COUNCIL MEETING AGENDA

CITY OF GREATER BENDIGO

6:00 pm on Monday August 26, 2024

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

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

Photo ID is a requirement of entry to the Public Gallery.

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

COMMUNITY VISION 2021–2031

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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

This Council Meeting is conducted in accordance with the

- Local Government Act 2020
- Governance Rules

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1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

6. LEAVE OF ABSENCE

Council resolved (**Resolution No. 2024-122)** to grant Cr Gregory Penna leave of absence for the August 26, 2024 Council Meeting.

7. SUSPENSION OF STANDING ORDERS

RECOMMENDED MOTION

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

8. COMMUNITY RECOGNITION

9. PUBLIC QUESTION TIME

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

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

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

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

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

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

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

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

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

10. RESUMPTION OF STANDING ORDERS

RECOMMENDED MOTION

That Standing Orders be resumed.

11. WARD REPORTS

11.1. Eppalock Ward - Cr O'Rourke

11.2. Lockwood Ward - Cr Alden

11.3. Whipstick Ward - Cr Fagg

12. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

13. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on July 22, 2024, as circulated, be taken as read and confirmed.

Previous minute location:
https://www.bendigo.vic.gov.au/about-us/council/council-meetings#past-meetings

14. PETITIONS AND JOINT LETTERS

14.1. Petition Acknowledgement - Lower Violet Street Bendigo

Purpose

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

Summary

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

> Petition to Council - Lower Violet Street Bendigo
>
> "We the undersigned, residents and ratepayers of Greater Bendigo City Council, formally request Council to engage with residents (owner occupiers and tenants) of lower Violet Street (between High Street and Mackenzie Street) to discuss, listen, investigate and develop options and then to a final proposal for physical works and measures to address the current and future traffic issues, safety concerns and amenity impacts associated with carparking, traffic volumes and traffic speed generated at present predominantly by The National Hotel and then in the future the approved Guzman Y Gomez restaurant.
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> These investigations and proposal to be developed are to include all of the road reserve and roadway from the High Street through traffic lane to the Mackenzie St intersection and is to include consideration of, but not limited to:
>
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> - road user safety including, but not limited to, driver, bike and scooter (incl mobility) riders and pedestrians; &
> - general amenity improvements.
>
> We request this engagement commence within two weeks of the July Council meeting and to be concluded, with a preferred and costed option in place, as

supported by Council and as many of the residents as possible, by no later than end of November 2024."

Signatures - 30

Recommended Motion

That Council receive the petition and a response be prepared at the first available Council meeting (noting that this may be after the formation of the newly elected Council).

Conflict of Interest

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

Attachments

1. Petition Lower Violet Street Residents August 26, 2024 Redacted [**14.1.1** - 11 pages]

PETITION TO GREATER BENDIGO CITY COUNCIL

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Name	Address	Date	Signature
LANCE TWENTYMAN	[redacted]	6/8/24	
Jeremy Corr		6/8/24	
CHRIS CORR		7/8/24	
Karen Corr		7/8/24	

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Name	Address	Date	Signature
Andrew Wall	[redacted]	27/7/2024	

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Name	Address	Date	Signature
ANTHONY RYAN	[redacted]	3/7/2024	Anthony J Ryan
Lorraine Ryan		3/7/2024	Lorraine J Ryan
Cynthia Smith		3/7/24	Cynthia Smith
Ronda Prentice		3·7·24	R Prentice

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Name	Address	Date	Signature
MICHAEL ROHDE	[redacted]	1/7/24	Rohde
HEATHER ROHDE		1/7/24	Heather J Rohde
LYNDALL ROWLEY		1/7/24	Lyndall Rowley
D J FAIRBAIRN		2/7/24	

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Name	Address	Date	Signature
Tim JENKYN	[redacted]	18/7/2024	
JOY PARKER		18/7/2024	
REUBEN PARKER JENKYN		18/7/24	

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Name	Address	Date	Signature
DENISE COCHRANE	[redacted]	25/7/24	

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Name	Address	Date	Signature
JENNIFER CAMPBELL	[redacted]	22/7/24	

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Name	Address	Date	Signature
Maree MacGregor	[redacted]	28/6/2024	
Finn MacGregor		28/6/24	
STUART MACGREGOR		29/6/24	
Zoe MacGregor		30/6/24	
Angus MacGregor		30/06/2024	Angus MacGregor

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Name Address Date Signature

Barrie Edward Gibson.
[redacted]
Bendigo
29 June 24.
Barrie E Gibson.

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Name	Address	Date	Signature
[redacted]	[redacted]	29/6/24	

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Name Address Date Signature

Jim Lowie
[redacted] Bendigo Vic 3550
29th June, 2024.

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15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded Under Delegation

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

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

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion	Budget
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Contract Term & Options	Budget
CT000706	Provision of Cleaning Services for Bendigo Livestock Exchange	The Green Clean Team Pty Ltd	Rachel Lee	22-Jul-24	Schedule of Rates	36 Months with the option of 1 x 2 years	$50,000 per annum
CT000708	Provision of Public Toilets, Barbeques, Picnic Sets & Dump Point Cleaning Services	Alpha Corporate Property Services Pty Ltd	Andrew Cooney	22-Jul-24	Schedule of Rates	36 Months with the option of an additional 24 months	$525,000.00 per annum
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion / Contract Term & Options	Budget
CT000702	Marong Kindergarten	Franklin & Walsh Builders Pty Ltd	Andrew Cooney	11-Jul-24	$4,161,203.00	193 working days from the commencement on site	$5,500,000.00

15.2. Bendigo Airport Strategic Plan

Author:	Vicki Bayliss, Bendigo Airport Manager
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

The purpose of this report is to provide Council with the Bendigo Airport Strategic Plan 2024 - 2034 for adoption.

Recommended Motion

That Council adopt the Bendigo Airport Strategic Plan 2024 – 2034.

Executive Summary

The Bendigo Airport Strategic Plan 2024 - 2034 (The Plan) has been developed in consultation with members of the Bendigo Airport Stakeholders Committee. The Plan has been structured with four layers, infrastructure, safe and compliant operations, products and services, and financial sustainability. The first three years of actions for each of the layers are included in the plan and it is ready for adoption.

Background

As the largest capacity airport in North Central Victoria, Bendigo Airport serves an extensive region encompassing the centres of Bendigo, Shepparton, Echuca, and Swan Hill, together with smaller centres such as Castlemaine, Deniliquin, Maryborough, Kyabram, and Kerang.

Bendigo Airport is owned and operated by the City.

The current Bendigo Airport Strategic Plan is a five-year strategic plan endorsed in May 2017 with all actions completed. During an internal audit in 2021 an action was identified to review the strategic direction of the Bendigo Airport.

The Plan commenced review in 2022 and was paused until the scope of the business park development was completed. Upon completion of the project The Plan was finalised and is now ready for adoption.

Report

Late in 2021 City staff engaged a consultant, Avistra to work with the Bendigo Airport Stakeholders Committee in reviewing the current and developing the new strategic plan. The review was paused while the scope of the Airport Business Park was determined through the current project.

Avistra led consultation sessions with the Bendigo Airport Stakeholders Committee (BASC) members, as a group and individually. They also met with other users of the site and City staff to help inform the strategic plan and the recommendations. A common theme from the discussions was to find a way to ensure all aviation elements can grow or continue to operate while complementing the current activity. Feedback of an operational nature has not been included in The Plan but will be captured in future capital planning for the site.

The four strategic directions outlined in the 2017 – 2022 Strategic Plan have served the airport and its community well, guiding the delivery of several significant achievements in recent years. The airport has transformed in a relatively short space of time and is on track to deliver significant economic and other benefits to the wider region.

Since the release of the 2017-2022 Strategic Plan these gains include:

- The completion of a new 1600m runway (17/35) built to Category 3C standards.
- Investments in infrastructure to support emergency services operations.
- The introduction of QantasLink daily passenger services to/from Sydney in March 2019, which also saw related terminal renovations.
- The commencement of RMIT flight training program.
- Rental car operator servicing passengers with drop off and pick up available at the airport.
- Café operator providing a range of food and beverage for every departing flight.
- The commencement of a new fuel supplier operating a portable fuel truck.
- Airport certification in March 2019.
- Apron resurfacing – including lengthening.
- New terminal and administration building.
- New landside business park.
- Construction of a helicopter landing site.
- New car park.
- Delivery of services infrastructure.
- 19 new tenants taking up leases to construct hangar facilities.
- Establishment of a leasing strategy.
- Introduction of landing fees for general aviation users.
- Restructure of the BASC

The new Bendigo Airport Strategic Plan 2024 – 2034 seeks to build on the progress made so far and work towards achieving the strategic vision:

"Bendigo Airport is the centre of a connected and active regional transport hub, providing a sustainable social and economic asset for north central Victoria."

The Plan does this through building business capability, services, and financial sustainability in a structured approach. Both aeronautical and non-aeronautical aspects of the business are considered, as is the important role that the airport plays in facilitating essential services for the community.

The Plan is structured in layers and each layer is essential to the operation of a sustainable airport asset that meets the needs of its community.

1. Financial sustainability cannot be pursued without the development of service offerings that are relevant and meet the community's needs.
2. Products and services cannot be sustainably provided unless the airport is operated with effective governance and communication systems, safely, in a manner compliant with all regulatory requirements, and to a level which exceeds customer service expectations.
3. Operations cannot continue without the provision of suitable infrastructure.

When growing an airport business, it is prudent to consider how these aspects form essential layers upon which a safe, best practice and sustainable airport business is based. These considerations are highly relevant for Bendigo Airport given its current state of development and the significant progress and change made to date.

The Plan provides a pragmatic and actionable approach, to support Bendigo Airport management in the continued advancement of the business.

Highlights of the Strategic Plan actions include:

1. Provision for the creation of a robust aviation expansion plan to address both frequency, competition, and destination choice in airline operations to enable 200,000 passengers to pass through the terminal by 2034, grow other aviation activity, including resident/general aviation (GA)/emergency and essential service aviation activity on-site.
2. Implementation of a continuous improvement process, along with optimisation of both the business operations and the team.
3. Continued infrastructure focus around the completion of key projects such as the Business Park stage, and the effective marketing and commercialisation of these key assets to add diverse business offerings and revenue sources.
4. A future-focused approach to further infrastructure and service development, considering changing aviation technologies and trends, and the opportunities which they may present.

Communications/Engagement

Consultation with the current Bendigo Airport Stakeholders Committee members and other airport users occurred in the development of the draft Strategic Plan.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 1 - Lead and govern for all
Outcome 3 - Strong, inclusive and sustainable economy
Outcome 4 - Aboriginal reconciliation
Outcome 5 - A climate resilient and healthy landscape
Outcome 6 - A vibrant, creative community

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making
Goal 3 - Active community engagement and excellence in customer service
Goal 4 - Leadership that sets a standard for good governance and integrity in action, working in partnership with regional Councils
Goal 1 - Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy
Goal 4 - Employment land available for industry expansion and attraction
Goal 5 - A strong vibrant tourism sector
Goal 6 - Improved safe freight networks

Other Reference(s)

Current Strategic Plan - https://www.bendigo.vic.gov.au/about-us/plans-strategies-and-documents/bendigo-airport-strategic-plan

Conflict of Interest

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

Attachments

1. Bendigo Airport Strategic Plan 2024-2034 [**15.2.1** - 28 pages]

DRAFT

Bendigo Airport Strategic Plan 2024-2034

BENDIGO AIRPORT

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Acknowledgement of Country

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country. We acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and future for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples. 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.

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Data dictionary and acronyms

ARO	Aerodrome Reporting Officer
BASC	Bendigo Airport Stakeholders Committee
CASA	Civil Aviation Safety Authority
EDU	Economic Development Unit
EOI	Expressions of Interest
GA	General Aviation
City	City of Greater Bendigo
KPI	Key performance indicator
MRO	Maintenance, repair, and overhaul
RMIT	Royal Melbourne Institute of Technology
RPT	Regular public transport
SWOT	Strengths, weaknesses, opportunities, and threats
Plan	Bendigo Airport Strategic Plan (2024-2034)

1. Overview

1.1 Executive summary

Following the adoption of the Bendigo Airport Strategic Plan 2017 - 2022, Bendigo Airport has made considerable progress in the improvement of airport assets, services, and the business generally.

Bendigo Airport is well located to serve as a transport and service hub for the broader region of North Central Victoria. The Bendigo Airport catchment area spans some of Australia's most productive agricultural and horticultural regions, covering approximately 69,000 square kilometres and home to over 375,000 residents. Greater Bendigo serves as the major regional centre for Northern Victoria and Southern NSW, as a gateway into and from Greater Melbourne. The Bendigo Airport enhances the broader Victorian transport network facilitating the fast and efficient movement of people and goods.

Bendigo Airport Strategic Plan 2024 – 2034 (the Plan) seeks to build on the progress made so far toward achieving the strategic vision:

"Bendigo Airport is the centre of a connected and active regional transport hub, providing a sustainable social and economic asset for north central Victoria."

The Plan does this through building business capability, services, and financial sustainability in a structured approach. Both aeronautical and non-aeronautical aspects of the business are considered, as is the important role that the airport plays in facilitating essential services for the community.

The Plan proves a pragmatic and actionable approach, to support Bendigo Airport management in the continued advancement of the business.

Highlights of the Plan include:

Provision for the creation of a robust aviation expansion plan to address both frequency, competition, and destination choice in airline operations to enable 200,000 passengers to pass through the terminal by 2034, grow other aviation activity, including resident/general aviation (GA)/ emergency and essential service aviation activity on-site.

Implementation of a continuous improvement process, along with optimisation of both the business operations and the team.

Continued infrastructure focus around the completion of key projects such as the Business Park stage, and the effective marketing and commercialisation of these key assets to add diverse business offerings and revenue sources.

A future-focused approach to further infrastructure and service development, considering changing aviation technologies and trends, and the opportunities which they may present.

6.3 details the actions that will help to deliver the first three years of this Plan.

1.2 Purpose and scope

The Plan has been developed to guide investment and decision-making around the strategic direction of the airport over the plan period.

This Plan offers the opportunity to build on the significant achievements and learnings of the preceding Bendigo Airport Strategic Plan 2017 – 2022. It incorporates the needs of an evolving set of stakeholder and community considerations, as well as the changes within the aviation industry and more broadly, the economy.

The Plan provides an updated vision, strategic initiatives and measurable actions that can be actively pursued by the City and other community and industry partners across the life of the plan.

1.3 Methodology

Economic and industry research underpins this document, which considers the existing 2017 – 2022 Strategic Plan, the current state of operations, recent performance/ events, and the future environment of Bendigo Airport.

The Plan has been developed through four phases as described in Figure 1.

See Appendix 1 for the consultation summary with key stakeholders

Figure 1: Methodology

2. Greater Bendigo Region background

2.1 Location

Bendigo is located in the geographic centre of Victoria, around 150km northwest of Melbourne, and 130km from Melbourne Airport, refer to Figure 2 (Regional Development Victoria, 2023). The City of Greater Bendigo (City) covers an area of 3,000 km2 and is home to over 124,000 people. The population has grown at a steady rate of 1.4% pa over the ten years to 2023 (Australia Bureau of Statistics, 2024). Bendigo is the largest urban area in Northern Victoria and Southern New South Wales.

Bendigo operates as an administrative and service centre supplying high-order services in fields such as health, education, finance and banking, advanced manufacturing, food processing, arts and culture, and government services to a broader region of north Victoria. Bendigo is a 2-hour drive to/from Melbourne. Regular Public Transport (RPT) services operate daily to/from Sydney, by QantasLink.

Figure 2: Location of Bendigo and other Victorian towns and cities

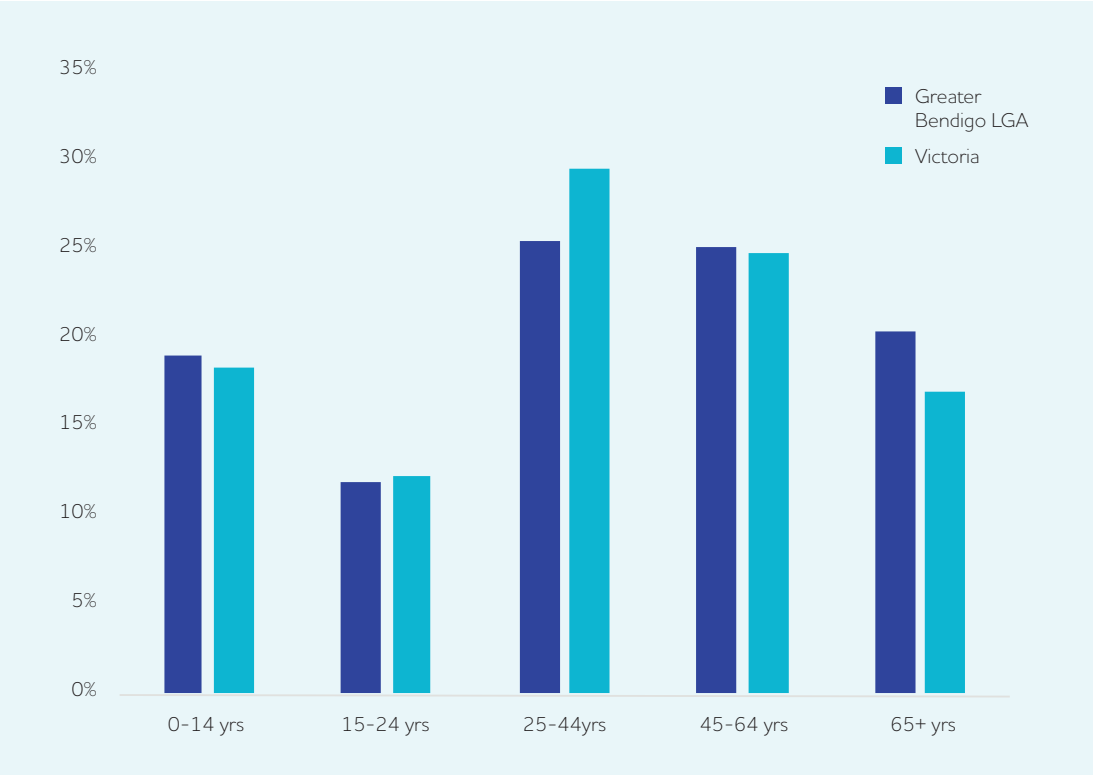


Figure 3: Resident population by age (2021)

The City is one of five municipalities that make up the wider Loddon Mallee South Region. This region covers an area of 14,507km2 and has a population of 219,000.

The network of larger and smaller towns in the Loddon Mallee South Region, most of which connect closely to Bendigo, are central to the Region's unique character. Larger centres such as Gisborne, Kyneton, Castlemaine, and Maryborough function as hubs to smaller surrounding settlements and rural areas.

Bendigo's median age of 40 years is higher than the state average of 38 years, with more than 45% of the population aged over 45.0 years, as seen in Figure 3 (Australian Bureau of Statistics, 2021).

2.2 Economy and industry

The median personal income for the Bendigo Region was $739 per week, compared to the Victorian average of $803 per week (Australian Bureau of Statistics, 2021). The median household income is $75,296 per annum, compared to the state median of $91,468, with 16% of families in Bendigo having a total family income of less than $33,800 per annum (less than Victoria's 19%) per Figure 4 (Australian Bureau of Statistics, 2021).

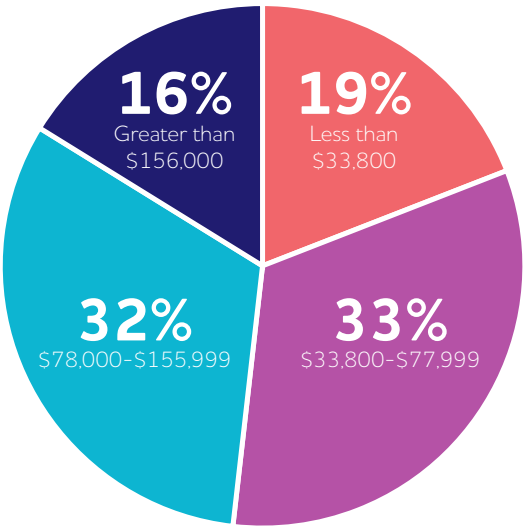


Figure 4: Household Income (2021)

Over the past 5 years, the unemployment rate for Bendigo has ranged from 7.7% in September 2020 down to 3.7% in March 2022. As of December 2023, the unemployment rate was 3.5% compared to Victoria's unemployment rate of 5.8%. Bendigo has been below the state average for unemployment every quarter since December 2019, as can be seen in Figure 5 (Jobs and Skills Australia, 2024).

Bendigo supports 55,242 jobs and 8,937 businesses across a range of diverse industries (REMPLAN, 2023). The main employment sectors are health care and social assistance, retail trade, construction, and education and training. When combined, these sectors account for almost 50% of Bendigo's workforce. Figure 6 (REMPLAN, 2023) shows the top ten sectors in terms of job numbers. Tourism is also a key employer and economic driver for the Region, refer to Section 2.3 for more detail.

The Loddon Mallee South Region has outpaced the rest of Regional Victoria over the past decade in terms of the rate of jobs growth. The key sectors contributing to this have been health, construction, education & training, and accommodation and food services. Agriculture is also an important regional employer, particularly horticulture, viticulture, poultry, and swine. Population-driven sectors are significant to the regional economy. Bendigo has driven much of the economic growth in the wider region, through its function as a regional city.

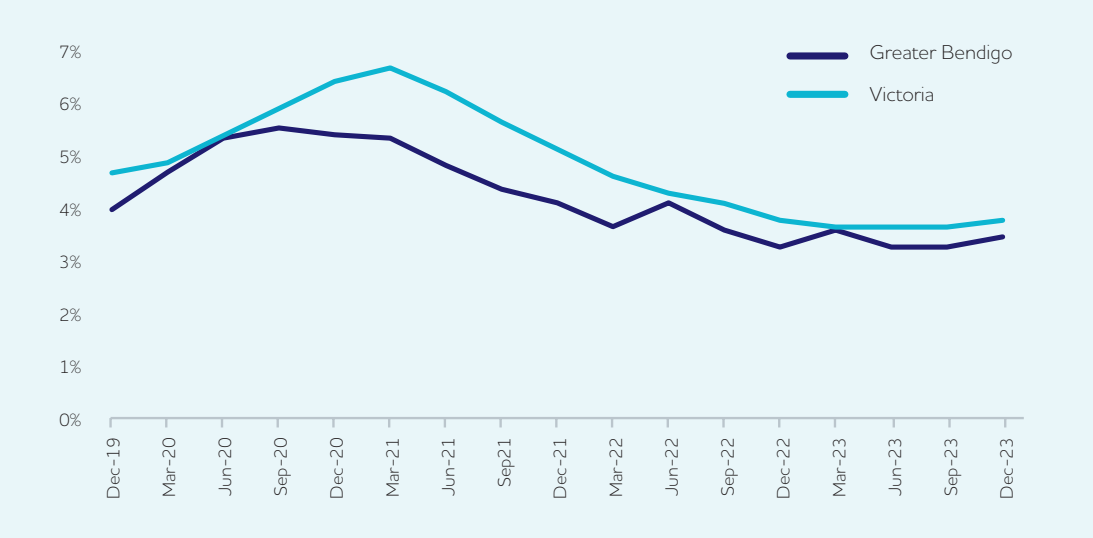


Figure 5: Unemployment rate Bendigo and Victoria

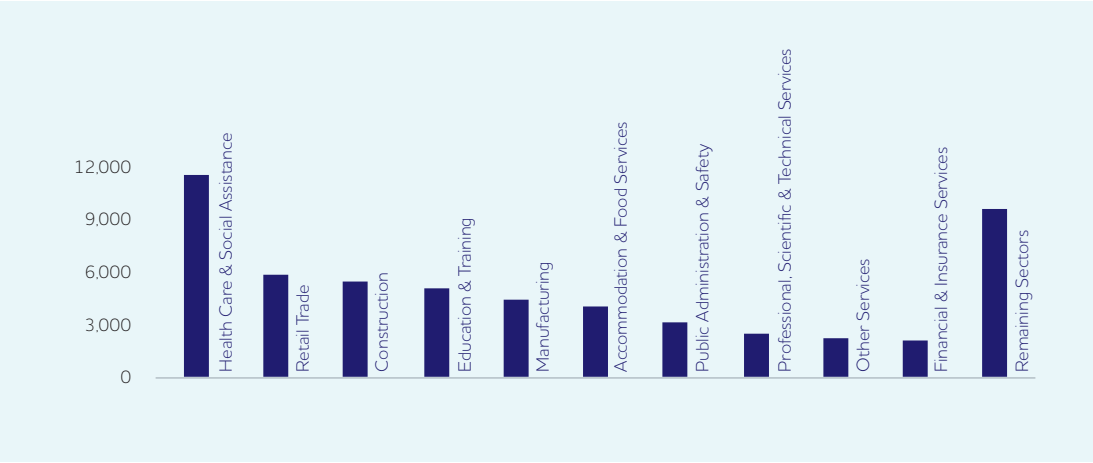


Figure 6: Employment sectors and number of jobs (2021)

2.3 Tourism

The Loddon Mallee South Region is an attractive tourism destination known for its natural assets, landscapes, and popular activities including recreational fishing, bushwalking, cycling and horse riding. Visitors are drawn to the Region for its cultural heritage, attractive towns, food and wine, arts and a variety of festivals and events. In 2019, Bendigo was designated Australia's first UNESCO Creative City and Region of Gastronomy. Our gastronomy story is about growing, sourcing, cooking and sharing food. It is also about how our culture and heritage is represented and shared through what we eat and drink, the places we share meals, and the memories we make around food, family and community. Bendigo Art Gallery and Bendigo Venues and Events teams host various noteworthy events which attract visitors from the surrounding regions, Melbourne and interstate.

For the year ending March 2024, the Bendigo Loddon region reported 1.3 million overnight visitors and a further 2.6 million domestic day-trippers (Victorian Government Department of Jobs, Skills, Industry and Regions, 2024). Domestic visitation, nights, and expenditure plus annual growth can be seen in Table 1. Selected surrounding regions are included for information purposes only, with only Ballarat exhibiting strong annual growth.

Tourism employs an estimated 2,863 people in Greater Bendigo (around 5% of all jobs) and contributes over $500 million (2.5%) of the Region's total estimated output of $20.7 billion (REMPLAN, 2023). The Bendigo Loddon region is estimated to have 1,877 tourism-related businesses as of June 2023 (Victorian Government Department of Jobs, Skills, Industry and Regions, 2024).

Bendigo Loddon region's tourism catchment is largely intrastate rather than interstate or international, with only 16% of overnight tourists (but 26% of nights) coming from interstate by the year ending March 2024 (Victorian Government Department of Jobs, Skills, Industry and Regions, 2024).

As can be seen in Table 2 (Victorian Government Department of Jobs, Skills, Industry and Regions, 2024), domestic overnight visitors to the Bendigo Loddon region spend three times that of day visitors, largely reflecting their accommodation spend. International visitors include both overnight and day visitors, with relatively small numbers.

Prior to commencement of QantasLink services at Bendigo Airport, the tourism promotional budget was focused on intrastate visitation. This has been expanded to interstate markets in support of aviation route development activities.

Of all domestic travel (overnight and day) into the Region, leisure travel, both visiting friends and relatives or holiday-related travel, accounts for 74% of visitors, refer to Figure 7 (Tourism Research Australia, 2021). Almost two-thirds of the total business travel (which accounts for 13% of all visitors) are day trips.

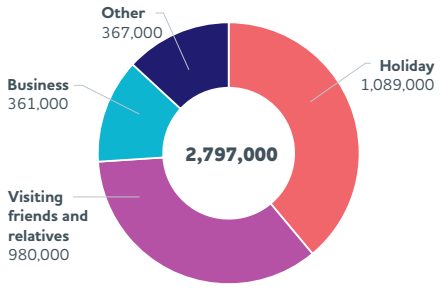


Figure 7: Reasons for Travel to Region (2019)

	OVERNIGHT VISITORS		NIGHTS		SPEND		AVERAGE STAY	
Region	Number of visitors	Annual Change	Number of nights	Annual Change	Total spend $M	Annual Change	Avg length of stay	Avg spend-per visitor
Bendigo Loddon	1,306,635	-7.7%	2,942,377	-5.4%	$544.3	-17.0%	2.3 days	$417
Ballarat	998,242	25.6%	2,191,154	35.1%	$451.7	13.5%	2.2 days	$453
Central Murray	896,297	7.8%	2,523,849	15.5%	$454.1	0.9%	2.8 days	$507

Table 1: Overnight visitation, nights and expenditure (YE March 2024)

	NUMBER OF VISITORS	SPEND PER VISITOR	SPEND PER NIGHT
Domestic Overnight Visitors	1,306,635	$417	$185
Domestic Day Visitors	2,629,085	$139	N/A
International Visitors	19,300	Not Published	Not Published
Total	3,955,021	-	-

Table 2: Visitation and Spend

3. Bendigo Airport background

3.1 Ownership, management and governance

Bendigo Airport is owned and operated by the City. The airport has a full-time Airport Manager, and a team of four Aerodrome Reporting Officers (AROs) responsible for conducting daily aerodrome serviceability inspections.

The Bendigo Airport Stakeholders Committee (BASC) provides regular support and feedback, creating an alignment between the City's economic vision for the airport and specialist community, aviation, and airport needs. BASC meets every quarter, and consists of representatives from the City, tenants, emergency services, flight training provider, general users and local business representative. The purpose of the BASC is to advise the City on:

- Current and emerging issues as they relate to the future direction of the airport
- Partnerships and communication networks, to ensure the effective dissemination of information and coordinated sector advice; and
- The development of strategy, policy, and advocacy about the airport

3.2 Catchment and road/rail links

As the largest capacity airport in north central Victoria, Bendigo Airport serves an extensive region encompassing the centres of Bendigo, Shepparton, Echuca, and Swan Hill, together with smaller centres such as Castlemaine, Deniliquin, Maryborough, Kyabram, and Kerang.

The Calder transport corridor, encompassing both road and rail, is the key transport spine in the Region, providing access to Melbourne and southern Victoria, Mildura and North-West Victoria, and through to Adelaide – refer to Figure 8 (Victoria's rail infrastructure 2023). Local infrastructure investments completed over the past decade, including upgrades to the Calder Freeway and Bendigo Rail Line, have encouraged the growth of towns and communities along the corridor.

Other key road and rail links include:

- Northern and Sunraysia Highways - providing strategic routes to intra-regional cities such as Ballarat and Geelong
- Midland Highway - a north-south link between the Hume Freeway and the Port of Geelong via Benalla, Shepparton, Bendigo, and Ballarat
- McIvor Highway - linking Bendigo with Kilmore and Melbourne
- Wimmera Highway - linking Bendigo to Horsham and South Australia
- Bendigo Rail Line – providing commuters with access to larger centres for education and employment, and a range of higher-order services

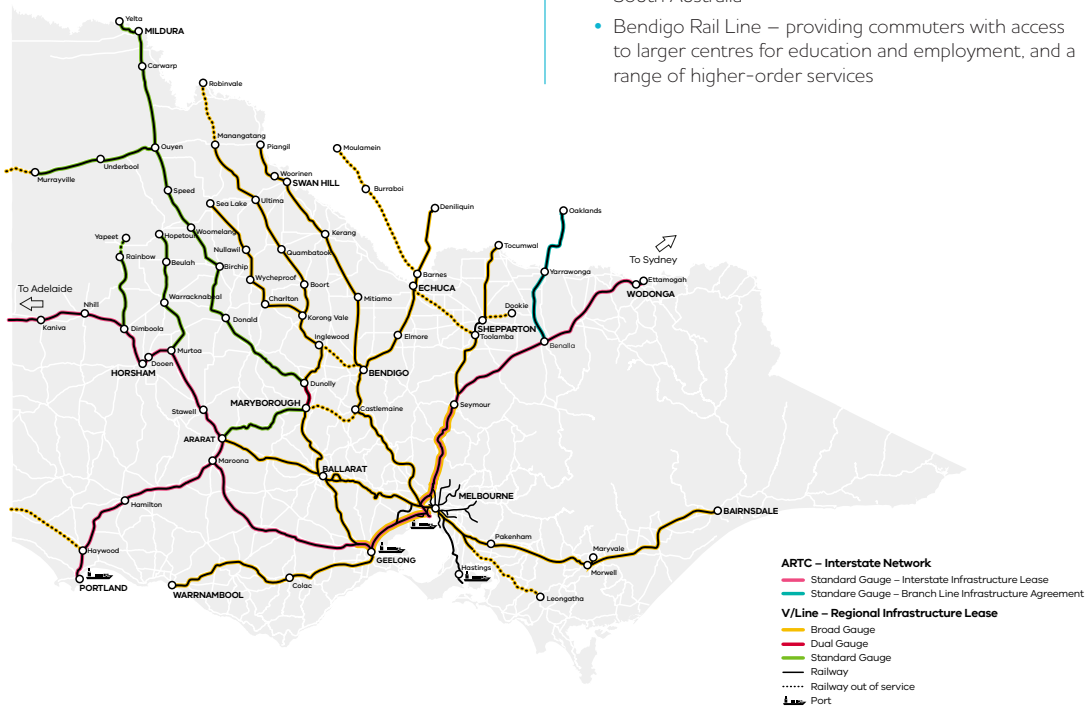


Figure 8: Victorian Regional Freight Network

The extensive road and rail network across the Region provides an efficient freight transport network that supports the regional economy. Calder Freeway between Melbourne and Bendigo is a designated route for high productivity freight vehicles. As future freight grows, amenity issues in the centre of Bendigo may need to be reviewed and managed, as noted in 2014, in the Loddon Mallee South Regional Growth Plan.

The airport and its surrounding land assets are suitable for the development of freight facilities that offer synergies with aviation services and may offer Bendigo Airport future revenue stream opportunities. For example, express freight, pharmaceutical freight, pet freight and other high value, low volume freight services, typical of air freight both on small domestic freight aircraft and as carried on RPT services. The consolidation and growth of freight capabilities will support future aviation business case development.

The City has completed stage one of the Bendigo Airport redevelopment, which included a new terminal building, car park, nine business park lots, services infrastructure and expanded apron. Stage 2 of the development will include a business park consisting of 14 airside lots and associated taxiways, six landside lots and an extended car park.

Figure 9: New terminal building

3.3 Achievements since 2017

Significant gains have been made in establishing the role of Bendigo Airport as a key transport hub for the Region. Since the release of the 2017-2022 Strategic Plan these gains include:

- The completion of a new 1600m runway (17/35) built to Category 3C standards
- Investments in infrastructure to support emergency services operations
- The introduction of QantasLink daily passenger services to/from Sydney in March 2019, which also saw related terminal renovations
- The commencement of RMIT flight training program
- Rental car operator servicing passengers with drop off and pick up available at the airport
- Café operator providing a range of food and beverage for every departing flight
- The commencement of a new fuel supplier operating a portable fuel truck
- Airport certification in March 2019
- Apron resurfacing – including lengthening
- New terminal and administration building
- New landside business park
- Construction of a helicopter landing site
- New car park
- Delivery of services infrastructure
- 19 new tenants taking up leases to construct hangar facilities
- Establishment of a leasing strategy
- Introduction of landing fees for General Aviation (GA)
- Restructure of the BASC

Figure 10:
QantasLink Dash 8 (300 series)

All aircraft images shown are correct as at the date of publication, aircrafts may be subject to change in the future.

3.4 Operational status and capability

Bendigo Airport is suitable for current operations and has already planned and executed key infrastructure improvements to support the growth of aviation services and property assets.

The airport has a main runway that is sealed and suitable for use by Code 3C aircraft. A shorter cross runway, also sealed and suited to light aircraft use.

Some constraints exist over the future development of both the aviation business and property assets. These include:

- Obstacle limitation surface provisions related to the shorter runway constrain opportunities for the development of some land assets.
- The presence of the cross runway has implications for the ability to develop land around the airport. This should be weighed against the operational need for the cross runway.
- The length of the main runway is 1600m and has limitations around the size of aircraft that it can accommodate – over time this may constrain the growth of the airport's air services.
- Current Code C Apron (servicing both RPT & Emergency Services) lacks capacity to service the existing Terminal (only 2 parking bays servicing 3 departure gates), whilst leaving no room for Emergency Services operations at peak times.
- The existence of forests to the North, South and East of the main runway creates obstacles that require constant management.
- Limited land surrounding the airport which is suitable for further development.

The airport does not have a current Master Plan to provide for the ongoing operationalisation of the airport's Strategic Plan and to guide the safeguarding and future development of relevant assets.

An assessment of the airport's operational capacity is provided in Appendix 2: Airport Operational Assessment.

Figure 11: Bendigo Airport

Figure 12: Proposed Business Park Expansion

3.5 Property assets overview

Two developable land assets have been identified by the City consisting of parcels to the west of the existing terminal building. Stage 1 has been developed and includes the new car park and nine business park lots (green) as shown in Figure 12. The future Stage 2 development of the Business Park includes 14 Airside lots (light orange) including taxiway infrastructure and six Landside lots (red) as shown in Figure 12. Airside lots and taxiways are planned to accommodate a mix of Code A and B aircraft.

3.6 Regional and State Development Plans that affect the Airport

Planning, development and approval processes at Victorian airports and their vicinities (excluding Commonwealth owned Airports or Defence airbases which have separate provisions) are subject to the following state legislation:

- Planning and Environment Act 1987
- Building Act 1993
- Environmental Effects Act 1978

Further, specific regional planning schemes address regional airport-related issues through:

- The Planning Policy Framework (Clause 18.02-7S Airports and airfields)
- Zone and overlay provisions (e.g. Airport Environs Overlay, Design and Development Overlay)
- The Local Planning Policy Framework of some planning schemes
- Specific Provisions (Clause 52.15 Heliport and Helicopter Landing Site)

The Greater Bendigo Planning Scheme includes various specific references and provisions for Bendigo Airport. These include strategic support for new industries that are compatible with airport operations at the Bendigo Airport Business Park Special Use Zone. It supports upgrades at the airport to improve access and infrastructure for emergency services.

The overall planning strategy for Bendigo Airport per Schedule 18.02-7L of the Scheme is:

- Protect the operations of the airport for emergency services, and private and commercial flight activity, including flight training, recreation, and charter operations
- Facilitate the development of a new Business Park at Bendigo Airport for airport-compatible uses
- Avoid structures and buildings that will encroach on the airspace of Bendigo Airport and adversely impact aircraft movement and airport operations

3.7 Trends and drivers of change 2024 - 2034

The drivers of change over the next 10 years cover a variety of areas, including, but not limited to:

- Local business travel (outbound) – currently to Sydney and connecting through fares only, and given Melbourne is a short road trip, then future business travel of scale would likely be centred on other Australian capital cities
- Local leisure travel (inbound and outbound) – currently Sydney and connecting through fares, but other non-capital city destinations open potential opportunities for two-way tourism, especially to coastal regions
- Other specific travel needs of sectors and/or users – including GA, emergency services, and flight training providers (both commercial and educational). Bendigo Airport currently serves all these users, it is expected that the activities undertaken by these users will not only continue but expand in the future
- Economic development growth in the wider north central Victoria area
- Population growth in the Greater Bendigo Region is projected to be 211,000 by 2056
- Operations of Bendigo Airport – ensuring continued regulatory compliance as a recently certified airport, especially security (including fencing), safety, noise, and environmental monitoring
- Project management and successful delivery of future planned airport developments, especially future stages of the Business Park
- Aviation Training growth and development, including fixed and rotary pilots, aircraft engineers and other related fields
- Ongoing development of additional and diverse revenue streams to ensure financial sustainability
- Aviation industry developments and technological change in response to combating climate change – e.g. the electrification of air transport, and sustainable aviation fuels
- The emergence of low-cost, personal aviation solutions such as electric vertical take-off and landing aircraft, over the next 10 years
- The adoption and transition towards autonomous flight systems in both passenger and freight transport systems
- Continued increase in e-commerce-related freight tasks
- Bendigo is the home of multiple major tourism attractions and sporting facilities. This creates opportunities for Bendigo in terms of passenger flight expansion and the potential to attract project funding to support the growth and development of the airport.

4. Strategic Plan 2017 – 2022 assessment

4.1 Strategic Directions summary

The 2017 – 2022 Plan included four strategic directions, and the City and Bendigo Airport have successfully implemented many of the initiatives outlined in the preceding strategic plan. Some initiatives and activities are still underway, and an update is provided below.

The four strategic directions outlined in the 2017 – 2022 Strategic Plan have served the airport and its community well, guiding the delivery of several significant achievements in recent years. The airport has transformed in a relatively short space of time and is on track to deliver significant economic and other benefits to the wider region.

The new strategic Plan 2024–2034 builds on these four strategic directions, drawing on the first strategic direction, a connected and active regional transport hub to provide a united strategic vision for the airport and the City.

Strategic direction	Aim	Summary comments	Status
Connected and active regional transport hub	Repositioning the asset, via infrastructure investment, to a transport hub that links passengers and freight within the Loddon Campaspe Region to national and international destinations. This direction covers a sustainable and dependable RPT service and appropriate facilities in Precinct 2 (including a terminal building), attracting tenants into Precinct 1 (GA, including hangars and maintenance) and investment opportunities in Precinct 3 (Business Park and commercial activities).	RPT services (daily QantasLink to/from Sydney) commenced in March 2019. Funding for the Terminal Redevelopment and Business Park was approved in January 2022 with Stage 1 of the Business Park completed in 2024.	Successful, outcomes delivered
Transformative operations and project delivery	Ensuring Bendigo Airport meets regulatory compliance standards as it transitions from a registered airport to a certified airport (with increased Civil Aviation Safety Authority (CASA) involvement) – this is fundamental to managing ongoing operations and attracting new investment. Adaptive resourcing strategies will be required to support the increasing level and complexity of operational intensity across the airport. Further, the future development of the Business Park will need to ensure it overcomes site constraints, particularly the provision of adequate infrastructure services.	The airport received CASA certification in March 2019. Business Park Redevelopment design has been completed with nine landside business lots ready for leasing.	Successful, outcomes delivered.
Ongoing financial viability	Bendigo Airport must operate with a sustainable economic focus and be financially viable in the long term. Implementing the Stage 2 Bendigo Airport Redevelopment Business Case is at the core of this strategic direction, to ensure that government investment and forecast operational expenditure is matched by income growth with a focus on RPT-related revenue. Revenue from existing tenants also provides an important annual contribution to Bendigo Airport's operations. The Stage 2 Business Case identified RPT and leasing revenue streams as the primary opportunity for revenue creation at Bendigo Airport, generated through this new service.	RPT revenue has assisted with ongoing financial viability. GA fee structure implemented. Initial nine business park lots developed.	Successful, outcomes delivered.
Governance for the future	Good governance is imperative in operating a financially sustainable, flexible organisation in line with the needs of the community now and for the years to come. The current operational structure resides within the City, supported by BASC. It has been recognised that there is a need for specialist skills, specifically to support the transition of Bendigo Airport to reach RPT capacity and drive commercialisation.	Strategic Governance Review commenced in 2021, comparison to other Airports is ongoing. Airport staffing was restructured including the appointment of a new full time Airport Manager in June 2021.	Successful, outcomes delivered.

Table 3: Assessment of previous Strategic Plan

5. Strengths, weaknesses, opportunities, and threats

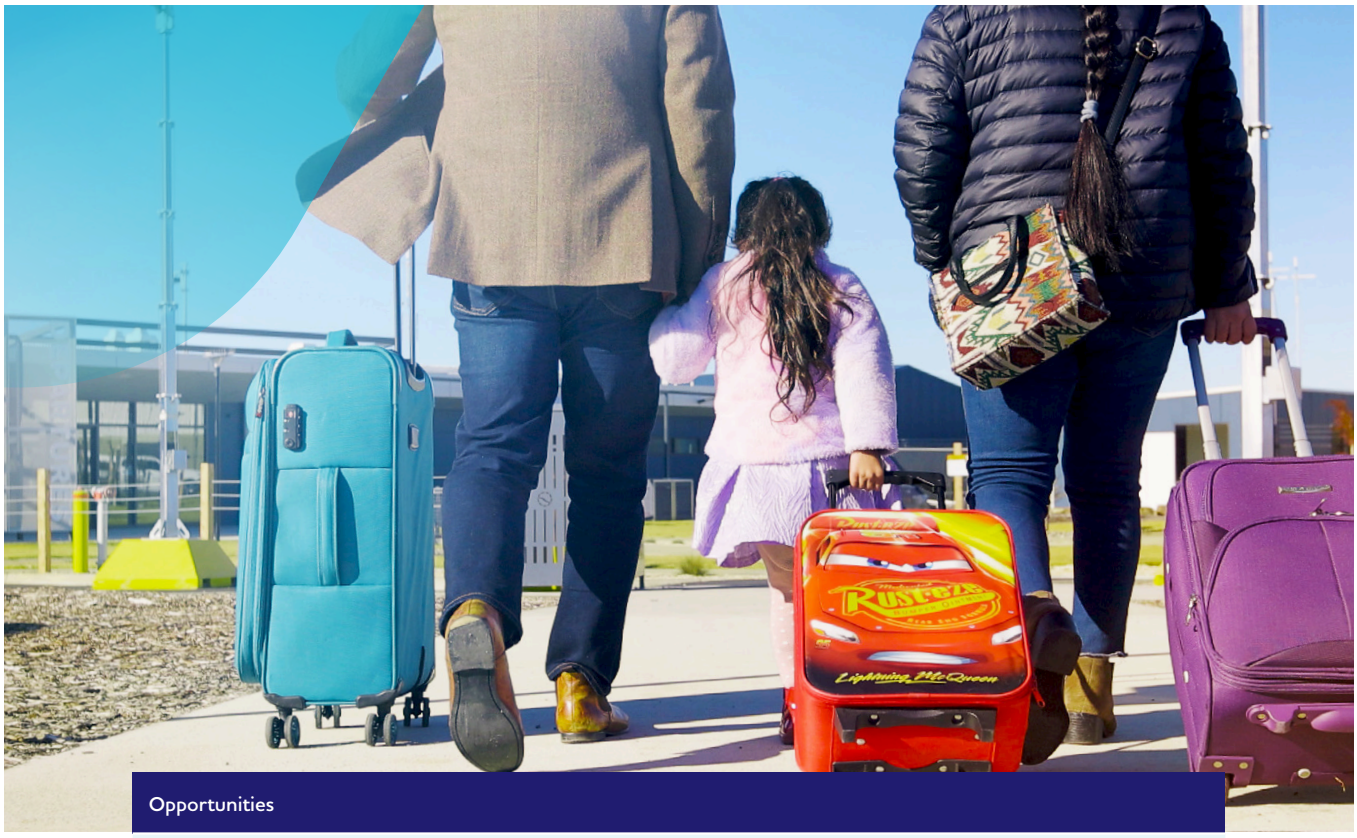
The SWOT summary in Table 4, Table 5, Table 6, and Table 7 focuses on Bendigo Airport and its location within the Greater Bendigo Region.

Strengths
Suitable location close (6km) to Bendigo City Centre.
Bendigo is at the centre of a broader, regional road network, serving a large regional area.
Proximity to Melbourne with strong transport links to the Calder transport corridor, increasing the movement of people and goods.
Strong momentum in recent years: RPT services introduction, airport certification, awarded Australian Airport Association's Small Regional Airport of the Year in 2019.
Aircraft movement infrastructure appears sufficient to meet the standard operational needs of most RPT aircraft operating routinely in regional Australia.
The passenger terminal has been built to accommodate an upgrade of the airport's security status to being a security-controlled airport with passenger screening facilities.
Current infrastructure, plus Business Park Development, suggest sufficient capacity to accommodate more tenants and traffic levels as reasonably anticipated over the next 10 years.
RPT daily direct service to/from Sydney provides significant travel time benefits to passengers (versus driving to Melbourne Airport) and connecting flights to anywhere in the world.
A diverse range of aviation users, especially flight training (Royal Melbourne Institute of Technology (RMIT), Bendigo Flying Club) and a strong emergency services presence on-site or nearby.
Unencumbered by military exercises or airspace.
Capacity to accommodate more tenants – some existing/easily developed sites at the northern end of the existing GA area, with large additional land parcels to the west of the current Terminal (identified for the future Business Park). Nine lots are already available for leasing.
The strong, growing local economy and population.
The airport appears well engaged with the local community. In November 2023, the airport ran a large survey across key businesses to gauge community needs and views.
Unique and diverse tourism experiences across the Greater Bendigo (and wider) Region.
Strong airport and operations team support by the City.

Table 4: Bendigo Airport strengths

Weaknesses
Only one RPT destination and one airline currently operating passenger flights.
Infrastructure (both aviation and civil) in some areas is ageing or non-existent. Recent investment upgraded trunk infrastructure, connections are still needed in some areas.
Local tourism product has not been consistently marketed beyond Melbourne and Regional Victoria.
A growing population, no significant inbound air business travel given the proximity to Melbourne Airport and no direct connections to capital cities (other than Sydney).
Funding, especially for major projects, is heavily dependent on contributions from the government.
The airport is not currently profitable.
The airport is not able to fully accommodate the needs of all aviation users, resulting in the leakage of some commercial aircraft to other facilities due to infrastructure constraints.
The airport does not currently have a comprehensive Master Plan to guide future development of the airport's land assets while safeguarding the future operational scope of the airport.
While significant gains have been made in establishing an initial airline service, the airport does not have a detailed plan around how to strategically grow the RPT airline services at the airport, or the detailed market research required to underpin best practice aviation business case development and airline pitches.
Limited flight connections are available beyond Sydney due to a limited number of flights available ex Bendigo to Sydney.

Table 5: Bendigo Airport weaknesses



Opportunities
Develop further airline services.
Leverage current presence and central location to become a hub for emergency services operations including training – most existing services have additional aircraft based at other airports or rely on mobile truck transfers for supplies e.g. fire retardant.
Government funding programs are aligned to applications with emergency services, regional aviation development, regional economic development, and decarbonisation of the economy.
Position the Business Park as a potential express freight and logistics precinct.
Position the airport as a future-fit facility, capable of accommodating all emerging aviation types and supporting the evolution of decarbonised aviation.
Continue to develop ancillary revenue streams such as increased advertising, retail tenancies, renewable energy generation and distribution, other airside services (ground handling, aircraft refuelling) and niche parking products – car dealership or rental parking/storage etc.
Continue to work with tourism bodies, tourism product distribution channels and the City to continue to promote Bendigo as a fly-in destination in markets where airline services are secured (such as Sydney, currently).
Leverage current (and growing) flight training operations to attract further tenancies and operations on airport.
Grow a diverse and strong GA community on the airport, and the associated supply chain and tenancies.
Attract GA visitation (day trips, overnight fly-ins etc) to the airport and to Bendigo.
Longer-term (5 - 10 years) opportunities may exist for emerging aviation technology operations at Bendigo.
Work with commercial operators to identify key infrastructure and process improvements that may lead to increased capture of commercial operations at Bendigo.
Promote Bendigo Airport to aircraft operators as an opportunity to build resilience in regional aircraft operations by diversifying operational bases across numerous sites.

Table 6: Bendigo Airport opportunities

Threats
Strong road connections to Melbourne limits domestic air freight and some RPT opportunities.
While historically, or currently, not an issue for Bendigo, complaints from nearby residents (e.g. noise and traffic congestion) are an ever-present threat at airports, especially with increased RPT and other flight movements, and/or a new Business Park. Complaints have occurred recently regarding flight training operations at other Victorian small airports (Moorabbin and Point Cook).
Nearby airports which have fewer infrastructure limitations, and the capacity to handle larger aircraft, may target similar operational sectors (for example, emergency services).
Other locations with a greater ability to accommodate emerging aircraft types may position themselves to capture this market ahead of Bendigo Airport (noting that many of these aircraft types do not require a runway to land).
Potential loss of current aircraft operator tenants to other facilities with fewer infrastructure limitations.
Potential loss of resident aircraft operations to other facilities who have infrastructure better suited to emerging fleet types, especially beyond 2026.

Table 7: Bendigo Airport threats

6 Strategic vision and Strategic Plan 2024 – 2034

6.1 Strategic vision

Bendigo Airport 2024-2034 Strategic Vision:

"Bendigo Airport is the centre of a connected and active regional transport hub, providing a sustainable social and economic asset for north central Victoria."

Figure 13: Bendigo Airport 2024 - 2034 Strategic Vision

The various activities occurring at the airport are united under this strategic vision. The vision statement is also used as a guiding statement when considering new opportunities that may arise in the future.

The Plan is a living document, subject to internal review and updating on a three yearly basis.

6.2 Strategic Plan structure

The Plan provides a layered progression of infrastructure development, operational safety and compliance, to product and service development, sustainability and profitability. It accommodates the previous strategic directions with a new framework that articulates the essential role of infrastructure and operations as the foundations upon which air services and airport financial sustainability are built. The strategic layers which make up this model and a statement that captures the City's intent at each layer is expressed in Figure 14, below.

LAYER 1: **Infrastructure**	Bendigo Airport provides fit for purpose infrastructure designed to meet the current and future needs of communities across north central Victoria.
LAYER 2: **Safe and compliant operations**	Bendigo Airport always prioritises safety and operation compliance and cultivates a culture of positive communication and accountability through strong governance practices. Bendigo Airport always exceeds customer service expectations.
LAYER 3: **Products and services**	Bendigo Airport is a connected and active regional transport hub with aviation services, property offerings and other products and services designed to support the social and economic vitality of north central Victoria.
LAYER 4: **Financial sustainability**	Bendigo Airport is operated efficiently, providing a sustainable social and economic asset which meets the needs of north central Victorian communities while providing a return on investment to City of Greater Bendigo.

Figure 14: Strategic plan structure

Each layer of this structure is essential to the operation of a sustainable airport asset that meets the needs of its community.

1. Financial sustainability cannot be pursued without the development of service offerings that are relevant and meet the community's needs.
2. Products and services cannot be sustainably provided unless the airport is operated with effective governance and communication systems, safely, in a manner compliant with all regulatory requirements, and to a level which exceeds customer service expectations.
3. Operations cannot continue without the provision of suitable infrastructure.

When growing an airport business, it is prudent to consider how these four aspects form essential layers upon which a safe, best practice and sustainable airport business is based. These considerations are highly relevant for Bendigo Airport given its current state of development and the significant progress and change made to date.

6.3 Strategic Plan 2024 – 2034 key initiatives

Key initiatives identified for the first three years of this Plan are detailed below. This action plan will be reviewed and refreshed every three years after adoption.

Layer 1: Infrastructure

Bendigo Airport provides fit-for-purpose infrastructure designed to meet the current and future needs of communities across north central Victoria.

Future infrastructure projects to enable the growth and development of the airport in the next three years have been identified.

In addition to the recommended projects, Bendigo Airport will commence a regular biannual review of infrastructure, seeking to identify and plan for emerging needs well in advance.

In order to support the ongoing operationalisation of the airport's Strategic Plan, protect the aerodrome from incompatible development and unlock the best use of land while planning for the future aviation infrastructure needs, the City will undertake a Master Plan for the airport.

Action	Measurable	Year
Install the car park boom gates, subject to funding.	Project delivered	2
Deliver Stage 2 of the business park development.	Project delivered	3
Undertake the development of an airport master plan.	Master plan adopted	All
Undertake six-monthly reviews of aerodrome infrastructure to determine suitability and condition of infrastructure to form a 12-month maintenance program.	Reviews completed and actions implemented	All

Table 8: Layer 1: Infrastructure

Layer 2: Safe and compliant operations

Bendigo Airport always prioritises safety and operational compliance and cultivates a culture of positive communication and accountability through strong governance practices. Bendigo Airport always exceeds customer service expectations.

Safe, compliant operations and a high level of customer service have their foundations in good governance, culture and positive communications. At the heart of this lies a commitment to continuous improvement in all aspects of the business.

Action	Measurable	Year
Implement processes for reporting, tracking and actioning any safety, environment, quality and regulatory issues.	Six monthly reports to the Management Review Committee	1
Assess new legislation against current operations and infrastructure and implement any necessary changes.	Assessed and implemented	All

Table 9: Layer 2: Safe and complaint operations

Layer 3: Products and services

Bendigo Airport is a connected and active regional transport hub with aviation services, property offerings and other products and services designed to support the social and economic vitality of north central Victoria.

Bendigo Airport currently has Qantas operating a daily service between Bendigo and Sydney. To achieve the goal of enabling 200,000 passengers to pass through the terminal by 2034 an aviation expansion plan will be developed to guide the airline attraction and additional destination growth plans. Targeted marketing and advertising will be planned and implemented to attract usage of all passenger services.

Action	Measurable	Year
Develop an aviation expansion plan, with a view to enabling 200,000 passengers to pass through the terminal by 2034.	Aviation expansion plan created and implemented	1
Develop a business attraction plan to lease the nine-landside business park lots.	Attraction plan created	2
Develop an enhanced emergency services hub to support an improved response to emergency situations to the region.	Regular meetings with emergency service agencies	All
Explore the creation possibility of a freight hub in the business park.	Meet with one freight company each quarter	All
Plan for future aviation trends and opportunities e.g. Advanced Air Mobility, drones, new propulsion methods such as electric, hybrid-electric and hydrogen fuel cell systems etc.	Prepare for changes in technology	All
Promote the passenger services to increase bookings.	Increase in passenger numbers each year	All

Table 10: Layer 3: Products and Services

Layer 4: Financial sustainability

Bendigo Airport is operated efficiently, providing a sustainable social and economic asset that meets the needs of the North Central Victorian communities while providing a return on investment to the City of Greater Bendigo.

Over the last five-years, Bendigo Airport has changed significantly. Its future focus is the optimisation of its business performance through growing and diversifying future income streams.

Action	Measurable	Year
Review the Conditions of Use Policy.	Annual review completed	All
Encourage alternative income streams and diverse businesses to relocate within the airport and business park.	Increase in airport tenants	All
Fully account for precinct income and costs.	Annual reporting complete	All

Table 11: Layer 4: Financial sustainability

Appendix 1: Consultation summary

Consultation has been conducted with a wide range of stakeholders, both external and internal, covering both the stakeholders identified in the project briefing document, as well as others who were separately identified. Consultation has occurred with representatives from the following groups:

- BASC – as a group
- BASC – individual member 1:1s, representing a diverse range of operations (GA operators, hangar owners, Flying Club, Flying educators, Bendigo Business Chamber, and local businesses)
- Major tenants – Flying Club, RMIT, emergency services (Ambulance Victoria, and Department of Environment, Land Water and Planning)
- Other organisations who have a presence at the airport (Fire Rescue Victoria)
- Additional leaseholders and on-airport operators
- Regional Development Victoria
- Airport management team
- Airport team members

Key stakeholders reviewed and endorsed the draft Strategic Plan, and their recommendations have been integrated throughout the plan as appropriate.

Appendix 2: Airport operational assessment

Runways	Bendigo Airport has two sealed runways: Runway 17/35 is the main runway, 1600m long x 30m wide, suitable for code 3C aircraft operations (subject to pavement strength). Runway 05/23 is the shorter sealed runway, 767m long x 18m wide, generally used for light aircraft and flight training.
Runway pavements	Runway 17/35 has a Pavement Classification Number of 21, suitable for some code 3C aircraft without restriction and other larger code 3C aircraft under applicable pavement concession. Runway 05/23 is suitable for aircraft with a maximum take-off weight of up to 5700kg.
Taxiways	Current taxiway infrastructure can accommodate up to code C aircraft. Lighter taxiways are planned for the future Business Park development.
Parking aprons	The main parking apron has the capacity for up to two code C aircraft.
Hangar facilities	Hangar facilities are available for various sized aircraft up to approx. code B size (with the proposed Business Park a mix of code A and B).
Aerodrome lighting	The aerodrome ground lighting systems are suitable for current operations and include single-sided Precision Approach Path Indicator lights on runway 17/35.
Fuel	Jet A1 fuel is available and delivered by a self-serve hydrant system and a mobile fuel truck service.
Ground support equipment	There is ground support equipment available for the current scope of operations.
Navigation and approach aids	Bendigo Airport is served by satellite-based non-precision instrument approaches to the main runway 17/35.
Freight facilities	There are no dedicated freight facilities as there is little current demand for freight. While there is a small shed located near the passenger terminal building, this is used for the storage of other equipment.
Landside road and civil infrastructure	Bendigo Airport is served by landside road and civil infrastructure that is adequate for its current scope of operations.
Aerodrome rescue and firefighting services	An Aerodrome Rescue and Firefighting Service is not provided and is not likely to be required during the planning horizon.
Air traffic control and airspace	Bendigo Airport is in non-controlled Class G airspace and does not have an Air Traffic Control tower service. The surrounding airspace is appropriate for current operations and will not restrict the operation of larger aircraft in the future.
Transport security	Bendigo Airport is a security-controlled airport.

