

COUNCIL MEETING MINUTES



6:00 pm on Monday July 22, 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:

August 26, 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 wirrmbol bunjil

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

3. OPENING STATEMENT

First, I would like to acknowledge the passing of Cr Rod Fyffe OAM. Rod passed away on Friday July 12. Tonight, we are joined by members of his family, both in the gallery and online. To recognise his outstanding service over 38 years as a Councillor, I ask everyone in attendance and able, to please stand for a minute's silence.

Vale, Cr Rod Fyffe OAM. Later in tonight's agenda we will pause and I will invite all Councillors to pay tribute to Rod in their own words.

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
 - Deputy Mayor Cr Matthew Evans
 - Cr Dr Jennifer Alden
 - Cr Margaret O'Rourke OAM
 - Cr Greg Penna
 - Cr Julie Sloan
 - Cr Vaughan Williams
-
- Andrew Cooney, Chief Executive Officer
 - Brian Westley, Director Presentation and Assets
 - Jess Howard, Director Corporate Performance
 - Rachel Lee, Director Strategy and Growth
 - Chris Mitchell, Acting Manager Governance

Apologies

- Cr Fagg

MOTION

That any apologies are accepted.

Moved: Cr O'Rourke

Seconded: Cr Alden

Resolution No. 2024-121

CARRIED

6. LEAVE OF ABSENCE

Cr Penna has requested a Leave of Absence for the August 2024 Council Meeting.

MOTION

That the apology from Cr Penna be received and Leave of Absence be granted from the August 2024 meeting.

Moved: Cr Evans

Seconded: Cr Williams

Resolution No. 2024-122

CARRIED

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 O'Rourke

Seconded: Cr Alden

Resolution No. 2024-123

CARRIED

8. COMMUNITY RECOGNITION

To tonight's community section and a couple of items to note:

- Congratulations to marathon runner Andy Buchanan, who recently won the Oceania Half Marathon on the Gold Coast.
- He also did it in a personal best time of 1 hour, 2.25 minutes.
- Bendigo world champion BMX rider, Jaclyn Wilson, has been inducted into the BMX Australia Hall of Fame.
- Jaclyn took up the sport at the age of 4 and it has been part of her life for more than 40 years.
- Jaclyn is also a former Bendigo Sports Start of the Year. Congratulations Jaclyn on your well-deserved honour in your sport.
- And in netball, congratulations to Bendigo Strikers players Charlotte Sexton and Harriet Gall, who have both been selected for national duties in the Australian 21-and-Under squad to tour Fiji next month.
- Last week the City was delighted to welcome the Indian High Commissioner to Australia, His Excellency Mr Gopal (go-pal) Baglay (bag-lay), and Indian Consul-General to Australia Dr Sushil Kumar.
- They were given a civic reception in their honour, which was a wonderful display of the colourful Indian culture, and participated in discussions with local leaders that presented a great opportunity to further economic relations between India and Bendigo and Victoria.
- And finally, we acknowledge the passing of Cr Rod Fyffe OAM and former Shire of Mclvor Councillor, Pat Connally.
- As I said earlier, Councillors will soon be invited to reflect on their memories of Rod. He will be dearly missed – the ultimate community champion until the very end. He will be farewelled this Wednesday, with his funeral to be held, fittingly, in the Bendigo Town Hall. A place he loved very much.
- And Pat Connally was a much-loved member of the Heathcote community, a businessman, farmer and family man, and twice served as Shire President.
- Our thoughts are with the Fyffe and Connally families at this time.
- 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.

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

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

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

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

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

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

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

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

9.2. Pre-Registered Questions

Question 1:

From: Michael of Epsom

Topic: Disaster Ready Fund - Round 1

Question:

Why did Bendigo Council choose not to apply for The Disaster Ready Fund - Round 1, after the devastating impacts of the October 2022 floods in Epsom and Huntly?

Answer:

On 13 January 2023, the City received notification that applications for round 1 of the federal governments Disaster Ready Fund program may be submitted, with applications closing on 14 February 2023. Combined with the short timeframe to prepare any application, the City did not at that time have any projects which it considered were advanced enough to either have confidence in the cost for delivery or which were likely to be successful under round 1 of the program, nor did it have the required 50% funding contribution for any large scale project such as the Racecourse Creek levee built into its 2022/23. budget.

The City has however applied for four flood resilience projects under round two of the Federal Government's Disaster Ready Fund. Projects which the City has sought funding under round 2 are:

- Huntly drainage analysis and flood mitigation action plan
- Minor drainage and culvert improvement program
- Waterway Flood Mitigation Management Plans
- Goornong Flood Study

The outcome of these funding applications will not be known until late 2024.

The design and associated detailed project costing for the Racecourse Creek levee has not yet been finalised. Final design elements are being resolved in consultation with VicTrack and V-line and once completed, it is anticipated that the City will then seek to secure external funding through the Natural Disaster Resilience Grant program or alternative funding source.

Question 2:

From: Leslie of Eaglehawk

Topic: Footpath Simpsons Rd Eaglehawk

Question:

Would like to know when the footpath is going to start and the completion date.

Answer:

This project and subsequent petition, is comprehensively addressed within the Officers report included within tonight's agenda.

Question 3:

From: Thomas of Spring Gully

Topic: Animal Activity survey

Question:

Regarding the Animal Activity Survey, I would like to know what measures are in place to ensure those completing the survey are from the City of Greater and not from people outside our municipality and how is it being managed so that it's only filled out once per person?

Answer:

When completing the survey the City asks for the submitters suburb or town. This question is mandatory. Furthermore, we also ask whether they have attended the events we are seeking feedback on. This assists in delineating a responder who may live outside Greater Bendigo but travel to visit these events. The general findings of the survey will be provided in the form of a report at a future council meeting.

9.3. Gallery Questions

Question 4:

From: Trent of Bendigo

Topic: Access to Rosalind Park Poppet Head

Question:

When will public access be restored to the Rosalind Park Poppet Head?

Answer:

Recent routine inspections has identified some rust. A detailed structural report has been commissioned with a Report due in late 2024 to define the extent of works and detailed design of any required rectification. The Poppet Head is likely to remain closed until 2025.

Question 5:

From: Kaylene of Long Gully

Topic: Fernery in Rosalind Park

Question:

When will the Fernery in Rosalind Park be re-opened to the public?

Answer:

The Grey Headed Flying Fox is nationally protected. The Ibis, which are now beginning to move in are also significant. The City is currently working with the relevant regulator to determine what options can be pursued. Furthermore, the Rosalind Park Management Plan will undergo community engagement through Let's Talk later this calendar year to determine how best to improve activation of the broader precinct.

10. RESUMPTION OF STANDING ORDERS

MOTION

That Standing Orders be resumed.

Moved: Cr Penna

Seconded: Cr Evans

Resolution No. 2024-124

CARRIED

11. CR ROD FYFFE OAM - COUNCILLORS' REFLECTIONS

Cr Dr Jennifer Alden

Rod was a councillor we saw everywhere
And was happily known as the Mayor with the Hair
His gift to our city
A great sense of style

Mentoring, teaching
He taught quite a few
His skills were far reaching
A polymath too

His generosity legend
Our gallery his friend
His ceramics donations
Always on trend

His gastronomy clear
Caffeine his brew
Chocolate his taste
And other sweets too

Colleagues will miss him
His laugh and his smile
His interest in issues
He pursued all the while

So many have heard his
'G'day worker' we're told

I'll remember another

A favourite too

'Too right' he would say

It was then that I knew

We agreed on a lot

Many similar views

To his community all

His focus was true

He lived worked and cared for

And so we must therefore

Say thanks to you Rod

As you've left Council now

You will be remembered

By a very large crowd

Cr Vaughan Williams

It was an honour to have worked with Cr Fyffe. He was undeniably committed to community service, including through 38 years as a Councillor. A gentleman and a statesman - he will be greatly missed in the Chamber and in the community.

Cr Julie Sloan

My condolences and thoughts go out to Rod's family tonight.

I was privileged to have worked alongside Rod over the past 4 years as a first-time councillor, I learnt so much from Rod's wisdom, humility & care for others. I first met Cr Rod OAM during the 2020 local government council elections - I was attempting to take a photo of a notification placed in the Victorian Electorate Office window, without any success. As I stood there pondering how to proceed, I heard a person on the footpath beside me asking '**can I help**'- I looked up from my phone to see the friendly face of Cr Rod and, before I knew it, my phone had been sorted & we had secured the photo in the window.

I recall this tonight not because we took that photo, but because it reflects the ethos Rod brought to everyone and everything he encountered. Sincere friendliness and encouragement, collective endeavour, keen sense of humour, all underpinned by kindness and an authentic interest in helping and supporting everyone - individuals, groups, clubs, the community, arts, the environment... the list goes on. Like many others I too enjoyed an odd coffee and chat with Rod in his office - thank you for everything Cr Rod OAM, you will be missed.

Cr Margaret O'Rourke OAM

It is with great sadness that we share our tributes this evening for Cr Rod Fyffe OAM – a task that as Councillors none of us ever want to do in our time around this table. However, nothing could be more fitting for a man who gave 38 years to the community he loved almost as much as his family, and particularly to speak at a Council meeting which he enjoyed participating in so much. Cr Fyffe was often not the first to speak, however what he had to say was fair, researched and balanced and people listened. Always calm and sometimes with a twinkle in his eye; his experience always coming to the fore....

Nothing rattled Rod, his calmness no matter the circumstance. What I learned from him was his way of giving all sides of the argument the opportunity, whether it be a city planner's expertise in a recommendation or an objector with much on the line! He would take all views into consideration.

Rod always let people have the opportunity to consult and share their lived experience..... no matter what the discussion or request.

Kind, with an abundance of empathy Rod wanted only the best to shine through for our beautiful city and municipality.

Rod and I never had a cross word, nor did I see a cross word from him to others – a gentle kind sir is what shone through.

Having the privilege to work closely with Rod, we had some great times together particularly in 2016/17 with 7 new councillors. It was a time for healing in our City

after the difficulties before. Rod and I shared many a coffee in those early weeks and across our eight years working together – he did say his coffee record for a day stood at 25!

Rod was up for anything and everything – a delight for the media when we needed some light heartedness – like April Fools Day in 2016 appearing in the Addy bald! Or dressing up together for the Bendigo Theatre Company's launch of Wicked....you guessed it Rod wanted to be the Wicked Witch and had no hesitation being painted green – he looked fabulous and stole the launch!

At the opening of Gurri Wanyarra in 2018 – Rod volunteered to participate in the novelty race to open the pool – with tube around his waist in he jumped! As the other swimmers took off....where was Rod our Deputy Mayor, no where to be seen....wait for it! There he was as we all held our collective breath hands up in the air..... Unbeknown to us Rod couldn't swim but that never stopped him from having some fun and making life on Council real to the people!

Rod loved his community of Golden Square and one of my fondest memories is seeing him walking home one day, waving all along Hargreaves St with both hands to people and cars driving past – and then hands coming out and horns tooting him back to say **Hello Worker!** His famous words making everyone feel special.

Rod had the ability of making you feel that you were the only person in the room when speaking with him no matter the occasion or meeting....an amazing leadership quality! Along with his booming voice when he had to get people's attention – that's what being a school teacher does he would say with a wink!

Briefings have never been quite the same without your little nudge as you passed the chocolate along the table.....go on just one more square! Your love of sweet things was unrivaled.

As I look across to your seat Rod, I would sayCr Fyffe you have much to be proud about your time on Council and as a board member and representative for our region on the Municipal Association of Victoria – nothing has happened in this municipality over these 38 years without your voice, and fierce advocacy and determination – a legacy of too many things to mention that will be a part of our community for generations.

Your love of the Arts, Heritage the Environment and the Kangas, North Melbourne! – at one stage Rod was on 18 different Council committees – your dedication knew no boundaries; and you continued to give to the very end.

Councillor Rodney J Fyffe OAM, a true champion of the people. It has been a privilege to learn from you and work with you. You have served your time; never defeated in an election doing the job you loved!

My family and I pass on our sincere condolences to Victoria, Paul, Frankie and families and to Rod's siblings also; thank you for sharing Rod with us all. Rest easy my friend, you did it your way, Councillor Fyffe right to the end!

Deputy Mayor Cr Matthew Evans

There has been one constant presence ever since many councils merged to become the City of Greater Bendigo. That was Cr Rod Fyffe OAM.

In many ways, it is an end of an era. And it's yet to sink in that we have a Greater Bendigo without Rod. But with certainty, Greater Bendigo would not be what it is today without him.

Our politics were different, but there will always be the highest levels of respect for an incredibly decent man.

A teacher, a councillor, the Mayor with the Hair. A North Melbourne supporter and Golden Square through and through.

I first met Rod in 2019 when we were both rostered on canteen duty at Golden Square. I was met with a modest presence, a quick wave, and the famous greeting 'G'day Worker.'

Among everything that Rod was, and what everyone knew Rod to be, he was very generous with his time, sharing his wisdom, and always cared deeply for others and his community. Like many who met with Rod, we shared plenty of conversations over too many cups of coffee, particularly at Indulge (otherwise known as Rod's office).

For any councillor who has served with Rod may consider it to be an honour. But the greater honour and privilege will be to say that I knew him.

My thoughts are with Victoria and Rod's family, his close friends and those who knew Rod personally, and to everyone who will enjoy the best of the community we share, one that Rod shaped.

Vale Cr Rod Fyffe. May he rest in peace.

Cr Greg Penna

A fond memory of Rod is from doing a renovation when I had longer hair and was covered in plaster. I answered the door and thought I was looking in mirror! So many memories.

Mayor Cr Andrea Metcalf

Advice from Rod to a new councillor is you're elected to make good decisions for the whole community.

Advice as Mayor, the importance of being out in the community at the little events. There are plenty of big events that you attend as Mayor but go to the little events in your community. Rod would be out in the community at the Golden Square football club doing canteen duties and shopping at Maiden Gully IGA so people could talk to him. I'm not sure too much shopping was done.

Rod learnt what you were interested in and would send you media links on the topic or bring in magazines to share with you.

His office was at Indulge and over 3 coffees and some chocolate or cheesecake a lot of matters were resolved and good advice provided. Miraculously as he finished one coffee another one would appear.

Rod led some of the more controversial motions that came to the table to start the debate. He might not always vote for what he put forward but wanted the debate to happen.

He could laugh at himself especially the April Fools Day joke in 2016 where the front page of the Advertiser had a picture of Rod with his hair shaved off.

The outpouring of grief in our community has been immense. It's been amazing the number of people who have reached out to me to send their condolences to the councillors and the organisation.

Rod's attendance at the May council meeting was so important to him. The Council chambers were his second home and when I dropped him off he told me how much he enjoyed being at the meeting and his intentions to be at the rest of the meetings this term. I told him we would do everything to make that happen for him.

I want to thank Rod's wife Victoria and sons Paul and Frank who have shared Rod with us all, in his role as a councillor and Mayor of the community he loved. I'm sure when Rod was Mayor he would have hardly been at home.

12. DECLARATIONS OF CONFLICT OF INTEREST

No attendee declared a conflict of interest.

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

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

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

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

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

13. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on June 24, 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. 2024-125

CARRIED

14. PETITIONS AND JOINT LETTERS

14.1. Petition Response - Footpath construction on Simpsons Road, Eaglehawk

Author:	Nathan Sartori, Acting Manager Engineering
Responsible Director:	Brian Westley, Director Presentation and Assets

Purpose

Respond to a community petition requesting that the proposed new footpath on Simpsons Road, Eaglehawk, between Hill Street and Majors Road, be constructed on the southern side of the road as opposed to the northern side as currently designed.

Recommended Motion

That Council:

1. Advise the lead petitioner that it supports the operational rationale and decision made by officers to construct a new footpath along the northern side of Simpsons Road, between Hill Street and Majors Road.
2. Instruct officers to proceed with the construction of the footpath along Simpsons Road between Hill Street and Majors Road in accordance with the current engineering plan GB4924.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-126

CARRIED

Background

Simpsons Road, Eaglehawk (the Road) is a busy collector road which provides connection between the residential areas north/north-east of Eaglehawk to the Eaglehawk town centre. The Road extends approximately 6km between Sailors Gully Road and Wallenjoe Road and abuts several local community facilities such as Lake Neangar, Lake Tom Thumb, Canterbury Park and the Eaglehawk Bowls Club.

It provides an important transport conduit for both local residents and the broader community when accessing those locations via vehicle, bicycle or by foot.

The City has historically received several public requests for new footpath construction along the Road with most of it currently having no footpath on either side. Some isolated or non-contiguous sections of footpath have been constructed along the Road by the City or via historical subdivisions within the precinct. A map showing the extent of existing footpaths along the Road is provided in Attachment 1.

Consistent with the City's public infrastructure objectives, extensive footpath construction is required along the Road to achieve a high degree of connectivity between residential and community facilities and provide a comprehensive pathway network to support safe and efficient pedestrian movement within this precinct.

Various sections of footpath along the Road have progressively been listed within the City's rolling program for scoping, prioritisation and consideration during development of future annual Capital Works Programs (CWP).

The identified highest priority section of new footpath construction along the Road is the segment between Hill Street and Majors Road (northern side) (the Footpath). This project subsequently underwent detailed design in 2022 and was identified for funding as part of the City's 2024/25 CWP.

As part of the Footpath design process in 2022, adjacent residents were advised of the project and invited to comment on the draft design. This feedback was subsequently considered by officers when finalising the detailed design (see Attachment 2). Part of this community feedback included a joint letter/petition (the Petition) signed by 16 residents (see Attachment 3), objecting to the Footpath construction in front of their properties and calling for it to be alternatively constructed on the southern side of the Road.

This Petition was received and considered as an objection to the Footpath project in the context of the community consultation process underway at that time, however officers failed to identify that all petitions and joint letters are required to be presented to Council, in accordance with the Greater Bendigo City Council Governance Rules.

Construction work on the Footpath recently commenced, triggering further objections and complaints from the petitioners, that their concerns have not been appropriately addressed or responded to. Accordingly, all works on the Footpath have ceased pending both the joint letter/petition and associated officers report being presented to Council for consideration.

Previous Council decision dates: Council approved the City's 2024/25 Budget at its Ordinary meeting on 27 May 2024, inclusive of the Footpath project.

Report

Historical complaints received by the City with respect to the Road include:

- lack of footpaths
- lack of on-street and off-road parking provisions
- anti-social driver behaviour
- speeding.

Traffic counts for the Road identify use by approximately 1900 Vehicles Per Day (VPD), with 9.9% of those being commercial vehicles. It has a posted speed limit of 50km/hr and a recorded 85th percentile speed of 58.6km/hr, meaning a significant proportion of road users are travelling above the speed limit.

Speeding and antisocial driving behaviour is not uncommon on wide straight roads such as this, and the City liaises with Victoria Police regarding periodic enforcement, as well as implementation of various traffic calming interventions (e.g. speed advisory trailer deployment) where possible, to discourage such behaviour.

Provision of a comprehensive footpath network along the Road is also considered to be a high priority, to support pedestrian safety through appropriate separation from vehicles.

Construction of the Footpath commenced on 26 June 2024, following inclusion of the project within the City's 2024/25 CWP. Shortly thereafter the lead petitioner again made contact with the City to reiterate the petitioners ongoing objection to the Footpath project proceeding on the northern side of the Road in front of their residences, and in the course of this conversation requested that their Petition be presented to Council.

Whilst not opposed to the construction of new footpaths along the Road, it has been confirmed with the lead petitioner that their objection specifically relates to the section of path along the Road on the northern side between Hills Road and Averys Road, and that the grounds of their objection to construction of this segment of pathway is based upon the view that:

- Preference should be given to extending the existing segment of path on the southern side of the Road between Hills Street and Averys Road.
- There will be unreasonable disruption to residential amenity, property access and parking both during and post construction.
- Street trees and gardens within the naturestrip will need to be removed.
- There is a lower density of residences on the southern side of the Road and hence less impact as a result of the Footpath.

- The southern side of the Road offers improved safety for pedestrians due to less vehicle movement in and out of residential properties and a wider roadside area.

Despite not having presented the Petition to Council, the matters raised therein were dealt with at an operational level while finalising the detailed Footpath design. This included acknowledgement and discussion with the lead petitioner, during which officers explained the rationale for why construction of the Footpath on the northern side of the road remained preferable, namely:

1. Road classification / function:

Evaluation of the Road against the standards outlined within the City's Infrastructure Design Manual (IDM) has identified that ultimately construction of a footpath on both sides of the Road is desirable. This recognises several factors including the Road's function in the context of the local road network (i.e. collector road), observed traffic volumes, carriageway width, and adjacent land uses.

2. Prioritisation of outstanding footpath segments:

Noting the ultimate desire to construct a footpath on both sides of the Road throughout the primary residential catchment i.e. Sailors Gully Road to Gallway Drive, each incomplete/missing footpath segment has been prioritised within the City's rolling program, using several rating criteria.

This prioritisation process has identified construction of the path along the northern side of the Road between Hills and Majors Road as the highest priority project, despite their being an existing segment of path on the southern side of the Road between Butts Road and 66A Simpsons Road.

3. Residential connection and Traffic patterns:

A key rating criterion when prioritising footpath projects is the level of both direct and indirect access efficiency to the path from adjoining residential properties as well as downstream residences within the catchment.

Within the defined catchment area, there are currently a total of 658 residential properties located north of Road centreline and 90 to the south. By focusing construction efforts on northern pathway segments, this better supports pedestrians and young cyclists filtering out of the residential catchment area, heading south towards the recreation and town centre facilities, whilst minimising required Road crossing movement.

Construction of the footpath on the northern side of the Road enables direction of pedestrians and young cyclists towards set crossings points at safe and key access locations. These crossing points can be properly constructed and greatly reduce the number of ad hoc crossings of this busy road, which has a history of high commercial vehicle use and speeding.

