

COUNCIL MEETING MINUTES



6:00 pm on Monday May 27, 2024

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

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NEXT MEETING:

Monday June 24, 2024

COMMUNITY VISION 2021–2031

Greater Bendigo celebrates our diverse community.

We are welcoming, sustainable and prosperous.

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

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

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

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1. ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

2. TRADITIONAL LANGUAGE STATEMENT

Bangek Koorarook Bunjil Dja Dja Wurrung
William Talle tallingingorak wirrmbool bunjil

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

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
 - Deputy Mayor Cr Matthew Evans
 - Cr Dr Jennifer Alden
 - Cr David Fagg
 - Cr Rod Fyffe OAM
 - Cr Margaret O'Rourke
 - Cr Greg Penna
 - Cr Julie Sloan
 - Cr Vaughan Williams
-
- Andrew Cooney, Chief Executive Officer
 - Brian Westley, Director Presentation and Assets
 - Stacy Williams, Director Healthy Communities and Environments
 - Jess Howard, Director Corporate Performance
 - Rachel Lee, Director Strategy and Growth
 - Ryan Millard, Acting Manager Governance
 - Chris Mitchell, Acting Manager Governance
 - Lena Turvey, Acting Coordinator Governance

Apologies

- Nil

6. LEAVE OF ABSENCE

Nil

7. SUSPENSION OF STANDING ORDERS

MOTION

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

Moved: Cr Fyffe

Seconded: Cr Penna

Resolution No. 2024-75

CARRIED

8. COMMUNITY RECOGNITION

To tonight's community section...

- Late last month I attended a barbeque, which was in part held to thank the fantastic BlazeAid volunteers that have assisted our farming community to recover from the recent flood events.
- The camp, which was set up at Goornong, was assisted by 148 volunteers, 93 properties registered for assistance and 59 jobs were completed, 115km of fencing was cleared and nearly 90km of fencing was completed.
- Thank you to BlazeAid and the many volunteers that passed through and lent a hand.
- In some sporting news, congratulations to basketballers Dash Daniels and Mia Harvey, who both competed for Victoria Country in the under 18 age group and walked away with bronze medals.
- In swimming, congratulations to triple gold medallist Henry Allan from Bendigo East Swimming Club who won the 50m, 100m and 200m backstroke events at the Australian Age Championships on the Gold Coast, and also took home bronze in the state freestyle relay.
- Former Bendigonian, Jeremy Edwards, is off to Toronto, Canada and will be a punter for the Canadian Football League's Argonauts. Jeremy previously played for Kangaroo Flat in the Bendigo Football Netball League. He joins fellow Bendigonian, Jamieson Sheahan, in the Canadian Football League who plays for the Winnipeg Blue Bombers.
- Staying international, Bendigo Braves and Bendigo Spirit basketball star Alex Wilson has helped ensure Australia will take to the court in the Olympic Games 3 by 3 competition. The women's Olympic team will feature Alex and former Bendigo Spirit players Anneli Maley and Marena Whittle. A fantastic achievement and we can't wait to watch you all.
- And to some local award winners – congratulations to Stacey Smith of *Oh, Hey! Pilates*, who won Best Group Reformer Studio in Australia at the recent Pilates Industry Awards.
- And a number of police members from Bendigo, Echuca and surrounds were recognised for their service to community, heroism and milestones at a recent Victoria Police ceremony.
- Congratulations and thank you for your dedication to looking after your region and keeping us safe.

And that ends this month's community section.

9. PUBLIC QUESTION TIME

9.1. PUBLIC QUESTION TIME GUIDELINES

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

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

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

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

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

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

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

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

9.2. PRE-REGISTERED QUESTIONS

Question 1:

From: Mel of Eaglehawk

Topic: Consolidation of waste fees

Question:

Can council please explain how a consolidation of waste fees sits in line with the COGB transparency policy?

Rate payers have a right to view a breakdown on their rates notice and not have to try to navigate the “clunky” website or contact the council to ensure they haven’t been over charged.

Answer:

The purpose of this change is to simplify and modernise how charges are presented on the rates notice. Benchmarking completed last year identified that over 85% of local government authorities in Victoria have a consolidated waste management charge.

The reality is that the old approach of separating charges per bin did not actually provide a complete picture of waste management services funded by those charges. Collectively, those charges have always covered a range of essential waste management services delivered by the City. Greater detail regarding what the charges cover can be found in the City’s Resource, Recovery and Education (Waste) Charges Policy.

Of course, we do understand that this is a change for ratepayers to what has been presented on the rates notice in the past, and information included with every new rates notice will be carefully prepared to best explain the way the charges on the notice work.

The City's Public Transparency Policy was considered in making this change and, given the detail now provided in other City policies and with rates notices, we are satisfied this new approach aligns with the principles of that policy.

Question 2:

From: Chris of Ironbark

Topic: Statutory Planning Resourcing

Question:

I believe submissions for developer permits are not receiving diligent scrutineering. Plans that have contained errors and false statements should be interpreted as 'attempt to mislead' on behalf of applicants. I have directly witnessed errors and statements and I have no expertise in planning. Those responsible with voting are not presented with true and accurate information. It leads me to conclude that unmonitored conditions are used as a safety net for the purposes of sign-off processes.

Is the reason for this a lack of funding and/or human resources within the Statutory Planning department? May residents of Bendigo request the number of investigations that have been undertaken for planning enforcement issues in the last financial year?

Answer:

This question will be taken on notice and a response provided once a proper investigation has been completed. A response will be provided directly by the City Director Strategy and Growth prior to the next Council meeting.

Question 3:

From: Amanda of Bendigo

Topic: Direct communication with ratepayers

Question:

What are the expectations for elected Councillors to respond to ratepayers questions or concerns via direct email (even an acknowledgement that the email has been received) and what are their obligations for follow up?

Answer:

Each Councillor is responsible for managing correspondence they receive to their personal emails and social media channels. There are no specific expectations regarding how this is done, other than expecting each other to follow the overarching principles under the Councillor Code of Conduct – including treating others with due respect and courtesy in performing the role of a Councillor. However, it is important to acknowledge that Councillors have a range of responsibilities outside of being a Councillor and have varied levels of available time to respond to community members.

In order to streamline customer responses and avoid duplication of requests, where correspondence is sent to multiple Councillors, including the Mayor, it is usual practice for the Mayor to forward that request to relevant officers for actioning on behalf of all Councillors. The Mayor will then be informed of the outcome and disseminate that information to the other Councillors.

9.3. GALLERY QUESTIONS

Question 4:

From: Owen of Eaglehawk

Topic: Correspondence FOI

Question:

Manager Governance has collated materials for councillors to review (regarding the raising of the Palestinian flag), will you spare the rate payers of Bendigo the expense of responding to an FOI request or will you allow the ratepayers of Bendigo to have access to these materials?

Answer:

This question has been addressed in previous correspondence to Owen.

Question 5:

From: Jenny and Sandra of Strathfieldsaye

Topic: Caravan causing congestion in Bassett Drive, Strathfieldsaye.

Question:

There is a caravan parked on the road in Bassett Drive strathfieldsaye, preventing an elderly neighbour from being able to safely leave her property.

What can council do to assist residents in removing a caravan parked on the street and causing congestion and visual restriction for residents?

Answer:

Taken on notice, with a response to be provided to Jenny and Sandra by officers.

Question 6:

From: Danica of Strathdale

Topic: Interfaith council consultation

Question:

Can Council please list the times in the past that the Interfaith Council has been consulted about flag raising of a foreign nation and do you know if it has ever happened before?

Answer:

Taken on Notice, with a response to be provided to Danica by officers.

10. RESUMPTION OF STANDING ORDERS

MOTION

That Standing Orders be resumed.

Moved: Cr Fyffe

Seconded: Cr Evans

Resolution No. 2024-76

CARRIED

11. WARD REPORTS

11.1. EPPALOCK WARD - CR PENNA

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

- Apr Usual Briefings, Councillors Only, Site visits, and many Resident meetings and phone calls by all Eppalock Councillors.
- Apr Cr O'Rourke Attended Bendigo Regional Manufacturing Group Meeting
- Apr Cr Evans attended the Final Heathcote Township Committee Meeting
- Apr Cr Evans attended the Senior Secondary College Anzac Ceremony
- Apr Cr Evans and I attended Anzac Ceremonies and laid wreaths at Axedale and Heathcote. (Heartening to see the large attendance numbers and specifically young ones. I believe and hear that this was the same at many locations with estimated numbers at the Melbourne Shrine of 40,000 attendees.
- Apr We all Attended the opening of the Bendigo Airport Terminal. (This new and modern gateway to Bendigo is, and will be a very good impression to all who pass through it and Congratulations to those who championed for it to come to fruition.
- Apr I Attended Intercultural Ambassador Marliisa Wedding at Halls Gap, Followed by myself and Mayor, with celebrations a week later at Quarry Hill Community Hall.
- May Cr Evans, Mayor Metcalf and I attended Official opening of B4VK, (Backpack for Vic Kids) at the Baptist Church in Junortoun, where they have a tiny site, with a container to be called home, and a store, for all the donated products, which selectively, go into these Backpacks.

B4VK is a registered charity run by volunteers which last year delivered over 21000 hours of their time to make this happen, and have been operating for over 10 years.

There aim is to provide essential aid in the form of backpacks, baby bags and suitcases filled with essential items to people and families experiencing displacement in Victoria, and this site is available to welfare agencies and first responders, access to material aid. I am sure, all of Central Victoria appreciate their dedication.
- May We all attended the Bendigo Interfaith Dinner at All seasons, always a great evening
- May Cr Evans and I attended a small but fruitful Coffee with a Councillor, at the Axedale Tavern

- May Cr O'Rourke attended Dja Dja Wurrung Young Mob Gallery Exhibition
- May Cr Evans attended the Blue Tree Launch at Lake Neangar
- May We all attended the Bendigo Pony Club event at their new site at Goornong, and to listen to their concerns as to the lack of positive progress to establish and Support the clubs move. Thankfully Stacey has since informed us, that very soon they will see things as promised, happening. Thankyou Stacey and staff for this positive move.
- May We all attended a round table discussion with Director Brian to discuss the Stone Reserve proposed development matter. This was followed up two days later with the RADA representatives at Galkangu to exchange information, and direction, to plan the possibilities to consider a go ahead.
- May Cr Evans Spoke at the Launch of the local Red Shield Appeal Function
- May Cr O'Rourke attended Audit and Risk Committee.
- May I attended the Fosterville Gold ERC meeting at Fosterville.
- May I was extended an invitation to attend the Heritage national trust Society site visit and talk about the Rocky Vale Villa Heritage former home of John Beebe. Cr Fagg was also there. This is another heritage building, which may fall into the Category of Demolish by neglect if the proposed actions of Heritage and the National Trust concerns don't happen. I took the liberty. (uncommon of me) to do my own personal clandestine tour, and witnessed the derelict state this once grandeur house is at now. I only hope that the National Trust takes this project on board. I also believe this site is subject to its now owner seeking planning rezoning.
- May Strategy and Growth workshop showcasing the Electric Scooters starting their trial period soon in Bendigo. First day, all scooters placed neatly at selected sites, second day on way to work, noticed these purple scoters abandoned haphazardly in streets. I will need to keep an open mind as to accepting them after the trial period, but they seem to be well used so far.
- May Cr O'Rourke attended BE Bendigo Breakfast
- May Attended Positive Ageing and Disability Expo.
- May Chaired Positive Ageing Advisory Meeting at Galkangu, This committee is a very vibrant and productive group of volunteers.
- May Councillors Attended Citizenship Ceremony. Unfortunately a Family matter came up at the 11th hour for , and I could not attend.
- May Councillors attended the Redesdale Biggest Morning Tea.
- May Councillors attended the Environmental Volunteers Thank you Breakfast at the Old Church on the Hill.

- May We all attended the Official opening of the \$10.7 Million Bendigo Tramways Expansion project. Must say this is and will be a great asset to the tourist industry in Bendigo along with keeping and renewing the Skills needed to keep the Heritage trams rolling and reused.
- May O'Rourke attended Environmental Volunteers Breakfast

11.2. LOCKWOOD WARD - CR ALDEN

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

Meetings: CVGA Board and advocacy committee, Gastronomy, plus Bendigo Writers Festival, some of the multiple advisory committees that councillors attend.

Bendigo Interfaith Dinner - with Crs O'Rourke, Evans and Penna - built on the welcoming of diverse faiths and traditions. A great evening and Hazara men's dancing a bonus.

Djaa Djuwima - Young Mob Excelling - tells the story of so many talented Indigenous youth. They are being celebrated for achievements across a range of fields, including creative arts.

MAV State Council - saw 73 motions moved by vic councils on issues ranging from support for support for building back better after disasters to housing and homelessness services and increased access to the landfill levees we all pay. Advocacy to state government on the community's behalf is a key of Council's MAV participation and something Councils take very seriously. Missed IDAHOBIT day celebrations this year but pleased to see the strong local support for the LGBTIQ+ community continue.

Citizenship Ceremony - 62 from 21 countries. Another happy celebration.

Lockwood Ward Listening Post at Gurri Wanyarra with Cr Williams

Listening Posts are a monthly commitment by all councillors, allowing community members to speak with local and councillors directly about issues of concern.

Community Gardens visits - with Mayor - the first of half a dozen looking at the status of community gardens, discussing possibilities, supports required and the contribution they are making to food security and climate resilience. There's some great programs happening revolving around growing food locally.

Environmental Volunteers breakfast - NCCMA and CoGB part of national volunteer week. Drawing people's attention to CONNECT Greater Bendigo - the online community directory that aims to help you Find-Join-Connect with local clubs, groups and services and their events and volunteering opportunities for all sorts of interests. connectgreaterbendigo.com.au

Opening of the Bendigo Tramways expansion - when is a tram not a tram? when it's a studio, a classroom or a cafe a nod to the power of harnessing ideas for

enterprises using our city's unique assets. It requires a creative mind and hard work - what can be achieved is something that sets us apart from other cities and is a popular part of our tourism fabric.

Kangaroo Flat Family Fun Day yesterday - always a popular event and an opportunity for the local community to come together for fun activities - the crowds get bigger every year.

Lunch with Breads of Creative Cities - following the recent Creative Cities meeting in Ballarat ?

Its Reconciliation Week and yesterday was Sorry Day. This evening sees the annual Sorry Day ceremony at La Trobe University that unfortunately clashes with this meeting. Reconciliation Week is a time for supporters to defend and uphold the rights of First Nations peoples. To call out racism wherever we encounter it, and to support treaty making, truth-telling, understanding of history, and education to tackle racism. Today marks the anniversary of the 1967 referendum that reassessed legally the status of Indigenous people to citizens to be counted in the census.

The Council elections are Sat Oct 26 and there are candidate information sessions coming up - if you are interested in contributing to outcomes that can benefit and shape the community for many years to come then check out the council website - the first session is tomorrow night Tues 28th at Galkangu at 6.00pm, you can register online. Alternatively the sessions will be recorded and posted online and accessible later. There will further sessions on June 20 and August 14. As I have mentioned before if you wish to speak with me about what its really like to represent your community being a councillor I am only too happy to have a chat.

11.3. WHIPSTICK WARD - CR FAGG

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

Whipstick Ward councillors have attended many events and meetings, and communicated with numerous residents. Over the past month, we have attended:

- Anzac Day ceremonies, including at Bendigo, Eaglehawk, Woodvale, and Huntly.
- A listening post in Elmore
- Site meeting at California Gully Rec Reserve to meet Eaglehawk Junior Football Club Committee Members
- Launch of Djaa Djuwima “Young Mob Excelling” art exhibition
- Empowering Eaglehawk meeting
- Visited Long Gully Neighbourhood Centre to discuss needs and next stages for playground development.

I also attended an excellent event run by the National Trust and Bendigo Historical Society on Rocky Vale Villa, the home of the well-known Beebe family. Congratulations is also due to the Trust and the Society for their program of events during the Australian Heritage Festival over April and May.

Whipstick Ward councillors would also like to alert residents that our next listening post is scheduled for Thursday 6th June at Raywood Post Office. Please check the council website and Facebook for upcoming details.

Council elections

Residents may be aware that local council elections will be held in October 2024. The existing 3-ward structure has been shelved by the state government, and there will be 9 wards, each with a single councillor. I encourage people who are considering standing for election to attend workshops that the City of Greater Bendigo is holding for prospective candidates. There is one tomorrow night, as well as in June and August. These sessions will also be recorded for those who cannot attend.

Let's Talk Greater Bendigo

Several opportunities to contribute to policy in our community.

Pending the outcome of tonight's council meeting, the Managed Growth Strategy draft is likely to be out for public comment, and I encourage all residents to read and comment on this important policy.

In addition, the City of Greater Bendigo is considering smoke and vape-free locations in the municipality. You can have your say on this idea on the Let's Talk platform

12. DECLARATIONS OF CONFLICT OF INTEREST

Cr Evans declared a **general conflict of interest** in item number 16.3 (Item/Mir wimbul) due to owning a property that is in close proximity to one of the public spaces that is proposed to be declared surplus.

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 April 22, 2024, as circulated, be taken as read and confirmed.

Previous minute location:

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

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Penna

Resolution No. 2024-77

CARRIED

14. PETITIONS AND JOINT LETTERS

14.1. Petition Response - Proper maintenance and care of the grass at the Garden Gully Recreation Reserve

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

Purpose

To respond to a recent petition calling for thorough weeding and grass maintenance at Garden Gully Recreation Reserve.

Recommended Motion

That Council:

Advise the lead petitioner that:

1. Garden Gully Recreation Reserve is being maintained to a service standard suitable for use and based on infrastructure available.
2. The City does not intend on increasing the service or infrastructure at the Reserve oval and will continue maintenance year round at the existing service.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Fagg

Resolution No. 2024-78

CARRIED

Executive Summary

A petition signed by 76 residents was received on 22 March 2024 calling for:

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

The reason for our request is that the park is currently un-useable for 4-5 months of the year due to weeds such as devils thorn; bindii; paspalum & burr

medic. While we appreciate that it is a leash free area for our dogs to play. All of these weeds, between the months of October to February inclusively, make it impossible for both owners & their dogs to enjoy the reserve and play, safely!

Garden Gully Recreation Reserve is a recreation reserve and designated and restricted off leash area located at 2 Robshaw Street, Ironbark.

Background

Garden Gully Recreation Reserve is a local recreation reserve which is un-irrigated and hosts infrequent junior sport. This reserve acts as an overflow space for organised sport but predominately services the local community and residents as a location for active recreation. The maintenance of the reserve has remained unchanged and consistent to service standards for community use.

At the May 2023 Council meeting, Council voted in line with the Domestic Animals Act (DAA) 1994 to resolve to make orders under Section 26 of the Act to prohibit dogs from certain public places within the municipality and a requirement for dogs to be on leash at all times, unless in a designated off-leash area as named by the City.

Subsequently, from January 1 2024, the City became a default on-leash municipality with designated areas where dogs can be exercised off-leash. Garden Gully Recreation Reserve is a designated off leash area except during organised events, sporting events or training.

Previous Council decision dates: 23 May 2023 – Domestic Animal Act S.25 and S.26 Orders

Report

Greater Bendigo Public Space Plan 2019 identifies Garden Gully Recreation Reserve as a public space which is included in the North Bendigo and Ironbark corridor network. This approach strategically combines different kinds of public space to create corridor networks to connect communities.

Garden Gully Recreation Reserve plays various important roles in open space including:

- Junior sporting oval
- Open space for active recreation
- Linkage space for Ironbark Gully Trail
- Location for public toilets (future development)
- Designated off-leash area
- Suburban level playspace (future development)

The Masterplan for the Reserve had recently been updated to reflect works completed at the reserve since 2004 and to incorporate the location for the new suburban level playspace, new public toilet facilities and provision for improved parking, paths and linkages to Ironbark Gully Creek Trail.

The Masterplan reflects the oval being retained as a multipurpose grassed sports field and designated off-leash dog area.

The use of existing reserves for designated off-leash areas has not resulted in changes in maintenance to spaces including Garden Gully Recreation Reserve but has formalised these areas for use by dog owners under Section 26 of the DAA.

The existing service standard for Garden Gully Recreation Reserve is category 4 non-irrigated. Maintenance for category 4 facilities includes mowing conditions and an annual broad leaf weed control application acknowledging that treatments and growth are dependent upon environmental factors only and not programmed irrigation.

Priority/Importance

The petition specially notes a request for action between October and February therefore providing details on consistent maintenance to residents prior to this period is important.

Options Considered

Option 1

Maintenance and servicing remains unchanged (recommended)

Option 2

Future budget consideration for upgrading infrastructure to allow increased maintenance and servicing (not recommended)

Timelines

N/A – no change to service standards of maintenance at the oval.

Communications/Engagement

The recent update to the Masterplan was communicated through an informing letter drop to 180 residential homes surrounding the Reserve, four signs put up at the Reserve at different entry points into the Reserve, and a webpage on the City's website. Both the letter and signs included QR codes and webpage details to direct residents and users the [City's webpage](#) including project information, timelines and FAQs.

The City received one email and three customer requests to clarify items and make suggestions, with general support for the updates at the reserve. The final update of the Master Plan with minor changes based on suggestions is expected by the end of June 2024 and will be updated on the project webpage.

In addition, the City completed community consultation on the Domestic Animal Management Plan in 2021 which informed the DAA orders. The Domestic Animal Management Plan had 1131 contributions from the community.

Financial Sustainability

No financial impact with recommended option to maintain current maintenance and servicing.

Risk Assessment

N/A

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing
Goal 8 - Targeted investment in services, facilities, and programs to communities most in need

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 seeking proper maintenance and care of the grass at the Garden Gully Recrea [14.1.1 - 18 pages]

14.2. Petition Acknowledgement and Response - Don and Barnard Streets, Bendigo Intersection Treatment

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:

"I am a concerned resident of Bendigo, VIC, Australia. My son is suffering from psychological anxiety, ADHD, and depression caused by the unbearable noise pollution from constant heavy traffic at the intersection of Don St and Barnard St. This intersection has reported numerous accidents this year – at least one per month – including two separate car crash incidents within the same week. The increase in speeding and hooning within this intersection poses a significant danger to our community.

Our peaceful neighbourhood is being disrupted daily by heavy vehicles, especially big trucks that travel way too close to our residences between 5 am to 11 pm. The high volume of traffic results in unbearable noise pollution causing psychological stress and emotional anxiety to residents like my son.

The situation is getting worse day by day with traffic becoming busier. It's not just about the noise; it's also about safety. We need immediate intervention from local authorities for strict traffic control measures at this particular intersection.

We urge Bendigo City Council and VIC Road to implement effective solutions such as speed limit enforcement, installation of sound barriers or rerouting heavy vehicle traffic away from residential areas.

By signing this petition, you are supporting our call for a safer, quieter neighbourhood free from excessive noise pollution caused by heavy vehicles' activity on Don St and Barnard St Intersection in Bendigo VIC Australia".

Signatures - 12

Recommended Motion

That the Council acknowledge receipt of the petition and thank the lead petitioner for raising these concerns and inform as follow:

1. advise the lead petitioner that both Don Street and Barnard Street, Bendigo are arterial roads managed by the Department of Transport and Planning (DoTP) on behalf of the State Government and as such, responsibility for the matters raised in this petition are beyond the remit of the City as these roads are not managed by the City; and
2. advise the lead petitioner that the petition was referred to DoTP for its consideration on May 9, 2024.

MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Sloan

Resolution No. 2024-79

CARRIED

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 Intersection Don and Barnard Streets, Bendigo Redacted [14.2.1 - 2 pages]

15. COUNCIL BUDGET

15.1. CITY OF GREATER BENDIGO 2024/2025 BUDGET

Author:	Narelle Kingston, Coordinator Management Accounting
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

The purpose of this report is to present Council with the City of Greater Bendigo 2024/2025 Budget for consideration and adoption.

Recommended Motion

Recommended motions supporting adoption of the City of Greater Bendigo Council 2024/2025 Budget (the Budget):

That Council:

1. Adopts the Budget attached to this recommended motion, in accordance with the *Local Government Act 2020* (the Act) and relevant regulations.
2. Acknowledges the community's contribution to the Budget consultation process and thanks them for their contribution.
3. Approves loan borrowings of up to \$3.27M in line with the Budget and authorises the CEO, Director Corporate Performance or Manager Financial Strategy to:
 - a) negotiate the loan;
 - b) approve the successful loan facility (any two of the above officers); and
 - c) execute the loan documentation (any two of the above officers).

Recommended motions declaring rates and charges:

That Council:

4. Declares an amount of \$154.8M which Council intends to raise by General Rates and Annual Service Charges for the period July 1, 2024 – June 30, 2025 calculated as follows:
 - a) General Rates \$124.8M; and
 - b) Annual Service charges \$30.1M.
5. Declares the Rates and Charges as required under section 94(2)(i) of the Act and section 161(2) of the *Local Government Act 1989* in line with Table 1 and Table 2 of this report and:
 - a. Notes that it was determined in 2022 that the vacant land differential rate would remain at 125 per cent of the general rate; and
 - b. Grants an early full rate payment discount of 1.5 per cent on current year rates and charges, if full payment (including any arrears and interest) is received on or before September 30, 2024.
6. Notes that the Budget utilises final valuations from the Valuer-General.
7. Adopts the User Fees and Charges Schedule as set out in Appendix A of the Budget.
8. Authorises the CEO the ability to effect changes to service prices and programs throughout the year where appropriate.

MOTION

That the recommended motion be adopted.

Moved: Cr Metcalf

Seconded: Cr Evans

Resolution No. 2024-80

CARRIED

Executive Summary

This report presents Council with the 2024/2025 4-year Budget in line with relevant legislation and regulations.

Background

The 2024/2025 Budget is the fourth year of the Council Plan and Financial Plan. Both plans, together with our Community Vision, were developed through the Imagine Greater Bendigo project which involved community engagement and community feedback over nine months in 2021.

Report

The 2024/2025 Budget is a critical piece of work that outlines how the City of Greater Bendigo will continue to fund 68 valued services to the community, deliver necessary infrastructure projects and maintain internal operations.

This year's Budget is formed around balancing cost increases and ensuring we can continue to invest in the priority service areas residents have said are important to them. It also allows for unforeseen challenges like the damage caused across the municipality from recent flood events – estimated at \$15M in works over the coming two years. The City continues to prioritise its role in mitigation, relief and recovery from the recent flood and storm events.

Some of the recent State budget announcements also highlight challenges. Whilst the City will adhere to the rate cap, the final rates notice which residents see will also rise due to the State Government increasing total Fire Services Levy (FSL) revenue by 22 percent next year. On average this will be \$35 per residential property, and \$150 per farm property. This revenue is collected by local government on behalf of the State Government – it goes directly to the state, and not to the City. The State has also flagged a 31% increase in future years (2025/2026) to the EPA Levy, which will impact on future waste charges.

Throughout recent months, and during this budgeting process, the City has had to make difficult decisions. As with every Budget, there is a considerable focus on delivering initiatives that are in line with our Council Plan. As the final Budget of the 2020-2024 Council term, the Budget reflects the legacy Councillors want to leave and invests responsibly in advance of the next Council term.

The organisation's overall Operating Budget is \$169M, which funds maintenance of our fantastic parks, gardens and recreation facilities, waste collection, street cleaning, environmental health, statutory planning, road maintenance, tourism and visitor services, Bendigo Art Gallery, The Capital and Ulumbarra theatres, and much more.

As part of the 2024/2025 Budget development process, community members were invited to complete a short, high-level survey on services and funding. The survey was open on Let's Talk Greater Bendigo from October 25 to November 21, 2023 with 194 contributions received.

Across the funding tool and comments received, investment in roads, bridges and drainage emerged as the number one community priority, followed by waste, recycling and resource recovery; parks, gardens and open spaces; and footpaths, tracks and trails.

There are a number of key projects within the Budget that relate directly to these priority areas. Sports infrastructure across the municipality has attracted significant investment from other levels of government, which will see the redevelopment of the Bendigo Bowls and Croquet Club facility, design and delivery of stage 1 works at North Bendigo Recreation Reserve including a new soccer pavilion and change rooms, design and delivery of female-friendly facilities at Golden Square Recreation Reserve, and a new junior oval at Huntly's Strauch Reserve.

In Heathcote, funds have been committed to support the City's contribution towards the \$4.3M Civic Precinct upgrade – also supported by a \$1M Living Libraries grant and \$2M from the Commonwealth through the Growing Regions fund.

While Council is acutely aware of the financial pressure many households and businesses are under, the community relies on the many services we provide and subsidise. Local businesses and their employees benefit from the contribution of Council's investment in the economy, which includes \$59.3M in capital works alongside the \$169M operating budget.

The City has financial hardship guidelines and policies and engages wherever possible with ratepayers, financial counsellors and other agencies to provide flexibility around payment plans.

Rates and Service Charges

An amount of \$154.8M is proposed to be raised by general rates and service charges as follows:

General Rates	\$123.5M
Service Charges	\$30.1M
Supplementary Rates*	\$1.2M (estimated for the financial year)

* Supplementary rates are a result of Supplementary Valuations. A Supplementary Valuation occurs when there is a change to a property that will affect the Valuation such as construction of a dwelling or shed, installation of a swimming pool or a demolition.

There will be a 2.75 per cent increase to the City's base average rate revenue, in line with the Victorian Government's Fair Go Rates System.

The Budget includes a General Rate and nine differential rates, as well as service charges to be declared, which are detailed in the following tables, and referenced in recommended motions 4 and 5.

Payment of rates can be by four instalments made on or before the following dates:

- Instalment 1: September 30, 2024
- Instalment 2: December 2, 2024
- Instalment 3: February 28, 2025
- Instalment 4: June 2, 2025

Table 1: Rates detail

2024/2025 Type or class of land	cents/\$CIV
General Rate	0.287145
Commercial/Industrial A (Urban/non-CBD) -(185% of General)	0.531222
Commercial/Industrial B (Rural areas) - (180% of General)	0.516861
Commercial/Industrial C (CBD) - (190% of General)	0.545575
Farm Land - (75% of General)	0.215359
Vacant Land (residential and rural residential) - (125% of General)	0.358931
Other Land - (185% of General)	0.531222
Vacant Land - Forest Edge Estate Maiden Gully properties - (125% of General)	0.358931
Residential - Forest Edge Estate Maiden Gully properties - (100% of General)	0.287145
Commercial/Industrial - Forest Edge Estate Maiden Gully properties. - (185% of General)	0.531222

Table 2: Service charges

2024/25 Type of Service Charge	Per Rateable Property
Bins and waste services charge 140 Litre bin	\$461.00
Bins and waste services charge 140 Litre bin (with Organic Waste exemption)	\$368.00
Bins and waste services charge 240 Litre bin	\$652.00
Bins and waste services charge 240 Litre bin (with Organic Waste exemption)	\$559.00
General waste - additional 140 Litre bin	\$230.00
General waste - additional 240 Litre bin	\$421.00
Recyclable waste charge in excess of one bin (per additional bin)	\$60.00
Organic waste charge in excess of one bin (per additional bin)	\$56.00
Waste Collection and Disposal - Commercial/Industrial Properties as specified in Council's Garbage, Recycling & Organic Waste Charge Policy:	
General waste and landfill charge - commercial properties - 140 Litre bin	\$265.00
General waste and landfill charge - commercial properties - 240 Litre bin	\$456.00
Waste Collection and Disposal in Specific Commercial Areas as specified in Council's Garbage, Recycling & Organic Waste Charge Policy:	
General Waste & Landfill Charge 1 day per week	\$456.00
General Waste & Landfill Charge 2 days per week	\$913.00
General Waste & Landfill Charge 3 days per week	\$1,368.00
General Waste & Landfill Charge 5 days per week	\$2,280.00
General Waste & Landfill Charge 7 days per week	\$3,192.00
Recyclable Waste Charge Fortnightly	\$144.00
Recyclable Waste Charge 1 day per week	\$287.00
Recyclable Waste Charge 2 days per week	\$577.00
Recyclable Waste Charge 3 days per week	\$864.00
Recyclable Waste Charge 5 days per week	\$1,440.00
Recyclable Waste Charge 6 days per week	\$1,728.00
Organic Waste Charge Fortnightly	\$165.00
Organic Waste Charge 1 day per week	\$332.00
Organic Waste Charge 2 days per week	\$663.00
Organic Waste Charge 3 days per week	\$995.00
Organic Waste Charge 5 days per week	\$1,658.00
Organic Waste Charge 6 days per week	\$1,988.00

Timelines

In accordance with section 94(1) of the Act, Victorian councils must prepare and adopt a budget by June 30.

Communications/Engagement

Internal Consultation:

The Budget has been prepared with significant guidance from Councillors, the Executive Management Team, Managers and Officers.

External Consultation:

This Budget is presented in the fourth and final year of the Council Plan and Financial Plan. Both plans, together with our Community Vision, were developed through the Imagine Greater Bendigo project which involved extensive community engagement and community feedback over nine months in 2021.

As noted above, as part of the 2024/2025 Budget development process, community members were invited to complete a short, high-level survey on services and funding. The survey was open on Let's Talk Greater Bendigo from October 25 to November 21, 2023 with 194 contributions received.

Council and the City are committed to talking and listening to our community. There is engagement with the community on budget priorities throughout the year with staff and councillors – including on specific strategies or plans on the Let's Talk Greater Bendigo platform. Engagement with City staff and councillors via community requests often leads to individual meetings, community groups or organisations presenting to councillors and/or directors at meetings throughout the year.

Across the funding tool and comments received, investment in roads, bridges and drainage emerged as the number one community priority, followed by waste, recycling and resource recovery; parks, gardens and open spaces; and footpaths, tracks and trails.

