development.

Whilst it is acknowledged that the application has attempted to reduce the bulk of the dwellings by recessing the upper floors, two storey dwellings are not a common style

of dwelling within the immediate area. The two storey form, combined with the front setback of the ground floor encroaching on the adjoining setback, will result in a bulky built form that will detract from the heritage precinct. An increased front setback would alleviate this issue and provide for a sympathetic design response that minimises the potential for detriment.

It is officer assessment that the proposal does not meet the requirements of the Heritage Overlay. The dwellings being sited closer to the front boundary compared to the adjoining dwellings will result in the dwellings becoming a prominent feature within the streetscape. The siting of the dwellings, combined with additional concreting within the front setback to allow for turning areas for vehicles, will result in a significant amount of hard surfacing. This would also remove the potential to provide meaningful landscaping within the front setback of the dwellings as only a width of 1 metre at the front of each dwelling would be provided. Canopy trees will not be able to be planted in this space and there will be no ability to soften and blend the new buildings into the precinct.

Whether the vehicle access arrangement is appropriate

The site adjoins Napier Street, which is a road within the Transport Zone 2. As outlined above, Clause 52.29 Land Adjacent to the Principal Road Network states that a permit is required for subdivision and to alter or create an access adjacent to a road in the Transport Zone 2. The purpose of this provision is to ensure appropriate access and subdivision adjacent to the Principal Road.

Consideration must be given to the effect of the proposal on the operation of the road and on public safety, and the views of the relevant Road Authority (the Department of Transport and Planning). The application was referred to the Department of Transport and Planning who is a Section 55 Determining Referral Authority. The referral response from the Department of Transport and Planning provided consent to the proposal subject to conditions, including a condition that all vehicle movements to and from the site must be undertaken in a forward direction.

The application has attempted to provide a design response where vehicle movements to and from the site are undertaken in a forward direction by providing 2-metre-wide reversing areas within the front setback of each dwelling. To facilitate the vehicle movement, a triangular shaped carriageway easement at the front of the site where the internal driveways adjoin the proposed double width crossover is also required. The accessway arrangement and carriageway easement are shown above in Figure 5. The need for a carriageway easement in this circumstance is further evidence as to why the proposed access arrangement is not an orderly planning outcome.

Clause 52.06 of the Planning Scheme contains the car parking provisions. The required car parking rate is two car parking spaces to each dwelling as both the dwellings are proposed with three bedrooms. Each dwelling is proposed to be provided with car parking in the form of a single car garage and a tandem car parking space. Clause 52.06-9 outlines the design standard for car parking and requires accessways to be at least 3 metres wide and designed so cars can exit the site in a forward direction if the accessway connects to a road in a Transport Zone 2.

The application was also referred internally to the City's Traffic and Infrastructure Engineering Unit who has raised concerns with the proposed access arrangement. The response stated that the vehicle reversing zone is not acceptable and should be a minimum width of 3 metres. The Traffic response suggested that the accessway width can be increased by reducing the width of the garden beds at the front of the proposed dwellings. The Traffic response also suggested that the fence that separates the internal driveways should be removed or significantly reduced in length.

The current design response fails to comply with the accessway requirements outlined in Clause 52.06-9 as the accessway width (turning areas) is less than 3 metres and as a result appropriate forward ingress and egress cannot be provided. This concern was raised with the permit applicant who was not prepared to amend the proposal. Increasing the width of the turning area at the front of the site would result in the development failing to meet the 30% minimum garden area requirement outlined in the General Residential Zone. It would also result in excessive hard surfacing which is at odds with policy relating to neighbourhood character and heritage. The applicant was not prepared to increase the front setback by reducing the footprint of the dwellings.

The application was referred to the Department of Transport and Planning who provided consent to the proposal subject to conditions. Condition 4 requires all vehicle movements to and from the site to be undertaken in a forward direction. The assessment from the Department of Transport and Planning does not involve the functionality of the internal driveway. The City's Traffic Engineering team in their referral response have raised the concerns with the functionality and design of the driveway. The referral response from the City's Traffic Engineering team has confirmed that appropriate forward ingress and egress is not able to be provided by the proposal in the current format. As such, the driveway and turning area would need to be re-designed to meet the requirements of the City's Traffic Engineering team.

The current access arrangement is not appropriate and will affect the safe operation of the road and public safety and cannot be supported. It is not possible to request the changes to the internal driveway as a condition of a permit. The level of change required goes beyond a simple change to a plan due to the current design

maximising the site. A change to the accessway to meet the Traffic Engineering requirements would result in increased hard surfacing within the front setback, a reduced opportunity for landscaping and the application failing to meet the minimum garden area requirement. In order to provide appropriate vehicle access, the footprint of the dwellings is required to be reduced. The applicant is unwilling to adjust their design to ameliorate these fundamental concerns.

Whether the proposal is consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay

For clarity, the issue of whether the proposal is consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay is not in dispute.

A small portion of the front of the site is affected by the Land Subject to Inundation Overlay – Schedule 1 which relates to flooding from waterways (depths up to and including 350 millimetres) as shown below in Figure 10.



Figure 10: Extent of the Land Subject to Inundation Overlay that affects the site

The proposal is considered to be consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay and the performance criteria for subdivisions and dwellings outlined in the Bendigo Local Floodplain Development Plan (February 2018).

The application was required to be referred to the North Central Catchment Management Authority who has provided consent to the proposal subject to conditions requiring raised floor heights for both dwellings and attached garages.

The site is identified as being in an area with a low level of inundation risk and the proposed development of the site does not pose a risk to the safety of future

occupants of the dwellings, nor does it pose an unaccepted risk to development due to the mitigation measures of increasing the finished floor levels.

Conclusion

The site is well located to take advantage of existing infrastructure, facilities, services and transport options and is an ideal site for infill development. However, the current proposal fails to provide an outcome that respects the heritage significance of the heritage precinct and the preferred neighbourhood character.

Without an appropriate site responsive replacement dwelling design being provided, the demolition of the existing dwelling is not an acceptable planning outcome as it will result in the loss of heritage fabric.

The proposal fails to provide an acceptable access arrangement. The proposal would result in an outcome where the operation of the road and public safety are compromised, with forward ingress and egress unable to be safely provided. The design standards for accessways in Clause 52.06-9 (car parking provision) of the planning scheme outline that accessways must be at least 3 metres wide and must be designed so that cars can exit the site in a forward direction.

The prevailing setback of the proposed dwellings, combined with an excessive amount of impervious surface within the front setback to provide for vehicle movements, results in an outcome where there is limited opportunity to provide landscaping to assist in the softening of the built form appearance. This is an unacceptable outcome given the heritage character of the immediate surrounds.

In addition to this, if the vehicle turning areas are increased to comply with the minimum width and to facilitate forward ingress and egress in accordance with the requirements of Clause 52.06-9 without the footprint of the dwellings being reduced, the proposal would fail to comply with the minimum garden area requirement of 30% outlined in Clause 32.08-4 of the General Residential Zone. This is a mandatory requirement that the proposal must achieve.

It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit as the proposal presents an unacceptable planning outcome with regards to the purpose of the Heritage Overlay and broader planning policy relating to heritage and neighbourhood character. It is considered that there is opportunity for infill development on this site, however, the current design does not provide a sympathetic response to ensure heritage significance is conserved.

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

16.2. 5726-5728 Calder Highway, Kangaroo Flat 3555 - 55 Lot Subdivision of Land, Removal of Native Vegetation, Removal of an Easement and Alteration of Access to a Transport Zone 2 Road

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

Summary/Purpose

Application No:	DS/827/2022
Applicant:	Kangaroo Rise Pty Ltd
Land:	5726-5728 Calder Highway, KANGAROO FLAT 3555
Zoning:	General Residential Zone Transport Zone 2
Overlays:	Bushfire Management Overlay
No. of objections:	69
Consultation meeting:	A consultation meeting was not held as the application was appealed to the Victorian Civil and Administrative Tribunal (VCAT) prior to any formal consultation process being undertaken with all objectors.
Key considerations:	• Whether the proposed subdivision is in accordance with the purpose and requirements of the General Residential Zone and planning policy; • Whether the extent of proposed native vegetation removal is acceptable; • Whether bushfire risk has been adequately addressed; and • Whether the proposed alteration to the Calder Highway and Phillis Street intersection, resulting from the proposed subdivision, is appropriate.
Conclusion:	The applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) against the City's failure to determine the application within the statutory timeframe. This report recommends that Council establish the position of supporting the planning permit application, subject to conditions, at the VCAT hearing. The proposal is consistent with planning policy regarding urban growth and infill development, along with the purpose of the General Residential Zone which seeks to encourage a diversity of housing types and housing

	growth, particularly in locations offering good access to services and transport. The application has demonstrated consistency with the requirements of Clause 52.17 of the Planning Scheme and the implementation of the three-step approach with regard to native vegetation removal. Bushfire risk has been addressed and the proposed subdivision will not increase the risk to human life and property from bushfire and appropriate bushfire mitigation measures can be implemented for the subdivision. The alteration of the Phillis Street intersection has been duly considered and the changed intersection conditions are acceptable, and in accordance with the objectives of Clause 52.29 of the Greater Bendigo Planning Scheme relating to land adjacent to the principal road network (being the Calder Highway), and the requirements of the Department of Transport and Planning (acting on behalf of the Head, Transport for Victoria). The proposal represents an appropriate planning outcome for the land.

Recommended Motion

That Council notify the Victorian Civil and Administrative Tribunal (VCAT) that if it were the primary decision maker in this instance, that it conditionally supports the grant of a permit for the *55 Lot subdivision of land, removal of native vegetation, removal of an easement and alteration of access to a Transport Zone 2 road*, subject to the draft conditions at the end of this report.

Background Information

Appeal Status

The applicant has lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) due to the failure of the City to make a decision on the application within the statutory 60-day timeframe.

VCAT is now the primary decision maker in relation to the application. Council is required to establish a position of whether it supports or does not support the

granting of a planning permit and make submissions to VCAT on its position in the hearing.

Two Practice Day Hearings have been held on 23 February and 1 March 2024 relating to the relevance of grounds raised by Veolia (who operate the Sandhurst Water Treatment Plant for Coliban Water).

A Compulsory Conference (VCAT ordered mediation) was held on 7 March 2024, with the City participating in these proceedings in good faith, whilst making it clear that Council had not yet formed its position on the proposal. The discussions did not result in any resolution between parties, nor any amendments to the proposal or plans.

Council must advise VCAT and the other parties of its position on the proposal by 23 April 2024, so it is imperative that Council form its view in this meeting.

The matter is then scheduled for a Hearing in the Major Cases list on 13-15 May 2024.

Application Background

The application was received on 25 November 2022 and was referred internally and externally shortly thereafter. Formal public notification occurred in April 2023, with 69 objections to the application received during this period, largely relating to the proposed changed traffic conditions resulting from the subdivision at the Phillis Street/Calder Highway intersection which would see a ban on right turns and necessitate a U turn manoeuvre for Bendigo bound traffic at Karula Close to the south of the site. These objections will be discussed in more detail later within this report.

A number of the objections raised specific concerns with the large vehicles needing to enter and exit Phillis Street in association with the operation of the Sandhurst Water Treatment Plant. As the application material (specifically the Traffic Impact Assessment) did not provide any review of this requirement in its assessment of the changes to the intersection, a peer review of the Traffic assessment by Stantec was sought by the City to assist with forming a position on the application to ensure that this could continue to be accommodated.

This peer review was completed by Stantec in June 2023 and concluded that there were matters which required further attention prior to a decision being made on the application. These matters included:

- A need to confirm the largest vehicle that currently uses Phillis Street in relation to the Water Treatment Plant and how this vehicle would be able to safely perform a U turn manoeuvre at Karula Close.

- A review of the available gap acceptance capacity at the Calder Highway/Phillis Street and Calder Highway/Karula Close intersections.

This review was shared with the permit applicant shortly after receipt, with advice being received at that time that additional traffic assessments were being undertaken in response to the peer review and that additional information would be provided in due course.

As it was possible that this additional information would transform the application in some way, no formal consultation was undertaken with the objectors at this point, as it was anticipated that once additional information was provided by the permit applicant, it would be circulated to objectors.

The permit applicant provided a response to the traffic concerns which were identified within the Stantec peer review on 15 December 2023 (in the form of an Amended Traffic Engineering Assessment), and advised at the same time that they had lodged an application for review with VCAT under Section 79 of the Planning and Environment Act. An Order from VCAT confirming this was received on the same day.

Report

Subject Site and Surrounds

The subject land is irregular in shape with a total area of approximately 4.6 hectares. The site contains an existing dwelling and outbuildings in the south western corner of the land, adjacent to the Calder Highway. Scattered vegetation is located surrounding the dwelling and adjacent to the Highway, as well as nearby to the eastern boundary of the land. A dam is also present on the land. The land has frontage to both Calder Highway to the west and to Phillis Street to the north, with the existing dwelling enjoying access from the Calder Highway An entrance to the land is also provided from Phillis Street. Along the eastern boundary, both Everlasting Rise and Dianella Court have a direct interface with the land.

The land is generally surrounded by established residential development, including a residential village to the west (on the other side of the Calder Highway). Harvey Norman is located 250m to the north west of the site also on the opposite side of the Highway, with Lansell Square Shopping Centre located approximately 1.1km to the north of the site. Also of note is the Sandhurst Water Treatment Plant, which is located approximately 2.5km south east of the site and is accessed via Phillis Street.

The intersection of Calder Highway and Phillis Street is located near the land and operates as an unsignalised ‘T’ intersection which currently permits all traffic movements.



Figure 1. Aerial photo of subject land



Figure 2. Looking towards subject land, from Phillis Street.



Figure 3. Looking towards existing dwelling, from Calder Highway entrance.



Figure 4. Looking north from Calder Highway entrance.



Figure 5. Looking south along Calder Highway towards the school crossing and intersection with Phillis Street (photo taken Monday 18 March 2024, midday)



Figure 6. Looking south along Calder Highway, with vehicle performing right hand turn from Phillis Street onto Calder Highway (photo taken Monday 18 March 2024, midday)



Figure 7. View from Philis Street, towards the intersection with Calder Highway with car waiting to perform right hand turn into Calder Highway (photo taken Monday 18 March 2024, midday)



Figure 8. View from Philis Street, towards intersection with Calder Highway (photo taken Monday 18 March 2024, midday)

Proposal

The application proposes:
- Subdivision of the land into 55 lots
- Removal of native vegetation
- Removal of an easement
- Removal of the existing crossover from the Calder Highway to the existing dwelling.

The proposed subdivision would be accessed from Phillis Street, via a new internal roadway including an extension to Everlasting Rise which adjoins the site to the east. Lots would range in size from 427m^2 to 1,038m^2, including a drainage basin/reserve in the northwest corner. The proposed plan of subdivision is shown in Figure 9.

In order to facilitate the subdivision, removal of native vegetation on the site would need to occur. While it is proposed to retain a number of trees on the land, given the size of proposed allotments within the subdivision, along with encroachment into tree protection zones of adjacent trees, all vegetation must be considered as lost and offset as part of the subdivision process. The extent of vegetation removal proposed is included in Figure 10.

It is also proposed to remove a disused easement on the site, being E-3 shown on Plan of Subdivision 407505B. The easement purposes were noted as being for carriageway, drainage, sewerage, water, gas, electricity, telephone and data transmission. This easement was set aside as part of a subdivision in 1997, however does not contain any physical infrastructure and serves no current or future purpose. The location of the easement is shown in Figure 12.

The proposed subdivision will also result in two changes to the Calder Highway, being the physical removal of the existing crossover from Calder Highway which services the existing dwelling (which is to be demolished), and an alteration to the Calder Highway/Phillis Street intersection which would see right turns from Phillis Street abolished. This change would result in left only traffic exiting from Phillis Street, with any traffic seeking to travel towards Bendigo being required to perform a U Turn at Karula Close. Physical modifications to the Calder Highway at both Phillis Street and Karula Close would be required to facilitate the changes. The proposed changes are shown in Figures 13 – 15.

It is noted that the physical removal of the existing crossover from the Calder Highway to the dwelling did not form part of the original application, however, was identified (correctly) as a permit trigger during the VCAT proceedings and as such forms part of this report and assessment.

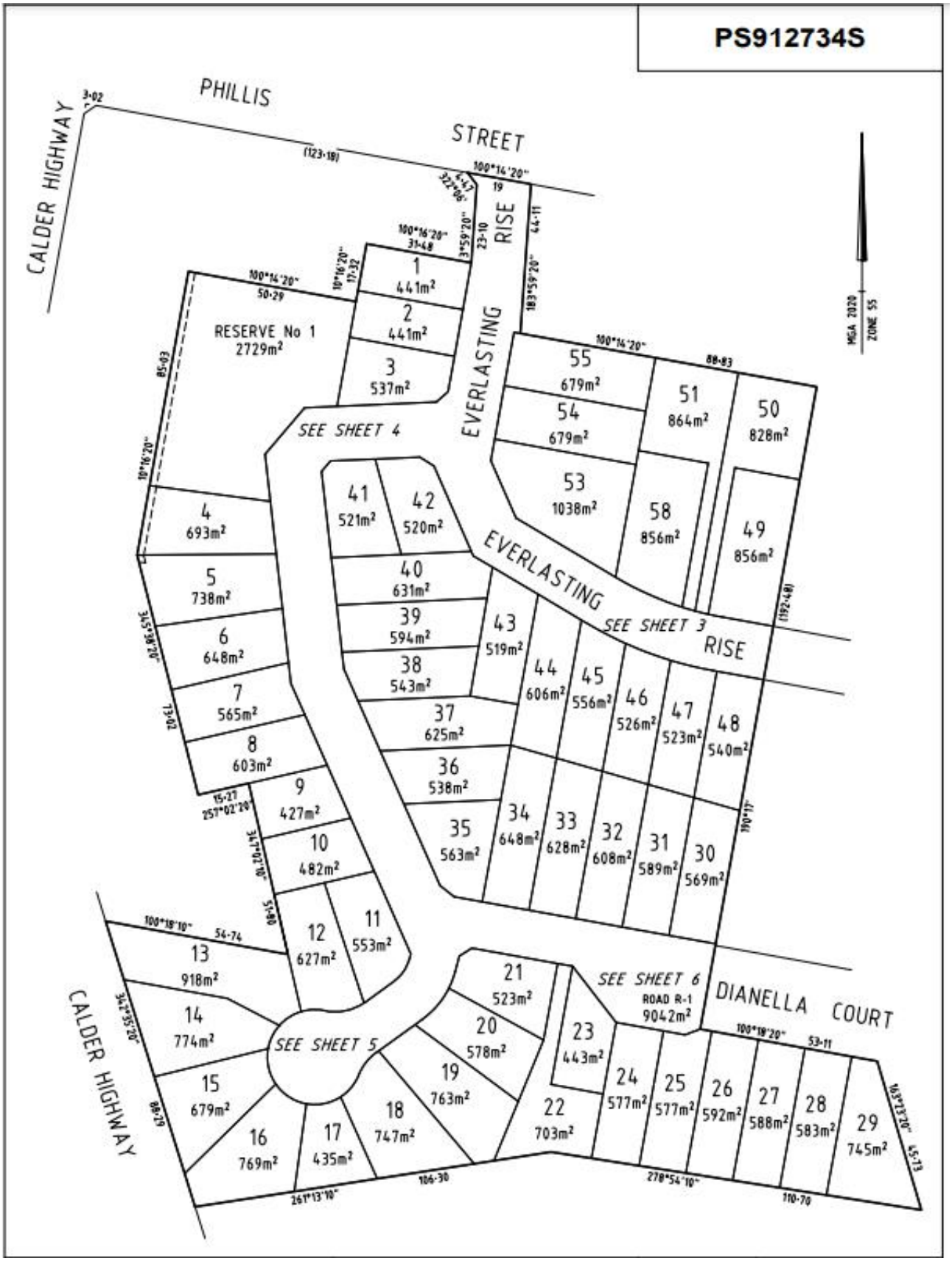


Figure 9. Proposed plan of subdivision



Yellow boundaries denote areas of proposed native vegetation removal.

Figure 10. Native vegetation considered as lost



Figure 11. Vegetation retention plan

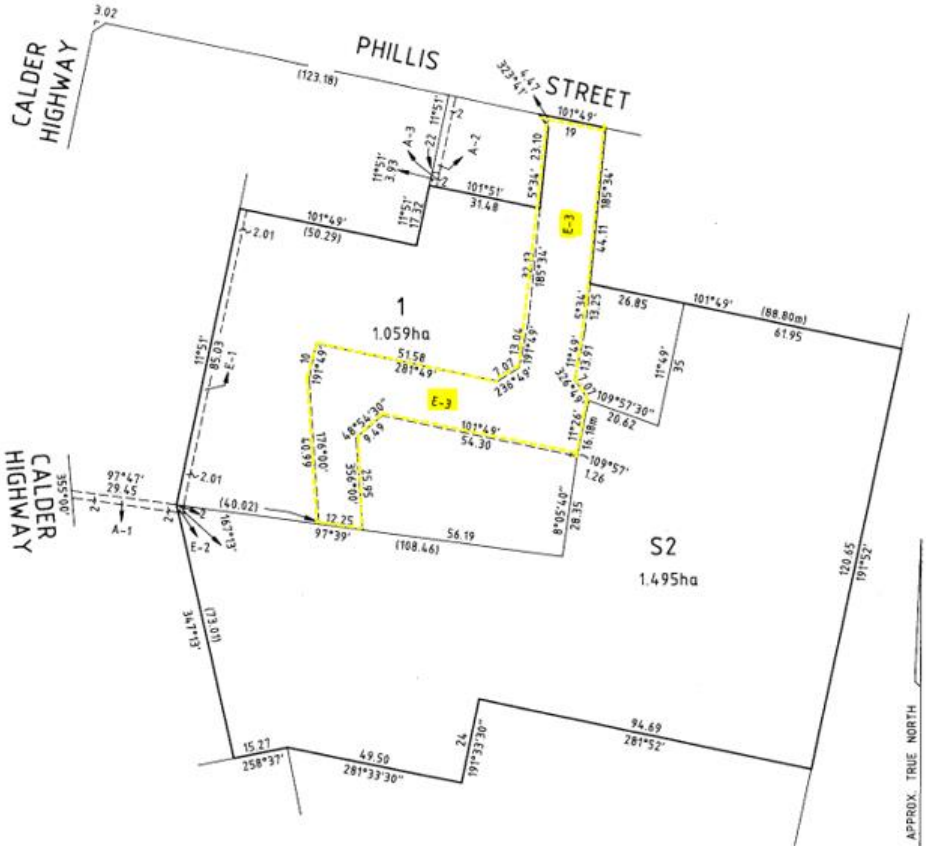


Figure 12. Easement E-3 to be removed

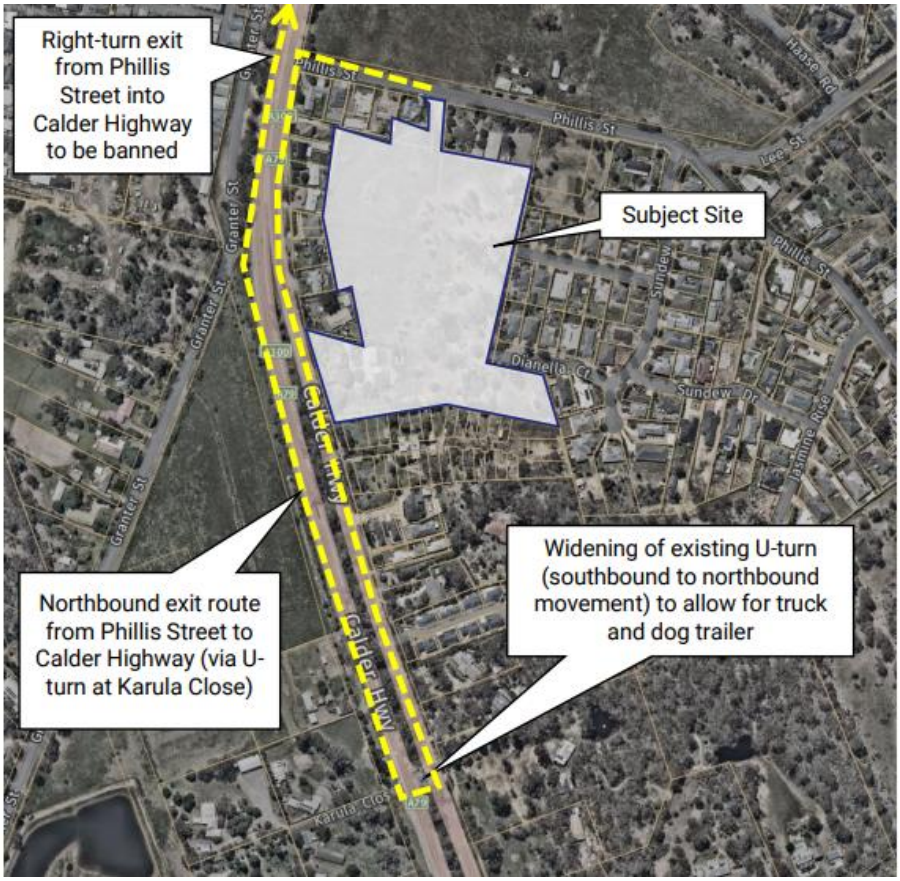


Figure 13. Proposed changed northbound traffic arrangements

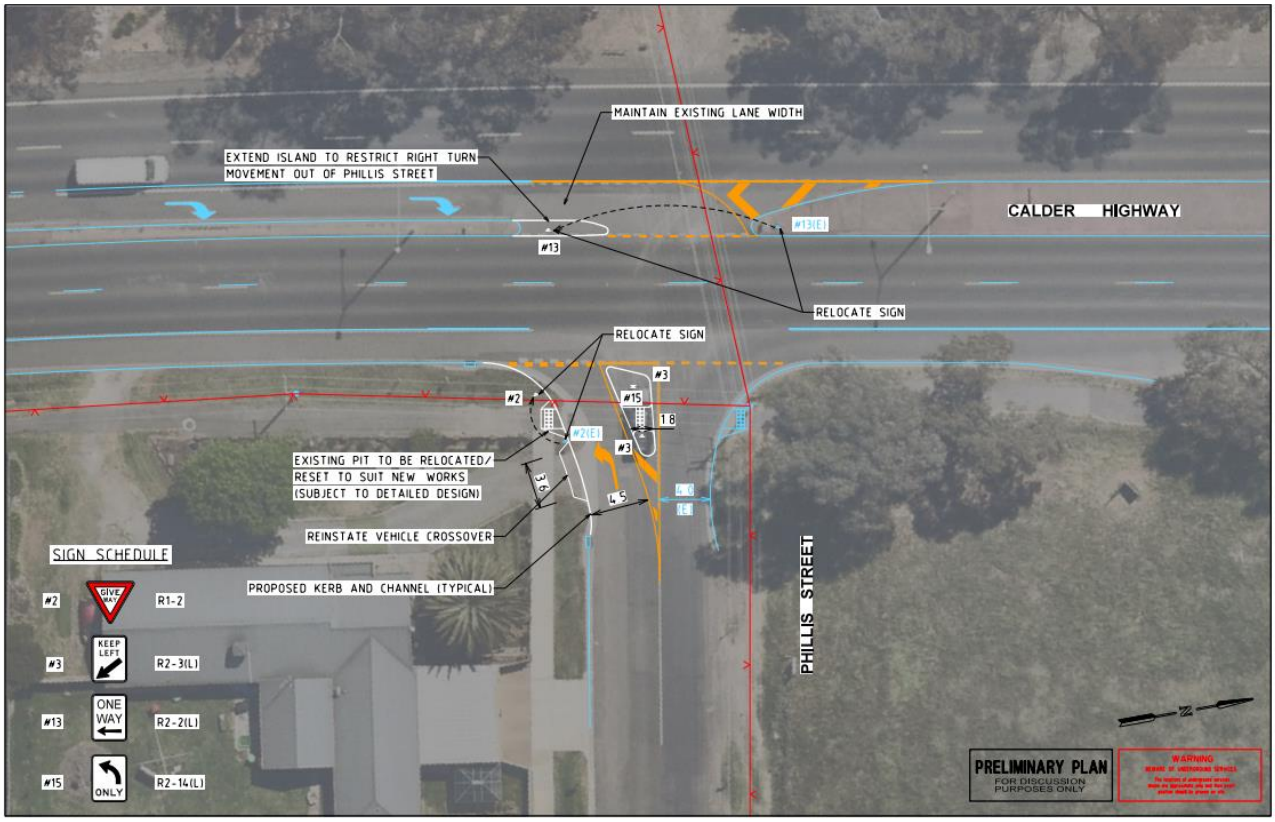


Figure 14. Concept layout plan for Phillis Street/Calder Highway intersection

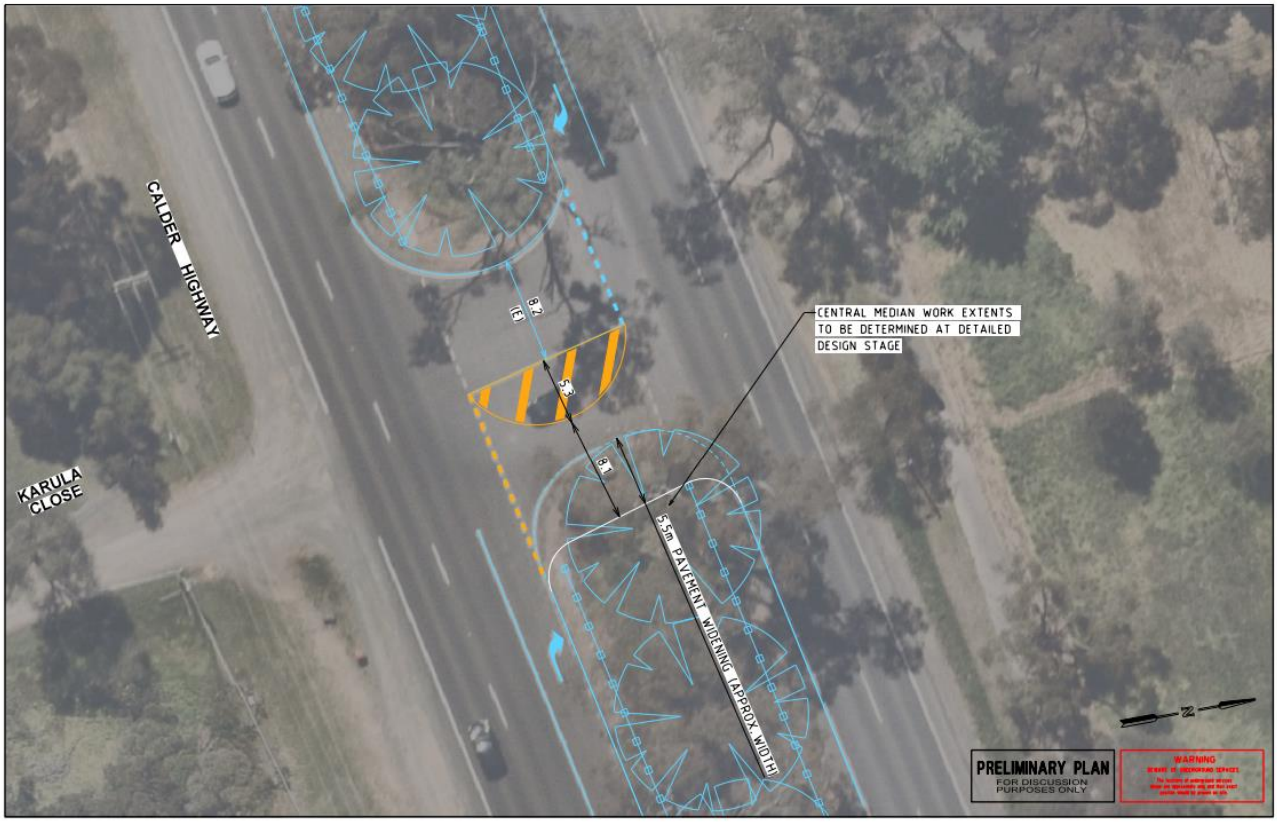


Figure 15. Concept layout plan for Karula Close/Calder Highway intersection

Planning Controls - Greater Bendigo Planning Scheme

Why is planning permission needed?

The following table lists all the relevant planning permit triggers which are applicable to this application:

Clause	Permit Trigger
Clause 32.08-3 General Residential Zone	A planning permit is required to subdivide land in the General Residential Zone.
Clause 44.06-2 Bushfire Management Overlay	A planning permit is required to subdivide land in the Bushfire Management Overlay.
Clause 52.02 Easements, restrictions, and reserves	A planning permit is required to create, vary, or remove an easement.
Clause 52.17 Native vegetation	A planning permit is required to remove, destroy, or lop native vegetation
Clause 52.29 Land adjacent to the Principal Road Network	A planning permit is required to alter access to a road in a Transport Zone 2 and to subdivide land adjacent to a road in a Transport Zone 2

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

Municipal Planning Strategy

- 02.03-1 – Settlement
- 02.03-2 – Environment and landscape values
- 02.03-3 – Environmental risks and amenity
- 02.03-6 – Housing

Planning Policy Framework

- 11 – Settlement
- 11.01-1S – Settlement
- 11.01-1R – Settlement – Loddon Mallee South
- 11.01-1L-01 – Settlement – Greater Bendigo
- 11.02-1S – Supply of urban land
- 12.01-1S – Protection of biodiversity
- 12.01-1L – Protection of biodiversity – Greater Bendigo
- 12.01-2S – Native vegetation management

- 13.02-1S – Bushfire planning
- 16.01-1S – Housing supply
- 18 – Transport
- 18.01-1S – Land use and transport integration
- 18.01-2S – Transport system
- 18.01-3S – Sustainable and safe transport
- 19.03-2S – Infrastructure design and provision
- 19.03-2L – Infrastructure, design, and provision – Greater Bendigo

Other Provisions

- 32.08 – General Residential Zone
- 36.04 – Transport Zone
- 44.06 – Bushfire Management Overlay
- 52.02 – Easements, restrictions, and reserves
- 52.17 – Native vegetation
- 52.29 – Land adjacent to the Principal Road Network
- 56 – Residential Subdivision
- 65.01 – Approval of an application or plan
- 65.02 – Approval of an application to subdivide land

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:
Internal referrals:

Drainage Engineer	No objection, subject to standard drainage and construction

	conditions to be included on any permit issued. Requested that Dianella Court be extended to join to proposed new road, however this will not be pursued given that it would result in the loss of vegetation that is currently identified to be retained.
Traffic and Infrastructure Engineer	No objection, subject to conditions relating to urban construction / road works.
Parks and Open Space	Some comments/concerns raised regarding the impact to existing trees adjacent to the Calder Highway and at the rear of lots 13, 14 and 15 and how these trees are protected into the future. Additional information and assessment provided as a result relating to these trees.

External referrals:

Coliban Water	No objection, subject to the following conditions: 1. The owner is required to provide reticulated water and sewerage services to each of the lots 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 in accordance with our specifications. 2. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation. 3. An agreement must be reached with Coliban Water to determine the sewer servicing strategy for this subdivision. The agreement can be made at any stage of the subdivision process before commencing the sewer works. A rough sewer servicing plan must be provided to Coliban Water at the point of discussion. 4. 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 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.
Powercor	No objection, subject to the following conditions: 1. This letter shall be supplied to the applicant in its entirety. 2. The plan of subdivision submitted for certification under the

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Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
3. 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.
4. 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.
5. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purpose of establishing a substation or substations.
Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:
• RESERVES established by the applicant in favour of the Distributor.
• SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
6. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes:
• Existing easements may need to be amended to meet the Distributor's requirements
• Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:
<table>
<tr><th>Easement Reference</th><th>Purpose</th><th>Width (Metres)</th><th>Origin</th><th>Land Benefited / In Favour Of</th></tr>
<tr><td></td><td>Power Line</td><td></td><td>Section 88 - Electricity Industry Act 2000</td><td>Powercor Australia Ltd</td></tr>
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<tr>
<td>Department of</td>
<td>No objection, subject to the following conditions:</td>
</tr>
</table>

Transport and Planning	1. Direct vehicular access from the subject land to the Calder Highway is not permitted. 2. The permitted movements at the intersection of Phillis Street and Calder Highway are: (a) Left-in; (b) Left-out; and (c) Right-in. 3. Unless otherwise agreed in writing, and prior to certification of the Plan of Subdivision, a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 26/07/2022 and annotated DWG No. G31602-01-01 prepared by Traffix Group but modified to show: (a) 'Left out only' sign at Phillis Street and Calder Highway intersection enforced with raised traffic island to form a left out only arrangement from Phillis Street. (b) The swept path analysis of a 12.5 metre single unit design vehicle and 19m Semi check vehicle for all movements that is to access the intersection of Phillis Street and Calder Highway. (c) Extension of existing central traffic Island and Channelised Right (CHR) turn lane length on Calder Highway to support right turn ban out of Phillis Street. (d) All services, trees, line marking, signs on-road lighting etc. that are to remain in place or to be relocated it removed. (e) An updated development Traffic Impact Assessment Report generally in accordance with the Traffix Group Traffic Report REF: G31602R-01 Dated August 2022 must be submitted to and approved by the Head, Transport for Victoria, and the Responsible Authority. The Traffic Impact Assessment must include an updated SIDRA analysis and turn lane warrants assessment in accordance with the current AustRoads Guidelines, for conditions 10 years post development, with a 3.9 % growth rate on the Calder Highway at the intersection of: (i) Phillis Street and Calder Highway, (ii) Karula Close and Calder Highway (f) Any mitigation measures outlined in the updated Transport Impact Assessment must be included on the FLPs to the satisfaction of and at no cost to the Head,

	Transport for Victoria, and the Responsible Authority. (g) Indicative intersection lighting at Phillis Street to the Australian Standards. 4. A Road Safety Audit must be undertaken for the FLP's in accordance with the Road Safety Audit Policy unless otherwise agreed with the Department. The audit findings and the consultant's responses to the findings must be provided to the Head, Transport for Victoria, for review and approval. Any mitigating works arising out of the audit must be carried out by the applicant at no cost and to the Department's satisfaction for the relevant stage of subdivision. 5. Unless otherwise agreed in writing and prior to the consent to issue a Statement of Compliance, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria: 1. Installation of left only treatments Phillis Street and Calder Highway intersection. 2. Extension of existing Island and Channelised Right (CHR) turn lane length on Calder Highway to support right turn ban out of Phillis Street. 3. Intersection lighting at Phillis Street to the Australian Standards. 4. Any other works identified in the updated Traffic Report Any other works in the road reserve as required.
Downer Utilities	No response received.
Department of Energy, Environment and Climate Action	No objection, subject to the following conditions: <u>Notification of permit conditions</u> 1. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection. <u>Protection of native vegetation to be retained</u> 2. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at: (a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and (b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

	The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department. 3. Except with the written consent of the department, 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) Construction of entry and exit pits for underground services; or (e) Any other actions or activities that may result in adverse impacts to retained native vegetation. <u>Native vegetation offsets</u> 4. The total area of native vegetation permitted to be removed is 1.107 hectares, as identified in Native Vegetation Removal Report CUM_2022_088, comprised of • 13 patch(es) of native vegetation with a total area of 1.107 hectares (containing 12 large canopy trees • 4 small, scattered trees 5. To offset the removal of 1.107 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following: • A general offset of 0.561 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district; • Have a Strategic Biodiversity Value score of at least 0.535; • Provide protection for at least 12 large tree; • Must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017). <u>Offset evidence</u> 6. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include: (a) A security agreement signed by both parties, and (b) A management plan detailing the 10-year management

	actions and ongoing management of the site to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification; and/or (c) Credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit. 7. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at loddonmallee.planning@delwp.vic.gov.au. Defendable Space 8. The adjoining Crown land must not be used for defendable space purposes.
Country Fire Authority	No objection, subject to the following conditions: 1. Bushfire Management Plan required Prior to certification under the Subdivision Act 1988, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the Section 173 Agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the BMP prepared by Spiire (Drawing No: 310255-V2-BMP (Version 1), dated 25/08/2022) but amended as follows: • Include Lot numbers on all Lots within the BMO subject to Bushfire Protection Measures • Building Construction heading to be correctly titled “Construction Standard” • Access condition to read “There are no design or

	construction standards as the fire authority does not require access to the static water supply tanks." 2. Additional matters to be set out in the Section 173 agreement in addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also: • Note that the subdivision includes areas of shared defendable space. These are areas where a Lot owner maintains the defendable space on their land for the benefit of themselves and the owners of other lots. • Require that the defendable space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not. 3. Hydrants Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA: • Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries. • The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority. **Note – CFA's requirements for identification of hydrants are specified in "Identification of Street Hydrants for Firefighting Purposes" available under publications on the CFA web site (www.cfa.vic.gov.au) 4. Roads Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width • Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA • Dead-end roads and cul-de-sacs more than 60mts in

	length from the nearest intersection must have a turning circle with a minimum radius of 8mts (including rollover kerb if provided); T or Y heads of dimensions specified by CFA may be used as alternatives • The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50mts. Dips must have no more than a 1 in 8 (12%0 (7.1 degrees) entry and exit angle 5. Curves must have a minimum inner radius of 10mts

Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers and two signs displayed on the site. As a result of advertising, 69 objections were received.

The objections can be summarised as follows:

- Traffic impacts to Calder Highway, including concerns with proposal to ban right turns from Phillis Street onto Calder Highway. Traffic lights or other measures (opening other roads, roundabout) at this intersection are suggested as a more appropriate solution.
- Traffic impacts on surrounding streets through increase in traffic from the subdivision – increased congestion.
- Future traffic impacts if/when surrounding vacant land is developed.
- Safety impacts from the changed traffic conditions.
- Inadequate traffic study/assessment prepared to support the application.
- Potential for traffic to bank up and cause a traffic hazard while waiting to do U turns at Karula Close.
- Additional wear and tear on vehicles and extra fuel costs from needing to travel extra distance.
- Negative impacts to the existing amenity of the area.
- Concern with proposed walkway between Dianella Court and the proposed subdivision.
- Impacts to native vegetation and wildlife.
- Increased bushfire risk and lack of safe alternative exit in an emergency.
- Inadequate public open space/footpaths.
- Impacts to the access to and functionality of Sandhurst Reservoir – proposed intersection changes are inadequate to manage current/future traffic requirements.

These objections can be broadly categorised into three themes being *traffic impacts*, *biodiversity impacts* and *bushfire risk*, all of which are valid planning considerations which are responded to directly within the planning assessment below.

The remaining concerns not fitting within these categories are also addressed within the planning assessment, under the heading of 'other objector concerns'.

Planning Assessment

- Is the proposed subdivision in accordance with planning policy relating to urban growth and the objectives and purpose of the General Residential Zone

Policy

Planning policy provides significant guidance at both the local and state level regarding the need to plan appropriately for population growth, including encouraging urban renewal and infill development in appropriate locations within the Urban Growth Boundary, as well as the encouragement of 10 minute neighbourhoods (see Clauses 02.03-1, 11, 11.01-1S, 11.01-1R, 11.01-1L-01 and 11.02-1S).

The need to provide for a variety of housing opportunities and plan for a sufficient supply of urban land is also advanced at Clauses 02.03-6 and 11.02-1S, which seeks to ensure the provision of a diverse range of dwelling types to suit differing needs of households and ensure that opportunities for the consolidation, redevelopment and intensification of existing urban areas are considered when planning for urban growth.

The proposed subdivision accords with these policy objectives insofar as it promotes urban consolidation and growth in a location which is well connected to services and transport options. Consideration has been given to how the site connects to the existing transport network and seeks to implement changes to ensure this can occur in a safe manner.

Zone requirements

The purpose of the General Residential Zone includes implementing planning policy, encouraging development that respects neighbourhood character, and encouraging a diversity of housing types and housing growth.

In assessing an application to subdivide land, the Zone sets out that the pattern of subdivision should be considered, along with the objectives and standards of Clause 56 of the Planning Scheme. Clause 65 of the Planning Scheme must also be considered.

As outlined above, it is considered that the proposed subdivision of land accords with relevant planning policy relating to urban development and consolidation and in doing so accords with two of the three objectives of the Zone relating to the implementation of planning policy and encouragement of housing diversity and growth. It is considered that the subdivision of the land would also be consistent with the existing established neighbourhood character of the area, whereby there is existing residential development at varying densities surrounding the land.

The proposal accords with the requirements of Clause 56 as demonstrated in the assessment below:

Clause/Standard	Description	Comments where applicable ☑ Complies; ☒ Does not comply
Clause 56.02	**Policy Implementation**	
Standard C1	Strategic implementation	☑ The application documentation has sufficiently demonstrated how the proposal is consistent with and implements relevant policies within the Planning Scheme.
Clause 56.03	**Liveable and Sustainable Communities**	
Standard C2	Compact and walkable neighbourhoods	N/A - This Standard is not relevant to the proposed subdivision as less than 60 lots are proposed.
Standard C3	Activity centre	☑ While the subdivision itself does not incorporate any new Activity Centre, the land is proximate to a commercial precinct (being Lansell Square Shopping Centre) which is located further north on the Calder Highway.
Standard C4	Planning for community facilities	N/A -This Standard is not relevant to the proposed subdivision as less than 60 lots are proposed
Standard C5	Built environment objective	☑ The proposed subdivision will be consistent with surrounding neighbourhood character and will match the existing identity and character of the area in terms of lot sizes, orientation, and anticipated land use.
Standard C6	Neighbourhood character	N/A - This Standard is not relevant to the proposed subdivision as less than 60 lots are proposed.
Clause 56.04	**Lot Design**	
Standard C7	Lot diversity and distribution	☑ Lots proposed within the subdivision range from 427m^2 to 1038m^2, which will result in a range of housing options and types on the land. Public transport services are also available within walking distance of the site. The nearest bus stop is to the north on Furness Street
Standard C8	Lot area and building envelopes	☑ The majority of lots are greater than 500m^2. Any lots less than 500m^2 will be able to contain a rectangle measuring 10m by 15m. It is not considered necessary to impose a building envelope restriction on any of the allotments.
Standard C9	Solar orientation of lots	☑ More than 70% of the lots will have an appropriate long axis orientation, The majority of the lots are oriented on an east west basis to maximise solar access for future dwellings.

Clause/Standard	Description	Comments where applicable ☑ Complies; ☒ Does not comply
Standard C10	Street orientation	☑ All lots have been designed to ensure that future dwellings will have adequate street frontage to both encourage social interaction and promote safety and security.
Standard C11	Common area	N/A The subdivision will not create common property land.
Clause 56.05	**Urban Landscape**	
Standard C12	Integrated urban landscape	☑ The subdivision would create new streets and public open space. A landscape design for these areas can be required as a condition on any permit granted.
Standard C13	Public open space provision	☑ It is not necessary for the subdivision to provide a network of public open space because the subdivision is not large enough and the site is not integrated with an area suitable for public recreation. A public open space contribution would be required as a condition on any permit issued.
Clause 56.06	**Access and Mobility Management**	
Standard C14	Integrated mobility	N/A -This Standard is not relevant to the proposed subdivision as less than 60 lots are proposed
Standard C15	Walking and cycling network	☑ The subdivision can be linked to the existing pedestrian and cycling network nearby to the land, and also provides for appropriate internal pedestrian and cyclist movement.
Standard C16	Public transport network	N/A -This Standard is not relevant to the proposed subdivision as less than 60 lots are proposed
Standard C17	Neighbourhood street network	☑ The design of the proposed streets within the subdivision has given regard to the existing and nearby road network, with connections to such as relevant. Roads will be designed in accordance with the Infrastructure Design Manual. No new direct access to the Calder Highway is proposed, with the internal street network linking Phillis Street and Everlasting Drive. Appropriate access for service and emergency vehicles will be provided.
Standard C18	Walking and cycling network detail	☑ The design of new footpaths, shared path and cycle path networks required for the subdivision will comply with the Infrastructure Design Manual.
Standard C19	Public transport network detail	☑ No new bus stops are required for the subdivision. The land is proximate to existing bus stops within Furness Street.
Standard C20	Neighbourhood street network detail	☑ The design of streets and roads will be required to meet the requirements of the Infrastructure Design Manual.
Standard C21	Lot access	☑ All new lots will obtain access from the internal road network via new crossovers. The design and construction of new crossovers will be required to meet the requirements of the Infrastructure Design Manual.
Clause 56.07	**Integrated Water Management**	
Standard C22	Drinking water supply	☑ Reticulated drinking water will be supplied to all the lots in the subdivision.
Standard C23	Reused and recycled water	N/A A recycled water supply is not available in the area.
Standard C24	Waste water management	☑ A reticulated wastewater system will be provided to all the lots in the subdivision in accordance with Coliban Water's requirements.

Clause/Standard	Description	Comments where applicable ☑ Complies; ☒ Does not comply
Standard C25	Urban run-off management	☑ A Drainage Strategy has been provided to support the application, and the implementation of such will be guided by permit conditions. Appropriate drainage can be provided to the subdivision.
Clause 56.08	**Site Management**	
Standard C26	Site management	☑ A construction management plan (CMP) is required, particularly as there is vegetation on the site and in the road reserve that must be protected during construction. Sedimentation flows discharged from the site must be managed.
Clause 56.09	**Utilities**	
Standard C27	Shared trenching	☑ Shared trenching will be used for underground services wherever possible.
Standard C28	Electricity, telecommunications, and gas	☑ Electricity will be supplied to each lot in the subdivision. ☑ Telecommunications will be supplied to each lot in the subdivision.
Standard C29	Fire hydrants	☑ New fire hydrants must be provided for the subdivision to the satisfaction of the CFA.
Standard C30	Public lighting	☑ New public lighting is needed for the subdivision.

Clause 65.02 also outlines a number of matters that the responsible authority must consider – as appropriate - before deciding on an application to subdivide land. These include the suitability of land for subdivision in terms of current and future use of surrounding and nearby land and demand for additional subdivided land; the pattern of subdivision, density and layout of proposed lots and associated infrastructure; bushfire risk, availability of services and protection of native vegetation through subdivision design.

Additionally, the responsible authority must consider the impact the development will have on the current and future development and operation of the transport system.

These matters have largely been assessed as part of the Clause 56 assessment above. Impacts to native vegetation, bushfire risk and implications in terms of the surrounding transport system are considered in more detail elsewhere within this report.

Based on the above assessments, it is considered that the proposed subdivision is in accordance with the purpose, objectives, and decision guidelines of the General Residential Zone.

- <u>Is the extent of proposed native vegetation removal acceptable?</u>

Planning policy recognises the importance of biodiversity and native vegetation, and the need to protect such. The importance of the role of native vegetation within

Greater Bendigo is highlighted through being often referred to as a ‘City within a Forest’.

Clause 02.03-2 notes that the City is encircled by extensive national, state, and regional parks, with numerous tracts of privately owned vegetated land, and areas of significant native vegetation along roadsides. Policy at Clause 12.01-1L states that biodiversity values should be supported through the retention of native vegetation in current and future built up areas, where it can be demonstrated that vegetation can be managed so as to not increase bushfire risk to life and property.

Clause 12.01-2S builds on these themes, setting out how native vegetation should be managed at a state-wide level, with an objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Decisions which involve, or lead to, the removal of native vegetation must apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation,* being to:

- Avoid the removal, destruction or lopping of native vegetation in the first instance;
- Minimise the impacts from the removal, destruction or lopping of native vegetation that cannot be avoided; and
- Where the removal cannot be avoided, to provide an offset to compensate for the biodiversity impacts resulting from this removal, destruction or lopping of native vegetation.

Clause 52.17 implements this policy and sets out the permit and application requirements for the removal of native vegetation.

Where land is proposed to be subdivided into lots less than 0.4 hectares (4,000 square metres), the consequential loss of vegetation must be considered at the subdivision stage, given that approval of the subdivision would create a future exemption, under the provisions, to remove this vegetation without a planning permit. On this basis, all vegetation on the site is to be considered as ‘lost’ for biodiversity purposes and is required to be offset, regardless of whether it is in fact to be removed as part of the proposed development. Retained vegetation is viewed as being retained for amenity and character reasons only.

In terms of the parameters of vegetation considered as lost as part of this application, this application would see the removal of 1.107 ha of native vegetation, including 12 large trees, to facilitate the subdivision.

While, as outlined above, all of the vegetation must be considered as lost, in this instance the applicant would seek to retain 9 trees on site, along with the vegetation adjoining the site on the Calder Highway (indicated at Figure 4 earlier within the report). It is also relevant to note that new streets would require appropriate street

tree plantings which have aesthetic and practical cooling benefits for future residents and the lots are of a size that would enable future land owner/ occupiers to plant trees on their own lots which will enhance their amenity.

The approach adopted by the permit applicant has been assessed as representing an acceptable outcome and a successful implementation of the three-step approach.

Vegetation removal has been avoided where possible in the first instance (in terms of layout and design of the subdivision), minimised for the balance of the site, and an appropriate offset will be available for all of the vegetation which is to be removed/considered lost. The applicant has taken steps to maintain vegetation on the site where possible for both positive biodiversity and amenity outcomes.

The extent of vegetation removal proposed as part of the application has also been reviewed by the Department of Energy, Environment and Climate Action, owing to the removal being in the *Detailed Assessment Pathway,* who has raised no objection and provided conditional consent to the application.

It is also important to note the balancing act and competing objectives of the protection of native vegetation versus appropriate bushfire protection. It is considered that the proposal has struck an appropriate balance between these objectives.

- Has bushfire risk has been adequately addressed?

Planning policy relating to bushfire risk is identified at Clause 13.02-1S of the Greater Bendigo Planning Scheme, which sets out that planning should give priority to the protection of human life, by prioritising human life over all other policy considerations. This is achieved through the direction of population growth into low risk locations and reducing community vulnerability to bushfire through appropriate consideration of bushfire risk in all stages of the planning process.

The site is within a Bushfire Management Overlay, which builds on the policy objectives set out at Clause 13.02-1S, and has the following purposes:

- Ensuring that the development of land prioritises the protection of human life and strengthens community resilience to bushfire;
- Identifying areas where the bushfire hazard warrants bushfire protection measures to be implemented; and
- Ensuring development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The Overlay sets out a number of mandatory application requirements, including the preparation of a Bushfire Hazard Site Assessment, a Bushfire Hazard Landscape

Assessment, and a Bushfire Management Statement (including Bushfire Management Plan). An application for subdivision within the Bushfire Management Overlay must also be referred to the CFA pursuant to Section 55 of the Planning and Environment Act, and must meet the specified location, design and construction measures set out at Clause 53.02 of the Planning Scheme.

Clause 53.02-4 applies to an application to subdivide land, and includes a number of objectives relating to landscape, siting, design, water supply, access, and specific subdivision requirements to ensure that any lots created are capable of being developed in accordance with the Clause and Bushfire Management Overlay objectives.

The information outlined above was prepared and submitted with the application material, with a subsequent referral to the CFA occurring as part of the application process. Conditional consent to the proposed subdivision was received from the CFA, with a number of conditions set out to be included on any permit granted (which are outlined earlier within this report).

Through preparation and assessment of the above documentation, it is considered that the proposal has appropriately addressed the requirements of policy and the Bushfire Management Overlay, along with Clause 53.02 of the Planning Scheme. Each (future) dwelling will be capable of being provided with adequate defendable space, will be required to provide adequate water supply for firefighting purposes, and will be afforded access that complies with emergency management requirements. Construction requirements can be mandated through enforcement of the Bushfire Management Plan which, if a permit were to issue, would be endorsed and would be registered on the Title of all allotments within the subdivision.

Bushfire risk has been appropriately recognised and assessed for the site, bushfire mitigation measures identified which can be implemented on an ongoing basis for the lots created and as a result, it can be considered that the proposal will not result in unacceptable risk to life or property from bushfire.

- Is the alteration to the intersection of Calder Highway and Phillis Street, which is proposed as part of the subdivision appropriate, and can any alternative be reasonably imposed?

A majority of objections to the application raise a range of traffic concerns resulting from the proposal, including:

- The right hand turn ban proposed from Phillis Street,
- Safety concerns relating to the intersection itself (particularly during busy periods), and

- Whether the application and proposed changes to the intersection had given any consideration to the Sandhurst Wastewater Treatment Plant which is accessed via Phillis Street.

Many of the objections went on to suggest alternative traffic solutions, with most suggesting the installation of traffic lights, and some suggesting the installation of a roundabout at the intersection instead or opening of other nearby roads to accommodate traffic exiting the area.

The original application and traffic impact assessment did not include commentary on the Sandhurst Water Treatment Plant or acknowledge that access to the plant occurred via Phillis Street and would therefore be impacted by any changes to this intersection. On this basis, objections from Veolia (as the commercial leaseholder and operator of the Treatment Plant) and Coliban Water (as the landowner) were received, which provided detail on the number of large vehicles which are required to access the Treatment Plant each week (being approximately 10-15), and noted that the majority of these would be required to perform a right hand turn out of Phillis Street back towards Bendigo on the occasions they did visit the site.

Like the majority of objectors, the objections from Veolia and Coliban Water suggested that the proposed intersection alterations are not appropriate, would cause inconvenience through the need to perform a U-Turn in order to head back into Bendigo and may introduce safety issues and increase the likelihood of accidents, particularly when large vehicles were required to perform these manoeuvres on the Calder Highway at Karula Close.

The objections from both Veolia and Coliban Water also seek an alternative traffic solution for the intersection, being the installation of traffic lights.

The right hand turn ban has been selected as an appropriate traffic response for the site based on a review of current traffic volumes in the area, estimates of proposed traffic generation resulting from the development and the current operation of the intersection itself. While right turns can be performed currently from Phillis Street onto the Calder Highway, this occurs without the ability for motorists to ‘stage’ their turn given there is no formal space provided within the median for vehicles to prop or wait without overhang into the adjoining lanes.

The Traffic Impact Assessment has also been subsequently updated to address the requirements of the Water Treatment Plant, with the updated assessment confirming that large vehicles, such as those required to frequent the Plant, will be able to safely perform U Turn manoeuvres at Karula Close, following some minor modification to the existing intersection.

Additionally, in terms of safety, it is noted that during school times (8:00-9:30am and 2:30-4:00pm) the speed limit south upon exiting Phillis Street is reduced to 40km/h. This should ensure that traffic required to head south to perform the U-Turn at Karula Close during those times can do so safely.

The Calder Highway forms part of the Principal Road Network for the State, with permission required under the Planning Scheme to alter access to this road, as noted earlier within this report. The Department of Transport and Planning (on behalf of the Head, Transport for Victoria), in its role as a referral authority pursuant to Section 55 of the Planning and Environment Act has reviewed the application and the proposed changes to the intersection, and has provided its conditional consent.

Given the findings of the Traffic Impact Assessments and the consent of the Department of Transport and Planning, the proposed changes are considered to be an acceptable response to the site and for the intersection.

While the need to perform a U Turn further south, in order to travel north into Bendigo may present some inconvenience to road users who are currently used to unrestricted movement from the current intersection, it is not considered that this inconvenience is unacceptable or reason enough to refuse the application. Many of the objections note that the current intersection is not safe and operating at its optimum, suggesting that change in some form is warranted.

Regarding the question of traffic lights, over time, some basic principles have been established relating to the application of permit conditions. These include that a condition must fairly and reasonably relate to the permitted development and that a condition must fulfil a planning purpose.

Section 62 of the PE Act sets out what conditions can be put on planning permits.

Sub-sections 62(5) and (6) relevantly provide:

…

(5) In deciding to grant a permit, the responsible authority may—
include a condition to implement an approved development contributions plan or an approved infrastructure contributions plan; or

(a) include a condition requiring specified works, services, or facilities to be provided or paid for in accordance with an agreement under section 173; or

(b) include a condition that specified works, services, or facilities that the

(c) responsible authority considers necessary to be provided on or to the land or other land as a result of the grant of the permit be—

i. provided by the applicant; or

ii. paid for wholly by the applicant; or

iii. provided or paid for partly by the applicant where the remaining cost is to be met by any Minister, public authority or municipal council providing the works, services, or facilities.

(6) The responsible authority must not include in a permit a condition requiring a person to pay an amount for or provide works, services, or facilities except—

(a) in accordance with subsection (5), section 46N (1) or 46GV(7); or

(b) a condition that a planning scheme requires to be included as referred to in subsection (1)(a); or

(c) *a condition that a determining referral authority requires to be included as referred to in subsection (1)(a).*

Section 62(6) provides that Council must not include a condition on a permit requiring a person to pay an amount for or provide works, service, or facilities, except in limited prescribed circumstances.

A requirement included on any permit for the current proposal that traffic lights must be installed, and costs borne by the developer of the proposed 55 lot subdivision could not be considered a fair or reasonable imposition. There is no policy, Development Contributions Plan or s173 Agreement that would mean that imposition of a condition requiring traffic lights would be lawful. A condition cannot be imposed in order to achieve an ulterior planning purpose, however good the intention or that it may be a good idea in more general planning terms.

It is indeed likely that the installation of lights at this intersection would be the optimum solution for all parties, however it is not one that can be implemented as a result of this development. Further discussion between the City and the Department of Transport and Planning regarding this need would be warranted outside of this planning process.

On this basis, the proposed changes to the intersection relating to the proposal are considered an acceptable and safe solution.

- Other objector concerns

In terms of amenity, while it is acknowledged that the subdivision will result in changed conditions, particularly for those who live immediately adjacent to the subject land, the use of this land as proposed, which is zoned for residential purposes the same as surrounding land, is not likely to result in any amenity impacts beyond that which you would expect in a residential setting. Residential use of surrounding land is well established in this area.

The creation of a walkway between Dianella Court and the proposed subdivision is an encouraged outcome in terms of pedestrian and cyclist connectivity and is not expected to result in a connection that cannot be appropriately managed.

Some concern was raised in terms of the provision of footpaths and the lack of an area of public open space being provided as part of the subdivision. Footpaths would be required to be provided throughout the proposed subdivision, as well as to link into the existing footpath network in the area. While it is acknowledged that there is no area of public open space to be provided on the site other than the proposed drainage retention basin, a public open space contribution would be required as a condition of any permit issued, in accordance with policy and requirements of the Planning Scheme.

A number of objections questioned the accuracy and adequacy of the Traffic Impact Assessment report submitted in support of the application, suggesting that it was not a true reflection of conditions and traffic at the Phillis Street/Calder Highway intersection due to the timing of traffic counts. Given that a second report has since been submitted, that the initial report was peer reviewed (at the City's request), and that the findings of the reports have also been found to be suitable by the Department of Transport and Planning, it is considered that the traffic information is correct and adequate to form an accurate assessment of the impact of the proposed intersection changes.

- Removal of easement

Given that the easement which is proposed to be removed does not contain any physical infrastructure nor is required for the future, it is considered that the proposed removal is an appropriate outcome.

Conclusion

Very few of the objections received to the application had concern with the proposed subdivision itself, with the main focus being the proposed changes to the intersection resulting from the subdivision of the land.

The proposed 55 lot subdivision, vegetation removal and removal of the disused easement are consistent with planning policy and planning scheme requirements and would represent an acceptable planning outcome for the land.

While the installation of traffic lights at this intersection may indeed be the optimum solution, it is not a solution that is available or reasonable to impose for the current planning application, for the reasons outlined earlier within this report. The changes that have been put forward as an alternative – being the right-hand turn ban from Phillis Street and U Turn requirement at Karula Close – have been assessed as a

safe and appropriate traffic solution that will allow for the continued safe use of the transport network.

It is recommended that Council form a position at the upcoming hearing at the Victorian Civil and Administrative Tribunal to support the proposal.

Options

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to advise the Victorian Civil and Administrative Tribunal and the permit applicant that, had it been making the decision on the application, it would have granted a permit, granted a permit with conditions, or refused to grant a permit.

Conflict of Interest

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

Proposed Notice of Decision Conditions

1. PLANS TO BE ENDORSED
   The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.

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

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 the certification of the plan of subdivision, a landscape plan must be submitted to the satisfaction of the responsible authority. When approved, the plan will be endorsed and then form part of the permit.

7. COMPLETION OF LANDSCAPING
Before a statement of compliance is issued for the subdivision the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the responsible authority.

8. LANDSCAPING MAINTENANCE
The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed, including that any dead, diseased or damaged plants are to be replaced.

9. VEGETATION TO BE RETAINED – RESTRICTION ON TITLE
Prior to the issue of a Statement of Compliance for the subdivision, an appropriate restriction must be registered on Title to protect the trees identified as being retained in the Vegetation Retention Plan, Revision B prepared by Spiire dated 23 November 2022. This restriction must state that the identified vegetation cannot be removed without the consent of the Responsible Authority. Any request to remove this vegetation must be accompanied by a vegetation assessment prepared by a suitably qualified professional which outlines why the tree cannot be retained.

10. REAR LOADING OF ALLOTMENTS – RESTRICTION ON TITLE
Prior to the issue of a Statement of Compliance for the subdivision, an appropriate restriction must be registered on the Title for allotments 13, 14, 15 and 16 stating that dwellings must be rear loaded and designed to provide an active frontage to the Calder Highway, with no high fencing or outbuildings to be located along the Highway frontage.

ENGINEERING CONDITIONS:

11. 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) Independent drainage for each lot.
(d) Stormwater detention.
(e) Stormwater quality.
(f) Drainage easements.

12. CONSTRUCTION OF WORKS

Prior to the issue of a 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) Fully sealed pavement with kerb and channel.
(b) Paved footpath including a link to the existing path in Phillis Street
(c) Underground drainage.
(d) Underground conduits for water, electricity, and telephone.
(e) Appropriate intersection and traffication measures.
(f) Appropriate street lighting and signage.
(g) Any reserves are to be fenced to the satisfaction of the responsible authority.

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 & sedimentation control works,
(b) Techniques and intervention levels to prevent a dust nuisance,
(c) Litter control
(d) Techniques to prevent mud and dirt being transported from the site to

adjacent streets and

(e) The protection measures taken to preserve any vegetation identified for retention.

(f) Staging of water quality works.

During construction of works associated with the subdivision, the must employ and provide the
protection methods contained in the Construction management Plan to the satisfaction of the Responsible Authority.

REFERRAL AUTHORITY CONDITIONS:

15. COLIBAN WATER

(a) The owner is required to provide reticulated water and sewerage services to each of the lots 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 in accordance with our specifications.

(b) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.

(c) An agreement must be reached with Coliban Water to determine the sewer servicing strategy for this subdivision. The agreement can be made at any stage of the subdivision process before commencing the sewer works. A rough sewer servicing plan must be provided to Coliban Water at the point of discussion.

(d) 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 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.

16. 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. 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).

(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. The applicant shall establish easements on the subdivision, for all existing Powercor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

(e) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

(f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

17. 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.

18. BUSHFIRE MANAGEMENT OVERLAY – MANDATORY CONDITION

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.

The landowner must pay the reasonable costs of the preparation, execution, and registration of the Section 173 Agreement.