4. Other links and crossings:

The Footpath project includes establishment of a crossing over Averys Rd, which is an Over Dimensional vehicle route (assigned route for large trucks) servicing over 5500 VPD.

The combination of contemporary design standards and recognised pedestrian safety concerns, warrant a pedestrian refuge island being constructed in the middle of Averys Rd to support pedestrian movement across this road.

An existing refuge island (kerb island) in the middle of Averys Rd has been established approximately 50m south of the intersection with the Road to service the nearby bus stop, however it is likely that pathway users will seek to cross closer to the intersection.

Establishing a second crossing point in closer proximity to the intersection is neither desirable nor practical given the presence of a right turn lane. Similarly movement across the Road to access a northern crossing over Averys Road can be avoided if the Footpath is constructed on the northern side of the Road.

The northern Footpath alignment as per the current design, allows for the construction of a secondary pedestrian refuge on the northern side of this intersection.

5. Future footpath works:

A further segment of footpath construction on the northern side of the Road between Burnside Street and Hill Street is planned for delivery as part of the 2025/26 CWP. Combined with the subject Footpath project, once this segment is constructed, it will complete the entire northern footpath link along the Road from Sailors Gully Road to Majors Road, servicing all the existing residential areas north of the Road.

6. Native Vegetation impacts

During preparation of the Footpath design the City's biodiversity officer was engaged to assess existing vegetation and provide advice as to their preferred pathway alignment. Several large individual trees, and patches of important vegetation were identified along the southern side of the Road.

The recommendation from the biodiversity officers was therefore that the Footpath should remain on the northern side of the Road to minimise the risk of damage to important native vegetation that warranted protection.

In consideration of the above points, officers have formed the following response to each of the points raised within the Petition.

- *Preference should be given to extending the existing section of path on the southern side of the Road between Hills Street and Averys Road.*

Officers views are that the northern pathway alignment services a greater catchment of the residential area and offers a safer and more efficient network to capture and direct pedestrian traffic.

- *There will be unreasonable disruption to residential amenity, property access and parking both during and post construction.*

Construction of the Footpath is expected to take between 8 to 10 weeks, however observed disruption to individual properties will be significantly less than this as contractors progressively construct the path along the entire alignment.

It is understood that part of this objection relates to the likely disruption to the historical practice of residents parking their vehicles on the naturestrip due to the presence of the footpath. Regardless of the footpath, this practice is a contravention of the City's local law.

- *Street trees and gardens within the naturestrip will need to be removed.*

Any impact to any street trees or garden beds which encroach into the road reserve is offset by, and in preference to, the risk to native vegetation located on the southern side of the Road.

- *There is a lower density of residences on southern side of Road and hence less impact of the Footpath.*

Contrary to the petitioner's argument, greater residence density immediately adjacent to the footpath is preferable and attracts a higher rating scope when prioritising footpath projects within the rolling program.

Where possible the City prioritises footpath construction to service the maximum number of residential properties. Further, beyond those properties immediately adjacent to the Footpath, a larger number of properties exists within the northern catchment from the Road.

- *The southern side of the Road offers improved safety for pedestrians due to less vehicle movement in and out of residential properties and a wider roadside area.*

Both sides of the road are suitable for construction of a footpath and whilst there may be greater instances of vehicle movements in and out of adjacent properties to the Footpath, any safety concerns related to this is adequately offset through avoidance of pedestrians having undertake additional crossing manoeuvres across this busy road and the ability to configure a pedestrian refuge at Averys Road.

Priority/Importance

Construction of the Footpath has been identified as having a high comparative priority when assessed against all other outstanding footpath projects listed within the City's rolling program. As such, this project has been nominated for delivery as part of the City's 2024/25 CWP.

Options Considered

The detailed engineering design for the Footpath project was completed by the City's Engineering unit in 2022. As part of this process the following options were considered:

1. Construction of footpath along the Road between Hills Street and Majors Road – north side only
2. Construction of footpath along the Road from 66A Simpsons Road to Averys Road on south side with balance of path between Averys Road and Majors Road on northern side.

Ultimately officers confirmed that construction of the entirety of the Footpath on the northern side of the Road was preferable.

Timelines

Design of the Footpath was completed in 2022. Construction of the Footpath commenced in early July 2024 and was expected to be completed within a period of

8 to 10 weeks. Temporary suspension of the works has been affected as of 3 July 2024, pending Council's consideration and response to the Petition.

Communications/Engagement

Properties adjoining and in the immediate vicinity of the proposed Footpath works received letters advising of this project and the pathway concept design in April 2022.

Objections were received from several residents to the Footpath design including the attached Petition. All objectors were contacted in the course of finalising the Footpath design. Conversely, several residents also made contact with the City to express their support and excitement for the Footpath project as presented.

A further letter drop occurred in the week preceding Footpath works commencing on site.

Financial Sustainability

Cost of construction of the Footpath as currently designed is approximately \$420,000. Funding for this project has been provided from the \$1.2 million new footpath allocation within the 2024/25 Council budget.

A preliminary estimate for construction of a footpath on the southern side of the Road between Hill Street and Averys Road, then transitioning to the northern side between Averys Road and Majors Road, is approximately \$340,000.

Risk Assessment

By not continuing with a footpath connection along the northern side of the Road, there is a risk that the City may not be able to expend the full amount of new footpath funding provided within the 24/25 CWP.

Funding may need to be redirected to another footpath project pending resolution of further design work.

Policy Context

Primary Council Plan Reference

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

Outcome 1 - Lead and govern for all

Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making
Goal 3 - Everyday walking and cycling is easier for all ages and abilities.

Other Reference(s)

Greater Bendigo City Council Governance Rules
City of Greater Bendigo Budget 2024/2025

Conflict of Interest

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

Attachments

1. Attachment 1 - Footpath Network Simpsons Road [**14.1.1** - 2 pages]
2. GB 4924 - Detailed Design [**14.1.2** - 26 pages]
3. Les Yates ECM 4717264 v 1 Petition from 16 residents against siting of proposed Simpsons Rd Footpath [**14.1.3** - 2 pages]

15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded Under Delegation

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Penna

Resolution No. 2024-127

CARRIED

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

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

15.2. Audit and Risk Committee Biannual Report and Draft Meeting Minutes

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

Purpose

To provide Council:

- the Biannual Audit and Risk Committee Report in accordance with section 54(5) of the *Local Government Act 2020* (Vic) (the Act); and
- the unconfirmed minutes of the May 15, 2024 Audit and Risk Committee meeting in accordance with the Committee Charter.

Recommended Motion

That Council:

1. Note the unconfirmed minutes of the Audit and Risk Committee meeting held on May 15, 2024;
2. Note the minutes will be tabled for confirmation at the next Audit and Risk Committee meeting, to be held on September 4, 2024; and
3. Note the Biannual Audit and Risk Committee Report.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Williams

Resolution No. 2024-128

CARRIED

Executive Summary

The Audit and Risk Committee has requirements under the Act and the Committee Charter to report to Council.

Section 54(5) of the *Local Government Act 2020* (Vic) requires the Committee to:

- a) prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee, including findings and recommendations; and
- b) provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

The Committee Charter requires the minutes of Committee meetings be reviewed by the Director Corporate Performance and the Committee Chair and then provided to Council for information at the next opportunity following each Committee meeting.

Minutes from the Committee meeting held on May 15, 2024 and the Biannual Audit and Risk Committee Report are attached to this report for information.

Background

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

Report

The Biannual Audit and Risk Committee Report prepared by the Committee's chairperson is attached to this report. The report was noted by the Committee at its meeting of May 15, 2024.

The Committee Chair has reviewed the unconfirmed minutes of the May 15, 2024 Committee meeting and has approved their release. The unconfirmed minutes of the meeting are attached to this report.

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. Audit and Risk Committee Biannual Report endorsed 15 May 2024 [**15.2.1** - 8 pages]
2. Unconfirmed Audit and Risk Committee Minutes May 15 May 2024 [**15.2.2** - 19 pages]

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. Voddens Road, Sebastian - Use and Development of the Land for a Dwelling

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

Summary/Purpose

Application No:	DU/460/2022
Applicant:	Bendigo Planning Services
Land:	Voddens Road, SEBASTIAN 3556
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
No. of objections:	1
Consultation meeting:	No
Key considerations:	<ul style="list-style-type: none">• Whether the amended proposal is consistent with the purpose of the Farming Zone and the relevant planning policy relating to the protection of agricultural land;• Whether bushfire risk can be reduced to an acceptable level; and• Whether the use of land for a dwelling is compatible with surrounding land use and development and may result in any adverse amenity impacts.
Conclusion:	The use and development this land for a dwelling is inconsistent with planning policy and the purpose and decision guidelines of the Farming Zone. A dwelling is not required on the land to support an agricultural use of the land, and approval of the dwelling would lead to further fragmentation of agricultural land within the Farming Zone and will reduce the ability of this land to be used for this purpose in the future. Refusal of the application is recommended.

Recommended Motion

That Council issue a Notice of Decision to Refuse to Grant a Permit for the use and development of land for a dwelling at Voddens Road, SEBASTIAN 3556 on the following grounds:

1. The proposal is not consistent with Clauses 02.03-1 (Settlement), 02.03-4 (Natural resource management) and 02.03-6 (Housing) as it does not protect agricultural land from fragmentation and development, has the potential to restrict normal agricultural practices and will result in the loss of agricultural land by using the land for rural residential style living.
2. The proposal is not consistent with Clauses 14.01-1S (Protection of agricultural land) and 14.01-1L (Protection of agricultural land – Greater Bendigo) as it will result in the development of a dwelling on an existing, isolated small lot in the Farming Zone and the application has not demonstrated that a dwelling is required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision or security.
3. The proposal is not consistent with the purpose of the Farming Zone which seeks to ensure the retention of agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture. The dwelling has the potential to adversely affect the operation and expansion of nearby agricultural uses through changing the land use and reducing the ability of the site to be used for agricultural purposes in the future.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-129

CARRIED

Cr Evans left the meeting at 6:50 pm.

Cr Evans returned to the meeting at 6:52 pm.

Background Information

At its meeting of 22 May 2023, Council resolved to refuse a previous version of this application on the site – which at that time was for the *use and development of land for a dwelling and vehicle store and reduction in car parking requirements*.

This application proposed:

- Construction of a 425 square metre dwelling comprising 5 bedrooms, 2 bathrooms, an open plan kitchen, living and dining area, rumpus room and attached garage, with the dwelling to be located centrally on the allotment and constructed of brick with a galvanised iron roof.
- New access to the proposed dwelling via a 3 metre wide crossover from Voddens Road and a 4 metre wide crushed gravel driveway.
- A 768 square metre storage shed ('vehicle store') to store vehicles associated with the landowners' earthmoving business. All vehicles/machinery and equipment associated with the earthmoving business were proposed to be stored within this purpose-built building.
- Use of the vehicle store by six staff, between the hours of 7:30am-3:30pm Monday to Friday.
- As the use of the land for a vehicle store attracted a statutory parking requirement of 10 percent of the site, a reduction in this requirement was sought.

The application was refused by Council on 22 May 2023 on the following grounds:

1. The proposal does not support or enhance agriculture.
2. The proposal would result in the permanent removal of agricultural land.
3. The proposal is inconsistent and not compatible with surrounding land uses.
4. The proposal would result in a disorderly and undesirable planning outcome.

A copy of the 22 May 2023 report to Council is attached to this Council report.

Subsequent to the refusal to grant a permit for the proposal, the permit applicant sought review of Council's decision at the Victorian Civil and Administrative Tribunal (The Tribunal).

The matter proceeded to a Practice Day Hearing on 6 October 2023, to consider the following:

- The characterisation of the non-residential component of the land use; and
- To consider whether a preliminary hearing is required to determine whether the application meets the requirements of the *Aboriginal Heritage Act 2006 (Vic)* and the *Aboriginal Heritage Regulations 2018 (Vic)*.

At this Practice Day Hearing the Tribunal indicated it was satisfied with the permissions sought and that the characterisation of the proposed use associated with the vehicle store related to the permit applicant's earthmoving business, and that the use was more broadly categorised as an industrial use under the Planning Scheme.

The question of whether a Cultural Heritage Management Plan was required necessitated more in-depth consideration. When submitting their application to

Council, the permit applicant had submitted advice they had sought from a Heritage Advisor from Djandak which concluded that the development of the land for two dwellings (described by them as a 'home' and a 'flat') did not qualify as a 'High Impact Activity' and therefore did not trigger the preparation of a Cultural Heritage Management Plan.

It is important to note that this advice reflected an alternative development of the land (two dwellings) as opposed to one dwelling and one vehicle store as was ultimately applied for by the permit applicant and considered by Council.

Part of the subject land is within an area of cultural heritage sensitivity, due to the land being within 200 metres of Check Gully. Use of the land for Industry is defined as a 'High Impact Activity' under the Aboriginal Heritage Regulations, and therefore the proposed store necessitates the mandatory preparation of a Cultural Heritage Management Plan under the Regulations.

Section 52 of the Aboriginal Heritage Act provides that a decision maker must not grant statutory authorisation for an activity unless a Cultural Heritage Management Plan is approved, where such a Plan is required.

While the permit applicant sought review of Council's refusal to grant a permit, the Tribunal was not in a position to grant a permit even if it were persuaded to do so by the applicant in the course of a Hearing, because a Cultural Heritage Management Plan for the site has not been approved.

During the Practice Day Hearing, the permit applicants indicated to the Tribunal that they would not be able to proceed with the proposal as intended, due to the prohibitive costs of obtaining a Cultural Heritage Management Plan for the required activities, and on this basis, indicated that they intended to amend their application to remove the vehicle store component from their application.

Given the proposed changes to the application, the Tribunal determined that the most appropriate course of action was to set aside Council's decision to refuse the application, and to remit the application to Council to allow the permit applicant to make the foreshadowed changes to the application and allow Council to reconsider the merits of the amended application.

An order to this effect was received by the Tribunal on the day of the Practice Day Hearing (6 October 2023).

Subsequently the permit applicant formally submitted a request to amend the application to remove the vehicle store from the application and submitted plans on 17 November 2023 indicating the construction of a dwelling on the land only.

Report

Subject Site and Surrounds

Details of the subject site and surrounds were outlined within the 22 May 2023 Council Report and remain largely unchanged from that time.

The subject site is formally referred to as Crown Allotment 61 Section H Parish of Neilborough and is generally rectangular in shape with an area of 8.08 hectares.

The site has a northern boundary of 271.98 metres to Voddens Road and a depth of 297.125 metres. The site is currently vacant and is heavily vegetated within the southern portion of the site. Access is provided via a 7.3 metre wide rural residential crossover from Voddens Road. The site has historically been used for agricultural purposes.

The site is located within the Farming Zone and is affected by the Bushfire Management Overlay. Surrounding land to the north, south and west is located within the Farming Zone and land further to the east is located within the Rural Conservation Zone. The area is primarily used for large scale agricultural uses such as dairy farming, piggeries and grazing. A number of dwellings are located within the immediate surrounding area, primarily to the north and north-east, some of which are associated with the use of the land for agriculture.

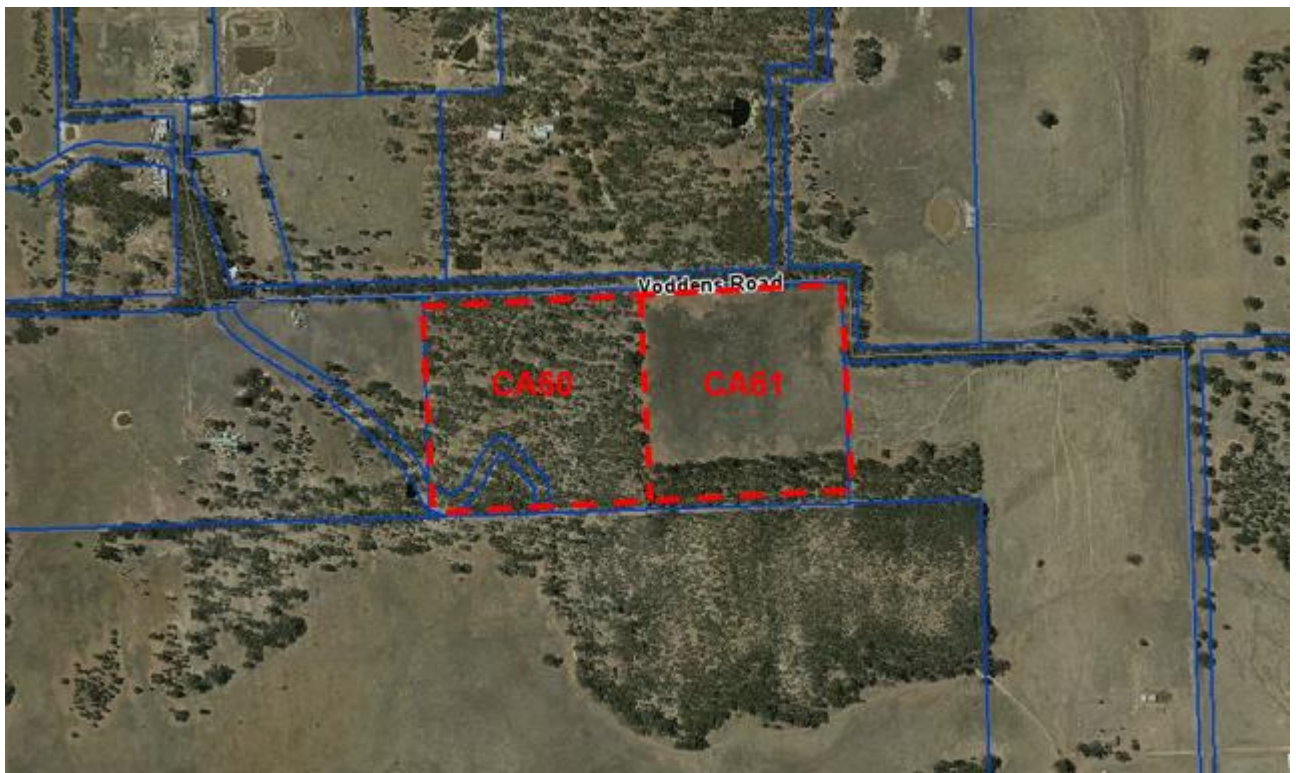


Figure 1. Aerial photo of subject land. The dwelling is proposed on CA61.

The allotment adjoins another Crown Allotment (Crown Allotment 60, Section H, Parish of Neilborough), with both of the allotments being owned by the permit applicants. The current application relates to Crown Allotment 61 only, shown in Figure 1.

The land is located approximately 1.5km south east of the township of Sebastian and is located approximately 12.5km north west of central Eaglehawk. Figures 2-4 demonstrate views into the site.



Figure 2. View into site from Voddens Road.



Figure 3. View into site from Voddens Road.



Figure 4. View into site from Voddens Road.

Proposal

The revised application proposes the use and development of the land for a dwelling only.

The siting of the proposed dwelling remains unchanged from the previous version of the plans, being set back 130.7 metres from Voddens Road, 78 metres from the western boundary and 140 metres from the southern boundary.

Again, the dwelling would comprise 5 bedrooms, 2 bathrooms, an open plan kitchen, living and dining area, rumpus room and attached garage, with the dwelling to be located centrally on the allotment, and constructed of brick with a galvanised iron roof.

Access and wastewater disposal areas remain unchanged.

It is noted that no associated agricultural use of the land is proposed in conjunction with the dwelling, and the site is to be used solely for rural residential purposes. The amended site plan is shown in Figure 5.

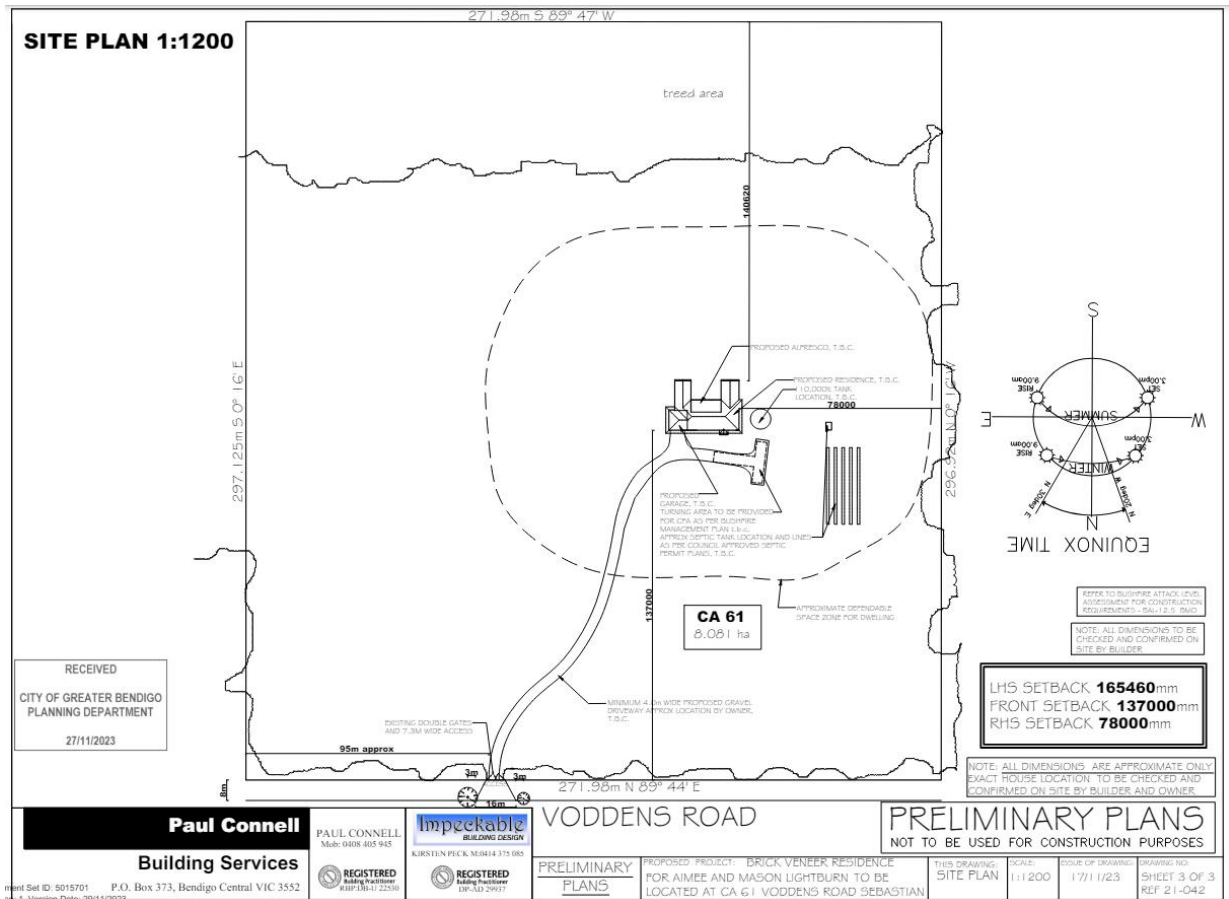


Figure 5. Amended site plan (showing dwelling only).