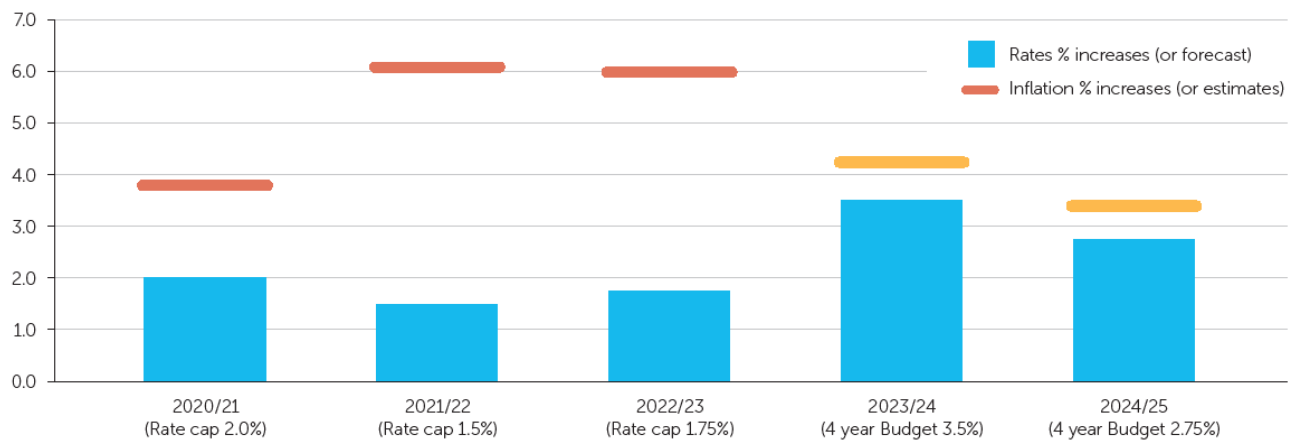
Financial Sustainability

Council will effectively and efficiently use its resources to deliver the best outcomes for the community whilst ensuring ongoing future financial sustainability. The rate cap of 2.75 per cent for the 2024/2025 financial year was set in line with State Government forecasts for inflation. Given the costs associated with the delivery of Council services and infrastructure continues to run higher than CPI figures, the funding gap will continue to increase.

Neither the Essential Services Commission's advice nor the Minister's responses considered incorrect (low) CPI estimates that informed the rate cap in 2021/2022 or 2022/2023. There was no allowance for remediation or catch-up to account for inflationary gaps already experienced by the sector and the impact of this on the delivery of services to the community. Not addressing this funding gap, particularly in relation to construction cost inflation over the last few years, has a *compounding* impact into the future.

Whilst the rate cap supports reducing cost of living for ratepayers – something supported by the City – there are other impacts into the longer term which cannot be ignored. Over the forward years, the gap between the demand to renew existing assets and the funds available to do so is growing. The impact of the rain events of October 2022 and December/January 2024 will further exacerbate these gaps. The following graph shows these revenue differences.

City of Greater Bendigo rates vs inflation



As noted in quarterly financial updates to Council, cost increases – particularly around construction – will be increasingly challenging to manage across the City's services in the coming financial year.

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

Risk Assessment

The Budget is a key mechanism by which the strategic risk around financial sustainability is managed.

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. Budget 2024-2025 [**15.1.1** - 82 pages]

16. LEAD AND GOVERN FOR ALL

16.1. CONTRACTS AWARDED UNDER DELEGATION

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Penna

Resolution No. 2024-81

CARRIED

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

1. Contracts Awarded Under Delegation May 2024 [**16.1.1** - 1 page]

16.2. QUARTERLY FINANCE AND CAPITAL MANAGEMENT REPORT - Q3 MARCH 2024

Author:	Narelle Kingston, Coordinator Management Accounting
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

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

Recommended Motion

That Council receive the report comparing budget and actual revenues and expenses to March 31, 2024, in accordance with the requirements of the *Local Government Act 2020* (Vic).

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Alden

Resolution No. 2024-82

CARRIED

Executive Summary

The Quarter 3 (Q3) Financial and Capital Management Report provides an update on the financial performance for the 2023/2024 financial year. The report provides a summary of general debtors; rate debtors / management; cash and investments; borrowings; grants; reserves; and key capital and project information.

Background

Council adopted the 2023/2024 Budget in May 2023. In accordance with s97 of the *Local Government Act 2020* (Vic) (the Act), as soon as practicable after the end of each quarter of the financial year, a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

Report

The City's operating result as at March 31 is \$51.6M surplus, \$1.6M (3%) favourable to budget. Despite the unbudgeted contribution made to BSL in October 2023, the operating surplus forecast to the end of the financial year is \$41.7M (\$3.1M unfavourable to budget). This large payment is offset by additional forecast income of \$5.7M, attributable to interest income, Victorian Grants Commission increases and DRFA funding now being received for the 2022 flood claims.

The City's key year to date variances to budget impact on the forecast to year end, and include:

Additional income compared to budget across the following sources:

- **\$4.6M additional grants operating:** there were a number of grants carried forward from last financial year which include offsetting additional expenditure. The City also received \$1.3M in DRFA Emergency funding relating to the 2022 Flood (not budgeted in FY24). Additional financial assistance grants were also received with higher than budgeted indices applied by the Commonwealth government (\$1.5M variance to budget).
- **\$2.2M additional other income:** due to higher interest rates on term deposits, resulting in additional income.

Expense variances include:

- **\$9.2M overspend in contributions & donations:** an unbudgeted contribution related to Bendigo Stadium Limited (BSL), as reported in Q2.
- **\$2.0M underspend in employee costs:** attributable to vacancies across the organisation.
- **\$1.2M overspend in materials & consumables:** unfavourable variance for minor equipment expenses. Portions of this variance are timing related for upfront payments, but we are expecting to see a 7% increase on materials and services due to inflation this financial year.

The City's profit and loss statement for the 6 months ended March 31, 2024 is provided below:

	YEAR TO DATE				FULL YEAR			
	YTD Actual \$'000	YTD Budget \$'000	Variance \$'000 %		Full Year Forecast \$'000	Annual Budget \$'000	Variance \$'000 %	
Income								
Rates and Charges	146,676	146,753	(77)	(0%)	146,716	147,243	(527)	(0%)
Statutory Fees and Fines	4,220	4,260	(40)	(1%)	5,987	5,794	193	3%
User Fees	14,567	14,464	103	1%	21,525	21,978	(454)	(2%)
Grants Operating	10,494	5,911	4,583	78%	32,615	28,252	4,363	15%
Contributions Monetary	1,368	1,764	(396)	(22%)	2,023	2,458	(435)	(18%)
Other Income	5,168	2,969	2,198	74%	6,513	3,919	2,594	66%
Total income	182,493	176,121	6,372	4%	215,378	209,644	5,734	3%
Expenses								
Employee Costs	59,622	61,600	1,978	3%	77,420	79,521	2,101	3%
Materials & Services								
Administration Expense	3,003	4,229	1,225	29%	5,439	5,756	316	5%
Contractors and Services	22,652	21,984	(668)	(3%)	29,290	29,497	207	1%
Contributions and Donations	11,821	2,611	(9,210)	(353%)	12,977	3,033	(9,944)	(328%)
Employee Costs (outside payroll)	969	1,599	630	39%	1,915	2,004	89	4%
Insurance	2,340	2,266	(74)	(3%)	2,488	2,266	(221)	(10%)
IT Costs	3,213	3,201	(13)	(0%)	4,251	4,268	17	0%
Materials & Consumables	7,026	5,763	(1,263)	(22%)	10,350	8,426	(1,924)	(23%)
Plant & Fleet	3,190	3,519	329	9%	4,365	4,590	225	5%
Professional Services	3,572	4,691	1,119	24%	6,113	5,835	(278)	(5%)
Property, Trades & Maintenance	5,791	6,192	402	6%	8,531	8,386	(145)	(2%)
Utilities, Rates & Charges	7,014	7,748	734	9%	9,304	10,291	987	10%
Borrowing Costs	602	599	(3)	(0%)	781	798	17	2%
Other Expenses	48	100	51	52%	170	154	(16)	(11%)
Total expenses	130,866	126,101	(4,765)	(4%)	173,711	164,825	(8,885)	(5%)
Surplus/(deficit):	51,627	50,020	1,607	3%	41,667	44,818	(3,151)	(7%)

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

December 2023 / January 2024 Floods

The State and Federal Governments declared the impacts of the three recent downpours as an 'event' commencing December 24, 2023, running through to early January. Initial reports are that the damage to public infrastructure, overwhelmingly roads, is higher than in October 2022 due to the rain impacting a wider area. For the City's road network, initial (rough) estimates of the damage are in the order of \$15M, to be addressed over the coming 12 to 18 months. Whilst February and March were much drier months, costs continue to be incurred and the City is still working on recovery and supporting the community.

Rates debtors

During Q3, payment is due (15/02/2024) for rate payers electing to Pay in Full (PIF), and this year the City is seeing a significant increase in ratepayers on payment

arrangements and arrears outstanding. In March 2024, 6,748 final notices were issued totalling \$15.6M. This is an increase of 33% (or \$4.8M) compared to last year. There has also been a significant year-on-year increase of 88% (or \$4.3M) in outstanding debts being sent to the next stage of debt collection with an external debt collector.

This increase in hardship arrangements reflects the increased cost of living pressures being experienced. The City has financial hardship guidelines and policies and engages wherever possible with ratepayers, financial Counsellors and other agencies to provide flexibility around payment plans.

Cash holdings & investments

Cash holdings currently remain above the minimum level and the City's investment portfolio remains in line with policy. Competition between the banks has continued, with further increased term deposit rates. Interest rates increased to approximately 5.14% in March, resulting in improved revenues. Currently 62.32% of the City's investments are with institutions without fossil fuel investments. The City's Climate Change and Environment Strategy lists a target of 60% for Council funds to be invested with financial institutions that do not lend to fossil fuel industries (or similar) by 2026.

Capital Program

The City adopted an annual capital budget of \$67.8M, carried forward \$22.2M (including some previously deferred projects) and deferred a further \$20.9M. At the end of Q3, the City has delivered \$45.5M or 66% of the Q1 delivery target.

Capital expenditure of \$45.5M exceeds the YTD target by \$3.1M, with numerous drivers behind this result. Cost increases continue to be observed – particularly on building related projects – and detailed project scoping sometimes results in the identification of necessary additional but unplanned works. Where appropriate, scope may be reduced on certain works, and selected projects that are no longer required may be cancelled. For these reasons, the annual capital expenditure is still expected to align with the total approved budget.

Key project updates include:

- **Municipal Baths:** Project continues to progress well. Site completion forecast for mid-year. Landscaping and planting will continue into spring.
- **Bendigo Tramways Workshop Expansion:** Project is nearing practical completion and is expected to be closed out in Quarter 4.
- **Bendigo Art Gallery Redevelopment:** Planning and heritage permits have recently been granted, and the funding advocacy program is ongoing.

- **Bendigo Airport Terminal & Precinct:** Terminal building has reached practical completion. Landscaping is also nearing completion, and the opening day was conducted on April 26.
- **O'Keefe Rail Trail Carpark & Public Toilet - Longlea Lane:** The prefabricated building structure is ready to be installed. Civil works are 80% complete and will progress after the building construction. Completion and handover are expected in June.

Priority/Importance

In accordance with s97 of the Act: "As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

Timelines

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

Communications/Engagement

Officers reviewed the financial results and provided commentary and forecasting to inform the Q3 Quarterly Report. The Executive Management Team and the Audit and Risk Committee considered this report earlier in May.

Financial Sustainability

The Q3 Quarterly Report and related briefings are a key tool in assessing and managing the City's ongoing financial sustainability.

Risk Assessment

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

Policy Context

Primary Council Plan Reference

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

Outcome 1 - Lead and govern for all

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

Nil

16.3. SURPLUS LAND PROJECTS

Author:	Daniella McClure – Manager Property Services
Responsible Director:	Brian Westley – Director Presentation and Assets

Purpose

To consider feedback received on the potential sale of eight (8) freehold properties owned by the City and to determine their status as surplus to the City's needs or otherwise.

Recommended Motion

1. That Council declare the following properties surplus to the City's needs:
 - a) 53 Eaglehawk Road, Ironbark
 - b) 10 Sibley Place, Strathdale
 - c) 101 Alder Street, Kangaroo Flat
 - d) 5 St Johns Close, Kangaroo Flat
 - e) 17 Edwin Street, North Bendigo
 - f) 27 Hamelin Street, White Hills (part of)
 - g) 11 Carolyn Way, Maiden Gully (part of)
2. That Council authorise the CEO to undertake the land assessment, preparation and sale processes of the properties listed above.
3. That the proceeds from any sale is deposited into the Public Space Reserve or the Land and Buildings Reserve to contribute as appropriate.
4. That Council retains 3-4 Lindsay Court, Strathfieldsaye to enable officers to undertake further investigations regarding the future needs, constraints and opportunities of the site; noting a future report will be tabled with Council upon conclusion of any investigation.
5. That CEO provide an update on the beforementioned parcels declared surplus to Council on a quarterly basis.

Cr Evans left the meeting at 7:12 pm.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Williams

Resolution No. 2024-83

CARRIED

Cr Evans returned to the meeting at 7:19 pm.

Executive Summary

At the Council meeting held on February 26, 2024, Council resolved to declare eight freehold properties owned by the City as potentially surplus to the City's needs. This resolution allowed for a five-week period of community engagement.

The eight (8) subject properties to be considered in this report are:

Ref	Address	Legal Description	Zone	Area* (m ²) (*Subject to survey)
a	53 Eaglehawk Road, Ironbark	CA 13C SEC:A At Bendigo P.Sandhurst C/T V.10115 F.142	Commercial 2	3,522m ²
b	10 Sibley Place, Strathdale	RES 1 on PS 208288G C/T V.9807 F.109	General Residential	873m ²
c	101 Alder Street, Kangaroo Flat	Lot 5 PS 203883T C/T V.9698 F.879	General Residential	3,131m ²
d	5 St Johns Close, Kangaroo Flat	RES 1 on Plan of Subdivision LP119299 C/T V.9307 F.479 (for Recreation)	Public Park and Recreation	1,789m ²
e	17 Edwin Street, North Bendigo	Lot 73 on LP61300 C/T Vol 8738 Fol 283	General Residential	547m ²
f	27 Hamelin St, White Hills (part of)	Proposed lot being part of Lot 2 LP131230	General Residential	Approximately *5,400m ²
g	11 Carolyn Way, Maiden Gully	Proposed lot being part of Lot 1 TP109612	Commercial 1	Approximately *2,750m ²
h	3-4 Lindsay Court, Strathfieldsaye	RES 1 On Plan of Subdivision 604606V C/T V.11024 F.668 (for Public Open Space Reserve)	General Residential	4,303m ²

Background

On February 27, 2024, the City commenced a five-week community engagement process to help inform a decision on the future use and ownership of the subject properties.

Further detail on the community engagement undertaken is available in the "Communications/Engagement" Section of this report.

Previous Council decision dates: February 26, 2024 - commence a public engagement process on the future of eight potentially surplus properties.

Report

The City of Greater Bendigo's Property Services Unit manages a portfolio of 1,500 assets valued in excess of \$600 million. As part of the City's strategic asset management and long-term financial plan, the City's asset portfolio is continually reviewed. These reviews include strategically acquiring land when needed, disposing

of surplus land, repurposing land to respond to the community's changing needs, and retaining land to maintain existing levels of service.

Councils can sell freehold land, including public open space, in accordance with Section 114 of the *Local Government Act 2020* and Section 20 of the *Subdivision Act 1988*. These Acts (among others) set out requirements and restrictions on this process, which must be followed. Further, the process is also guided by the *Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land (Department of Planning and Community Development, June 2009)* and the City's *Asset and Surplus Land Disposal Policy 2017*.

Section 114 of the *Local Government Act 2020* outlines the requirements for Councils when selling or exchanging land. This includes undertaking a community engagement process, providing notice of at least four weeks of Council's intentions and obtaining an up-to-date valuation in accordance with the *Valuation of Land Act 1960*.

Section 20 of the *Subdivision Act 1988* specifies that Council can sell public open spaces if replacement public open spaces are provided. Therefore, consideration should be given to the public open space levels of service in each of the subject property's neighbourhoods. Further, Section 20 outlines restrictions on what proceeds of any sale of public open space can be used for. These restrictions are:

- Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- Improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
- With the approval of the Minister administering the *Local Government Act 2020*, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

The City currently complies with the above requirements by managing these funds in a restricted reserve (Public Space Reserve) in accordance with the City's *Public Open Space Contributions Policy 2024*.

Best practice guidance states that land should be prepared prior to sale to maximise its value and attract the highest price. Suitable ways to prepare land for sale include (but are not limited to):

- Appropriately rezoning the land if it is strategically justified.
- Altering or extinguishing easements to facilitate development.
- Cleaning the site from any debris, equipment, or contamination if needed.

Where relevant and required, properties that are declared as surplus to the City's needs will be prepared accordingly to facilitate a competitive sale (or alternative method of sale).

A comprehensive review has been undertaken for each site. This review considered current and future service needs for each site, in addition to community feedback.

The below sites are deemed surplus to the City's needs:

- a) 53 Eaglehawk Road, Ironbark
- b) 10 Sibley Place, Strathdale
- c) 101 Alder Street, Kangaroo Flat
- d) 5 St Johns Close, Kangaroo Flat
- e) 17 Edwin Street, North Bendigo
- f) 27 Hamelin Street, White Hills (part of)
- g) 11 Carolyn Way, Maiden Gully (part of)

Officers have identified the need for further analysis regarding 3-4 Lindsay Court, Strathfieldsaye. Consequently, sale has not been recommended at this stage to enable officers to undertake further investigations regarding the future needs, constraints and opportunities of the site.

Site-specific information providing further details for each property is attached.

Priority/Importance

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

Options Considered

Council has the option to declare land as surplus to its needs and to authorise the CEO to undertake the sale process subject to site-specific needs such as a planning scheme amendment, subdivision, or alteration or extinguishment of easements. This is the preferred option for the following properties:

- a) 53 Eaglehawk Road, Ironbark
- b) 10 Sibley Place, Strathdale
- c) 101 Alder Street, Kangaroo Flat
- d) 5 St Johns Close, Kangaroo Flat
- e) 17 Edwin Street, North Bendigo
- f) 27 Hamelin Street, White Hills (part of)
- g) 11 Carolyn Way, Maiden Hully (part of)

Given that the City is the landowner for the above properties, Council also has the option to designate land uses and/or provide other City services on these properties. This would require additional capital and operational expenditure.

Council also has the option to declare 3-4 Lindsay Court, Strathfieldsaye as surplus (not recommended at this stage).

Council could also elect to retain some, or all, of the subject properties (not recommended).

Timelines

- February 2024 – Council resolved to publish intention to sale land and to declare the properties as potentially surplus to the City's needs
- March 2024 – Public notice period and community engagement
- April 2024 – Review and consider all community feedback
- May 2024 – Council to consider community feedback and subsequent recommendation to declare identified properties surplus to the City's needs.

Initiating and finalising the sale of City-owned freehold properties can take varying amounts of time depending on the steps required to prepare land for sale, and the level of commercial interest. Some parcels of land are ready for immediate sale (e.g., 53 Eaglehawk Road, Ironbark), and some require a considerable amount of work ahead of sale (e.g., 5 St Johns Close, Kangaroo Flat which requires rezoning ahead of its sale)

Communications/Engagement

The project's Let's Talk webpage sought feedback from the community on land identified as potentially surplus with the intention to sell and attracted a lot of attention during its 5-week lifespan. The webpage was viewed 3,355 times from over 902 unique visitors.

In addition to the Let's Talk webpage, the project was also advertised via letters to nearby residents and landowners, social media posts, newspaper adverts, and physical signs on each property. Word of mouth within neighbourhood Facebook groups also helped to advertise the project and generated a lot of interest.

Over 140 individual pieces of feedback were received, which included survey responses, written submissions, email enquiries and phone calls, and a petition with 70 signatures.

Internal business units were also consulted, and feedback received has been considered in the preparation of this report.

The attached reports provide more site-specific engagement data.

Financial Sustainability

1. Funds from the sale of former/current public open spaces will be deposited in the Public Open Space Reserve to support future projects or land purchases.
 - a. These properties include:
 - i. 10 Sibley Place, Strathdale
 - ii. 101 Alder Street, Kangaroo Flat
 - iii. 5 St Johns Close, North Bendigo
 - iv. 17 Edwin Street, North Bendigo
 - v. 27 Hamelin Street, White Hills (part of)
 - b. Funds from the sale of other properties will be deposited in the Land and Buildings Reserve to support future projects or purchases. These properties include:
 - i. 53 Eaglehawk Road, Ironbark
 - ii. 11 Carolyn Way, Maiden Gully (part of)
2. 5 St Johns Close, Kangaroo Flat may incur Windfall Gains Tax.
3. Estimated cost for legal disbursements including survey plans, registration fees, of \$10,000 per property, which will be offset by the sale transaction.
4. Annual costs for ongoing grass slashing maintenance at 3-4 Lindsay Court, Strathfieldsaye are estimated to be \$12,404, with an annualised cost over 10 years allowing CPI of \$142,202.

Risk Assessment

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

Policy Context

Primary Council Plan Reference

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

Outcome 1 - Lead and govern for all

Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

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

Goal 7 - Sustainable population growth is planned for

Other Reference(s)

Greater Bendigo Public Space Plan 2019 (GBPSP)

Recommends the sale and/or future use assessment of the following properties:

- 53 Eaglehawk Road, Ironbark
- 10 Sibley Place, Strathdale
- 101 Alder Street, Kangaroo Flat
- 11 Carolyn Way, Maiden Gully

Bendigo Botanic Gardens Master Plan 2010

Recommends the subject site at 27 Hamelin Street, White Hills is to be sold for residential development.

Greater Bendigo Integrated Transport and Land Use Strategy 2015

Sets out a sustainable transport and land use strategy for the City and broadly discourages large-scale car parking facilities where practical.

Reimagining Bendigo Creek Plan 2020

Recommends a series of 'up-stream' infrastructure and landscape projects that support the overall catchment's water quality and ability to cater for intense rainfall events.

Conflict of Interest

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

Attachments

1. 11 Carolyn Way Maiden Gully [16.3.1 - 3 pages]
2. 17 Edwin Street North Bendigo [16.3.2 - 2 pages]
3. 27 Hamelin Street White Hills [16.3.3 - 3 pages]
4. 53 Eaglehawk Road Ironbark [16.3.4 - 4 pages]
5. 101 Alder Street Kangaroo Flat [16.3.5 - 3 pages]
6. 5 St Johns Close Kangaroo Flat (1) [16.3.6 - 3 pages]
7. 10 Sibley Place Strathdale (1) [16.3.7 - 2 pages]
8. 3 4 Lindsay Court Strathfieldsaye 2 [16.3.8 - 3 pages]

16.4. LOCAL LAW 11

Author:	Nathan Sartori, Manager Engineering (Acting)
Responsible Director:	Brian Westley, Director Presentation and Assets Stacy Williams, Director, Healthy Communities and Environments

Purpose

To seek Council adoption of Local Law No. 11 – Protection of Public Assets & Control of Building Sites for an operational period of 5 years.

Recommended Motion

That Council, pursuant to Part 3 Division 3 of the Local Government Act 2020, adopt Local Law No. 11 – Protection of Public Assets and Control of Building Sites for a period of 5 years.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Fagg

Resolution No. 2024-84

CARRIED

Executive Summary

The previous version of Local Law No. 11 – Protection of Public Assets and Control of Building Sites (the Local Law) came into effect on 27 March 2023 and expired on 27 March 2024.

Re-adoption of the un-amended Local Law is being sought for a further operational period of 5 years to maintain the associated asset protection and building site control provisions in place.

Background

Local Law 11 enhances CoGBs ability to protect public assets, interests and safety through the management of potential risks associated with building works within the municipality and specifically:

- Provides for the peace, order and good Government of the Municipal District.
- Ensures that works within council road reserves are in accordance with Councils standards, and the broader public interest.
- Protects public assets and amenities vested in Council from damage, accelerated deterioration or abuse during the building process.
- Helps to maintain health and safety of persons attending building sites and those adjacent, opposite or passing building sites.
- Prohibits, regulates and/or controls the presence and disposal of refuse, rubbish and soil on and from building sites.
- Educates and incentivises persons involved in building work to act responsibly to reduce the extent and cost of public infrastructure damage.

Local Law 11 has been in place since 2013. It was readopted in 2023 for a 12 month period which has now expired.

At the time of the 2023 re-adoption the intention was for City staff to undertake a detailed review into the Local Law over the subsequent 12 month period in line with the Local Law guidelines. This review was to include:

- A review of adjacent existing law to ensure there are no overlaps or irregularities
- Community consultation on the laws effectiveness and value
- An internal review into the laws effectiveness

Accordingly the following has taken place:

A review of any known overlaps or irregularities with adjacent existing law has been undertaken, and no concerns are apparent. There is also a level of comfort given no issues have arisen in the previous 11 years of Local Law 11 being in existence.

Community consultation on the laws effectiveness was undertaken in line with the City's community engagement policy. This included advertisement as required by the local government act when creating a Local Law, a media release, and also a CoGB let's talk piece. No feedback was received.

An internal review into the laws effectiveness including discussion with the Local Laws unit was undertaken. The outcome was to re adopt Local Law 11 in its current form.

It is also worth mentioning that the City's community Local Law policy expires in 2028 which will trigger a detailed review into all local laws in 2027. It is anticipated that Local Law 11 will be superseded when this takes place. Given the anticipated timing of this update coincides with a Councillor election cycle, EMT may wish to consider bringing the policy review forward.

With respect to the above, the City is now seeking readoption of the unchanged law for a period of 5 years. It's anticipated the law will be superseded when the community Local Law policy is updated in 2028.

Legislative Context

The authority for Council to make Local Laws is stipulated within Part 3 Division 3 of the Local Government Act 2020 (the Act). The procedures, requirements and considerations which need to be adhered to with respect to both adoption and renewal/review of the Local Law are quite prescriptive.

Before making a Local Law a council must:

- Comply with its community engagement policy.
- Publish a notice stating the purpose, effect and availability of the Local Law and the applicable community engagement process in respect of its adoption.
- Obtain a certificate from a suitably qualified lawyer confirming that the Local Law is consistent with the Local Law requirements.

Once a Local Law is adopted a further notice must be issued stating its purpose, effect and availability. It is also noted that under the Act, the only way to renew a Local Law is to make a new one, hence administrative extension of the existing Local Law is not an option.

Report

Re-adoption of Local Law 11 for a 5 year period is proposed to maintain the relevant asset protection and building control provisions in effect.

The Local Law presented for Council adoption (see attachment 1) is un-amended, other than the operating period, from the version which has been in effect since 2023.

The Local Law contains eight parts which relate to various provisions:

- Protection of public assets (e.g. kerb, pathways, trees, drains, roads etc)
- Inspection regimes and authority of City officers
- Protection of stormwater quality
- Sanitary facilities
- Control of refuse
- Storage of materials and equipment
- Penalties for non-compliance

Under Local Law 11 the City is able to better regulate the impact of private works/activities on public assets. This regulation is done via a requirement for external parties to apply for a permit and gain consent. These applications are then reviewed by City staff to ensure they are proposed to be undertaken safely, are in compliance with standards, and that they are in the broader community's interest.

The permit process also enables City officers to assess the condition of relevant community assets in the vicinity of the proposed works immediately prior to the works beginning. This process enables a before and after private works comparison to be made so that any damage incurred to City assets during the private works can be legitimately attributable and appropriate reparations sought.

For example, if a resident is building a house on a private lot they will require heavy machinery to access the site. Often there is footpath, kerb and trees adjacent the private lot which are subject to damage from the heavy machinery or adjacent building processes. Local Law 11 allows the City to protect its assets from this damage.

Prior to presenting the Local Law for Council adoption, officers have undertaken the following actions as prescribed under the Act:

- Review of the Local Law.
- Evaluation of procedural compliance against the City's community engagement policy.
- Issuing of public notice of proposal to adopt the Local Law (see attachment 2).
- Confirmed availability of Local Law for inspection on Council website and at municipal office.
- Obtained a certificate confirming consistency of Local Law with legislative requirements from a qualified lawyer (see attachment 3)

In consideration of the above, the Local Law is presented for Council adoption. If adopted, further public notice shall be required pursuant to section 74 of the Act.

Priority/Importance

The adoption of the Local Law is a high priority in order to maintain the effect of the associated provision for protection of public assets, community safety and local amenity as well as the validity and enforceability of current permits.

Timelines

Local Law 11 lapsed on 27 March 2024.

If adopted by Council per the above recommendation, the Local Law will be in effect for a 5 year period effective 27 May 2024.

During the lapse period, permits are being issued with no charge. The Local Laws unit are keeping a track of issued permits, and will issue retrospective invoices when the new Local Law is adopted.

Communications/Engagement

Internal review and consultation on Local Law 11 occurred with Engineering, Local Laws and Governance units during the 23-24 year. No changes were suggested.

Public notice of the proposed adoption of the Local Law was published in the local paper and posted on Councils website on 20 April 2024 in accordance with section 73 of the Act. These advertisements directed the community to the Citys lets talk webpage where feedback could be provided.

A media release was published on Monday April 22 which also directed the community to the Citys lets talk webpage, and provided an email address for direct feedback.

Feedback via the lets talk website was open from Monday April 22 to May 17.

No internal or public feedback has been received suggesting changes are required to the proposed Local Law 11.

If adopted further public notice shall be required in accordance with the Act.

Financial Sustainability

If the Local Law is not adopted there will be a minor financial impact to the City through loss of fee income associated with the issuing of Permits. These fees partially offset the cost of operational resources required for administration, surveillance and enforcement of the Local Law.

Additional remediation or asset rectification costs as well as increased legal fees may also be incurred in responding to assets impacted by private development works or through enforcement action using alternate legislative instruments (e.g. Environment Protection Act, Litter Act etc.).

No financial or resource implications beyond current operational provisions are anticipated.

Risk Assessment

If Local Law 11 is not readopted, there is a risk that the City will have a reduced ability to effectively control, regulate and enforce safe and compliant building practices on public land for which the City is responsible. There is also a risk that the City will have a reduced capacity to ensure protection of public assets, safety and local amenity.

Readoption of Local Law 11 will address the above risks.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making
Goal 1 - Strengthened community health and wellbeing

Other Reference(s)

The statutory process for adoption of the Local Law is outlined within Part 3 Division 3 of the Local Government Act 2020.

There are several legislative instruments and guidelines which are applicable with respect to both the adoption, application and review of the Local Law. These include but are not limited to:

- Local Government Act 2020 (the Act) and associated regulations
- Road Management Act 2004
- Environment Protection Act
- Water Act
- Building Act
- Litter Act
- Occupational Health and Safety Act
- Guidelines for Local Laws
- Charter of Human Rights

Conflict of Interest

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

Attachments

1. 20240327 Local Law No. 11- Protection of Public Assests Control of Building Sites Local Law [**16.4.1** - 10 pages]

17. HEALTHY, LIVEABLE SPACES AND PLACES

17.1. MANAGED GROWTH STRATEGY

Author:	Bridget Maplestone, Coordinator Planning Strategy and Policy
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

This report seeks endorsement to release the draft Managed Growth Strategy (MGS), draft Housing and Neighbourhood Character Strategy (HNCS) and associated documents for community and stakeholder engagement.

Recommended Motion

That Council:

1. Endorse the draft Managed Growth Strategy for consultation (Attachment 1).
2. Endorse the draft Housing and Neighbourhood Character Strategy for consultation (Attachment 2).
3. Note that the associated background documents, including the Housing Capacity and Supply Assessment, the draft Neighbourhood Character and Significant Landscape Overlay review, the Bushfire Risk Assessment of Potential Growth Areas and the City of Greater Bendigo Potential Growth Areas Final Bushfire Assessment will be exhibited as part of the consultation material.
4. Authorise the Director Strategy and Growth to make minor changes to the maps and documents prior to consultation if those changes do not alter the overall intent of the documents attached to this report.
5. Agree to receive a further report once consultation is complete.

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Evans

Resolution No. 2024-85

CARRIED

Executive Summary

The City needs to proactively plan for the growth of Greater Bendigo. The MGS establishes a long term residential framework out to 2056. This includes ensuring the City has sufficient land to deliver housing to meet growth needs as well as improving the policy settings to increase the supply of housing in Greater Bendigo's established areas.

The MGS has been progressing over the past three years. The project has taken longer than expected to reach a draft stage due to the need to undertake additional background analysis and studies. This includes additional analysis in relation to bushfire risk and flooding to ensure that housing is not directed to areas with significant environmental constraints. Further directions and recommendations for additional detailed work in growth areas have been identified through the draft MGS to address environmental risks as part of future precinct planning processes.

The draft MGS has been informed by the consultation findings on the MGS Issues and Opportunities paper from early 2022. This paper outlined a series of challenges and opportunities for growth, provided a policy context and identified different growth scenarios. The City received 69 survey responses, eight submissions (including 2 internal) and 64 Expressions of Interest from landowners who were interested in their land being considered for residential development.

A key objective of the MGS is to encourage more of urban Bendigo's growth into the existing established areas to prevent ongoing outward expansion given the associated environmental and economic costs. The MGS establishes a policy position of 70 per cent of urban residential development to be within the existing urban areas of Bendigo and 30 per cent in the greenfield locations (including Marong, Maiden Gully, Huntly and Strathfieldsaye). The MGS recognises that given current market dynamics there will continue to be a role, at least in the short to medium term, for greenfield development.

To accommodate long term population growth, the MGS proposes to expand the Urban Growth Boundary in Huntly and Strathfieldsaye. Importantly, the MGS does not propose any rezonings to enable more residential development in these locations. This would be the subject of a more detailed structure planning process (or similar process), with this process currently underway for Huntly.

The proposed changes to the Urban Growth Boundary have been considered in the context of bushfire risk, which is a primary policy consideration in identifying areas for growth. The City has commissioned and completed detailed assessments of the bushfire risk of twelve potential growth areas.

In addition to the MGS, the City appointed consultants (Plan2Place) to prepare a draft Housing and Neighbourhood Character Strategy (HNCS) (see Attachment 2).

This is a key input into the MGS which will replace the *Residential Character Study 2003*. The HNCS provides clear directions on how to accommodate housing growth, particularly in Greater Bendigo's established areas and larger townships, while considering how development fits in with the preferred neighbourhood character of these areas. The HNCS provides recommendations on where the Neighbourhood Character Overlay and Significant Landscape Overlay may no longer be appropriate in urban areas of Greater Bendigo.