Appendix 3: List of References

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BENDIGO
AIRPORT

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15.3. Audit and Risk Committee - Appointment of independent members

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

Purpose

To recommend the appointment of two independent members to the Audit and Risk Committee (**Committee**).

Recommended Motion

That Council appoint:

1. Robert Stephenson to the position of independent member on the Committee for a second three-year term from October 1, 2024 to September 30, 2027.
2. Judith Holt to the position of independent member on the Committee for a three-year term from October 1, 2024 to September 30, 2027.

Executive Summary

Robert Stephenson was appointed as an independent member on the Committee from October 1, 2021 to September 30, 2024. Mr Stephenson is recommended for a second three-year term.

Jovana Obradovic-Tantra has completed two terms as an independent member resulting in a vacancy. As set out in the Committee Charter, the vacant position was advertised externally. Following a thorough recruitment process, which included a formal interview, Judith Holt has been recommended by the interview panel as the preferred candidate for the vacant position.

Background

In accordance with the *Local Government Act 2020* (Vic), Committee members must include members who are Councillors of the Council and consist of a majority of members who are not Councillors and collectively have:

- expertise in financial management and risk;
- experience in public sector management; and
- are not a member of Council staff.

The Charter sets out the Committee comprises seven members, which includes three Councillors and four independent external members who are appointed by Council.

The current independent external members are:

Name	Term
Jovana Obradovic-Tantra (Chair)	1. 1 October 2018 – 30 September 2021 2. 1 October 2021 – 30 September 2024
Stephen Brown	1. 1 October 2020 – 30 September 2023 2. 1 October 2023 – 30 September 2026
Dan Butel	1. 1 October 2023 – 30 September 2026
Robert Stephenson	1. 1 October 2021 – 30 September 2024

Report

Reappointment - Robert Stephenson

Robert Stephenson will conclude his first three-year term on the 30 September 2024 and has confirmed he would like to be reappointed for a second term.

Section 3.1.1 of the Charter provides he may be reappointed for one additional term subject to satisfactory performance. Jovana Obradovic-Tantra, Committee Chair, in conjunction with Jess Howard, Director Corporate Performance, has undertaken a formal review of performance and independence and recommended Mr Stephenson's reappointment for a further term.

Mr Stephenson is a qualified accountant, with broad experience during more than thirty years employed in professional roles in Bendigo. His roles have included public accounting, non-bank finance and member-service sectors, including as Head of La Trobe University's Bendigo Campus and as Interim CEO of Be.Bendigo. He is a Fellow of the Royal Society of Arts, CPA Australia and Institute of Managers and Leaders, and a Member of Australian Institute of Company Directors and International Leadership Association.

New Appointment - Judith Holt

Jovana Obradovic-Tantra has completed two terms and in accordance with the Charter the position was publicly advertised, and a recruitment process undertaken with interviews of potential candidates by a panel consisting of the Chairperson, Mayor, and Chief Executive Officer. The panel recommends the appointment of Judith Holt.

Ms Holt has worked in local government for 30 years as a finance and governance professional, holding senior management and executive positions for 20 years at the Loddon Shire Council, three years at Mount Alexander Shire Council, and two years at Coliban Water. She holds a Bachelor of Business (Accounting Major), Graduate Diploma of Applied Corporate Governance and Graduate Certificate of Risk

Management. She is a fellow member of the Governance Institute of Australia and a Member of Australian Institute of Company Directors and a current Board Director of CVGT Australia and GWM Water.

Communications/Engagement

This position was advertised externally in the Bendigo Advertiser, on the City of Greater Bendigo website and on the Australian Institute of Company Directors website. Following advertising, a competitive recruitment process took place.

Financial Sustainability

The independent members of the Audit and Risk Committee are remunerated $875+GST per meeting for attendance. This position is budgeted each year on an ongoing basis, with 4-5 meetings held each year.

Policy Context

Primary Council Plan Reference

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

- Outcome 1 - Lead and govern for all
    - Goal 1 - Accountable, financially responsible, equitable, transparent decision making

Other Reference(s)

Audit and Risk Committee Charter

Conflict of Interest

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

Attachments

Nil

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. Lot 1 Bradleys Lane, Heathcote 3523 - Construction of a Dwelling and Removal of Native Vegetation

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

Summary/Purpose

Application No:	DR/47/2022
Applicant:	Building Issues
Land:	Lot 1 Bradleys Lane, Heathcote 3523
Zoning:	Rural Living Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay 2
No. of objections:	Nil
Consultation meeting:	N/A
Key considerations:	Whether the proposed dwelling is appropriately sited and meets the relevant policy contained in the Greater Bendigo Planning Scheme, particularly policies relating to site responsivity, fire risk, water quality and the natural environment.
Conclusion:	The proposal is not in accordance with the Greater Bendigo Planning Scheme. The proposal does not present as a site responsive design as the dwelling has been sited where the bushfire risk is the highest, where the environment is most sensitive, where extensive works are required to construct access and where extensive native vegetation removal is required. The proposed dwelling, if approved, would create an unreasonable and unnecessary risk to life and damage to the natural environment.

Recommended Motion

That Council issue a Notice of Decision to Refuse to Grant a Permit for the construction of a dwelling and removal of native vegetation at Lot 1 Bradleys Lane, HEATHCOTE 3523 on the following grounds:

1. The proposed dwelling is not sited to reduce risk to life from bushfire as directed by Clause 13.02-1S, the Bushfire Management Overlay and Clause 53.02.
2. The proposal does not present as a site responsive design and fails to appropriately consider the environmental sensitivities and constraints of the site.
3. The proposal has failed to demonstrate that on-site effluent disposal can be appropriately managed.
4. The extent of vegetation removal required to facilitate the dwelling and its associated defendable space and access is unacceptable and inconsistent with planning policy that seeks to protect native vegetation and biodiversity, in particular Clause 52.17 and the Environmental Significance Overlay.
5. The proposed dwelling, works and vegetation removal poses an unnecessary and unacceptable risk to groundwater quality and is inconsistent with the objective of the Environmental Significance Overlay Schedule 2.

Background Information

The issues that form the basis of this assessment were consistently raised with the permit applicant throughout the application process from the earliest assessment of the application via requests for further information and written advice. The responses provided did not resolve the concerns raised, as discussed in greater detail below.

Report

Subject Site and Surrounds

The subject site is a 10.15 hectare allotment (in two parts, highlighted yellow below), and is located on the southern side of Bradleys Lane (two-way, unsealed road) to the north of Heathcote. The two parts of Lot 1 are separated by Shannon Rise (two-way, unsealed road), with the western part being 1.7 hectares, flat and relatively clear, and the eastern part being 8.4 hectares, comprising two steep hillsides with extensive native vegetation cover.

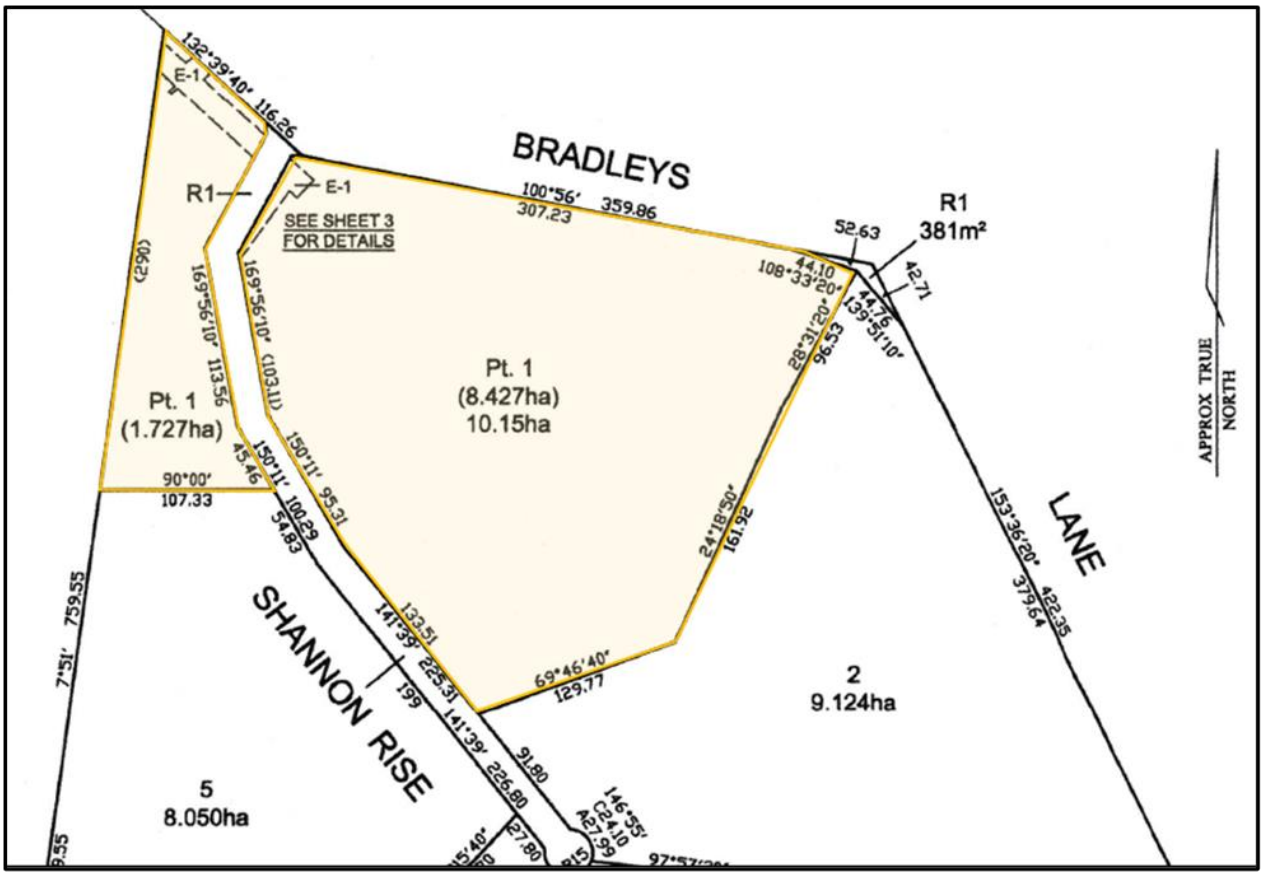

Figure 1: Plan of Subdivision showing size of each part of Lot 1.

The subject site is undeveloped and was created by a subdivision in 2017 under planning permit DS/574/2011. The subdivision was issued with a plan showing building envelopes on each lot, but due to an administrative error these were not carried over to title. The location of the previous envelope is marked in Figure 2 below by the blue star. The location of the proposed dwelling is marked by the yellow star.

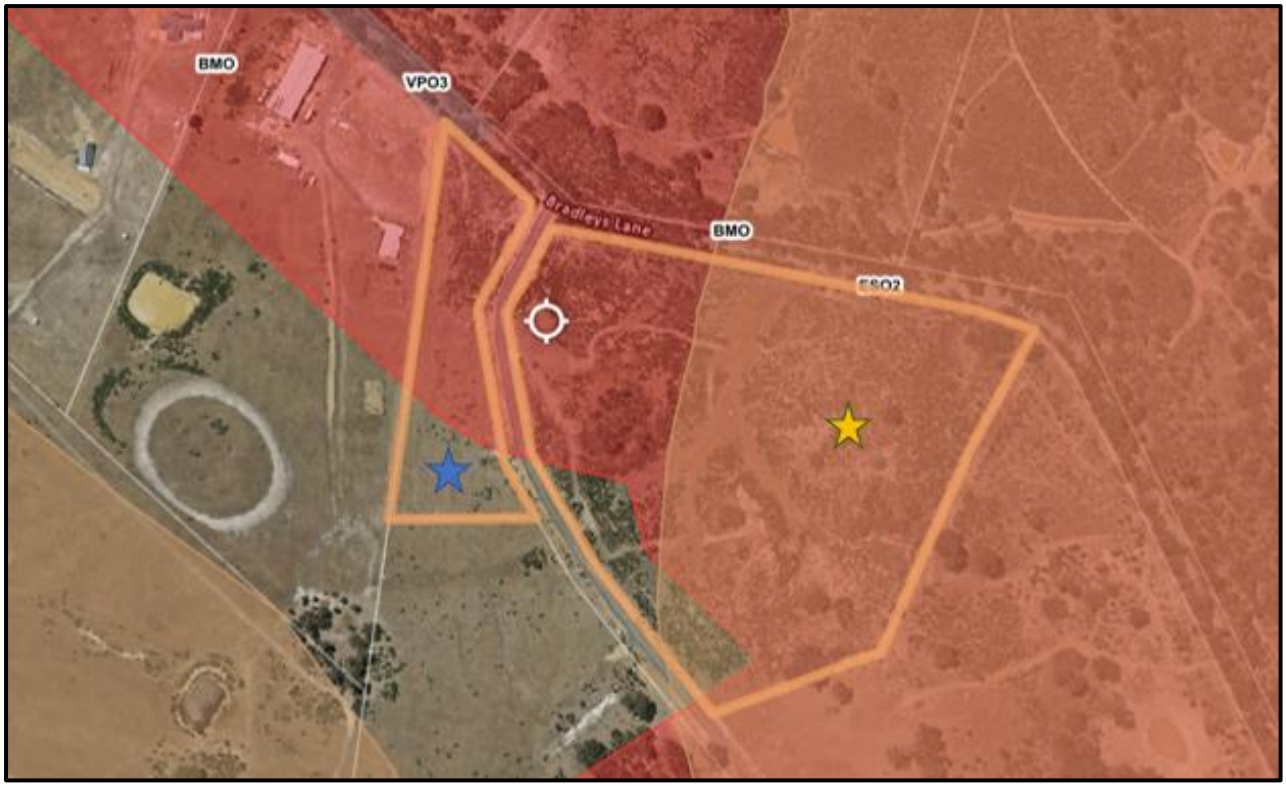

Figure 2: Aerial image showing vegetation cover and extent of overlays (blue star = building envelope, yellow star = proposed dwelling location).

Figure 3: View of building envelope location identified in subdivision permit.

Figure 4: View of the proposed development area.

Figure 5: View from the proposed development area.

The site is heavily covered by *Cassinia Sifton* (Sifton Bush) and several patches of eucalyptus trees. Vegetation was removed unlawfully from the site around 2022. Parts of the site are also affected by the Bushfire Management Overlay and the Environmental Significance Overlay, Schedule 2.

The surrounding context is characterised by properties of a similar size to the subject site to the south (in the Rural Living Zone) and slightly larger lots to the north (in the Farming Zone). Only one of the lots adjoining the site is presently developed with a dwelling (to the west). Many of the properties in the area have a small vineyard or other plantation and the Heathcote-Graytown National Park and Dargile State Forest lie approximately 1km to the north. The extensive native vegetation cover across properties to the north-east, east and south-east links to the forested area to the south around Antimony Creek, several small bushland reserves and the continuation of Heathcote-Graytown National Park. Heathcote town centre is approximately 5.5 kilometres south-west of the site.

Proposal

The application seeks to develop the site for a five-bedroom, three-bathroom dwelling in the north-eastern quadrant of the lot.

Figure 6: Proposed site plan, note 'existing building envelope' is indicative only (not a title restriction).

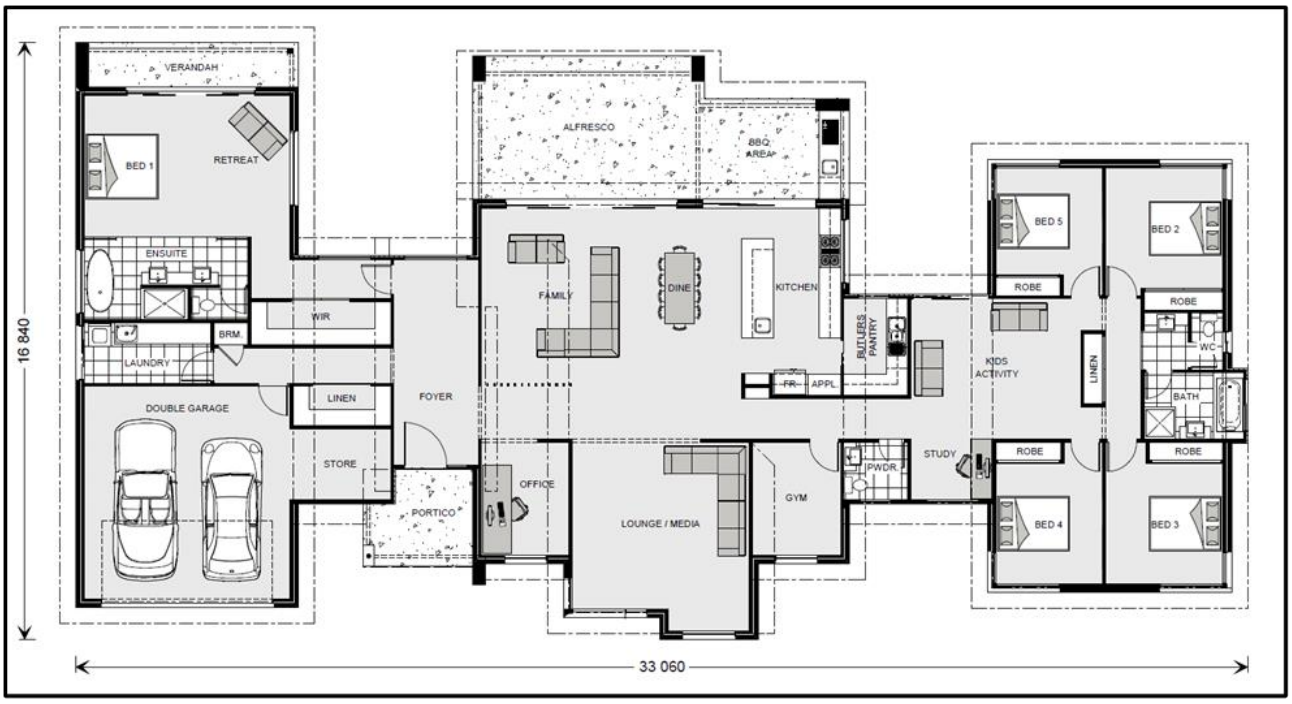

Figure 7: Floor plan of proposed dwelling.

Figure 8: Front elevation of proposed dwelling.

The application was submitted with a Bushfire Management Statement that determined that a 41 metre radius of defendable space would be required to achieve a BAL rating of 12.5.

A Land Capability Assessment was also supplied that determined that a disposal field of 465 square metres would be required for a 6 bedroom dwelling where wastewater was treated to a secondary standard. The nominated wastewater disposal field is nominated in the southernmost corner of the site, as shown below.

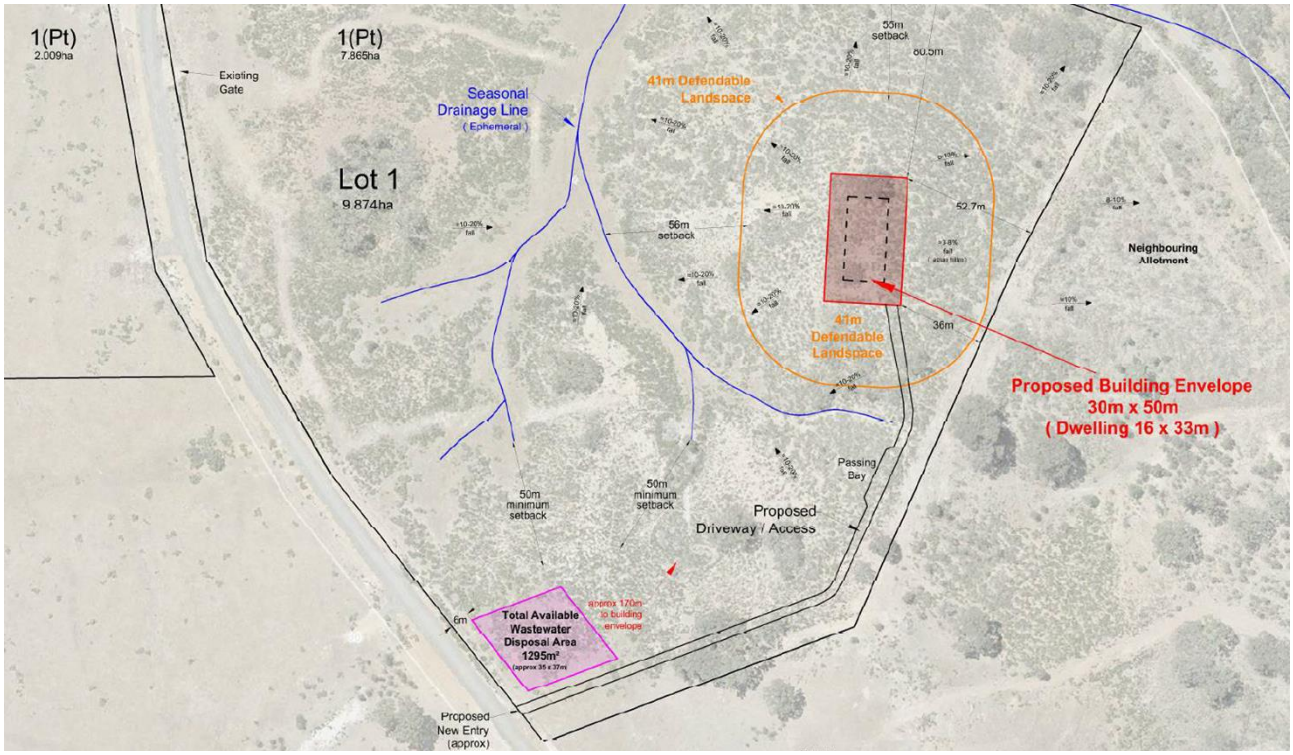

Figure 9: Proposed location of the effluent disposal field.

A Native Vegetation Removal Report describes that a total of 0.068 hectares of vegetation would be required to be offset. The total removal associated with the development however is 1.376 hectares (discrepancy explained below).

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

Permit Trigger	Planning Control	Trigger Clause
Buildings and works to construct a dwelling	Rural Living Zone	Clause 35.03-4 (Proximity to waterway)
Buildings and works	Bushfire Management Overlay	Clause 44.06-2
Buildings and works	Environmental Significance Overlay	Clause 42.01-2
Removal, destruction or lopping of vegetation	Environmental Significance Overlay	Clause 42.01-2
Removal, destruction or lopping of native vegetation	Native Vegetation	Clause 52.17-1

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

Municipal Planning Strategy

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environment and Landscape Values
- Clause 02.03-3 Environmental Risks and Amenity
- Clause 02.03-4 Natural Resource Management
- Clause 02.03-6 Housing

Planning Policy Framework

- Clause 11 Settlement
- Clause 12.01-1S Protection of Biodiversity
- Clause 12.01-1L Protection of Biodiversity – Greater Bendigo
- Clause 12.01-2S Native Vegetation Management
- Clause 12.03-1S River and Riparian Corridors, Waterways, Lakes, Wetlands and Billabongs
- Clause 13 Environmental Risks and Amenity
- Clause 13.02-1S Bushfire Planning
- Clause 16.01-3S Rural Residential Development
- Clause 16.01-3L Rural Residential Development – Greater Bendigo

Other Provisions

- Clause 35.03 Rural Living Zone
- Clause 42.01 Environmental Significance Overlay
- Schedule 2 Environmental Significance Overlay
- Clause 44.06 Bushfire Management Overlay
- Clause 52.12 Bushfire Protection Exemptions
- Clause 52.17 Native Vegetation
- Clause 53.02 Bushfire Planning
- Clause 65 Decision Guidelines
- Clause 71.02-3 Integrated Decision-Making

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Fire Rescue Victoria	No objection subject to conditions relating to the endorsement of the Bushfire Management Plan.
Goulburn Murray Water	No objection subject to conditions relating to construction techniques, wastewater treatment standard, setbacks and stormwater runoff.
Department of Environment, Energy and Climate Change	Comments only.
Traffic	No objection subject to conditions relating to construction standards for the crossover and driveway.
Environmental Health	**Objected** – advising that the proposed Land Application Area (LAA) is unsuitable.

Public Notification

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

As a result of advertising, no objections were received.

Planning Assessment

History of approvals for the site

As outlined above, the subject site was created by subdivision in 2017 under planning permit DS/574/2011. Approval of the subdivision was based on the following reasons (taken from the officer's report with **emphasis** added):

1. *The subdivision will provide for residential use in a rural environment.*

2. *The lot sizes accord with the zone requirements.*
3. *The layout of the subdivision and the **siting of building envelopes is sensitive to the environmental conditions of the site**.*
4. ***Vegetation clearing won't be necessary to accommodate a dwelling on each lot** with the possible exception of Lot 3.*
5. *Wastewater can be properly managed on each lot.*
6. *Bushfire risk will be addressed by the provision of a static water supply, BAL construction techniques and appropriate road construction.*
7. *The subdivision will have a minimal impact on the Eppalock water catchment.*

Building envelopes were indicated on each lot, although due to an administrative error, were not required to be carried over to title. It is evident that the appropriate siting of building envelopes was to minimise impacts on the natural environment and reduce bushfire risk and was a key aspect in determining the appropriateness of the subdivision. The following assessment of this application has been conducted with reference to the history of the site.

Figure 10: Endorsed Plan of Subdivision showing building envelopes. Aerial photo which forms basis of plan taken in 2010.

The overarching question this assessment seeks to answer with the above plan in mind, is whether the proposed development is site responsive. This is the starting point for any planning application. Officer assessment is that the proposal does not

appropriately respond to the context of the site and the surrounding area, as discussed below.

Lot 1 has the ability, as described in the original assessment above, to accommodate a dwelling on a part of the site that is unencumbered by overlays, watercourses or vegetation; is flat and is located in close proximity to a road. The following assessment explores these themes in greater detail.

Is the proposal consistent with planning policy for rural development?

The use of the subject site for a dwelling is generally consistent with planning policy which seeks to direct rural dwellings to land zoned for that purpose – in this case, the Rural Living Zone. It should also be noted that the use of the land for a dwelling is 'as of right' and as such does not require planning approval. This does not mean, however, that every part of every site, or indeed every site, is suitable for a rural dwelling. Careful consideration must be given to appropriate siting (as directed by planning policy) in order to ensure that a proposal results in an acceptable planning outcome.

At the highest level, planning policy objectives seek to provide for orderly and sustainable use and development of land; to protect natural resources and maintain ecological processes; and to secure a pleasant, efficient and safe living environment. The proposed siting of the dwelling is neither orderly nor sustainable as it would require significant earthworks to construct and service it. Natural resources and ecological processes will be impacted as a result of these works as the site is a groundwater recharge area. The proposed dwelling may be pleasant, but the siting is neither efficient (as it requires significant works to service), nor safe (being located in the Bushfire Management Overlay).

The Municipal Planning Strategy at Clause 02 identifies various values worthy of protection and policy direction to ensure the use and development of land accords with the municipal vision. These include:

- *Avoiding development in bushfire prone areas unless risk can be managed,*
- *Protecting high value environmental areas from development, and*
- *Carefully managing groundwater recharge areas as an important water source.*

State planning policy through Clause 16.01-3S directs that rural-residential development avoids or significantly reduces adverse economic and environmental impacts by "*protecting environmental qualities such as water quality, native vegetation, biodiversity and habitat*."

The local policy on rural-residential development at Clause 16.01-3L adds to this theme by directing decision makers to consider the following:

- *Whether the dwelling and associated buildings fit into the character of the surrounding area.*
- *Whether the dwelling is serviced by a domestic wastewater management system, where connection to reticulated sewerage is not required by the responsible authority, that is:*
  - *Suitable to the soil type and topography of the land.*
  - *Sited and located away from environmentally sensitive features.*
  - *Located to avoid and minimise the removal of vegetation.*
  - *Able to treat and retain all wastewater within the lot boundary, including consideration of other potential land use structures such as playgrounds and sheds.*
- *Minimising native vegetation removal and providing landscaping to protect and enhance the natural environment.*

The purposes of the Rural Living Zone include to "*protect and enhance natural resources, biodiversity and landscape and heritage values of [an] area,* and to *encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision."* The decision guidelines of the zone require consideration of the potential impact of a proposal on soil and water quality, the need to retain vegetation and faunal habitat and the need to revegetate land along waterways, ridges and saline discharge and recharge areas. The decision guidelines also focus on the impact of siting and design on vista and the impact of a development on features of natural scenic beauty. The location and design of infrastructure also bears assessment.

The planning policy objectives at every level, as outlined above, speak to the need to site development in a manner that is responsive to the natural features of a site, including vegetation, and with respect to the character of the area.

The design of the dwelling in and of itself is not problematic in a rural context as:

- The ranch-style design being a common theme in the area with multiple outdoor living areas and eaves all around.
- The low scale of the dwelling offers more opportunity to settle into the landscape and the larger footprint as a result of single storey design increases the available roof area from which to collect rainwater.
- Likewise, the site is capable of accommodating access to the required standard (3.5 metres wide, with additional 500 millimetres clearance either side and 4 metres vertically).

At a site level however, this proposal is not a site responsive design as the dwelling would be sited in an area that requires significant earthworks. This is coupled with the need to remove native vegetation in proximity to a watercourse and in a groundwater recharge area. The proposed dwelling would be sited on the highest point of the site,

which does not protect or enhance the landscape values of the area, which are characterised by rolling hills, native vegetation cover (to the north and east) and rolling pastures (to the south and west). Neither is it an efficient use of resources to site a dwelling that requires an almost 300 metre long driveway to be constructed (necessitating further native vegetation removal and earthworks). The proposed dwelling would require extensive earthworks and vegetation removal which would significantly alter the character of the site and be highly visible from across the landscape.

The justification provided by the applicant for the proposed siting of the dwelling is to accommodate a future hobby farm (as shown in Figure 10 below). A plan showing the layout of the hobby farm was provided but did not explain why the dwelling is required to be sited on top of the hill to accommodate the proposed areas of production.

Figure 10: Proposed hobby farm layout for illustrative purposes

It is important to acknowledge that this assessment does not prohibit the use and development of Lot 1 PS721586U for a dwelling. The lot is capable of accommodating a dwelling and its associated infrastructure in a manner consistent with the above policy without the requirement for a planning permit, extensive earthworks or

vegetation removal; in the vicinity of the previously approved building envelope. The siting of the dwelling in this location (the unencumbered area exceeding 5,000m^2) would be consistent with the relevant planning policy framework (as borne out by the earlier subdivision approval).

The impact of this proposal on the environmental and landscape features of the site renders this proposal an unacceptable planning outcome.

Does the proposed development reduce the risk to life and property from bushfire?

The site is partially affected by the Bushfire Management Overlay as shown in Figure 11 below.

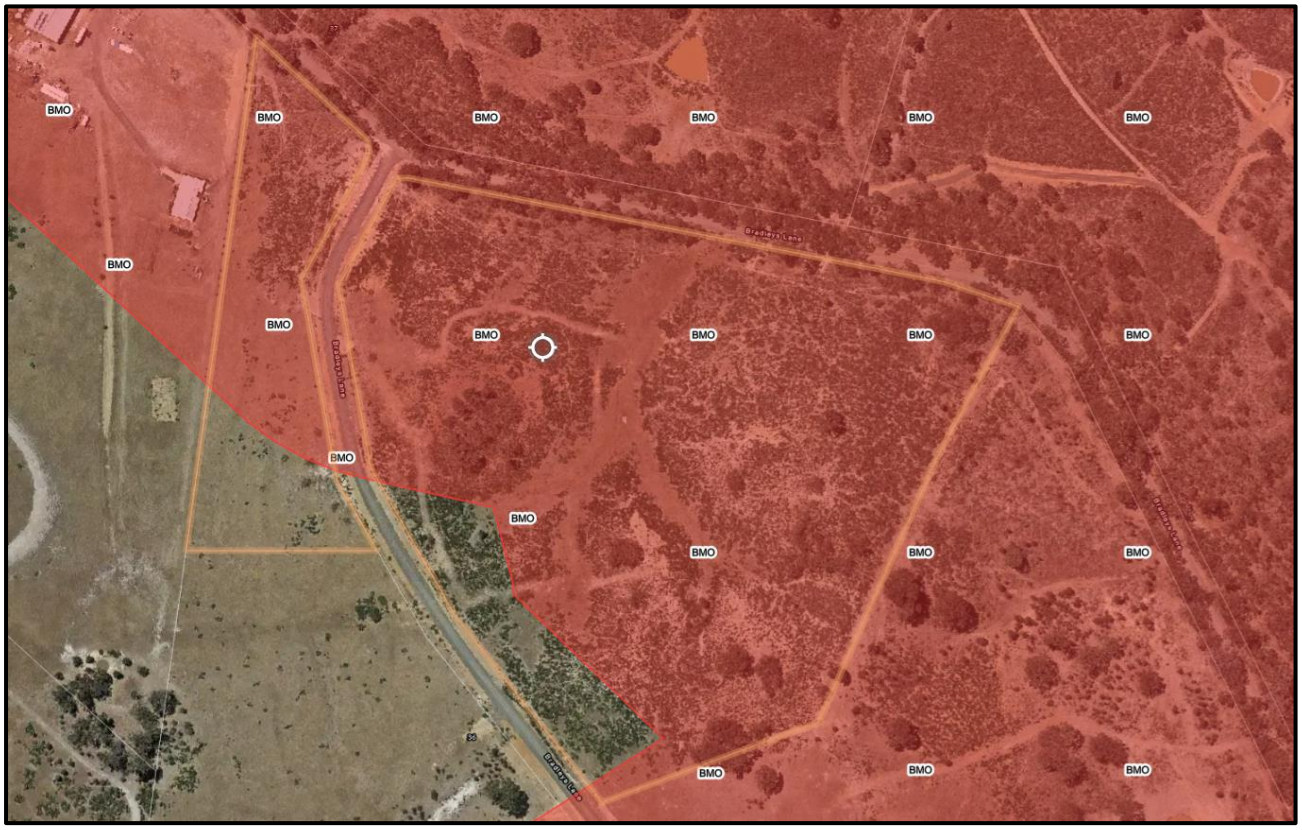

Figure 11: Aerial photo showing extent of the Bushfire Management Overlay covering the property

The proposed dwelling would be located on a part of the site affected by the Bushfire Management Overlay. The Bushfire Management Overlay is the mechanism by which planning authorities can signify that a higher level of fire risk exists and ensure that applications with the potential to increase risk consider the issue in an appropriate manner.

The application therefore fails to address the strategies at Clause 13.02-1S which seeks to "*give priority to the protection of human life by… directing… development to low risk locations"*. There is a lower risk location available for development on the site,

being the eastern part of Lot 1, where the original building envelope was located (i.e. located outside the extent of the Bushfire Management Overlay). This proposal does not fulfill the requirement to demonstrate that risk-based planning has been applied.

The applicant has provided a Bushfire Management Statement that was referred to and conditionally approved by Fire Rescue Victoria (formerly part of the Country Fire Authority). The consideration of referral advice is only one aspect of the decision making. Assessment of fire risk, however, does not consider the overlay in isolation, but as a component of the assessment. Indeed, the first measure by which a proposal's response to fire risk is assessed is siting, the requirements being whether a building is sited to best achieve:

- The maximum separation distance between the building and bushfire hazard;
- Close proximity to a public road; and
- Access for emergency service vehicles.

The proposed dwelling would not be sited to maximise separation between it and the bushfire hazard (remnant vegetation to the north, east and west which links to the Dargile State Forest to the north). The proposed dwelling would be located within 150 metres of woodland and shrubland and proposes access via a driveway is almost 300 metres in length from Shannon Rise, despite there being opportunity to significantly reduce the length of the access by creating a crossover from the Bradleys Lane boundary (80 metres away).

A 41 metre radius of defendable space can be provided within the boundaries of the site, with vegetation removal (discussed in greater below in vegetation section) for a construction standard of BAL-12.5 and adequate water supply of 10kL can be provided.

Clause 71.02-3 speaks to balancing conflicting objectives but qualifies this direction with the statement that "*in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations".* This is a strong policy statement and one that cannot be disregarded. The proposal fails to adequately prioritise the protection of human life and as such should not be supported.

Does the proposed development reduce the risk to water quality?

Water quality is a matter considered in all applications where wastewater is produced and connection to reticulated sewer is not available. The removal of vegetation also has an impact on water quality and is discussed in greater detail in the next section.

The Rural Living Zone requires that all dwellings must be able to treat and retain wastewater within the boundaries of the lot in accordance with Environment Protection

Authority requirements. The City's Environmental Health team reviewed the original Land Capability Assessment provided with the application and visited the site to determine if the proposed wastewater management system is suitable and can function as required. It was advised that the proposed effluent disposal area is unsuitable due to the lack of soil, surface rock, slope, vegetation and drainage line proximity. The City's Environmental Health team objected on the basis that the wastewater management proposal was not suitable and couldn't be practically achieved. It was further noted that the earthworks which would be required for the preparation of the site for a dwelling may provide additional constraints.

The applicant subsequently provided a second Land Capability Assessment, which proposes to locate the effluent disposal field in the southern corner of the site, adjacent to the proposed crossover. The Land Capability Assessment summarises that:

> *…all wastewater generated will need to be pumped approx. 170m to the proposed wastewater disposal locality shown to be just inside the site's southernmost boundary off Shannon's Rise (Rd). Exhibiting shallow bedrock throughout at an approx. 300mm depth BGL, the disposal area will need to be purposefully designed to accommodate for the site's limited depth of soil, requiring the importation of a suitable (top)soil to be brought in to help with the creation, raising and definement of the final disposal location.*

The City's Environmental Health team has again objected to the proposal *as it is not considered to be an appropriate rational [or] low risk design* for the following reasons:

- The wastewater disposal field is not favourable for raised sub-surface irrigation due to the slopes and opposing contours;
- Works to remove surface rock in the wastewater disposal field will compact the soil, decreasing its permeability and therefore reducing its suitability for wastewater disposal;
- The intervening 170m between the dwelling and the proposed wastewater disposal field is steep, rocky and includes mapped waterways. The potential failure (leak) of the pressure pipe poses an unreasonable risk to water quality.

In addition to the requirements of the zone, the proposed site for the dwelling is in the Environmental Significance Overlay Schedule 2 that applies to groundwater recharge protection areas (shown below at Figure 12). Groundwater is an important source of fresh water and is therefore a significant part of the environment which needs to be carefully managed. Groundwater is particularly susceptible to salinity and is threatened by pollutants.

Figure 12: Aerial photo showing extent of the Environmental Significance Overlay covering the property

Objectives and decision guidelines for groundwater recharge areas highlight the need to maintain and enhance vegetation cover. This has been ignored as the proposed dwelling requires a 41 metre radius of defendable space in all directions and no measures to enhancing existing vegetation cover have been considered.

Disturbance to the hydrology of the area will also occur due to the earthworks required to construct a building pad, driveway and effluent disposal field. The effluent disposal field would increase groundwater recharge, which as noted in the *Regional Catchment Strategy 2013,* almost always increase saline discharge. While the subject site is not in an area with high salinity, the land downhill (the site is around 280 metres above sea level), is mapped as highly saline and these areas are both agricultural land and part of the water supply catchment. Indeed, the Land Capability Assessment supplied with the application notes that there is very little topsoil and shallow, exposed and outcropping bedrock – a typical feature of high recharge areas. While the *Local Government Guide to Dryland Salinity* describes various means of reducing risk in such areas (including pump-out systems and planting of trees or deep rooted perennials in the effluent disposal area), the *Guide* cites locating high risk activities outside of recharge areas as the most preferable form of risk reduction.

Whilst it is accepted that the increase to groundwater salinity as a result of the proposed dwelling may only be marginal, there is a clear opportunity to eliminate that risk by siting the development outside of this sensitive environmental area as directed by planning policy.

Is the proposed vegetation removal acceptable?

The full extent of the vegetation removal that would be required to undertake the proposed development is 1.376 hectares, as illustrated below. Planning approval is required for the proposed vegetation removal under both Clause 52.17 and the Environmental Significance Overlay (Schedule 2). It is noted that any additional vegetation removal associated with construction of the newly proposed wastewater disposal field has not been calculated.

The assessment of this vegetation removal has an added layer of complexity from the effect of Clause 52.12 that provides exemptions to create defendable space for a dwelling in certain circumstances relating to bushfire protection.

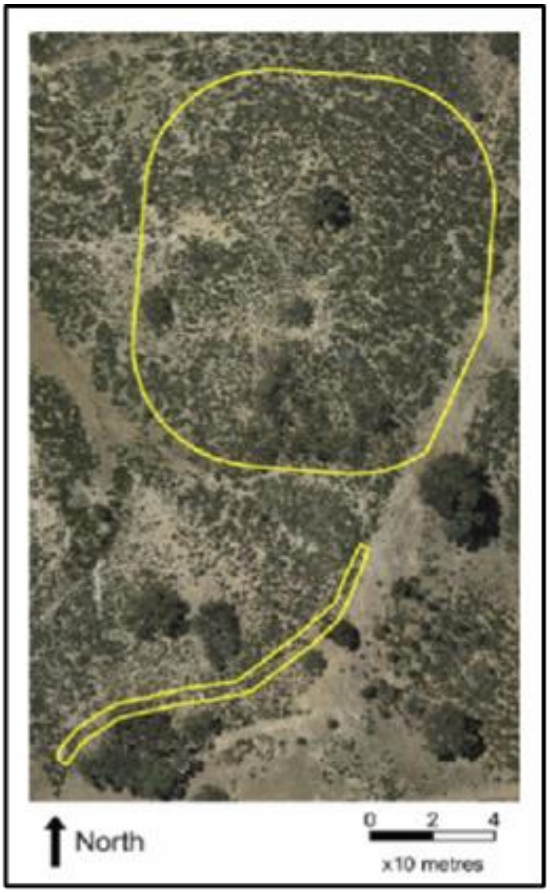

Figure 11: Aerial imaging showing the extent of proposed vegetation removal.

Application of the exemption is dependent upon zoning – in this case the Rural Living Zone – must be under the Bushfire Management Overlay and the removal, destruction or lopping must not exceed the minimum required for defendable space.

If the application were to be found acceptable, the clause would result in the assessment of the vegetation removal being confined to the removal associated with the driveway (shown at left, below the larger area), with no assessment or offsets applicable to the bulk of the removal.

The application of this clause has been the subject of some confusion since its introduction in 2014 as part of the policy reforms that followed Black Saturday.

In the *Estate of FW Jordan v Mount Alexander SC [2018] VCAT 181* (February 2018) the Victorian Civil and Administrative Tribunal provided direction on the correct application of this exemption as follows:

> *"The defendable space exemption should not be viewed as a tool to disregard policy objectives relating to native vegetation and the protection of biodiversity. The exemption to remove native vegetation for the creation of defendable space is prospective. It only applies if a permit is granted and the permit contains a condition directing or allowing the creation of defendable space."*

Clause 52.12 does not, therefore, exempt the proposal from a merits assessment of the vegetation removal.

Protection of biodiversity, in particular through ensuring that no net loss to biodiversity occurs, is found at all levels of policy, starting from the Municipal Planning Statement at Clause 02.03-2 which seeks to protect and restore biodiversity; to State planning policy which as a guiding principle directs development to avoid and minimise removal of native vegetation; to local policy which seeks to enhance biodiversity and biolinks across Greater Bendigo.

Avoidance and minimisation of native vegetation removal has not been adequately demonstrated. The proposed dwelling would be sited in a patch of native vegetation, despite there being a substantial cleared area available on the western part of the site. The proposal would also result in 680 square metres of vegetation removal to enable construction of a driveway. The ability to offset the removal of this vegetation is cancelled out by Clause 52.12, therefore there is no application of the three-step approach to this proposal and the application fails to adequately address the requirements of Clause 52.17.

As discussed above, the proposed works are also in an identified groundwater recharge protection area defined by an Environmental Significance Overlay. Schedule 2 to the overlay highlights the importance of maintaining and enhancing vegetation cover in these areas as a means of protecting water quality. No revegetation plan has been provided as part of the application. While Goulburn-Murray Water did not object to the proposal, the conditions relating to effluent disposal, setback requirements,

sediment control and stormwater treatment highlight the importance of preserving ecological processes in the area.

It is noted that throughout the process the applicant sought to incorrectly rely on a number of native vegetation removal exemptions. This approach was not consistent with the correct interpretation and application of the exemptions, and as such was not supported by the City.

Conclusion

Clause 65 of the Planning Scheme directs that a responsible authority must consider a range of matters before deciding on an application, including any significant effects the environment may have on the development, environmental factors likely to cause or contribute to land degradation, salinity or a reduction in water quality, and the impacts to native vegetation. This proposal fails to adequately address all of these matters.

The proposed dwelling is not supported on the following basis as it would be sited:

- Where the bushfire risk is the highest,
- Where the environment is most sensitive,
- Where site features are unsuitable for an on-site effluent disposal system,
- Where extensive works are required to construct access; and
- Where extensive native vegetation removal is required, with no attempt to avoid or minimise impacts.

These outcomes are contrary to planning policy objectives. The proposed dwelling, if approved, would create unnecessary risk to life and damage to the environment.

It is recommended that the application be refused for these reasons.

Options

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

Conflict of Interest

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

Attachments

Nil

16.2. CA 11A Bendigo-Maldon Road, Lockwood South - Use and Development of Land for a Dwelling and Outbuilding

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

Summary/Purpose

Application No:	DU/714/2023
Applicant:	M A Curtis and J R Curtis
Land:	CA 11A Bendigo-Maldon Road, Lockwood South
Zoning:	Farming Zone 1
Overlays:	Environmental Significance Overlay 1
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	• Whether the dwelling would be supporting a viable agricultural use or rather, will the dwelling 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:	The applicant has failed to demonstrate that the land will be used for a genuine, economically viable agricultural use that warrants the need for a dwelling. 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 Greater Bendigo and State policy relating to the protection of agricultural land. 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.

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 at CA 11A 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.

Background Information

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 and management of the land requires a dwelling on the land. The Land Management Plan states that the site is only suitable for six sheep (wethers), two weaner steers or one horse and this is certainly not the scale of an agricultural enterprise that warrants the need for a dwelling.

Preliminary concerns were raised with the applicant that the proposal was not in accordance with planning policy relating to rural dwellings, the Farming Zone and the protection of agricultural land. 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 11A Section 18 Parish of Lockwood. It comprises an area of 8.103 hectares and is the original Crown allotment (not created by a subdivision). The site is partially rectangular in shape with an eastern frontage to Bendigo-Maldon Road of 145 metres, a northern side boundary of 570 metres and a southern side boundary of 550 metres to an unmade government road.

The site is currently vacant, contains two watercourses and has two-thirds covered in sparse vegetation in the western portion of the site. A dam from the adjoining property to the north is also partially sited on 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 720 metres north of the site is land within the Low Density Residential Zone, as part of the Lockwood South township.

The bordering properties to the north and west are 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. Opportunity remains for these parcels to be consolidated into larger land parcels consistent with the purpose of the Farming Zone.

The surrounding 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.

Figure 1: Aerial view of the subject site and surrounding area.

The site is partially affected by an Environmental Significance Overlay Schedule 1 (watercourse protection); however, the proposed development would be sited outside of this overlay.

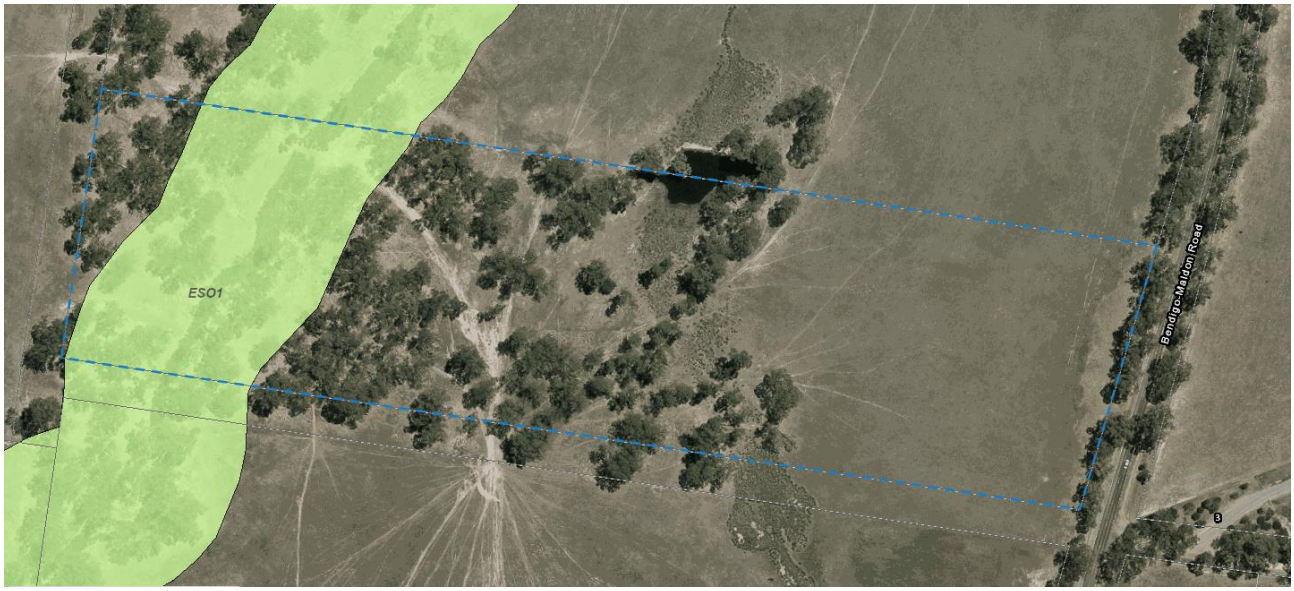

Figure 2: Environmental Significance Overlay Schedule 1 (shaded pale green).

Figure 3: View of the central part of the site (proposed development area) from the southern boundary.

Proposal

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

The proposed dwelling is to be sited within the eastern portion of the site, 99.49 metres from the Bendigo-Maldon Road boundary frontage, 44.18 metres from the northern side boundary and 46.86 metres from the southern side boundary in a central part of the site.

The dwelling would have a total floor area of 689.02 square metres and be of a single storey design.

The dwelling would comprise of four bedrooms, three bathrooms, three living areas, a 54.37 square metre alfresco area and a double garage. The dwelling would be constructed of a combination of brick, lysaght dominion cladding with colorbond finish and colorbond roof sheeting.

The proposed outbuilding would have a total floor area of 375 square metres and be sited on the southern portion of the site, 10 metres from the southern side boundary and 110.5 metres from the Bendigo-Maldon Road boundary.

The proposal seeks to utilise the existing access from the road reserve to the south, which connects onto Bendigo-Maldon Road. No native vegetation removal is required to facilitate construction and access to the proposed dwelling and outbuilding.

Small scale grazing is proposed although no flock size has been indicated, nor has a financial assessment or Farm Management Plan been undertaken. The Land Management Plan states that the site is only suitable for six sheep (wethers), two weaner steers or one horse.

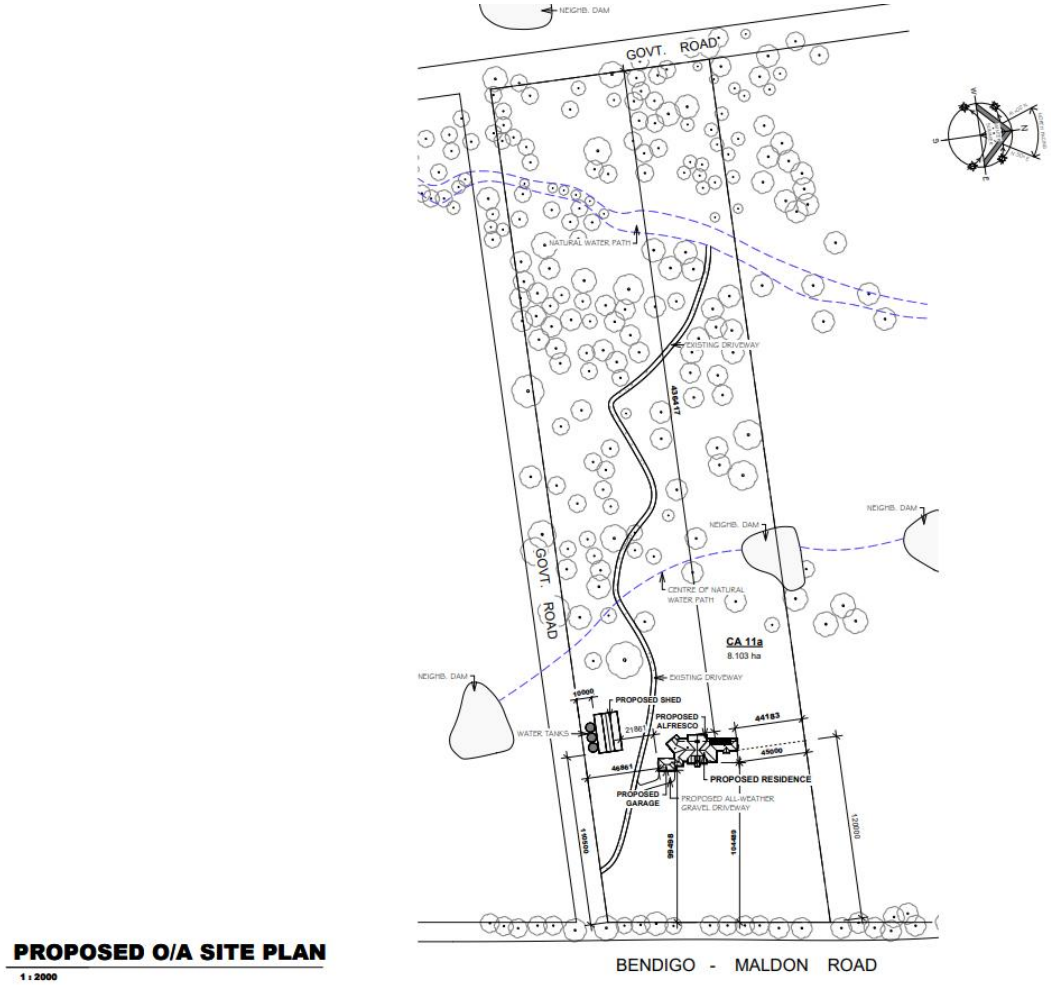

Figure 4: Proposed site plan.

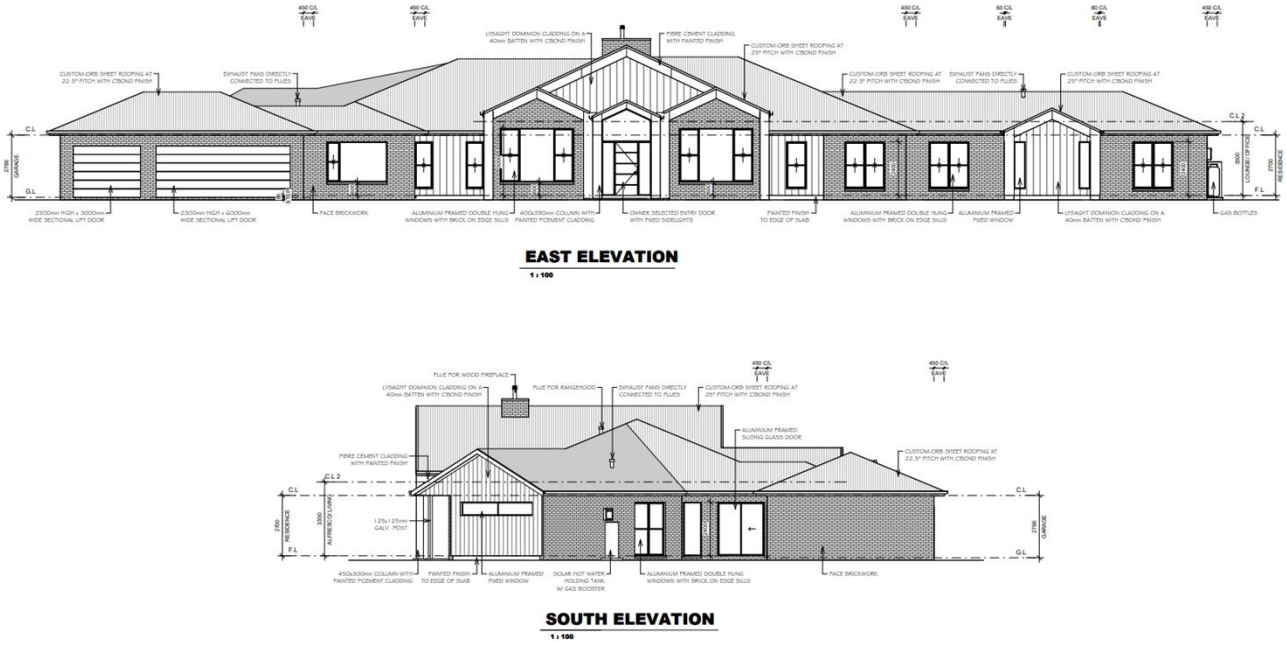

Figure 5: Proposed dwelling east and south elevation plans.

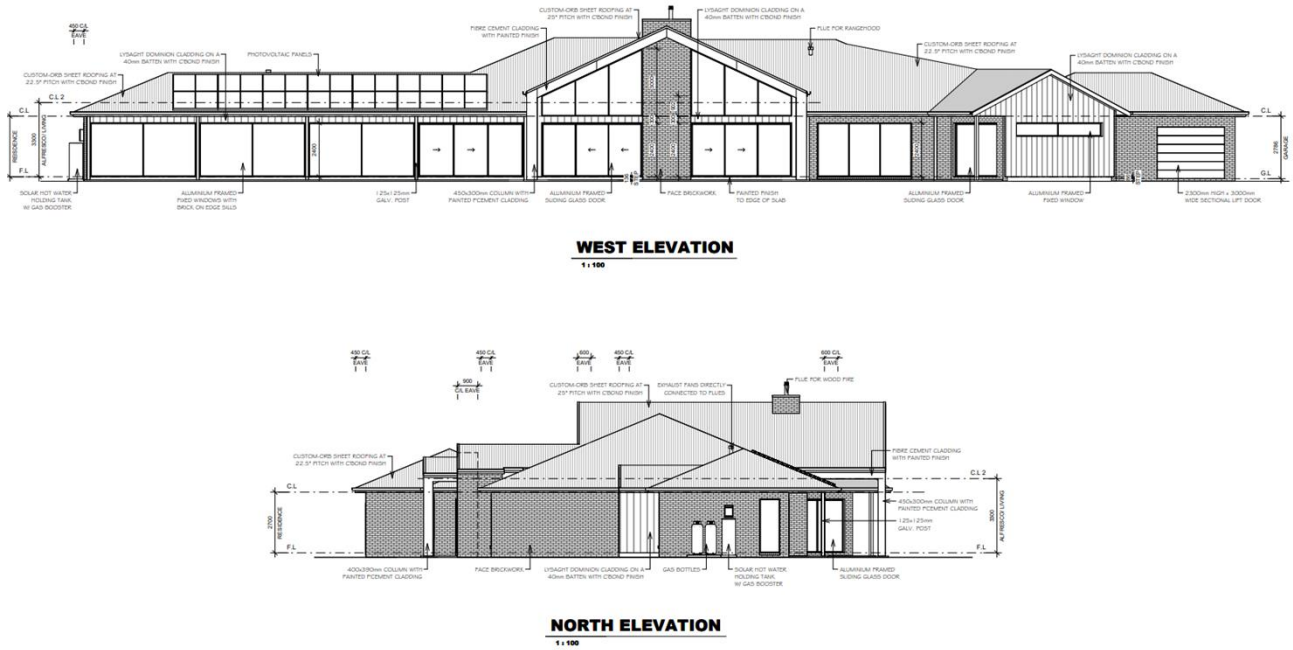

Figure 6: Proposed dwelling west and north elevation plans.