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

A planning permit is required for the proposal pursuant to the following Clauses within the Greater Bendigo Planning Scheme:

Planning control	Why is a permit required?
Clause 35.07 (Farming Zone)	<ul style="list-style-type: none">• Clause 35.07-1 – a permit is required to use the land for a dwelling as the lot is less than 40 hectares in size.• Clause 35.07-4 – a permit is required for buildings and works associated with a dwelling.
Clause 44.06 (Bushfire Management Overlay)	<ul style="list-style-type: none">• Clause 44.06-2 – a permit is required for buildings and works associated with accommodation (dwelling).

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

Municipal Planning Strategy

- Clause 02.03-1 Settlement
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-6 Housing
- Clause 02.03-7 Economic Development

Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 13.01-1S Natural hazards and climate change
- Clause 13.02-1S Bushfire Planning
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land – Greater Bendigo
- Clause 14.01-2S Sustainable agricultural land use
- Clause 15.01-6S Design for rural areas
- Clause 16.01-3S Rural residential development
- Clause 16.01- 3L Rural residential development – Greater Bendigo

Other Provisions

- Clause 35.07 Farming Zone
- Clause 44.06 Bushfire Management Overlay
- Clause 53.02 Bushfire Planning

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 authority has been consulted on the proposal:

Referral	Comment
CFA	Provided conditional consent.

Public Notification

The amended application was re-advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers, as well as to the existing objector. As a result of advertising, no additional objections were received. The original objection to the application remains live.

The objection submitted to the original application and plans stated the following grounds of concern:

- (a) The size of the store – whether this is sufficient to house the proposed number of vehicles and associated earth moving equipment.
- (b) Concerns relating to the site currently being used by the owners for the storage of imported soil, rocks, concrete, culverts and off-site materials associated with their existing earth moving business.
- (c) Concerns relating to the significant earthworks that have been undertaken on site including the construction of a dam.
- (d) Proposal not consistent with existing use and character of area.
- (e) Road/traffic safety concerns – increased traffic, heavy vehicles traversing the roads and the 100 km/h speed limit.
- (f) Detrimental amenity impacts from hours of operation, increase in traffic and heavy vehicles.
- (g) The planning report submitted with the application states there are several commercial sites within the area, although these operations have been ceased for in excess of 5 years.

As the vehicle store and associated industrial use has been removed from the application, grounds (a),(f) and (g) are no longer relevant and (c) was addressed in the previous Council report.

Grounds (d) and (e) can be applied as concerns with the proposed use and development of the dwelling on the land and should be considered within this assessment.

The concerns regarding unauthorised use of the land for storage of material (fill presumably related to the applicant's business) from off the site raised in (b) have and will continue to be addressed through a planning compliance process.

Planning Assessment

In deciding whether the proposed use and development of the land for a dwelling (only) is appropriate, the following matters (which were also considered in the original decision making) must be revisited:

- Whether the use and development of agricultural land for a dwelling is consistent with planning policy and the purpose, objectives and decision guidelines of the Farming Zone;
- Whether the change to the application (deletion of store / industrial use) means the application should now be supported;
- Whether bushfire risk can be mitigated to an acceptable level; and
- Consideration of objector concerns relating to the appropriateness of a dwelling in terms of existing character and detrimental impacts from increased traffic associated with the dwelling.

These will be considered in turn below.

Is the proposal consistent with relevant planning policy regarding rural dwellings and protection of agricultural land and the purpose of the Farming Zone?

Most important for Council to understand is that the proposal, as it was when it was first considered, does not propose any type of agricultural use of the land.

The 22 May 2023 Council report correctly identified that rural residential encroachment into Farming zoned land poses an ongoing risk to the use and supply of agricultural land, not only within the municipality, but also at a state-wide level. Planning policy at both a State and local level identifies this risk at Clauses 02.03-4 (Natural resource management), 14.01-1S (Protection of agricultural land) and 14.01-1L (Protection of agricultural land – Greater Bendigo).

Strategies outlined within Clause 14.01-1L (Protection of agricultural land – Greater Bendigo) outline that the approval of dwellings should be avoided unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision and security. This policy also sets out that the construction of a dwelling on existing small lots (lots smaller than the zone minimum) should be avoided in the Farming Zone.

The Municipal Planning Strategy at Clause 02.03-4 (Natural resource management) notes that isolated dwellings in rural areas have the potential to disrupt agricultural

activities, as ongoing agricultural production in part depends on maintaining a mass of productive land, and concentrations of residential type uses have the potential to restrict normal agricultural practices in these rural areas.

The application relies on the supposition of the agricultural value of the subject land being low, however little evidence has been provided to substantiate this claim and the size of the allotment on its own should not be used to determine whether the site has the capacity to be productive or otherwise. The land is proximate to other farming operations and therefore potentially has the capacity to be absorbed into larger farming operations (whether on contiguous land or not).

Ward v Macedon Ranges SC [2013] VCAT 1758 (10 October 2013) contemplated the impacts of allowing dwellings on small farming lots in relation to the ability for agricultural land to be consolidated into larger agricultural operations [at para 26]:

Planning policy at a state and local level also seeks for land to be available for consolidation into larger enterprises consistent with a vision for broad acre agricultural activity. Allowing a dwelling on this land would mean future consolidation into larger land holdings would be unlikely. The effect of the dwelling would be to de-couple this land from its agricultural value and hence the purposes of the zone.

It is acknowledged that rural residential living is a legitimate style of living which is recognised within the Planning Scheme and within planning policy, however there is a large, existing supply of Rural Living zoned land within the municipality (noted at Clause 02.03-6), and as such, those seeking this lifestyle are best directed to land that is appropriately zoned for that purpose, rather than encroaching into small lots on Farming zoned land which then removes that land from the state's agricultural base.

In *Moore v Greater Bendigo CC* [2023] VCAT 418 (19 April 2023), the Tribunal remarked:

The fact that agricultural land is fragmented into lots smaller than a zone minimum is common across much of the rural areas of Victoria. Such lots, particularly the multitude of Crown allotments created in the 19th century, have often been owned and managed as part of a larger farming enterprise. They are in essence 'paper lots' and it is only when they are sought to be developed for dwellings that the number and size of such lots becomes obvious [para 20].

In relation to the need for permits for dwellings on these small lots, Member Bennett goes on to say at paragraphs 22 and 23:

For at least four decades the advice to purchasers wanting to live on vacant rural land is 'don't buy without a valid planning permit for a dwelling or a contract of sale that is conditional on obtaining a planning permit for a dwelling'.

It is my experience that without such guarantees there is a high probability that a planning permit for a dwelling will not be granted on small rural lots across Victoria. I can recall that in the 1970s the State Government published a booklet which strongly advised prospective landowners not to buy small rural lots unless and until a planning permit for a dwelling had been obtained. That advice is equally relevant today.

In *Gippsland Coastal Board v South Gippsland SC & Ors* (Red Dot) [2008] VCAT 1545 (29 July 2008), the Tribunal notes:

Planning, under the Planning and Environment Act 1987, is to encompass and integrate relevant environmental, social and economic factors. It is directed towards the interests of sustainable development for the benefit of present and future generations, on the basis of relevant policy and legislation. ... (Tribunal's emphasis)

*For this reason, it is imperative that planning decision makers are guided by relevant policy. It is not appropriate to exempt individual decisions from the application of policy **because it is only through the consistent application of policy that objectives leading to net community benefit and sustainable development will be achieved** [para 11 – author's emphasis added].*

In this instance there is substantial planning policy which discourages the construction of dwellings on small lots within the Farming Zone unless they are legitimately required to support the agricultural use of the land. The purpose of the Farming Zone itself includes ensuring that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture, and the decision guidelines also require consideration as to the impacts of a dwelling on the operation and expansion of agricultural uses, and whether a dwelling will result in the loss or fragmentation of agricultural land.

These themes and policy objectives should be consistently applied and upheld to ensure that agricultural land is not dwindled away through inconsistent application of policy to suit individual circumstance.

The amended proposal is not supported by planning policy nor is it consistent with the objectives of the Farming Zone.

A permit should not be granted for the dwelling as such a decision would be at odds with the Planning Scheme which expressly discourages dwellings on lots of less than 40 hectares except in a limited number of exceptional cases.

No agricultural use is proposed in this case so there is no planning argument as to why this dwelling should be allowed on this small Farming zoned lot.

Whether the change to the application (deletion of store / industrial use) means the application should now be supported

This application is a remittal from VCAT. It is relevant to consider whether the application as it now stands warrants Council making a different decision than that which was made previously.

When VCAT is dealing with a 'repeat' application the Tribunal decision of *Sprut Pty Ltd v Stonnington CC* [2012] VCAT 1675 is often referred to. *Sprut* states:

"[14] The 'usual principles' that have been generally adopted are outlined in decisions such as Reichert v Banyule City Council and are sometimes referred to (and were referred to in the hearing before me) as the "Reichert principles". Relevant factors to consider when reviewing an application that is similar to a proposal that has been the subject of previous Tribunal findings are:

- Significant changes in the application itself;*
- Changes in the circumstances of the land and its surrounds;*
- Changes in planning policy; and/or*
- Changes in the interpretation of the facts or law relevant to the Tribunal's consideration.*

As stated previously; the store/industrial element of the proposal has been amended out of the application.

It stands to reason that the discussion and grounds of refusal related to that aspect of the proposal fall away.

In terms of the other considerations:

- There have not been changes to the circumstances of the land and surrounds;
- There have not been relevant changes to planning policy; and
- There have been no changes in the interpretation of the facts or law relevant to the decision makers' consideration.

The deletion of the store / industrial use does not warrant Council forming a different position to that which was previously determined.

Can bushfire risk be appropriately mitigated?

The site is wholly located within the Bushfire Management Overlay, owing to the proximity of the site in all directions to land which remains relatively heavily vegetated.

An updated Bushfire Hazard Landscape Assessment, Bushfire Management Statement and Bushfire Management Plan have been provided which now reflects the single dwelling on the property and details how the proposal responds to bushfire risk and the requirements of Clause 44.06 (Bushfire Management Overlay) and Clause 53.02 (Bushfire planning provisions).

The amended application was re-referred to the Country Fire Authority who has provided conditional consent to the construction of a dwelling on the land.

It is considered that the proposal has appropriately responded to bushfire risk and any dwelling on the land could employ ongoing bushfire protection and mitigation measures which would ensure that there is not any unacceptable risk to human life from bushfire.

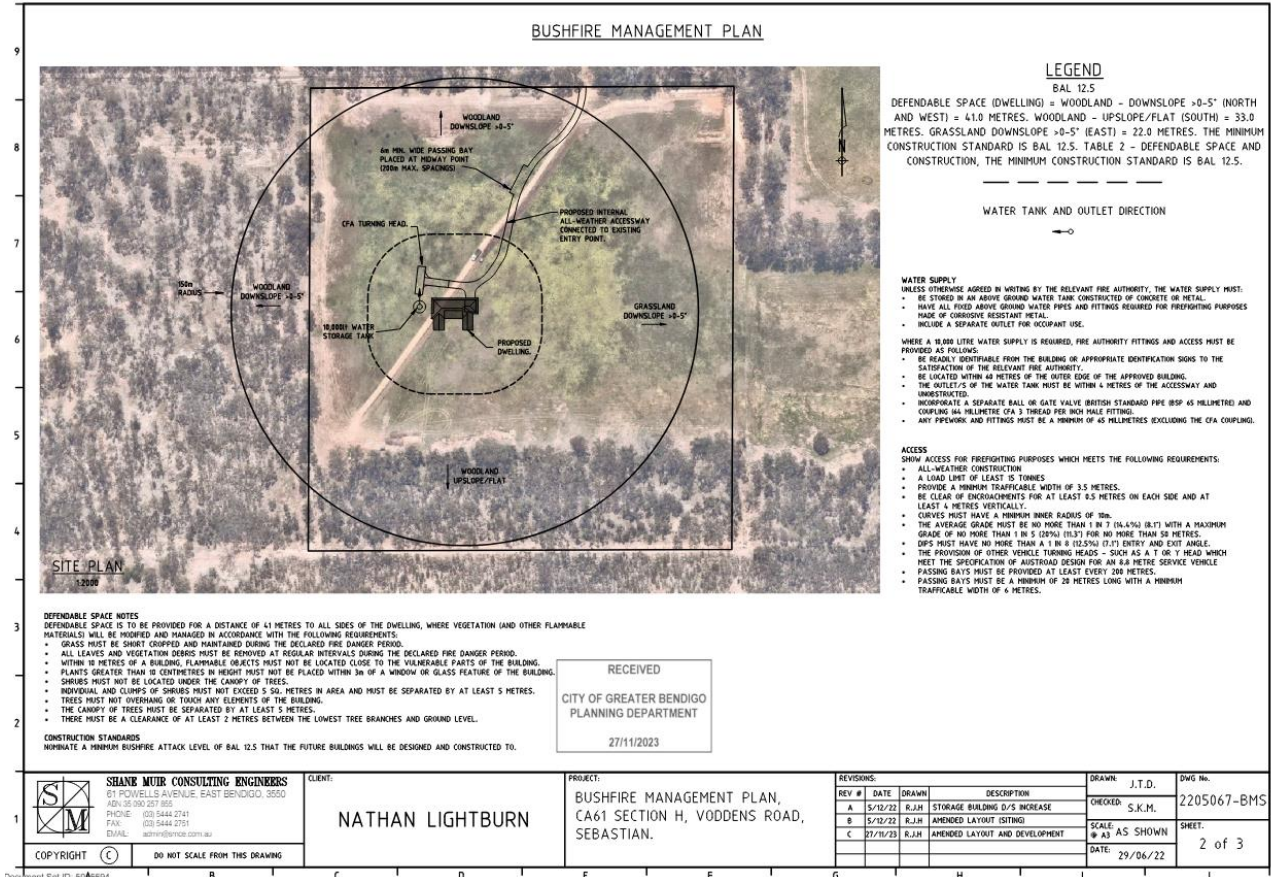


Figure 3. Amended Bushfire Management Plan

Remaining relevant objector concerns

As outlined earlier within this report, only two of the previous objector concerns remain relevant for the amended proposal; these being that the proposal is not consistent with existing use and character of area, and that it will result in road/traffic safety concerns particularly with regard to increased traffic.

As stated within the 22 May 2023 report to Council, there are a number of other existing dwellings in the surrounding area, and as such, it cannot be argued that the use and development of the land for a dwelling would be at odds or incompatible with the existing pattern of use and development in the area. The issue in this instance is that a dwelling on the land is not consistent with planning policy nor the purposes of the Farming Zone.

In terms of traffic likely to be generated by approval of a dwelling on the land, this is considered negligible and unlikely to cause significant amenity impacts given the relatively small number of vehicle movements likely to be generated by a single dwelling.

The previous concern relating to the unauthorised use of the land for storage of material from off the site has been the subject of an ongoing investigation by the City's Planning Compliance Officer and the EPA.

Conclusion

While bushfire risk has been addressed and the remaining objector concerns are somewhat satisfied, the proposed use and development of the land for a dwelling remains inconsistent with relevant planning policy regarding the protection of agricultural land and the purpose and decision guidelines of the Farming Zone. The application does not demonstrate that a dwelling is required to support a genuine agricultural use of the land, as directed by policy. Approval of a dwelling on the land would be inconsistent with state and local policy objectives which seek to protect the state's agricultural base and would result in the further fragmentation of this land.

It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued for the amended proposal.

Options

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

Conflict of Interest

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

Attachments

1. Council Meeting Minutes - May 22, 2023 - Voddens Road, Sebastian - DU 460 2022 (2) [**16.1.1** - 22 pages]

16.2. CA 9 Bendigo-Maldon Road, Lockwood South - Use and Development of Land for a Dwelling and Outbuilding, Creation of Access to a Road in a Transport Zone 2

Author:	Corbin Wright, Statutory Planner (Planning Enquiries)
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DR/666/2023
Applicant:	K A Patton
Land:	CA 9 Bendigo-Maldon Road, Lockwood South
Zoning:	Farming Zone 1 Transport Zone 2
Overlays:	Environmental Significance Overlay 1 Salinity Management Overlay
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	<ul style="list-style-type: none"> • The history of planning permit refusal relating to the site and whether there is any reasonable justification for departing from the finding of the previous application. • Whether the dwelling would be supporting a viable agricultural use or rather, will it be the primary use of the land? • Whether the proposal would result in an acceptable planning outcome having regard to the purpose and decision guidelines of the Farming Zone and the relevant planning policy that deals with rural dwellings and the protection of agricultural land. • Whether the proposal is consistent with decisions made by the Victorian Civil and Administrative Tribunal.
Conclusion:	<p>The applicant has failed to demonstrate that the land will be used for a genuinely viable agricultural use that warrants the need for a dwelling.</p> <p>The approval of a dwelling would remove land from agricultural production, increase pressure for proliferation of dwellings in the zone and potentially impact on nearby farming uses. This is an outcome that is contrary to policy relating to the protection of agricultural land.</p>

	It is recommended that Council refuse to grant a permit as the proposal does not present an acceptable planning outcome with regards to the purpose and decision guidelines of the Farming Zone and the relevant planning policy for rural dwellings.
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Recommended Motion

That Council issue a Notice of Decision to Refuse to Grant a Permit for the use and development of land for a dwelling and outbuilding, creation of access to a road in a Transport Zone 2 at CA 9 Bendigo-Maldon Road, LOCKWOOD SOUTH on the following grounds:

1. The proposal is inconsistent with policy relating to rural dwellings and the protection of agricultural land at Clause 14.01-1S, Clause 14.01-1L and the purpose and decision guidelines of the Farming Zone, in the following manner:
 - (a) The proposal does not support or enhance agriculture and would result in the permanent removal of agricultural land.
 - (b) The application has not established that the type and scale of agricultural production requires a dwelling on the land.
 - (c) The dwelling would cause fragmentation of agricultural land by limiting its ability to consolidate with adjoining or nearby land.
 - (d) The dwelling would result in a permanent change in land use and stymie genuine agricultural activities on surrounding land.

MOTION

That Council resolve to issue a Planning Permit for the Use and development of land for a dwelling and outbuilding, creation of access to a road in a Transport Zone 2 at 1 CA 9 Bendigo-Maldon Road, LOCKWOOD SOUTH subject to the following conditions:

1. **PLAN REQUIRED**
Before the use and development start(s), 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 show:
 - (a) Infrastructure staging plan in accordance with condition 3.
 - (b) Land management and revegetation plan in accordance with condition 4.
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. **INFRASTRUCTURE STAGING PLAN**
Before a building permit is issued for any dwelling on the property, an infrastructure

staging plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The documents must include a clear site plan of the whole site, and be drawn to scale with dimensions, indicating all proposed infrastructure. The infrastructure staging plan must be generally in accordance with the Land Management Plan prepared by Cumbre Consultants dated 4 October 2023.

The infrastructure staging plan must include:

- (a) Prior to the commencement of the dwelling, infrastructure to be completed must include, at a minimum:
 - i. All utility areas/paddocks are fenced and established with water access.
 - ii. Conservation zone and drainage line fenced.

When approved, the plan will be endorsed and will then form part of the permit. Once endorsed the infrastructure staging plan or the timing for works must not be altered without the written consent of the responsible authority and must be implemented to the satisfaction of the responsible authority.

4. LAND MANAGEMENT AND REVEGETATION PLAN

Before the development starts, a land management and revegetation plan 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 Land Management Plan prepared by Cumbre Consultants dated 4 October 2023.

The plans must include:

- (a) A revegetation plan for the site, including specific species and quantities. Species must align with the Grassy Woodland EVC (EVC 175 Goldfields bioregion)
- (b) A management plan detailing that the owner will monitor and eradicate pest plants and animals on the property for a minimum of five years from the date of endorsement in accordance with the Land Management Plan referred to in condition 7.
- (c) Methods of interim protection for newly established vegetation until established.
- (d) Infill or replacement planting of any plants that may die for a minimum of five years from the date of endorsement.
- (e) Details of surface finishes of pathways and driveways.
- (f) A landscape staging plan (as required), to the satisfaction of the responsible authority. If staging is required, timeframes must commence prior to commencement of the construction of the dwelling.

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

When approved, the plan will be endorsed and will then form part of the permit. Once endorsed the land management and revegetation plan or the timing for works must not be altered without written consent of the responsible authority and must be implemented to the satisfaction of the responsible authority.

5. COMPLETION OF LANDSCAPING

Before the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be

carried out and completed to the satisfaction of the responsible authority.