The HNCS and MGS have been informed by a Housing Capacity and Supply Analysis which identifies that the municipality has sufficient infill land and land in rural townships to accommodate long term growth. It identifies the lack of supply in greenfield areas as a challenge. This is one of the issues the MGS seeks to address.

Consultation on the draft documents is proposed to take place from May 28 until July 12, 2024. There are a series of engagement opportunities proposed which are outlined later in this report.

Once consultation is complete a report will be presented to Council outlining the findings of consultation, any proposed changes to the draft MGS and draft HNCS following consultation and whether to adopt these documents and commence implementation.

Background

The *Greater Bendigo Residential Strategy* and the *Greater Bendigo Housing Strategy* were adopted by Council in 2014 and 2018 respectively. The *Greater Bendigo Residential Strategy 2014* establishes the concept of a compact Greater Bendigo. The *Greater Bendigo Housing Strategy 2018* identifies the key drivers for housing growth and change in the municipality and also expands upon the concept of a compact Greater Bendigo. It was timely to review these documents given the release of updated *Planning Practice Note 90 (Planning for Housing)* and *Planning Practice Note 91 (Using the residential zones)* by the Department of Transport and Planning. These Planning Practice Notes provide guidance around planning for housing growth while protecting neighbourhood character and using the residential zones.

It is an objective in the Greater Bendigo Planning Scheme at Clause 11.02-1S to '*ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*' A strategy within this Clause is to ensure each municipality has a plan to accommodate a minimum of 15 years of population growth, including providing clear direction on locations where growth can occur. This includes providing opportunities for redevelopment and intensification of urban areas, maximising the use of existing infrastructure and

limiting development in areas of natural hazards. The draft MGS addresses this Clause and aligns with the other relevant planning policies.

In September 2023, the State Government released *Victoria's Housing Statement: The decade ahead 2024-2034* which identifies that there will be an additional 426,000 homes expected in regional Victoria to 2051. Greater Bendigo, as Victoria's second largest municipality, will play a key role in this delivery. With consultation currently also underway for a new plan for Victoria, the preparation of the draft MGS is timely to provide strategic direction for long term growth in Greater Bendigo.

Consultation on the draft Managed Growth Issues and Opportunities Paper took place from Monday, 31 January until Friday, 25 February 2022. This included a summary brochure, a survey and information on the City's Let's Talk page. Key issues raised during the consultation period included housing affordability, housing sustainability, the need to better facilitate growth and the challenges in balancing bushfire risk and the need to retain vegetation. It is also worth noting that there were mixed views during the consultation on whether the existing Urban Growth Boundary should change.

At the same time as the consultation on the MGS Issues and Opportunities paper, the City called for Expressions of Interest (EOI) to give landowners and developers the opportunity to nominate properties to be considered and investigated for future residential development. The City received 64 EOIs through this process. Each of these EOIs has been considered in finalising the draft MGS.

Previous Council decision dates:

24 January 2022 – Council endorsed the draft Greater Bendigo Managed Growth Strategy Issues and Opportunities Paper for consultation.

Report

Greater Bendigo's population is growing. The City has, for several years, identified a potential population of 200,000 by around 2050. At a growth rate of 1.6 per cent it could be expected that the municipality may be home to an additional 87,000 residents (up from the current 124,000) by 2056. Much of this growth being driven by natural increases in the population (increased life expectancy as well as babies being born) and growth from surrounding shires to access the services and facilities on offer in Greater Bendigo.

It is important that the City proactively plans for this growth. Without plans in place, there will be greater challenges relating to the provision of services and facilities, transport, traffic and movement impacts, inadequate infrastructure and insufficient public space.

The purpose of the draft MGS is to provide a framework for how residential growth will be accommodated in Greater Bendigo to 2056. In doing this, it has considered the benefits (economic, social and environmental) of having increased housing in areas that are already well serviced by shops, transport and employment. It has also considered the need to minimise growth in areas that are subject to environmental risks such as bushfire and flooding.

The draft MGS has been informed by various technical studies and background work. The most notable of these is the HNCS. The HNCS will ultimately help to inform the basis for applying new residential zones across the urban area of Greater Bendigo to provide stronger policy direction as to where more growth should and shouldn't be encouraged.

The following section provides an overview of the MGS, HNCS and Housing Capacity and Supply Analysis. These are the key documents that will be the subject of upcoming community and stakeholder engagement.

Managed Growth Strategy

The MGS proposes to establish a new residential framework plan which will ultimately replace the urban strategic framework plan at Clause 02.04 of the Greater Bendigo Planning Scheme. Implementation of the MGS will include making relevant changes to local planning policies to guide long term population growth, including encouraging a greater diversity of housing in well serviced locations.

The draft MGS identifies the following key objectives for future growth and proposes 33 supporting actions to deliver them. The objectives within the MGS are as follows:

- Heal and protect Country.
- Ensure there is an adequate supply of residential development in Greater Bendigo.
- Increase the amount of social and affordable housing.
- Significantly increase the proportion of medium density development.
- Direct growth to, in and around activity centres, transport corridors and train stations.
- Ensure development areas have regard to environmental constraints by including directing growth to areas that are of a lower bushfire risk or flood risk and managing residential interfaces with industrial and extractive industries.
- Ensure residential growth is supported by equitable, efficient and fit for purpose community, development and open space infrastructure.
- Encourage residential growth in well-serviced locations to increase sustainable and active transport.
- Facilitate the delivery of commercial land in suitable locations to meet the needs of a growing population.

- Direct limited infill growth to townships through the delivery of structure and township plans.
- Design growth areas precincts to a minimum density of 15 lots per hectare.

The draft MGS then outlines a series of goals to deliver on these objectives. These goals aim to:

- Give priority to the protection of human life (in accordance with Clause 13.02-1S of the Greater Bendigo Planning Scheme).
- Improve planning tools and guidance to protect areas with valued landscape or environmental values.
- Reduce the environmental impact of new development on existing landscapes.
- Ensure development better responds to environmental constraints and climate change.
- Increase the proportion of infill residential development in urban areas from 47 to 70 per cent.
- Increase the proportion of medium density residential development from 8 to 15 per cent over the next 15 years.
- Ensure there is adequate, planned supply of residential land in Greater Bendigo to 2056.
- Ensure the equitable provision of infrastructure to meet changing community needs.

Urban Bendigo benefits from an Urban Growth Boundary to discourage outward expansion and to protect valuable agricultural land and native flora and fauna. While the MGS has a goal of increasing the proportion of infill development over time, it does propose some changes to the Urban Growth Boundary at both Huntly and Strathfieldsaye. These growth fronts were foreshadowed in the City's previous housing strategies and are reflected in the current Urban Strategic Framework Plan at Clause 2.04 of the Greater Bendigo Planning Scheme. The Urban Growth Boundary changes are proposed to provide more certain, long term, greenfield supply and to help limit housing affordability challenges given the current market challenges in delivering infill housing. Any changes to increase the supply of residential land in these locations would be the subject of detailed planning following the MGS. This would include flooding and drainage studies, mitigating bushfire risk, as well as consideration of existing agricultural enterprises. While a structure plan is currently being prepared for Huntly, a structure plan for the potential future growth area in Strathfieldsaye should only occur once it is clear there is a need for this additional supply.

There has been a delay in the progress of the implementation of the Precinct Structure Plan for Maiden Gully due to conflicts between bushfire risk and vegetation removal. The MGS identifies the potential for some growth to occur in Maiden Gully, however this will be at a lower scale than originally anticipated due to these conflicts. Should the MGS be adopted, the preparation and implementation of a residential

framework plan for Maiden Gully to guide growth and development should be a priority. The residential framework plan will be developed in conjunction with planning scheme controls to ensure an integrated approach to planning and design of the precinct that responds to Clause 13.02-1S Bushfire Planning.

Housing and Neighbourhood Character Strategy

The HNCS updates the *Residential Character Study 2003* by proposing ten neighbourhood character types across urban Bendigo and the townships of Elmore, Axedale and Heathcote. The City Centre has been excluded from this work given it is proposed to be implemented through the introduction of the Activity Centre Zone via Amendment C279gben (with exhibition expected in the second half of 2024). Rural townships outside the ones identified are also not considered, given that limited growth can be accommodated in these townships as they are not sewered. These townships will be considered through the Rural Areas Strategy with the background work to inform this strategy having recently commenced.

A 'preferred future character' statement has been prepared for each of the ten neighbourhood character types to clearly articulate the character elements that are important. Examples of character elements include setting back garages, low front fencing, allowing space for landscaping, building materials and roof form.

As well as establishing a 'preferred future character' for different areas, the HNCS proposes three levels of housing change. These are minimal, incremental and substantial change which will guide the application of appropriate planning controls including residential zones and schedules in these areas.

Currently most of the residentially zoned land in urban Bendigo is zoned General Residential Zone. In the proposed change areas this is considered incremental change. The HNCS proposes a more nuanced approach to the application of residential zones which is consistent with Planning Practice Note 91. This includes the introduction of a Neighbourhood Residential Zone in areas of minimal change and some incremental change areas, and a Residential Growth Zone in some areas designated as substantial change. There will also be a number of areas that are proposed to remain as General Residential Zone.

It is proposed that the change areas and the neighbourhood character types would be implemented through changes to the residential zone schedules in the Greater Bendigo Planning Scheme. This would be a separate planning scheme amendment process which would follow any adoption of the HNCS.

The final element of the HNCS was a review of the Neighbourhood Character Overlay (NCO) and Significant Landscape Overlay (SLO). These overlays have been in place for many years and in some instances are no longer suitable given the policy and development changes and outcomes that have occurred. There are also

instances where the Heritage Overlay is applied to a property and is duplicated with an NCO. In these instances, the NCO is proposed to be removed as both controls should not be applied to the same property. These overlay changes would also need to be implemented via a separate planning scheme amendment process following any adoption of the HNCS.

Housing Capacity and Supply Analysis

Housing Capacity as defined in the Housing Capacity and Supply Analysis (Capacity Assessment) is the theoretical housing capacity considering the physical extent to which development can occur. This does not consider property market factors such as profitability, site specific constraints, the willingness of landowners to sell/develop properties, or the broader economy. All this means is that the capacity is likely to be an overestimate of the actual supply of housing to the market.

The Capacity Assessment establishes that Greater Bendigo currently has the capacity to accommodate more than 50,000 new dwellings. The majority of this is within the established areas of urban Bendigo. There is also sufficient capacity in rural areas, but further work will be completed around this as part of the Rural Areas Strategy. The Capacity Assessment indicates that there is currently insufficient zoned residential greenfield land (lots of over one hectare) in growth areas (including Marong, Maiden Gully, Huntly and Strathfeldsaye) to meet long term growth needs.

While there is capacity in established areas, there are current challenges in the market delivery of housing in these areas as identified. This will need to be a focus in the implementation of the MGS.

Increasing the amount of housing in existing areas will be important to reach the long term aspiration of 70 per cent of urban development in infill areas and 30 per cent in greenfield locations.

Bushfire assessment of potential growth areas

The City commissioned Terramatrix to undertake a bushfire risk assessment of twelve potential growth areas across urban Bendigo. These areas were either previously identified as further investigation areas or were contiguous with the Urban Growth Boundary. It is noted there were some EOIs received from outside of these areas and some of the EOIs included bushfire reports as part of their justification for consideration as part of the City's residential growth. These other sites and areas were not investigated through the bushfire assessment as the focus was on land in and adjacent to the Urban Growth Boundary, consistent with the principles in the Managed Growth Strategy Issues and Opportunities Paper.

The Terramatrix report is a technical assessment of bushfire risk and it identifies the mitigation measures that need to be included in the detailed design of future growth areas. In addition to the bushfire risk assessment, City officers have prepared a

further bushfire assessment which considers the broader strategic planning context, and in particular, addresses Clause 13.02-1S Bushfire Planning. Both of these reports have confirmed lower bushfire risk locations for development and have therefore informed the growth areas included in the draft MGS. It is important to note that although there might be some areas that are considered or appear to be a low bushfire risk, these areas are unsuitable for development for other reasons such as the land being located close to intensive animal industry operations or not being able to be serviced.

The bushfire assessments determined that some areas previously identified for further investigation for residential development (i.e. in the *Greater Bendigo Residential Strategy* and the *Greater Bendigo Housing Strategy*) are no longer suitable for investigation due to the broader landscape bushfire risk in these areas.

Priority/Importance

This project is a high priority. It is a strategy in State planning policy that all municipalities across Victoria plan to accommodate growth over a 15 year period and be clear where this growth should occur.

The MGS and its implementation will provide greater certainty to landowners and community members around the type of change expected across the different areas of Greater Bendigo. The delivery of the MGS will be important to help ensure an adequate and diverse housing supply pipeline to meet the needs of a growing population.

Options Considered

Council can endorse or not endorse the draft documents for consultation.

Consideration of EOIs

The City received 64 EOIs from landowners and developers interested in land being considered for residential development.

Each of these EOIs were assessed against the criteria as identified in the Managed Growth Strategy Issues and Opportunities paper including:

- Being over one hectare in size (or there is agreement from adjoining landowners to deliver one hectare).
- Being within or close to the existing Urban Growth Boundary.
- Being subject to minimal environmental constraints (such as being of a low bushfire and flooding risk and not having high levels of contamination).
- Not be heavily vegetated.
- Not having a steep topography.
- Not being heavily impacted by groundwater.

- Being close to existing services such as sewer, water and power if not already serviced.

The largest site identified through this process was 'Ravenswood Run', a 2,000 hectare site to the south of urban Bendigo. While not without its challenges, including access and infrastructure, having a large site within a single ownership could more easily enable development (due to not having to work across multiple parcels of land with different landowners/ developers).

Ultimately the decision to not include this site as a further investigation area in the draft MGS is based on an analysis that this land is not needed to meet greenfield supply needs. Its inclusion at this stage would go against the policy principle being established through the MGS of 30 per cent of infill development to occur in greenfield areas. In addition, compared with areas identified in Huntly and Strathfieldsaye, it is not close to the existing Urban Growth Boundary which would create a further satellite township creating further fragmentation and likely associated costs in maintenance and delivery of infrastructure.

The rationale for not considering the other sites identified through the EOI process relates to higher bushfire risk, being heavily vegetated, higher risk of flooding or not located close to the Urban Growth Boundary.

Timelines

The preparation of the MGS commenced three years ago.

Consultation on the draft Managed Growth Strategy Issues and Opportunities Paper took place from January 31 to February 25, 2022.

Consultation on the draft MGS, HNCS and Capacity Assessment will occur between May 28 and July 12, 2024.

A report on the outcomes of consultation and on the next steps will be presented to Council later in 2024.

Communications/Engagement

The following groups have been established to inform and guide the preparation of the draft documents:

- A Project Control Group comprising representatives from a variety of internal units and State Government agencies.
- A Steering Committee has met at key stages in the process to provide high level advice. This group comprises a large variety of State Government agencies and

has ensured that the project considers all relevant State Government policy, plans, and projects.

Extensive community and stakeholder engagement is proposed as part of the consultation of the draft documents. This will include:

- A mapping tool via the Let's Talk platform allowing residents to easily search for what is proposed to change with their property.
- A summary brochure and Frequently Asked Questions via the Let's Talk platform.
- A survey available via the Let's Talk platform.
- A series of drop-in sessions at different locations and times across the municipality.
- Presentations at various Council advisory committees.
- Posters and flyers with a QR code to access the consultation material available at a variety of locations.
- Email to those who have registered an interest in the project.
- Phone calls, early in the process, to landowners who submitted an EOI in their land being residentially developed.

Financial Sustainability

This project has been funded through the Strategic Planning unit budget.

There will be costs associated with finalising and implementing the project. This again will be covered by the Strategic Planning unit budget.

Ultimately the implementation of the MGS and HNCS will help to make the planning process simpler by reducing unnecessary planning controls as well as making the expectations around the level of housing change in different areas clearer.

Risk Assessment

The City has a statutory obligation to ensure there is adequate land supply to meet growing population needs. Should the City not do this there would be greater levels of affordability challenges facing our current community and future residents.

The MGS seeks to create a clear pipeline and a stronger policy framework to identify preferred development outcomes to try to address some of the growing housing challenges in Greater Bendigo.

The municipality cannot continue to expand outwards given environmental risks and constraints. Therefore, over time changes will need to be made to increase the amount of housing provided in the established suburbs of Greater Bendigo. This will be a change from the low scale development found in many of these areas.

The City needs to minimise growth in areas unsuitable for development due to environmental risks and the MGS has sought to do this by proposing minimal change in areas covered by bushfire and flooding overlays and not directing growth to areas with a high bushfire risk.

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 4 - The supply and quality of affordable housing is increased
Goal 6 - More people live in 10-minute neighbourhoods
Goal 7 - Sustainable population growth is planned for

Other Reference(s)

- Connecting Greater Bendigo: Integrated Transport and Land Use Strategy
- Plan Melbourne 2017-2050
- Victoria's Housing Statement 2024-2034
- Loddon Mallee South Regional Growth Plan
- Biodiversity Strategy and Action Plan 2023-2033
- Climate Change and Environment Strategy 2021-2026
- Walk, Cycle Greater Bendigo 2019
- Commercial Land and Activity Centre Strategy 2015
- Greater Bendigo Industrial Land Development Strategy 2020
- Greater Bendigo Public Space Plan 2019

Conflict of Interest

It is recognised that the City's Strategic Planning officers may inherently have a perceived or general conflict of interest if they or their families reside within the City of Greater Bendigo. In consultation with the City's Legal Services team, we are satisfied that such conflicts are effectively managed through internal peer review and a robust hierarchical approval pathway. This ensures that the ultimate direction and outcomes of any strategy, plan or structure plan produced by the Strategic Planning Unit is vetted and approved at multiple stages by multiple people, through to approval by the City's Executive Management Team, before being presented to Council for consideration.

Attachments

Attachments can be found on the City website along with the Agenda.

17.2. 76 LILAC STREET, IRONBARK - Development of 9 Dwellings

Author:	Penny Loader, Statutory Planning
responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DR/373/2023
Applicant:	Virtue Eco Living
Land:	76 Lilac Street IRONBARK 3550
Zoning:	General Residential Zone
Overlays:	Nil
No. of objections:	7
Consultation meeting:	7 December 2023
Key considerations:	<ul style="list-style-type: none"> • Whether the proposed development is consistent with relevant policy within the Greater Bendigo Planning Scheme. • Whether the proposed dwellings are designed to achieve Environmentally Sustainable Development aims. • Whether the proposal is consistent with the purpose of the General Residential Zone and proposes an appropriate built form in respect of neighbourhood character. • Whether the proposal complies with the objectives and standards for the development of multiple dwellings on a lot. • Whether the proposal has adequately responded to objector concerns.
Conclusion:	<p>The site is well located to take advantage of existing infrastructure, facilities, services, transport options and is an ideal site for infill development. It accords with policy direction for in-fill development of an appropriately serviced site within the General Residential Zone, which has the primary purpose for residential uses within a suburban context.</p> <p>The proposed development has been appropriately designed to respond to the character statements outlined at both State and local level policy, in particular in the desired future character statement for the residential character precinct.</p> <p>The development complies (or can comply though permit conditions) with all relevant objectives of Clause 55, resulting in a residential development that provides appropriate standards of amenity for existing and new residents.</p>

	<p>The proposal has adequately addressed all valid objector concerns.</p> <p>The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, General Residential Zone, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme. It is recommended that Council approve the proposal and issue a Notice of Decision to Grant a Permit, subject to conditions.</p>
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Recommended Motion

That Council issue a Notice of Decision to Grant a Permit for the development of 9 dwellings at 76 Lilac Street IRONBARK 3550 subject to the conditions at the end of this report.

ALTERNATE MOTION

That Council refuse to grant a Planning Permit for the Development of 9 dwellings at 76 Lilac Street, Ironbark for the following reasons:

1. The proposal is inconsistent with the purposes of the General Residential Zone by not encouraging development that respects the neighbourhood character of the area.
2. The proposal is not in accordance with the Planning Policy Framework as it fails to respond to neighbourhood character requirements at Clause 15.01-5S, 15.01-5L-01 and 15.01-5L-02. Specifically, the proposal fails to maintain:
 - a. Minimise site disturbance and the impact of the building on sloping landscapes by stepping buildings down contours
 - b. The openness of streetscapes and spaciousness of dwelling settings
 - c. Long, low elevations of buildings in relation to height
3. The proposal fails to satisfactorily respond to the objectives, standards and decision guidelines of Clause 55 as it relates to the site. Specifically, in relation to the following clauses:
 - a. 55.02-1: Neighbourhood character objectives (Standard B1)
 - b. 55.04-1: Side and rear setbacks objectives (Standard B17)
 - c. 55.05-5: Solar access to open space objectives (Standard B29)

Moved: Cr Fagg

Seconded: Cr Sloan

Resolution No. 2024-86

CARRIED

Report

Subject Site and Surrounds

The subject site is an 1,869 square metre Crown allotment on the northern side of Lilac Street (two-way, sealed street). The site is presently developed with two dwellings – one brick veneer and one weatherboard – and a large shed with miscellaneous water tanks and several mature trees. The existing trees on site are mid-sized exotic trees of low amenity value, planted in a garden setting surrounding the existing dwellings. The site falls to the south and west at roughly 4° (or 7%) as seen below.



Figures 1 and 2: Aerial images of the site showing the contours and the layout of existing buildings, vegetation and access.

The existing access arrangements are provided by a gravel drive to a sealed crossover. Unusually the kerb cut is double width. The nature strip contains a street tree (a small Showy Paperbark) and a power pole.

The site is part of Central Bendigo Residential Character Precinct 5, which provides the following description:

The area has a consistency created by the regular front and side setback to the dwellings. In some areas dwellings are sited at an angle to the street. The horizontal emphasis of the dwelling form adds to an open feel to the streetscape due to the long, low elevations of the buildings in relation to their height. Occasional tall trees in the low level gardens and low or open style fencing and consistent side setbacks provide a sense of spaciousness to the streetscape.



Figure 3: The crossover and front of the subject site from Lilac Street.

The area demonstrates an interesting mix of dwelling eras ranging from the 19th century (52 Lilac Street), through the 60s and 70s (150 Lily Street and 78 Lilac Street) to modern unit developments (71 Lilac Street).

The site lies 1.7 kilometres west of the Bendigo City Centre and 160 metres north of St John of God Hospital. A secondary, proposed cycle route would be 500 metres to the east and a primary, proposed cycle route 750 metres to the west. There is a high-frequency bus stop 185 metres to the south. The site also lies on the eastern edge of the Lazarus and Old Chum mines.

Proposal

Demolition of the existing buildings and removal of vegetation will be required, but do not require a planning permit.

Dwellings 4a and 4b are both two-bedroom with one bathroom and an open plan kitchen/living/dining area. The double garage will be shared. Dwelling 4a occupies the ground floor and 4b occupies the first floor. Part of the yard and the entry are shared, with 4b accessible via an internal flight of stairs. 4a is provided with open space in the yard, 4b has a north facing balcony.



Figure 5: Site plan showing ground-floor floor plans.

The development is double storey with a central driveway providing shared access. The maximum height above ground level is 8.34m (Dwelling 6).



Figure 6: Site plan showing first floor plans with overlooking cones of vision.

The external material and colour schedule is off-white and tones of grey, with horizontal Weather Tex and render cladding and Metal Deck hipped roofing. There are open gables over the pedestrian entrances.

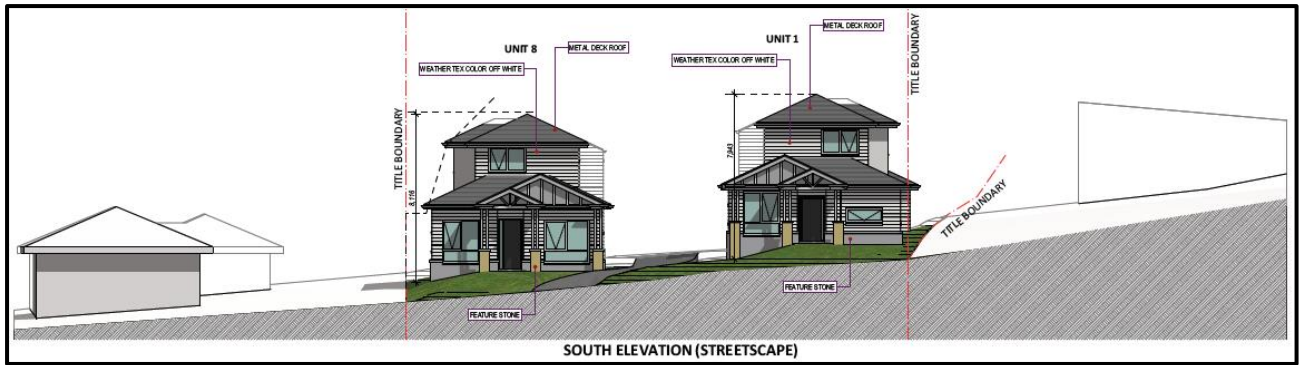


Figure 7: Lilac Street streetscape elevation with colours and materials.

Planning Controls - Greater Bendigo Planning Scheme

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

Municipal Planning Strategy

- Clause 02.02 Vision
- Clause 02.03-1 Settlement
- Clause 02.04 Urban Strategic Framework Plan

Planning Policy Framework

- Clause 11 Settlement
- Clause 11.03-1L Activity Centres – Greater Bendigo
- Clause 13.04-1S Contaminated and Potentially Contaminated Land
- Clause 15.01-2S Building Design
- Clause 15.01-3S Subdivision Design
- 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 15.02-1L Environmentally Sustainable Development – Greater Bendigo
- Clause 16 Housing

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 52.06 Car Parking
- Clause 53.03 Residential Reticulated Gas Service Connection
- Clause 53.18 Stormwater Management in Urban Areas
- Clause 65 General Decision Guidelines
- Clause 71.02-3 Integrated Decision-Making

Why is a permit needed?

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

Clause	Permit Trigger
Clause 32.08-6 General Residential Zone	<ul style="list-style-type: none">• Development of two or more dwellings on a lot

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
Engineering – Drainage	Consent, with conditions Permit conditions requested to require a detailed drainage plan, ensure drainage works are constructed to the required standard and public assets are protected during works.
Engineering – Traffic and Infrastructure	Consent, with conditions Permit conditions requested to ensure the access is constructed to the required standard.

Referral	Comment
Environmentally Sustainable Development	Consent, with conditions Permit conditions requested to ensure sustainability measures are annotated on plans and that a post construction report is submitted prior to occupation of the dwellings. For Dwellings 4a and 4b specifically, a water tank may be shared and EV charging points should be provided to both parking bays.
Resource Recovery and Education	No objection, no conditions

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, seven objections were received.

The grounds are summarised as follows:

- Overshadowing of neighbouring properties
- Overlooking of neighbouring properties
- Car parking impacts to the function of the street and the appearance of the site
- Plan errors
- Visual bulk of the proposal inconsistent with character
- Waste collection impacts to appearance and function of the street
- Impacts to vegetation
- Ground stability
- Potential drainage issues
- Inadequate response to sustainable design policy
- Overdevelopment of the site
- Lack of interface with the street

The issues raised by objectors are discussed under the assessment section of the report.

A consultation meeting was held on 7 December 2023 and was attended by the objectors, the permit applicant and a Ward Councillor. The concerns raised by the objectors were discussed at length and while there was no resolution, the meeting was beneficial in providing additional context to the issues raised.

The applicant subsequently provided revised plans, an Arborist's Report and a revised Sustainable Design Assessment. These were circulated to objectors, most of whom submitted addenda to their original objections.

Planning Assessment

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

- Whether the proposed development is consistent with relevant policy within the Greater Bendigo Planning Scheme.
- Whether the proposed dwellings are designed to achieve Environmentally Sustainable Development aims.
- Whether the proposal is consistent with the purpose of the General Residential Zone and proposes an appropriate built form in respect of neighbourhood character
- Whether the proposal complies with the objectives and standards for the development of multiple dwellings on a lot.
- Whether the proposal has adequately responded to objector concerns.

Any application under the provisions of the General Residential Zone must address the purpose of the zone. This is the primary basis for any decision-making process for the responsible authority.

The purposes of General Residential Zone are as follows:

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

[emphasis added]

These purposes are referenced throughout the discussion below.

Whether the proposed development is consistent with relevant policy within the Greater Bendigo Planning Scheme

The subject site is located within an established residential neighbourhood inside the Urban Growth Boundary. The site has ready access to public transport (there is a high frequency bus stop on Chum Street, 185 metres to the south), is in convenient

walking and cycling distance to various commercial and community facilities, including a neighbourhood activity centre 350 metres to the north, and is therefore appropriately located for infill development. Locating residential development close to existing services reduces reliance on motor vehicles and is in accordance with State and local policies relating to sustainable development, accessibility and 10-minute neighbourhoods.

The City's Municipal Planning Strategy specifically speaks to building up *the specialised activity centre... of St John of God Hospital*, which is 150 metres to the south. The area is identified on the Urban Strategic Framework Plan and in the policy relating to activity centres, which encourages *specialised activity centres to provide complementary businesses and uses required to support them*. Residential use of land supports activity centres by providing both employee housing and a catchment of business and service patrons.

State policy seeking to *facilitate the development of well-located, integrated and diverse housing that meets community* needs is supported by the Greater Bendigo Housing Strategy (City of Greater Bendigo, January 2018), which seeks to better align the available housing stock with the demographics of the municipality. More dwellings of two bedrooms or fewer are required to balance the oversupply of three or more bedroom dwellings with current and developing household structure in the City. This application provides 20.5% two-bedroom dwellings, in response to this policy direction.

The potential contamination of the site due to its proximity to historic mining areas was addressed via a Preliminary Site Investigation, which involved a site history assessment, extensive soil sampling and testing. Some samples returned concentrations of heavy metals exceeding the requirement for unrestricted residential use. The levels detected were only minimally in exceedance of the recommended health guidelines. A Soil Management Plan will be required via a permit condition to ensure that soils are managed appropriately during construction. A Soil Characterisation Report will need to be prepared if any soil requires disposal offsite, though this falls outside the purview of the planning controls.

Officer assessment is that the proposed development complies with both State and local policies which seek to achieve higher density development in areas identified for such development and that have good access to alternative transport, shops and services.

Whether the proposal is consistent with the purpose of the General Residential Zone and proposes an appropriate built form in respect of neighbourhood character

The site is zoned for residential development and the zone seeks to encourage a diversity of housing types that respect the neighbourhood character of the area.

The zone requires residential development on a lot exceeding 650 square metres to provide a minimum of 35% of the lot for garden area. The layout plans provide 659 square metres or 35.25%, in compliance with the requirement.

The site falls under residential character precinct Central Bendigo 5, which contains strategies for maintaining the existing neighbourhood character. The character for this area 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.*

These strategies are designed to complement the general character strategies that include maintaining garden settings, minimising site disturbance by stepping buildings down sloping sites and ensuring new buildings do not dominate the streetscape by matching their height and roof form with the predominant height and roof form in the street.

In responding to the neighbourhood character for the site, the applicant has designed the dwellings to appropriately respond to the principles detailed above. The site layout provides a minimum 1 metre setback to both side boundaries and a separation of 5.8 metres between the front two dwellings, providing spaciousness for the street presentation. While the side setbacks in the street vary greatly, the proposed side setback is deemed appropriate. The front setback of 9 metres is appropriate.

The applicant's response to the Planning Scheme character statement of *long, low elevations*, was to state that the recession of the first floor will result in the front dwellings presenting as single storey, downplays this feature of the surrounding area. The design response to this character trait is found in the proposed horizontal cladding, which emphasises the elevation length, and the definition between the ground and first floors by the eaves and complementary colours. Visual bulk is reduced by the recession of the first floors, which responds to the desired future character statement to avoid buildings that appear 'box' like, and by the substantial front setback.

The issue of landscaping has been addressed by the plans which demonstrate the site layout provides adequate space for plantings, including canopy trees. While the proposal does seek to remove the exotic mature trees from the middle of the site, contrary to the design guidelines of the character policy, the plans show four canopy trees in the front setback, as well as retention of the existing street tree. There is a

canopy tree in each of the yards and space for plantings (including canopy trees) between the dwelling façades and the internal driveway. The desire for future character to provide a garden setting is addressed by the provision of landscaping on all boundaries, as well as up the middle of the site, visually softening the 'hard' edges of the dwellings and the driveway. The proposed increase of vegetation on the site is consistent with the intent of the policy. A condition will ensure that a landscape plan showing appropriate numbers and species is provided.

Stepping buildings down sloping sites to minimise site disturbance is also listed as a character strategy. The application has responded to this by proposing benching (tiering) of the site which falls a total of 5 metres from north to south (an average of 6.7% or 3.8°). The fall across the site from northeast to southwest is more pronounced, being around 2 metres (8.3% or 4.7°). The landscape to the east tends to an even sharper slope, while the level is much flatter towards Lily Street to the west.



Figure 8: Aerial photo showing contours of the site and surrounds.

The proposed earthworks result in a difference of dwelling height of approximately 0.8 metres when viewed from the street. The ridgeline height of Dwelling 8 being 8.1 metres and Dwelling 1 being 7.9 metres above ground level respectively. The objectors on either side of the development have both raised concerns in relation to earthworks and the potential for both landslip and impact to vegetation.

In relation to landslip – the retaining wall will require a building permit to ensure it is constructed to an appropriate standard. Retaining walls are proposed along the northeastern boundary and will range in height from 1 metre at the front of the site to

3 metres at the rear. These proposed retaining walls are largely proposed to replace existing retaining walls in these locations (see image below). These retaining walls require reconstruction to comply with current building standards.

The proposed retaining wall is shown setback 650mm from the boundary to accommodate the root zones of number 70's trees which line the boundary (see below right). The arborist's report commissioned by the applicant calculated that the tree protection zone (TPZ) is 2 metres. The setback of the trees from the boundary by 600mm combined with the retaining wall setback reduces the encroachment of the works into the TPZ to 13%. Accordingly, a conditional plan change will require that the retaining walls be setback an additional 120mm to reduce the TPZ impacts to 10% in accordance with AS4970-2009.