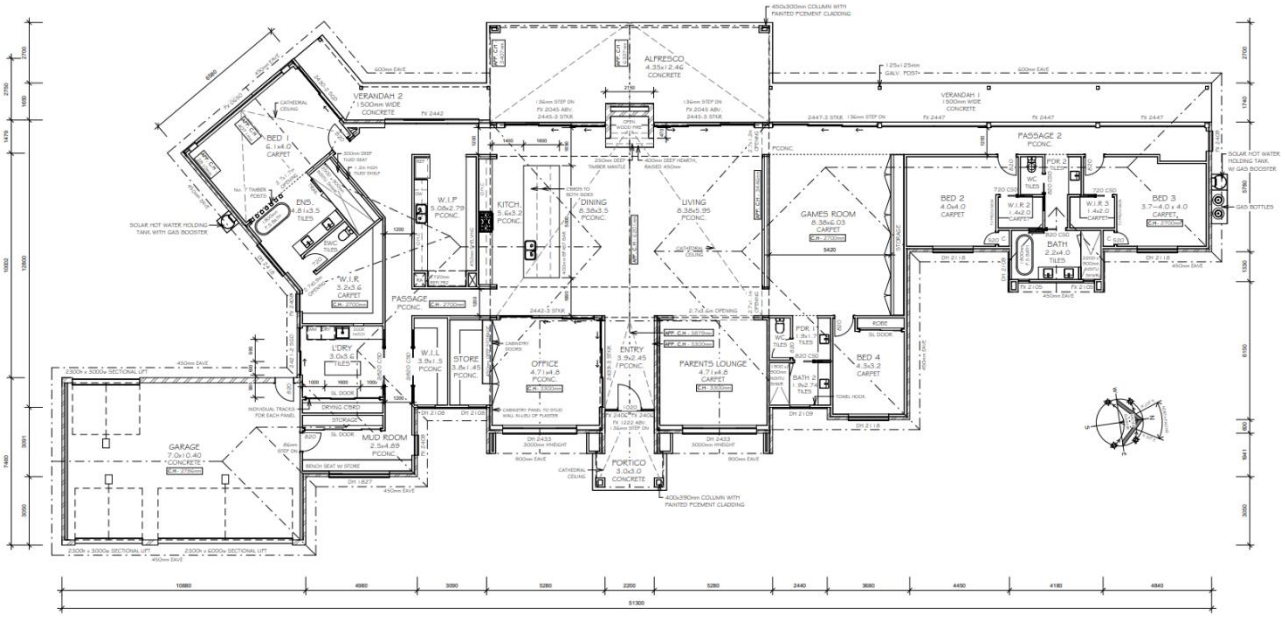

Figure 7: Proposed dwelling floor plan.

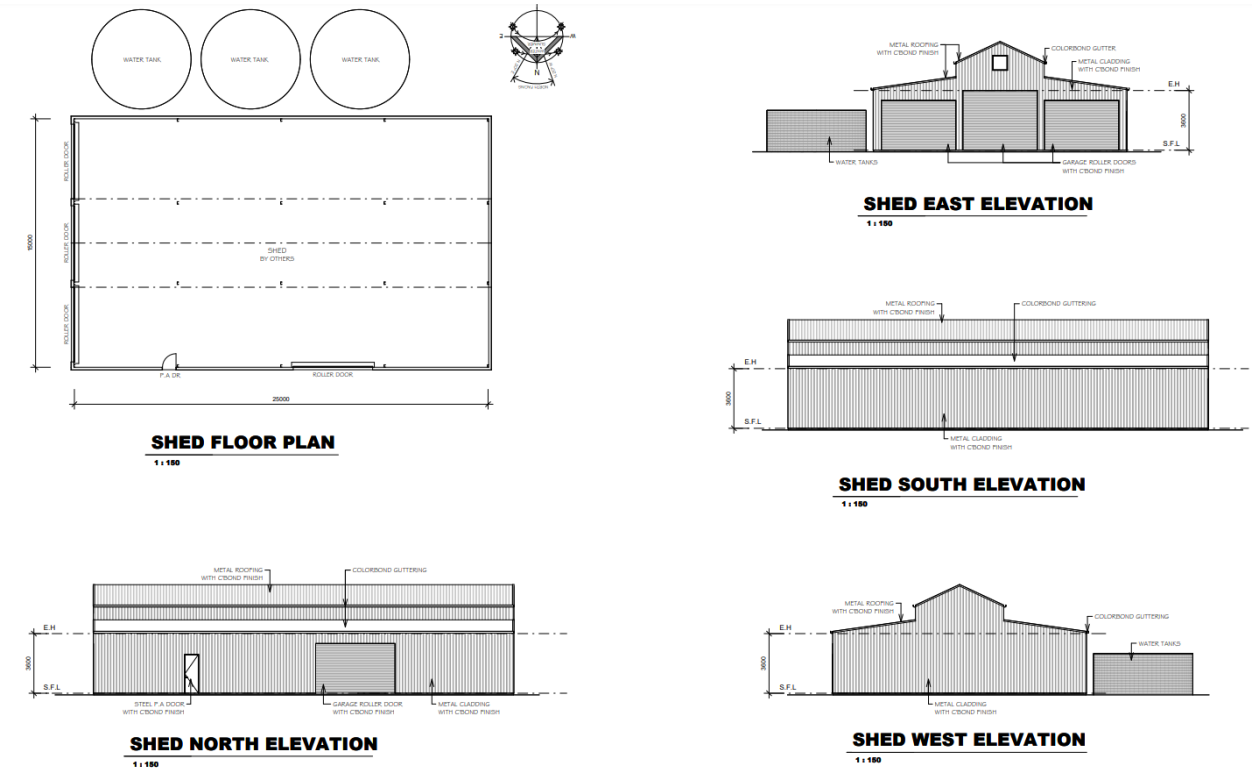

Figure 8: Proposed outbuilding floor and elevation plans.

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 40 hectares.
Clause 35.07-4 Farming Zone	• Construct a building or to construct or carry out works associated with a section 2 use (dwelling). • Construct a building within 100 metres of a watercourse.

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 42.01 Environmental Significance Overlay Schedule 1
- 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.

Referral	Comment
Engineering - Traffic	No objection, subject to conditions.
Agribusiness Officer	Unsupportive of the application for the following reasons: • The recorded Dry Sheep Equivalent determination is not accurate. • The proposal is more of a lifestyle or hobby farm. • The site may be used for alternative agricultural production if the property is too small for agricultural productivity traditionally.

Public Notification

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

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**."*
>
> [emphasis added]

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 8.103 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, depending 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.

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.

Northumberland Estate Pty Ltd v Macedon Ranges SC [2024] VCAT 309 stated that the construction of a dwelling would consequently increase the property value and went on to say the following:

> *"In a rural context this may well remove the land from production as its future value will be based on the presence of the dwelling as much if not more than the agricultural value of the land. ...the presence of the dwelling itself means that the property will be more likely to be attractive to the lifestyle market, and the cost may be prohibitive for productive agriculture."*

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 proposed dwelling and outbuilding are within 100 metres of the waterway which traverse the site, outside of the Environmental Significance Overlay and more than 99 metres from Bendigo-Maldon Road. All other minimum setback requirements of the zone 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 689 square metre dwelling in the central portion of the site would impact the ability of the balance of the land to be used for agriculture and would result in the unnecessary loss of the agricultural capacity of the land. 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. 245 Brownes Lane, Axedale - 2 Lot Subdivision of Land (Dwelling Excision)

Author:	Kirstin Garner, Statutory Planner - Subdivisions
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DS/749/2023
Applicant:	S J Gilbertson and L Mueck
Land:	245 Browne s Lane, AXEDALE 3551
Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay Schedule 1
No. of objections:	6
Consultation meeting:	No
Key considerations:	• Whether the proposed subdivision of agricultural land is supported by the Municipal Planning Strategy, Planning Policy Framework and Farming Zone. • Whether the proposal is consistent with decisions made by the Victorian Civil and Administrative Tribunal.
Conclusion:	The application proposes the subdivision of the land which is contrary to planning policies relating to subdivision, rural dwellings and the Farming Zone. The proposal would create an undersized residential lot and create an additional dwelling entitlement within the Farming Zone that is inconsistent with the Planning Policy Framework. The Greater Bendigo Planning Scheme recognises that agricultural land is a valuable and finite resource that must be protected from fragmentation and encroachment by conflicting land uses. The proposed subdivision fails to protect productive agricultural land that is of strategic significance, would diminish the long-term productive capacity of the land and would create an additional dwelling entitlement that would not support the agricultural use of the land. All of these factors are contrary to planning policy objectives. Furthermore, the land has previously been consolidated for the excision of the existing dwelling on the site. To continue dwelling excision on the site would be detrimental impact to the long-term strategic plan of the area and encourage further dwelling excisions within a viable farming area.

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

Recommended Motion

That Council issue a Notice of Decision to Refuse to Grant a Permit for the two lot subdivision of land (dwelling excision) at 245 Brownes Lane, Axedale 3551 on the following grounds:

1. The proposal is inconsistent with policy for agriculture and rural dwellings at clause 14.01-1S and 14.1-1L and the purpose and decision guidelines of the Farming Zone, in the following manner:
   (a) The subdivision would create an undersized lot, contributing to the fragmentation of agricultural land by restraining the ability of the lot to consolidate with adjoining or nearby land.
   (b) The subdivision would create an as-of-right dwelling entitlement which would encourage the proliferation/spread of dwellings in the rural landscape and contribute to the incremental loss of agricultural land.
   (c) The subdivision would support rural residential land use within the Farming Zone which would potentially stymie genuine agricultural activities on surrounding land.
   (d) The proposal does not support or enhance agriculture.

Background Information

In 2018 Crown Allotment 1 and 2 Section 4, Parish of Axedale were legally joined together by the preparation of a Plan of Consolidation (PC 375126 W). CA1 was 27.64ha and CA2 was 33.08ha.

A Plan of Consolidation does not require a Planning Permit as it reduces the number of lots; as opposed to subdivision which increase the number of lots.

The Plan of Consolidation created a situation where the minimum lot size for the use of land for a dwelling in the Farming Zone (40 hectares) was achieved meaning a Planning Permit was not needed to use the land for that purpose.

The current dwelling on the land was approved by permit DR/2/2019. The permit was only required for 'development', not 'use' owing to the dwelling not achieving a 100 metre setback from the Campaspe River.

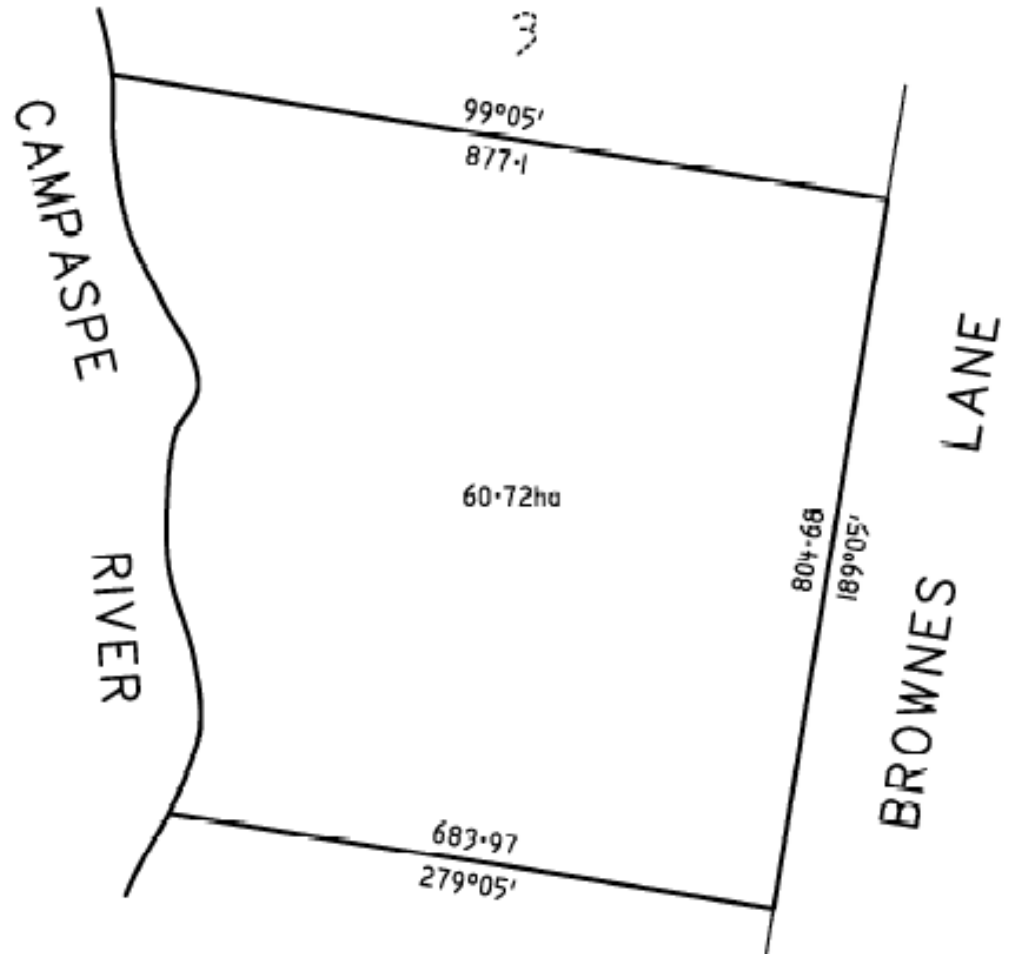

Figure 1: The Plan of Consolidation which is the current title of the land.

Report

Subject Site and Surrounds

The site is formally known as Land in Plan of Consolidation 375126W, Parent Title Volume 11977 Folio 050. The subject land is 60.72 hectares in size.

The site is generally square in shape apart from the rear boundary along the Campaspe River. The site has an eastern frontage of 804 metres along Brownes Lane and has a maximum depth of 877.1 metres along the northern boundary. The Campaspe River forms the western boundary.

The site contains an existing dwelling and associated shed onsite. The dwelling is located to the northwestern corner of the site, approximately 130 metres from the northern boundary and 90 metres east of Campaspe River. The site is mostly cleared of vegetation with bulk of the land to the rear sloping towards the Campaspe River.

The site and immediate surrounding area are located within the Farming Zone and are affected partially by an Environmental Significance Overlay (Schedule 1) with respect

to the Campaspe River to the rear of the site. The Environmental Significance Overlay also applies to the western side of the Campaspe River which contains are Rural Living Zoned lots fronting the Goornong-Axedale Road.

The Campaspe River serves as the settlement line between the Rural Living Zone (and the Axedale Township) where residential development is actively encouraged by the Planning Scheme.

Figure 2: Application site; and location of objectors shown with red stars (note one objector is not shown on this aerial as their property falls just outside this image).

The property to the south of the site at 171 Brownes Lane is primarily used for residential purposes and covers an area of 40 hectares. The remainder of the surrounding area is used for agricultural purposes. Directly across from the site to the east at 301 Axedale Toolen Road, which is an operational sand and gravel quarry operated by Hanson Construction Materials.

Further north of the site is owned by Western Vale Farms, which is used for agricultural purposes.

Figure 3: The application site in the broader context (light green is Farming Zone; dark green is the Public Conservations and Resource Zone, brown is the Rural Living Zone, pink is the Township Zone)

Proposal

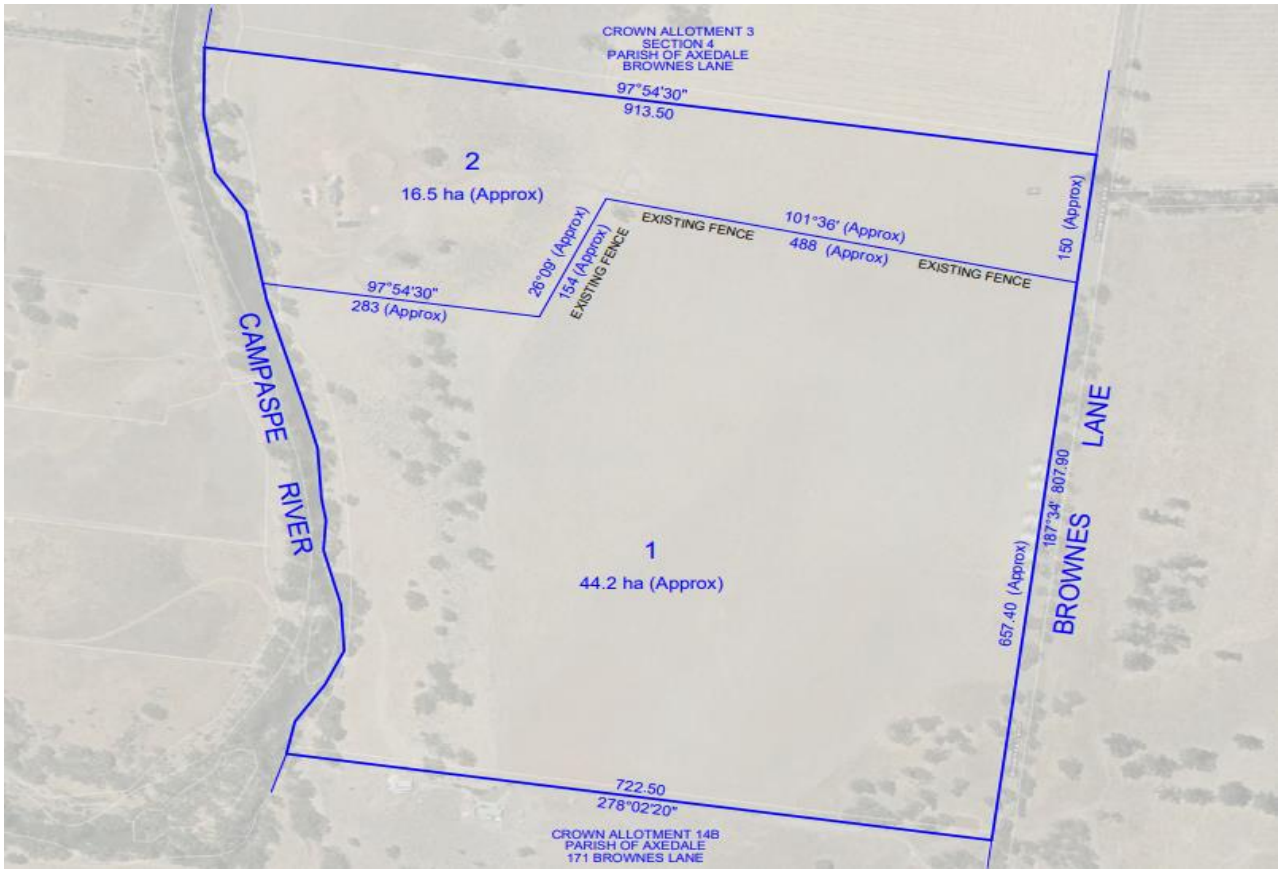

Figure 4: Plan of subdivision.

The application seeks approval for a two lot subdivision as to allow for the excision of the existing dwelling on proposed Lot 2 and the balance of land to be a part of Lot 1 as follows:

Lot 1

- 44.2 ha in area.
- Vacant lot.
- 657.4 metre frontage along Brownes Lane.
- Has a depth of 722 metres (south boundary) and 925 metres on the northern boundary.
- A planning permit would not be required to construct a dwelling as the lot size is greater than 40 hectares.
- No building envelopes are proposed.

Lot 2

- 16.5 ha in area.
- 150 metre frontage along Brownes Lane.
- Contains the existing dwelling and shed.
- Has a depth of 913.3 metres on the northern boundary and 925 metres on the southern boundary.

The proposed subdivision layout is shown in Figure 4.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

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

Clause	Permit Trigger

Clause 35.07-3
Farming Zone
	• A permit is required to subdivide the land.
	• Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.
	  ○ A permit may be granted to create smaller lots if any of the following apply:
	  ○ **The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision. [my emphasis]**
	• The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
	• The subdivision is by a public authority or utility service provider to create a lot for utility installation.

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

Municipal Planning Strategy

Clause 02.01	Context
Clause 02.02	Vision
Clause 02.03-1	Settlement
Clause 02.03-4	Natural resource management
Clause 02.03-6	Housing
Clause 02.03-7	Economic development

Planning Policy Framework

Clause 11.01-1S	Settlement
Clause 13.07-1S	Land use compatibility
Clause 14	Natural resource management
Clause 14.01-1S	Protection of agricultural land
Clause 14.01-1L	Protection of agricultural land – Greater Bendigo
Clause 16.01-3S	Rural residential development
Clause 16.01-3L	Rural residential development – Greater Bendigo

Other Provisions

Clause 35.07	Farming Zone
Clause 65.02	Approval of an application to subdivide land

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Public Notification

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

As a result of advertising, 6 objections were received, with the grounds of objection being:

- Proximity of subdivision within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
- Proximity of potential future additional dwelling to a working quarry and fear that amenity complaints might impact existing operations and future expansion plans.
- Viable farming land lost to rural living.
- Increase in traffic.
- A precedent set for the area encouraging further residential development of farming land.
- Visual and noise impact of the proposal on existing residences in the locality.
- Does not comply with the Planning Policy Framework for the area.

The objections are discussed below.

The objectors oppose the grant of a permit for reasons similar to that of officers with respect to inconsistency with the Planning Scheme.

The applicant responded in writing to the grounds of objection; a summary of which was:

- *The City has approved other small lot dwellings excisions, hence there is precedent for granting a permit.*
- *The applicant is not seeking to rezone the area, rather is seeking an exemption from both lots needing to be a minimum of 40 hectares; and*
- *The applicant does not view an additional lot in Brownes Lane as producing an adverse impact.*

The applicant seeks an exemption from the Planning Policy Framework under the Farming Zone. If this were to be approved and an “exemption” was applied, this may be viewed as being a precedent for smaller lots where large scale dryland farming predominates.

Planning Assessment

In pre-application discussions with the applicants, the Statutory Planning Department had made the applicants aware that the proposal seeks to create a lot of less than 20 hectares for the existing dwelling; and a second lot of greater than 40 hectares in size. If the application was supported; the subdivision would create an opportunity for a further dwelling to be constructed on the land.

The outcome of allowing a subdivision which would mean another dwelling could be constructed on the land which is contrary to the Purposes and Decision Guidelines of the Farming Zone and Planning Policy. This site has previously been consolidated to create a lot of over 40 hectares.

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

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

<u>The relevant Planning policy context</u>

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

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

Strategic directions relevant to the proposal include:

- Protecting agricultural land as a valuable and finite resource from fragmentation and encroachment by competing uses.
- Supporting the sustainable growth of agriculture by:
  - Assisting the sector to adapt to the impacts of climate change.
  - Continuing to invest in infrastructure, processing and value adding businesses.
  - Protecting from incompatible uses.

    - Broadening the range of agricultural businesses.
- Avoiding subdivision of agricultural land to maintain it as a food and fibre resource to meet population growth demand.
- Managing competing land uses in order to facilitate the growth of agricultural uses while maintaining the amenity of more sensitive uses, particularly in the areas of a concentration of intensive animal industries as shown in the Rural strategic framework plan in Clause 02.04.

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

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas by:*
    - *Directing housing growth into existing settlements.*
    - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
    - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
    - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
    - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
    - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

Clause 14.01-1L Protection of agricultural land – Greater Bendigo includes the following strategies relevant to the proposal:

- *Avoid subdivisions that:*
    - *Do not support the agricultural use of land in the Farming Zone.*
    - *Result in the fragmentation of agricultural land in the Farming Zone and Rural Conservation Zone.*
- *Avoid subdivisions in the Farming Zone that create additional dwelling entitlements that are not required for the agricultural use of the land.*
- *Avoid the excision of existing dwellings unless the excision will:*

  - *Facilitate productive and efficient agricultural outcomes, particularly farm consolidation.*
  - *Minimise the loss of productive agricultural land.*
  - *Support the viability of agricultural land for agricultural purposes.*
  - *Provide for an excised dwelling that will not impact adjoining agricultural activities.*
- *Discourage serial excisions and further subdivision after reconfiguration of existing titles.*
- *Avoid dwelling excisions on parcels greater than two hectares to minimise the impacts of fragmentation unless required because of natural or public infrastructure constraints or it supports efficient agricultural practices.*
- *Avoid subdivisions that may create rural living enclaves remote from urban infrastructure.*
- *Avoid subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area.*

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

- *Whether the subdivision creates an additional lot where a dwelling can be constructed without a permit.*
- *Whether the subdivision or excision supports productive and efficient agricultural outcomes.*
- *Whether an agreement under Section 173 of the Planning and Environment Act 1987 should be utilised at the time of subdivision to prevent the fragmentation of agricultural land as a result of:*
  - *Further subdivision.*
  - *Construction of a dwelling.*
- *Whether there will be an impact on the viability of adjoining agricultural land uses.*
- *Whether there is a demonstrated need to reside on the site to support the agricultural land use.*
- *Whether the subdivision will change the character of the area.*
- *Whether there is a need to allow an excision of greater than 2 hectares in area to take account of natural or public infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.*
- *Whether the excised dwelling is in a habitable condition.*

An application under the provisions of the Farming Zone must address the purpose of the zone. This is the primary basis for any decision-making process for the responsible authority. The purposes of the Farming Zone are as follows:

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

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

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

- *The Municipal Planning Strategy and the Planning Policy Framework*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

The Farming Zone specifies that all lots created by subdivision should be at least the area specified in the zone. The Zone does, however, allow for a permit to be granted to create smaller lots if the subdivision is to create a lot for an existing dwelling. Under these circumstances the subdivision must be a two lot subdivision. This is more commonly referred to as a dwelling excision. Just because a person is able to apply for a permit does not imply that a permit should or will be granted. An assessment of the proposal against the relevant planning policy framework is outlined below.

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

Land fragmentation

The site and surrounding area are characterised by larger land holdings, with very few examples of small lots (that is, lots under 40 hectares in size). Land fragmentation is

the splitting up of land available for use as farmland through activities such as subdivision and residential development.

Land fragmentation is a key threat to continued agricultural use, inhibiting the ability to utilise economically efficient and sustainable farm practices. Fragmentation also increases the population density in rural areas, which often imposes constraints on farming operations due to concerns about the use of farm equipment, the use of fertilizers, the introduction of dogs and pests etc. There can be a cost to the community in terms of expectation of urban types of services such as requests for Council rubbish collection or upgrades to rural road.

The breaking up of rural land holdings can raise expectations of further residential encroachment, potentially increasing rural land prices and increasing pressures for further residential and rural residential sprawl - leading to further land fragmentation. Each decision, whether to allow a dwelling on an existing small lot, or in this case a subdivision, is important. Each decision, over time, can lead to permanent and unplanned land use changes.

With respect to the application of policy; Deputy President Gibson; and Member Davies in *Great Southern Plantations Ltd v Colac Otway SC (Red Dot)* [2006] VCAT 468 (31 March 2006) noted:

> *In exercising discretion whether to grant a permit for a house lot excision in a rural zone and in applying its policy, the responsible authority should be considering the question of whether the subdivision is likely to change the land use and whether it will adversely affect surrounding rural production activities, rather than simply taking the view that small lots with dwellings are ipso facto undesirable. It is not the small lots in themselves that are the problem but what they lead to. If the consequences of creating a small lot will not adversely impact on the objectives of the policy, then there is no point in applying the policy in a proscriptive way. Policies should always be applied with an eye to their objectives and the mischief they seek to address.*
>
> *The council's existing policy appears to be quite adequate in framing its objectives and the policies to be applied when exercising the discretion. The issues raised by a rigorous application of the policy require critical analysis and may lead to different outcomes when applied to different sets of facts. This is not a fault of the policy rather it is a product of correctly using a policy to guide decision making. Policies are not rules and do not automatically deliver answers. They are intended to guide the genuine exercise of a discretion in the interests of achieving the policy objective.*

In *Smith v Baw Baw SC* [2016] VCAT 611 (28 April 2016) Senior Member Byard found that:

"There is now, and for decades past has been, a desire by some people to capitalise on the residential value of farming land but this is to the detriment of farming purposes. It is thus that policies against the fragmentation of farming land by subdivision into small less useful or useless pieces (useless, that is to say from a farming point of view) have been formulated. Indeed, the tendency over 50 years or so has been for the areas needed for viable farming to increase rather than decrease, notwithstanding the advantages of advanced farming techniques, machinery, fertilizer and so on.

I should add that it is not a question of every piece of land being a viable farm, standing alone. Substantial pieces of land can be aggregated to be the basis of viable agricultural activities. To do that it is convenient but not always necessary for pieces of land being used to be contiguous. A piece of land, not sufficient for a viable farm in itself, is still valuable farmland that can be owned, leased, or used for agistment in association with other farmland. However, fragmentation into little bits is strongly contraindicated."

The applicant is seeking approval to subdivide land into two parcels, to allow the excision of an existing dwelling (Lot 2). Both lots would then be capable of being separately sold to unrelated parties. Lot 1, given its size, would be attractive as a 'rural living' proposition and lost to agricultural production.

In the case of Lot 1, further subdivision permissions may be sought for a dwelling and associated outbuildings could be constructed on the land without a planning permit. It is important to note that the site has previously been consolidated once in order to allow for the use of land for a dwelling.

The Planning Scheme does allow an application to create a lot for an existing dwelling in the Farming Zone. Because a permit may be granted, does not mean one should be granted. The Victorian Civil and Administrative Tribunal (VCAT) provides guidance on how the relevant policy should be considered and applied. In a comparable application in which the Greater Bendigo City Council in this term refused to a grant a permit for a 'dwelling excision' which was appeal to VCAT, Councils refusal to grant a permit was affirmed.

The case in question is *Niven v Greater Bendigo CC [2023] VCAT 1133 (October 2023)* where Senior Member Potts relevantly stated that:

"The subdivision indeed allows separate disposal of the land in a farming zone that has the potential to divorce it from any connection with or support of agricultural activity. As such it raises a potential planning outcome that is contrary to the purposes of the FZ and associated objectives and strategies of the PPF and MPS.

A further excised dwelling lot would, albeit incrementally, add to the development of a cluster of such lots in the area and contribute to a gradual incursion of non-agricultural land uses into the area. This is an outcome that planning policy seeks to avoid."

It could be contended that the applicant is seeking to exploit the Planning Scheme provision in a manner which is not supported by Policy by:

- Firstly, having consolidated two lots to create an 'as of right' dwelling entitlement (leading to the existing dwelling being constructed); and
- Secondly by making this application which seeks to create a further dwelling entitlement by stealth (by undoing the consolidation to create another lot for which a dwelling entitlement would exist).

Since the first dwelling was constructed; there have been changes to the Planning Scheme; to strengthen policy with respect to rural dwellings and subdivisions. The subdivision, if approved, would create a lot of over 40 hectares in size which seeks to create a dwelling 'right'. The smaller lot would be an undersized lot with limited to no agricultural use associated with the existing dwelling.

The current use of the land for a dwelling is augmented by a low scale (crop/hay) agricultural use. In the case of dwelling excisions, policy seeks provides guidance that in cases an application is supportable that the 'house' lot be a as small as practicable (it suggests a metric of 2 hectares). Policy provides this guidance in order the limit the area of land 'lost' for any meaningful agricultural pursuit to be only a modest area around a dwelling, leaving most of the land available for agriculture.

The proposed subdivision is not in accordance with policy in that the existing dwelling would be on a larger ~ 16.5 hectare lot, with no proposed agricultural use. The vacant lot would be a lot of ~ 44.2 hectares of which the current low scale agricultural use has not been demonstrated to require its own future dwelling.

The subdivision, if approved, would contribute to the fragmentation of farming land by creating the potential for a further dwelling. It would remove the agricultural association with the existing dwelling and cement a rural residential outcome which planning policy specifically seeks to avoid.

The Planning Scheme does not state that a dwelling excision can only occur 'once'. Approving inappropriate dwelling excision proposals could send the wrong message to the community that such subdivisions are supportable or indeed appropriate more generally.

There has been no policy reason advanced as to why this subdivision is required for farming or agricultural reasons. If this application were to be approved contrary to the

recommendation, it would be difficult to then justify refusing the next application or the one after that and so on this or other land.

Figure 5 is a stark example of what can occur by the use/ misuse of planning provisions where the planning regime of the day allowed dwellings to be excised from agricultural (irrigated fruit growing) land (the example being from Mildura) – creating streets that as you drive through them have enclaves of residential dwellings.

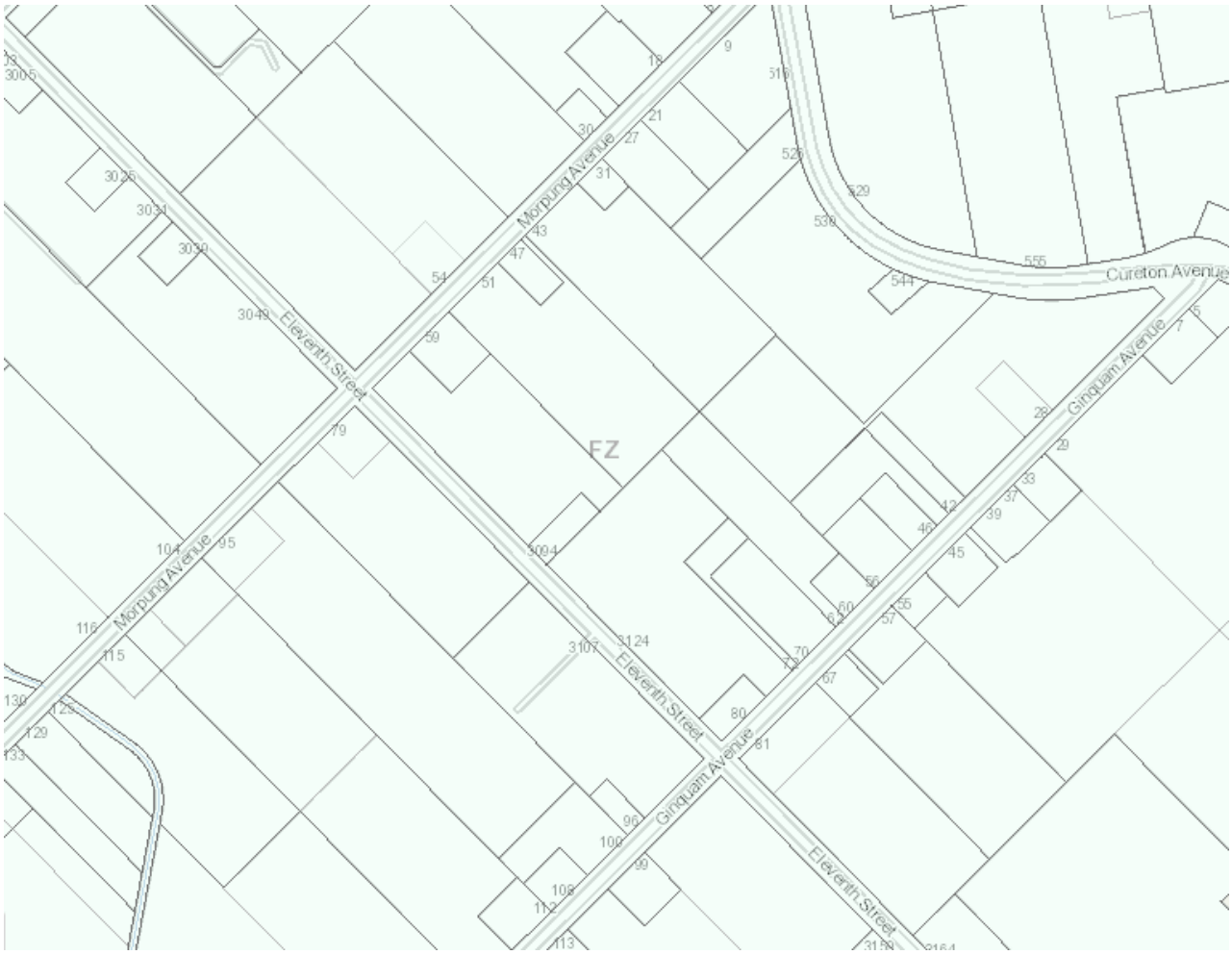

Figure 5: A cadastral planning scheme map of Farming Zoned land in Mildura, where dwellings excisions proliferated.

The subdivision may permanently remove land for agricultural production and the likely result is that both lots would be used entirely for rural residential purposes. Genuine agricultural activities on surrounding land may be impacted by the presence of dwellings; whose occupants may have expectations of a higher level of amenity than is typical is Farming Zoned areas. The outcomes of this proposal of this proposal are ones which planning policy unequivocally seeks to avoid.

The site is also opposite the Hanson Quarry. The site may suffer from *reverse amenity* impacts arising from that use (namely amenity of future dwelling occupants would suffer as a result of the operations of the quarry).

The contribution of the quarry to the economy of Bendigo, and Victoria is a significant one; and this facility has been a leading provider of resources used for a range of flood recovery activities (from both the October 2022, and more recent floods). The Planning Scheme now recognises the importance of extractive industry to the Victorian economy (and the risks that dwelling approvals create for these operations) by requiring a Planning Permit be sought in cases where a dwelling is within "500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*".

Impact on adjoining and surrounding agricultural land uses

Land use compatibility is a key consideration, as non-residential land use and development has the potential to adversely impact adjoining and surrounding agricultural land uses. The subdivision would support rural residential land use within the Farming Zone which would potentially stymie genuine agricultural activities on surrounding land or result in land use conflict with the Hanson Axedale Quarry, given a future lot owner may have unrealistic expectations as to the level of amenity they will enjoy.

It is evident from a review of the relevant policy relating to rural subdivisions and the protection of agricultural land that there is a clear desire within the Planning Policy Framework to ensure that agricultural land is carefully managed and protected. It is no wonder, given the importance of agricultural production to our region.

Relevant policies seek to prevent inappropriately dispersed urban activities in rural areas and limit new housing development in rural areas by encouraging consolidation of existing isolated small lots in rural zones. The proposal would facilitate an outcome that is completely at odds with this policy direction.

Incompatible land uses create conflict with primary agricultural land uses envisaged for this land, degrading the ability of the land to be productive and therefore resulting in lost agricultural revenue for the Greater Bendigo region. This is another form of 'mischief' which must be managed.

As outlined above, land fragmentation and additional dwellings do impact adjoining and surrounding land uses. The proposal would exacerbate the potential for land use conflict due to the presence of an entirely residential lot (and most likely in fact two residential lots) within the Farming Zone.

The presence of additional dwellings within the Farming Zone can impact on the operation and expansion of genuine agricultural activities by way of potential for offsite amenity impacts, agricultural production being unable to meet required buffer distances (for land on which a work authority has been applied for or granted under

the *Mineral Resources Act 1990*) and increased land values which can affect the viability of farming enterprises. These are real issues that threaten and compromise the agricultural industry

Cultural Heritage Management Plan (CHMP)

The site lies within an area of cultural heritage sensitivity; however, the proposed development is an 'exempt activity' as set out in the Aboriginal Heritage Regulations 2018.

Conclusion

The application proposes the subdivision of the land, which is contrary to planning policies relating to subdivision, rural dwellings and the Farming Zone. The proposal will create an undersized residential lot and an additional dwelling entitlement within the Farming Zone that is inconsistent with the Planning Policy Framework.
The Greater Bendigo Planning Scheme recognises that agricultural land is a valuable and finite resource that must be protected from fragmentation and encroachment by conflicting land uses. The proposed subdivision fails to protect productive agricultural land that is of strategic significance, would diminish the long-term productive capacity of the land and would create an additional dwelling entitlement that would not support the agricultural use of the land. All of these factors are contrary to planning policy objectives.

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

Options

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

Conflict of Interest

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

Attachments

Nil

16.4. Combined Planning Scheme Amendment C248Gben and Planning Permit Application DS/207/2019 - Consideration of Submissions and Request Panel

Author:	Frank Casimir, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

This report seeks consideration of the submissions received to combined planning scheme amendment C248gben and planning permit application DS/207/2019 and recommends that an Independent Planning Panel be requested to consider the submissions.

Recommended Motion

That Council:

1. Having formally considered all written submissions (including late submissions) received to Amendment C248gben and planning permit application DS/207/2019, notes the issues raised by the submissions and the officer's response to those issues, as outlined in this report.
2. Requests the Minister for Planning appoint a Planning Panel to consider submissions received for Amendment C248gben and planning permit application DS/207/2019, in accordance with Part 8 of the *Planning and Environment Act* 1987.
3. Refers all submissions identified in this report to the Planning Panel appointed by the Minister for Planning.
4. Endorses the officer's response to the issues raised by submissions to Amendment C248gben, as outlined in this report, as the basis for Council's submission to the Planning Panel.
5. Advises those persons who made written submissions to Amendment C248gben and planning permit application DS/207/2019 of Council's decision.

Executive Summary

Planning scheme amendment C248gben proposes to:

- Rezone the land at 1 Buckland Street, 20 Montis Lane, 28-34, 36-46 Saade Street, Epsom, and parts of the adjoining road reserves of Buckland Street, Montis Lane and Saade Street from the Farming Zone Schedule 1 (FZ1) to Neighbourhood Residential Zone Schedule 4 (NRZ4).

- Rezone the land immediately abutting the western side of the Bendigo Creek which includes part of the land at 18-26 Saade Street, Crown Allotment 19, No Section, Township of Epsom, Crown Allotment 20, No Section, Township of Epsom and Crown Allotment 2024, No Section, Township of Epsom, Parish of Sandhurst from the FZ1 to the Public Park and Recreation Zone (PPRZ).

The planning permit application which applies to 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom seeks approval to:

- Subdivide the land into 78 residential lots and an open space reserve in five stages.

- Remove, destroy or lop and vegetation, including dead vegetation.

- Carry out works including earthworks, roadworks, fences and other works ancillary to the subdivision.

The Explanatory report for Amendment 248gben is included at Attachment 1 and the draft planning permit is included as Attachment 2.

During the exhibition period, sixteen (16) submissions were received, including three (3) late submissions. Thirteen (13) submissions opposed either the permit application only or opposed both the amendment and the permit application. Three (3) submissions were in support of the amendment and permit application (see Attachment 3 for submissions). The opposing submissions were a local environmental group and from local residents. The EPA has advised that an environmental audit is required prior to sensitive uses (including residential) being allowed on the land.

The Department of Energy, Environment and Climate Action (DEECA) originally opposed the permit application due to insufficient information provided regarding the native vegetation proposed to be removed. The proponent subsequently engaged with DEECA to seek clarification on the further information required following which DEECA provided written advice that they no longer opposed the permit application but recommended additional permit conditions (which have been reflected in the draft planning permit in Attachment 2). In relation to the EPA submission, City officers, the proponent and their environmental consultants have engaged with EPA by providing additional information on the amendment but were unsuccessful addressing the EPA's comments to the extent they would withdraw their submission. This is outlined further in the report section.

The most common concerns raised by opposing submitters include the proposed native vegetation removal, flooding and stormwater drainage. There were a various

other issues raised including the potential adverse impact on property value, insurance premiums and part of the land being on the Heritage Victoria Inventory list.

The only recommended change following the exhibition process is to revise the draft planning permit in accordance with DEECA's submission.

Based on the submissions received, it is recommended that Council request the Minister for Planning to appoint an Independent Panel to consider all submissions received to Amendment C248gben and planning permit application DS/207/2019. It is worth noting here that City officers also recommend a position be presented to the Planning Panel around the application of an Environmental Audit Overlay to the site based on the EPA submission.

Background

The key steps in the Amendment and planning permit application process are summarised below:

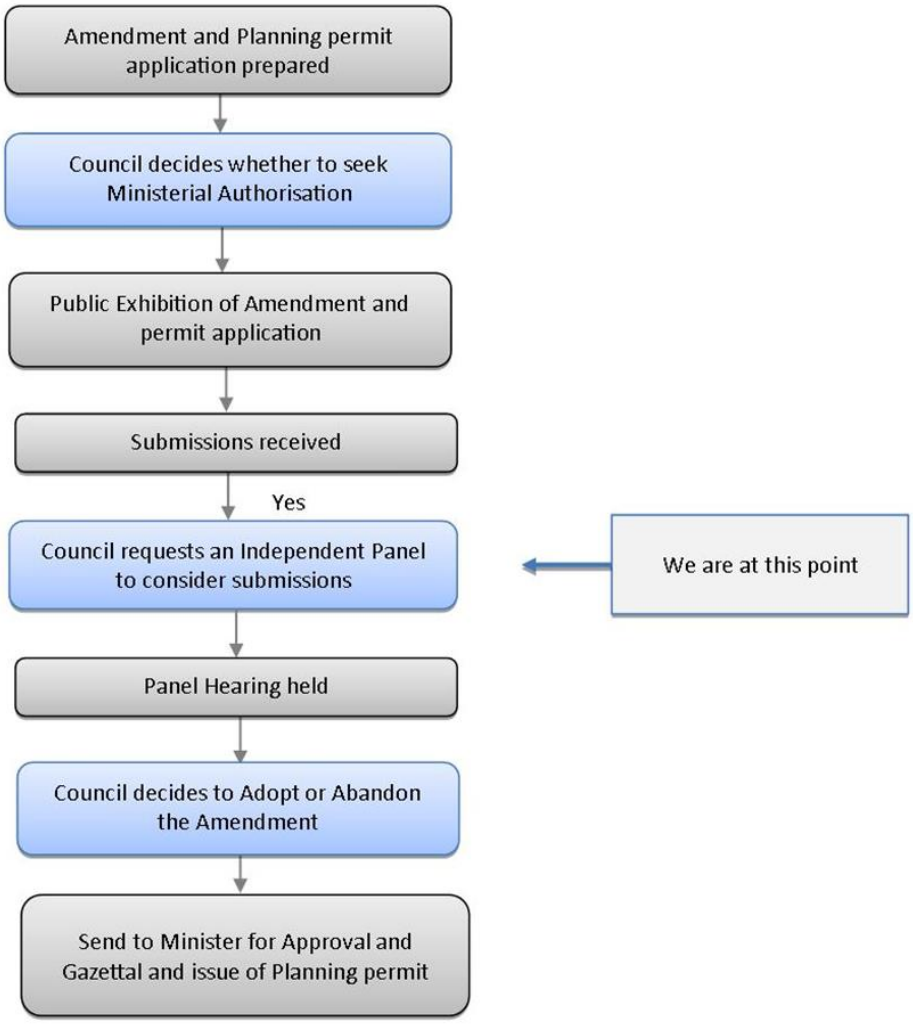

Figure 1: The combined planning scheme amendment and planning permit application process

Previous Council decision dates:

24 June 2018 – Council adopted the Amended Greater Bendigo Housing Strategy

22 May 2023 – Council resolved to prepare the documentation to facilitate the drainage encumbrance on Reserve 1 of Plan of Subdivision LP210004M Certificate of Title Volume 9792 Folio 960

24 July 2023 – Council resolved to:

- Request the Minister for Planning to authorise Council to prepare and exhibit combined Amendment C248gben and draft planning permit DS/207/2019 under section 96A of the *Planning and Environment Act* 1987.

- If authorised by the Minister, exhibit Amendment C248gben to the Greater Bendigo Planning Scheme and the draft planning permit DS/207/2019 for a minimum period of four weeks.

- Authorise the Director Strategy and Growth to make minor changes to Amendment C248gben and draft planning permit DS/207/2019 if they do not change the overall intent of the planning scheme amendment, or if changes are requested by the Department of Transport and Planning.

Report

Exhibition

The exhibition of Amendment C248gben and planning permit application DS/207/2019 was undertaken for one month from February 22 until 25 March 2024, in accordance with the requirements of the *Planning and Environment Act,* 1987. One landowner within the precinct was provided with the opportunity to lodge a submission between April 15 and May 17, 2024. Further detail is provided in the Communications/Engagement section of this report.

Post-exhibition discussions with submitters

Communication with submitters 3, 8, 14 and 16 has occurred to discuss their respective submission and offer preliminary commentary. Communications with submitters 3 and 8 were essentially either by email or by telephone calls, where the submitters were able to discuss their concerns with the Amendment and permit

application with City officers. Where required or requested, City officers provided additional information to the submitters about the Amendment and permit application. Following these discussions, the two submitters decided to maintain their opposing submissions because City officers are not supportive of changes to the Amendment and to the permit application as they had requested.

Communication also occurred with submitters 14 (DEECA) and 16 (EPA), who are both referral authorities. DEECA originally lodged a submission to support the Amendment but to oppose the planning permit application. After a number of conversations and emails, DEECA revised its submission to support both the Amendment and permit application with conditions to include on the draft planning permit (see conditions 45-56 on the attached draft planning permit at Attachment 2). City officers have also had a number of conversations with the EPA about its submission, but the EPA continues to maintain its submission.

Details about how City officers have engaged with the EPA before and after the exhibition of the Amendment and permit application are further discussed below.

Submissions

Sixteen (16) submissions were received to the Amendment and planning permit application, including three (3) late submissions (see Attachment 3). Three (3) of these submissions support the Amendment and the permit application subject to conditions to include on the draft planning permit. These submissions are from the Country Fire Authority (CFA), the North Central Catchment Management Authority (NCCMA) and from DEECA, which are all referral authorities.

The thirteen (13) remaining submissions either oppose the permit application only or both the Amendment and permit application, or require additional information before support can be provided. The following is an overview of the remaining submitters:

- One (1) submission from the EPA, who are concerned about rezoning the land to a residential zone as they do not consider they have sufficient information to confirm the land is not potentially contaminated. The EPA has recommended that an environmental audit be undertaken, in accordance with Planning Practice Note 30.
- One (1) is from a local environmental group who are concerned about rezoning the land and subdividing it because this will require vegetation removal, the land is subject to flooding, and part of the land is potentially an archeological site.
- One (1) individual whose land is affected by the Amendment and permit application also lodged a submission to support the Amendment but requests that their consent be obtained before any works and vegetation removal occurs on their land.
- Ten (10) opposing submissions were provided from local residents.

Discussion

As previously stated, the only three (3) supporting submissions with conditions to include on the draft planning permit are from the CFA, the NCCMA and from DEECA. The NCCMA's conditions are at conditions 29 to 41 and DEECA's conditions are at conditions 45 to 56 on the draft planning permit, and the CFA's condition is included at condition 57 (see Attachment 2). City Officers do not have concerns with the proposed additional conditions being included.

The main issues raised in the opposing submissions received to the Amendment and permit application relate to:

- Native vegetation removal
- Flooding and stormwater management.
- Land being potentially contaminated.

Other issues relate to adverse traffic impacts, property values, increase in insurance premium and the site being on the Heritage Victoria Inventory list. A detailed response to the submissions is in Attachment 4.

Native vegetation removal

Of the thirteen (13) submissions received to the Amendment and permit application that oppose or seek changes, eleven (11) raised concerns about the proposed removal of native vegetation for various reasons. The proponent submitted a Native Vegetation Removal Report as part of their application documentation and the report was publicly exhibited but was subsequently revised at the request of DEECA for more accuracy. DEECA as a referral is satisfied that the revised Native Vegetation Removal Report by Practical Ecology in July 2024 (NVRR, July 2024) clarifies the amount and location of the native vegetation proposed to be removed. Importantly, DEECA has stated in their response that they consider that the application has met the three-step approach which consists of avoid removal, minimise impact and provide an offset for vegetation removal.

It is also of note that the site is not heavily vegetated. Most of the vegetation is located either on Crown land or on Council owned land along the Bendigo Creek to the east where impacts on native vegetation have been minimised. The aerial imagery below, which is an extract from the NVRR, July 2024 indicates the location of existing vegetation on the development site.

Figures 2 and 3: The location of amount of native vegetation on the site (Base map: Nearmap April 2024) **Note**: To the left is the southern part of the site and to right is the northern part. The site boundary is in red.

A recurrent issue raised in the submissions opposing vegetation removal is that the development has not been designed to avoid and minimise vegetation removal. To address this concern, the proponent has demonstrated in the NVRR, July 2024 that they are proposing low-impact construction techniques to avoid adverse impacts on biodiversity. The trees, including the large trees and patches of vegetation which are proposed to be retained and those where removal cannot be avoided is outlined in Map 2 (Impact Assessment) of the NVRR, July 2024, and shown below in Figures 4 and 5. Additionally, Table 7 in the NVRR, July 2024 (shown below in Figure 6) lists all the steps that have been taken to avoid and minimise impacts on native vegetation (biodiversity).

Figures 4 and 5: The impact assessment of the native vegetation assessment. **Note:** To the left is the southern part of the site and to the right is the northern part.

Table 7. Steps taken to avoid and minimize biodiversity impacts

Steps taken to avoid and minimise biodiversity impacts
• A reserve area has been proposed to provide a buffer between habitat within the Bendigo Creek and the proposed development and development will be heavily restricted along the eastern boundary of the site to ensure no impacts. • The development will utilise an existing drainage reserve to the north of the site so impacts of additional water runoff with the new proposed usage can be responded to without changing the existing water levels in Bendigo Creek. • Revegetation can be performed within the upgraded drainage reserve to match the species and habitat present within the Bendigo Creek area which will lower the risk of non-indigenous species invading the area and increase the health of this habitat through the proximity to a maintained native habitat. • All sites will have access to reticulated sewerage systems to ensure septic or other waste disposal means do not pose an ongoing threat to the Bendigo Creek area. • While the placement of internal infrastructure has determined that all trees listed as lost or impacted cannot be retained, it also confirmed that Trees 30-38 and 50-51 can be retained. All appropriate measures will be taken to protect these trees and tree along Bendigo Creek during and following construction. • The machinery and access chosen has been taken into consideration when determining the impact to vegetation including construction methodology such as boring, etc.
• While fill is required due to the flood requirements of the area and all lots are to be filled generally between 300 mm to 1m, this does prevent the flood regime across the site from being changed significantly so retained vegetation should not be impacted in the long term. • All appropriate measures will be taken to ensure erosion does not impact the creek banks. • Setbacks will be placed on properties which are adjacent to the Bendigo Creek area to ensure trees and other habitat are protected from ongoing impacts. • The Bendigo Creek area will be monitored during and following construction to ensure there are no additional impacts and appropriate measures can be taken. • Weed control can be performed around the Bendigo Creek area prior to and following construction to allow native vegetation to not be overrun in the event some form of impact occurs.

Figure 6: Steps taken to avoid and minimise impacts on native vegetation

Some vegetation removal cannot be avoided because of the significant earthworks associated with the development of the site including fill, stormwater drainage infrastructure, roads and footpaths. The proponent has submitted in the NVRR, July 2024 that some of these works like the drainage basin are required to protect the biodiversity along the adjoining Bendigo Creek by ensuring the quality of stormwater being released. While some submitters are concerned that native vegetation will be removed along the Bendigo Creek, the NVRR, July 2024 suggests that there will be a buffer between the proposed development and the Bendigo Creek to ensure no impact on vegetation along the Bendigo Creek.

It is noteworthy that because of the nature of the development, all the native vegetation on the site will be offset irrespective of whether they are being retained or removed. There is also a condition included in the draft planning permit conditions to provide for a qualified professional to be on site during the removal of native vegetation to ensure any affected wildlife is not harmed. This will be at the cost of the developer or permit holder.

As shown on **Figures 2 and 3** above, the site is not heavily vegetated except for the public land along Bendigo Creek where according to the NVRR, July 2024, all effort to retain and minimise impact has been focused.

Flooding and stormwater management

Among other matters, ten (10) submitters raised concern about the potential of flooding to occur on the land and how this will impact future residents of the subdivision and existing nearby residents. Their main reasons for raising this concern are because the site is low-lying, is located next to the Bendigo Creek and is already affected by the Land Subject to Inundation Overlay (LSIO).

The proponent relies on advice received from the NCCMA and a Stormwater Management Plan dated December 2023 to state that the land can be developed despite its location and relationship with the LSIO. The NCCMA and the City's Engineering Unit did not object to the permit application.

Some submitters are of the view that backfilling all the lots within the subdivision up to 300 millimetres above the flood level (as required by the NCCMA) will be inadequate to mitigate flooding impacts when the development is completed. Similarly, the submitters assume that the fill will cause areas which have never been flooded before to be flooded in the future during heavy rainfall events. It is noteworthy that the 300 millimetres backfilling will be above the flood level (as determined by the NCCMA) and not above the current natural ground level.

The risk that nearby existing developments will get flooded in the future subsequently is not fully substantiated. This is because as demonstrated in the Stormwater Management Plan, the existing development has its own stormwater drainage network which is connected to the Bendigo Creek via the existing Council drainage basin and there is no proposal to connect the new development to the existing stormwater drainage network.

Concerns have also been raised in the submissions that the existing Council drainage basin will not have the capacity to accommodate the additional stormwater from the new development. To address this issue, the Stormwater Management Plan provides for the construction of a sediment pond and an increase in depth of the existing drainage basin before stormwater is released into the Bendigo Creek.

The increase in rainfall intensity and frequency is another issue raised in the submissions. According to some submitters, this will have an adverse impact on the proposed flood mitigation measures like the proposed fill or the stormwater drainage network. As the Stormwater Management Plan was developed using currently available rainfall data contained in the Australian Rainfall & Runoff guides for storm and flood estimation for their stormwater drainage modelling, which is considered to be still up to date, this assertion cannot be verified.

The City's Engineering Unit has confirmed that if there is any change to Australian Rainfall & Runoff guides for storm and flood estimation in the future, the Stormwater Management Plan may need to be updated to reflect the new standards.

Potentially contaminated land

The EPA as a referral authority has advised it is their view that a Preliminary Risk Site Assessment (PRSA) or an environmental audit is required before the land can be rezoned for residential use and development. This view however differs with the findings of the technical assessment contained in the Preliminary Environmental Site Assessment (PESA) (updated in June 2024) submitted to the EPA which states that this assessment is sufficient to establish that in terms of contaminated land, the site is of low risk for human habitation.

There has been extensive communication between the EPA and City officers before the public exhibition of the Amendment and permit application. The details and outcome of this communication are contained in the attached exhibited Explanatory Report (see Attachment 1) under the section "Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?"

Further communication and meetings occurred between EPA officers, the proponent's environmental consultant and City officers following public exhibition of the Amendment/ draft planning permit when the EPA requested further information before forming a view on the Amendment/ draft planning permit. At that stage the proponent's environmental consultant conducted further soil testing to determine the level of contamination of the land and whether a PRSA or an environmental audit of the land is required. Again, the proponents have indicated the results of the soil tests and assessment have confirmed the land does not require a PRSA or an environmental audit before it can be rezoned because the level of contamination is within a standard range for human habitation.

The City must consider the recommendations of the EPA as the relevant referral authority. Therefore, the officer recommendation would be to progress the Amendment and permit application to an independent Panel with a recommendation that in the absence of a PRSA or an environmental audit, the Amendment should not be adopted (by Council) unless it is changed to include the application of an Environmental Audit Overlay (EAO) to the whole site and that Panel consider recommending the application of an EAO.

Other issues in the Opposing Submissions

Submitter 8 lodged a further submission to advise that the site affected by the Amendment and permit application is on the Victorian Heritage Inventory list (Site No. H7724-0637 Epsom Hotel Archeological Site).