19. COUNTRY FIRE AUTHORITY

(a) **Bushfire Management Plan required**

Prior to certification under the Subdivision Act 1988, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the Section 173 Agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the BMP prepared by Spiire (Drawing No: 310255-V2-BMP (Version 1), dated 25/08/2022) but amended as follows:

- Include Lot numbers on all Lots within the BMO subject to Bushfire Protection Measures
- Building Construction heading to be correctly titled “Construction Standard”
- Access condition to read “There are no design or construction standards as the fire authority does not require access to the static water supply tanks.”

(b) **Additional matters to be set out in the Section 173 Agreement**

In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also:

- Note that the subdivision includes areas of shared defendable space. These are areas where a Lot owner maintains the defendable space on their land for the benefit of themselves and the owners of other lots.
- Require that the defendable space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.

(c) **Hydrants**

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

**Note – CFA’s requirements for identification of hydrants are specified in “Identification of Street Hydrants for Firefighting Purposes” available under publications on the CFA web site (www.cfa.vic.gov.au)

(d) **Roads**

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width.

- The proposed roads must have a suitable trafficable width to allow unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.
- Dead-end roads and cul-de-sacs more than 60mts in length from the

nearest intersection must have a turning circle with a minimum radius of 8mts (including rollover kerb if provided); T or Y heads of dimensions specified by CFA may be used as alternatives.

- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50mts. Dips must have no more than a 1 in 8 (12%0 (7.1 degrees) entry and exit angle.
- Curves must have a minimum inner radius of 10mts.

20. DEPARTMENT OF TRANSPORT AND PLANNING

(a) Direct vehicular access from the subject land to the Calder Highway is not permitted.

(b) The permitted movements at the intersection of Phillis Street and Calder Highway are:
   i. Left-in;
   ii. Left-out; and
   iii. Right-in

(c) Unless otherwise agreed in writing, and prior to certification of the Plan of Subdivision, a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 26/07/2022 and annotated DWG No. G31602-01-01 prepared by Traffix Group but modified to show:
   i. ‘Left out only’ sign at Phillis Street and Calder Highway intersection enforced with raised traffic island to form a left out only arrangement from Phillis Street.
   ii. The swept path analysis of a 12.5 metre single unit design vehicle and 19m Semi check vehicle for all movements that is to access the intersection of Phillis Street and Calder Highway.
   iii. Extension of existing central traffic Island and Channelised Right (CHR) turn lane length on Calder Highway to support right turn ban out of Phillis Street.
   iv. All services, trees, line marking, signs on-road lighting etc. that are to remain in place or to be relocated it removed.
   v. An updated development Traffic Impact Assessment Report generally in accordance with the Traffix Group Traffic Report REF: G31602R-01 Dated August 2022 must be submitted to and approved by the Head, Transport for Victoria, and the Responsible Authority. The Traffic Impact Assessment must include an updated SIDRA analysis and turn lane warrants assessment in accordance with the current AustRoads Guidelines, for conditions 10 years post development, with a 3.9 % growth rate on the Calder Highway at the intersection of:

- Phillis Street and Calder Highway,
- Karula Close and Calder Highway

vi. Any mitigation measures outlined in the updated Transport Impact Assessment must be included on the FLPs to the satisfaction of and at no cost to the Head, Transport for Victoria, and the Responsible Authority.

vii. Indicative intersection lighting at Phillis Street to the Australian Standards

(d) A Road Safety Audit must be undertaken for the FLP's in accordance with Road Safety Audit Policy unless otherwise agreed with the Department. The audit findings and the consultant's responses to the findings must be provided to the Head, Transport for Victoria for review and approval. Any mitigating works arising out of the audit must be carried out by the applicant at no cost and to the Department's satisfaction for the relevant stage of subdivision.

(e) Unless otherwise agreed in writing and prior to the consent to issue a Statement of Compliance, the following works must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:

i. Installation of left only treatments Phillis Street and Calder Highway intersection.

ii. Extension of existing Island and Channelised Right (CHR) turn lane length on Calder Highway to support right turn ban out of Phillis Street.

iii. Intersection lighting at Phillis Street to the Australian Standards.

iv. Any other works identified in the updated Traffic Report

v. Any other works in the road reserve as required.

21. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION

Notification of permit conditions

(a) Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

(b) Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:

i. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and

ii. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.

(c) Except with the written consent of the department, 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:
   i. Vehicular or pedestrian access;
   ii. Trenching or soil excavation;
   iii. Storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products;
   iv. Construction of entry and exit pits for underground services; or
   v. Any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

(d) The total area of native vegetation permitted to be removed is 1.107 hectares, as identified in Native Vegetation Removal Report CUM_2022_088, comprised of
   - 13 Patch(es) of native vegetation with a total area of 1.107 hectares (containing 12 large canopy trees
   - 4 scattered trees

(e) To offset the removal of 1.107 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
   - A general offset of 0.561 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district;
   - Have a Strategic Biodiversity Value score of at least 0.535;
   - Provide protection for at least 12 large tree;
   - Must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

(f) Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
   i. A security agreement signed by both parties, and
   ii. A management plan detailing the 10-year management actions and ongoing management of the site

   to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including

photographs must be included in this notification;

and/or

iii. credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

(g) Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at loddonmallee.planning@delwp.vic.gov.au.

Defendable Space

(h) The adjoining Crown land must not be used for defendable space purposes.

22. EXPIRY OF THE PERMIT

The plan of subdivision is not certified within two years from the date of this permit; or

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.

Attachments

Nil

16.3. CA 7 Steins Road, Huntly 3551 – Use and Development of Two Stores, Removal of Native Vegetation and Reduction of Car Parking Requirements

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

Summary/Purpose

Application No:	DG/423/2022
Applicant:	Bendigo Planning Services
Land:	CA 7 Steins Road, HUNTLY 3551
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Land Subject to Inundation Overlay Schedule 1
No. of objections:	0
Consultation meeting:	Not required
Key considerations:	• Whether the proposed use and development of the stores is appropriate; • Whether the buildings have been appropriately sited on the land, including to avoid native vegetation removal; • Whether access arrangements are appropriate; • Whether bushfire risk has been appropriately managed and addressed; and • Whether the car parking reduction is appropriate.
Conclusion:	The proposal is a retrospective application for two already-constructed buildings and associated native vegetation removal. The buildings have been sited in a manner that does not avoid and minimise vegetation removal in accordance with clause 52.17 and associated State and local policies. The application also does not appropriately enshrine access to the lot on which the buildings are constructed. It is recommended that the proposal be refused on the grounds in the recommendation.

Recommended Motion

That Council issue a Notice of Refusal to Grant a Permit for the use and development of two stores, removal of native vegetation, and reduction of car parking requirements. at CA 7 Steins Road, Huntly on the following grounds:

1. The proposal does not appropriately avoid and minimise native vegetation removal, contrary to clause 52.17 and policy at clauses 12.01-01S, 12.01-1L, and 12.01-2S.

2. The proposal does not appropriately secure access to Steins Road.
3. The proposal has not fully documented all aspects of the proposal, notably the vegetation removal that would be required for the implementation of defendable space for the carport building.

Background Information

A previous application for this site was refused by Council on 23 November 2021 (DR/602/2019). This application sought approval for the use and development of the land for a dwelling and outbuildings; use of the land for a store; removal of native vegetation and creation of a carriageway easement. This application was refused on the following grounds:

1. The proposal is inconsistent with planning policy relating to rural dwellings and the protection of agricultural land.
2. The proposal does not achieve the three-step approach to the removal of native vegetation and would result in unacceptable adverse impacts on native vegetation and biodiversity.
3. The siting of the dwelling does not appropriately respond to the bushfire hazard, resulting in unacceptable risk to life and property.
4. The proposed easement presents an unorderly planning outcome.

Following refusal of application DR/602/2019 the City commenced enforcement action regarding the unauthorised, extensive native vegetation removal on the site and this enforcement action remains ongoing.

The current application was lodged on 30 June 2022 and follows on from the previously refused application by seeking retrospective approval for the *existing buildings* on the land. Approval is also sought for further vegetation removal on the site, to allow for the creation of defendable space around the buildings.

Further information was requested on 3 August 2022 seeking confirmation on how the proposed buildings on the land were intended to be used. The applicant advised that the use of the buildings was as stores associated with the maintenance of the land and servicing of stock agisted on nearby properties.

Assessment of the application has proceeded on the basis of this being the proposed use of the buildings.

Report

Subject Site and Surrounds

The application refers to the southern of two allotments referred to as Crown Allotments 7 & 7A, Section 26 Parish of Huntly. While strictly speaking this application does not include the northern parcel, the two parcels are in common ownership and the application requires understanding of the combined landholding.

The northernmost parcel (Crown Allotment 7A), which is not formally part of the application, is a deep parcel relative to its approximately 123m width, located on the south side of Steins Road. It has an area of approximately 7.24 hectares. The second parcel (Crown Allotment 7) is south of this and separated by an unmade government road that runs south from Steins Road along the western side of Crown Allotment 7A (see Figure 1). This second parcel is approximately 340m wide and 200m deep with an area of 6.77 hectares and is located approximately 600m south of Steins Road. A driveway runs along the west boundary of the northern site and provides access to the southern site (connecting through the government road between the two parcels). Figure 2 shows both parcels.

The southern part of the land (shown in detail in Figure 3) currently contains two main buildings which are located in the south west and central part of the allotment. One is a partially open structure which appears to be used in association with agriculture, and the other comprises a carport with two annexures/huts which had previously (unlawfully) been used for habitation.

Both of these buildings were constructed without a planning permit and the current application is seeking retrospective approval for the buildings to remain on the site.

Other buildings and works are scattered across the site, particularly across the northern parcel, and are largely in the form of agricultural infrastructure (silos, feeding stations, storage yards, animal shelters, poultry yards, fencing etc.). An area within the northern parcel is being used to store industrial related machinery. There are trees throughout most of both sites, apart from a cleared area in the southeast portion of the southern lot, visible in Figure 3.

Much of the surrounding land is heavily treed, especially to the west, and the site is within a Bushfire Management Overlay.

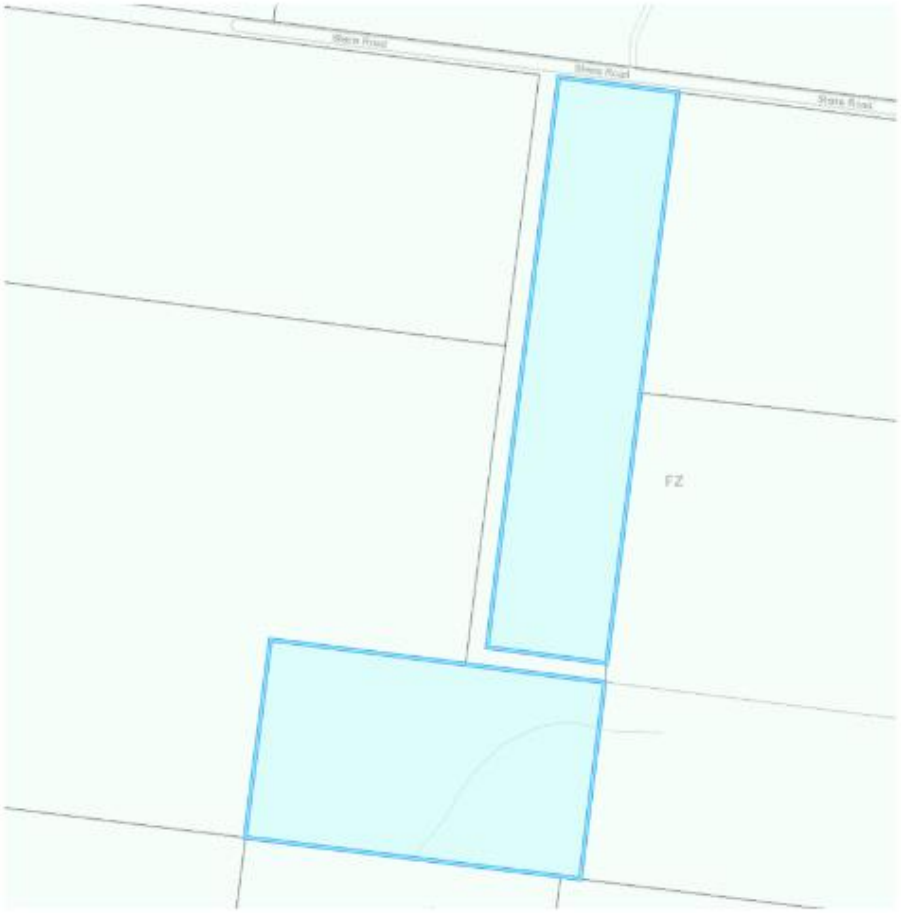


Figure 1: Location map showing subject parcels, including surrounding zoning.

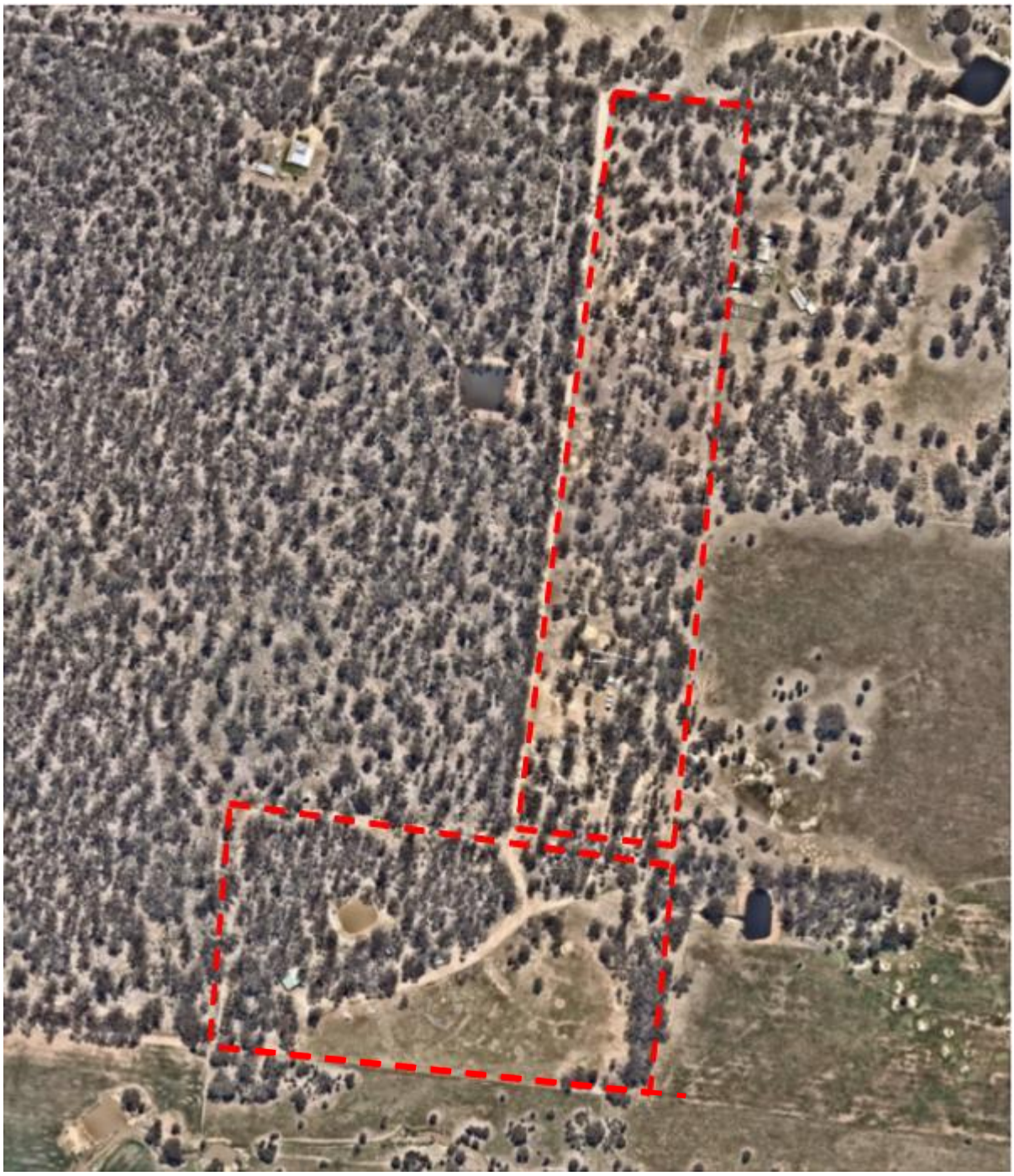


Figure 2: Aerial photography (20 October 2023) showing both parcels and immediate surrounds.



Figure 3: Aerial photography (20 October 2023) showing detail of southern parcel.

Proposal

The application seeks retrospective approval for the development of the land for two buildings, removal of native vegetation and a reduction in car parking requirements. The two buildings have already been constructed. Both buildings are considered to be use and development of a “store”, with the issue of how the use is characterised discussed in more detail later in this report.

The layout of the southern lot is shown in Figure 4.



Figure 4: Site plan of southern lot with existing buildings shown (which are the subject of this application).

The first building is located in the south-western area of the site, setback a minimum of 46.5 metres from the western (side) boundary and a minimum of 51.5 metres from the southern (rear) boundary. It is 11.99 m long and approximately 21.6m wide, with a floor area of 200sqm and an overall height of 5.6 metres. It is constructed of two shipping containers, set 16.72m apart, with a roof suspended between them as shown in Figure 5. The applicant has advised it will be used to store various agricultural machinery and equipment.

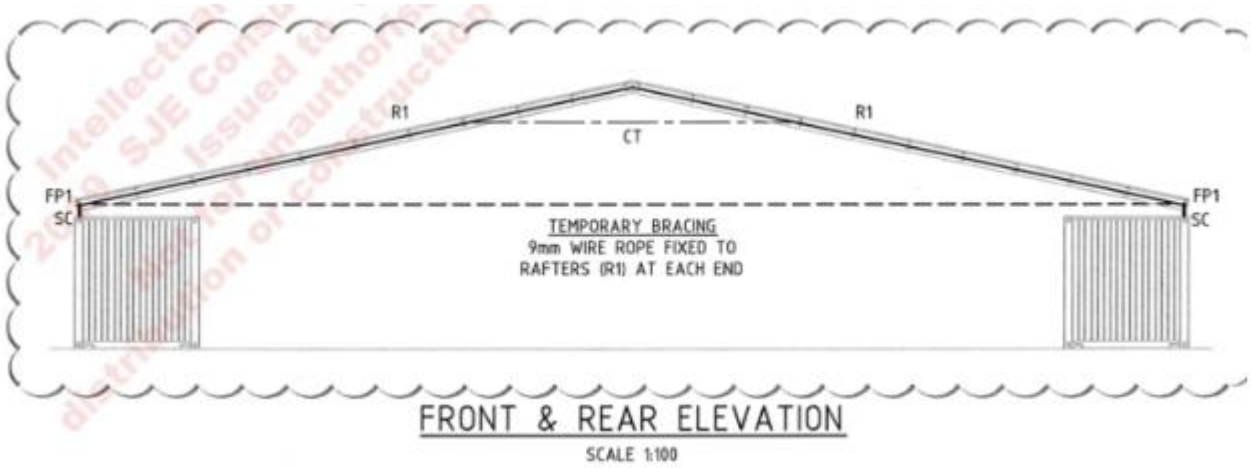


Figure 5: Elevation of the first store building

The second building is a carport structure located close to the centre of the southern lot. It is setback 86.3 metres from the southern (rear) boundary and approximately 65 metres from the seasonal waterway that traverses the site from north to south, to the east of the building. No elevation plans have been provided for this building.

The application also seeks removal of an area of native vegetation, comprising a patch and small trees from within the defendable space of the store, to a radius of 29m, as shown in Figure 6. This would comprise 0.440 hectares of vegetation. No defendable space is shown around the carport building in the submitted material, but a store would typically require defendable space.

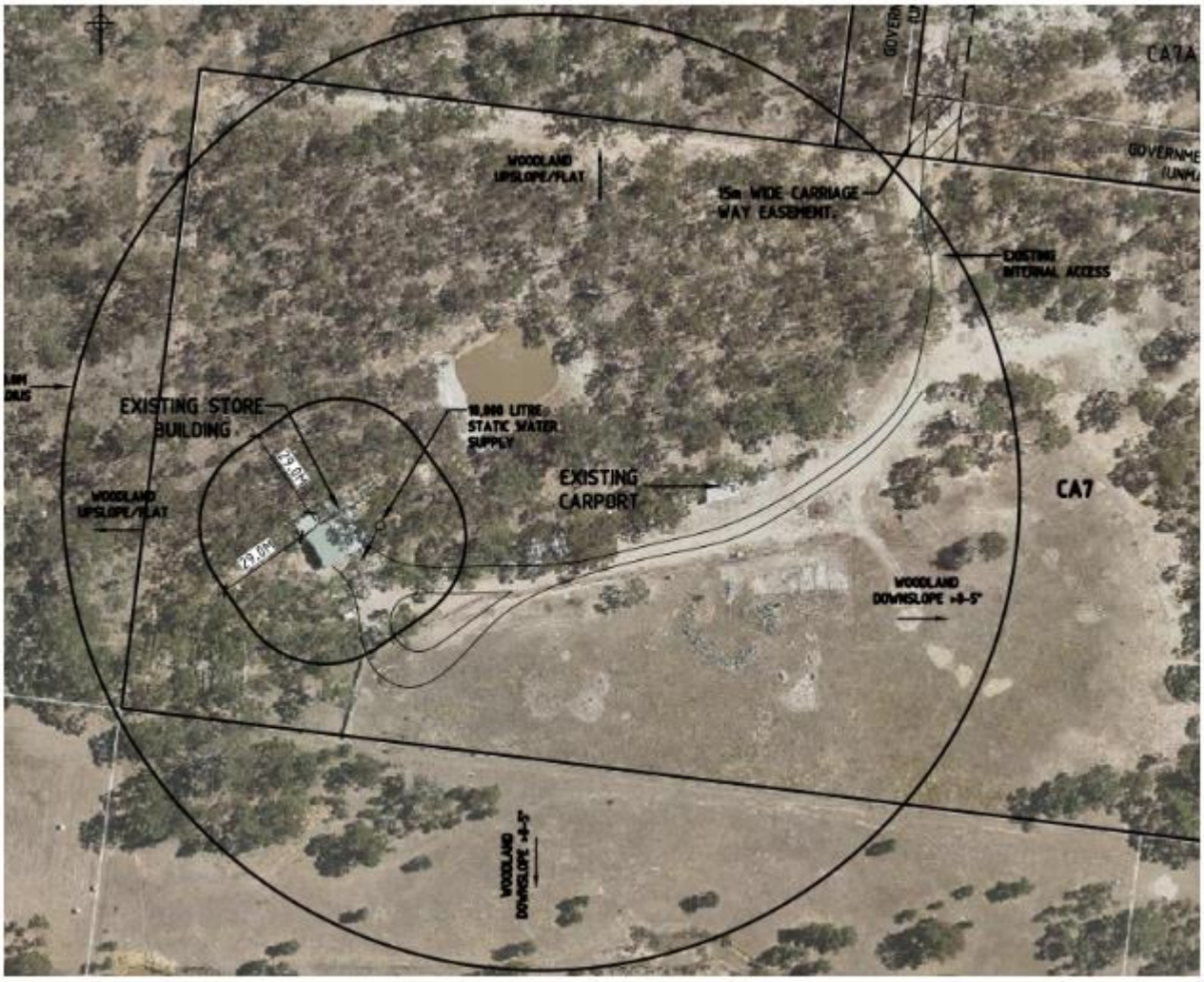


Figure 6: Extract from Bushfire Management Plan showing defendable space.



Figure 7: Extract from Native Vegetation Removal Report showing native vegetation removal required to provide defendable space.

The application plans make reference to a carriageway easement across the northern lot, in favour of the second lot, but this has not formally been sought as part of the application.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

Clause	Permit Trigger
Clause 35.07-1 Farming Zone	A permit is required to use the land for a store – Section 2 use.
Clause 35.07-4 Farming Zone	A permit is required for buildings and works associated with a Section 2 use and that encroach on the 100-metre setback from a waterway.
Clause 44.04-2 (Land Subject to Inundation Overlay)	A permit is required to construct a building or to construct or carry out works.
Clause 44.06-2 (Bushfire Management Overlay)	A permit is required to construct a building associated with a warehouse (store).

Clause	Permit Trigger
Clause 52.06-3 – Car Parking	A permit is required to reduce the standard car parking rate.
Clause 52.17-1 – Native Vegetation	A permit is required to remove native vegetation.

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

Municipal Planning Strategy

Clause 02.03-1	Settlement
Clause 02.03-2	Environment and Landscape Values
Clause 02.03-2	Environmental Risks and Amenity
Clause 02.03-4	Natural Resource Management

Planning Policy Framework

Clause 12.01-1S	Protection of Biodiversity
Clause 12.01-1L	Protection of Biodiversity – Greater Bendigo
Clause 12.01-2S	Native vegetation management
Clause 13.01-1S	Natural hazards and climate change
Clause 13.02-1S	Bushfire Planning
Clause 13.03-1L	Floodplain Management – Greater Bendigo
Clause 14.01-2S	Sustainable agricultural land use
Clause 14.02-2S	Water quality
Clause 15.01-6S	Design for rural areas

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
Country Fire Authority	Consented to the application subject to standard conditions and endorsement of the BMP.
North Central Catchment Management Authority	No objections and no conditions.
Environmental Health	Further information confirming the use of the shed is required to ascertain if wastewater will be generated. No plumbing fixtures are permitted to be installed in the shed without prior approval from the City. Wastewater shall not be generated from the shed without prior approval from the City.

Public Notification

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

No objections were received at the conclusion of the advertising process or to date.

Planning Assessment

Is the proposed use and development of the stores appropriate in the zone?

The proposed shed and carport building are both considered to comprise the land use “store.” A store is defined within the Planning Scheme as ‘*Land used to store goods, machinery or vehicles’.* The previous permit application for the site sought these buildings in association with a dwelling, but that application was refused. With the buildings subsequently being built in the absence of that dwelling on the land and no dwelling now proposed, they must be considered as their own land use.

In principle, buildings of the scale proposed could clearly exist somewhere on the land if associated with an appropriate use of the land. However, the manner in which this application has been made and where the buildings have been sited, presents some difficulties. This includes concerns about the siting of the buildings, access arrangements, and the information submitted to support the application which can be described as limited at best.

The applicant has failed to demonstrate that the store buildings are genuinely required to support ongoing management and maintenance of the land.

Are the buildings appropriately sited on the land, including to avoid native vegetation removal?

The two store buildings are not considered to have been appropriately sited on the land.

It is long accepted practice, well tested at the Victorian Civil and Administrative Tribunal, that the assessment of a proposal is not affected by buildings having been constructed without a permit. It is therefore not a factor counting against the approval of these buildings that construction proceeded after the previous application was refused.

At the same time, however, the fact that these buildings already exist does not warrant support of a proposal that would otherwise not be supported.

In this case, if the approvals were sought for these buildings in their current location prior to their construction and the associated vegetation removal, an alternate location would be pursued. The store buildings have been located within treed areas of the site, necessitating vegetation removal for both the building footprint and the defendable space around each store (although this has not been shown for the carport building).

This is despite the clear opportunity to have the stores located in the southeast portion of the site, which includes substantial cleared areas that are still easily accessed from the existing access driveway. Such a location could either reduce or potentially eliminate, the need for removal of native vegetation. (As a secondary benefit, it appears likely that such a location would also reduce bushfire risk to the buildings).

Clause 52.17 – Native Vegetation, and the underlying *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* that it implements, requires a three-step assessment where removal of vegetation is first avoided and then minimised, before proceeding to approval of native vegetation removal. This application has not demonstrated this avoidance or minimisation given the availability of plausible alternate locations for these buildings.

While some native vegetation removal has already occurred, this is not the full extent of vegetation removal required for these buildings. Furthermore, if the buildings were removed from this part of the site and into cleared land, there would be scope for regeneration of habitat in this area, which is surrounded by trees.

It is noted that the buildings also reduce setbacks from a watercourse. Because neither building is habitable, it is considered impacts upon the watercourse would be minimal so this is not considered a significant impediment to the proposal.

Are access arrangements appropriate?

The rear lot is notionally accessible by a government road, but this road is unmade and heavily vegetated. This means that the rear (south) lot is currently only accessible through the northern lot. The two lots are currently separately transferable. While buildings can be constructed on this lot, it is not considered appropriate to allow this without access being secured to avoid a situation where the buildings cannot be accessed.

It is therefore considered that a carriageway easement should be required across the northern lot. While this is referred to on the plans, this has not been formally included as part of the application.

It is not appropriate to approve buildings on the southern lot without the access arrangements being secured. Creating an easement changes the nature of the application and cannot be required by condition. In the absence of this request having been made, and therefore legal access to the land in question not being provided, it is a poor planning outcome to approve the buildings without formal access arrangements being in place. This factor alone warrants refusal of the application.

Has bushfire risk been appropriately managed and addressed?

The proposal is within the Bushfire Management Overlay and was accompanied by a Bushfire Management Plan and Bushfire Hazard Assessment. These were referred to the CFA (a recommending referral authority) for comment. The CFA has consented to the grant of the permit without changes to the submitted Bushfire Management Plan.

It is considered that there should be defendable space around both stores, however the current plans only show defendable space and associated vegetation removal around the larger building. While this could be remedied through the submission of revised material, it would increase the extent of vegetation removal required for both the buildings.

As discussed above, this is considered an avoidable impact given the buildings could be sited elsewhere on the land and would be at odds with both the three step approach to vegetation removal (avoid, minimise, offset), as well as policy surrounding bushfire management, which notes that development approvals should implement bushfire protection measures without unacceptable biodiversity impacts.

While it is accepted that an appropriate bushfire response could be achievable on the land, the defendable space for the second store / carport building would need to be resolved and is not considered to have been appropriately addressed in the current application material.

Is the proposed car parking reduction appropriate?

The need for a parking reduction arises because of a technical oddity in that the parking requirement nominated in the planning scheme for a store is ten percent of the site area. This is a rate originated in the context of industrial developments, where stores may require significance open hardstand and circulation areas. Applied to this site, this rate would require approximately 6,800 square metres devoted to parking. This is clearly inappropriate.

In practice, one of the stores is a carport and the buildings do not create a concern with regards to parking provision so this aspect of the application is considered acceptable.

Conclusion

The proposal is a retrospective application for two already-constructed buildings and associated native vegetation removal. The buildings have been sited in a manner that does not avoid and minimise vegetation removal in accordance with clause 52.17 and associated State and local policies. The application also does not appropriately enshrine access to the lot on which the buildings are constructed. Combined, these result in a poor planning outcome for the land and should not be supported.

It is recommended that the proposal be refused on the grounds in the recommendation of this report.

Should the recommendation be supported and an application to review the decision of refusal is not lodged with the Victorian Civil Administrative Tribunal (VCAT) within 60 days of the refusal being issued, the City will commence enforcement action requiring removal of any unlawful buildings and works and native vegetation offsets.

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

16.4. 4 Hustlers Road, Bendigo 3550 - 2 Lot Subdivision

Author:	Shannon Rosewarne, Senior Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DSD/400/2023
Applicant:	Penno Drafting & Design
Land:	4 Hustlers Road, BENDIGO 3550
Zoning:	General Residential Zone
Overlays:	Nil
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	• Whether the proposed subdivision layout is consistent with the established neighbourhood character and pattern of subdivision in the street. • Whether the proposed subdivision will result in the construction of dwellings that provide for appropriate spacing within the streetscape. • Whether the proposal complies with ResCode (Clause 56) • Whether the level of investigation regarding contamination is acceptable.
Conclusion:	The proposal is an unacceptable planning outcome for the site with regards to the relevant provisions of the Greater Bendigo Planning Scheme. It is recommended that Council refuse this application.

Recommended Motion

That Council issue a Notice of Refusal to Grant a Permit for 2 lot subdivision at 4 Hustlers Road, BENDIGO 3550, on the following grounds:

1. The application is inconsistent with the objective and strategies of Clause 15.01-5S, the strategies contained within Clauses 15.01-5L-01 and 15.01-5L-02, and the purposes of Clause 32.08 (General Residential Zone) as the proposed subdivision layout fails to respect the preferred and existing neighbourhood character.
2. The proposal fails to satisfy the objectives and standards of Clause 56.03-5 (Neighbourhood character objective) and Clause 56.04-2 (Lot area and building envelopes objective) as the subdivision will not allow for the appropriate siting of dwellings within the streetscape.

Background Information

The initial application was for a two-lot subdivision and construction of two attached double storey dwellings. Officers advised the applicant that the design response was not supported on the basis that it was:

- Not site responsive; and
- The design of the proposed dwellings would not be consistent with the existing and preferred pattern of development in the streetscape.

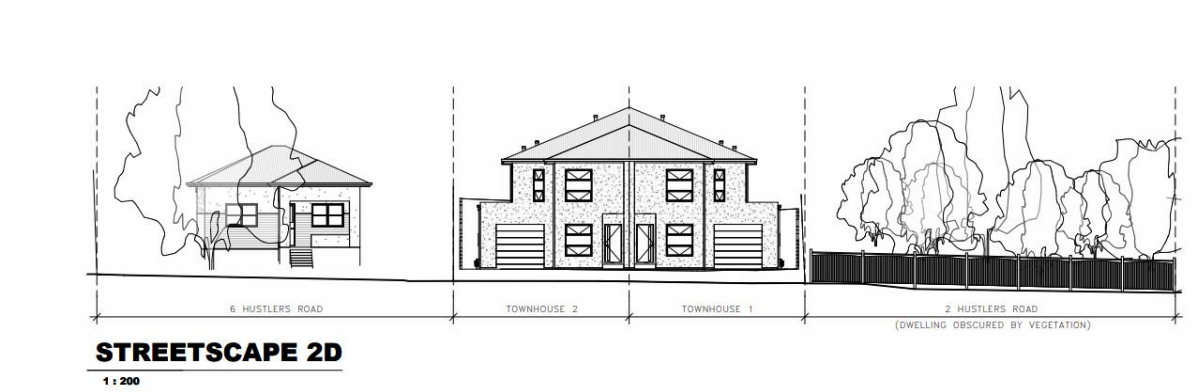


Figure 1. Streetscape elevation of dwellings originally designed for the subdivision. (Note that dwellings *do not* now form part of the current proposal and design is indicative only)

The application was formally amended on 15 August 2023 to delete the development component and is now for subdivision only. The same subdivision layout was retained as originally proposed in the amended application.

A building permit has been issued for the demolition of the existing dwelling and outbuildings on the land.

Report

Subject Site and Surrounds

The subject site is located on the eastern side of Hustlers Road in Bendigo, approximately 60 metres north of the intersection with Milroy Street. The site has an area of approximately 986 square metres with a frontage of 19.84 metres to Hustlers Road. It is generally rectangular in shape and has a fall of approximately 7 metres from the east (rear) down to Hustlers Road.

The site is currently developed with a single storey, detached weatherboard dwelling dating to 1938.

Hustlers Road has a 10-metre-wide sealed pavement with kerb and channel on both sides of the street. A concrete footpath exists on the western side of the street while a bitumen footpath exists up to the title boundary on the eastern side of the street, extending from Milroy Street. Overhead power lines are in the road reserve on the eastern side of Hustlers Road. Some street trees exist along both sides of the street.

Adjoining the site to the north at 6 Hustlers Road is a single storey, detached weatherboard and render dwelling dating to 1937. To the south of the site, No. 2 Hustlers Road contains a single storey, detached interwar period Spanish mission style rendered dwelling. The site adjoins a vacant Crown land parcel to the rear at 22 Nieman Street and there is a larger parcel of Crown land further north of the subject site on the eastern side of Hustlers Road.
Opposite the site on the corner of Milroy Street and Hustlers Road is a motor mechanic business, with the building designed to face Milroy Street. North of this commercial building detached single storey dwellings are the predominant built form on the western side of Hustlers Road. On the opposite corner of Milroy Street and Hustlers Road is the Old Boundary Hotel.

The majority of lots in the immediate vicinity of the site are conventional, suburban lot sizes, but there are some smaller lots within the area.



Figure 2: Location map showing subject site and surrounds.



Figure 3: Aerial photograph showing subject site and surrounds.

Proposal

The proposal is for a two-lot subdivision of the land. The existing dwelling would be demolished and the subdivision would create two vacant lots with areas of 491 and 495 square metres. Each lot would have a frontage of 9.92 metres to Hustlers Road.

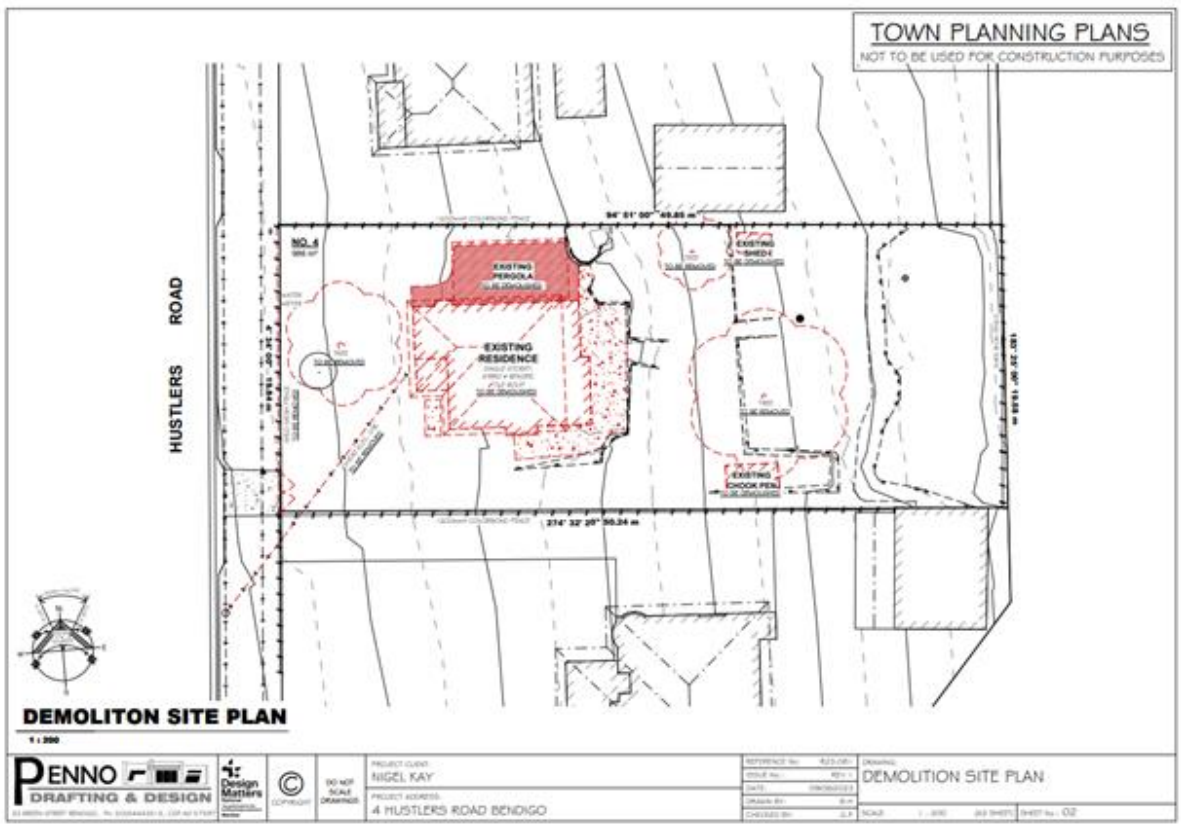


Figure 4: Existing conditions and proposed demolition plan

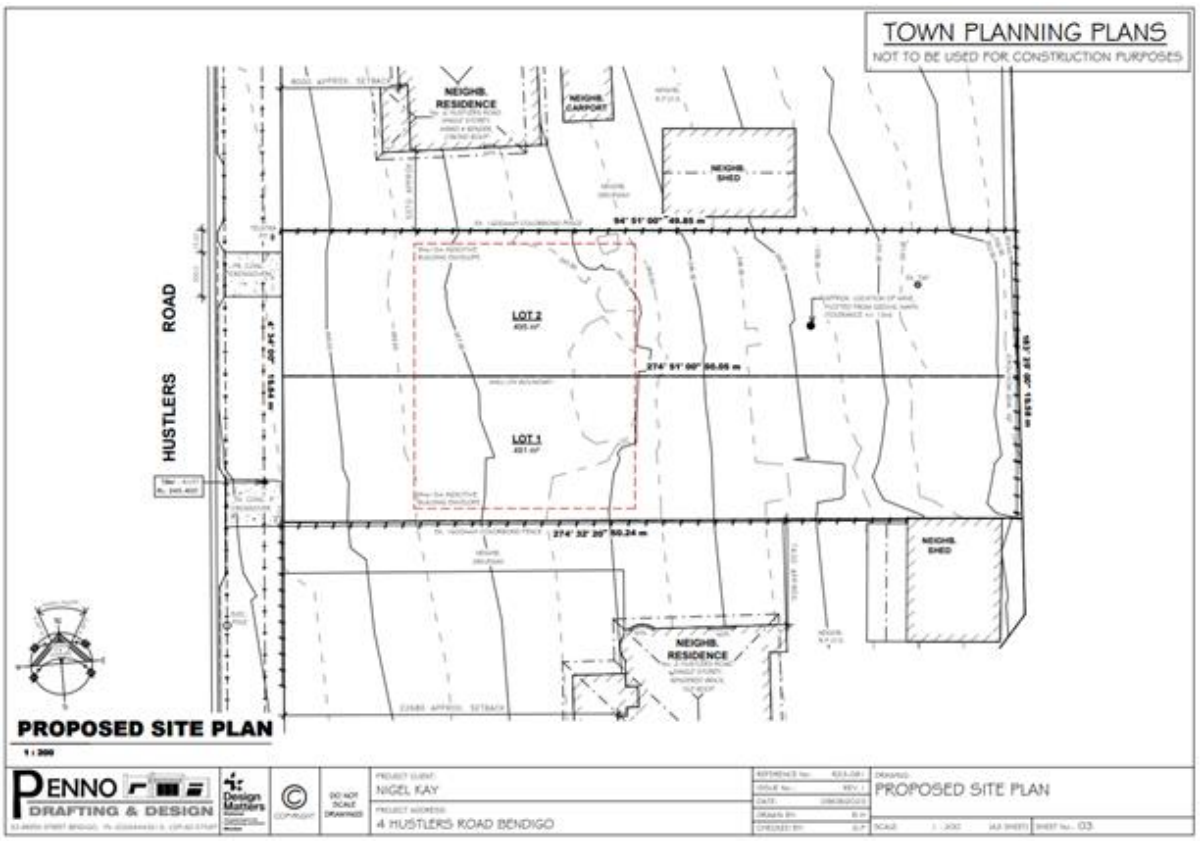


Figure 5: Proposed plan of subdivision

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The need for a planning permit is triggered by:

- Clause 32.08-3 of the General Residential Zone states that a permit is required for subdivision of land.

A planning permit is not required for the demolition of the existing buildings on the land as there are no overlays applying to the site which would trigger a permit for demolition.

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

Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.03-1 Settlement
- Clause 02.03-5 Built environment and heritage
- Clause 02.04 Strategic framework plans

Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.01-1L-01 Settlement – Greater Bendigo
- Clause 11.01-1L-02 10-minute neighbourhoods – Greater Bendigo
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighhbourhood character
- Clause 15.01-5L-01 Neighbourhood character – Greater Bendigo
- Clause 15.01-5L-02 Central Bendigo neighbourhood character
- Clause 16.01-1S Housing supply

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 56 Residential subdivision
- Clause 65.01 Approval of an application or plan
- Clause 65.02 Approval of an application to subdivide land
- Clause 71.02-3 Integrated decision making

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Engineering -Traffic	No objection subject to conditions relating to the construction of access.

Referral	Comment
Engineering - Drainage	No objection subject to conditions relating to detailed drainage plans, construction of works including stormwater drainage, a requirement for a Section 173 Agreement in relation to a stormwater system and a note for consent for work on road reserves.
Department of Energy, Environment and Climate Action (DEECA)	Notice of the application was given to DEECA under section 52 of the Act, as an adjoining property owner. DEECA had no objection to the application but requested conditions of permit relating to preventing access and encroachment onto the Crown land.
EPA	Comments on the application were sought from EPA under section 52 of the Act in relation to the contamination report. EPA recommended that further sampling be undertaken to determine the risk and whether there are any contamination hot spots on the site that would need to be managed. There were limited samples to determine whether high concentrations of contaminants were widely distributed across the site.

Public Notification

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

Planning Assessment

Planning policy

The following clauses of the Planning Policy Framework and Municipal Planning Strategy are relevant in the consideration of this application:

Clause 02.01 (Context) of the Municipal Planning Strategy notes that Greater Bendigo is growing rapidly with a projected population of over 150,000 people by 2036 and a population target of 200,000 by 2041. Clause 02.03-1 (Settlement) states that an additional 1,000 new dwellings per year will be required to accommodate this growth.

Strategic directions for settlement include containing most of Greater Bendigo's growth within the Bendigo Urban Growth Boundary and facilitating 10-minute neighbourhoods.

Clause 02.03-5 (Built environment and heritage) seeks to implement the principles of 10-minute neighbourhoods, facilitate active transport and compact and sustainable urban forms, and facilitate a safe, pleasant, comfortable, and visually appealing urban environment.

The subject site is located within the Urban Growth Boundary, as shown on the Urban Strategic Framework Plan at Clause 02.04 (Strategic framework plans).

Clause 11.01-1S (Settlement), Clause 11.01-1R (Settlement – Loddon Mallee South) and Clause 11.01-1L-01 (Settlement – Greater Bendigo) identify that Bendigo is a major regional city within the Loddon Mallee South region. It is a major population and economic growth hub for the region. Clause 11.01-1L-01 seeks to direct growth to areas within the Bendigo Urban Growth Boundary, as well as key locations in the urban area and 10-minute neighbourhood locations are supported for compact development.

Clause 11.01-1L-02 (10-minute neighbourhoods – Greater Bendigo) contains the objective to develop a network of attractive neighbourhoods that allow most people to access local facilities and services within 10 minutes walking or cycling from their home.

Clause 13.04-1S (Contaminated and potentially contaminated land) seeks to ensure that contaminated and potentially contaminated land is used and developed safely. Strategies include:

- Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.
- Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.
- Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

Clause 15.01-3S (Subdivision design) aims to ensure the design of subdivisions achieves attractive, safe, accessible, diverse, and sustainable neighbourhoods.

Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity and sense of place. Strategies include:

- Supporting development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

- Ensuring the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensuring development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.
  - Neighbourhood character values and built form that reflect community identity.

Clause 15.01-5L-01 (Neighbourhood character – Greater Bendigo) contains a number of strategies which include:

- Maintaining the garden setting of dwellings by retaining large trees and planting new trees, including native trees (where identified as part of the character).
- Maintaining the rhythm of dwelling spacing by setting buildings back from at least one side boundary.
- Minimising site disturbance and the impact of the building on sloping landscapes by stepping buildings down contours.
- Ensuring new buildings and extensions do not dominate the streetscape by matching their height and roof form with the predominant height and roof form in the street.

The subject site forms part of the Central Bendigo 5 neighbourhood character precinct, which is identified in Clause 15.01-5L-02 of the Planning Policy Framework. Strategies for this precinct are as follows:

- Maintain the existing neighbourhood character of this precinct that is drawn from:
  - The openness of streetscapes and spaciousness of dwelling settings.
  - Consistent front and side setbacks.
  - Long, low elevations of buildings in relation to height.
  - The pattern established by the occasional dwelling that is sited at an angle to the street.

The site is located in the suburb of Bendigo, relatively close to the city centre and presents an opportunity for infill development. The existing dwelling is not affected by any overlays and there is no requirement to obtain planning approval to remove the existing dwelling on the land. The site is well located in terms of its proximity to the activity centre within the Bendigo city centre, schools, public open space reserves, including recreation facilities, and public transport.

From a strategic planning perspective, the site is appropriately located and is of sufficient size to allow for additional density. The location of the site supports 10-minute neighbourhood principles. The proposed subdivision would add to the available residential land for the development of dwellings in Bendigo, which

supports planning policies which encourage infill development in appropriate locations to provide accommodation for the forecast population increase.

Some investigation of contamination of the land has occurred with the preparation of a preliminary site investigation report which included soil testing, as the land is in an area formerly subject to mining activity. The report has revealed a hot spot of contamination on the site and EPA has recommended further soil testing to determine the level of contamination across the site and appropriate remediation measures to make the site suitable for residential use.

However, the main concern with this proposal is how the proposed layout of the subdivision responds to the preferred and existing neighbourhood character of the area. The proposed subdivision layout would result in dwellings on the land being attached or sited quite close together due to the width of the lots. The subdivision does not maintain the predominant rhythm of dwelling spacing within the street or the wider precinct. The width of the frontages at 9.92 metres is not consistent with the existing pattern of subdivision. Existing dwellings in the precinct are commonly sited at angles to the street and frontages are typically more than 15 metres wide, resulting in a sense of spaciousness between dwellings. The character of the precinct could be described as ‘dwellings in grounds’. The proposed subdivision would interrupt the existing pattern of development in the street as dwellings constructed on the lots would have minimal side setbacks.

General Residential Zone

The purposes of the zone include encouraging development that respects the neighbourhood character of the area, encouraging a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The decision guidelines for subdivision under this zone at Clause 32.08-14 also require consideration of the pattern of subdivision and its effect on the spacing of buildings.

The proposal fails to respect the neighbourhood character as the subdivision layout would not allow sufficient spacing between dwellings, which would disrupt the rhythm of development in the precinct and result in an adverse impact on the streetscape.

Whilst the proposed lots are of a suitable size to contain a dwelling, car parking and private open space at 491 and 495 square metres respectively, the width of the lots is not consistent with the width of existing lots within the street.

Clause 56 sets out the standards and objectives for residential subdivisions. Compliance with the objectives of Clause 56 is a mandatory requirement for

residential subdivisions within the General Residential Zone. The proposal fails to satisfy two objectives of Clause 56, as outlined below.

ResCode - Clause 56 Residential subdivision

It is acknowledged that the proposal complies with many of the objectives and standards of Clause 56, however the proposal fails to comply with two ResCode objectives and standards, which are detailed below.

- *Clause 56.03-5 - Neighbourhood character objective*

The objective is to design subdivisions that respond to neighbourhood character. Standard C6 states that subdivisions should:

- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this Scheme;
- Respond to and integrate with the surrounding urban environment; and
- Protect significant vegetation and site features.

Hustlers Road and the surrounding residential area is characterised by detached single-storey dwellings which are offset from one or both side boundaries, which allows for a sense of spaciousness between dwellings.

The proposed subdivision would create two vacant lots that would each have frontage to Hustlers Road. The width of the proposed lots is inconsistent with the frontages of lots in the precinct. This will allow for minimal spacing between new dwellings constructed on the site. This is a concern as it is not reflective of the pattern of development in the surrounding area. Rather, detached dwellings are the predominant built form.

- *Clause 56.04-2 Lot area and building envelopes objective.*

The objective is to provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Under Standard C8, lots of between 300 and 500 square metres should:

- Contain a building envelope that is consistent with a development of the lot approved under this scheme; or
- If no development on the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

The lots are of a suitable size (at 491 and 495 square metres) to accommodate a dwelling, access, car parking and private open space. The plans submitted show indicative building envelopes of 9 metres by 15 metres for each of the lots with a wall on the common boundary.

However, the building envelopes allow for a setback of less than 1 metre to each side boundary. This clause states that where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the building envelope, then, amongst other things the building envelope must meet Standards A10 (Side and rear setbacks) and A11 (Walls on boundaries) of Clause 54 (One dwelling on a lot or small second dwelling on a lot).

Under Standard A10 (Side and rear setbacks), a new building not on or within 200mm of a boundary should be setback a minimum of 1 metre for a wall height up to 3.6 metres, increasing thereafter. The indicative building envelopes would not allow for the minimum 1 metre setback to be met for a single storey wall, with a setback of 0.92 metres. There is potential for buildings on each lot to be constructed to both boundaries.

This clause also states that lot dimensions and building envelopes should protect:
- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing and proposed easements on lots.
- Significant vegetation and site features.

Solar access is acceptable; however, a party wall easement would be required for the common boundary and is not shown, and it is proposed to remove several trees from the site, including a large tree within the front setbacks of the existing dwelling, which contributes to the streetscape.

With regards to the objective of this clause, although the lots are of an acceptable size, it is considered that the configuration of the lots and their widths would not allow for the appropriate siting of dwellings and would result in the loss of a significant tree on the site.

- *Clause 56.04-3 Solar orientation of lots objective*

The subdivision layout would achieve acceptable solar access, with the proposed lots having an east – west orientation. Private open space would be oriented to the east of dwellings. The proposed subdivision could comply with Standard C9.

- *Clause 56.06-8 Lot access objective*

Satisfactory access to each of the lots can be achieved from Hustlers Road, in accordance with Standard C21. Lot 1 would use the existing crossover whilst a new crossover would be required to be constructed for Lot 2.

- *Clause 56.07-1 Drinking water supply objectives*

The site can be connected to Coliban Water's reticulated water supply system. If approved, standard conditions requiring connection to the reticulated water supply system could be included on a permit.

- *Clause 56.07-2 Reused and recycled water objective*

Recycled water is not available in this location.

- *Clause 56.07-3 Wastewater management*

The site can be connected to Coliban Water's sewerage system. If approved, standard conditions requiring connection to the reticulated sewerage system could be included on a permit.

- *Clause 56.07-4 Stormwater management objective*

Standard C25 requires provision of a stormwater management system to meet the requirements of the City of Greater Bendigo, as the relevant drainage authority. The application was referred to the City's Engineering Unit who had no objection to the application. If Council grants a permit for the subdivision, conditions of permit should include a requirement to submit detailed drainage plans for approval, including provision for on-site stormwater detention, easements and appropriate stormwater quality measures. Independent drainage and point of discharge would be required for each lot.

- *Clause 56.08-1 Site management objectives*

Standard C26 requires consideration of site management during construction of the subdivision. A Construction Management Plan has not been requested by the City's engineers in this case, given the scale of the subdivision. No significant site management impacts are envisaged.

- *Clause 56.09-1 Shared trenching objectives*

Standard C27 states that reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. If approved, this matter would be addressed via detailed engineering plans.

- *Clause 56.09-2 Electricity and telecommunications objectives*

The site can be connected to a reticulated electricity supply and telecommunications. If approved by Council, standard conditions regarding connection to utilities and provision for telecommunications to the requirements of the relevant authorities could be included in a permit.

Clause 65.02 Approval of an application to subdivide land.

Clause 65 (Decision guidelines) state that because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

In addition to the decision guidelines set out in Clause 65.01 (Approval of an application or plan), before deciding on an application to subdivide land, Council, as the responsible authority must also consider, as appropriate, the matters listed under clause 65.02 (Approval of an application to subdivide land) of the planning scheme, including:

- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The area and dimensions of each lot in the subdivision.

As outlined above, these are the two key concerns with the proposed subdivision. Whist the density of the development is acceptable in this context, the land can be fully serviced and the site is well located to take advantage of existing services and facilities, the proposed layout does not achieve an appropriate design response with respect to the subdivision pattern of the area and would result in dwellings with narrow frontages, which is not characteristic of the area, and the loss of a significant tree on the site.

Whilst the land has a significant fall across the site towards the street, the application has not advanced any reasons relating to topography or servicing requirements why this layout is preferable to a subdivision layout which is more consistent with the established pattern of development where one dwelling presents to the street.

Clause 72.02-3 Integrated decision making

Clause 72.02-3 states that 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.

On balance, the proposed subdivision is not an acceptable planning outcome and the construction of dwellings on the proposed lots would negatively impact the streetscape and character of the residential precinct.

Cultural Heritage Management Plan (CHMP)

The site does not lie within an area of cultural heritage sensitivity. Accordingly, the proposal does not trigger the need for the preparation of a CHMP under the Aboriginal Heritage Regulations 2018.

Conclusion

While the site is well located within central Bendigo to take advantage of existing infrastructure, services and facilities, public open space, schools and transport, and planning policy supports higher density development in such locations, State and local planning policies, the General Residential Zone, and Clause 56 of the Planning Scheme require that subdivision and new development respect the neighbourhood character of the area.

The proposed subdivision is not consistent with the predominant pattern of development in the precinct and would not allow sufficient spacing between dwellings.

The application should be refused on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character.

Options

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

Conflict of Interest

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

Attachments

Nil

16.5. 40-80 Fletcher Street, Quarry Hill 3550 - Staged 40 Lot Subdivision, Removal of Native Vegetation and Removal of an Easement

Author:	Shannon Rosewarne, Senior Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DS/267/2021
Applicant:	Sherwood Properties (Vic) Pty Ltd
Land:	40-80 Fletcher Street, QUARRY HILL 3550
Zoning:	General Residential Zone
Overlays:	Bushfire Management Overlay
No. of objections:	12
Consultation meeting:	A consultation meeting was not held; however consultation occurred in the form of the circulation of an applicant authored written response; with objectors afforded a right of reply..
Key considerations:	• Whether the proposal is consistent with planning policy. • Whether the proposed subdivision complies with ResCode (Clause 56 – Subdivision). • Whether bushfire risk has been appropriately mitigated. • Whether the proposed vegetation removal and biodiversity impacts are acceptable. • Whether the proposal would result in unreasonable amenity impacts on existing properties. • Whether access and traffic impacts have been appropriately addressed. • Objections received.
Conclusion:	The application is recommended for approval on the basis that it represents an acceptable outcome with regard to the requirements of the Greater Bendigo Planning Scheme.

Recommended Motion

That Council issue a Notice of Decision to Grant a Permit for a staged 40 lot subdivision, removal of native vegetation and removal of an easement at 40-80 Fletcher Street, Quarry Hill 3550 subject to the conditions at the end of this report.

Report

Subject Site and Surrounds

The subject site comprises two parcels that form part of a property known as 40-80 Fletcher Street, Quarry Hill. The parcels are identified as Crown Allotment 200C, Parish of Sandhurst and CP165353V and are zoned General Residential Zone and affected by the Bushfire Management Overlay.

Another parcel of approximately 3,840 square metres, being Crown Allotment 200H Sec C, located to the north of the subject site forms part of the property, but is not part of the subject site and therefore does not form part of the proposed subdivision. This property contains a dwelling and associated outbuildings and is zoned General Residential Zone.

The site is located on the north-east side of Fletcher Street and is irregularly shaped, with an area of 3.14 hectares. The site is currently vacant with the exception of three small outbuildings and two dams. The site contains several areas of native vegetation. There is a fall of approximately 20.5 metres across the site at an average grade of 1 in 10.

Adjoining the site to the west is a parcel of unreserved Crown land zoned General Residential which is under licence, known as Crown Allotment 198B Section C Parish of Sandhurst. It contains a dam and a mine shaft (known as Deborah Extended) and other remnants of former mining infrastructure such as concrete footings and structures. To the south-west, on the opposite side of Fletcher Street are dwellings which are accessed via Bentley Terrace.

The Quarry Hill Golf Course is located on the western side of Fletcher Street and part of the golf course also exists further to the north of the site, east of Honeybone Street. The golf course land is zoned Public Park and Recreation Zone.

Bentley Terrace is located to the west of Fletcher Street. Lots within this street are zoned General Residential Zone and range in size from approximately 490 to 2,227 square metres and the majority are developed with dwellings. A public open space reserve is also located within Fletcher Street in an area encumbered by overhead powerlines.

The site abuts No. 20 Fletcher Street immediately to the south, which is a lot of approximately 5,300 square metres containing a dwelling and associated outbuildings and is also zoned General Residential Zone.

The subject site abuts the Solomon Gully Nature Conservation Reserve to the east and part of this reserve also exists further south of the site. The areas of reserve are

heavily vegetated and are zoned Public Conservation and Resource Zone. The Bendigo Cemetery, zoned Public Use Zone 5, is beyond this further to the east.

The southern most part of Fletcher Street is a sealed road, but beyond Bentley Terrace it is unsealed. Fletcher Street connects to Honeybone Street to the north. The lower part of Fletcher Street is affected by a Vegetation Protection Overlay – Schedule 2.

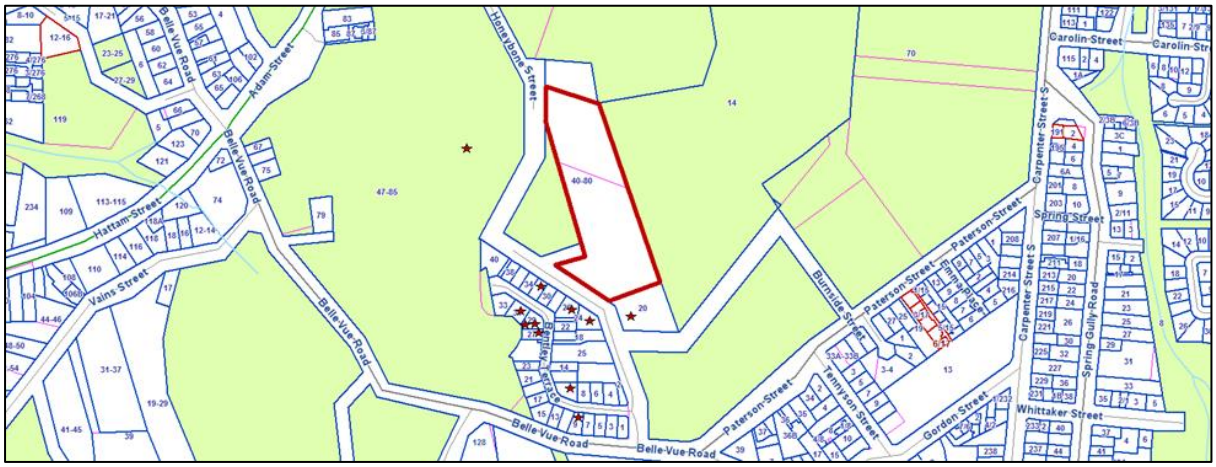


Figure 1: Location map showing the subject site. Objectors' properties marked with a star, where they are within the mapped area.



Figure 2: Aerial photograph of subject site and surrounds.

Proposal

The proposal is for the subdivision of the land into 40 residential lots, along with creation of associated roads and reserves. The proposed reserves include a pedestrian access through to Fletcher Street and an overland flow path, as well as a 4,307sqm reserve along the eastern boundary.

The proposed lots would range in size from 311 square metres to 1,432 square metres, with an average area of 489 square metres. The subdivision is proposed to occur in two stages, as shown in Figure 4 below.

The subdivision also proposes the removal of a water race easement that runs through the northern part of the site.

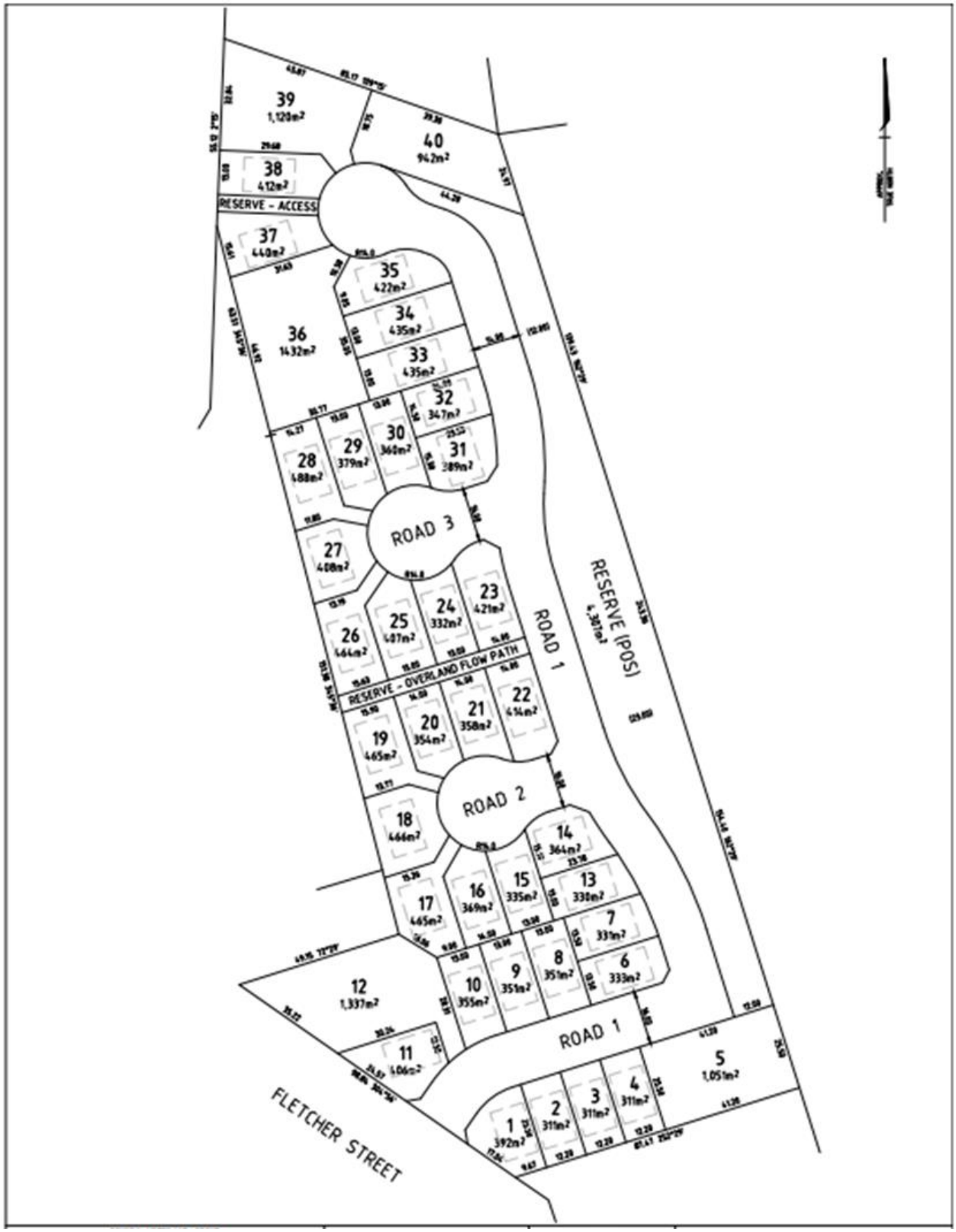


Figure 3: Proposed plan of subdivision.

The application also seeks approval for consequential vegetation removal, amounting to 0.401ha of vegetation, including three large trees. This includes vegetation within the site, as well part of the Fletcher Street road reserve to facilitate the construction of this road for access to the proposed lots.

The subdivisions also proposes the removal of a water race easement that runs through the northern part of the site.