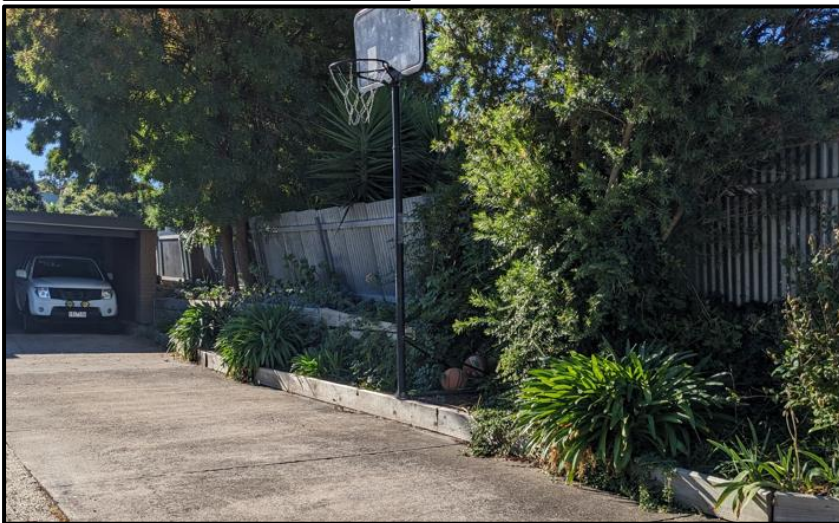


Figure 9: Photo showing the existing retaining wall on the north-eastern boundary (adjoining number 70).

The interface with number 78 (the south-western boundary) does not show any proposed retaining walls, though there is an existing bank along the northern half of this boundary which may require a retaining wall, given the proposed setback of the buildings. There is an existing retaining wall on the boundary which appears to be in poor condition (see below) and as noted by the objection from this property, there are trees growing in the upper section. The plans do not show any retaining wall along this boundary. In the event the developer determines that a retaining wall is needed, a building permit will need to be sought.

The trees on the boundary of number 78 were not included in the arborist's report provided by the applicant and are likely to be impacted by any earthworks associated with Dwelling 8, which is setback 1.2 metres from the boundary, well inside the TPZ.

The applicant advises that no excavation is required in this area and that construction is proposed to be stumps or posts and piers. It is therefore proposed that a permit condition require the preparation of an arborist's report to design construction methodology to limit the disturbance to the TPZ.



Figures 10 and 11: The fence/retaining wall on the south-western boundary (with number 78).

The height of the proposed development is not without precedent in the neighbourhood, with 150a and 144a Lily Street, and 2/71, 3/71, 64 and 69 Lilac Street all developed with double-storey dwellings in a variety of styles (see below). The proposed roof forms, being predominantly hipped with open gables over the entries, are not inconsistent with the pattern of roof forms in the street. The low pitch of the roofing and lack of any proposed front fence accords with the character statement for the precinct.



Figures 12, 13 and 14: Double storey development at 64 and 71 Lilac and 150a Lily Streets.

The development is largely compliant with the desired future character statement. The plans feature elements designed to enhance the horizontality of the dwellings and the substantial front setback creates ample space for canopy tree planting to replace the trees proposed to be removed from the site. Protection of trees on neighbouring lots has been addressed and the layout provides ample space for landscaping, in accordance with the desire for a garden setting. The double storey dwellings are taller than the dwellings either side but comply with the limits set by the zone and are not without precedent in the street. Overall, the proposal fulfills the purpose of the zone and is respectful of the character policy for the area.

Whether the proposed dwellings are designed to achieve Environmentally Sustainable Development aims

The proposed development requires consideration under the City's Environmentally Sustainable Development (ESD) policy which requires a Sustainable Design Assessment (SDA) for applications of three to nine dwellings. The purpose of this policy is:

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation

The applicant submitted an SDA, which achieved a Built Environment Sustainability Scorecard (BESS) score of 51%, with the City's policy requiring a score of at least 50%. Sustainable design features proposed include water efficient landscaping, double glazing to bedrooms and living areas, water re-use, energy efficient fixtures and fittings and EV charging points to garages.

Objections raised multiple concerns with the sustainable design features proposed and the accompanying assessment. The main concern raised was that the revised STORM (Stormwater Treatment Objective- Relative Measure) report is inaccurate. The STORM assessment is required to demonstrate that the development can adequately manage stormwater within the site to detain, re-use and treat the runoff in compliance with relevant policy. ESD policy requires a STORM rating of 100%, with the submitted report only achieving a score of 89%. This non-conformance with policy can be rectified through conditions, with no objection being raised by the City's ESD officer or Development Engineer through their respective reviews.

Further concerns related to reducing car dominance/dedicated bike parking, permeable paving, communal bin storage, solar panels and star ratings were raised in relation to ESD strategies. The aim of raising these issues was to influence the applicant to provide for a greater outcome in relation to sustainability than currently proposed. However, the BESS report meets the criteria for a minimum 50% pass rate (pending correcting the STORM rating) and therefore the objective of the clause has been met. While there are multiple other efforts the developer could propose to improve the BESS score, the City is not able to force this.

It is noted that the minimum energy rating requirement will increase from 6 to 7 stars on 1 May 2024. This will be a matter for the applicant to resolve with the relevant building surveyor in the event the development proceeds to seeking a building permit.

Officer assessment is that the proposed development is substantially compliant with the strategies outlined in the policy and can be brought into full compliance via permit conditions. The objective to achieve best practice in environmentally sustainable development at design stage is met and permit conditions will ensure that these are followed through with during construction and into operation.

Whether the proposal complies with the objectives and standards for the development of multiple dwellings on a lot

The proposed development is required to meet all the objectives of Clause 55: Two or more dwellings on a lot and should meet the standards corresponding to the objectives. The purpose of this policy (referred to as ResCode) is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character, or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

The proposed development meets all but two of the standards, those being B17 relating to side and rear setbacks and B29 solar access to open space.

The proposal does not comply with the standard for side and rear setbacks in relation to some minor encroachments of first floor eaves to dwelling 1 and 4. These eaves exceed that standard up to 0.25 metres. The objective for side and rear setbacks is to ensure that a development respects the existing or preferred neighbourhood character and any impact on the amenity of neighbouring dwellings is limited. Officer assessment is that the encroachment proposed for dwelling 1 (front dwelling) is not appropriate in a neighbourhood character perspective, noting the guidance to create an open and spacious streetscape. The minor non-compliance with the standard for dwelling 4 is deemed to be appropriate for the site. A condition requirement is included below, requiring the non-compliance for dwelling 1 to be rectified.

Dwellings 7 and 8 do not meet the standard for dimensions of secluded private open space to allow solar access. The objective of this clause is to *allow solar access into the secluded private open space of new dwellings*. Despite the southern boundary of the secluded private open space (SPOS) not being setback appropriately to the height on the wall on the north side, the location of the SPOS on the north-western side of the dwellings will still allow ample sunlight into these areas (shadow in the morning, with full sun in the afternoon). The non-compliance with the standard is the result of alterations to the plans to provide a visitor's car space – an issue raised in all seven objections. The usability and amenity of the SPOS will not be impacted by non-compliance with the standard and the objective is still met through the design response.

The following table provides an assessment of the proposal against the relevant ResCode provisions.

Clause 55 Two or More Dwellings on a Lot		
Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Does not comply
Clause 55.02 Neighbourhood Character		
B1 – Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	Appropriate design response to the neighbourhood and site.	<input checked="" type="checkbox"/> As discussed above, the design is responsive to the neighbourhood character statements contained in the planning scheme, with respect to roof form, setbacks and fencing.
	Design respects the existing or preferred neighbourhood character and responds to site features.	
B2 – Residential Policy Residential development is consistent with housing policies in the MPS and PPF. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	Application to be accompanied by written statement that explains consistency with relevant housing policy in the MPS and PPF.	<input checked="" type="checkbox"/> An acceptable statement has been provided, which details how the development meets both state and local policy, particularly in relation to the location of infill development.
B3 – Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	Development of ten or more dwellings to provide for: <ul style="list-style-type: none"> Dwellings with a different number of bedrooms. At least one dwelling containing a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<input checked="" type="checkbox"/> The proposal includes two two-bedroom dwellings and seven three-bedroom dwellings, which is acceptable per the City's local policy to encourage dwelling diversity. All dwellings provide at least one bedroom and the kitchen and a full bathroom at ground level (excepting 4b).

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B4 – Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	Connection to reticulated sewerage, electricity, gas and drainage services.	<input checked="" type="checkbox"/> Reticulated water, sewer and power are available.
	Capacity of infrastructure and utility services should not be exceeded unreasonably.	Gas connection is prohibited and will be enforced by a permit condition. Connection to the reticulated drainage system is available at the front of the property.
	Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists.	
B5 – Integration with the Street Integrate the layout of development with the street.	Development orientated to front existing and proposed streets.	<input checked="" type="checkbox"/> Dwellings 1 and 8 both address Lilac Street. The remaining dwellings address the internal driveway.
	Vehicle and pedestrian links that maintain and enhance local accessibility.	<input checked="" type="checkbox"/> A permit condition will require a footpath connection to front door of both Dwelling 1 and 8. The central driveway is appropriately designed to allow or shared vehicle and pedestrian access.
	High fences in front of dwellings should be avoided if practicable.	<input checked="" type="checkbox"/> No front fencing is proposed; however it is proposed that a permit condition will require suitable means of excluding vehicles from entering the front setback (such as bollards, landscaping or a fence) to a height not exceeding two metres.
	Development next to public open space should be laid out to complement the open space.	N/A The site does not adjoin any public open space.

Clause 55.03**Site Layout and Building Massing**

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B6 – Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	<p>Walls of building should be set back from streets at least the distance specified in the schedule to the zone; or if not distance is specified, the specified in Table B1.</p> <p><i>Porches, pergolas and verandahs less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i></p> <p>For a site where there is an existing building on both abutting allotments and the site is not on a corner, the minimum front setback is the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</p>	<p><input checked="" type="checkbox"/> The adjoining dwellings are set back 8.6m and 22.2m, therefore the default of 9m applies.</p> <p>This is met by both dwellings 1 and 8 which face the street and is permissibly encroached upon by their porticos by 1.2m.</p>
B7 – Building Height Building height should respect the existing or preferred neighbourhood character.	The maximum building height should not exceed that specified in the zone, schedule to the zone or any overlay that applies to the land.	<input checked="" type="checkbox"/> The height for a dwelling in the General Residential Zone is limited to 11m.
	Where no maximum height is specified, the max height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site is 2.5 degrees or more, in which case the max height should not exceed 10m.	<input checked="" type="checkbox"/> All dwellings are double storey and the maximum height proposed is 8.34m (Dwelling 6), which is below the maximum 11m allowable.
B8 – Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	<p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The max. site coverage specified in the schedule to the zone; or • If no max. site coverage, is specified 60%. 	<input checked="" type="checkbox"/> No alternative percentage is specified in the zone. The total coverage of 47.25% complies with the standard.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B9 – Permeability Reduce the impact of stormwater run-off on the drainage system, facilitate on-site stormwater infiltration and encourage stormwater management that maximises the retention and reuse of stormwater.	At least 20% of the site should not be covered by impervious surfaces.	<input checked="" type="checkbox"/> 35% of the site will be permeable in compliance with the standard. It is likely this percentage will increase with the requirement to achieve a 100% STORM rating.
B10 – Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Orientation of buildings should make appropriate use of solar energy.	<input checked="" type="checkbox"/> One objection notes that the orientation and roof form of the dwellings are not optimised for rooftop solar. While this would be ideal, there is no mandatory requirement for this and it does not preclude the ability of the dwellings to have solar at all. There are no solar panels on adjoining buildings which will be unreasonably impacted by the development – those of number 78 facing the site will be un-shadowed by 9am on the equinox. The primary living room of each dwelling faces north-east or north-west, with the exception of Dwelling 4a, for which the living room is in the middle of the floor plan. The open plan nature of the living space however will allow some light into this area. The secluded private open space for Dwellings 1 to 5 is well-located for solar access. For Dwellings 6, 7 and 8, the north-western aspect is acceptable.
	Siting and design of buildings should not unreasonably reduce the energy efficiency of buildings on adjoining lots and should ensure there is no unreasonable reduction in the performance of existing rooftop solar systems.	
	If practicable the living areas and private open space are to be located on the north side.	
	Solar access for north-facing windows should be maximised.	
B11 – Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	Public open spaces should: <ul style="list-style-type: none"> • Be substantially fronted by dwellings. • Provide outlook for dwellings. • Be designed to protect natural features. • Be accessible and useable. 	<input checked="" type="checkbox"/> The communal driveway is addressed by Dwellings 2 to 7, it provides scope for landscaping and is, by nature, highly accessible. No public open space is proposed.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B12 – Safety Layout to provide safety and security for residents and property.	Entrances to dwellings and residential buildings should not be isolated or obscured from the street and internal accessways.	<input checked="" type="checkbox"/> Entry to the proposed dwellings is via the front doors facing either Lilac Street or off the central accessway as appropriate.
	Planting should not create unsafe spaces along streets and accessways	A condition will require appropriate lighting of the accessways via bollard lighting or similar. The layout does not create spaces presenting any inherent safety concern.
	Good lighting, visibility and surveillance of car parks and internal accessways.	As the access is via a single width crossover and the dwellings to the rear are clearly visible, it is highly unlikely any passing pedestrians will mistake it for a thoroughfare.
	Protection of private spaces from inappropriate use as public thoroughfares.	
B13 – Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Landscape layout and design should: <ul style="list-style-type: none"> • Protect predominant landscape features of the neighbourhood • Take into account the soil type and drainage patterns of the site • Allow for intended veg. growth and structural protection of buildings • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents 	<input checked="" type="checkbox"/> There are several mature, non-native trees on the site. None of these are proposed to be retained as doing so would be impractical. As discussed above, the impact to trees on neighbouring lots will be addressed via permit conditions. The proposed layout provides for adequate spacing to allow canopy trees to be included as part of the landscape design. An indicative landscape plan has been provided which is generally acceptable. Further details, additional canopy trees for the larger lots and construction and maintenance of landscaping will be required through a permit condition.
	Development should: <ul style="list-style-type: none"> • Provide for the retention or planting of trees, where these are part of the character of neighbourhood. • Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. 	
	Landscape design should specify landscape themes, vegetation location & species, paving & lighting.	

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B14 – Access Ensure the number and design of vehicle crossovers respects the neighbourhood character.	<p>The width of the accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33% of the street frontage; or • 40% if the width of the street frontage is less than 20m. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p><input checked="" type="checkbox"/> The application proposes to construct one new, single width crossover next to the existing crossover, which will be removed. The crossover is 3m wide and will not impact the existing street tree.</p> <p>The crossover will occupy 12.4% of the total site frontage, maximising the retention of on-street parking.</p> <p>Permit conditions will ensure that the crossover is constructed in accordance with the IDM.</p> <p>Site access is entirely from Lilac Street – a City managed road.</p> <p>The layout allows for suitable access in an emergency.</p>
B15 – Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	<p>Car parking facilities should be:</p> <ul style="list-style-type: none"> • Close and convenient to dwellings. • Secure. • Designed to allow safe and efficient movements. • Well ventilated if enclosed. • Broken up with trees and buildings or different surface treatments (applicable to large parking areas.) 	<p><input checked="" type="checkbox"/> Car parking is provided to each dwelling in the form of an attached garage.</p> <p>The design of the spaces is incorporated into the development and there is adequate space provided for turning and for landscaping.</p> <p>A visitor's space was provided between Dwellings 6 and 7 in response to this being raised as an issue in all seven objections.</p>
	<p>Shared accessways, car parks of other dwellings/residential buildings should be at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m, where there is a fence at least 1.5m high or window sills are at least 1.4m above the accessway.</p>	<p><input checked="" type="checkbox"/> While many windows face the driveways (which is appropriate) all of those to a habitable room are consistently provided a landscape buffer of at least 1.5m.</p>
B17 – Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	<p>A new building not on or within 150mm of a boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • 1m+ 0.3m for every metre of height over 3.6 metres up to 6.9 metres, 	<p><input checked="" type="checkbox"/> Most of the side and rear setbacks meet the recommended standards. The non-compliant setbacks are:</p> <p>Dwelling 1 – eastern first floor eave encroaches 0.7m</p> <p>Dwelling 4 – eastern first floor eave</p>

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
	<p>plus 1 metre for every metre of height over 6.9 metres.</p> <p>(refer Diagram B1 for more detail and information about minor encroachments).</p>	<p>encroaches 0.75m</p> <p>A permit requirement will require Dwelling 1 to be amended to ensure the encroachment does not exceed 0.5 metres. This will ensure the objective is met, as discussed in detail at the top of this section.</p> <p>It is also noted that many of the title boundary annotations on the elevation are incorrect. This will also be addressed via a permit condition.</p>
<p>B18 – Walls on Boundaries</p> <p>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> 10m plus 25 % of the remaining length of the boundary of an adjoining lot. 	<p>N/A There are no walls on boundaries.</p>
<p>B19 – Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum dimension of 1m clear to the sky (this can include land on the adjoining lot).</p> <p>Walls or carports more than 3m in height opposite should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	<p><input checked="" type="checkbox"/> There are no affected existing windows. Adjoining dwellings to the south-west and north-east are both setback 6.6m. The dwelling over the north-west boundary is setback over 30m.</p> <p>For the dwelling to the south-west (downhill), the first floor of Dwelling 8 is 6.7m at 2.3m from the boundary (the setback of the first floor). Even if the difference in grade of 1.5m is added to the height of the wall (8.2m), the setback (6.6m + 2.3m = 8.9m) from the nearest window far exceeds the standard of half the height of the wall.</p> <p>It is further noted that the only visible windows of number 78 on this side are setback 8.8m from the boundary.</p>

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B20 – North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Buildings should be setback 1m if an existing north-facing habitable window is within 3m of the abutting lot boundary. (Add 0.6m to this setback for every metre of height over 3.6m and add 1m for every metre over 6.9m.) Refer to 55.04-4 for further clarification (a diagram is included).	<input checked="" type="checkbox"/> There are no affected existing windows. Adjoining dwellings to the south are all set sufficiently off the boundary to ensure that the proposed single storey buildings do not infringe the standard. Several objections raised this as an issue. For number 78 in particular, the window of issue (setback 8.8m) is not classified as a north facing window as it is orientated north 45° east. A sectional shadow diagram was provided, but as this lacked a scale it cannot be checked for accuracy.
B21 – Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Where sunlight to a private open space of an existing dwelling is reduced, at least 75%, or 40sqm with min. 3m, whichever is the lesser area, of the open space should receive a min. of 5 hours of sunlight between 9 am and 3pm on 22 Sept. If the existing sunlight to the private open space of an existing dwelling is less than these requirements, the amount of sunlight should not be reduced further.	<input checked="" type="checkbox"/> Some overshadowing of private open space to the south-west will occur given the setbacks and height of the development. At 9am this equates to: 78 Lilac: 110m ² or 19% 152 Lily: 158m ² or 22% 154 Lily: 68m ² or 15% The proposed development will not cause any shadowing as described in the standard.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<p>B22 – Overlooking</p> <p>Limit views into existing secluded private open space and habitable room windows.</p>	<p>A habitable room window, balcony, terrace, deck or patio should be designed to avoid direct views into the secluded private open space of an existing dwelling within 9m (see clause for details) should have either:</p> <ul style="list-style-type: none"> • A minimum offset of 1.5m from the edge of one window to the other. • Sill heights of at least 1.7m above floor level. • Fixed obscure glazing in any part of the window below 1.7m above floor level. • Permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent. <p>Obscure glazing below 1.7m above floor level may be openable if there are no direct views as specified in this standard.</p> <p>Screens to obscure view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with solid translucent panels or a maximum 25% openings. • Permanent, fixed and durable. • Blended into the development. <p>See Clause 55.04-6 for instances where this standard does not apply.</p>	<p><input checked="" type="checkbox"/> The ground floor windows are obliged to be screened by fencing to the south-west, north-west and north-east boundaries. Notation of this on plans will be required via a permit condition.</p> <p>For the first floors, the windows are either frosted to 1.7m above floor level or have sill heights 1.7m above floor level, except:</p> <p><input checked="" type="checkbox"/> <u>Dwelling 1</u> South elevation (to streetscape) East elevation (setback from 70 Lilac's SPOS)</p> <p><input checked="" type="checkbox"/> <u>Dwelling 2</u> East elevation (>9m separation)</p> <p><input checked="" type="checkbox"/> <u>Dwelling 4b</u> East elevation (overlooks sheds) North elevation (>9m separation)</p> <p><input checked="" type="checkbox"/> <u>Dwelling 6</u> West elevation (>9m separation)</p> <p><input checked="" type="checkbox"/> <u>Dwelling 7</u> West elevation (overlooks roofing within 9m)</p> <p><input checked="" type="checkbox"/> <u>Dwelling 8</u> South elevation (to streetscape) West elevation (>9m separation)</p>
<p>B23 – Internal Views</p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Windows and balconies should to be designed to prevent overlooking of more than 50% of the secluded private open space of a lower level dwelling or residential building within the same development.</p>	<p><input checked="" type="checkbox"/> No inappropriate internal overlooking will occur within the development due to internal fencing and window placement.</p>

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B24 – Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.	<input checked="" type="checkbox"/> Noise sources have not been nominated on the plans, but this can be controlled through a permit condition. The planning report notes that noise-sensitive rooms will be protected by noise attenuation measures. As no noise sources have been identified, it would make sense to avoid this issue by siting services away from windows, rather than engineering a solution.
	Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.	<input checked="" type="checkbox"/> There have been no noise sources identified on immediately adjacent properties.
	Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	<input checked="" type="checkbox"/> There are no existing offsite uses or traffic corridors that are likely to impact the development.
B25 – Accessibility Consider people with limited mobility in the design of developments.	Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.	<input checked="" type="checkbox"/> Dwelling entries are accessible or able to be made accessible.
B26 – Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Entries are to be visible and easily identifiable from streets and other public areas.	<input checked="" type="checkbox"/> The dwelling entries are readily identifiable from the common property and appropriately treated architecturally.
	The entries should provide shelter, a sense of personal address and a transitional space.	<input checked="" type="checkbox"/> Shelter and personal address are provided via porticos and landscaping.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B27 – Daylight to New Windows Allow adequate daylight into new habitable room windows.	Habitable room windows to face: <ul style="list-style-type: none"> • Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or; • Verandah, provided it is open for at least one third of its perimeter or; • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<input checked="" type="checkbox"/> Daylight is available to all habitable room windows as all are clear to the sky.
B28 – Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Unless specified in the schedule to the zone, a dwelling should have private open space consisting of: <ul style="list-style-type: none"> • 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or; • Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or; • Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room. 	<input checked="" type="checkbox"/> All dwellings are provided with an appropriately dimensioned area of at least 40m ² with convenient access from the living rooms, in addition to the other areas of private open space around each dwelling. The only exception is Dwelling 4b (first floor) which is provided with a 9m ² balcony instead of a yard.
B29 – Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	The private open space should be located on the north side of the dwelling if appropriate.	<input checked="" type="checkbox"/> Dwellings 1, 2 and 3 have SPOS on the northern side. <input checked="" type="checkbox"/> Dwellings 4a, 4b and 5 have SPOS on the north-west side. <input checked="" type="checkbox"/> Dwellings 6, 7 and 8 have SPOS on the south-west side.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
	Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h)$ h= height of wall.	<input checked="" type="checkbox"/> <u>Dwelling 1</u> Requires 4.52m, Provides 8.5m <input checked="" type="checkbox"/> <u>Dwelling 2</u> Requires 5.06m, Provides 6.9m <input checked="" type="checkbox"/> <u>Dwelling 3</u> Requires 5.42m, Provides 8.5m <input checked="" type="checkbox"/> <u>Dwelling 4a</u> Requires 3.62m, Provides 4.5m <input checked="" type="checkbox"/> <u>Dwelling 5</u> Requires 3.62m, Provides 4.6m <input checked="" type="checkbox"/> <u>Dwelling 6</u> Requires 5.87m, Provides 8.7m <input checked="" type="checkbox"/> <u>Dwelling 7</u> Requires 8.57m, Provides 6.9m <input checked="" type="checkbox"/> <u>Dwelling 8</u> Requires 8.3m, Provides 8.2m It is a poor design outcome to not provide adequate light to the private open space of a proposed dwelling. As Dwelling 8 will have the benefit of the 9m frontage, this is less of an issue than Dwelling 7. The lack of northern access to one yard is not fatal to the application, but it is poor form on the part of the applicant to not acknowledge it in the assessment.
B30 – Storage Provide adequate storage facilities for each dwelling.	Each dwelling should have access to a minimum 6m ³ of externally accessible, secure storage space.	<input checked="" type="checkbox"/> Storage is provided to each dwelling via a 6m ³ shed in the yard, which is appropriate.
B31 – Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Design of buildings should respect the existing or preferred neighbourhood character and address: <ul style="list-style-type: none"> • Façade articulation & detailing. • Window and door proportions. • Roof form. • Verandahs, eaves and parapets. 	<input checked="" type="checkbox"/> The designs are acceptable. The proportions and detailing are uninspiring but not incompatible with the character of the neighbourhood.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
B32 – Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	The front fence should complement the design of the dwelling or any front fences on adjoining properties.	<input checked="" type="checkbox"/> Front fencing is not proposed, though may be provided in some form to exclude vehicles from entering the front setback.
	A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed: <ul style="list-style-type: none"> • 2m if abutting a Road Zone, Category 1. • 1.5m in any other streets. 	NA
B33 – Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Should be functional and capable of efficient management.	<input checked="" type="checkbox"/> The common property is appropriately laid out and designed. This application does not propose to subdivide the development, but in the event this was proposed in the future, the internal access and Dwelling 4's common areas are appropriately designed for management and maintenance by a body corporate.
	Public, communal and private areas should be clearly delineated. Common property should be functional and capable of efficient management.	<input checked="" type="checkbox"/> Common property is clearly and logically delineated, with private open space separated from the communal open space and road way by fencing.
B34 – Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.	Dwelling layout and design should provide for sufficient space and facilities for services to be installed and maintained.	<input checked="" type="checkbox"/> Adequate space for servicing and trenching is provided.
	Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and should blend in with the development.	<input checked="" type="checkbox"/> New metering and letterboxes will be provided adjacent to the common access. Bin storage is appropriately located and easily accessible for all dwellings.

Clause 55 Two or More Dwellings on a Lot

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
	<p>The site facilities including mailboxes should be located for convenient access.</p> <p>Bin and recycling enclosures located for convenient access.</p> <p>Mailboxes provided and located for convenient access as required by Australia Post.</p>	<p><input checked="" type="checkbox"/> Group mailboxes are provided adjacent to the new driveway for ease of access.</p> <p>Bins can be stored in the garages or yards, all of which are provided with access to the front through a laneway or garage.</p>

Per the assessment above, only two standards have not been met. Encroachment of Dwelling 1's first floor eave into the north-east setback can be addressed via a permit condition to ensure compliance with the objective on character grounds. No impact to amenity will result from the encroachments and there is no character impact arising from Dwelling 4's encroachment.

Non-compliant solar access to the Dwelling 7 and 8 private open space is not ideal, but this does not mean that there will be no sunlight in these areas. The objective seeks to allow solar access into private open space, and this will occur, if not to best practice. The proposed development complies with the relevant ResCode provisions.

Whether the proposal has adequately responded to objector concerns

Parking

Parking was a universally raised issue across all objections. When the application was first advertised, it sought the waiver of the visitor's parking space required by Clause 52.06 Car Parking (one to each five dwellings). The applicant subsequently reduced the private open space to Dwelling 7 (which incidentally had been compliant with solar access standard) to provide a parking space for visitors.

The development complies in full with the statutory parking rates and design standards required by the provision. The access is a minimum 3m wide and provides for two passing areas. Each dwelling is provided with the necessary number of spaces (two to each three or more bedroom dwelling and one to each two bedroom dwelling).

Objections relating to parking were not withdrawn as a result of the amended plans. Neighbours are concerned that parking in the street, on the nature strip and in the frontage will occur and cited examples of similar development where this has

happened. Permit conditions will ensure that the front yards exclude vehicles. Parking is a legal use of the street, unless there are signed restrictions. That is not a matter within the scope of this application to either assess or enforce – all objectors were advised of the appropriate process to report concerns with congestion to the City's traffic department. Section 197 of the *Road Safety Road Rules 2017* states that a vehicle is not permitted to use the nature strip for parking except under very particular circumstances – should this occur, neighbours can notify the City's parking officers.

Traffic

In addition to parking concerns, objectors raised concerns with the capacity of Lilac Street to support the additional traffic generated from the proposed development. Objectors commented that Lilac Street currently, in effect, operates as a one-way street as the 7 metre wide road usually has vehicles parked on both sides, restricting vehicle movements to one way at a time.

To determine if the current Lilac Street traffic control system was adequate, referral to the City's Traffic Engineer also considered this aspect. No concerns were raised through this process in relation to the adequacy of Lilac Street to accommodate the likely increase in traffic that the proposed development of the site would create. It is deemed that Lilac Street will continue to operate as envisaged as a local access street.

Other Issues

Waste collection was raised, in part in relation to the use of the road. The plans provided demonstrate that the bins allocated to the development can be put out for collection on the north side of the crossover and the City's Resource Recovery and Education department did not raise any issue with this. Part B, Section 2.1 of the City's *Community Local Law* prohibits bins being placed outside the boundary of a property except within 24 hours before or after bin collection day. Again – should this issue arise, neighbours can contact the City to report the offence, but this does not fall within the scope of the planning process to address.

It is the City's responsibility to ensure that appropriate drainage measures are designed and constructed to avoid impacting both the City's drainage system and neighbouring properties. In this instance, the City's development engineer has requested a detailed drainage plan be submitted, which includes a limitation on the permissible discharge rate. The legal point of discharge cannot be across another property, unless there is a nominated drainage easement with appropriate infrastructure capable of receiving the necessary quantity of water. Additionally, as discussed above, the developer must supply additional permeability or water collection measures to achieve a 100% STORM rating.

Overdevelopment of the site was also raised as a general issue, rather than in response to a particular design element. Overdevelopment is a principle, rather than a defined, assessable component of an application. There is no doubt that the proposal seeks to dramatically increase the number of people occupying this site. That said, the development provides for adequate parking, provides appropriate front and side setbacks and separation between the two rows of dwellings. The private open space is to the side or rear of each dwelling and there is sufficient space for landscaping. As remarked by Osborne J (in *Knox City Council v Tulcan Pty Ltd* [2004] VSC 375), *the planning scheme does not require an ideal outcome as a prerequisite to a permit. If it did, very few, if any, permits for development would ever be granted and there would be difficult differences of opinion as to whether the outcomes were in fact ideal.* The proposed development is an acceptable outcome when weighed against the relevant planning policy.

At a high level, the site has been strategically identified for infill development due to its proximity to two activity centres and the transport network. The fine grain detail of the development also complies with policy – in particular with the desired future character policy for the area. The development has been designed to emphasise the horizontal, the layout provides substantial space for landscaping, setbacks are complied with and the primary issue raised by objectors – the lack of a visitor's car parking space – has been addressed.

Conclusion

The City has received an application for the development of nine dwellings on a lot. Officer assessment has determined that the application is generally in accordance with the relevant State and local policy and that the application should be supported, subject to the conditions contained at the end of this report.

The application is before Council for a decision due to the number of objections received. Objectors' concerns are detailed above and have been addressed through the assessment section of this report.

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

- The proposed development accords with policy direction for in-fill development within an appropriately serviced location within the General Residential Zone, which has the primary purpose for residential uses within a suburban context.
- The proposed development has been appropriately designed to respond to the character statements outlined at both state and local level policy, in particular in the desired future character statement for the residential character precinct.

- The development complies (or can comply) with all relevant objectives of Clause 55, resulting in a residential development that provides appropriate standards of amenity for existing and new residents.
- The proposal has adequately addressed all valid objector concerns.
- The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, General Residential Zone, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme.

It is recommended that Council approve the proposal and resolve to 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. MODIFIED PLANS REQUIRED

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

a) Site plan, amended to show:

- i. Tanks to Dwellings 3, 4, 6, 7 and 8 relocated so not to obscure windows or obstruct passageways
- ii. Service plant annotated on plans and located away from habitable room windows
- iii. Fencing to be a minimum of 1.8 metres high to all boundaries behind the front building line of dwelling 1 and 8 to ensure overlooking is prevented.
- iv. Retaining wall on the north-east boundary setback a minimum of 770mm from the boundary with number 70
- v. Annotation that Dwelling 8 will be constructed on piers or stumps and that any excavation will be undertaken in accordance with the recommendations of the Arborist's Report endorsed under this permit.

b) Elevations, amended to show:

- i. Northeast first floor eave to Dwelling 1 reduced by a minimum of 0.25 metres
 - ii. Correctly located boundary lines
 - iii. Fencing height and materials
 - iv. Ground levels on both side of the boundary fencing
 - v. Floor levels.
 - c) A cut and fill plan detailing the location and height in AHD of all cut, fill, batters, retaining walls and other earthworks.
 - d) A STORM report achieving a minimum 100% rating.
 - e) An Arborist's Report in accordance with Condition 3.
 - f) A Landscape Plan in accordance with Condition 4.
 - g) A Soil Management Plan in accordance with Condition 8.
 - h) A Construction Management Plan in accordance with Condition 12.
 - i) Annotate a table of the ESD (environmentally sustainable development) initiatives committed to in the Sustainable Design Assessment (SDA) and Built Environment Sustainability Scorecard (BESS) on the development plans including:
 - i. This is an all-electric development. No gas connection will be made
 - ii. A 3000L water tank will be provided to each dwelling. They are to be connected to toilets and laundries (may be shared between Dwellings 4a and 4b)
 - iii. Heating and cooling system type and efficiency commitment (min 3 stars)
 - iv. Hot water system details and efficiency commitment (6 stars)
 - v. Water fixtures and fittings efficiency commitment (WELS ratings) 4 star showerheads, 5 star taps, 4 star toilets, 4 star dishwashers
 - vi. Internal lighting maximum illumination power density of 4W/sqm or less
 - vii. An outdoor clothes line will be provided to each dwelling
 - viii. An EV charger will be installed to each garage (one each to the spaces allocated to Dwellings 4a and 4b)
 - ix. Doubled glazing to all habitable room windows, at a minimum
 - x. Water efficient garden; plantings are not to require supplementary watering with potable water (after an initial period when plants are getting established)
 - xi. Operation of the external lighting to be controlled by a motion detector.
2. NO ALTERATION TO LAYOUT
- The development permitted by this permit as shown on the endorsed plans or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.
3. ARBORIST'S REPORT REQUIRED
- Before the development starts, an Arborist's Report to the satisfaction of the responsible authority and in accordance with AS 4970-2009 Protection of Trees on Development Sites, must be submitted to and approved by the responsible authority. When approved, the report will be endorsed and will then form part of the permit. The

report must address the following matters:

- a) Calculate the Tree Protection and Structural Root Zones for all four trees abutting the south-western boundary on number 78's side of the fence.
- b) Recommend a low-impact excavation method for any works required in the TPZ to ensure that the tree is retained in good health.
- c) Any other matter the arborist considers relevant.