6. 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.

7. LAND MANAGEMENT PLAN

The Land Management Plan, prepared by Cumbre Consultants, shall form part of this approval and any recommendations set forth in the plan, shall be applied to the development of the land.

8. GENERAL DRAINAGE

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

9. ENGINEERING – TRAFFIC

Prior to the commencement of works for the dwelling, the owner must construct the following:

- The driveway between the edge of the sealed road and the proposed residence must be provided with an all-weather (gravel) driveway with a minimum trafficable width of 3.5 metres with 500mm horizontal clearance and 4 metre vertical clearance to trees to accommodate emergency vehicles.
- A table drain is required on the high side with culverts at appropriate locations.
- Passing areas must be provided every 200 metres, if applicable.
- A turnaround area at the residence.

10. CONSTRUCTION PHASE

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

11. ELECTRICITY SUPPLY

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

12. DEPARTMENT OF TRANSPORT AND PLANNING

(a) One point of vehicular access is allowed from the subject land to Bendigo-Maldon Road as shown on the appended plans (amended).

(b) Prior to the occupation of the dwelling, the crossover and driveway are to be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria. The access lanes, driveways, crossovers and associated works must be provided and available for use and be:

- i. Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
- ii. The access must be constructed generally in accordance with VicRoads Guideline Drawing GD4010, designed for the largest anticipated design vehicle.
- iii. Treated with an all-weather seal or some other durable surface.
- iv. Line marking in front of the access point must be deleted.

- (c) Driveways 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).
- (d) All vehicle movements to and from the site must be undertaken in a forward direction.

13. EXPIRY OF PERMIT

This permit will expire if the development permitted by the this permit is not completed within 2 years from the date hereof. The time within which the development must be completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Engineering Unit Note:

A "Works Within Road Reserve Permit" must be obtained from Council's Engineering Department prior to commencing any work outside the property boundary on the road reserve including works specified in 3 above. (Note: A Planning Permit is not a Works Within Road Reserve Permit)

Department of Transport and Planning Note:

To assist in the approvals process required for the construction of the access works and associated roadworks, the following guidance is provided:

- Any planning permit approval received in accordance with a municipal planning scheme does not constitute consent to conduct the works under the Road Management Act 2004. Any works in the arterial road reserve designated as Transport Zone 2 (TRZ2) require a Works Within Road Reserve Permit from the Department of Transport and Planning. Section 63 and clause 16 of Schedule 7 of the Road Management Act 2004 require any person proposing to carry out works in, on, under or over an arterial road in Transport Zone 2, to obtain the consent of the Department of Transport and Planning, except where exemptions under the Act, or its Regulations (Road Management (Works and Infrastructure) Regulations 2005), apply. For the purposes of this application, the works will include the provision of:
 - i. Access works
- Please contact the Department of Transport and Planning prior to commencing any works on nr.admin@roads.vic.gov.au.
- For more information regarding working within the road reserve please visit the VicRoads website:
 - <https://www.vicroads.vic.gov.au/business-and-industry/design-andmanagement/working-within-the-road-reserve>, and
 - <https://www.vicroads.vic.gov.au/traffic-and-road-use/road-access-permitsportal>

Moved: Cr Alden

Seconded: Cr Williams

Resolution No. 2024-130

CARRIED

Background Information

A previous application (DR/1001/2021) for the use and development of a dwelling and outbuilding was considered by Council at its Ordinary Meeting on 27 June 2022. The application was refused on the grounds that the proposal was inconsistent with local planning policy and the purpose and decision guidelines of the Farming Zone, citing that the dwelling did not support or enhance agriculture and would cause the fragmentation of agricultural land.

The current application is now proposing the same land use and development that was not supported by the previous planning permit decision. Noting VCAT principles relating to repeat applications, there is no reasonable justification for departing from the basic findings of the previous application. It's important to note that a Farm Management Plan was not submitted with the previous or current application.

The Land Management Plan that accompanied the application has not adequately demonstrated that the agricultural use will be viable or enduring, or that the type and scale of the agricultural use requires a dwelling on the land.

Preliminary concerns were raised with the applicant with the proposal not being in accordance with planning policy relating to rural dwellings, the protection of agricultural land and the previous planning permit refusal for the site. The applicant was given the opportunity to provide further information in response to these concerns, however the information provided has not been sufficient in addressing the issues and justifying the need for a dwelling on the site. This is discussed in greater detail below.

Report

Subject Site and Surrounds

The site is formally referred to as Crown Allotment 9 Section 18 Parish of Lockwood, comprises an area of 7.66ha and is an historical Crown allotment (not created by a subdivision) that is shown on a 1929 Parish / Survey Plan. The site is rectangular in shape with an eastern frontage to Bendigo-Maldon Road of 201.57m, a northern side boundary of 381.01m and a southern side boundary of 380.21m to an unmade government road.

The site is currently vacant and contains two watercourses and a dam. The vegetation is clustered around the watercourses on the western portion of the site. The site has historically been used for light agricultural practices (grazing).

The site is located within the Farming Zone and surrounding land is also within the Farming Zone, whilst 215m north of the site is land within the Low Density Residential Zone, as part of the Lockwood South township.

The area contains multiple poultry farms as well as grazing farms within 2km of the site. This is an intact agricultural area containing multiple agricultural industries that require physical buffers between the agricultural land use and residential land.

The bordering properties to the north, south and west are all vacant parcels and previously part of a single, larger landholding under one ownership, which included the subject site. The larger land holding was previously utilised as part of broad acre farming practices. All parcels individually are below the minimum lot size within the Farming Zone, and collectively the parcels create a generous area suitable for genuine agricultural uses.

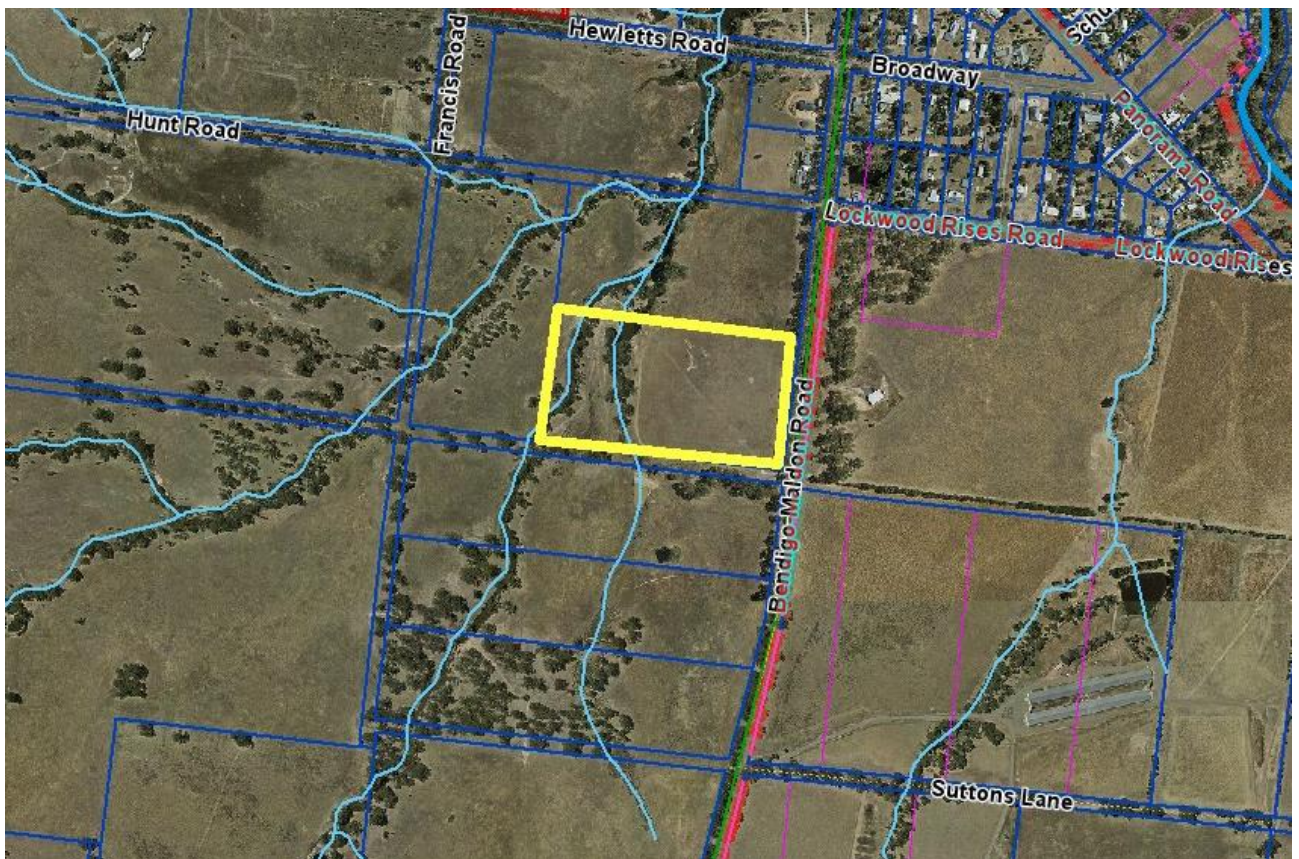


Figure 1: Aerial view of the subject site.

The site is partially affected by an Environmental Significance Overlay Schedule 1 (watercourse protection), and the Salinity Management Overlay, however the proposed development would be sited outside of these overlays.

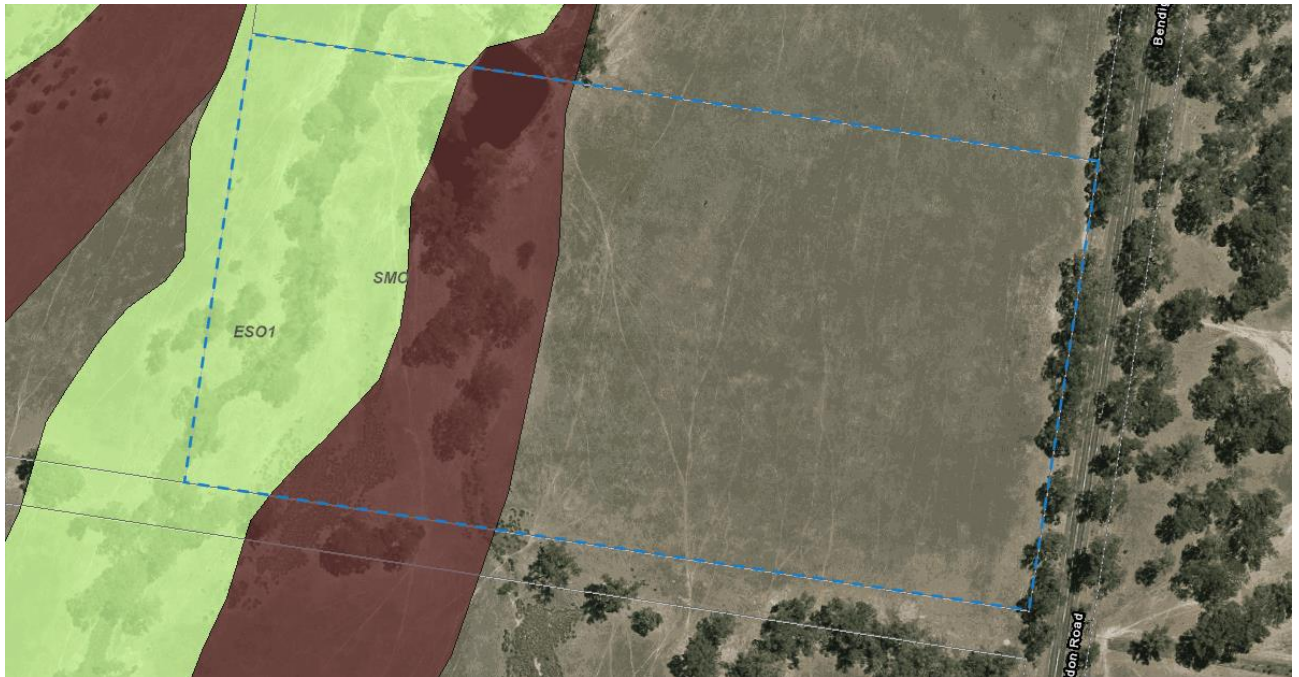


Figure 2: Environmental Significance Overlay Schedule 1 (shaded pale green) and the Salinity Management Overlay (shaded brown).



Figure 3: View of the eastern portion of the site from the southern boundary.

Proposal

The application proposes the use and development of land for a dwelling and outbuilding and the creation of access to a road in a Transport Zone 2.

The proposed dwelling is sited within the eastern portion of the lot, 123.38 metres from the Bendigo-Maldon Road boundary and 121.44 metres south-east of the dam in a central part of the site.

The dwelling would have a total floor area of 448.78 square metres and of a single storey design. The dwelling would comprise of five bedrooms, two bathrooms, three living areas, a 57.60 square metres alfresco area and a double garage. The dwelling would be constructed of a combination of brick, colorbond and timber cladding.

The proposed outbuilding would have an area of 162 square metres and be on the southern portion of the property, 3 metres from the southern boundary (unmade road) and 145.02 metres from the Bendigo-Maldon Road boundary.

The proposal seeks to create access from Bendigo-Maldon Road, which is within the Transport Zone 2 and managed by the Department of Transport and Planning. The proposed crossover is 65 metres north of the southern side boundary in an area clear of vegetation.

No native vegetation removal is required to facilitate construction and access to the dwelling and outbuilding.

The application states that a small farm operation is proposed to breed and cultivate shedding sheep (particular breeds that don't require shearing) for meat production. No flock size has been indicated, nor has a financial assessment of the farm operation been undertaken.

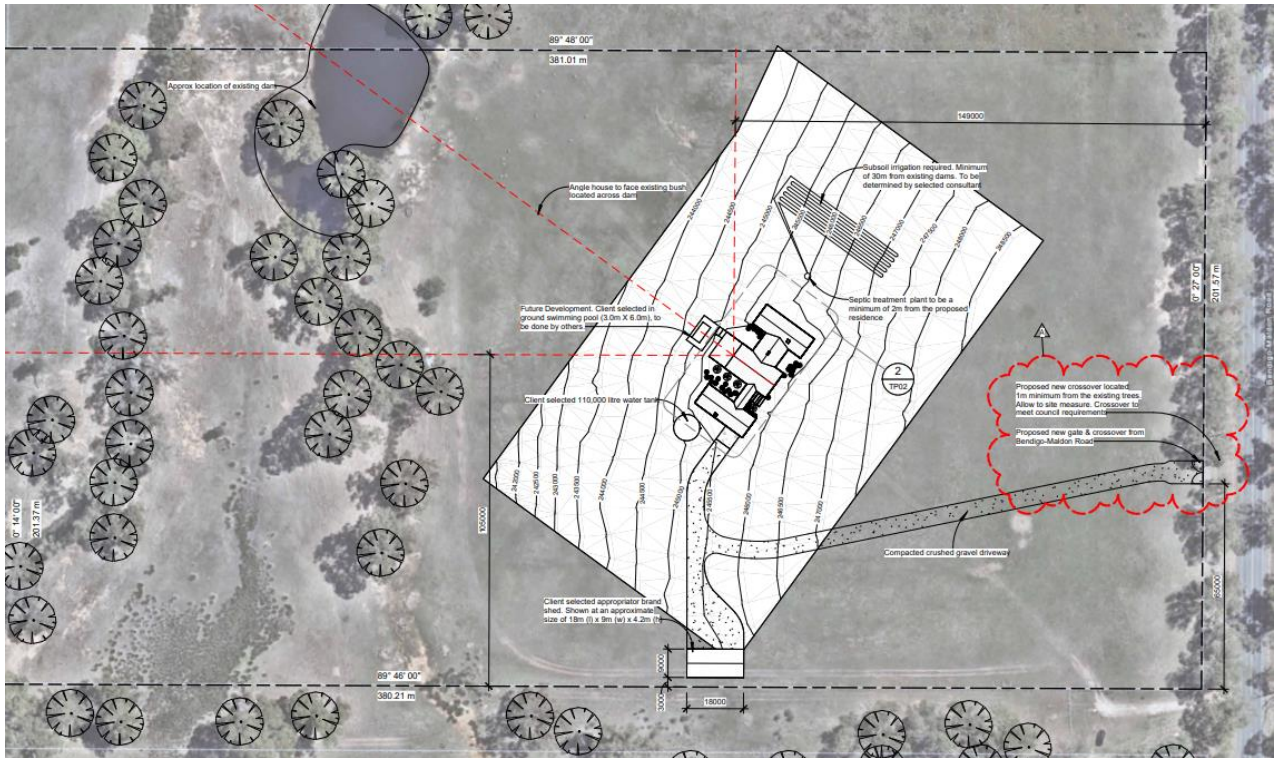


Figure 4: Proposed site plan.

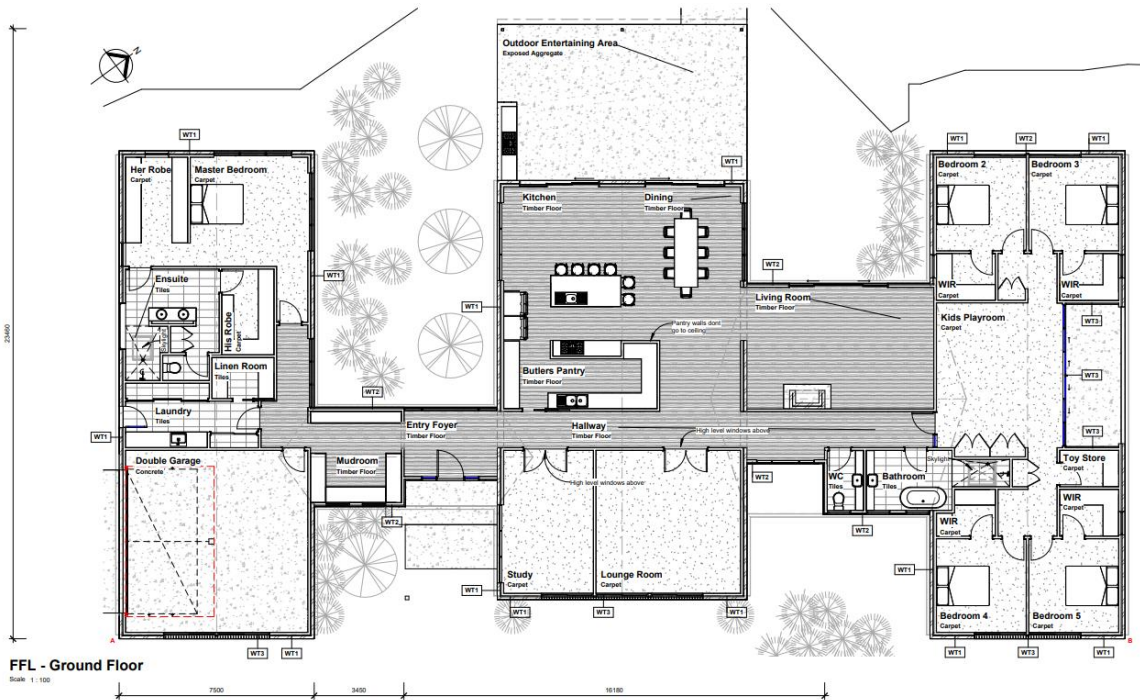


Figure 5: Proposed dwelling floor plan.

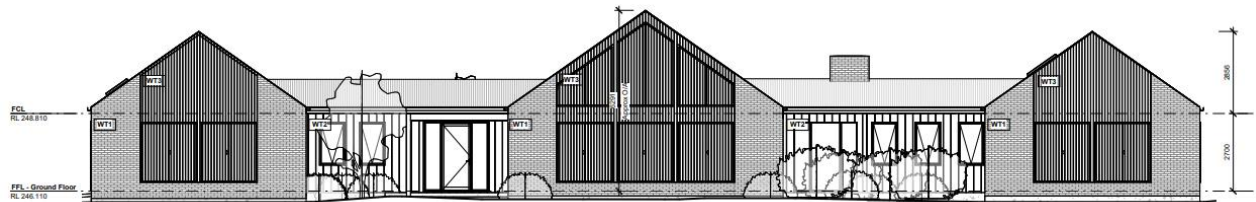


Figure 6: Dwelling south-east elevation.

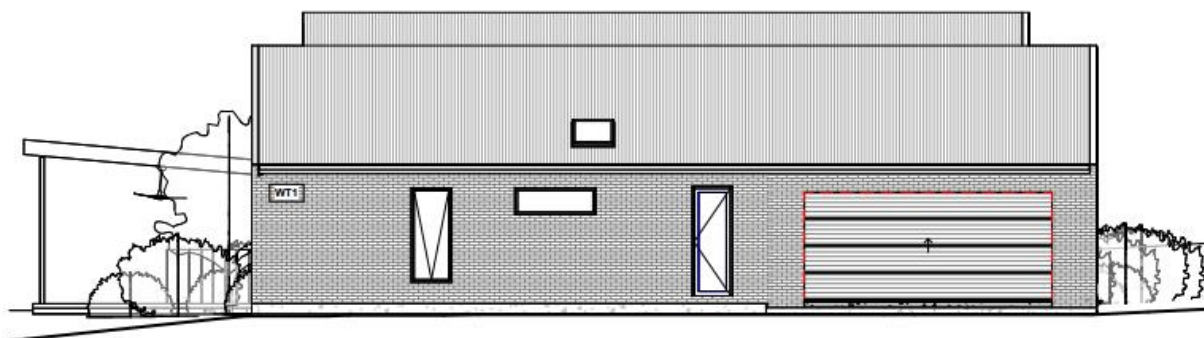


Figure 7: Dwelling south-west elevation.