At the time of the initial assessment of the Amendment and permit application, City officers were unaware that the land was on the VHI list. Generally, it is the responsibility of the landowner and permit applicant to advise the City when their land is on the VHI list. There is also no trigger under the planning scheme for specific consideration for places that are subject to a planning scheme amendment or permit application which are on the VHI list. As Heritage Victoria has been notified of this issue, the proponent has been encouraged to contact Heritage Victoria for a resolution. If a Panel hearing is held, it is very likely that the Panel will have a view and make a recommendation on this matter.

Submitter 15 is an individual whose land is also affected by the Amendment and permit application. While they support the proposed rezoning of their land from Farming Zone, Schedule 1 (FZ1) to a residential zone, they do not consent to any works or vegetation removal on their land without their further written consent. As this is a private matter between this landowner and the proponent, City officers are unable to make a recommendation.

The other issues raised in the opposing submissions relate to property value and increase in insurance premium because of flooding. City officers consider that these two issues are not planning considerations and are therefore unable to make a recommendation on these matters.

Priority/Importance

Consistent with Ministerial Direction 15 (The Planning Scheme Amendment Process), if Council as the planning authority resolves to proceed with the Amendment (and planning permit application), a request to appoint a Panel under Part 8 of the *Planning and Environment Act*, 1987 must be made within 40 business days of the closing date of submissions.

More than 40 days have now elapsed since close of submissions. This delay has occurred because City officers have been trying to resolve some of the submissions before requesting a panel with the expectation that this will offer a fairer process for both the proponent and the submitters. The Minister for Planning has granted an extension to the 40 day timeframe.

Options Considered

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

Section 23(1) of the Planning and Environment Act, 1987 requires that in consideration of submissions received in relation to an Amendment, the Council must either:

- Change the Amendment in the manner requested by the submitters and adopt the Amendment with changes; or

- Refer the submission(s) to an Independent Panel appointed by the Minister; or

- Abandon the Amendment, or part of the Amendment.

Section 22(2) of the Planning and Environment Act, 1987 advises that Council has the option of accepting late submissions but must do so if requested by the Minister for Planning.

Timelines

From the date of the Council meeting the timelines are as follows:

Week beginning 23rd September 2024 – Directions Hearing

Week beginning 21st October 2024 – Panel Hearing

There will be a further report to Council once the Panel Report has been received and considered.

Communications/Engagement

As required under Section 19 of the *Planning and Environment Act* 1987, Amendment C248gben and planning permit application DS/207/2019 were exhibited for one (1) month from 22 February 2024 to 25 March 2024. The exhibition included:

- Individual notices to nearby owners and occupiers of land surrounding 1 Buckland Street, 20 Montis Lane, 18-26, 28-34, 36-46 Saade Street, Epsom (land affected by the Amendment and permit application).
- Notices to prescribed Ministers under Section 19(1)(a) of the Act.
- Notices to service authorities.
- Public notice of the Amendment and of the permit application in the Bendigo Advertiser on 21 February 2024 and 24 February 2024.
- Publication of the notice of the Amendment and of the permit application in the Government Gazette on 22 February 2024.
- Display of two signs on the sites giving notice of the Amendment and of the permit application at the front of the land at 1 Buckland Street and at 36-46 Saade Street, Epsom.
- Access on the City's website at https://www.bendigo.vic.gov.au/Services/Building-and-Planning-Scheme-

Amendments and on the Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection

Following exhibition, City officers became aware that one of the landowners within the subject land had not been provided with notification of the Amendment/ draft planning permit. A separate notice was provided to the owner of 28-34 Saade Street, Epsom, on 15 April 2024, and the owner was provided the opportunity to lodge a submission between 15 April and 17 May, 2024.

Financial Sustainability

Officer time will be required to prepare the Amendment and planning permit documentation for the Panel hearing but the proponent is responsible for payment of all statutory fees and costs incurred in the processing of the Amendment and planning permit application.

Risk Assessment

A number of submitters have raised issues and potential risks with the combined Amendment/ draft planning permit. Given that the Amendment/ draft planning permit process has commenced, it's recommended that submissions now be referred to an Independent Panel to further consider and provide recommendations on these matters, and to ensure transparent and fair process.

There are statutory timeframes which need to be adhered to in progressing combined Amendment and permit application.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 7 - Sustainable population growth is planned for

Other Reference(s)

Nil

Conflict of Interest

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

Attachments

1. C 248 gben and D S 2072019 Explanatory report [**16.4.1** - 19 pages]
2. C 248 gben and Permit D S 20272019 Draft Planning Permit [**16.4.2** - 17 pages]
3. C 248 Redacted submission compiled [**16.4.3** - 45 pages]
4. ATTACHMENT 4 OFFICER RESPONSE TO SUBMISSIONS Final [**16.4.4** - 12 pages]

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C248gben
PLANNING PERMIT APPLICATION DS/207/2019

EXPLANATORY REPORT

Overview

The amendment proposes to give effect to the *Greater Bendigo Housing Strategy* (Amended 2018) by rezoning the affected land at 1 Buckland Street, 20 Monis Lane, 28-34, 36-46 Saade Street, as well as the adjoining reserves and road reserves, from a Farming Zone Schedule 1 (FZ1) to Neighbourhood Residential Zone (NRZ). The rezoning will increase the housing supply on well-located land within the Bendigo Urban Growth Boundary (UGB).

The amendment also proposes to rezone the land immediately abutting the western side of the Bendigo Creek which includes part of the land at 18-26 Saade Street, Crown Allotment 19, No Sec, Township of Epsom, Crown Allotment 20, No Sec, Township of Epsom and Crown Allotment 2024, No Sec, Township of Epsom, Parish of Sandhurst from the FZ1 to the Public Park and Recreation Zone (PPRZ).

The existing planning overlays are not proposed to be changed by this amendment.

The permit application proposes to subdivide the land into 78 residential lots and remove native vegetation.

Figure 1 – The land affected by the amendment

Where you may inspect this amendment

The amendment can be inspected free of charge at the Greater Bendigo Planning Scheme website at www.bendigo.vic.gov.au/

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Greater Bendigo Strategic Planning Unit, Galkangu GovHub 195-229 Lyttleton Terrace Bendigo VIC 3550 or via the City of Greater Bendigo website at: www.bendigo.vic.gov.au/residentsandservices/planningservices/Planningschemeamendments.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment and planning permit. Submissions about the amendment and planning permit must be received by **Monday 25 March 2024.**

A submission must be sent to:

Strategic Planning Unit
City of Greater Bendigo
PO 733
Bendigo VIC 3552

or via email to strategic.planning@bendigo.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **Week beginning ~~June~~ September 2~~4~~, 2024**
- panel hearing: **Week beginning ~~July~~ October 2~~1~~2, 2024**

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Greater Bendigo City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Spiire on behalf of Lawserve, Beardall and Smith.

Land affected by the amendment

The amendment applies to land at 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom as well as the adjoining reserves and road reserves. The affected land comprises of thirteen (13) land parcels which are more formally described as:

- Lot 2 on PS210213 (Vol 09792 Fol 962);
- Lot 3 on PS210213 (Vol 09792 Fol 963);
- Lot 4 on PS210213 (Vol 09792 Fol 964);
- Lot 1 on TP949533 (Vol 11335 Fol 620);
- Lots 1 & 2 on TP747978 (Vol 05061 Fol 015);
- Lots 1 & 2 on TP743178 (Vol 08782 Fol 139);
- Reserve 1 on LP210004 (Vol 09792 Fol 960)
- Crown Allotment 20A Parish of Sandhurst (Vol 08274 Fol 871);
- Crown Allotment 19, No Sec, Township of Epsom (General Law Land);
- Crown Allotment 20, No Sec, Township of Epsom (General Law Land); and

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- Crown Allotment 2024, No Sec, Township of Epsom, Parish of Sandhurst (Vol 11796 Fol 179).

The affected land encompasses a total site area of approximately 8.91 hectares within the suburb of Epsom, located immediately west of the Bendigo Creek (refer to Figure 1 above).

The affected land is located within the Farming Zone Schedule 1 (FZ1), and almost entirely affected by the Land Subject to Inundation Overlay, Schedule 1 (LSIO1 – Flooding from Waterways [Depths up to and including 350 millimetres]), or Schedule 2 (LSIO2 – Flooding from Waterways [Depths greater than 350 millimetres]). The area within the site proposed for residential development/zone is only affected by LSIO Schedule 1 (LSIO1). The affected land is also partially affected be the Environmental Significance Overlay, Schedule 1 (ESO1 – Watercourse Protection).

The affected land has previously been used for farming purposes and is largely cleared of vegetation, with no existing dwellings or structures present. Scattered trees exist throughout the site, with vegetation present along the eastern boundary adjacent to Bendigo Creek and within the northern portion of the site. The Montis Lane road reserve extends through a portion of the site (at the northern end). This road reserve is currently used as a shared path which provides a link to the Bendigo Creek Trail, which runs along the Bendigo Creek from the Epsom Shopping Centre to Lake Weeroona.

The surrounding area includes a mixture of residential and commercial land uses, with public open space along Bendigo Creek. The land immediately west of the site is within the General Residential Zone (GRZ) with developed and developing residential lots as part of the 'Elmwood Estate'. The Bendigo Creek adjoins the site to the east and separates it from land within the Commercial 1 Zone (C2Z) further east. The land to the south of the site is within the Low Density Residential Zone Schedule 1 (LDRZ1) and comprises larger residential lots. The land to the north of the site is also within the FZ1 and includes an existing drainage basin, owned and managed by the council, which is proposed to be utilised as part of this proposal.

Figure 2: Land to be rezoned as part of the amendment

A mapping reference table is attached at Attachment A to this explanatory report.

Figure 3: Land included in Planning Permit Application

What the amendment does

The amendment is a combined planning permit application and planning scheme amendment under Section 96A of the *Planning and Environment Act 1987*.

The amendment proposes to:

- Rezone the land at 1 Buckland Street, 20 Montis Lane, 28-34, 36-46 Saade Street, Epsom, and parts of the adjoining road reserves of Buckland Street, Montis Lane and Saade Street from the FZ1 to the NRZ2 as shown on Planning Scheme Map No. 15.
- Rezone the land immediately abutting the western side of the Bendigo Creek which includes part of the land at 18-26 Saade Street, Crown Allotment 19, No Section, Township of Epsom, Crown Allotment 20, No Section, Township of Epsom and Crown Allotment 2024, No Section, Township of Epsom, Parish of Sandhurst from the FZ1 to the Public Park and Recreation Zone (PPRZ) as shown on Planning Scheme Map No. 15.
- Rezone the reserves and road reserves adjoining the land in order to reflect the zone of the adjoining private property.

The amendment retains the overlay provisions currently affecting the land.

The planning permit application applies to 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom.

The planning permit application seeks approval to:

- Subdivide the land into 78 residential lots and an open space reserve in five stages as shown on Figure 4 below.
- Remove 0.905 ~~257~~ hectares of native vegetation, 12 patches of native vegetation with a total area of 0.483 hectares (containing 4 large canopy trees), 3 large scattered trees and 11 small scattered trees. ~~including dead vegetation.~~
- Carry out works including earthworks, roadworks, fences and other works ancillary to the subdivision.
- Create a drainage reserve.

A copy of the draft planning permit is attached as a separate document to this explanatory report.

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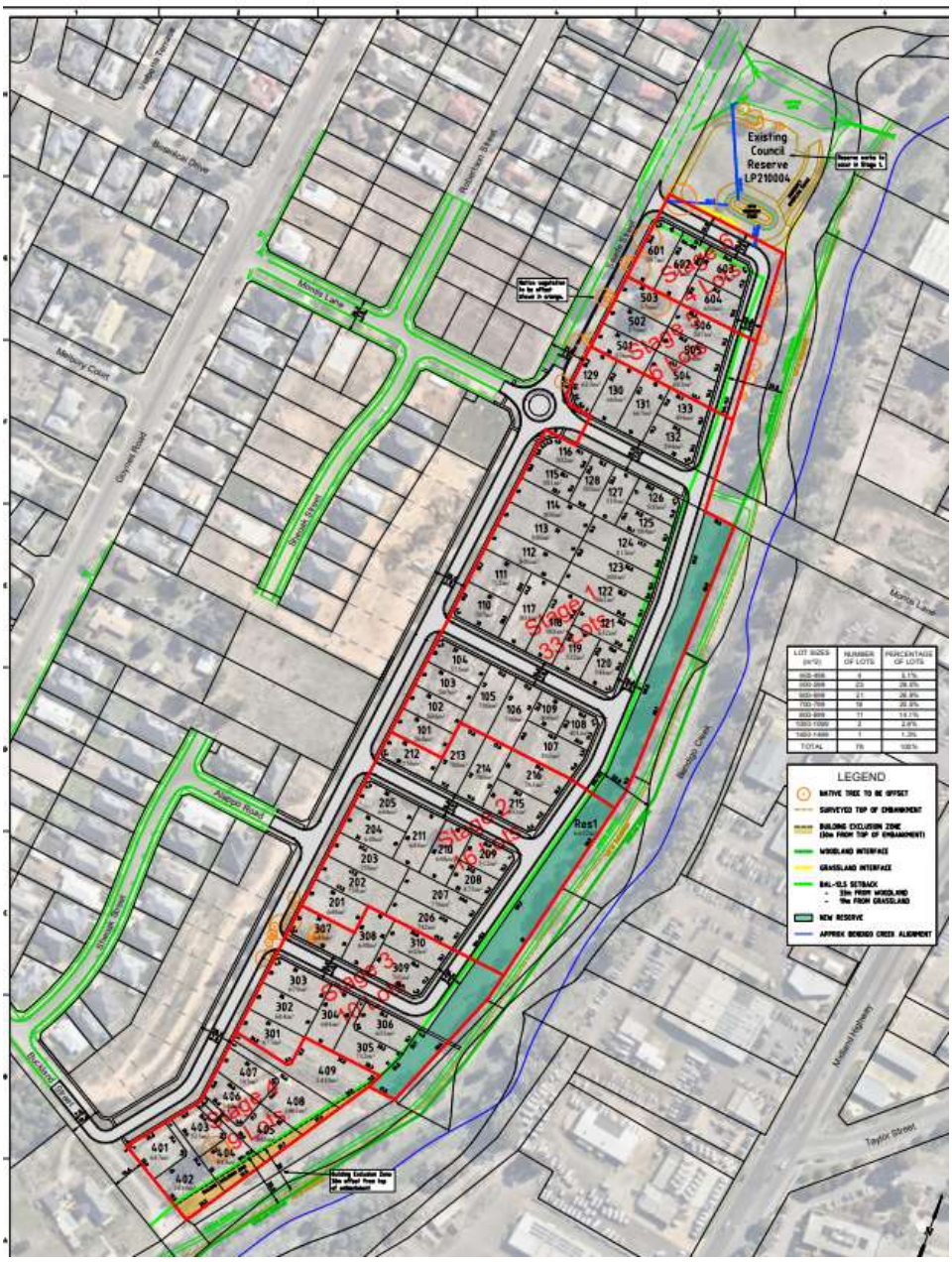

Figure 4: The proposed subdivision layout

Strategic assessment of the amendment

Why is the amendment required?

An amendment to the Greater Bendigo Planning Scheme is required to facilitate the proposed residential development of the part of the affected land.

The affected land is located within the FZ1, and the current zoning provisions discourage the development of the land for residential purposes. To develop the affected land for residential purposes an amendment is required to rezone the land to the NRZ.

Greater Bendigo grew by around 1,400 additional residents between 2021 and 2022 (ERP, 2022) and has grown by 19,000 residents over the last 10 years. This growth is expected to continue. The rezoning of the affected land is supported by the *Greater Bendigo Housing Strategy* (2016, Amended 2018) which identifies the site for rezoning to facilitate an increased housing supply within the UGB. The strategy identifies the affected land as being well located, including having a primary school and major public open space reserve proximate to the site. It also notes that the site is connected to reticulated infrastructure.

The land included in this amendment is required for residential purposes in order to increase the supply of housing in well serviced locations to reduce the pressure on expanding the Bendigo UGB. The *Greater Bendigo Housing Strategy (2016, Amended 2018)* provides the analysis of available land open for residential purposes that enact the broader planning policies that speak to Housing a growing population. Clause 02.03-1 outlines that the population of the City is projected to grow by 2,000 people per annum with an additional 1,000 dwellings required to be constructed per year in appropriate areas. Under clause 11.01-1L-01 it is considered good planning practice to allow for greater residential development in suitable and serviced areas. This rezoning will help to meet existing market demand by providing new housing in an established area.

This land has been identified as appropriate for residential growth by the *Greater Bendigo Housing Strategy* (2016, Amended 2018). The impact of this amendment and permit application is that it will make a positive contribution towards the supply of Housing in Bendigo, by creating an additional 78 lots available for purchase on the general real estate market. This is consistent with the strategic policies of the Greater Bendigo Planning Scheme.

The Bendigo Creek environs from Buckland Street to Ironstone Road are identified in the *Greater Bendigo Public Space Plan* (2019) as being a Key Public Open Space and part of a Primary Public Open Space Corridor. Therefore, it is considered inappropriate for the land owned and administered by the Department of Energy, Environment and Climate Action (DEECA), and the City of Greater Bendigo along the Bendigo Creek to remain within the FZ1 when the land to east is being rezoned to the NRZ and land to west is already within the PPRZ.

The rezoning of this land from the FZ1 to the PPRZ will affirm the use of this land as a Primary Public Open Space Corridor and will enhance the key functions and values including both passive and active use, connection, biodiversity and heritage.

How does the amendment implement the objectives of planning in Victoria?

The proposed amendment implements the following objectives of planning in Victoria as outlined in Section 4(1) of the *Planning and Environment Act 1987:*

(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

The proposed amendment rezones land that will facilitate residential development in accordance with the Greater Bendigo Housing Strategy, and affirms the Bendigo Creek environs as a Key Public Open Space in accordance with the Greater Bendigo Public Space Plan.

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

The proposed amendment protects natural, and man-made resources by providing an open space area along the Bendigo Creek. The proposed amendment rezones land owned by the Department of Energy, Environment and Climate Action (DEECA) and the planning authority, which currently forms part of the Bendigo Creek Primary Public Open Space corridor, from the FZ1 to PPRZ consistent with the existing zoning of the Bendigo Creek. The proposed subdivision provides a road along the western boundary

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of the open space area, which will ensure residential development is appropriate set back from the Bendigo Creek.

(a) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The proposed amendment rezones land for residential and public open space purposes, will secure a pleasant, efficient and safe living and recreational environment for future residents and the wider community.

(b) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

The proposed amendment will help to protect and enhance the Bendigo Creek environs through the creation of a reserve along the eastern boundary of the proposed residential area. In addition, the proposed amendment seeks to rezone land that already forms part of the Bendigo Creek environs from the FZ1 to the PPRZ, which will support the use of this land as a Key Public Open Space area and will enhance its environmental and recreational values.

In accordance with the *Aboriginal Heritage Regulations 2007*, a Cultural Heritage Management Plan was required as part of the proposal given that the land is located in an area of cultural heritage sensitivity (within 200 metres of Bendigo Creek), and the proposed activity is a high impact activity. Two Cultural Heritage Management Plans have been approved for the affected land and are enclosed with the application.

(c) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

The proposed amendment facilitates residential development that enables the orderly provision and co-ordination of public utilities from adjoining residential development and the new public open space area will be for the benefit of the community.

(d) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);

The proposed amendment facilitates a residential development consistent with objectives (a), (b), (c), (d) and (e) as stated above.

(e) to balance the present and future interests of all Victorians;

The proposed amendment rezones land to facilitate residential development in an area identified by the Greater Bendigo Housing Strategy as having potential for residential development. In light of the availability of services and utilities, the site is logically suited to provide additional housing and a range housing types given the proposed subdivision has a variety of lot sizes between 401 square metres and 1,401 square metres. The subdivision layout will support a housing market that meets community needs and is highly accessible to jobs, services and transport.

How does the amendment address any environmental, social and economic effects?

Environmental Effects

The use of the affected land for farming purposes is no longer suitable given the size of the land is not of a sufficient scale for productive agriculture and the residential nature of surrounding land and potential for land use conflicts. The rezoning of the affected land to the NRZ will provide for a more efficient land use which is consistent with and complementary to surrounding residential and commercial development.

A Preliminary Environmental Site Assessment was undertaken by Edwards Environmental which determined that small volumes of solid inert waste were observed at 28-34 Saade Street. In addition, the soil sampling investigation identified elevated arsenic across the site which is consistent with background arsenic concentrations.

It was recommended that all solid inert waste should be disposed of offsite and to a site permitted to receive such waste and that a Soil Management Plan be developed and prepared for the site. A Soil Management Plan has been developed and prepared for the site by Edwards Environment to characterise the risk associated with arsenic and provide management options to mitigate any risks.

Given the prevalence of overlays and native vegetation on the site, it is acknowledged that the rezoning of the land for residential purposes will result in some unintended impacts on the receiving environment

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(in the form of the open fields being transitioned to an urban landscape). Notwithstanding this, the design and layout of the subdivision appropriately addresses these issues to maintain a high level of environmental amenity within the Bendigo Creek corridor.

Flooding impacts have been appropriately addressed to maintain the existing natural floodway and water levels in Bendigo Creek. A Stormwater Management Plan has been prepared which assesses the potential impact of the development on flow regimes and outlines stormwater management strategies to reduce flood risk, manage stormwater quality and avoid environmental degradation to the region.

The report has been prepared in accordance with the North Central Catchment Management Authority's (NCCMA) requirements and the Bendigo Flood Study, and makes the following conclusions:

- The development to allow external flows to pass through the site;
- A minor pipe network to be installed similar to the alignment as shown in this report;
- A major 750mm diversion pipe located along Buckland Road (as part of rezoning);
- Sedimentation basins of 200m2 and located as recommended in this report. This will further protect the waterways from sedimentation and some nutrient pollution;
- Wetland covering a minimum of 800m2 located north of the subject site;
- Retarding basin with a volume of 1,650m3, as shown in the report in cut to avoid local afflux;
- SPEL systems as detailed in the SPEL stormwater water quality report in Appendix A; and
- Residencies be placed 300mm above the flood levels as defined in the report.

In accordance with the above, the Stormwater Management Plan confirms that the development can meet the NCCMA requirements with respect to stormwater and flooding.

The NCCMA preliminary advice states that potential flooding of the affected land may be possible in the event of a 1 per cent AEP flood event. To mitigate the potential flooding of the site after its development, it has been filled to 300 millimetres above ground level. However, it is acknowledged that flooding may still occur within the road reserve after the development of the site.

A subsequent Stormwater Management Plan was prepared which provides proof of concept for stormwater detention and treatment solution, in particular for the existing drainage basin.

To mitigate flooding impacts on the site, significant fill is required and will have further impacts to vegetation. Alternative development and servicing layouts were explored, however a design which completely avoids the removal of this vegetation was unable to be achieved due to the servicing and flooding requirements.

A Flora and Fauna Assessment and Native Vegetation Impact Assessment have been prepared and consider the value of existing vegetation and the appropriate offsets required. The Native Vegetation Impact Assessment confirms that the removal of native vegetation could not be reasonably avoided due to the extent of earthworks and fill required on the site.

During the design phase, detailed investigations and efforts have been made to avoid and minimise impacts to native vegetation. The scattered trees located at the northern end of the site were originally proposed to be retained within the development. However, the servicing requirements for the subdivision have necessitated the removal of these trees to facilitate the provision of drainage pipes within Saade Street which will connect to the drainage basin located in the land to the north of the site.

To avoid and minimise the extent of native vegetation removal along the western bank of Bendigo Creek, the permit application involves the provisions a piped drainage system along the sites eastern boundary to discharge into the drainage reserve.

The permit application will result in the removal of 0.0.95724 hectares of native vegetation, 12 patches of native vegetation with a total area of 0.483 hectares (containing 4 large canopy trees), 3 large scattered trees and of 11 small ~~19 small, scattered trees and 7 large,~~ scattered trees. However, the permit application is considered to meet relevant planning provisions of the Environmental Significance Overlay, and Clause 52.17 for the following reasons:

- The development has been designed to avoid and minimise impacts to native vegetation within the project area;

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- The project area is highly modified and dominated by exotic species. The exotic species recorded on site included several listed under the CaLP Act and the removal of these species is therefore encouraged;
- The subdivision layout responds to the adjoining Bendigo Creek and its environmental values by providing a land contribution to the area set aside for the environment;
- The development will utilise an existing drainage reserve to the north of the site to avoid changing the existing water levels in Bendigo Creek;
- Appropriate measures will be taken to ensure erosion does not impact the creek banks;
- Restrictions will be placed on species planted within gardens of new residential lots to prevent the spread of weeds in and around the creek area; and
- Offsets will be secured through a third party provider.

The largest source of biodiversity adjacent to the site is Bendigo Creek and the development aims to retain and minimise impacts to this waterway through the provision of an open space buffer area along the eastern boundary of the site.

In addition, the rezoning of the land owned by the Department of Energy, Environment and Climate Action and the City of Greater Bendigo between the proposed development site and the Bendigo Creek from the FZ1 to the PPRZ will support the use of this land as a Primary Public Open Space Corridor and will enhance the key functions and values including both passive and active use, connection, biodiversity and heritage.

Where possible the proposed design response has tried to assist in minimising greenhouse gas emissions. This is achieved through the retention of some existing vegetation and a commitment to new landscaping throughout the subdivision and proposed area of public open space. In addition, the proposal will result in the establishment of 78 new gardens within the area.

Where possible, the development has been designed to avoid and minimise environmental impacts within the site, any native vegetation offsets required will be secured through a third party provider.

The CHMP 15973 (amended) was approved on March 6, 2019 and relates to the part of the development north of Montis Lane and east of Saade Street. This CHMP was approved by the Dja Dja Wurrung Clans Aboriginal Corporation.

CHMP 15973 concludes that on the basis of the results of the complex assessment, it is considered that the majority of the activity area has been filled by mining sludge resulting from historic gold mining activity and that natural soil profiles are confined to the western margin of the activity area. This natural soil profile has, however, also been disturbed by historical land use such as mining and market gardening.

CHMP 14621 was approved on March 3, 2017 and relates to the balance of the development area. The CHMP was approved by the Dja Dja Wurrung Clans Aboriginal Corporation.

CHMP 14621 found that intensive testing has been conducted in the natural soil profiles on the western side of the activity area and these have confirmed the predicted moderate potential attributed to this part of the activity area from the standard assessment, with the identification of two Aboriginal cultural heritage places in this area. The natural soil profiles consist of reddish brown silts and clayey silts over sterile red clay, and these are consistent with the soils in the Shepparton Formation geological unit.

More widely scattered testing was undertaken on the eastern side of the activity area, but this has again confirmed the heavy disturbance and modified soil profile in this area identified during the standard assessment and the predicted low sensitivity. The modified soil profile consists of yellowish brown silts and clays that are consistent with mining sludge that backfilled the Bendigo Creek valley due to intensive gold mining during the gold-rush era of the mid-nineteenth century. This mining sludge overlies natural red Shepparton Formation clay, but there is no evidence of any natural topsoil above this clay, indicating that the topsoil was stripped prior to the deposition of the mining sludge.

Desktop, standard and complex assessments were undertaken for the site, and as a result of these assessments, two Aboriginal heritage places have been registered within the activity area. Accordingly, the approved CHMPs require that an archaeological salvage program is conducted prior to any ground disturbing works being undertaken.

Social and Economic Effects

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The proposed amendment is expected to achieve a positive social and economic outcome for the City of Greater Bendigo. The amendment will allow for the residential expansion of Epsom on appropriately located land, providing additional housing and responding to a demand for residential land in proximity to existing services and facilities.

The land is located close to the Epsom Activity Centre, community facilities and areas of recreation and open space. It is therefore considered an appropriate location for residential development.

A Traffic Impact Assessment has been undertaken for the proposed development site and land to the west of the site which is subject to a separate permit application. The assessment reviewed the proposed access arrangements from the development to Goynes Road via Buckland Street and Montis Lane to ensure a safe and functional environment is provided for all road users whilst minimising the impact on traffic travelling along Goynes Road. The report detailed a series of recommendations which will be implemented as part of the adjacent subdivision and proposed development.

The report concluded that, with the implementation of the recommendations specified in their report, that there would be no traffic management reasons that would prevent the proposed subdivision development from proceeding.

New housing within the NRZ will provide a net community benefit to residents of Bendigo by responding to a demand for housing and promoting economic growth.

Rezoning of the land to the PPRZ will also allow the continued use of this area as a key public open space to be enjoyed by the community. This land will be able to be more appropriately be managed by the Department of Energy, Environment and Climate Action and the City of Greater Bendigo by including it within the most appropriate zone.

Does the amendment address relevant bushfire risk?

The amendment has adequately addressed bushfire risk by preparing a bushfire management statement to demonstrate that the amendment meets state planning policy at Clause 13.02-1S (Bushfire Planning) of the PPF and embeds bushfire protection measures in the permit to reduce the bushfire risk to an acceptable level.

Landscape considerations

The supporting Bushfire Hazard Landscape Assessment states that the wider surrounding landscape is predominantly flat. The landscape to the north-west and to the east consists of large patches of vegetation which form part of the Greater Bendigo National Park and the landscape further north becomes less residential and urban and opens into farmland. The landscape south of the site becomes more residential and urban as you enter the City of Bendigo with some scattered vegetation patches south-west of the site around developed areas. The closest major road is the Midland Highway/Napier Street less than 200 metres east of the site.

The areas of public bushland 700 metres to the north west present the highest threat from bushfire because of their extent and potential to allow bushfire to spread and gain intensity under extreme conditions. The bushfire risk assessment acknowledges that generally, prevailing wind conditions during the high threat bushfire season consist of north-westerlies followed by a cool change and strong south-westerly winds. The existing urban development directly to the west, northwest and to south-west of the affected land would reduce the impact of any fire running directly onto the land from these directions.

The possibility of moderate south-easterly and north-easterly winds would direct fire/embers towards the affected land from the bushland to the north-northeast and south-east, but this is likely to be of a reduced intensity.

The landscape type has been identified as type 2 (medium risk location) within the supporting Bushfire Hazard Landscape Assessment.

Alternative locations for development

Other alternative locations for residential development in Bendigo include the growth areas of Huntly to the north and Strathfieldsaye to the southeast. Prevailing wind conditions during the high threat bushfire season consist of north-westerlies followed by a cool change and strong south-westerly winds. Residential development to the east of a settlement is generally encouraged because it avoids high risk locations located to the north, north-west and south-west, which would be the areas of Eaglehawk and Epsom, Huntly, Maiden Gully, Quarry Hill, Flora Hill and Spring Gully.

Public Request

The amendment provides an opportunity to strengthen the settlement (by infilling a parcel of land that is currently a risk) and hardening Bendigo's existing urban areas to bushfire risk, particularly from the east and west, by limiting the ability of fire to 'run' into an established residential area. In short, the amendment facilitates an 'infill' development and uses Saade Street as an interface boundary.

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Availability of safe areas

The affected land has good availability and safe access to areas assess as BAL-LOW rating under *AS3959-2018 Construction of buildings in bushfire prone areas* to the west where human life can be protected from the harmful effects of bushfire.

The nearest neighbourhood safer place is available at the Queen Elizabeth Oval in the city centre, and the Bendigo Showgrounds in North Bendigo. These are approximately 5.2km and 4.1km respectively from the subject site. Existing and future residents will also be able to move away from an approaching fire towards the south via Kennewell Street/Holdsworth Road or the east by Heinz Street/Rohs Road.

Site-based exposure

Given that the amendment intensifies development in this location development must have on completion more than a BAL-LOW rating under AS3959-2018 *Construction of buildings in bushfire prone areas*.

In addition, the land abuts the Bendigo Creek reserve to the east, which is an open waterway and contains vegetation. The risk assessment notes that there are some planted trees and scattered structures in the northern site with boundary fencing separating each lot and a fenced pen. The southern site contains a works area in the north-west corner (the proposed extension of Saade Street) with associated construction equipment and facilities. The remaining areas contain scattered fencing and gates, boundary fencing, watering/feeding equipment and some livestock.

The risk assessment also states that the site is on the northern side of the city of Bendigo and the surrounding landscape is mixture of residential/urban development, farmland and patches of vegetation. There are larger patches of vegetation further east and west of the site on public land. The adjacent landscape to the south and west is primarily residential development. There is more open farmland and low density development to the north and urban development to the east around the Bendigo Racecourse.

View from the relevant fire authority

The *Bushfire Risk Assessment Saade Street, Epsom Rezoning* prepared by Practical Ecology has indicated that the proposed rezoning and subsequent subdivision should meet the considerations of Clause 13.02 and the recommendations of Clause 53.02.

Based on a review of this assessment it has been determined that while there is a risk exposure both from adjoining land and more distant bushland that this can be managed.

In 2019, the amendment was referred to the Country Fire Authority (CFA) for written comment. The CFA supports the amendment in its current form. The CFA notes that bushfire attack would be primarily ember attack and design of new residential development should provide appropriate separation distances from bushland/grassland to achieve appropriate BAL distances. The CFA also indicated that the Council must be satisfied that the reticulated water supply has the necessary pressure and flow to meet the needs of the Fire Authority for the protection of life and property. To address this, a condition on the draft permit has been included around the provision of fire hydrants and adequate separation distances on relevant lots.

Notice of the amendment will be provided to the CFA through the exhibition process.

Bushfire protection measures

In addition, the bushfire risk assessment recommends bushfire protection measures relating to defendable space, building construction and the provision of a static water supply for firefighting. A condition has been included on the permit to approve, endorse and implement the bushfire management plan as part of the permit. In accordance with BAL12.5 requirements, the setbacks for future dwellings will be 19 metres from grassland and 33 metres from woodland vegetation. This is how the amendment addresses BAL12.5.

Risk change

The amendment will not result in an increase in the risk from bushfire for existing and future residents, property, community infrastructure or the natural environment provided the bushfire protection measures on the permit are satisfactorily implemented through a section 173 agreement. The amendment strengthens the settlement edge of Bendigo in this location by increasing the housing density and reducing the ability of a fire to move into the area. Overall, the amendment improves the resilience of Bendigo and the community in this location to bushfire.

Public Request

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with Ministerial Direction No. 1 Potentially Contaminated Land. In accordance with the requirements of this direction, a Preliminary Environmental Site Assessment was undertaken by Edwards Environmental which determined that small volumes of solid inert waste were observed at 28-34 Saade Street. In addition, the soil sampling investigation identified elevated arsenic across the site which is consistent with background arsenic concentrations. It was concluded that the site is suitable for residential use subject to appropriate control measures.

It was recommended that all solid inert waste should be disposed of offsite and to a site permitted to receive such waste and that a Soil Management Plan be developed and prepared for the site. A Soil Management Plan has also been developed and prepared for the site by Edwards Environment to characterise the risk associated with arsenic and provide management options to mitigate any risks. The plan also considers the environmental management of any imported soils.

It is therefore determined that the site will not be contaminated once the subdivision is complete. Based on the above the planning authority is satisfied that the environmental conditions of the land are or will be suitable for a sensitive use as required by Ministerial Direction No. 1.

The proposed amendment complies with Ministerial Direction No. 11 *Strategic Assessment of Amendments*. The amendment has been drafted in accordance with the Strategic Assessment Guidelines, provided in this explanatory report and the supporting Planning Report and documentation prepared by Spiire, which includes a full assessment of the amendment against the obligatory strategic considerations. The amendment is also consistent with the *Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act*.

Ministerial Direction 19 requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. Ministerial Direction 19 applies as this amendment proposes to allow the use or development of potentially contaminated land, as outlined above.

In 2019, the written views of the EPA were sought regarding the proposed amendment. Whilst not providing a full technical review of the Preliminary Environmental Site Assessment (PESA 2019) provided by Edwards Environmental (2019), the EPA provided Council with the following advice (summarised):

- The PESA 2019 refers to outdated standards in section 1.3 Method and any report not prepared to the current standards will be of outdated reliability.
- Seek clarification from the applicant regarding the unexpected identification of formaldehyde onsite.
- Seek clarification from the applicant whether potential contamination sources onsite were targeted and characterised in the site sampling program.
- Arsenic concentrations found across the site are typical of the Bendigo area.
- Consider the planning mechanisms available to require future land owners to comply with a Post Construction Management Measures proposed within the Soil Management Plan.
- The site is within 1.7 kilometres of the Epsom Water Reclamation Plant. The default buffer distance for sensitive uses is generally 2 kilometres. If Council is satisfied by concurrent work being undertaken that the proposal is low risk, this may be used to support the reduced buffer distance without requiring the proponent to conduct further assessment.

In response to the EPAs advice, Edwards Environmental provided the following:

- Confirmation that the standards used were appropriate and current.
- Clarification that additional formaldehyde soil sampling was conducted, and no further results were recorded. It was assumed that the initial findings were a false positive.
- Confirmation that the potential contamination sources were solid inert waste, and there was no requirement for targeted sampling to be undertaken.

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- A revised Soil Management Plan prepared in February 2020 which removed the recommendation for Post Construction Management Measures.

Council arranged for a peer review of the revised Soil Management Plan, and which confirmed that the originally proposed Post Construction Management Measures were not required. Council is satisfied with the updated information provided by the applicant in response to the EPA's advice.

Council is satisfied that the reduced buffer from the Epsom Water Reclamation Plant is appropriate.

The proposed amendment was again referred to the EPA in February 2023, with the EPA response directing council to the advice provided in 2019.

Notice of the amendment ~~will be~~was provided to the EPA as part of the exhibition process. In its initial response, the EPA requested further information on the amendment including further soil testing at the site. The soil testing was conducted by Edwards Environmental and the results again confirmed that given the chemical condition at the site, it is their opinion that the site does not require a Preliminary Risk Site Assessment (PRSA) or audit before it can be rezoned.

This finding and associated technical reports were submitted to EPA for their views. In its final response the EPA lodged an opposing submission to the amendment by stating that as the information provided to them does not address other issues that the EPA has identified in the initial report, a PRSA or audit is required before the land can be rezoned.

Council is satisfied

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment will promote the sustainable growth and development of Victoria through the creation of additional residential lots in an area that is well located, with access to community services and facilities and public transport networks. The amendment is considered consistent with the intent and provisions of the Planning Policy Framework for the following reasons:

- The amendment promotes the sustainable growth and development of Victoria through the creation of additional residential lots in an area that is well located, with access to community services and facilities and public transport networks (Clause 11.01-1S).
- Due to the small size and fragmented nature of the affected land, it is no longer considered viable for agricultural use or farming practices. The subdivision of the land for residential purposes represents a more appropriate land use which rationalises dated and inappropriately zoned lots. The proposed subdivision for residential development is supported by local and regional planning policies given the affected land is located within the UGB and identified as an area with potential for residential development (Clause 11.01-1R).
- The affected land is ideally located within the UGB as shown on the Bendigo urban residential framework plan. The amendment will facilitate the orderly development of residential land within a designated growth area and in a manner that is respectful of its surrounding context (Clause 11.01-1L-01).
- Creating compact residential development contributes to creating network of attractive neighbourhoods that allow most people to access local facilities and services within 10-minute walking or cycling from their home. The Epsom Village Activity Centre and other community facilities are within a 10-minute cycle trip from the subject site (Clause 11.01-1L-02).
- The amendment and permit application will contribute to an increased supply of land for residential development and provides for the subdivision of land to accommodate future demand (Clause 11.02-1S).
- The affected land is located close to existing transport corridors and services and will support the efficient use of existing infrastructure networks. In addition, the proposal achieves an average overall residential density of 12 dwellings per net developable hectare (Clause 11.03-2S).
- The amendment has been prepared in accordance with a Flora and Fauna Assessment and Native Vegetation Impact Assessment and seeks to avoid and minimise its impacts on native vegetation, while protecting the higher biodiversity values found along the Bendigo Creek (Clauses 12.01-1S, 12.01-1L, 12.01-2S, 12.03-1S and 12.05-1S).

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- This report has demonstrated how the proposal can appropriately respond to bushfire, flooding and environmental risks (Clause 13.01-1S).
- A Bushfire Risk Assessment is enclosed with the application and confirms the proposal will not result in any increase to the risk to life, property, community infrastructure or the natural environment from bushfire (Clause 13.02-1S).
- The subdivision layout has been designed in accordance with a Stormwater Management Plan which addresses the flooding constraints on the land and ensures the development does not adversely impact on the water quality of Bendigo Creek (Clauses 13.03-1S, 13.03-1L, 14.02-1S and 14.02-2S).
- A Preliminary Environmental Site Assessment has been undertaken by Edwards Environmental to investigate whether there have been potentially contaminating land uses at any time in the past, the nature of probable contaminants and the possible locations of contaminants. The report concludes that the affected land is suitable for residential use subject to appropriate control measures. A more detailed assessment of the proposal against *Ministerial Direction No. 1 – Potentially Contaminated Land* is provided in Section 6.1.4 of this report and the explanatory report (Clause 13.04-1S).
- The amendment and permit application meets the neighbourhood and subdivision design objectives through the provision of lot densities that are consistent with surrounding residential development. The proposal contributes positively to Council's policies seeking to create compact neighbourhoods that have walkable distances to activities (Clauses 15.01-1S and 15.01-4S).
- The proposed design and layout of the subdivision within the permit application will support the creation of a safe, healthy, functional and enjoyable suburban environment. Most lots are rectangular in shape. However, the proposal includes battle-axe lots in the southern portion of the site. These lots have been designed to improve the interface of the proposed subdivision to the Bendigo Creek. The proposed lot layout will be designed so dwellings are oriented to the creek and will provide for passive surveillance along this key public open space. A restriction is proposed to be included on Title to ensure low lying fencing is provided along this interface (Clause 15.01-3S).
- The affected land is well positioned along the Bendigo Creek Trail to offer a connected, safe, pleasant and attractive cycling networks that enable and promote cycling as part of daily life (Clause 15.01-4S).
- Two Cultural Heritage Management Plans (that combined cover the whole of the site) have been approved relating to land affected by the amendment and permit application will ensure the protection and conservation of areas of Aboriginal cultural heritage significance (Clause 15.03-2S).
- The permit application provides for a mix of lot sizes to support a housing market that meets community needs and is highly accessible to jobs, services and transport. The permit application will also provide more affordable housing for the community (Clause 16.01-1S and 16.01-2S).
- The permit application will create additional residential lots with access to public transport and will support the creation of a safe and efficient transport network (Clause 18.01-1S and 18.01-1L).
- The permit application proposes open space along the affected land's eastern boundary that will integrate with the existing walking and cycling trails along the Bendigo Creek and provides an integral link with this important community asset (Clause 19.02-6S).
- The affected land has available connections to existing infrastructure networks and the proposed new lots will provide for the logical extension of these services (Clause 19.03-2S and 19.03-2L).
- The amendment and permit application have considered the management of water in conjunction with the site's proximity to the Bendigo Creek. A Stormwater Management Strategy has been developed in order to appropriately address these issues (Clause 19.03-3S and 19.03-3L).

How does the amendment support or implement the Municipal Planning Strategy?

The planning scheme amendment supports the Municipal Planning Strategy as follows:

- The amendment and permit application contributes positively to Council's vision which is to create the world's most liveable community by implementing their 10-minute neighbourhood principles and providing more diverse and affordable housing for the community (Clause 02.02).
- The amendment and permit application encourages development to support population growth and will supply additional residential lots within the UGB for development which have been identified

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within the Greater Bendigo Housing Strategy (GBHS) as an appropriate site for residential development (Clause 02.03-01).

- The permit application protects and enhances the habitat corridor along the eastern portion of the site where the proposed subdivision abuts the Bendigo Creek. The additional land set aside for open space will assist in developing this area as an important community asset (Clause 02.03-2).
- The permit application considers the environmental risk of flooding to the site, recognised under the Land Subject to Inundation Overlay – Schedule 1 (LSIO1). A Stormwater Management Plan has been prepared which appropriately assesses the flooding risk to the proposed and existing dwellings (Clause 02.03-3).
- A Cultural Heritage Management Plans (CHMPs) has been approved for the affected land which ensures the protection of cultural significance to the Dja Dja Wurrung (Clause 02.03-5) by implementing the provisions of the Aboriginal Heritage Act 2007 by ensuring any artefacts are treated in accordance with Djaara policy.
- The permit application provides opportunity for new housing to address Greater Bendigo's key housing issues by providing vacant residential allotments which could be used for a diversity of dwellings and housing choices to be constructed with convenient access to Epsom Village Activity Centre, Public Transport and a number of community facilities such as White Hills Recreation Reserve and the Bendigo Botanic Gardens (Clause 02.03-6).
- The amendment and permit application supports the compact Greater Bendigo and 10 minute neighbourhood principles which will ensure appropriate access to goods, services and facilities for future residents. In addition, future residents will be afforded with great access to the established walking and cycling paths along the Bendigo Creek which will assist in promoting other forms of transport (Clause 02.03-8).
- The permit application applies the development infrastructure strategies through the provision of reticulated services to the site and the appropriate management of drainage and stormwater through the implementation of a Stormwater Management Strategy (Clause 02.03-9).
- The affected land is appropriately located within an UGB which is where residential development is encouraged (Clause 02.04).

Does the amendment make proper use of the Victoria Planning Provisions?

The application of the NRZ to the affected land is considered to be an appropriate use of the Victoria Planning Provisions. The rezoning will achieve the strategic objectives of the Greater Bendigo Planning Scheme to encourage residential development within existing growth areas which are highly accessible to services, facilities and open space. Given the location of the affected land and flooding constraints, the amendment inserts a new Schedule 2 to the NRZ with an objective "*To support development and landscaping that responds to the characteristics of the creek environs and flooding constraints.*"

The current application of the FZ1 to the site is not considered appropriate given the residential, recreational, and commercial nature of the surrounding land uses. The amendment will allow for a more appropriate land use outcome than what is provided by the current zoning provisions.

The land owned by the Department of Energy, Environment and Climate Action and the City of Greater Bendigo along the Bendigo Creek is also considered inappropriate to remain in the FZ1 when land to the east is being rezoned to NRZ and land to the west is already within the PPRZ. The rezoning of this land to the PPRZ will support the use of this land as a Key Public Open Space and Primary Public Open Space Corridor and will enhance the key functions and values including both passive and active use, connection, biodiversity and heritage.

The amendment retains the overlay provisions relevant to the site be retained and continue to apply to any future development on the land. This will ensure that future development continues to address the environmental and flooding characteristics of the site.

On the basis of the above, the amendment will not result in any conflict with existing provisions in the planning scheme.

How does the amendment address the views of any relevant agency?

Draft Request

The amendment was referred to relevant agencies including the CFA, Environment Protection Authority, Coliban Water and the North Central Catchment Management Authority to obtain preliminary feedback prior to submitting for authorisation.

The views of the relevant agencies have been captured in this explanatory report and addressed through relevant permit conditions.

Exhibition stage:

Relevant agencies will be formally notified and provided with the opportunity to comment during the exhibition process.

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Does the amendment address relevant requirements of the Transport Integration Act 2010?

The purpose of the *Transport Integration Act* 2010 is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the *Transport Integration Act* 2010 relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

A traffic impact assessment has been undertaken for the amendment and the permit application and land to the west of the affected land which is subject to a separate permit application. The assessment reviewed the proposed access arrangements from the development to Goynes Road via Buckland Street and Montis Lane to ensure a safe and functional environment is provided for all road users whilst minimising the impact on traffic travelling along Goynes Road. The report detailed a series of recommendations which will be implemented via conditions as part of the draft permit for the adjacent subdivision and proposed development.

Given the increase in daily traffic movement at the intersection of Goynes Road and Montis Lane, with a daily increase of 1,246 as a result of development, to ensure safe movements of vehicles, pedestrians and cyclists to and from the proposed development, a preliminary design for the intersection along with a Road Safety Audit will be undertaken prior to a statement of compliance for Stage 1 being issued (as required by proposed permit conditions). This is required over and above intersection upgrades at Buckland Street and Goynes Road given the increase in daily movements at this intersection of around 27 per cent at the completion of development.

Overall, the report concluded that, with the implementation of the recommendations specified in their report, that there would be no traffic management reasons that would prevent the proposed subdivision development from proceeding.

This amendment does not conflict with the purpose, objectives or requirements of the *Transport Integration Act* 2010. Any changes in traffic generation or management resulting from this proposed Amendment will not have an adverse impact on the requirements of the *Transport Integration Act* 2010.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is not considered that the amendment will result in significant resource implications for the responsible authority. Any costs associated with the planning scheme amendment process, including the costs of an independent Planning Panel if required, will be met by the proponent of this amendment.

The new planning provisions will not have a detrimental effect on the resource and administrative costs of the responsible authority given that the amendment also involves a permit application for residential subdivision to create 78 residential lots. The proposed rezoning will not result in an increased number of planning permit applications being submitted to the responsible authority, as the proposed subdivision is being considered in this combined amendment/permit process. Future residential development on the resulting lots will likely be achieved without the need for further planning approval.

In addition, the council has requested that the land in between the proposed development site and the Bendigo Creek (which is owned by the City of Greater Bendigo and the Department of Energy, Environment and Climate Action) be included within this combined amendment/permit process and be rezoned to the PPRZ. As such, the planning authority will not need to use its resources to undertake a further amendment given that the PPRZ rezoning has been included within this combined amendment/permit process.

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ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Epsom	1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom.	Greater Bendigo C248 001znMap 15 Exhibition

Panel Request

Planning and Environment Regulations 2015
Form 9

Section 96J

PLANNING PERMIT GRANTED UNDER SECTION 96J OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.:	DS/207/2019
Planning Scheme:	Greater Bendigo Planning Scheme
Responsible authority:	Greater Bendigo City Council
ADDRESS OF THE LAND:	1 Buckland Street, 20 Montis Lane, 18-46 Saade Street and the road reservations of Saade Street and Montis Lane, Epsom.

THE PERMIT ALLOWS:

Planning Scheme Clause No.	Description of what is allowed
32.08-3	Subdivide land
42.01-2	Subdivide land
42.01-2	Remove, destroy or lop and vegetation, including dead vegetation
44.04-2	Construct or carry out works, including: • A fence. • Roadworks, if the waterflow path is redirected or obstructed.
44.04-3	Subdivide land
52.17-1	Remove, destroy or lop and vegetation, including dead vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Approved and endorsed plans – changes required

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans must be approved and endorsed by the responsible authority. The plans must:
   a) be prepared to the satisfaction of the responsible authority

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
OFFICIAL	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

b) be drawn to scale with dimensions
c) submitted in electronic form
d) be generally in accordance with the plans forming part of the application, but modified to show:
   i. the design and location of boundary fencing
   ii. building exclusion zones within Lots 402, 404, 405, 408 and 409 to ensure that development is set back a minimum of 30-metres from the top of the bank of Bendigo Creek
   iii. building exclusion zones within Lots 601, 602 and 603 to maintain a separation distance of 19-metres between buildings and the bushfire hazard (grassland interface) to the north and Lots 402, 404, 405, 408 and 409 to maintain a separation distance of 33-metres between buildings and the bushfire hazard (woodland interface) to the east.

Building envelopes

2. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must include building envelope restriction for Lots Lots 601, 602 and 603 and Lots 402, 404, 405, 408 and 409 in accordance with the endorsed plan. The restriction must specify that no building may be constructed within the building exclusion zones shown on the endorsed plan.

Layout not altered

3. The layout of the subdivision must not be altered from the layout shown on the approved and endorsed plans without the written consent of the responsible authority.

Staged subdivision

4. The subdivision must proceed in the order of stages as shown on the approved and endorsed plan unless otherwise agreed in writing by the responsible authority. The responsible authority may consent in writing to vary this requirement.

Landscape masterplan

5. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a landscape masterplan must be approved and endorsed by the responsible authority. The landscape masterplan must:
   a) be prepared to the satisfaction of the responsible authority
   b) be drawn to scale with dimensions and submitted in electronic form.

   The endorsed landscape masterplan must not be altered without the prior written consent of the responsible authority.

Landscape plan

6. Before a statement of compliance is issued for each stage of the subdivision, a landscape plan for the relevant stage must be approved and endorsed by the responsible authority. The landscape plan must:
   a) be prepared to the satisfaction of the responsible authority
   b) be drawn to scale with dimensions and submitted in electronic form
   c) be generally in accordance with the landscape masterplan.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Landscaping

7. Before a statement of compliance is issued for each stage of the subdivision, the landscaping shown on the approved landscape plan must be carried out and completed for that stage to the satisfaction of the responsible authority.

Landscaping maintenance

8. For 24 months after a statement of compliance is issued for each stage of the subdivision, the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Public open space contribution

9. Before a statement of compliance for the plan of subdivision is issued for the relevant stage under the *Subdivision Act 1988*, the applicant or owner must make a contribution for public open space in land in accordance with the Schedule to Clause 53.01 of the Greater Bendigo Planning Scheme. The responsible authority may delay the time for the contribution of land by agreement in writing with the applicant or owner.

Soil management plan

10. The construction management measures must be carried out in accordance with the approved and endorsed soil management plan to the satisfaction of the responsible authority.

Fences

11. Before a statement of compliance is issued for the relevant stage of the subdivision, open style fencing in accordance with the definition of an open style fence in the *Bendigo Floodplain Development Plan*, February 2018 must be constructed along the boundaries of proposed lots 402, 404, 405, 408, 409, 305 and 306 to the satisfaction of the responsible authority.

12. Before the plan of subdivision is certified under the *Subdivision Act 1988* for the relevant stage, the owner must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* for any lots adjoining the Bendigo Creek Reserve, which states that any fencing along boundary adjoining the Bendigo Creek Reserve must be an open style fence in accordance with the definition of an open style fence in the *Bendigo Floodplain Development Plan*, February 2018.

Minimum garden area requirement

13. Before the plan of subdivision is certified under the *Subdivision Act 1988* for the relevant stage, the owner must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* for any lots with a total area of less than 400 square metres, which states that any lot created must provide at least 25 percent of the lot as garden area as set out in Clause 32.08-3 of the Greater Bendigo Planning Scheme to the satisfaction of the responsible authority. The agreement must include a mechanism which would allow the responsible authority to vary or delete the garden area requirement by written consent, in the event of legislative changes.

Date issued:	**Date permit comes into operation:**	**Signature for the responsible authority:**
OFFICIAL	**(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)**	

Detailed construction plans - drains

14. Before the plan of subdivision is certified under the *Subdivision Act 1988*, detailed construction plans must be approved and endorsed by the responsible authority. The construction plans must:
    a) be prepared to the satisfaction of the responsible authority
    b) be drawn to scale with dimensions and submitted electronically
    c) Include the following:
        i. The direction of stormwater run off
        ii. A point of discharge
        iii. Stormwater detention
        iv. Demonstrate how all relevant standards set out in the Greater Bendigo Planning Scheme relating to stormwater water will meet the objectives in the planning scheme, including modelling and calculations
        v. Set out how the stormwater management system will be managed on an ongoing basis
        vi. A point of connection to the authority's drainage
    d) The responsible authority may consent in writing to vary any of the details of these requirements
    e) Any modifications to the detailed construction plans agreed to by the responsible authority must be shown on an amended plan that is endorsed by the responsible authority.

Construction of works

15. Before a statement of compliance is issued for any stage of the subdivision under the *Subdivision Act 1988*, road works, drainage and other civil works must be constructed in accordance with the infrastructure design manual and plans and specifications approved by the responsible authority and must include:

    Saade Street:

    a) Kerb and channel including associated pavement widening
    b) Paved footpaths
    c) Appropriate intersection and traffication measures
    d) Appropriate street lighting and signage
    e) Temporary court bowls, including the placement of bollards to prevent vehicles from passing through.

    Montis Lane:

    a) Kerb and channel including associated pavement widening
    b) A 2.5 metre shared path to the Bendigo Creek Trail
    c) Appropriate intersection and traffication measures
    d) Appropriate street lighting and signage.

    Goynes Road Intersections:

    a) A channelised right turn lane at Montis Lane in accordance with the approved design under condition 15
    b) A pedestrian refuge to assist an east-west crossing of Goynes Road near Montis Lane.
    c) Street lighting to category V at Buckland Street and Montis Lane.

    Internal roads:

    a) Fully sealed pavement with kerb and channel
    b) Paved footpaths

c) Underground drainage
d) Underground conduits for water, gas, electricity and telephone
e) Appropriate street lighting and signage
f) Temporary court bowls, including the placement of bollards to prevent vehicles from passing through
g) Paved shared path links to the Bendigo Creek Trail.

The responsible authority may consent in writing to vary these requirements.

Goynes Road and Montis Lane intersection upgrade

16. Before a statement of compliance is issued, a preliminary design for the intersection of Goynes Road and Montis Lane must be provided to and approved by the responsible authority and must include a road safety audit undertaken by a suitably qualified road safety auditor in accordance with the Austroads Guide to Road Safety Part 6 – 2022 to identify any safety risks and hazards, and to ensure that the design considers all foreseeable road users before construction.

Goynes Road and Montis Lane intersection – post construction safety audit

17. Within 3 months of the issue of a statement of compliance for stage 1, a road safety audit must be undertaken by a suitably qualified road safety auditor in accordance with the Austroads Guide to Road Safety Part 6 – 2022 to assess and identify any further safety issues and/or defects to the satisfaction of the responsible authority. All issues identified in the road safety audit are to be addressed to the satisfaction of the responsible authority within the defects liability period or as agreed by the responsible authority.

Construction management

18. Before any works and native vegetation removal starts, a construction management plan must be submitted to and approved by the responsible authority. The construction management plan must:
    a) be prepared to the satisfaction of the responsible authority
    b) be submitted in electronic form
    c) include the following:
        i. a site specific plan showing proposed erosion and sedimentation control works
        ii. techniques and intervention levels to prevent a dust nuisance
        iii. techniques to prevent mud and dirt being transported from the site to adjacent streets
        iv. a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with *AS 4970-2009 Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.

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

Referral authority conditions

Coliban Water

19. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided and where required by Coliban Water amendments to the existing services may be necessary in accordance with our specifications.
20. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
21. Due to the Land Subject to Inundation Overlay, specific requirements for the sewer servicing of the subdivision will be required, based off predicted flood levels and proposed locations.
    Construction of a reticulated water supply network will be required to service the proposed subdivision.

    Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must make payment to Coliban Water of new customer contributions. These contributions are based upon the number of additional lots connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the certified plan of subdivision.

Powercor Australia Ltd

22. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the distributor in accordance with Section 8 of that Act.
23. The applicant must provide an electricity supply to all lots in the subdivision in accordance with the distributor's requirements and standards.
24. The applicant must ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules.
25. The applicant must, when required by the distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
26. The applicant must establish easements on the subdivision, for all existing distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Telecommunications

27. The owner of the land must enter into an agreement with:
    a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
    b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant

can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

28. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
    a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
    b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

North Central Catchment Management Authority

29. Development must generally occur in accordance with the *Elmwood Revised Storm Water Management Plan Version 7* prepared by Afflux Consulting (dated 6 March 2022) unless otherwise approved in writing with the responsible authority and the North Central Catchment Management Authority.
30. Before the plan of subdivision is certified under the *Subdivision Act 1988,* a waterway management reserve must be created in favour of the responsible authority and registered on title. The waterway management reserve must be located generally in accordance with the reserve shown adjacent to Bendigo Creek on the *Overall Layout Plan Version 12* (dated 14 December 2023).
31. A landscape plan must be prepared for the waterway management reserve by a suitably qualified professional to the satisfaction of the North Central Catchment Management Authority and approved and endorsed by the responsible authority.
32. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988,* the waterway management reserve must be shaped and landscaped to the satisfaction of the responsible authority and North Central Catchment Management Authority.
33. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988,* unauthorised vehicle access and parking on the reserve must be prevented by the use of suitable fencing such as bollard or post and rail, or non-mountable kerb unless otherwise agreed in writing.
34. Before any works start, an exclusion fence must be installed to delineate the proposed waterway management reserve. No works or fill material other than works associated with the approved landscaping and water treatment plans are permitted within this exclusion zone during the construction period without the written consent of North Central Catchment Management Authority.
35. All new lots must be filled to at least 0.3 metres above the applicable 1 per cent annual exceedance probability flood level(s) unless otherwise agreed in writing by the responsible authority and the North Central Catchment Management Authority.
36. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988,* a certified survey plan of the finished surface levels prepared by a licensed surveyor must

be prepared to the satisfaction of the North Central Catchment Management Authority and approved and endorsed by the responsible authority.

37. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a suitable restriction is to be placed on the title which specifies that no cut may be undertaken on the land which results in the surface level being lower than 0.3 metres above the applicable 1 per cent annual exceedance probability flood level unless agreed to by the North Central Catchment Management Authority.

38. Before works start, detailed engineering plans and computations must be submitted to North Central Catchment Management Authority and the responsible authority demonstrating that any flow along the road achieves the following safety criteria:

    a) A depth less than 0.3 metres
    b) A velocity of less than 2 metres per second
    c) A depth times velocity of less than 0.3 metres square per second.

39. Stormwater runoff arising from the land must be treated to best practice standards before discharging to the waterway. Before works start, detailed plans of the proposed stormwater treatment method must be submitted to the satisfaction of the North Central Catchment Management Authority.

40. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988,* the stormwater outlets must be constructed to the satisfaction of the North Central Catchment Management Authority.

41. Before any works start, silt control measures must be installed to prevent sediment laden runoff from entering the waterway to the satisfaction of the North Central Catchment Management Authority. The silt control measures must be maintained throughout the construction period.

Goulburn Murray Water

42. Any plan of subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation under Section 8(1)(a) of the *Subdivision Act 1988*.

43. All works within the subdivision must be done in accordance with *Publication 1834 Civil Construction, Building and Demolition Guide* (Environment Protection Authority, November 2020).

44. The plan of subdivision must show building exclusion zones to prevent future buildings from being located within 30 metres of Bendigo Creek.

Department of Energy, Environment and Climate Action

Notification of works

45. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions.

~~All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be topsoiled and revegetated. All drainage is to be diverted around the disturbed areas. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.~~

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

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Endorsed Plans

46. Works must be in accordance with plan referenced 15056 v1 (Terraco 2024). This plan must be endorsed and form part of this permit.

47. Before works start, an environmental management plan for the construction of the subdivision to the satisfaction of the department, must be submitted to and approved by the responsible authority. When approved, the plan is to be endorsed and will then form part of the permit. The subdivision must be conducted in accordance with the endorsed plan. The environmental management plan must be prepared in accordance with the Civil construction building and demolition guide, Publication 1834 (EPA 2020) and is to include but is not limited to:

- Overview of construction methods including management zones and construction zones, site preparation, access, construction activities, schedule and timing of works, and contractor briefing
- Management Structure and Roles including an environmental audit process.
- Applicable planning and legislative requirements
-
- Environmental considerations; management of and/or mitigation of impacts on:
    - surface water pollution
    - erosion and sediment
    - terrestrial ecology
    - aquatic ecology
    - land management, reinstatement and rehabilitation
    - visual impacts
    - dust, odour and air quality
    - noise and vibration
    - waste management
    - environmental incidents and emergencies
    - fire hazards
- Prescriptions to manage the spread of weeds in accordance with obligations under the Catchment and Land Protection Act 1994.

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Permit No.:

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Protection of retained vegetation ~~to be retained~~

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

a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree
b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

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

47.49. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

a) Vehicular or pedestrian access
b) Trenching or soil excavation
c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
d) Construction of entry and exit pits for underground services
e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

~~The responsible authority may consent in writing to vary these requirements.~~

Native vegetation removal

50. The total area of native vegetation permitted to be removed is 0.905 hectares, as identified in Native Vegetation Removal Report PRE_2024_043, comprised of:

a. 12 patches of native vegetation with a total area of 0.483 hectares (containing 4 large canopy trees);
b. 3 large-scattered trees; and
c. 11 small-scattered trees.

Native vegetation offsets

51. The total area of native vegetation permitted to be removed is 0.~~724~~ 905 hectares, as identified in Native Vegetation Removal Report PRE_2024~~0~~_~~030~~043, the permit holder must secure a native vegetation offset(s) that meets the following:

A general offset of 0.216 general habitat units:

a. located within the North Central Catchment Management Authority boundary or City of Greater Bendigo municipal district;
b. have a Strategic Biodiversity Value score of at least 0.348;
c. provide protection for at least 7 large trees;
d. must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
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52. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:

    a. credit extract(s) allocated to the permit from the Native Vegetation Credit Register, and/or
    b. an established first party offset site including a security agreement to the required standard, signed by both parties, and a 10-year offset management plan to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority. The offset management plan must detail the 10-year management actions and ongoing management of the site. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan to the responsible authority. An offset site condition statement, including photographs must be included in this notification.

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

~~comprised of:~~
~~a) 1 patch of native vegetation with a total area of 0.040 hectares (containing 1 large canopy tree)~~
~~b) 6 large, scattered trees~~
~~c) 19 small, scattered trees.~~

~~To offset the removal of the 0.724 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:~~
~~a) A general offset of 0.143 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district~~
~~b) Have a Strategic Biodiversity Value score of at least 0.247~~
~~c) Provide protection for at least 7 large trees~~
~~d) Must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).~~

Weed control

53. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens to the satisfaction of the responsible authority.

Soil erosion control

54. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be topsoiled and revegetated to the satisfaction of the responsible authority. All drainage is to be diverted around the disturbed areas. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.

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Fauna

55. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If live capture and relocation of native fauna is required, it must be undertaken with authorisation under the Wildlife Act (1975). Any translocation of threatened native fauna is to follow the process detailed in the Procedure Statement available on the department's website: https://www.wildlife.vic.gov.au/ data/assets/pdf file/0021/621255/TEP-Procedure-Statement January-2023-FINAL-External.pdf. Further advice can be obtained from environmental.research@delwp.vic.gov.au.

Landscape Plan

56. A Landscape Plan must be prepared and implemented to the satisfaction of the Responsible Authority. This plan must be supplied prior to the commencement of works. The plan must show:

a. Planting locations

b. Species mix in accordance with:
   a. Species locally indigenous to the Greater Bendigo area for street trees and nature strips.
   b. Indigenous species endemic to the EVC 68 Creekline Grassy Woodland for any riparian areas of Bendigo Creek and publicly owned or managed land impacted by the works.

c. Planting methods, including density, timing,

d. A maintenance schedule, including replanting where necessary, that ensures all plants are effectively established and have survives for at least 3 years.

e. Reporting

~~**Offset evidence**~~

~~48. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This offset must be:~~
~~a) An established first party offset site. This must include:~~
~~i. a security agreement signed by both parties~~
~~ii. a management plan detailing the 10-year management actions and ongoing management of the site~~
~~to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the responsible authority.~~

~~Every year, for 10 years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification; and/or~~
~~b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.~~

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

~~Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at p&a.north@delwp.vic.gov.au.~~

~~**Access and encroachment**~~

~~No access is permitted to the subject land via the Crown land.~~

~~Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.~~

~~No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.~~

Country Fire Authority

~~49.~~57. Before the issue of a statement of compliance for each stage under the *Subdivision Act 1988,* the following requirements must be met to the satisfaction of the Country Fire Authority:

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

Expiry – staged subdivision

~~50.~~58. This permit as it relates to development (subdivision) will expire if one of the following circumstances apply:

a) The plan of subdivision for the first stage has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
b) All stages of the plan of subdivision have not been certified within 5 years of the issued date of this permit.
c) A statement of compliance is not issued within 5 years of the date of certification of a particular stage of subdivision.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Date issued:	**Date permit comes into operation:**	**Signature for the responsible authority:**
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Expiry – development (fences)

~~51.~~59. This permit, as it relates to development (fences) will expire if one of the following circumstances applies:

a) The development is not completed within 10 years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

USEFUL INFORMATION:

(the following information does not form part of this permit)

1. The permitted use or development may need to comply with, or obtain the following further approvals:
   a) The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act* 2006.
   b) A building permit under the *Building Act* 1993.
2. Powercor Australia Ltd Notes:
   a) Extension, augmentation or rearrangement of the distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
   b) Where electrical works are required to achieve compliance, a registered electrical contractor must be engaged to undertake such works.
   c) Areas set aside for substations will be formalised to the distributor's requirements under one of the following arrangements:
      i. RESERVES established by the applicant in favour of the distributor.
      ii. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
   d) Existing easements may need to be amended to meet the distributor's requirements.
   e) Easements required by the distributor must be specified on the subdivision and show the purpose, origin and the in favour of party as follows:

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

Date issued:

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Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

3. North Central Catchment Management Authority Notes:
   a) The North Central Catchment Management Authority advises that in the event of a 1 per cent annual exceedance probability flood event it is possible that the property may be subject to inundation. However, it is recommended that a licensed surveyor be engaged to determine the exact effect of the applicable flood level on the subject land.
   b) Please note that the number of new stormwater connections to the waterway must be limited and before drainage works start, a separate "Works on Waterway" permit must be obtained directly from the authority. Please contact the authority on (03) 5440 1896 to obtain a full understanding of the authority's requirements.

4. City of Greater Bendigo Asset notes:
   a) Before the development starts, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure.
   b) Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development.
   c) Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development.
   d) The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

5. Department of Energy, Environment and Climate Action notes:
   a) The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DEECA 2024) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DEECA office (loddonmallee.environment@deeca.vic.gov.au).
   b) Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Please visit https://www.environment.vic.gov.au/native-vegetation/native-vegetation for further information.
   c) The department advises that if live capture and relocation of native fauna is required, it must be undertaken with authorisation under the Wildlife Act (1975). Any translocation of threatened native fauna is to follow the process detailed in the Procedure Statement available on the department's website: https://www.wildlife.vic.gov.au/ data/assets/pdf file/0021/621255/TEP Procedure-Statement-January-2023-FINAL-External.pdf. Further advice can be obtained from environmental.research@deeca.vic.gov.au
   d) The department advises that works within a designated waterway will require a Works on Waterways authorisation under the Water Act 1989. Please seek further advice from your local Catchment Management Authority.

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Submission 1

[redacted]

From: [redacted]
Sent: Thursday, 14 March 2024 11:24 AM
To: Strategic Planning Admin
Subject: Proposed re-zoning and development in Epsom C248gben

Follow Up Flag: Follow up
Flag Status: Flagged

I am a resident of Bendigo and very concerned about the loss of native vegetation in new housing developments within Greater Bendigo. We are living in increasingly unpredictable weather conditions and have seen more frequent and more severe floods in recent years. We are living in a rapidly warming climate in a city that is losing large trees that are needed for shade and habitat for wildlife with every new housing development that takes place.
I object to this development because it proposes 78 homes be built on western side of the Bendigo creek in Espom in an area that is subject to inundation. The house owners who live there will not have access to affordable insurance. A local resident reported that their insurance premium tripled this year to over $4000.
I also object to the removal of Native Trees on this site, particularly those that are on public land along existing roads. This makes them City trees. The CoGB Urban Tree Management strategy has guidance for tree removal in this circumstance, and this includes 'only once all practical design solutions to retain the tree have been exhausted'. What alternative designs for this development were considered by the developer and the council officers before this plan was made?
I note that the development proposes extensive earthworks to raise the level of the land by 30cm and to install storm water and sewerage services, and this is the reason given for the removal of all trees on the site.
This development has not been designed to avoid and minimise impacts to native vegetation within the project area. It proposes to eliminate all native trees.
The Greening Greater Bendigo document admits there is continued tree loss across the LGA despite plans and aspirations to protect native trees.
I see the loss of trees, often big old trees in every local housing development. The trees are all removed these days. This is unnecessary and I want Council to stop this practice. We need and want trees in our environment. This practice of total land clearance for development makes a farce of the Council's own policies and strategies to protect native vegetation and avoid tree loss.
I look forward to your response.
kind regards,
[redacted]

Document Set ID: 5069816
Version: 1, Version Date: 15/04/2024

Submission 2

cfa.vic.gov.au

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Prevention and Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: **2000-81323-134765**
Council Ref: **C248GBEN, DS/207/2019**
Telephone:

26/2/2024

Strategic Planning Unit
City Of Greater Bendigo
PO BOX 733
BENDIGO VIC 3552

Dear Strategic Planning Unit,

SUBMISSION TO COMBINED PLANNING SCHEME AMENDMENT & PERMIT APPLICATION

Proposal: C248GBEN
Planning No: Ds/207/2019
Location: 1 Buckland Saade Street & Montis Lane Epsom

Thank you for providing CFA notice of C248GBEN and Ds/207/2019 in accordance with section 96C of the *Planning and Environment Act 1987.*

CFA has assessed the proposed planning scheme amendment and permit application and can provide the following advice:

1. **Advice in relation to proposed planning scheme amendment.**

Bushfire Hazard

- The land is not within a Bushfire Management Overlay. However, that does not mean the location could not be impacted by a fire event from time to time. Should this occur the following forms of bushfire attack can occur – *Direct Flame, Radiant Heat and Ember attack.*

Bushfire Mitigation Measures

- The proposed design of the site with an outer road reserve and appropriate setbacks does provide a good fire-resistant design. The road widths must ensure larger emergency vehicles can always make easy unrestricted access / egress.

Other strategic consideration

- The Municipality should be satisfied that an appropriate reticulated water supply is installed to the site that will deliver the necessary *water pressure and flow* to meet the future needs including fire service requirements.

CFA supports the amendment in its current form.

2. **Advice in relation to planning permit application.**

- CFA considers the Fire Management Plan as prepared by Practical Ecology will satisfy the fire related conditions over / above standard residential Clause 56 requirements and should be fully implemented.

If you wish to discuss this matter in more detail, please do not hesitate to contact [redacted] Manager Community Safety on [redacted]

Yours sincerely,

[redacted]

Manager Community Safety
North West Region

Submission 3

Marleen Thompson

From: [redacted]
Sent: Friday, 15 March 2024 5:47 PM
To: Strategic Planning Admin
Subject: Submission

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

We wish to lodge a submission in regards to Amendment C248ben.

Firstly in regard to the removal of native vegetation located on council land (City Trees) in Saade Street north and south of Montis Lane, along the western boundary of the proposed development/rezoning.

The City of Greater Bendigo Urban Tree Management Policy of August 16, 2017, 2.1.2 *Tree Removal Criteria* states that "The removal of city trees may be considered under the following instances: ... sub paragraph d.
In the case of works and development, only once all practical design solutions to retain the tree have been exhausted. ... In every instance , the on-going health and retention of the tree in the landscape will be given priority.

Also refer the *Flora and Fauna Assessment and Native Vegetation Impact Assessment, Saade Street, Epsom Rezoning and Subdivision* that has been prepared by Practical Ecology for the client Terraco Pty Ltd, covering the development. Please refer to page 35 concerning the Avoid, Minimise statement in regards to what steps have been taken to avoid or minimise the removal of native vegetation.

Our submission would be that council have not given the presence of trees in the landscape priority as indicated in their policy. The Avoid Minimise statement by Practical Ecology does not consider redesigning the development to incorporate some of the large and small trees that are proposed to be removed. Should the development/rezoning proceed, every tree is to be removed, no effort has been made to retain even one tree. We would like to see the proposal change to make some attempt to retain at least a portion of the existing large/small trees located on the site especially the two large Red Gums at the north of Saade Street.

Our second submission concerns the flood overlay in the area of the proposed development. 78 house will be built on the pending rezoned land, it is not in dispute that the majority of these houses will be built on Land Subject to Inundation Overlay Schedule 1, i.e. a predicted flood level of 350 mm (LSIO Sched 1). The design proposal has assumed that the streets of the proposed development will act to channel water away from homes "However, it is acknowledged that flooding may still occur within the road reserve after the development of the site". (*Greater Bendigo Planning Scheme, Amendment C248GBEN Planning Permit Application DS/207/2019, Explanatory Report, Environmental Effects.)* The mitigation proposed by the developer/Terraco is to build the site up by 300 mm by bringing in soil/fill and then assuming the height of the homes concrete slab will make up the remaining 50mm (or higher) of the predicted flood level. The likelihood of a flood of this level is given as 1% in any given year.

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Submission 3

The margin of error for flooding for properties that may be built in this area is virtually nil. Should there be some unforeseen rain event or a blockage of the Bendigo Creek downstream of the development, flood levels may exceed 350 mm in this area. Council/Terraco have already assumed that at these flood levels, property owners on the proposed development site will have their gardens flooded and any sheds within their property also likely to be flooded.

Our submission is that not enough consideration has been given to future flood levels or any changes in flow to the Bendigo Creek and the protection of any houses that may be built. Furthermore, should this development proceed it will be very difficult for home owners to source insurance. A current estimation/quote from Bendigo Bank Insurance, to fully insure a home that was to be hypothetically built at 20 Montis Lane, that is within the proposed development, would cost approximately $12,0000 annually. Should any flooding of residential property at this location occur in the future, the recovery costs will be borne by the Council, the State or the Commonwealth. We would like to see the proposal change to provide more protection for houses that may be built on this site, or alternatively make the development smaller and set further back than 30 metres from Bendigo Creek to minimise the impact of any future flooding. A distance approaching 100 metres setback would be more appropriate, however the high cost of insurance would still be borne by any future homeowners in this location.

Thankyou

[redacted]

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Submission 4

Submission to COGB regarding: Planning Scheme Amendment and Permit Application Request to facilitate the residential rezoning and subdivision of land at 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom.

Submission by [redacted]

19 March 2024

I place this submission in front of the COGB as a non-supportive submission to the proposed Planning Scheme Amendment and Permit Application request to facilitate the residential rezoning and subdivision of land at 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom.

My non-supportive submission specifically looks at Flora, Fauna and Stormwater at the development site. Of grave concern is the stated fact that the **proposal calls for the removal of all native vegetation.**[1]

Flora

Practical Ecology Pty Ltd was commissioned by Terraco Pty Ltd to prepare a Flora and Fauna and Native Vegetation Impact Assessment for the proposed rezoning and subdivision for Saade Street, Epsom.[2] The scope of work undertaken by Practical Ecology included, "*categorise the vegetation according to Guidelines for the removal, destruction and lopping of native vegetation (DELWP 2017a) as either native vegetation patches; Scattered Trees; or non-native vegetation.*"[3]

[1] Gazetted Town Planning Report SPIIRE, January 2024; p. 42
[2] Gazetted Practical Ecology Pty Ltd Flora and Fauna Assessment and Native Vegetation Impact Assessment Saade Street, Epsom Rezone and Subdivision. Dated January 2024.
[3] *ibid*. p. 6

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A field study was undertaken by Practical Ecology on the site in question on the 8th November 2018. [4] Two habitat zones were identified on the site with no eucalyptus saplings being observed in either habitat zone.[5] Of note; DELWP's *Guidelines for the removal, destruction and lopping of native vegetation* does not define or use the term sapling anywhere within the publication. **The term sapling is unhelpful and should be viewed in the vernacular sense as a young tree**. **These young trees are native vegetation.**

On the 15th, 16th and 17th of March 2024 I conducted a visual reconnaissance of the development site (from public land) and counted over 70 eucalyptus young trees (many greater than 1.5 metres in height); especially at the southern end of the site. A swale / minor water course is densely populated with these young trees. The Native Vegetation Removal Report / the habitat hectare and proposed clearing information was supplied to DELWP on the 5th March 2019.[6] **Practical Ecology's Native vegetation report is now greater than 5 years old and should therefore be viewed through an age-lens regarding native vegetation relevancy by the Council.**

Practical Ecology's report states that "*All Large and Scattered Trees were identified on site."*[7] The report further states that, "*A tree within Creekline Grassy Woodland (EVC 68) is considered large if it has a DBH greater than 80cm, this size has been applied to canopy and scattered trees recorded onsite*."[8] **There is no justification** for the utilising of DBH (diameter at breast height) being applied to canopy trees, such utilising is outside of criteria. DELWP literature cited by Practical Ecology states that a canopy tree is "*a mature tree (i.e. it is able to flower) that is greater than 3 metres in height and is normally found in the upper layer of the relevant vegetation type*."[9] **Applying an 80cm DBH criteria excludes numerous canopy trees and severely impacts the determination of a Native Vegetation Patch**, "*that is any*

[4] *ibid*. p. 9
[5] *ibid*. p. 14
[6] *ibid*. p. 76
[7] *ibid*. p. 11
[8] *ibid*. p. 15
[9] Guidelines for the removal, destruction or lopping of native vegetation, DELWP, 2017. P. 35

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area with three or more native canopy trees where the drip line of each tree touches the drip line of at least one other tree, forming a continuous canopy."[10] **As such the extent of native vegetation on the site has been seriously misrepresented by the applicant or their agent(s); which in turn impacts offsets calculations. Any granting of the Planning Scheme Amendment and Permit Application Request would be founded on erroneous data. Before the granting of the Planning Scheme Amendment and Permit Application Request, Council should call for a total reassessment of native vegetation on the development site.**

Fauna on Public Land

There are Large Scattered trees, canopy trees and canopy trees forming Patches on public land; Saade Street nature strip and the Government Road joining Saade Street to the south as per title plans attached to Gazetted Edwards Environment Preliminary Environmental Site Assessment dated January 2024.[11] As these trees are on COGB Public land they should be considered as **'City Trees' and there removal should be in accordance with COGB Urban Tree Management Policy and not at the whim of the Developer.**

Relevancy of Urban Tree Management Policy to this submission:

- Bendigo is often referred to as 'the City in the Forest'. The protection of existing trees and enhancement of Bendigo's urban forest is pivotal to the City living up to this title and realising its vison: 'Greater Bendigo - creating the world's most liveable community'.
- **As urban development increases and vegetation on private land diminishes, the provision and protection of trees in the public realm will become increasingly important.**
- **This policy applies to all public trees that are on land owned or managed by the City of Greater Bendigo within Bendigo's urban boundary, townships and along roadsides in speed limit zones of up to 80 kilometres per hour**.

[10] *Ibid*. p. 37

[11] Gazetted Edwards Environment Preliminary Environmental Site Assessment dated January 2024. Title Plans: TP747978S, TP743178Y and TP739862J.

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- **This policy is applicable to all developers, builders, service providers, residents, civil contractors, event organisers and internal works units undertaking activities in proximity to City trees**.
- **Decisions concerning tree management must be considered over the long-term and should not benefit one particular outcome at the expense of the multiple benefits provided by that tree into the future.**
- **The retention of existing trees in the landscape will be given priority in every instance.**
- **Removal of trees will not occur unless approved by the City consistent with the removal criteria within this policy**.
- The City will manage and monitor all public trees throughout their lifecycle and remove and replace them as appropriate. Whilst tree removal is a last resort management option, public safety always takes priority.
- The removal of City trees may be considered under the following instances;
    - **In the case of works and development, only once all practical design solutions to retain the tree have been exhausted.**
    - As part of a project, whole street upgrade or capital works program which will result in a net increase in or improvement to green space that could not be achieved with the tree/s in situ.
    - **In every instance, the on-going health and retention of the tree in the landscape will be given priority.**

Other Relevant COGB documents:

Greater Bendigo 2030 Zero Emissions Roadmap

- Our forests in Greater Bendigo absorb carbon and need to be protected and enhanced. Land use is a minor contributor to Greater Bendigo's emissions, contributing 1,000 tonnes CO2-e per annum.
- **Protection of our current trees and forests as carbon stores.**
- Increased tree cover across the Greater Bendigo
- **Biodiversity corridors and links across Greater Bendigo, including waterways, roads, nature strips and front gardens.**
- Local carbon offsets that are legitimate, have integrity and do not absolve organisations from reducing their emissions to near zero.

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Greater Bendigo Biodiversity Strategy and Action Plan 2023-2033

- **Ensure protection of mature native trees through the Greater Bendigo Planning Scheme or a Local Law which may include use of a Significant Tree Register.**
- **Canopy trees in urban and rural environments also produce shade that reduces people's exposure to harmful UV rays by up to 75 per cent, limiting the incidence of heat related illness.**

Climate Change and Environment Strategy 2021-2026

- No net loss of tree and shrub cover across all Greater Bendigo.
- As well as reducing heat related illness, canopy trees help to reduce people's exposure to harmful UV rays. Shade alone can reduce exposure to UV radiation by as much as 75 percent.
- **Develop a local planning policy to increase tree canopy and vegetation cover in subdivision design.**

Reimagining Bendigo Creek June 2020

- Increase tree canopy cover and vegetation along creeks, gullies, open spaces and streets with consideration to pre-colonisation flora and fauna.

Fauna

The Town Planning Report states that "The proposal **involves the removal of all native vegetation** on the site to facilitate the development of the land as a residential estate… and that the removal of native vegetation could not be reasonably avoided due to the extent of earthworks and fill required on the site."[12] It should be noted by Council that not only will all native vegetation be removed **but all vegetation will be removed** if the Planning Scheme Amendment and Permit Application Request is granted. **A total 'moon-scaping' of the development site will be the result.**

Practical Ecology's report states that "The scattered and large trees onsite provide **nesting habitat for birds and mammals in the canopy and in hollows observed**."[13] Their report also highlights the relevancy of the ***Wildlife Act 1975 and***

[12] Gazetted Town Planning Report SPIIRE, January 2024; p. 42

[13] Gazetted Practical Ecology Pty Ltd Flora and Fauna Assessment and Native Vegetation Impact Assessment Saade Street, Epsom Rezone and Subdivision. Dated January 2024, p. 19

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Wildlife Regulations 2013 in particular "… ***if any wildlife is located within the habitat proposed for clearing, which is possible as there were numerous hollows observed on site, salvage and translocation of such wildlife may be required as part of the planning permit.*** *This should also ensure wildlife is not damaged during construction works.*"[14] The report also **recommends "*that a Zoologist be onsite*** *prior to and during tree removal works or prior to any works around retained trees to check existing hollows and canopy areas so instances where fauna are can be addressed correctly. This may include the halting of works until fauna relocation can occur*."[15] **Council should ensure that tree hollows and nests should be examined by qualified people to determine the presence of wildlife prior to the granting of the Planning Scheme Amendment and Permit Application Request. If the Amendment and Application proceed than conditions should be imposed to ensure a Zoologist is at the development site.**

Relevant COGB documents:
Urban Tree Management Policy

- **Hollows provided by large old trees provide critical habitat for many species that are typically not present in younger trees**. Eucalypts for example will not start forming hollows until they are over a century old and are therefore extremely difficult to replace once they are removed.
    - **Hollow bearing trees that meet the criteria for removal as outlined in this policy will be made safe and retained as habitat trees wherever it is safe, practical and appropriate to do so**.
    - **The City will endeavour to seek practical design and management alternatives to maximise the health and longevity of existing large, hollow bearing trees.**

Greater Bendigo Biodiversity Strategy and Action Plan 2023-2033

- **The Flora and Fauna Guarantee Act 1988 *Vic***. is the key piece of Victorian legislation for the conservation of threatened species and communities and for

[14] *ibid*. p. 28
[15] *ibid*. p. 39

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the management of potentially threatening processes (e.g., **loss of hollow-bearing trees,** hyper-aggressive species competing with native fauna) to ensure that more species do not become threatened in the future.

- Another key issue is the lack of protection for large trees and other native vegetation where the property size is less than 0.4 ha (Clause 52.17). There is currently no permit trigger that would require assessment of large trees and other potentially significant native vegetation on lots less than 0.4 ha prior to removal.
- **Hollow-bearing trees and logs are critical habitat for many arboreal (tree-dwelling) species and support some of our threatened species**.
- **Action 1.8 Ensures protection of mature native trees through the Greater Bendigo Planning Scheme or a Local Law which may include use of a Significant Tree Register.**
- **No net tree loss of native vegetation on City managed land or through City activities across Greater Bendigo.**

The approval of the Planning Scheme Amendment and the granting of the Permit Application Request in its proposed form will result in the loss of over 200 native trees, including loss of hollows and potential habitat nesting sites.

Stormwater

Terraco Pty Ltd was engaged by landowners of 1 Buckland Street, 20 Montis Lane, 36-46 Saade Street and 28-34 Saade Street, Epsom to undertake a Stormwater Management Plan for the development site.[16] The report notes that [redacted] **City of Greater Bendigo on 09/09/2022** offered confirming preliminary advice that the on-site stormwater detention solutions provided sufficient requirements to restrict the 20% AEP rainfall event to pre-developed levels.[17] This statement has been re-emphasised in the gazetted Town Planning report the "*assessment undertaken by Terraco has been reviewed by Council's drainage engineer* ***who advised in writing*** *that the plan submitted is an acceptable drainage solution for the rezoning and a*

[16] Gazetted Stormwater Management Plan, Terraco Pty Ltd, December 2023, p. 1
[17] *ibid.* p. 3

reasonable basis for assessing the impact on the Council reserve at 18-26 Saade Street. ***A copy of this agreement*** *is enclosed with this submission at Appendix E.*"[18]

This has the appearance that the COGB employee [redacted] is the 'Decision Maker' for the stormwater detention solution and therefore in-part negates the decision making process of the Planning Scheme Amendment and Permit Application Request. Of Note: The above-mentioned written agreement is not available at Appendix E.

Terraco's report states that "*Rainfall data was adopted from* ***Bendigo Prison****, in accordance with the City of Greater Bendigo Council MUSIC Guidelines.*"[19],[20] **Rainfall data has not been recorded at the Bendigo Prison since October 1991, more than 30 years ago. Thermometers and Anemometer were removed from Bendigo Prison on the 28th October 1991 and rainfall gauges and pluviograph were removed on the 31st July 1992.**[21] **The used of such historical data is extremely dangerous. Before the granting of the Planning Scheme Amendment and Permit Application Request, Council should call for a total reassessment of the Stormwater Management Plan for the development site.** If rainfall data from Bendigo Prison was **incorrectly cited,** then the accuracy of document is in question and **Council should call for a full document review to ensure that there are no other errors before the granting of the Planning Scheme Amendment and Permit Application Request.**

Terraco's report further indicates the intention for **stormwater from the development site to enter Bendigo Creek** via an existing Council reserve.[22] This is reaffirmed in the Town Planning report "*The development will drain to the existing basin located in the land to the north of the site. It is proposed to incorporate a piped drainage system to discharge to the drainage reserve where the water sensitive*

[18] Gazetted Town Planning Report SPIIRE, January 2024. p. 14
[19] Gazetted Stormwater Management Plan, Terraco Pty Ltd, December 2023, p. 6
[20] Of note. I was unable to access on the COGB website the *City of Greater Bendigo Council MUSIC Guidelines.* It appears this document may no-longer be extant.
[21] Station metadata for Bendigo Prison, station number 081003. Metadata compiled 28 July 2023. Data accessed online Bureau of Meteorology 19 March 2023. Climatological Station Metadata (bom.gov.au)
[22] Gazetted Stormwater Management Plan, Terraco Pty Ltd, December 2023, p. 1

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urban design (WSUD) component will be satisfied prior to ***discharging into the creek***.”[23] **It should be noted by Council that the development site assessment utilises a** predicted **1% AEP flood level**. **Due consideration should be given by Council to the future impact to downstream Bendigo Creek residents and the risk of flooding events brought about by climate change. A ‘precautionary principle’ lens should be applied.**

Submission by: [redacted]
Mobile: [redacted]
Email:[redacted]

19 March 2024

[23] Gazetted Town Planning Report SPIIRE, January 2024. p. 18

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Submission 5

[redacted]

From: [redacted]
Sent: Tuesday, 19 March 2024 4:27 PM
To: Strategic Planning Admin
Subject: Submission Regarding Amendment C248GBEN & Planning Permit Application DS/207/2019

Follow Up Flag: Follow up
Flag Status: Flagged

[redacted] Tuesday 19 March

I am opposed to AmendmentC248GEN to the rezoning of land on the western side of Bendigo Creek at Epsom relevant to the proposed Amendment, from Farming Zone FZ to Neighbourhood Residential Zone NRZ. Also to Planning Permit Application DS/207/2019 ,the subdivision of this land.

My reasons are given as follows:

1 This land has a LSIO 1, Land Subject to Inundation Overlay Schedule1; imposed on it, which in this case, requires any residential houses to be built 300mm above natural ground levels.

However this does not preclude any future heavy rainfall events that may cause flood water levels to rise above 300mm at this locality of Epsom. Such events will cause flooding to occur inside residential houses.

If flooding does occur in houses already built, owners will find that they have brought into negative equity i.e. the value of their house will be less than what they paid for the house.

No homeowner should be placed in such an invidious situation; especially if they still have a mortgage debt to pay off - now on a house that is no longer saleable or sellable at much lower price.

At Bendigo, we have already experienced abnormal heavy rainfall events at the start of this year, 2024; that caused certain parts of Huntly to flood. Due to climate change these heavy rainfall events will become more common and intense.

2 Insurance companies are more attuned to future stormwater events due to climate change. They have to be. Insurance companies have to determine how much they are capable of paying out for insurance claims to floods.

Ultimately flood insurance for houses in a flood prone zone may not be available or available at much higher rates that will make it financially impractical for the owners of these houses to be insured for floods.

I wish to be heard at the Panel Hearing. [redacted]

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Submission 6

[redacted]

From: [redacted]
Sent: Wednesday, 20 March 2024 9:20 AM
To: Strategic Planning Admin
Subject: City of Greater Bendigo Planning scheme C248gben

I object to the rezoning of Saade St land alongside Bendigo Ck
Bendigo Ck is seriously constricted by urban developments on it's margins, floodwater flow heights are magnified if there is nowhere for the water to spread out.
The land proposed for development must remain part of the natural floodwater height reduction system

[redacted]

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Submission 7

[redacted]

Friday, 22 March 2024 12:01

[redacted] WISH TO MAKE A SUBMISSION TO " STRATGETIC PLANNING UNIT" CITY OF GREATER BENDIGO IN RELATION TO AMENDMENT C248GBEN, PLANNING PERMIT APPLICATION DS/207/2019. I STRONGLY OBJECT TO THIS PROPOSAL TO BUILD HOUSES IN THAT AREA AS IT AFFECTS ME AND HUNDREDS OF MY NEIGHBOURS SEVERELY. I LIVE [redacted] NEAR TO THIS PROPOSED DEVELOPMENT. WE HAD BIG PROBLEMS WITH STORM WATER ON APPROX 2ND JANUARY THIS YEAR. ABOUT ONE INCH OF RAIN FELL OVERNITE. THE STORMWATER DRAINS UNDERGROUND OVERFILLED AND THE WATER BACKED UP INTO PEOPLES HOUS BLOCKS FLOODING GARDENS SHEDS SWIMMING POOLS.LONG TIME RESIDENTS IN THIS AREA HAVE HAD THIS PROBLEM FOR A LONG TIME, MULTIPLE REQUESTS TO COUNCIL HAVE FAILED TO GET THIS RESOLVED.THE STORMWATER DRAIN PIPES ARE NOT BIG ENOUGH TO TAKE A HEAVY RAINFALL OVER A 24 HR PERIOD. THIS DEVELOPMENT WILL WORSEN THIS SITUATION. THE SQUARE KILOMETER OF LAND TO WEST OF THIS DEVELOPMENT IS INTENSELY BUILT UP [600, 400, SQ METERS]. THE SLOPE RUNS STEEPLY FROM WEST [TOP OF HILL] TO EAST AND THIS PROPOSED DEV AND BENDIGO CREEK. THIS DEV BEING LOW LYING AND ADJACENT TO BENDIGO CREEK ACTS AS RUNOOF OR DEFACTO HOLDING SWAMP WHEN GET HEAVY RAIN. THE FLOOD RISK TO THIS DEV IS NOT OVERFLOW FROM BENDIGO CREEK IT IS ALL STORMWATER RUNNING DOWN THE ROADS FROM THE HILL IN THE WEST. I EXPECT THESE BLOCKS WILL BE SOLD BY SLICK SALES PEOPLE TO GULLIBLE BUYERS USING THE SALES PITCH "HAVE TO BE UNLUCKY TO GET A FLOOD" A SIMILAR TYPE OF DEV AT MONTIS RD/SAADE RD HAS BEEN THERE ABOUT 3 YEARS AND HAS NOT SOLD OUT. I ENQUIRED AUGUST 23 ABOUT THE BLOCKS AND SELLER SAID 'IF BUY TWO GET 15% OFF" . OBVIOUSLY NOT SELLING NOT WANTED. THIS DEV WILL LOWER PROPERTY VALUES OVER WHOLE GOYNES RD AREA AND POTENTIALLY SET UP A SLUM OF CHEAP UNSALEABLE BLOCKS AND CHEAP REMOVABLE HOUSES ON STUMPS. I I RESENT THE LOSS OF THOSE SPECIAL RIVER REDGUMS . I ENJOY THEIR PRESENCE WHEN I USE THE TRAIL. THESE ARE SIGNIFICANT TREES AND SHOULD NEVER BE TOUCHED. IT WOULD BE ADVISABLE TO GET THE ADVICE OF PEOPLE OF ROCHESTER IN RELATION TO THE ONE IN 100 YEAR FLOOD.THEY HAD TWO IN LAST 3 YEARS. IT WOULD BE "DO NOT BUILD I 100% INUNDATIN AREAS " INSURANCE QUOTE FOR HOUSES IN THIS DEV IS MIN $12000 ,SOME COMPANIES WILL NOT QUOTE . USING STATISTICS OF PAST IS NOT AN ACCURATE WAY OF PREDICTING FUTURE FLOOD AN HEAVY RAIN EVENTS FROM NOW FORWARD . THIS HAS BEEN SHOWN IN MANY PLACES IN AUSTRALIA.

Submission 8

The Bendigo & District Environment Council Inc
P.O. Box 557 Bendigo 3552

Registration No A0017439S, (Incorporated 30/11/1988)

[redacted] on behalf of Bendigo & District Environment Council
[redacted]

22 March 2024

City of Greater Bendigo Strategic Planning Unit
Amendment C248gben
PO Box 733
Bendigo VIC 3552

strategicplanning@bendigo.vic.gov.au

Objection to:

- Application for amendment C248gben to the City of Greater Bendigo Planning Scheme, for land at Saade Street, Epsom. This proposed amendment would change the zoning for 1 Buckland Street, 20 Montis Lane, 28-34, 36-46 Saade Street, Epsom and the abutting road reserves from Farming Zone to Neighbourhood Residential Zone Schedule 2.
- The subject land also includes three Crown Allotments: Crown Allotment 19, No Section, Township of Epsom, Crown Allotment 20, No Section, Township of Epsom and Crown Allotment 2024, No Section, Township of Epsom, Parish of Sandhurst, to be amended from Farming Zone to Public Park and Recreation Zone,.
- Planning Permit Application DS/207/2019 for a 78 lot subdivision.

We object to the above applications, and request that Council refer the applications to a Planning Panel.

The grounds for our objection are as follows:

1. The subject land is subject to innundation and is subject to a LSIO1 overlay. This land can never be safely used for residential development as it is too low in the landscape

and cannot reasonably be drained in the event of a flood. The risk is reflux of water from Bendigo Creek in the event of a flood.
The proposed drainage basin would be lower than the flood level in the creek. So during a flood, rather than draining into the creek, water from the creek will reflux up from the drainage basin into the proposed estate.

2. Any civil construction activities to raise the level of the land will only bank up water into existing developments, increasing flood risk to existing developments, some of which have not flooded to date.

3. The subject land includes 3 crown allotments which we consider should not be included in the subdivision.

4. Historically, this land has been bypassed for development, and the area has never been occupied except for one house build circa 1950.

5. With climate change, the intensity of rain events is expected to increase and with them an increase in the areas flooded is expected.

6. It is not necessary to develop flood-prone land. Other parcels of land in the City of Greater Bendigo are available for subdivision to accommodate an increased population size. Scarcity of land for building houses in the Bendigo area is caused by developers controlling the rate of release of residential land.

If the Planning Panel is to sit, it should assess whether all LSIO land including the private property andPla the three Crown blocks be rezoned for the purpose of floodway.

Council should note that the drainage detention basin on adjoining Council Land for an adjoining development has never been completed.

BDEC considers that the land subject to LSIO1 should instead be revegetated with indigenous riparian vegetation and incorporated into a biolink along the Bendigo Creek, to connect with the revegetation along Bendigo Creek at Huntly Streamside Reserve, undertaken by the North Bendigo Landcare Group, and ultimately with forested land to the north of Bendigo. Such a biolink is part of the Biodiversity Strategy of the City of Greater Bendigo.

BDEC objected to the earlier proposal (in relation to this same Planning Amendment and subdivision application) for the developer to use Council freehold land as a detention basin for the proposed subdivision on land subject to a LSIO1 overlay. Council voted in favour of the encumbrance on Council land.

During the gold rush, Bendigo Creek was straightened to allow it to function as a sludge drain. A meander of the Bendigo Creek still exists at the Bendigo Botanic Gardens in Scott Street, not far south of the subject land. Lake Weeroona further south was probably originally a meander of the Bendigo Creek.

Submission 8

The location of Bendigo Creek pre-gold rush in the area under consideration is not known, but it is likely that a meander of the creek occurred where this land that is subject to the above planning amendment application is now. Therefore the subject land was likely part of the natural flow of Bendigo Creek. Therefore, it should not be developed for housing, but retained without physical alteration to accommodate excess flood water during future rain events, detaining some of the flood water to prevent serious flooding downstream.

The channel of the Bendigo Creek cannot be deepened to allow for a larger volume of water because the sediments in the creek contain arsenic and mercury as a legacy of the historic mining. The sediments are now reasonably stable, but the toxins would be mobilised if any works occurred in the creek.

On behalf of BDEC

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Submission 8

The Bendigo & District Environment Council Inc
P.O. Box 557 Bendigo 3552

Registration No A0017439S, (Incorporated 30/11/1988)

DATE: 8 July 2024

FROM: [redacted]
Email:

TO: Heritage Victoria
Email: [redacted]

COPY: CITY OF GREATER BENDIGO COUNCIL / STRATEGIC PLANNING
[redacted]

Dear Heritage Victoria.

Re:

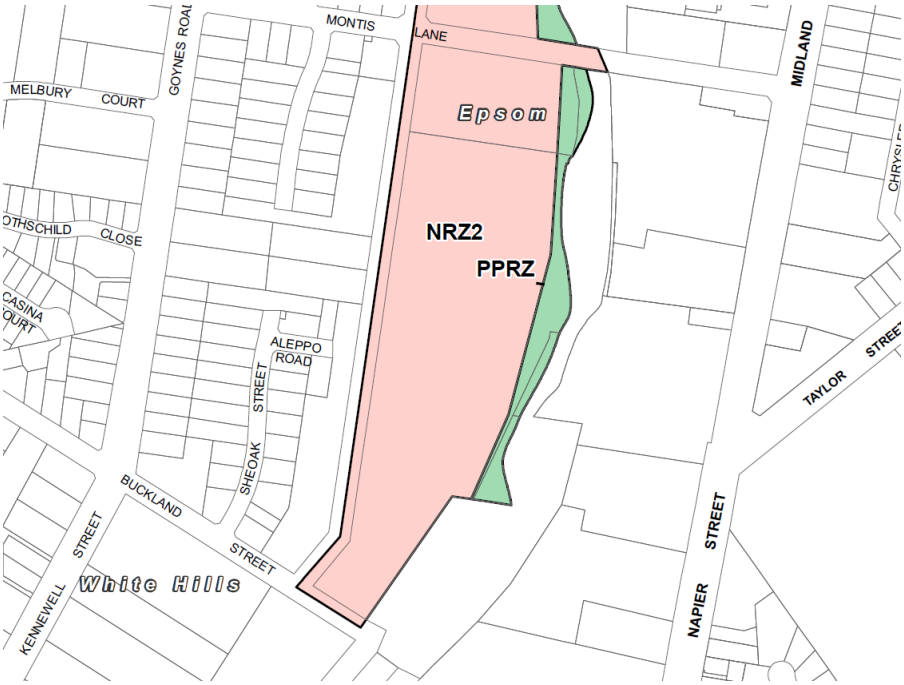
- **FORMAL PUBLIC LETTER OF REFERRAL / CONCERN / OBJECTION**
- **PROPOSED LAND REZONING AND SUBDIVISION, EPSOM**
- **IMPACTS TO CULTURAL HERITAGE / ARCHAEOLOGICAL SITE / VALUES.**
- **APPLICATION PLANNING SCHEME AMENDMENT C248gben to GREATER BENDIGO PLANNING SCHEME; PLANNING PERMIT APPLICATION DS/207/2019**
- **VICTORIAN HERITAGE INVENTORY No. VHI NUMBER H7724-0637 (HERMES 207099).**

I am making this referral on behalf of the Bendigo & District Environment Council (BDEC). The Bendigo and District Environment Council (BDEC) has been advocating for the protection of the environment since 1988. We encourage an integrated approach to environmental issues by the general public and all Government agencies.

This matter relates to Victorian Heritage Inventory Site No. H7724-0637 Epsom Hotel archaeological site, 7724 which is part the land subject to a planning scheme amendment C248gben to Greater Bendigo Planning Scheme and planning permit application DS/207/2019.

Submission 8

Map showing the location of the Epsom Hotel cultural heritage significant site, taken from GeoVic web site 7 July 2024.



Map showing the southern portion of the proposed subdivision taken from 5a96038e-a04e-e911-a86e-000d3ad117e3_58649ac2-a8e5-4912-9f97-5a70c538137f_Greater Bendigo C248gben 001znMap15 Exhibition Gazetted(3).pdf, document submitted as part of the above planning amendment and subdivision.

Submission 8

We are an objector to Planning Scheme Amendment C248gben to the Greater Bendigo Planning Scheme and Planning Permit Application DS/207/2019. The Planning Scheme Amendment and Planning Permit Application proposes a 78 allotment subdivision. It appears that there may be around 20 residential allotments proposed for the VHI Epsom Hotel land area. Relevant documents are available at: https://www.bendigo.vic.gov.au/building-and-business/planning/planning-scheme-amendments/c248gben and https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/C248gben?schemeCode=gben

The application will be subject to a Panel Hearing. The date for the Hearing has not yet been sent.

We refer this matter to Heritage Victoria, including our concerns that the matter may not have been referred to Heritage Victoria by the Greater Bendigo City Council or others, and that there may also be serious outcomes for this potentially significant archaeological site if the proposed Planning matters proceed to approval and implementation.

The site is particularly important for the following reasons: These exerpts are taken from https://vhd.heritagecouncil.vic.gov.au/places/207099):
"By the late-1850s it was at the centre of the Epsom goldrush."
"The hotel is known to have been submerged by gold mining sludge in 1859—effectively capping and protecting it from subsequent impacts. The depth of sludge is likely between one and two metres, which increases the potential for well-preserved archaeological fabric to remain in the area. As the hotel ceased to function in 1859 and it does not appear other businesses were built on the ground after, the hotel's archaeological materials are capable of providing tightly dated information from an important period of the Bendigo goldfield (1854 to 1859)."

The proposed Planning Scheme Amendment and proposed Planning Permit would allow for the (high density) subdivision of the land, for the removal of native vegetation, and for the carrying out of works comprising fence erection and roadworks. There is apparently *no mention* of the VHI requirements. We believe that if the land is subdivided and allotments sold to various individual landowners, the archaeological value of this site would be *effectively and practically quashed*. For example, if the VHI land area ends up being about 20 separate lots with 20 different landowners, there is possibly likely to be *no real or practical way that a coordinated and systematic and comprehensive archaeological excavation and survey could be undertaken*. The proposed rezoning and subdivision allow for or proposes "high density" subdivision and development. The site will likely effectively be lost, by stealth. The proposed Planning Permit allowances would also not only allow the (high density) subdivision to proceed, but also includes (high density) *fencing and roadworks* – which themselves may potentially disturb and impact archaeological interests / outcomes. We believe this is unreasonable, and against the public interest.

Submission 8

We understand that a Heritage Victoria "consent" is required if any part of the VHI site is proposed to be disturbed such as sculpting of land for the development, providing services and roads and building houses and fences. We seek Heritage Victoria to please confirm or clarify in these respects. We also seek to know whether the *subdividing* of this land, or any land – where such subdivision may effectively compromise the archaeological site / values - should *require the municipal Council / responsible authority to refer the matter to Heritage Victoria in the first instance*? We also seek to know if a landowner selling land with a listed VHI site is obliged legally or otherwise to *declare the matter on a Section 32 Statement of Sale, listing all requirements or encumbrances to the land*. (E.g. the legal requirement to obtain a Heritage Act "consent" to disturb this listed VHI site.)

We would appreciate and respectfully request Heritage Victoria's written response, including to the following:

(a) What is Heritage Victoria's view as to the potential and relative archaeological significance of this particular (Epsom Hotel) site?
(b) What is Heritage Victoria's overall position on this Planning Scheme matter (including on the issues outlined in this letter)?
(c) Has this case been referred to Heritage Victoria *to date* e.g. by City of Greater Bendigo, or by the current landowner, or others? If so, can Heritage Victoria please publicly provide the referral(s) and its response? Or if not, will Heritage Victoria be actively seeking consultation and further dealings in this matter?
(d) What is Heritage Victoria's position in relation to any other aspects in this matter, such as to do with Sale of Land Act Section 32 Statements?

As this matter may be going to a Panel Hearing later this month, Heritage Victoria's timely response is respectfully requested e.g. as soon as possible, or within 10 days.

Thank you.
Yours sincerely

[redacted]

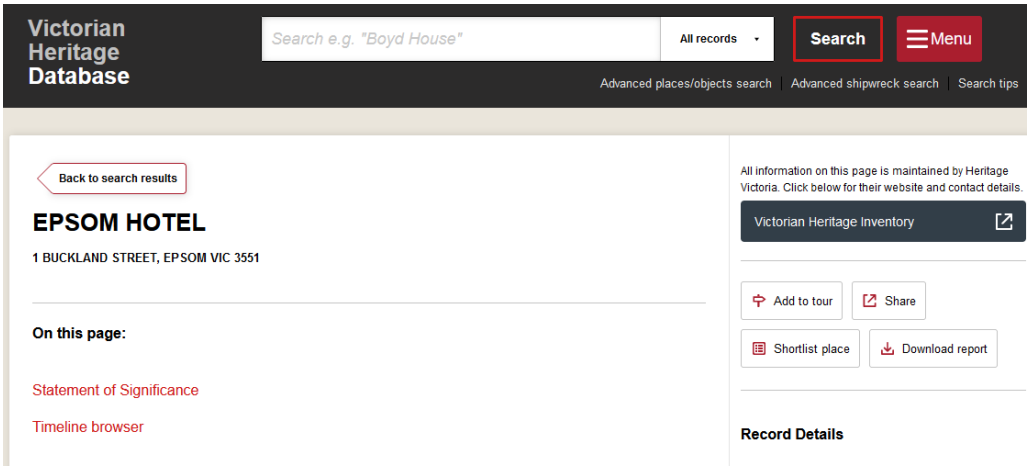
[redacted]

Convenor, Bendigo & District Environment Council (BDEC)

Submission 8

ATTACHMENT 1.

VHI H7724-0637 INFORMATION.



Record Details

Place ID
207099

Location
1 BUCKLAND STREET, EPSOM VIC 3551

Municipality
GREATER BENDIGO CITY

Heritage Listing
Victorian Heritage Inventory

Level of significance
Heritage Inventory Site

Heritage Inventory (HI) Number
H7724-0637

Category
Commercial

Submission 8

Statement of Significance

Epsom Hotel served an important role on the Bendigo goldfield. When it was constructed it was positioned at the outskirts of the rush. However, by the late-1850s it was suddenly at the centre of the Epsom goldrush. Historical records suggest the hotel was the site of numerous balls, galas, wrestling matches, dancing classes and other forms of community entertainment. It was the place where those injured or killed through accidents on the goldfields were brought where they could be treated in the former case by physicians, or visited by the community in the case of the latter. The building appears to have been fairly substantial hosting upwards of 160 people for one ball. When advertised for sale in January 1856 it was described as being comprised of a 'large concert room, sitting rooms, bedrooms, bar, kitchen, stables etc.' It was noted as having a garden and a brickfield adjacent to the property. These numerous facets, and the numerous historical activities that took place on the premise, give any archaeological fabric relating to Epsom Hotel cultural heritage significance. That significance can be expressed both in terms of its historical importance, but also from a scientific/research standpoint.

The hotel is known to have been submerged by gold mining sludge in 1859—effectively capping and protecting it from subsequent impacts. The depth of sludge is likely between one and two metres, which increases the potential for well-preserved archaeological fabric to remain in the area. As the hotel ceased to function in 1859 and it does not appear other businesses were built on the ground after, the hotel's archaeological materials are capable of providing tightly dated information from an important period of the Bendigo goldfield (1854 to 1859).

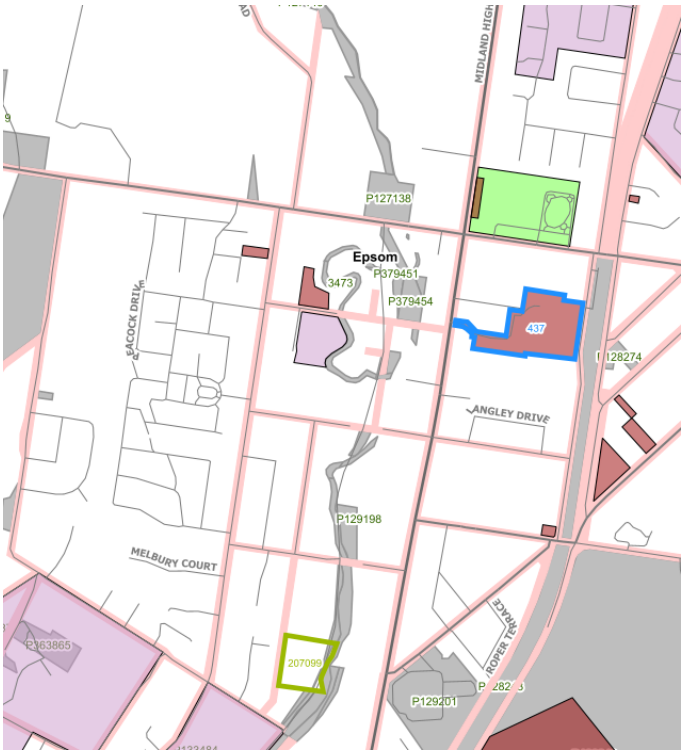
The submersion of the hotel is used as an example of the destructive nature of sludge in evidence given to a select committee in 1861, making it a part of the sludge story.

Submission 8

ATTACHMENT 2.

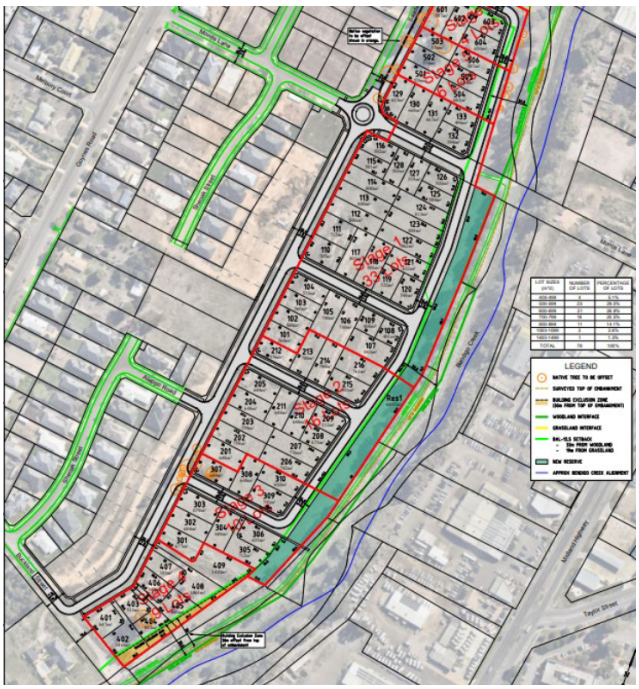
LAND AREA / VHI LOCATION PLANS

PLANS SHOWING LOCATION OF VHI **H7724-0637** (GREEN BORDER).



Submission 8

PLANS SHOWING LAND AREA OF PROPOSED RE-ZONING AND SUBDIVISION,



Submission 9

[redacted]

23rd March 2024

City of Greater Bendigo Strategic Planning Unit
Amendment C248gben
PO Box 733
BENDIGO VIC 3552

strategicplanning@bendigo.vic.gov.au

To Whom It May Concern,

We wish to lodge an objection to the proposed Amendment to:

- Rezone land at 1 Buckland Street, 20 Montis Lane, 28-34, 36-46 Saade Street, Epsom and the abutting road reserves from Farming Zone to Neighbourhood Residential Zone Schedule 2
- Rezone land abutting the western side of the Bendigo Creek consisting of part of the land at 18-26 Saade Street, Crown Allotment 19, No Section, Township of Epsom, Crown Allotment 20, No Section, Township of Epsom and Crown Allotment 2024, No Section, Township of Epsom, Parish of Sandhurst from Farming Zone to Public Park and Recreation Zone

And an objection for a permit to:

- Subdivide land into 78 residential lots, remove native vegetation, and to construct or carry out works, including fences and roads at 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and the road reservations of Saade Street and Montis Lane, Epsom

We object to the above applications and request that Council refer the applications to a Planning Panel.

The grounds for our objections are as follows:

1. The land proposed for subdivision is subject to inundation when held against the LSI01 overlay. This land can never safely be used for residential development as it is too low and will be unable to be drained in the event of a flood.

Submission 9

2. The current council reserve at the northern end of the subdivision on Saade Street is shown to provide a drainage basin for the proposed estate however this proposed basin will be lower than the flood level in the creek. This will then in turn cause the creek to fill to the proposed basin and in turn create flooding. Gazetted Ecology Report Pg 34/94 6.3, para 3 clearly states that Earthworks have the potential to damage the Bendigo Creek, increase of flood risk and alter the habitat present.

3. Council needs to note that the above drainage detention basin on adjoining Council land as mentioned in objection 2 has NEVER BEEN COMPLETED!!!!

4. The proposal states that the land must be raised to bring it up to within 300mm of the LSI01 overlay. This in turn will create the banking up of water into existing residential properties, increasing flood risk to some which have not flooded to date. It is of note that the Bendigo Creek in the said proposed area has flooded in the past. This is proven by the fact that small volumes of solid inert waste were observed at 28-34 Saade Street and soil sampling identified elevated arsenic across the site which is consistent with flooding having occurred in the past (CoGB Explanatory Report Page 12/16, paragraph 1)

5. The Stormwater Drainage within the surrounding residential areas is already under pressure in the event of extreme rain. With the way in which we are experiencing more and more extreme weather events, there is an increased risk of the areas stated above to be more prevalent to being flooded and the water to backflow into areas not flooded previously. Building in of natural floodplains is asking for disaster for the older residential areas.

6. There is contradiction between the written report by the CoGB Gazetted Explanatory Report, Page 3, Paragraph 3 and the Gazetted Ecology Report 1.2.1 in that the CoGB report states there is NO STRUCTURES present and the Ecology Report states that there IS STRUCTURES present. Both paragraphs are provided for ease of reference and the terminology highlighted. Therefore we object on the grounds of conflicting information provided.
    - Gazetted Explanatory Report CoGB Pg 3/16 – Paragraph3: The affected land has previously been used for farming purposes and is largely cleared of vegetation, with no existing dwellings or structures present. Scattered trees exist throughout the site, with vegetation present along the eastern boundary adjacent to Bendigo Creek and within the northern portion of the site. The Montis Lane road reserve extends through a portion of the site (at the northern end). This road reserve is currently used as a shared path which provides a link to the Bendigo Creek Trail, which runs along the Bendigo Creek from the Epsom Shopping Centre to Lake Weeroona.
    - Gazetted Ecology Report 1.2.1 Site description Map 1 provides an overview of the site The proposed site consists of nine lots with three lots at the northern end separated by an existing walking track with six larger lots

south of this extending in a long line to the west of Bendigo Creek (approximately 7.5 ha in total). The site is currently farmland and pasture with a few scattered trees and structures throughout. Saade Street runs along the northern three lots and will be extended as part this development to connect with Buckland Street which runs along the southernmost site boundary.