4. LANDSCAPE PLAN REQUIRED

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

- a) Treatment of the south-eastern (front) boundary, including:
 - i. Measures to prevent vehicles entering the front setback: fencing not exceeding 1.2m in height, suitable landscaping or other measures to the satisfaction of the responsible authority
 - ii. Footpath connection to Dwellings 1 and 8
- b) Bollard lighting along the common driveway, with spacing to exclude vehicles from entering the front setbacks of Dwellings 1 and 8
- c) A minimum of one canopy tree to the private open space of Dwellings 1 to 4a and 5 to 9
- d) A minimum of one canopy tree inside the front setbacks of Dwellings 1 and 8, between Dwellings 2 and 3 and between the Dwellings 4 and 5
- e) The species, number of specimens and size at maturity for all planting along the driveway
- f) The location of any in-ground drip irrigation.

5. LANDSCAPING MAINTENANCE

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

6. COMPLETION OF LANDSCAPING

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.

7. SUSTAINABLE DESIGN ASSESSMENT

- a) All works must be undertaken in accordance with the endorsed SDA (including BESS and STORM report etc) to the satisfaction of the responsible authority. No

alterations to the SDA or associated documents may occur without the prior written consent of that authority.

- b) Prior to the commencement of occupation or issue of Statement of Compliance, a post construction report, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SDA have been implemented in accordance with the approved plan. The report must include the following documents and photographic evidence of:
- i. Size and number of rain water tanks installed, pumps and connection to toilets
 - ii. Final NatHERS certificates
 - iii. The efficiency of electrical and water fittings and fixtures installed including the heating/cooling and hot water system
 - iv. Clothes lines
 - v. External lighting motion detectors.

8. SOIL MANAGEMENT PLAN REQUIRED

Prior to the commencement of construction, a Soil Management Plan must be prepared in accordance with the recommendations of the Preliminary Site Investigation prepared for 76 Lilac Street IRONBARK by Edwards Environmental and dated September 2023.

Once approved, the recommendations and construction methodology must be implemented and adhered to by all relevant parties, including owners, occupiers and site developers, to the satisfaction of the responsible authority.

9. DETAILED DRAINAGE

Prior to commencement of works, 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 and must include:

- a) Underground drainage
- b) Stormwater quality
- c) A point of discharge
- d) Stormwater detention
- e) Stormwater detention with allowable discharge $Q_{20\%} = 15\text{l/s}$.

10. CONSTRUCTION OF WORKS

Prior to the completion 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:

- Drainage

- Crossover.

11. SECTION 173 AGREEMENT

If an onsite detention or water quality system is required then, prior to the completion of the development, the applicant/owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987.

- The owner will maintain each on-site treatment system and/or detention system and not modify without prior written approval from the responsible authority.
- The owner shall allow duly authorised officers of the responsible authority to inspect the systems at mutually agreed times.
- The Owner will pay for all costs associated with the construction and maintenance of each on-site treatment and detention system.

12. 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) Techniques to prevent mud and dirt being transported from the site to adjacent streets
- d) Commitment to the measures contained in the Soil Management Plan prepared for the site and endorsed under this permit
- e) The protection measures taken to preserve any vegetation identified for retention, including vegetation within road reserves
- f) The name and contact details of the site manager.

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

13. ACCESS

Before the development is occupied, the vehicle access must be constructed in accordance with the following requirements:

- a) The driveway between the property boundary and the kerb must be constructed in accordance with the Infrastructure Design Manual.
- b) Any existing kerb layback not used be removed and the kerb reinstated.
- c) Any existing driveway not used must be removed and the nature strip reinstated.
- d) All vehicles must enter and exist the site in a forward direction.
- e) The change in grade transition of the driveways should comply with AS 2890.1:2004, cl 2.5.3(e). This will even out the grade changes making it less likely

for a car to scrape. Ground clearance can be checked using the method specified in AS 2890.1:2004, Appendix C for a B85 vehicle. This also applies to the driveway between the kerb and the property boundary.

14. PEDESTRIAN SIGHTLINES

The minimum sight line for pedestrian safety must be provided at the exit lane frontage so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.

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 & 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 hereby permitted.

16. GENERAL EXTERIOR TREATMENT

The exterior treatment of the building 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 must be maintained to the satisfaction of the responsible authority.

17. REFRIGERATION AND AIR-CONDITIONING EQUIPMENT

Any equipment required for refrigeration, air-conditioning, heating and the like must be suitably insulated for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

18. FENCING OF SITE

The fences as shown on the endorsed plans must be erected and maintained to the satisfaction of the responsible authority.

19. USE OF CAR PARKING AREAS

Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose.

20. NO MUD ON ROADS

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

minimise the problem to the satisfaction of the responsible authority.

21. GAS CONNECTION PROHIBITED

Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

22. EXPIRY OF THE PERMIT

This permit will expire if:

- (a) The development has not commenced within 2 years of the date of this permit; or
- (b) Construction of the approved dwellings is not completed within 5 years from the date of this permit.

The responsible authority may extend the time for certification of the plan, or for the completion of the dwelling, 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.

Notes

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.

SOIL CHARACTERISATION REPORT

Soils excavated during construction must be classified, transported and disposed of in accordance with EPA 1828.2 Waste Disposal Categories – Characteristics and Thresholds. A Soil Characterisation Report must be prepared prior to disposal.

Attachments

Nil

17.3. 55 CONDON STREET KENNINGTON 3550 - Use and Development of Land for a Child Care Centre, Partial Demolition and Buildings and Works in the Heritage Overlay, Removal of Native Vegetation and Alteration to Access to a Road in Transport Zone 2

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

Summary/Purpose

Application No:	DC/232/2022
Applicant:	SongBowden Planning
Land:	55 Condon Street, KENNINGTON 3550
Zoning:	General Residential Zone Transport Zone 2
Overlays:	Heritage Overlay – Schedule 937 (part)
No. of objections:	Six, with one later withdrawn
Consultation meeting:	No formal consultation meeting was held, however a response to the objections was provided by the applicant and circulated to objectors with a right of reply.
Key considerations:	<ul style="list-style-type: none"> • Is the use of the land for a childcare centre appropriate? • What are the impacts to the heritage buildings on the site? • Is the extent of vegetation removal acceptable? • Will the alteration of access to Condon Street result in any safety concern?
Conclusion:	Use of the land for a childcare centre is an appropriate use given the zoning of the land, location and context of the site. The design and siting of the proposed childcare buildings on the site has given regard to the existing heritage buildings on the site, which will be restored and repaired as part of the proposal to ensure their significance is not lost or diminished. While some vegetation removal is required to facilitate the development, the extent of such is considered appropriate and the retention of some vegetation throughout the site along with new plantings will result in acceptable biodiversity and amenity outcomes. The alteration of the access to Condon Street has been appropriately considered and will not result in any safety risk to users of both the centre and the broader road network.

Recommended Motion

That Council issue a Notice of Decision to Grant a Permit for the use and development of land for a childcare centre, partial demolition and buildings and works in the Heritage Overlay, removal of native vegetation and alteration to access to a road in Transport Zone 2 at 55 Condon Street, Kennington subject to the conditions at the end of this report.

AMENDED MOTION

That Council adopt the recommendation with the addition of a new condition 16 that states:

16. HERITAGE WORKS TO OBSERVATORY AND LA ROCCA BUILDING

Prior to commencement of the use, a validation report authored by a qualified and experienced heritage consultant must be submitted and approved confirming that the works in the endorsed Conservation and Reconstruction methodology have been carried out in accordance with that plan.

Moved: Cr Fagg

Seconded: Cr O'Rourke

Resolution No. 2024-87

CARRIED

Background Information

The site contains an existing dwelling known as the 'La Rocca' residence, and the East Bendigo Observatory.

At the time of lodgement of this application on 29 April 2022, both of these buildings were not included within a Heritage Overlay. The proposal at this time sought to retain the Observatory building and to demolish the La Rocca building. The proposed layout for the childcare centre relied on the demolition of the dwelling in its layout, incorporating new buildings and car parking in its place.

Prior to the lodgement of the application, Amendment C271 to the Greater Bendigo Planning Scheme was in progress, which sought to apply the Heritage Overlay (HO937) to part of the land. This Amendment was authorised on 7 June 2021, exhibited between 18 November – 20 December 2021, and proceeded to a panel hearing in July 2022, following the receipt of 7 submissions to the proposed Amendment. The Panel recommended that the Amendment be adopted as exhibited, subject to some minor drafting changes.

The Amendment was approved by the Department of Environment, Land Water and Planning on 16 December 2022, and came into effect following notice of the approval in the Victorian Government Gazette on 20 January 2023.

With the Heritage Overlay formally applying to the rear of the site from January 2023, the application was amended on 12 October 2023 to provide for a revised layout which saw the retention of the La Rocca residence and a number of other layout changes to the proposed buildings on the site, including the location of proposed accessways and car parking.



Figure 1. La Rocca residence



Figure 2. East Bendigo Observatory



Figure 3. East Bendigo Observatory

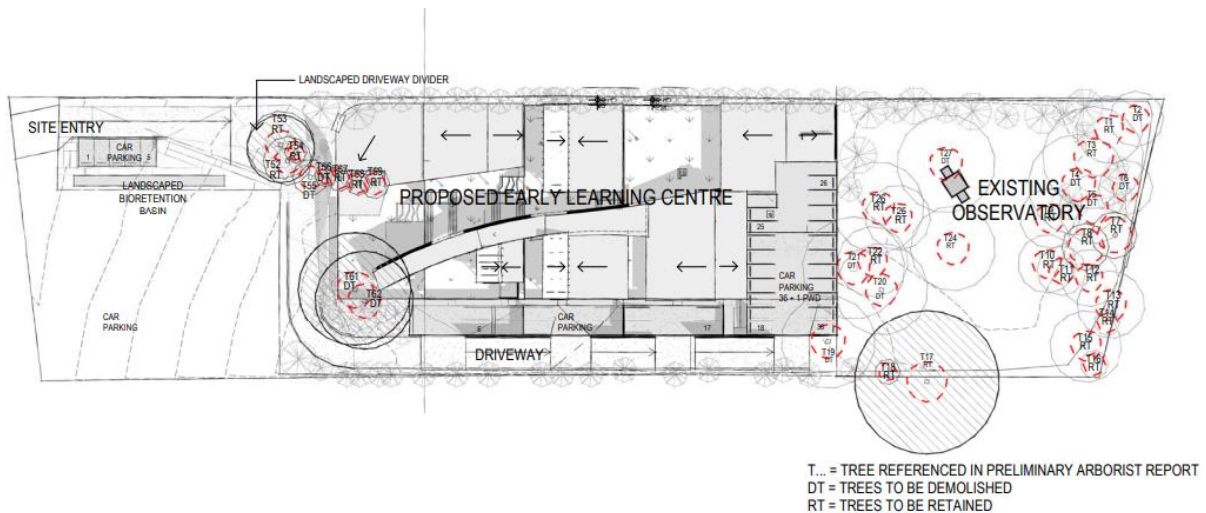


Figure 4. Proposed site layout plan, at the time of lodgement



Figure 5. Proposed site layout plan, following application of the Heritage Overlay to the site and subsequent amendment to the plans.

The Statement of Significance for HO937 states the following regarding the heritage significance of the La Rocca and Observatory buildings on the site:

“The former East Bendigo Observatory site (comprising the former observatory and associated residence) at 55 Condon Street, Kennington, designed by architect John Beebe and constructed in 1900, is of historic significance as an early private observatory complex built in Bendigo. The observatory is historically important for its role in recording official meteorological readings for Bendigo from 1908 until 1914. The building is a rare and relatively intact early twentieth century example of a small, privately built and owned observatory with its associated residence ‘La Rocca’. The former observatory is also of historic significance as it is indicative of the interest in the sciences, specifically astronomy, which gathered popularity in the late nineteenth and early twentieth centuries in Victoria. It is unusual because of its location on the same site as a residence, La Rocca, also designed by John Beebe circa 1900 (but significantly altered after a fire in 1958), where the Beebe family lived from 1900 to circa 1919. The observatory retains the original mechanism to open the domed roof, timber cabinetry and equipment platform inside (Criterion A and Criterion B). The former observatory building, built to house a 4.5-inch refracting telescope, is of technical significance as it reflects advances in Australian science and astronomy, as are the roof mechanism and equipment platform that remain within the central chamber and the timber cabinetry in the adjacent wing. The East Bendigo Observatory was the focus of astronomical, magnetic, and meteorological scientific investigation in the late nineteenth and early twentieth century Bendigo and was instrumental in providing Bendigo with accurate meteorological statistics in the period 1908-1914. The building evidences the city’s early endeavours into scientific research.”

Report

Subject Site and Surrounds

The subject land is irregular in shape, with a depth of approximately 200 metres and frontage of 13 metres to Condon Street. With a total area of 8,455 square metres, the land falls significantly from the rear towards the Condon Street frontage. Native and exotic vegetation is scattered throughout the site, with an existing dwelling (La Rocca residence) and associated outbuildings located somewhat centrally on the site, and the Observatory further north of the dwelling. An existing crossover from Condon Street provides access to the site, with an unmade driveway winding up the site. A metal fence is located along the property frontage in Condon Street, with a gate at this entrance which is typically locked.

In terms of the existing buildings on the site, these can be described as follows:

La Rocca

This weatherboard building dates from c.1900 and is a four-bedroom dwelling with a number of living spaces and a return verandah. The dwelling has been modified substantially following a fire in 1958, which has resulted in the loss of most original fabric and the replacement of a majority of the original elements. These changes have included changes to the original roof, verandah, most original windows and the addition of a concrete and fibrocement rear sunroom. The building is in fair to poor condition, with damage to the roof from a tree fall, and movement in the foundations resulting in cracking of brick and plaster walls. The rear chimney is also on a lean.

East Bendigo Observatory

This c.1900 building is constructed of red face brick and comprises an elevated central room with a mansard roof and metal clad dome, which was designed to house a 4.5 inch refracting telescope on a concrete platform. Two adjacent wings adjoin this central room, with the eastern of these wings designed to contain a transit telescope. The main dome retains the internal platform and mechanism to open the dome. Windows remain on the east and west wings; however, a section of brick wall has been removed from the east side of the building. A later brick extension has been added to the south of the building, which has been used for storage and provides access to the interior of the Observatory.

Land surrounding the site is residential in nature, with a number of dwellings having direct abuttals to the land, owing to the significant depth of the site. Along with Condon Street to the south, Kara Street, Albion Street and Marshall Crescent are also located nearby to the east, west and north respectively.

St Therese's Primary School is located a short distance to the north west of the land, with a small shopping strip located to the west within Condon Street, and Kennington Village, Strath Village and Strath Hill located around 800m – 1km to the south east. The Bendigo CBD is located approximately 1.5km to the north west.

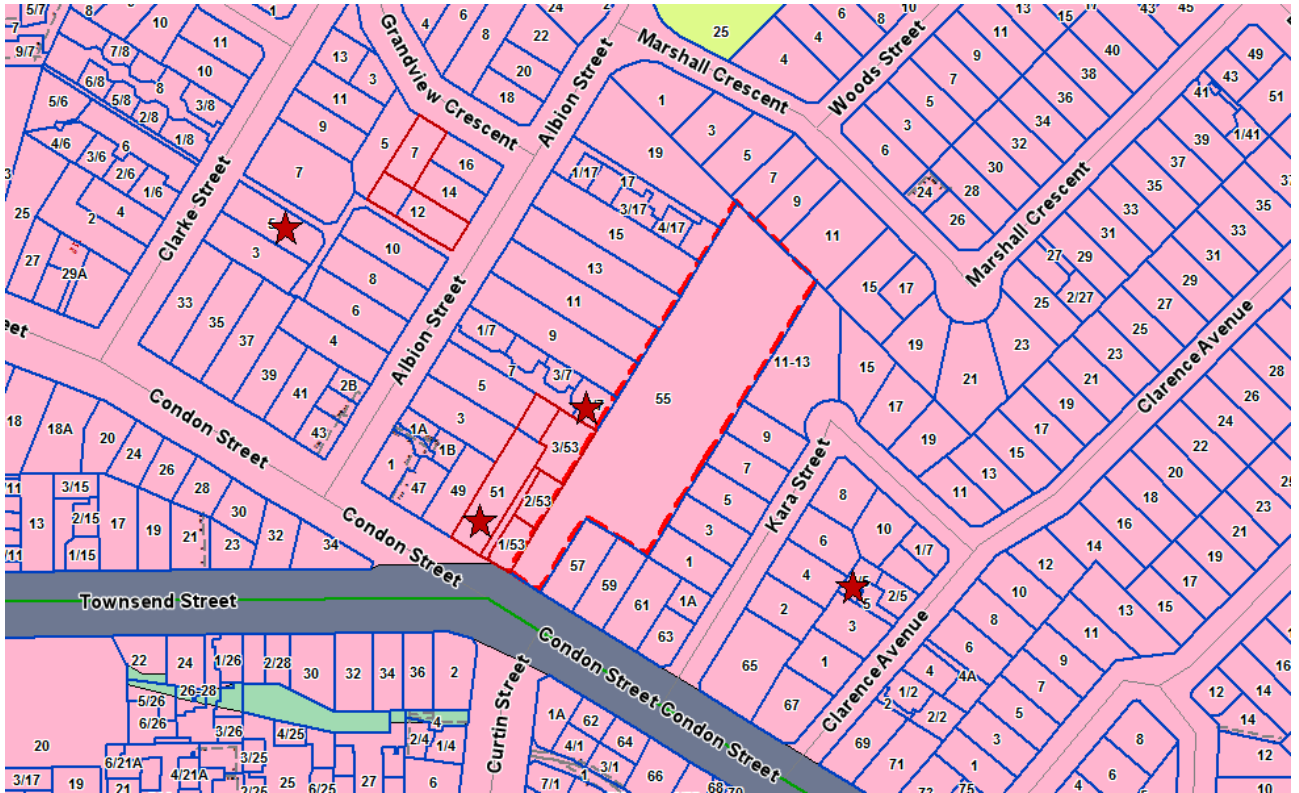


Figure 6. Location map showing subject land and surrounding land, with objectors' properties (which are proximate to the site) marked with a star.

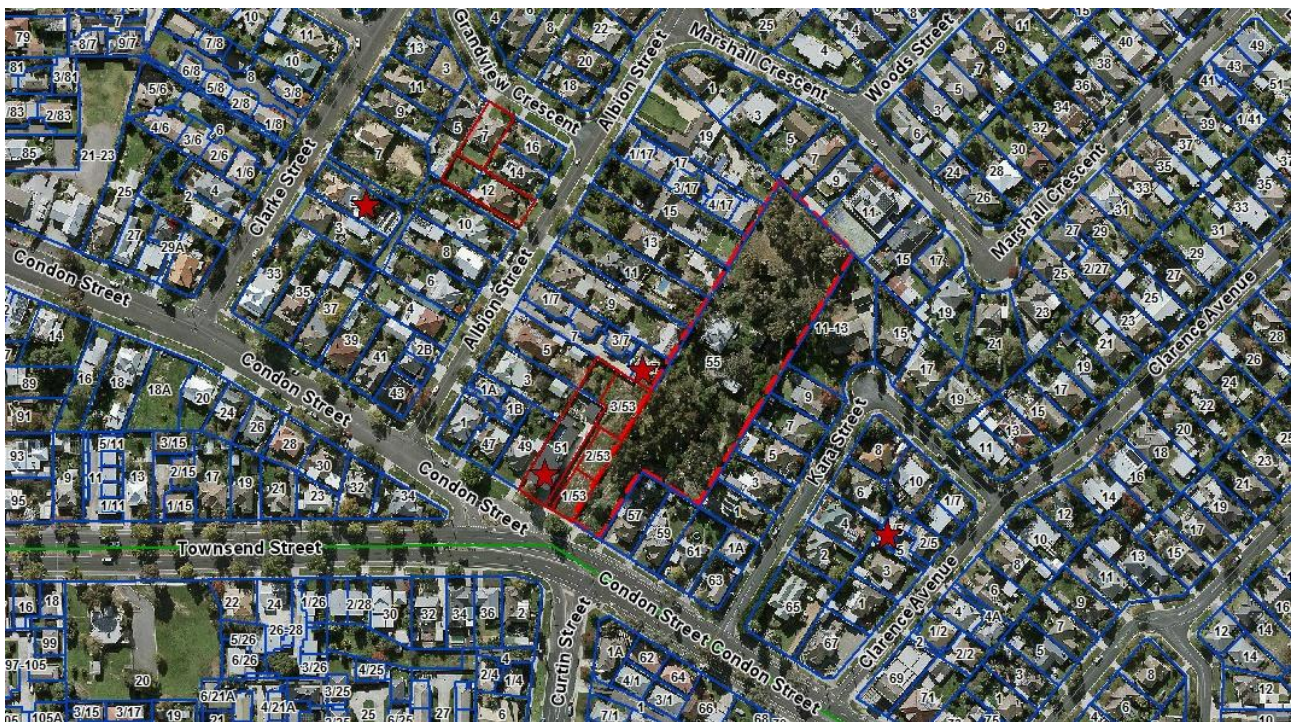


Figure 7. Aerial map showing subject land and surrounding land, with objectors' properties (which are proximate to the site) marked with a star

Proposal

The application proposes to:

- Use and develop the land for the purpose of a childcare centre;
- Works within the Heritage Overlay including to partially demolish and undertake restoration works to the La Rocca and Bendigo East Observatory buildings;
- Remove native vegetation throughout the site to facilitate the development of the childcare centre; and
- Alter the existing access to the site from Condon Street (being a road in a Transport Zone 2).

Each of these elements is discussed further below.

Childcare centre

The proposed childcare centre would accommodate 144 children and 21 staff. It is proposed to operate between 6:30am and 6:30pm Monday to Friday. 32 car parking spaces would be provided to support the centre.

The childcare centre would occupy three separate buildings, including the restored La Rocca building, and will include an administration building, main building, training space and three outdoor play spaces.

Owing to the fall of the site, the childcare centre would be partially constructed over two levels, with car parking to be provided on a lower level.

The site layout, including car parking, is indicated at Figures 8 to 15.

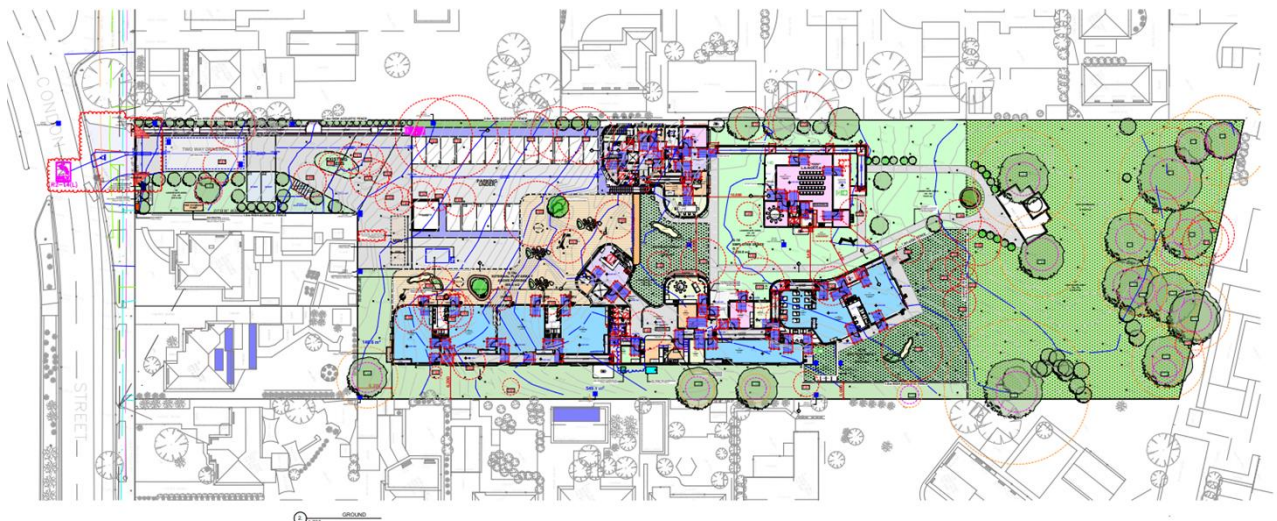


Figure 8. Proposed overall site plan

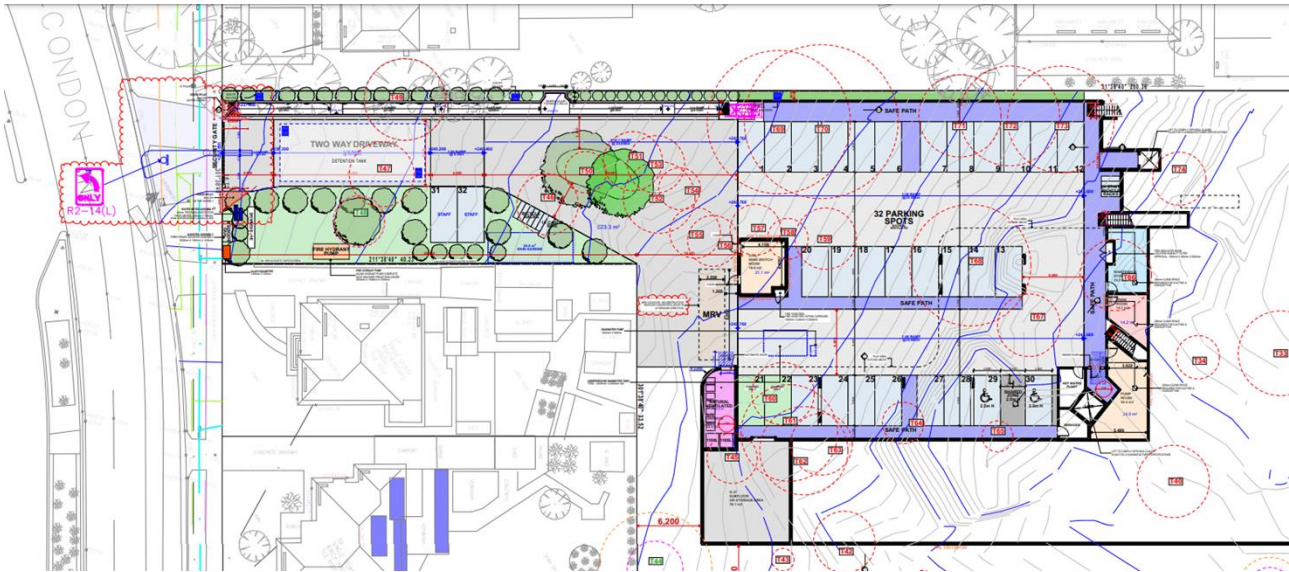


Figure 9. Proposed site plan – showing car parking

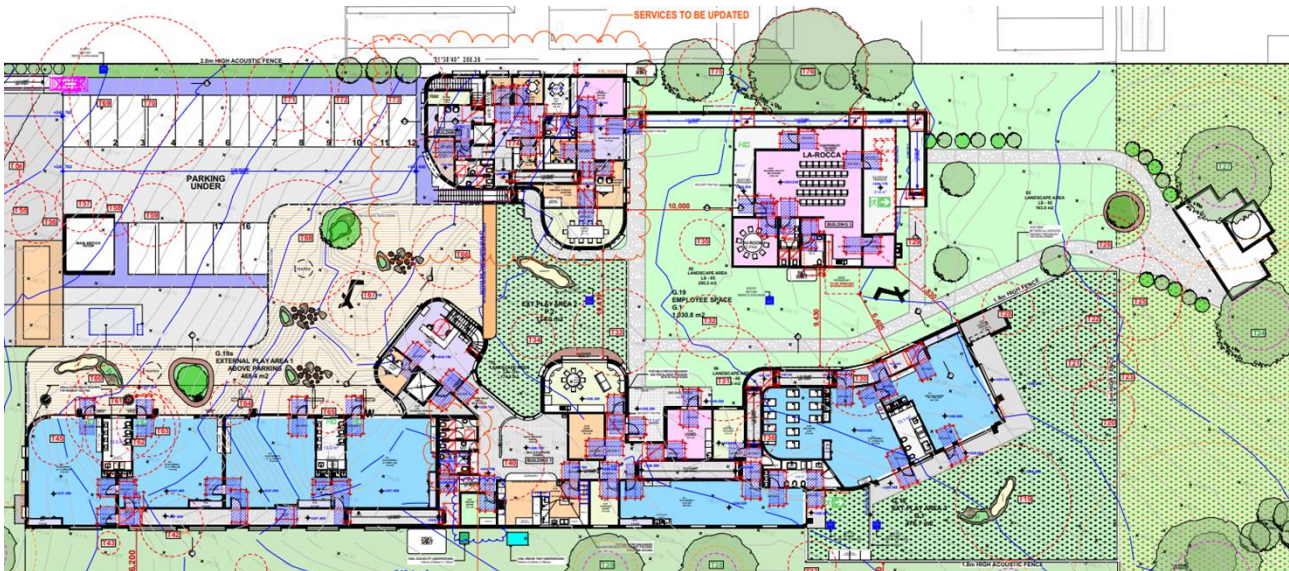


Figure 10. Proposed site plan – showing childcare buildings, and including restored La Rocca and Observatory



Figure 11. Eastern elevations



Figure 12. Western elevations

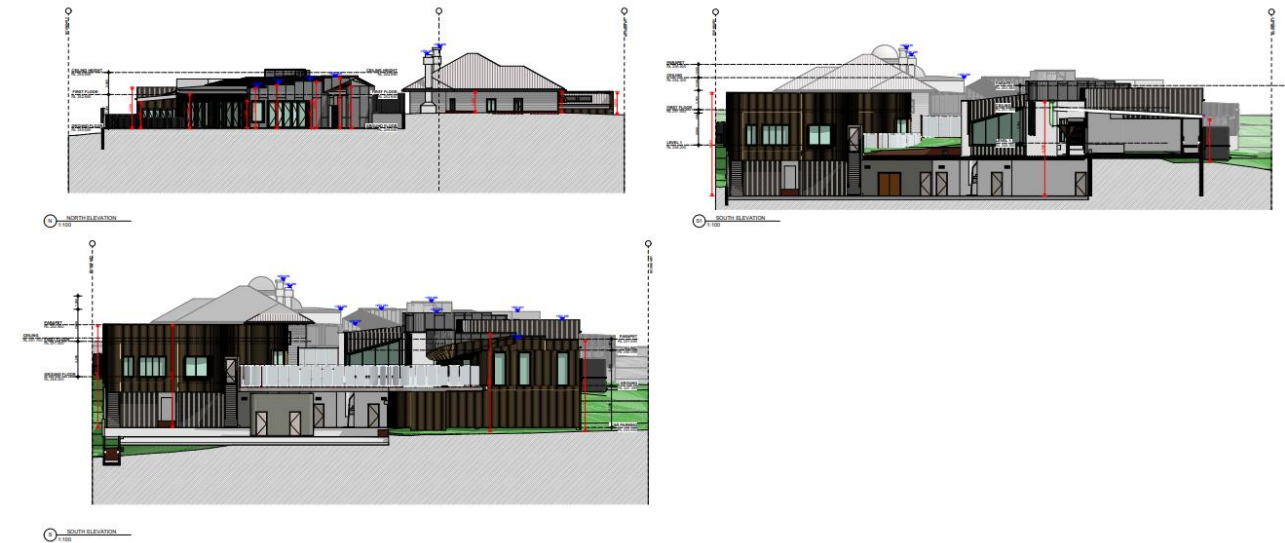


Figure 13. Northern and southern elevations



Figure 14. Sections



Figure 15. 3D renders of proposed childcare centre

Works within the Heritage Overlay

The proposal seeks to retain the two heritage buildings on the site, with later additions and outbuildings to be demolished.

The La Rocca building will be restored, rebuilt and partially modified to become a conference/training space for the childcare centre, while the Observatory building will be repaired and restored.

The reconstruction works to the La Rocca building will include:

- Careful removal of windows/doors/joinery to be retained;
- Dismantling and cleaning of brickwork;
- Removal of weatherboards and retention of any in good condition for re use;
- Restumping the building;
- Reframing;
- Reinstatement of retained joinery;
- Reconstruction of brickwork chimneys;
- Recladding of roof with new galvanised corrugated sheet roofing;
- Reinstatement of salvaged weatherboards and installation of new timber weatherboards to match;
- Reconstruction of the verandah, including cast iron detail bullnose verandah;
- Reconstruction of brick and rendered front steps.

Some new handrails, access ramps and steps will also be incorporated into the building to comply with safety and accessibility to meet Building Code requirements.

The works to the Observatory building will include:

- Repairing of brickwork;
- Reinstatement of original pivot windows;
- Reinstatement of missing door;
- Removal of the later, external brick structure adjoining the observatory.