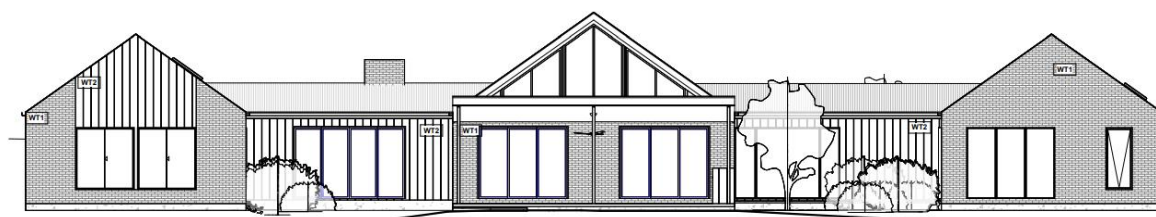


Figure 8: Dwelling north-west elevation.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

Clause	Permit trigger
Clause 35.07-1 Farming Zone	Use of land for a dwelling, as the lot does not meet the minimum area of 40ha.
Clause 35.07-4 Farming Zone	<ul style="list-style-type: none"> Construct a building or to construct or carry out works associated with a section 2 use (dwelling). Construct a building within 5m of a boundary. Construct a building within 100m of a watercourse.
Clause 52.29-2 Land Adjacent to the Principal Road Network	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

- Clause 02.03-1 Settlement
- Clause 02.03-3 Environmental risks and amenity

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

Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.01-1L-01 Settlement Greater Bendigo
- Clause 13.02-1S Bushfire planning
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land – Greater Bendigo
- Clause 14.01-2S Sustainable agricultural land use
- Clause 15.01-6S Design for rural areas
- Clause 16.01-3S Rural residential development
- Clause 16.01-3L Rural residential development – Greater Bendigo

Other Provisions

- Clause 35.07 Farming Zone Schedule 1
- Clause 36.04 Transport Zone 2
- Clause 42.01 Environmental Significance Overlay Schedule 1
- Clause 44.02 Salinity Management Overlay
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 65 Decision Guidelines

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Department of Transport and Planning	No objection, subject to conditions.
Environmental Health	No objection.
Engineering - Traffic	No objection, subject to conditions.
Agribusiness Officer	<p>Unsupportive of the application for the following reasons:</p> <ul style="list-style-type: none"> • Very limited reference to the agricultural use of the property. • Shedding sheep on less than 8ha is not a commercially effective return to agriculture. The description is consistent with a lifestyle or hobby farm. • The number of animals that could be sustained on the property without needing to buy in feed would be severely limited and therefore the possible benefits achieved through livestock regeneratively grazing the landscape are limited as well. • Sheep production for breeding or trading does not require a dwelling to be built in the area to sustain the agricultural production, as they are a broadacre enterprise.

Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers. No objections were received.

Planning Assessment

Introduction

Rural lifestyle development poses an ongoing risk to agricultural land and this can be challenging for Farming Zone land given the legacy of decisions made in the past.

Clause 65 of the Planning Scheme states that because a permit can be granted does not imply a permit should or will be granted. The responsible authority must decide whether the proposal will produce an acceptable outcome in terms of the decision guidelines of this clause.

Planning schemes in rural municipalities will usually seek to address these challenges through directing 'rural lifestyle' development to appropriately zoned rural land (such as the Rural Living Zone), and through the use of local planning policies to manage the development of dwellings in other rural zones, so as to protect the primacy of agriculture.

The *Rural Areas Strategy, September 2009* notes that the use of discretion to allow new dwellings in rural areas, primarily the Farming Zone, has been and continues to be generously applied, despite an oversupply of zoned Rural Living land (estimated to be an 80 year supply) to cater for such demand. Such decision making poses a significant threat to the viability of the local agricultural sector as it progressively compromises the ability of local businesses to grow and operate relatively unhindered. It should also be noted that the Farming Zone has been facing increasing pressures in more recent years for subdivision and residential development, primarily for rural lifestyle opportunities rather than for farming purposes. Rural residential development should be directed to existing planned areas for this purpose and not the Farming Zone.

Planning legal principles with reference to repeat applications

There are numerous Victorian and Civil Administrative Tribunal (VCAT) cases dealing with repeat appeals and the factors that should be considered for such applications. Although no appeal was lodged for the refusal of the previous application, it is recommended that the principles established by the Tribunal be considered by Council in making its determination on this application.

The decision in *Batsis Nominees Pty Ltd v Hobsons Bay CC [2009] VCAT 928 (25 May 2009)* sets out four principles that should be considered in justifying a departure from an earlier determination. The Tribunal found that unless a compelling case can be made about one or more of these factors, then there is no reasonable justification for departing from the basic findings in the previous application.

Principle:
Significant or material changes to the application itself which address the primary reasons for the previous proposal being refused.
Assessment:
There has been a material change to the application in that a Land Management Plan has been prepared detailing management zones for domestic, conservation and agriculture uses.
There is limited reference to the agricultural use and rather the Land Management Plan primarily focuses on conservation and enhancing biodiversity, which can be

done without the need for a dwelling.

The previous application was refused on the basis that it did not align with the purpose of the Farming Zone and would not support a meaningful agricultural activity on the land.

The proposed Land Management Plan has not adequately demonstrated that the agricultural use will be viable or enduring, or that the type and scale of the agricultural use requires a dwelling on the land.

Principle:

Significant or material changes in the circumstances of the land or its surrounds.

Assessment:

There have been no significant or material changes in the circumstances of the land or its surrounds.

Principle:

Significant or material changes in planning controls and policy.

Assessment:

Amendment C256gben to the Greater Bendigo Planning Scheme was gazetted on 11 March 2022 to make changes to the Planning Policy Framework and implement the review of the Municipal Strategic Statement. This Amendment included additional and stronger policy considerations for rural dwellings in the Farming Zone.

The previous application decision was on 4 July 2022 and therefore the previous application had the same policy considerations as this current application.

Principle:

Significant or material changes in the interpretation of the facts or law.

Assessment:

There have been no significant or material changes in the interpretation of the facts or law relevant to this application.

Despite the material change to the application, being the addition of a Land Management Plan outlining the proposed agricultural use for the land, there is insufficient justification to depart from the findings of the previous application.

Will the proposal result in an acceptable planning outcome having regard to the purposes of the Farming Zone and the relevant planning policy that deals with rural dwellings and the protection of agricultural land?

At a Statewide planning level, Clauses 14.01-1S and 14.01-1L relating to the protection of agricultural land have the objective to “*protect the State’s agricultural*

base by preserving productive farmland.” Some of the main strategies in response to this objective seek to ensure the State’s agricultural base is protected from the unplanned loss of productive land, prevent inappropriately dispersed urban activities in rural areas and to limit new housing in rural areas.

The Farming Zone Schedule 1 specifies that the minimum area for which no permit is required to use land for a dwelling is at least 40 hectares. A planning permit may be granted for the use of land for a dwelling on a lot less than 40 hectares, which is under consideration with this proposal. However, this discretion does not mean that a permit can be automatically approved for the use and development of land for a dwelling and outbuilding.

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of the Farming Zone and relevant planning policy.

The purpose of the Farming Zone includes the following relevant matters:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

In addition to the purposes of the Zone, consideration must also be given to a series of decision guidelines. The decision guidelines provide a means by which to assess such applications and include the following matters that are relevant to this application:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*

- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The proposal has been assessed against, and found to be contrary to, the relevant planning policy framework as follows.

Use of Farming Zone land for a dwelling:

Policy within the Planning Scheme seeks to ensure that new dwellings in the Farming Zone are only approved in instances where they have been demonstrated to support or enhance agriculture. In making such a determination, consideration should be given to why there is a need to live on site and how that would support or enhance agricultural use/production. The construction of a dwelling on this site would lead to a clustering of dwellings in the area and this is clearly a planning outcome that State and local planning policy is seeking to avoid.

The City's local agricultural policy at Clause 14.01-1L seeks to protect agricultural land, with relevant identified strategies being to:

- *Avoid the construction of a dwelling unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision or security.*
- *Ensure that where a dwelling has been deemed necessary to support an agricultural use, that the agricultural use has been established on the land prior to the construction of a dwelling.*

And a Policy guideline, which requires the consideration of:

- *Whether there is a demonstrated need to reside on the site to support the agricultural land use.*

If approved, the construction of a dwelling would create a rural-residential form of development which is contrary to both the purpose and decision guidelines of the Farming Zone along with the broader Planning Policy Framework. Consequently, the approval of a dwelling that does not support or enhance agriculture on the site would

result in the fragmentation of agricultural land and could lead to a proliferation of dwellings within the surrounding area.

The *Rural Areas Strategy, September 2009* recognises that:

“Council and the community need to be more realistic about the opportunities for new dwellings to promote agricultural use in farming areas and recognise the risk that new dwellings pose to farming uses. In most cases land can be used for agriculture without a dwelling to support it. Rural living areas offer the opportunity for residents to pursue part time and hobby agricultural enterprises. Such enterprises, that generally do involve the desire to live on site, should be directed away from Farming zoned areas.”

The argument that the current poor soil and pasture quality means that the site requires a dwelling to allow for active management is a poor response to policy for the protection of agricultural land and a farming operation of this scale. Limited to no weight should also be given to the fact that vegetation retention, plantings, land management/improvements are to be provided to warrant the construction of a dwelling on a small Farming Zoned lot.

The applicant's intention to increase the current agricultural capacity and enhance the environmental aspects of the property can be completed without the need for a dwelling on the site. Further to this, the agricultural capacity of the site is reduced by the proposed development due to its site coverage and siting within a central part of the site.

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

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

The subject site is an ‘undersized lot’ within the Farming Zone with an area of 7.66 hectares. Whilst it is acknowledged that there are ‘undersized’ lots in the broader surrounding area that already contain dwellings, in cases such as *Russell Smith Town Planning Services v Mount Alexander SC [2018] VCAT 58 (11 January 2018)*, the Tribunal has determined that the presence of dwellings and smaller lot sizes within the surrounding area does not mean it should become a ‘de-facto’ rural living area.

McCormick v Golden Plains SC [2023] VCAT 1295 (23 November 2023) furthers this by stating that the capacity to use the land for agriculture is limited by the land size and the dwelling area only takes away further land from this potential. The risk is that this leads to the residential use becoming the primary purpose of the land (as a rural residential type of use), rather than it being an adjunct to the agricultural use.

It has not been satisfactorily demonstrated that the possible benefits of having a dwelling on the site outweigh the policy directions of Clause 14.01-1S to avoid such circumstances. It has not been satisfactorily demonstrated that the possible benefits of having a dwelling on the site would outweigh what is being sought by the policy directions of Clause 14.01-1S (Protection of agricultural land) . Further to this, this application presents a high risk of the permanent loss of agricultural land through the use and development of a dwelling on such a lot.

Whilst the lot size may create some limitations, dependent on the proposed agricultural land use, it does not prevent the land from being productive. The site has the potential to sustain an agricultural activity, whether used as a small-scale, standalone operation or consolidated as part of a larger agricultural landholding. It is important to note that the refusal of the application would not in any way hinder the ability of the land to be used for agricultural purposes.

Currently there is potential for the subject site to be consolidated with adjoining parcels of land to allow for an outcome that would improve agricultural productivity and allow for a sustainable and economically viable agricultural activity to occur. The approval of a dwelling would fragment the land, lead to a likely irreversible change in land use and affect the ability of the site to support or enhance agricultural production.

The application was referred to the City's Agribusiness Officer for comment. The response provided was unsupportive of the proposal and highlighted the inconsistencies between the proposal and the requirements of the Greater Bendigo Planning Scheme, including relevant planning policy and the provisions of the Farming Zone.

The officer's assessment outlines that there is very limited reference to an agricultural use, rather, the description is consistent with a lifestyle or hobby farm. Sheep production for breeding or trading does not require a dwelling to be built in the area to sustain the agricultural production, as they are a broadacre enterprise. Raising shedding sheep on less than 8ha is also not a commercially effective return to agriculture.

It is accepted that there are dwellings on smaller sized Farming zoned lots in the broader surrounding area. However, these dwellings predate the changes to policy

that are discussed throughout this report. The strengthening of the policy over time has been driven in part by past, undesirable proliferation of dwellings.

On this basis, the construction of a dwelling would not result in an orderly planning outcome as the application material depends on the presence of the dwelling. If the agricultural use is dependent on the dwelling, particularly for a farming operation of this smaller scale, then the dwelling is the land's primary use. In the Farming Zone the agricultural use of the land must be the primary use and any dwelling must be secondary or ancillary.

For the above reasons, the proposal is contrary to the purpose of the Farming Zone and the relevant policy framework that deals with rural dwellings and the protection of agricultural land.

Dwelling siting, design and servicing:

The dwelling has been designed to minimise the potential for visual amenity impacts and to ensure that it is in keeping with the rural landscape. The dwelling would be single storey in form with materials and colours that respect the rural context.

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

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

The dwelling and outbuilding are within 100m of the waterway which transverses the site and the outbuilding is also within 5m of the southern side boundary. However, these buildings are proposed outside the Environmental Significance Overlay and Salinity Management Overlay and more than 120m from Bendigo-Maldon Road. All other setback requirements are met.

The proposed area for wastewater disposal was supported by the City's Environmental Health team. The siting avoids vegetation removal and the building

design is generally appropriate, however, this does not justify support for the dwelling at the expense of the inconsistencies outlined in the section above.

Siting the dwelling in the central portion of the site would impact the ability of the balance of the land to be used for agriculture. The siting would also result in the unnecessary loss of productive land due to the construction of a lengthy internal driveway. Whilst the siting of the dwelling is not considered significant as a standalone issue, the siting along with the compelling matters listed above result in the proposal being an unacceptable planning outcome that is at odds with the direction of the Planning Scheme.

Conclusion

The application proposes a use and development that is contrary to planning policies relating to rural dwellings and the protection of agricultural land. The proposal would allow a rural dwelling on an undersized lot within the Farming Zone that does not support or enhance agriculture and does not comply with the Planning Policy Framework. There is insufficient justification that the agricultural use is viable and a dwelling is genuinely needed to support the agricultural use.

If approved, the proposal would likely contribute to the incremental shift towards rural living and this is discouraged by the policies discussed in this report. The proposal would create an undesirable planning outcome and rural living developments of this nature result in permanent land use changes that are contrary to policy regarding the protection of agricultural land.

It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

Options

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

Conflict of Interest

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

Attachments

Nil

16.3. 155 Victa Road, East Bendigo - Staged Subdivision of Land, Removal of Native Vegetation and Removal and Variations of Easements (Amendment to Permit and Plans to Allow Further Subdivision)

Author:	Shannon Rosewarne, Senior Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	AM/763/2010/E
Applicant:	Bendigo Properties Pty Ltd
Land:	155 Victa Road, EAST BENDIGO 3550
Zoning:	Industrial 1 Zone
Overlays:	Design and Development Overlay (Schedules 17 and 18); Land Subject to Inundation Overlay 1; Bushfire Management Overlay; and Airport Environs Overlay 2
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	<ul style="list-style-type: none"> Planning policy for industrial land. Subdivision requirements within the Design and Development Overlay – Schedule 18 Strategic planning forecasts for industrial land supply and demand.
Conclusion:	The proposal is an unacceptable planning outcome for the site with regard to the relevant provisions and policies of the Greater Bendigo Planning Scheme. It is recommended that Council refuse this application.

Recommended Motion

That Council issue a Notice of Refusal to Grant a Permit for the staged subdivision of land, removal of native vegetation and removal and variation of easements (amendment to permit and plans) at 155 Victa Road, EAST BENDIGO on the following grounds:

1. The proposed subdivision is not consistent with the requirement within Schedule 18 of Clause 43.02 (Design and Development Overlay) to retain large lots.
2. The proposed subdivision is inconsistent with Clause 17.03-1L (Industrial land supply – Greater Bendigo) as it will not provide a suitable variety of lot sizes to support different industry types.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Penna

Resolution No. 2024-131

CARRIED

Background Information

Planning Permit DS/763/2010 was issued on 9 March 2011 and allows a staged subdivision of land into 49 lots. At the time of the approval of the Planning Permit, the land was subject to a different planning control - Development Plan Overlay - Schedule 13 *East Bendigo Food Manufacturing Precinct – Victa Road, Wellsford*. The planning control at that time was different to the current Design and Development Overlay and included the following requirement for subdivision:

“Where practical, subdivision should allow:

- *Efficient solar orientation of allotments;*
- ***Retention of large allotments; and***
- *Common trenches for reticulated services”.*

A series of amendments to the permit were undertaken in 2018, 2020, 2022 and 2023 and two amendments via secondary consent have occurred this year.

Amendment AM/763/2010/A decreased the number of lots to 39, made alterations to the subdivision layout and revised the staging of the subdivision. Plans were endorsed under condition 1 of the permit on 6 June 2018.

Amendment AM/763/2010/B included the removal of native vegetation in the statement of what the permit allows, changed the layout to provide for a total of 28 lots within the estate, revised building envelopes and updated referral authority conditions, including the addition of Department of Energy, Environment and Climate Action conditions. Plans were endorsed under condition 1 of the permit on 31 March 2020.

Amendment AM/763/2010/C revised the subdivision layout to create 25 lots and two superlots of 5.563 hectares and 5.5466 hectares. Plans were endorsed under condition 1 of the permit on 22 December 2022.

Amendment AM/763/2010/D was issued on 25 May 2023 and is the current permit. This amendment allowed further subdivision of the two superlots for a total of 35 lots

within the estate and included an amendment to the Bushfire Management Plan to reflect the subdivision layout.

A plan of subdivision was certified on 11 December 2023 in accordance with the endorsed plan under AM/763/2010/D.

The plans were recently amended via secondary consent on 11 April 2024 to alter the staging of the subdivision and make minor changes to the layout including creating a reserve for Coliban Water infrastructure and increasing the width of the access onto Arbor Boulevard for Lot 27 from 12 to 16 metres.

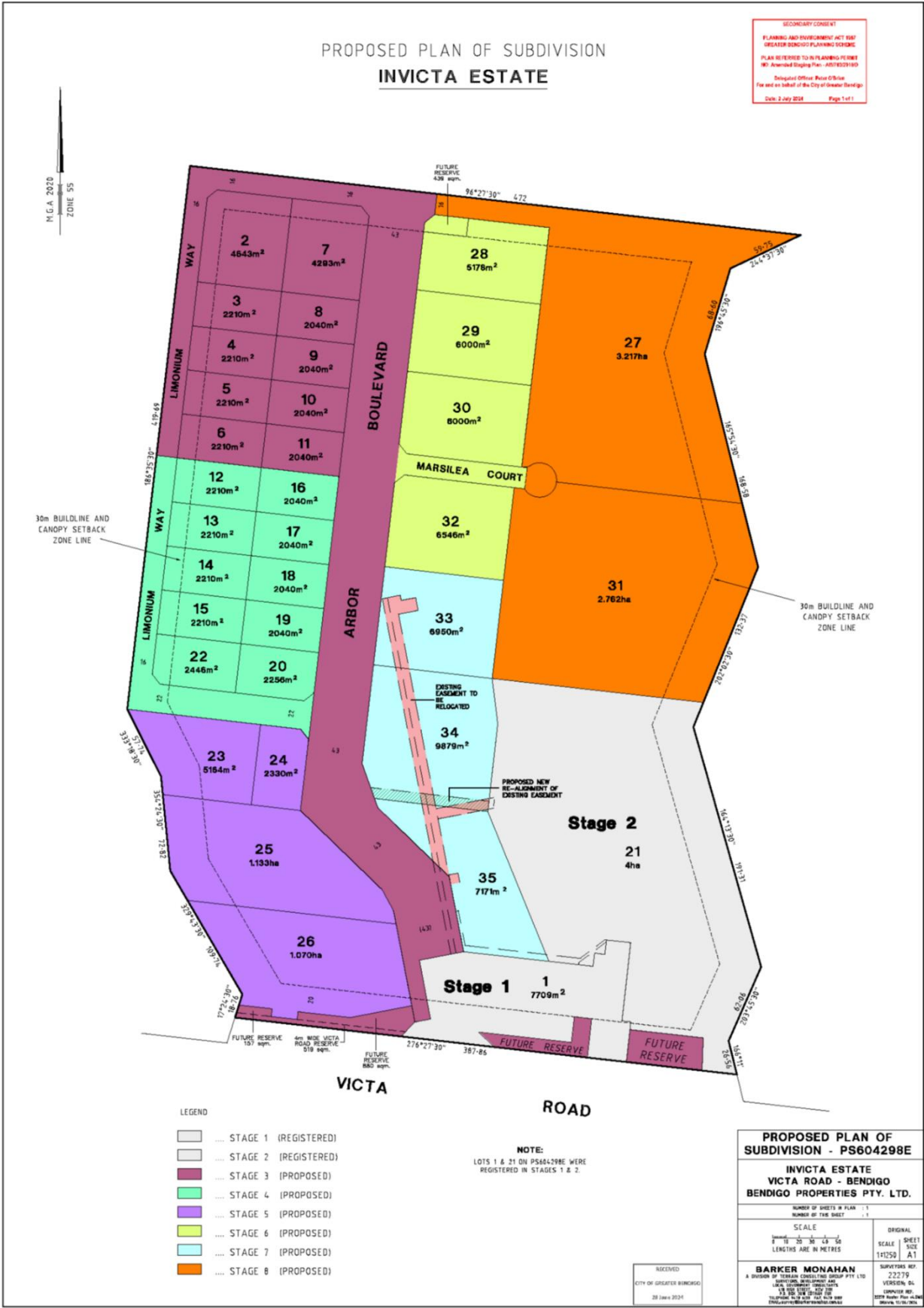


Figure 1. Current approved plan (endorsed on 2 July 2024)

A further secondary consent request was then approved on 2 July 2024 to further alter the staging plan to split stage 6 into two stages and renumber the stages accordingly. This has renumbered the stage relevant to this application as Stage 8. The amended plan submitted with the application, which is the subject of this report, *has not been updated* to reflect the approved staging plan, however, for clarity the stage in question is referred throughout this report as Stage 8.