7. The subject land as highlighted on maps also includes 3 Crown allotments, which we consider should not be included in the subdivision.

8. We note that there has been a Traffic Management report carried out however we are highly concerned about the increase to Traffic along Goynes Road, it is already a racing track and hoon magnet.

9. We are concerned that the civil construction and building of more homes will severely impact our current flora and fauna. If these are removed, then the habitat is destroyed. This is documented in the Gazetted Ecology Report at 3.1.1 on Page 14 which notes that Habitat zones are considered Creekline Grassy Woodland which is endangered within the Goldfields Bioregion. Further the Gazetted Ecology Report at 3.1.3 on Page 15 states a tree within the Creekline Grassy Woodland is considered large and there were 11 large old trees recorded onsite and in this immediate area. Ecology Report at 3.1.4 on Page 17 states that the remaining vegetation was covered in exotic and native grass species. These species feed our current sighted and noted birdlife. Again, Gazetted Ecology Report Pg 34/94 6.3, para 3 clearly states that Earthworks have the potential to damage the Bendigo Creek, increase of flood risk and alter the habitat present.

10. There are other much safer and less intensive civil construction sites available to build on within the City of Greater Bendigo. It is not necessary to develop flood-prone land.

11. How much is it going to cost the Ratepayers of CoGB to ensure that the relevant authorities are on site whilst much of the civil works are progressing, as per reports that authorities must be in attendance during much of the process? We object to paying these wages when other areas are less needy of said personnel to oversee.

12. Gazetted Explanatory Report CoGB stated that Greenhouse gas emissions will be offset by 78 gardens. There is absolutely no way that the CoGB can 100% guarantee that all 78 proposed residential sites will put in gardens and definitely not enough to reclaim the pollutants emitted by all the diesel run construction vehicles.

Submission 9

Should this proposal go to the Planning Panel to consider, we ask that it should assess whether all LSIO land including the private property and the 3 crown blocks be rezoned for the purpose of floodway

We also ask that the Planning Panel consider that there appears to be a meander to the Bendigo Creek along Buckland Street which should also not be developed for housing, but retained to allow the natural flow of the creek to accommodate excess water should it flood.

Thank you for the opportunity to submit our objections to the Amendment and Planning permit Application DS/207/2019.

Yours sincerely,

[redacted]

[redacted]

Submission 10

[redacted]

From: [redacted]
Sent: Sunday, 24 March 2024 11:55 PM
To: Strategic Planning Admin
Subject: Objection to Amendment C24GBEN, planning permit DS/207/2019

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern.

We object to the Amendment C24GBEN, planning permit DS/207/2019.

Reasons for objection is due to a number of reasons:
- the stormwater drainage of this area will be affected.
- this is farming zone and it should remain so.
-It is low lying land which is flood prone.
- sits alongside the bicycle track and it is picturesque with native vegetation.
- 78 residential lots and how many parks within the lots. No parks. This is a greedy rates revenue for the council.
- high density living with higher impacts of mental health as there are no parks, no public open space.
- this is a joint greed adventure of the developer and council.
- high volume of cars and the current road - goynes is not built to handle the traffic volume.
- montis lane is meant to go across the creek to the midland highway. Plans were passed by council in around 2005. Therefore a bridge needs to be constructed and the road opened up fully to midland highway before any subdivision is taken place.
- I believe this is Aboriginal heritage land.

We live at [redacted] and a subdividsion has already occurred behind us and the council have not carried out there duties as privacy and flooding is a current problem. The council is aware of this and fully responsible as they signed off the developer knowing our problems/ concerns. The adjoining fences are too low and the drains have been covered in by the new dwellings.

Regards
[redacted]

And
[redacted]

Document Set ID: 5069816
Version: 1, Version Date: 15/04/2024

Submission 11

[redacted]

From: Planning Admin
Sent: Monday, 25 March 2024 12:47 PM
To: Strategic Planning Admin
Subject: FW: Objection to an Application for a Planning Permit

Follow Up Flag: Follow up
Flag Status: Flagged

From: noreply@bendigo.vic.gov.au <noreply@bendigo.vic.gov.au>
Sent: Monday, March 25, 2024 12:45 PM
To: Planning Admin <planningadmin@Bendigo.vic.gov.au>
Subject: Objection to an Application for a Planning Permit

Name: [redacted]

Address: [redacted]

Phone (BH):

Mobile: [redacted]

Email: [redacted]

Application Number: C248gben

Application Address: Planning Permit for a 78 lot subdivision at Saade Street-Montis Street , Epsom.

Do you own or occupy land near the subject land?: [redacted]

If yes, please provide the address:

Maximum 5000 characters: 25 March 2024
[redacted]

To Whom It May Concern

Reference: Application C248gben and application for a Planning Permit for a 78 lot subdivision at Saade Street, Epsom.

I am writing as a concerned citizen in the City of Greater Bendigo; relating to the intent to create a residential development on the Bendigo Creek flood plain; as per application C248gben.
It does make one reflect on the basic reasoning as to why flooding occurs in Bendigo. Flooding is a natural process intrinsic to all waterways, and occurs periodically as a result of heavy rainfall within a catchment and is generally defined by the runoff from the storm event exceeding the capacity of the bed and banks of a waterway or local drainage system. The effects of flooding in Bendigo are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, agricultural, commercial and industrial properties.
It does not make logical sense to allow for residential development in close proximity to the Bendigo Creek and within the designated LSIO zone - Land Subject to Inundation Overlay.
I also question the appropriateness to rezone FZ – Farming Zone in a flood plain zone, to residential development land. It raises questions about the effectiveness of our development processes, the role of the North Central Catchment Management Authority, the City of Greater Bendigo in sanctioning such development and the role of the Environmental Protection Authority and Coliban Water in having constructive input into the process. It again highlights

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Version: 1, Version Date: 15/04/2024

the importance of Council requiring an Environmental Planner on staff.
It is also important to note the Greening Greater Bendigo vision report (2019).
Vision: "Greater Bendigo: where the community values mindful development that enhances and conserves our environment, provides well-designed green spaces that promote community wellbeing and is conscious of our future climate." Youth Council, November 2019.
It is Important to note this vision was developed by the Greater Bendigo Youth Council, our future leaders of tomorrow.
It is also noted that the City of Greater Bendigo has adopted the One Planet Living Framework to help us realise our vision to become the world's most liveable community.
It is clear the number of trees to be removed is greater than the seven referred to in the documentation. It is not clear where proposed offsets occur i.e. what is the environmental/ecological value in such offsets, where do these offsets occur, is the public made aware of such offset sites?
With environmental/scientific research into the effects of 'climate change', it is clear that future flood events will occur more regularly and potentially have a greater impact; with a higher level of flood flows along the Bendigo Creek having an increased level of detrimental impacts further downstream e.g. Huntly area.
It is noted that the State legislative provision ultimately 'control' our future developments, however it is clear the City of Greater Bendigo has a key strategic role in support/not supporting such proposed developments.
It is clear in the process already undertaken there is an acknowledgment of future flooding events:
- Raise building site levels by 300m.
- Roads be the key feature to support mitigation major flood water flow.
- Farm fencing to be installed (as against conventional residential sub division fencing) to allow movement of flood water.

Additional consideration: Verbatim advice through the insurance sector indicates that householders within this potential estate may expect to pay $10,000-$12,000 in higher housing insurance costs. A strong indicator that the Insurance industry recognises the concerns of building in this area; placing an increased financial burden on future residents.

For your further consideration
Thanks
[redacted]

[redacted]

Attachment 1:

Attachment 2:

Attachment 3:

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Version: 1, Version Date: 15/04/2024

Submission 12

NCCMA Ref: NCCMA-F-2019-01179
Document No: 8
Council Ref: C248 & DS/207/2019
Date: 25 March 2024

[redacted]
Coordinator Planning, Strategy and Policy
Greater Bendigo City Council
Po Box 733,
Bendigo Vic 3552

Dear [redacted]

Planning Scheme Amendment No:	**C248**
Planning Permit Application No.:	**DS/207/2019**
Development Description:	**Rezone land from Farming Zone to Neighbourhood Residential Zone Schedule 2 and Public Park and Recreation Zone. Subdivide land into 78 residential lots, remove native vegetation, and construct or carry out works, including fences and roads**
Street Address:	**1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom**

Thank you for your referral under Section 96C (1) of the *Planning and Environment Act, 1987* dated 19 February 2024, and received by North Central Catchment Management Authority (CMA) on 19 February 2024, regarding the above matter.

In response, North Central CMA supports the proposed amendment as exhibited.

North Central CMA, pursuant to Section 56 of the Planning and Environment Act 1987, does not object to the granting of a permit subject to conditions included in the draft planning permit.

Should you have any queries, please do not hesitate to contact me on [redacted]
To assist the CMA in handling any enquiries and the supply of further information, please ensure you quote [redacted] in your correspondence.

Yours sincerely

[redacted]
Waterways and Floodplain Officer

Submission 13

CITY OF GREATER BENDIGO

Objection to an Application for a Planning Permit

Your Contact Details

Name	[redacted]
Postal Address	[redacted]
Phone (BH)	[redacted]
Email	[redacted]

Which planning application are you responding to?

Application No.	C248Gben and DS/207/2019
Application Address	1 Buckland St., 20 Montis Lane, 18-26, 28-34 and 36-46 Saade St. and Montis Lane, Epsom

Do you own or occupy land near the subject land?

☒ Yes ☐ No	If yes, please provide property address: as postal

Please see next page to complete this form....

Any person who may be affected by the granting of a permit may object.

- If you object, you must state the reasons why and explain how you would be affected by the grant of a permit.
- If you object, the City must consider your objection unless you withdraw it.
- An objection that has been made primarily to secure or maintain a commercial advantage for the objector may be considered invalid.
- The application will not be decided on until at least 14 days after notice was given.
- If you object, you will be notified of the decision in writing.
- If you object and you are not satisfied with the decision you may appeal within 28 days of the notice of the decision to the Victorian Civil and Administrative Tribunal.

Submit your objection:

Email the completed and signed form and any supporting documents to planningadmin@bendigo.vic.gov.au
Or you can post it to City of Greater Bendigo, PO Box 733, Bendigo 3552.

Collection Statement

The City of Greater Bendigo (City) is committed to protecting your privacy. The personal information you have provided on this form is being collected by the City for the purpose of considering your objection. The personal information will be used to correspond with you about your objection and for any other directly related purposes. The reasons of objection may be made available online on the City's website during the public notice period of the application; to any person who may wish to inspect the application until the application process is concluded, including any review at the Victorian Civil and Administrative Tribunal; to relevant officers within the City and other relevant agencies directly involved in the planning process; and to persons accessing information in accordance with the Freedom of Information Act 1982, Planning and Environment Act 1987 or Public Records Act 1973.

Your personal information will not be disclosed to any other external party without your consent, unless required or authorised by law. If your personal information is not collected, we may not be able to consider your objection. If you wish to access or amend any of the personal information you have supplied to the City, please contact our Planning team on 03 5434 6355 or email planningadmin@bendigo.vic.gov.au

City of Greater Bendigo
189-229 Lyttleton Terrace, PO Box 733, Bendigo 3550
T: 1300 002 642
W: www.bendigo.vic.gov.au/planning

Document Set ID: 5069816
Version: 1, Version Date: 15/04/2024

Submission 13

Please state your reasons of objection and how you will be affected if a permit is granted:

Reasons:

* As the proposed development is to be in an area encompassed by the Flood Overlay for Bendigo Creek this could possibly: Redirect any flooding that may directly impact my property and/or access to my property.

: In turn this may adversely affect insurance premiums placing a financial burden as well as adversely affecting my property value.

: The proposed development will substantially add to creek flow and can only be exacerbated by the ongoing effects of Climate Change. This would only increase the above mentioned risks.

* The development will also increase local traffic which will stretch existing infrastructure and create traffic congestion in the immediate vicinty and further afield. This leads to a loss of amenity due to road safety, travel times and noise.

* There is also the loss of amenity due to excessive heat generated by the prevalence of dark roofs and small gardens.

* There is a lack of imagination in the design as to the allocation of reserves and the replacement of native vegetation. The largest reserve is mostly occupied by a drainage basin virtually nullifying its use for recreation purposes. This affects the amenity of the whole neighbourhood.

Signature [redacted]

Date: 24/03/2024

Last updated 4/7/2023

Submission 14

Department of Energy, Environment and Climate Action

189-229 Lyttleton Terrace Bendigo
Box 3100, Bendigo DC, VIC 3554
Telephone: 035430 4444
pe.assessment@delwp.vic.gov.au

Ref:00005223
20240717 CN

[redacted]

Greater Bendigo City Council
PO Box 733
BENDIGO VIC 3552

[redacted]

[redacted]

AMENDMENT NO.:	**C248GBEN**
PLANNING PERMIT NO.:	**DS/207/2019**
PROPOSAL:	**PLANNING SCHEME AMENDMENT C248GBEN AND PLANNING PERMIT APPLICATION DS/208/2019**
LAND AFFECTED:	**1 BUCKLAND STREET, 20 MONTIS LANE, 18-26, 28-34 AND 36-46 SAADE STREET AND MONTIS LANE, EPSOM**

Further to our correspondence dated 5 July 2024 requesting additional information regarding the above-described planning scheme amendment and planning permit application the proponent has responded and submitted updated documentation to DEECA on 15 July 2024.

In accordance with section 96C of the Planning and Environment Act 1987 (the Act), the Greater Bendigo Shire Council has provided notice of its preparation of an amendment to a planning scheme and notice of an application being considered concurrently with the amendment under this Division, who may be materially affected by the amendment. The amendment has also been referred under section 19(1)(c) of the Act, to the Ministers prescribed under Regulation 6(c) of the Planning and Environment Regulations 2015, as DEECA administer the Conservation, Forests and Lands Act 1987.

I provide this response under delegation from the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

Comment

C248Gben

The application was previously referred to DEECA in February 2024 to which we advised that we had considered the notice of Planning Scheme Amendment C248Gben and supported rezoning the Crown land adjacent to the proposed development from FZ1 to PPRZ.

DS/207/2019

The application has previously been assessed by the department, with further information requested for up-to-date habitat hectare assessments. Additional information was requested on the 5 July 2024 to address the inconsistencies in vegetation losses between the Native Vegetation Removal report (NVRR) and mapping, additional opportunities to avoid and minimise, impacts resulting from infrastructure and construction footprints, and clarifying information regarding the habitat hectare assessment.

A meeting was held on 12 July 2024 between Spiire, DEECA and Practical Ecology to clarify the department's comments. A number of mapping and habitat hectare errors were clarified with the additional loss of two scattered trees and 0.061 ha of patch vegetation. Some trees within Public Conservation and Resource Zone were identified as retained, however, not all could be retained.

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.

VICTORIA State Government

OFFICIAL

Submission 14

Enhancing ground habitat

The department recommends that Council consider retaining the felled timber containing hollows or dead timber and locating it within the adjacent riparian corridor of Bendigo Creek.

Pathway

The proposed native vegetation removal is within an area mapped as location 2, the pathway for this application is 'detailed'.

Three Step Approach

The department considers that the application has met the three-step approach.

Offsets

When native vegetation removal is permitted, an offset must be secured which achieves a no net loss outcome for biodiversity. To achieve this, the offset must make a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation that was removed. The type and amount of offset required depends on the native vegetation being removed and the contribution it makes to Victoria's biodiversity.

Response

As a recommending referral authority for the planning permit application, the Department of Energy, Environment and Climate Action does not object to a planning permit being granted but recommends that the following condition/s are included on the permit:

Notification of works

1. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions.

Endorsed Plans

2. Works must be in accordance with plan referenced 15056 v1 (Terraco 2024). This plan must be endorsed and form part of this permit.
3. Before works start, an environmental management plan for the construction of the subdivision to the satisfaction of the department, must be submitted to and approved by the responsible authority. When approved, the plan is to be endorsed and will then form part of the permit. The subdivision must be conducted in accordance with the endorsed plan. The environmental management plan must be prepared in accordance with the Civil construction building and demolition guide, Publication 1834 (EPA 2020) and is to include but is not limited to:
    - Overview of construction methods including management zones and construction zones, site preparation, access, construction activities, schedule and timing of works, and contractor briefing
    - Management Structure and Roles including an environmental audit process
    - Applicable planning and legislative requirements
    - Environmental considerations; management of and/or mitigation of impacts on:
        - surface water pollution
        - erosion and sediment
        - terrestrial ecology
        - aquatic ecology
        - land management, reinstatement and rehabilitation
        - visual impacts
        - dust, odour and air quality
        - noise and vibration
        - waste management
        - environmental incidents and emergencies
        - fire hazards
    - Prescriptions to manage the spread of weeds in accordance with obligations under the Catchment and Land Protection Act 1994.

Submission 14

Protection of retained native vegetation

4. Before works start, a native vegetation protection fence must be erected to protect all native vegetation to be retained within 15 metres of the works area.

   This fence must be erected at:

   a. A radius of 12 times the diameter of any tree trunk, measured at a height of 1.4 metres above ground level, to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and

   b. To protect patch(es) of native vegetation not containing trees at a minimum distance of 2 metres from any retained native vegetation.

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

5. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

   a. vehicular or pedestrian access;
   b. trenching or soil excavation;
   c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
   d. construction of entry and exit pits for underground services, and
   e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation removal

6. The total area of native vegetation permitted to be removed is 0.905 hectares, as identified in Native Vegetation Removal Report PRE_2024_043, comprised of:

   a. 12 patches of native vegetation with a total area of 0.483 hectares (containing 4 large canopy trees);

   b. 3 large scattered trees; and

   c. 11 small scattered trees.

Native vegetation offsets

7. To offset the removal of 0.905 hectares of native vegetation as identified in Native Vegetation Removal Report PRE_2024_043, the permit holder must secure a native vegetation offset(s) that meets the following:

   A general offset of 0.216 general habitat units:

   a. located within the North Central Catchment Management Authority boundary or City of Greater Bendigo municipal district;

   b. have a Strategic Biodiversity Value score of at least 0.348;

   c. provide protection for at least 7 large trees;

   d. must be in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017).

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

   a. credit extract(s) allocated to the permit from the Native Vegetation Credit Register, and/or

   b. an established first party offset site including a security agreement to the required standard, signed by both parties, and a 10-year offset management plan to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority. The offset management plan must detail the 10-year management actions and ongoing management of the site. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan to the responsible authority. An offset site condition statement, including photographs must be included in this notification.

Submission 14

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

Weed control

9. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens to the satisfaction of the responsible authority.

Soil erosion control

10. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be topsoiled and revegetated to the satisfaction of the responsible authority. All drainage is to be diverted around the disturbed areas. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.

Fauna

11. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If live capture and relocation of native fauna is required, it must be undertaken with authorisation under the Wildlife Act (1975). Any translocation of threatened native fauna is to follow the process detailed in the Procedure Statement available on the department's website: https://www.wildlife.vic.gov.au/__data/assets/pdf_file/0021/621255/TEP-Procedure-Statement-January-2023-FINAL-External.pdf. Further advice can be obtained from environmental.research@delwp.vic.gov.au.

Landscape Plan

12. A Landscape Plan must be prepared and implemented to the satisfaction of the Responsible Authority. This plan must be supplied prior to the commencement of works. The plan must show:
    a. Planting locations
    b. Species mix in accordance with:
    a. Species locally indigenous to the Greater Bendigo area for street trees and nature strips.
    b. Indigenous species endemic to the EVC 68 Creekline Grassy Woodland for any riparian areas of Bendigo Creek and publicly owned or managed land impacted by the works.
    c. Planting methods, including density, timing,
    d. A maintenance schedule, including replanting where necessary, that ensures all plants are effectively established and have survives for at least 3 years.
    e. Reporting

Permit Notes

If a planning permit is granted, would you please include the following permit note/s:

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Permit under the *Flora and Fauna Guarantee (FFG) Act* 1988. All native vegetation likely to be affected should be checked against the *Protected Flora List* (DEECA 2024) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DEECA office (loddonmallee.environment@deeca.vic.gov.au).
- Offset requirements are determined in accordance with DELWP (2017) *Guidelines for the removal, destruction or lopping of native vegetation.* Please visit https://www.environment.vic.gov.au/native-vegetation/native-vegetation for further information.
- The department advises that if live capture and relocation of native fauna is required, it must be undertaken with authorisation under the Wildlife Act (1975). Any translocation of threatened native fauna is to follow the process detailed in the Procedure Statement available on the department's website: https://www.wildlife.vic.gov.au/__data/assets/pdf_file/0021/621255/TEP-Procedure-Statement-January-2023-FINAL-External.pdf. Further advice can be obtained from environmental.research@deeca.vic.gov.au.

Submission 14

- The department advises that works within a designated waterway will require a Works on Waterways authorisation under the *Water Act* 1989. Please seek further advice from your local Catchment Management Authority.

In accordance with Section 66 of the *Planning and Environment Act* 1987, would you please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

If you have any questions about this matter, please contact me on telephone 0436 630 562 or at pe.assessment@delwp.vic.gov.au.

Yours sincerely

[redacted]

[redacted]

DEECA Planning Services (North)
Planning and Environment Assessment

18 July 2024

[redacted]

Submission 15

19 April 2024

[redacted]
PO Box 1064
BENDIGO VIC 3552

Dear [redacted]

Greater Bendigo Planning Scheme Amendment C248gben & Planning Permit Application No. DS/207/2019

1 Buckland Street, 20 Montis Lane, 28-34, 34-46 Saade Street, adjoining reserves and road reserves, Epsom

We are the landowners of No. [redacted] Epsom. We write to provide our written consent to the above combined Greater Bendigo Planning Scheme Amendment C248gben and Planning Permit Application No. DS/207/2019 which applies to the property at 1 Buckland Street, 20 Montis Lane, 28-34, 34-46 Saade Street, adjoining reserves and road reserves, Epsom.

We do not consent to any works or part works or vegetation removal being undertaken on our land (i.e. No. [redacted] Saade Street, Epsom) under the planning permit (should one issue) unless further written consent is obtained by the landowner.

Yours sincerely [redacted]

[redacted]

Submission 16

[redacted] FW: C248gben - Saade Street and Montis Lane

[redacted]>

Subject: RE: C248gben - Saade Street and Montis Lane

OFFICIAL

Hi [redacted]

Thank you for your email.

The additional information provided by Edwards Environmental, on behalf of the proponent has been technically reviewed by the EPA's north west region.

Following review of this information, EPA's position remains unchanged, and therefore it is now for Council to make a decision on this planning matter.

Specifically, whilst Edwards Environmental has provided additional information regarding the chemical condition of arsenic at the site, this does not address the other issues that EPA identified in the initial report (refer to MD19 letter). On this basis, it is EPA's continued view, that, in accordance with PPN30, (and given the results provided in the assessment), where a site has a 'high' potential for contamination (high = A) and the planning scheme amendment would allow sensitive land uses to establish, the recommended level of assessment is set out below (excerpt from PPN30):

	Planning Scheme Amendment	
A	PRSA or audit option applies Proceeding directly to an audit is recommended.	

Kind regards,

[redacted]

OFFICER RESPONSE TO SUBMISSIONS

Submitter 1	
Summary of submission	**Officer Response and Outcome**
Concerned about the loss of native vegetation and of large trees that are needed for shade and for wildlife habitat, to allow for this new housing development. Questioning the removal of native trees in road reserve to allow for the installation of utilities.	The applicant has provided an updated *Native Vegetation Removal Report* by Practical Ecology dated July 2024 (NVRR, July 2024) as part of the planning permit application requirements. The NVRR, July 2024 provides a detailed assessment of all vegetation proposed to be removed including their offset requirements, and of the presence of any wildlife on the site to allow for this subdivision for housing development. The NVRR, July 2024 was reviewed by the Department of Energy, Environment and Climate Action (DEECA) as a referral authority and on 18 July 2024, DEECA lodged a revised submission to support the removal of vegetation on the site to allow for its development for residential purposes and associated works subject to conditions to put on the planning permit (See conditions 54-67 on the attached draft planning permit). The removal of native vegetation in the road reserve for utility installation has been assessed and accounted for in the NVRR, July 2024 and have been included in the offset requirements. Outcome: Refer to Panel for consideration.
Submitter 2	
Summary of submission	**Officer Response and Outcome**
Supports the Amendment in its current form and provided advice for the planning permit conditions (See condition 57 on the attached draft planning permit).	Acknowledged Outcome: Refer to Panel for consideration.

Submitter 3	
Summary of submission	**Officer Response and Outcome**
The proposed removal of native vegetation on Council land is not in accordance with the *Greater Bendigo Urban Tree Management Policy*, 2017**.**	The *Greater Bendigo Urban Tree Management Policy*, 2017 is not part of the Greater Bendigo Planning Scheme (the planning scheme). For this reason, it cannot be given weight in the assessment of an application to remove vegetation either on Council land or in road reserves. The merit to remove vegetation under this application has been assessed against the provisions of Clause 42.01 (Environmental Significance Overlay Schedule 1), Clause 52.17 (Native Vegetation) and the relevant policies contained either in the Planning Policy Framework (PPF) or the Municipal Planning Strategy (MPS) of the planning scheme.
The design of the development does not adequately minimise the removal of native vegetation especially the large trees.	The NVRR July 2024 also included the proposed subdivision plan and utility installation plan to demonstrate the impacts of the proposed works on existing vegetation. As stated above, in reviewing these plans, DEECA is satisfied that the application has met the three-step approach, and that vegetation removal has been minimised where practical. <u>Outcome:</u> Refer to Panel for consideration.
Submitter 4	
Summary of submission	**Officer Response and Outcome**
The extent of native vegetation proposed to be removed has been misrepresented by the applicant which in turn, impacts on the offset requirements. Council should call for a total reassessment of the native vegetation proposed to be removed.	Following comments received from DEECA, the applicant was requested to update the exhibited NVRR. Changes were subsequently made to the exhibited NVRR which resulted in DEECA supporting the application to remove the vegetation.
The removal of large trees or patches of vegetation on public land (City trees) is not being done in accordance with the	As stated above, the *Greater Bendigo Urban Tree Management Policy*, 2017 is not part of the planning scheme. For this reason, it cannot be given

Greater Bendigo Urban Tree Management Policy, 2017.	weight in the assessment of application to remove vegetation either on Council land or in road reserves.
The large trees on the site potentially contain hollows and nests meaning that the site is likely being used a habitat for wildlife and Council should address this as an issue.	The NVRR, July 2024 does not specifically list wildlife that have been sighted on the site. There is therefore no certainty that the large trees contain hollows and nests. There is however a condition from DEECA on the draft permit which provides that a suitability qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed.
The Stormwater Management Plan for the development of the site must be reassessed as erroneous data have been used in its preparation..	The exhibited *Stormwater Management Plan* (Terraco, December 2023) submitted with the proposal has been reviewed by the City Drainage Engineering Unit and the data used in its preparation were found to be accurate and up to date.
The future impact of the development on downstream Bendigo Creek residents and the risk of flooding events due to climate change.	The proposal was referred to the NCCMA which did not comment on flooding events due to climate change. Outcome: Refer to Panel for consideration.
Submitter 5	
Summary of submission	**Officer Response and Outcome**
The land is liable to flooding and although houses will be built 300mm above ground level, the houses can still be flooded in this locality.	The advice received from the NCCMA is that houses will be required to be built 300mm above flood level and **not** above the existing ground level.
The impact of flooding on the value of homes.	The impact flooding on the value of homes is not a planning consideration.
Home insurance in these areas may be unavailable due to flooding risks or only available at high costs.	Home insurance is not a planning consideration. Outcome: Refer to Panel for consideration.

Submitter 6	
Summary of submission	**Officer Response and Outcome**
Urban development along Bendigo Creek will magnify floodwater flow if the water has nowhere to go.	The land proposed to be developed is affected by the Land Subject to Inundation Overlay. This Overlay has specific requirements on how land can be developed to mitigate the impacts of flood water. The NCCMA as a referral does not object to the development of the land subject to specific conditions to include on the draft planning permit (See condition 29 to 41 on the draft planning permit). <u>Outcome:</u> Refer to Panel for consideration.
Submitter 7	
Summary of submission	**Officer Response and Outcome**
This development will worsen the existing flooding issues of the area where stormwater drains already cannot handle stormwater during heavy rainfall events.	The exhibited *Stormwater Management Plan* (Terraco, 2023) which was submitted with the proposal has been reviewed by the City Drainage Engineering Unit and found that, according to the currently available rainfall data, it will be able to satisfactorily manage stormwater post-development.
The site will be flooded from stormwater flowing from the hill to the west of the site which is currently intensely built.	The exhibited stormwater management plan states that currently, run-off from external catchment (existing residential development on “the hill” to the west) is treated via its own detention basin and piped through Montis Lane and Taylor Street to the Bendigo Creek. This means that stormwater run-off from the existing and intensely built-up area immediately to the west will have minimal impact on the proposed development site.
This development will devalue properties in this area as there is already land in this area no one wants to buy.	The impact of either the Amendment or the planning permit application on the value of properties is not a planning matter.

Loss of special river red gums [located along Bendigo Creek].	Map 2 (Impact Assessment) which is part of the NVRR, July 2024 indicates that some of the mature trees located along Bendigo Creek will be retained. Any vegetation proposed to be removed including the river red gums, has been assessed and offset to the satisfaction of DEECA.
The cost for home insurance premiums because of flooding.	The cost of insurance premiums is not a planning consideration. Outcome: Refer to Panel for consideration.
Submitter 8	
Summary of submission	**Officer Response and Outcome**
The land can never be safely used for residential purposes because flooding risks in the event of a flood.	The land proposed to be developed is affected by the Land Subject to Inundation Overlay. This Overlay has specific requirements on how land can be developed to mitigate the impacts of flood water. The NCCMA as a referral does not object to the development of the land subject to specific conditions to include on the draft planning permit (See condition 29 to 41 on the draft planning permit).
Any civil construction to raise the level of the land will only increase the impacts of flooding.	As part of the conditions received from the NCCMA, the site should be backfilled at least 300mm above the flood level to mitigate flood risks when it is developed.
The 3 crown allotments [which are Council-owned and DEECA-owned land] should not be included in the subdivision.	These 3 allotments are publicly owned land (owned by Council and Crown land) and are currently inappropriately zoned Farming. Their proposed rezoning to PPRZ will reflect their public ownership and it is worth noting that apart from some vegetation removal, no development will occur on this site. Council Property Unit supports this proposed rezoning.
With climate change, it is expected that there will be an increase in rain intensity and areas affected by floods.	In its submission to the Amendment and permit application, the NCCMA as a referral authority, did not raise

	concerns about the increase in rain intensity due to climate change.
Not necessary to develop flood-prone land as scarcity of land in the municipality is due to developers controlling the release of residential land.	It is acknowledged that the land is prone to flooding but it has also been assessed that it can be developed subject to specific conditions to address issues relating to flooding. However, the timing for the release of residential land by developers is not a matter that can be controlled through existing provisions within the planning scheme.
The site affected by the Amendment and permit application is on the Victorian Heritage Inventory list (Site No. H7724-0637 Epsom Hotel archeological site). As this proposal may have serious outcomes for this potentially significant archeological site, concerned that the matter may not have been referred to Heritage Victoria. Request to have Heritage Victoria's written response including: o their views on this potentially archeological significance of this site. o their position on this planning scheme amendment. o Has the City or the landowner referred this application to them. o Any other comments Heri	At the time the Amendment and permit application were being assessed, City officers were unaware that the land was on the VHI list. It is the responsibility of the landowner and permit applicant to advise the City when their land is on the VHI list. There is also no trigger under the planning scheme for specific consideration for places which are on the VHI list. As Heritage Victoria has been notified of this issue, the permit applicant is being encouraged to contact Heritage Victoria for a resolution. <u>Outcome:</u> Refer to Panel for consideration.
Submitter 9	
Summary of submission	**Officer Response and Outcome**
The land is low-lying and cannot be safely used for residential purposes because liable to flooding.	As previously stated, the NCCMA as a referral authority, supports the development of the land subject to specific conditions to put on the permit (See condition 29-41 on the draft planning permit).
The proposed drainage basin will not function in the event of a flood because it is lower than the flood level of the Bendigo Creek.	The submitted Stormwater Management Plan indicates that the existing Council drainage basin will retain ample storage capacity. For this reason, it is only proposed to

	construct a sediment pond which will be connected to the existing Council drainage basin via a pipe to mitigate the release of sediment from the development site into Bendigo Creek. In their comments, the City Drainage Unit has not indicated that the existing drainage basin will not have the capacity to manage additional stormwater from the development site or that the proposed sediment pond will not function as anticipated.
Properties not flooded before during flood events will now be because of the proposed backfilling works.	The submitted Stormwater Management Plan indicates that the existing properties are already being drained into Bendigo Creek via the existing Council drainage basin and that this drainage capacity will remain unchanged with the new development.
Adverse impact of the development on flora and fauna habitat.	The updated NVRR that was submitted has been reviewed to the satisfaction of DEECA and the draft permit has specific conditions for the vegetation removal and the management of any fauna on the site involving works for vegetation removal.
Adverse traffic impacts along Goynes Road.	The City's Traffic Engineer did not raise any concerns about the impact of traffic on Goynes Road.
Discrepancy between Council explanatory report and the ecology report submitted to support the proposal in terms of structures that the land contains.	The explanatory report and the NVRR have been reviewed and any inconsistencies have been corrected.
Costs associated with having officers on site to monitor work progress.	The City has a standard service that it offers when development associated with a planning permit is being carried out. The developer will be responsible to pay for all other costs associated with any additional services required.

	Outcome: Refer to Panel for consideration.
Submitter 10	
Summary of submission	**Officer Response and Outcome**
Adverse impact of stormwater drainage.	The Stormwater Management Plan that was submitted with the proposal has indicated that the existing Council drainage basin and the proposed sediment pond will have the capacity to drain the development site.
Low-lying land, so is flood prone.	It is acknowledged that the development site is low-lying and within an Land Subject to Inundation Overlay but following advice received from the NCCMA as an external referral authority, it was concluded that the site can be developed subject to conditions to put on the planning permit.
Traffic impact on Goynes Road.	Goynes Road is a local road which is managed by the City Engineering Department. The City Engineering Department did not raise any concerns about any potential adverse impact that the proposed development will have on Goynes Road in terms of traffic.
It is Aboriginal heritage land.	The whole development site is mapped as being within an area of Aboriginal cultural heritage sensitivity and the proposed 78-lot subdivision is a high impact activity. For this reason, a desktop, standard and complex assessment were undertaken for the site, and as a result of these assessments, two Aboriginal heritage places have been registered within the activity area. Accordingly, the approved CHMP requires that an archaeological salvage program is conducted prior to any ground disturbing works being undertaken. a cultural heritage management plan was commissioned to determine

Sits along a bike track picturesque with native vegetation. Adverse impact on mental health due to high density development.	Any impact that a development may have on views is not a planning consideration. This is consistent with the pattern of development in the area and not high density. Regardless the impact of development on mental health is not a planning consideration. Outcome: Refer to Panel for consideration.
Submitter 11	
Summary of submission	**Officer Response and Outcome**
Allowing residential development next to the Bendigo Creek does not make sense because of flooding. The number of trees may be more than has been reported. Questioning the effectiveness of having various authorities involved in the development process. Increase in costs for home insurance to build in this area.	As previously stated, issues related to the liability of the site to flooding has been addressed in consultation with the NCCMA as the relevant referral authority and appropriate conditions for any permit to be issued. The vegetation removal has been re-assessed and an updated NVRR was submitted and DEECA, as an external referral authority is satisfied of the accuracy of the amount of vegetation proposed to be removed. The requirement to have the involvement of various authorities in the development process may be a legislative requirement which is beyond the control of the City. As previously stated, home insurance is not a planning consideration.
Submitter 12	
Summary of submission	**Officer Response and Outcome**
Supports the amendment and permit application subject to conditions to include on the planning permit (See conditions 29-41on the draft planning permit).	Acknowledged. Outcome: Refer to Panel for consideration.
Submitter 13	

Summary of submission	Officer Response and Outcome
The development could possibly redirect flooding which may then directly impact my property.	The submitted Stormwater Management Plan indicates that all stormwater and runoffs from the development site will be directed to the proposed sediment pond and to the existing Council drainage basin before being eventually discharged into the Bendigo Creek.
Loss of amenity due to increased traffic in the immediate vicinity and the prevalence of dark roofs and small gardens.	The increase of traffic due to the proposed development has not been assessed to have an unacceptable adverse impact on the existing level of amenity of the residents.
Increase in costs for home insurance.	As previously stated, home insurance is not a planning consideration.
The design of the development lacks in terms of reserves and replacement of native vegetation which affects the amenity of the whole neighbourhood.	All vegetation proposed to be removed is proposed to be offset to the satisfaction of DEECA. <u>Outcome:</u> Refer to Panel for consideration.
Submitter 14 (Late Submission)	
Summary of submission	**Officer Response and Outcome**
Supports the Amendment and planning permit application subject to conditions to put on the draft planning permit.	The exhibited draft planning permit has been amended to include DEECA conditions about native vegetation removal (See conditions 45 to 56 on the draft planning permit). <u>Outcome</u>: Refer to Panel for consideration.
Submitter 15 (Late Submission)	
Summary of submission	**Officer Response and Outcome**
Supports the rezoning of the land to a residential zone. As the owner of the land at 28-34 Saade Street, the owner requests that consent	Acknowledged. The draft planning permit also allows for vegetation removal and works on the land at 28-34 Saade Street.

be further sought before any works or vegetation removal occur on their land.	Any additional consent required to remove vegetation or to carry out works on that land will be a private matter between this landowner and the permit holder or developer. Outcome: Refer to Panel for consideration.
Submitter 16: EPA (Late Submission)	
Summary of submission	**Officer Response and Outcome**
EPA submitted that Edwards Environmental has not satisfactorily addressed all the issues they have previously raised about the suitability of the land for its proposed use and development. Following further discussions the EPA's position remains unchanged and it is now for Council to make a decision on this planning matter because: o Whilst the additional information provided by Edwards Environmental regarding the chemical condition of arsenic at the site, this does not address the other issues that EPA has identified in the initial report. o In accordance with Planning Practice Note 30 (PPN30), the recommended level of assessment for this site should be a Preliminary Risk Site Assessment (PRSA) or to proceed directly to an audit of the site.	In processing this amendment and planning permit application, the City has considered issues related to potentially contaminated land consistent with the requirements of Ministerial Direction 1 and subsequently with the relevant planning practice notes specifically PPN30. As part of the Amendment and planning permit application, the proponent submitted a PESA prepared by Edwards Environmental with the conclusion that the rezoning of the land for residential development will not constitute a risk to human health. In 2019, the PESA was referred to EPA for preliminary comments and at the time, EPA responded by raising issues about the PESA. To address EPA's concerns, Edwards Environmental updated the PESA and re-submitted it in 2024. The updated PESA formed part of the exhibited Amendment and planning permit application documentation and was also referred to EPA for their comments. Following public exhibition of the Amendment and permit application, the EPA again submitted that Edwards Environmental has not satisfactorily addressed all the issues they have previously raised about the suitability

	of the land for its proposed use and development. Before finalising their response to EPA's submission, Edwards Environmental and the applicant met with EPA officers and City officers on 28 June 2024 to discuss the concerns raised by EPA in their submission. At the meeting, Edwards Environmental explained the methodology they used for the assessment of the land for its suitability for residential use and stated that this assessment is sufficient to establish that it is of low risk for human habitation. Following this meeting, further information was forwarded to EPA in response to their submission to ascertain that the land can be used for residential purposes. <u>Outcome:</u> Refer to Panel for consideration. The officer recommendation is that in the absence of a PRSA or audit the Amendment should not be adopted unless it is changed to include the application of an EAO to the site.

- End -

16.5. Planning Scheme Amendment C274gben Heathcote Township Plan

Author:	Andrew Cockerall, Senior Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

This report seeks consideration of the Panel Recommendations and City officer responses to Planning Scheme Amendment C274gben and recommends that the updated Amendment C274gben is adopted by Council and submitted to the Minister for Planning for approval.

Recommended Motion

That Council:

1. Having considered the Planning Panel Report and the Panel Recommendations for Amendment C274gben provided in Attachment 1, endorses the officer's response to the issues and recommendations as outlined in this report.
2. Adopts the amended Heathcote Township Plan with minor changes as outlined in this report.
3. Adopts Amendment C274gben in accordance with Section 29 of the *Planning and Environment Act, 1987*, with changes as reflected in the final Amendment C274gben documentation provided at Attachment 2.
4. Submits the adopted Amendment C274gben, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act, 1987*.
5. Advises parties who made written submissions to Amendment C274gben of Council's decision.

Executive Summary

The Heathcote Township Plan July 2019 (Township Plan) investigated how Heathcote could grow into the future and what services, facilities and infrastructure would be required to support that growth.

Amendment C274gben proposes to implement the planning recommendations contained in the Township Plan including:

- Changing to the Planning Policy Framework to include land use policies and objectives specific to Heathcote;
- Making various zoning and overlay changes in Heathcote consistent with the recommendations of the Township Plan; and

- Introducing the Heathcote Township Plan as a Background Document within the Greater Bendigo Planning Scheme.

The amendment was exhibited from 15 February to 18 March 2024. Notice of the amendment was sent to 729 affected and adjoining landowners and occupiers as well as various government and servicing agencies and prescribed Ministers.

During the exhibition period representatives from the Strategic Planning Unit attended the Heathcote Office once a week to respond to any questions about the amendment from the local community. Approximately 50 individuals or groups took up this opportunity.

Seven submissions were received during the exhibition period, of which four objected or sought changes to the amendment. These submissions were reported to Council on 22 April 2024, and Council resolved to refer all submissions to an Independent Panel appointed by the Minister for Planning.

The Directions Hearing for the amendment was held on 21 May 2024 and the Panel Hearing was held online on 26 June 2024, with only one party requesting to be heard.

The Panel Report was publicly released on 29 July 2024 in accordance with Section 26(3) of the *Planning and Environment Act, 1987*.

The Panel Report supported the amendment and recommended that the amendment be adopted as exhibited. It is therefore recommended that the amendment be adopted and forwarded to the Minister for Planning for approval.

Background

On 15 March 2017 Council endorsed a brief for the commencement of the Heathcote Township Plan project. The project was developed over 2017 and 2018 and included extensive community and stakeholder engagement with listening posts, community workshops and information sessions all held in Heathcote. On 17 July 2019 Council adopted the Heathcote Township Plan.

On 27 March 2023 Council resolved to seek authorisation from the Minister for Planning to exhibit Planning Scheme Amendment C274gben that proposed to implement the findings of the Township Plan.

The key steps in the Amendment process are summarised below:

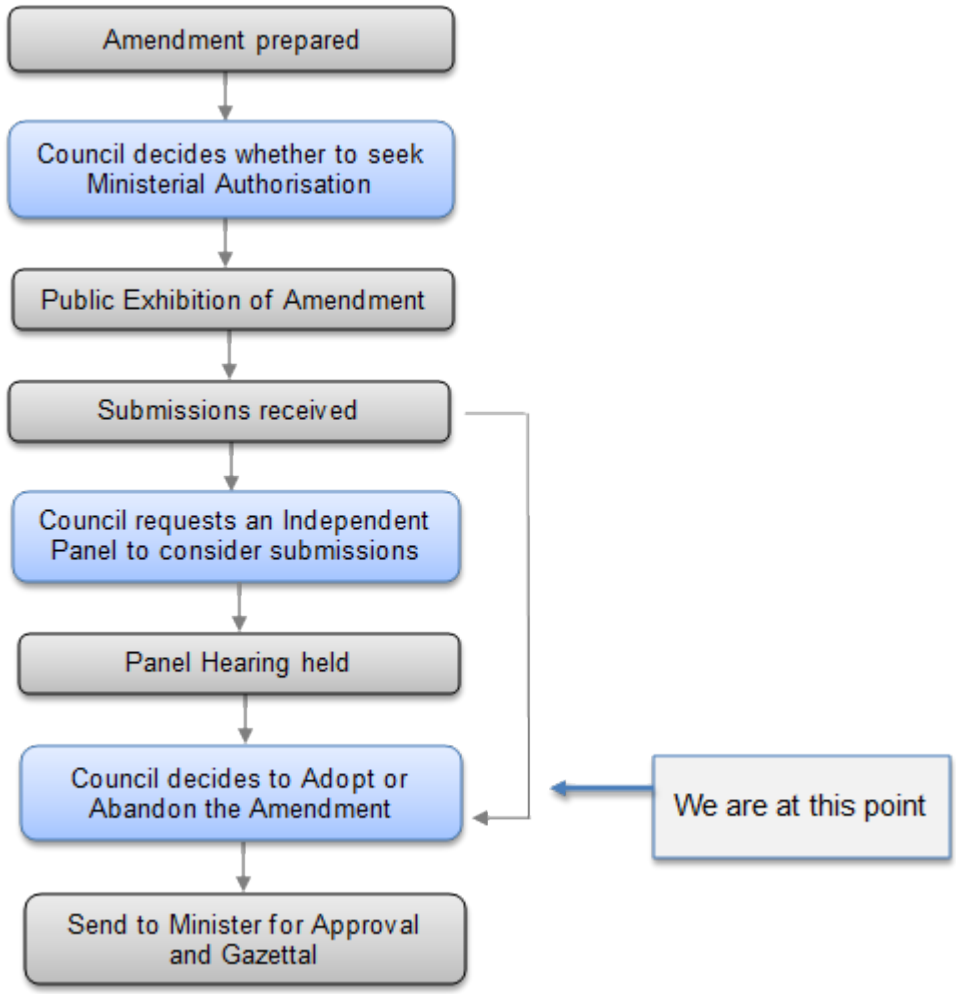

Figure 1: The planning scheme amendment process

Previous Council decision dates:

15 March 2017	Endorsement of a brief for the commencement of the development of the Heathcote Township Plan.
.	
17 July 2019	Council adopted the Heathcote Township Plan.
27 March 2023	Council resolved to exhibit Amendment C274gben to the Greater Bendigo Planning Scheme.
22 April 2024	Council considered the submissions received during the exhibition of the amendment and requested the Minister for Planning to appoint an Independent Panel to consider the submissions.

Report

Following the Council meeting on 27 March 2023 Amendment C274gben was submitted for authorisation.

Authorisation was received on 27 October 2023, subject to various conditions requiring changes to the amendment documentation, none of which changed the intent of the amendment.

Given the time needed to make these changes and with the impending Christmas period holidays, the exhibition of the amendment took place from 15 February to 18 March 2024. During this period officers attended the Heathcote Office once a week to respond to any queries from the community on the amendment and approximately 50 groups or individuals came into the office.

During the exhibition period, seven submissions were received of which four objected or sought changes to the amendment. These were reported to Council on 22 April 2024 with a recommendation to request the Minister for Planning to appoint an Independent Panel to consider all submissions to the amendment.

The Panel Hearing

A single member Panel was appointed and the Directions Hearing was held on 21 May 2024. While the Panel considers all submissions, only one party requested to be heard at the Panel.

The Panel Hearing itself was held online on 26 June 2024, and the Panel Report was publicly released on 29 July 2024. A copy of the Panel Report is included as Attachment 1 to this report.

Between the Directions Hearing and the Panel Hearing, a City planning officer met with the consultant acting on behalf of the other party to the hearing to have a “without prejudice” discussion to resolve one aspect of their submission, as it related to the future rezoning of a parcel of land that would facilitate the redevelopment and expansion of the adjoining business.

Two potential revisions to the Township Plan were agreed to in principle, but it was noted that these two revisions were not considered in the Council resolution. The proposed two revisions were therefore put forward to the Panel for consideration and to ultimately be reported back to Council. This is discussed in more detail below.

The Panel Report and Recommendations

The Panel was entirely supportive of the amendment. It noted that the Panel commented that the amendment is "*well founded and strategically justified, particularly by the Heathcote Township Plan and associated work*." The Panel recommended that the amendment be adopted as exhibited.

Panel Recommendation	**Officer Response**
Based on the reasons set out in this Report, the Panel recommends that Greater Bendigo Planning Scheme Amendment C274gben be adopted as exhibited.	Agreed and noted.

Figure 2: The Panel recommendation and officer response

Two Proposed Revisions to the Heathcote Township Plan

Specifically, the proposed two revisions to the Heathcote Township Plan agreed by parties on a without prejudice basis prior to the hearing, and which were put to the Panel for a recommendation, are as follows:

Proposed revision 1: On page 40 of the Heathcote Township Plan, include a statement to the effect:

> *"There may be a need to allow for the rezoning of land to a commercial zone to facilitate the expansion of existing businesses, subject to consideration of access, interfaces, urban design and presentation."*

Proposed revision 2: On page 60, in the action table, insert a new item 16 as follows:

> *"Consider the rezoning of 13 High Street, Heathcote to a commercial zone to facilitate the redevelopment of adjoining land, subject to consideration of access, interfaces, urban design and presentation."*
>
> *"Lead responsibility: Planning Scheme Amendment led by the City of Greater Bendigo or landowner".*

The Panel did not make a recommendation in relation to the proposed two revisions to the Township Plan as it is proposed to be a Background Document to the Planning Scheme only and does not form part of the amendment. That said, the Panel noted that "*it had no issue with the changes* [the proposed two revisions]."

The Panel report was publicly released on 29 July 2024 and submitters were notified on this date.

It is recommended that Amendment C274gben be adopted and forwarded to the Minister for Planning for approval, and that the two changes specified above be made to the Heathcote Township Plan.

Priority/Importance

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

Amendment C274gben is the result of significant work undertaken by the City to plan for future growth in Heathcote. The completion of this project will provide greater certainty to the Heathcote community in the future planning and development of the township.

Options Considered

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

It is recommended that the Amendment is adopted and that the changes to the Heathcote Township Plan as outlined in this report be made.

Timelines

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

Communications/Engagement

The Heathcote Township Plan went through an extensive community consultation process during its development and had broad community support.

As part of the amendment process, there was further engagement undertaken in accordance with the *Planning and Environment Act, 1987.*

A total of 729 Notices of Amendment were sent to affected and adjoining landowners and occupiers, as well as government and servicing agencies and Prescribed

Ministers. Notice of the Amendment was also published in the McIvor Times, Midland Express and Bendigo Advertiser.

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 6 - More people live in 10-minute neighbourhoods
Goal 7 - Sustainable population growth is planned for

Other Reference(s)

Heathcote Township Plan (City of Greater Bendigo, 2019)

Conflict of Interest

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

Attachments

1. Greater Bendigo C274gben Panel Report [**16.5.1** - 23 pages]
2. Greater Bendigo C274gben Amendment Documents for Adoption [**16.5.2** - 80 pages]

Planning Panels Victoria

Greater Bendigo Planning Scheme Amendment C274gben Heathcote Township Plan

Panel Report

Planning and Environment Act 1987

15 July 2024

VICTORIA State Government

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Bendigo Planning Scheme Amendment C274gben

Heathcote Township Plan

15 July 2024

Con Tsotsoros

Con Tsotsoros, Chair

Planning Panels Victoria

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Planning Panels Victoria

Glossary and abbreviations

Council	Greater Bendigo City Council
Heathcote Township Plan	Heathcote Township Plan (City of Greater Bendigo, July 2019)
PCRZ	Public Conservation and Resource Zone
PE Act	*Planning and Environment Act 1987*
Planning Scheme	Greater Bendigo Planning Scheme
PPRZ	Public Park and Recreation Zone
SUZ	Special Use Zone
Town centre	Heathcote Town Centre

Overview

Amendment summary	
The Amendment	Greater Bendigo Planning Scheme Amendment C274gben
Common name	Heathcote Township Plan
Brief description	Seeks to implement the Heathcote Township Plan (City of Greater Bendigo, July 2019)
Subject land	All land in the Heathcote township
Planning Authority	Greater Bendigo City Council
Authorisation	27 October 2023, with conditions shown in Chapter 1.1(ii)
Exhibition	15 February to 18 March 2024
Submissions	1. Owner of 2-24 Back Kyneton Road, Heathcote 2. North Central Catchment Management Authority (support) 3. Owner of 31 Ayres Street, Argyle 4. Middleton Motors Pty Ltd 5. Owner of 208 High Street, Heathcote 6. Department of Energy, Environment and Climate Action (support) 7. Environment Protection Authority (Victoria) (support)

Panel process	
The Panel	Con Tsotsoros
Directions Hearing	By online video, 21 May 2024
Panel Hearing	By online video, 26 June 2024
Site inspections	The Panel did not inspect any property
Parties to the Hearing	Greater Bendigo City Council represented by Andrew Cockerall, Senior Strategic Planner Middleton Motors Pty Ltd represented by Raph Krelle of Centrum Town Planning
Citation	Greater Bendigo PSA C274gben [2024] PPV
Date of this report	15 July 2024

Planning Panels Victoria

Executive summary

Greater Bendigo Planning Scheme Amendment C274gben (the Amendment) affects land in Heathcote and seeks to implement the Heathcote Township Plan (City of Greater Bendigo, July 2019). It does this by revising the Greater Bendigo Planning Scheme to:

- introduce new local strategies into the Planning Policy Framework
- rezone land in the Heathcote township, delete a redundant overlay, apply a new overlay, or amend the extent of an existing overlay.

The Amendment was exhibited from 15 February to 18 March 2024 and received seven submissions, three of which supported the Amendment. Key issues raised in submissions included content the Heathcote Township Plan, zoning for 9-11 High Street, the Heritage Overlay at 208 High Street, and environmental issues. The Panel considered all submissions and information provided at the Hearing before reaching its conclusions.

Heathcote Township Plan

The Heathcote Township Plan should not define out-of-centre retail uses, and any future permit application to use the Commercial 2 Zone land should be considered on its own merit. The Panel has no issue with the Heathcote Township Plan being revised to:

- include a statement on page 40 to the effect:

  There may be a need to allow for the rezoning of land to a commercial zone to facilitate the expansion of existing businesses, subject to consideration of access, interfaces, urban design and presentation.
- include a new item 16 in the action table on page 60 as follows:

  Consider the rezoning of 13 High Street, Heathcote to a commercial zone to facilitate the redevelopment of adjoining land, subject to consideration of access, interfaces, urban design and presentation.

  Lead responsibility: Planning Scheme Amendment led by the City of Greater Bendigo or Landowner.

The Panel does not make a recommendation regarding the Heathcote Township Plan because its content does not form part of the Amendment.

Other issues

Heritage Overlay (HO723) should remain on 208 High Street because there is no strategic reason to remove it. It is appropriate and justified to:

- rezone 9-11 High Street, Heathcote from the Commercial 1 Zone to the Commercial 2 Zone
- apply the Environmental Audit Overlay to 2-24 Back Kyneton Road.

The Amendment has appropriately considered environmental issues.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Bendigo Planning Scheme Amendment C274gben be adopted as exhibited.

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment seeks to implement the Heathcote Township Plan (City of Greater Bendigo, July 2019) by revising the Greater Bendigo Planning Scheme (Planning Scheme) to:

- introduce new local strategies into the Planning Policy Framework
- rezone land in the Heathcote township and delete an overlay no longer required
- apply a new overlay or to amend the extent of an existing overlay.

Specifically the Amendment proposes changes shown in Table 1.

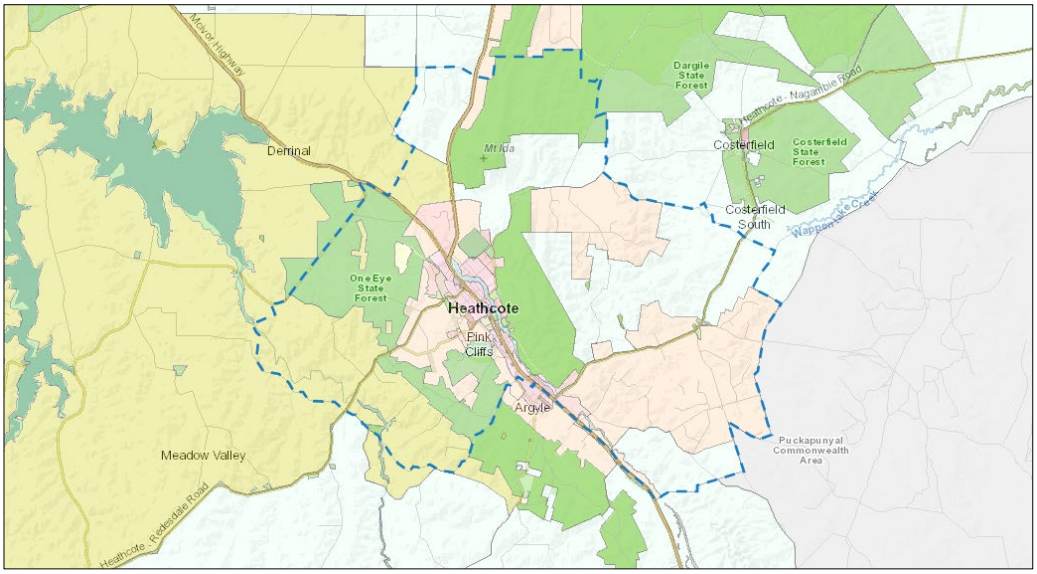
Table 1 Amendment proposal details

What is affected?	What is proposed?	
Land	**Rezone from**	**Rezone to**
3 Barrack Street and part of the Barrack Street road reserve	Special Use Zone Schedule 8	Special Use Zone Schedule 6
Crown Allotment 9B, Section 44, Township of Heathcote, Buglers Lane	General Residential Zone	Public Park and Recreation Zone (PPRZ)
40 Caldwell Street	Public Use Zone	Special Use Zone Schedule 8
Crown Allotment 2E and 2G, Section 4B, Township of Heathcote, Golden Gully Road	PPRZ	Public Conservation and Resource Zone (PCRZ)
Crown Allotment 8B, Section 7A, Township of Heathcote, Hanson Street	Rural Living Zone	PCRZ
Crown Allotment 7A, Section 42A, Township of Heathcote, Hassells Lane	General Residential Zone	PPRZ
Crown Allotment 8E, Section 4B, Township of Heathcote, Hay Street	Rural Living Zone	PPRZ
Crown Allotment 5A Section 4B, Township of Heathcote, Hassells Lane	part Rural Living Zone, part PPRZ	PCRZ
Crown Allotment 28B and 28C, Section 38, Township of Heathcote, Heathcote-North Costerfield Road	Low Density Residential Zone and PPRZ	PCRZ
32 Heathcote-North Costerfield Road	General Residential Zone	PCRZ
- 1/7, 2/7 and 35-39 and part of 5-7 High Street - part of the Last Street and Hospital Street road reserves	Commercial 1 Zone	Neighbourhood Residential Zone Schedule 3
9-11 and 33 High Street and part of the road reserves of Fasso Street and Hospital Street	Commercial 1 Zone	Commercial 2 Zone
51A and 53 High Street, Heathcote and 54 and 56 Hospital Street, Heathcote and part of the Hospital Street road reserve 21, 23, 25, 27 and 29 Wright Street and part of the Wright Street road reserve and the unmade government road reserve	Commercial 1 Zone	Neighbourhood Residential Zone Schedule 2

What is affected?	What is proposed?	
21 Hunter Place and part of the road reserves of Baynton Street, Boomerang Place, Hunter Street and McIvor Street	Commercial 2 Zone	Neighbourhood Residential Zone Schedule 2
Crown Allotment 47J, Township of Heathcote, Jacksons Lane, Argyle; Crown Allotment 18, Section 49, Township of Heathcote, Matthews Road, Argyle; and 3 Spring Flat Road	General Residential Zone	PPRZ
21 Pink Cliffs Road	Commercial 2 Zone	PCRZ
41 Pink Cliffs Road	PPRZ	PCRZ
Crown Allotment 8C and 8F, Section 4B, Township of Heathcote, Pink Cliffs Road; and Crown Allotment 8A, Section 28, Scotts Crescent	Rural Living Zone	PPRZ
18 Pohlman Street	General Residential Zone	Special Use Zone Schedule 1
Land	**Apply**	
2-24 Back Kyneton Road	Environmental Audit Overlay	
Many identified properties throughout Heathcote	Design and Development Overlay Schedule 6	
Land	**Delete**	
part of 18 Pohlman Street	Heritage Overlay (HO778)	
Many identified properties throughout Heathcote	Neighbourhood Character Overlay Schedule 1	
Planning policy	**Insert**	
Clause 11.01-1L-01	*Encourage new development in Heathcote to locate in accordance with the Heathcote strategic framework plan at Clause 11.01-1L-01.*	
Clause 12.01-1L	*Encourage the environmental restoration of the McIvor Creek*	
Clause 17.03-1L	*Support the longer-term industrial development of land at 2-24 Back Kyneton Road, Heathcote subject to an environmental audit being undertaken*	
Clause 17.04-1L	*Encourage tourism uses associated with the Heathcote Golf Course*	
Clause 19.02-6L-01	*Create high quality and well connected public spaces and improve connections to paths along waterways and connecting to the O'Keefe Trail*	

The Amendment applies to land in the Heathcote township shown in Figure 1.