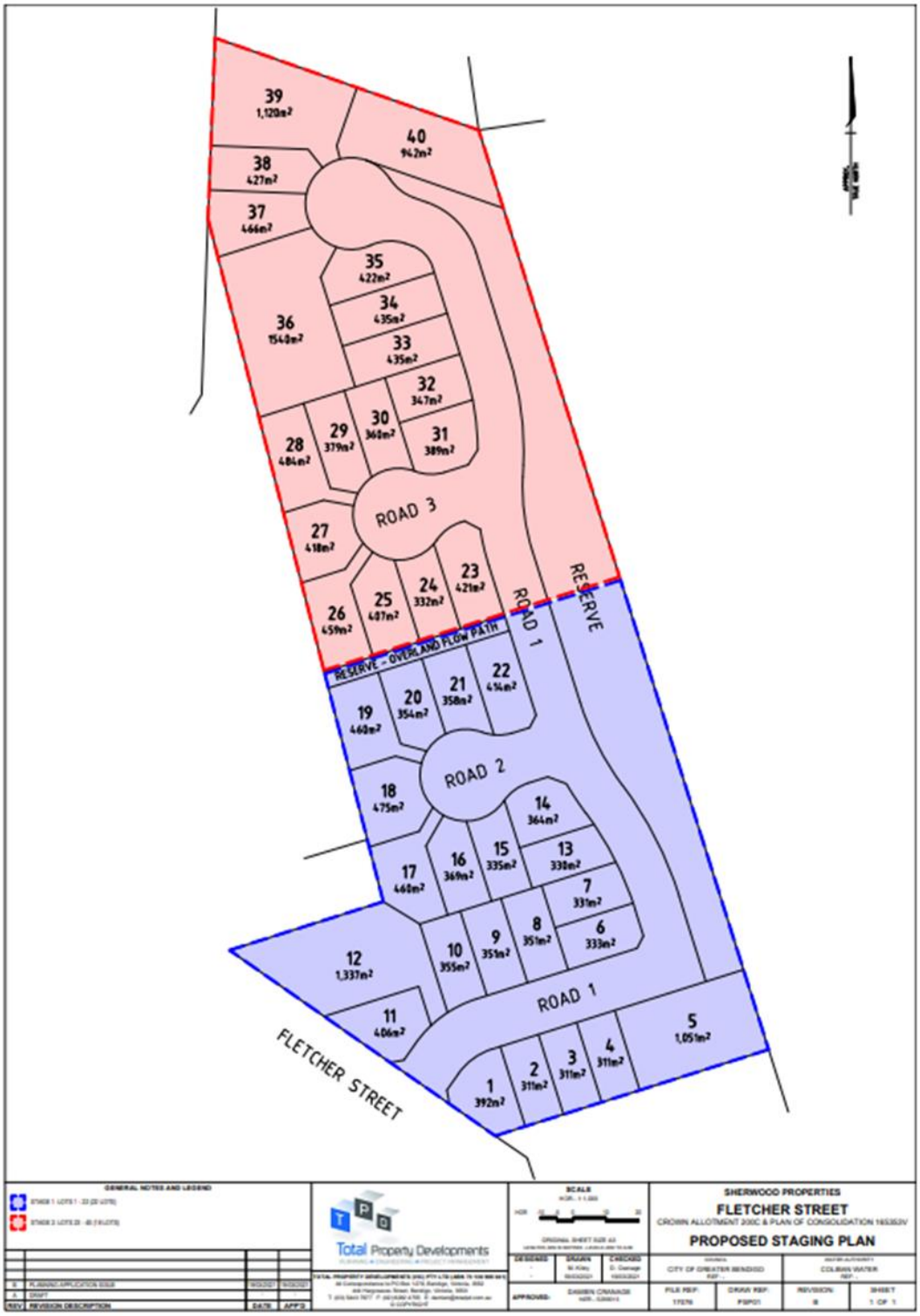
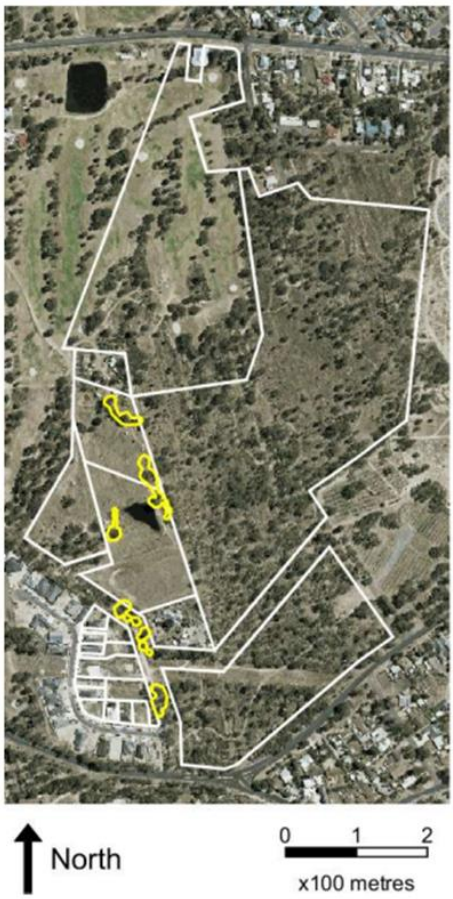


Figure 4: Proposed staging plan



s of proposed native vegetation removal.

Figure 5. Proposed native vegetation removal.

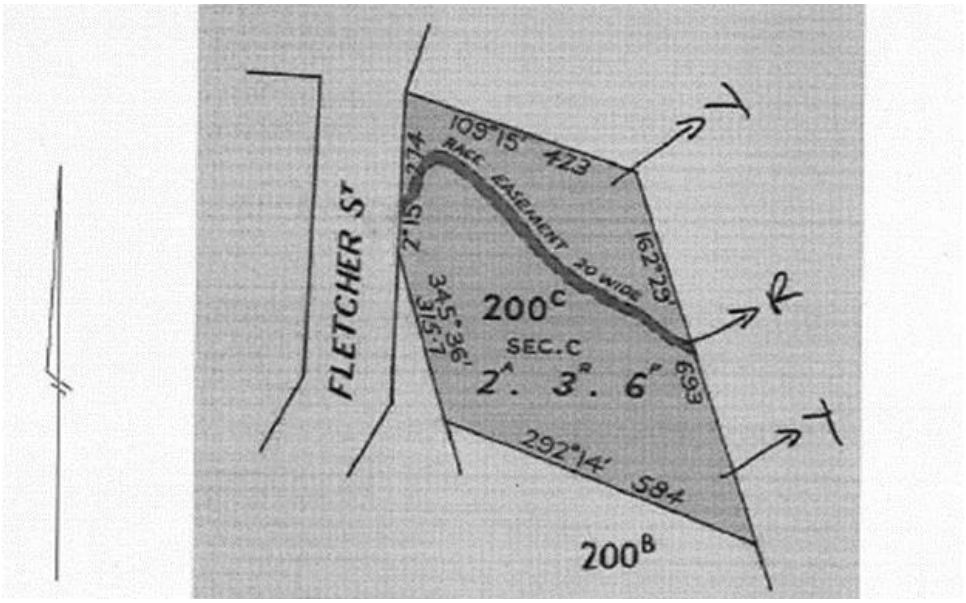


Figure 6. Location of existing water race easement.

Planning Controls - Greater Bendigo Planning Scheme

Why is planning permission required?

Clause	Planning control	Reason permit is required
Clause 32.08-3	General Residential Zone	A planning permit is required to subdivide the land.
Clause 42.02-2	Vegetation Protection Overlay	A planning permit is required to remove native vegetation.
Clause 44.06-2	Bushfire Management Overlay	A planning permit is required to subdivide the land.
Clause 52.02	Easements, Restrictions and Reserves provisions	A permit is required to remove an easement.
Clause 52.17-1	Native Vegetation provisions	A permit is required to remove native vegetation.

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

Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.03-1 Settlement
- Clause 02.03-2 Environmental risks and amenity
- Clause 02.03-5 Built environment and heritage
- Clause 02.03-6 Housing
- Clause 02.04 Strategic framework plans

Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.01-L-01 Settlement – Greater Bendigo
- Clause 11.02-1S Supply of urban land
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-1L Protection of biodiversity – Greater Bendigo
- Clause 12.01-2S Native vegetation management
- Clause 12.05-2L Urban Forest Interface – Greater Bendigo
- Clause 13.02-1S Bushfire planning
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15.01-3S Subdivision design
- Clause 15.01-4S Healthy Neighbourhoods
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L-01 Neighbourhood Character – Greater Bendigo
- Clause 16.01-1S Housing supply

- Clause 18.01-1S Land use and transport integration
- Clause 18.01-1L Land use and transport planning – Greater Bendigo
- Clause 19.03-2L – Infrastructure planning, design and provision – Greater Bendigo

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 42.02 Vegetation Protection Overlay
- Clause 44.06 Bushfire Management Overlay
- Clause 52.02 Easements, restrictions and reserves
- Clause 52.17 Native Vegetation
- Clause 53.01 Public Open Space Contribution and Subdivision
- Clause 53.02 Bushfire Planning
- Clause 56 Residential Subdivision
- Clause 65.02 Approval of an application to subdivide land
- Clause 71.02-3 Integrated decision making

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Fire Rescue Victoria (FRV)	No objection subject to conditions requiring amendments to the proposed Bushfire Management Plan, inclusion of the mandatory condition requiring a section 173 agreement to allow a permit exemption for

Referral	Comment
	dwellings, provision of hydrants and road construction requirements.
Coliban Water	No objection subject to standard conditions relating to the provision of reticulated sewerage and water supply.
Department of Energy, Environment and Climate Action	No objection subject to a number of conditions including a requirement for additional plans, protection of native vegetation to be retained, provision of offsets and evidence of the offset, and matters around preventing access and encroachment to Crown land, ensuring stormwater is not discharged to Crown land and that fencing of the shared boundary with the Crown land is undertaken.
Environment Protection Authority	No objection. EPA supported the Preliminary Site Assessment recommendations but recommended that conditions of permit require additional soil sampling and preparation of a Soil Management Plan and a Remediation Plan in accordance with NEPM methodology and relevant EPA guidelines which should include remediation of arsenic, lead, potential benzo(a)pyrene and other inert waste encountered prior to certification of a plan of subdivision, in addition to a validation report following remediation works to demonstrate adequate clean up for residential use as defined in the NEPM and that all investigations are undertaken by a suitably qualified professional.
Downer Utilities (Gas)	No objection subject to a standard condition requiring referral of the plan of subdivision submitted for certification.
Powercor	No objection subject to standard conditions regarding electricity supply.
Engineering –Traffic	No objection subject to a condition requiring construction of works, including sealing of Fletcher Street and provision of a Type BAR right turn treatment in Belle Vue Road at Fletcher Street in accordance with Clause 7.5.1, Austroads Guide to Road Design Part 4A.

Referral	Comment
Engineering - Drainage	No objection subject to conditions including detailed drainage plans, construction of works, provision of a condition report for public assets, provision of a construction management plan and inclusion of a note relating to consent for works within road reserves.
Parks and Open Space	Recommended that further information be requested in relation to vegetation removal. However, the application was reviewed by DEECA, a statutory referral authority, who was satisfied that the application addressed the requirements of Clause 52.17.

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, 12 objections were received, with the grounds of objection summarised as follows:

- Size of lots is not in keeping with existing character of the area
- Excessive number of lots proposed
- Concerns about bulk of future dwellings due to lot sizes
- Traffic impacts including safety concerns regarding intersection at Fletcher Street and Belle Vue Road
- Safety concerns regarding increased access through the golf course
- Impacts on wildlife
- Loss of native vegetation
- Concern about urban forest interface and impacts to Solomon Gully Nature Conservation Reserve
- Lack of public transport (site not well located)
- Existing dams should be retained as part of the subdivision
- Noise impacts due to additional residential properties
- Impact on outlook from nearby properties
- Increased flood risk
- Drainage impacts to adjoining Crown land
- Disturbance of contaminated fill
- Lack of information about proposed removal of race easement
- Cultural Heritage Management Plan required
- EPBC Act referral required
- Impacts during construction
- Property devaluation
- Need for upgrades to telecommunication services in the area

A consultation meeting was not held; however the applicant provided a written response to objections received, which was circulated to objectors who were given a right of reply. None of the objections were withdrawn.

The objections are discussed below.

Planning Assessment

Planning policy

The following clauses of the Planning Policy Framework and Municipal Planning Strategy are relevant in the consideration of this application:

Clause 02.01 (Context) of the Municipal Planning Strategy notes that Greater Bendigo is growing rapidly with a projected population of over 150,000 people by 2036 and a population target of 200,000 by 2041. Clause 02.03-1 (Settlement) states that an additional 1,000 new dwellings per year will be required to accommodate this growth.

Strategic directions for settlement include containing most of Greater Bendigo's growth within the Bendigo Urban Growth Boundary and facilitating 10 minute neighbourhoods.

Clause 02.03-5 (Built environment and heritage) seeks to implement the principles of 10 minute neighbourhoods, facilitate active transport and compact and sustainable urban forms, and facilitate a safe, pleasant, comfortable and visually appealing urban environment.

The subject site is located within the Urban Growth Boundary, as shown on the Urban Strategic Framework Plan at Clause 02.04 (Strategic framework plans).

Clause 11.01-1S (Settlement), Clause 11.01-1R (Settlement – Loddon Mallee South) and Clause 11.01-1L-01 (Settlement – Greater Bendigo) identify that Bendigo is a major regional city within the Loddon Mallee South region. It is a major population and economic growth hub for the region. Clause 11.01-1L-01 seeks to direct growth to areas within the Bendigo Urban Growth Boundary, as well as key locations in the urban area and 10 minute neighbourhood locations are supported for compact development.

Clause 11.01-1L-02 (10 minute neighbourhoods – Greater Bendigo) contains the objective
e to develop a network of attractive neighbourhoods that allow most people to access local facilities and services within 10 minutes walking or cycling from their home.

Clause 12.05-2L (Urban Forest Interface – Greater Bendigo) seeks to protect the ecological values of forested private and public land around Bendigo from the impacts of urban development and reinforce the urban forest backdrop surrounding and dispersed within the Bendigo Urban Growth Boundary.

Clause 13.02-1S (Bushfire planning) aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that priorities the protection of human life. Strategies include:

- Give priority to the protection of human life by:
  - Prioritising the protection of human life over all other policy considerations.
  - Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
  - Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Clause 13.04-1S (Contaminated and potentially contaminated land) seeks to ensure that contaminated and potentially contaminated land is used and developed safely. Strategies include:

- Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.
- Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.
- Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

Clause 15.01-3S (Subdivision design) aims to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies include:

- Supporting development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensuring the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensuring development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.

- Neighbourhood character values and built form that reflect community identity.

Clause 15.01-5L-01 (Neighbourhood character – Greater Bendigo) contains a number of strategies which include:

- Maintaining the garden setting of dwellings by retaining large trees and planting new trees, including native trees where identified as part of the character.
- Maintaining the rhythm of dwelling spacing by setting buildings back from at least one side boundary.
- Minimising site disturbance and the impact of the building on sloping landscapes by stepping buildings down contours.
- Ensuring new buildings and extensions do not dominate the streetscape by matching their height and roof form with the predominant height and roof form in the street.

Clause 16.01-1S (Housing supply) aims to facilitate well-located, integrated and diverse housing that meets community needs. Strategies include:

- Increasing the proportion of housing in designated locations in established urban areas (including under utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas;
- Identifying opportunities for increased residential densities to help consolidate urban areas;
- Facilitating diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Clause 18.01-1S (Land use and transport integration) contains the objective of facilitating access to social, cultural and economic opportunities by effectively integrating land use and transport.

A strategy within Clause 18.01-1L (Land use and transport planning – Greater Bendigo) is to ensure that residential streets support active transport by being of a sufficient width to accommodate car access and parking, walking and cycling paths, tree canopies, lighting, drainage and other service infrastructure with minimal conflict.

Clause 19.03-2L (Infrastructure planning, design and provision – Greater Bendigo) seeks to provide a consistent approach to the design and construction of infrastructure across the municipality.

The site is located in Quarry Hill, relatively close to the city centre and presents an opportunity for infill development. The site is reasonably well located in terms of its proximity to an activity centre within the Bendigo city centre, schools, public open space reserves including recreation facilities and public transport.

From a strategic planning perspective, the site is appropriately located within the Urban Growth Boundary, is capable of being serviced with reticulated utilities and will facilitate additional residential development. The location of the site supports 10-minute neighbourhood principles. The proposed subdivision would add to the available residential land for the development of dwellings in Bendigo, which supports planning policies which encourage infill development in appropriate locations to provide accommodation for the forecast population increase.

Contamination on the land has been investigated and advice was sought from the Environment Protection Authority, which was were generally satisfied with the preliminary assessment but recommended some further soil testing to determine the level of contamination on the site and appropriate remediation measures to make the site suitable for residential use.

The site has an identified bushfire risk and is affected by a Bushfire Management Overlay. The broader landscape has been identified as Landscape Type 2 within the Bushfire Management Statement for the application, with much of the surrounding area to the west being managed to minimum fuel conditions and developed for residential and recreational purposes. The likely bushfire risk which could impact the site is from the west and south due to prevailing wind conditions, with Bendigo Regional Park and other bushland reserves located further to the south. Belle Vue Road would provide access to other locations in the event of an emergency and serves to separate the site from these larger areas of bush. The application's bushfire assessment did not identify the forested land to the east as being a significant risk. The application has satisfactorily assessed the risk and it is considered that it can be mitigated to an acceptable level by implementing construction requirements, defendable space, vegetation management requirements, water supply and vehicle access.

The proposal will necessitate the removal of native vegetation from within the site and adjoining road reserve to enable development of the site, provision of defendable space and construction of appropriate access. The extent of removal has been minimised as far as practicable. No significant biodiversity or environmental impacts are likely to result from the removal of the vegetation and appropriate offsets are available.

The design of the subdivision has responded in an acceptable way to the City's Urban Forest Interface policy. The proposed reserve, which will be utilised for drainage, provides a buffer to the adjoining Crown land, with a road positioned adjacent to this. Two lots which will directly adjoin the Crown land will contain building envelopes for dwellings. Residential development will be set back at least 26 metres from the site's shared boundary with Solomon Gully Nature Conservation Reserve. This is considered an appropriate response to the site context. Conditions

of permit will require fencing along this boundary and street tree planting to be indigenous species.

General Residential Zone

The site is zoned General Residential Zone under the Planning Scheme. The purposes of the zone include encouraging development that respects the neighbourhood character of the area and encouraging a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The site is appropriately zoned for residential development and is reasonably well located in terms of access to local facilities and transport, as noted previously.

The design of the proposed subdivision provides for an acceptable response to the existing neighbourhood character of the area. The site is not included within a neighbourhood character policy area, therefore there is limited policy guidance on the preferred neighbourhood character for this area.

The minimum garden area requirement of 25%, as per Clause 32.08-3 will apply to lots under 400 square metres and a condition of permit will require a Section 173 Agreement on title to specify this requirement.

Rescode - Clause 56 Residential subdivision

The proposal is considered an appropriate response to Clause 56 provisions and meets all the relevant objectives.

- *Clause 56.03-4 Built environment objective*

Objectors are concerned about the size of the proposed lots, stating that they are not consistent with the size of lots in the surrounding area. The proposed lot sizes will range from 311 to 1,432 square metres. The majority of the lots will be less than 500 square metres, whereas the lots in nearby Bentley Terrace range from 490 – 2,227 square metres and the majority are over 500 square metres.

In terms of neighbourhood character and built environment, there is no specific local character policy applicable to the subject site within the Planning Scheme, or other policy within the scheme which specifies a density to be achieved in this location. The site does not form part of the Quarry Hill neighbourhood character policy. There is no minimum lot size specified within the General Residential Zone and a diversity of housing is encouraged within the purposes of the zone. The proposal subdivision would provide for a mix of lot sizes in accordance with the lot diversity and distribution objective at Clause 56.04-1.

- *Clause 56.04-1 Lot diversity and distribution objectives*

The subdivision would create 35 lots that are less than 450 sqm and five lots (lots 5, 12, 36, 39 and 40) of more than 900sqm. As such, diversity of lot sizes is provided. This is considered a good response, both to the character of the site and also Standard C7 which supports provision of a range of lot sizes.

Objectors noted that the site is not especially well located in terms of its access to public transport. The nearest bus stops are located in Adam Street, Spring Gully Road and Carpenter Street for the No. 64 and No. 65 bus routes. It is acknowledged that the site is more than 400 metres walking distance from the nearest bus stops. However, this site is within 2 kilometres of the city centre and is not so remote from public transport that the subdivision would warrant refusal.

- *Clause 56.04-2 Lot area and building envelopes objective*

The proposed lot sizes are suitable to accommodate dwellings and will provide for greater housing choice within the Quarry Hill area. Whist the lot sizes are generally smaller than those in Bentley Terrace, they would allow for the appropriate siting of dwellings, car parking and private open space. In terms of the spacing of dwellings, the width of the smallest lots would be sufficient to allow for offsets from at least one boundary and a 10 x 15 metre building envelope as required by Standard C8 at Clause 56.04-2.

- *Clause 56.04-3 Solar orientation of lots objective*

The lots are appropriately oriented for solar access, in accordance with Standard C9.

- *Clause 56.04-4 Street orientation objective*

The lot orientation allows for good orientation of dwellings to streets and open space, in accordance with Standard C10.

- *Clause 56.01-1 Integrated urban landscape objectives*

A landscape plan will be required as a condition of permit, which would include details of street tree planting and landscaping within the proposed reserve. As noted previously, DEECA has specified indigenous species are to be utilised. It is recommended that conditions of permit also be included with regard to fencing along Fletcher Street and the adjoining unreserved Crown land parcel to restrict vehicular access directly from abutting lots.

- *Clause 56.05-2 Public open space provision objectives*

Based on a preliminary assessment of the drainage requirements for the site, the large reserve shown on the proposed plan of subdivision is the low point of the site where a stormwater detention basin will likely be required. If a basin is to be accommodated within this reserve, it will have no public open space value as there will only be narrow sections either side of the basin. The reserve will only satisfy drainage requirements and its primary purpose will be for drainage. It will have no recreational value and will not link to other areas.

The Greater Bendigo Public Space Plan has not identified a need for any open space reserves on this site. There is an existing reserve nearby in Bentley Terrace which will provide recreation opportunities for residents of the proposed subdivision.

As such, it is appropriate to include a condition requiring a financial contribution of 5% of the value of the land for public open space, in accordance with the Schedule to Clause 53.01 (Public open space contribution and subdivision) of the Planning Scheme.

- *Clause 56.06-2 Walking and cycling objectives*

The provision of pedestrian access at the north end of the street makes a positive contribution to pedestrian permeability, in accordance with Standard C15. A footpath will also be constructed along Fletcher Street for the extent of the constructed road, to link to Belle Vue Road and the existing path network.

- *Clause 56.06-4 Neighbourhood street network objective*

The proposed subdivision provides for an appropriate street network which provides for an acceptable level of connectivity. The street network will provide safe and efficient access to all lots for service and emergency vehicles.

- *Clause 56.06-5 Walking and cycling network detail objective*

The design of new footpaths will be required to comply with the City’s Infrastructure Design Manual. The design of the paths will be shown on detailed engineering plans.

- *Clause 56.06-6 Public transport network detail objectives*

No new bus stops are proposed or required for this subdivision.

- *Clause 56.06-7 Neighbourhood street network detail objectives*

The new road reserves would have widths of 14 or 16 metres which would provide for suitable carriageway widths, footpaths and verges with street tree planting to meet the requirements of the Infrastructure Design Manual.

- *Clause 56.06-8 Lot access objective*

The design and construction of new crossovers will be needed to meet the requirements of the Infrastructure Design Manual.

- *Clause 56.07 Integrated water management*

Recycled water is not available in this locality. Reticulated drinking water and sewerage would be connected to the proposed lots in accordance with Coliban Water's requirements and permit conditions. The development will need to demonstrate provision for stormwater detention and stormwater quality measures as part of detailed drainage plans, however the City's Development Engineer has not raised any concerns about this being achieved.

- *Clause 56.08-1 Site management*

The City's Engineering Unit and DEECA both require Construction and Environmental Management Plans to be prepared and submitted for approval, prior to the commencement of works, as conditions of permit.

- *Clause 56.09 Utilities*

Mandatory conditions regarding provision for telecommunications should be included in the permit. Hydrants are required to be provided to FRV's requirements and a permit condition would also address this. Street lighting will be required to be provided as part of engineering requirements. Shared trenching will be undertaken where appropriate to provide for utility infrastructure and conditions requested by servicing authorities will be included within the permit.

<u>Bushfire risk</u>

The site is affected by the Bushfire Management Overlay. A satisfactory Bushfire Management Statement has been prepared for the application which addresses the requirements of the overlay and Clause 53.02 (Bushfire planning). As noted previously, the Bushfire Management Statement assessed the broader landscape as Landscape Type 2.

The proposed subdivision will provide a perimeter road adjacent to the proposed reserve, which interfaces with and acts as a buffer to Solomon Gully Reserve.

Vegetation within the proposed reserve will ultimately be managed by the City. Seventeen (17) of the lots would achieve BAL ratings of BAL29 with a building setback of at least 26 metres from the hazard, whilst one lot would achieve a BAL19 and 22 lots would achieve BAL12.5.

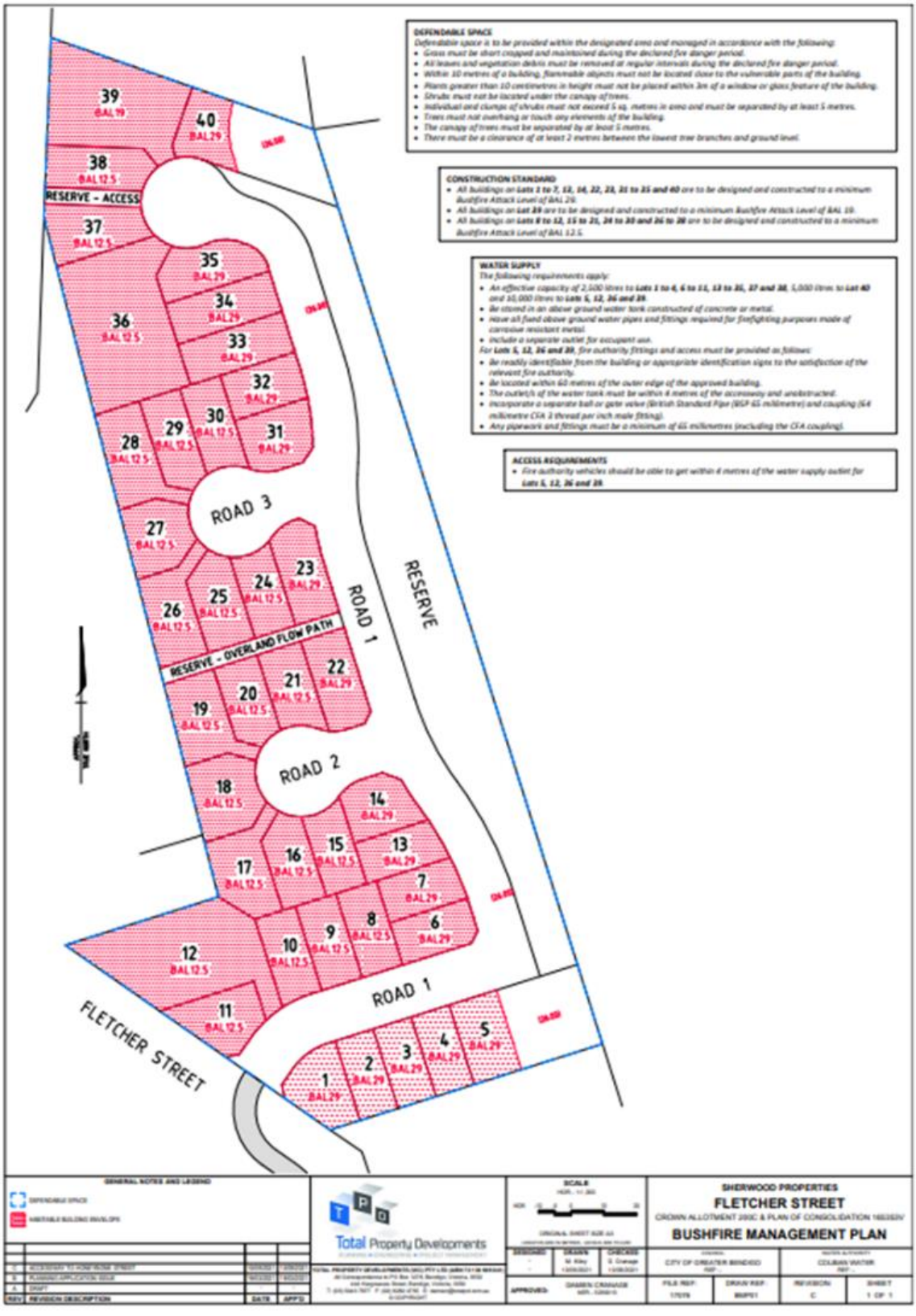


Figure 7. Proposed Bushfire Management Plan

Onsite static water supplies would be required for each lot and specific access requirements would apply to Lots 5, 12, 36 and 39 to enable emergency vehicle access to onsite water supplies. Vegetation management requirements would apply for the defendable space for each lot.

The application was referred to FRV, who did not object, subject to amendments to the access requirements within the Bushfire Management Plan and a number of other conditions relating to provision for hydrants and road construction requirements.

Vegetation removal and biodiversity impacts

The application seeks approval for the removal of 0.401 hectares (4,010 square metres) of native vegetation comprising six patches and 3 large trees. The application is to follow an Intermediate Assessment Pathway. A permit is required for native vegetation removal pursuant to clause 52.17 (Native vegetation) of the Planning Scheme and the Vegetation Protection Overlay – Schedule 2. (Part of the Fletcher Street road reserve is within this overlay.)

The application has been assessed against the relevant decision guidelines within the Guidelines for the removal, destruction and lopping of native vegetation (DELWP, 2017), in accordance with the requirements of Clause 52.17 and those contained within the overlay.

Measures have been taken in the design of the development to minimise vegetation removal and impacts where possible, with concept plans prepared for the road upgrade to demonstrate the impact to vegetation within the road reserve.

The vegetation removal is required to facilitate the development of the land for residential purposes and the provision of defendable space for bushfire protection. Some vegetation within the Fletcher Street road reserve will be impacted due to the need to upgrade and construct this road. The extent of removal has been minimised where practicable.

The Native Vegetation Removal Report prepared for the application states that the native vegetation is not within an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. Removal of less than 0.5 hectares in this location will not have a significant impact on any habitat for a rare or threatened species. As the application is not a Detailed Pathway Assessment, flora and fauna surveys were not required to be undertaken on the site under the Guidelines.

The required offset for the proposed removal of the native vegetation is 0.347 general habitat units within the North Central Catchment Management Authority or Greater Bendigo City Council areas, achieving a minimum strategic biodiversity value score of 0.696 and including 3 large trees. The offset requirement would be satisfied by the purchase of third party offset credits, which is acceptable under the Guidelines. The offset would need to be secured prior to the removal of the vegetation.

The Department of Energy, Environment and Climate Action (DEECA) were a recommending referral authority for this application under the Planning Scheme. The Department initially sought further information, but subsequently offered no objection to the application, subject to a number of permit conditions, as outlined previously.

Objector concerns about wildlife impacts during the construction phase will be addressed by DEECA's requirements for a Wildlife Management Plan and an Environmental Management Plan as conditions of permit, which amongst other things will address management of and/or mitigation of impacts on terrestrial and aquatic ecology.

One objection is concerned that the proposal will trigger a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) which is Commonwealth legislation. This is not a matter required to be assessed by the City under Clause 52.17 or the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)* and the City does not have any powers to refer the application under the EPBC Act.

Access and traffic impacts

Access to the subject site is proposed via Fletcher Street, with all lots to be accessed via a new street created by the subdivision that will connect to Fletcher Street. Concerns have been raised about traffic impacts associated with the subdivision, including congestion on Fletcher Street, the safety of the Belle Vue Road intersection and through traffic to Honeybone Street.

The application was referred to the City's Traffic and Development Engineers who had no objection to the application, subject to conditions of permit.

The total volume of traffic associated with the subdivision will be within the capacity of the existing road network. However, Fletcher Street will be required to be constructed, as it is currently an unsealed road where it adjoins the subject site, and a right turn treatment will be required at intersection with Belle Vue Road. These works will need to be undertaken by the developer as part of the subdivision.

Concerns were raised by an objector about safety impacts to users of the golf course if vehicle access from Fletcher Street to Honeybone Street was permitted. Advice was sought on whether Honeybone Street should continue to be closed off to through traffic from Fletcher Street with the City's Engineers advising that Honeybone Street is the primary access for the existing dwelling at 40-80 Fletcher Street and the existing access to this property will be maintained, but Fletcher Street would remain closed to through traffic. Pedestrian and cyclist access would continue to be available along the entire length of Fletcher Street. Appropriate measures can be required to prevent vehicular access as part of the detailed engineering plans, with allowance for emergency vehicle access. Fletcher Street will not be constructed for the full length to Honeybone Street, rather it is only required to be constructed up to the new access road into the development.

An objector's request for fencing to be constructed along boundaries with an interface to Fletcher Street is considered reasonable. This can be required as a condition of permit to ensure there is no vehicle access through the Crown land parcel abutting the site on Fletcher Street or from Honeybone Street.

Whilst an objection has raised concerns about the adequacy of access to the subdivision via one internal street connecting to Fletcher Street in the event of a bushfire emergency, FRV was satisfied with the proposed access arrangements and the City's Development Engineer has advised that the pedestrian access to Fletcher Street at the northern end of the subdivision can be designed to allow for emergency vehicle access with removable bollards.

The width of the new streets will be sufficient to allow for on-street parking and under the Building Regulations each new dwelling will be required to provide for on-site parking. Residents of the new subdivision would be unlikely to park in Fletcher Street or existing streets in the surrounding area outside of the proposed subdivision.

Objectors requested a footpath connecting Fletcher Street to Patterson Street, along the northern side of Patterson Street. The works to Fletcher Street itself will include construction of a path, however a connection to Patterson Street was not specified by the City's engineers. This is likely due to the recent completion of works which extended an existing path along the opposite side of Belle Vue Road which provides a crossing over to Patterson Street. The conditions along the northern side of Patterson Street may not have allowed for the construction of a path.

Amenity impacts

The proposed subdivision would result in the creation of new residential lots to the northeast Bentley Terrace.

It is acknowledged that the proposal would involve a loss of the current outlook from properties in Bentley Terrace across a semi-rural area comprising paddocks, a dam and trees. However, as the site is zoned for residential development, there is an expectation that it will be developed for housing. VCAT has previously held that there is no right to a view. The Crown land parcel immediately adjacent to Fletcher Street is not part of the proposal so some lots in Bentley Terrace will still have an outlook to this undeveloped land.

Noise levels may increase due to additional dwellings and vehicles using Fletcher Street; however, noise levels are expected to be of a typical residential nature and are not likely to be unreasonable in this context. Whilst some existing dwellings in Bentley Terrace are designed to have an outlook over Fletcher Street, this is an existing road reserve so there should be a reasonable expectation that this road is constructed. Some vegetation will be lost within the road reserve, but efforts have been made to minimise the extent of removal required.

Whether or not dwellings in the new subdivision are rented or owner occupied is not a valid planning consideration or a matter that the Planning Scheme seeks to regulate.

Objectors raised the issue of dust disturbance during construction. A condition on permit will require a Construction Management Plan to manage such issues during the construction phase.

Removal of easement

The proposal involves the removal of a 20 metre wide water race easement on Crown Allotment 200C. The easement generally runs from Fletcher Street to the eastern boundary, across the parcel. Under clause 52.02 (Easements, restrictions and reserves), the City must consider the interests of affected people.

The application was referred to Coliban Water who had no objection to the removal and did not request any conditions regarding the water race easement removal. Further correspondence was undertaken with Coliban Water who advised that the easement is not in favour of Coliban Water and there are no assets or interests listed on this site, therefore the easement would be a private easement used to convey water through the property to another title.

The Quarry Hill Golf Club’s objection states that it wants to ensure that the race removal has not adverse effect on the golf course channel currently in place as a water source. Any existing rural water supply infrastructure in place on the golf course will not be impacted by the proposal and the removal of the easement on the subject site is not likely to impact the golf course.

The title for the land does not list any benefiting land for the easement. Further information provided by the applicant advised that the easement was created in favour of the occupiers of the adjacent land or neighbourhood for water supply purposes. A feature survey undertaken for the site indicates that the land serviced by the easement is located to the east of the site, as the race ran downstream in this direction. A title search for the adjoining land to the east, Crown Allotment 200G, being Crown land forming part of Solomon Gully Nature Conservation Reserve, has shown that the easement does not continue on this property. The application was referred to DEECA who did not object to the application, subject to conditions.

It is considered appropriate to remove the easement to allow for the development of the land.

Drainage and flooding

Objectors have raised concerns about flood risk, stormwater drainage and removal of the existing dam.

In terms of flood risk, the site is not affected by any overlays which would indicate the potential for flood risk, such as Environmental Significance Overlay, Land Subject to Inundation Overlay or Special Building Overlay.

The existing dam is proposed to be removed as part of the subdivision works. The proposed plan of subdivision makes provision for a 4,307 square metre reserve within the subdivision and a small reserve connecting to Fletcher Street for an overland flow path.

The City's Development Engineer did not raise any concerns about flooding or drainage impacts, or the capacity of the site to provide for suitable drainage. As noted above, a drainage basin will likely be required to be constructed within the reserve. Detailed drainage plans demonstrating stormwater detention and quality will need to be provided to the City's satisfaction prior to the commencement of the subdivision, as a condition of permit.

Whilst some objectors would like to see the existing dam retained and incorporated into the subdivision layout, a drainage basin is required to be constructed in accordance with the City's Infrastructure Design Manual within the proposed reserve to manage stormwater from the subdivision. Detailed drainage plans will be developed demonstrating that stormwater from the development can be controlled and managed.

DEECA has specified that stormwater drainage should not discharge into the adjoining Crown land, unless this is unavoidable, in which case drainage plans must also be prepared to DEECA's satisfaction which demonstrate that water sensitive

urban design measures are used to treat stormwater to an acceptable standard, prior to discharge. Conditions will also specify that overland flow rates must be maintained at the same rate post-development as on the undeveloped land.

Contamination

Objectors raised concerns about the subdivision disturbing potentially contaminated fill on the land. A Preliminary Site Assessment which assessed contamination has been undertaken for the subject site by environmental consultants Geotechnical Testing Services Pty Ltd.

The report stated that visual evidence and State Government records confirm that prior mining activity occurred in the area but no mineshafts were found on the site when it was assessed. Soil sampling and testing was undertaken for 12 bore hole location across the site. A total of 3 samples contained contaminants which exceeded the acceptable Health Investigation Level (HIL) ‘A’ Residential health limits, with all other samples being within acceptable health limits for a sensitive use.

The report recommended further investigating the 3 hotspots identified, classifying and removing the contaminated soil in these locations with validation sampling to verify the contamination has been isolated and suitably remediated, such that the soils would be within acceptable HIL ‘A’ Residential health limits, according to the relevant standards. It also recommended that any inert waste materials be identified and removed from the site to a licensed landfill and that any additional soil material required to be removed from the site during the construction phase be tested in accordance with relevant EPA guidelines and waste classification requirements.

Advice was sought from the Environment Protection Authority (EPA) on the adequacy of this assessment. EPA noted that the sampling size undertaken did not meet the relevant Australian Standards and that a total of 40 samples would be required for the subject site based on its size, however the recommendations of the Preliminary Site Assessment were supported. It recommended that the City include conditions requiring:

- Additional soil sampling and the preparation of a Soil Management Plan, prior to certification of a plan of subdivision.
- A remediation plan in accordance with NEPM methodology, relevant EPA guidelines, including remediation of arsenic, lead, potential benzo(a)pyrene and other inert waste encountered.
- A validation report following remediation works to demonstrate adequate clean-up for residential use as defined in the NEPM.
- All investigations to be undertaken by a suitably qualified professional.

It is recommended that appropriate conditions be included on the permit to address the EPA recommendations.

Cultural Heritage Management Plan (CHMP)

Whilst objectors have raised concerns that the proposed subdivision triggers a Cultural Heritage Management Plan, although the proposed subdivision would be classed as a high impact activity, the subject site is not affected by cultural heritage sensitivity mapping. Accordingly, the proposal does not trigger the need for the preparation of a CHMP under the Aboriginal Heritage Regulations 2018. This was confirmed by a due diligence report prepared by Nicholas Clark, a qualified Aboriginal heritage advisor.

One of the other parcels of land forming part of the overall property is affected by the mapping, but the titles that are to be subdivided as part of this application are not within the mapped area.

Other objections

VCAT has previously held that devaluation of property is not a valid planning consideration.

Conclusion

The application is recommended for approval on the basis that it represents an acceptable outcome with regard to the requirements of the Greater Bendigo Planning Scheme.

The proposal complies with the objectives of Clause 56 and the Bushfire Management Overlay. The design of the subdivision provides for an acceptable design response which provides for a mix of lot sizes both within the site and the wider Quarry Hill area and addresses bushfire risk. The subdivision provides an acceptable interface with the adjoining Solomon Gully Nature Conservation Reserve.

Upgrades will be required to Fletcher Street and the intersection with Belle Vue Road to ensure traffic impacts resulting from additional vehicle movements generated by the subdivision are appropriately managed.

The extent of vegetation removal is considered acceptable given the need to mitigate bushfire risk, to allow for the construction of appropriate access and to allow for the land to be developed at a density consistent with the zoning of the land. Vegetation removal has been minimised as far as practicable and offsets will be required.

The water race easement is no longer required and can be removed.

It is therefore recommended that Council support the proposal and issue a Notice of Decision to Grant a Permit, subject to conditions.

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. STAGED SUBDIVISION
   The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the responsible authority.

3. 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.

4. LANDSCAPE PLAN
   Before a statement of compliance is issued for each stage of the subdivision a landscape plan for the relevant stage must be submitted to the satisfaction of the responsible authority. When approved, the plan will be endorsed and then form part of the permit. The plan must show:
   (a) Street tree planting in accordance with condition 25(g)
   (b) Landscaping for the proposed reserve

5. COMPLETION OF LANDSCAPING
Before a statement of compliance is issued for each stage of the subdivision the landscaping works shown on the endorsed must be carried out and completed for that stage to the satisfaction of the responsible authority.

6. LANDSCAPING MAINTENANCE
The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed, including that any dead, diseased or damaged plants are to be replaced.

7. COMPLETION OF WORKS
Before a Statement of Compliance is issued for each stage of the subdivision, the applicant must provide solid boundary fencing to Lots 1, 11, 12, 17, 18, 19, 26, 27, 28, 36, 37, 38 and 39 where these lots abut Crown land and Fletcher Street to the satisfaction of the responsible authority.

8. SECTION 173 AGREEMENT - MINIMUM GARDEN AREA REQUIREMENT
Prior to the issue of a Statement of Compliance for the subdivision, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987, which states that any lot created under 400sqm in area must provide at least 25 percent of garden area as set out in clause 32.08-3 of the Greater Bendigo Planning Scheme to the satisfaction of the responsible authority. The agreement must include a mechanism which would allow the responsible authority to vary or delete the garden area requirement by written consent, in the event of legislative changes.

9. SECTION 173 AGREEMENT
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:
(a) 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.
(b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
(c) 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.

The agreement must be prepared and registered by the City’s solicitors at the cost

of the applicant/owner.

10. SOIL MANAGEMENT PLAN
Prior to the certification of a plan of subdivision, a Soil Management Plan must be prepared by a suitably qualified consultant to the satisfaction of the responsible authority. The plan must:
(a) Address the findings and recommendations of the Preliminary Soil Evaluation prepared by Geotechnical Testing Services dated 7/7/2021
(b) Incorporate additional soil sampling (minimum 40 samples) as per the E1 table requirements of the Australian Standards 448.2.
(c) Include a remediation plan developed in accordance with NEPM methodology and relevant EPA guidelines and include remediation of arsenic, lead, potential benzo(a)pyrene and other inert waste encountered.

11. VALIDATION REPORT
Prior to the issue of a Statement of Compliance for each stage of the subdivision, a validation report prepared by a suitably qualified consultant must be submitted verifying that remediation works have been undertaken in accordance with the endorsed Soil Management Plan and Remediation Plan to demonstrate adequate clean-up for residential use as defined in the National Environment Protection Measures (NEPM).

12. PROTECTION OF TREES WITHIN ROAD RESERVE
(a) All City Street trees are to be protected, with any damages and costs being the responsibility of the applicant.
(b) All development and construction works must adhere to the Australian Standard for the Protection of Trees on Development Sites AS4970, which include no stockpiling, no earthworks and no machinery inside Tree Protection Zones.

ENGINEERING CONDITIONS:

13. DETAILED DRAINAGE
Before the plan of subdivision is certified 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) Independent drainage for each lot;
(d) Stormwater detention;
(e) Stormwater quality; and
(f) Drainage easements.

14. CONSTRUCTION OF WORKS

Road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual and plans and specifications approved by the Responsible Authority and must include:

Fletcher Street

(a) Type BAR right turn treatment in Belle Vue Road at Fletcher Street in accordance with Clause 7.5.1, Austroads Guide to Road Design Part 4A;
(b) Fully sealed pavement with kerb and channel from Road 1 to Belle Vue Road;
(c) Paved footpath;
(d) Underground drainage;
(e) Underground electricity and communications lines;
(f) Appropriate intersection and traffication measures;
(g) Appropriate street lighting and signage;
(h) High stability permanent survey mark (if required)
(i) Appropriate measures to prevent direct vehicle access to lots from Fletcher Street.

Internal Roads

(j) Fully sealed pavement with kerb and channel
(k) Paved footpath
(l) Underground drainage
(m) Underground conduits for water, gas, electricity and telephone;
(n) Appropriate intersection and traffication measures;
(o) Appropriate street lighting and signage;
(p) High stability permanent survey mark (if required)

15. 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.

16. 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) Litter control.
(d) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
(e) 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.

REFERRAL AUTHORITY CONDITIONS:

17. COLIBAN WATER

(a) The owner is required to provide reticulated water and sewerage services to each of the lots 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 in accordance with Coliban Water's specifications.
(b) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
(c) If sewer servicing of each of the lots created is to be by pressure sewer rather than provision of traditional gravity sewer then; New Customer Contributions (NCC's) for pressure sewer will apply to each lot being connected to the reticulated infrastructure required. This NCC is to provide developer funding for the supply, installation and ongoing maintenance requirements by Coliban Water for the property assets on each lot including tank, pump and control box. The supply and installation will be completed by Coliban Water's approved contractors after an application to connect is received.

18. 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.

(e) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:
   i. RESERVES established by the applicant in favour of the Distributor
   ii. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.
   iii. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

(f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.
Notes:
   i. Existing easements may need to be amended to meet the Distributor's requirements
   ii. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement reference	Purpose	Width (metres)	Origin	Land benefited / In Favour of
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

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19. TELECOMMUNICATIONS

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

(a) 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

(b) 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.

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) 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
(b) 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.

20. 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.

21. FIRE RESCUE VICTORIA
Amended bushfire management plan
Before the development starts, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by FRV and the Responsible authority. The plan must be generally in accordance with the BMP prepared by Total Property Developments (Ref. No:17076, Drawing BMP01 (Revision C), dated 10/9/2021) but modified to replace the conditions for Access with:
(a) Access Requirements for Lots 1-4, 6-11, 13-35, 37-38 and 40:

There are no design and construction requirements for access as the fire authority does not need access to the static water supply.

(b) Access Requirements for Lots 5, 12, 36 and 39:
Access for fire fighting purposes must be provided which meets the following requirements:
i. Curves must have a minimum inner radius of 10m.
ii. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
iii. Have a minimum trafficable width of 3.5m of all- weather construction.
iv. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
v. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

22. FIRE RESCUE VICTORIA
Hydrants
Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of theFRV:

(a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
(b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

23. FIRE RESCUE VICTORIA
Roads
(a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width.
(b) Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of FRV.
(c) Dead-end roads and cul-de-sacs more than 60mts in length from the nearest intersection must have a turning circle with a minimum radius of 8mts (including roll- over kerbs if provided); T or Y heads of dimensions specified by FRV may be used as alternatives.
(d) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50mts. Dips must have no more than a 1 in 8 (12%0 (7.1 degrees) entry and exit angle.
(e) Curves must have a minimum inner radius of 10mts

24. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Notification of permit conditions
Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

25. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Endorsed plans
As part of Secondary Consent for any planning permit issued, the following plans will be required to be prepared to the department's satisfaction: Before the plan of subdivision is certified under the Subdivision Act 1988, plans must be approved and endorsed by the responsible authority. The plans must:
(a) Be prepared to the satisfaction of the responsible authority
(b) Be drawn to scale with dimensions and submitted in electronic form
(c) Be generally in accordance with the plans forming part of the application, but amended to show the following:
    i. No level changes within the tree protection zones of trees to be retained, including on the adjoining Solomons Nature Reserve and the

Fletcher Street road reserve.

ii. The plan titled 'Indicative Reserve Plan' (dated: 28/02/2023) or similar to be updated to show:
   - Tree protection zones within 15 metres of all works and site boundaries are to be clearly marked on plans.
   - Detailed design of stormwater infrastructure, including no works within tree protection zones of trees to be retained within the subject and adjoining site.
   - Location of sewer pumpstation to be shown outside of tree protection zones
   - Retention of the large old Ironbark Tree located in the future City of Greater Bendigo's reserve opposite Lot 34/35.

iii. Location of services (sewer, electricity, gas) connections to be under-bored through the Fletcher Street road reserve.

iv. Location of pedestrian path alignment to be determined on site with the expert advice of an arborist and ecologist.

(d) Before on-ground works commence, a Wildlife Management Plan which is to the satisfaction of the Department of Energy, Environment and Climate Action, must be submitted to and approved by the responsible authority. The Wildlife Management Plan must include, but is not limited to, management and mitigation of impacts to non-threatened wildlife, including reptiles and amphibians that may be affected by the decommissioning of the onsite dam.

(e) Construction of the Fletcher Street excavation for road sealing and the pedestrian path within the Fletcher Street Road Reserve are to be undertaken under the direct supervision of an arborist and ecologist to prevent impacts to native vegetation to be retained.

(f) Before on-ground works commence, an Environmental Management Plan for the construction of the subdivision which is to the satisfaction of the Department of Energy, Environment and Climate Action, must be submitted to and approved by the responsible authority. When approved, the plan is to be endorsed and will then form part of the permit. The development must be conducted in accordance with the endorsed plan. The environmental management plan is to include but is not limited to:

i. Overview of construction methods including management zones and construction zones, site preparation, access, construction activities, schedule and timing of works, and contractor briefing

ii. Management Structure and Roles including an environmental audit process

iii. Applicable planning and legislative requirements

iv. Environmental considerations; management of and/or mitigation of impacts on:
   - Surface water pollution
   - Erosion and sediment

- Terrestrial ecology
- Aquatic ecology
- Land management, reinstatement and rehabilitation
- Visual impacts
- Dust, odour and air quality
- Noise and vibration
- Waste management
- Hazardous materials
- Environmental incidents and emergencies
- Fire hazards

v. Landscaping plan detailing planting treatments using local indigenous species. Any planting within the forest interface reserve must consider measures to protect adjoining conservation land from land degradation, including erosion and weed invasion.

vi. Revegetation Plan for the Fletcher Street road detailing planting treatments using local indigenous species.

26. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Protection of native vegetation to be retained
Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
(a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
(b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

27. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Protection of native vegetation to be retained
Except with the written consent of the department, 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) Construction of entry and exit pits for underground services; or

(e) Any other actions or activities that may result in adverse impacts to retained native vegetation

28. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Protection of native vegetation to be retained
Tree trimming operations must be undertaken using the three-cut method as described in Australian Standard for Pruning Amenity Trees (AS 4373—2007). Use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.

29. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Protection of native vegetation to be retained
Fencing removal and replacement fencing on surveyed boundaries must avoid impacts to native vegetation other than as identified in Native Vegetation Removal Report GEN_2023_445.

30. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Protection of native vegetation to be retained
All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be topsoiled and revegetated to the satisfaction of the responsible authority. All drainage is to be diverted around the disturbed areas. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.

31. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Native vegetation offsets
The total area of native vegetation permitted to be removed is 0. 0.401 hectares, as identified in Native Vegetation Removal Report GEN_2023_445, comprised of:
(a) Patch(es) of native vegetation with a total area of 0.401 hectares (containing 3 large canopy trees).

32. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Native vegetation offsets
To offset the removal of 0.401 hectares of native vegetation as identified in Native Vegetation Removal Report GEN_2023_445, the permit holder must secure a native vegetation offset(s) that meets the following:
(a) A general offset of 0.347 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district;
(b) Have a Strategic Biodiversity Value score of at least 0.696;
(c) Provide protection for at least three (3) large trees;
(d) Must be in accordance with the Guidelines for the removal, destruction or

lopping of native vegetation (DELWP, 2017).

33. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Offset evidence
Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
(a) A security agreement signed by both parties, and
(b) A management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification; and/or
(c) Credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

34. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Offset evidence
Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at p&a.north@delwp.vic.gov.au.

35. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Access and Encroachment
(a) All works are to be contained within the freehold land and must take place from the freehold side of the boundary.
(b) No access or egress of any kind is permitted to the subject land via the adjoining Crown land without the consent of DEECA and/or Parks Victoria.
(c) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
(d) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.

36. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Stormwater Discharge
Stormwater discharge is not to be discharged in the adjoining Crown Land. Where unavoidable, a stormwater management plan which is to the satisfaction of the Department of Energy, Environment and Climate Action must be submitted to and approved by the responsible authority It must be in accordance with CSIRO guidelines and incorporate water sensitive urban design principles.

37. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
Fencing
Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action in accordance with the Fences Act 1968 and at the applicant's expense. Fencing must be:
(a) Erected on the boundaries of the land;
(b) Stock and pet proof;
(c) Without gates or openings on to adjoining Crown land.
(d) At least 1.5 metres in height

38. EXPIRY OF THE PERMIT (STAGED SUBDIVISION)
This permit will expire unless:
(a) All stages of the approved subdivision have been certified within five years of the date of this permit; or
(b) Any stage of the approved subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988.

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

City of Greater Bendigo Engineering Unit Note:
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.

Department of Energy, Environment and Climate Action Notes:

The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au).
Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit https://www.environment.vic.gov.au/native-vegetation/native-vegetation for further information

Fire Rescue Victoria Note:
FRV's requirements for identification of hydrants are specified in "Identification of Street Hydrants for Firefighting Purposes" available under publications on the CFA website (www.cfa.vic.gov.au)

Attachments

Nil

16.6. 14 MacKenzie Street, Bendigo 3550 - Use of Land for Accommodation, Partial Demolition, Buildings and Works to Construct Buildings and Fencing, Internal and External Alterations to an Existing Building and Removal of Trees

Author:	Shannon Rosewarne, Senior Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DU/520/2022
Applicant:	Forest & MacKenzie Pty Ltd
Land:	14 MacKenzie Street, BENDIGO 3550
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay 12 Heritage Overlay 167 & 12 Parking Overlay 1
No. of objections:	6
Consultation meeting:	A consultation meeting was not held.
Key considerations:	• Whether the proposal is consistent with State and local planning policy. • Whether the proposal will result in unacceptable impacts on the significance of the heritage place. • Whether the proposal is an acceptable design response in relation to the requirements of DDO12. • Whether the proposal will result in acceptable traffic impacts. • Whether the proposal will result in unreasonable amenity impacts.
Conclusion:	The proposal, on balance, is an acceptable planning outcome for the site with regard to the relevant provisions of the Greater Bendigo Planning Scheme relating to heritage, urban design and neighbourhood character. It is recommended that Council approve this application.

Recommended Motion

That Council issue a Notice of Decision to Grant a Permit for Use of Land for Accommodation, Partial Demolition, Buildings and Works to Construct Buildings and Fencing, Internal and External Alterations to an Existing Building and Removal of Trees at 14 MacKenzie Street, BENDIGO 3550 subject to the conditions at the end of this report.

Background Information

A decade ago, Planning Scheme Amendment (C197) was undertaken by Council to:

- Rezone the subject site from part Special Use Zone 1 (Private Educational or Religious Institutions), part Business 1 Zone and part General Residential Zone to Commercial 1 Zone;
- Make changes to the mapping and schedule for the Heritage Overlay including the listing for HO167;
- Insert the Design and Development Overlay – Schedule 12 into the Scheme and apply it to the subject site; and
- Introduce the *All Saints Anglican Church, School and Master's Residence Conservation Management Plan (City of Greater Bendigo, August 2012)* as a background document within the Planning Scheme.

Amendment C197 was approved by the Minister for Planning and gazetted on 4 April 2014.

A previous planning permit application (DR/198/2019) was made for this site which sought approval for partial demolition, internal and external alterations of existing buildings, use and development of land for accommodation (apartments and dwellings) and removal of vegetation. The application was determined by the Delegated Planning Panel. The application was approved and a Notice of Decision to Grant a Permit was issued on 13 September 2019.

An Application for Review was lodged with the Victorian Civil and Administrative Tribunal (VCAT) by objectors to the application. The Tribunal determined that no permit should be granted and the City's decision on the application was set aside.

The three key reasons for the Tribunal's decision were:

- The level of development in area 'A' failed to satisfy the planning guidance provided at both DDO12 and the heritage framework of the Planning Scheme.
- The issue of acoustics was not adequately addressed and remained unresolved.
- The issue of access was unresolved.

This application (DU/520/2022) was originally lodged on 3 August 2022. The application was referred to relevant internal departments and public notice of the application was given. Six (6) objections were received. A number of concerns were raised with the proposed design.

The application and plans were subsequently, formally amended on 9 October 2023 under section 57A of the Planning & Environment Act 1987 and public notice of the amended application was given. Two further submissions by objectors who had lodged objections to the original proposal were received.

The amended proposal is the subject of this report.

A comparison of the current proposal against the previous application and matters considered by the Tribunal are included in this report.

Report

Subject Site and Surrounds

The subject site is located on the corner of Forest and MacKenzie Streets in central Bendigo. It is an irregular shaped allotment of 4,155 square metres with frontages of 47.06 metres to MacKenzie Street, 55.65 metres to Forest Street and 4 metres to MacGillivray Lane. There is a fall of approximately 7 metres over the site from west to east. A site cut has occurred in the past to lower the level of the informal car park area.

The site contains the former All Saints Cathedral, located in the southwestern part of the site. The church is significant as one of the earliest in Bendigo, first constructed in 1855 and rebuilt 3 years later following storm damage, with a series of later additions in 1935 comprising a new chancel at the eastern end and a Women's Guild Hall added at the rear in 1938. The church was proclaimed a Cathedral in 1932.

The church is no longer used as a place of worship. The balance of the site is undeveloped and contains some trees and an informal gravel car park which is accessed via MacGillivray Lane. A stone wall and iron fencing exist along both the MacKenzie and Forest Street frontages of the site.

The site was previously part of a larger All Saints Complex which included the adjoining property, 10-12 MacKenzie Street. This land has since been subdivided. The former School and Master's Residence buildings have been retained on this property. The former School is now used as a function centre and food and drink premises. The Master's Residence dates to 1877 and is a two-storey red brick, Gothic Revival style construction and is currently used as serviced accommodation.

No. 32 Forest Street adjoins the property to the northwest and contains a large two storey, brick residence sited close to the boundary with the subject site, dating to approximately 1870, and is zoned General Residential. The site also adjoins 113-121 View Street on its northwestern boundary. This site, zoned Commercial 1, is developed with a modern building occupied by the La Trobe Visual Arts Centre and used for exhibitions and events.

The site adjoins View Lane on its northeastern boundary and has a width of approximately 3.5 metres, widening to approximately 6 metres at the end of the lane.

View Lane is a private laneway which is common property, rather than a road reserve. The subject site benefits from a carriageway easement which is registered on title within this common property. This entitles the occupants of the subject site to utilise the common property to access their site. A number of properties which face onto View Street adjoin View Lane to the rear and this laneway provides for rear access and vehicle parking. The adjacent buildings on View Street are two storey, brick, heritage buildings used for commercial purposes at least at ground level, with the exception of the La Trobe building which is a recent single level contemporary construction.

Opposite the site on the southeastern side of MacKenzie Street are a number of commercial uses including a modern two storey office complex on the corner of View and MacKenzie Streets and three detached heritage dwellings used as offices.

Opposite the site on the southwestern side of Forest Street is St John's Presbyterian Church at 35-41 Forest Street, with a series of detached dwellings, the majority of which are of heritage significance and mainly constructed of brick.

MacGillivray Lane is an unsealed laneway with a width of approximately 9 metres that runs between Forest Street and Rowan Street.

Forest and MacKenzie Streets both contain line-marked, on-street parking spaces on both sides of the street. There are no significant street trees along the site's frontage.



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



Figure 2: Aerial photograph showing subject site and surrounds.

Proposal

The proposal is for a multi dwelling development on the site which would incorporate the existing church. Essentially the development is for 14 dwellings comprising:

- 5 dwellings proposed at the rear of the site;
- 2 dwellings proposed adjacent to MacKenzie Street;
- 2 dwellings within the footprint of the 1935 church extension; and
- 5 dwellings utilising the original church building and new additions to the church.

The extent of demolition would include:

- Demolition of the 1935 extension to the church including the southeastern wall, roof, floor, footings and associated elements;
- Demolition of the 1938 extension to church including all walls, roof, floor, footings and associated elements (Women's Guild Hall);
- Removal of existing paths;
- Removal of existing carpark area and parking bollards;
- Removal and relocation of trees.

Proposed external alterations would include:

- Alteration to northeast elevation to create an opening;
- Replace roof sheeting to match the heritage roof;
- Existing bluestone steps removed and re-purposed as paving on site.

The proposed new development would include:

- Construction of a total of fourteen (14) dwellings comprising:
  - One x 2-bedroom dwelling
  - Thirteen x 3-bedroom dwellings
- Construction of a new extension to the existing church building using the footprint of the previous extension dating to 1935

- Basement level car park with 30 car spaces, bicycle storage, bin storage and other storage areas.

Works would include the excavation of the car park area to create the required levels for the development.