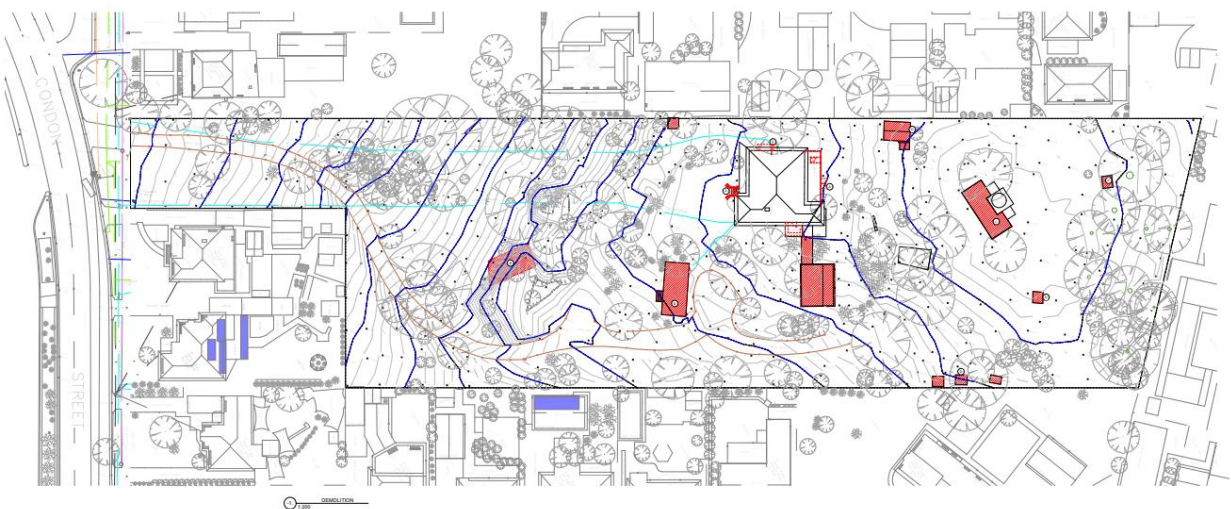


Figure 16. Proposed demolition (indicated in red)

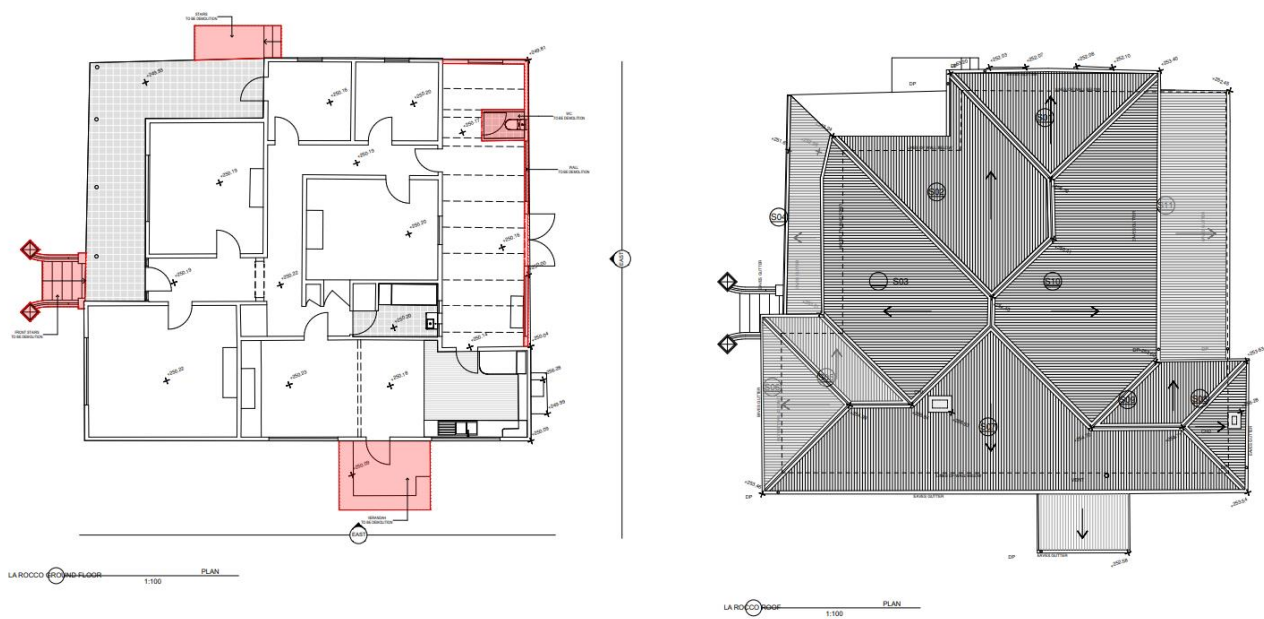


Figure 17. Proposed demolition – La Rocca



Figure 18. Proposed demolition – La Rocca

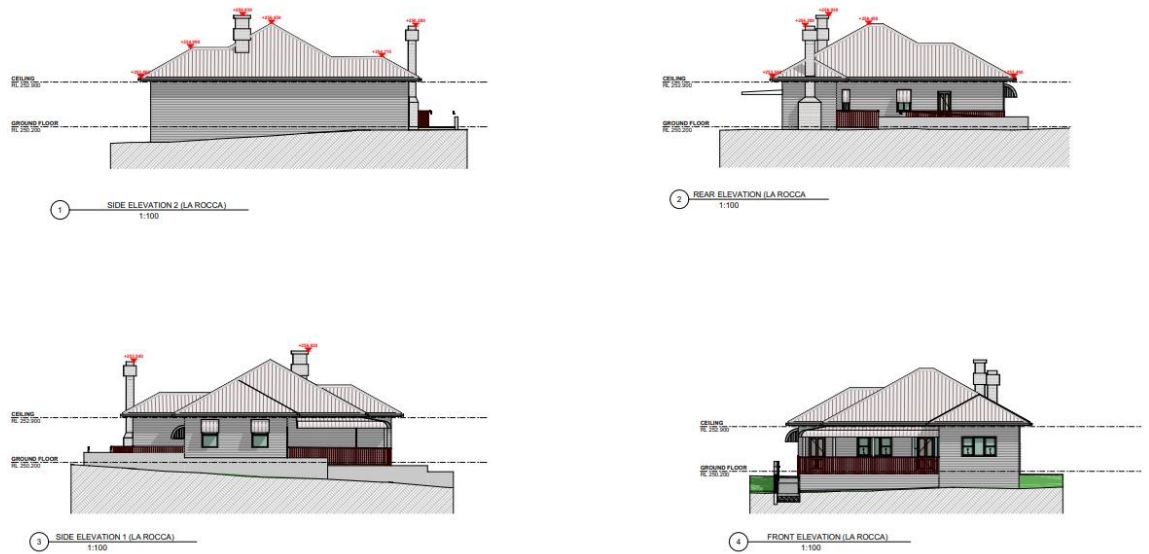


Figure 19. Proposed reconstruction works – La Rocca



Figure 20. Proposed reconstruction works – La Rocca

Removal of native vegetation

In order to facilitate the use and development of the site, 45 trees (including native, indigenous and exotic) are proposed to be removed.

The patches of remnant vegetation include Red Ironbark, Flax Lily, Wattle Mat-Rush, Wallaby Grasses, Spear Grasses, Creeping Saltbush, Berry Saltbush and Black Wattle.

Other vegetation includes large Sugar Gums, garden plantings and weeds including Soursob, Ribwort Plantain, Annual Veldtgrass, Bridal Creeper, Cootamundra Wattle, Horehound, Monterey Cypress, and Great Brome.

In terms of native vegetation which requires a planning permit to remove, this comprises 0.16 hectares in total, including patches totalling 0.089 hectares, scattered trees totalling 0.070 hectares and 2 large trees.

Figures 21 to 28 indicate the extent of vegetation removal on the site, as well as indicating vegetation to be retained.



□ Proposed Removal



Figure 21. Proposed native vegetation removal



Figure 22. Existing vegetation on site – with legend denoting origin of trees (i.e. exotic, indigenous, native)

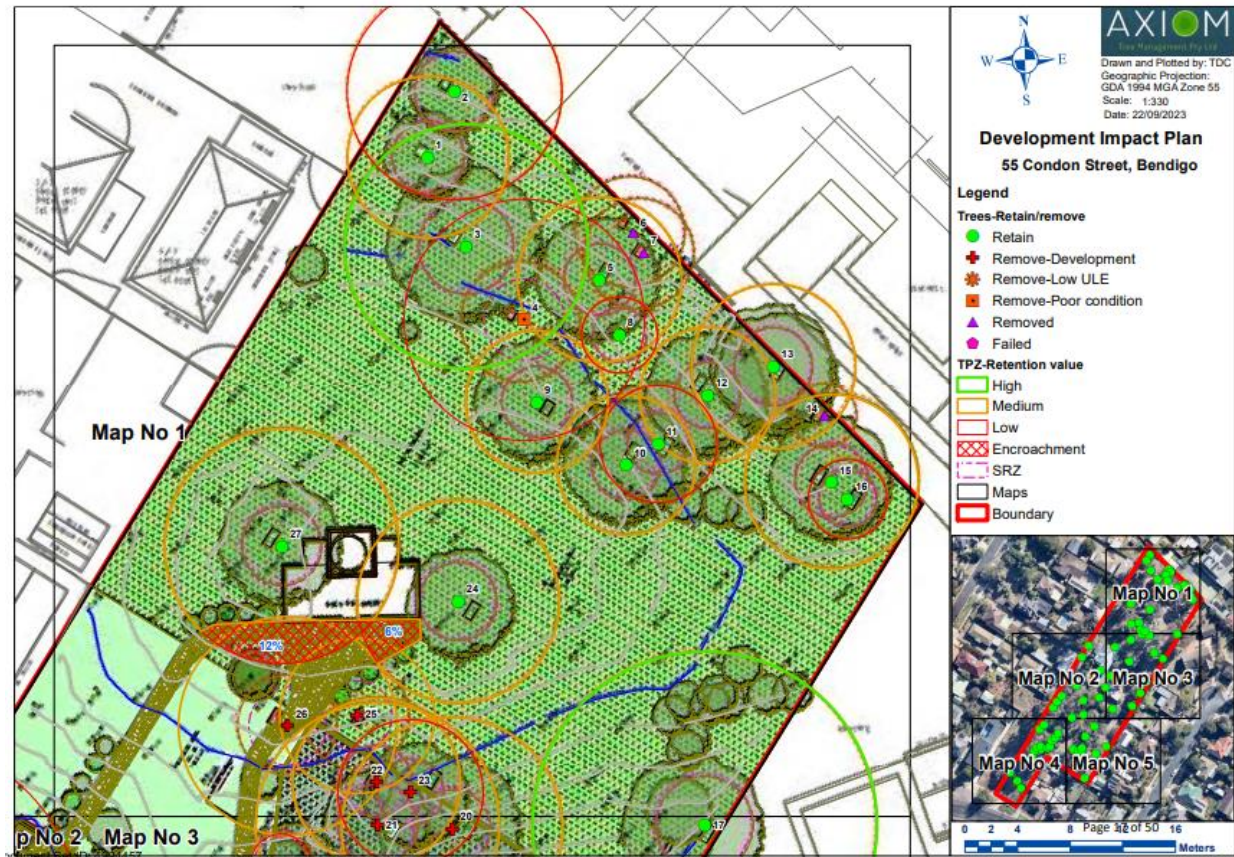


Figure 23. Development/Vegetation Impact Plan – Map 1

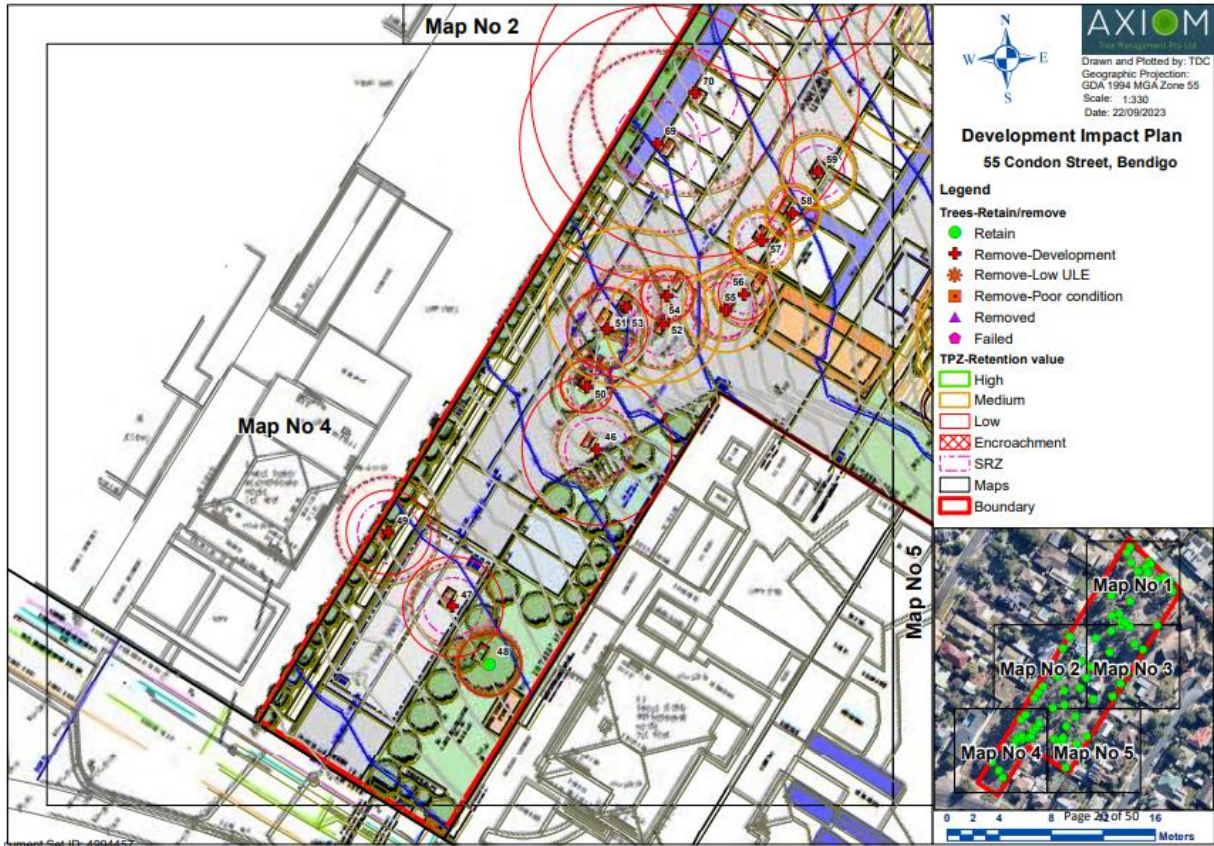


Figure 26. Development/Vegetation Impact Plan – Map 4

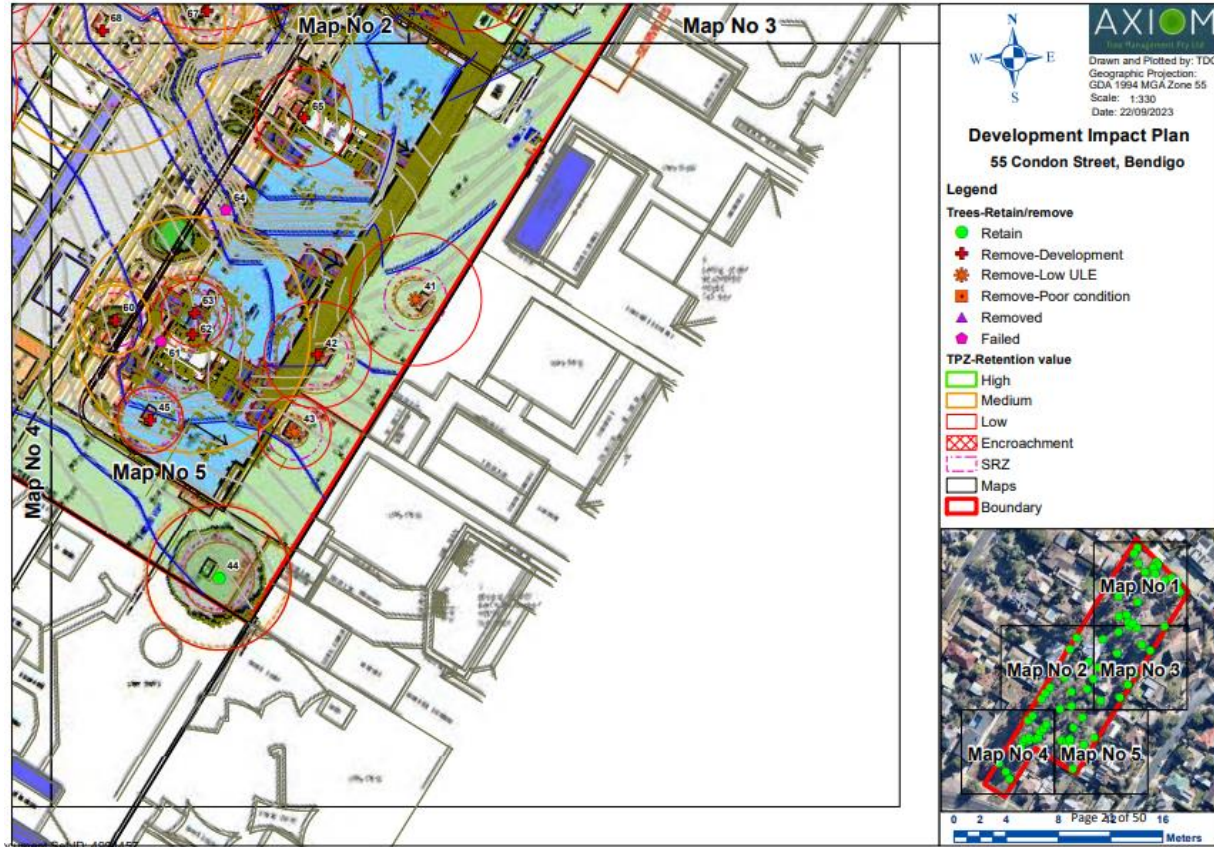


Figure 27. Development/Vegetation Impact Plan – Map 5

While some existing vegetation will be lost on the site, extensive retention and new landscaping is proposed in accordance with the landscape plan below.

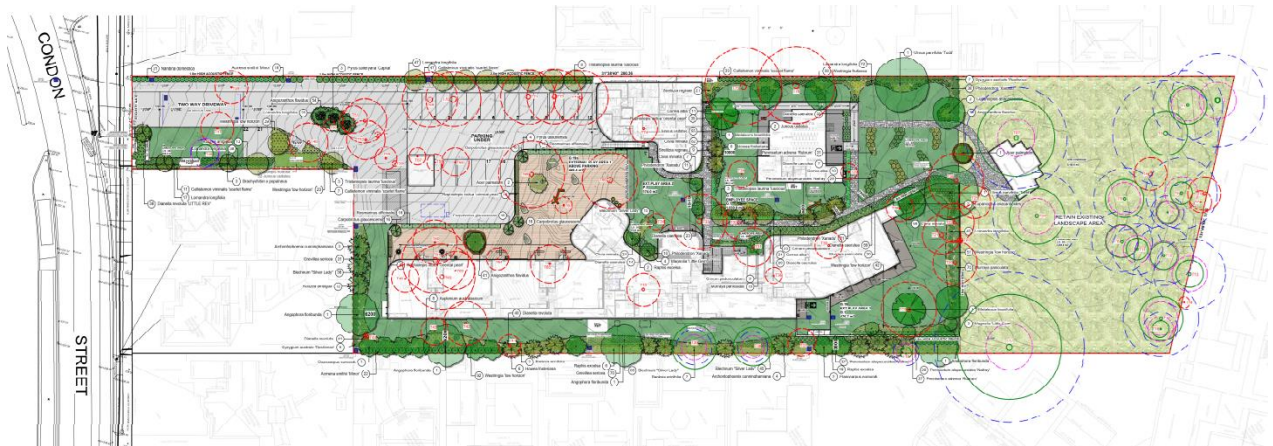


Figure 28. Proposed landscape plan

Alteration of access

The development of the site includes an alteration to the existing access to the land from Condon Street, which is a Transport Zone 2 road.

The changes include upgrades to the entrance (including sealing) and the implementation of 'Left Out Only' traffic arrangements including installation of a splitter island and signage to indicate same.

Figure 29 below indicates the proposed changes to the intersection, while Figures 30 and 31 demonstrate that larger vehicles can enter and exit the site safely in a forward direction.

MARK UP LEFT-IN/LEFT-OUT ONLY

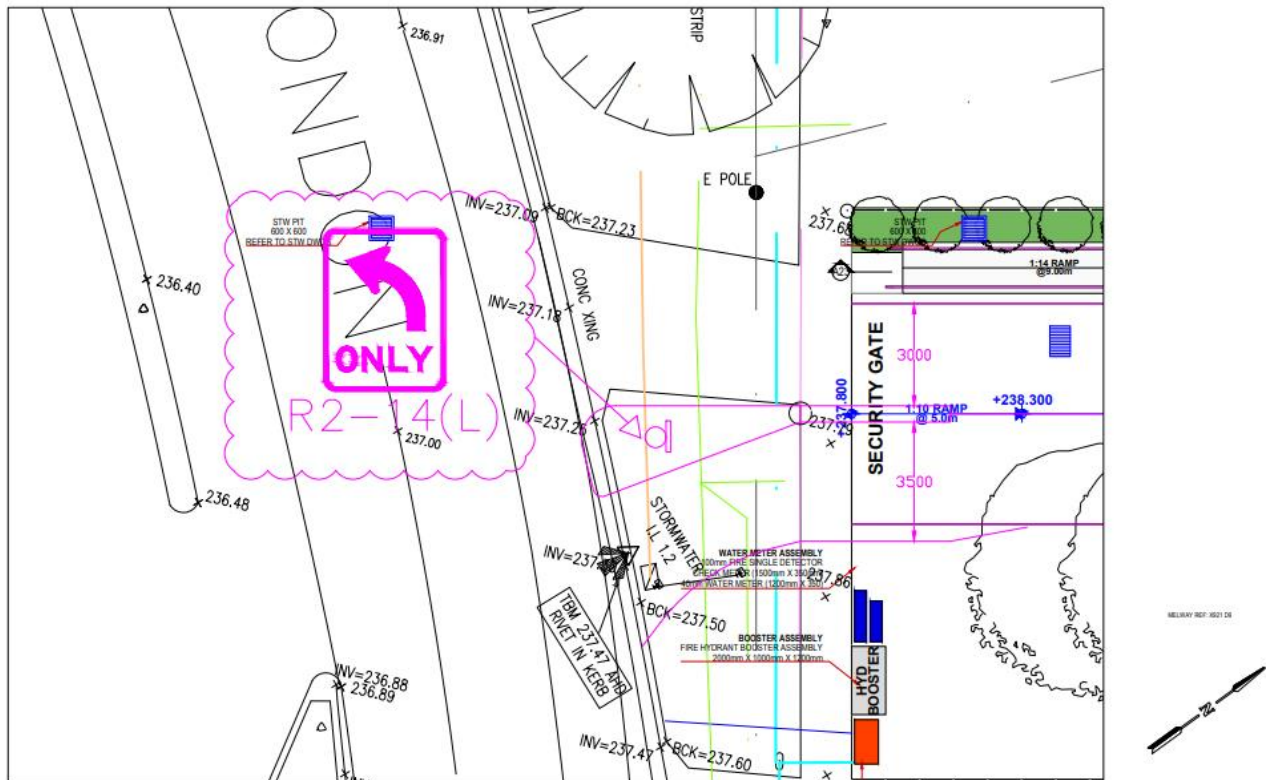


Figure 29. Plan showing proposed changes to entrance, indicating left in / left out only

Swept path for Waste Vehicle Entry passing a B99 Vehicle

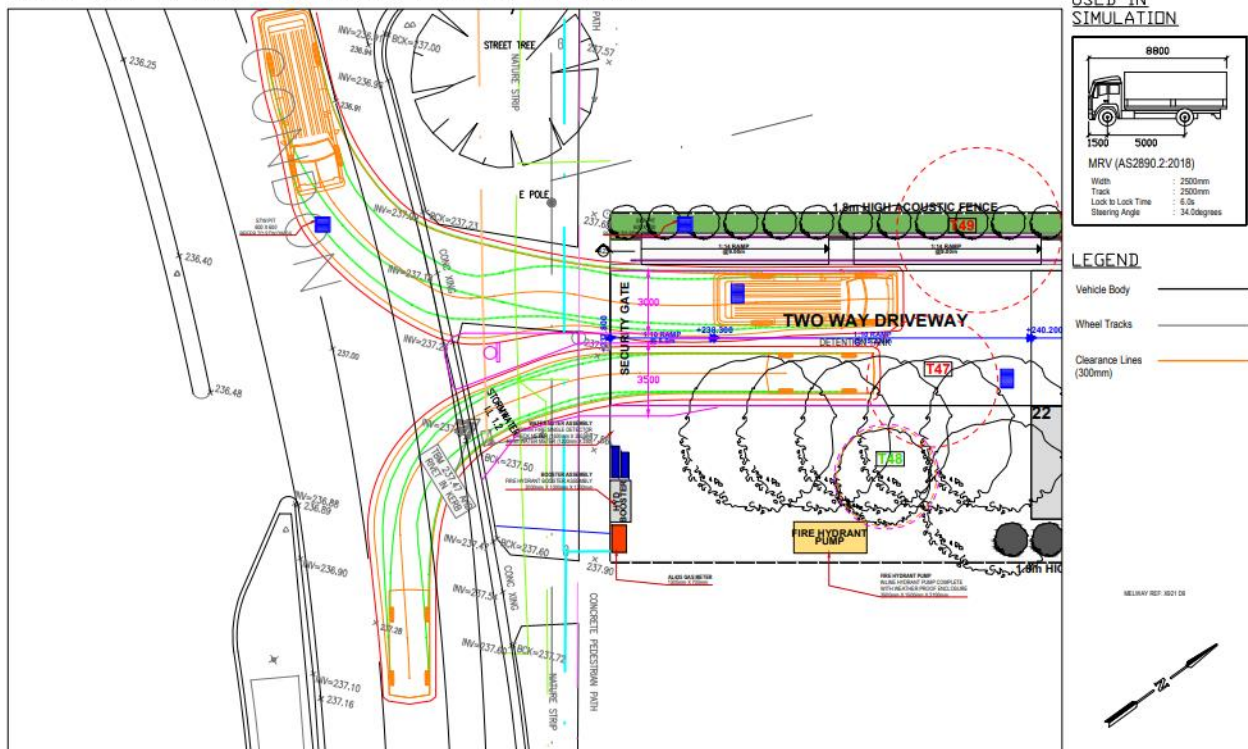
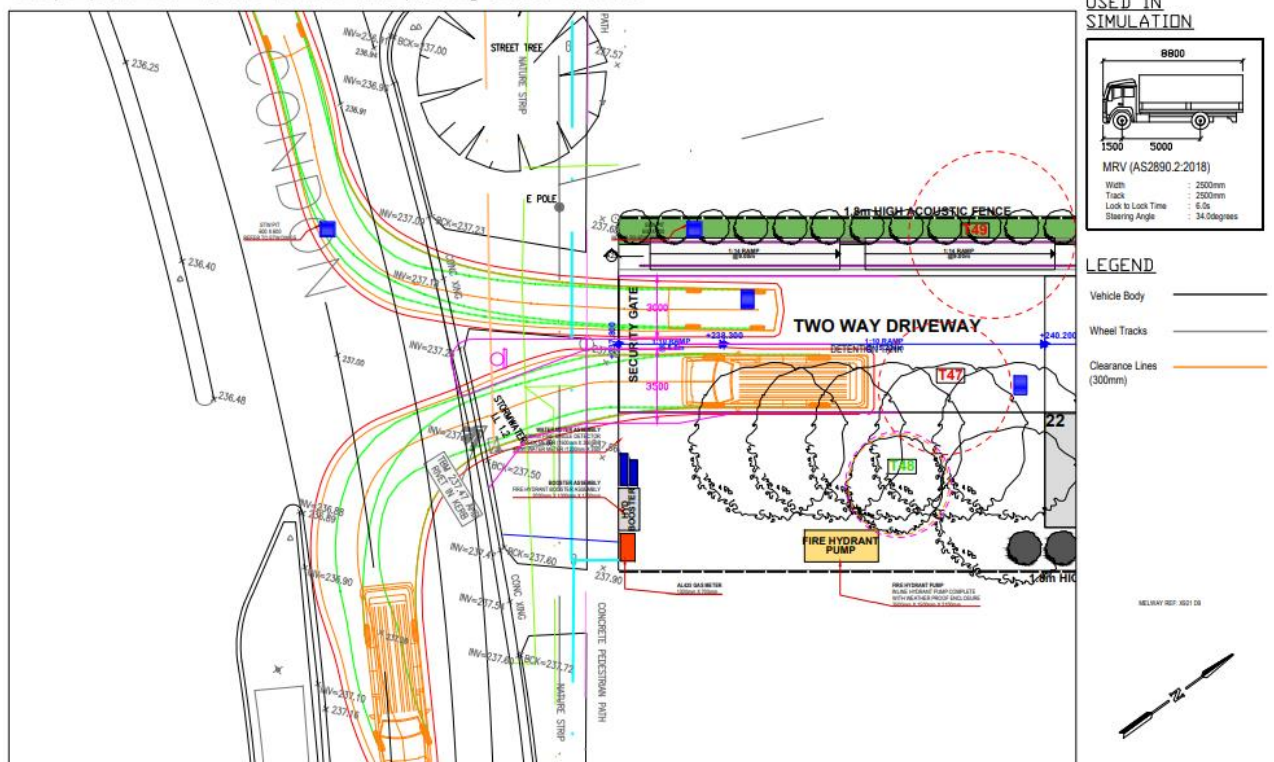


Figure 30. Swept path analysis showing largest vehicle anticipated to enter and exit the site

Swept path for Waste Vehicle Exit passing a B99 Vehicle



Planning Controls - Greater Bendigo Planning Scheme

Why is planning permission required?

Clause	Permit Trigger
32.08-2 General Residential Zone	A permit is required to use land for a child care centre within the General Residential Zone.
32.08-10 General Residential Zone	A permit is required to construct a building or carry out works for a use in Section 2 of Clause 32.08-2.
43.01-1 Heritage Overlay	A permit is required to demolish or remove a building and to construct a building or construct or carry out works in the Heritage Overlay.
52.17-1 Native vegetation	A permit is required to remove, destroy, or lop native vegetation.
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.

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
- 02.03-5 – Built environment and heritage

Planning Policy Framework

- 11.01-1S – Settlement
- 11.01-1R – Settlement – Loddon Mallee South
- 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo
- 12 – Environmental and landscape values
- 12.01-1S – Protection of biodiversity
- 12.01-1L - Protection of biodiversity – Greater Bendigo
- 12.01-2S – Native vegetation management
- 13.05-1S – Noise management
- 13.07-1S – Land use compatibility
- 15 – Built environment and heritage
- 15.01-1 – Urban design
- 15.01-1L-01 – Landscaping – Greater Bendigo
- 15.01-2S – Building design
- 15.01-2L – Environmentally sustainable development - Greater Bendigo
- 15.03-1S – Heritage conservation
- 15.03-1L – Post contact heritage conservation - Greater Bendigo
- 18.01-1S – Land use and transport integration
- 18.01-2S – Transport system
- 18.02-4S – Roads
- 19.02-2S – Education facilities

Other Provisions

- 32.08 – General Residential Zone
- 43.01- Heritage Overlay
- 52.17 – Native vegetation
- 52.29 – Land adjacent to the Principal Road Network
- 65.01 – Approval of an application or plan

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

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/CommunicationReferrals

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

Referral	Comment
Department of Transport and Planning	No objection, subject to conditions being included on the permit requiring single, direct vehicular access with a left-in / left-out arrangement and appropriate signage, updated plans to reflect these access requirements, and the provision of a road safety audit.
Heritage Advisor	No objection, subject to conditions being included on the permit requiring an archival record of the buildings be prepared, a Conservation and Reconstruction Methodology prepared and the appointment of a suitably qualified heritage consultant to advise on the conservation and reconstruction works.
Environmentally Sustainable Design	No objection, subject to the inclusion of a Sustainable Design Assessment condition.
Engineering – Drainage	No objection, subject to standard drainage and construction of works conditions being included on the permit.
Engineering - Traffic	No objection subject to conditions relating to car park layout being included in the permit.
Environmental Health	No objection, subject to notations relating to Food Act registration and implementation of Acoustic Report recommendations being included on the permit.

Public Notification

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

No formal consultation meeting was held, however a response to the objections was provided by the applicant and circulated to objectors with a right of reply.

One objection was withdrawn following this informal consultation, with five live objections remaining.

The grounds of objection to the application can be summarised as follows:

- Loss of significant vegetation and impacts to biodiversity.
- Traffic impacts, including safety concerns.
- Request to be involved in the restoration process for La Rocca and the observatory (National Trust).
- Concern regarding future accessibility of Observatory.
- Identification of alternative uses for the site.
- Impacts to amenity and consistency with the neighbourhood character of the area.

These grounds of objection are considered within the planning assessment below.

Planning Assessment

Is use of the land for a childcare centre appropriate with regard to the purpose, objectives, and decision guidelines of the General Residential Zone?

The purpose of the General Residential Zone includes encouraging development that respects neighbourhood character, and allowing educational, recreational, religious, community and ***a limited range of other non-residential uses to serve local community needs in appropriate locations*** [author emphasis].

Key decision guidelines for non-residential uses within the Zone include the following:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback, and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.

- Any proposed loading and refuse collection facilities.
- The safety, efficiency, and amenity effects of traffic to be generated by the proposal.

These decision guidelines are considered in turn below.

- *Is the use and development compatible with residential use?*

A childcare centre is not an unfamiliar element within a residential landscape. The site is generously proportioned and as such there is ample opportunity for a conventionally laid out childcare centre with appropriate curtilage and sufficient car parking and vehicle circulation.

The centre will be limited to daytime hours, during weekdays only. While there is a residential interface, amenity impacts will be mitigated through appropriate management of the site and noise attenuation measures such as acoustic fencing.