Figure 1 Subject land



Source: mapshare.vic.gov.au/vicplan

(ii) Authorisation

The Department of Transport and Planning, under delegation from the Minister for Planning, authorised the Amendment subject to the following conditions:

1. That the land be rezoned to Neighbourhood Residential Zone instead of the General Residential Zone consistent with Planning Practice Note 91 Using the residential zones.
2. That the proposed local planning policy at Clause 11.03-6L-04 for Heathcote is redistributed to the relevant clauses of the PPF including Clauses 11.01-1L-01, 11.03 - 1L, 12.03-1S, 16.01-5S, 17.03-1L, 17.04-1L, 18.02-4S and 19.02-6L-01.
3. That the proposed Heathcote local area plan is updated to a strategic framework plan and included in Clause 11.01-1L-01 of the PPF.
4. That the strategy relating to a zero setback for new buildings in the town centre be deleted.
5. That the Schedule 8 to Clause 37.01 (SUZ8-Showgrounds) is updated to insert the Heathcote Showgrounds.
6. That the draft explanatory report be amended to:
   a) Be consistent with the department's revised explanatory report template.
   b) Revise the land descriptions and zoning changes to ensure that each one is accurate under 'What the amendment does.' Please see the tracked changes in the draft explanatory report.
   c) Delete references to the introduction of a local places clause for Heathcote and a local area plan.
   d) Include the Heathcote Strategic Framework Plan and an explanation of its purpose.
   e) Explain that the proposed local planning policies for Heathcote will be included in the PPF at Clauses 11,12, 16, 17, 18 and 19 of the Greater Bendigo Planning Scheme.
   f) Replace the term 'transitional residential' with 'incremental residential', and 'conventional residential' with 'minimal change residential.'
   g) Explain that the purpose of the Design and Development Overlay, Schedule 6 is to protect the urban-forest interface and not to apply a bushfire management buffer.

h) Acknowledge that Heathcote is in a high bushfire risk location given the town is surrounded by forested public land and is susceptible to bushfire risk from multiple directions and clarify whether the reference to low-risk rating equates to a low-risk location as per Clause 13.02-1S (Bushfire planning).

i) Clarify whether there is safe access to the Heathcote Neighbourhood Safer Place (Place of Last Resort) from the areas that are proposed to be rezoned to residential.

j) Acknowledge the CFA's advice on limiting increased vegetation in the township and explain how the proposed local policy to revegetate waterways including McIvor Creek responds to the bushfire risk of Heathcote.

k) Update 'How does the amendment support or implement the PPF and any adopted state policy' to include the clauses which will nest the proposed local planning policies for Heathcote.

7. That the zoning maps be reviewed to:
   - Delete any proposed PCRZ rezoning of land within government road reservations and that this land be rezoned to a zone consistent with the surrounding land.
   - Insert SUZ1 to half of the road reservations of Ebden, Pohlman and Playne Streets adjoining 18 Pohland Street.
   - Consider whether part of the Wright Street road reservation and land adjoining 21-29 Wright Street to the south-west should also be rezoned to the residential zone.
8. That notice of the amendment be given to the traditional owners of the land affected by the proposed amendment, the Taungurung Land and Waters Council Aboriginal Corporation.

1.2 Background

Background summary	
2010	Heritage Overlay (HO723) was applied to land in the Heathcote Precinct through Amendment C139gben
15 Mar 2017	Council endorsed a brief to start the Heathcote Township Plan project
17 Jun 2019	Council resolved to adopt the Heathcote Township Plan and request the Minister for Planning authorise an amendment to implement the Plan
Apr 2022	Council engaged a consultant to peer review the Heathcote Township Plan and Amendment documents
27 Mar 2023	Council resolved to revise the Amendment and request the Minister for Planning authorise the revised Amendment
27 Oct 2023	Minister for Planning authorised the Amendment

1.3 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, and submissions, evidence and other material presented to it during the Hearing. It has reviewed all referred and shared material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

All land referred to in this report is in Heathcote.

This Report deals with the issues under the following headings:

- Strategic issues
- Issues
  - Heathcote Township Plan
  - 9-11 High Street
  - 208 High Street
  - 2-24 Back Kyneton Road
  - Other environmental issues.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clauses 02.03-1 (Settlement), 02.03-3 (Environmental risks and amenity), 02.03-5 (Built environment and heritage), 02.03-6 (Housing), 02.03-7 (Economic development) and 02.03-8 (Transport)
Planning Policy Framework	- Clause 11.01-1L-01 (Settlement - Greater Bendigo) - Clause 12.01-1L (Protection of biodiversity – Greater Bendigo) - Clause 13.02-1S (Bushfire planning) - Clause 13.04-1S (Contaminated and potentially contaminated land) - Clause 15.03-1S (Heritage conservation) - Clauses 17.03-1S (Industrial Land Supply), 17.03-1L (Industrial land supply – Greater Bendigo) and Clause17.04-1L (Tourism – Greater Bendigo) - Clause 18.02-1S (Walking) - Clauses 19.02-1S (Health facilities) and 19.02-6L-01 (Open space and public land – Greater Bendigo)
Planning scheme provisions	- Commercial 1 Zone - Commercial 2 Zone - Neighbourhood Residential Zone - Public Conservation and Resource Zone - Public Park and Recreation Zone - Special Use Zone - Environmental Audit Overlay - Design and Development Overlay
Ministerial directions	- Direction 1 (potentially contaminated land) - Direction 11 (strategic assessment of amendments) - Direction 15 (the planning scheme process) - Direction 19 (the preparation and content of amendments that may significantly impact the environment, amenity and human health) - Direction (the form and content of planning schemes) – referred to in this report as Ministerial Direction 7(5)
Planning practice notes	- Planning Practice Note 1 (Applying the Heritage Overlay) - Planning Practice Note 46 (Strategic Assessment Guidelines) - Planning Practice Note 91 (Using the residential zones)

	Relevant references
Relevant amendments	Amendment: - C243gben – Heathcote Flood Study 2016 - C247gben – Greater Bendigo Planning Scheme Review 2019 - C285gben – zone and overlay anomaly corrections

2.2 Strategic justification

Consistent with the Explanatory Report, Council submitted the Amendment was strategically justified because, among other reasons, it met and implemented key planning policy objectives (see Table 2).

No submission requested the Amendment should be abandoned because it had insufficient strategic justification.

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified, particularly by the Heathcote Township Plan and associated work
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Issues

3.1 Heathcote Township Plan

(i) The issue

The issue is whether it is appropriate for the Heathcote Township Plan to consider 13 High Street for a future commercial zone and define 'out-of-centre' uses.

(ii) Submissions

Middleton Motors Pty Ltd owns 9-11 and 13 High Street and submitted it sought "*support for the rezoning of 13 High Street to facilitate the future redevelopment*". A further section in the submission acknowledges the rezoning could not be done through the Amendment but sought changes to the Heathcote Township Plan.

It also requested the Heathcote Township Plan be revised to define 'out-of-centre' uses that would support redevelopment at 9-11 and 13 High Street.

At the Hearing, Middleton Motors reaffirmed that 13 High Street could not be rezoned through the Amendment but sought Council's support to revise the Heathcote Township Plan to recognise redevelopment of the amalgamated site (9-11 and 13 High Street). It referred to its letter to Council which confirmed its willingness to withdraw this part of its submission if the Heathcote Township Plan[1]:

- included a statement on page 40 to the effect:

  There may be a need to allow for the rezoning of land to a commercial zone to facilitate the expansion of existing businesses, subject to consideration of access, interfaces, urban design and presentation.
- insert in the action table on page 60 and new item 16:

  Consider the rezoning of land at 13 High Street, Heathcote, to a Commercial zone to facilitate the redevelopment of adjoining land, subject to consideration of access, interfaces, urban design and presentation.

  Lead responsibility: Planning Scheme Amendment led by the City of Greater Bendigo or landowner.

Council officers supported these changes in principle.

Council did not support the Heathcote Township Plan defining 'out-of-centre' uses. It explained:

- the core retail uses enabled by the Commercial 1 Zone without a permit are precisely what should be located in the town centre
- the Commercial 2 Zone allows a range of retail uses subject to planning approval so discretion can be exercised whether the use is appropriate
- it is premature and difficult to forecast what future uses may be appropriate for 13 High Street.

Council considered Clause 17.02-2S (out-of-centre development) provides useful direction in its first strategy:

[1] Document 5 d)

Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activities centres.

(iii) Discussion

The Panel agrees with Council that the Heathcote Township Plan should not define out-of-centre retail uses. State policy at Clause 17.02-1S discourages proposals to expand single use retail and commercial uses outside an activity centre. The Commercial 2 Zone, as proposed on land outside the town centre, includes planning provisions which will help to consider each permit application proposing retail and commercial uses on their merit.

The Heathcote Township Plan is not proposed to be incorporated into the Planning Scheme so any definition would have no statutory force.

The Panel has placed notable weight on Council officer support (in principle) for acknowledging in the Heathcote Township Plan that 13 High Street may be considered to be rezoned to a commercial zone. The Panel has no issue with the changes proposed to the Heathcote Township Plan and makes no further comment or recommendation because:

- any view regarding the future zone of 13 High Street is outside the scope of the Amendment
- the Heathcote Township Plan is not proposed to be incorporated into the Planning Scheme, so it does not form part of the Amendment.

(iv) Conclusion

The Panel concludes:

- The Heathcote Township Plan should not define out-of-centre retail uses, and any future permit application to use the Commercial 2 Zone land should be considered on its own merit.
- There is no issue with the Heathcote Township Plan being revised to:
  - include a statement on page 40 to the effect:

    There may be a need to allow for the rezoning of land to a commercial zone to facilitate the expansion of existing businesses, subject to consideration of access, interfaces, urban design and presentation.
  - include a new item 16 in the action table on page 60 as follows:

    Consider the rezoning of 13 High Street, Heathcote to a commercial zone to facilitate the redevelopment of adjoining land, subject to consideration of access, interfaces, urban design and presentation.

    Lead responsibility: Planning Scheme Amendment led by the City of Greater Bendigo or Landowner.

3.2 9-11 High Street

(i) The issue

The issue is whether it is appropriate and justified to rezone 9-11 High Street from Commercial 1 Zone to Commercial 2.

(ii) Submissions

Middleton Motors objected to 9-11 High Street being rezoned from Commercial 1 to Commercial 2.

Middleton Motors explained its car dealership:

- is the only one in Heathcote and within about 50 kilometres of the town centre
- is successful because of its location near the township's entrance
- would need to demolish the existing dwelling at 13 High Street to expand and redevelop because the business is growing
- intends to prepare redevelopment plans and submit a planning permit application as soon as possible.

Middleton Motors considered the rezoning of 9-11 High Street was not appropriately justified because:

- commercial development in the town has always relied on exposure to High Street, outside the town centre
- the local economy supports many larger format, highway-focused businesses, that require land outside the town centre
- there are few, if any, sites suitable for larger format retail uses in the Town Centre, due to heritage, property size and other constraints
- Council has not properly analysed the needs of larger format uses or whether these could be accommodated in the town centre
- reasonable flexibility is likely to be important for existing large commercial sites to capture future opportunities for retaining businesses and jobs.

Middleton Motors requested that 9-11 High Street remain in the Commercial 1 Zone because the zone:

- enables Middleton Motors to use the land for car sales without a permit, unlike the Commercial 2 Zone
- provides a more appropriate land use framework, given the land's strategic location
- offers a more flexible planning framework, given the need to attract a broad range of business opportunities in small town economies.

At the Hearing, Middleton Motors provided an attachment to its submission that compared land uses between the Commercial 1 and 2 Zones. It showed that car sales and motor vehicle, boat or caravan sales, among many other retail premises including certain shops and a supermarket up to 1,800 square metres would be permitted in the Commercial 2 Zone.

In response to questions from the Panel, Middleton Motors:

- acknowledged the Commercial 2 Zone would permit it to redevelop and expand its existing operations
- advised it sought the Commercial 1 Zone to achieve the greatest extent of flexibility
- submitted the Commercial 1 Zone would allow residential development in case it decided to stop operating its car sales business.

Council submitted that it had sufficient Commercial 1 Zone land in the existing town centre to accommodate future commercial growth. It explained its methodology for reaching this conclusion was based on:

- the *Australia in the Global Shopping Centre Industry* (Baker Consulting, 2018) report refers to a figure of 2.3 square metres for each person, noting the Heathcote Town Plan refers to the 'rule of thumb' of 2.2 square metres for each person
- the Heathcote and district population forecast to increase from 4,242 in 2021 to 4,372 by 2036, representing 130 more people over 15 years

- requiring 300 square metres of retail floorspace when multiplying 130 people by 2.3 square metres.

Council submitted there were 5,500 square metres of vacant or underdeveloped sites in the town centre to satisfy demand for 300 square metres. There was no demand for more supply in the foreseeable future.

Middleton Motors attached an analysis of vacant sites to its Hearing submission that identifies five vacant sites in the town centre with a total area of 8,531 square metres:[2]

- 94-96 High Street: 5,936 square metres
- 172 High Street: 1,048 square metres
- 150 High Street: 803 square metres
- 153A High Street: 440 square metres
- 160 High Street: 304 square metres.

It noted its analysis excluded Commercial 1 Zone land proposed to be rezoned to Neighbourhood Residential.

Council supported 9-11 High Street being rezoned to Commercial 2 and submitted:

- the Heathcote Township Plan seeks to locate core retail types in the town centre and "*discourage out of centre development*"
- the Planning Scheme includes strong strategic support for consolidating commercial activities in activity centres and discouraging out of centre development, including Clause 02.03-7 which seeks to "*Direct commercial growth to Activity Centres*".
- Clause 17.02-1L includes strategies which seek to:
  - Avoid the encroachment of small scale commercial developments into adjoining residential areas.
  - Avoid the development of supermarkets outside of designated activity centres and in industrial areas.
- retaining the Commercial 1 Zone would allow core retail uses to establish without a permit outside the town centre
- the Heathcote Township Plan recognises the importance of providing for the operation of businesses such as Middleton Motors so recommends the land be rezoned to Commercial 2
- other Commercial 1 Zone land outside the town centre which are vacant or with dwellings are proposed to be rezoned to Neighbourhood Residential.

Council added the combined area of 3,000 square metres (9-11 and 13 High Street) may make it an attractive redevelopment site that would compromise the town centre if it was rezoned to Commercial 1.

Council referred to the Practitioner's Guide which states:

- Commercial 1 Zone – "*This zone is applied in mixed use commercial centres for retail, office, business, residential, entertainment and community uses. It allows a wide range of commercial and accommodation activities without a permit, including a supermarket or shop*".

[2] Document 5

- Commercial 2 Zone – "*This zone encourages offices and associated business and commercial services together with appropriate industry and retailing*".

Council acknowledged the Commercial 2 Zone would require a permit for 'Car sales' but considered it appropriate given it is in a largely residential area.

(iii) Discussion

Council provided sound strategic reasons to rezone the subject land to Commercial 2. This includes ensuring that certain specialty retail and other uses are retained in the town centre so it can retain its primacy as Heathcote's main centre. Allowing the extent of Commercial 1 Zone land sought by Middleton Motors would allow supermarkets and other shops to establish without a permit and without floorspace restrictions within 500 metres (just over 5 minute walk) of the Township.

The Panel is satisfied that Heathcote has enough Commercial 1 Zone land to meet existing and future demand. Council applied a simple yet robust logical methodology to quantify future demand for commercial floorspace.

Council's figures for existing vacant and underdeveloped commercial floorspace represents:

- over 18 times more floorspace than needed in the next 15 years
- about 275 years of commercial floorspace based on Council's population growth and floorspace demand forecast.

There would continue to be commercial floorspace oversupply even if a more nuanced economic analysis applied ambitious population and demand figures.

Nonetheless, should there have been a need for more Commercial 1 Zone land in the next 15 years, there is considerable policy support to direct this within an expanded town centre rather than a non-contiguous site outside the centre such as 9-11 High Street.

The Panel does not agree with Middleton Motors that Council should have analysed the needs of larger format uses and whether these could be accommodated in the town centre. Such analysis:

- is not needed to justify rezoning land outside the town centre to Commercial 2
- assumes its intent is to redirect larger format retail uses to these sites.

The purpose of the Commercial 2 Zone is beyond 'bulky goods retailing'. It also seeks to encourage commercial areas for offices, appropriate manufacturing and industries, retailing, other retail uses, and associated business and commercial services. Rather, the rezoning:

- seeks to ensure that core retail services which support the town centre's do not concentrate on larger sites outside the centre
- will enable shops including a supermarket of up to 1,800 square metres.

Middleton Motors has operated for more than 15 years on the subject land and has existing use rights to continue operating its business irrespective of the zone. Even so, the Commercial 2 Zone is flexible enough to redevelop and expand the existing car sales business, as sought through Middleton Motors' original submission. Retaining the Commercial 1 Zone to achieve maximum flexibility cannot be supported because it has no strategic basis. The information presented at the Hearing by Middleton Motors did not provide this basis. Rather, the land use definitions, land use comparison between the Commercial 1 and 2 Zones and the land use nesting diagram reaffirmed the appropriateness of applying the Commercial 2 Zone to 9-11 High Street.

(iv) Conclusion

The Panel concludes it is appropriate and justified to rezone 9-11 High Street, Heathcote from the Commercial 1 Zone to the Commercial 2 Zone.

3.3 208 High Street

(i) The issue

The issue is whether it is appropriate and justified to remove the Heritage Overlay (HO723) from 208 High Street.

(ii) Submissions

Council advised the Heritage Overlay was applied to 208 High Street through Greater Bendigo Amendment C139 in 2010. There was no public Panel Hearing.

The owner of 208 High Street requested the Heritage Overlay be removed from the property because the house was built after 1960, is categorised 'non-contributory', and therefore had no heritage elements to justify the overlay. The owner sought to concurrently remove Neighbourhood Character Overlay Schedule 1 from his property.

(iii) Discussion

A heritage study has previously found that 208 High Street forms part of a large heritage precinct about 1.75 kilometres wide. The Heritage Overlay recognises all properties in this precinct as pieces of one heritage place. A property either contributes to the precinct because it has elements which contribute to its heritage significance or do not contribute because they have been significantly altered or built during a different era such as the house at 208 High Street. The property at 208 High Street abuts 12 Pohlman Street which has a contributory heritage house and presents its façade to High Street. Any future development on 208 High Street needs to sensitively respond to this abutting heritage fabric.

The Amendment proposes to delete Neighbourhood Character Overlay Schedule 1 from 208 High Street so this is not an unresolved issue for the Panel to consider.

(iv) Conclusion

The Panel concludes the Heritage Overlay (HO723) should remain on 208 High Street because there is no strategic reason to remove it.

3.4 2-24 Back Kyneton Road

(i) The issue

The issue is whether it is appropriate and justified to apply the Environmental Audit Overlay to 2-24 Back Kyneton Road.

(ii) Submissions

In its submission, Council explained:

- the Amendment proposes to apply the Environmental Audit Overlay to 2-24 Back Kyneton Road which is currently zoned Rural Living

- part of the land was the former Shire of McIvor landfill until 1987 and owned by the Victorian Government until it was sold in 1999
- the Heathcote Township Plan:
  - identifies the land as being potentially suitable for expanding the Depot Road industrial area
  - recommends the Environmental Audit Overlay be applied to all the land.

The Environment Protection Authority submitted:

- the Environmental Audit Overlay will only trigger the requirements of the audit system, where a sensitive land use is proposed
- Council should consider what provisions are required where an 'other land use' is proposed on potentially contaminated land.

The Authority referred to the Amendment's proposal to include in Clause 17.03-1L (Industrial Land Supply – Greater Bendigo):

> Support the longer-term industrial development of land at 2-24 Back Kyneton Road, Heathcote subject to an environmental audit being undertaken.

It stated its views would apply even where land is rezoned to support industrial land uses.

The owner of 2-24 Back Kyneton Road appreciated Council's commitment to environmental safety and requested "*the proposed contamination test be cancelled*" until there were specific plans for the property.

Council did not propose any change to the Amendment in response to the submission. It explained:

- the current planning provisions enable residential use without planning approval so applying the Environmental Audit Overlay would ensure any risks associated with potential contamination are addressed
- it is not aware of an assessment that has demonstrated the land is suitable for sensitive uses
- applying the Environmental Audit Overlay to 2-24 Back Kyneton Road is consistent with Planning Practice Note 30 and Ministerial Direction 1
- the Environment Protection Authority supports the Environmental Audit Overlay being applied to the property.

(iii) Discussion

Strategically, the Heathcote Township Plan identifies 2-24 Back Kyneton Road as a potential industrial site next to the Deport Road precinct. The Plan also recommends the Environmental Audit Overlay be applied to this land. If an industrial zone existed on the land, sensitive land uses would be prohibited so the overlay would not be needed.

However, the land is currently zoned Rural Living which:

- enables permanent sensitive land uses including dwellings
- prohibits industry other than rural industry and an automated collection point.

The assessment matrix in Planning Practice Note 30 advises that the Environmental Audit Overlay should be applied if there is a high potential for contamination. Land previously used as a landfill has this potential.

(iv) Conclusion

The Panel concludes it is appropriate and justified to apply the Environmental Audit Overlay to 2-24 Back Kyneton Road, Heathcote.

3.5 Other environmental issues

(i) The issue

The issue is whether the Amendment has appropriately considered environmental issues.

(ii) Submissions

The Environment Protection Authority submitted:

- it previously determined that 1/7 and 2/7, 35-39, 51A, 53 High Street; 54 and 56 Hospital Street; 21 and 25 Wright Street; 18 Pohlman Street; 21 Hunter Place; and 3 Barrack Street are not potentially contaminated
- since then, the Amendment has proposed to rezone more properties which:
  - the Environment Protection Authority has not considered
  - Council appears to have not addressed their potential for contamination.
- the Amendment should not progress until this has been addressed.

The Environment Protection Authority explained that Ministerial Direction 1 Clause 7 states that where land being rezoned may be used for agriculture or public open space, the planning authority must:

> a) satisfy itself whether or not the land, or parts of the land, are potentially contaminated;
> b) where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report; and
> c) where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the land is or will be suitable for that use.

In response, Council submitted:

- the properties referred to by the Environment Protection Authority as not being assessed are Crown land, incorrectly zoned, and the Amendment proposes to correct their zone
- an example is 32 Heathcote-North Costerfield Road which is proposed to be rezoned from General Residential to Public Conservation and Resource Zone
- these properties should have been assessed by strict interpretation of Ministerial Direction 1 and Planning Practice Note 30
- the properties were assessed after the Amendment was exhibited and found not to be potentially contaminated
- the Explanatory Report has been revised to reflect the assessment findings.

(iii) Discussion

The Public Conservation and Resource Zone does not require a permit to use the land for office, informal recreation, open sports ground or other sensitive land uses. This would have been of concern if the land was potentially contaminated. However, the Panel is satisfied with Council's further assessment that found the identified properties were not potentially contaminated. The assessment matrix in Planning Practice Note 30 advises that the Environmental Audit Overlay does not have to be applied in such a circumstance.

(iv) Conclusion

The Panel concludes the Amendment has appropriately considered environmental issues.

Appendix A Document list

No.	Date	Description	Provided by
	2024		
1	27 May	Panel Directions and Hearing Timetable (version 1)	Planning Panels Victoria (PPV)
2	17 Jun	Council Part A submission	Greater Bendigo City Council (Council)
3	21 Jun	Neighbourhood Residential Zone Schedule 3 (Version 1)	Council
4	21 Jun	Amendment explanatory report and instruction sheet (Version 1)	Council
5	21 Jun	Hearing submission and attachments: a) Map – Heathcote urban area b) Map – town centre vacant sites c) Zone analysis d) Letter – Middleton Motors to Council requesting changes to Heathcote Township Plan	Middleton Motors
6	25 Jun	Council Part B submission	Council
7	26 Jun	Council Part C submission	Council

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C274gben

EXPLANATORY REPORT

Overview

The amendment implements the recommendations of the *Heathcote Township Plan* (City of Greater Bendigo, July 2019) (the township plan) by introducing new local strategies into the Planning Policy Framework of the Greater Bendigo Planning Scheme. The amendment also proposes to rezone land within the Heathcote township, to delete an overlay no longer required, and to either apply a new overlay or to amend the extent of an existing overlay as recommended in the Ttownship Pplan.

Details of the amendment

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Greater Bendigo Strategic Planning Unit, Galkangu GovHub, 195-229 Lyttleton Terrace, Bendigo

Or Heathcote Service Centre, 125 High Street, Heathcote

Or via the City of Greater Bendigo website at:

http://www.bendigo.vic.gov.au/residentsandservices/planningservices/Planningschemeamendments.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

~~**Submissions**~~

~~Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Monday March 18 2024.**~~

~~A submission must be sent to:~~

~~Strategic Planning Unit~~
~~City of Greater Bendigo~~
~~PO 733~~
~~Bendigo VIC 3552~~

~~or via email to strategic.planning@bendigo.vic.gov.au~~

~~**Panel hearing dates**~~

~~In accordance with clause 4(2) of Ministerial Direction No. 15 the following panel hearing dates have been set for this amendment:~~

- ~~directions hearing: Week beginning May 20, 2024.~~
- ~~panel hearing: Week beginning June 24, 2024.~~

Who is the planning authority?

The amendment has been prepared by the Greater Bendigo City Council, which is the planning authority for this amendment.

The amendment has been made at the request of the Greater Bendigo City Council.

Land affected by the amendment

The land affected by the amendment is all land in the township of Heathcote.

The amendment affects land in the township of Heathcote as described below and as shown in the maps referenced in Attachment 1.

A mapping reference table with the specific properties affected is included at Attachment 1 to this explanatory report.

What the amendment does

The amendment proposes to:

Zoning Maps

- Rezone 3.8 hectares of land at 3 Barrack Street, Heathcote and part of the road reserve of Barrack Street from Special Use Zone, Schedule 8 (SUZ8) to Special Use Zone, Schedule 6 (SUZ6) as shown on Planning Scheme Map No. 44.
- Rezone 3.23 hectares of land known as Crown Allotment 9B, Section 44, Township of Heathcote, Buglers Lane, Heathcote from General Residential Zone (GRZ) to Public Park and Recreation Zone (PPRZ) as shown on Planning Scheme Map No. 44.
- Rezone 10.1 hectares of land at 40 Caldwell Street, Heathcote from Public Use Zone, Other Public Use (PUZ7) to SUZ8 as shown on Planning Scheme Map No. 44.
- Rezone 4.3 hectares of land at Crown Allotment 2E and 2G, Section 4B, Township of Heathcote, Golden Gully Road, Heathcote from PPRZ to Public Conservation and Resource Zone (PCRZ) as shown on Planning Scheme Map No. 44.

a) Rezone 3.4 hectares of land at Crown Allotment 8B, Section 7A, Township of Heathcote, Hanson Street, Heathcote from Rural Living Zone Schedule 1 (RLZ1) to PCRZ as shown on Planning Scheme Map No. 44.

- Rezone 11,481 square metres of land at Crown Allotment 7A, Section 42A, Township of Heathcote, Hassells Lane, Heathcote from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezones 7,680 square metres of land at Crown Allotment 8E, Section 4B, Township of Heathcote, Hay Street, Heathcote from RLZ1 to PPRZ as shown on Planning Scheme Map No. 44.

b) Rezone 6.7 hectares of land at Crown Allotment 5A Section 4B, Township of Heathcote, Hassells Lane, Heathcote from part RLZ1, part PPRZ to PCRZ as shown on Planning Scheme Map No. 44

- Rezone 6.0755 hectares of land at Crown Allotment 28B and 28C, Section 38, Township of Heathcote, Heathcote-North Costerfield Road, Heathcote from Low Density Residential Zone Schedule 1 (LDRZ1) and PPRZ to PCRZ as shown on Planning Scheme Map Nos. 44 & 45.
- Rezone 17,900 square metres of land at 32 Heathcote-North Costerfield Road, Heathcote from GRZ to PCRZ as shown on Planning Scheme Map Nos. 44 & 45.
- Rezone 852 square metres of land at 1/7, 2/7 and part of 5-7 High Street, Heathcote from Commercial 1 Zone (C1Z) to Neighbourhood Residential Zone Schedule 3, Heathcote ~~Township Minimal Change area~~Residential Areas (NRZ3) as shown on Planning Scheme Map No. 44.
- Rezone 2,025 square metres of land at 9-11 High Street, Heathcote from C1Z to Commercial 2 Zone (C2Z) as shown on Planning Scheme Map No. 44.
- Rezone 2,552 square metres of land at 33 High Street, Heathcote and part of the road reserves of Fasso Street and Hospital Street from C1Z to C2Z as shown on Planning Scheme Map No. 44.

- Rezone 2,980 square metres of land at 35-39 High Street, Heathcote and part of the road reserves of Last Street and Hospital Street from C1Z to NRZ3 ~~Schedule 3, Heathcote Township Minimal Change Area (NRZ3)~~ as shown on Planning Scheme Map No. 44.
- Rezone 2,980 square metres of land at 51A and 53 High Street, Heathcote and 54 and 56 Hospital Street, Heathcote along with part of the road reserve of Hospital Street from C1Z to NRZ3 ~~eighbourhood Residential Zone Schedule 2, (Heathcote Residential Areas)~~ as shown on Planning Scheme Map No. 44.
- Rezone 6,675 square metres of land at 21 Hunter Place, Heathcote and part of the road reserves of Baynton Street, Boomerang Place, Hunter Street and McIvor Street from C2Z to ~~NRZ2~~ NRZ3 as shown on Planning Scheme Map Nos. 44 & 45.
- Rezones 12.19 hectares of land at Crown Allotment 47J, Township of Heathcote, Jacksons Lane, Argyle from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezones 1.7 hectares of land at Crown Allotment 18, Section 49, Township of Heathcote, Matthews Road, Argyle from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezone 1.2 hectares of land at 21 Pink Cliffs Road, Heathcote from C2Z to PCRZ as shown on Planning Scheme Map No. 44.
- Rezone 23.3 hectares of land at 41 Pink Cliffs Road, Heathcote from PPRZ to PCRZ as shown on Planning Scheme Map No. 44.
- Rezone 6.1 hectares of land at Crown Allotment 8C and 8F, Section 4B, Township of Heathcote, Pink Cliffs Road, Heathcote from RLZ1 to PPRZ as shown on the Planning Scheme Map No. 44.
- Rezone 2 hectares of land at 18 Pohlman Street, Heathcote from GRZ to Special Use Zone Schedule 1 (SUZ1) as shown on Planning Scheme Map Nos. 44 & 45.
- Rezone 17.7 hectares of land at Crown Allotment 8A, Section 28, Scotts Crescent, Heathcote from RLZ1 to PCRZ as shown on Planning Scheme Map Nos. 44 & 45.
- Rezones 1.8 hectares of land at 3 Spring Flat Road, Heathcote from GRZ to PPRZ as shown on Planning Scheme Map No. 44.
- Rezone 5,637 square metres of land at 21, 23, 25, 27 and 29 Wright Street, Heathcote and part of the road reserve of Wright Street and the unmade government road reserve to the south-west from C1Z to ~~NRZ2~~ NRZ3 as shown on Planning Scheme Map Nos. 44 & 45.

Overlay Maps

- Delete the Heritage Overlay (HO778) from part of the land at 18 Pohlman Street, Heathcote as shown on Planning Scheme Map No. 44HO.
- Apply the Design and Development Overlay, Schedule 6 (DDO6) to Crown Allotment 29, Section 1 Township of Heathcote, part of the land at 39 Ambers Drive and at 51 Ambers Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 31 Armstrong Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at 2 and 3 Barrack Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 4 and 5 Baynton Street, Heathcote as shown on Planning Scheme Map Nos, 44DDO and 45DDO.
- Apply DDO6 to the land at 26 Broodie Street Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 20 and 40 Broodie Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at Crown allotment 16, Section 40, Township of Heathcote, 2, 4, 8,10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 40 and 60 Caldwell Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 9 Campbells Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.

- Apply DDO6 to the land at 20A, 26, 27, 28, 30, and 31 Craven Crescent, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 5, 6, 7 and 8 Fairy Dell Court, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 3, 9, 13, 15, 17, 19 and 21 Flea Street Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 3, 9, 13, 15, 17, 19, 21,23 Flea Street Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 20 and 81 Forest Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 250 and Crown Allotment 2002, Crown Allotment 6E Parish of Heathcote, Forest Drive Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 31 Heathcote-Nagambie Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 107, 117, 121, 131, 135 and 139 Heathcote-North Costerfield Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at Crown Allotment 28B, Section 38, Township of Heathcote, Heathcote-North Costerfield Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 32 Heathcote-North Costerfield Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 2 High Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 88, 90-108, 114-120, 122-132, 134-136, 138-158 and 160-164 Kilmore Road, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45 DDO.
- Apply DDO6 to part of the land at 1 Last Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 4498, 4536 and 4552 McIvor Highway, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at Crown Allotment 1, Section 24, Township of Heathcote, McIvor Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 3 and 4-6 McMahon Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 31 Mitchell Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at 74 and 76 and part of 61 Patterson Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at Crown Allotment 6F, Section 2 and Crown Allotment 15, Section 2A Township of Heathcote, Pianta Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 42 Pohlman Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 5 and 8 and land at 13 Ryans Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at Crown Allotment 2043, Parish of Heathcote, 20, 22, 24, 25, 26, 27, 28 and at 29 Scotts Crescent, Heathcote, as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to the land at 1. 2 and part of the land at 4 Shakespere Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.

- Apply DDO6 to the land at 25-27 and part of the land at 29-31 and at 32-38 Speed Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 6 and 11 Stewart Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 2, 4-6, 14 and 14A Thomas Street, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to part of the land at 1, 2, 3, 4, 5, 6, 7, 8, 9 and 16 Thompsons Lane, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land at 3, 5, 7, 9 and 11 Wattle Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Apply DDO6 to land forming part of the road reserves of Ambers Drive, Armstrong Street, Barrack Street, Brodie Street, Craven Crescent, Flea Street, Forest Drive, Heathcote-North Costerfield Road, Heathcote-Redesdale Road, Jennings Street, Last Street, McMahon Street, McIvor Street, Old Railway Reserve Road, Patterson Street, Pianta Street, Ryans Lane, Scotts Crescent, Shakespeare Street, Speed Street, Stewart Street, Thompsons Lane, Tranter Street, Turners Street and Wattle Drive, Heathcote as shown on Planning Scheme Map Nos. 44DDO and 45DDO.
- Delete Neighbourhood Character Overlay Schedule 1 (NCO1) from land at 9 Chauncey Street, Heathcote and part of the road reserve of Chauncey Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 12, 14, 16, 18 and from land at 20 Herriot Street, Heathcote and part of the road reserve of Herriot Street as shown on Planning Scheme Map N0. 44NCO.
- Delete NCO1 from land at 182, 184,186-188, 189, 1/189, 2/189, 190, 191, 1/191, 2/191, 3/191, 192, 1/193, 2/193, 3/193, 194, 195, 196, 197, 198, 199, 200, 2/201, 202, 203, 204, 205, 206, 207, 208, 209, 210-214, 216, 218, 220, 222, 224, 226, 228 and 230-232 High Street, Heathcote and part of the road reserve of Mitchell Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 1/18, 2/18 and from land at 20 Playne Street, Heathcote and part of the road reserve of Playne Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 11A and from land at 1/11A Pohlman Street, Heathcote and part of the road reserve of Pohlman Street to the east and west of High Street as shown on Planning Scheme Map No. 44NCO.
- Delete NCO1 from land at 9, 11, 12, 13, 15, 16, 17, 18, 20, 22, 24, 26, 28, 30, 32, 34, 35-37, 36, 38, 39, 41-43, 42 and 44 Wright Street, Heathcote and part of the road reserve of Wright Street and Morris Street. as shown on Planning Scheme Map No. 44NCO.
- Apply the Environmental Audit Overlay (EAO) to land at 2-24 Back Kyneton Road, Heathcote as shown on Planning Scheme Map No. 44EAO.

Planning Policy Framework

- Insert new Clause 11.01-1L-01 (Settlement – Greater Bendigo) to insert a new local strategy and the Heathcote Strategic Framework Plan to achieve the various outcomes sought by the ~~township plan~~Township Plan.
- Insert new Clause 12.01-1L (Protection of Biodiversity – Greater Bendigo) to insert a new local strategy to achieve an outcome sought by the ~~township plan~~Township Plan for the environmental restoration of the McIvor Creek
- Insert new Clause 17.03-1L (Industrial land Supply – Greater Bendigo) to insert a new local strategy to achieve an outcome sought by the ~~township plan~~Township Plan to support the long-term development of land at 2-24 Back-Kyneton Road, Heathcote.
- Insert new Clause 17.04-1L (Tourism – Greater Bendigo) to insert a new local strategy sought by the ~~township plan~~Township Plan to encourage tourism uses associated with the Heathcote Golf Course.
- Insert new Clause 19.02-6L-01 (Open space and public land – Greater Bendigo) to insert a new local strategy sought by the ~~township plan~~Township Plan to create high quality and well-connected public spaces.

Zone Schedules

- Insert a new Schedule to Clause 32.09 (NRZ~~-2~~3) to reflect the preferred building height and neighbourhood character of Heathcote in the in the form of the attached document.
- Replace Schedule 8 to Clause 37.01 with a new Schedule 8 in the form of the attached document.

Operational Provisions

- Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to insert reference to three new Planning Scheme Map Nos. 44DDO, 44EAO and 45DDO.
- Amend the Schedule to Clause 72.08 (Background Documents) to insert the following background document:
  - *Heathcote Township Plan* (City of Greater Bendigo, July 2019)
- Amend the Schedule to Clause 74.02 (Further Strategic Work) to delete reference to "Heathcote" as one of the rural townships requiring a structure plan as further strategic work.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to implement the planning outcomes of the *Heathcote Township Plan* which was adopted by the council in July 2019. The ~~township plan~~Township Plan considers how Heathcote can grow into the future and what services, facilities and infrastructure are required to support that growth. While some recommendations such as upgrades of public spaces and improvements to traffic and movement sit outside of the planning system there are a variety of recommendations that this amendment now seeks to implement.

The ~~township plan~~Township Plan was developed after the *Greater Bendigo Residential Strategy* (2014) recognised the potential of small towns like Heathcote to offer a lifestyle alternative to living in Bendigo, while having the convenience of being near a major regional city. The *Greater Bendigo Housing Strategy* (2018) which built upon the *Greater Bendigo Residential Strategy* (2014) and acknowledged that an amendment was required to the Greater Bendigo Planning Scheme to implement the relevant recommendations of the ~~township plan~~Township Plan.

The ~~township plan~~Township Plan recommends:

- Preparing a local area plan which has now been translated into a strategic framework plan specific to Heathcote.
- Correcting anomalies with existing zonings.
- Addressing the issue of an oversupply of land zoned C1Z.
- Rationalising the extent of the NCO where it overlaps with the HO.
- Applying DDO6 the purpose of which is to manage development at the urban-forest interface.
- Expanding the Depot Road industrial area.

The amendment inserts new local strategies and a strategic framework plan. The purpose of the strategic framework plan is to provide for the specific land use directions for seven precincts, as follows:

- Town Centre: A compact and vibrant town centre that provides for a range of commercial, business and civic functions that meet the daily needs of the community.
- Incremental residential: A transition area between the town centre and the general residential area where medium density that respects the character of the area is encouraged.
- Minimal change residential: The remaining residential areas where a range of lot sizes are encouraged with new housing to respect the character of the area.
- Health and Education: An area where health and education uses are encouraged.
- Industrial: Industrial uses are encouraged with a longer-term extension identified to provide for future growth of industrial uses.

- Creekline Interface: Land which adjoins the McIvor Creek, where fencing backing on to the creek is strongly discouraged.
- Urban-forest interface: To protect and maintain the environmental values of adjoining forested areas. Rezoning that would allow an intensification of development is strongly discouraged.

The amendment also proposes to apply the EAO to land at 2-24 Back Kyneton Road, which is known to be potentially contaminated land due to its former use as a landfill site. The EAO identifies the land as potentially contaminated in the planning scheme and requires that an environmental audit to be prepared incurred at the time a change to the use or development of the land is proposed. This approach is supported by the planning authority and the Environment Protection Authority (EPA).

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria under section 4(1) of the *Planning and Environment Act 1987*:

c) Provide for the fair, orderly, economic and sustainable use and development of land;

d) Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

e) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

f) Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;

g) Balance the present and future interests of all Victorians.

The amendment is consistent with these objectives by providing a framework for the future growth of Heathcote. This includes introducing the Heathcote strategic framework plan and a local policy with a range of strategies that will support Heathcote to grow sustainably into the future, create a healthy and vibrant community, and make environmental improvements.

The amendment includes the rezoning of some land, as well as the application and removal of overlays to provide for the fair, orderly, economic and sustainable use and development of land in Heathcote. The proposed changes will improve the efficiency of the planning scheme, removing unnecessary controls and encouraging further development in appropriate locations, whilst providing for the protection of natural and man-made resources.

How does the amendment address any environmental, social and economic effects?

Environmental Effects

The proposed amendment is expected to have positive environmental benefits by encouraging the environmental restoration of the McIvor Creek which will support a healthy ecosystem and improve biodiversity to the extent that this will not cause an increase of bushfire risk within the township. The amendment proposes to rezone several parcels of land to PCRZ to reflect the public ownership of these properties and to protect and conserve the natural environment and natural processes.

The amendment proposes to apply the DDO6 to properties located on the fringe of the town that abut public land. One of the design objectives of this DDO6 is to ensure residential development protects and maintains the environmental values of adjoining forested areas. The required setback from the forest will help mitigate bushfire risk to development by providing a settlement break at the fringe of the town and by requiring a planning permit for dwellings and outbuildings within 33 metres for the public land.

The amendment proposes to apply the EAO to the land at 2-24 Back Kyneton Road which, as stated above, is known to be potentially contaminated because of its historical use as a landfill. The application of the EAO is consistent with Clause 13.04-1S (Contaminated and potentially contaminated land) which has an objective to ensure that contaminated and potentially contaminated land is used and developed safely. By applying the EAO, the amendment considers and acts upon the possible environmental risk presented by the future use and development of potentially contaminated land.

Social Effects

The amendment will have positive social effects by encouraging a consolidated and strengthened town centre that will be the focus of activity for Heathcote. The improvements to the walking and cycling network will increase opportunities for social interaction and will promote personal mobility decreasing the reliance on private vehicles. Proposed public realm improvements will have a positive impact on the amenity of the town centre.

Economic Effects

This amendment will deliver a variety of economic benefits. This includes through the consolidation of commercial activities within the town centre which will have positive impacts for the existing traders and the community. Public realm improvements to the town centre will make it more attractive for prospective businesses looking to establish in the area as well as encourage and support existing businesses.

A longer-term industrial area (the site on Back-Kyneton Road) has been identified for investigation for the future growth of industry and employment within Heathcote. Provided there is adequate strategic justification for its rezoning, a separate amendment will be required to undertake rezoning of this land if it is required.

Does the amendment address relevant bushfire risk?

The proposed amendment has considered bushfire risk by preparing a bushfire landscape assessment titled *Preliminary Ecological and Bushfire Risk Assessment for 12 Potential Growth Areas within the City of Greater Bendigo,* Practical Ecology, undated, which concluded the following:

Landscape considerations

Heathcote is located in a high bushfire risk location and is surrounded by large tracts of forested land including public land.

The assessment found that the town was susceptible to a fire front approaching from the northwest and southwest. Ember attack would likely occur within the town from a fire approaching from either aspect and that this would likely cause localised fire events. The assessment gave the areas within the township that are proposed to be rezoned a low hazard rating based on fuel loads within the township area (i.e., any fire that impacts the low hazard areas will likely be from the surrounding land).

Alternative locations for development

The sites proposed to be rezoned are all well within the settled areas of Heathcote, which is preferred in terms of bushfire risk as they are isolated from bushfire threat and proximate to safer areas.

There are no preferred alternative locations for development in Heathcote.

Availability of safe areas

The Heathcote Neighbourhood Safer Place (Place of Last Resort) is at the Holy Rosary Primary School oval located at 18 Pohlman Street, Heathcote. This site is endorsed by the CFA and is centrally located within Heathcote.

All areas proposed to be rezoned to a residential zone have safe access to the place of last resort principally because the place of last resort is located at approximately 130 metres off High Street which is the main arterial road traversing the Heathcote town centre. Similarly, all the sites proposed to be rezoned to residential, are also all located within the Heathcote established built up area with existing access to High Street.

Site based exposure

The rezonings proposed for urban development are predominantly fixing zoning anomalies on fully developed land. All of these sites are subject to the Bushfire Prone Area mapping but not the Bushfire Management Overlay. There is no increase in the level of risk from bushfire associated with these sites.

There are two sites - 35 High Street and 21 Hunter Place, Heathcote that have the potential for intensification of development sites which are subject to the Bushfire Prone Area mapping, but not the Bushfire Management Overlay.

Land at 21-25 Wright Street, Heathcote is being rezoned and sits outside of the Bushfire Prone Area.

Of the sites where there is potential to intensify development:

- 35-39 High Street is approximately 250 metres from the nearest classifiable vegetation
- 21 Hunter Place is approximately 150 metres from the nearest classifiable vegetation

- 21, 23, 25, 27 and 29 Wright Street are approximately 120 metres from the nearest classifiable vegetation.

In all cases, the sites are separated from a hazard (vegetation) and more than satisfy any defendable space requirements.

It is noted that the ~~township plan~~Township Plan did recommend rezoning 31 Ayres Street, Argyle from Industrial 3 Zone to General Residential Zone. However, this site was subsequently identified as having a high risk to bushfire and is not proposed to be rezoned as part of this amendment.

Risk change

The amendment will not result in increased risk from bushfire for existing and future residents, property, community infrastructure or the natural environment as the sites to be rezoned, with the exception of those outlined above, are already fully developed. The bushfire report notes that the sites are in an area that is "primarily managed residential and urban areas with no classifiable vegetation observed and plenty of access present" and that it "poses minimal hazard to other areas".

Mitigation measures

Whilst there are no specific mitigation measures required, due to properties being located far enough from vegetation that setbacks to achieve BAL-12.5 readily achieved, the amendment includes the application of the DDO6 to land adjoining the Heathcote-Graytown National Park and the Rushworth-Heathcote State Forest. Whilst the objectives of this DDO are not specifically to provide for mitigation measures for bushfire risks, its application will provide for an additional tool to manage development at the edge of the settlement. This will help provide a further buffer between development and areas subject to bushfire risks, noting that a number of these sites are either fully or partially developed and this Amendment does not propose any changes to these properties that would allow for an introduction or intensification of development.

The Heathcote Strategic Framework Plan proposes to manage development according to natural hazard risks with supporting strategies to implement a settlement boundary with development encouraged within this boundary. Where practical, the construction of a road at the interface of the settlement and the forest will be encouraged and new development will be required to be responsive to bushfire risk.

Views from the relevant authority

The amendment was referred to the CFA for comments. In their response, the CFA states that they support the amendment in its current form. However, the CFA has also advised that it must also be considered that Heathcote is within a high bushfire risk location because of the bushland ranges which surround it and advises that careful planning must be undertaken which focus on limiting the impact of fire onto the township. This careful planning should include the following mitigating measures:

- Appropriate clear separation between the rural areas and the urbanized areas by appropriate land use
- Encouraged infill development
- Adequate water supply
- Appropriately planned limitations of increased native vegetation into the township.

The amendment is consistent with the above CFA advice. A bushfire risk assessment has been undertaken for all the sites proposed to be rezoned to ensure their rezoning prioritises the protection of human life as required under Clause 13.02-1S of the PPF.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction – The Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act* 1987.

The amendment is also consistent with the following Ministerial Directions:

- Ministerial Direction 1 – Potentially Contaminated Land

The application of the EAO to land at 2-24 Back Kyneton Road will alert people of the potential for contamination at the former landfill site. Without this overlay, a dwelling could be erected on site without the need for a planning permit.

The views of the EPA were sought regarding proposed rezonings which would allow for a more sensitive use to establish at:

- 1/7 and 2/7, 35-39, 51A, 53 High Street
- 54 and 56 Hospital Street
- 21 and 25 Wright Street
- 18 Pohlman Street
- 21 Hunter Street
- 3 Barrack Street.

These sites have been reviewed taking into consideration the provisions of *Planning Practice Note 30: Potentially Contaminated Land*, July 2021 (PPN30), with no obvious indication of a previous use that may have caused them to be potentially contaminated. EPA did not raise any concern that these properties be rezoned but relies on the planning authority's due diligence assessment that they are not potentially contaminated in accordance with Ministerial Direction 1.

- *Ministerial Direction 11 - Strategic Assessment of Amendments*

The Explanatory Report addresses the requirements of this direction.

- *Ministerial Direction No. 15 – the planning scheme amendment process*

Steps in the planning scheme amendment process will be undertaken within the set times, unless an exemption from the need to comply is granted by the Minister for Planning.

- *Ministerial Direction 19 - Ministerial Direction of the Preparation and Content of Amendments* that may Significantly Impact the Environment, Amenity and Human Health.

As outlined above, the EPA was consulted about the amendment and their advice considered. In accordance with this Ministerial Direction, the EAO is proposed to be applied to the land at 2-24 Back Kyneton Road, noting that the amendment does not propose to rezone the land to an industrial zone at this stage. The zoning of land to an industrial zone will be undertaken in another amendment in the future and will be subject to the required strategic justification.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the following aspects of the Planning Policy Framework:

Clause 11.01-1L-01 (Settlement - Greater Bendigo) has an objective to manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to identified locations. The amendment is consistent with this objective because it inserts a new strategy within this clause which seeks to encourage new development in Heathcote to locate within the incremental residential area in the Heathcote strategic framework plan.

Clause 12.01-1L (Protection of biodiversity - Greater Bendigo) has an objective to enhance biodiversity and biolinks across Greater Bendigo. The amendment is consistent with this clause because it inserts a new strategy which seeks the environmental restoration of the McIvor Creek.

Clause 13.02-1S (Bushfire planning) has an objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. A bushfire risk assessment has been prepared for the amendment and it concluded that the amendment will not cause human life or properties through increased bushfire risk. The application of the DDO6 at the interface with forested areas will assist in the separation of new housing from a potential bushfire risk, with a road required in the buffer if feasible.

Clause 13.04-1S (Contaminated and potentially contaminated land) has an objective to ensure that contaminated and potentially contaminated land is used and developed safely. The amendment is consistent with this clause because it proposes to apply the Environment Audit Overlay to a property

which is known to be potentially contaminated so there is more certainty in the future on how it can safely be used and developed.

Clause 15.03-1S (Heritage conservation) has an objective to ensure the conservation of places of heritage significance. The amendment is rationalising the overlap between the Heritage Overlay and Neighbourhood Character Overlay so that it is clear that heritage considerations take precedence.

Clause 17.03-1S (Industrial Land Supply) has an objective to ensure availability of land for industry. The amendment is consistent with this clause because although the amendment does not rezone any land to an industrial zone, the Heathcote Strategic Framework Plan identifies an area where industrial uses will be encouraged, with the potential for expansion to be considered as part of a future amendment.

Clause 17.03-1L (Industrial land supply - Greater Bendigo) has an objective to encourage diversification and expansion of the municipality's industrial base. The amendment is consistent with this clause because it inserts a new local strategy within this clause which seeks to support the longer term industrial development of land at 2-24 Back Kyneton Road, Heathcote.

Clause17.04-1L (Tourism - Greater Bendigo) provides a list of strategies for tourism development in Greater Bendigo. The amendment is consistent with this clause because it inserts a new local strategy within this clause which seeks to encourage tourism uses associated with the Heathcote golf Course.

Clause 18.02-1S (Walking) has an objective to facilitate an efficient and safe walking network and increase the proportion of trips made by walking. The amendment is consistent with this clause because it will facilitate the creation of a network of walking and cycling paths as recommended in the ~~township plan~~Township Plan as indicated on the Heathcote Strategic Framework Plan.

Clause 19.02-1S (Health facilities) has an objective to assist the integration of health facilities with local and regional communities. The amendment is consistent with the objective set by this clause because Heathcote Strategic Framework Plan proposes an area where land uses related to health care facilities will be encouraged.

Clause 19.02-2S (Education facilities) has an objective to assist the integration of education and early childhood facilities with local and regional communities. The amendment is consistent with the objective set by this clause because Heathcote Strategic Framework Plan proposes an area where education uses will be encouraged.

Clause19.02-6L-01 (Open space and public land - Greater Bendigo) applies to the allocation of land and the use and development of land for open spaces and public land in Greater Bendigo including the open space network shown on the public open space network. The amendment is consistent with this policy as the Heathcote Strategic Framework Plan identifies improvements to the walking and cycling network within Heathcote which seeks to create high quality and well connected public spaces and improve connections to paths along waterways and connecting to the O'Keefe Trail.

How does the amendment support the Municipal Planning Strategy?

The amendment supports the following clauses of the Municipal Planning Strategy:

Clause 02.03-1 Settlement

One of the strategic directions set out under this clause is to facilitate 10-minute neighbourhood that:

- Enable people to spend less income on the combined cost of housing and transport.
- Minimise environmental impacts associated with transport.
- Promote a healthy lifestyle through active transport choices.
- Increase neighbourhood safety through activation of the public realm.
- Increase community interaction.
- Support the local economy.

Because of its size and historical development patterns the Heathcote township largely functions as a 10-minute neighbourhood. The amendment encourages a diversity of housing types, especially within easy walking distance of the town centre and improvements to the walking and cycling network.

The Heathcote strategic framework plan identifies an area close to the town centre where development that provides for smaller lots and higher densities will be supported whilst retaining other forms of residential development further out of the town centre.

Clause 02.03-3 Environmental risks and amenity

This clause states that the key environmental risks for Greater Bendigo are climate change, bushfire, flooding, soil degradation and land use compatibility. The strategic directions for natural environmental risks are:

- Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Manage flooding risks that have the potential to cause harm to people and property and damage environmental values.

Heathcote is a township at risk from bushfire, flooding from the McIvor Creek or from overland flow and contamination of soil from historic land uses. The amendment is introducing the DDO6 control that will provide for a settlement break at the fringe of the town on land that abuts the vegetated public land. The land that the amendment proposes to rezone to a residential zone are isolated sites most of which are already developed with dwellings and as a result, will not create new residential areas.

Clause 02.03-5 Built environment and heritage

This clause states that the key built environment and heritage issues for Greater Bendigo are:

- Creating healthy environments.
- Protecting neighbourhood character and heritage assets while encouraging infill development.
- Supporting environmentally sustainable development.

The strategic directions for built environment are:

- Balance the protection of neighbourhood character with the development of a more environmentally sustainable urban area based upon the principles of 10-minute neighbourhoods.
- Facilitate a built environment that allows for active transport and healthy lifestyle choices.
- Facilitate environmentally sustainable development to create a compact and sustainable urban form at the planning stage.
- Facilitate a safe, pleasant, comfortable and visually appealing urban environment.

The amendment supports the strategic directions set by this clause. This is because Heathcote Strategic Framework Plan includes an objective for the need to well integrate land use and development with open space and active transport whilst recognising the heritage, neighbourhood character, natural hazard and environmental features of the area. The town centre strategies, the active transport and infrastructure strategies and the environment strategies that are proposed to be inserted in the local policies are particularly relevant to the strategic directions set by this clause.

Clause 02.03-6 Housing

This clause states that the key housing issues for Greater Bendigo are the location of residential development, housing diversity, housing affordability and the management of rural residential development. The strategic directions for housing are:

- Facilitate a wide diversity of housing typologies to suit all household types, needs and incomes and make best use of land and environmental resources.
- Increase the residential population of Bendigo City Centre and its immediate surrounds to create a more dynamic area, maximise the use of existing infrastructure and provide different housing choices for people.
- Avoid rezoning of additional land to Rural Living Zone while there is an adequate supply of rural living land around the southeast side of Bendigo and near Heathcote.

The amendment is consistent with this clause because whilst it also proposes to rezone land in the town centre from C1Z to NRZ to facilitate the development of additional dwellings within the town centre, it does not propose to rezone any additional RLZ1 land in the township.

Clause 02.03-7 Economic development

The strategic directions for economic development in the municipality are:

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

The amendment is consistent with this clause and the strategic directions it sets. This is because one of the precincts proposed in the Heathcote Strategic Framework Plan is for an industrial area where industrial uses and development will be encouraged, and a longer-term extension has been identified that will provide for future growth of industrial uses.

Clause 02.03-8 Transport

This clause has several strategic directions which include the following:

- Maximise access to goods, services and facilities for all people throughout the municipality by supporting a compact Greater Bendigo and 10-minute neighbourhoods.
- Move away from private motor vehicles as the dominant form of transport and prioritising active transport.
- Improve connections between walking and cycling paths, open spaces, activity centres and the city centre to enable safer and more comfortable travel through the municipality by walking or cycling.

The amendment is consistent with the strategic directions set by this clause because Heathcote Strategic Framework Plan has strategies to promote active transport and infrastructure in Heathcote. These strategies include the creation of high quality, well connected and an attractive network of shared footpaths along waterways and the implementation of measures to calm traffic through the town centre. This amendment will therefore provide for transport choice and improved access to the town centre which is in line with this clause.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by implementing changes which seek to clarify and strengthen the role of the provisions in the Greater Bendigo Planning Scheme.

The proposed rezoning of nine properties to NRZ and the proposed deletion of the NCO1 from several properties are based on the provisions of *Planning Practice Note 91: Using the Residential Zones* (DTP July 2023) (PPN91). PPN91 places emphasis on the importance of having solid strategic justification for implementing the new zones, and that a neighbourhood character assessment study should be undertaken in the first instance.

PPN91 states that the application of the right residential zone provides the opportunity to apply local requirements to achieve preferred built form outcomes identified in the MPS and local policies. The new local policy and the Heathcote strategic framework plan that the amendment proposes to insert in the planning scheme has specific land use directions for seven precincts. Specifically, the Heathcote strategic framework plan provides for areas with incremental residential change and areas with minimal residential change. Consistent with Table 2 (Aligning housing change areas and residential zone) of PPN91, it is therefore conclusive that the NRZ would be the most appropriate residential zone specifically because it will contribute the implementation of the Heathcote strategic framework plan.

The proposed deletion of the NCO1 from several properties where the HO applies, is consistent with PPN91 which states that the NCO and the HO should not be applied to the same areas. By deleting the NCO1 from these properties, the amendment is also consistent with the requirements of the HO as provided in *Planning Practice Note 1: Applying the Heritage Overlay* (DELWP, 2018).