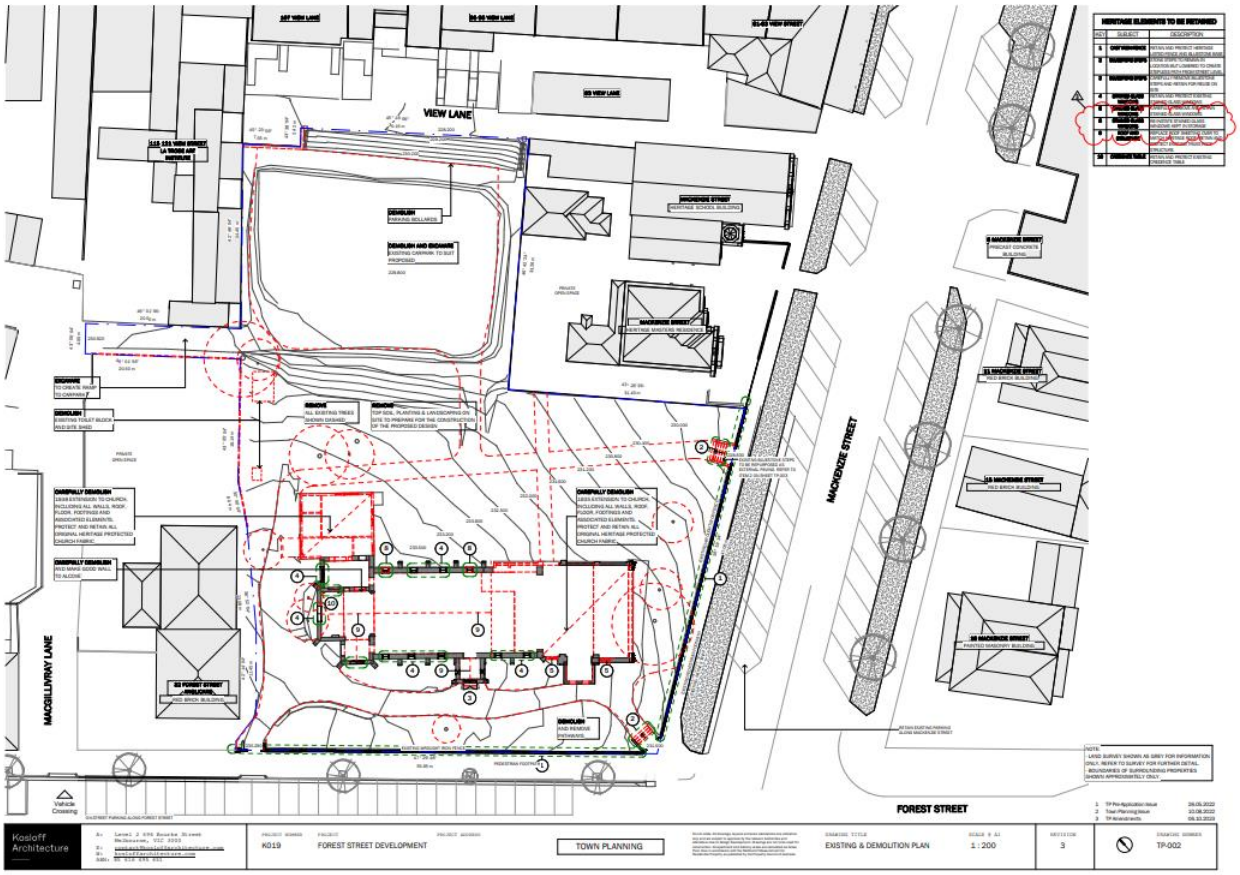


Figure 3: Plan showing existing conditions and extent of proposed demolition

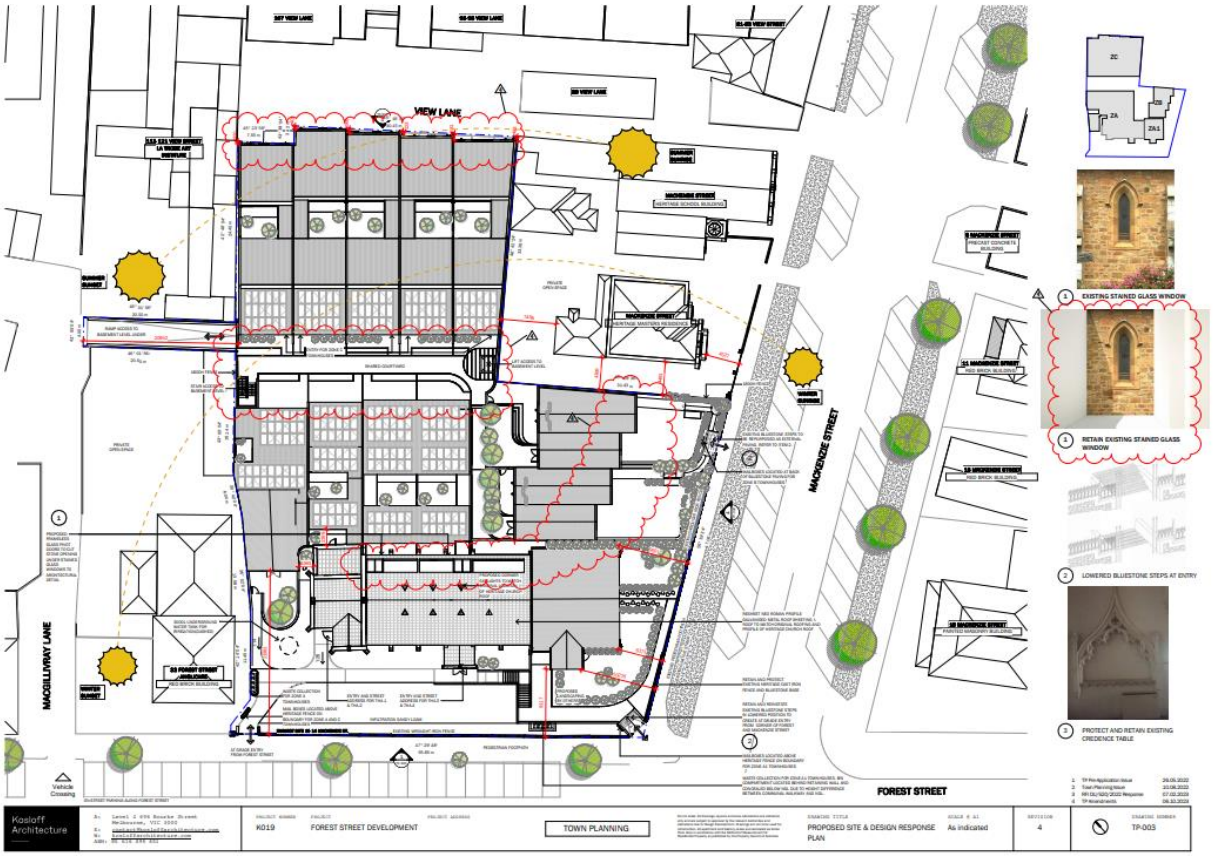


Figure 4: Proposed site layout

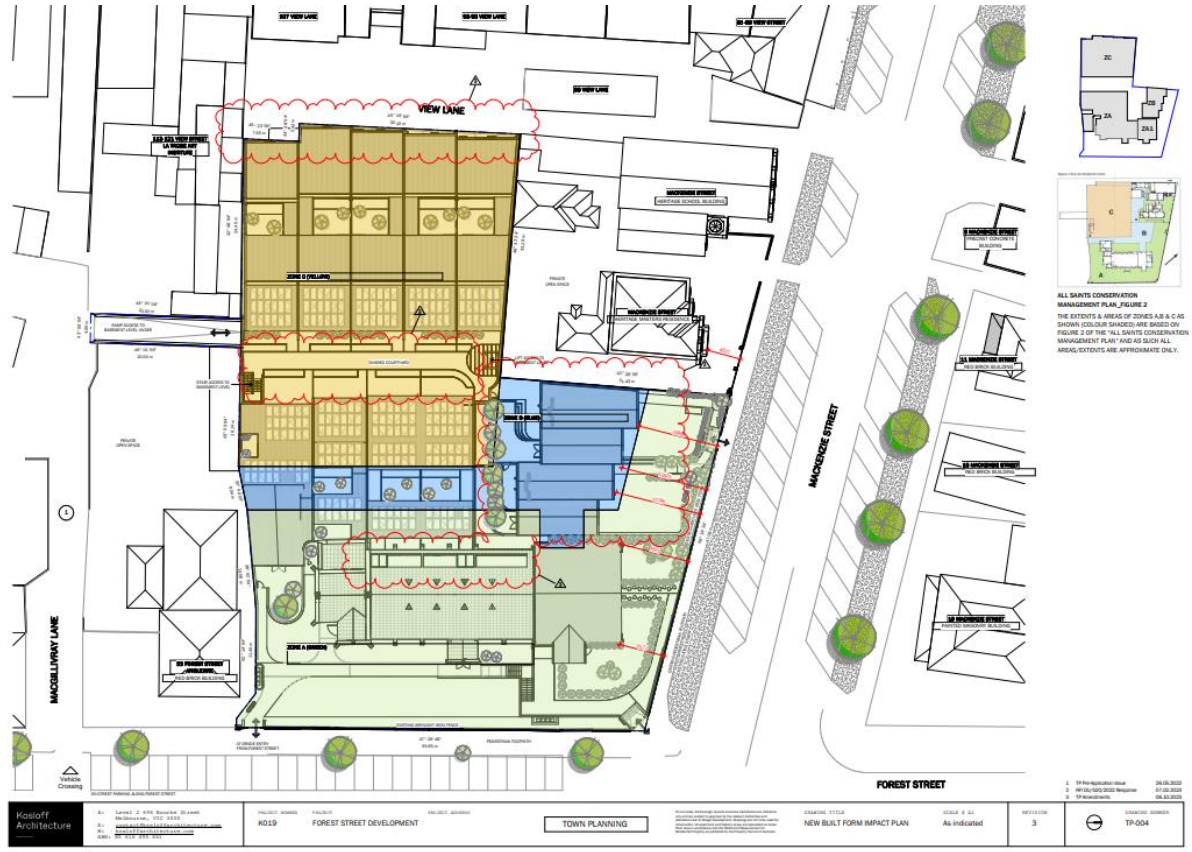


Figure 5: Proposed layout in relation to Areas A, B & C of the Conservation Management Plan

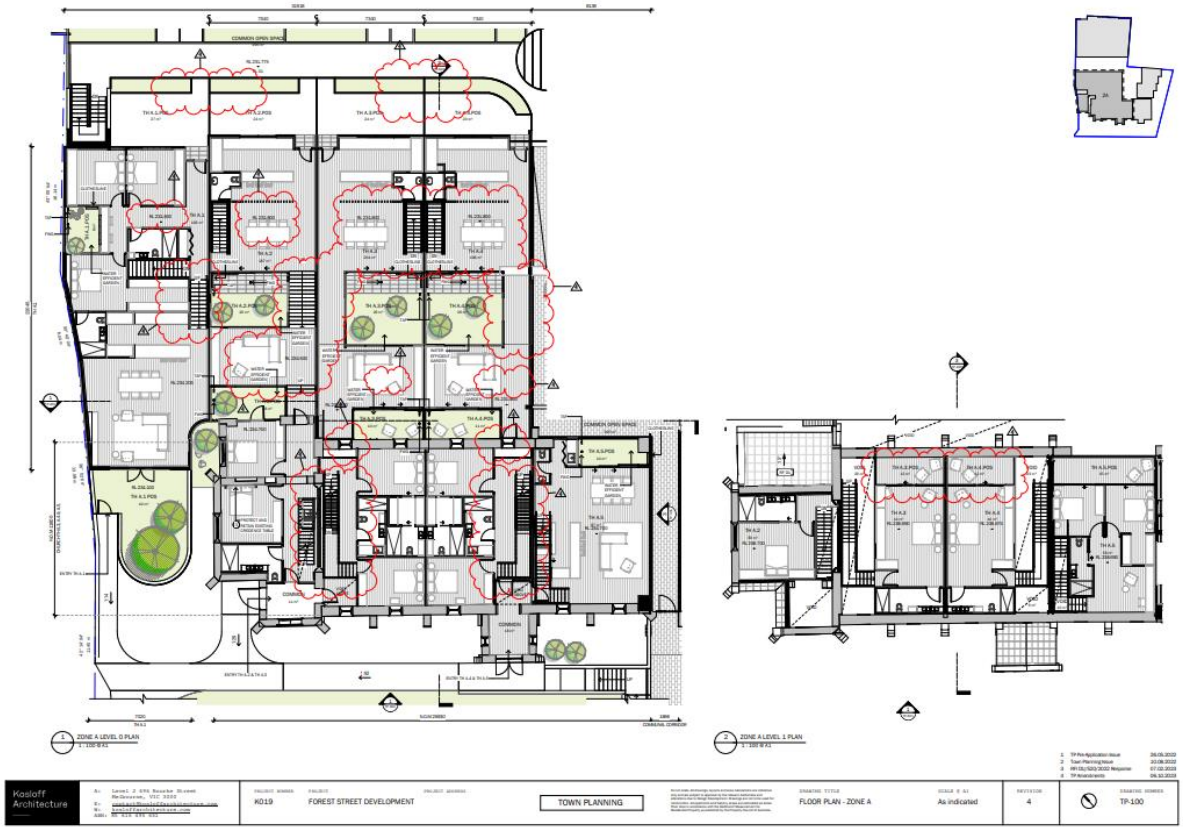


Figure 6: Proposed ground and first floor plans of original church and additions

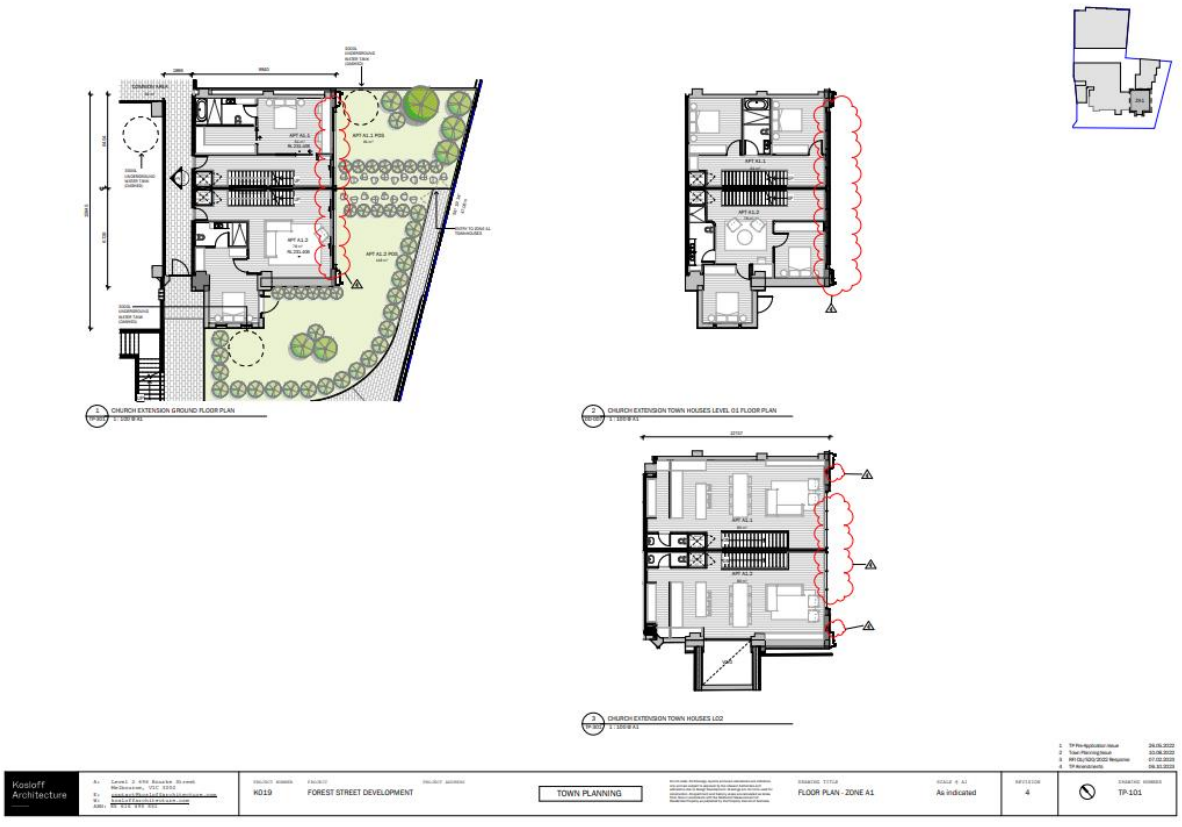


Figure 7: Proposed ground and first floor plans of dwellings in new church extension using 1935 footprint



Figure 8: Proposed ground and first floor plans of dwellings MacKenzie Street townhouses

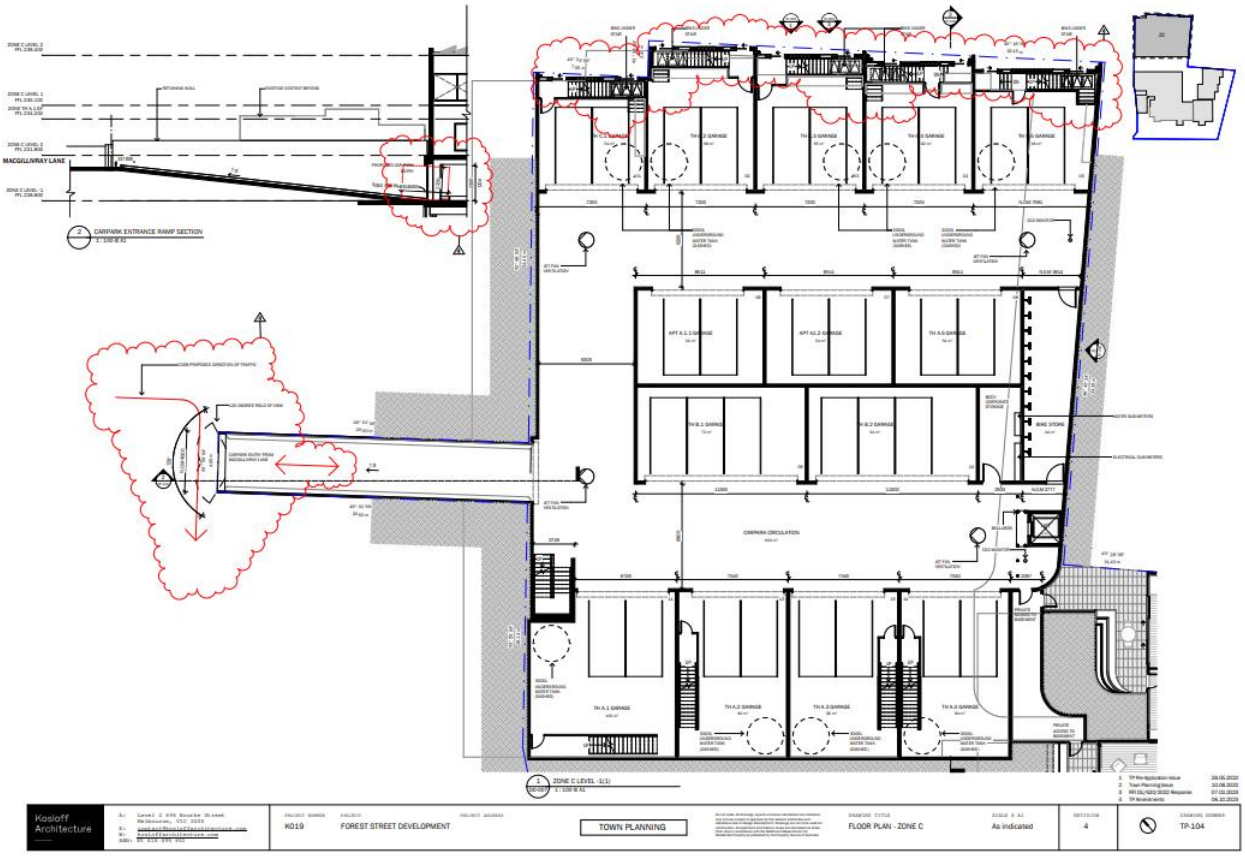


Figure 9: Proposed basement level



Figure 10: Proposed ground and first floor plans of Area C townhouses

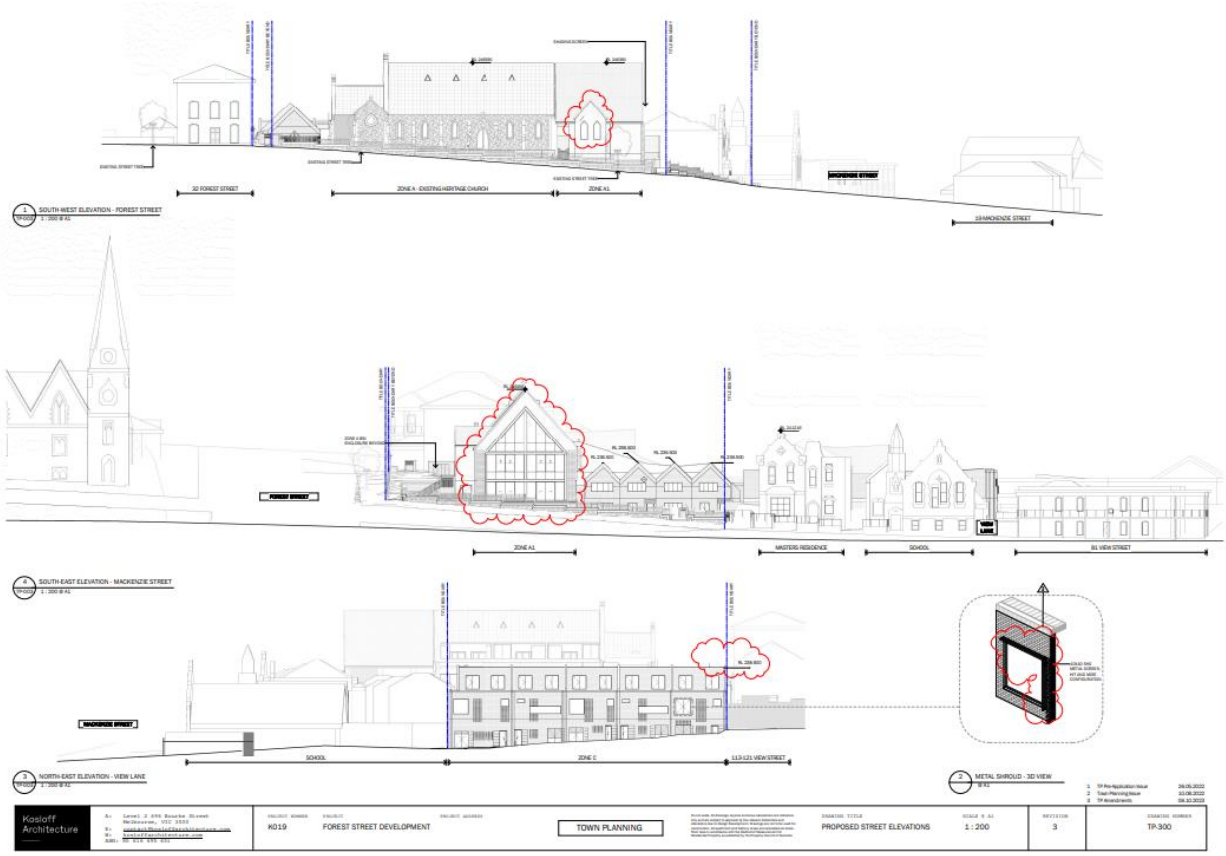


Figure 11: Forest Street, MacKenzie Street and View Lane elevations

Planning Controls - Greater Bendigo Planning Scheme

The need for a planning permit is triggered by:

- Clause 34.01-1 which states a permit is required to use land for accommodation within the Commercial 1 Zone
- Clause 34.01-4 which states a permit is required to construct buildings and carry out works within the Commercial 1 Zone
- Clause 43.01-1 which states a permit is required for demolition, to construct a building or carry out works, for the construction of fences, installation of solar energy systems, internal and external alterations, and removal of trees within the Heritage Overlay
- Clause 43.02-2 which states a permit is required to construct buildings and carry out works within the Design and Development Overlay

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

<u>Municipal Planning Strategy</u>

- 02.01 Context
- 02.03-1 Settlement
- 02.03-5 Built environment and heritage
- 02.03-6 Housing

- 02.03-8 Transport
- 02.04 Strategic framework plans

Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.03-1S Activity centres
- Clause 11.03-6L-01 Bendigo City Centre
- Clause 13.05-1S Noise management
- Clause 13.07-1S Land use compatibility
- Clause 13.07-3S Live music
- Clause 15.01-1S Urban design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-2S Building design
- Clause 15.01-2L Environmentally sustainable development – Greater Bendigo
- Clause 15.01-3L Historic and distinctive streetscapes
- Clause 15.03-1S Heritage conservation
- Clause 15.03-1L Post contact heritage conservation – Greater Bendigo
- Clause 16 Housing
- Clause 16.01-1S Housing supply
- Clause 18.01-1S Land use and transport integration
- Clause 18.01-1L Land use and transport planning – Greater Bendigo
- Clause 18.02-4S Car parking

Zone

- Clause 34.01 Commercial 1 Zone

Overlays

- Clause 43.01 Heritage Overlay
- Clause 43.02 Design and Development Overlay

Particular Provisions

- Clause 52.06 Car parking
- Clause 53.06 Live music entertainment venues
- Clause 53.18 Stormwater management in urban development
- Clause 55 Two or more dwellings on a lot

Other Provisions

- Clause 65.01 Approval of an application or plan

- Clause 71.02-3 Integrated decision making

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Heritage Advisor	Generally supported, subject to conditions and some further changes to the plans. *Demolition* The demolition of the former tennis court/car park, Women's Guild Rooms, toilet block and shed are acceptable. The tennis court was constructed in 1960 and does not form part of the original or early fabric. The CMP states that the Women's Guild Rooms have no heritage significance. The City's Heritage Advisor stated that while the Guild Rooms may not meet the threshold for architectural significance, the association with the Women's Guild has some historical and social significance that is represented by the extant fabric, but no objection was made to the removal of this component of the building. *Trees* Tree controls apply to this site under the Heritage Overlay. The CMP refers to three Olive trees planted in 2002 to celebrate 150 years of occupation of the site and large mature trees. The

Referral	Comment
	heritage assessment and planning report submitted with the application confirm that an existing Pine tree can be retained and the memorial Olive trees could be relocated on site. The City's Heritage advisor accepted this approach. *Alterations* *Bluestone steps x 2:* The stone steps are identified as a significant element of the site, and the CMP policies stipulate that these elements should be retained and conserved. The applicant has provided convincing justification for the proposed levelling of the bluestone steps. The levelling of the bluestone steps enables a reduction in height for the adjacent townhouse development. In turn this will help to lessen the impact that the new development will have on views to 12 Mackenzie Street. It is understood that accessible entry is required for the site's redevelopment and adaptive reuse, and that there are some constraints because of the site's topography. If the stairs were to be retained at current levels, handrails would need to be introduced. It is also acknowledged that measures to minimise adverse impacts to heritage significance have been incorporated into the design. This includes the retention of the stone treads in situ and the decision to avoid creating any new openings that would result in modifications to the existing fencing (also a significant element). On the balance of other changes that have been made to improve the scheme overall, and accepting site constraints and measures to protect significance, the levelling of the bluestone steps is acceptable. *Church roof cladding:* Supported. A historic photo of the Cathedral dated 1910 shows

Referral	Comment
	the roof clad in neo-Roman profile galvanised metal sheeting. The reinstatement of dormers may be acceptable, provided it is an accurate reinstatement based on historic evidence. *Church lancet windows and proposed skylights* The amended plans show that the original church lancet windows will be retained and a new connection created below subfloor level of the church. This aspect of the proposal is acceptable, however a design and methodology prepared by a suitably experienced and qualified structural engineer showing how sub-floor access will be created, should be provided. The report should specify what protective measures will be implemented to protect the heritage fabric during works and detail any fixings that will be made into heritage fabric. *1935 Church extension window openings (southeast elevation)* Not supported. The proposed window treatment fails to address the heritage context. In its current configuration, the church extension's southeast elevation is reading predominantly as a glazed wall held by steel frames. In heritage precincts, new windows should respect and respond to the location, size, and proportions of traditional windows on buildings that contribute to the significance of the heritage place. The design should consider the relationship of solid space (walls, solid) to void space (windows, void). The site is located in a cohesive and prestigious heritage area where Victorian era development is strongly represented. Buildings are mostly masonry with regularly spaced vertically proportioned windows. The new development needs to reduce the amount of glazing and introduce some masonry to the southeast façade to break up the expanse of glazing. It is accepted that there is a need to meet light and ventilation requirements, however it is believed that a more balanced outcome could be achieved.

Referral	Comment
	Gable window openings (southwest elevation) The two new windows proposed appropriately respond to the existing character of the place and the proportions of lancet windows. Their simple style and new materials clearly distinguish the windows as recent modifications. *Skylight windows* It is accepted that the conversion of the church to residential apartments has necessitated that the building meets certain light and ventilation requirements. The skylights will be on a secondary roof plane, mostly concealed from public view. It is understood that the insertion of new skylights will not result in modifications to the internal, exposed timber hammer beam roof. This should be confirmed in an annotation on the plan and form a condition of permit. *New development* *Zone A* The front setback of the proposed townhouses has been increased to approximately 12 metres from MacKenzie Street. This provides an acceptable buffer zone around the church that will help retain its setting and reduce impacts on views from the street frontage. With the increased setback, the majority of the townhouse development is located in Zone B. Generally, the design for the townhouses is appropriate given their simple contemporary style, scale, materials and finishes. It is preferable that the window shrouds are deleted, or the plans clearly marked to show they have been reduced in size. *Zone A setback from northeast elevation of church* Accepted. There is little setback between the north-east elevation of the church and Zone A development. The creation of subfloor access will effectively result in Zone A development sitting one floor level below the church. Given that the development is sitting very close to the east elevation of the

Referral	Comment
	church, this will somewhat help to reduce its visual dominance and reclaim some ‘airspace’ around the heritage building. There are some concerns with how the lowered roofs will present in this portion of the site. More information is needed to understand the ground treatment above the subfloor link. Given that this area will be largely concealed from public domain views, there may be greater tolerance for the shallower setback. *Limewash transparent white finish* Not accepted. It is preferable that unpainted surfaces remain unpainted. While it is acknowledged that the extension was never completed, it is doubtful that a limewash finish was intended. Cream brick was used widely in the 1930s and the use of this material reflects the interwar development of the church. It is difficult to remove paint or limewash from bricks and the painting/limewashing of surfaces is a permanent change. *Entry and street address for THA.3 and THA. 4* More information is needed. Specify materials and finishes and height of stairs and balustrade. Lower balustrade height and/or increase visual permeability if possible. *Conservation works* Repairs to stonework and reinstatement of stained glass: To mitigate the adverse impacts these actions would have on heritage significance, the applicant has committed to include conservation works as part of the proposed scope of work. This includes repairs to the stonework and re-using the removed stone fabric. The applicant has also committed to undertake restoration works to the brickwork, roof and interior. The surviving stained-glass windows will be reinstated and the credence table retained. It is recommended that the fulfillment of conservation works, reinstatement of stained-glass windows and retention of credence table is included in permit conditions.
Strategic Planning	The following comments were provided on the initial plans and changes to the proposal were recommended.

Referral	Comment
	The City Centre Plan identifies this site within Precinct 8 – View Street Precinct. The precinct is a cultural and tourism heritage area which supports boutique retail, eateries and the arts. It is envisioned that sensitive interweaving of residential and accommodation uses will further emerge in the future, adding to the existing high standard of inner city living within this part of the city centre. The proposed Urban Design Framework (UDF) for the Bendigo city centre highlights this property as a strategic site suitable for larger, multi-level redevelopment. The framework sets out preferred design elements new developments should achieve such as site coverage, preferred maximum heights and context related form and materials. DDO12 aims to preserve and maintain the heritage features and streetscape qualities of the former All Saints Cathedral site while allowing for respectful redevelopment of the main portion of the site. The DDO sets out preferred development scale for certain areas of the site. <u>Forest Street</u> Retention and re-use of the church is supported, however there is some concern regarding the size and the placement of the roof skylight. <u>Mackenzie Street</u> The UDF supports contemporary form in heritage areas such as this, however for a development to fit into the existing streetscape it does require the design to be context responsive. The DDO further aims to ensure materials and colours of any new structures are in harmony with the surrounding cultural heritage landscape. The window framing and wire screening on the south-western Mackenzie Street end of the church building does not seem to respond to the window forms present in the street. Many of the existing buildings have smaller, vertical windows. Thought

Referral	Comment
	should be given to breaking up glazing and enabling the framing and windows to greater reflect a contemporary interpretation of the existing windows in the streetscape (potentially similar to what is achieved in the windows along the Mackenzie frontage of TH B1 and TH B2). The use of large-scale, industrial-like external framing at diagonal angles also appears to be a stark contrast to the dominant visual lines in the streetscape. There is uncertainty about the need for shading on the south west elevation. Climate and ongoing maintenance of building greenery on upper levels also places doubts on longevity of the plantings, potentially leaving the angled framing and wire mesh exposed. No details have been provided on the species selection or proposed irrigation or maintenance. <u>View Street</u> Whilst it is acknowledged there needs to be a rear façade to buildings, this site and design response (with laneway access and underground parking) does allow for all street frontages to be context responsive and have a presence to each street. The design currently appears to turn its back on View Lane and does not use the same, small vertical window design used along the MacKenzie Street townhouses. More thought should be given to the presentation to View Lane and to the window form. <u>Laneway connections</u> The retention and linking of laneways is another preferred design outcome of the UDF for new developments. Given the size of the land, the prominence this site holds on the block and the access to several street frontages, there is opportunity provide a pedestrian link between View Lane to MacGillivray Lane within the design and for buildings and landscape treatments to be designed in response to this connection.

Referral	Comment
ESD Officer	No objection, subject to conditions of permit requiring amended plans which show ESD initiatives and standard conditions requiring all works proposed in the Sustainable Design Assessment to be undertaken and a post construction report to be submitted confirming all specified measures have been implemented.
Engineering - Traffic	Concerns were initially raised about access. A Traffic Impact Assessment Report was requested. Subsequently, the City's Traffic Engineer advised that there was no objection, subject to conditions specifying that: • The development must ensure sight lines at the exit driveway comply with Clause 52.06-9. • Gradients for ramps must comply with Clause 52.06-9 design standards. • The developer must construct civil works including a sealed pavement in MacGillivray Lane and appropriate intersection and traffication measures in accordance with plans and specifications approved by the responsible authority. • A Works Within Road Reserve Permit must be obtained from the City's Engineering Unit prior to commencing any works outside the property boundary on the road reserve.
Engineering – Drainage	No objection, subject to conditions requiring detailed drainage plans, construction of works including underground drainage, and works to MacGillivray Lane including construction and sealing, kerb and channel, stormwater drainage and street lighting, and provision of a public assets report prior to the commencement of works.

Referral	Comment
Environmental Health	No objection. Environmental Health assessed the application and the Noise Impact Assessment and considers the proposal to be generally suitable but noted that it is difficult to assess the noise attenuation measures until the building has been completed. It recommended the inclusion of a permit condition to the effect that: 1. Once construction is completed and prior to the development being occupied, the owner and/or occupier of the land is to submit an Acoustic Report containing amongst other things: a. Noise measurements and acoustic assessment demonstrating noise generated is to be no greater than the applicable noise limits as per current legislation, guidelines, and best practices; and b. Any measures considered necessary to achieve this for the day, evening, and nighttime, to the satisfaction of the responsible authority.
Waste Services	No objection.
Parking Services	No objection. Noted that residents of this development would not be eligible for the City's parking scheme.

Public Notification

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

As a result of advertising, six (6) objections were received, with the grounds of objection summarised below by theme.

A consultation meeting was not held; however the applicant provided a written response to objections and this was circulated to objectors, who were given a right of reply. No objections were withdrawn as a result of this correspondence.

View Lane

- Concern about doors on the development opening out onto the laneway (View Lane) creating a hazard for users of the lane including pedestrians and vehicles.
- Concern about number of bins which would potentially be placed at the entry of the laneway and impacts on access.
- Concern about overlooking to habitable rooms on existing development in View Lane.

- Concern about potential impacts on access to View Lane during and post construction due to the lane being used for parking.
- Concern about accuracy of plans in relation to existing buildings on adjoining land.
- Concern about use of View Lane pedestrian access for development in Zone C to and potential for loading/unloading in the laneway impacting on traffic flow in the laneway which currently services more than 10 residential properties and a restaurant, with many delivery vehicles having to reverse from the laneway to exit due to its dimensions.
- Potential impacts on traffic flow in MacKenzie Street from traffic using View Lane.
- Potential for window shrouds projecting in the laneway to impact delivery vehicles.
- Has any consideration been given to lighting within Zone C on adjoining properties in View Lane?
- Location of post boxes for Zone C not appropriate – potential for more deliveries via View Lane.
- The impact on the carriageway easement by pedestrians, vehicles, materials, hoarding, and construction works throughout the development and impacts on amenity.

Waste collection

- Concern about additional bins impacting MacKenzie Street and View Lane with regard to parking and access.
- How will bins from the MacKenzie Street dwellings be moved to the kerb with no crossover?
- Concern about noise generated by moving bins from Zone C dwellings during early morning and night hours impacting residents on View Lane.
- At least 10 additional bins will be out for collection in what is already an excessive and unsightly volume of bins. A private collection on site should be required if the proposal is approved.

Amenity impacts

- Adjoining site contains a reception centre, events space and restaurant which operates live music and hosts weddings and events and is licensed to 11pm for external areas and 1am for internal areas. Concern about the proximity of the proposed residential development.
- Concern that the noise assessment for the development is deficient.

- Noise measurement locations are shown at locations away from the boundary and the noise activity.
- The noise testing was conducted several years ago when COVID-19 restrictions were in place for hospitality venues, including caps/restrictions on numbers and function activities.
- The acoustic report is significantly deficient in its methodology and how it addresses the “agent of change” principles of being sited near and immediately adjacent to a “live music venue”.
- Has consideration been given to impacts of glare from solar panels from afternoon sun to existing residences?
- Concern about overshadowing of private open space at 12 MacKenzie Street. Whilst both properties are zoned Commercial 1 Zone, they are all current or proposed residential uses.

Built form

- Concern about the relationship of the proposed materials to the precinct, which is predominantly red brick or sandstone.
- Concern about the proposed high boundary wall with no setback and lack of detail on wall design and treatment.
- Proposal is a gross overdevelopment of the historic site.
- The proposal fails to take into consideration the historical significance of the site, which was the site of the first church service on the goldfields and had a gathering of Red Ribbon participants.
- The proposal is not consistent with the planning controls which specify little to no development on the site.
- Lack of open space.
- Objection to excessive bulk and overdevelopment of the site.
- Concern about the interface of Area C townhouses to rear of the boundary with the Master’s Residence and Schoolhouse. Whilst there appears to be a modest reduction in height from the previous application, its height and bulk is still significant and will compete with the surrounding heritage buildings by forming a new backdrop to those buildings.
- Construction works will likely impact the root zones of trees at 12 MacKenzie Street. The application has not addressed this.
- Encroachment within Area A and proposed built form in Area B are contrary to the provisions within the DDO12 and fails to address VCAT’s concerns with the previous proposal.

Heritage impacts

- Whilst there is a temptation to compromise on what would otherwise be an unacceptable planning outcome in the hope that this might limit the current and ongoing neglect this heritage building is enduring, that temptation must be resisted. This is not just because a developer should not be rewarded for its demolition by neglect but because the current application does not represent an acceptable outcome for either the All Saints Cathedral or the broader heritage precinct, including the Master's Residence and Schoolhouse.
- Concerns about waste bin storage on MacKenzie Street frontage.
- The vacant land between the Cathedral and the Master's Residence was a significant meeting place for miners in the precursor to the Red Ribbon Rebellion.
- Concerns about removal of significant heritage trees, including a substantial 100-year-old Cyprus on Forest Street and Olive tree plantings that marked the 150th anniversary of the church. These trees should be retained and protected.
- Many of the original windows have been destroyed by neglect, theft, and vandalism. The Montgomery windows still exist and must be protected.
- If approved, conditions of permit should require the developer to restore all stained-glass windows for which there are still sections remaining and to reinstate the Montgomery windows in the Nave.
- Consistent with the recommendation of the Conservation Management Plan, a nomination should be made for State heritage protection for the Montgomery windows.

Access

- Access for emergency vehicles for Zone C.
- The Traffic Management Report's revised approach to address VCAT's concerns regarding access by citing them as "Not Applicable" based on presumptive modelling should not be considered an acceptable traffic management strategy.
- Concern about access for parking via a 4-metre-wide laneway for ingress and egress.

Previous VCAT decision

- The current application fails in material ways to address the reasons VCAT refused to grant a permit.
- The proposed townhouses fronting Mackenzie Street continue to encroach into area "A" and fail to address VCAT's concerns regarding both the adherence to the site specific DDO12 and the heritage framework of the broader planning scheme;

- Lack of variation from previous proposal which was refused by VCAT.

Other

- It is unacceptable that a developer can avoid the implications and protections ordinarily afforded to residential properties by using C1Z zoning principles to build what is otherwise a wholly residential development.
- Concern about commencement of the development before there is a building permit for all stages of construction.
- Where the proposed connections are for water, gas and electricity for Zone C.
- The current application was not provided before being circulated as part of the advertising and notice period and there has been no request for pre-application consultation.

The objections are discussed as relevant to the merits of the application below.

Planning Assessment

Planning policy

The following clauses of the Municipal Planning Strategy (MPS) are relevant in the consideration of this proposal:

Clause 02.01 (Context) recognises that Greater Bendigo is growing rapidly with a projected population of over 150,000 people by 2036 and a population target of 200,000 by 2041. Clause 02.03-1 (Settlement) states that the population is projected to increase by over 2,000 per year over the next 20 years and an additional 1,000 new dwellings per year will be required to accommodate this growth. Strategic directions for settlement include facilitating 10-minute neighbourhoods.

Clause 02.03-5 (Built environment and heritage) contains strategies which seek to:
- Protect the city's valuable sites, places, and features of natural, archaeological, and cultural heritage significance.
- Balance the protection of heritage places with support for sensitive and innovative development to accommodate projected population growth.
- Support high quality sympathetic contemporary design when undertaking new development in heritage precincts and places.
- Encourage the restoration of heritage places and sympathetic development to support contemporary use of heritage places.

Strategic directions within Clause 02.03-6 (Housing) include:
- Facilitating a wide diversity of housing typologies to suit all household types, needs and incomes and make best use of land and environmental resources.

- Increasing the residential population of the Bendigo city centre and its immediate surrounds to create a more dynamic area, maximise the use of existing infrastructure and provide different housing choices for people.

Clause 02.03-8 (Transport) contains a strategic direction to maximise access to goods, services and facilities for all people throughout the municipality by supporting a compact Greater Bendigo and 10-minute neighbourhoods.

The following clauses of the Planning Policy Framework (PPF) are relevant in the consideration of this proposal:

Clause 11.01-1S (Settlement) seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies to achieve this objective include focusing investment and growth in Metropolitan Melbourne as well as a number of major regional cities including Bendigo, and developing compact urban areas that are based around existing or planned activity centres to maximise accessibility to services and facilities.

Clause 11.01-1R (Settlement – Loddon Mallee South) recognises Bendigo as the regional city and major population and economic growth hub for the region, offering a range of employment and services. One of the strategies within this clause is to facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.

Clause 15.01-S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Clause 15.01-2S (Building design) aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-2L (Environmentally sustainable development – Greater Bendigo) aims to achieve best practice in environmentally sustainable development from the design stage through to construction and operation. This policy contains a number of strategies in relation to energy performance, integrated water management, indoor environmental quality, transport, waste management and urban ecology.

The State’s neighbourhood character policy at Clause 15.01-5S seeks to recognise, support, and protect neighbourhood character, cultural identity and a sense of place. Strategies include supporting development that:

- Respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

- Ensures development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.
  - Neighbourhood character values and built form that reflect community identity.

The objective of Clause 15.03-1S (Heritage conservation) is to ensure the conservation of places of heritage significance. Relevant strategies include:

- Providing for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encouraging appropriate development that respects places with identified heritage values.
- Retaining those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensuring an appropriate setting and context for heritage places is maintained or enhanced.
- Supporting adaptive reuse of heritage buildings where their use has become redundant.

Clause 15.03-1L (Post contact heritage conservation – Greater Bendigo) seeks to, amongst other things:

- Ensure integration of new development by encouraging design that respects the heritage place through its setting, location, bulk, form, materials, and appearance.
- Retain and protect the main architectural style, structure and significance of the heritage place.
- Avoid additions and alterations that detract from the significance or views of adjoining heritage places and precincts.
- Support car parking, car accommodation and associated accessways that do not dominate or affect the significance of a heritage place.
- Retain and restore original fences where possible.
- Support the retention of significant or contributory heritage building or places.
- Retain original elements that contribute to the significance of a heritage place.
- Allow for the partial demolition of significant and contributory buildings where either:
  - The fabric to be demolished is of no significance.
  - The demolition reveals the original fabric of the building.
  - The demolition will assist in the long term conservation of the heritage place.
- Ensure that the installation of solar energy facilities and domestic service units do not dominate or adversely impact upon the heritage values of a place or precinct.

- Ensure that the installation of solar energy facilities and domestic service units do not diminish the prominence of contributory elements of a heritage place.
- Ensure that installation of solar energy facilities and domestic service units does not damage original fabric of a heritage place.
- Support new buildings that do not adversely affect the significance, character, or appearance of the heritage precinct, and are visually recessive.
- Ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks and materials.
- Ensure that infill buildings in a heritage place or precinct do not detract from the significance or views to adjoining heritage places from the public realm.
- Support new development within a heritage precinct that is contemporary in appearance and that does not mimic historic styles or details.
- Conserve view lines to historic and landmark buildings.

In considering the relevant planning policies, it is clear that the proposal is consistent with settlement and activity centre policies as it would provide for additional accommodation within the Bendigo city centre which would assist in meeting the forecast demand for housing and increase the population within the city centre, creating a more active and dynamic area and a compact urban form.

The subject site is located within the Bendigo city centre and the Urban Growth Boundary, as shown within the Urban Strategic Framework Plan at clause 02.04 of the MPS. The proposal is also consistent with local policies which encourage 10-minute neighbourhoods as the site is walkable to a range of facilities, services, public open space, recreation opportunities and public transport. Higher densities are generally encouraged in city centre locations.

The site has been identified as a strategic redevelopment site within the *Bendigo City Centre Plan (2020)*, which has been adopted by Council but is not yet referenced within the Planning Scheme. As such, it is recognised that some level of change will occur on this site and should be supported.

A Sustainable Management Plan was prepared for the original plans, demonstrating that the development would achieve a BESS score of 79%, which satisfies best practice for environmentally sustainable design. A Green Travel Plan has also been prepared. The Sustainable Management Plan should be updated to assess the amended plans and ensure the revised design also meets best practice. Some further detail would be required to be shown on the final plans. This can be required as a condition of the permit.

The amended proposal has addressed the majority of the concerns relating to the design of the development and its response to the heritage context of the site. The amended proposal is largely consistent with heritage policies which seek to:

- Retain significant fabric and original elements that contribute to the significance of the place;
- Ensure that infill buildings and alterations do not detract from the significance or views to an adjoining heritage place from the public realm;
- Maintain an appropriate setting and context for heritage places.

Some concerns remain about aspects of the design; however, these matters can be addressed via a permit condition requiring amended plans. The new south-east elevation of the church building should be amended to reduce the amount of glazing and introduce some masonry, as the large, glazed façade remains too dominant within the streetscape. The proposed limewash finish to existing brickworks on this facade is not supported. From a heritage perspective it is preferable that unpainted surfaces remain unpainted.

Overall, the amended proposal is considered to be generally consistent with urban design and neighbourhood character policies which call for development to respond to and positively contribute to neighbourhood character and the local context, including cultural context, enhance the public realm and minimise the detrimental impact of development on neighbouring properties.

Clause 71.02-3 (Integrated decision making) of the Planning Scheme states that 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.

On balance, the design response would achieve an acceptable planning outcome which responds to the site’s heritage context. The proposed design has adequately balanced the protection of the heritage place against the development potential of the site.

Zone

The purposes of the zone include providing for residential uses at densities complementary to the role and scale of the commercial centre. The site forms part of the Bendigo city centre, which is the principal retail and commercial centre for the municipality as well as northern and central Victoria.

Despite an objection raising a concern that the proposal is for a wholly residential use in a commercial zone, the use of the land for accommodation is acceptable and

consistent with the purposes of the zone and the strategic directions for the Bendigo city centre.

With regard to interfaces, the site adjoins land zoned Commercial 1 to the north and northeast. The land to the northwest is zoned General Residential Zone (32 Forest Street).

An assessment against the objectives and standards of Clause 55 (Two or more dwellings on a lot) has been undertaken as per the decision guidelines of the zone. The proposal has satisfied the objectives of Clause 55.

Design

The design of the proposed new townhouses fronting MacKenzie Street in Area B uses brick construction, gable roof forms, staggered facades and rectangular window forms in a non- traditional manner. The amended plans have sought to address concerns around the siting of this component of the development in relation to the adjoining heritage buildings, being the church building and the former Master's Residence.

The proposed new dwellings fronting MacKenzie Street would be sufficiently recessive as they would be set back behind the church building and the Master's Residence. The proposed level differences between the church and dwellings, together with the height of the proposed dwellings, would also reduce the dominance of the development within the streetscape in relation to these adjoining heritage buildings.

With regard to siting, the front setbacks to MacKenzie Street for the two new townhouses fronting MacKenzie Street would adopt staggered setbacks of between 10.96 and 11.82 metres which complies with Standard B6. As noted above, the townhouses would sit behind the church building and Master's Residence and would be recessive in the streetscape. The proposed setbacks would allow for a garden setting to be maintained within the streetscape for the church and MacKenzie Street dwellings.

The proposed layout provides opportunities for landscaping to complement and soften the built form. The application states that a number of significant trees on the site would be either retained in situ (Pine tree) or relocated elsewhere on the site (Olive trees). It is recommended that a detailed landscaping plan be required as a condition of the permit.

The overall heights of the buildings within the development are acceptable. Whilst the side and rear setbacks and length of walls on boundaries standards are not met as Townhouses within Area C would have two storey wall heights at a zero setback

to View Lane and two and three storey wall heights with a zero setback to the MacKenzie Quarters site, the application notes that walls on boundaries are consistent with the character of a commercial area and that the proposal maintains appropriate space around MacKenzie Quarters.

The uppermost level for these townhouses would be set back from View Lane, as such a two-storey wall height would present to View Lane. The townhouses would not be taller than the School and Master's Residence buildings and would not dominate views to these buildings when viewed from MacKenzie Street.

The design of the buildings provides for an acceptable level of solar access.

Whilst some dwellings would have less than 40 square metres of private open space as per Standard B28, a reasonable level of private open space and amenity would be achieved for residents of all dwellings and the site is within close proximity to Queen Elizabeth Oval, Rosalind Park and the Bendigo Creek trail.

All reticulated services are available to the site. If approved, civil works including stormwater drainage and construction of MacGillivray Lane would be required.

Access, traffic and parking

Vehicle access to the site is proposed via MacGillivray Lane via a 4-metre-wide driveway that would lead to the basement level car park. Whilst concerns were raised in the previous VCAT decision about the proposed access, this application has demonstrated that the proposed accessway would generally provide acceptable and functional access based on the likely number of vehicle movements.

The Traffic Impact Assessment for the proposal states that appropriate gradients for the ramp entrance would be required to achieve the desired levels as proposed on the plans. If approved, these details could be demonstrated via a permit condition. The access way width and headroom for the entrance to the basement are satisfactory. All vehicles would enter and exit the site in a forward direction.

The report acknowledges that the site access provides for a single traffic lane and that if an inbound and outbound vehicle approached at the same time, one vehicle would need to wait for the other to enter/exit, but this is expected to occur infrequently.

The City's Engineering Unit has advised that an upgrade to MacGillivray Lane, which currently has a gravel surface, would be required to cater for the increased traffic movements. The laneway would need to be constructed and sealed with line-marking for parallel parking and it would operate as a one-way lane. It is

recommended that conditions be included on the permit to specify the construction requirements.

It is considered that access issues raised in the previous application have been resolved satisfactorily in this application.

The proposal provides for sufficient on-site parking via a basement level car park which would accommodate 30 car spaces. The design and layout of the car park would allow for functional vehicle movements. Under Schedule 1 to the Parking Overlay there is a requirement for 27 car spaces on site, based on 1 space per 1 or 2 bedroom dwelling and 2 spaces for a 3 or more bedroom dwelling. The proposal therefore satisfies the parking requirements. There is no requirement for visitor parking for dwellings specified in the Parking Overlay 1. The proposal does not propose any alterations to the existing public transport network.

There is no statutory requirement for bicycle parking under the Planning Scheme for this development as it is less than four storeys, however, the proposal provides for a dedicated bike store area within the basement level.

Stairs and a lift would provide access to upper levels from the basement. Pedestrian access to the dwellings is otherwise provided via paths off MacKenzie Street, Forest Street and via View Lane for the dwellings in Zone C.

Whilst the City's Strategic Planning Unit has recommended that the development incorporate laneway connections between View Lane and MacGillivray Lane in the design of the development as per the draft Urban Design Framework for the Bendigo City Centre Plan, little weight can be given to this recommendation as these strategic planning documents are not yet 'seriously entertained' as they do not form part of the Planning Scheme and a planning scheme amendment is yet to be formally commenced to introduce them.

The proposal provides for bin storage areas within the front setbacks to Forest Street and MacKenzie Street in addition to within the basement. A condition of permit could require designs of bin enclosures within front setbacks to be provided as part of a landscaping plan to ensure these areas are appropriately screened. Waste collection for the site is discussed later in this report.

Heritage impacts

The majority of the subject site is individually listed within the schedule to the Heritage Overlay (HO167) which relates to the All Saints Old Cathedral, whilst a small part of the site, being the access to MacGillivray Lane, is subject to HO12 which relates to the Short Street precinct.

Under the Schedule to the Heritage Overlay, the listing for HO167 states that external paint controls, internal alteration controls, tree controls and solar energy systems controls apply.

The original stone church was constructed in 1856. It suffered major storm damage in 1858 and was extensively repaired and rebuilt to the original plan that same year. A new brick chancel was added to the western end in 1860 and replaced in 1871. The greater part of the 1858 structure, together with the new chancel at the eastern end added in 1935, and the Guild Hall at the western end added in 1938, are in situ.

The All Saints complex is of aesthetic, cultural, historical and archaeological significance at a local level, while two windows are aesthetically significant at a State level. It is significant as the last remaining example of an early 1856/1858 Early English Gothic Rudimentary style church in Bendigo constructed of local Ordovician stone.

A Conservation Management Plan (CMP) has been prepared for the site and is referenced within the Planning Scheme. The CMP provides relative levels of significance gradings for the place's individual elements and spaces as well as policies to guide its future development.

The CMP states that:

- Area A is critical to retention of the cultural heritage landscape and should not be obscured by structures.
- Area B is important to the maintenance of the significance of the site and any development in this zone should be particularly careful to respect the heritage values of the site in scale, form, and materials.
- Area C is an area where consideration may be given to increasing development densities.

Concerns have been raised by objectors about the heritage impacts of the proposal. The City's Heritage Advisor generally supports the amended proposal, subject to some changes and further detail being provided on amended plans.

The application plans were formally amended following concerns with the initial plans which centred around:

- The extent of new development within Area A and the setbacks of the new dwellings fronting MacKenzie Street and the dominance of these buildings within the streetscape;
- The dominance of the church extension's façade within MacKenzie Street;
- Modifications to original openings;
- Alteration to the bluestone stairs; and
- The loss of significant trees.

The majority of the issues raised by the City's Heritage Advisor have now been addressed through the amended plans and provision of additional information.

The proposed townhouses fronting MacKenzie Street achieve a respectful design that uses traditional forms, heights and materials to blend with the precinct without detracting or competing with the heritage buildings. These include gable roof forms, staggered facades, rectangular window and door forms, and the use of brick.

The extent of development proposed within Zone A would not reduce the visual prominence of the Church, School, and Master's Residence. The original proposal which was refused by VCAT showed the townhouses set forward of the heritage buildings. The clear intent of the CMP policies and the determination of VCAT was that the church elements should continue to be the dominant elements of the site and that new additions should be visually recessive and alterations should blend with the existing forms. The current plans show the townhouses being recessive as these buildings are now set well behind the heritage buildings. Therefore, the townhouses do not project significantly into Zone A, in this respect.

The amended design of the additions to the church provides for the retention of the original lancet windows, with a setback to the new addition provided by way of courtyards. The new additions would be linked to the church building via corridors with glazed roofs, with subfloor access. This would ensure the additions are unobtrusive within the streetscape as they would be constructed at a lower height than the church building.

It is recommended that a structural engineer's report outlining the design and methodology for these works be required as a condition of the permit, as per the Heritage Advisor's recommendations.

Other significant features of the building would be retained, including the credence table and surviving stained glass windows which would be reinstated.

Whilst concerns remain about the extent of glazing to the church extensions on the MacKenzie Street façade, these changes can be addressed via a requirement for amended plans as a condition of permit. A schedule of materials and finishes can also be required via permit condition, noting that the proposed limewash finish to existing brickwork on the church was not supported.

No concerns were raised by the City's Heritage Advisor regarding the impact of the height and bulk of the Zone C development on the School and Master's Residence.

The existing significant trees on the site can be retained. The Pine tree can be retained in situ, whilst the Olive trees can be relocated within the site. The plans

should be amended to clearly show the location of these trees in relation to the proposed development and the trees should also be shown on the landscape plan to be submitted. This can be specified in the conditions of the permit.

Various, external conservation works for repairs and maintenance of the church building have been outlined within the application and are a positive outcome. It is recommended that a detailed schedule of works and methodology be provided as a condition of the permit.

Overall, the proposal would appropriately implement the objectives and policies of the Conservation Management Plan. The proposal is generally consistent with heritage policies in the Scheme which seek to:

- Retain significant fabric and original elements that contribute to the significance of the place;
- Ensure that infill buildings and alterations do not detract from the significance or views to an adjoining heritage place from the public realm; and
- Maintain an appropriate setting and context for heritage places.

Design and Development Overlay

The site is affected by Design and Development Overlay – Schedule 12 which relates to the View Hill Development site at 10-14 MacKenzie Street, Bendigo.

The design objectives of the schedule are:

- To preserve and maintain the heritage features and streetscape qualities of the All Saints Old Cathedral site while allowing for respectful redevelopment of the main portion of the site.
- To encourage contemporary new development of such high quality and design that it will add to the architectural and visual quality of the View Street precinct and will blend with, and is less prominent than the heritage buildings already on the site and nearby.
- To ensure that any new development is respectful of surrounding heritage precincts and does not detrimentally impact on views from these precincts.
- To encourage adaptive re-use of the church without disruption to existing structures, elements or fabrics of primary significance.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- The historic features of the site, as described as of primary significance in the conservation management plan prepared for the site [*All Saints' Anglican Church, School and Master's Residence Conservation Management Plan* August 2012], including the three main buildings - church, former school, master's residence – the stone and cast iron wall surrounding the site, to make any alterations to the

wall in a manner as to be undetectable, the 1858 stone walls of the nave and the plane of the roof of the church as seen from Forest Street should be preserved as part of any new development.

- The features of the site described as of contributory significance in the CMP should be preserved as part of any new development on the site, wherever practicable.
- Adaptive reuse of the church structure is encouraged and should be achieved with no disruption to existing structures, elements or fabrics of primary significance, and no impact on the original fabric of the exterior.
- Materials and colours of any buildings and structures should be in harmony with the surrounding cultural heritage landscape.
- New structures must not dominate views from prominent locations in surrounding areas such as the Capital Theatre, View Street, Rosalind Park poppet head, Forest Street.
- New development must occur in accordance with Map 1 to this Schedule to protect the heritage values of the site, where:
  - A – little or no development;
  - B – development lower in profile and less visually dominant than the church and master's residence;
  - C – development still respectful of the surrounding buildings but increased density and height may be considered.

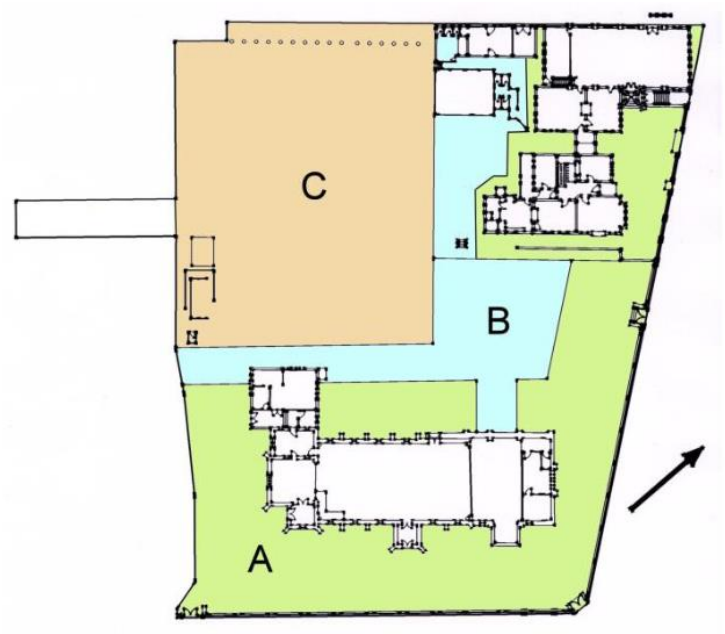


Figure 14: Map 1 to the Design and Development Overlay - Schedule 12 showing Areas A, B & C of the All Saints Complex derived from the Conservation Management Plan.

The application has been assessed against the decision guidelines of the overlay and Schedule 12 and the Conservation Management Plan.

The extent of new development within Zone A has been minimised and would maintain a suitable setting for the church building. Whilst additions are proposed to the church, the design maintains the existing lancet window openings on the northeast side of the church and provides for open courtyards to provide for separation between the old and new, with skylight roofed links via subfloor access. The plane of the church roof as seen from Forest Street would be maintained.

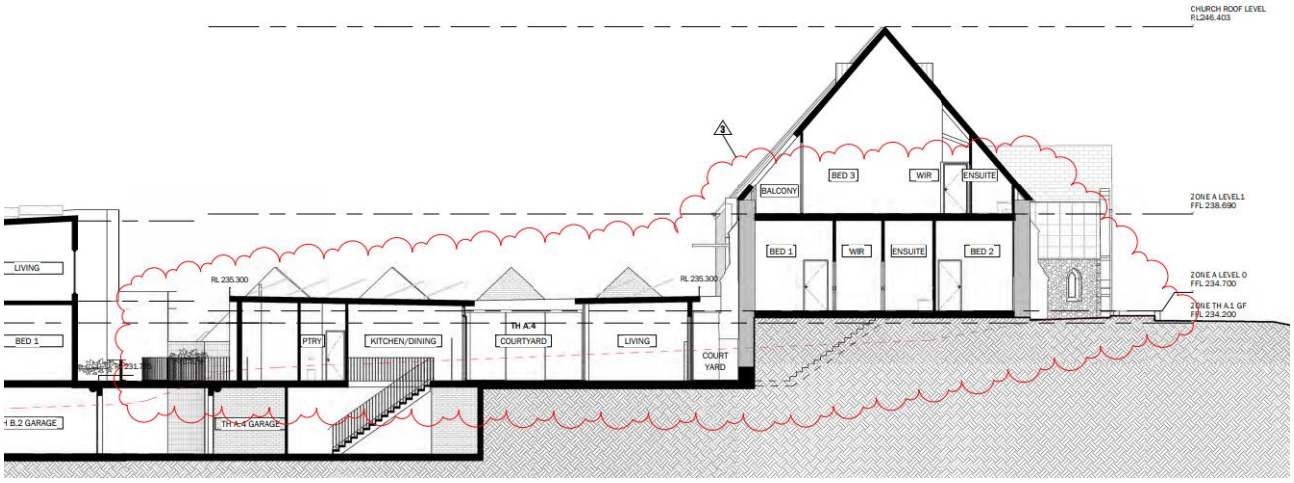


Figure 15: Section plan showing connection of new extension to existing church

The proposed development responds sympathetically to the form and materials of the original Church, School and Master's Residence, although some changes are recommended to design details for the church extension. In particular, the extent of glazing needs to be reduced and some masonry should be introduced and the original brickwork for the church extension should not be painted, as outlined previously. Materials and finishes are otherwise generally acceptable and appropriate to the site context.

Views of the proposed development from surrounding locations have been considered. The proposed development would be visually recessive within the Forest Street and MacKenzie Street streetscapes and sufficiently respectful of the visual dominance of the existing church building.

The application has demonstrated that changes to the contributory structures, elements and fabric have been minimised to an acceptable level and only made when no other alternative is available. Whilst the bluestone steps are to be altered, they would be retained within the site and used as paving. No change to the original fences along Forest and MacKenzie Street is proposed.

The retention and adaptive reuse of the church is supported. It is preferable that the building is used and occupied.

Car parking provision and access arrangements are satisfactory.

An Archaeological Report has been submitted as part of the application, demonstrating that an archaeological survey was undertaken in 2016. As such, this requirement of DDO12 has been satisfied.

The amended proposal is generally consistent with the Conservation Management Plan and objectives of the Design and Development Overlay – Schedule 12.

Access and traffic impacts

Objectors have raised concerns about the development adversely impacting existing users of View Lane and impacting the flow of traffic on MacKenzie Street.

A Traffic Impact Assessment Report prepared by Quantum Traffic Pty Ltd was prepared as part of the application. No impacts on View Lane or MacKenzie Street were identified as part of assessment, nor by the City's Traffic Engineer. As noted previously, vehicle access to the site would be via a driveway off MacGillivray Lane and access arrangements are considered satisfactory subject to works to upgrade MacGillivray Lane if the application is approved.

Under the previous application, access had been designed to accommodate a development proposed for 32 Forest Street, however the access for the current proposal is designed solely for the development proposed for the subject site.

View Lane adjoins the subject site to the northeast and is common property, not a road reserve. The subject site benefits from a carriageway easement registered on title over the common property. As such, the proposed pedestrian access to dwellings in Area C and use of the laneway to move bins out to MacKenzie Street is considered reasonable, given there is a legal right to access the carriageway.

Objectors are concerned about doors opening outwards from the laneway impacting traffic and pedestrians. This issue could be addressed via a condition of permit, requiring either sliding doors or inward opening doors.

Objectors have also raised concerns about window shrouds protruding into the laneway. The lowest shroud is 4.5 metres above the pavement level. The applicant has advised there is limited encroachment from the proposed window shrouds, but they could be tapered or deleted. To address the objections, it is recommended that the window shrouds in this location be deleted to ensure no encroachment into the laneway.

There is potential that the laneway could be used for deliveries to the dwellings, however vehicle movements would only be for short periods of time, although it is acknowledged that no parking is allocated to the subject site within the laneway.

Concerns were raised about vehicles having to reverse out of View Lane, however it is not anticipated that there would be any change to how the lane is currently accessed if additional deliveries were to be made to this location. There is potential for delivery vehicles to also park in MacKenzie Street. It is also noted that mailboxes for dwellings in Area C are located off Forest Street, rather than in View Lane.

Amenity impacts

- *Noise*

Objectors have raised concerns regarding the Noise Impact Assessment undertaken as part of the application.

The Rifle Brigade Hotel at 137 View Street and MacKenzie Quarters, a function centre and food and drink premises at 10-12 MacKenzie Street are classed as live music venues and are within 50 metres of the proposed development. This triggers consideration of noise sensitive residential use with respect to Clause 53.06 (Live Music Entertainment Venues). Clause 55.04-8 (Noise impacts objective) of ResCode also requires consideration of noise sources in and adjacent to developments.

The assessment involved noise monitoring of music and patron noise from these two venues, in addition to noise associated with plant and operations at adjacent commercial premises and from within the proposed development itself.

The report acknowledged that the monitoring was undertaken during a period of COVID Safe restrictions with caps on venue capacity, both indoors and outdoors. The assessment made provision for a +3dB correction for representation of standard non-COVID operation.

Supplementary noise monitoring was also carried out for MacKenzie Quarters in May 2021 and the results of this monitoring demonstrated a higher level of music noise than previously assessed. These results were also incorporated into the assessment.

The report recommended a number of mitigation measures be undertaken in the design of the development including that:

- The development be constructed of brick veneer or double brick and that lightweight façade materials are not used.
- Wall linings to include appropriate insulation or appropriate alternative construction materials.
- Installation of noise masking systems in all dwellings.

- Attenuated mechanical ventilation within ceiling cavities to provide fresh air when windows are closed and including either a silencer or cushion head fitted with 50mm thick internal acoustic duct lining.
- Specific glazing systems to parts of the proposed development.
- Vibration isolators for the sliding basement door and associated mechanisms.

The Noise Assessment also recommended inclusion of a condition requiring that noise from plant and equipment must comply with the applicable limits derived in accordance with EPA Noise Protocol Part 1.

The report concluded that provided that these recommendations are adopted:
1. Noise from surrounding premises, car park and roads will not adversely affect the amenity of dwellings within the proposed development.
2. The proposed development will not unreasonably encumber or impede the function of the surrounding live music venues (as defined by Planning Practice Note 81).

The recommendations of the assessment could be included as conditions of permit.

The Noise Assessment was reviewed by the City's Environmental Health team who had no objection to the proposal but recommended that if the application is approved, appropriate conditions be included to require a further acoustic assessment post construction to ensure the proposed mitigation measures are effective and satisfy the relevant parts of the EPA noise protocol.

- *Light spill*

Concerns about light spill affecting properties on View Lane could be addressed via a condition of permit requiring a lighting plan.

- *Overshadowing*

Overshadowing diagrams for the development have been included as part of the application for 22 June, 22 September and 22 December. ResCode requires consideration of overshadowing at the September equinox. The plans demonstrate that there would be some overshadowing to 10-12 MacKenzie Street at that time of year due to the development within Area C of the site, however there are some areas of open space on this property that would achieve an appropriate level of sunlight and the standard would likely be met.

The Zone C townhouses have been lowered in height by reducing the roof pitch, in comparison to the previous proposals.

In any case, it is accepted practice that the amenity of commercial areas is generally less than a residential area.

- *Overlooking*

The proposed townhouses adjoining View Lane would have windows with an outlook to the lane, however toilet and staircase windows are not classed as habitable rooms, and windows on the existing buildings in View Street with an outlook to View Lane are more than 9 metres from the site. The habitable room windows on the uppermost floor of the development are setback between 13-15 metres from View Lane. As such, the overlooking standard in Clause 55 is met.

- *Construction phase*

It is recommended that a Construction Management Plan be required as a condition of permit to address matters relating to traffic management, contractor parking, emissions and waste management during construction, and hours of construction. It is further noted that hours of construction are regulated by the EPA.

Waste Collection

Objectors raised concerns about waste collection from the site. The initial application was referred to the City's Waste Services team for comment, who did not raise any particular concerns the proposal. Waste Services noted that bins are currently placed within the road for collection due to on street parking existing along most frontages within the adjoining streets, impeding the collection of bins from the nature strip and there is potential for bins from the development to also be placed within the Forest Street and MacKenzie Street road reserves.

The amended application states that a private collection is proposed whereby bins would be retrieved by a private contractor from adjoining streets and returned immediately. The proposed plans would provide for bin storage areas within the site.

A Waste Management Plan has been required as a condition of permit, specifying that a private contractor must be engaged for the collection of all waste, recycling, and organics from the site.

Other matters

An objector has raised a concern about the potential for the commencement of the development before there is a building permit for all stages of construction. The application does not state that the development is proposed to be staged.

A concern was also raised that the current application was not provided to adjoining owner/occupiers before being made publicly available as part of the advertising and notice period and there was no request for pre-application consultation.

Under the *Planning & Environment Act 1987* there is no requirement for applicants to provide copies of applications or to undertake consultation ahead of lodging an application.