It is considered that the proposed childcare centre is compatible with residential use.

- *Does the use generally serve local community needs?*

Childcare centres are often in short supply with demand often exceeding supply. For this reason, it is likely that the centre will fill a gap in the market. The site's location along a transport route means the centre will be easily accessible by those within the immediate catchment area and those beyond who may regularly travel along this route to work. The site's location along a main road also means it is accessible by public transport and cycling and walking.

While local needs may include those within the immediate area (within Strathdale, Kennington or Flora Hill), and those from suburbs beyond, it is fair to conclude that the use would serve community needs in some way.

The Victorian Civil and Administrative Tribunal has offered the following commentary on the issue of local need in *Trustees of the Ukrainian Catholic Church in Australia v Melbourne CC [2008] VCAT 2388*:

The issue of local need is one which has been the subject of consideration by this Tribunal over a long period of time. The Tribunal had consistently held that non-residential uses often serve a wider catchment than the immediate neighbourhood. The fulfilment of a local need test under the planning scheme does not require that every customer, patient or patron of that use, or a specified proportion of them, must reside within an area which could be defined as local.

- *The scale and intensity of the development*

The centre will accommodate 144 children which is a relatively standard capacity for a newly built childcare facility. Car parking in accordance with Planning Scheme requirements will be provided to support the centre. While the development will be partially over two levels owing to the topography of the land, the buildings and associated play areas are relatively modest in terms of scale and overall footprint when taking into consideration the overall size of the land. As noted above, childcare centres are not an unfamiliar element within a residential streetscape and the intensity of the proposed use is one that can be accommodated appropriately within a residential area.

- *The design, height, setback, and appearance of the proposed buildings and works*

The proposed childcare centre will have a modern design and appearance and will be set back behind existing dwellings fronting Condon Street. Owing to the siting, much of the built form will be largely screened from view. Further screening will be provided with landscaping adjoining the entrance/exit. As noted above, the development will be constructed partially over two levels with parking on a lower level, however the buildings will be single storey. The height is considered acceptable owing to the steep fall of the land towards Condon Street. Materials wise, the buildings will be constructed of a combination of face brickwork and cladding.



Figure 32. Southern elevation

- *The proposed landscaping*

Proposed landscaping for the site is indicated earlier within this report at Figure 28. Where existing vegetation is not being retained, new landscaping is proposed along the property boundaries and throughout the site. This landscaping will include a mix of trees, shrubs, groundcovers, and grasses. The landscaping will have the effect of softening the impact of the development as well as providing for shade and cooling, and for amenity purposes. The landscaping will also go some way to offset the impacts of the loss of some of the existing vegetation on the site. The proposed landscaping is considered acceptable; however, incorporation of a more indigenous planting scheme is recommended.

- *The provision of car and bicycle parking and associated accessways*

Car parking will be provided on the lower level of the site nearby to the property frontage, to enhance functionality and accessibility and remove the need for vehicle intrusion deep into the site. A total of 32 car parking spaces will be provided, which accords with the requirements of Clause 52.06 of the Planning Scheme which requires a parking rate of 0.22 car spaces per child. With 144 places proposed for the childcare centre, this rate equates to a requirement for 31 spaces (31.68 spaces rounded down). Two of the car parking spaces will be provided adjacent to the entrance/exit, which will be set aside as staff parking. Two of the car parking spaces within the main car parking area will provide for electric vehicle charging. A two way driveway will provide ingress and egress to the site and will operate as 'left in, left out' only to ensure that the safety of Condon Street is maintained.

The functionality of the proposed access has been reviewed and deemed acceptable by both the City's Engineers (internal traffic movement) and the Department of Transport and Planning (alteration of access and works to Condon Street).

- *Any proposed loading and refuse collection facilities*

The applicant has prepared a Waste Management Plan which details the proposal's expected waste generation, dimensions of waste receptacles and enclosures, collection frequencies and details on the type of collection proposed.

Waste is proposed to be collected -on-site via a private waste collection service and will occur outside of centre operating hours, with the designated vehicle (a Medium Rigid Vehicle) able to enter and exit the site in a forward direction. Bin storage will be within a designated bin room adjacent to the car park. The bin layout plan and swept path diagrams below indicate how waste collection will occur. Any other loading/unloading required (outside of waste collection) can safely occur within the car parking area.

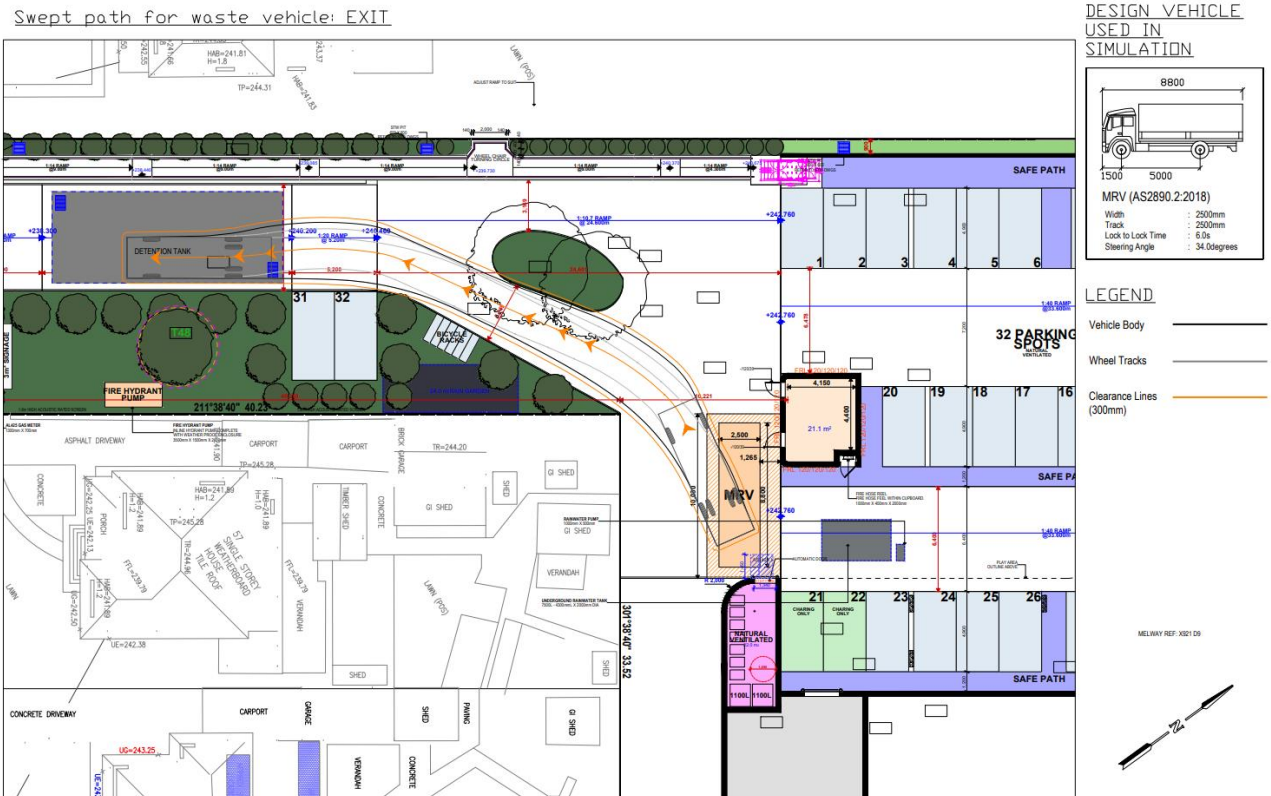


Figure 35. Swept path diagram for waste vehicles - exit

- *The safety, efficiency, and amenity effects of traffic to be generated by the proposal*

The proposed childcare centre will result in an increase of traffic to and from the site, particularly during the peak drop off and pick up times early and late in the day. The Traffic Impact Assessment Report submitted to support the application states the childcare development has been assessed as likely to generate 115 vehicle movements in the AM peak, and 101 movements in the PM, which is relatively modest in the context of the site's location and unlikely to result in any significant amenity impacts directly relating to traffic.

Left Out Only' regulatory signage at the exit point of the site to Condon Street will ensure the left-in/left-out arrangement is maintained and ensure that the development will have negligible impact on the operation of the external road network.

In summary, the proposal is considered consistent with both the objectives and decision guidelines of the General Residential Zone. The proposal is also consistent with planning policy (19.02-2S – *Education facilities*) relating to childcare centres which encourages the integration of education facilities such as childcare centres within local communities and ensuring that these facilities are located to maximise

access by public transport and safe walking and cycling routes and are provided with safe vehicular drop off zones.

What are the impacts to the heritage buildings on the site and are these acceptable?

The proposal seeks to retain both of the existing heritage buildings on site, with the La Rocca building to be reconstructed and repurposed to become part of the childcare facility and the Observatory repaired and restored. Both of the buildings are in fair to poor condition and are in need of restoration and maintenance to ensure that their significance is not diminished through neglect.

In making a decision on an application within the Heritage Overlay, the (relevant) decision guidelines below should be considered:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

Clause 02-03-5 of the Municipal Planning Strategy sets out a number of strategic directions for heritage within the City of Greater Bendigo including protecting the City's valuable sites and places of heritage significance, balancing the protection of heritage places with support for sensitive and innovative development to accommodate projected population growth, supporting high quality sympathetic design when undertaking new development in heritage precincts and places, and encouraging the restoration of heritage places and sympathetic development to support contemporary uses of heritage buildings.

These themes are built on at Clauses 15.03-1S (Heritage conservation) which encourages appropriate development which respects places with identified heritage values, the conservation and restoration of contributory elements of heritage places and supporting adaptive reuse of heritage buildings.

Clause 15.03-1L (Post contact heritage conservation – Greater Bendigo) builds on these further, setting out a number of specific strategies for all applications within the Heritage Overlay which relevantly include supporting the retention of heritage buildings, retention of original elements which contribute to the significance of a heritage building, allowing for the partial demolition of significant buildings where the demolition will assist in the long term conservation of the heritage place, supporting reconstruction where it will not detract from the significance of the heritage place and ensuring that design of new buildings responds appropriately to the context of the heritage site and do not detract from the significance of the heritage place.

The proposed works are consistent with these policy objectives as they will allow for reconstruction, restoration to the two significant buildings on the site and the re use of the La Rocca building which will be incorporated into the childcare centre. The new development on the site has been designed to respect and respond to the

heritage buildings on the land in terms of siting, setback and scale, and through these design considerations, will not detract from the significance of the heritage buildings.

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place; and*
- *Any applicable statement of significance, heritage study and applicable conservation policy*

The former East Bendigo Observatory site is of local historic, rarity, representative, aesthetic, scientific and associative significance to the City of Greater Bendigo.

Part of the Statement of Significance for the heritage buildings on the site has been reproduced earlier within this report.

The Statement of Significance identifies the former East Bendigo Observatory site (circa 1900) at 55 Condon Street, Kennington as being significant, with the elements which contribute to the significance of the place being:

- The circa 1900 observatory building exterior.
- The circa 1900 observatory interior, including the roof mechanism, the equipment platform that remains within the central chamber and the timber cabinetry in the adjacent wing.
- The residence 'La Rocca' to the extent of its circa 1900 fabric.
- The location at the apex of the hill and its separation from surrounding development.

Elements which are not considered significant are:

- The post 1920 additions to the observatory.
- Trees (planted and self-seeded) surrounding the observatory.
- All outbuildings, animal enclosures, modern structures and fences.

The observatory is historically important for its role in recording official meteorological readings for Bendigo from 1908 until 1914. The building is a rare and relatively intact early twentieth century example of a small, privately built and owned observatory with its associated residence 'La Rocca'.

The proposal has recognised the significance of the site through its intention to restore (the Observatory) and reconstruct (La Rocca) the buildings on the site to ensure that their significance is maintained well into the future. While new development is also proposed on the site, this has been located and designed sensitively to both make use of the large and somewhat underutilised site while retaining an appropriate curtilage around the historic buildings.

- *Any applicable heritage design guidelines specified in a schedule to this Overlay.*
- *Whether the location, bulk, form, or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form, and appearance of the proposed building is keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*

The City's Heritage Design Guidelines are an Incorporated Document forming part of the Greater Bendigo Planning Scheme and are used when making decisions on applications under the Heritage Overlay. The guidelines include design advice on a range of heritage matters, including demolition and infill development within heritage areas. The purpose of the guidelines is to encourage good design that maintains and protects heritage assets and help to conserve the distinctive historic character of Greater Bendigo. While these guidelines are focussed on residential development and not commercial development, the guidance contained within the document is nonetheless a useful assessment tool in considering the merits of the proposed heritage works anticipated by this application.

In terms of partial demolition, the Heritage Design Guidelines suggest should be supported where the works will assist in long term conservation of the building. Elements of a building which contribute to its heritage significance (such as chimneys, original windows, and doors) should be retained in these instances.

Much of the original fabric of the La Rocca building has been either replaced previously, or has become compromised over time, resulting in the current building being in a poor state of repair and uninhabitable. The proposal to reconstruct this building, utilising original parts of the building where possible, is in alignment with the above recommendations regarding conservation and retention of key heritage elements. In its current form it is likely that the significance of the heritage building will diminish and/or be lost over time, as the building slowly falls further and further into a state of disrepair. The reconstruction will recognise the key elements of the heritage building and ensure that as much original fabric as possible be used in the repurposed building so that it retains its legibility as a heritage place and significance into the future.

Likewise, the Observatory building needs some minor demolition works (to a later extension) and repair to ensure that its significance is enhanced and not lost through lack of proper attention.

On this basis, it is considered that the extent of demolition proposed as part of this application is an acceptable response, as it will clearly assist in the preservation of these buildings moving forward.

The guidelines for infill development within heritage areas encourage new buildings which do not adversely affect the significance, character and appearance of the heritage site; seek to ensure that the design of new buildings responds to the context of the site, and to encourage new development that is contemporary in appearance and does not mimic historic styles or details. Again, the guidance is geared towards new residential development and much of the design advice recommends that views to the heritage place are not obscured and that new development be visually recessive.

Both the La Rocca building, and the Observatory building are located deep within the site, and as such, they are not visible from Condon Street, despite land to the rear of the site being more elevated than the land adjoining Condon Street. As such, the usual requirements to locate new development behind buildings with heritage significance in order to minimise visual dominance is not practical or applicable in this instance.

The new buildings for the site are modern in appearance and have been designed to sit appropriately alongside and easily distinguishable from the heritage buildings (which are only visible from within the site). Adequate separation has been provided between the old and new buildings so that they can continue to be read as separate buildings with their own significance, and the form and scale of the buildings is also acceptable in terms of ensuring they do not detract from the significance of the heritage buildings on the site.

Will the alteration of access to Condon Street result in any safety concerns?

Condon Street is a dual carriageway with two traffic lanes in each direction, a centre median, and kerbside parking bays on both sides of the road. The roadway forms part of the Principal Road Network, and as such is designated as a Transport Zone Category 2 road, managed by the Department of Transport and Planning.

Figures 36 and 37 below show the existing conditions of Condon Street proximate to the site.



Figure 36. Condon Street – view to the west



Figure 37. Condon Street – view to the east

The existing access to the site from Condon Street would be widened and upgraded to facilitate the proposed development, along with the installation of a splitter island and appropriate signage to ensure the left in/left out traffic movement to and from the site.

A Traffic Impact Assessment Report was prepared to support the application, which provides assessment on a range of traffic related matters associated with the proposal, making the following observations:

- *The statutory car parking requirement set out at Clause 52.06-5 of the Greater Bendigo Planning Scheme is achieved for the development, with 32 car parking spaces to be provided. The design and layout of the car park and associated access areas are satisfactory and generally in accordance with the Australian Standard (AS2890/1:2004), subject to minor modification being installation of regulatory signage and pedestrian sight lines being achieved.*
- *While not a requirement under the Planning Scheme for the development, bicycle parking would be provided (6 bicycle spaces).*
- *The childcare use has been assessed as generating 115 vehicle movements in the AM peak and 101 movements in the PM peak, which is relatively modest giving consideration to the site's location and would have negligible impact on the operation of the external road network (Condon Street).*
- *Service vehicles will have the ability to access and exit the site appropriately in a forwards direction.*

The report concludes that the proposed development has given due consideration to potential traffic impacts and that the development is satisfactory in terms of traffic engineering impacts.

In addition, the proposal, and specifically the changes to the proposed access to the site, has been assessed by the Department of Transport and Planning which has not objected to the proposed application.

On this basis it is considered that the proposed alteration to the access is acceptable and approval of the proposal will not result in adverse impact to Condon Street or the broader road network.

Is the extent of vegetation removal proposed to facilitate the development acceptable?

As outlined earlier within this report, the application will result in the removal of some vegetation on the site, including 45 trees (native, indigenous and exotic). In terms of native vegetation which requires a planning permit to remove, the removal will comprise 0.160 hectares in total, including patches totaling 0.089 hectares, scattered trees totaling 0.070 hectares and 2 large trees.

All vegetation on the site has been assessed extensively via a Vegetation and Biodiversity Report, Arboricultural Impact Assessment Report and Native Vegetation Removal Report.

The Arboricultural Impact Assessment report was undertaken to determine the impact to existing trees on the site relating to the proposed development and provides information on the condition, longevity and retention value of all trees within the site. A total of 76 trees were surveyed on the site, with the health of the majority of trees being 'good' and the structure of most being 'fair'. The assessment also indicates likely impacts from construction, which is indicated in Figure 38 below. 20 trees will be retained on the site, primarily located in the northern portion of the land, however also along the eastern boundary, including one mature tree to be retained nearby to the property frontage.

Construction Impact	Count	Tree numbers
Retain	20	Trees numbered 1-3, 5, 8-13, 15-18, 24, 27, 38, 39, 44 and 48
Trees – Within proposed design footprint or where major excavation proposed	45	Trees numbered 19-23, 25, 26, 28-33, 36, 37, 40, 42, 45-47, 49-60, 62, 63, 65-74 and 76
Trees – Low ULE ratings	4	Trees numbered 34, 35, 41 and 43
Trees – Poor condition/structural defects	1	Trees numbered 4
Trees – Failed	3	Trees numbered 61, 64 and 75
Trees – Removed	3	Trees numbered 6, 7 and 14
Total	76	76

Figure 38. Construction impact to vegetation (*note ULE refers to 'useful life expectancy')

A Vegetation and Biodiversity report was also prepared to support the application which took into account the findings of the Arboricultural Impact Assessment and reviewed the biodiversity implications of the proposed vegetation removal, giving regard to the legislative framework surrounding the protection of such.

This report notes that while there are some patches of remnant native vegetation on the site, the habitat value of the site is moderate given that it has no interconnectivity with other areas of vegetation and is essentially an island patch within a sea of residential development.

Clause 52.17 of the Greater Bendigo Planning Scheme sets out that applications to remove native vegetation should apply the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy, or lop native vegetation.

In relation to this proposal, complete avoidance of the native vegetation on the site is not able to be achieved, given the scattered nature of the vegetation throughout the whole of the site.

Vegetation removal has been minimised through retaining vegetation throughout the site where possible, being generally within the northern part of the allotment and also in part along the eastern boundary. The vegetation removal that cannot be avoided can be appropriately offset in accordance with the requirements set out within the Native Vegetation Removal Report.

While it is unfortunate that some vegetation removal within the site is required to facilitate development, as noted above there will be 20 trees retained throughout the site, and new landscaping will be provided which will go some way to mitigating the impacts of this vegetation loss on the site. The Vegetation and Biodiversity Report recommends that indigenous planting be incorporated into the landscaping plan for the site to further assist in mitigating the impacts of the vegetation loss. An updated landscaping plan would be required by condition to address this recommendation.

It is considered that the three step approach has been exercised appropriately and an appropriate balance between protection of native vegetation and biodiversity, and the facilitation of commercial development and economic investment reached.

Remaining objector concerns

- *Alternative uses and alternative locations for the proposed childcare centre*

The land is privately owned and the use of the land is at the discretion of the landowner (subject to planning permissions required). While there may indeed be alternative uses for the land which may be more palatable to some surrounding residents, the City is bound to assess the application before it, not suggest alternative proposals or schemes for the land. Likewise, the City cannot require the applicant to site their proposed development on alternative land which they do not own. The suitability of the land for a childcare centre has been assessed earlier within this report.

- *Request for involvement in the process*

The National Trust of Australia (Victoria) Bendigo and Region Branch sought involvement in the process for the planning application, however the applicant declined further involvement (beyond the objection process) on the basis that it is a private development which is bound by the relevant heritage requirements and controls of the Greater Bendigo Planning Scheme (and will be assessed appropriately as such). While the applicant welcomed the National Trust to provide

commentary in relation to the process, it is not the preference of the applicant that they become involved in the construction process.

- *Accessibility of Observatory – desire for future public access to the building*

The inclusion of a site within a Heritage Overlay does not mandate public access to the site and as noted above, the land is privately owned. On this basis the applicant does not intend to allow unrestricted public access to the Observatory building in future, however preliminary discussions have been held with the Astronomical Society of Victoria regarding their interest and potential use of the site.

- *Amenity*

Potential amenity impacts from the development have been identified and considered through the design phase, as follows:

- Acoustic fencing to be provided along property boundaries where required to reduce potential adverse noise impacts;
- Appropriate setbacks from side boundaries (with residential properties) have been provided;
- Dedicated bin enclosures have been incorporated into the building which will conceal waste from public view; and
- Appropriate hours of operation (6:30am-6:30pm) are proposed, which for the most part are daylight hours and times when a lesser standard of amenity may be expected.

Conclusion

Use of the land for a childcare centre is appropriate given the General Residential zoning of the land which allows for appropriate non-residential use of land, and the highly accessible location of the site which is currently underutilised.

The design and siting of the proposed childcare buildings on the site has given regard to the existing heritage buildings on the site through appropriate scale and siting of these new buildings. Importantly the Observatory and La Rocca building will be restored and repaired as part of the proposal, which will ensure their significance is not lost or further diminished through neglect.

While some vegetation removal is required to facilitate the development, the extent of such is considered appropriate, and the retention of some vegetation throughout the site along with new plantings will result in acceptable biodiversity and amenity outcomes.

The alteration of the access to Condon Street has been appropriately considered by the City and the Department of Transport and Planning and will not result in any unacceptable safety risk to users of both the centre and the broader road network.

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. **MODIFIED PLAN REQUIRED**

Before the development commences, 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 application but modified to show:

- (a) An updated Landscape Plan to incorporate an indigenous landscape planting scheme in accordance with the recommendations of the Vegetation and Biodiversity Report prepared by Tree Wishes Dated October 2023.

2. **NO LAYOUT ALTERATION**

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

3. **MAXIMUM NUMBER OF CHILDREN**

No more than 144 children may be accommodated by the childcare facility.

4. **HOURS OF OPERATION**

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

- Monday to Friday 6:30am to 6:30pm

5. **GENERAL AMENITY**

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

6. ACOUSTIC FENCING AND SCREENING

Prior to the commencement of use, the recommendations contained within the Acoustic Report prepared by Clarity Acoustics (Report R01 22011, dated 22 September 2023) must be implemented to the satisfaction of the responsible authority.

7. REFRIGERATION AND AIR CONDITIONING EQUIPMENT

Any equipment required for refrigeration, air-conditioning, heating, and the like must be suitably insulated to EPA standards 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.

8. BAFFLED LIGHTING

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

9. CAR PARK CONSTRUCTION

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

- (a) Properly formed to such levels that they can be used in accordance with the plans;
- (b) Surfaced with an all-weather-seal coat;
- (c) Drained;
- (d) Line marked to indicate each car space and all access lanes;
- (e) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority;
- (f) Provided with public lighting;
- (g) Provided with disabled persons parking bays where required by the Building Code of Australia;
- (h) Provided with appropriate signage for one-way traffic. e.g., one way; no entry; left only.

The car parking and access areas must comply with the requirements of clause 52.06 of the Greater Bendigo Planning Scheme and meet all other applicable Australian and New Zealand Standards unless otherwise agreed in writing with the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. DETAILED DRAINAGE

Prior to the commencement of works, 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
 - i. Allowable Discharge: $Q\ 10\% = 55\ \text{l/s}$;
- (e) Stormwater quality.

11. CONSTRUCTION OF WORKS

Prior to the commencement of use, 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) Drainage

12. SUSTAINABLE DESIGN ASSESSMENT

- (a) All works must be undertaken in accordance with the endorsed SDA (including BESS and STORM report etc.) to the satisfaction of the responsible authority. No alterations to the SDA or associated documents may occur without the prior written consent of that authority.
- (b) Prior to the commencement of occupation or issue of Statement of Compliance, a post construction report must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SDA have been implemented in accordance with the approved plan. The report must include the following documents and photographic evidence of:
 - i. Size and number of rainwater tanks installed pumps and connection to toilets;
 - ii. Raingarden;
 - iii. JV3 modelling assessment;
 - iv. The efficiency of electrical and water fittings and fixtures installed including the heating/cooling and hot water system;
 - v. Calculations to establish that a 50% increase in outdoor air will be available to regular use areas compared to the minimum required by AS 1668.2:2012;
 - vi. Solar PV and solar hot water installation;
 - vii. Bicycle parking;
 - viii. Recycling facilities at the point of disposal (i.e. kitchens);
 - ix. EV charging points (x2) and switchboard capacity.

13. WASTE MANAGEMENT PLAN

Management of waste on the site must be in accordance with the recommendations set out within the Waste Management Plan (WMP) prepared by Quantum Traffic,

dated 21 September 2023.

14. DEMOLITION ACTIVITIES

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

15. HERITAGE WORKS TO OBSERVATORY AND LA ROCCA BUILDING

Prior to any works commencing:

- (a) An archival record of the buildings must be prepared and submitted to the responsible authority.
- (b) A detailed Conservation and Reconstruction Methodology must be prepared by a suitably qualified and experienced heritage consultant and submitted to the responsible authority. The methodology should include the following:
 - Heritage protection plan;
 - Dismantling process (recording condition, sequence of works etc.);
 - Conservation process (removal of coatings and recoating, reconstruction of elements);
 - Reconstruction and repair process (sequence of works, introduction of new materials and elements).
- (c) A qualified and experienced heritage consultant must be appointed to advise on the conservation and reconstruction works.

All works should be generally in accordance with the recommendations contained within the Heritage Conservation Statement by Conservation Studio dated 12 September 2023, the Heritage Impacts Statement by Anita Brady Heritage dated October 2023; and the Structural Engineering Report by EI Consulting dated June 2023.

16. LANDSCAPING WORKS

Before the use commences 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.

17. LANDSCAPING MAINTENANCE

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

18. PROTECTION OF VEGETATION TO BE RETAINED

Prior to any works commencing, and on an ongoing basis during construction, vegetation to be retained on the site must be protected in accordance with the recommendations of the Arboricultural Impact Assessment and Report prepared by Axiom Tree Management, dated 22 September 2023.

19. REMOVAL OF NATIVE VEGETATION

To offset the removal of 0.16 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

General offset:

A general offset of 0.026 general habitat units:

- Located within the North Central Catchment Management boundary or the City of Greater Bendigo municipal district.
- With a minimum strategic biodiversity score of at least 0.8.
- Including 2 large trees.

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

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

and/or

- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

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

20. DEPARTMENT OF TRANSPORT AND PLANNING

(a) There must be a single direct vehicular access to the subject land from Condon Street for the following turn movements:

- i. Left-in and
- ii. Left-out

(b) Prior to commencement of the development approved by this permit, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the Functional Layout Plan (FLP) 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 19/12/2023 and annotated DWG No. 22-0086 Issue B prepared by Quantum Traffic but modified to show:

- i. The proposed access upgraded to be sealed for a width of 6.4 metres (min) from the edge of pavement of the Condon Street to the property boundary to the satisfaction of the responsible authority and at no cost to the Head,

Transport for Victoria and responsible authority.

- ii. The swept path analysis for an 8.8 metre service vehicle simultaneously with the swept path of a B99 car undertaking left-in/out movements, at no less than 10 km/h and with 0.3 metre clearances on both sides of the B99 design car and no clearance for an 8.8 metre service vehicle.
 - iii. A Left-out only (R2-14 (L)) sign at the proposed access.
 - iv. A splitter island to enforce left-in and left-out movements.
 - v. On-road indicative flag lighting in accordance with AS1158.
 - vi. Footpath fronting the subject land.
 - vii. All existing, removed and relocated vegetation, services – bus stops, road signage etc.
- (c) Prior to commencement of the use and development approved by this permit, the following works must be undertaken to the satisfaction of and at no cost to VicRoads:
- i. A Road Safety Audit must be undertaken upon the completion of the Detailed Design and must be in accordance with VicRoads' Road Safety Audit Policy. The audit findings and the consultant's responses to the findings must be provided to the Roads Corporation for review and approval. Any mitigating works arising out of the audit must be carried out by the applicant at no cost to, and to, the Roads Corporations' satisfaction.
 - ii. All works as shown on the approved amended plans.
- (d) The level of the footpath must not be lowered to facilitate access.
- (e) All vehicles must enter and exit the site in a forward manner.
- (f) The access driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g., by spilling gravel onto the roadway).

21. EXPIRY OF PERMIT

This permit will expire if:

- The development permitted by this permit is not completed within 4 years from the date of this permit.
- The use is not commenced within 4 years from the date of this permit or if the use is discontinued for a period of 2 years.

The time within which the development must be completed, and the use must commence may, on written request made before or within 12 months after the expiry of the permit, be extended by the responsible authority.

Attachments

Nil

18. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

19. ABORIGINAL RECONCILIATION

19.1. REGISTRATION OF EXISTING PLACE NAME SITES

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

Purpose

To endorse the place naming registration for Strathfieldsaye Community Hub, Wanyarra Dum and Bendigo Botanic Gardens, White Hills.

Recommended Motion

That Council:

- Endorse **place naming registration** for:
 - Strathfieldsaye Community Hub,
 - Wanyarra Dum and
 - Bendigo Botanic Gardens, White Hills.including the identified **named features** within each place.
- Endorse the naming proposals for:
 - Strathfieldsaye Community Hub,
 - Wanyarra Dum and
 - Bendigo Botanic Gardens, White Hillsto be lodged with the Geographic Names Victoria for consideration and inclusion in VICNAMES.
- Supports the provision of email responses being provided to all 59 Let's Talk Greater Bendigo submission respondents informing them of:
 - Council's decision to recommend place naming registration of the three sites
 - The opportunity for objectors to appeal to Geographic Names Victoria.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Sloan

Resolution No. 2024-88

CARRIED

Executive Summary

It had been identified that Strathfieldsaye Community Hub, Wanyarra Dum and Bendigo Botanic Gardens, White Hills, are not registered correctly with Geographic Names Victoria.

The correct registration of places names ensures the public and operational safety of emergency response is not put at risk. It ensures there is no confusion for transport, communication and mail services.

When the City is aware that sites are not registered correctly, they will endeavour to undertake a naming process and register with Geographic Names Victoria to mitigate possible risks moving forward.

These three sites have existing names that are well known and used within our community. There will be no changes to the name which the places are currently known and signed as.

The City is undertaking this process to have these places registered with Geographic Names Victoria.

Information about the registration of existing place naming sites has been provided to the community through a community consultation process in line with State Government's Naming rules for places in Victoria (2022). The consultation process was open from the 20 January 2024 and closed on the 26 February 2024.

Through the City's Let's Talk Greater Bendigo consultation process, a total of 59 submissions were received;

- 37 submissions for Wanyarra Dum,
- 21 submissions for Bendigo Botanical Gardens, White Hills and
- 1 submission for Strathfieldsaye Community Hub (see **attachment 1** for a summary of all submissions).

In addition, letters were sent to recipients advising them that if they did not respond to the community consultation opportunity, it would be taken as implied consent to the naming proposal. Of the 300 letters sent, 295 constitute implied consent to the naming proposals.

Objections received were not able to demonstrate valid reasons of how the existing place name sites did not comply with the Naming rules (see **attachment 2** for further details) and therefore it is recommended that Council proceeds and officially register the sites with Geographic Names Victoria.

Background

The City of Greater Bendigo is a Naming Authority for places that they own or manage. The statutory requirements of the Naming Rules for Places in Victoria (Naming Rules) must be followed when naming roads, features and localities in Victoria.

The City of Greater Bendigo is currently in the process of officially registering the place name for:

- Strathfieldsaye Community Hub, Club Court,
- Bendigo Botanic Gardens, White Hills and
- Wanyarra Dum, White Hills;

with Geographic Names Victoria.

Registering place names is essential to identify locations for managing emergencies and delivering goods and services in Victoria.

Strathfieldsaye Community Hub

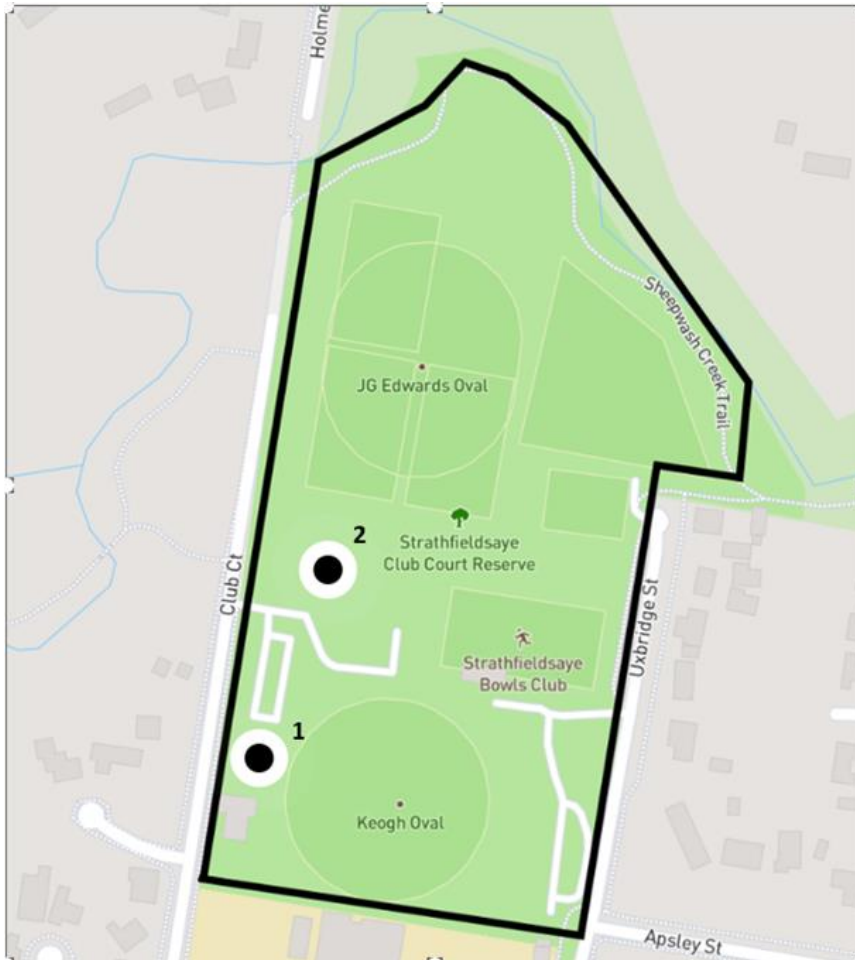
Strathfieldsaye Preschool is recorded as a place name with Geographic Names Victoria in 2013. The Preschool has since been demolished and a new building has been developed at a nearby location on the site. The new building is home to the kindergarten and maternal and child health services.