Report

Subject Site and Surrounds

The subject site is located on the northern side of Victa Road, East Bendigo and comprises 3 parcels known as Lots 1, 21 and S3 on PS604298E. The address of the land is 155 Victa Road, East Bendigo. The site is an irregular shape and has an overall area of approximately 28.07 hectares. It is relatively flat with a gentle slope towards the centre of the site and the land draining towards the north. Works have commenced on site for the subdivision approved under the existing permit. Stages 1 and 2 of the subdivision have been completed and now contain industrial developments. Stages 3 – 8 are yet to be completed.

The land is zoned Industrial 1 Zone and is affected by a Bushfire Management Overlay, Land Subject to Inundation Overlay - Schedule 1, Airport Environs Overlay – Schedule 2, Design and Development Overlay - Schedule 17 and Design and Development Overlay – Schedule 18.

The site adjoins Bendigo Airport to the west, zoned Special Use Zone 7. A Coliban Water channel, zoned Public Use Zone 1 (Service and Utility), also abuts part of the western boundary. To the north, the site adjoins a parcel known as Lot 1 Victa Road zoned Public Use Zone 6 (Local Government) owned by City of Greater Bendigo. This land is being subdivided into two lots, with one of the lots being transferred to Parks Victoria. To the east, the site adjoins the Greater Bendigo Regional Park. A strip of land immediately adjacent to the site's eastern boundary is zoned Public Use Zone 1 (Service and Utility), but the regional park is otherwise zoned Public Conservation and Resource Zone. Land on the opposite side of Victa Road also forms part of the Greater Bendigo Regional Park.

Victa Road is a sealed local road managed by the City of Greater Bendigo and is two lanes (one for each direction of travel), which has been constructed for the full length of the site and terminates at the eastern end of the site.



Figure 2: Location map showing subject site.

Proposal

The proposal is to amend the approved plan of subdivision to further subdivide Lots 27 and 31 (Stage 8 of the estate) into smaller lots. The proposal would result in an overall increase from 35 to 44 lots within the overall estate.

The proposed lots created within Lots 27 and 31 would range in size from 2,000 square metres to 1.312 hectares.

As this is an amendment to an existing permit, Council is only required to consider the merits of the changes to the proposal.

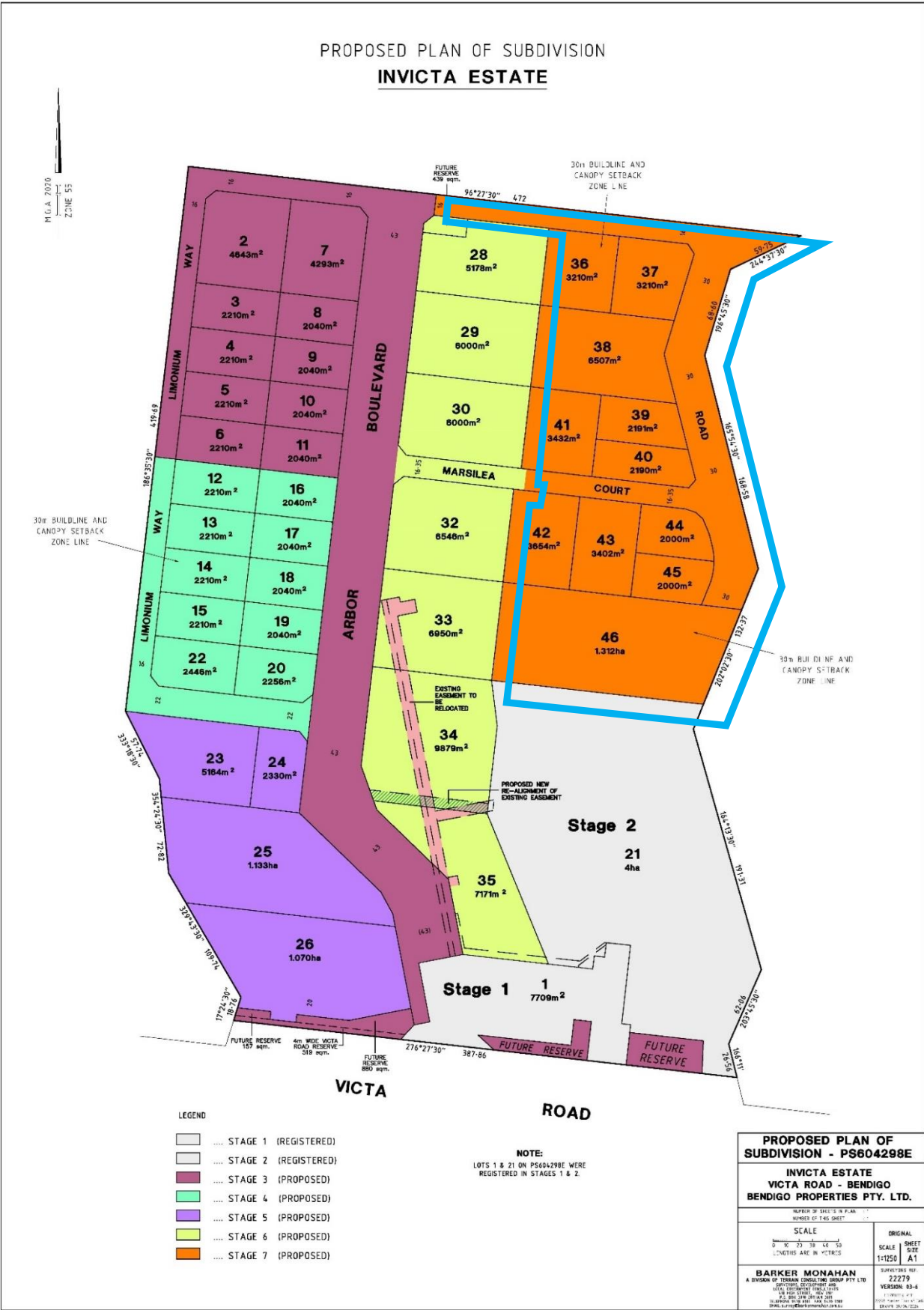


Figure 3. Proposed plan of subdivision – the subject area is outlined in blue.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The need for a planning permit is triggered by:

- Clause 33.01-3 of the Industrial 1 Zone - which states that a permit is required to subdivide land.
- Clause 43.02-3 of the Design and Development Overlay - which states that a permit is required to subdivide land.
- Clause 44.06-2 of the Bushfire Management Overlay - which states that a permit is required to subdivide land.
- Clause 44.04-3 of the Land Subject to Inundation Overlay - which states that a permit is required to subdivide land.
- Clause 45.02-3 of the Airport Environs Overlay - which states that a permit is required to subdivide land.
- Clause 52.17 - which states that a permit is required to remove native vegetation.

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

Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-7 Economic development
- Clause 02.03-9 Infrastructure
- Clause 02.04 Strategic framework plans

Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.02-1S Supply or urban land
- Clause 12.05-2L Urban forest interface – Greater Bendigo
- Clause 13.02-1S Bushfire planning
- Clause 17.01-1K Diversified economy
- Clause 17.03-1S Industrial land supply
- Clause 17.03-1L Industrial land supply – Greater Bendigo

Other Provisions

- Clause 33.01 Industrial 1 Zone
- Clause 43.02 Design and Development Overlay
- Clause 44.06 Bushfire Management Overlay
- Clause 53.02 Bushfire planning
- Clause 65.02 Approval of an application to subdivide land
- Clause 72.02-3 Integrated decision making
- Clause 72.08 Background documents

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Outcome 3 - Strong, inclusive and sustainable economy

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Goal 4 - Employment land available for industry expansion and attraction

Consultation/Communication

Referrals

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

Referral	Comment
Fire Rescue Victoria	No objection subject to conditions requiring endorsement of the updated Bushfire Management Plan, a requirement for a building and canopy setback line as shown in the Bushfire Management Plan, provision of hydrants and construction of roads to CFA requirements.
Coliban Water	No objection subject to standard conditions relating to the provision of reticulated water and sewerage.
Powercor	No objection subject to standard conditions relating to the provision of reticulated electricity.

Referral	Comment
Downer Utilities	No response received.
Development Engineer	<p>No objection but recommended that the plan be amended to provide suitable access arrangements for Lots 44, 45 and 46. The alignment of the boundaries for Lots 44 and 45 should be configured such that they have frontage to Marsilea Court, and part of the road along the eastern boundary be incorporated into Lot 46. This would then avoid the need for the creation of a court bowl at the end of the eastern road.</p> <p>Should the application be approved by Council, an amendment could be required as a condition of permit.</p>
Engineering -Traffic	No objection.
Strategic Planning	<p>The proposed amendment to create smaller lots from the two larger lots is not supported. The Design and Development Overlay 18 is clear in the need for larger lots in this location including the <i>'retention of larger lots'</i> under subdivision.</p> <p>Bendigo East is identified in the adopted <i>Greater Bendigo Industrial Land Strategy</i> as the premier industrial precinct in Bendigo. Being the largest site within this precinct, the Invicta Estate (previously Wellsford Estate) provides one, if not the only, current opportunity for larger businesses looking to establish in Bendigo.</p>

The amended permit application was not re-referred to North Central Catchment Management Authority, Department of Energy, Environment and Climate Action and Bendigo Airport as the two lots proposed for further subdivision are not within the Land Subject to Inundation Overlay or Airport Environs Overlay and no additional native vegetation is proposed to be removed.

Public Notification

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

Planning Assessment

Planning policy

The following clauses of the Planning Policy Framework and Municipal Planning Strategy are relevant in the consideration of this application:

Clause 02.01 (Context) of the Municipal Planning Strategy notes that Greater Bendigo performs a regional service role and manufacturing is among the major contributors to economic output.

Clause 02.02 (Vision) states that the Greater Bendigo of the future will, amongst other things, have a strong economy that supports job growth, attracts visitors, and is diversified.

Clause 02.03-3 (Environmental risks and amenity) notes that bushfire and flooding are two of the key environmental risks for Greater Bendigo.

Clause 02.03-7 (Economic development) notes that 'traditionally industry in Greater Bendigo has been located within the Bendigo urban area and focused on manufacturing and engineering. These sectors remain important to the economy.' It further notes that many of the areas set aside for industrial use, particularly in the Bendigo urban area, are not suitable to the needs of modern industry due to small lot sizes and adjoining incompatible uses. Strategic directions for economic development are:

- Develop and expand employment generating industries.
- Make well located affordable employment land available.
- Direct commercial growth to activity centres.
- Plan for the future growth of the industrial sector by providing zoned land in appropriate locations and lot configurations.

Clause 02.03-9 (Infrastructure) includes a strategy to manage water supply, water resources, wastewater, drainage and stormwater sustainably through an integrated water management approach.

Clause 02.04 (Strategic framework plans) identifies the subject site as a location for industrial land uses, as part of the East Bendigo industrial precinct.

Clause 11 (Settlement) states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards, amongst other things:

- Health, wellbeing and safety.
- Diversity of choice.
- Economic viability.
- Protecting, conserving and improving biodiversity, waterways and other natural resources.
- Land use and transport integration.

Clause 11.01-1R (Settlement – Loddon Mallee South) contains a strategy to support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.

Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. Strategies include ensuring that sufficient land is available to meet forecast demand.

Clause 12.05-2L (Urban interface policy) applies to a number of urban zones, including the Industrial 1 Zone and this policy seeks to protect the ecological values of forested private and public land around Bendigo from the impacts of urban development and reinforce the urban forest backdrop surrounding and dispersed with the Bendigo Growth Boundary.

Relevant strategies include:

- Plan subdivisions so that streets direct and frame views to the forest edges and other areas of bushland within and abutting the Bendigo Urban Growth Boundary.
- Avoid encroachment of urban development into forest areas
- Located buffers of up to 30 metres wide on non-vegetated private land that adjoins private and public forested land to protect forest values.
- Design subdivisions to:
 - Include higher density lots in areas that have been previously disturbed.
 - Provide continuous street access along the urban forest interface.
 - Provide multiple access and egress options for pedestrians and vehicles, including emergency and maintenance vehicles.
 - Retain undisturbed forest areas and areas of native vegetation wherever possible where it can be demonstrated that vegetation can be managed to avoid increasing bushfire risk.
 - Protect existing native vegetation from construction impacts through tree protection zones.

Relevant policy guidelines include:

- Avoiding stormwater discharge onto public land. Where unavoidable, consider how stormwater can be managed in a way that incorporates water sensitive urban design principles.
- Using building envelopes or other measures to achieve the objective.
- Locating utility services to minimise impacts on the urban forest interface.
- Designing the locations, species mix and density of new planting to reflect the surrounding forest biodiversity values.
- Constructing fencing to create a rabbit and dog proof barrier between the forest and the development at the following heights:
 - 1.8 metres high where there is no intervening road reserve.
 - 1.2 metres high where there is an intervening road.
- Mitigating risks associated with bushfire through a combination of urban design and land management measures.
- Designing subdivisions (including a road) to be set back 5 metres from the forest boundary.
- Providing a 30 metre buffer, which may incorporate a road, from habitable buildings to the forest boundary. This buffer should not include trees, except for street trees.
- Providing street tree plantings that are of locally indigenous species. The planting of exotic flora should be avoided. Seed collection, vegetative propagation or transplanting of indigenous vegetation is encouraged.

Clause 13.02-1S (Bushfire planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Strategies include giving priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Clause 17.01-1L (Diversified economy – Greater Bendigo) sets out a strategy to support development that maintains Bendigo as a key regional city an economic growth hub for the Loddon Mallee South region.

Clause 17.03-1S (Industrial land supply) seeks to ensure the availability of land for industry. Strategies include:

- Providing an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.
- Identifying land for industrial development in urban growth areas where:
 - Good access for employees, freight and road transport is available.
 - Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.
- Protecting and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Preserving locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.
- Avoiding approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Clause 17.03-1L (Industrial land supply – Greater Bendigo) contains the objective of encouraging diversification and expansion of the municipality's industrial base. This clause contains strategies to direct industrial development and infrastructure to East Bendigo and the Wellsford Estate Industrial Precinct and to *“support industrial subdivisions that provide a variety of lot sizes to support different industry types”* and *“ensure land in undeveloped areas is not fragmented and remains in large holdings until it is required for development”*.

Specific strategies within this clause for East Bendigo and Wellsford (now Invicta) Industrial Precinct are:

- Facilitate the growth and development of both new and existing local, regional and international industries.
- Support development that does not adversely impact on the heritage and environmental values of the surrounding area.
- Support the redevelopment of the East Bendigo Railway Workshop for freight or transport related activities.

The *Bendigo Industrial Land Strategy (2002)*, *Review of Demand and Supply for Industrial Land in Greater Bendigo (2012)* and *East Bendigo Local Structure Plan (amended 2013)* are referenced within this clause. These are currently background documents within the Planning Scheme.

The Industrial Strategic Framework Plan within this clause shows that a large proportion of the East Bendigo industrial area is zoned Industrial 1 Zone.

The subject site has been zoned for industrial development and is identified within local planning policy as being part of a key industrial precinct in East Bendigo. Bushfire risk has been appropriately considered and responded to in the proposed

design of the subdivision and new development on the proposed lots would be able to achieve defensible space for BAL 12.5.

The site is not remote from the existing urban area as access to the estate is via Victa Road, an established, sealed, public road which provides connection to other urban areas in East Bendigo including Rohs Road, a link road managed by Department of Transport and Planning. Water supplies will be required to be provided on site and ongoing vegetation management requirements will apply in accordance with an approved Bushfire Management Plan. The application has satisfactorily demonstrated that the bushfire risk posed by the broader landscape can be mitigated to an acceptable level.

Flood risk has also been considered and addressed in the design of the overall estate and can be mitigated to appropriately minimise the risk to life and property. Stormwater drainage infrastructure for the estate would be developed on and off site in accordance with requirements of the City's Engineering Unit and North Central Catchment Management Authority.

The central concern with this application is the appropriateness of lot sizes within Stage 8. There is concern that the proposed amended subdivision plan is not consistent with the requirements of the Design and Development Overlay – Schedule 18 and policies within the Planning Scheme which seek to provide for a variety of lot sizes. Taking into account these matters together with broader strategic planning considerations, it is recommended that the proposal not be supported.

The *Greater Bendigo Industrial Land Development Strategy* (GBILDS) was first adopted by Council in May 2020 and was amended this year. At its meeting of 24 June this year, Council adopted the updated Strategy and resolved to request authorisation to prepare and exhibit Amendment C282gben to the Greater Bendigo Planning Scheme, which would introduce this strategy into the Planning Scheme and delete the *Bendigo Industrial Land Strategy (2002)* which is now outdated.

The application states that limited weight ought to be given to GBILDS as it is not a document referenced in the Planning Scheme. GBILDS, although adopted, is not yet referenced in the Planning Scheme, however, section 60(1A)(g) of the *Planning and Environment Act 1987* allows the responsible authority to consider any other strategic plan or policy statement which has been adopted by the municipal council, before deciding on an application.

Given the *Bendigo Industrial Land Strategy (2002)* is now over 20 years old, the *Greater Bendigo Industrial Land Development Strategy (2024)* (GBILDS) is considered a relevant strategy when considering this application as it is the most recent analysis of industrial land supply for the municipality.

GBILDS identifies that in addition to the general need for industrial land, there is a specific need to provide for larger industrial lot sizes in the order of 1-5 hectares.

The *Bendigo Industrial Land Strategy (2002)* considered large lots as being sites over 1 hectare in size whilst the more recent *Review of Demand and Supply for Industrial Land in Bendigo (2012)*, which was undertaken as part of the strategic assessment for Amendment C161 to rezone land for the Marong Business Park, referred to large lots as being those between 2 – 4 hectares. Both documents are currently background documents in the Planning Scheme listed in the Schedule to Clause 72.08. As such, there has been some variation in the definition of a large lot over time, however, there seems to be consensus between the current and proposed background documents to suggest that a large lot should be taken to be at least 1 hectare in size.

Bendigo East is identified in GBILDS (2024) as the premier industrial precinct in Bendigo. It is considered that the Invicta Estate provides one, if not the only current opportunity for larger businesses looking to establish in Bendigo.

The *Review of Future Industrial Land Supply in Bendigo (2023)* is an independent strategic assessment of future industrial land supply in Greater Bendigo prepared by SGS Planning and Economics. It was undertaken to confirm the need for both the Bendigo Regional Employment Precinct and the Marong Business Park for longer term industrial land supply.

This report states that industrial land audits have identified a critical shortage of industrial zoned land in Greater Bendigo; with the most recent audit indicating there is a maximum of 11 years supply of industrial land and an additional 170 to 270 ha is required for a 30 year pipeline. The audits reveal a shortage of large industrial lots. It states that:

“with an 11 year supply of industrial land, Greater Bendigo falls short of meeting the 15 year minimum supply benchmark set in state policy (Clause 11.02). In addition to the shortfall of industrial land supply, other key issues include:

- There is a limited supply of larger lot sizes, of the 100-120ha vacant industrial land, 74 per cent are 0.5ha or less.*
- Industrial land is fragmented and scattered across Bendigo which increases freight traffic through urban areas and limits the growth and expansion of existing businesses.*
- There is no large business park in the area.*

Smaller lots in some precincts, such as East Bendigo, are suited to small industrial businesses with commercial links.”

Whilst the proposed rezoning of a 294 hectare site to the south of the Marong township for an employment precinct, together with the realisation of the Marong Business Park, some 313 hectares zoned Comprehensive Development Zone to allow industrial use and development as part of Amendment C161, would meet long term industry needs, these projects will take some time to complete before industrial lots are provided with the necessary infrastructure and are subdivided and become available for purchase.

The Marong Business Park cannot be relied upon for short or medium term industrial land supply as the current landowner is not looking to sell or develop the land and the land is currently being used for farming.

The application states that the proposed further subdivision of Stage 8 will not compromise industrial land supply in the municipality and makes the following summarised points in support of this argument:

- The consumption rates assumptions which form the basis for the GBILDS findings do not appear to have been realised, with economic analysis indicating limited demand for large and very large lots since the GBILDS was approved. This has been observed both on the site and more broadly across the city and the municipality, with large and very large lots sitting on the market for long periods without significant uptake.
- The Marong Township Structure Plan confirms the planning and delivery of the future industrial precinct (BREP) is a short term priority for the municipality. The BREP is intended to provide short to medium term industrial land supply for Greater Bendigo. While this precinct is still in planning stages, it is expected that based on current timeframes and action plans that new industrial land will be available within necessary timeframes and will be more than sufficient to service short to medium term land demand within the municipality.
- Council adopted the revised GBILDS 2024 at its June Ordinary Meeting to factor new industrial land supply into an updated economic analysis and update existing land supply estimates. It is anticipated that lower than expected levels of consumption of large lots since 2020 combined with updated projections on new industrial land supply will necessitate updates to this policy and relieve pressure on the East Bendigo and Wellsford Precincts.
- Land in the Marong Business Park has already been zoned and planned to facilitate industrial and commercial development, including land for large and very large landholdings. This land remains available for long term industrial demand.

A Planning Scheme Amendment process to rezone land for the Bendigo Regional Employment Precinct has yet to commence. The timeframe for the delivery of this precinct is within the next 5-10 years.

The *Review of Future Industrial Land Supply in Bendigo (2023)* prepared by SGS Economics and Planning forecasts that there will be a consumption rate of 11 hectares of industrial land per year from 2027 onwards. It states that aside from the Marong Business Park, there are currently 100 hectares of vacant, industrially zoned land available, of which 7% are lots between 1-5 hectares in size. The report notes that there is a concentration of small businesses in Greater Bendigo's main industrial precinct, East Bendigo, contained within smaller lots. Analysis by consultants REMPLAN, as part of the *Bendigo Industrial Land Review – Strategic Economic Inputs* report (2019), which has informed GBILDS indicates that lots between 1-5 hectares will be exhausted by 2027.