Water, gas and electricity connections for the development would be determined by the developer in conjunction with the relevant servicing authorities.

Planning legal principles with reference to repeat applications

There are numerous Tribunal cases dealing with repeat appeals and the factors that should be taken into account when considering such applications.

The decision in Batsis Nominees Pty Ltd v Hobsons Bay CC [2009] VCAT 928 (25 May 2009) set out four principles that should be considered in justifying a departure from an earlier determination. The Tribunal found that unless a compelling case can be made about one or more of these factors, then there is no reasonable justification for departing from the basic findings in the previous application.

Principle:
Significant or material changes to the application itself which address the primary reasons for the previous proposal being refused.

Assessment:
There has been a material change to the application in that the proposal has been amended.

The previous proposal was refused by the Tribunal for three key reasons:

- The level of development in area 'A' failed to satisfy the planning guidance provided at both DDO12 and the heritage framework of the Planning Scheme.
- The issue of acoustics was not adequately addressed and remained unresolved.
- The issue of access was unresolved.

The previous application was assessed by VCAT against the City's Heritage Policy at Clause 22.06 and the CMP and it was determined that the proposal failed to respect the visual dominance of the church building and that the development did not respond sympathetically to the form and materials of the original Church, School, and Master's Residence.

The overall footprint, siting, height and scale of the development as shown in the

amended proposal is acceptable with regard to the heritage significance of the site. The extent of original heritage fabric to be retained is acceptable. Whilst there are still concerns with some aspects of the design of the proposed extension to the church insofar as the extent of glazing on the south east (MacKenzie Street) elevation and the limewash finish to the brickwork, these matters can be dealt with via permit conditions requiring amended plans.

This revised proposal satisfies the planning guidance provided within the DDO12 and heritage policies within the Planning Scheme, as outlined above.

The issue of access has been resolved. Appropriate conditions can be included on the permit relating to access to the basement level and construction of MacGillivray Lane.

Noise impacts have been assessed and mitigation measures are able to be addressed by way of permit conditions.

Principle:
Significant or material changes in the circumstances of the land or its surrounds.

Assessment:
There have been no significant or material changes in the circumstances of the land or its surrounds.

Principle:
Significant or material changes in planning controls and policy.

Assessment:
Since VCAT's Order for the previous application, made on 19 October 2020, Amendment C256 to the Greater Bendigo Planning Scheme was subsequently gazetted on 11 March 2022. This Amendment made changes to the Planning Policy Framework to implement the review of the Municipal Strategic Statement. Specifically, Clause 22.06 (Heritage Policy) was deleted and replaced with Clause 15.03-1L (Post contact heritage conservation – Greater Bendigo). The Heritage Design Guidelines were also updated in September of 2020.

Fundamentally there has been no policy shift in relation to the City's local heritage policy and design guidelines as they relate to alterations, additions and infill development, and the 2012 CMP is still a relevant consideration and referenced in the Planning Scheme.

Principle:
Significant or material changes in the interpretation of the facts or law.

Assessment: There have been no significant or material changes in the interpretation of the facts or law relevant to this application.

Given the material changes to the proposed design of the development and the additional information within this application to address matters of access and noise impacts, the primary reasons why the previous proposal was refused by VCAT have now been addressed. As such, there is reasonable justification for a departure from VCAT's previous findings and determination.

Conclusion

The proposed land use for accommodation is acceptable within the zone, and there is support for higher density residential development within the city centre, together with an adaptive reuse of the former All Saints Cathedral.

The application has addressed all the issues which were unresolved in the previous proposal for the site.

The proposal is consistent with heritage policies in the Scheme which seek to:

- Retain significant fabric and original elements that contribute to the significance of the place;
- Ensure that infill buildings and alterations do not detract from the significance or views to an adjoining heritage place from the public realm; and
- Maintain an appropriate setting and context for heritage places.

The proposal satisfies the objectives and requirements of Schedule 12 of the Design and Development Overlay as the development would be sufficiently recessive to the heritage buildings within the complex and it would maintain an appropriate setting for the significant building on the site.

The amended design response represents an acceptable planning outcome.

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

MODIFIED PLAN REQUIRED

1. Before the use and/or development start, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the amended application but modified to show:
   (a) Existing Pine tree to be retained and relocated Olive trees to be shown on the site layout plans.
   (b) A reduction in the extent of glazing and introduction of masonry on the south eastern façade of church extension.
   (c) Deletion of limewash transparent white finish to existing brickwork on the church building and inclusion of a notation that unpainted surfaces are to remain unpainted.
   (d) Materials and finishes and height of stairs and balustrade specified for dwellings THA.3 and THA.4.
   (e) Sliding or inward opening doors (pedestrian and bin enclosures) on the north elevation of Zone C dwellings.
   (f) Deletion of window shrouds.
   (g) Ramp gradients for the basement access which comply with the design standards clause 52.06-9.
   (h) Lighting plan for all external lighting.
   (i) Any ESD initiatives within the SDA report required under condition 8.

NO LAYOUT ALTERATION

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

ROOF ALTERATIONS TO EXISTING CHURCH BUILDING

3. Installation of new skylights in the church building as shown on the endorsed plans must not result in modifications to the internal exposed timber hammer beam roof, except with the prior written consent of the responsible authority.

SCHEDULE OF MATERIALS AND FINISHES

4. Prior to the commencement of the development, a schedule of the proposed colours and finishes to be used for the building, shall be submitted to, and approved in writing by the responsible authority.

GENERAL EXTERIOR TREATMENT

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

STRUCTURAL ENGINEER'S REPORT

6. Prior to commencement of works, a design and methodology showing how sub floor access will be created to the church building must be prepared by a suitably experienced and qualified structural engineer and submitted to the satisfaction of the responsible authority. The report must specify the protective measures that are proposed to be implemented to protect heritage fabric during works and detail any fixings that will be made into heritage fabric.
7. The works must be undertaken in accordance with the recommendations of the approved design and methodology within the endorsed structural engineer's report.

CONSERVATION WORKS

8. Before the development (including demolition) begins, a report prepared by a suitably qualified heritage consultant outlining the schedule of proposed conservation works for the church building and appropriate conservation methodologies must be submitted to and approved by the responsible authority. The report is to provide detail pertaining to methodologies including but not limited to:
   (a) Repointing
   (b) Restoration of stone and brick work
   (c) Reconstruction of the stone (west) wall of the vestry
   (d) Reinstatement of stained glass windows
   (e) Measures to protect heritage fabric during works

   When approved, the conservation report will be endorsed and will form part of the permit. Conservation works to the heritage building must be undertaken in accordance with the endorsed report to the satisfaction of the responsible authority.

AMENDED SUSTAINABLE DESIGN ASSESSMENT

9. Prior to the commencement of the development, an amended Sustainable Design Assessment (SDA) which assesses the plans endorsed under the permit to the satisfaction of the responsible authority must be submitted for approval. When

approved, the SDA will be endorsed and will form part of the permit. The amended SDA must include a published BESS report and a STORM report.

SUSTAINABLE DESIGN ASSESSMENT (SDA)

10. All works must be undertaken in accordance with the endorsed SDA (including BESS and STORM report etc) to the satisfaction of the responsible authority. No alterations to the SDA or associated documents may occur without the prior written consent of that authority.
11. Prior to the commencement of occupation or issue of Statement of Compliance, a post construction report, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan. The report must include the following documents and photographic evidence of:
    (a) Building Users Guide
    (b) Green Travel Plan welcome pack
    (c) Size and number of rain water tanks installed, pumps and connection to toilets
    (d) Final NatHERS certificates
    (e) Onsite water recycling system and connections
    (f) Reverse cycle heating/cooling outdoor units (condensers)
    (g) Hot water system outdoor units (heat pumps)
    (h) Electric vehicles charging points
    (i) Area dedicated to food production
    (j) The efficiency of electrical and water fittings and fixtures installed including the heating/cooling and hot water system
    (k) Clothes lines
    (l) External lighting motion detectors
    (m) Solar PV and solar hot water installation

LANDSCAPE PLAN

12. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
    (a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
    (b) Details of surface finishes of pathways and driveways
    (c) 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
    (d) The relocation of the 3 existing Olive trees and retention of the Pine tree
    (e) Design details of bin enclosures within front setbacks

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

AMENDED NOISE IMPACT ASSESSMENT

13. Prior to the commencement of the development, the Noise Impact Assessment prepared by Octave Acoustics dated 4 May 2022 must be updated to reflect endorse plans to the satisfaction of the responsible authority. When approved, the Noise Impact Assessment will be endorsed to form part of the permit.

NOISE MITIGATION MEASURES

14. Prior to the occupation of the development, all recommended design and noise attenuation measures set out within the endorsed Noise Impact Assessment must be carried out to the satisfaction of the Responsible Authority.
15. Prior to the occupation of the development, a verification report prepared by a suitably qualified acoustic engineer demonstrating that the noise mitigation measures set out within the endorsed Noise Impact Assessment have been undertaken and achieve compliance with the relevant noise levels set out in the endorsed Noise Impact Assessment must be submitted to the satisfaction of the responsible authority.
16. Noise from plant and equipment shall comply with the applicable limits derived in accordance with EPA Noise Protocol Part 1.

GREEN TRAVEL PLAN

17. The approved actions within the endorsed Green Travel Plan must be implemented to the satisfaction of the Responsible Authority within the nominated timeframes. ‘Ongoing’ actions are to begin concurrent with the commencement of the approved use of the land for Accommodation.
18. A review of the efficacy of the Green Travel Plan must be undertaken 18 months after the commencement of the use, and a copy of the review provided to the responsible authority within one month after completion. The review must identify any action areas requiring redress and an associated timeline for redress.

REFRIGERATION & AIR-CONDITIONING EQUIPMENT

19. Any equipment required for refrigeration, air-conditioning, heating, and the like must be suitably insulated for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

BAFFLED LIGHTING

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

DEMOLITION ACTIVITIES

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

CONSTRUCTION PHASE

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

DETAILED DRAINAGE

23. Prior to the commencement of the development, 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
    (c) Easements as required
    (d) Stormwater detention:
    (e) Allowable Discharge: Q10 = 51 l/s
    (f) Stormwater quality

CONSTRUCTION OF WORKS

24. Prior to the occupation of the development, road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:
    (a) Underground drainage;

    <u>MacGillivray Lane</u>
    (b) Construct and seal including kerb and channel;
    (c) Stormwater drainage;
    (d) Street lighting;
    (e) Appropriate intersection and traffication measures.

CAR PARK CONSTRUCTION

25. Before the occupation of the development, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:
    (a) Properly formed to such levels that they can be used in accordance with the plans;
    (b) Drained;

(c) Line marked to indicate each car space and all access lanes;
(d) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority;
(e) Provided with public lighting in accordance with AS/NZ 1158.0-2005/Amdt 2-2-1- minimum lighting category P11/P12 and the fittings must minimise light spilling onto neighbouring land (including road reserves) in accordance with AS/NZ 4282- 1997.
(f) Accessible parking bays, where required by the BCA, must be provided, and must be signed and line marked.

The car parking and access areas must comply with the Australian and New Zealand Standards unless otherwise agreed in writing with the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

BICYCLE PARKING

26. Prior to the occupation of the development, the permit holder must provide 30 secure bicycle spaces within the development to the satisfaction of the responsible authority.

PUBLIC ASSETS

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

VEHICLE CROSSINGS

28. Vehicular access to the subject land from any roadway or service lane (and vice versa) must be by way of a vehicle crossing(s) constructed at right angles to the road, to suit the proposed driveway(s) and vehicles that will use the crossing. A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

SIGHT LINES

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

WASTE MANAGEMENT PLAN

30. Prior to the occupation of the development, a Waste Management Plan must be prepared to the satisfaction of the responsible authority. The Waste Management Plan must:
    (a) Specify that a private contractor is to be engaged to collect waste from the subject site;
    (b) Make provision for the collection of garbage, recycled materials and organic waste;
    (c) Specify the number and location of bins for collection iv. specify the times, days, and frequency of collection;

    When approved, the Waste Management Plan must be endorsed to form part of this permit.

    Waste collection from the site must be undertaken in accordance with the approved Waste Management Plan to the satisfaction of the responsible authority.

FENCING OF SITE

31. The fence(s) as shown on the endorsed plans(s) must be erected and maintained to the satisfaction of the responsible authority.

NO MUD ON ROADS

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

COMPLETION OF LANDSCAPING

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

LANDSCAPING MAINTENANCE

34. 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.

CONSTRUCTION MANAGEMENT PLAN

35. Before the development starts, a detailed construction management plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The CMP must address at a minimum the following items:
    (a) Proposed operating hours, noise and vibration monitoring and controls.

(b) Dust management.
(c) Traffic management including loading and unloading provision for construction materials and waste materials.
(d) Proposed parking provision during the construction phase and how this will be managed.
(e) Details of notification process for noisier related activities such as excavation and demolition to affected neighbours. (As a principle this should include giving as much notice as possible.)
(f) Details of the extent of periods of noise activities and how they will be undertaken to minimise impact on nearby neighbours.
(g) Management of demolition activities.
(h) Management of waste during construction phase.
(i) Appointment of principal contact person on-site for community enquiries.

Once endorsed, the CMP will form part of the permit and must be implemented during the course of construction to the satisfaction of the responsible authority.

EXPIRY

36. This permit will expire if:
    (a) The development is not commenced within two years of the date of this permit;
    (b) The development is not completed within four years of the date of this permit; or
    (c) The use is not commenced within four years of the date of this permit.

    In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

City of Greater Bendigo Engineering Unit Note - Consent For Work On Road Reserves

The applicant must comply with;

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

with respect to any requirements to notify the Coordinating Authority and/or seek consent from the Coordinating Authority to undertake “works” (as defined in the Act) in, over or under the road reserve. The Responsible Authority in the inclusion of this 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

16.7. Regional Sports Infrastructure Package

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

Purpose

To endorse the delivery models and agreements for the Regional Sports Infrastructure Package (previously Commonwealth Games legacy projects), that were committed to and announced following the cancellation of the 2026 Commonwealth Games in July 2023.

Recommended Motion

That Council:
1. Note the approved scope of works for each project.
2. Endorse the delivery models for Bendigo Showgrounds, Bendigo Stadium and Bendigo Bowls and Croquet Clubs.
3. Endorse the CEO to sign the:
    - Sports and Recreation Victoria (SRV) agreement for Bendigo Bowls and Croquet Clubs.
    - Development Victoria (DV) MOU for Bendigo Showgrounds and Bendigo Stadium.

Executive Summary

In preparation for the 2026 Commonwealth Games, upgrade projects were being planned to be delivered at the following venues:
- Bendigo Stadium
- Bendigo Showgrounds
- Bendigo Bowls and Croquet Clubs

Following the State Government's announcement that they had withdrawn from hosting the 2026 Commonwealth Games, commitments were made to fund the delivery of the projects at the above venues as part of the Regional Package.

In late 2023, the City along with SRV and key stakeholders of the venues undertook a re-scoping process as the scope for the sites to meet Commonwealth Games standards was no longer required. An outline of the revised scope is highlighted further in this report.

In addition, discussions have taken place between the City, SRV and DV in relation to delivery models for the three Bendigo projects.

Background

The upgrades were intended to meet the needs of the athletes, spectators, media and security during the Commonwealth Games and would then provide an enduring legacy benefit for the community post the Games.

Following the cancellation of the Games, the State Government committed to funding the delivery of the projects through the Regional Package.

In September 2023, the City and key stakeholders heard directly from the then Regional Development Victoria Minister, who made a commitment to the Games venues that their legacy projects would continue to be delivered. Since then, the venues have been engaged to re-scope their projects, based on their needs, along with extensive consultation between SRV and the City on appropriate delivery models for the projects.

Report

As part of the re-scoping process and in consultation with the City, SRV and DV, the preferred delivery models below have been agreed to in-principle:

Development Victoria
Bendigo Stadium
Bendigo Showgrounds

City of Greater Bendigo
Bendigo Bowls and Croquet Clubs

DV is the Victorian Government's development arm and delivers government policy through property development and urban renewal (DV project managed the Galkangu build). DV is experienced in the delivery of major projects, with the capacity and ability to leverage off their networks to successfully deliver the two Bendigo projects they will be leading.

The City will deliver the Bendigo Bowls and Croquet Clubs upgrades with an experienced internal team allocated to the project. Subject to the finalisation of the funding agreement, a project service lead resource may be financed to supplement existing delivery resources.

The City will continue to play a significant role in the Bendigo Stadium (Council owned asset) and Bendigo Showgrounds (non-Council owned asset) projects. The below outlines the proposed high-level commitment:

- The City will be a member of the Project Streeting Committee;
- DV will be engaged by the Project Streeting Committee to deliver the projects;

- DV will be required to deliver the announced scope;
- The projects will fund a City employee to support venue operator liaison and engagement;
- The impact and level of disruption during the development at the venues will be minimised.
- The projects will be bound by the 'Local Jobs First' policy of the Victorian Government.

A DV Memorandum of Understanding (MOU) and SRV agreement have been prepared and once finalised will be signed by the CEO on behalf of the Council.

The table below lists the venues, proposed scope and delivery model.

Project	Proposed Scope
Bendigo Showgrounds	• Redevelopment of the Showgrounds Arena • New multipurpose pavilion • Upgrade to all four entrances and perimeter fencing
Bendigo Stadium	• New two court annex • Refurbishment of two existing courts • Utility upgrades, solar panels and backup generator • Lighting to outdoor netball courts • Carpark and accessibility improvements
Bendigo Lawn Bowls / Croquet Club	• Refurbish four bowls and two croquet greens • Refurbishment of existing clubhouse • Accessibility and circulation improvements

Options Considered

The City, in consultation with the State Government, considered other delivery options including delivery of all three projects by the City but determined that the proposed delivery model was the most appropriate.

The City will continue to play a significant role in both the Bendigo Stadium and Bendigo Showgrounds projects, being an active member on the project steering committee.

Timelines

The State Government has indicated the following milestones to assist with the decision-making process and finalise project delivery and scope.

Due Date	Item	Project	Responsible Agency
Week of 19 February 2024	State Government Directors to endorse delivery model for Regional Sports Infrastructure Package (Statewide delivery models)	Bendigo Stadium, Bendigo Showgrounds, Bendigo Bowls and Croquet Clubs	State Government
18 March 2024	Councillor briefing	Bendigo Stadium, Bendigo Showgrounds, Bendigo Bowls and Croquet Clubs	City of Greater Bendigo
10 April 2024	Sports and Recreation Victoria project scope announcement	Bendigo Stadium, Bendigo Showgrounds, Bendigo Bowls and Croquet Clubs	State Government
22 April 2024	Council Meeting	Bendigo Stadium, Bendigo Showgrounds, Bendigo Bowls and Croquet Clubs	City of Greater Bendigo

Communications/Engagement

Stakeholders of the four venues have been engaged in the delivery model process.

With DV being the delivery partner for Bendigo Stadium and Bendigo Showgrounds, this will allow the City to focus on and manage the stakeholder engagement process with the venue operators, rather than on the physical delivery of the projects.

Sports and Recreation Victoria announced the scope and the Regional Sports Infrastructure package at Bendigo Stadium with Hon Priemer Jacinta Allan and Member for Bendigo West, Maree Edwards on Wednesday 10 April, with representation from all the venues attending.

Financial Sustainability

The three Bendigo projects will be fully funded by the State Government. The re-scoping process (which was undertaken late 2023) has provided a high-level costing for each of the projects to ensure the estimated costs are in line with the confirmed budget.

The City will need to allocate resources to project delivery, regardless of the project delivery model. The proposed funding arrangements with the SRV and DV will enable the City to recover project management costs.

Risk Assessment

There will be reduced risk to the City for the two major projects, Bendigo Showgrounds and Bendigo Stadium if they are delivered by DV.

DV will carry the risk in relation to scope sign-off, operational requirements, budget, project management and communication. The City will be able to focus on stakeholder engagement and work with DV and key stakeholders to mitigate any risk, to ensure the best outcome for the venue.

Additionally, DV delivering the Bendigo Showgrounds and Bendigo Stadium projects will allow the current significant capital and community works program to be the focus for City staff. Furthermore, with such short delivery timeframes (projects have an expected delivery date of late 2026), DV already has the capability and resourcing structure to meet this deadline and are ready to commence project planning.

There may be some risk for the City in delivering the Bendigo Bowls and Croquet Clubs, which can be mitigated during the negotiation of the funding agreement and throughout the delivery program.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 3 - Strong, inclusive and sustainable economy
Outcome 6 - A vibrant, creative community

Secondary Council Plan Reference(s)

Goal 7 - Work towards developing a major events precinct in Greater Bendigo
Goal 2 - More activated spaces

Conflict of Interest

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

Attachments

Nil

16.8. Bendigo East Swimming Pool Fees and Charges

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

Purpose

To consider and endorse changes to the fees and charges for winter aquatic seasons tickets and passes effective immediately.

Recommended Motion

That Council:

1. On request of the Bendigo East Pool Committee of Management, endorse changes to existing and new winter seasonal aquatic fees and charges effective immediately.
2. Note Council's annual commitment for 2023/24 was $176,000 plus an additional, once-off payment, over and above annual financial support, was provided by the City to the Committee in late 2023 to assist with rising utility costs.
3. Confirm that the annual Council allocation for Bendigo East Pool operations for 2024/25 will be $191,700.
4. Acknowledge that winter seasonal aquatic fees and charges are one operational change being made by the Bendigo East Pool Committee of Management as part of working with Officers on financially viable operations.

Executive Summary

- Bendigo East Pool Committee of Management (the Committee) run the Bendigo East Swimming Pool as an all year round heated outdoor pool.
- Increased costs of operating an outdoor heated swimming pool has seen the Committee recently assess options for altering operations, one of which is an increase in winter fees and charges.
- The Committee has requested a change and increase to previously adopted 2023/2024 fees and charges to come into effect for the winter season 2024 – commencing May 2024.
- The winter seasonal aquatic fees and charges are only applicable to the Bendigo East Swimming Pool service.

Background

Bendigo East Swimming Pool became an all year round outdoor pool run by the Bendigo East Swimming Club with pool and club operations over 10 years ago.

Since the implementation of the all year round outdoor pool operations, the costs associated with this service have continued to increase including but not limited to changes in aquatic supervision requirements, increased compliance requirements and the price of utilities specifically gas.

An operational decision was made in February 2024 to transition Bendigo East Swimming Pool to a seasonal pool in April 2024 due to the Committee not being able to operate the pool within the current budget.

The Committee has in the last month completed some modelling on reduced hours and changes in fees and charges to alter their operating model with the immediate focus of winter 2024.

Council has a role in setting the fees and charges of the service in which they provide therefore in order to enable the Committee to alter specific fees and charges as part of a change strategy this report has been compiled with the requested fees and charges changes.

Report

Fees and charges for a variety of City services are adopted each year as part of Council’s budget.

The fees and charges collected for aquatic and leisure facilities are set by Council and reviewed on an annual basis. Charges for aquatic and leisure services are classified under accessible pricing where there is a significant discount to the full price based on community benefit or social good.

The collection of fees and charges for aquatic and leisure facilities are utilised by contractors and Committees of Management as a revenue source for the service to the community.

It is important to ensure that fees and charges for community facilities and services remain accessible by using the key objectives of:

- Efficiency
- Equity
- Effectiveness
- Transparency

The winter aquatic fees and charges are only applicable to the outdoor swimming pool service which is Bendigo East Swimming Pool therefore the request to alter fees and charges from the Committee is only applicable for this site and service.

It is important to note that the Council adopted fees and charges for 2023/24 had an increase of 6.25% however have not been utilised and the request from the Committee to increase fees and charges by 30% is based on the 2022/2023 charges which were charged by the Committee for Winter 2023.

The Council adopted fees and charges only reflect winter season charges for adult, child and family therefore the below table reflects a variety of options and would be reflected in updated fees and charges.

Fee	Requested 2023/24 fee change	2022/23 Charged Fees by CoM
Adult Season	$286.00	$220.00
Child Season	$227.50	$175.00
Family Season	$487.50	$375.00
Family Concession Season	$457.60	$352.00
Adult Concession Season	$227.50	$175.00
Student Concession Season	$227.50	$175.00
Winter 10 Swim Pass	$75.40	$58.00
Winter 10 Swim Pass Concession	$57.20	$44.00
Winter Adult Day Ticket	$8.45	$6.50
Winter Adult Day Ticket Concession	$6.24	$4.80
Winter Child Day Ticket	$6.24	$4.80
Winter Student Day Ticket	$6.24	$4.80
Winter Family Day Ticket	$23.40	$18.00
Winter Family Day Ticket	$19.50	$15.00

Fees and charges outside of winter seasonal aquatic fees will remain unchanged and will be updated with the Council's 2024/25 budget inclusive of fees and charges. Consistent fees and charges for outdoor aquatic facilities for summer season allows for reciprocal rights and entry across the Greater Bendigo outdoor swimming pool portfolio.

Priority/Importance

The request from Bendigo East Pool Committee of Management is a fundamental component of the Committee's altered operational modelling with the aim to run a year round outdoor heated pool.

Subject to the changes in fees and charges, the Committee would implement for the commencement of the winter season from 13 May 2024.

Options Considered

1. Increase winter seasonal aquatic fees by 30% (Recommended)
2. Keep winter seasonal aquatic fees as per adopted 2023/24 fees and charges

Timelines

The winter season for Bendigo East Swimming Pool season commences Monday 13 May 2024.

The winter aquatics seasons pass is valid for the period mid May to Mid September and comes into effect when Faith Leech Aquatic Centre closes the second Sunday of May before reopening the third Saturday in September.

Communications/Engagement

Bendigo East Pool Committee of Management completed targeted engagement to pool user through a survey over two days (3rd and 4th April 2024).

Of the 623 responses regarding 30% increase to winter ticket prices:

- 94% (586 responses): Yes
- 1% (7 responses): No
- 5% (30 responses): Hardship request to pay existing ticket price

Financial Sustainability

The increase for winter fees and charges requested by Bendigo East Swimming Pool Committee of Management is one mechanism being utilised by the Committee to alter operations with the aim of remaining financially viable for a year round heated outdoor aquatic service.

Officers will continue to work with the Committee on reporting and monitoring for a sustainable and financially viable operating model. This operating model continues with Council providing an annual subsidy which increases by CPI annually, this amount for 2024/25 will be formalised in the 2024/2025 Council budget.

There are still significant risks to financial viability for the Committee even with these fees.

More broadly within the Community Aquatic Facilities Strategy aquatic service provision is not sustainable for the Council in line with the rate increase.
As detailed in this adopted strategy:

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

Risk Assessment

Whilst there is strong support for the increased fees and charges it is important that aquatic and leisure fees and charges remain accessible for the community. Further, the highest attendance for Bendigo East Swimming Pool is in the summer period therefore it is important that the service is available for the period of highest community participation.

The Committee is continuing to work with the City on a financially viable operating model in line with their financial and governance responsibilities as an incorporated association.

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)

2023/2024 Adopted Fees and Charges

Conflict of Interest

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

Attachments

Nil

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

17.1. Planning Scheme Amendment C274gben - Heathcote Township Plan

Author:	Frank Casimir, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

This report seeks consideration of the submissions received to Planning Scheme Amendment C274gben and recommends that an Independent Planning Panel be requested to consider the submissions.

Recommended Motion

That Council:

1. Having formally considered all written submissions received to Amendment C274gben, notes the issues raised by the submissions and the officer's response to those issues, as outlined in this report.
2. Having formally considered the late submissions received to Amendment C274ben, notes the issues raised by the submission and the officer's response to those issues, as outlined in this report.
3. Requests the Minister for Planning appoint a Planning Panel to consider submissions received for Amendment C274gben, in accordance with Part 8 of the *Planning and Environment Act 1987.*
4. Refers all submissions identified in this report to the Planning Panel appointed by the Minister for Planning.
5. Endorses the officer's response to the issues raised by submissions to Amendment C274gben, as outlined in the report, as the basis for Council's submission to the Planning Panel.
6. Advises those persons who made written submissions to Amendment C274gben of Council's decision.

Executive Summary

The Heathcote Township Plan was adopted by Council on July 17, 2019.

Amendment C274gben proposes to implement the recommendations of the Heathcote Township Plan into the Greater Bendigo Planning Scheme by:

- Introducing specific local policies into the Planning Policy Framework to guide land use and development in the Heathcote town centre and immediate surrounds. This includes references to improvements to the McIvor Creek, the

future expansion of the industrial area and improvements to the open space networks.

- Making various changes to the zoning of 30 properties to ensure they are appropriate, and suitable for the use. This includes rezoning residentially used properties from a Commercial 1 Zone to a Neighbourhood Residential Zone and rezoning Crown land from a Rural Zone to a Public Park and Recreation Zone. Further details are outlined in the Explanatory Report in Attachment 1.
- Applying the Design and Development Overlay Schedule 6 to 123 properties to manage the urban-forest interface.
- Applying the Environment Audit Overlay (EAO) to the land at 2-24 Back-Kyneton Road, Heathcote.
- Amending the extent of the Heritage Overlay (HO778, Presentation Convent) to the land at 18 Pohlman Street, Heathcote which is part of the Holy Rosary Primary School. The overlay currently applies to the entire school property, rather than to just the heritage elements of the Convent building and surrounds.
- Deleting the Neighbourhood Character Overlay Schedule 1 from 90 properties where the Heritage Overlay (HO723, Heathcote Precinct) also currently applies, consistent with *Planning Practice Note 91*.

Council resolved at its meeting on March 27, 2023 to seek authorisation from the Minister for Planning to prepare and publicly exhibit Amendment C274gben. Authorisation was subsequently received on October 27, 2023 with conditions. These conditions were all satisfactorily addressed, as outlined in the report section, prior to exhibition.

Amendment C274gben was publicly exhibited from February 15, 2024 to March 18, 2024. More than 700 notices were sent directly to affected and adjoining landowners and occupiers, the relevant authorities and to the prescribed Ministers during that period. A Notice of the Amendment was placed in three different newspapers which circulate in the Heathcote area. City officers were also available each Wednesday in the Heathcote office to answer any questions on the Amendment.

During the exhibition period, seven (7) submissions were received, including two late submissions. Four (4) of the submissions oppose or seek changes to the Amendment. The four submissions were from individually affected landowners and relate to planning controls. Submissions that seek changes to the Amendment relate to the exclusion of some parcels of land being rezoned from the amendment, the application of the Environmental Audit Overlay (EAO) to one property, and not removing the Heritage Overlay (HO) from another property.

The remaining submissions were from referral authorities. Two of these were in support with one recommending changes. The changes suggested by the referral

authority are supported or will be addressed prior to the Planning Panel and have been outlined in the report section.

A summary of the submissions, along with officer recommendations is provided in the report section. It is important to note that none of the submissions questioned the strategic justification of the Amendment.

All submissions are recommended to be referred to an Independent Planning Panel for consideration.

Background

The key steps in the Amendment process are summarised below (figure 1):

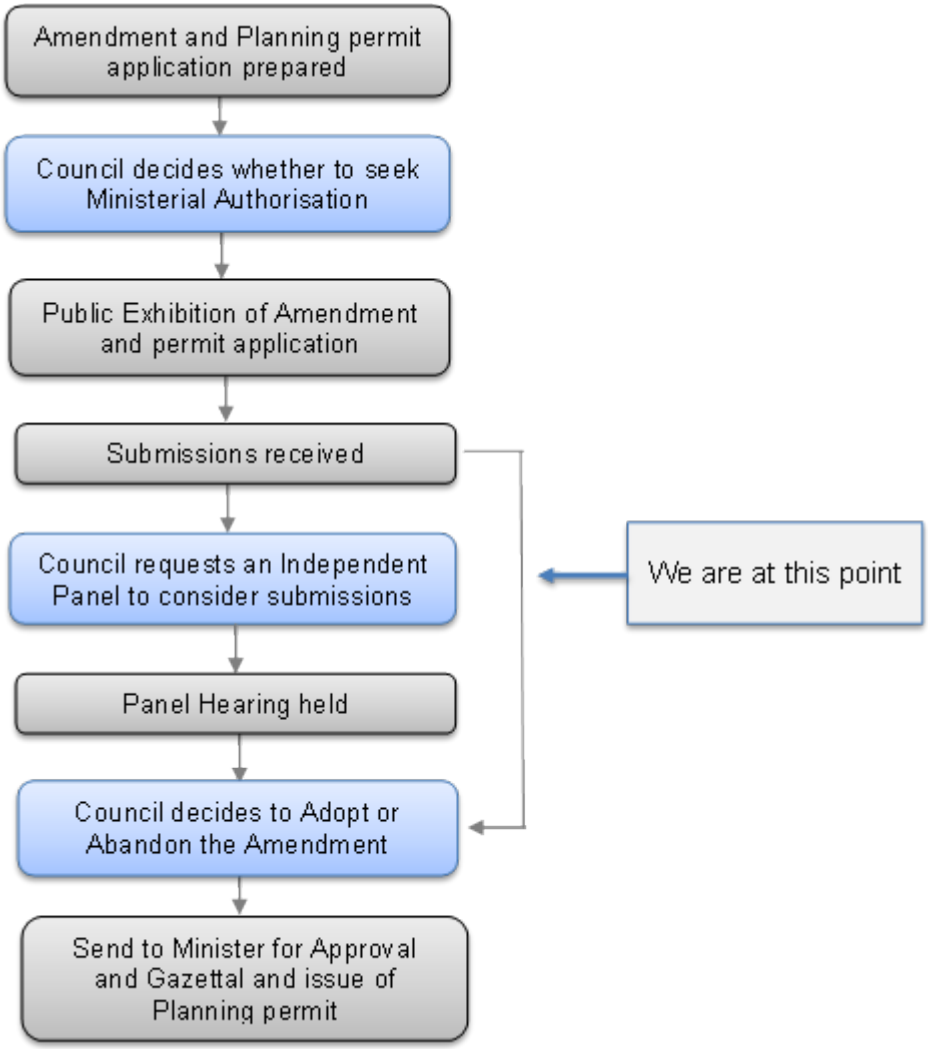


Figure 1: The Planning Scheme Amendment process

On March 15, 2017, Council endorsed a brief for the commencement of the Heathcote township plan project.

There was extensive community engagement in the development of the Heathcote Township Plan that included numerous listening posts, surveys, workshops and one-on-one meetings with community members and stakeholders.

At its July 17, 2019 meeting, Council adopted the Heathcote Township Plan. At the same meeting Council resolved to request the Minister for Planning to authorise the preparation and the public exhibition of an amendment to implement the Heathcote Township Plan.

In April 2022, City officers engaged a consultant to peer review the Heathcote Township Plan and the C274gben Amendment documents. The peer review supported the intent of Amendment C274gben and only suggested minor changes to the Amendment documents. Following this review City officers updated the Amendment documents accordingly.

Given the changes to the Amendment documents and the time which had elapsed since the Heathcote Township Plan was adopted in July 2019, it was considered important that a new report was presented to Council for a further resolution to seek authorisation from the Minister for Planning to prepare and publicly exhibit the Amendment.

This report was subsequently presented to Council at its March 27, 2023 meeting.

On October 27, 2023, the Minister for Planning authorised the preparation and public exhibition of Amendment C274gben with changes. The recommended changes did not change the intent of Amendment C274gben. All recommended changes were made prior to Amendment C274gben progressing to exhibition and are summarised in the report section.

Previous Council decision dates:

March 15, 2017 The brief of the Heathcote Township Plan endorsed by Council.

July 17, 2019 Council adopted the Heathcote Township Plan.

March 27, 2023 Council resolved to:

- Note the Council resolution passed on July 17, 2019 to request the Minister for Planning to authorise and exhibit an Amendment to implement the Heathcote Township Plan 2019, the Amendment has subsequently been prepared in draft and is known as C274gben.
- Endorse the revised Amendment documents for Amendment C274gben.

- Once endorsed, per the July 17, 2019 resolution:
  - Request the Minister for Planning to authorise Council to prepare an Amendment to the Greater Bendigo Planning Scheme.
  - When authorised by the Minister, exhibit the Amendment to the Greater Bendigo Planning Scheme.
- Authorise the Director Strategy and Growth to make minor changes to Amendment C274gben if they do not change the overall intent of the planning scheme amendment, or if changes are requested by the Department of Transport and Planning.

Report

Amendment C274gben seeks to implement the relevant recommendations of the Heathcote Township Plan into the Greater Bendigo Planning Scheme. The proposed changes were outlined earlier in the report with further detail provided in the Explanatory Report in Attachment 1.

Pre-exhibition changes to the Amendment

The following changes (table 1) were made to the amendment documentation following the March 27, 2023 Council resolution, as a result of meeting the Authorisation requirements of the Department of Transport and Planning (DTP).

Document/Clause	Change
Clause 11.01 - Settlement	The inclusion of a Heathcote Strategic Framework Plan at clause 11.03-6L-04 was not supported. Instead, elements of the proposed Clause have been relocated to other parts of the Planning Policy Framework.
Clause 12.01-1L – Biodiversity	Reference to the environmental restoration of the McIvor Creek that was proposed for Clause 11.03-6L-04 was transposed to this clause.
Clause 17.03-1L – Industry	Reference to the potential for 2-24 Back Kyneton Road for possible industrial development that was proposed for Clause 11.03-6L-04 was transposed to this clause.
Clause 17.04-1L – Tourism	Reference to encouraging tourism uses associated with the Heathcote Golf Course that was proposed for Clause 11.03-6L-04 was transposed to this clause.
Clause 19.02-6L – Community	References to open space connections that was proposed for Clause 11.03-6L-04 was transposed to this clause.

Document/Clause	Change
Infrastructure	
Clause 37.01 Schedule 8	Reference to the Heathcote Showgrounds in the Purpose of the schedule was included.
Neighbourhood Residential Zone	The sites originally proposed to be rezoned to a General Residential Zone were changed to a Neighbourhood Residential Zone as a requirement of Authorisation.
Zone boundaries	Some minor alterations to zone boundaries were made to align with property boundaries, rather than the middle of the road.
Explanatory Report	Minor changes were made to reflect the above changes and to respond to issues identified by the Department of Transport and Planning.

Table 1: Summary of pre-exhibition changes

Post-exhibition changes to the Amendment

During the exhibition period, City officers became aware of a minor error in the mapping of the proposed application of the Development Overlay Schedule 6 in the Armstong Street and Flea Street area at the northern end of Heathcote.

The error was that the overlay boundary commenced in the middle of the road reserve, when it should have commenced at the boundary of the adjacent Crown land. The impact of this, is that the overlay will be reduced on the adjacent residential properties by approximately 10 metres. While this is a minor change for accuracy, the Amendment map has been corrected accordingly (figure 2).

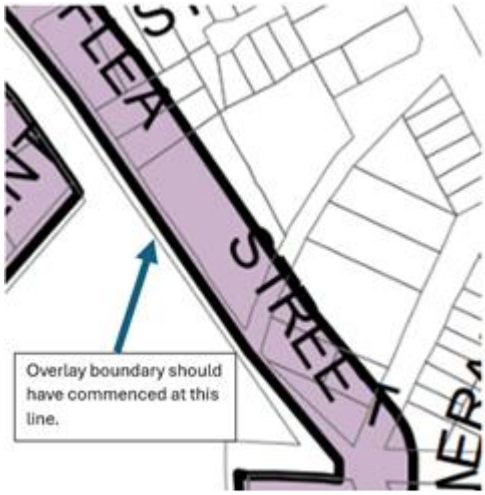


Figure 2: Proposed change to overlay boundary

Submissions

During the exhibition period, five submissions were received, with two late submissions received following exhibition.

A summary of the submissions and the officer response and recommendation is in the table below. It is recommended that all submissions be referred to an Independent Panel for consideration.

Submitter No. 1: 2-24 Back Kyneton Road, Heathcote	
Summary of submission	**Officer Response and Recommendation**
• Objects to application of the proposed contamination test on the basis that there are no immediate plans to develop the land but will undertake the necessary soil testing at a future stage prior to any development. • The submission does not reference the proposed application of the EAO directly.	• Part of this site was the former Shire of McIvor landfill. The entire site is identified as being suitable for future industrial expansion as identified in the Heathcote Township Plan, subject to rezoning and any contamination issues being addressed. • Under the current planning controls a residential use could establish without requiring planning approval. The application of the EAO would ensure that any risks associated with potential contamination are addressed. • The application of the EAO is consistent with Planning Practice Note 30 and *Ministerial Direction 1* given the potential for a sensitive use on the site. The City is not aware of an assessment that has demonstrated the land is suitable for sensitive uses. Therefore, the application of the EAO is consistent with *Ministerial Direction 1*. • The application of the EAO is supported by the Environment Protection Authority. Recommendation: • No changes. • Refer to Panel for consideration.

Submitter No. 2: North Central Catchment Management Authority (NCCMA)	
Summary of submission	**Officer Response and Recommendation**
• Supports the amendment in full.	• Noted Recommendation: • No changes. • Refer to Panel for consideration

Submitter No. 3: 31 Ayres Street, Argyle	
Summary of submission	**Officer Response and Recommendation**
• Seeks to have the land rezoned from an Industrial 3 Zone to a General Residential Zone. • In support of the request a Bushfire Development Report has been provided that demonstrates the site can achieve a BAL 12.5 rating to meet some of the requirements of the State bushfire policy. • Advice was provided by the CFA supportive of the rezoning based on the information provided.	• The Heathcote Township Plan identifies this site as being recommended for rezoning to a General Residential Zone. • The desktop bushfire landscape assessment, however, identified the site as having an elevated level of risk. It was therefore not included within the exhibited Amendment C274gben. • Given that the landowner has since demonstrated that the site could achieve a BAL 12.5, its rezoning may be appropriate provided a native vegetation assessment was undertaken, as well as a preliminary risk screen completed and supported by the EPA. • However, as this rezoning was not included in the exhibited Amendment C274gben, it cannot be included at this stage in the process. Recommendation: • The request is supported in principle provided the issues identified above are addressed. The future planning scheme amendment for the rezoning of this land will need to change the zoning to a Neighbourhood Residential, not a General Residential Zone, consistent with what is proposed for the surrounding area. • No changes. • Refer to Panel for consideration.

Submitter No. 4: 9-11 and 13 High Street, Heathcote	
Summary of submission	**Officer Response and Recommendation**
• Objects to the rezoning of 9-11 High Street (currently operating as a car yard) from a Commercial 1 Zone (C1Z) to a Commercial 2 Zone (C2Z). This is because the existing C1Z better protects the use of the land for car sales and provides greater flexibility for future redevelopment. • Seeks changes to the Heathcote Township Plan to clearly define "out of centre" uses that would supports the redevelopment of the car yard might be appropriate. • Seeks support for the future rezoning of 13 High Street (currently in a General Residential Zone) to a C1Z that would facilitate the future redevelopment of the entire holding.	• The Township Plan recommended various isolated areas of C1Z be rezoned to C2Z. The reason being that core retail activities (those largely supported by the C1Z) are more appropriately located in the existing town centre. While it is acknowledged that under the C2Z any expansion to the car yard would be subject to a planning permit (currently the use is as of right), the car yard is more than 500 metres from the town centre and it is not an area where a core retail use is appropriate. • New out of centre uses can be considered on a case-by-case basis through the planning permit process. An update to the Heathcote Township Plan is not needed to define what out of centre uses may be appropriate. • The rezoning of this site was not exhibited as part of this Amendment. • The rezoning of 13 High Street to a C2Z would support employment in Heathcote and would be consistent with 9-11 High Street, Heathcote. For a rezoning to be supported issues that would need to be addressed including access to the highway, the interface with adjoining properties, urban design and presentation. Recommendation: • The retention of the Commercial 1 Zone is not supported given the land is not located near the core of the Heathcote Township. • The rezoning of 13 High Street in a future planning scheme amendment could potentially be supported, subject to appropriate justification being provided.

Submitter No. 4: 9-11 and 13 High Street, Heathcote	
Summary of submission	**Officer Response and Recommendation**
	This could be considered as part of a future City led process given the relatively small nature of the proposed rezoning, provided adequate justification as outlined above was provided. • No changes to the Heathcote Township Plan at this stage. • Refer to Panel for consideration.

Submitter No. 5: 208 High Street, Heathcote	
Summary of submission	**Officer Response and Recommendation**
• The landowner seeks to have the Heritage Overlay (HO) removed as well as the Neighbourhood Character Overlay (NCO). • This is on the basis that the site has no heritage value, and the HO creates an unnecessary restriction on the site.	• The amendment proposes to remove the NCO given the HO also applies to the site. This is consistent with Planning *Practice Note 91* that indicates the NCO and HO should not be applied to the same property. • The HO was applied to the property as part of Amendment C139gben in 2010. • The property is within a broader heritage precinct and is listed as being “non-contributory”. The demolition of any existing structure on this site does not require planning permission under the current provisions of the planning scheme. Planning permission is required only for new developments on the site. • Given the site is within a heritage precinct it is considered appropriate to retain controls on any new development. Recommendation: • No changes. • Refer to Panel for consideration.

Submitter No. 6: Department of Energy, Environment and Climate Action (DEECA) and Parks Victoria	
Summary of submission	**Officer Response and Recommendation**
• Supports the amendment. • Has provided comments to inform the responsible authority of considerations under supplementary acts that will be necessary for future amendments and planning permit applications. These include the *Environment Protection and Biodiversity Act 1999* and *Flora and Fauna Guarantee Act 1988*.	• Noted Recommendation: • No changes. • Refer to Panel for consideration.

Submitter No. 7: Environmental Protection Authority	
Summary of submission	**Officer Response and Recommendation**
• The submission notes there are a number of sites being rezoned that have not been assessed against *Ministerial Direction 1: Potentially Contaminated Land* and *Planning Practice Note 30: Potentially Contaminated Land* and this needs to be addressed.	• City officers are currently seeking clarification on the relevant sites from the EPA. • These sites will be assessed prior to the Panel Hearing for Amendment C274gben, and it is recommended that their assessments against Ministerial Direction 1 be included in the Explanatory Report as required
• In relation to 2-24 Back Kyneton Road: o Consideration should be given as to what provisions should be required for any “non-sensitive” land use. o A landfill gas risk assessment should be completed and this should be highlighted in the Explanatory Report. • Consideration should also be given to the future application of a Buffer Area Overlay on this site.	• This should be explored as part of the future investigation and planning scheme amendment for the site. • This is considered appropriate, and it is recommended that the Explanatory Report be amended to reflect this. • Noted Recommendation: • Changes as identified. • Refer to Panel for consideration.

Priority/Importance

Consistent with Ministerial Direction 15 (The Planning Scheme Amendment Process), if Council as the planning authority resolves to proceed with the amendment, a request to appoint a Panel under Part 8 of the *Planning and Environment Act*, 1987 must be made within 40 business days of the closing date of submissions.

Options Considered

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

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

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

Section 22(2) of the *Planning and Environment Act,* 1987 advises that Council has the option of accepting late submissions but must do so if requested by the Minister for Planning.

Timelines

From the date of the Council meeting the timelines are as follows:

Week beginning 20 May 2024 – Directions Hearing

Week beginning 24 June 2024 – Panel Hearing

There will be a further report to Council once the Panel Report has been received and considered.

Communications/Engagement

Exhibition Procedures

The Amendment was exhibited for one month from February 15, 2024 to March 18, 2024.

Notices were provided in the following manner:

- Individual notices were sent to the affected landowners and occupiers as well as to adjoining landowners.
- Notices were sent to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act,* 1987.
- Publication of the notice of the Amendment was placed in the Bendigo Advertiser on February 14 and 17, 2024, in the McIvor Times on 16 February and 1 and 8 March, 2024 and in the Midland Times on 16 February 2024.
- Publication of the notice of the Amendment was placed in the Government Gazette on February 15, 2024.
- Access to the amendment documents were provided on-line on the City's website at https://www.bendigo.vic..gov.au/Services/Building-and-Planning/Planning-scheme-amendments and on the Department of Transport and Planning's website at www.planning.vic.gov.au/public-inspection

During the exhibition period, a representative from the Strategic Planning Unit was based in the Heathcote office for one day a week. Over a four-week period, nearly 50 individuals or groups came in to ask questions about the Amendment directly of the City officers, which is likely to have avoided several submissions.

As previously stated, there has also been extensive consultation with the local community when the Township Plan was being developed in 2017 and in 2018.

Financial Sustainability

Officer time will be required to prepare the Amendment documentation for the Panel hearing and the City is responsible for payment of statutory fees and costs incurred in the processing of the amendment.

Risk Assessment

The planning scheme amendment process can take a significant amount of time from commencement to completion. During this time, landowners may apply to develop their land which may lead to undesired planning outcomes for the affected sites.

Conclusion

It is recommended that Council resolve to request the Minister for Planning to appoint an Independent Planning Panel to consider all the submissions.

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

Other Reference(s)

Heathcote Township Plan *(*City of Greater Bendigo 2019*)*

Conflict of Interest

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

Attachments

1. Greater Bendigo C274gben Explanatory Report Exhibition FINAL [**17.1.1** - 17 pages]

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C274gben

EXPLANATORY REPORT

Overview

The amendment implements the recommendations of the *Heathcote Township Plan* (City of Greater Bendigo, July 2019) (the township plan) by introducing new local strategies into the Planning Policy Framework of the Greater Bendigo Planning Scheme. The amendment also proposes to rezone land within the Heathcote township, to delete an overlay no longer required, and to either apply a new overlay or to amend the extent of an existing overlay as recommended in the township plan.

Details of the amendment

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Greater Bendigo Strategic Planning Unit, Galkangu GovHub, 195-229 Lyttleton Terrace, Bendigo

Or Heathcote Service Centre, 125 High Street, Heathcote

Or via the City of Greater Bendigo website at:

http://www.bendigo.vic.gov.au/residentsandservices/planningservices/Planningschemeamendments.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Monday March 18 2024.**

A submission must be sent to:

Strategic Planning Unit
City of Greater Bendigo
PO 733
Bendigo VIC 3552

or via email to strategic.planning@bendigo.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No. 15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning May 20, 2024.
- panel hearing: Week beginning June 24, 2024.

Who is the planning authority?

The amendment has been prepared by the Greater Bendigo City Council, which is the planning authority for this amendment.

The amendment has been made at the request of the Greater Bendigo City Council.

Land affected by the amendment

The land affected by the amendment is all land in the township of Heathcote.

The amendment affects land in the township of Heathcote as described below and as shown in the maps referenced in Attachment 1.

A mapping reference table with the specific properties affected is included at Attachment 1 to this explanatory report.

What the amendment does

The amendment proposes to:

Zoning Maps

- Rezone 3.8 hectares of land at 3 Barrack Street, Heathcote and part of the road reserve of Barrack Street from Special Use Zone, Schedule 8 (SUZ8) to Special Use Zone, Schedule 6 (SUZ6) as shown on Planning Scheme Map No. 44.
- Rezone 3.23 hectares of land known as Crown Allotment 9B, Section 44, Township of Heathcote, Buglers Lane, Heathcote from General Residential Zone (GRZ) to Public Park and Recreation Zone (PPRZ) as shown on Planning Scheme Map No. 44.
- Rezone 10.1 hectares of land at 40 Caldwell Street, Heathcote from Public Use Zone, Other Public Use (PUZ7) to SUZ8 as shown on Planning Scheme Map No. 44.
- Rezone 4.3 hectares of land at Crown Allotment 2E and 2G, Section 4B, Township of Heathcote, Golden Gully Road, Heathcote from PPRZ to Public Conservation and Resource Zone (PCRZ) as shown on Planning Scheme Map No. 44.
- Rezone 3.4 hectares of land at Crown Allotment 8B, Section 7A, Township of Heathcote, Hanson Street, Heathcote from Rural Living Zone (RLZ) to PCRZ as shown on Planning Scheme Map No. 44.
- Rezone 11,481 square metres of land at Crown Allotment 7A, Section 42A, Township of Heathcote, Hassells Lane, Heathcote from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezones 7,680 square metres of land at Crown Allotment 8E, Section 4B, Township of Heathcote, Hay Street, Heathcote from RLZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezone 6.7 hectares of land at Crown Allotment 5A Section 4B, Township of Heathcote, Hassells Lane, Heathcote from part RLZ, part PPRZ to PCRZ as shown on Planning Scheme Map No. 44
- Rezone 6.0755 hectares of land at Crown Allotment 28B and 28C, Section 38, Township of Heathcote, Heathcote-North Costerfield Road, Heathcote from LDRZ and PPRZ to PCRZ as shown on Planning Scheme Map Nos. 44 & 45.
- Rezone 17,900 square metres of land at 32 Heathcote-North Costerfield Road, Heathcote from GRZ to PCRZ as shown on Planning Scheme Map Nos. 44 & 45.
- Rezone 852 square metres of land at 1/7, 2/7 and part of 5-7 High Street, Heathcote from Commercial 1 Zone (C1Z) to Neighbourhood Residential Zone Schedule 3, Heathcote Township Minimal Change area (NRZ3) as shown on Planning Scheme Map No. 44.
- Rezone 2,025 square metres of land at 9-11 High Street, Heathcote from C1Z to Commercial 2 Zone (C2Z) as shown on Planning Scheme Map No. 44.
- Rezone 2,552 square metres of land at 33 High Street, Heathcote and part of the road reserves of Fasso Street and Hospital Street from C1Z to C2Z as shown on Planning Scheme Map No. 44.

- Rezone 2,980 square metres of land at 35-39 High Street, Heathcote and part of the road reserves of Last Street and Hospital Street from C1Z to NRZ Schedule 3, Heathcote Township Minimal Change Area (NRZ3) as shown on Planning Scheme Map No. 44.
- Rezone 2,980 square metres of land at 51A and 53 High Street, Heathcote and 54 and 56 Hospital Street, Heathcote along with part of the road reserve of Hospital Street from C1Z to Neighbourhood Residential Zone Schedule 2, (Heathcote Residential Areas) as shown on Planning Scheme Map No. 44.
- Rezone 6,675 square metres of land at 21 Hunter Place, Heathcote and part of the road reserves of Baynton Street, Boomerang Place, Hunter Street and McIvor Street from C2Z to NRZ2 as shown on Planning Scheme Map Nos. 44 & 45.
- Rezones 12.19 hectares of land at Crown Allotment 47J, Township of Heathcote, Jacksons Lane, Argyle from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezones 1.7 hectares of land at Crown Allotment 18, Section 49, Township of Heathcote, Matthews Road, Argyle from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezone 1.2 hectares of land at 21 Pink Cliffs Road, Heathcote from C2Z to PCRZ as shown on Planning Scheme Map No. 44.
- Rezone 23.3 hectares of land at 41 Pink Cliffs Road, Heathcote from PPRZ to PCRZ as shown on Planning Scheme Map No. 44.
- Rezone 6.1 hectares of land at Crown Allotment 8C and 8F, Section 4B, Township of Heathcote, Pink Cliffs Road, Heathcote from RLZ to PPRZ as shown on the Planning Scheme Map No. 44.
- Rezone 2 hectares of land at 18 Pohlman Street, Heathcote from GRZ to Special Use Zone Schedule 1 (SUZ1) as shown on Planning Scheme Map Nos. 44 & 45.
- Rezone 17.7 hectares of land at Crown Allotment 8A, Section 28, Scotts Crescent, Heathcote from RLZ to PCRZ as shown on Planning Scheme Map Nos. 44 & 45.
- Rezones 1.8 hectares of land at 3 Spring Flat Road, Heathcote from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezone 5,637 square metres of land at 21, 23, 25, 27 and 29 Wright Street, Heathcote and part of the road reserve of Wright Street and the unmade government road reserve to the south-west from C1Z to NRZ2 as shown on Planning Scheme Map Nos. 44 & 45.

Overlay Maps

- Delete the Heritage Overlay (HO778) from part of the land at 18 Pohlman Street, Heathcote as shown on Planning Scheme Map No. 44HO.
- Apply the Design and Development Overlay, Schedule 6 (DDO6) to Crown Allotment 29, Section 1 Township of Heathcote, part of the land at 39 Ambers Drive and at 51 Ambers Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 31 Armstrong Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at 2 and 3 Barrack Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 4 and 5 Baynton Street, Heathcote as shown on Planning Scheme Map Nos, 44DDO and 45DDO.
- Apply DDO6 to the land at 26 Broodie Street Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 20 and 40 Broodie Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at Crown allotment 16, Section 40, Township of Heathcote, 2, 4, 8,10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 40 and 60 Caldwell Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 9 Campbells Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.

- Apply DDO6 to the land at 20A, 26, 27, 28, 30, and 31 Craven Crescent, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 5, 6, 7 and 8 Fairy Dell Court, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 3, 9, 13, 15, 17, 19 and 21 Flea Street Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 3, 9, 13, 15, 17, 19, 21,23 Flea Street Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 20 and 81 Forest Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 250 and Crown Allotment 2002, Crown Allotment 6E Parish of Heathcote, Forest Drive Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 31 Heathcote-Nagambie Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 107, 117, 121, 131, 135 and 139 Heathcote-North Costerfield Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at Crown Allotment 28B, Section 38, Township of Heathcote, Heathcote-North Costerfield Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 32 Heathcote-North Costerfield Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 2 High Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 88, 90-108, 114-120, 122-132, 134-136, 138-158 and 160-164 Kilmore Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45 DDO.
- Apply DDO6 to part of the land at 1 Last Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 4498, 4536 and 4552 McIvor Highway, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at Crown Allotment 1, Section 24, Township of Heathcote, McIvor Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 3 and 4-6 McMahon Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 31 Mitchell Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at 74 and 76 and part of 61 Patterson Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at Crown Allotment 6F, Section 2 and Crown Allotment 15, Section 2A Township of Heathcote, Pianta Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 42 Pohlman Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 5 and 8 and land at 13 Ryans Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at Crown Allotment 2043, Parish of Heathcote, 20, 22, 24, 25, 26, 27, 28 and at 29 Scotts Crescent, Heathcote, as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at 1. 2 and part of the land at 4 Shakespere Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.

- Apply DDO6 to the land at 25-27 and part of the land at 29-31 and at 32-38 Speed Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 6 and 11 Stewart Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 2, 4-6, 14 and 14A Thomas Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 1, 2, 3, 4, 5, 6, 7, 8, 9 and 16 Thompsons Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 3, 5, 7, 9 and 11 Wattle Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land forming part of the road reserves of Ambers Drive, Armstrong Street, Barrack Street, Brodie Street, Craven Crescent, Flea Street, Forest Drive, Heathcote-North Costerfield Road, Heathcote-Redesdale Road, Jennings Street, Last Street, McMahon Street, McIvor Street, Old Railway Reserve Road, Patterson Street, Pianta Street, Ryans Lane, Scotts Crescent, Shakespeare Street, Speed Street, Stewart Street, Thompsons Lane, Tranter Street, Turners Street and Wattle Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Delete Neighbourhood Character Overlay Schedule 1 (NCO1) from land at 9 Chauncey Street, Heathcote and part of the road reserve of Chauncey Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 12, 14, 16, 18 and from land at 20 Herriot Street, Heathcote and part of the road reserve of Herriot Street as shown on Planning Scheme Map N0. 44NCO.
- Delete NCO1 from land at 182, 184,186-188, 189, 1/189, 2/189, 190, 191, 1/191, 2/191, 3/191, 192, 1/193, 2/193, 3/193, 194, 195, 196, 197, 198, 199, 200, 2/201, 202, 203, 204, 205, 206, 207, 208, 209, 210-214, 216, 218, 220, 222, 224, 226, 228 and 230-232 High Street, Heathcote and part of the road reserve of Mitchell Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 1/18, 2/18 and from land at 20 Playne Street, Heathcote and part of the road reserve of Playne Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 11A and from land at 1/11A Pohlman Street, Heathcote and part of the road reserve of Pohlman Street to the east and west of High Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 9, 11, 12, 13, 15, 16, 17, 18, 20, 22, 24, 26, 28, 30, 32, 34, 35-37, 36, 38, 39, 41-43, 42 and 44 Wright Street, Heathcote and part of the road reserve of Wright Street and Morris Street. as shown on Planning Scheme Map No. 44NCO.
- Apply the Environmental Audit Overlay (EAO) to land at 2-24 Back Kyneton Road, Heathcote as shown on Planning Scheme Map No. 44EAO.

Planning Policy Framework

- Insert new Clause 11.01-1L-01 (Settlement – Greater Bendigo) to insert a new local strategy and the Heathcote Strategic Framework Plan to achieve the various outcomes sought by the township plan.
- Insert new Clause 12.01-1L (Protection of Biodiversity – Greater Bendigo) to insert a new local strategy to achieve an outcome sought by the township plan for the environmental restoration of the McIvor Creek
- Insert new Clause 17.03-1L (Industrial land Supply – Greater Bendigo) to insert a new local strategy to achieve an outcome sought by the township plan to support the long-term development of land at 2-24 Back-Kyneton Road, Heathcote.
- Insert new Clause 17.04-1L (Tourism – Greater Bendigo) to insert a new local strategy sought by the township plan to encourage tourism uses associated with the Heathcote Golf Course.
- Insert new Clause 19.02-6L-01 (Open space and public land – Greater Bendigo) to insert a new local strategy sought by the township plan to create high quality and well-connected public spaces.

Zone Schedules

- Insert one new Schedule (Schedule 2) to reflect the preferred building height and neighbourhood character of Heathcote in the in the form of the attached documents.
- Replace Schedule 8 to Clause 37.01 with a new Schedule 8 in the form of the attached document.

Operational Provisions

- Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to insert reference to three new Planning Scheme Map Nos. 44DDO, 44EAO and 45DDO.
- Amend the Schedule to Clause 72.08 (Background Documents) to insert the following background document:
  - *Heathcote Township Plan* (City of Greater Bendigo, July 2019)
- Amend the Schedule to Clause 74.02 (Further Strategic Work) to delete reference to "Heathcote" as one of the rural townships requiring a structure plan as further strategic work.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to implement the planning outcomes of the *Heathcote Township Plan* which was adopted by the council in July 2019. The township plan considers how Heathcote can grow into the future and what services, facilities and infrastructure are required to support that growth. While some recommendations such as upgrades of public spaces and improvements to traffic and movement sit outside of the planning system there are a variety of recommendations that this amendment now seeks to implement.

The township plan was developed after the *Greater Bendigo Residential Strategy* (2014) recognised the potential of small towns like Heathcote to offer a lifestyle alternative to living in Bendigo, while having the convenience of being near a major regional city. The *Greater Bendigo Housing Strategy* (2018) which built upon the *Greater Bendigo Residential Strategy* (2014) and acknowledged that an amendment was required to the Greater Bendigo Planning Scheme to implement the relevant recommendations of the township plan.

The township plan recommends:

- Preparing a local area plan which has now been translated into a strategic framework plan specific to Heathcote.
- Correcting anomalies with existing zonings.
- Addressing the issue of an oversupply of land zoned C1Z.
- Rationalising the extent of the NCO where it overlaps with the HO.
- Applying DDO6 the purpose of which is to manage development at the urban-forest interface.
- Expanding the Depot Road industrial area.

The amendment inserts new local strategies and a strategic framework plan. The purpose of the strategic framework plan is to provide for the specific land use directions for seven precincts, as follows:

- Town Centre: A compact and vibrant town centre that provides for a range of commercial, business and civic functions that meet the daily needs of the community.
- Incremental residential: A transition area between the town centre and the general residential area where medium density that respects the character of the area is encouraged.
- Minimal change residential: The remaining residential areas where a range of lot sizes are encouraged with new housing to respect the character of the area.
- Health and Education: An area where health and education uses are encouraged.
- Industrial: Industrial uses are encouraged with a longer-term extension identified to provide for future growth of industrial uses.

- Creekline Interface: Land which adjoins the McIvor Creek, where fencing backing on to the creek is strongly discouraged.
- Urban-forest interface: To protect and maintain the environmental values of adjoining forested areas. Rezoning that would allow an intensification of development is strongly discouraged.

The amendment also proposes to apply the EAO to land at 2-24 Back Kyneton Road, which is known to be potentially contaminated land due to its former use as a landfill site. The EAO identifies the land as potentially contaminated in the planning scheme and requires that an environmental audit to be prepared incurred at the time a change to the use or development of the land is proposed. This approach is supported by the planning authority and the Environment Protection Authority (EPA).

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria under section 4(1) of the *Planning and Environment Act 1987*:

a) *Provide for the fair, orderly, economic and sustainable use and development of land;*

b) *Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

c) *Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

d) *Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;*

e) *Balance the present and future interests of all Victorians.*

The amendment is consistent with these objectives by providing a framework for the future growth of Heathcote. This includes introducing the Heathcote strategic framework plan and a local policy with a range of strategies that will support Heathcote to grow sustainably into the future, create a healthy and vibrant community, and make environmental improvements.

The amendment includes the rezoning of some land, as well as the application and removal of overlays to provide for the fair, orderly, economic and sustainable use and development of land in Heathcote. The proposed changes will improve the efficiency of the planning scheme, removing unnecessary controls and encouraging further development in appropriate locations, whilst providing for the protection of natural and man-made resources.

How does the amendment address any environmental, social and economic effects?

Environmental Effects

The proposed amendment is expected to have positive environmental benefits by encouraging the environmental restoration of the McIvor Creek which will support a healthy ecosystem and improve biodiversity to the extent that this will not cause an increase of bushfire risk within the township. The amendment proposes to rezone several parcels of land to PCRZ to reflect the public ownership of these properties and to protect and conserve the natural environment and natural processes.

The amendment proposes to apply the DDO6 to properties located on the fringe of the town that abut public land. One of the design objectives of this DDO6 is to ensure residential development protects and maintains the environmental values of adjoining forested areas. The required setback from the forest will help mitigate bushfire risk to development by providing a settlement break at the fringe of the town and by requiring a planning permit for dwellings and outbuildings within 33 metres for the public land.

The amendment proposes to apply the EAO to the land at 2-24 Back Kyneton Road which, as stated above, is known to be potentially contaminated because of its historical use as a landfill. The application of the EAO is consistent with Clause 13.04-1S (Contaminated and potentially contaminated land) which has an objective to ensure that contaminated and potentially contaminated land is used and developed safely. By applying the EAO, the amendment considers and acts upon the possible environmental risk presented by the future use and development of potentially contaminated land.

Social Effects

The amendment will have positive social effects by encouraging a consolidated and strengthened town centre that will be the focus of activity for Heathcote. The improvements to the walking and cycling network will increase opportunities for social interaction and will promote personal mobility decreasing the reliance on private vehicles. Proposed public realm improvements will have a positive impact on the amenity of the town centre.

Economic Effects

This amendment will deliver a variety of economic benefits. This includes through the consolidation of commercial activities within the town centre which will have positive impacts for the existing traders and the community. Public realm improvements to the town centre will make it more attractive for prospective businesses looking to establish in the area as well as encourage and support existing businesses.

A longer-term industrial area (the site on Back-Kyneton Road) has been identified for investigation for the future growth of industry and employment within Heathcote. Provided there is adequate strategic justification for its rezoning, a separate amendment will be required to undertake rezoning of this land if it is required.

Does the amendment address relevant bushfire risk?