The new development forms part of the Strathfieldsaye Community Hub.

When there are multiple areas/features named within one site, a name for the entire site will be registered and features within will be listed under the entire site name.

For Strathfieldsaye Community Hub the place name registration needs to be updated to include;

- Registration of the broader precinct known as Strathfieldsaye Community Hub (black boundary line outlined on the below map).
- The removal of Strathfieldsaye Preschool from Geographical Names Victoria database (labelled 1 on the below map).
- Strathfieldsaye Kindergarten to be registered as a named feature within Strathfieldsaye Community Hub (labelled 2 on the below map).



Bendigo Botanic Gardens, White Hills

White Hills Botanic Garden was registered as a place name with Geographic Names Victoria in 2011.

Bendigo Botanic Gardens, White Hills has since been recorded as a place name. A recorded name, is the name of a feature if a private entity has naming rights or the source of the name has yet to be confirmed with the naming authority. They are included in VICNAMES in the interests of public safety and information.

Land next to the existing site has since been acquired and developed, extending the footprint and additional precincts within the gardens have been developed and named. This is not currently reflected in the registration with Geographic Names Victoria and needs to be updated.

When there are multiple areas/features named within one site, a name for the entire site will be registered and features within will be listed under the entire site name.

For Bendigo Botanic Gardens, White Hills the place name registration needs to be updated to include;

- Confirmation of the Place Name Bendigo Botanic Gardens, White Hills as the registered name for the site,
- An extension of the boundary of Bendigo Botanic Gardens, White Hills (black boundary line outlined on the below map),
- Heritage Gardens to be registered as a named feature within Bendigo Botanic Gardens, White Hills (labelled 1 on the below map),
- Larni Garingilang to be registered as a named feature within Bendigo Botanic Gardens, White Hills (labelled 2 on the below map),
- Garden for the Future to be registered as a named feature within Bendigo Botanic Gardens, White Hills (labelled 3 on the below map),
- Garinglang Way to be registered as a road (labelled 4 on the below map).



Wanyarra Dum

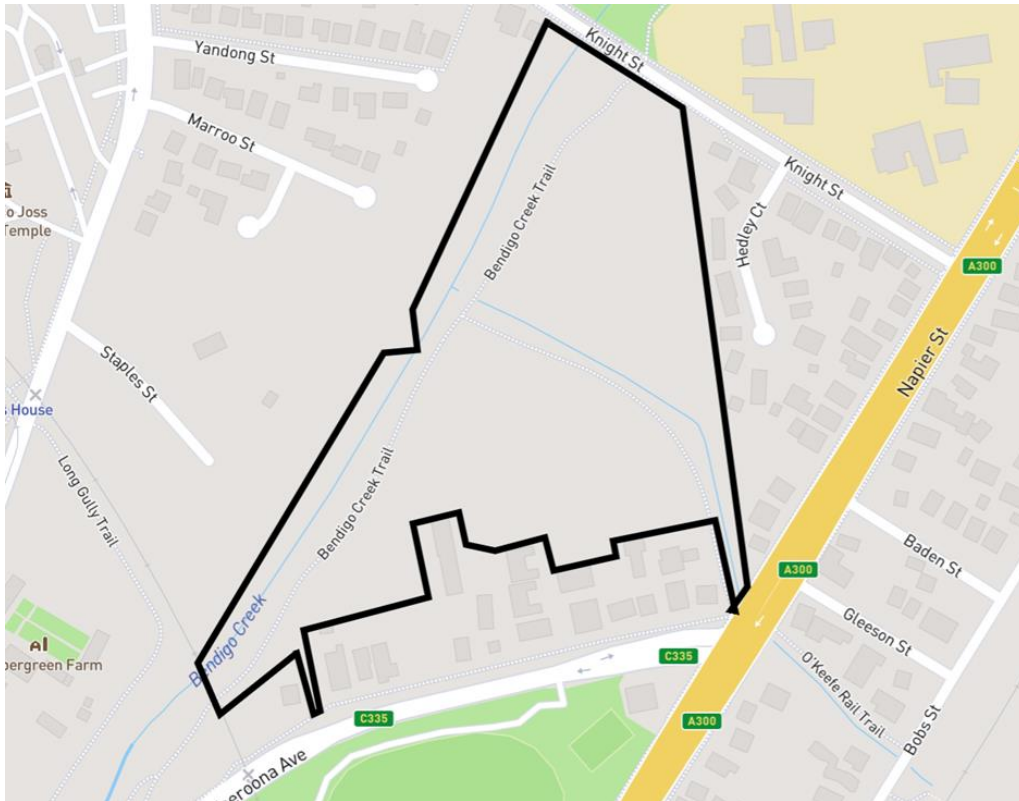
In 2016, a partnership between Djandak (an arm of the Djaara) and the North Central Catchment Management Authority (the agency responsible for responsible for natural resource management in north central Victoria) was developed to improve the water health of Bendigo Creek.

As part of the project, ponds were reintroduced at the site (21 Knight Street, White Hills) to mimic what the creek once was —a chain of ponds. Upon completion of the project the site was officially named Wanyarra Dum and interpretative signage was installed onsite.

Wanyarra Dum means frog ponds in Traditional language, celebrating the restoration of the frog ponds on the site.

The name for this site has not been officially registered with Geographic Names Victoria.

The boundary of the site is outlined in black in the map below.



Report

It has been identified through Geographic Names Victoria, that Strathfieldsaye Community Hub, Bendigo Botanic Gardens, White Hills and Wanyarra Dum are not currently registered correctly with Geographic Names Victoria. This puts the public and operational safety for emergency response at risk; and causes confusion for transport, communication and mail services.

When the City becomes aware that sites are not registered correctly, the City will endeavour to undertake a naming process to register the place names with Geographic Names Victoria.

As a naming authority for the naming of roads and features within the municipality, the City is undertaking the naming process in accordance with the Geographic Place Names Act 1998 and the Naming Rules.

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

The following process has been undertaken to date:

- Liaison with Geographic Names Victoria to ensure the proposed names and process complies with the 2022 Naming rules.
- Development of a community engagement platform on City of Greater Bendigo's Let's Talk.
- Community Consultation process undertaken for a 36-day period.
- Letter drop to surrounding areas (minimum 200m radius of site) and mailout to residents who own a property within the radius area but reside elsewhere advising them of the community consultation process and how to make a submission. It was noted in the letters that were mailed out that if the recipient did not respond to this community consultation opportunity, it would be taken as **implied consent** to the naming proposal. Implied consent has been included in the summary of submissions received.
- Public notice in Bendigo Advertiser on the 20 January 2024.
- Signage at each site advising of registration requirements and community consultation process.
- A social media post was published on the City of Greater Bendigo's Facebook page on the 22 January 2024. The post generated 10 reactions, 2 comments and 2 shares.

Priority/Importance

Council is required to formalise a decision on the naming proposals as per the process identified within the Naming Rules.

If Council endorse the naming proposals for each site, a naming proposal will be developed for each site and submitted to Geographic Names Victoria. Community members who objected during the consultation process will be provided with the opportunity to appeal directly to Geographic Names Victoria.

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

The sites should be officially registered through Geographic Names Victoria to mitigate public safety concerns.

Place naming is one of the important ways that governments, industry and communities can work together to support the United Nations Sustainable Development Goals (SDGs). Most of the SDGs require standardised names of

places and roads to deliver the work needed to achieve the goals, as well as for effective reporting.

SDG: Reduced Inequalities

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

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

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

This naming proposal supports the following VAAF goals:

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

Options Considered

Option A – the City does not submit the place names for the three sites with Geographic Names Victoria for registration.

The sites will remain unregistered and will not appear on VICNAMES.

VICNAMES is the official mapping system that emergency response services access in an emergency.

The City could choose to do this but would open the City up to liability if an incident was to occur. This option does not align with the Place Names Act 1998.

Option B – The City officially submits the place names for the three sites for registration with Geographic Names Victoria

The sites will be registered and will appear on VICNAMES. VICNAMES is the official mapping system that emergency response services access in an emergency.

The City will mitigate liability if an incident was to occur. This option aligns with the Place Names Act 1998.

Timelines

The renaming project commenced: August 2023

Stakeholder engagement (including Djaara) and development of Communications plan/Engagement tools: September - November 2023

Community Engagement opened: January 2024

Community Engagement closed: February 2024

Submissions Considered: March 2024

Council Decision: April/May 2024

Proposal to Geographic Names Victoria (if name adopted by Council): June 2024

Outcome from Geographic Names Victoria: September 2024 (estimated date)

Communications/Engagement

Internal Engagement

- Community Partnerships
- Active and Healthy Unit
- Parks and Open Space
- Communications Unit
- Engaged Communities Team

External Engagement

The City has engaged with Djaara on place naming registration process for Bendigo Botanical Gardens, White Hills and Wanyarra Dum and reconfirmed their consent for the use of Traditional Owner Language for these sites.

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

The naming proposals were released on Let's Talk Greater Bendigo on the 20 January 2024 at 8.20am to accommodate the public notice in Saturday's Bendigo Advertiser.

A radius greater than 200 meters was determined around each site and letters were dropped to houses on the 22 January 2024. Letters were also sent to those residents that owned properties within the radius but lived elsewhere.

The City received:

- 1 formal submission through Let's Talk Greater Bendigo for Strathfieldsaye Community Hub and 16 implied consent. The submission was in support of the naming proposal.
- 21 formal submissions through Let's Talk Greater Bendigo for Bendigo Botanic Garden, White Hills and 213 implied consent. Of the 21 submissions, 20 supported and 1 objected to the proposed name.
- 37 formal submissions through Let's Talk Greater Bendigo for Wanyarra Dum, White Hills and 66 implied consent. Of the 37 submissions, 35 supported and 2 objected to the proposed name.

Objections received were not able to demonstrate valid reasons of how the proposed name did not comply with the Naming Rules (for further details see **attachment 2**).

It is recommended that Council proceeds with a formal naming proposal to Geographic Names Victoria for each site as outlined below:

Strathfieldsaye Community Hub - the place name registration needs to be updated to include;

- Registration of the broader precinct known as Strathfieldsaye Community Hub
- The removal of Strathfieldsaye Preschool from Geographical Names Victoria database
- Strathfieldsaye Kindergarten to be registered as a named feature within Strathfieldsaye Community Hub

Bendigo Botanic Gardens, White Hills - the place name registration needs to be updated to include;

- Confirmation of the Place Name Bendigo Botanic Gardens, White Hills as the registered name for the site
- An extension of the boundary of Bendigo Botanic Gardens, White Hills
- Larni Garingilang to be registered as a named feature within Bendigo Botanic Gardens, White Hills
- Garden for the Future to be registered as a named feature within Bendigo Botanic Gardens, White Hills
- Heritage Gardens to be registered as a named feature within Bendigo Botanic Gardens, White Hills
- Garingilang Way to be registered as a road

Wanyarra Dum needs to be registered as the place name for the site located at 21 Knight Street, White Hills

Financial Sustainability

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

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

Without a dedicated resource to facilitate this process past March 2024, the Place Naming process now becomes a key activity for all project leads to ensure Naming Rules are followed into the future and risk is mitigated.

Risk Assessment

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

- Extended or prolonged timelines for the completion of each naming project;
- If naming proposal is not adopted by Council, the naming process would be required to start again – impacting on resourcing.
- If sites are not correctly registered with Geographic Names Victoria, there is a public safety risk in terms of emergency response.

City staff will work to mitigate these risks by:

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

Policy Context

Primary Council Plan Reference

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

Outcome 4 - Aboriginal reconciliation

Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

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

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

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

Goal 5 - A community that feels safe

Goal 7 - Emergencies are prevented or mitigated

Other Reference(s)

Barpangu - Reconciliation Plan 2021-2025

Objective 1: Recognise, acknowledge and celebrate the Traditional Owners

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

Social Justice Framework - 2022-2032

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

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

Yilingga Marna Agreement

Opportunity: Project Investment

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

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

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

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

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

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

Conflict of Interest

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

Attachments

1. 3 Sites Submission Summary [**19.1.1** - 11 pages]
2. Community Consultation Summary 3 sites [**19.1.2** - 7 pages]

20. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

21. A VIBRANT, CREATIVE COMMUNITY

Nil

22. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

23. URGENT BUSINESS

Nil

24. NOTICES OF MOTION

24.1. NOTICE OF MOTION 1 (CR JULIE SLOAN): FIREWORKS

Purpose

The purpose of this motion is to request City Officers to provide options to Council about alternative forms of entertainment to fireworks which are:

- more inclusive for people, safer for animals and wildlife;
- less susceptible to being impacted by environmental events such as fire risk and wind;
- a plan to transition away from fireworks at City led events on Easter Saturday and New Year's Eve 9pm and midnight displays, between 2024/2032 or as soon as practicable;
- to prepare for Council a Report outlining alternate forms of entertainment options for endorsement at Council Meeting of 16 September 2024.

This Report provides Notice of the following Motion that will be moved at Council Meeting of 27 May 2024.

Proposed Motion

That Council, regarding the use of Fireworks at events led by the City, request City Officers:

1. To provide options for Council about alternate forms of entertainment which are more inclusive for people, safer for animals and wildlife, and less susceptible to being impacted by environmental events such as fire risk and wind.
2. To seek community feedback prior to the report being presented at Council Meeting of 16 September 2024.
3. To prepare for Council a Report for the Council Meeting of 16 September 2024 incorporating the research on alternative forms of entertainment, the community feedback, and with a recommendation on the next steps.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Alden

Resolution No. 2024-89

CARRIED

Rationale

Council welcomes and **supports** inclusive, accessible and equitable events as outlined in Council Plan Mir wimbul's Community Vision (1) for safe, welcoming and fair communities that are vibrant and creative in healthy liveable spaces in a climate resilient natural environment.

The proposed motion is underpinned by the principles-based Local Government Act 2020 (2) enabling Council to govern based on five principles including community engagement, service performance and public transparency. These principles enable Council to ensure our community has opportunity to engage with Council on the future of their community, to ensure Council delivers equitable, accessible, and good value services to address community need, and to achieve sustainable long-term outcomes.

Greater Bendigo's Community Plans (3), developed by local communities to identify needs and strategies for better outcomes, reflect these principles. Communities are invested in creating a unique vision for the future of their community and have identified priority areas, true to their context. These community plans identify the importance of enhancing outcomes that protect and conserve nature (landscapes, forests, animals, wildlife, habitat, native species, ecotourism); climate (climate resilience, reducing climate warming); and community (inclusion, connection).

The community plans emphasise the need to sustain nature and community wellbeing. Council addresses these needs by working with communities and developing relevant strategies including biodiversity and ecosystems (4), climate change and environment (5) and community wellbeing (6). Facilitating safer, sustainable, inclusive entertainment options for the community by phasing out fireworks for City led events, reflects that process.

Our world has progressed since 19th Century introduction of fireworks in Australia. We are experiencing a shift in community sentiment, public discourse and policy direction related to firework-use that reinforces community emphasis placed on valuing and protecting our natural world. Current firework use is harmful on many levels and necessitates a shift to adaptive thinking. Phasing out fireworks with options that create a sense of joyous celebration, inclusion, equity and are non-triggering for people, animals, wildlife and environment, is a positive and practical contemporary approach.

Evidence reports that fireworks are unfriendly for many people in our community. For people on the autism spectrum fireworks may not be enjoyable due to light and sound sensitivity making fireworks difficult or impossible to attend. Autism Spectrum Australia advocate sensory-friendly experiences like interactive displays and

inclusive events to better meet the needs of the autistic community (7). Firework events may create barriers for people living with low or no vision and supported by a guide dog, and for people with lung conditions Asthma Australia advocate avoiding chemical odours as they can be triggering (8). For service veterans and people living with post-traumatic stress syndrome firework noise, light and sensations can be triggering; this is significant as up to 10% of the community are likely to develop posttraumatic stress compared with up to 20% cent of veterans (9).

Animals Australia report loud sounds and bright lights from fireworks can cause distress, injury or death from trauma to animals. Dogs and cats may flee from firework noise and light and animals can be seriously injured if they panick while tethered. Wildlife is affected by unexpected firework noise and bright lights which can be terrifying for native animals, birds and other animals (10). Native bats and birds roosting and caring for young may fly away in fear only to sustain injuries as a result of flying into each other or external objects in panic. Horses are vulnerable to bolting and sustaining traumatic injuries when exposed to fireworks (11) and kangaroos, wallabies and wombats may flee only to be killed on roads by vehicles at night. RSPCA report many domestic animals and wildlife are terrified by fireworks that indirectly pose a risk to their safety by causing them to take flight to escape loud firework noise (12). Integral to any event is consideration of the needs of nature including comprehensive pre-event assessment; animal, wildlife and environmental impact assessments; and compliance monitoring.

In Victoria fireworks can be used under the law; however, it is a crime for anyone other than a licensed pyro-technician to use or possess fireworks classed as a type of explosive under Dangerous Goods Act. Chemicals are an essential component of fireworks and have potential for short-term elevated concentrations to appear in surface water, groundwater, and the air immediately following commercial firework display (13). Perchlorate is a chemical compound added to fireworks as an oxidiser to facilitate upward propulsion and debris left on the ground following fireworks often contain perchlorate. Research reports perchlorate has gained significant attention as an emerging contaminant due to its occurrence and persistence in water, soil and food (14). Further, fireworks contain chemicals and metal when ejected into air turn into fine particles reducing air quality and when inhaled in high particle concentrations can exacerbate heart and lung conditions (15). The chemical reaction from fireworks release gases and smoke including carbon monoxide, carbon dioxide, and other greenhouse gases that trigger climate change. Carbon dioxide is the primary greenhouse gas contributing to climate change with fireworks releasing carbon dioxide in the environment after each combustion. It is reported that fireworks containing about 35kg of gunpowder produce approximately 17kg of carbon dioxide when combusted (16).

The use of contemporary and friendlier innovative and adaptive firework-free options is increasing, particularly with advances in emerging technologies aiming to advance

a greater range of friendly and inclusive entertainment options including spatial animation, drone light displays and suspended imagery. There has been elevated use at community events of light immersion art and sculpture, neon installations, visual projections, digital light animations and interactive light installations. The inclusion at light and sound events of reduced sensory visual and audio impact areas, including low-impact noise and light reduced activity, is a valuable component of friendly events.

Events without fireworks create a joyous sense of celebration, inclusion and equity for our community, animals, wildlife and environment; they are not only possible, but are embraced by the community and visitors alike. One example is the upcoming sound and light show in Rosalind Park during winter school holidays that is back by popular demand. This event is a firework-free, sound and light show with interactive exhibits, immersive light installations with projections using latest audio visual technology and consideration for inclusion and equity for all-abilities.

The Municipal Association of Victoria and Victorian Greenhouse Alliance April joint submission to the National Adaptation Plan reports that Councils stand ready to collaborate and innovate on new models of adaptation policy co-creation. As the closest connection point to community, local government is uniquely positioned to help build a social license for governments to prioritise and invest in adaptation action (17). The City of Greater Bendigo is proud of its ambitious target of zero greenhouse gas emissions for operations by 2030. This Plan interprets zero emission target as 'net zero' by 2030, or cutting greenhouse gas emissions to as close to zero as possible with any remaining emissions offset. This approach supports the City's core strategy to achieve its net zero target to 'electrify everything' during the 2020s and to attain net zero 'carbon neutral' certification from Australian Government's Climate Active program (18). Phasing out fireworks will contribute to new adaptation modelling and cut greenhouse gas emissions.

Transitioning to phasing out fireworks for City led events while progressing to options creating a sense of joyous celebration, inclusion and equity that are kind and non-harmful for the community, animals and nature, is a positive and practical step forward.

References

1. <https://www.bendigo.vic.gov.au/sites/default/files/2023-04/City-of-Greater-Bendigo-Council-Plan-2021-2025.pdf>
2. <https://www.localgovernment.vic.gov.au/council-governance/local-government-act-2020/principles-of-the-local-government-act-2020#:~:text=The%20Local%20Government%20Act%202020%20requires%20councils%20to%20develop%20an,than%20focusing%20on%20operational%20issues>
3. <https://www.bendigo.vic.gov.au/about-us/plans-strategies-and-documents/community-plans>

4. <https://www.bendigo.vic.gov.au/about-us/plans-strategies-and-documents/biodiversity-strategy-and-action-plan-2023-2033>
5. <https://www.bendigo.vic.gov.au/about-us/plans-strategies-and-documents/climate-change-and-environment-strategy-2021-2026>
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18. https://www.mav.asn.au/data/assets/pdf_file/0009/35595/MAV-and-VGA-Submission-to-the-National-Adaptation-Plan-Issues-Paper-April-2024.pdf
19. <https://www.bendigo.vic.gov.au/sites/default/files/2023-06/City-of-Greater-Bendigo-Zero-Emissions-Plan-Council-Operations.pdf>

Officer Comment:

City of Greater Bendigo will seek feedback from community members regarding use of fireworks and alternate entertainment options. A report including community feedback and alternate options analysis will be provided at September 16 Council meeting for consideration.

Conflict of Interest

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

Attachments

Nil

24.2. NOTICE OF MOTION 2 (CR JULIE SLOAN): ANIMALS IN EVENTS

Purpose

The purpose of this notice of motion is to request City Officers to provide options to Council about alternate forms of entertainment which are more inclusive for people and safer for animals and wildlife.

It also asks City officers to develop plans to transition animals out of events led by the City between 2024/2028 or as soon as practicable; and to prepare for Council a Report outlining alternate forms of entertainment options more inclusive for people and safer for animals and wildlife for endorsement at Council Meeting of 16 September 2024.

This Report provides Notice of the following Motion that will be moved at Council Meeting of 27 May 2024.

Proposed Motion

That Council, regarding Animals In Events, request City Officers:

1. To provide options for Council about alternate forms of entertainment which are more inclusive for people and safer for animals and wildlife.
2. To seek community feedback prior to the report being presented at Council Meeting of 16 September 2024.
3. To prepare for Council a Report for the Council Meeting of 16 September 2024 incorporating the research on alternative forms of entertainment that are more inclusive for people and safer for animals and wildlife, the community feedback, and with a recommendation on the next steps.

MOTION

That the proposed motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-90

CARRIED

Rationale

Council welcomes and supports inclusive, accessible and equitable events as outlined in Council Plan Mir wimbul's Community Vision (1) is for safe, welcoming and fair communities that are vibrant and creative in healthy liveable spaces in a climate resilient natural environment.

This motion is underpinned by the principles-based Local Government Act 2020 (2) enabling council to govern based on five principles including community engagement and service performance. The motion requesting options about alternate forms of entertainment more inclusive for people and safer for animals and wildlife and development of plans to transition animals out of events led by the City, reflects that process.

Greater Bendigo's Community Plans (3), developed by local communities also reflect these principles. Local people have created a unique vision for the future of their community based on an identified need to protect, sustain and conserve nature, animals and wildlife. Council addresses these needs by working with communities and by developing relevant strategies, for example, the City's Domestic Animal Management Plan (4) and Biodiversity Strategy and Action Plan for the next 10 years (5).

Council recognise that all animals experience feelings and emotions such as pleasure, discomfort, fear and pain (6) and has embedded animal sentience in the Domestic Animal Management Plan (DAMP) 2021-25 (4). The DAMP is underpinned by 'fear-free' principles to ensure all animals are treated humanely to minimise stress, fear and anxiety; these principles are further strengthened and sustained when applied to our consideration for all animals.

Totemic animals and wildlife form a critical component of connection to Country, culture and community for many First Nations people. Djaara animal-dreaming tell of Mindi the great serpent and enforcer of cultural law, Bunjil the eagle protector and Waa the wise crow, who all explain the right way to live (7). Djarra language connects community to nature and animals; Ngana-nganitj the bat peacekeeper (8), the protection of Bunjil at Bendigo Law Courts and the wisdom of Waa at Bendigo TAFE reflect the importance of totemic animals to our community. Djaara recognise the urgent need to protect and conserve animals and are working on-Country to heal totemic animals (9).

Current animal use in petting zoos and farm animal shows can be harmful on many levels and necessitate an adaptive shift in thinking and practice to correct this anomaly. RSPCA report that several different species can be mixed together in confined areas specifically for human interaction – there are many health and

welfare issues associated with these interactions including disease, distress, injury and even death (10).

Our world is experiencing a shift in community sentiment, public discourse and policy related to using animals and wildlife that enable communities to emphasise the value animals and wildlife in nature. Animal welfare does matter to our community, and evidence-based animal welfare practice must reflect this community sentiment (6).

Phasing out animals in events with options creating a sense of celebration, inclusion, equity and enjoyment is both positive and practical and in-step with community thinking. Fear-free principles could equally well apply to all City led events and are important to consider in this motion recommending a transition away from using animals as entertainment options. This motion supports a renewed direction forward to support and enable City led events to transition from using animals as entertainment, to better options that create inclusive, enjoyable, kind and non-harmful events for children, families and community.

Respectful connection to nature, including animals, can promote a sense of healing, wellbeing and calm. Many opportunities currently exist in the community to provide this connection. Animal petting zoos, pony rides, farm animal and wildlife shows are included in many community-led events, such as family days, where children can view and pet animals while organisations often include animal petting in their program of events. Children gain connection to nature, animal and wildlife through on-Country activity such as nature playgroups, bush play, animal adoption programs and animal sanctuaries.

City led events already encompass a range of enjoyable community activities that do not use animals as entertainment options such as interactive displays, nature play, sensory-appropriate opportunities, circus skills, interactive art workshops and early years activities; this is to be applauded and strengthened.

The use of contemporary, friendlier, innovative and adaptive animal-free events is becoming more popular as community sentiment is moving rapidly towards improving protection and wellbeing of animals and wildlife. Many community events do not use animals as entertainment, a move to be encouraged and supported. Events now include light immersion art and sculpture, neon installations, visual projections, digital lights and interactive light installations that are innovative, adaptive models that can be replicated to demonstrate what is possible.

Events that do not use animals as an entertainment option can create a joyous sense of celebration, inclusion and equity for our community as well as promoting better outcomes for animals, wildlife and environment; these events are not only possible, but are embraced by the community and visitors alike. One example is the upcoming sound and light show in Rosalind Park during winter school holidays that

is back by popular demand. This event is an animal-friendly sound and light show that does not use animals and wildlife.

Facilitating a transition away from using animals for entertainment at City led events, is a proactive and positive step forward. Underpinning the transition is Council recognition of animal sentience, community expectation, a shift in public sentiment that emphasises the value and protection of animals and nature and, importantly, to protect First Nation totemic animals.

References

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2. <https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/003>
3. <https://www.bendigo.vic.gov.au/about-us/plans-strategies-and-documents/community-plans>
4. <https://www.bendigo.vic.gov.au/sites/default/files/2023-11/City-Greater-Bendigo-Domestic-Animal-Management-Plan-2021-2025.pdf>
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10. <https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-petting-zoos-and-other-types-of-animal-encounters/>

Officer Comment:

City of Greater Bendigo will seek feedback from community members regarding Animals at events and alternate entertainment options. A report including community feedback and alternate options analysis will be provided at September 16 Council meeting for consideration.

Conflict of Interest

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

Attachments

Nil

25. MAYOR'S REPORT

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

- Photo opportunity to announce Hargreaves Mall landscaping and other winter activations.
- Met with Myer representatives.
- ANZAC Ceremony Bendigo Senior Secondary College.
- Laid wreath at the St John of God Hospital Pre ANZAC Service.
- Bendigo Trust Board Meeting.
- Laid wreath at the Woodvale ANZAC Day Service.
- Participated in official proceedings and laid wreath at the Bendigo ANZAC Day Commemorative Service.
- Spoke at the official opening of Bendigo Airport Terminal attended by the Hon. Jacinta Allan MP, Premier of Victoria and the Hon. Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government.
- Spoke at the The Unbreakable Farmer Flood Recovery event held at the Goornong Memorial Soldiers Hall.
- Met with representatives from the Bendigo wine industry.
- Backpacks 4 VIC Kids (B4VK) Bendigo Tiny Site opening event.
- Spoke and assisted with presentations of funds raised Axedale QuickShear.
- Regional Cities Victoria Executive Management Group online meeting.
- Online Mayoral Forum – Local Government Amendment Bill briefing by Minister for Local Government, the Hon. Melissa Horne.
- Chaired the Economic Development Implementation Steering Committee Meeting.
- Bendigo 2040 Exhibition Launch held at the Discovery Science and Technology Centre.
- Regional Cities Victoria Executive Management Group online meeting.
- Spoke at the Be Well Be Connected - Positive Ageing and Disability Expo held at the Bendigo Exhibition Centre.
- City of Greater Bendigo Audit and Risk Committee Meeting.
- Chaired the Gastronomy Advisory Committee meeting.
- Integrated Municipal Emergency Management Planning Committee meeting.
- Announcement of Australia's Badminton athletes that will be heading to Paris 2024 - YONEX National Badminton Championships.
- Onsite meeting at California Gully Reserve with Eaglehawk Jnr Football Club representatives.
- Met with Mayor & CEO from City of Ballarat.
- Spoke at the International Day Against Homophobia, Biphobia, Intersex discrimination and Transphobia (IDAHOBIT) Pride Flag Raising.

- Met with the Hon. Maree Edwards.
- Whipstick Ward Councillor engagement session held at The Victoria Hotel, Elmore.
- Nature Stewards Graduation
- Spoke at ILLUMIN8 Festival at The Great Stupa.
- Spoke at the Long Gully Neighbourhood House, National Volunteer Week-Volunteers morning tea.
- Bendigo Regional Employment Precinct Steering Committee meeting.
- Djandak Wi (Country Fire) Strategy Launch held at Gutjin Bulok (Tang Tang Swamp), Dingee.
- Presided at the Citizenship Ceremony attended by over 60 new citizens from 21 countries.

26. CHIEF EXECUTIVE OFFICER'S REPORT

Congratulations to Councillors on approving the two key strategic documents tonight, key strategic pieces of work.

The budget - this is the final budget for your term. Thank you for the work you have invested in this and it is good to see a number of your legacy priorities that have evolved over the coming years and now getting funded and progressed through the budget. Congratulations.

Thank you for the discipline and financial management that you have shown and the restraint in your last year. You will be able to hand over a really financially sustainable organisation to the next Council and you have been able to balance getting things done but also making sure there has been some prudent financial decisions with capacity for the future Councillors to come in.

Speaking of legacy, getting the Managed Growth Strategy out tonight. It has been a key priority of yours and you have been driving behind us to keep the work up and you have done your bit in attending the briefings, attending the readings, coming in for special sessions we have had scheduled to work through some of the detail. Thank you and we look forward to seeing how that lands with the community now.

Over the last month we have seen our MasterChef episode go live which was filmed on a very warm night back in December just after the December Council meeting. That is a great promotion for this City and ties in really well with the current Paris Exhibition but also another good chance to promote ourselves as a UNESCO Creative City of Gastronomy and not just for the City but for our producers as well, to be able to get their produce aired and promoted through the program. That has been terrific. We have been able to give Chef and Judge Jean-Christophe Novelli a special surprise in his life, he tasted his first chicken parma at the Lakeside Hotel which I am sure will go down with the culinary delights he has had all around the world.

We have mentioned a few times of the Council elections coming up. That date is looming large as we tick off Council meetings of your term. Tomorrow night at Galkangu, we will have our first session for our 'Put Your Hand Up - 2024' campaign. That is from 6.00pm to 7.00pm at Galkangu. There is still a chance for people to register if they would like to be involved. We would really welcome the opportunity of being able to have people there to learn about the role of the Council and we are keen to make a connection with them as well.

Have spoken about a couple of great projects that have been opened in the last month, Bendigo Airport and Bendigo Tramways, so I won't reiterate those events but

acknowledge the staff involved in those projects, not just from our organisation, but it is great to see so many local contractors and sub-contractors involved in the construction, management, the design and sub-contracting for those projects. It is terrific to see that money flowing through our community.

Like a number of Councillors, I too enjoyed my first night at the Bendigo Interfaith dinner and to sit back at the dinner and look at the beautiful kaleidoscope that is our cultural enrichment now. There were representatives from a number of countries and faiths in that room. It is a good group to be able to work with and understand more about. Sadly, we had to call on them a number of days later when we had to help them respond through the cultural vandalism that we experienced but we had that whole arm of people to support each other and help us through.

27. CONFIDENTIAL (SECTION 66) REPORTS

RECOMMENDED MOTION

That Council close the meeting to members of the public pursuant to Section 66(2) of the Local Government Act 2020, to consider (a) report(s) relating to;

1. (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
2. (g) private commercial information, being information provided by a business, commercial or financial undertaking that -(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
3. (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)

MOTION

That the recommended motion be adopted.

Moved: Cr Fyffe

Seconded: Cr O'Rourke

Resolution No. 2024-91

CARRIED

28. CLOSE OF MEETING

There being no further business, this Council Meeting closed at 8:17PM.