The report states that *“while there is potential for industrial lots to come to market through subdivision, Greater Bendigo is already experiencing a shortage of large lots and subdivision into smaller lots limits prospects for land-hungry and larger industrial businesses. Small lots in some precincts, such as East Bendigo, are suited to small industrial businesses with commercial links.”*

It is acknowledged that East Bendigo has a high concentration of existing, small industrial lots that serves a need for smaller industrial businesses and that this precinct is constrained with freight movements given its location. The City's Strategic Planning Unit has advised that despite this, given the existing municipal-wide shortage of large lots, Council should require retention of large lots within the Invicta Estate until the Bendigo Regional Employment Precinct, in the first instance, is able to replenish this supply.

Zone

The purposes of the zone include implementing the Municipal Planning Strategy and the Planning Policy Framework and providing for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The decision guidelines for subdivision under this zone are set out at Clause 33.01-3 and include consideration of the Municipal Planning Strategy and the Planning Policy Framework, any natural or cultural values on or near the land, streetscape character, landscape treatment and interface with non-industrial areas.

The relevant planning policies have been outlined and discussed above. Stage 8 adjoins the Bendigo Regional Park to the east. The overall site also has an interface with the Bendigo Airport to the west and part of the site abuts a Coliban Water channel along the western boundary, however no changes are proposed to Stages 3, 4 and 5 therefore no changes to this interface are proposed. To the north, the site abuts a vegetated parcel owned by the City of Greater Bendigo. A drainage basin

will be constructed on this site in connection with the proposed subdivision, in accordance with a section 173 Agreement registered on the land.

The changes to the layout of Stage 8 would allow for an appropriate development setback to be maintained to the Bendigo Regional Park. A 30 metre building and canopy setback required under the current approved plan would be maintained along the northern boundary of the site and for Lot 46, whilst the road reserve along the eastern boundary would be 30 metres wide. It is noted that the setback line itself is not clearly marked on the amended plan and if approved this would need to be shown.

The width of the proposed roads within Stage 8 would provide for a suitable streetscape character and allow for street tree planting and on-street parking.

There is no minimum lot size specified within the zone. A detailed discussion about the appropriateness of the proposed lot sizes within Stage 8 is provided above.

There is a concern that the proposal is not consistent with the purposes of the zone, in that the estate and surrounding area within the East Bendigo industrial precinct already provides suitable opportunities for the establishment of businesses for the storage and distribution of goods and associated uses, based on the number of small and medium lots approved and existing. However, there are limited opportunities for the establishment of new manufacturing uses, which typically require large sites, as there are only a small number of large lots. The Industrial 1 Zone caters for a greater range of industries and typically provides for greater separation from residential areas, whereas under the Industrial 3 Zone all industrial land uses, other than service industries, require a permit to establish and Industrial 3 Zone locations are typically closer to residential development.

The application was referred to relevant referral authorities who confirmed that the land is able to be serviced with reticulated services. Should Council decide to approve the amended permit application, then the servicing authority conditions should be updated in accordance with the referral responses received.

Bushfire Management Overlay and Clause 53.02 (Bushfire Planning) requirements

The whole of the site is affected by the Bushfire Management Overlay. A revised Bushfire Management Statement and Bushfire Management Plan were submitted for the proposed subdivision as part of the amended permit application.

The bushfire risk for the site has previously been assessed. There is no change to the proposed building setback of 33 metres to the eastern and northern boundaries of the land with respect to Stage 8 to achieve a minimum Bushfire Attack Level of BAL 12.5.

The application was referred to Fire Rescue Victoria who had no objection to the application, subject to conditions of permit, as outlined previously.

The Bushfire Management Plan satisfactorily addresses the requirements of Clause 53.02 (Bushfire planning) in relation to the required bushfire mitigation measures for defensible space, water supply, access and vegetation management requirements, however it is noted that the width of the road abutting the northern boundary does not appear to match that shown on the plan of subdivision, being 16 metres. Should Council approve the application, the Bushfire Management Plan should be amended to match the proposed plan of subdivision, as a condition of permit.

Land Subject to Inundation Overlay

The central part of the site is affected by the Land Subject to Inundation Overlay – Schedule 1 (LSIO1). The proposed amendment does not impact levels or stormwater/flood management requirements for the site. No part of the LSIO1 is located within Stage 8. As such, referral of the application to North Central Catchment Management Authority and further assessment of the application against the requirements of the LSIO1 are not required. If approved, existing permit conditions required by the North Central Catchment Management Authority would be retained.

Airport Environs Overlay

The western edge of the subject site is affected by the Airport Environs Overlay – Schedule 2. Stage 8 sits outside this overlay area and therefore there is no requirement to assess the application against the requirements of this overlay.

Design and Development Overlay

Part of the site is affected by the Design and Development Overlay – Schedule 17, which relates to Bendigo Airport height restriction areas. This overlay extends between approximately 95 and 204 metres into the western part of the site. As there are no subdivision requirements specified within this particular Schedule, there is no requirement for assessment of the application under this Schedule.

The whole of the site is affected by Design and Development Overlay – Schedule 18. This is a *site-specific* schedule for the subject site, formerly known as the Wellsford Estate. No other industrial areas within Greater Bendigo are affected by planning controls in relation to lot sizes.

Relevant design objectives for subdivision under Schedule 18 include:

- To ensure an appropriate buffer is maintained between new development and the adjoining forested land.
- To incorporate good quality design, built form and landscaping, which will enhance the visual and streetscape amenity of the estate.
- To ensure that subdivisions and development are integrated with the surrounding area and that the landscape setting is retained.

The following requirements apply to an application to subdivision land under the DDO18:

- Efficient solar orientation of lots;
- Retention of large lots; and
- Common trenches for reticulated services.

Clause 43.02-3 of the Design and Development Overlay states that subdivision must occur in accordance with any lot size or other requirement specified in the schedule to this overlay. A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to the overlay unless the schedule specifies otherwise.

In this case, Schedule 18 does not specify that the subdivision requirements cannot be varied by way of a permit. In other words, Council has discretion to grant a permit for a subdivision which does not retain large lots as DDO18 does not specify that a permit must only be granted to subdivide land if it retains large lots.

In determining this application, in addition to considering the Municipal Planning Strategy and the Planning Policy Framework, one of the key decision guidelines is whether the subdivision design, layout and lot sizes will achieve the design objectives and requirements of this overlay.

The application states that despite numerous market campaigns, there has been no interest in Lots 27 and 31 in the past 3 years. It is therefore proposed to subdivide Lot 27 into 6 lots ranging from 2,190 to 6,507 square metres and Lot 31 into 5 lots from 2,000 square metres to 1.312 hectares.

The application states that the wording of DDO18 is ambiguous in its application given that a 'large lot' is not defined in the Planning Scheme. It is agreed that the Planning Scheme does not define this, however guidance can be found within the City's most recent strategic planning analysis of industrial land supply and demand.

What is a large lot?

Large lots are not defined in DDO18 or elsewhere in the Planning Scheme and there is no minimum lot size specified under the zone. The Design and Development Overlay – Schedule 18 was applied to the site as part of Amendment C191 which was gazetted on 19 December 2013. This Planning Scheme Amendment deleted Development Plan Overlay – Schedule 13 from the site. The requirement for retention of large lots was translated from the Development Plan Overlay – Schedule 13 to the Design and Development Overlay – Schedule 18. The Design and Development Overlay for subdivision now states:

“The following subdivision requirements apply to an application to subdivide land:

- Efficient solar orientation of lots;*
- Retention of large lots; and*
- Common trenches for reticulated services”.*

The policy direction for this industrial estate has been in the Planning Scheme for a significant period of time. The key difference is that former control (Development Plan Overlay) with respect to lot sizes included the words *‘where practical’* whereas the Design and Development Overlay contains clearer language of its intent by plainly stating the requirements apply to an application to subdivide land.

Based on the City’s most recent industrial land strategy, being the *Greater Bendigo Industrial Land Development Strategy (2024)*, a large lot is one that is between 1 hectare and 5 hectares.

The proposed amendment would result in only one large lot over 1 hectare within Stage 8 and would remove the possibility of any other large lots on Lots 27 and 31 in the future.

Is the application consistent with the requirements of DDO18?

There are no concerns regarding the solar orientation of the lots proposed within Stage 8, or the ability to provide services within common trenches.

Under the current approved plan, there are two large lots within Stage 8 being Lots 27 and 31, and five large lots within the overall estate.

The proposed layout would provide for 1 large lot of at least 1 hectare in Stage 8. The application would therefore result in less large lots than are provided in the current approved plan for Stage 8.

Based on the area of land within Lots 27 and 31, there is potential to provide for at least 5 lots of 1 hectare plus a lot in the order of 8,890 square metres.

It is considered that the proposed amended plan will not result in the retention of large lots and is therefore not consistent with the requirements of DDO18.

Clause 65.02 Approval of an application to subdivide land

Clause 65 (Decision guidelines) state that because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

In addition to the decision guidelines set out in Clause 65.01 (Approval of an application or plan), before deciding on an application to subdivide land, Council, as the responsible authority must also consider, as appropriate, the matters listed under clause 65.02 (Approval of an application to subdivide land) of the Planning Scheme, which include:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles through the subdivision and the ease of access to all lots.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.

The key concern with the proposed amended subdivision layout is the proposed area and dimensions of each lot within Stage 8. Whilst the land is suitable for subdivision, can be fully serviced and the proposed layout would achieve an acceptable design response with respect to the general subdivision pattern in the area and the potential to site buildings, the amendment to the permit would not achieve the requirement

within the Design and Development Overlay – Schedule 18 which seeks to retain large lots within this estate or planning policy which seeks to provide a variety of lot sizes.

According to the *Review of Future Industrial Land Supply in Bendigo (2023)*, small and medium sized lots of less than 1 hectare currently make up in the order of 88% of the available land supply within the municipality. As such, there is a greater need to provide for large lots of 1 hectare or greater. Small lots would not provide sufficient flexibility or opportunity to establish larger industrial developments within the estate. Whilst there may be an argument that smaller lots can be assembled for larger developments, there is a real risk that this won't happen due to fragmentation of ownership when lots are created and sold, and some development occurs on the smaller lots.

In this regard, the proposed subdivision will not produce an acceptable planning outcome.

Clause 72.02-3 Integrated decision making

Clause 72.02-3 states that the Planning Policy Framework operates together with the remainder of the Scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

While the applicant's legal advice states that the requirement to retain large lots has *'little operative effect given it is so ambiguous as to be unenforceable and does not seemingly align with the weight of policy outcomes contemplated for development of the site and surrounds'* and suggests it is outweighed by other policies objectives within the Industrial 1 Zone and the Greater Bendigo Planning Scheme, Council must make an integrated decision which takes into account all the relevant planning considerations in this matter. When considering the relevant background reports, it is open to Council to interpret large lots to mean those within 1-5 hectares.

Weighing up the various controls and planning policies, the proposed subdivision is not an acceptable planning outcome as the creation of small and medium sized industrial lots would negatively impact the ability for larger industrial land uses to be accommodated within the East Bendigo industrial precinct, and the Greater Bendigo municipality more broadly in the short term. This would have impacts for the local economy in terms of the ability to attract new industry and jobs and retaining existing businesses looking to expand.

Cultural Heritage Management Plan (CHMP)

The site does not lie within an area of cultural heritage sensitivity. Accordingly, the proposal does not trigger the need for the preparation of a CHMP under the Aboriginal Heritage Regulations 2018.

Conclusion

It is recommended that the application be refused on the basis that it represents an unacceptable planning outcome with regards to the requirement within the Design and Development Overlay – Schedule 18 to retain large lots. The proposed amendment would result in less large lots in Stage 8 than in the current approved plan. There is scope for a re-subdivision of Lot 27 and 31 which would still retain at least 5 large lots.

The proposed amended subdivision plan also fails to provide for a suitable variety of lot sizes with regard to the overall estate and this has the potential to negatively impact the ability to accommodate larger industrial businesses within the estate and municipality in the short to medium term.

Although previous plans approved under this permit allowed smaller lots than what is currently proposed, the supply and availability of larger lots within the municipality is now critical. The City must take a broader and long term view of land supply and consider the supply of industrial land within the municipality, not just within this estate. The Bendigo Regional Employment Precinct proposed for Marong is still in the planning stages and the Planning Scheme Amendment to rezone this land is yet to commence. To date, there is not sufficient evidence that an abundance or surplus supply of serviced larger lots with limited constraints exists within the municipality, as such it could be argued that the application is premature.

In any case, even if sufficient supply of large industrial lots existed elsewhere within the municipality to meet forecast demand, Design and Development Overlay – Schedule 18 requires subdivisions to retain large lots within this particular estate. In order to remove this requirement, a Planning Scheme Amendment would be required to change the requirements of the Schedule.

Options

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

Conflict of Interest

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

Attachments

Nil

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

18. ABORIGINAL RECONCILIATION

Nil

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

19.1. Big Hill and Mandurang Valley Significant Landscape Study Draft Report

Author:	Richie Dean, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

This report provides an overview of the Draft *Big Hill and Mandurang Valley Landscape Review 2024*, including the revised Landscape Management Framework. Council endorsement is sought to release the Draft Review for public consultation.

Recommended Motion

That Council:

1. Endorse the Draft *Big Hill and Mandurang Valley Landscape Review 2024* provided at Attachment 1 for public consultation.
2. Receive a further report following consultation, outlining the findings of the engagement process.

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Williams

Resolution No. 2024-132

CARRIED

Executive Summary

In 2013, the City sought to progress the *Bendigo Landscape Assessment - Big Hill and Mandurang Valley*.

In 2015, Planning Scheme Amendment C217 sought to implement the recommendations of the *Bendigo Landscape Assessment - Big Hill & Mandurang Valley 2013* into the Greater Bendigo Planning Scheme. This Amendment was ultimately not supported by the Planning Panel for the reasons outlined later in this report.

To progress this work, which was identified as an action in the Council Plan (Mir Wimbul) 2021-2025, the City engaged consultants (Hansen Partnership) in September 2022.

The Draft *Big Hill and Mandurang Valley Landscape Review 2024* has now been prepared. This includes a revised Landscape Management Framework with updated recommendations for Significant Landscape Overlay (SLO) controls across parts of the study area.

The Draft *Big Hill and Mandurang Valley Landscape Review 2024* builds upon existing work and is directly informed by key gaps and recommendations outlined by the Panel for Amendment C217.

Detailed and comprehensive visual analysis and fieldwork has been undertaken to better understand the visibility and prominence of significant landscape features to determine if those areas warrant the application of the SLO.

The report finds that the Big Hill Ridgeline and Upper Slopes and the Big Hill Granitic Uplands areas are the most highly valued landscape features. These areas have been identified at a regional significance level and are visually prominent from key / frequented viewing corridors and locations. Therefore, the Landscape Management Framework recommends the application of the SLO over these areas that align with natural landscape features including an area within the Greater Bendigo National Park.

The report determines that the Mandurang Valley area is of much lower visual significance and exposure than the area south of the Big Hill ridgeline. Therefore, it is not recommended to apply the SLO over this area, although it may be appropriate to investigate alternative planning controls in the future. This contrasts with previous studies and recommendations.

Updated community landscape values from the consultation at end of 2023 have been incorporated into the Draft *Big Hill and Mandurang Valley Landscape Review 2024*.

The Draft *Big Hill and Mandurang Valley Landscape Review 2024* provides a refreshed and highly robust analysis to support its revised recommendations that addresses key gaps and issues reflected through the process of previous Amendment C217.

Should the Draft *Big Hill and Mandurang Valley Landscape Review 2024* be endorsed for consultation it will be released for stakeholder and community feedback over a three week period.

While the Draft *Big Hill and Mandurang Valley Landscape Review 2024* provides recommendations around the application of the SLO in identified areas, the application of the Overlay would be subject to a future Planning Scheme Amendment and exhibition process.

Background

The original landscape assessment, *Bendigo Landscape Assessment - Big Hill & Mandurang Valley* was prepared in 2013. This assessment provided a detailed understanding of the character and values of these two landscapes, along with recommendations for the application of two Significant Landscape Overlays (SLO) shown in Figure 1. The *Bendigo Landscape Assessment - Big Hill & Mandurang Valley 2013* was adopted by Council in 2013.

PROPOSED SLO AREA

Figure 16

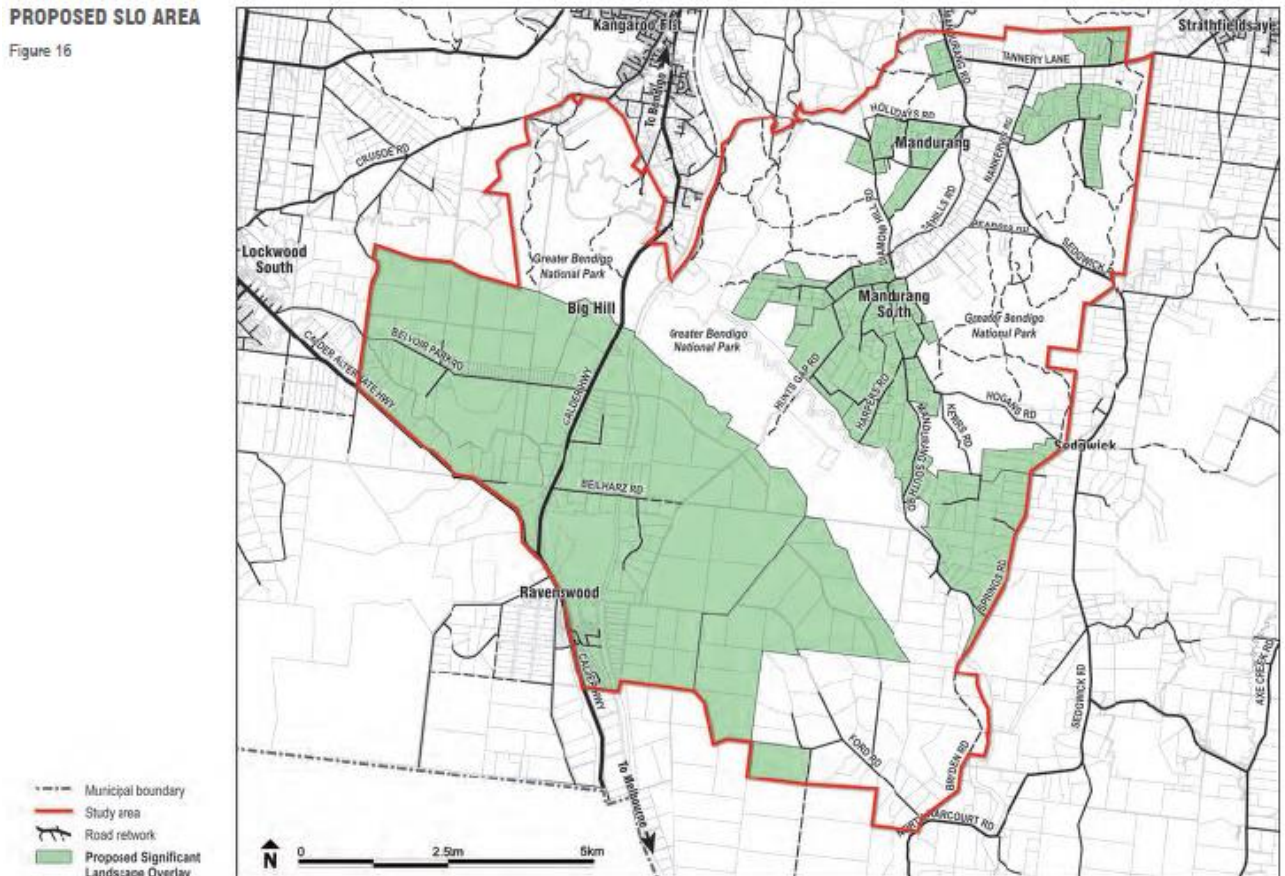


Figure 1. SLO areas proposed under the recommendations of the *Bendigo Landscape Assessment - Big Hill & Mandurang Valley 2013*.

To apply the SLO as per the *Bendigo Landscape Assessment – Big Hill & Mandurang Valley 2013*, Council resolved to request the authorisation to prepare and exhibit a Planning Scheme Amendment (C217) in February 2015.

On 14 October 2015 Council resolved to refer all the submissions received during exhibition of Amendment C217 to an Independent Panel appointed by the Minister

for Planning. The Panel conducted its hearing on 27-29 January 2016 which included an inspection of land known as 'Ravenswood Run' (a large landholding south of Big Hill).

The Panel ultimately did not support Amendment C217, with the reasons summarised below:

- The nexus between the *Bendigo Landscape Assessment – Big Hill & Mandurang Valley 2013*, and the extent of the SLO proposed, was not clear.
- There is a need to re-examine the areas covered by the SLO. The areas should be more carefully and logically defined so that land is not unnecessarily included.
- The SLO needs to use landscape/natural features to determine the overlay curtilage and not cadastral boundaries.
- The application of the SLO, Schedule 3 needs to be reviewed with consideration of all landscape visibility and use of natural features to determine boundaries and a reduction in its size.
- The SLO should include the ridgeline and escarpment at Big Hill.
- The area to the south east of the exhibited area of Big Hill should be considered for the SLO.
- The SLO, Schedule 4 should only be applied to the forest interface to protect the landscape values of Mandurang.
- There needs to be a greater understanding of the comparative significance of the landscape assessed, to help understand the relative importance of protection and appropriate tools to achieve this.