The proposed amendment has considered bushfire risk by preparing a bushfire landscape assessment titled *Preliminary Ecological and Bushfire Risk Assessment for 12 Potential Growth Areas within the City of Greater Bendigo,* Practical Ecology, undated, which concluded the following:

Landscape considerations

Heathcote is located in a high bushfire risk location and is surrounded by large tracts of forested land including public land.

The assessment found that the town was susceptible to a fire front approaching from the northwest and southwest. Ember attack would likely occur within the town from a fire approaching from either aspect and that this would likely cause localised fire events. The assessment gave the areas within the township that are proposed to be rezoned a low hazard rating based on fuel loads within the township area (i.e., any fire that impacts the low hazard areas will likely be from the surrounding land).

Alternative locations for development

The sites proposed to be rezoned are all well within the settled areas of Heathcote, which is preferred in terms of bushfire risk as they are isolated from bushfire threat and proximate to safer areas.

There are no preferred alternative locations for development in Heathcote.

Availability of safe areas

The Heathcote Neighbourhood Safer Place (Place of Last Resort) is at the Holy Rosary Primary School oval located at 18 Pohlman Street, Heathcote. This site is endorsed by the CFA and is centrally located within Heathcote.

All areas proposed to be rezoned to a residential zone have safe access to the place of last resort principally because the place of last resort is located at approximately 130 metres off High Street which is the main arterial road traversing the Heathcote town centre. Similarly, all the sites proposed to be rezoned to residential, are also all located within the Heathcote established built up area with existing access to High Street.

Site based exposure

The rezonings proposed for urban development are predominantly fixing zoning anomalies on fully developed land. All of these sites are subject to the Bushfire Prone Area mapping but not the Bushfire Management Overlay. There is no increase in the level of risk from bushfire associated with these sites.

There are two sites - 35 High Street and 21 Hunter Place, Heathcote that have the potential for intensification of development sites which are subject to the Bushfire Prone Area mapping, but not the Bushfire Management Overlay.

Land at 21-25 Wright Street, Heathcote is being rezoned and sits outside of the Bushfire Prone Area.

Of the sites where there is potential to intensify development:

- 35-39 High Street is approximately 250 metres from the nearest classifiable vegetation
- 21 Hunter Place is approximately 150 metres from the nearest classifiable vegetation

- 21, 23, 25, 27 and 29 Wright Street are approximately 120 metres from the nearest classifiable vegetation.

In all cases, the sites are separated from a hazard (vegetation) and more than satisfy any defendable space requirements.

It is noted that the township plan did recommend rezoning 31 Ayres Street, Argyle from Industrial 3 Zone to General Residential Zone. However, this site was subsequently identified as having a high risk to bushfire and is not proposed to be rezoned as part of this amendment.

Risk change

The amendment will not result in increased risk from bushfire for existing and future residents, property, community infrastructure or the natural environment as the sites to be rezoned, with the exception of those outlined above, are already fully developed. The bushfire report notes that the sites are in an area that is "primarily managed residential and urban areas with no classifiable vegetation observed and plenty of access present" and that it "poses minimal hazard to other areas".

Mitigation measures

Whilst there are no specific mitigation measures required, due to properties being located far enough from vegetation that setbacks to achieve BAL-12.5 readily achieved, the amendment includes the application of the DDO6 to land adjoining the Heathcote-Graytown National Park and the Rushworth-Heathcote State Forest. Whilst the objectives of this DDO are not specifically to provide for mitigation measures for bushfire risks, its application will provide for an additional tool to manage development at the edge of the settlement. This will help provide a further buffer between development and areas subject to bushfire risks, noting that a number of these sites are either fully or partially developed and this Amendment does not propose any changes to these properties that would allow for an introduction or intensification of development.

The Heathcote Strategic Framework Plan proposes to manage development according to natural hazard risks with supporting strategies to implement a settlement boundary with development encouraged within this boundary. Where practical, the construction of a road at the interface of the settlement and the forest will be encouraged and new development will be required to be responsive to bushfire risk.

Views from the relevant authority

The amendment was referred to the CFA for comments. In their response, the CFA states that they support the amendment in its current form. However, the CFA has also advised that it must also be considered that Heathcote is within a high bushfire risk location because of the bushland ranges which surround it and advises that careful planning must be undertaken which focus on limiting the impact of fire onto the township. This careful planning should include the following mitigating measures:

- Appropriate clear separation between the rural areas and the urbanized areas by appropriate land use
- Encouraged infill development
- Adequate water supply
- Appropriately planned limitations of increased native vegetation into the township.

The amendment is consistent with the above CFA advice. A bushfire risk assessment has been undertaken for all the sites proposed to be rezoned to ensure their rezoning prioritises the protection of human life as required under Clause 13.02-1S of the PPF.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction – The Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act* 1987.

The amendment is also consistent with the following Ministerial Directions:

- Ministerial Direction 1 – Potentially Contaminated Land

The application of the EAO to land at 2-24 Back Kyneton Road will alert people of the potential for contamination at the former landfill site. Without this overlay, a dwelling could be erected on site without the need for a planning permit.

The views of the EPA were sought regarding proposed rezonings which would allow for a more sensitive use to establish at:

- 1/7 and 2/7, 35-39, 51A, 53 High Street
- 54 and 56 Hospital Street
- 21 and 25 Wright Street
- 18 Pohlman Street
- 21 Hunter Street
- 3 Barrack Street.

These sites have been reviewed taking into consideration the provisions of *Planning Practice Note 30: Potentially Contaminated Land*, July 2021 (PPN30), with no obvious indication of a previous use that may have caused them to be potentially contaminated. EPA did not raise any concern that these properties be rezoned but relies on the planning authority's due diligence assessment that they are not potentially contaminated in accordance with Ministerial Direction 1.

- *Ministerial Direction 11 - Strategic Assessment of Amendments*

The Explanatory Report addresses the requirements of this direction.

- *Ministerial Direction No. 15 – the planning scheme amendment process*

Steps in the planning scheme amendment process will be undertaken within the set times, unless an exemption from the need to comply is granted by the Minister for Planning.

- *Ministerial Direction 19 - Ministerial Direction of the Preparation and Content of Amendments* that may Significantly Impact the Environment, Amenity and Human Health.

As outlined above, the EPA was consulted about the amendment and their advice considered. In accordance with this Ministerial Direction, the EAO is proposed to be applied to the land at 2-24 Back Kyneton Road, noting that the amendment does not propose to rezone the land to an industrial zone at this stage. The zoning of land to an industrial zone will be undertaken in another amendment in the future and will be subject to the required strategic justification.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the following aspects of the Planning Policy Framework:

Clause 11.01-1L-01 (Settlement - Greater Bendigo) has an objective to manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to identified locations. The amendment is consistent with this objective because it inserts a new strategy within this clause which seeks to encourage new development in Heathcote to locate within the incremental residential area in the Heathcote strategic framework plan.

Clause 12.01-1L (Protection of biodiversity - Greater Bendigo) has an objective to enhance biodiversity and biolinks across Greater Bendigo. The amendment is consistent with this clause because it inserts a new strategy which seeks the environmental restoration of the McIvor Creek.

Clause 13.02-1S (Bushfire planning) has an objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. A bushfire risk assessment has been prepared for the amendment and it concluded that the amendment will not cause human life or properties through increased bushfire risk. The application of the DDO6 at the interface with forested areas will assist in the separation of new housing from a potential bushfire risk, with a road required in the buffer if feasible.

Clause 13.04-1S (Contaminated and potentially contaminated land) has an objective to ensure that contaminated and potentially contaminated land is used and developed safely. The amendment is consistent with this clause because it proposes to apply the Environment Audit Overlay to a property

which is known to be potentially contaminated so there is more certainty in the future on how it can safely be used and developed.

Clause 15.03-1S (Heritage conservation) has an objective to ensure the conservation of places of heritage significance. The amendment is rationalising the overlap between the Heritage Overlay and Neighbourhood Character Overlay so that it is clear that heritage considerations take precedence.

Clause 17.03-1S (Industrial Land Supply) has an objective to ensure availability of land for industry. The amendment is consistent with this clause because although the amendment does not rezone any land to an industrial zone, the Heathcote Strategic Framework Plan identifies an area where industrial uses will be encouraged, with the potential for expansion to be considered as part of a future amendment.

Clause 17.03-1L (Industrial land supply - Greater Bendigo) has an objective to encourage diversification and expansion of the municipality's industrial base. The amendment is consistent with this clause because it inserts a new local strategy within this clause which seeks to support the longer term industrial development of land at 2-24 Back Kyneton Road, Heathcote.

Clause17.04-1L (Tourism - Greater Bendigo) provides a list of strategies for tourism development in Greater Bendigo. The amendment is consistent with this clause because it inserts a new local strategy within this clause which seeks to encourage tourism uses associated with the Heathcote golf Course.

Clause 18.02-1S (Walking) has an objective to facilitate an efficient and safe walking network and increase the proportion of trips made by walking. The amendment is consistent with this clause because it will facilitate the creation of a network of walking and cycling paths as recommended in the township plan as indicated on the Heathcote Strategic Framework Plan.

Clause 19.02-1S (Health facilities) has an objective to assist the integration of health facilities with local and regional communities. The amendment is consistent with the objective set by this clause because Heathcote Strategic Framework Plan proposes an area where land uses related to health care facilities will be encouraged.

Clause 19.02-2S (Education facilities) has an objective to assist the integration of education and early childhood facilities with local and regional communities. The amendment is consistent with the objective set by this clause because Heathcote Strategic Framework Plan proposes an area where education uses will be encouraged.

Clause19.02-6L-01 (Open space and public land - Greater Bendigo) applies to the allocation of land and the use and development of land for open spaces and public land in Greater Bendigo including the open space network shown on the public open space network. The amendment is consistent with this policy as the Heathcote Strategic Framework Plan identifies improvements to the walking and cycling network within Heathcote which seeks to create high quality and well connected public spaces and improve connections to paths along waterways and connecting to the O'Keefe Trail.

How does the amendment support the Municipal Planning Strategy?

The amendment supports the following clauses of the Municipal Planning Strategy:

Clause 02.03-1 Settlement

One of the strategic directions set out under this clause is to facilitate 10-minute neighbourhood that:

- Enable people to spend less income on the combined cost of housing and transport.
- Minimise environmental impacts associated with transport.
- Promote a healthy lifestyle through active transport choices.
- Increase neighbourhood safety through activation of the public realm.
- Increase community interaction.
- Support the local economy.

Because of its size and historical development patterns the Heathcote township largely functions as a 10-minute neighbourhood. The amendment encourages a diversity of housing types, especially within easy walking distance of the town centre and improvements to the walking and cycling network.

The Heathcote strategic framework plan identifies an area close to the town centre where development that provides for smaller lots and higher densities will be supported whilst retaining other forms of residential development further out of the town centre.

Clause 02.03-3 Environmental risks and amenity

This clause states that the key environmental risks for Greater Bendigo are climate change, bushfire, flooding, soil degradation and land use compatibility. The strategic directions for natural environmental risks are:

- Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Manage flooding risks that have the potential to cause harm to people and property and damage environmental values.

Heathcote is a township at risk from bushfire, flooding from the McIvor Creek or from overland flow and contamination of soil from historic land uses. The amendment is introducing the DDO6 control that will provide for a settlement break at the fringe of the town on land that abuts the vegetated public land. The land that the amendment proposes to rezone to a residential zone are isolated sites most of which are already developed with dwellings and as a result, will not create new residential areas.

Clause 02.03-5 Built environment and heritage

This clause states that the key built environment and heritage issues for Greater Bendigo are:

- Creating healthy environments.
- Protecting neighbourhood character and heritage assets while encouraging infill development.
- Supporting environmentally sustainable development.

The strategic directions for built environment are:

- Balance the protection of neighbourhood character with the development of a more environmentally sustainable urban area based upon the principles of 10-minute neighbourhoods.
- Facilitate a built environment that allows for active transport and healthy lifestyle choices.
- Facilitate environmentally sustainable development to create a compact and sustainable urban form at the planning stage.
- Facilitate a safe, pleasant, comfortable and visually appealing urban environment.

The amendment supports the strategic directions set by this clause. This is because Heathcote Strategic Framework Plan includes an objective for the need to well integrate land use and development with open space and active transport whilst recognising the heritage, neighbourhood character, natural hazard and environmental features of the area. The town centre strategies, the active transport and infrastructure strategies and the environment strategies that are proposed to be inserted in the local policies are particularly relevant to the strategic directions set by this clause.

Clause 02.03-6 Housing

This clause states that the key housing issues for Greater Bendigo are the location of residential development, housing diversity, housing affordability and the management of rural residential development. The strategic directions for housing are:

- Facilitate a wide diversity of housing typologies to suit all household types, needs and incomes and make best use of land and environmental resources.
- Increase the residential population of Bendigo City Centre and its immediate surrounds to create a more dynamic area, maximise the use of existing infrastructure and provide different housing choices for people.
- Avoid rezoning of additional land to Rural Living Zone while there is an adequate supply of rural living land around the southeast side of Bendigo and near Heathcote.

The amendment is consistent with this clause because whilst it also proposes to rezone land in the town centre from C1Z to NRZ to facilitate the development of additional dwellings within the town centre, it does not propose to rezone any additional RLZ land in the township.

Clause 02.03-7 Economic development

The strategic directions for economic development in the municipality are:

- Develop and expand employment generating industries.
- Make well located affordable employment land available.
- Direct commercial growth to activity centres.
- Plan for the future growth of the industrial sector by providing zoned land in appropriate locations and lot configurations.

The amendment is consistent with this clause and the strategic directions it sets. This is because one of the precincts proposed in the Heathcote Strategic Framework Plan is for an industrial area where industrial uses and development will be encouraged, and a longer-term extension has been identified that will provide for future growth of industrial uses.

Clause 02.03-8 Transport

This clause has several strategic directions which include the following:

- Maximise access to goods, services and facilities for all people throughout the municipality by supporting a compact Greater Bendigo and 10-minute neighbourhoods.
- Move away from private motor vehicles as the dominant form of transport and prioritising active transport.
- Improve connections between walking and cycling paths, open spaces, activity centres and the city centre to enable safer and more comfortable travel through the municipality by walking or cycling.

The amendment is consistent with the strategic directions set by this clause because Heathcote Strategic Framework Plan has strategies to promote active transport and infrastructure in Heathcote. These strategies include the creation of high quality, well connected and an attractive network of shared footpaths along waterways and the implementation of measures to calm traffic through the town centre. This amendment will therefore provide for transport choice and improved access to the town centre which is in line with this clause.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by implementing changes which seek to clarify and strengthen the role of the provisions in the Greater Bendigo Planning Scheme.

The proposed rezoning of nine properties to NRZ and the proposed deletion of the NCO1 from several properties are based on the provisions of *Planning Practice Note 91: Using the Residential Zones* (DTP July 2023) (PPN91). PPN91 places emphasis on the importance of having solid strategic justification for implementing the new zones, and that a neighbourhood character assessment study should be undertaken in the first instance.

PPN91 states that the application of the right residential zone provides the opportunity to apply local requirements to achieve preferred built form outcomes identified in the MPS and local policies. The new local policy and the Heathcote strategic framework plan that the amendment proposes to insert in the planning scheme has specific land use directions for seven precincts. Specifically, the Heathcote strategic framework plan provides for areas with incremental residential change and areas with minimal residential change. Consistent with Table 2 (Aligning housing change areas and residential zone) of PPN91, it is therefore conclusive that the NRZ would be the most appropriate residential zone specifically because it will contribute the implementation of the Heathcote strategic framework plan.

The proposed deletion of the NCO1 from several properties where the HO applies, is consistent with PPN91 which states that the NCO and the HO should not be applied to the same areas. By deleting the NCO1 from these properties, the amendment is also consistent with the requirements of the HO as provided in *Planning Practice Note 1: Applying the Heritage Overlay* (DELWP, 2018).

How does the amendment address the views of any relevant agency?

There has been extensive consultation with the relevant external agencies and internal departments during the development of the township plan. Advice and recommendations from these agencies and internal departments were considered and included in the Township Plan.

As previously stated, the CFA has been consulted during the preparation of this amendment and they support the amendment in its current form.

The EPA has also submitted that they do not object to the amendment. In their response, the EPA has specifically stated that the application of the EAO to the land at 2-24 Back Kyneton Road appears to be reasonable, subject that the assessment deferral via the EAO be adequately justified. The City has reviewed and assessed this site and is satisfied that it is potentially contaminated because of its historical use as a landfill site. In their response, the EPA has also suggested that the City ensures that it reviews the updated *EPA Publication 1518: Recommended separation distances for industrial air emissions* (EPA, 2013). This amendment does not propose to rezone any land to an industrial zone and so the City is satisfied that the content of Publication 1518 is not relevant to this amendment.

The Department of Energy, Environment and Climate Action advised in its response that the preparation of the township plan had identified a number of zoning anomalies on crown land which are being addressed through the amendment and therefore, they support it in its current form.

North Central Catchment Management Authority, the Department of Transport, Coliban Water and Goulburn-Murray Water were consulted in the preparation of the amendment, and all responded with general support and no specific advice to be considered.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The requirements of the *Transport Integration Act* 2010 apply where a planning scheme amendment is likely to have a significant impact on the transport system.

This amendment is unlikely to have a significant impact on the transport system as it is not significantly increasing the capacity for development. The proposed rezonings that are being undertaken are largely to correct zoning anomalies.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment is not expected to have a significant impact on the future resources of the municipality as it is not greatly increasing the need for planning approvals. Developments in the town centre would already generally require planning approval. The amendment will provide more guidance for these applications.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Argyle	CA 47J, Township of Heathcote, Jacksons Lane and CA 18, Sec 49, Township of Heathcote, Matthews Road	Greater Bendigo C274gben 001znMap44 Exhibition
Heathcote	19 Wright Street 21 Hunter Place 18 Pohlman Street CA 8A Sec 28 Scott Crescent CA 2D Sec 4B Golden Gully Road CA 28B Sec 38 Heathcote – North Costerfield Road 32 Heathcote – North Costerfield Road 40 Caldwell Street	Greater Bendigo C274gben 001znMap44 Exhibition
Heathcote	1/7, 2/7, 9-11, 33, 35-39, 51A and 53 High Street 3 Barrack Street 54 and 56 Hospital Street 21 and 41 Pink Cliffs Road CA 8C Sec 7A Pohlman Street CA 8B Sec 7A Hansen Street	Greater Bendigo C274gben 002znMap44 Exhibition
Heathcote	9 and 41-43 Chauncey Street 12, 14, 16, 18 and 20 Herriot Street 182, 184, 186-188, 189, 1/189, 2/189, 190, 191, 1/191, 2/191, 3/191, 192, 1/193, 2/193, 3/193, 194, 195, 196, 197, 198, 199, 200, 2/201, 202, 203, 204, 205, 206, 207, 208, 209, 210-2014, 216, 218, 220, 222, 224, 226, 228 and 230-232 High Street 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 1/18, 2/18 and 20 Playne Street 11A and 1/11A Pohlman Street 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 22, 24, 26, 28, 30, 32, 34, 35-37, 36, 38, 39, 41-43, 42 and 44 Wright Street	Greater Bendigo C274gben 005D-NCOMap44 Exhibition
Heathcote	74 and 76 Patterson Street CA 6F, Sec 2 and CA15 Sec 2A Township of Heathcote, Pianta Street	Greater Bendigo C274gben007DDOMap44_45 Exhibition

	3, 5, 7, 9 and 11 Wattle Drive 1, 2 and 4 Shakespere Street CA 28B Sec 38, 107, 117, 121, 131, 135, 139 and 140 Heathcote-North Costerfield Road CA 16 Sec 40, 2, 4, 8,10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 60 Caldwell Street 2 and 3 Barrack Street CA 29, Sec 1, 39 and 51 Ambers Drive 250 Forest Drive 2 and 4-6 Thomas Street 1 Last Street , 5, 6, 7 and 8 Fairy Dell Court 3 and 4-6 McMahon Street 31 Mitchell Street 2 High Street 88, 90-108, 114-120, 120, 122-132, 134-136, 138 and 160-164 Kilmore Road 9 Campbells Lane 31 Heathcote-Nagambie Road 6 and 11 Stewart Lane 5, 8 and 13 Ryans Lane CA1 Sec 24 and 25 McIvor Street 31 Armstrong Street 4, 5 Baynton Street 26 and 40 Broodie Street 20A, 26, 27, 28, 30 and 31 Craven Crescent 3, 9, 13, 15, 17, 19, 21 and 23 Flea Street 25-27, 29-31 and 32-38 Speed Street 4498, 4536 and 4552 McIvor Highway 42 Pohlman Street 1, 2, 3, 4, 5, 6, 7, 8, 9 and16 Thompsons Lane 20, 22, 24, 25, 26, 27, 28, and 29 Scotts Crescent	
Heathcote	18 Pohlman Street	Greater Bendigo C274gben 004D-HOMap44 Exhibition
Heathcote	2-24 Back Kyneton Road	Greater Bendigo C274gben 006EAOMap44 Exhibition

18. ABORIGINAL RECONCILIATION

Nil

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

20. A VIBRANT, CREATIVE COMMUNITY

Nil

21. A SAFE, WELCOMING AND FAIR COMMUNITY

21.1. Planning Scheme Amendment C285gben - Corrections Amendment

Author:	Frank Casimir, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

This report recommends that Council request the Minister for Planning to authorise Council to prepare and exhibit Planning Scheme Amendment C285gben to the Greater Bendigo Planning Scheme.

Recommended Motion

That Council resolve to:

1. Request authorisation from the Minister for Planning to prepare and exhibit Amendment C285gben to the Greater Bendigo Planning Scheme, in accordance with section 8A of the *Planning and Environment Act,* 1987.
2. Prepare Amendment C285gben to the Greater Bendigo Planning Scheme, generally in accordance with the documentation provided at Attachment 1, subject to Ministerial Authorisation.
3. Place Amendment C285gben on exhibition in accordance with the requirements of section 19 of the *Planning and Environment Act* 1987, subject to Ministerial Authorisation.
4. Authorise the Director Strategy and Growth to make minor changes to Amendment C285gben if those changes do not alter the overall intent of the Planning Scheme Amendment, or if the changes are requested by the Department of Transport and Planning.

Executive Summary

Amendment C285gben affects public land as well as freehold land throughout the municipality.

Amendment C285gben proposes to:

- Correct 50 zoning or overlay mapping errors identified over the last two years to ensure that the appropriate planning controls are applied to the affected properties.
- Apply the Heritage Overlay to three (3) properties and part of eighteen (18) properties that have been identified as having heritage significance.
- Correct the heritage curtilage for another two heritage places.

- Delete the Heritage Overlay in part or wholly from ten properties including part of one City-owned property.
- Rezone one site identified in the adopted *Heathcote Township Plan 2019* from an Industrial 3 Zone to a Neighbourhood Residential Zone.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include three heritage places, and to remove references to two heritage places (relating to the deletions mentioned above).
- Amend the Schedule to Clause 53.01 (Public Open Space Contribution and subdivision) to correct an administrative error to two road names.
- Amend Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert six new or amended statements of significance and to introduce *Greening Greater Bendigo* (City of Greater Bendigo, June 2020) as a background document.

Further details are outlined in the report section, with the amendment documents provided in Attachment 1.

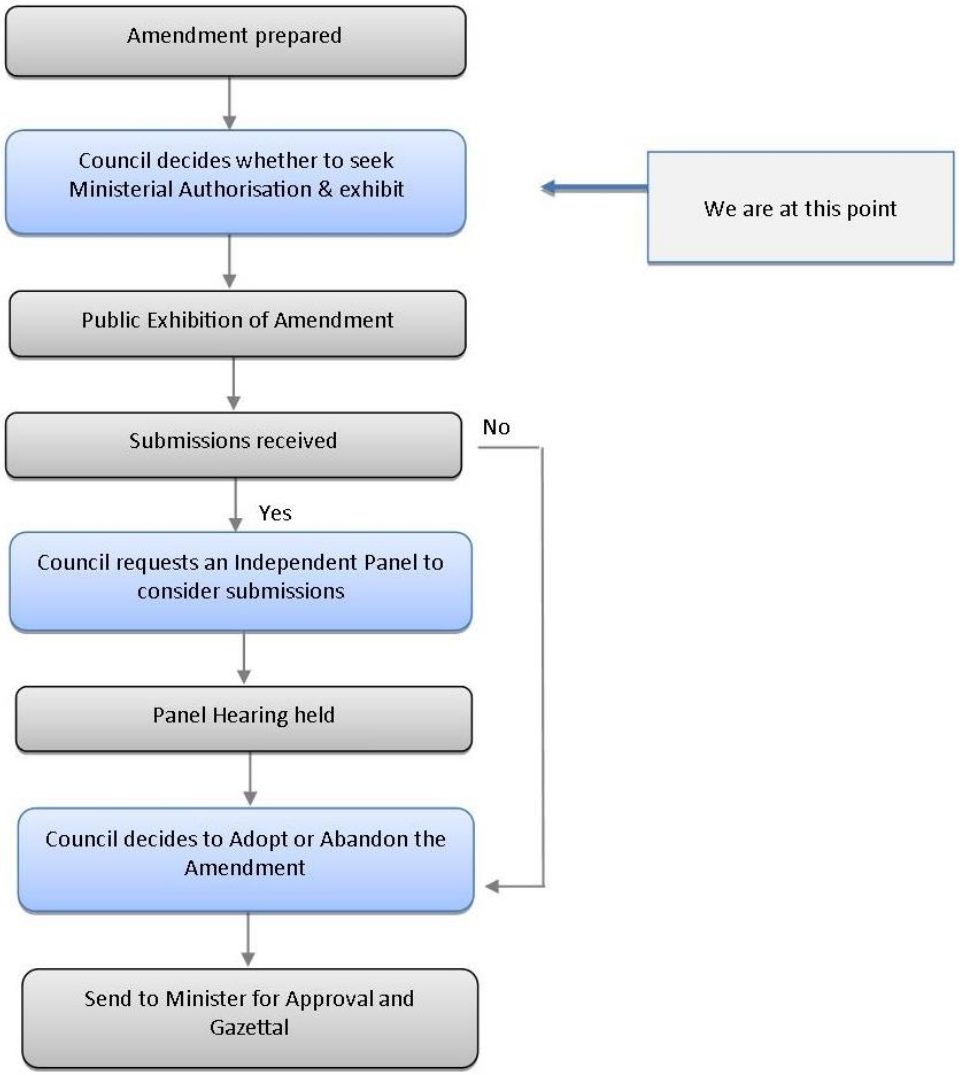
Landowners and State Government agencies were contacted by mail in late 2023 to seek their preliminary comments on the proposed zone or overlay changes to their land. The only written response received was from the Department of Energy, Environment and Climate Action (DEECA) who was supportive of the proposed changes.

This report recommends that Council request the Minister for Planning for authorisation to prepare and exhibit Amendment C285gben. This is the first stage in the process. All affected property owners, occupiers and State agencies will be advised of the Amendment and will have the opportunity to provide a submission to the Amendment during the exhibition process.

Following exhibition, a further report will be presented to Council outlining next steps.

Background

The key steps in the Amendment process are summarised below:



This is the first step in the process and there are no previous Council decision dates.

Report

Section 4B of the Act allows a Council to initiate an amendment to its planning scheme. When requesting authorisation from the Minister for Planning to prepare and exhibit an amendment, an explanatory report must be submitted that lists all the changes proposed and discusses the purpose, effects and strategic justification for the amendment. A copy of the explanatory report is provided with the Amendment documents in Attachment 1.

Amendment C285gben affects land throughout Greater Bendigo.

Specifically, Amendment C285gben proposes to:

- Correct zoning anomalies or mapping errors to 19 properties owned or managed by DEECA by deleting either the Vegetation Protection Overlay Schedule 2 (VPO2) or the Development Plan Overlay Schedule 4 (DPO4).

The properties are proposed to be rezoned from either General Residential Zone (GRZ), Low Density Residential Zone (LDRZ), Industrial 1 Zone (IN1Z), Rural Conservation Zone (RCZ) Public Use Zone 7 (PUZ7) to either the Public Conservation and Resource Zone (PCRZ) or to the Public Park and Recreation Zone (PPRZ).

- Rezone 13 Council-owned or managed properties from the GRZ to the PPRZ to reflect their ownership and current uses, and to delete the Heritage Overlay (HO) from part of one City-owned property because the HO is no longer required for this portion of the site.
- Correct zoning anomalies or errors to 44 freehold properties, principally by rezoning the properties from a public zone to a residential zone or to an appropriate rural zone.
- Apply the HO to 3 properties and in part to another 18 properties.
- Delete or reduce the extent of the HO from 9 freehold properties.
- Rezone 2 properties owned or managed by Coliban Water. The first property, which is a redundant easement, is proposed to be rezoned from Public Use Zone 1 (PUZ1) to GRZ consistent with the zoning of the adjoining properties. The second property, which contains a zoning anomaly, being in two zones, is proposed to be rezoned from IN1Z to PUZ7 consistent with the balance of the property.
- Rezone 31 Ayres Street, Argyle from an Industrial 3 Zone (IN3Z) to a Neighbourhood Residential Zone (NRZ). This site was initially identified for rezoning to a residential zone through the *Heathcote Township Plan 2019*. It did not progress through Amendment C274gben, as a desktop bushfire assessment identified that the site may not be of low risk. The owner has undertaken further investigations, and its rezoning can proceed now as the issues related to bushfire risk have now been resolved to the satisfaction of the Country Fire Authority (CFA).
- Make text changes by amending the Schedules to Clause 43.01 (Heritage Overlay) to include three heritage places and remove references to two heritage places, to Clause 53.01 (Public Open Space Contribution and subdivision) to correct an administrative error, to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include six new or amended statements of significance of heritage places and to Clause 72.08 (Background Documents) to introduce *Greening Greater Bendigo* (City of Greater Bendigo, June 2020).

The full details of the properties impacted by Amendment C285gben are available in the table in the explanatory report in Attachment 1.

Environmental, Social and Economic Effects

Amendment C285gben will not have any adverse environmental effects as any future use of the affected land will be required to meet the relevant planning scheme requirements for land in rural and urban areas. The proposed zones generally reflect current land uses and or ownership and have also been chosen to be consistent with surrounding zones where relevant. The proposed removal of the VPO2 on publicly-owned land will have no adverse environmental effects because the underlying zone is adequate to protect the environmental and conservation values of the land against inappropriate development or uses.

Amendment C285gben will have positive social effects because it proposes to rezone land to the most appropriate zone to avoid potential land use conflicts or uncertainties. Amendment C285gben will also more easily allow the provision of social infrastructure on publicly owned land specifically, on the sites which are being rezoned from GRZ to PPRZ.

Amendment C285gben will have positive economic effects including the removal of unnecessary planning permit triggers from some of the freehold or publicly owned land. Amendment C285gben will therefore maximise the potential of the use and development of the affected land.

Priority/Importance

Corrections amendments are important to improve the operation of the Greater Bendigo Planning Scheme and to reduce the need for unnecessary planning permits. The introduction of Heritage Overlays is important to protect identified properties due to their identified heritage significance.

Options Considered

Council has the option to:

- Endorse the Amendment documentation as presented;
- Request changes to the Amendment documentation; or,
- Not progress the Amendment.

Timelines

The City will need to adhere to statutory timeframes as per Ministerial Direction 15 (the Planning Scheme Amendment Process).

Communications/Engagement

Letters were sent to affected landowners to seek their preliminary comments on the proposed zone corrections to their land in 2023. DEECA has responded and advised that it supports the proposed rezoning or deletion of overlays from their land. Additional changes have since been included in the Amendment, and affected landowners will be notified as part of the future engagement detailed below.

The City's Property Unit has also responded and advised that it supports the proposed rezoning of Council owned or managed land. At this stage, no landowner has raised any concerns regarding the new proposed zone for their land.

Future Engagement

Once authorised, the Amendment documents will be publicly exhibited for a minimum of one month, as required under the *Planning and Environment Act 1987*. The City must give notice of the Amendment to all affected landowners and occupiers who may be materially affected by the Amendment, together with the prescribed Ministers and public authorities.

Notice of Amendment C285gben will also be placed in the Government Gazette, the Bendigo Advertiser and McIvor Times newspapers and on the City of Greater Bendigo and the Department of Transport and Planning websites. All affected landowners and occupiers will have the opportunity to provide a submission to the Amendment.

Financial Sustainability

Officer time will be required to prepare the Amendment documentation for authorisation, exhibition, manage the exhibition process and liaise with the Department of Transport and Planning. In terms of permit activity, the amendment is not expected to have a significant impact on the future resources of the City as it is not greatly increasing the need for planning approvals. Apart from where a Heritage Overlay is proposed to be applied, there is an expectation that the Amendment will result in a decrease in permit activity.

The City is also responsible for the payment of all statutory fees and costs incurred in the processing of the amendment, and costs associated with a Panel hearing if one is required following public exhibition. These costs will be funded through the Strategic Planning Unit's operational budget.

Risk Assessment

As the City has initiated an engagement process with the affected property owners, it is important for this planning scheme amendment to progress for transparency purposes. There are also statutory timeframes which need to be adhered to in progressing planning scheme amendments, however it is important to note that there is minimal risk of not meeting these timeframes.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 7 - Sustainable population growth is planned for

Conflict of Interest

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

Attachments

1. Greater Bendigo C285gben Compiled Documents [**21.1.1** - 92 pages]

Planning and Environment Act 1987

Greater Bendigo Planning Scheme

Amendment C285Gben

Explanatory Report

Overview

This amendment seeks to correct zoning and overlay mapping errors and anomalies, change the zone of one site, apply the Heritage Overlay to three sites and parts of 18 sites, remove various redundant overlays and correct the planning scheme text to ensure its on-going accuracy. This amendment affects freehold land as well as public land throughout the municipality of Greater Bendigo particularly land in the suburbs of Argyle, Bendigo, Big Hill, California Gully, Eaglehawk, Epsom, Flora Hill, Golden Gully, Heathcote, Huntly, Jackass Flat, Kangaroo Flat, Kennington, Long Gully, Myers Flat, Quarry Hill, Shelbourne, Spring Gully and West Bendigo.

Where you may inspect this amendment

The amendment can be inspected free of charge at the City of Greater Bendigo Strategic Planning Unit, Galkangu GovHub 195-229 Lyttleton Terrace, Bendigo.

Or via the City of Greater Bendigo website at: http://www.bendigo.vic.gov.au/residentsandservices/planningservices/Planningschemeamendments

The amendment can also be inspected free of charge at the Department of Transport and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to:

Strategic Planning Unit

City of Greater Bendigo

PO 733

Bendigo VIC 3552

or via email to strategic.planning@bendigo.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: [insert directions hearing date]
- Panel hearing: [insert panel hearing date]

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Greater Bendigo City Council which is the planning authority for this amendment.

The amendment has been made at the request of the Greater Bendigo City Council.

Land affected by the amendment

The amendment applies to land throughout the municipality of the City of Greater Bendigo.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment proposes to correct zoning and overlay anomalies to freehold as well as to publicly owned land including Council-owned or managed land. It also proposes to change the zone of one site from an Industrial 3 Zone to a Neighbourhood Residential Zone, apply the Heritage Overlay to three sites, and parts of 18 properties, delete redundant overlays from various sites and correct or update planning scheme texts including the statement of significance of heritage places. The proposed corrections and updates will facilitate the existing use and development of the affected land into the future by deleting unnecessary or redundant planning controls. Similarly, they will improve the efficiency and operation of the planning scheme.

The amendment proposes to:

Zoning Maps

- Rezone 7.6 hectares of land at 140 Aspinall Street, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 14.
- Rezone 2.2 hectares of land at 31 Ayres Street, Argyle from Industrial 3 Zone to Neighbourhood Residential Zone Schedule 2 as shown on Planning Scheme Map No. 44.
- Rezone 2,015 square metres of land at CA 2 Averys Road, Jackass Flat from Low Density Residential Zone to Public Conservation and Resource Zone as shown on Planning Scheme Map No. 19.
- Rezone 9.8 hectares of land at CA 125B Bright Street, California Gully from part General Residential Zone part Public Use Zone Schedule 2 to Public Conservation and Resource Zone as shown on Planning Scheme Map No. 19.
- Rezone 5.8 hectares of land at CA115 Bright Street, California Gully from General Residential Zone to Public Conservation and Resource Zone as shown on Planning Scheme Map No. 19.
- Rezone 402 square metres of land at 7 Browning Street, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 22.
- Rezone 3,220 square metres of land at 6 Clarcoll Crescent South, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 26
- Rezone 1,300 square metres of land at 1800 Calder Alternative Highway, Marong from Public and Conservation and Resource Zone to Farming Zone as shown on Planning Scheme Map No.5.
- Rezone 57.8 hectares of land at CA 2011 Calder Highway, Big Hill from Rural Conservation Zone to Public Conservation and Resource as shown on Planning Scheme Map No. 26.
- Rezone 538 square metres of land at Lot RES1 Crusoe Road, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 26.
- Rezone 2 hectares of land at 58 Elvey Drive, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 26.
- Rezone 2,500 square metres of land at 72-74 Furness Street, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 26.
- Rezone 2.3 hectares of land at 22 Gladeville Drive, Eaglehawk from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 15
- Rezone 1,170 square metres of land at 147 Golden Gully Road, Golden Gully

from Low Density Residential Zone to Public Conservation and Resource Zone as shown on Planning Scheme Map No. 22.

- Rezone 1.2 hectares of land at CA 5 Harris Road, Shelbourne from Public Conservation and Resource Zone to Farming Zone as shown on Planning Scheme Map No. 5.
- Rezone 5,072 square metres of land at 1A Holland Court, Kennington from Public Use Zone Schedule 1 to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 1,055 square metres of land at 12 Hopkins Avenue, Eaglehawk from General Residential Zone to Public Conservation and Resource Zone as shown on Planning Scheme No. 18.
- Rezone 2,160 square metres of land at Crown Allotment 1, Section 2, Parish of Huntly, Howard Street, Epsom from Industrial 1 Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 15.
- Rezone 4,321 square metres of land at 28 Howard Street, Epsom from Industrial 1 Zone to Public Use Schedule 7 as shown on Planning Scheme Map No. 15 and 16.
- Rezone 0.6 hectares of land at 27 McClelland Drive, Eaglehawk from General Residential Zone to Public Conservation and Resource Zone as shown on Planning Scheme Map No. 14.
- Rezone 50 square metres of land at 1/20 Mahon Street, Kennington from Public Use Zone Schedule 1 to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 233 square metres of land at 2/20 Mahon Street, Kennington from Public Use Zone Schedule 1 to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 210 square metres of land at 3/20 Mahon Street, Kennington from Public Use Zone Schedule 1 to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 5,769 square metres of land at Crown Allotment 2 Section 2, Parish of Huntly, Midland Highway, Epsom from Industrial 1 Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 15.
- Rezone 5,673 square metres of land at Lot 1, TP 967538, Midland Highway, Epsom from Industrial 1 Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 15.
- Rezone 1.2 hectares of land at 260 Millwood Road, Huntly from Public Conservation and Resource Zone to Low Density Residential Zone as shown on Planning Scheme Map No. 12.
- Rezone 137 square metres of land at 2/26 Townsend Street, Flora Hill from Public Park and Recreation Zone to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 10 square metres of land at 3/26 Townsend Street, Flora Hill from Public Park and Recreation Zone to General Residential Zone as shown on

Planning Scheme Map No. 23.

- Rezone 61 square metres of land at 4/26 Townsend Street, Flora Hill from Public Park and Recreation Zone to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 95 square metres of land at 5/26 Townsend Street, Flora Hill from Public Park and Recreation Zone to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 80 square metres of land at 22 Townsend Street, Flora Hill from Public Park and Recreation Zone to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 1,209 square metres of land at 21 Rankins Lane, Eaglehawk from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 15.
- Rezone 1,043 square metres of land at 27 Symes Street, Kangaroo Flat from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 26.
- Rezone 353 square metres of land at 8 Swalling Crescent, Kennington from Public Use Zone Schedule 1 to General Residential Zone as shown on Planning Scheme Map No. 23.
- Rezone 4,584 square metres of land at CA14 Sec. 47 Victoria Street, Eaglehawk from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 14.
- Rezone 2.6 hectares of land at CA15 Sec. 47 Victoria Street, Eaglehawk from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 14.
- Rezone 1,160 square metres of land at 21-23 Walls Street, Eaglehawk from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map No. 14.
- Rezone 289 square metres of land at 6 Watkins Street, Long Gully from Public Park and Recreation Zone to General Residential Zone as shown on Planning Scheme Map No. 18.
- Rezone 1 hectare of land at 40 Westwood Drive, Eaglehawk from General Residential Zone to Public Park and Recreation Zone as shown on Planning Scheme Map Nos. 15 and 19.
- Rezone 2,229 square metres of land at 16-20 Williams Road, Myers Flat from Public Conservation and Resource Zone to Farming Zone as shown on Planning Scheme Map No. 14.

Overlay Maps

- Apply the Heritage Overlay Schedule 939 (HO939, 1320 Calder Highway) to 1320 Calder Highway, Marong as shown on Planning Scheme Map No. 6HO
- Apply the Heritage Overlay Schedule 1003 (HO1003, Quartz Reefers Houses)

to 100 Holmes Road, North Bendigo as shown on Planning Scheme Map No. 18HO.

- Apply the Heritage Overlay Schedule 940 (HO940, Sheard's House and Orchard Wall) to 216 Carpenter Street, part of 214, 212, 210, 208, 206 Carpenter Street, part of 1, 3, 7, 9, 13, 1/15, 6/15, 1/17, 6/17 and 25 Paterson Street, part of 1, 5 and 6 Emma Place, Quarry Hill as shown on Planning Scheme Map No. 23HO.
- Apply the Heritage Overlay to part of the road reservations of Carpenter Street, Paterson Street, Emma Street, Quarry Hill as shown on Planning Scheme Map No. 23HO.
- Delete the Heritage Overlay Schedule 755 (HO755 Our Lady Help of Christians Church (former)) from the land at 63-77 Ebden Street, Heathcote as shown on Planning Scheme Map No. 44HO.
- Delete the Development Plan Overlay Schedule 4 from CA2 Averys Road, Jackass Flat as shown on Planning Scheme Map No. 19DPO.
- Delete the Development Plan Overlay Schedule 4 from land at 147 Golden Gully Road, Golden Gully as shown on Planning Scheme Map No. 22DPO.
- Delete the Heritage Overlay Schedule 525 (HO525 Hope Park) from 7 Lovero Court, Kangaroo Flat as shown on Planning Scheme Map No. 22HO.
- Delete the Heritage Overlay Schedule (HO929, Former Doherty's Garage and worker's cottage) from part of the land at 7-9 St Andrews Avenue, Bendigo as shown on Planning Scheme Map No. 19HO.
- Delete the Heritage Overlay Schedule (HO560, Calder Highway) from part of the land at 10 Leslie Street, Marong as shown on Planning Scheme Map No. 6HO.
- Delete the Heritage Overlay Schedule 525 (HO525 Hope Park) from 8 Lovero Court, Kangaroo Flat as shown on Planning Scheme Map No. 22HO.
- Delete the Heritage Overlay Schedule 525 (HO525 Hope Park) from 9 Lovero Court, Kangaroo Flat as shown on Planning Scheme Map No. 22HO.
- Delete the Heritage Overlay Schedule 525 (HO525 Hope Park) from 10 Lovero Court, Kangaroo Flat as shown on Planning Scheme Map No. 22HO
- Delete the Heritage Overlay Schedule 843 (HO843 Lazarus Street/Poorman's Gully Precinct) and Schedule 999 (HO Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo) from 8 Union Street, West Bendigo as shown on Planning Scheme Map No. 18HO.
- Delete the Heritage Overlay Schedule 525 (HO525, Hope Park) from 11 Weir Court, Kangaroo Flat as shown on Planning Scheme Map No. 22HO.
- Delete the Heritage Overlay Schedule 525 (HO525 Hope Park) from 13 Weir Court, Kangaroo Flat as shown on Planning Scheme Map No. 22HO.
- Delete the Vegetation Protection Overlay Schedule 2 from CA125B Bright Street, California Gully as shown on Planning Scheme Map No. 19VPO.
- Delete the Vegetation Protection Overlay Schedule 2 from CA115 Bright Street, California Gully as shown on Planning Scheme Map No. 19VPO.

- Delete the Vegetation Protection Overlay Schedule 2 from 20-28 McCullagh Street, Golden Gully as shown on Planning Scheme Map No. 22VPO.
- Delete the Vegetation Protection Overlay Schedule 2 from CA 2061 Ham Street, Golden Gully as shown on Planning Scheme Map No. 22VPO.
- Delete the Vegetation Protection Overlay Schedule 2 from 70-74 Woodward Road, Golden Gully as shown on Planning Scheme Map No. 22VPO.
- Delete the Vegetation Protection Overlay Schedule 2 from CA 190D Faugh-A-Ballagh Road, Spring Gully as shown on Planning Scheme Map No. 23VPO.
- Delete the Vegetation Protection Overlay Schedule 2 from 14 Connelly Street, Quarry Hill as shown on Planning Scheme Map No 23VPO.
- Delete the Vegetation Protection Overlay Schedule 2 from 47-85 Houston Street, Quarry Hill as shown on Planning Scheme Map No. 23VPO.

Ordinances

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to insert four new heritage places (HO934) in Spring Gully, (HO939) in Marong (HO1003) in North Bendigo and HO940 in Quarry Hill and references to the statements of significance.
- Replace the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) with a new Schedule in the form of the attached document.
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert 6 new incorporated documents titled:
  1. *Statement of significance: Sheard's House and Orchard Wall (*Sera-Jane Peters, December 2023)
  2. *Statement of significance: The Palms (..)*, March 2019.
  3. *Statement of significance: 1320 Calder Highway, Marong,* September 2020.
  4. *Statement of significance: Series: Workers' and Mine Speculators'* Houses, August 2022.
  5. *Statement of significance: Hard Hill,* (Kylie Howe) January 2021
  6. *Statement of significance: Hume's Hovell* (..) January 2023
- Amend the schedule to Clause 72.08 (Background Documents) to insert the following background document:
  - *Greening Greater Bendigo* (City of Greater Bendigo, June 2020).

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to make corrections and to improve the efficient operation

and effectiveness of the planning scheme by removing unnecessary restrictions that originate from incorrectly applied or outdated planning controls that do not reflect the circumstances of the affected land. This is consistent with the *Planning and Environment Act*, 1987 requirements for the regular review of planning schemes by the relevant responsible authorities.

The amendment is also required to rezone one site which was previously identified as suitable for rezoning during the development of the Heathcote Township Plan but which can only proceed now following a conclusive re-assessment of its level of exposure to bushfire risks. Similarly, several sites have recently been assessed to have heritage significance, some of which were found to be under threat from demolition and this amendment is required to protect them from demolition. The amendment is also required to update schedules to the planning scheme or the statements of significance of heritage places to improve their efficiency and clarity. The amendment is also required to correct incorrect road names on a map in the planning scheme for accuracy purposes.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria under section 4(1) of the *Planning and Environment Act 1987*:

a) to provide for the fair, orderly, economic and sustainable use, and development of land.

The amendment implements this objective by correcting zoning anomalies and by deleting redundant overlays to facilitate the use and development of land which as a result, will improve the legibility and efficiency of the planning scheme.

b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*

The amendment implements this objective by rezoning land which is currently being used for natural habitat to the most appropriate zone to ensure ecological processes currently occurring on this land are protected and continue into the future.

c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The amendment implements this objective by rezoning land currently being used for recreational purposes to the most appropriate zone to ensure the existing use for recreational purposes is secured into the future.

d) to conserve and enhance those building, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The amendment implements this objective by applying the Heritage Overlay to places

that have been identified as having heritage significance are conserved for the enjoyment of present and future generations.

How does the amendment address any environmental, social and economic effects?

The amendment will not have any adverse environmental effects as any future use of the affected land will be required to meet the relevant environmental standards for land in rural and urban areas. The proposed zones generally reflect the current land uses and or ownership and have also been chosen to be consistent with surrounding zones where relevant. The proposed removal of the Vegetation Protection Overlay Schedule 2 on publicly-owned land will have no adverse environmental effects because the underlying zone is adequate to protect the environmental and conservation values of the land against inappropriate development.

The amendment will not have any detrimental social effects. It will have positive social effects because it rezones land to the most appropriate zones to avoid potential land use conflicts or uncertainties. The amendment will also facilitate the provision of social infrastructure on publicly-owned land specifically regarding the sites which are being rezoned from General Residential Zone to Public Park and Recreation Zone.

There is an expectation that the correction of the zoning maps, the deletion of overlays or the proposed rezoning will facilitate the use and development of the affected land into the future. This is because unnecessary planning permit triggers will be removed under the proposed zoned or by deleting the overlays, which as a result, will optimise the use and development of the land. It is therefore expected that the amendment will maximise the potential of the uses and development of the affected land and have a positive economic effect.

Does the amendment address relevant bushfire risk?

As the Amendment is principally to correct zoning anomalies, to delete redundant overlays or to apply the Heritage Overlay to various properties and to update planning scheme text, it has the potential to intensify development through the rezoning of land from Public Conservation and Resources Zone to Low Density Residential Zone and Public Use Zone and Public Park and Recreation Zone to General Residential Zone. However, this potential intensification of development is not at odds with the objective set by Clause 13.02-1S (Bushfire planning) because it does not put human life or property at an unacceptable level in terms of bushfire risks.

As previously stated, the site at 31 Ayres Street, Argyle was identified for potential rezoning when the Heathcote Township Plan was being developed but could not proceed because of issues related to bushfire risks. A bushfire risk assessment report has now been completed which has concluded that a BAL-12.5 rating can be achieved

over 80 per cent of the site. The CFA has reviewed the report and have submitted that they support the rezoning of the site.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction – The Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act* 1987.

The amendment is also consistent with the following Ministerial Directions:

The amendment complies with Ministerial Direction – Form and Content of Planning Schemes and is consistent with Ministerial Direction No.11 – Strategic Assessment of Amendments.

The amendment is also consistent with Ministerial Direction 1- Potentially Contaminated Land because none of the land proposed to be rezoned to a zone which would allow a sensitive use has been assessed to be potentially contaminated. This was determined following a preliminary site investigation for each site according to the guidance provided by Planning Practice Note 30 (DEWLP, July 2021).

A preliminary site investigation for the site at 31 Ayres Street, Argyle has also been carried out. The findings of the investigation are that the current and historical use of the land and surrounds shows a history of non-contaminating activities and as there is no other evidence or suspicion for contamination, further investigation for potential soil contamination is not required.

The amendment is consistent with Planning Practice Note No. 46, 2017, which requires that public land is appropriately zoned. This is demonstrated by the proposed rezoning of several publicly-owned sites from General Residential Zone, Rural Conservation Zone or Low Density Residential Zone to either Public Park and Recreation Zone or to Public Conservation and Resource Zone.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the following clauses of the Planning Policy Framework:

Clause 11.01-1S (Settlement) has an objective to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. This amendment is consistent with this objective because it provides for the capitalisation on existing opportunities for urban infill development by correcting errors in the zoning of urban land for their use for residential purposes.

Clause 11.01-1L-01 (Settlement - Greater Bendigo) has an objective to manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to

identified locations. The amendment is consistent with this objective because it proposes to correct zoning anomalies of residential land located within the Bendigo Urban Growth Boundary to facilitate their intended use and development into the future.

Clause 11.02-1S (Supply of urban land) has an objective to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. The amendment is consistent with this objective because the correction to the zoning anomalies will contribute to ensure the ongoing provision of land to support sustainable urban development.

Clause 11.03-5S (Distinctive areas and landscapes) has the objective to recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes. The amendment is consistent with this objective because the proposed correction to zoning anomalies will also contribute to enhance the conservation of the environment, ecosystems and biodiversity of areas that are currently not appropriately zoned.

Clause 11.03-6L-01(Bendigo City Centre)

This policy applies to the Bendigo City Centre and has a strategy to facilitate development that enhances the role of the Bendigo City Centre as the focus for higher order commercial, retail, visitor, social, civic, cultural and tourist activities. The amendment is consistent with this strategy because it proposes to delete a redundant Heritage Overlay from a commercially zoned site within the City Centre to facilitate its development for use for commercial purposes.

Clause 12.01-1S (Protection of biodiversity) has the objective to protect and enhance Victoria's biodiversity. The amendment is consistent with this objective because the proposed zoning corrections also contributes to the protection and enhancement of habitat for indigenous plants and animals within urban Bendigo.

Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs) has the objective to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs. The amendment is consistent with this objective because it proposes to correct the zone of several sites located along the Bendigo Creek to enhance its protection.

Clause 13.04-1S (Contaminated and potentially contaminated land) has an objective to ensure that contaminated and potentially contaminated land is used and developed safely. The amendment supports this objective because the preliminary risk screen assessment undertaken for each site for which a zoning correction is being proposed, has been conclusive.

Clause 14.01-1S (Protection of agricultural land) has the objective protect the state's agricultural base by preserving productive farmland. The amendment supports this objective because it proposes to correct zoning anomalies of land located within farming zoned areas and this will subsequently protect productive agricultural land

from unplanned loss due to permanent changes in land use.

Clause15.03-1S (Heritage conservation) has the objective to ensure the conservation of places of heritage significance. The amendment supports this objective because it proposes to update statements of significance of heritage places.

Clause 19.02-6S (Open space) has the objective to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The amendment supports this objective because it proposes to correct the zoning of several sites which are currently being used as public open space to the appropriate zone.

Clause 19.02-6L-01 (Open space and public land - Greater Bendigo) applies to the allocation of land and the use and development of land for open spaces and public land in Greater Bendigo including the open space network. The amendment supports this policy as it proposes to correct the zoning of several sites within urban Bendigo which are already being used as public open spaces.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports the following clauses of the Municipal Planning Strategy:

Clause 02.03-1 (Settlement)

The strategic directions for settlement include the following:

- Protect agricultural land and high value environmental areas from development.
- Contain most of Greater Bendigo's growth within the Bendigo Urban Growth Boundary.

The amendment supports these strategic directions by correcting zoning anomalies of land located within agricultural and high value environmental areas to ensure their protection from development into the future. Similarly, the amendment supports these strategic directions by correcting zoning anomalies or by deleting redundant planning overlays to maximise the development potential of land located within the Bendigo urban Growth Boundary.

Clause 02.03-2 (Environment and landscape values)

This clause states that the key environment and landscape values for Greater Bendigo are biodiversity, native vegetation, water bodies and significant landscapes. The strategic directions for the environment and landscape values are:

- Protect and restore biodiversity and create new natural habitats.
- Improve the health of streams and watercourses and land adjacent to develop their role as important community assets.
- Protect gullies as an important part of the waterway network in providing habitat for flora and fauna.

The amendment supports these strategic directions by correcting the zoning of land which are currently being used as natural habitats or are located along waterways and gullies to the most appropriate zone for the protection current use into the future.

Clause 02.03-4 (Natural resource management)

This clause states that the key natural resource management issues for Greater Bendigo are the protection of agricultural land and sustainable agricultural land use, protection of water assets and resource exploration and extraction.

The strategic directions for natural resource management include:

- Protect agricultural land as a valuable and finite resource from fragmentation and encroachment by competing uses.
- Manage competing land uses in order to facilitate the growth of agricultural uses while maintaining the amenity of more sensitive uses, particularly in the areas of a concentration of intensive animal industries as shown in the Rural strategic framework plan in Clause 02.04.

The amendment supports these strategic directions because these zoning corrections specifically in agricultural areas and along waterways will ensure that agricultural land and waterways will be adequately protected against inappropriate development, as a result of applying the inappropriate zone.

Clause 02.03-5 (Built environment and heritage)

This clause identifies the importance of, protecting neighbourhood character and heritage assets while encouraging infill development and supporting environmentally sustainable development.

The strategic directions for heritage include:

- Protect the city's valuable sites, places and features of natural, archaeological, and cultural heritage significance.
- Balance the protection of heritage places with support for sensitive and innovative development to accommodate projected population growth.

The amendment supports these strategic directions because it updates statement of significance of heritage places, proposes that new places be protected by the Heritage Overlay and similarly proposes that places where the Heritage Overlay is now redundant be removed from the Heritage Overlay.

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions by updating the maps and texts of the Greater Bendigo Planning Scheme. The Amendment includes corrections to ensure land is appropriately zoned and have the appropriate overlays. It improves the legibility and efficiency of the planning scheme and removes redundant planning controls which will provide certainty for users of the planning

system.

How does the amendment address the views of any relevant agency?

Preliminary comments have been sought from various relevant authorities on the Amendment including the Country Fire Authority and the Environmental Protection Authority. Apart from DEECA, no preliminary comments have been received so far. Relevant authorities comments will be sought when the Amendment is formally exhibited.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system as defined by section 3 of the *Transport Integration Act* 2010.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment provides for the correction of errors and anomalies to the maps and updates or makes minor changes to the texts of the planning scheme. These changes are expected to reduce resource and administrative costs of the responsible authority by avoiding the need for unnecessary planning permit applications for land use and development.

Attachment 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference
Zoning Maps		
Argyle	31 Ayres Street	Greater Bendigo C285gben znMap44 Exhibition
Big Hill	CA 2011 Calder Highway	Greater Bendigo C285gben znMap26 Exhibition
California Gully	125B Bright Street	Greater Bendigo C285gben znMap19 Exhibition
	CA115 Bright Street	Greater Bendigo C285gben znMap19 Exhibition
Eaglehawk	22 Gladeville Drive	Greater Bendigo C285gben znMap15 Exhibition
	12 Hopkins Avenue	Greater Bendigo C285gben znMap18 Exhibition
	27 McClelland Drive	Greater Bendigo C285gben znMap14 Exhibition
	21 Rankins Lane,	Greater Bendigo C285gben znMap15 Exhibition
	CA14 Sec. 47 Victoria Street	Greater Bendigo C285gben znMap14 Exhibition
	21-23 Walls Street	Greater Bendigo C285gben znMap14 Exhibition
	40 Westwood Drive	Greater Bendigo C285gben znMap15 Exhibition & Greater Bendigo C285gben znMap19 Exhibition
Epsom	Crown Allotment 1, Section 2, Parish of Huntly, Howard Street	Greater Bendigo C285gben znMap15 Exhibition

Location	Land /Area Affected	Mapping Reference
	28 Howard Street	Greater Bendigo C285gben znMap15 Exhibition & Greater Bendigo C285gben znMap16 Exhibition
	Crown Allotment 2 Section 2, Parish of Huntly, Midland Highway	Greater Bendigo C285gben znMap15 Exhibition
	Lot 1, TP 967538, Midland Highway	Greater Bendigo C285gben znMap15 Exhibition
Flora Hill	2/26 Townsend Street	Greater Bendigo C285gben znMap23 Exhibition
	3/26 Townsend Street	Greater Bendigo C285gben znMap23 Exhibition
	4/26 Townsend Street	Greater Bendigo C285gben znMap23 Exhibition
	5/26 Townsend Street,	Greater Bendigo C285gben znMap23 Exhibition
	22 Townsend Street	Greater Bendigo C285gben znMap23 Exhibition
Golden Gully	147 Golden Gully Road	Greater Bendigo C285gben znMap22 Exhibition
Huntly	260 Millwood Road	Greater Bendigo C285gben znMap12 Exhibition
Jackass Flat	CA 2 Averys Road	Greater Bendigo C285gben znMap19 Exhibition
Kangaroo Flat	140 Aspinall Street	Greater Bendigo C285gben znMap14 Exhibition
	7 Browning Street	Greater Bendigo C285gben znMap22 Exhibition
	6 Clarcoll Crescent South	Greater Bendigo C285gben znMap26 Exhibition

Location	Land /Area Affected	Mapping Reference
	Lot RES1 Crusoe Road	Greater Bendigo C285gben znMap26 Exhibition
	58 Elvey Drive	Greater Bendigo C285gben znMap26 Exhibition
	72-74 Furness Street	Greater Bendigo C285gben znMap26 Exhibition
	27 Symes Street	Greater Bendigo C285gben znMap26 Exhibition
Kennington	1A Holland Court	Greater Bendigo C285gben znMap23 Exhibition
	1/20 Mahon Street	Greater Bendigo C285gben znMap23 Exhibition
	2/20 Mahon Street	Greater Bendigo C285gben znMap23 Exhibition
	3/20 Mahon Street,	Greater Bendigo C285gben znMap23 Exhibition
	8 Swalling Crescent	Greater Bendigo C285gben znMap23 Exhibition
Long Gully	6 Watkins Street	Greater Bendigo C285gben znMap18 Exhibition
Marong	1800 Calder Alternative Highway	Greater Bendigo C285gben znMap5 Exhibition
Myers Flat	16-20 Williams Road	Greater Bendigo C285gben znMap14 Exhibition
Shelbourne	CA 5 Harris Road	Greater Bendigo C285gben znMap5 Exhibition
Overlay maps		
Bendigo	7-9 St Andrews Avenue	Greater Bendigo C285gben d-hoMap19 Exhibition
California Gully	CA125B Bright Street	Greater Bendigo C285gben d-vpoMap19 Exhibition
	CA115 Bright Street	Greater Bendigo C285gben d-vpoMap19 Exhibition

Location	Land /Area Affected	Mapping Reference
Golden Gully	70-74 Woodward Road	Greater Bendigo C285gben d-vpoMap22 Exhibition
	CA 2061 Ham Street	Greater Bendigo C285gben d-vpoMap22 Exhibition
	20-28 McCullagh Street	Greater Bendigo C285gben d-vpoMap22 Exhibition
	147 Golden Gully Road	Greater Bendigo C285gben d-dpoMap22 Exhibition
Heathcote	63-77 Ebden Street	Greater Bendigo C285gben d-hoMap44 Exhibition
Jackass Flat	CA2 Averys Road	Greater Bendigo C285gben d-dpoMap19 Exhibition
Kangaroo Flat	7 Lovero Court	Greater Bendigo C285gben d-hoMap22 Exhibition
	8 Lovero Court	Greater Bendigo C285gben d-hoMap22 Exhibition
	9 Lovero Court	Greater Bendigo C285gben d-hoMap22 Exhibition
	10 Lovero Court	Greater Bendigo C285gben d-hoMap22 Exhibition
	11 Weir Court	Greater Bendigo C285gben d-hoMap22 Exhibition
	13 Weir Court	Greater Bendigo C285gben d-hoMap22 Exhibition
Marong	10 Leslie Street	Greater Bendigo C285gben d-hoMap6 Exhibition
	1320 Calder Highway	Greater Bendigo C285gben hoMap06 Exhibition
North Bendigo	100 Holmes Road	Greater Bendigo C285gben hoMap18 Exhibition
Quarry Hill	14 Connelly Street	Greater Bendigo C285gben d-vpoMap23 Exhibition
	47-85 Houston Street	Greater Bendigo C285gben d-vpoMap23 Exhibition

Location	Land /Area Affected	Mapping Reference
	216 Carpenter Street	Greater Bendigo C285gben hoMap23 Exhibition
	Part of 206, 208, 210, 212 and of 214 Carpenter Street	Greater Bendigo C285gben hoMap23 Exhibition
	Part of 1, 3, 7, 9, 13, 1/15, 6/15, 1/17, 6/17 and of 25 Paterson Street	Greater Bendigo C285gben hoMap23 Exhibition
	Part of 1, 5 and of 6 Emma Place	Greater Bendigo C285gben hoMap23 Exhibition
	Part of the road reservations of Carpenter Street, Paterson Street and of Emma Street	Greater Bendigo C285gben hoMap23 Exhibition
Spring Gully	CA 190D Faugh-A-Ballagh Road	Greater Bendigo C285gben d-vpoMap23 Exhibition
West Bendigo	8 Union Street	Greater Bendigo C285gben d-hoMap18 Exhibition

Planning and Environment Act 1987

Greater Bendigo Planning Scheme

Amendment C285Gben

Instruction sheet

The planning authority for this amendment is the Greater Bendigo City Council.

The Greater Bendigo Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 25 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No.5 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
2. Amend Planning Scheme Map No. 12 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
3. Amend Planning Scheme Map No. 14 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
4. Amend Planning Scheme Map No. 15 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
5. Amend Planning Scheme Map No. 16 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C28gben”.
6. Amend Planning Scheme Map No. 18 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
7. Amend Planning Scheme Map No. 19 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
8. Amend Planning Scheme Map No. 22 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
9. Amend Planning Scheme Map No. 23 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.
10. Amend Planning Scheme Map No. 26 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

11. Amend Planning Scheme Map No. 44 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

Overlay Maps

12. Amend Planning Scheme Map No. 14DDO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

13. Amend Planning Scheme Map No. 19DPO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

14. Amend Planning Scheme Map No. 22DPO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

15. Amend Planning Scheme Map No. 6HO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

16. Amend Planning Scheme Map No. 18HO in the manner shown on the 2 attached maps marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

17. Amend Planning Scheme Map No. 19HO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

18. Amend Planning Scheme Map No. 22HO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

19. Amend Planning Scheme Map No. 23HO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

20. Amend Planning Scheme Map No. 44HO in the manner shown on the attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

21. Amend Planning Scheme Map No. 14VPO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

22. Amend Planning Scheme Map No. 19VPO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

23. Amend Planning Scheme Map No. 22VPO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

24. Amend Planning Scheme Map No. 23VPO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C285gben”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

25. In **Overlays** – Clause 43.01, replace Schedule with a new Schedule in the form of the attached document.

26. In **Particular Provisions** – Clause 53.01, replace the Schedule with a new Schedule in the form of the attached document.

27. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

28. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

End of document

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

D-DDO - Area to be deleted from a Design and Development Overlay

Municipal Boundary

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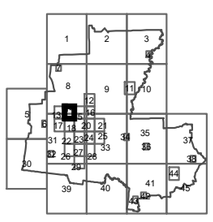
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Australian Map Grid Zone 55

Planning Group
Print Date: 14/03/2024
Amendment Version: 1

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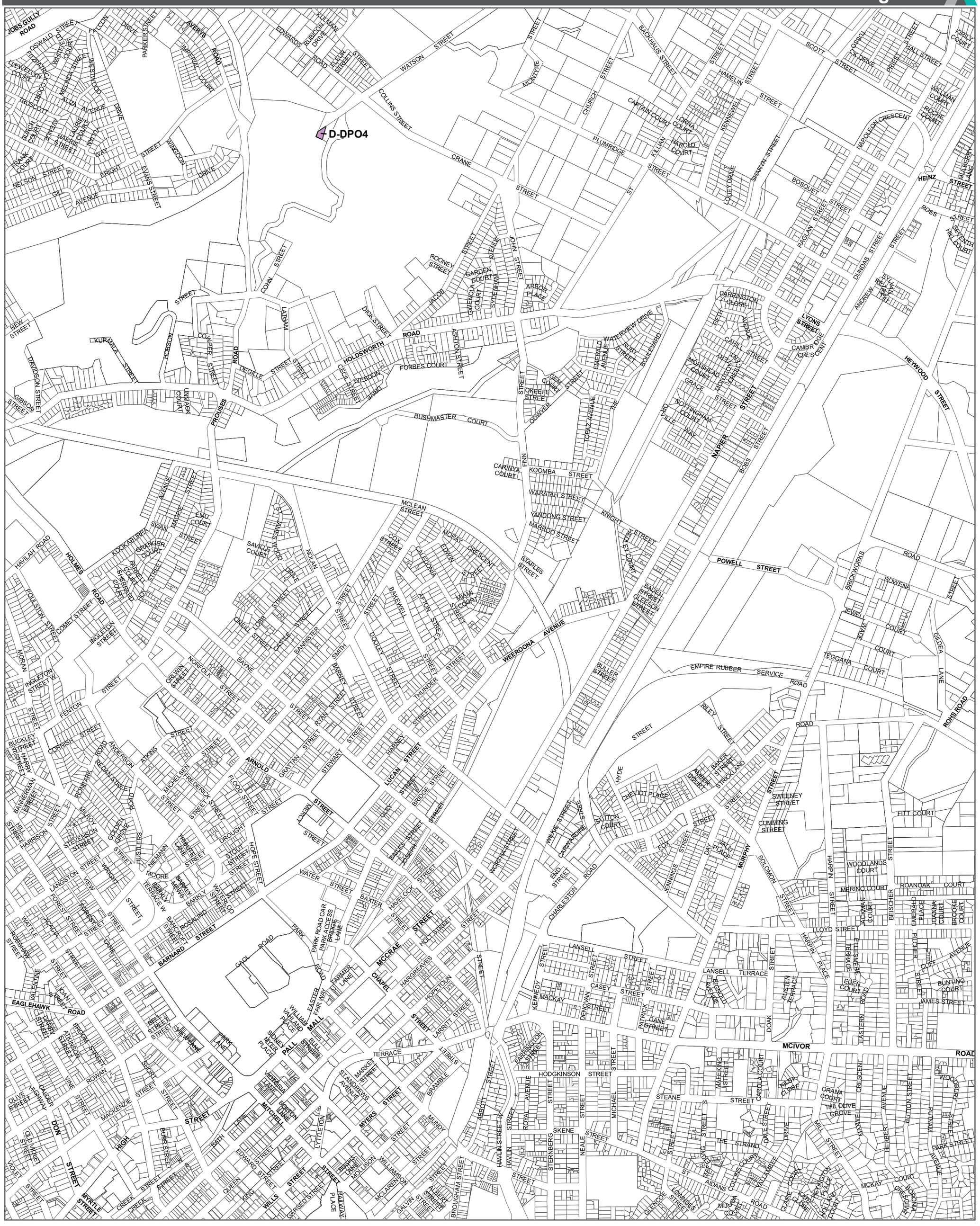
INDEX TO ADJOINING SCHEME MAPS



AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY

MAP No 14DDO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

D-DPO - Area to be deleted from a Development Plan Overlay

Municipal Boundary

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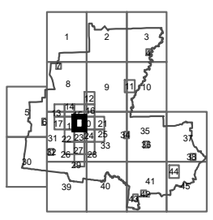
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Australian Map Grid Zone 55

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Amendment Version: 1

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INDEX TO ADJOINING SCHEME MAPS



AREA TO BE DELETED FROM A DEVELOPMENT PLAN OVERLAY

MAP No 19DPO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben


D-DPO4
ROCKY RISES ROAD
WICKS ROAD
COLEMAN CLOSE
KRONK
GRANGE TERRACE
GOLDEN HEIGHTS DRIVE
GONDOLIER TERRACE
PINNACLE TERRACE
BROOKLYN DRIVE
MIRADO PLACE
OAKES PLACE
KAEWOO COURT
DOYE STREET
PRAIN STREET
ROSEWOOD MEWS
KIRBY STREET
CLARKSON COURT
SYMONDS ROAD
SEATON GROVE
BAY COURT
ULA COURT
BALLARAT AVENUE
PARK STREET
EARLS COURT
BEDFORD COURT
JACKMAN PLACE
PRESTON PLACE
LOIS COURT
MAXINE DRIVE
AKOONAH DRIVE
CHURINGA COURT
GRESHAM COURT
BOULEVARD
AJANA COURT
MAGAZINE
TOMKINSON DRIVE
BISSELL DRIVE
ALLPRESS DRIVE
PATRICIA COURT
BAY STREET
ALAN COURT
FIR STREET
BEECH STREET
COACH STREET
BELLE VUE ROAD
BREEN STREET
LAUREL STREET
KING STREET
HARGREAVES STREET
THISTLE STREET
SHAMROCK STREET
ROSE STREET
OPHIR STREET
ROWAN STREET
BOOTH STREET
WADE STREET
MACKENZIE STREET
OLD HIGH STREET
MAPLE STREET
BURN STREET
MAYO COURT
WILMOTT STREET
HUGHES STREET
FRAYNE COURT
HANIGAN DRIVE
TAYLOR STREET
ILLINGWORTH STREET
BURROWES STREET
ODOMEY STREET
HILL ROAD
SPARGO STREET
EMMET STREET
SPECIMEN HILL
QUARTZ PLACE
WEDDELL STREET
DELBRIDGE STREET
PALLETT STREET
MAPLE STREET
ROWE STREET
PANTON STREET
HUNTER STREET
COUNCIL STREET
SNELL STREET
ROLLON STREET
GUIDICE STREET
STANISTREET CRESCENT
TUCKER STREET
HATTAM STREET
MACCULLAGH STREET
DOBLE STREET
MARTIN STREET
WOODWARD ROAD
NOBLE STREET
MACDOUGALL ROAD
COONOOER STREET
WATERSON COURT
GRAY STREET
LIMA COURT
BOND STREET
POPLAR AVENUE
HIGH STREET
OAK STREET
COGGAN COURT
BERMAGUI COURT
BENGHAST AVENUE
ELLIOT STREET
LEOPOLD RISE
STONELEIGH STREET
SCHINDA COURT
HATJORAN COURT
CALEB CLOSE
DRUMBANE DRIVE
NORELLE AVENUE
HOLLY STREET
CRESCENT
MISTLETOE DRIVE
EMILY WAY
ALFREDA PLACE
FORBYCE COURT
DALLAS COURT
SOLDATOS COURT
MARTIN COURT
ANNE COURT
SUSAN COURT
VALIANT COURT
RIDGE PLACE
AKINS RISE
AVENUE
OLYMPIC DRIVE
TABITHA COURT
DANNY COURT
GLENVALE COURT
ENNOR PLACE
COLDHILL COURT
MING COURT
KILBY COURT
HINES COURT
GLEDHILL RISE
HIGHVIEW TERRACE
ALPINA PLACE
FOREST HEIGHTS DRIVE
AUSTIN COURT
LANDY COURT
CRESCENT ROAD
HOWLETT COURT
MOLESWORTH DRIVE
WINDSOR COURT
GUY COURT
KEAST COURT
RICHARD DRIVE
SPENCER DRIVE
MAYOR COURT
PARADE
ALDER STREET
ASPINALL STREET
ALPACA COURT
JOHN STREET
GLYNIS COURT
BROWNING STREET
TRIMKETT COURT
FREEMAN DRIVE
KLINA AVENUE
GUILDICE STREET
MAGELLAN CRESCENT
ST JOHNS CLOSE
NOBLE COURT
ELDA COURT
MCCARTHY DRIVE
UCRES WAY
ASPIN GARDENS
LYN MAREE COURT
NANKOOR STREET
HURLING COURT
LOVERO COURT
WEIR COURT
MACKENZIE STREET
BEVERLEY STREET
BELINDA AVENUE
NORMA STREET
ASH STREET
MIMOSA STREET
ELM STREET
COOPER COURT
MCLACHLAN STREET
SUNKIST STREET
OSBORN AVENUE
GORDON STREET
POTTERS LANE
WIRELESS STREET
BOWLES STREET
BASLAR COURT
MEW COURT
GRAHAM STREET
GUTHRIE STREET
DANSON STREET
ALLINGHAM STREET
CRACKLE COURT
HAM STREET
ADELAIDE GULLY ROAD
GOLDEN GULLY ROAD
WEDGE STREET
CROSS STREET
RAILWAY TERRACE
BATH LANE
BUNKER STREET
MUIR ROAD
TIPPERARY LANE
MANSELL STREET
TARRANT COURT
CAMPBELL STREET
CAMP STREET
SMITH STREET
CARPENTER LANE
DONOR STREET
PAGE COURT
MELVIES COURT
CHIFLEY AVENUE
HARMONY PLACE
HELM STREET
WAUGH STREET
PEACE STREET
THOMAS STREET
WILLIAM STREET
ELIZABETH STREET
GRAEMAR COURT
JARREN COURT
ASHBOURNE WAY
ST GEORGE PARK DRIVE
WALLABY STREET
WOODLANDS DRIVE
LOCKWOOD AVENUE
FADERSONS ROAD
PETHERICK STREET
FAIRVIEW ROAD
JAMISON PARK DRIVE
HOPE STREET
STATION STREET
ALEXANDER AVENUE
HYNAM AVENUE
FORD STREET
LANSELL STREET
SHORT STREET
DUXTON TERRACE
BRIAN STREET
COLLINS STREET
KENNY COURT
CRESCENT
GOULD COURT
HOLLAND COURT
DRIVE
MANALLACKS ROAD
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LONDEY STREET
NEEDLEWOOD DRIVE
CORREA AVENUE
DEJONG COURT
QUEEN STREET
DUKE STREET
WOOLCOCK STREET
BRUNO STREET
DEAN STREET
GURLEW COURT
IRONIS COURT
CRESCENT
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PODRINDA CRESCENT
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ASPERA WAY
FOREST FIELD LANE
WESLEY STREET
CLOSE
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GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben



LEGEND

D-HO - Area to be deleted from a Heritage Overlay

Municipal Boundary

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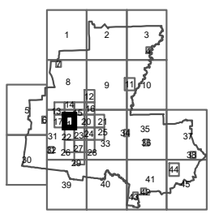
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MAP No 18HO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben


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GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben



LEGEND

D-HO - Area to be deleted from a Heritage Overlay

Municipal Boundary

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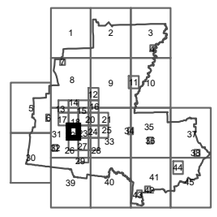
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AREA TO BE DELETED FROM A HERITAGE OVERLAY

MAP No 22HO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

D-HO - Area to be deleted from a Heritage Overlay

Municipal Boundary

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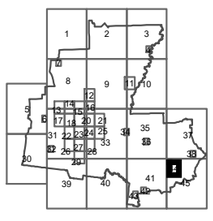
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MAP No 44HO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

D-VPO - Area to be deleted from a Vegetation Protection Overlay

Municipal Boundary

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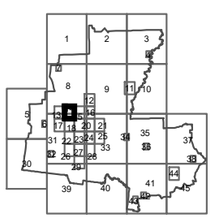
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AREA TO BE DELETED FROM A VEGETATION PROTECTION OVERLAY

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AMENDMENT C285gben



LEGEND

D-VPO - Area to be deleted from a Vegetation Protection Overlay

Municipal Boundary

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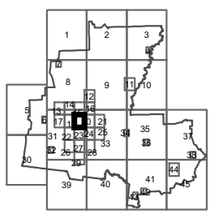
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AREA TO BE DELETED FROM A VEGETATION PROTECTION OVERLAY

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AMENDMENT C285gben



LEGEND

D-VPO - Area to be deleted from a Vegetation Protection Overlay

Municipal Boundary

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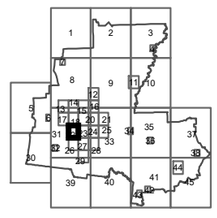
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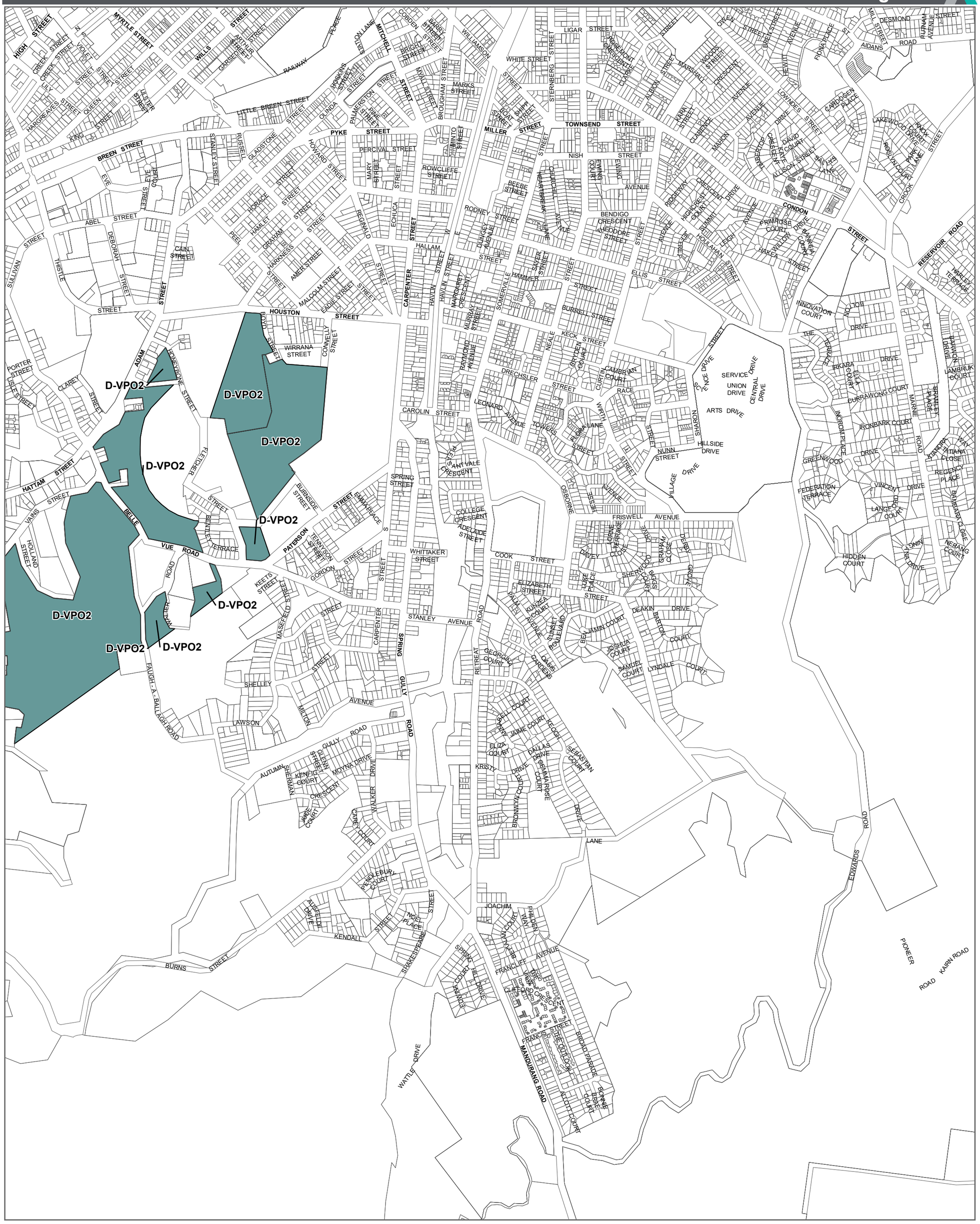


AREA TO BE DELETED FROM A VEGETATION PROTECTION OVERLAY

MAP No 22VPO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben



LEGEND

D-VPO - Area to be deleted from a Vegetation Protection Overlay

Municipal Boundary

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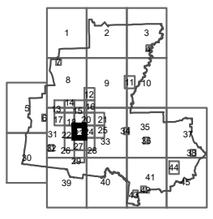
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AMENDMENT C285gben



LEGEND

HO - Heritage Overlay

Municipal Boundary

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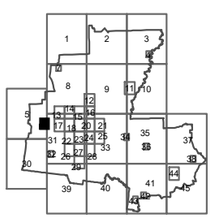
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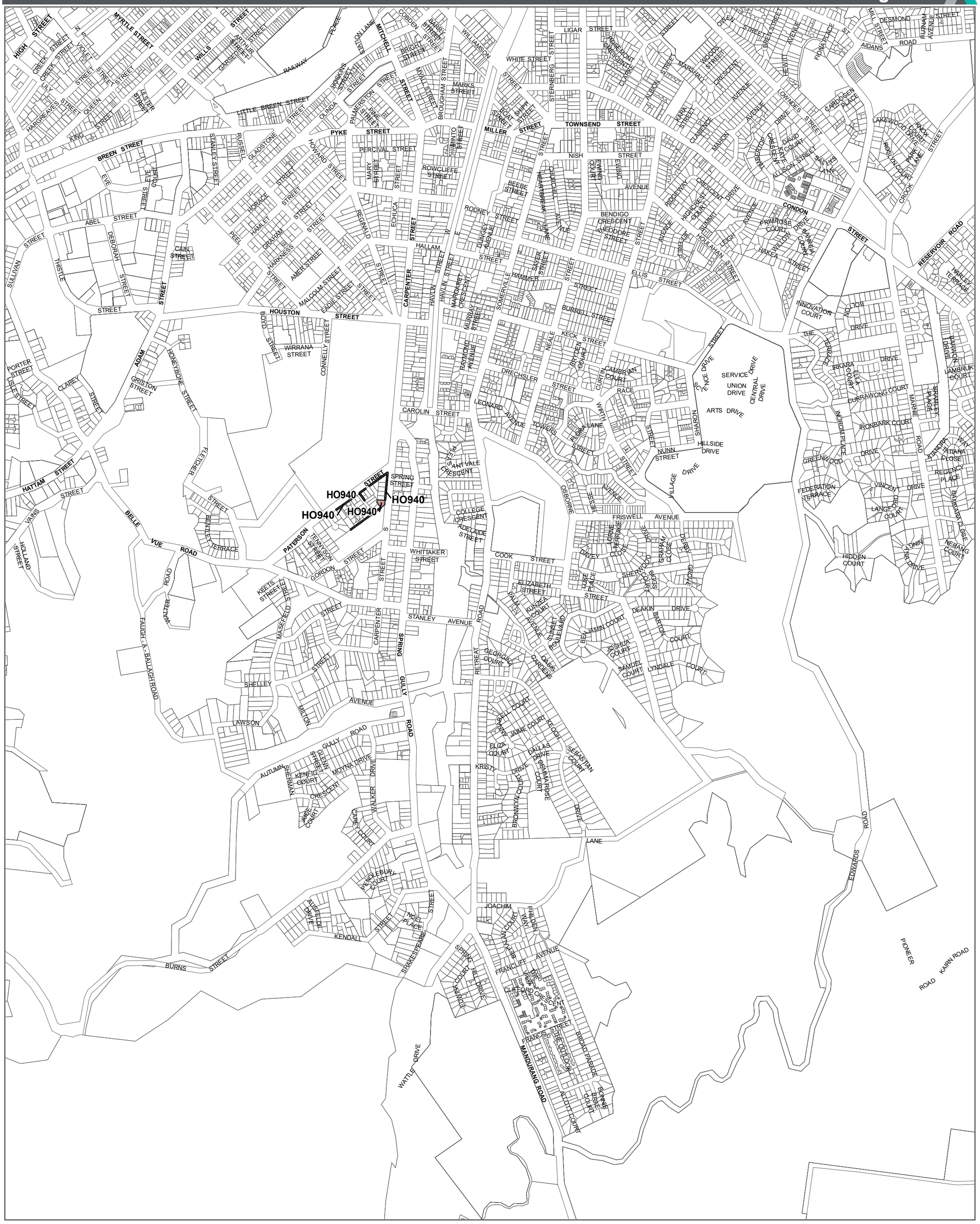
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SEMMENS STREET
MCGOWAN STREET
KNAPE STREET
EXCELL STREET
UP BRITAIN STREET
SHERIDAN STREET
HOLDSWORTH ROAD
KINROSS STREET
WHIP COURT
FESTINO WAY
CRAIG COURT
HIRCH COURT
PHILPOTT STREET
LOUDON STREET
MCCOY STREET
PEARCE STREET
SHIRALEA COURT
HAVILAH ROAD
BRAY STREET
BLACK STREET
DILLON STREET
RIVERVIEW STREET
BOLTON STREET
PETERS STREET
THOMPSON STREET
DUNCAN STREET
ROBINSON STREET
BUCKLEY STREET
LITTLE HILL STREET
BENNETT STREET
ARMS STREET
BOMBE LANE
NOSTIM LANE
DARE STREET
WALKER STREET
CUNNEEN STREET
PEARL PLACE
WINZE COURT
SHAFT STREET
POPPET STREET
STOPE COURT
STRATA COURT
BATTERY STREET
STOCKPILE COURT
HERSCHEL STREET
KENT COURT
JASON COURT
ENERGETIC DRIVE
HAPPY VALLEY
NEW CHUM LANE
CARLISLE PLACE
ROEDER STREET
PROUT STREET
TRUSCOTT STREET
CASLEY STREET
CURTIS

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben



LEGEND

HO - Heritage Overlay

Municipal Boundary

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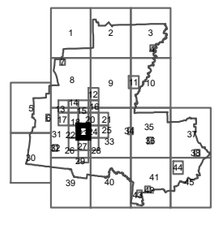
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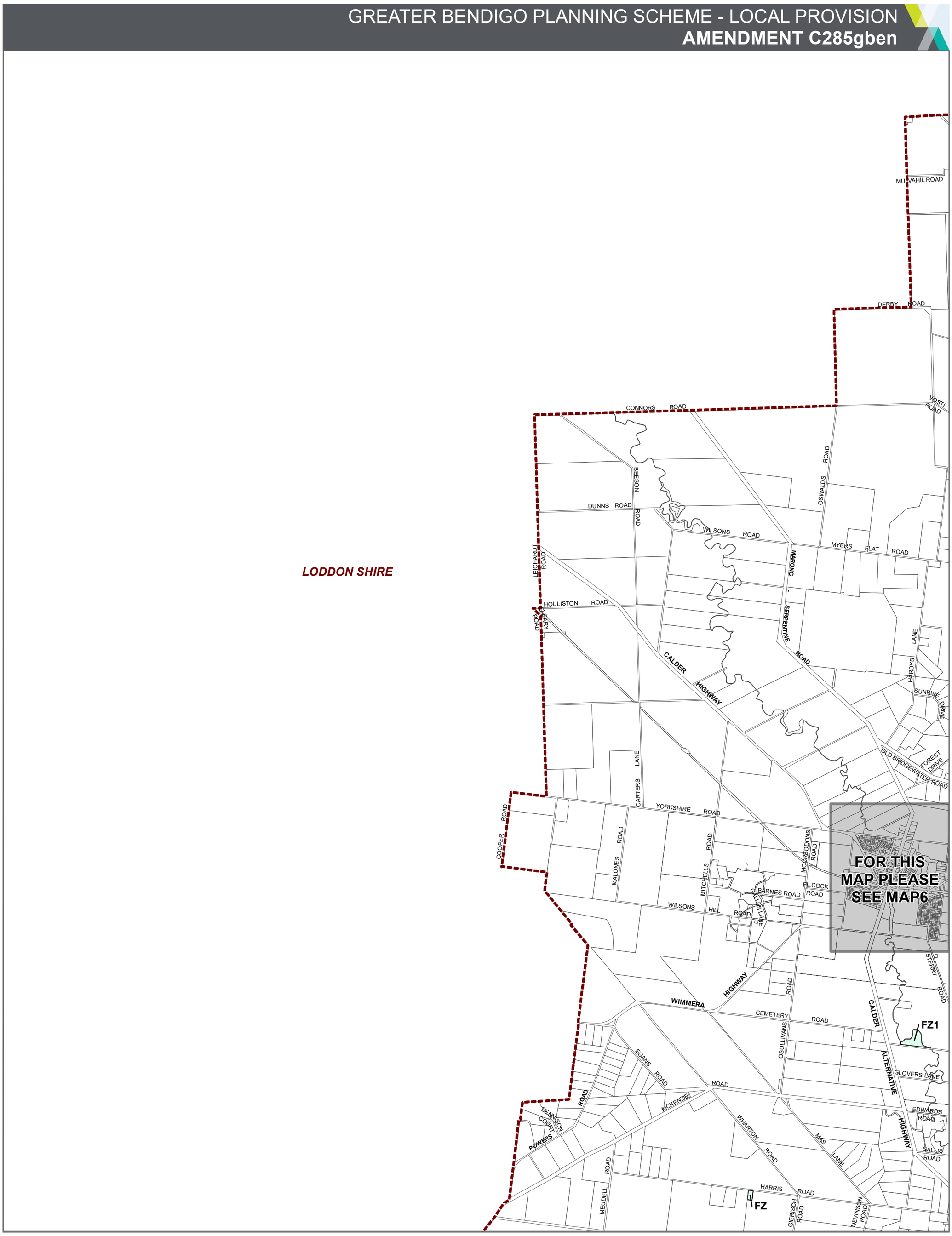
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HERITAGE OVERLAY

MAP No 23HO

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

FZ - Farming Zone

Municipal Boundary

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0 1,750 3,500

Meters

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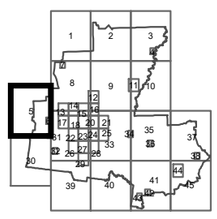
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ZONES

MAP No 5

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

LDRZ - Low Density Residential Zone

Municipal Boundary

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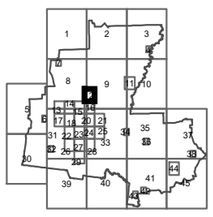
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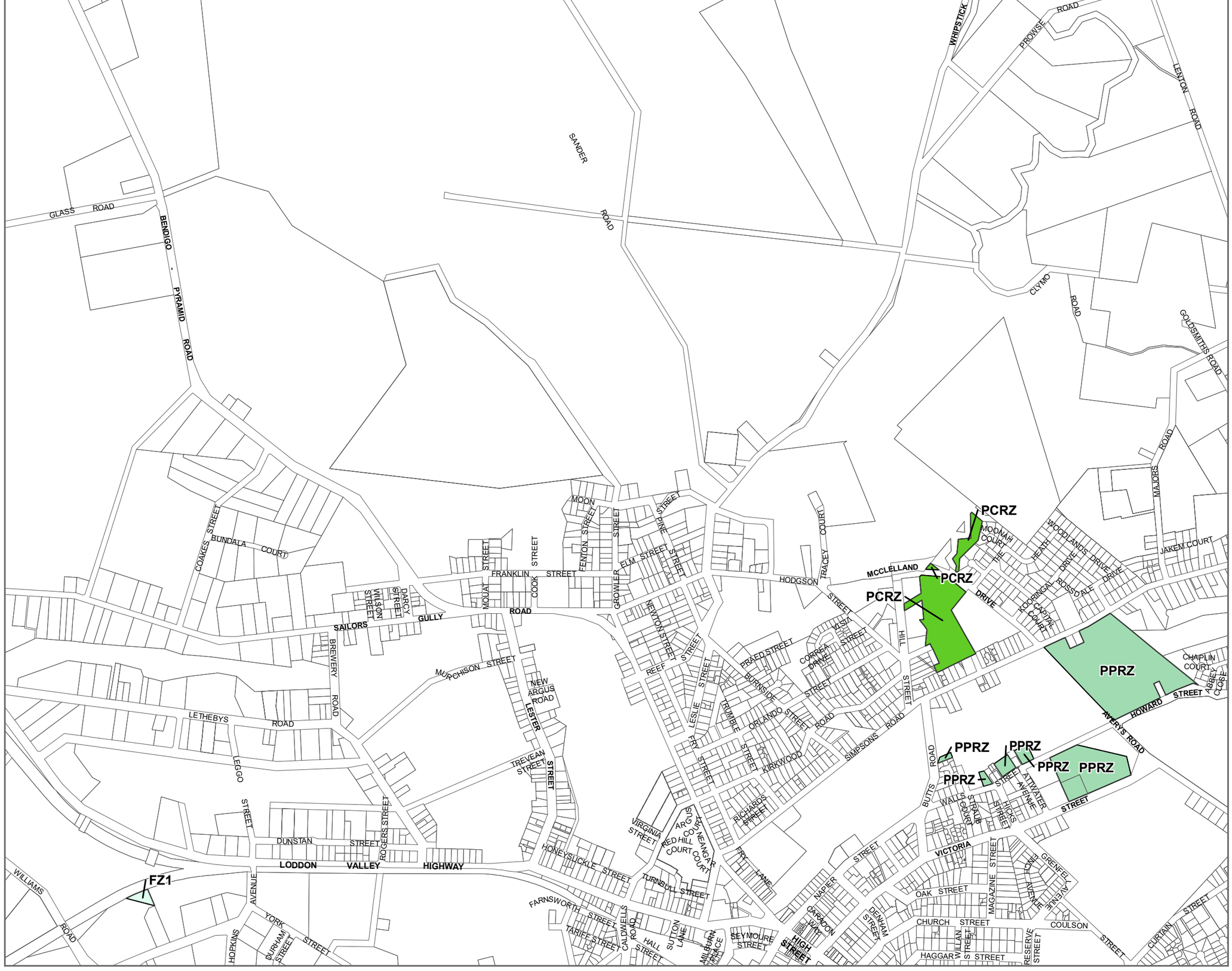
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ZONES **MAP No 12**

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

- FZ - Farming Zone
- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone
- Municipal Boundary

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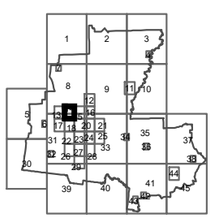
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ZONES

MAP No 14

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

- PPRZ - Public Park and Recreation Zone
- PUZ7 - Public Use Zone - Other Public Use
- Municipal Boundary

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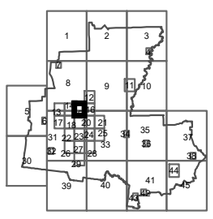
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ZONES

MAP No 15

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

- PPRZ - Public Park and Recreation Zone
- PUZ7 - Public Use Zone - Other Public Use
- Municipal Boundary

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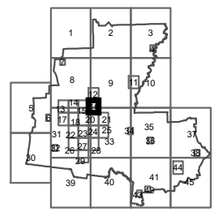
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ZONES

MAP No 16

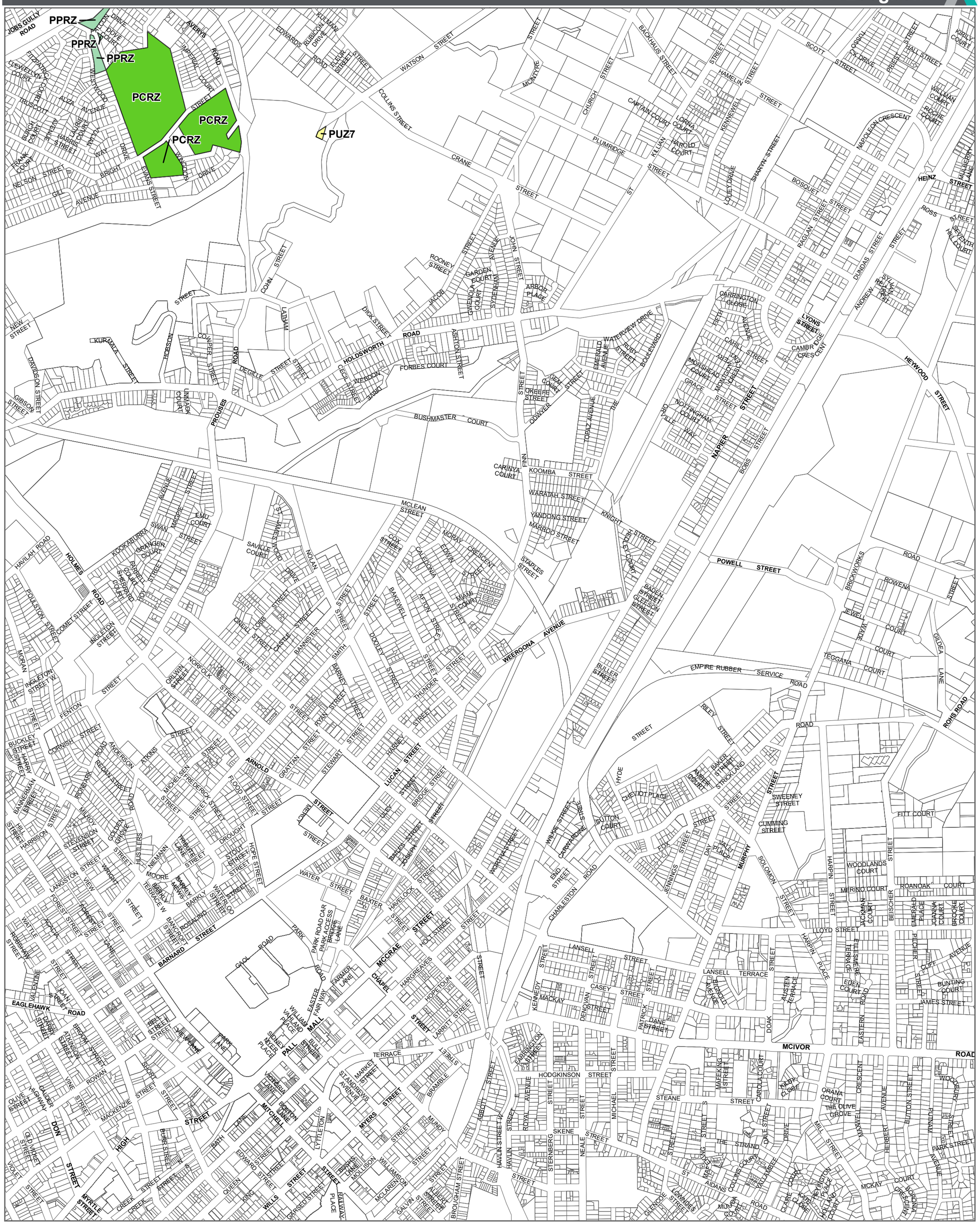
GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben


PPRZ
GRZ
HOPKINS AVENUE
DURHAM STREET
YORK STREET
BELMONT DRIVE
MCCORMACKS
MIDSON STREET
CLARKE ROAD
JAMES STREET
PEARSON STREET
ROBBINS STREET
CALDWELLS
WALKER CRESCENT
VIOLET STREET
BALDOCK COURT
SCOTT CRESCENT
JUNCTION STREET
SHORT STREET
HALL STREET
PORTER DRIVE
ROAD
CROWTHER STREET
MARKET STREET
VICTORIA LANE
BULLOCK STREET
NAPIER STREET
HIGH STREET
HAGGAR STREET
KANEBRONE STREET
WILLAN STREET
PANTON STREET
PARSONAGE GROVE
RESERVE STREET
BRIGHT STREET
COULSON STREET
MARVELLY CLOSE
ROY COURT
OSWALD STREET
MEGGS COURT
JOBS GULLY ROAD
WATTLEVIEW GROVE
ARBLASTER STREET
NARINI COURT
MATHRICK STREET
HUNTER AVENUE
COLLINS COURT
ALLEN STREET
CHAPPLE STREET
GILL AVENUE
NELSON GREEN
LOUDON STREET
SANDHURST STREET
MCCOY STREET
SHIRALEE COURT
PEARCE STREET
GIBSON STREET
HOLMES ROAD
HENKEL STREET
SEMMENS STREET
MANNING AVENUE
DOWDING STREET
WOOD STREET
SMALLEY STREET
STAFFORD STREET
TECHNOLOGY DRIVE
DENMARK STREET
ENGLEHAWK ROAD
ESLER STREET
SHEFFIELD STREET
THOMAS STREET
VINTON ROAD
LITTLE WAY
UPPER STREET
BATTEN STREET
STALEY STREET
BUTLER STREET
BARKER STREET
BAILEY STREET
TAYLOR STREET
BUCKIE STREET
STONE STREET
ROSSE STREET
WILLAN STREET
MAYER PLACE
SPEEDY AVENUE
NAKUEL AVENUE
EMBOSSE AVENUE
SCHOOL STREET
RULE STREET
CHRISTIAN STREET
WEATHERALL STREET
JENKINS STREET
MCGOWAN STREET
KNAPE STREET
EXCELL STREET
HOLDSWORTH ROAD
SHERIDAN STREET
UP BRITAIN STREET
KINROSS STREET
STURDEE LANE
DEAN STREET
JACKSON STREET
GRANT STREET
COLLING COURT
WHIP COURT
FESTINI WAY
CRAIG STREET
HIRICH COURT
PHILPOTS STREET
THORN LANE
THORPE STREET
MURDOCK STREET
TYNE COURT
AVENUE
SANDHURST STREET
LOUDON STREET
SHIRALEA

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben



LEGEND

- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone
- PUZ7 - Public Use Zone - Other Public Use
- Municipal Boundary

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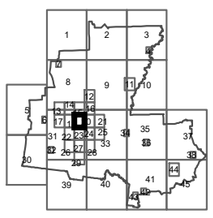
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ZONES **MAP No 19**

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben



LEGEND

- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone
- RCZ - Rural Conservation Zone
- Municipal Boundary

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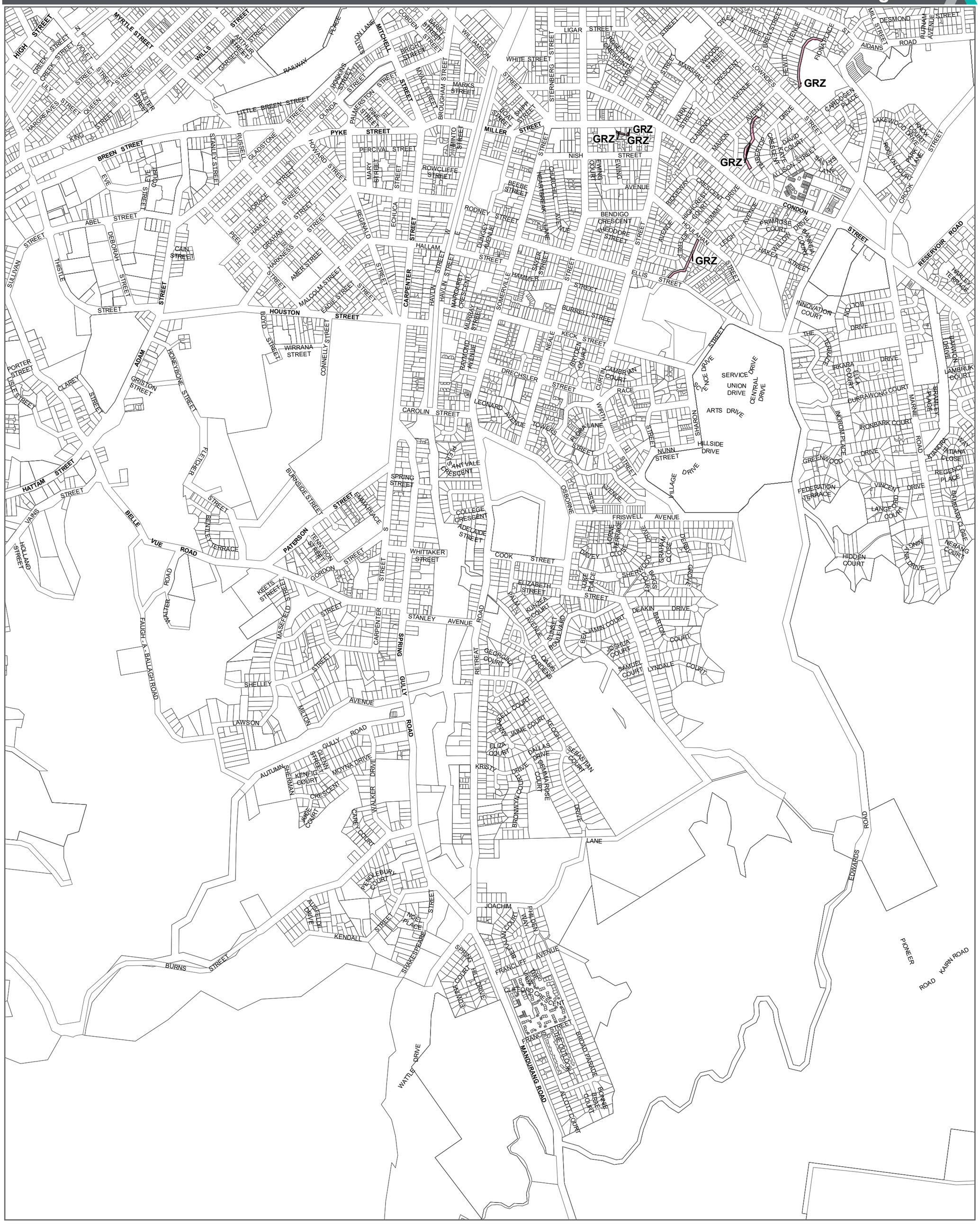
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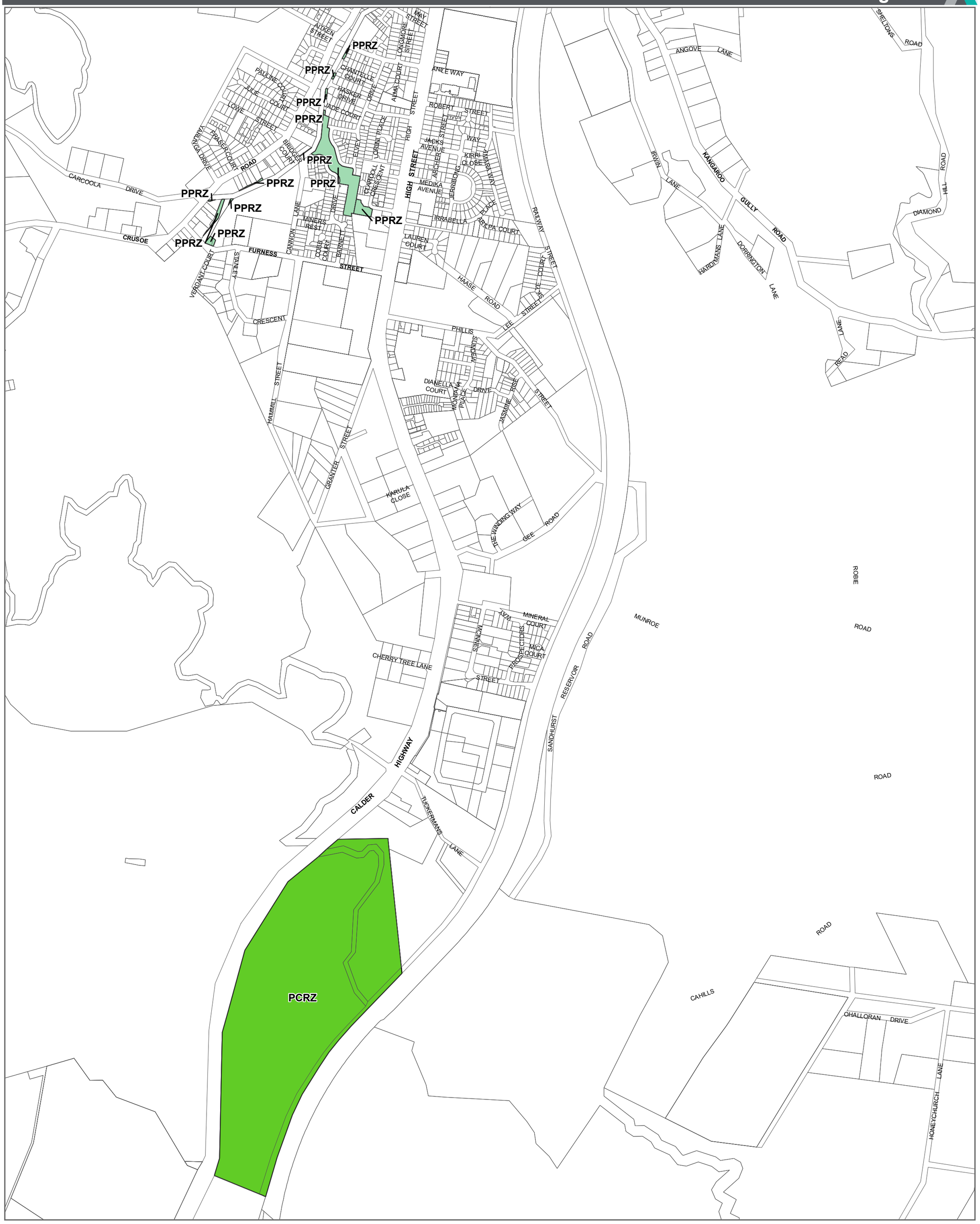
ZONES **MAP No 22**

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285gben


GRZ
GRZ
GRZ
GRZ
GRZ
GRZ
HIGH STREET
MYRTLE STREET
WILLS STREET
RAILWAY
MITCHELL STREET
WILLIAMSON STREET
LIGAR STREET
WHITE STREET
STERNBERG STREET
MARKS STREET
LITTLE BREEN STREET
BREEN STREET
PYKE STREET
MILLER STREET
NISH STREET
PERCIVAL STREET
ROWCLIFFE STREET
BEEBE STREET
RODNEY STREET
BENDIGO CRESCENT
HALLAM STREET
BURRELL STREET
KECK STREET
ORECHSLER STREET
LEONARD AVENUE
CAROLIN STREET
HOUSTON STREET
WIRRANA STREET
CONNELLY STREET
HONEYBONE STREET
ADAM STREET
GRISTON STREET
PORTER STREET
CLAREY STREET
FLETCHER STREET
BURNSIDE STREET
HATTAM STREET
VAINS STREET
BELLE VUE ROAD
HOLLAND STREET
PATERSON STREET
TENNYSON STREET
GORDON STREET
WHITTAKER STREET
COOK STREET
FRISWELL AVENUE
ELIZABETH STREET
DEAKIN DRIVE
BARTON COURT
BENJAMIN COURT
JOSHUA COURT
SAMUEL COURT
LYNDALE COURT
STANLEY AVENUE ROAD
SPRING GULLY ROAD
SHELLEY AVENUE
LAWSON AVENUE
MILTON STREET
AUTUMN STREET
KENFIG COURT
MOYNA DRIVE
WALKER DRIVE
JUBE COURT
CAREX COURT
PENDLEBURY COURT
KENDALL STREET
ALLSFIELD DRIVE
NOEL PLACE
SHAKESPEARE STREET
BURNS STREET
JOACHIM COURT
PHILDEN WAY
FRANCLIFF AVENUE
SPRING GULLY COURT
SPRING GULLY DRIVE
CLIFFORD CRESCENT
FRANCIS STREET
THE OUTLOOK
BROAD PARADE
ALLOTT COURT
BONNIE BRAE COURT
MANDURANG ROAD
WATTLE DRIVE
EDWARDS ROAD
PIONEER ROAD
KAIRN ROAD
ELIZA COURT
DALLAS DRIVE
SEBASTIAN COURT
EMMAROSE COURT
KRISTY DRIVE
BROWNYN COURT
JAIME COURT
KEOGH COURT
RETREAT GEORGINA COURT
DAISY GARDENS
SUNSET BOULEVARD
RAYMOND AVENUE
ISBISTER COURT
CURTIS COURT
CAMBRIAN COURT
SCIENCE DRIVE
SERVICE DRIVE
UNION DRIVE
CENTRAL DRIVE
ARTS DRIVE
NORTHSHORE DRIVE
HILLSIDE DRIVE
NUNN STREET
VILLAGE DRIVE
OSBORNE AVENUE
JESSE STREET
ANTVALE CRESCENT
SPRING STREET
COLLEGE CRESCENT
ADELAIDE STREET
EMMA PLACE
WORTH LANE
TOWERS STREET
ECHUCA STREET
REGINALD STREET
HORACE STREET
HAMLET STREET
GRAHAM STREET
HARKNESS STREET
AMER STREET
MALCOLM STREET
EADIE STREET
CARPENTER STREET
HAVLIN STREET
MARGARET CRESCENT
MURRAY STREET
SOMERVILLE STREET
HAMMER STREET
SAYER STREET
MASEFIELD STREET
KEETS STREET
WAKEFIELD STREET
FAUGH-A-BALLAGH ROAD
ABEL STREET
CAIN STREET
DEBORAH STREET
THISTLE STREET
SULLIVAN STREET
EVIE STREET
ELLIS STREET
HEARTBREAK LANE
CHURCHILL AVENUE
EWING COURT
EWING AVENUE
RIDGEWAY
HIGHCREST COURT
SUMMIT DRIVE
HOULAHAN STREET
LEIGH AVENUE
PRIMROSE COURT
WILLOW COURT
HAKEA COURT
PANKSIA COURT
CONDON STREET
RESERVOIR ROAD
HARLEY TERRACE
INNOVATION COURT
BOLTON DRIVE
THE TERRACE
BARRON DRIVE
LAMBRUK COURT
IRKARA COURT
ELLA COURT
CURRAWONG COURT
IRONBARK COURT
IRONTOP PLACE
MARNIE ROAD
BRAMLEY PLACE
GREENWOOD DRIVE
KIANDRA WAY
TIANA CLOSE
REGENCY PLACE
VINCENT DRIVE
FEDERATION TERRACE
LANGFORD COURT
BARBARA CLOSE
NERANG COURT
HIDDEN COURT
MINGYA DRIVE
DESMOND STREET
RUTNAM AVENUE
MILL STREET
AIDANS ROAD
FIONA PLACE
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BREEN STREET
OWEN STREET
WOODS STREET
MARSHALL CRESCENT
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GARDIGEN PLACE
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CROOK STREET
PARK TERRACE
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ALISON STREET
DAVID COURT
CREST VIEW DRIVE
MASON AVENUE
CLARENCE STREET
KARA STREET
ALBION STREET
CLARKE STREET
ROSEMONT CRESCENT
GRACE STREET
QUEEN STREET
KING STREET
HARGREAVES STREET
CREEK STREET
STANLEY STREET
RUSSELL STREET
GLADSTONE STREET
HOWARD STREET
MARY STREET
MINTO STREET
BROUGHAM STREET
HASKINS STREET
PALMERSTON STREET
OLINDA STREET
COLLINS LANE
COBDEN STREET
BARRY STREET
BRIGHT STREET
GARSED STREET
ARTHUR STREET
VICTORIA STREET
ULSTER STREET
SHIPP STREET
BOAT STREET
DAVEY STREET
COOK STREET
SHERWOOD COURT
BIGGS COURT
GRACE PLACE
DERBY CLOSE
GRAHAM CLOSE
DAVEY TERRACE
DAVEY CLOSE
DAVEY COURT
ELIZABETH PLACE
PALM COURT
KUNZEA AVENUE
LUKE PLACE
BALL COURT
JAIME COURT
KEOGH COURT
ELIZA COURT
DALLAS DRIVE
SEBASTIAN COURT
EMMAROSE COURT
KRISTY DRIVE
BROWNYN COURT
CURTIS COURT
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RAYMOND AVENUE
ISBISTER COURT
ROSEMONT CRESCENT
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ALBION STREET
KARA STREET
CLARENCE STREET
MASON AVENUE
ALISON STREET
DAVID COURT
CREST VIEW DRIVE
LOWNDES AVENUE
MARSHALL CRESCENT
WOODS STREET
OWEN STREET
BREEN STREET
HEWITT AVENUE
FIONA PLACE
AIDANS ROAD
MILL STREET
DESMOND STREET
RUTNAM AVENUE
GARDIGEN PLACE
LAKEWOOD DRIVE
CROOK STREET
PARK TERRACE
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KIANDRA WAY
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REGENCY PLACE
VINCENT DRIVE
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BARBARA CLOSE
NERANG COURT
HIDDEN COURT
MINGYA DRIVE
IRKARA COURT
ELLA COURT
CURRAWONG COURT
IRONBARK COURT
LAMBRUK COURT
BARRON DRIVE
THE TERRACE
INNOVATION COURT
BOLTON DRIVE
HARLEY TERRACE
RESERVOIR ROAD
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WILLOW COURT
HAKEA COURT
PANKSIA COURT
LEIGH AVENUE
SUMMIT DRIVE
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ELLIS STREET
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HAMMER STREET
SOMERVILLE STREET
HAVLIN STREET
MARGARET CRESCENT
MURRAY STREET
CARPENTER STREET
EADIE STREET
MALCOLM STREET
AMER STREET
HARKNESS STREET
GRAHAM STREET
HAMLET STREET
HORACE STREET
REGINALD STREET
ECHUCA STREET
ROWCLIFFE STREET
MARY STREET
MINTO STREET
BROUGHAM STREET
HASKINS STREET
PALMERSTON STREET
OLINDA STREET
COLLINS LANE
COBDEN STREET
BARRY STREET
BRIGHT STREET
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ARTHUR STREET
VICTORIA STREET
ULSTER STREET
SHIPP STREET
BOAT STREET
DAVEY STREET
COOK STREET
SHERWOOD COURT
BIGGS COURT
GRACE PLACE
DERBY CLOSE
GRAHAM CLOSE
DAVEY TERRACE
DAVEY CLOSE
DAVEY COURT
ELIZABETH PLACE
PALM COURT
KUNZEA AVENUE
LUKE PLACE
BALL COURT
JAIME COURT
KEOGH COURT
ELIZA COURT
DALLAS DRIVE
SEBASTIAN COURT
EMMAROSE COURT
KRISTY DRIVE
BROWNYN COURT
CURTIS COURT
CAMBRIAN COURT
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ISBISTER COURT
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KARA STREET
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MASON AVENUE
ALISON STREET
DAVID COURT
CREST VIEW DRIVE
LOWNDES AVENUE
MARSHALL CRESCENT
WOODS STREET
OWEN STREET
BREEN STREET
HEWITT AVENUE
FIONA PLACE
AIDANS ROAD
MILL STREET
DESMOND STREET
RUTNAM AVENUE
GARDIGEN PLACE
LAKEWOOD DRIVE
CROOK STREET
PARK TERRACE
ROSLYN COURT
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IRONTOP PLACE
MARNIE ROAD
BRAMLEY PLACE
GREENWOOD DRIVE
KIANDRA WAY
TIANA CLOSE
REGENCY PLACE
VINCENT DRIVE
FEDERATION TERRACE
LANGFORD COURT
BARBARA CLOSE
NERANG COURT
HIDDEN COURT
MINGYA DRIVE
IRKARA COURT
ELLA COURT
CURRAWONG COURT
IRONBARK COURT
LAMBRUK COURT
BARRON DRIVE
THE TERRACE
INNOVATION COURT
BOLTON DRIVE
HARLEY TERRACE
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WILLOW COURT
HAKEA COURT
PANKSIA COURT
LEIGH AVENUE
SUMMIT DRIVE
HIGHCREST COURT
RIDGEWAY
EWING COURT
EWING AVENUE
CHURCHILL AVENUE
HEARTBREAK LANE
HOULAHAN STREET
ELLIS STREET
SAYER STREET
HAMMER STREET
SOMERVILLE STREET
HAVLIN STREET
MARGARET CRESCENT
MURRAY STREET
CARPENTER STREET
EADIE STREET
MALCOLM STREET
AMER STREET
HARKNESS STREET
GRAHAM STREET
HAMLET STREET
HORACE STREET
REGINALD STREET
ECHUCA STREET
ROWCLIFFE STREET
MARY STREET
MINTO STREET
BROUGHAM STREET
HASKINS STREET
PALMERSTON STREET
OLINDA STREET
COLLINS LANE
COBDEN STREET
BARRY STREET
BRIGHT STREET
GARSED STREET
ARTHUR STREET
VICTORIA STREET
ULSTER STREET
QUEEN STREET
KING STREET
HARGREAVES STREET
CREEK STREET
STANLEY STREET
RUSSELL STREET
GLADSTONE STREET
HOWARD

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C285gben



LEGEND

- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone
- Municipal Boundary

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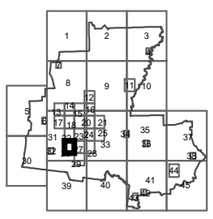
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Planning Group
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Amendment Version: 1

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INDEX TO ADJOINING SCHEME MAPS



ZONES

MAP No 26

STATEMENT OF SIGNIFICANCE: SERIES: QUARTZ REEFERS' HOUSES, AUGUST 2022

Heritage Place: 100 Holmes Road North Bendigo	**PS ref no:** HO1003

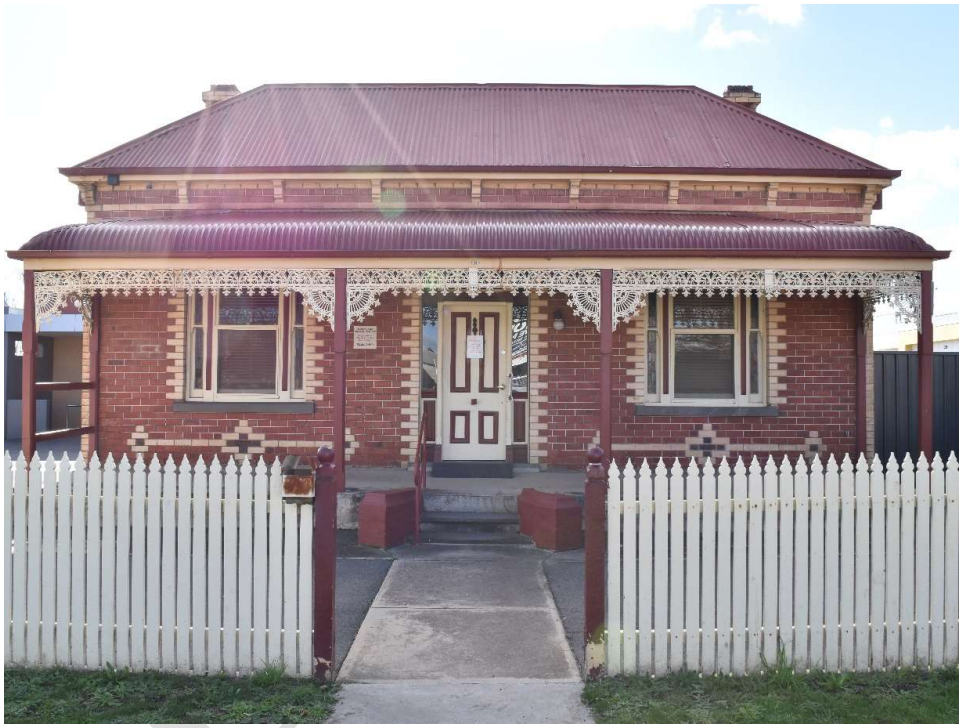


Photo 1 – Typical Quartz Reefers' House

What is significant?

The Quartz Reefers' Houses, comprising a collection of substantial houses constructed in the nineteenth century that are associated with the more prosperous miners, mine owners and mine speculators in the miners' residency areas, are significant.

How is it significant?

The collection of quartz reefers' houses is of local historic, representative and aesthetic significance to the City of Greater Bendigo.

Why is it significant?

The collection of quartz reefers' houses, built by aspiring mine speculators and quartz reefers, have historic significance, as they are associated with the first mining tenement leases. It is a characteristic of the Greater Bendigo area that many of these reefers and investors built their homes near their mining tenements and mines. They took advantage of the Mines Act 1865 to convert their Miner's Rights into freehold properties. Their homes were usually built of brick or stone and are spread across the quartz mining district. The houses on former mine land in the Bendigo area are historically significant as a record of the many mine owners or speculators that contributed to the wealth and reputation of Bendigo as the leading deep quartz mining area in Australia during the nineteenth century. (Criterion A)

The collection of quartz reefers' houses on former mine land in the Bendigo area are an excellent representative example of one of the many different types of miners' houses. The quartz reefers' houses are representative of a particular mining structure in the Bendigo goldfields. They demonstrate a way of life, where design, fabric and decorative embellishments reflected the evolving status of the owners. (Criterion D)

The collection of quartz reefers' houses has aesthetic significance, as they illustrate the rich diversity of housing types of the Victorian nineteenth century goldfields. They have high aesthetic significance as a special type of housing that can be found on former mine land that is associated with the early conversion to freehold title under the 1865 Mines Act. Examples of these nineteenth century houses can date from the late 1850s to the 1900. They are marked by their difference from other miners' houses regarding scale, grander and architect designs. Other homes are associated with wealthy early speculators who were often the original mining leases of mining tenements. Later they became successful mine owners, who purchased and built on their original mining leases. The mining tenements are usually small scale and located on the outskirts of Bendigo.

The collection of quartz reefers' houses has high aesthetic significance as early examples of miners' houses often designed in the Colonial Regency architectural style or later Victorian Boom style. Early quartz reefers' houses are usually small in scale, brick or stone construction, often well-articulated in form, with large hip roofs and sweeping encircling verandahs. The siting of these houses is orientated towards the associated mining operations and mine sites and not the road. Later houses may be built in polychrome brick, with Italianate or Victorian Boom style elements. (Criterion E)

Primary Source

Citation for Quartz Reefers' Houses from the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, November 2021).

Address	Grading	Additional Controls
100 Holmes Road, North Bendigo	Contributory	

Draft

Hard Hill

Name	Hard Hill		
Address	57 Green Street, California Gully	**Dates**	1874
Designer/s	N/A	**Builder/s**	Thomas Evans
Significance	Local	**Survey Date**	N/A
Recommendation	It is recommended that the update citation for HO324 'Hard Hill' to be included in the Heritage Overlay of the Greater Bendigo Planning Scheme		



History

California Gully

Gold was discovered in California Gully in 1852, just a few months after the initial gold find in Bendigo. It is presumed that California Gully was named for miners who came from the California goldfields in search of alluvial gold in the wake of this discovery.

At the same time as the California Gully discovery, gold was also found in Eaglehawk, which became the centre of local government. It was created as a municipality in 1862, then a Borough in 1863, with California Gully within its boundaries.

As alluvial gold became ~~more~~ increasingly scarce, reef mining to extract gold form the underground quartz became the dominant mining practice. The settlement at California Gully took on a more permanent character, offering all services expected of a town except a bank. When mining declined

in the twentieth century, California Gully also declined until the 1960s when land began to be opened up for housing leading to a gradual return to growth in the area's population.

Hard Hill

The property at 57 Green Street is first recorded in rate books in 1875, where a miner named Thomas Evans is listed as the occupant. It is thought that Evans and his wife Sarah had constructed the mud brick house in 1874. The local land board granted Evans 3 acres of land in 1897 (Bendigo Advertiser, 8 December 1891). This is presumed to be the original extent of the property. Title was registered to Evans in 1897.

Thomas Evans died in 1900 and the house is recorded in Sarah Evans' name from 1903. At the time of his death, his profession was recorded as 'mining investor'. Sarah continued to live at Hard Hill until her death in 1934 and the property was managed by her estate until 1950.

The first major subdivision of the property was undertaken in 1950 by the new owner, Justin Gill, who bought the house and about 120 acres.

Evans Family

Thomas Evans was born in Cardiff, Wales, in about 1824. He was a merchant seaman who followed his older brother to America where he became part of a whaling crew. Anecdotal evidence suggests that Evans and a large part of the whaling crew deserted the ship in 1852 to try their luck on the goldfields, leaving only the captain and cook on board (per comms, P. Cox). He lived for a time in Ballarat, where he married London-born local, Sarah Davis.

Thomas and Sarah Evans had at least 13 children. Son Edward (born 1871) spent time as a miner in Western Australia before going to South Africa in 1900 to join the British Army in the Boer War. Letters from Edward were published in the local newspapers, always signed Dick (*Bendigo Advertiser*, various dates).

Evans and family built the house in 1874. It was constructed of large solid mud bricks, a plentiful and inexpensive material at the time. The surface of the bricks was covered in pitch to protect them. This can be seen under the cement render which was added later. The house was added to as needed until 1894-5, when it reached its current size.

Thomas Evans died in 1900, by which time his occupation was described as 'mining investor'. The house is recorded in Sarah Evans' name from 1903. Sarah continued to live at Hard Hill until her death in 1934 and the property was managed by her estate until 1950.

Following the sale by Sarah Evans' estate, it was owned briefly by Francis Power, a Bendigo butcher and then Justin Gill, described on the title as a nurseryman, but is better known in Bendigo as an artist. Justin Gill bought the house with a significant amount of land, about 120 acres, and subdivided and sold off the land. He sold the house without living in it. (Per comms Hunter Gill) The nearby areas in California Gully, which were probably part of the estate have streets that bear the names of the Gill family: Gill Avenue, Hunter Street, Frank Court along with others.

Title information shows that the house was purchased in December 1950 by James and Irene Ethel O'Doherty of the Shamrock Hotel, where James was a chef. In 1973 the house was bought by Al Charlton, a teacher in Bendigo, and in 1981 Heather Scovell bought the house, later owning it in partnership with Ian Gardner. In 2005 the property was further sub-divided into six allotments and sold off for housing. The house and remaining acre were bought by Peter Cox, manager of Future Employment Opportunities Inc. in Eaglehawk and a well-known local identity who was a member of the Greater Bendigo City Council from 2008 to 2016. He was Mayor of the City in 2014/2015.

Description and Integrity

The property consists of a single storey mud brick dwelling with corrugated iron gable roof, with a red brick addition to the south west. The house shows signs of several phases of development from a simple cottage with a central hallway to a more substantial dwelling.

Assorted outbuildings including the stables, a mud brick buggy house, a weatherboard cookhouse, external toilet, two timber sheds and a well are also located on the site. These outbuildings are in various states of repair.

The main house itself is generally intact with very little alteration since the last substantial addition (the red brick parlour, which is assumed to have been added in 1894/95). The original mud brick has been rendered with ashlar markings showing through, although the red brick of the later addition remains exposed suggesting that the render was applied before the addition as constructed. Variation in the size of the two main gables also suggests different phases of building, although the decoration is uniform indicating that it too was applied later.

While the property has been gradually subdivided since Evans' time, it has retained some original plantings in the remaining grounds, including two oaks, a mulberry tree and a grapefruit tree. There are also several substantial Eucalypts on the property.

Assessment against criteria

The following analysis is based on Victorian Government Planning Practice Note 1: Applying the Heritage Overlay (August 2018).

***Criterion A**: Importance to the course or pattern of our cultural or natural history (historical significance).*

N/A

***Criterion B**: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).*

N/A

***Criterion C**: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).*

N/A

***Criterion D**: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*

'Hard Hill' is of representative significance as an example of vernacular architecture constructed using locally sourced materials. The original mud brick house has been altered and extended over time as the needs and fortunes of its occupants changed but has retained it essential form and provides insight into the evolution of materials and detailing over time.

***Criterion E**: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The house at 57 Green Street is significant for exhibiting the ways a simple cottage would be enlarged and improved as the fortunes of its owner changed. The variations in scale, ornamentation and materials reflect the evolution of the building, providing an important record in the shifts in aesthetic details at different levels of society and at different periods in the 19th century.

***Criterion F**: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

'Hard Hill' is technically significant as an example of the variety of building techniques and materials available in Bendigo during the 19th century, including mud brick and red brick, timber fretwork and cast-iron ornamentation. The house provides a good example of the application of techniques over time.

***Criterion G**: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*

N/A

***Criterion H**: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

N/A

Statement of Significance

What is significant?

The house, outbuildings and original trees of 'Hard Hill' at 57 Green Street, California Gully are significant to the City of Greater Bendigo.

How is it significant?

The property at 57 Green Street, California Gully is of historical, representative, and aesthetic significance to the City of Greater Bendigo.