The Panel recommended deferment of Amendment C217 and that further work be undertaken to address the issues outlined above. In 2017 the City engaged an independent consultant (Claire Scott), to undertake a peer review of the *Bendigo Landscape Assessment - Big Hill & Mandurang Valley 2013* and Panel Report. While the peer review was supportive of the assessment and description of character areas in the landscape assessment, it shared similar opinions with the Panel regarding the assessment of landscape significance and the proposed extent of overlays. The peer review also included additional landscape assessment work including viewshed mapping and revised recommendations of proposed SLO areas across Big Hill and Mandurang Valley, shown in Figure 2.



Figure 2. Claire Scott's recommended revised SLO3 boundaries for Big Hill in the red shaded area.

Council did not support the Panel's recommendations and proceeded to adopt the amendment. The Minister for Planning refused Amendment C217 in 2019.

The Council Plan of 2021-2025, *Mir Wimbul* includes an action to 'Scope a Gateway Study for Big Hill and Mandurang Valley landscape preservation'. The current landscape assessment work that resumed in 2022 responds to this action.

The *Big Hill & Mandurang Valley Landscape Review, May 2024* builds on the strengths of the existing work completed to date and seeks to address those issues outlined in the Panel Report for C217 through additional work. The Review provides a comprehensive technical landscape assessment to determine areas of high significance and those that warrant the application of the SLO. The refreshed Landscape Management Framework includes proposed SLO boundaries, revised from previously proposed boundaries, along with clear justification.

Previous Council decision dates:

- 6 July 2011 – Council endorsed a project brief describing the purpose and scope of a landscape assessment covering the areas of Big Hill and the Mandurang Valley.
- 11 February 2015 – Council resolved to request authorisation to prepare and exhibit a Planning Scheme Amendment to implement the recommendations of the Landscape Assessment Report for Big Hill and Mandurang Valley into the Greater Bendigo Planning Scheme.
- 14 October 2015 – Council considered submissions to Amendment C217 and resolved to refer all submissions to an Independent Panel.

- 29 June 2016 – Council adopted Amendment C217 to the Greater Bendigo Planning Scheme subject to modifications and request approval from the Minister for Planning.

Report

Hansen Partnership was engaged to undertake an independent review of the previous landscape assessment work from 2013 and to undertake a revised Landscape Assessment and Landscape Management Framework (LMF). Hansen Partnership has prepared the Draft *Big Hill & Mandurang Valley Landscape Review, May 2024*, which addresses the key issues and weaknesses outlined in the Panel Report of 2016 from the previous Amendment C217. The revised landscape assessment and recommendations propose alternative overlay boundaries to those previously recommended with a single SLO across the Big Hill ridgeline and Granitic Uplands, split into high and moderate sensitivity areas.

The Draft *Big Hill & Mandurang Valley Landscape Review, May 2024* report concludes that a second SLO across the Mandurang Valley area is not justified given the more limited visibility, lower visual significance and localised setting of this area. The report recommends that alternative controls could be investigated for the protection of that area in the future and to consider controls such as the Environmental Significance Overlay or Vegetation Protection Overlay. This would need to be the subject of further strategic work.

The Draft *Big Hill & Mandurang Valley Landscape Review, May 2024* has been informed by detailed and rigorous visual analysis and fieldwork to better understand the extent and visibility and prominence of the landscape features identified in earlier studies. The report finds that the Big Hill ridgeline and Upper Slopes, and the Big Hill Granitic Uplands areas are the most highly valued landscape features of a regional significance level that are visually prominent from key / frequented viewing corridors and locations. An SLO is proposed across these areas only.

The following sections explain the process of the landscape assessment and analysis to arrive at the revised SLO boundaries and Landscape Management Framework in the final stages of the study.

Landscape Assessment

Although the study and the report are often referred to more broadly as a 'landscape assessment', the landscape assessment in Part 2 specifically provides a detailed understanding of the existing conditions across the study area through various themes. This process helps in the initial stage to identify and understand the different landscape types with common characteristics.

Visual Analysis and Viewshed

The visual analysis and accompanying fieldwork fill an important gap in understanding the scenic and visual realm of the study area. The visual analysis and fieldwork were undertaken to understand the visibility of key landscape features and how they are experienced. The viewshed analysis component is an initial, desktop-based assessment undertaken to understand visible terrain from given viewpoints. This process enables the identification of potentially visible terrain as a basis for ground truthing the results through fieldwork.

The viewshed mapping focuses on several viewing corridors including the Calder Highway, Calder Alternative Highway and the railway corridor, which have high viewing frequency. It is important to note that the focus of the viewpoint analysis narrows to the Big Hill and Granitic Uplands areas as the key area of further assessment and investigation. This excludes the Mandurang area north of the Big Hill ridgeline given the findings of lower visibility of landscape features of that area and the more localised setting.

Insights from the viewshed mapping process identified a series of 25 potential viewpoints around the Big Hill and Granitic Uplands registering high visibility to be investigated for further on-ground visual analysis selected along publicly accessible and highly frequented areas, typically along roads and at intersections. This was intended to 'paint a picture' of the typical visual experience of Big Hill and Granitic Uplands that would be experienced on the ground at those points. The visibility analysis and fieldwork confirmed that the Big Hill ridgeline and Upper Slopes and the Granitic Upland areas were most visually exposed and prominent in views along the key viewing corridors of the Calder Highway, Calder Alternative Highway and Melbourne-Bendigo railway corridor, as well as other main roads and lower order scenic roads or local viewing locations.

Revised Landscape Characterisation

Classification of landscape character types provides a basis for understanding combinations of landscape features, vegetation, land use, views and topography distinct to an area. Discussion around levels of sensitivity to change and anticipated landscape change are included to better understand the kinds of threats to character areas.

The previous *Bendigo Landscape Assessment – Big Hill & Mandurang Valley 2013* identified and defined six distinctive landscape character areas grouped by common characteristics. Some of those character areas also formed the basis for the boundaries of previously proposed SLO areas. The 2024 Study refines these earlier character types, overlaying the findings of the landscape assessment and visual analysis. This resulted in a total of seven landscape character types and a distinction

made between the Big Hill ridgeline and its escarpments from the rural landscapes of the foreground.

Two of the revised character areas, the Big Hill Ridgeline and Upper Slopes (Character Area 1) and Big Hill Granitic Uplands (Character Area 3) were advanced to further landscape assessment. This was because of the visual and scenic values identified and the regional viewshed they cast at the southern gateway to urban Bendigo from highly frequented and important viewing corridors. These two areas therefore become the primary focus of Part 5 of the report and the areas further assessed for landscape significance.

The character area analysis of the Mandurang Valley areas highlights a more enclosed landscape pattern and lower to medium levels of sensitivity to change, in contrast to the Big Hill ridgeline and Granitic Uplands. It is not contested that the Box-Ironbark Forest areas and surrounds to the north of the Big Hill ridgeline might be significant on the grounds of environmental, cultural and ecological factors, but the analysis determines that those areas are of much lower visual significance and exposure due to the localised setting experienced primarily from local roads and proximate private properties.

Landscape Significance and Visual Values

The findings of the 2024 study are consistent with the two previous landscape assessments (2013 Bendigo Landscape Assessment and Claire Scott's peer review) in attributing high landscape significance levels to the Big Hill ridgeline area and Granitic Uplands. A key finding and departure from the previous studies is that in the current study the Big Hill ridgeline and Granitic Uplands are determined to be more prominent and highly visible along key viewing corridors. This includes the viewing of the transition in the landscape features and scenery through the southern gateway into urban Bendigo. This is in contrast to the other land within the study area.

This elevates those two areas for protection under the SLO given their high visual values and exposure.

A key part of the methodology used in the current study to determine landscape significance is the weighting of visual values above all other values. This approach is consistent with many other recent landscape studies in Victoria and is supported by the Victorian Planning Provisions. The earlier Bendigo Landscape Assessment of 2013 took a more holistic approach in its methodology to determine areas appropriate for protection under the SLO but was not considered robust enough or in-line with best practice landscape assessment according to both the Planning Panel's recommendations and later, the Minister's determination to refuse Amendment C217.

The landscape and visual values assessment of the Big Hill Ridgeline and Upper Slopes and the Big Hill Granitic Uplands details a deeper assessment of specific landscape components through an analysis of Landscape Features, Aesthetic Variety and Composition to determine overall significance level ratings. The methodology applies a scenic and visual lens to underpin the purpose of the SLO. The assessment concludes that the two landscapes were significant at 'High' or 'Regional' level that is worthy of the application of the SLO.

The current project undertook a refresh of the 2013 community engagement, that sought community landscape values, to understand if those previous landscape values remained valid or whether new values had emerged. The City ran an online engagement survey in November-December 2023 with a series of the same questions to determine what the community most valued about these landscapes and what concerns they had in terms of the present and future. Of over 60 responses received, many of the previous themes were reflected in relation to scenic views and vistas of the area, the rich biodiversity and native vegetation and most notably the southern gateway experience and the highly unique and valued landscape features upon entering urban Bendigo via the Calder Highway. The 2023 revised community values play a role in providing a more informal and subjective assessment of landscape significance to accompany what is a highly technical study to determine landscape significance and areas warranted for the SLO.

The current report's findings recommend reducing the extent of the two areas considered to be of significance and subsequently revising the SLO boundary areas. The extent of the revised SLO boundary area has been determined by the level of visual exposure of the two significant landscape areas, measured through viewshed mapping (the visibility at eye level from highly frequented viewing locations and survey photography to determine actual visibility). A further refinement of the boundary is the division of the SLO area into areas of high and moderate sensitivity. These two classifications distinguish areas of greater visual exposure from key viewing corridors with those areas of slightly lower exposure but still high enough to warrant some level of protection as shown in Figure 3.

6.3.4 Draft Overlay

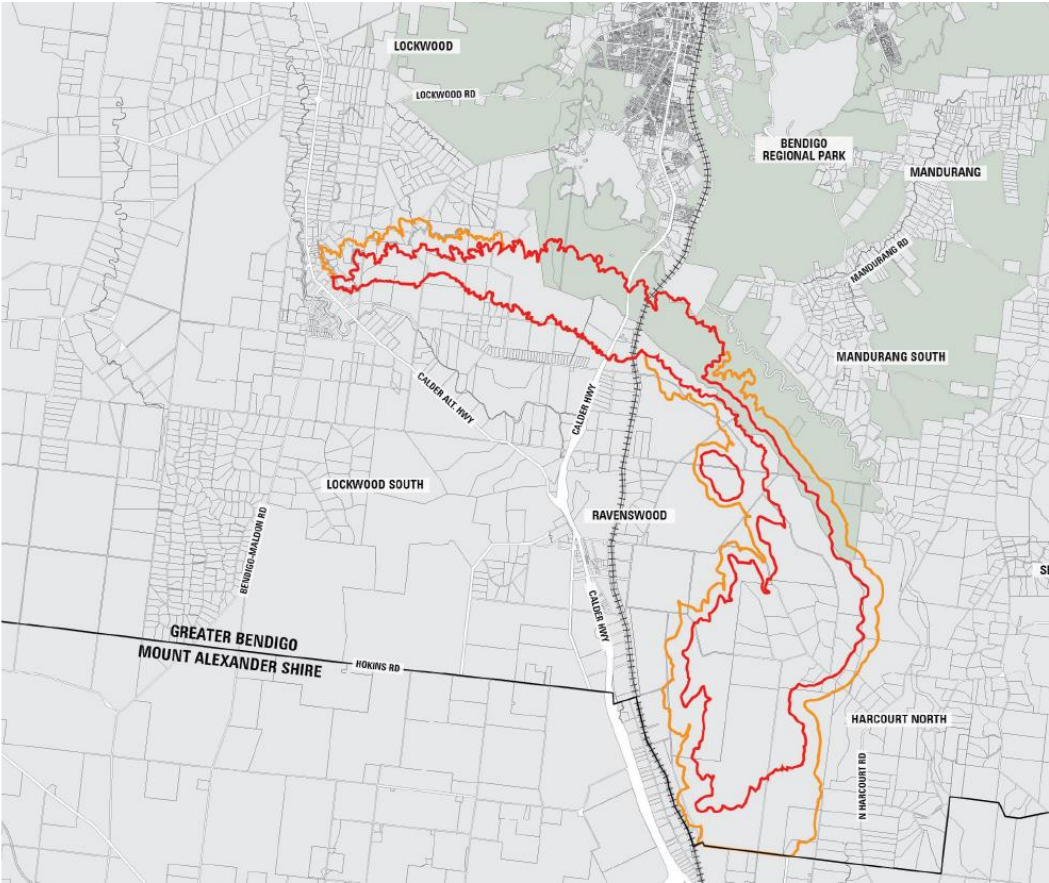


Figure 3. Hansen's revised SLO3 Overlay boundaries with high and moderate sensitivity areas

Recommended Changes to the Greater Bendigo Planning Scheme

The revised Landscape Management Framework outlines a suite of planning scheme recommendations towards providing protection of the identified significant landscapes and a future Planning Scheme Amendment.

- Firstly, at a high level strategic direction, changes are proposed to the Municipal Planning Strategy under Clause 02.03-2 – Environment and landscape values to identify both the Big Hill ridgeline and Granitic Uplands as recognised environment and landscape features in Greater Bendigo.
- Under the Planning Policy Framework, a new local policy is proposed under Clause 12.05 Significant Environments and Landscapes, titled ‘Big Hill Ridgeline and Granitic Uplands’. This Policy is proposed to include the Design guidelines outlined in Section 6.4 of the Review.
- A new Schedule 3 to the SLO is proposed, titled ‘Big Hill Ridgeline and Granitic Uplands’. This Overlay is proposed to include (as outlined in detail section 6.3 of the Review):
 - Statement of nature and key elements of landscape
 - Landscape character objectives to be achieved
 - Permit requirements
 - Application requirements
 - Decision guidelines

The proposed high and moderate sensitivity areas within the SLO area are proposed to be translated into the draft planning permit triggers in the Schedule. Planning controls for these two areas are differentiated by exempting permit requirements for buildings and works within a certain threshold for areas of moderate sensitivity. Broader exemptions for both high and moderate areas are included for specific vegetation removal requirements are also proposed under the schedule. It is also important to note the table of exemptions under the parent provision of the Overlay also provides a broader list of permit requirement exemptions, outlined under Clause 42.03.

The proposed controls seek to better recognise the regional significance of the Big Hill ridgeline and Granitic Uplands landscapes as a key topographic gateway into the southern entrance of urban Bendigo and more broadly the Greater Bendigo region. They aim to preserve the upper slopes of the Big Hill ridgeline and Granitic Uplands from inappropriate development and/or native vegetation removal that may otherwise compromise their unique and attractive visual aesthetic. The accompanying proposed Design Guidelines provide clear guidance on how future development and works within the proposed overlay area should be sited and designed to minimise visual impacts within the significant landscape.

Next steps and Public Engagement

Given the level of public interest in this project that was evident through the previous engagement from 2013 onwards, it is recommended to provide the community and stakeholders with the opportunity to review the draft Review and recommendations prior to preparing a future Planning Scheme Amendment. It is therefore proposed that the draft Review be placed on public consultation for a period of 3 weeks from 23 July 2024. Comments from the community consultation will be presented back to Council for consideration. At this meeting, City officers also intend to seek endorsement of the Review, and to seek support to commence a new Planning Scheme Amendment process.

Priority/Importance

The project is an important priority given the level of previous community and stakeholder interest in progressing an SLO in this area and the time that has elapsed since the previous, unsuccessful Planning Scheme Amendment.

This task responds to the Council Plan action 5.3.3 from 2021/2022: *Scope a Gateway Study for Big Hill and Mandurang landscape preservation.*

Options Considered

Council has two options:

- To endorse the draft Draft Big Hill and Mandurang Valley Landscape Review 2024 for public consultation.
- To abandon Draft Big Hill and Mandurang Valley Landscape Review 2024 and not to proceed with public consultation.

Timelines

Subject to Council support, the draft Review will commence consultation on 23 July 2024. Following consultation and Council's consideration of feedback, a Planning Scheme Amendment process could commence from September 2024.

Undertaking a Planning Scheme Amendment is expected to take approximately 18 months.

Communications/Engagement

Given the level of public interest in this project that was evident through the previous engagement from 2013 onwards, it is recommended to provide the community and stakeholders with the opportunity to review the draft Review and recommendations

prior to preparing a future planning scheme amendment. Consultation on the draft report is proposed from 23 July 2024 for a period of three weeks.

Consultation will include letters to landowners and residents in the impacted areas including Big Hill and Mandurang Valley. Further information including a summary will be placed on the City's Let's Talk platform.

Further public engagement would occur through the public exhibition process for a future Planning Scheme Amendment.

Financial Sustainability

This project is being managed within the Strategic Planning Unit operational budget.

Risk Assessment

The primary risk with this project is reputational due to the previous community interest in the project and the Panel and Minister ultimately not supporting Amendment C217 as drafted.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 5 - A climate resilient and healthy landscape

Secondary Council Plan Reference(s)

Goal 3 - Thriving landscapes and ecosystems

Conflict of Interest

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

Attachments

1. Big Hill & Mandurang Valley Landscape Review June 2024 [19.1.1 - 174 pages]

20. A VIBRANT, CREATIVE COMMUNITY

Nil

21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

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

- Met with representatives from La Trobe University regarding the Violet Vines Marshman Annual Oration.
- Met with representatives from VincentCare Community Housing.
- Regional Cities Victoria, Executive Management Group online meeting.
- Met with representatives from the Strathfieldsaye Dodgers Baseball Club.
- Bendigo Trust Board meeting.
- XVI UNESCO Creative Cities Network Annual Conference 2024 held in Braga (1 – 5 July)
 - the UNESCO trip highlights are the side conversations on the impacts of climate change on infrastructure and emergency management
 - the importance of greenery in reducing urban heat traps
 - the equity and inclusion lens that is part of the 7 categories
 - the collaborative way the three regional Mayors worked together on the potential to host a conference in Victoria and the networking that took place to gather support for this from other delegates and UNESCO
 - and the wonderful opportunities to promote our producers.
- Thank you to the Deputy Mayor Cr Matthew Evans and other Councillors who represented the Mayor at various events whilst I was overseas.
- Represented Regional Cities Victoria at the Governance and Integrity Steering Committee online meeting.
- Whipstick Ward Engagement held at George's Bakehouse, Huntly.
- Met with The Hon. Wendy Lovell MP, Member for Northern Victoria.
- The Ironbark Gully Friends launch event of their interpretative sign held at Garden Gully Reserve.
- Meet with the Star Cinema Board Members and staff.
- Met with the Federal Liberal Candidate Matthew Evans, Senator the Hon Anne Ruston Shadow Minister for Health and Aged Care, and The Hon Dan Tehan MP Shadow Minister for Immigration and Citizenship.
- Chaired the Bendigo Regional Employment Precinct Steering Committee meeting.
- Municipal Association of Victoria (MAV) Loddon Campaspe Mallee Regional Meeting.
- Onsite meeting regarding planning application - CA9 Bendigo-Maldon Road, Lockwood South.
- Afternoon tea with the representatives from the Disability Inclusion Reference Committee and Councillors'.
- Met with La Trobe University Vice Chancellor Theo Farrell and Head of Campus Margaret O'Rourke OAM.

- Formal announcement by the Hon. Steve Dimopoulos MP for international exhibition 'Frida Kahlo: In her own image' to be held at the Bendigo Art Gallery from the 15 March until 13 July 2025.
- Spoke at the Australian Sheep & Wool Show – Women of Wool Luncheon.
- Hosted a visit for the High Commissioner of India to Australia, His Excellency Mr Gopal Baglay and Consul General of India in Melbourne, Dr Sushil Kumar to meet with local businesses and community leaders.
- Indian Film Festival of Melbourne Regional Rhapsody Program Launch held at Bendigo Cinemas.
- Strathfieldsaye Primary School Art Exhibition.
- Eaglehawk Bendigo Badminton Association meeting with Indonesian Consul General.
- 100th Birthday Celebration for Diana Collier.
- Site Visit to 10 Sailors Gully Rd, Eaglehawk.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

Tribute to Councillor Rod Fyffe OAM on behalf of City of Greater Bendigo staff

- On behalf of the current and former CEOs and staff of the COGB
- Cr Fyffe was a great supporter of employees and the work we undertook to support the community
- Whether you had been employed for 5 years, 5 weeks or 5 mins, you always felt supported and welcomed
- Unique greeting of 'Hello Worker' and his email signature of DMWTH
- Shared some special moments and memories together in the final weeks
- Thoughts continue to be with Cr Fyffe's family during this time

High Commissioner of India

Visit by the High Commissioner of India - Mr Gopal Baglay, accompanied by Indian Consul-General, Dr Sushil Kumar.

- Civic Reception
- Tram ride
- Bendigo Art Gallery
- Civic Reception
- Launch of the Indian Film Festival

This visit is a wonderful recognition of the work of the Indian Association of Bendigo and the role the Association play in promoting and celebrating Indian culture and traditions

National General Assembly

- Along with Deputy Mayor Cr Evans and Cr Dr Jen Alden I attended the ALGA National General Assembly in Canberra
- Opportunity to hear from Federal Government and Federal Shadow Ministers about the priority and importance of our sector and acknowledgement of the challenges faced by Councils and communities

NAIDOC Week Celebrations

- Theme of this 2024 NAIDOC week was *Keep the Fire Burning! Blak, Loud & Proud*
- BDAC NAIDOC Week Flag Raising Ceremony and Youth Awards
- BDAC NAIDOC Ball
- Officiated at the NAIDOC Week Flag Raising Ceremony

Galkangu 1st anniversary

- Celebrated the first anniversary of being located in Galkangu Bendigo Gov Hub
- Wonderful environment to work in and great to see the collaboration of staff from different organisations that all support our community
- Building has helped to reshape the landscape and skyline of the north end of the City Centre

26. CLOSE OF MEETING

There being no further business, this Council Meeting closed at 7:36 pm.