Why is it significant?

'Hard Hill' is of representative significance as an example of vernacular architecture constructed using locally sourced materials. The original mud brick house has been altered and extended over time as the needs and fortunes of its occupants changed but has retained it essential form and provides insight into the evolution of materials and detailing over time. (Criterion D)

The house at 57 Green Street is significant for exhibiting the ways a simple cottage would be enlarged and improved as the fortunes of its owner changed. The variations in scale, ornamentation and materials reflect the evolution of the building, providing an important record in the shifts in aesthetic details at different levels of society and at different periods in the 19th century. (Criterion E)

'Hard Hill' is technically significant as an example of the variety of building techniques and materials available in Bendigo during the 19th century, including mud brick and red brick, timber fretwork and cast-iron ornamentation. The house provides a good example of the application of techniques over time. (Criterion F)

Additional Controls

External paint controls apply	Yes
Internal alteration controls apply	No
Tree controls apply	Yes. two oaks, a mulberry tree and a grapefruit tree
Outbuildings or fences not exempt under Clause 43.01-4	Yes. Stables, cookhouse, buggy house, timber sheds, well.
Included on the Victorian Heritage Register under the Heritage Act 2017	No
Prohibited uses permitted	No
Aboriginal heritage place	No

References

Mike Butcher, per comms with Peter Cox

Peter Cox, per comms

Hunter Gill, per comms with Peter Cox

Bendigo Advertiser, dates as noted

Identified by

Butler and Associates

HERITAGE CITATION REPORT

CITY OF GREATER BENDIGO

name: Hume's Hovell
Address: 630 Calder Alternative Highway LOCKWOOD SOUTH
Place Type: Residence
Citation Date: 2011 **Significance Level:** Local



North elevation, as seen from the Calder Alternative Highway.

Recommended Heritage Protection

VHR No

HI No

PS
Yes

History and Historical Context

Lockwood is located approximately 15km from Bendigo. The settlement was the seat of local government from the 1850s until usurped by Marong in 1908. It is prime arable land, being located on the Bullock Creek, one of two principal watercourses in the Parish of Lockwood. Early development was underpinned by agriculture, with Lockwood supplying produce to the Bendigo goldfields.2 The first post office in Lockwood was opened in January 1855; by the early 1860s the Shire Hall and council offices had been constructed.3 Gold was discovered nearby in 18634 and by 1865 the population of the township was approximately 500.

This dwelling is located on Lot 1, Section 5 of the Parish of Lockwood. The allotment was alienated from Crown land (i.e. sold) on 11 August 1853. The date of construction of this building, and its original use, has not been confirmed, although the original component of the structure may date to this 1850s period. It may have been constructed as a hotel; other suggestions include use as a police troopers barracks. During the twentieth century it was used as a dairy, operated by the Frost family.5 It is now a private residence.

HERITAGE CITATION REPORT

CITY OF GREATER BENDIGO

Description

Physical Description

This single-storey building constructed of roughly coursed granite addresses the Calder Alternative Highway at the corner of Belvoir Park Road, near the entrance to Lockwood South. The property is located on the higher north side of the Highway; the road facing elevation is described here as the south elevation. The focus of this description is on the historic single-storey property, although there are a number of outbuildings at the rear (north) of the allotment, possibly including a former stables building.6

The building shows evidence, through the different treatment of the granite walls, of being constructed/modified in stages. The main original or early components of the property comprise a pair of transverse hipped roof bays to the front of the building, with additions to the rear, including a long gable roofed trailing wing on the west side. The roof forms are clad with corrugated galvanised steel, which appears to be recent; a granite chimney is located on the west side of the roof (front bay). There is a bull nosed timber posted verandah to the front wing (south elevation), enclosed by a recently installed picket fence. The verandah has been recently upgraded, possibly when the house

was re-roofed.7A short flight of granite steps leads up to the verandah. A sign reading 'Hume's Hovell' is attached to the south of the centrally located front door. The windows to either side of the door are timber-framed, with side-lights. The south-west corner of the building is chamfered, with a chimney of red brick. The verandah ends at the chamfered corner. This corner form (prior to the introduction of the chimney) may indicate that the property was built as a hotel during the 1850s, with the entrance potentially located in the corner. Paint to the some areas of the stone and brickwork has been removed since 1998.

The property appears to be in generally sound condition.

Comparative Analysis

Comparative Analysis

Other local properties dating to the 1850s include Tweedside, at 39 Crusoe Road, Kangaroo Flat (c. 1856), which was built of bricks made on site, as well as materials imported from overseas by its wealthy owner. Dudley House at 60 View Street, Bendigo dates from 1858; Specimen Cottage at 178-180 Hargreaves Street, Bendigo, dates from 1856; and Myrnong at Kangaroo Flat is from 1857-58. It is possible that the subject building (the original component) predates or is contemporary with these, although the lack of certainty about the history prevents this from being confirmed. Some details, such as the windows to the south elevation (Highway facade) are later than the 1850s. The granite construction material is also unusual, and was typically favoured by Scottish immigrants.

Statement of Significance

Statement of Significance

What is significant?

The single-storey building of roughly coursed granite construction, at 630 Calder Alternative Highway, Lockwood South, is located on the higher north side of the Highway. The building shows evidence, through the different treatment of the granite walls, of being constructed/modified in stages. The main original or early components

HERITAGE CITATION REPORT

CITY OF GREATER BENDIGO

comprise a pair of transverse hipped roof bays to the front of the building, with additions to the rear, including a long gable roofed trailing wing on the west side. The corrugated galvanised steel roof cladding appears to be recent; a granite chimney is located on the west side of the roof (front bay). The bull nosed timber posted verandah to the front wing (south elevation) was recently upgraded, is accessed by a short flight of granite steps, and enclosed by a recent picket fence. The front door is centrally located in the south elevation; the windows to either side are timber-framed, with side-lights. The south-west corner of the building is chamfered, with a chimney of red brick; the verandah ends at the chamfered corner.

How is it significant?

The single-storey building at 630 Calder Alternative Highway, Lockwood South, is of local aesthetic/architectural significance and historical interest.

Why is it significant?

The single-storey building of roughly coursed granite construction, at 630 Calder Alternative Highway, Lockwood South, is of local aesthetic/architectural significance and historical interest. Architecturally (Criterion E), while the building is an evolved structure and not intact to a specific period, the form of the front part of the building, including the chamfered corner, indicates that it is an historic building possibly a former goldfields hotel. The use of granite is also of interest; it demonstrates the use of a locally sourced material, albeit one which is difficult to work with. Granite was also favoured as a construction material by Scottish immigrants, although the original owner/builder of this structure has not been identified. The location on elevated ground at the southern entrance to Lockwood South, also gives the building some prominence. Historically, the building provides evidence of the mid-nineteenth century development of the Lockwood area, although the original construction date and use of the property have not been confirmed.

Recommendations 2011

External Paint Controls	No
Internal Alteration Controls	No
Tree Controls	No
Fences & Outbuildings	No
Prohibited uses may be permitted	No
Incorporated Plan	No
Aboriginal Heritage Place	No

Other Recommendations

The property is recommended for inclusion in the Schedule to the Greater Bendigo Heritage Overlay. The recommended extent of the Overlay is indicated in the map above, with the significance concentrated in the single-storey granite building and its presentation to the Highway, albeit some elements of this presentation are not original or early including the verandah and balustrade, and the roof cladding. The outbuildings on the rear (north) of the allotment are generally not of heritage interest, although an exception to this might be an historic

stables building (if it is extant) which was not visible or identified during the current survey. Further research into the history of the property, as well as a more detailed physical inspection of the house and site, would help to clarify the date of the property. The existence of historic stables might also shed light on the use of the property as a hotel or police troopers barracks, as has been suggested.

This information is provided for guidance only and does not supersede official documents, particularly the planning scheme. Planning controls should be verified by checking the relevant municipal planning scheme.

The Palms

Name	The Palms		
Address	45 Palm Ave, Spring Gully	**Dates**	House 1914 Outbuildings c.1888
Designer/s	Unknown	**Builder/s**	Herbert Keck
Significance	Local	**Survey date**	19 March 2019
Recommendation	Recommended for inclusion in the heritage overlay		



Location

The subject site is located at the end of Palm Avenue, Spring Gully on a large parcel of land that abuts the Greater Bendigo National Park. The house site is surrounded on 3 sides by creeks and races providing regular water supplies to the property. The property is a Trust for Nature conservation area and incorporates large areas of ironbark forest.



Figure 1. The Palms (outlined in red) is located north of Greater Bendigo National Park and to the east of Retreat Road. Source: Google Maps 2019

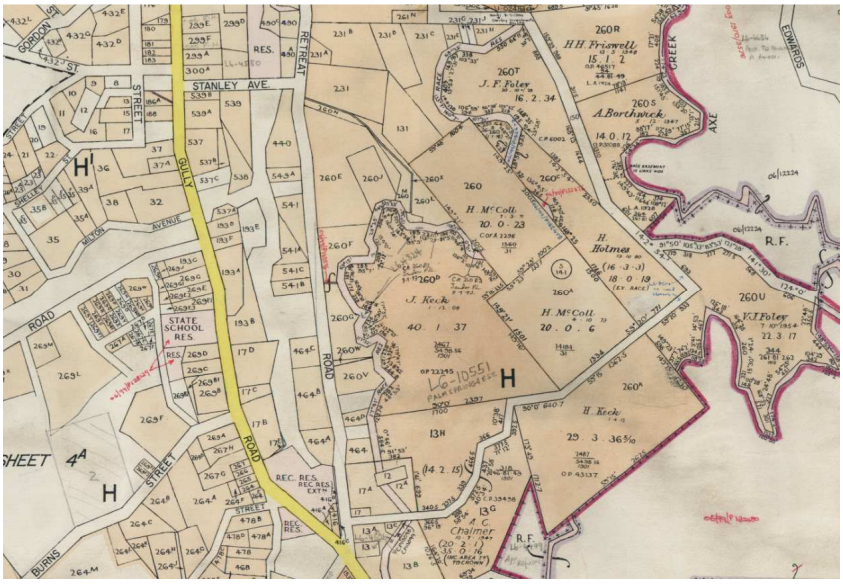


Figure 2. Detail taken from Blacks Survey Plan showing The Palms and surrounding land owned by the Keck family. The current extent of the property is approximately indicated by the land initially owned by H. McColl and H. Holmes, as well as part of J. F. Foley's land. The uncoloured portion to the south east indicates Greater Bendigo National Park. Source: State Library of Victoria

History

History of Spring Gully

Spring Gully is located on the traditional lands of the Dja Dja Wurrung and Baraba Baraba people.

In 1837, Surveyor General Major Thomas Mitchell camped near Mt Alexander during his exploration journey from Sydney. While he was in the area, he named the Campaspe River, after the heroine of a play by sixteenth century playwright, John Lyly. Soon after, large tracts of land were taken up for stock. Captain Charles Hutton took up the 58,000 acres of Campaspe Plains Station in 1838; Squatters Daniel Jennings and Dr George Playne claimed Axedale Station in 1840; Mt Alexander North Station (later renamed Ravenswood) was owned by Richard Grice in 1841. The area remained sparsely populated for the next decade, until the discovery of gold on the Mt Alexander North Station in 1851, soon after Victoria became a separate Colony. The ensuring gold rush would forever change the Spring Gully region.

Mining in the area was somewhat limited, relative to the extensive operations underway in Bendigo. Many of the locals were instead making fortunes in supplying the miners with food and services. What was to become Mandurang Riding of the Shire of Strathfieldsaye was home to dairy farms, vineyards and market gardens by the late 1860s, with residents drawn from around the world. French and German winemakers were developing vineyards that by the 1880s were competing on the world stage; Chinese former miners established long running market gardens that supplied Bendigo; a dairy farmer from Derbyshire would continue to provide milk to Bendigo for over 40 years from 1860.

As might be expected in an agricultural and mining area, availability of water was key to survival. The Spring Gully area was a web of interconnecting creeks and tributaries but they were subject to the weather. A severe drought in 1881-82 saw most water supplies run dry and trains were used to bring water into the centre of the state in an effort to support the population. The innovative Coliban Scheme had begun in the 1860s, and included the development of the Spring Gully Reservoir in 1865, but it was expected to supply 'Bendigo Valley, White Hills, Epsom, Pottery Flat, Huntly and Goornong with water' (Valley of the Springs:9). Strathfieldsaye had only met the qualifying criteria to become a shire in 1866, with 915 rate payers who contributed £3,000 in rates. By 1882, the number had dropped to 465 (Hewat:21) as the creeks dried up in the drought and residents were forced off the land. The importance of irrigation was realised to the vignerons, orchardists and tobacco growers of the region. Various schemes were proposed and knocked down to enable Strathfieldsaye ratepayers to tap into the Coliban Channel, but it took the passage of the Irrigation Act of 1886 and the amendments passed in 1888 to allow districts to petition for a water trust. The first of these in Strathfieldsaye, the Emu Valley Irrigation and Water Supply Trust, was gazetted in 1889 but this only covered the township and Riding of Strathfieldsaye; Mandurang Riding, which included Spring Gully, would not benefit from the resulting irrigation races, but would eventually be included in the Coliban scheme which, when the State Rivers and Water Supply Commission came into being in 1906, was 'easily the biggest waterworks in Victoria, representing 73 per cent of the Commission's responsibilities, and work was pressing ahead diligently' (Hewat: 86).

Water was not the only difficulty faced by Mandurang Riding in the latter decades of the 19th century. The area had been developing a wine industry from the early gold rush era and by the late

1880s local vignerons were competing for – and winning – awards in Europe. The 1893 discovery of Phylloxera aphis in some vineyards would bring this to an end as vines were destroyed by government order, even if they showed no signs of the aphis. The local industry, which had generated about one eighth of Victoria's wine production in 1882 (Hewat:44), was decimated and would not begin to recover for seven decades.

The Strathfieldsaye area, including Spring Gully, remained quiet during this time, with few changes noted. Waves of post-war immigration largely passed the Shire by and it was not until the 1960s expansion of Bendigo into the northern areas of the Shire that things began to change. The increasing urbanisation of first Kennington and Flora Hill then the surrounding area would see subdivisions encroaching into areas that had been under cultivation. The former Chinese market gardens were absorbed into the suburbs and the area that was once 'both the dairy and the fruit and vegetable garden of Bendigo' (Hewat:43) found its character shifting. This trend has continued into the present day with subdivision now pushing through Spring Gully and reaching the boundary of the Greater Bendigo National Park.

During the 2004 council amalgamations, Spring Gully became part of the newly formed City of Greater Bendigo.

Site History

The first owner associated with the subject property was Hugh McColl. McColl was an important figure in the development of early Bendigo, being heavily involved in irrigation schemes including the Grand North West Canal Company and the Coliban scheme to transfer water to Bendigo and Castlemaine. He served as a member of the Legislative Assembly for Mandurang from 1880 and used this position to continue his advocacy for the irrigation of northern Victoria until his death in 1885. While there was some effort made to work the land, it was later described as 'a no-man's land. Flood-swept and worn into ruts, no provision having been made to deal with flood waters, and after twenty years lying idle the land had become re-forested'. (*Bendigo Advertiser* 6 January 1903:4) McColl's property was broken up and sold in smaller parcels. Two of these eventually came into the ownership of Herbert Keck, one purchased from Mr W.H. Neill of Bendigo and a second from Mr C. Stillwell (*Advertiser* 1903:4). The land owned by Herbert Keck adjoined a parcel owned by his brother, James.

Herbert Keck was born in Quarry Hill in 1859 to migrant parents who had followed the gold rush to Bendigo from Oxfordshire. He initially trained as a monumental stonemason before acquiring land in what was then considered Kennington in 1887. When Keck purchased the land it was largely undeveloped. He set about clearing the land with the help of two workers and built a small weatherboard cottage to accommodate his growing family (Figure 3). A separate stone kitchen was constructed behind the main house, drawing on Keck's skill with stone.



Figure 3. The original Keck cottage with brick outbuilding behind. Source: Bendigo Weekly 2017

In an effort to improve the land, Keck came to an agreement with the Bendigo City Council that would see the city's night soil deposited on his property, which was then known as Vine Glen after the fledgling vineyard on the site. The plan would see his soil improved to assist in developing his orchard and vegetable growing business, and had the added bonus of providing an additional £6 per week. The arrangement would cause difficulties, however, as he had not received the appropriate permissions from the Shire of Strathfieldsaye where the land was located. In 1891, a year and nine months after he started receiving night soil, Keck found himself in court. Shire health and nuisance inspectors had found exposed 'effluvia' on the site and alleged that Back Creek was being polluted. The allegations were upheld and the night soil deposits ceased but the soil had already been improved.

The vines that had given the property its name fell victim to the Phylloxera aphis in 1893. Victorian government legislation required the destruction of all vines in affected areas, even where there was no evidence of infestation on the property. This development forced Keck to shift his focus onto the development of an orchard on the property, growing a variety of fruit including varieties of peach, apple and grape that were not commonly found elsewhere in Victoria, as well as a variety of other fruits and vegetables, branching out into flowers when it became clear there was a demand for this as well.

Keck's orchard supplied a wide variety of fruits and vegetables and was described as 'one of the best fruit plantations in the state' (*Bendigo Weekly* 27 July 2017). The latest innovations in irrigation and planting were used on the property and the work of Keck was cited in several publications as a 'model orchard'. Not all of his work was carried out with appropriate permissions, however. The irrigation system on Keck's property drew from the Axe Creek race, which had opened in 1907, in preference to the Huntley race, which also ran through the property. A 1908 description of the property notes that he 'constructed a dam close to the race, and now takes his water out at the irrigation charges' (*Melbourne Leader*, 12 December 1908:12) through a series of pipes from the

dam that could maintain pressure to both the nursery and the house with the advantage that 'there is no waiting for a bath, as the bath is full before one is properly ready'. (*Bendigo Independent* 3 December 1908:3) In spite of these innovations accessing the Axe Creek Race, however, Herbert Keck was finied in 1915 for using water from the Huntly channel to water native grass. (*Bendigo Advertiser* 11 May 1915:2). The year before had seen a different water controversy, with Keck's neighbour, Councillor Curnow, complaining that he was being blamed for flood waters from Keck's property that were the result of construction of a barrier along the boundary of Keck's property, effectively protecting his orchard

His produce was sold locally and shipped to Melbourne. Not content with selling fruit and vegetables, Keck had also established a nursery business and experimented with creating his own varieties of plants. These included a camellia 'Keck's Special', named in his honour, which can be found both in the gardens of The Palms, and in the Royal Botanic Gardens in Melbourne. H. Keck and Sons Bendigo Nurseries would go on to supply plants across Victoria and eventually to export internationally (Bendigo Weekly) .

Beyond his business interests, which grew to include properties in Elmore, Barham and Cohuna that were under cultivation and mining interests in Chewton and the South Wattle Gully gold mine, Keck was a director of Hanro (Aust) knitting mills. He was a founding member of the Bendigo Fruit Growers Association and president of the Bendigo Agricultural Society. He served as Strathfieldsaye shire councillor from 1898 – 1937, five times as president, and was member of the Legislative Council for Bendigo from 1921. He was a generous community member donating both time and goods. He served as choir master at St Phillips Anglican Church in Spring Gully and donated trees for Arbor Day to Spring Gully School, as well as hosting garden days on the property to raise funds for both the church and the school.

In 1914, a new house was constructed. Family anecdotes suggest that the house was the result of transporting remains of demolished Victorian and Federation houses from Melbourne suburbs to the site. The house was designed to function as two separate residences – one for Keck himself and the other for the family of his son, Thomas, who had been diagnosed with tuberculosis (per comms RM). The property was renamed The Palms in 1920.

Herbert Keck died in 1937. The property has continued to be occupied by his descendants to the present. The current owner is the grandson of Keck's daughter, Nellie.

Description and Integrity

The current house on the site is not the original cottage but was built by Keck in 1914 (per comms RP) to replace the original weatherboard cottage. The floor plan split the house into two dwellings, each with a separate entrance; however this was altered in the 1970s to create a single dwelling. The red brick dwelling draws on Federation Queen Anne and Bungalow influences. It has a galvanised iron roof with terracotta ridging and dragon finials. The red brick chimneys are topped with terracotta chimney pots. A wide wraparound verandah shades the entries to the two sections of the house. A rendered band runs around the external brick walls. Round windows are outlined in a contrasting, tuck pointed brick, in keeping with the Edwardian styling of the house. Anecdotal evidence suggests that the later house was constructed using materials salvaged from demolished Victorian and Edwardian homes in Melbourne (per comms RP)

The front office, previously used as Keck's own office, was extended during Keck's time as Strathfieldsaye Shire President. Records indicate that the gable end wall was reconstructed in the new location to exactly match the appearance of the original.



Figure 4. Herbert Keck's office was located in the front of the house with porch access. It has been extended to project beyond the verandah where it was originally in line. The windows, vents and detailing were replicated in the reconstruction. Source: City of Greater Bendigo (COGB) 2019 (left) and Rosemary Porter, Keck family records (right)

Behind the main house, the original detached stone kitchen remains (Figure 5). The building is constructed in coursed stonework with red brick detailing at the windows and chimney. The top edges of the gable end are given an unusual finish suggestive of the conglomerate stone found elsewhere on the site. The stone for this building, and for the similar nearby fruit store, was brought from the nearby Cat Quarry, now within the borders of the Greater Bendigo National Park. The building is similar in style and detail to a stone hut Keck had built on his land for the Girl Guides, which is now within the boundary of the Greater Bendigo National Park.

The fruit store (Figure 6) has been slightly altered inside to accommodate an art studio but retains the original cooling features that allowed fruit to be stored. The building can be identified by the channels around the interior face of the walls which allowed water to be fed down hessian panels hanging from above to keep the store cool, similar to a large Coolgardie safe. Externally, it is constructed in coursed stonework with red brick accents around the openings. The original stone building has a red brick extension that appears to be an early alteration. A timber stair has been added to provide access to the loft. At the other end, a skillion verandah has been added over the entry. The original form of the building can still be red. None of these alterations detract from the significance of the place.



Figure 5. The detached kitchen behind the main house was built by Herbert Keck. The gable ends have an unusual treatment that mimics the White Hills conglomerate stones used elsewhere in the landscape. Source: COGB 2019

The original driveway configuration has been somewhat altered. The subdivision of land beyond the boundaries changed the entry point to the property and where the driveway previously passed the front of the house, it now continues past it. The original alignment can be seen here in the remnants of the conglomerate stones which marked the edges of the driveway. This area retains several early or original plants, including the titular palm trees of which there are several varieties visible. The stretch of driveway which has not been altered, in particular, is closely aligned with early descriptions and family photographs.



Figure 6. The former fruit store (left) has had a red brick addition built on and timber stair added but the original form remains legible. The former stable floor (right) indicates the extent of the stable and suggests bush pole construction. It was once home to two Clydesdale horses. Source: COGB 2019

The landscape surrounding the house includes several features included in early descriptions of the property and holds the potential for archaeological discoveries that could provide a deeper understanding of early agricultural development of the property. There are original dams and races dating to Herbert Keck's time providing insight into the use of water in the nursery, as well as

remains of glass houses (including the boiler which heated them). Fences and gates in the wider property are also thought to be either original or indicative of the original alignment and there is a wide range of farming equipment and machinery to be found. A thorough survey of the whole site is recommended.



Figure 7. The original driveway is lined with White Hills conglomerate stones, some of which are in their original location and palm trees. Elsewhere in the property, the original irrigation race can still be found. Source: COGB 2019



Figure 8. An original dam and the remains of other buildings, including the original glasshouses, can be found around the site. A full survey of the site is recommended to assess for potential archaeological sites. Source: COGB 2019



Figure 9. Remnants of the equipment used to operate the nursery can still be found around the property, including a petrol pump (left) and the greenhouse boiler (right). Much of this equipment has been removed from its original context but can still be understood. Source: COGB 2019

Comparative Analysis

There are few direct comparisons available within the existing properties included in the Greater Bendigo Heritage Overlay. While there are several agricultural properties, they are largely associated with livestock and therefore tend to be set in open land rather than an ironbark forest. Where outbuildings survive, they are more likely to be barns than fruit stores. There are farm complexes of similar period, style and scale to The Palms included in the Heritage Overlay, however there are points of difference in each case.

The property at 381 Axedale Kimbolton Road, Axedale (HO731, Figure 10), for instance, is another property that is still owned by the prominent local family that established it. Like The Palms, it has a red brick house (slightly later in this instance), and significant planting (canary island palm). The later date of the Axedale house gives it closer ties to the Arts and Crafts movement and the bungalows it inspired, which can be seen in the simple roof form, chimney and verandah detailing and material selections, while retaining ties to earlier Edwardian style in the wraparound verandah and plan form.



Figure 10. 381 Axedale-Kimbolton Road, Axedale (HO731) shows how the Arts and Crafts movement ideals were adapted to rural housing. In contrast, The Palms retains a more suburban appearance, but uses similar features such as circular windows and a wraparound verandah. The photograph shows the house prior to suffering severe fire damage. Source: Context 2009

The Axedale house has suffered severe fire damage, particularly to the rear, which has caused a loss of significant material. There are no significant outbuildings associated with the property, which is markedly different to The Palms where the outbuildings are arguably more significant than the house.

In a reversed position, the farm complex at 197 Red Tank Road, Emu Creek (HO751, Figure 11), the barn is significant while the much-altered house is not. Similar to the outbuildings at The Palms, the barn at Emu Creek is constructed from coursed rubble with a single smooth face. While the interior of the barn is largely intact, it has been extended, likely several times, and has a substantially altered roof structure. The Palms outbuildings are both more intact and higher quality buildings. There have been some alterations, but on the whole, the original forms of the structures are still legible; alterations to the roof at Emu Creek make this more doubtful for the barn.



Figure 11. Detail of the barn at 197 Red Tank Road, Emu Creek (HO751). Source: Context 2009

Beyond the integrity of the building, the scale of the barn is quite different from the Palms. The Emu Creek structure is one of the largest barns in the former shires of McIvor and Strathfieldsaye. It is over 30 metres long. The stone outbuildings at The Palms are on a much smaller scale, reflecting the different purposes for which the buildings were constructed. While all buildings share a simple vernacular form, the level of embellishment varies between the two properties. The earlier (c1860s) barn is a simple utilitarian structure with little or no embellishment.

More closely comparable is 'Chateau Dore' (HO793). The winery was initially established in the 1860s when Frenchman Jean Theodore de Ravin planted his first vines. The sandstone house (Figure 12) was constructed in 1861 and outbuildings constructed from the 1860s until the 1890s, meaning they significantly pre-date 'The Palms', although there was a building program in 1893 that saw major alterations to the main house. The early development of the property also included an orchard. The winery was devastated by the *Phylloxera* outbreak in 1893, when government law required the destruction of vines even though there was no evidence of the pest on the site. Unlike 'The Palms', the 'Chateau Dore' vineyard was re-established and wine was still being produced on the site until the early 1900s leaving the influence of wine production clear on the site. 'The Palms', in contrast, was quickly moved away from wine into an orchard and the buildings and structures remaining on the property reflect this.

The remaining buildings at Chateau Dore clearly reflect the strong focus on wine making in the development of the site. There are extensive cellars below the sandstone buildings as well as a pressing room, stables and buggy room. There is nothing similar to the fruit store on site, and nor does there appear to be remnants of late nineteenth or early twentieth century irrigation like that found at 'The Palms'.



Figure 12. Chateau Doré Winery (HO793) fronts both Mandurang Road and Nankervis Road in Mandurang. Source: Context 2008

Individual features of 'The Palms' can draw more direct comparisons. The water run at The Palms, for example, is distinct from Coliban system water channels, such as the one found at North Harcourt Road, Sedgewick (HO309). With its concrete sides and defined profile, the Coliban channel is in sharp contrast to the stone-lined race connecting to Axe Creek found at The Palms. The Sedgewick channel forms part of a wider network, the Coliban system (VHR H1021) that has been upgraded and continues to provide domestic and commercial water to the Bendigo region and beyond. Remains of the earlier brick and stone abutments can be seen at the crossing of North Harcourt Road. The Palms race, in contrast, is now only a fragment of a system that was once across the whole nursery and orchard and while its path is still used to provide irrigation to the land today, the race itself is no longer active. The channel is clearly defined but not formed in the same way as the Coliban channel, reflective of the smaller scale of the operation. It serves as a small scale reminder, however, of the type of arrangements in place on agricultural properties in the late nineteenth and early twentieth centuries and the importance and challenges of water supply in the development of agriculture of the area.



Figure 13. Water Channel, North Harcourt Road, Sedgewick (HO309) Source: Context 2009

Assessment against criteria

The following analysis is based on Victorian Government Planning Practice Note 1: Applying the Heritage Overlay (August 2018).

***Criterion A**: Importance to the course or pattern of our cultural or natural history (historical significance).*

N/A

***Criterion B**: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).*

N/A

***Criterion C**: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).*

N/A

***Criterion D**: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*

45 Palm Avenue is significant as a representation of the shift to other pursuits in the wake of the gold era. The property provides insight into the type of business that began to appear in the later years of the nineteenth century as the regional economy began to diversify.

***Criterion E**: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

45 Palm Avenue is of aesthetic significance for its stone outbuildings, which demonstrate the vernacular use of local stone in outbuildings and agricultural structures in the former Shire of Strathfieldsaye. It is of additional significance for the house which, while later than some of the

outbuildings, provides insight into the adaptation of the suburban Federation villa into a rural setting. The garden, particularly its titular palms and stone-lined driveway, provides an example of a large private garden within both a commercial and a native bushland setting.

***Criterion F**: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

45 Palm Avenue is significant as an example of a property aided by early developments in irrigation. The remaining irrigation races and water storage areas demonstrate how irrigation schemes allowed agricultural businesses to grow in an area where water supply was highly affected by seasonal conditions.

***Criterion G**: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*

N/A

***Criterion H**: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

'The Palms' is significant for its association with Herbert Keck. Keck was a prominent politician and nurseryman in the Bendigo region. He was a councillor for the former Shire of Strathfieldsaye before representing the area in state parliament, in addition to operating a successful fruit growing and nursery business. The 'Keck's Special' camelia was developed by him and named in his honour.

Statement of Significance

What is significant?

The house, driveway, original plantings, outbuildings, and remains of nursery and agricultural development of the land at 'The Palms' are significant to the extent indicated in the following map.



How is it significant?

'The Palms' is of local representative, aesthetic, technical and associative significance to the City of Greater Bendigo.

Why is it significant?

45 Palm Avenue is significant as a representation of the shift to other pursuits in the wake of the gold era. The property provides insight into the type of business that began to appear in the later years of the nineteenth century as the regional economy began to diversify. (Criterion D)

45 Palm Avenue is of aesthetic significance for its stone outbuildings, which demonstrate the vernacular use of local stone in outbuildings and agricultural structures in the former Shire of Strathfieldsaye. It is of additional significance for the house which, while later than some of the outbuildings, provides insight into the adaptation of the suburban Federation villa into a rural setting. The garden, particularly its titular palms and stone-lined driveway, provides an example of a large private garden within both a commercial and a native bushland setting. (Criterion E)

45 Palm Avenue is significant as an example of a property aided by early developments in irrigation. The remaining irrigation races and water storage areas demonstrate how irrigation schemes allowed agricultural businesses to grow in an area where water supply was highly affected by seasonal conditions. (Criterion F)

'The Palms' is significant for its association with Herbert Keck. Keck was a prominent politician and nurseryman in the Bendigo region. He was a councillor for the former Shire of Strathfieldsaye before representing the area in state parliament, in addition to operating a successful fruit growing and

nursery business. The 'Keck's Special' camelia was developed by him and named in his honour. (Criterion H)

Additional Controls

External paint controls apply	Yes
Internal alteration controls apply	No
Tree controls apply	Yes – driveway plantings, original garden
Outbuildings or fences not exempt under Clause 43.01-4	Yes – Kitchen, dairy, fruit store, stable floor
Included on the Victorian Heritage Register under the Heritage Act 2017	No
Prohibited uses permitted	No
Aboriginal heritage place	No

References

Rosemary Porter, conversation 19 March 2019

Bendigo Advertiser as noted

Melbourne Leader as noted

Bendigo Independent as noted

Bendigo Weekly as noted

Hattem, John (ed.) 1970 *Valley of the Springs; Spring Gully's First 127 Years*

Hewat, Tim 1983 *Bridge Over Troubled Waters; A History of the Shire of Strathfieldsaye* Macmillan Company, Crows Nest

Parliament of Victoria, *Re-member: a database of all Victorian MPs since 1851*, retrieved 2 July 2019

Identified by

City of Greater Bendigo

GREATER BENDIGO PLANNING SCHEME

STATEMENT OF SIGNIFICANCE: 1320 CALDER HIGHWAY, MARONG, SEPTEMBER 2020

Heritage Place: Residence, 1320 Calder Highway, Marong	**PS ref no:** HO939



Figure 1. 1320 Calder Highway, Marong (Source: Minerva Heritage January 2018)

What is significant?
The original form and fabric of the dwelling at 1320 Calder Highway Marong is significant.

How is it significant?
The dwelling at 1320 Calder Highway Marong is of historical significance. It is also significant for its rarity to the City of Greater Bendigo.

Why is it significant?

The dwelling at 1320 Calder Highway is associated with the Landry family of Marong. Charles Landry operated a butcher shop in Marong in partnership with William Irvine. Charles Landry and his family occupied the home at 1320 Calder Highway from 1899 until 1958. The property is associated with the Landry family, one of Marong's early and prominent family names. The house is a reminder of the turn of the century when Marong and district was at its peak as a mining and agricultural centre. (Criterion A)

The dwelling is the only extant example of a single gable 'kangaroo tail' roof design with skillion extension to the rear in Marong. (Criterion B)

Primary Source
1320 Calder Highway, Marong; Heritage Citation by Minerva Heritage January 2018

This document is an incorporated document in the Greater Bendigo Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

Heritage assessment of Sheard's House and Orchard Wall, Quarry Hill.

Proposed Name of Place: Sheard's House and Orchard Wall

Address: 208-216 Carpenter Street; 1, 3, 5, 7-25 Paterson Street; 1, 5 and 6 Emma Place; and 13 Tennyson Street, Quarry Hill

Assessment by: Sera-Jane Peters, 6 December 2023



Former orchard wall on the corner of Emma Place and Paterson street, Quarry Hill.

History

The fabric of this stone wall and stone house in Quarry Hill, is inextricably associated with the Yorkshire quarryman, James Benjamin Sheard (1838-1914) and his family, who first purchased part of this property from the Crown, in 1877. Before Sheard and other Europeans came to this area, the land was occupied and cared for by the Jaara Jaara people of the Dja Dja Wurrung language community, the Taungurung peoples and the Barapa Barapa peoples, part of the Kulin nation. When James Sheard arrived from crowded, industrial Liverpool, the traditional owners of the lands around Bendigo, had been decimated by disease and violent conflict with settlers and had seen their country turned upside down and destroyed by the effect of grazing and then alluvial mining. The Dja Dja Wurrung people are recognized as the traditional owners of the lands around Bendigo and they continue to care, and protect these lands, including those of the subject property. (Thematic Environmental History, pp.16-20.)

Contextual history

When James Sheard arrived on the Sandhurst goldfields in 1857, he would have experienced a place that was ceaselessly moving, where frenetic rushes would occur as a new lead was found or new ground opened up for alluvial mining. The first alluvial rushes ended in the 1860s and only continued through the efforts of Chinese miners working old ground. Sluicing and dredging became more popular with the accompanying environmental destruction still evident in places like Heathcote today. (Thematic Environmental History, pp.50-52.)

By the time James got married, quartz reef mining which required a greater level of skill, investment and new technologies, was extracting enormous quantities of gold and generating a new investment boom which saw 235 new mining companies registered in Sandhurst in 1870. (Thematic Environmental History, p.53.) Newspaper accounts of court cases indicates that James had been involved as an investor in some of these and was winning tenders to erect dams for the new quartz reef mines. (Bendigo Independent, 17 October 1891. p.4) This same mine, the Yorkshire Company was probably where the family history states that he erected a crushing battery. (Sheard Family History, related by George B. Sheard, 1960, RHSV) By 1890, many quartz mines were no longer profitable. Joseph and William Sheard were both still mining in 1900 and 1917 when they were each reported as having been involved in serious mining accidents. By 1927 however, most mines in Bendigo had closed. (Thematic Environmental History, pp.55.)

Quarries, such as the Smiths and Sheards were part of an important local stone industry which extracted stone for buildings, streets and the Bendigo creek channel. The location of the Sheard quarry is unknown, but possibly was near the Smith's quarry near One Tree Hill. (Sheard Family History, related by George B. Sheard, 1960, RHSV) There were a number of quarries in the vicinity. The quarry at Quarry Hill yielded stone for St Andrew's church in Myers Street, Bendigo. One quarry appears to have been south of Gladstone and west of Peel Street, while J & W Wolstencroft's old quarry in Miller Street still survives as a recreation reserve. (Eaglehawk and Bendigo Heritage Study Vol 3) It would appear from the family history that James continued working his quarry into the twentieth century, supplementing the family income with vegetables and fruit.

Fruit and vegetables were grown intensively in Sandhurst from the 1850s. In the early years of the goldrushes, horticulture was characterized by the taking up of small allotments, by both Chinese and Europeans, on watercourses that provided irrigated water. The development of small-scale horticulture was facilitated by the Lands Acts of the 1860s and the construction of the reservoirs and races which provided irrigation. An annual license for market gardening, enabled the holder to occupy land for the purpose of establishing a garden and residence. A number of Chinese market gardens existed at Back Creek and Spring Gully. (Thematic Environmental History, pp.75.)

There was a large number of market gardens in the area around Back Creek according to the Strathfieldsaye Rate Books. Throughout the 1870s-1890s, a number of Back Creek and Spring Gully properties are described as 'house and garden', between 1 and 5 acres. There are a number of these belonging to people with Chinese names who are described as gardeners. The aerial photo of the area from 1956 shows a patchwork of small holdings with regularly planted vegetables and fruit trees along both sides of Spring Gully.

In the vicinity of Sheard's were two very well-known orchards, Kecks One Tree Hill Nursery and Sir John Quick's orchard just to the south of Sheard's on Solomons Hill. Both these orchards and others located along the line of Spring Gully and Back Creek were part of a burgeoning food growing and horticultural industry in Bendigo. Herbert Keck, whose house still survives at 45 Palm Avenue, Spring Gully, started his orchard business in 1886. By 1902 he had 33 acres on the north side of Spring Gully which was wrapped around by the Spring Gully water race. The orchard mainly sold fruit to local stores, grew grapes and then went into selling trees to other orchardists. Keck was a member of the Bendigo Fruitgrowers Association and the Bendigo Agricultural Society.

Sir John Quick also had a 10 acre orchard located on the north side of Solomon's Hill. The area is now just off Fletcher Street, Quarry Hill. His land was watered by the Coliban Race and this same race may have been the source of water for the Sheard family orchard. Keck's orchard was still operating as a viable business until 1937 but by 1956 most trees had been removed from the land. (National Trust newsletter, February 2021;1956 Aerial Photo, landata.vic.gov.au)

Tomato growing became a thriving industry in Bendigo. The family history states that; "He (James) also went in for vegetables. He was the first man to grow tomatoes, the English red, that was a small red tomato and Reeds in Bendigo were the first firm to make tomato sauce. After that Councillor Carolin imported Spaniards to grow tomatoes, they were grown at White Hills..." (Sheard Family History, related by George B. Sheard, 1960, RHSV) The thematic history relates that it was these same Spaniards who started the tomato industry in Bendigo, with tomatoes grown all over the district, becoming an important industry with multiple processing plants. (Thematic Environmental History, pp.77.)

History of the place

The Sheard family relationship to the properties between Carpenter, Paterson and Tennyson Streets is demonstrated by the land titles for the properties; Crown Alllotments, 432, 432A and 432B. These three Crown Allotments were purchased by James Benjamin Sheard in 1877, 1883 and 1890 respectively. CA 432 contains what is now 206-216 Carpenter Street and 1-9 Paterson Street, and 1-5 Emma Place. By 1890 he owned 13 acres 29 perches of land along Carpenter and Graves Street (now Paterson St) Quarry Hill. The parish plan extract copied below indicates that WH Sheard owned CA 432C (1960) and JL Sheard had CA 432E (1940). Other sheards, WJ and George owned two lots on the corner of Retreat and Carolin Roads.

James Sheard is first noted in the Rates book in 1873 and in 1875 the rates inspector noted that James Sheard was living in a stone hut at Back Creek West. It is possible that the stone hut was the beginning of the stone house now located at 216 Carpenter Street. It is not known when he constructed the stone fence, but it is most probable that this enclosure occurred before he had purchased CA432 in 1877. If James was occupying the land at 216 Carpenter Street, under Section 49 of the Lands Act then he was only able to occupy the place under license, if he cultivated the land. It is likely that the stone wall was begun to mark and enclose the area under cultivation, prior to purchase.

On his death, the inventory of James' Probate (VPRS 28/P0003 135/447) lists the three allotments thus:

1. Allotment 432B Section 11 Parish of Sandhurst containing 8 acres, 29 perches **fenced**, partly laid out as an orchard.
2. Allotment 432 Section 11 containing 2 acres **fenced, six roomed stone house** and laid out as an orchard.
3. Allotment 432 A Section 11 containing 3 acres, all orchard.

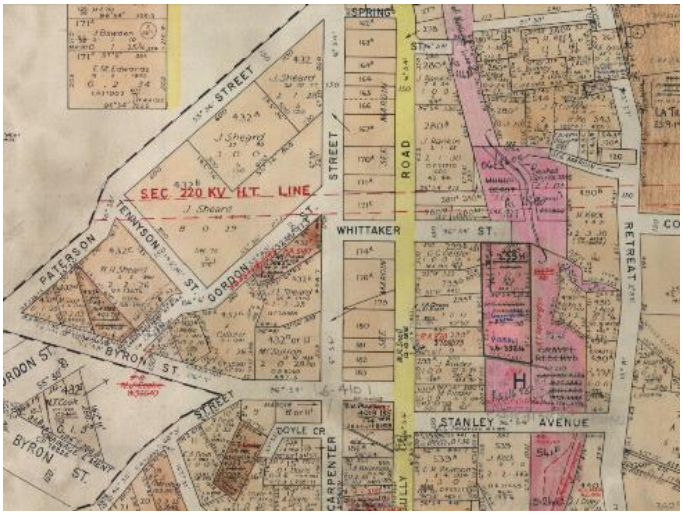


Figure 1. Extract of Sandhurst 4A parish plan showing all three allotments purchased by J. Sheard (PROV VPRS 16171/P0001/8, Sandhurst-4A(Psh)LOImp3473)



Figure 2. Extract of 1956 aerial photo of Quarry Hill showing the Sheard family orchard, with over 250 trees still on the site, three other houses on Carpenter Street and five houses on Paterson Street and the extent of the wall on the site indicates that it originally enclosed all of allotment CA432 and two dams. (Landata.com.au)



Figure 3.Typical section of wall on Paterson Street showing repairs with diferent mortars and changes in height. (SJ Peters)

The Sheard Family

James B. Sheard was born 1838 in Halifax, Yorkshire to William and Catherine Sheard of Southowram. The Sheards were a family of stone delvers who worked the quarries of Southowram, quarrying Yorkshire sandstone which was used for stone walling, roofing, paving and building. (UK census 1841, 1851; English Heritage document Building Stones of England, 2023)

James was the third child of Catherine and William. The English census of 1851, lists James Sheard, only 13 years old, as a flax spinner. By 1857, only 19 years old he emigrates from Liverpool on the *Donald McKay* and arrives in Port Phillip just as the gold rushes were in full swing. (English Census 1851: Sheard Family History, related by George B. Sheard, 1960, RHSV)

According to a memoir written by his son, George Benjamin Sheard, James knew two brothers from home, called Abe and Sam Smith who had migrated before him and had set up in the goldfields of Sandhurst. The Smiths operated a quarry called the Cat Quarry 'at the back of Kecks' and James joined them in the quarry. The Smiths quarried sandstone for the construction of stone flagging. The quarry was located close by Flora Reef and ran all the way to One Tree Hill. James later went prospecting with two other lads from Yorkshire and together they purchased a crushing battery which operated at a site called Yorkshire Reef. (Sheard Family History, related by George B. Sheard, 1960, RHSV)

In 1870 at the age of 32, James married 19 year old Phoebe Jane Strickland, of Bendigo who has a 2 year old son, William James Strickland. They had 11 more children. After marrying, James went back to working stone in a quarry which he either ran or owned, and supplied stone for the Bendigo Post Office and Shamrock Hotel. The family believe that he provided flagstones for the streets of Bendigo and the stone to build up the walls of the Bendigo Creek. (Sheard Family History, related by George B. Sheard, 1960, RHSV)

"He settled in Carpenter Street with sixteen acres of land. He built a stone wall around six acres six feet high and put a wire fence on the remainder. He started and made an orchard, the only orchard in Bendigo…They had a cow, pig, fowls and a mob of goats." (Sheard Family History, related by George B. Sheard, 1960, RHSV)

The family history states that the Sheard family had occupied the land in Carpenter Street since 1871. However the land had not been purchased until 1877. It is more than likely that Sheard occupied the land and built himself a hut and lived on the site as was allowed under the Land Act of 1869. Section 49 of the Act allowed people to reside on and cultivate the land around the goldfields, under annual licences. The local Land Board then arbitrated the sale of the land, as happened when James applied to purchase his first block of land in 1877.

(Bendigo Advertiser 1877 October 24, p.3) In 1882, James Sheard requested the Sandhurst Mining Board grant him the sale of another 5 acres of land near Back Creek Cemetery. (Bendigo Advertiser , 9 August 1882 p.2)

The Strathfieldsaye Rate Books do not list any Sheards until 1873. James Sheard is listed as owning a residence at Back Creek in Sandhurst district. He is then listed in 1875 as owning a stone hut and land at Back Creek West, worth 10 pounds. In 1878 the address changes to Retreat Road and then in 1880 changes to off Cemetery Road. The locations are all in the same area, and it is assumed that as roads were proclaimed addresses changed. The Bendigo directory of 1881 lists James Sheard as a quarryman living on Cemetery Road and in 1907 as living off Carpenter Street. (Strathfieldsaye Rates Books, 1873, 1875, 1878, 1880; Bendigo Directory, 1881, 1907)

Mentions of the Sheard family in newspapers, court records and electoral rolls add to the picture and confirm their residence in and around the cemetery at Back Creek. In 1879 James Sheard had two boys charged with stealing fruit from his garden at Back Creek. (Bendigo Advertiser 15 March 1879) He was living close to the cemetery in 1891 when he petitions the council to erect a bridge over Solomons Gully, which runs through the cemetery, to enable him to reach his house. (Bendigo Independent 17 October 1891 p.4) In 1896, 3 year old Mary Ann Sheard tragically died as a result of burns, at her parents' home at Back Creek near the cemetery. (Bendigo Advertiser 1896 26 August, p.3)

The Electoral Rolls for 1896 -1905 do not include James Sheard who might not have been registered to vote. His son Marshall is listed in 1896, 1898 and 1900 as living at Carpenter Street. The 1909 rolls are more helpful and lists the entire Sheard family of voting age:

James Sheard, Spring Gully Road, Quarryman
John Sheard, Spring Gully Road, Gardener
Joseph Sheard, Spring Gully Road, Miner
Louisa Sheard, Off Condon Street Back Creek, Home Duties
Margaret Sheard, Spring Gully Road, Home Duties
Marshall Sheard, Off Condon Street Back Creek, Gardener
Phoebe Sheard, Spring Gully Road, Home Duties
William James Sheard, Carolin Street Spring Gully, Miner
Georgina Sheard, Carolin Street Spring Gully, Home Duties
George Benjamin Sheard, Spring Gully Road, Blacksmith (Electoral Rolls Sandhurst District,1909 Quarry Hill)

James states in official records and on his land titles that his occupation is quarryman, as was his father. Even at his death he is described as a quarryman even though he owns some 6 acres of orchard. His son, Marshall Sheard (1870-1928) self-describes as stonemason/ mine manager and miner. Then in circa 1909 he is mentioned as a gardener growing tomatoes and melons at Condon Street, Back Creek. (Bendigo Independent, 7 December 1909, p.5) Reflecting on the occupations of the male members of the family in 1909, it is interesting to note how they moved between quarrying, mining and gardening, as their father had. The family history states:

"There were six boys in our family and they in turn spent their boyhood days in the quarry helping Dad putting in shot holes or clearing up the rubbish. We all had to do our bit then it came the time for us to learn a trade…My eldest brother William was a carpenter and Marshall was a stone mason: Jack was a plasterer: Joseph was a bricklayer: George was a Farrier. Robert, well he was always mothers boy and he stayed with mum and dad in the garden. None of the family followed their trade for any long period." (Sheard Family History, related by George B. Sheard, 1960, RHSV)

Description

Sheard's House and Orchard Wall, is located within the area of land bound by Carpenter, Tennyson, Paterson and Gordon Streets, Quarry Hill. A mortared sandstone wall passes in front of and behind approximately 28 properties within this area, which have been subdivided from an original three crown allotments, CA 432, 432A, and 432B. The longest intact section of wall runs along what is now the boundary of 13 Tennyson Street, and an

empty block of land with frontage to Carpenter and Gordon Streets. This was formerly part of crown allotment 432B. Mapping of the wall shows that it is located around the boundaries of CA432 and 432A and once enclosed an area of approximately 5 acres 1 rood and 28 perches.

At 216 Carpenter Street is a sandstone house that was built in circa 1875. The late Victorian, symmetrical single storey cottage has sandstone walls and sills. It has a new corrugated iron double hipped roof with two rendered stone chimneys and a hipped galvanised iron verandah with new timbers and posts. The doors and windows are all new timber. A rear extension, also of stone, may have been built in recent decades. A new garage on the eastern side is also new. The stonework of the house walls is laid in regular courses and the stones are all shaped. Render has been removed from the face of the stone and shows evidence of picking. Some sections in the upper part of the west wall retains patches of render, as do the chimneys. The house is moderately intact and in very good condition.

At the front of the house, the stone wall has been reduced to under 1000mm high and has a well formed concrete capping. On the east side of the house the stone wall is approximately 1800mm high and returns to the rear of the house.



Figure 4 & 5. The house at 216 Carpenter Street showing coursed and cut sandstone walls, with stone sills and flagstone verandah. (SJ Peters)



Figure 5 & 6. East wall of house showing the shaped stone laid in regular courses and a rear extension. The orchard wall continues around the house and to the rear with an internal concrete support wall. (SJ Peters)

The stone wall originally enclosed the first area that was leased by James Sheard, which coincides with allotment CA432 and then was expanded to surround the second allotment CA432A at a later date. The earliest area of wall then is the section which extends from 206-216 Carpenter Street, 1-9 Paterson Street and 1-5 Emma Place. The wall is fairly intact in the section along the 13 Tennyson Street boundary and partially intact in other sections along Paterson Street. It is in fair condition, with some sections showing recent repairs and other sections such as in Emma Place, requiring urgent repair to prevent collapse.

The wall is built in a manner which is not a traditional English style and interestingly, when looked at by a Yorkshire waller, was quite unrecognisable to them as a style of walling from the area where James Sheard originated. The waller did point out that stone trades were highly specialised and a stone delver or quarryman, as James Sheard was, would not have had any particular skills in walling. (personal communication Tom Garratt)

The wall is constructed of random uncoursed rubble stone masonry, made by stacking stones of widely different sizes and qualities. Considered the cheapest and roughest type of stone masonry, random uncoursed rubble masonry is typically made up of stones pulled directly from the quarry with minimal effort put into shaping the stone before laying. Random rubble masonry is laid with discontinuous but roughly level courses with expressed faces to emphasize the natural qualities of the stone shapes.

The wall has a slight batter of less than 2:1 (being the relationship of the base width to the top width) and is roughly mortared with a mixture of mud and lime at lower levels and in some sections, concrete has been added at a later date to the upper levels. There appears to be an occasional through stone, at lower levels of the wall.



Figure 7. Highest and most intact section of wall facing 17 Paterson Street, with lines showing rough courses demonstrating the random laying of the stone; the uncut and unshaped stone with rough faces and different sized stones laid in a random pattern. (SJ Peters)



Figure 8. This section of wall was demolished at the entry to 15 Paterson street. It is marked to show the method of construction, with flat stone laid as coping across the width of the wall on top, and a marked area in the centre showing small rubble fill packed between the external faces, and mud and lime mortar. This section also indicates that the width at the base is not quite twice the width of the top. This is less batter than would normally be used on such a high wall. (SJ Peters)



Figure 9. Land Title for the first area occupied and then purchased by James Sheard. CA432/Section H, Vol 1027 Folio 245, granted to James Sheard, 23/10/1877.

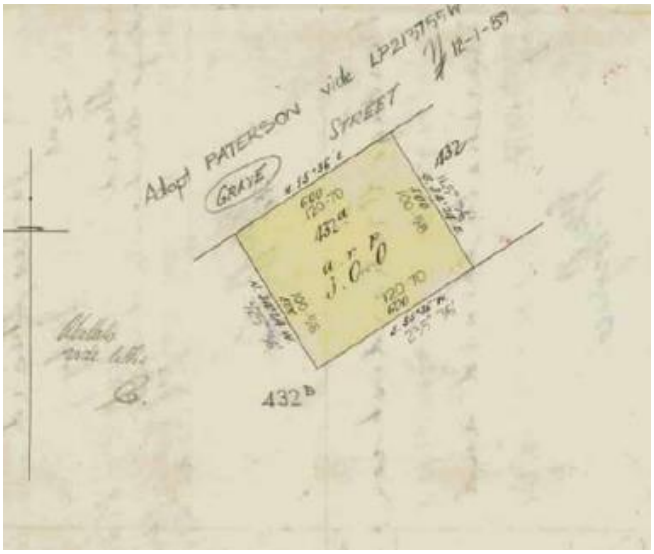


Figure 10. Second area of land purchased by Sheard. CA432A/Section H, Vol 1483 Folio 492, granted to James Sheard 29/5/1883.

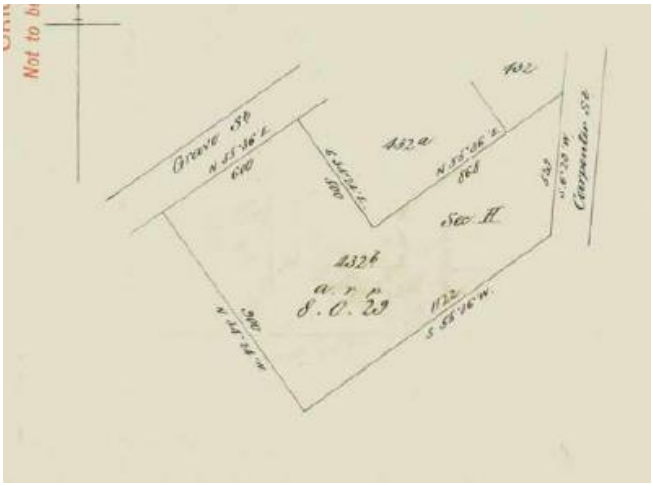


Figure 11. Third area of land purchased by Sheard. CA432B/Section H, Vol 2263 Folio 582, granted to James Sheard 27/2/1890.



Figure 12. Map provided by Greater Bendigo City Council, showing the location of the wall in red, and indicating the alignment of the wall around the first two crown allotments purchased by Sheard.

Comparative Analysis

In order to determine the relative significance of the Sheard House and Orchard Wall, the *City of Greater Bendigo Thematic Environmental History,* was examined for heritage overlay places that could be comparative to it. The *Thematic Environmental History,* identified a number of themes which relate to Sheard's House and Orchard Wall, such as *Promoting settlement*, *Exploiting other mineral, forest and water resources* and *Processing raw materials*, but does not identify it as a place of potential significance to any of those themes.

Those places that are identified as being of potential significance to those themes are likely comparative places to the subject site. These themes are reflected in the history of the place and its use as an orchard and market garden, its occupation under early licence, its association with a family of early stonemasons and quarrymen, and its remaining historic fabric. These thematic relationships are explored further below.

Theme 2.5 - Promoting Settlement – Market Gardens
A number of places are identified that are associated with the early selection of properties and rural homesteads in surrounding localities, Chinese market gardens, as well as sites associated with early licenses of Crown Lands. As the subject site was both an early land license and a market garden, the Chinese Market Garden, 44 Thunder Street North Bendigo (HO719), is the only one deemed to be directly comparative to it. The market garden site in North Bendigo has some remaining built fabric and retains archaeological fabric associated with Chinese occupation and use of the site as a brickworks. No other market garden sites could be identified in the heritage overlay schedule. Early licence sites may exist but were not able to located in the heritage schedule.


Figure 13. 44 Thunder Street landscape showing location of former Chinese market gardens. (Google Streetview, Nov, 2023)

Theme 4.4 – Exploiting other mineral, forest and water resources - Quarrying
This theme relates to the extant fabric on the site (house and wall) and its association with early quarrying activities in the area. Other places included in this theme are buildings and structures which used quarried materials from within the municipality. As the subject site belonged to a family of masons, miners and quarrymen, and they operated a quarry and built structures from the quarried stone, Joseph Wolstencroft's house, at 61-63 Miller Street, Quarry Hill (HO601), is the only one deemed to be comparative to it. The Wolstencroft house was constructed for a local quarryman but was built of brick and in a grand Italianate manner, many decades after the Sheards had started their cottage. It is not directly comparable in terms of its design and age, but its association with a family of quarry owners. No other places that were built by quarrymen from local stone were identified in the heritage overlay schedule.


Figure 14. 61-63 Miller Street, Quarry Hill. (Google Streetview, Nov 2023)

Theme 5.1 – Processing raw materials – Growing fruit and vegetables
This theme is broken into Sub themes, and the most relevant is - Fruit and Vegetables. The major part of this theme focuses on tomato growing and vineyards. Orchards are not discussed in great detail although there was clearly a number of big orchards operating in Bendigo. The types of places discussed includes market gardens and properties associated with early vineyards and orchards and specialist operations such as tomato seed extraction and pulp production. The following sites have been chosen as comparative places due to the nature of the built fabric at the sites and the similar familial history of operations at the sites:

- Former Kahland Winery, VHR 2087 (HO718)

- Former Greiffenhagen Winery and Homestead, VHR 681 (HO52)
- The Palms, 45 Palm Avenue Spring Gully, (HO934)

The Palms, which was the Keck Orchard and Nursery site, is directly comparable in terms of an orchard operation. The site has some remnant trees, a C20th house built for the owner, and apparently a stone storehouse from the C19th, which may be comparable. Little information on the site could be located.



Figure 15. Former Greiffenhagen Winery cellar built of local stone. (Victorian Heritage Database report)



Figure 16. 45 Palm Avenue, showing the remnant Keck's orchard and nursery landscape between regrowth bush. (Google streetview, Nov, 2023)

Late Victorian stone houses and stone walls.

The *Victorian Miners' Housing Serial Listings – Stage 2 Study, 2021* was exhibited as part of Amendment C275 and subject to a planning panel in September 2023. It is interesting to compare the findings of this study, to the house at 216 Carpenter Street, which was built by a quarryman and quartz miner. The comparison to other early miner's houses (1860-1870s) indicates that 216 Carpenter is not typical of these Miners Rights cottages, with a typical example at 54 Breen Street, Quarry Hill, included in the serial listing HO1000. It shows the gable ended, weatherboard character which is unlike 216 Carpenter Street. It is actually closest in type to Quartz Reefers' houses (1850s-1900) which were larger and built of brick or stone. 118 MacDougall Road, Golden Gully and 245 Eaglehawk Road, Long Gully are both similar in type, style and material to 216 Carpenter. Further analysis of whether 216 Carpenter could be defined as a Quartz Reefer's house is beyond the scope of the current study and as Amendment C275 has not yet been gazetted, would be premature.



Figure 17. 118 MacDougall Road, Golden Gully (Google streetview, Nov, 2023)



Figure 18. 245 Eaglehawk Road, Long Gully (Google Streetview)

Locating comparative stone walls has been difficult as City of Greater Bendigo has not undertaken a study of its historic stone walls. Any dry stone walls that are not included in a heritage overlay are protected by Clause 52.33, however it is not known how many walls exist or where they are located. Of those that are included in the heritage overlay and are of a comparative type, that is, mortared rather than dry stone, there are only two that could be located with certainty, both in Axedale:

- Former Raglan Hotel and walls, 106 High Street, Axedale, (HO57)
- Axedale Catholic Cemetery and wall, 2050 McIvor Hwy, Axedale, (HO53)



Figure 19. 106 High Street, Axedale, Former Raglan Hotel and mortared stone walls. (Google streetview, Nov, 2023)



Figure 20. Axedale Catholic Cemetery and mortared stone wall, 2050 McIvor Hwy, Axedale. (Google streetview, Nov, 2023)

The Sheard's House and Orchard Wall, Quarry Hill demonstrates comparative significance to a number of other sites included in the heritage overlay schedule. These include sites that were associated with quarries, orchards and market gardening, with early land licenses and Late Victorian miner's housing.

The comparative analysis demonstrates that the Sheard's House and Orchard Wall is a rare example of intact fabric that illustrates the practice of orcharding. It is also a rare example of the practice of occupation and enclosure, as part of the Lands Act licence system of the 1860s and 1870s. It might also be a rare intact example of a house and wall constructed of local Spring Gully sandstone.

Statement of Significance

What is significant?

Sheard's House and Orchard Wall, Quarry Hill is a Late Victorian stone house, ca. 1875 and an extensive and high rubble wall that encircled a former orchard, built pre-1877. The house is a simple, single storey, symmetrical Victorian cottage made of coursed and cut sandstone. The orchard wall is built of random uncoursed, rubble sandstone with mud, lime and concrete mortar. Intact sections measure over 1800mm high and in some parts has been reduced to 1000mm.

The following elements are significant:

- Cottage consisting of stone walls, front verandah, corrugated iron hipped roof, two chimneys and flagstone verandah floor.
- The rear additions are not significant.
- The sections of the stone wall which are intact along the boundary of 13 Tennyson Street and sections of wall, between 900-1900mm high along Emma Place, Paterson and Carpenter Streets.

How is it significant?

Sheard's House and Orchard Wall, Quarry Hill is of local historic, rarity, architectural (representative) and associational significance to the City of Greater Bendigo.

Why is it significant?

Sheard's House and Orchard Wall, Quarry Hill is of historical significance to the City of Greater Bendigo as it demonstrates a number of important historical themes. The site was an early occupation of land under licence from the Crown and the house and wall demonstrate the requirement under Section 49 of the Lands Act that the land must be occupied, fenced and cultivated. The wall and stone house predate the purchase of the land in 1877.

The wall and house were constructed from locally quarried sandstone and possibly constructed by members of the Sheard family who worked as masons and quarrymen. The site demonstrates the importance of stone extraction industries to City of Greater Bendigo's history and historic fabric and more specifically, to the areas of Quarry Hill and Spring Gully, where a number of stone quarries operated.

The wall demonstrates the importance of local market gardens and orchards, and the location of these in areas where water was available along Back Creek and Spring Gully. As the orchard was operating from circa 1877 until the 1950s, it is believed to be one of the longest operating orchards in Bendigo. The stone orchard wall is the only known orchard wall of its kind and constitutes rare physical evidence of orcharding and market gardens and evidence of Lands Act enclosure, in Bendigo. (*Criterion A and B*)

Sheard's House is a small stone cottage from circa 1875. It is representative of a simple Victorian, single storey, symmetrical cottage, with sandstone walls, double hipped iron roof, rendered stone chimneys and locally quarried flagstone verandah. It is one of few stone houses to survive in Quarry Hill, and was probably constructed by the family from stone extracted from a quarry in Spring Gully. The random rubble wall is representative of an early form of land enclosure using locally sourced material. (*Criterion D*)

Sheard's House and Orchard Wall, Quarry Hill has associational significance with the extended Sheard families who have built a number of houses and lived and worked in Quarry Hill for three generations. The families all lived close to each other on properties on Carpenter, Carolin and Codon Streets. The family were local masons, miners and gardeners, and operated an orchard on the site for over 80 years. (*Criterion H*)

Sources

Primary Sources

Bendigo Advertiser
Bendigo Independent
Birth, death and marriage records for Sheard family.
Probate James Sheard
English Census records
Electoral rolls Bendigo District
Sandhurst and Strathfieldsaye Rate Books
Aerial Photos from Landata.com
Land Titles from Landata.com
Parish Plans

Secondary Sources

Family tree information from Ancestry.com
Manuscript by George Benjamin Sheard, 1960 Royal Historical Society of Victoria
Eaglehawk and Bendigo Heritage Study
City of Greater Bendigo Heritage Gap Analysis, 2019
Heathcote and Strathfieldsaye Heritage Study, Stage 1, 2001
City Of Greater Bendigo Thematic Environmental History 2013
Bendigo Branch National Trust Newsletter 2021

Recommendations

That the site is included on the Heritage Overlay Schedule at Clause 43.01 and the Statement of Significance for the site is included at Clause 72.03 and is mapped to include the remnant sections of wall and the house located at 216 Carpenter Street, Quarry Hill



The extent of mapping of the Heritage Overlay should include all of the land at 216 Carpenter Street, shown red, containing the stone house with wall at front and rear, and extend 2.5m on both sides, from a centre line in the stone wall for its full extent as indicated by the red line on the map above.

Heritage Overlay Schedule Controls

External paint controls	No
Internal alteration controls	No
Tree controls	No
Solar energy system controls	Yes
Outbuildings or fences not exempt	Yes
Prohibited uses permitted	No
Aboriginal heritage place	No

Other recommendations

That the houses built by other members of the Sheard family between 206 and 216 Carpenter Street, Quarry Hill are assessed in the future.

That any further subdivision of the subject land (land bordered by Paterson, Gordon, Carpenter and Tennyson Streets) be designed in such a way that the wall is preserved intact as much as possible and entry and exit points through the wall are restricted to one per lot, or one per multi-unit lot.

That existing sections of wall which are in a collapsed state or do not have constructed, stable, wall ends, are repaired as soon as possible by a qualified mason or waller, and that any further permits for new development or widening of existing openings in the wall, include conditions to undertake conservation and repair of the wall.

Future repairs of the wall must be undertaken in the same technique and using the same style of walling,(random rubble) as exists in the section being repaired. Repairs and conservation must be undertaken by a qualified mason or waller. In general, this means a mortar mix that is coloured to match the mud mortar of older intact sections, and is mixed with lime, not concrete. Flat stone capping should be laid across the top of the wall from face to face and not consist of a layer of concrete or mortar. Only stone from the actual wall should be used in repair or reconstruction and central fill should consist of broken stone from the wall, not concrete.

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

25. CHIEF EXECUTIVE OFFICER'S REPORT

26. CONFIDENTIAL (SECTION 66) REPORTS

RECOMMENDED MOTION

That Council close the meeting to members of the public pursuant to Section 66(2)(g) of the Local Government Act 2020, to consider a report relating to:

> Private commercial information, being information provided by a business, commercial or financial undertaking that -(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;