How does the amendment address the views of any relevant agency?

There has been extensive consultation with the relevant external agencies and internal departments during the development of the ~~township plan~~Township Plan. Advice and recommendations from these agencies and internal departments were considered and included in the ~~Township Plan~~Township Plan.

As previously stated, the CFA has been consulted during the preparation of this amendment and they support the amendment in its current form.

The EPA has also submitted that they do not object to the amendment. In their response, the EPA has specifically stated that the application of the EAO to the land at 2-24 Back Kyneton Road appears to be reasonable, subject that the assessment deferral via the EAO be adequately justified. The City has reviewed and assessed this site and is satisfied that it is potentially contaminated because of its historical use as a landfill site. In their response, the EPA has also suggested that the City ensures that it reviews the updated *EPA Publication 1518: Recommended separation distances for industrial air emissions* (EPA, 2013). This amendment does not propose to rezone any land to an industrial zone and so the City is satisfied that the content of Publication 1518 is not relevant to this amendment.

The Department of Energy, Environment and Climate Action advised in its response that the preparation of the Ttownship Pplan had identified a number of zoning anomalies on crown land which are being addressed through the amendment and therefore, they support it in its current form.

North Central Catchment Management Authority, the Department of Transport, Coliban Water and Goulburn-Murray Water were consulted in the preparation of the amendment, and all responded with general support and no specific advice to be considered.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The requirements of the *Transport Integration Act* 2010 apply where a planning scheme amendment is likely to have a significant impact on the transport system.

This amendment is unlikely to have a significant impact on the transport system as it is not significantly increasing the capacity for development. The proposed rezonings that are being undertaken are largely to correct zoning anomalies.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment is not expected to have a significant impact on the future resources of the municipality as it is not greatly increasing the need for planning approvals. Developments in the town centre would already generally require planning approval. The amendment will provide more guidance for these applications.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Argyle	CA 47J, Township of Heathcote, Jacksons Lane and CA 18, Sec 49, Township of Heathcote, Matthews Road	Greater Bendigo C274gben 001znMap44 Exhibition
Heathcote	19 Wright Street 21 Hunter Place 18 Pohlman Street CA 8A Sec 28 Scott Crescent CA 2D Sec 4B Golden Gully Road CA 28B Sec 38 Heathcote – North Costerfield Road 32 Heathcote – North Costerfield Road 40 Caldwell Street	Greater Bendigo C274gben 001znMap44 Exhibition
Heathcote	1/7, 2/7, 9-11, 33, 35-39, 51A and 53 High Street 3 Barrack Street 54 and 56 Hospital Street 21 and 41 Pink Cliffs Road CA 8C Sec 7A Pohlman Street CA 8B Sec 7A Hansen Street	Greater Bendigo C274gben 002znMap44 Exhibition
Heathcote	9 and 41-43 Chauncey Street 12, 14, 16, 18 and 20 Herriot Street 182, 184, 186-188, 189, 1/189, 2/189, 190, 191, 1/191, 2/191, 3/191, 192, 1/193, 2/193, 3/193, 194, 195, 196, 197, 198, 199, 200, 2/201, 202, 203, 204, 205, 206, 207, 208, 209, 210-2014, 216, 218, 220, 222, 224, 226, 228 and 230-232 High Street 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 1/18, 2/18 and 20 Playne Street 11A and 1/11A Pohlman Street 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 22, 24, 26, 28, 30, 32, 34, 35-37, 36, 38, 39, 41-43, 42 and 44 Wright Street	Greater Bendigo C274gben 005D-NCOMap44 Exhibition
Heathcote	74 and 76 Patterson Street CA 6F, Sec 2 and CA15 Sec 2A Township of Heathcote, Pianta Street	Greater Bendigo C274gben007DDOMap44_45 Exhibition

	3, 5, 7, 9 and 11 Wattle Drive 1, 2 and 4 Shakespere Street CA 28B Sec 38, 107, 117, 121, 131, 135, 139 and 140 Heathcote-North Costerfield Road CA 16 Sec 40, 2, 4, 8,10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 60 Caldwell Street 2 and 3 Barrack Street CA 29, Sec 1, 39 and 51 Ambers Drive 250 Forest Drive 2 and 4-6 Thomas Street 1 Last Street , 5, 6, 7 and 8 Fairy Dell Court 3 and 4-6 McMahon Street 31 Mitchell Street 2 High Street 88, 90-108, 114-120, 120, 122-132, 134-136, 138 and 160-164 Kilmore Road 9 Campbells Lane 31 Heathcote-Nagambie Road 6 and 11 Stewart Lane 5, 8 and 13 Ryans Lane CA1 Sec 24 and 25 McIvor Street 31 Armstrong Street 4, 5 Baynton Street 26 and 40 Broodie Street 20A, 26, 27, 28, 30 and 31 Craven Crescent 3, 9, 13, 15, 17, 19, 21 and 23 Flea Street 25-27, 29-31 and 32-38 Speed Street 4498, 4536 and 4552 McIvor Highway 42 Pohlman Street 1, 2, 3, 4, 5, 6, 7, 8, 9 and16 Thompsons Lane 20, 22, 24, 25, 26, 27, 28, and 29 Scotts Crescent	
Heathcote	18 Pohlman Street	Greater Bendigo C274gben 004D-HOMap44 Exhibition
Heathcote	2-24 Back Kyneton Road	Greater Bendigo C274gben 006EAOMap44 Exhibition

Planning and Environment Act 1987

Greater Bendigo Planning Scheme

Amendment C274gben

Instruction Sheet

The planning authority for this amendment is the Greater Bendigo City Council.

The Greater Bendigo Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 7 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 44 in the manner shown on the 2 attached maps marked “Greater Bendigo Planning Scheme, Amendment C274gben”.

2. Amend Planning Scheme Map Nos. 44 and 45 in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C274gben”.

Overlay Maps

3. Amend Planning Scheme Map No. 44HO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C274gben”.

4. Insert a new Planning Scheme Map No. 44DDO and 45DDO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C274gben”.

5. Amend Planning Scheme Map No. 44NCO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C274gben”.

6. Insert a new Planning Scheme Map No. 44EAO in the manner shown on the 1 attached map marked “Greater Bendigo Planning Scheme, Amendment C274gben”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

7. In **Planning Policy Framework** - replace Clause 11.01-1L-01 with a new Clause 11.01-1L-01 in the form of the attached document.

8. In **Planning Policy Framework** - replace Clause 12.01-1L with a new Clause 12.01-1L in the form of the attached document.

9. In **Planning Policy Framework** - replace new Clause 17.03-1L with a new Clause 17.03-1L in the form of the attached document.

10. In **Planning Policy Framework** - replace Clause 17.04-1L with a new Clause 17.04-1L in the form of the attached document.

11. In **Planning Policy Framework** - replace Clause 19.02-6L-01 with anew Clause 19.02-6L-01 in the form of the attached document.

12. In **Zones** - Clause 32.09, insert a new Schedule 2 in the form of the attached document.

13. In **Zones** - Clause 37.01, replace Schedule 8 with a new Schedule 8 in the form of the attached document.

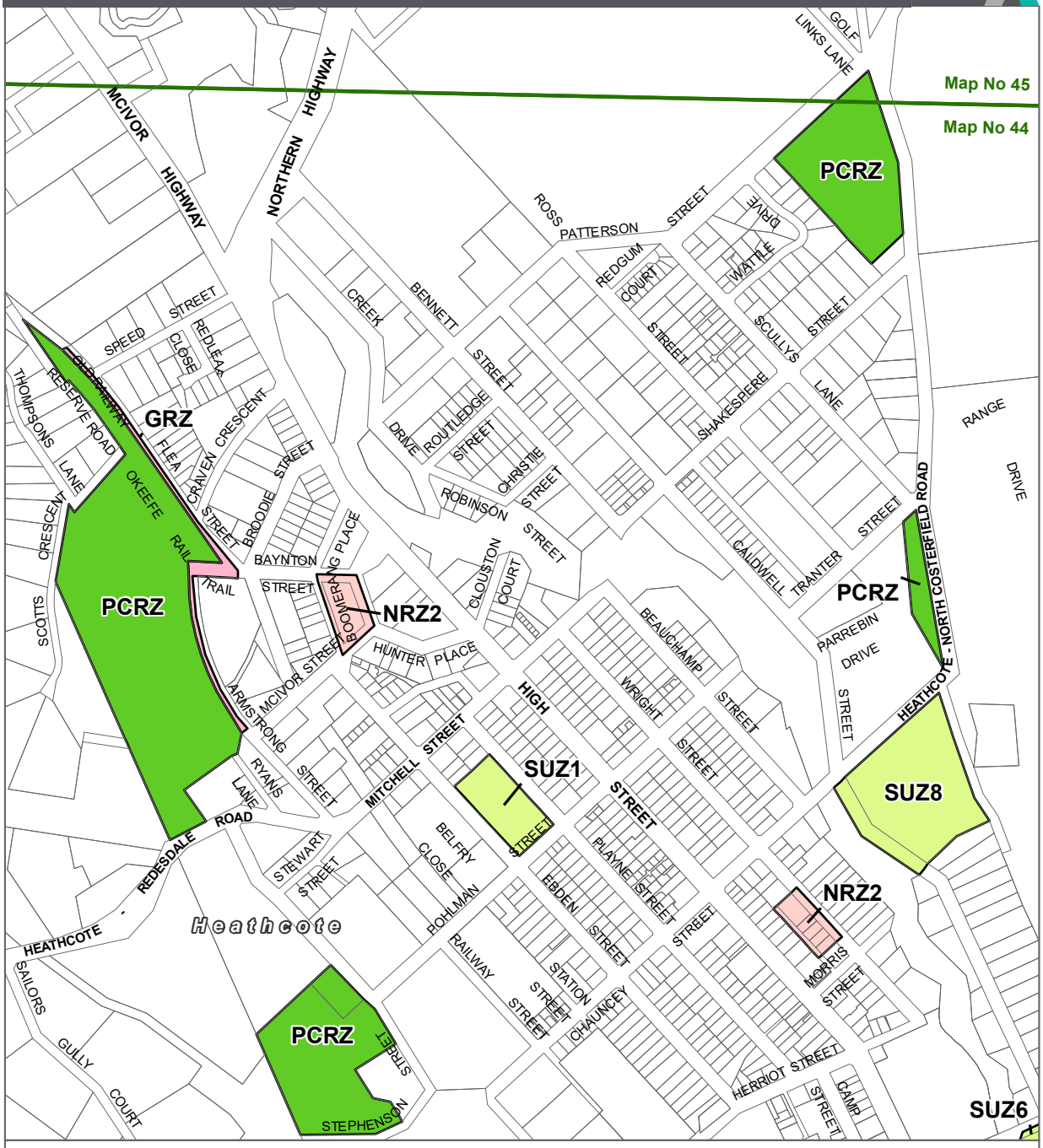
14. In **Operational Provisions** - Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.

15. In **Operational Provisions** - Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

16. In **Operational Provisions** - Clause 74.02, replace the Schedule with a new Schedule in the form of the attached document.

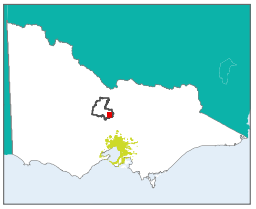
End of document

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C274gben



LEGEND

- GRZ - General Residential Zone
- NRZ - Neighbourhood Residential Zone
- PCRZ - Public Conservation and Resource Zone
- SUZ - Special Use Zone
- Local Government Area



Part of Planning Scheme Maps 44 & 45

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VICTORIA State Government
Department of Transport and Planning

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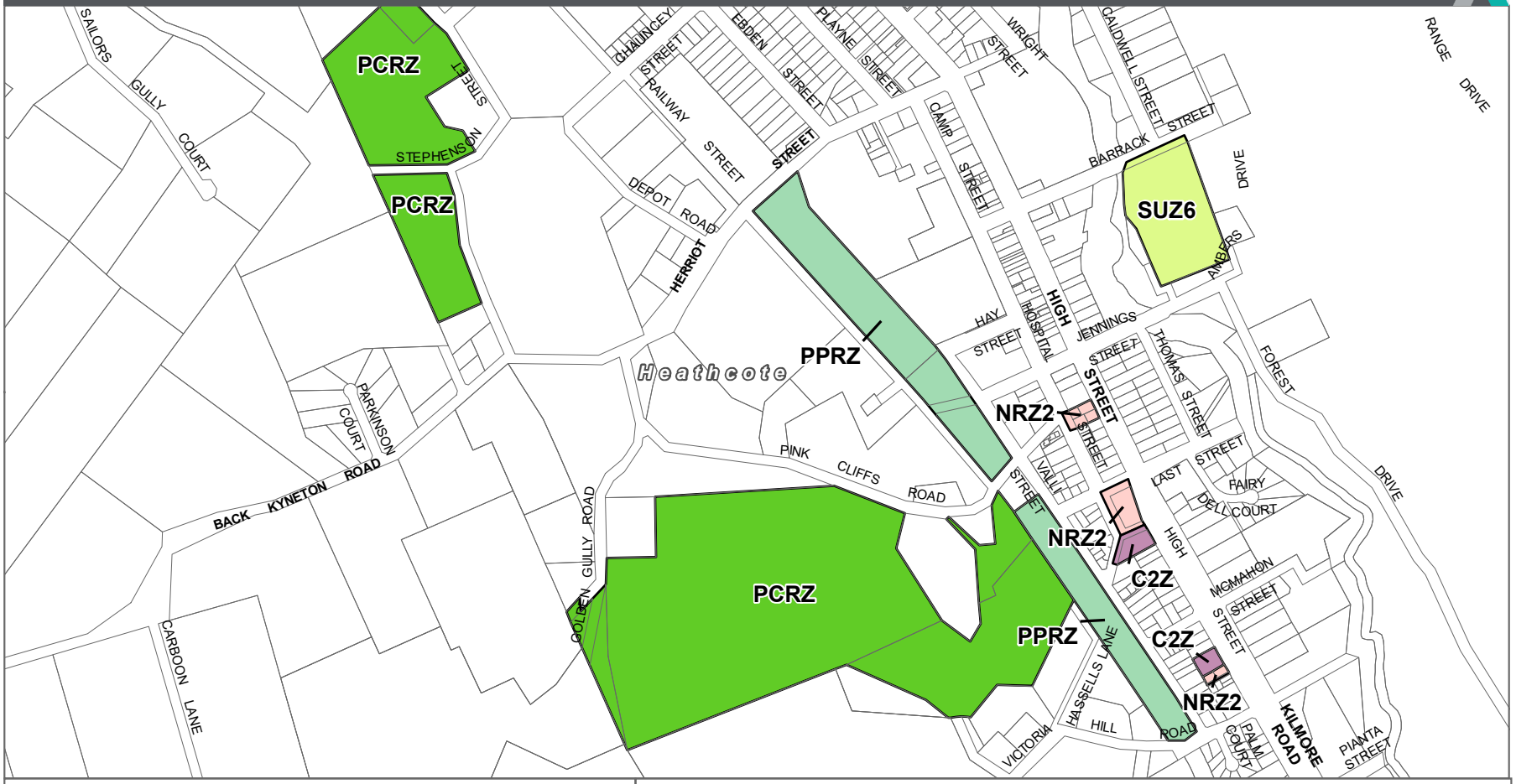
GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C274gben



LEGEND

- C2Z - Commercial 2 Zone
- NRZ - Neighbourhood Residential Zone
- PCRZ - Public Conservation and Resource Zone
- PPRZ - Public Park and Recreation Zone
- SUZ - Special Use Zone
- Local Government Area

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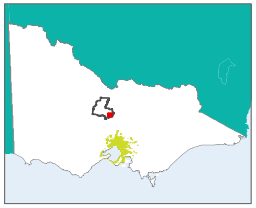
Amendment Version: 4

0 260 520
Metres

VICTORIA State Government | Department of Transport and Planning

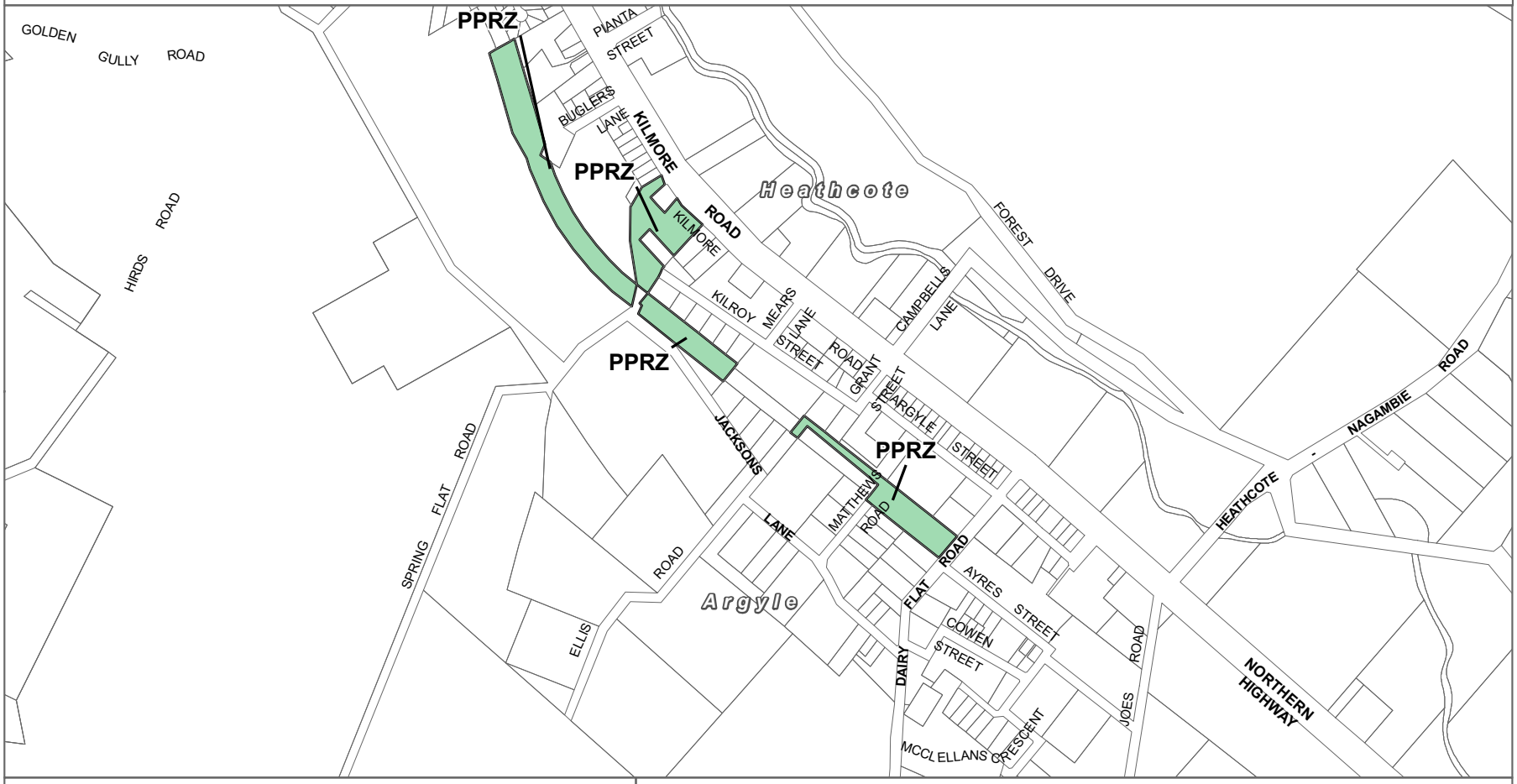
Part of Planning Scheme Map 44



002

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C274gben



LEGEND

PPRZ - Public Park and Recreation Zone

Local Government Area

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NORTH

0 290 580
Metres

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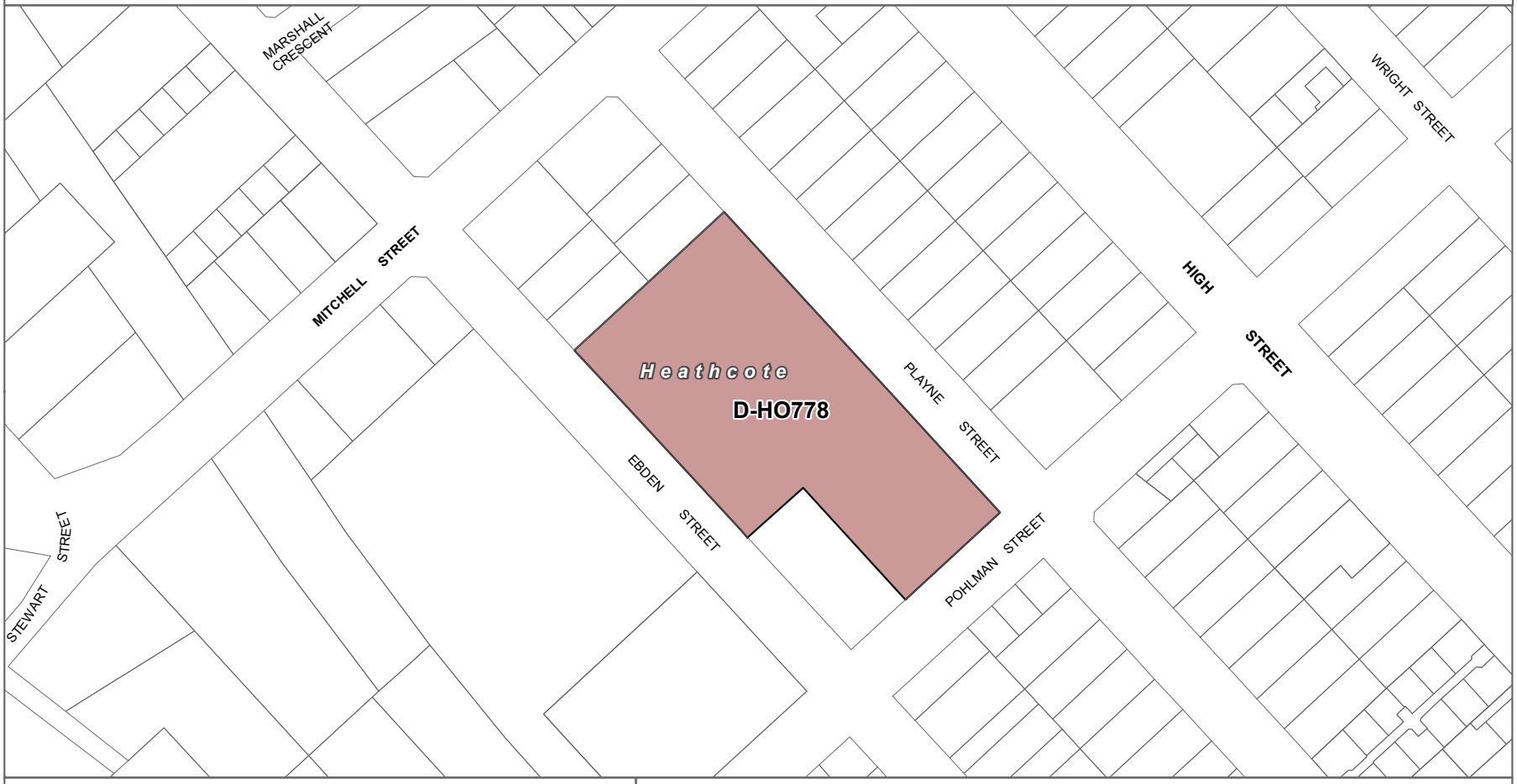
Part of Planning Scheme Map 44

003

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C274gben



LEGEND

D-HO - Area to be deleted from a Heritage Overlay

Local Government Area

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NORTH

0 60 120
Metres

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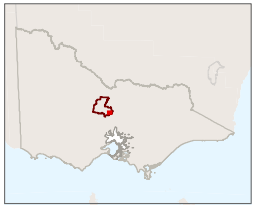
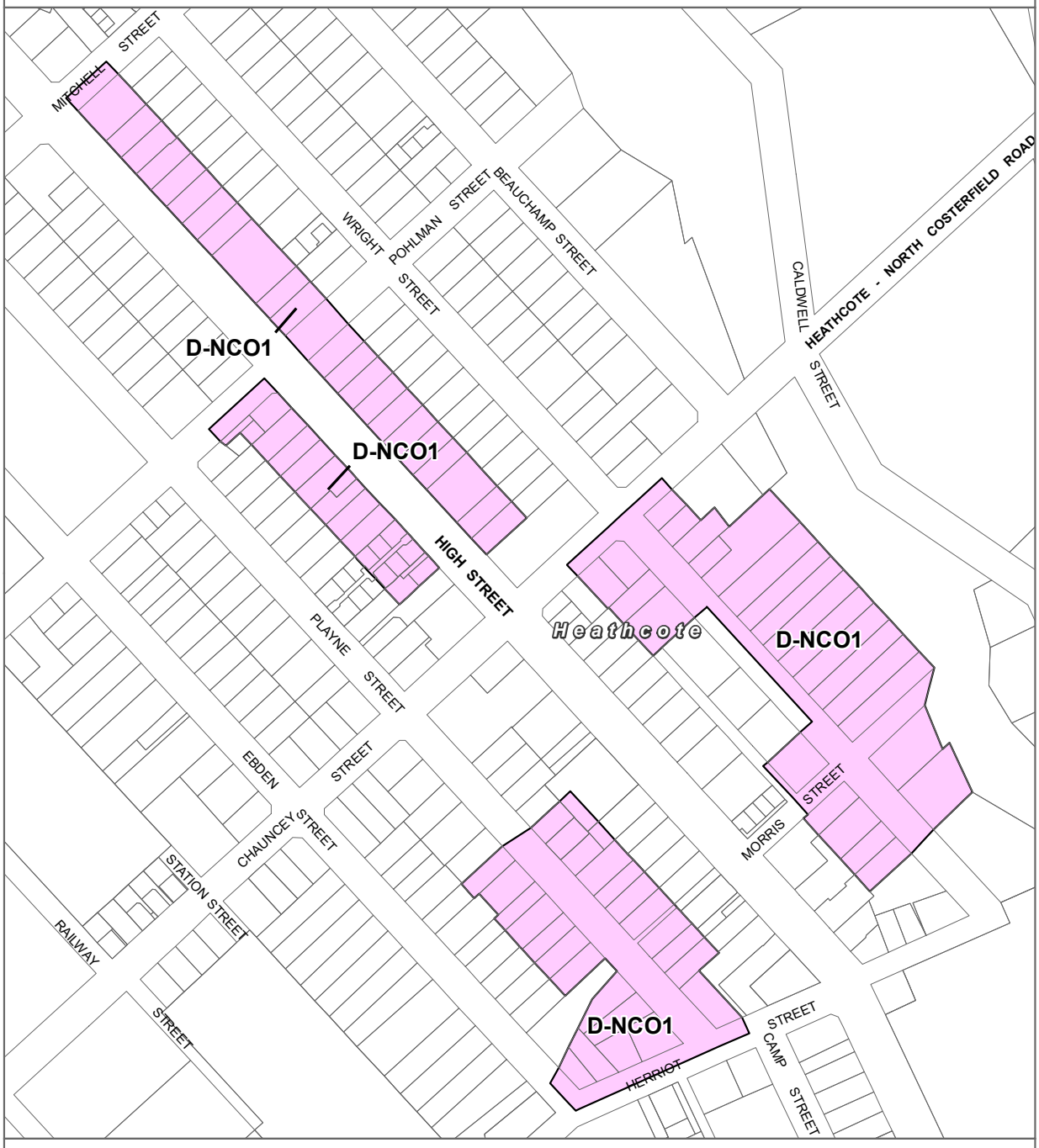
Part of Planning Scheme Map 44HO



004

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

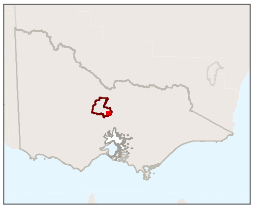
AMENDMENT C274gben



LEGEND

D-NCO - Area to be deleted from a Neighbourhood Character Overlay

Local Government Area



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NORTH

0 110 220
Metres

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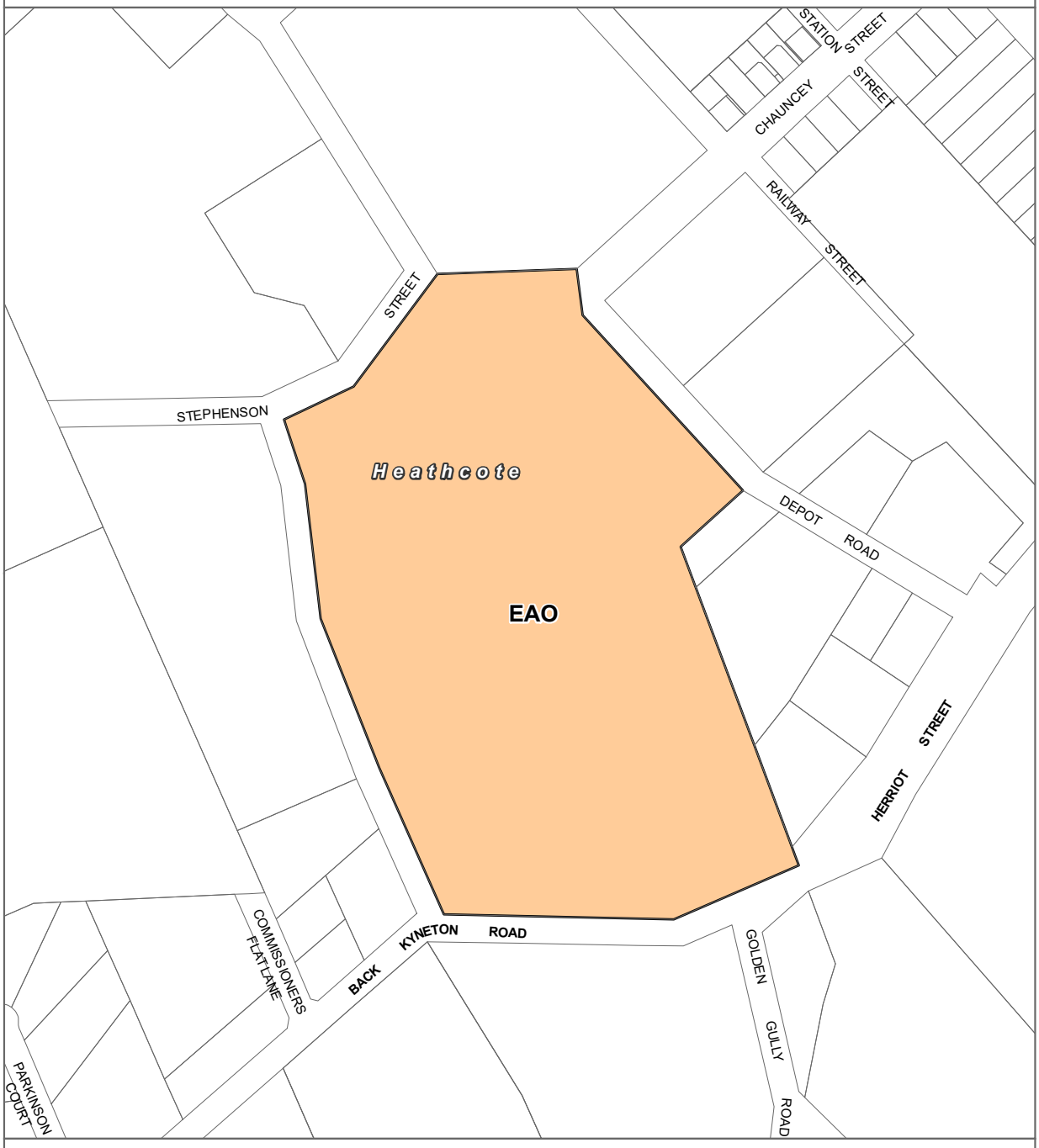
005

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

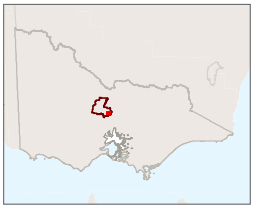
AMENDMENT C274gben



LEGEND

EAO - Environmental Audit Overlay

Local Government Area



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NORTH

0 90 180
Metres

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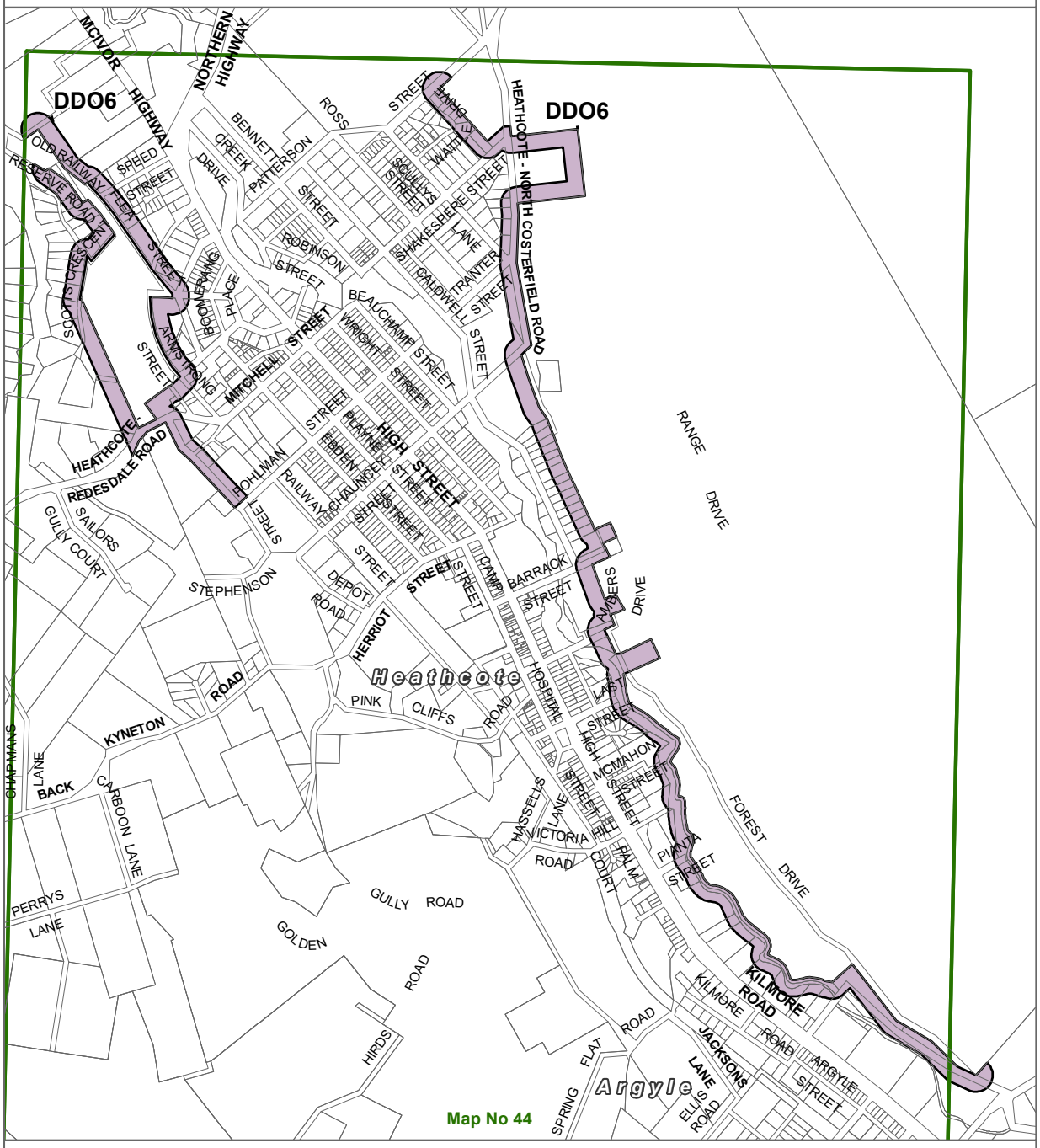
006

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

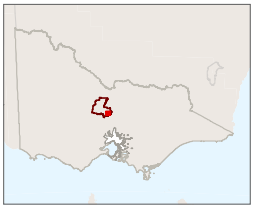
AMENDMENT C274gben



LEGEND

DDO6 - Design and Development Overlay - Schedule 6

Local Government Area



Part of Planning Scheme Maps 44DDO & 45DDO

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NORTH

0 540 1,080
Metres

VICTORIA State Government
Environment, Land, Water and Planning

007

SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ3**.

HEATHCOTE RESIDENTIAL AREAS

1.0 Neighbourhood character objectives

To support a diversity in residential dwelling types to meet changing housing needs.

To support development which provides generous front and side setbacks.

To support low height, permeable or no front fencing to provide active frontages with passive surveillance to streets and public spaces.

To support garages, carports and second storeys that are recessed from the ground floor façade and do not visually dominate dwellings or streetscapes.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	**None speficied**
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	**None speficied**

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	**A20 and B32**	**None specified**

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

None specified.

7.0 Decision guidelines

13/12/2023

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the lot size and density provide for a range of housing types.
- Whether the proposed front fence or building supports active frontages to the public realm.
- Whether the garage, carport or second storey is offset behind the front facade of the dwelling or building.
- Whether the development is setback from the front and side boundaries.

GREATER BENDIGO PLANNING SCHEME

11.01 VICTORIA

31/07/2018
VC148

11.01-1S Settlement

10/06/2022
VC216

Objective

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving transport network connections in and between regional cities, towns and Melbourne.
- Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.

- Minimising exposure to natural hazards, including increased risks due to climate change.
- Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.

Encourage a form and density of settlements that supports healthy, active and sustainable transport.

Limit urban sprawl and direct growth into existing settlements.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised.

Support metropolitan and regional climate change adaption and mitigation measures.

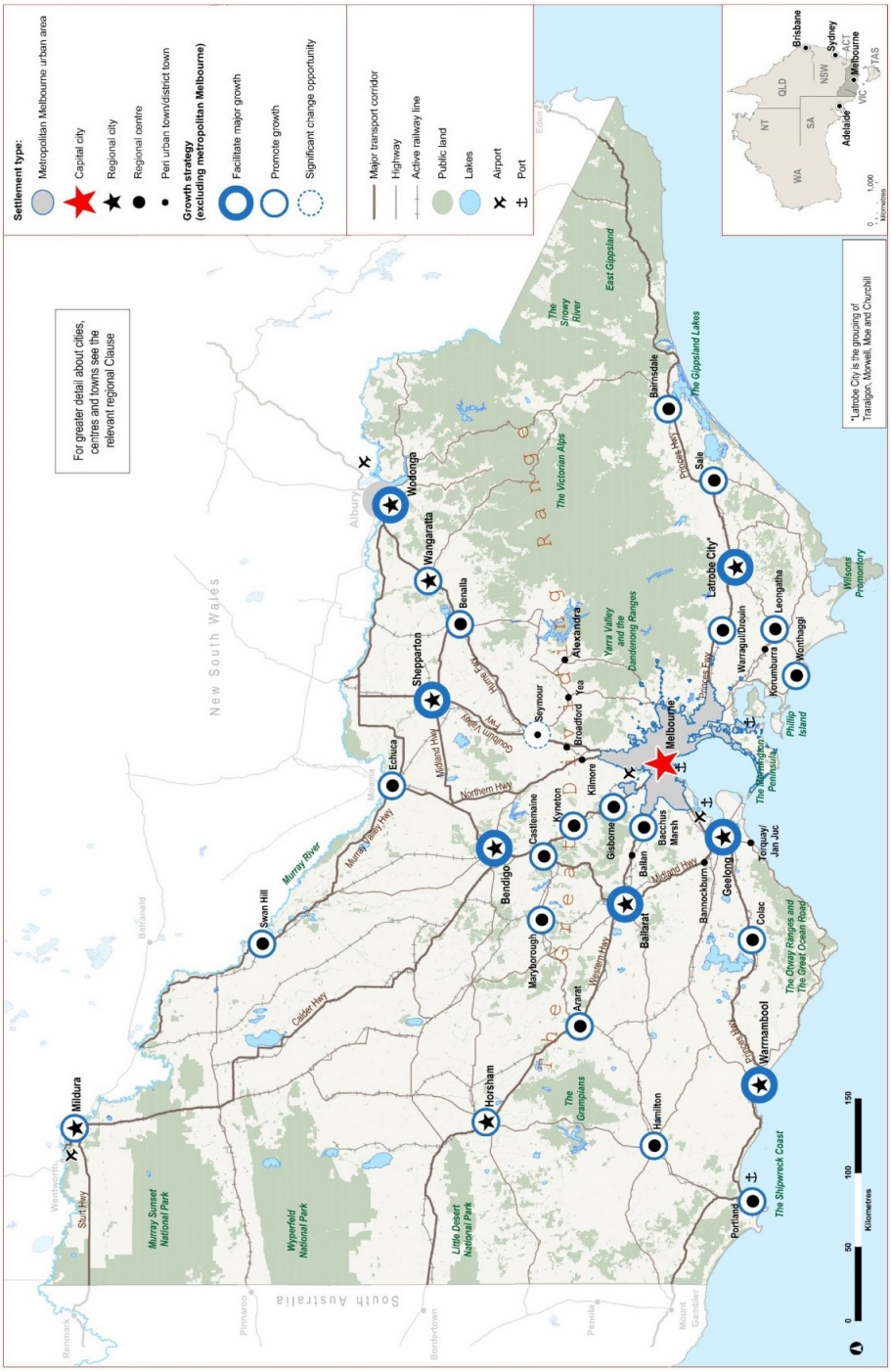
Policy documents

Consider as relevant:

- *Central Highlands Regional Growth Plan* (Victorian Government, 2014)
- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013)
- *Gippsland Regional Growth Plan* (Victorian Government, 2014)
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014)
- *Hume Regional Growth Plan* (Victorian Government, 2014)
- *Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014)
- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014)
- *Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014)
- *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning, 2017)
- *Plan Melbourne 2017-2050: Addendum 2019* (Department of Environment, Land, Water and Planning, 2019)

GREATER BENDIGO PLANNING SCHEME

Victoria Settlement Framework



11.01-1R Settlement - Loddon Mallee South

31/07/2018
VC148

Strategies

Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.

Manage and support growth in Castlemaine, Gisborne, Kyneton and Maryborough as employment and service hubs that reinforce the network of communities in the region.

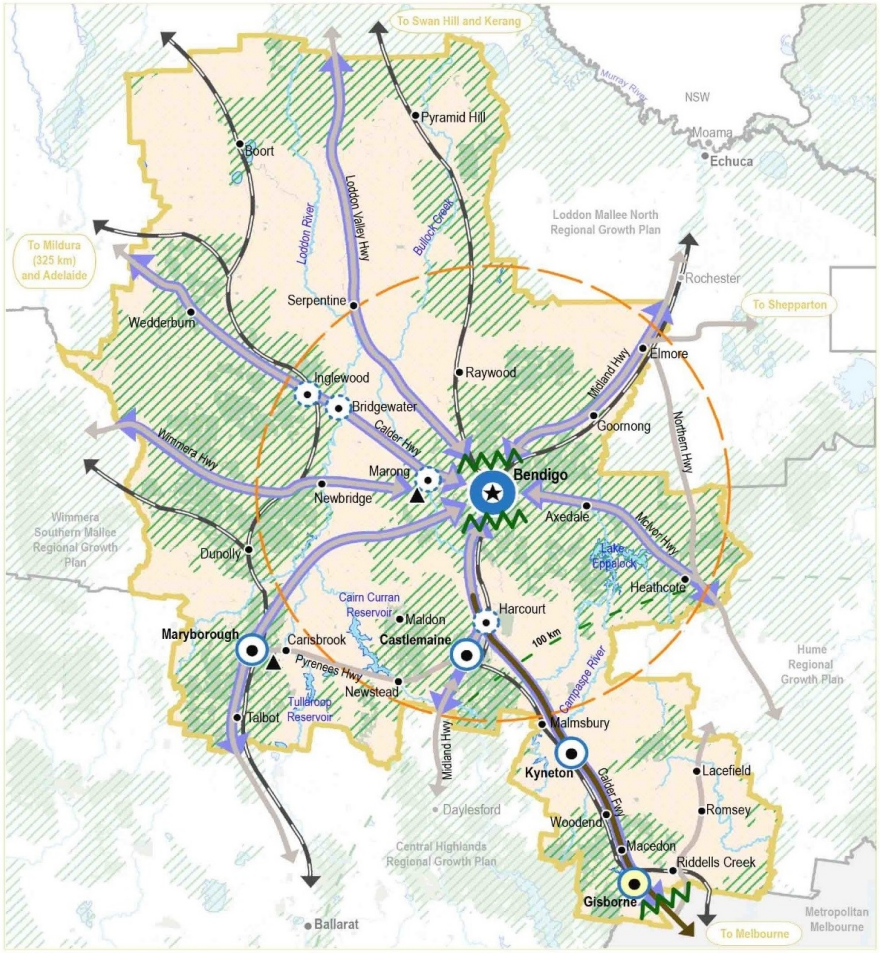
Support sustainable growth and expansion in Inglewood, Bridgewater, Marong and Harcourt to capitalise on their proximity to Bendigo.

Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.

Maintain non-urban breaks between settlements.

GREATER BENDIGO PLANNING SCHEME

Loddon Mallee South Regional Growth Plan



11.01-1L-01 Settlement - Greater Bendigo

~~11/03/2022~~ ~~C256gben~~ Proposed C274gben

Policy application

This policy applies to land identified for residential growth on the Bendigo urban area residential framework plan that forms part of this clause and the rural townships of Heathcote, Elmore, Goornong, Marong, Redesdale-Mia Mia and Axedale.

Objective

To manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to identified locations.

Strategies

Direct growth to areas within the Bendigo Urban Growth Boundary, the Bendigo City Centre and other major activity centres, and along main transit corridors.

Direct new residential development into identified residential growth areas within the Bendigo Urban Growth Boundary shown on the Bendigo urban area residential framework plan.

Support compact development within the urban growth boundary by directing new residential development into planned 10 minute neighbourhoods, around large activity centres and neighbourhood activity centres, and on identified key development sites, once development constraints have been addressed, as shown on the Bendigo urban area residential framework plan and listed below:

- Golden Square Chum Street mine site.
- Flora Hill La Trobe University.
- Kangaroo Flat Coliban Water site.
- East Bendigo VicRoads site.
- Maiden Gully South West Neighbourhood Activity Centre.

Support new innovative forms of housing, residential development and community focused neighbourhoods at key development sites.

Avoid rezoning land for residential use outside the Bendigo Urban Growth Boundary unless it abuts the urban growth boundary and all of the following can be met:

- It meets a shortfall in the supply of residential development.
- The land is identified on the Urban strategic framework plan in Clause 02.04 as a future urban investigation area.
- The development of the land will support the 10 minute neighbourhood principles in Clause 02.03-1.

Support residential development in the following rural townships:

- Heathcote.
- Elmore.
- Goornong.
- Marong.
- Redesdale – Mia Mia.
- Axedale.

Encourage new development in Heathcote to locate in accordance with the Heathcote strategic framework plan at Clause 11.01-1L-01.

Avoid rezoning land for sensitive uses within buffer distances of infrastructure with offsite impacts shown on the Urban strategic framework plan in Clause 02.04.

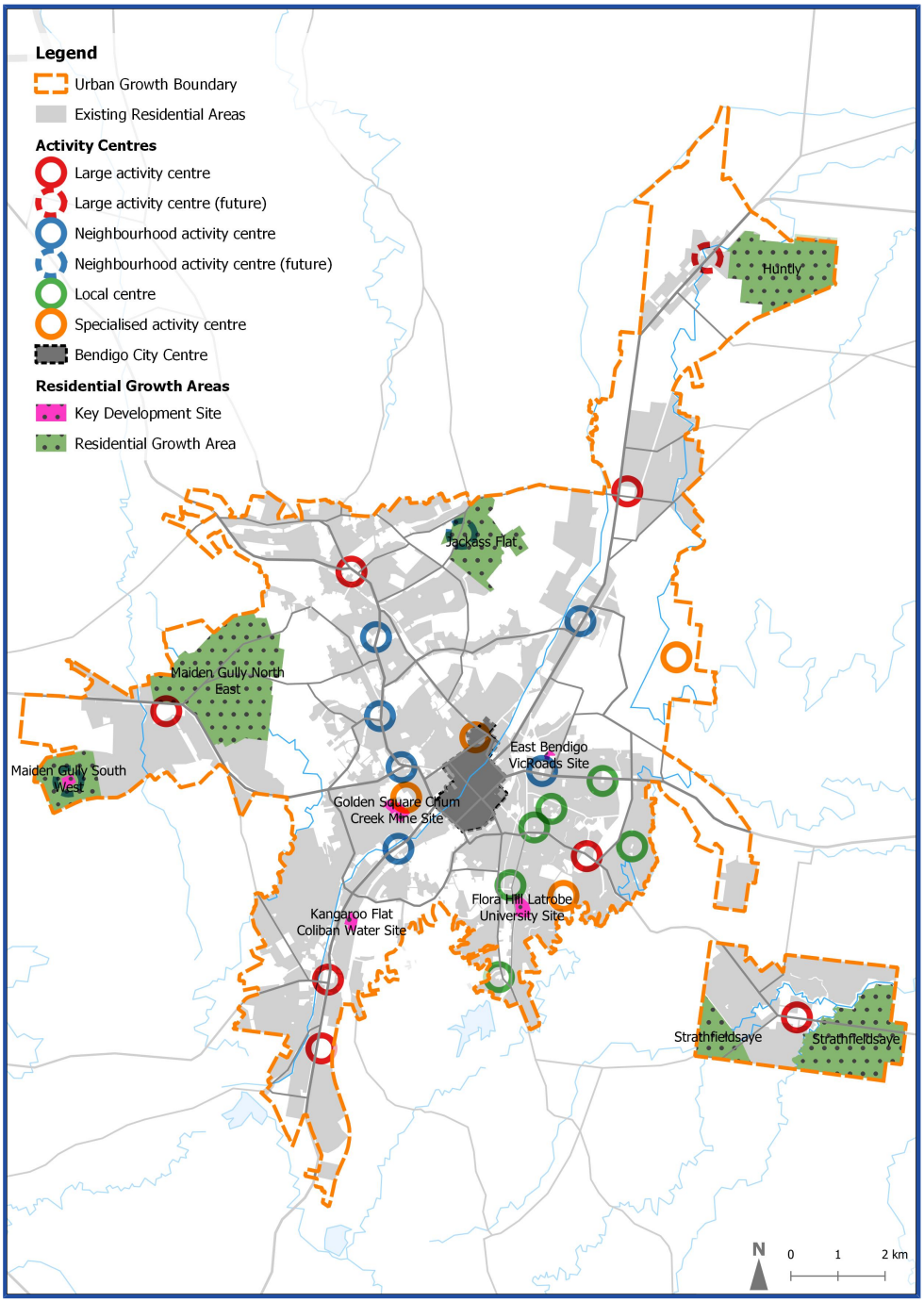
Policy guidelines

Consider as relevant:

- For land rezoning requests for residential, industrial and commercial purposes outside the urban growth boundary:
  - Land supply at a local and municipal level.
  - Whether the site is within walking distance of a proposed or existing railway station (800 metre walking distance) or bus stop (400 metre walking distance).
  - Proximity to and potential impacts on the arterial road network and connections to the public transport system.
  - Accessibility for pedestrians and cyclists within and external to the site.
  - Potential impact of bushfire, including whether the rezoning would require prescribed burning to be undertaken on Crown land in the vicinity.
  - The ecological sustainability of the proposed rezoning.
  - The quality of environmental and agricultural assets on the site and whether these should be protected.

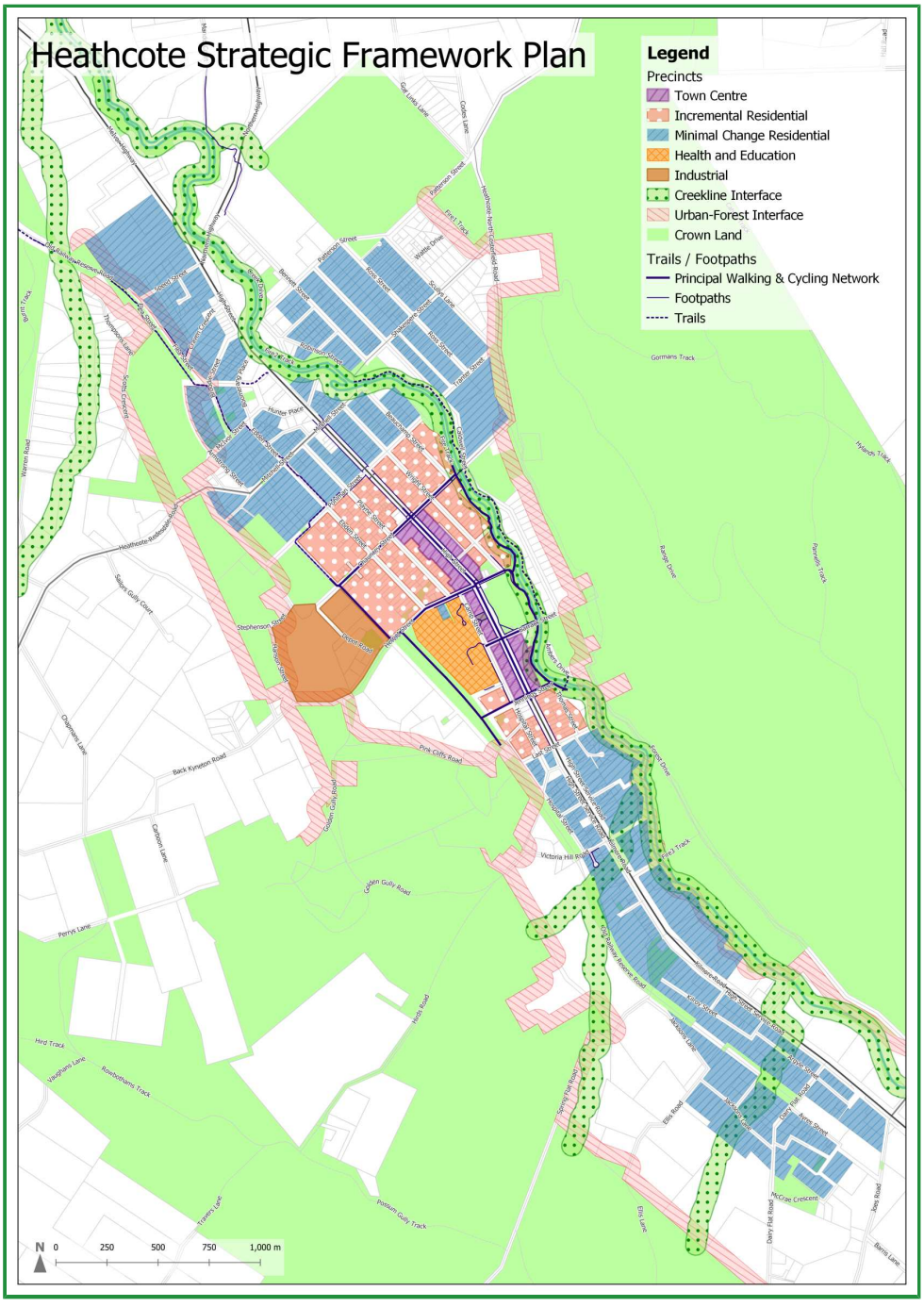
GREATER BENDIGO PLANNING SCHEME

Bendigo urban area residential framework plan



GREATER BENDIGO PLANNING SCHEME

Heathcote Strategic Framework Plan



11.01-1L-02 10 minute neighbourhoods - Greater Bendigo

11/03/2022
C256gben

Objective

To develop a network of attractive neighbourhoods that allow most people to access local facilities and services within 10 minute walking or cycling from their home.

Strategies

Manage growth in accordance with the 10 minute neighbourhood principles identified in Clause 02.03-1 to create identifiable communities where people can access many of their daily needs within a 10 minute walk or cycle trip from where they live.

Support residential development that is within 10 minutes walking or cycling distance from activity centres, or other community and commercial facilities.

Support proposals for uses such as convenience shops, food and drink premises, child care centres, schools, home offices and other uses that are consistent with 10 minute neighbourhood principles in residential areas.

Policy documents

Consider as relevant:

- *Greater Bendigo Housing Strategy* (City of Greater Bendigo, January 2018)
- *Walk, Cycle Greater Bendigo* (City of Greater Bendigo, September 2019)

GREATER BENDIGO PLANNING SCHEME

12.01 BIODIVERSITY

31/07/2018
VC148

12.01-1S Protection of biodiversity

20/03/2023
VC229

Objective

To protect and enhance Victoria's biodiversity.

Strategies

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity.

Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

Assist in the identification, protection and management of important areas of biodiversity.

Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Energy, Environment and Climate Action.

Policy documents

Consider as relevant:

- *Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994)*
- *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013)
- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017)
- *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017)
- *Victorian Waterway Management Strategy* (Department of Environment and Primary Industries, 2013)

12.01-1L Protection of biodiversity - Greater Bendigo

~~11/03/2022~~ ~~C256gben~~Proposed C274gben

Objective

To enhance biodiversity and biolinks across Greater Bendigo.

Strategies

Protect the Box Ironbark ~~forest~~Forest that surrounds the Bendigo Urban Growth Boundary.

Protect gully habitats.

Minimise removal of habitat from privately-owned forest land adjoining and linking publically owned reserves including Pilchers Bridge, Rocky Rises and Bendigo Creek.

Encourage the environmental restoration of the McIvor Creek.

Protect and enhance forested biolinks along roadways and waterways that contribute to a network of remnant habitat and wildlife corridors in a manner that does not increase bushfire risk to human life.

Protect the key environmental areas:

- The Campaspe River.
- The Coliban River.
- Lake Eppalock.
- The Greater Bendigo and Heathcote-Graytown National Parks.
- Regional parks.
- State forests.

Allow for buffers to sustain the riparian zone, incorporate remnant vegetation, accommodate projected flooding and maintain separation from development and protect cultural heritage beside rivers, creeks and gullies.

Protect large native trees that provide habitat.

Support biodiversity values through the retention of remnant vegetation in current and future built up areas, where it can be demonstrated that the vegetation can be managed in a way that bushfire risk to human life will not be increased.

Support the grouping of remnant vegetation into single locations in built up areas and residential growth areas to maintain biodiversity values.

Enhance biodiversity values on streets around, and between, substantial conservation spaces by:

- Incorporating wider reserves that can support more and larger trees.
- Incorporating informal-style plantings and the addition of an understorey.
- Planting native vegetation and plants that are indigenous to the local area.

Minimise development close to native vegetation reserves and linear linkages.

Policy documents

Consider as relevant:

- *2013-2019 North Central Regional Catchment Management Strategy* (North Central Catchment Management Authority, 2013)
- *North Central Native Vegetation Plan* (North Central Catchment Management Authority, 2005)
- *North Central Biolinks Principles and Approaches* (RMCG, December 2009)

- *Strategic Directions Rural Roadside Conservation* (City of Greater Bendigo, 2011)
- *Greater Bendigo Public Space Plan* (City of Greater Bendigo, June 2019)

12.01-2S Native vegetation management

20/03/2023
VC229

Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Energy, Environment and Climate Action.

Policy documents

Consider as relevant:

- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017)
- *Assessor's handbook – applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, 2017)

GREATER BENDIGO PLANNING SCHEME

17.03 INDUSTRY

31/07/2018
VC148

17.03-1S Industrial land supply

03/03/2023
VC215

Objective

To ensure availability of land for industry.

Strategies

Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify 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.

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Policy documents

Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Publication 1518, Environment Protection Authority, March 2013)

GREATER BENDIGO PLANNING SCHEME

17.03-1L Industrial land supply - Greater Bendigo

~~11/03/2022~~ ~~C256gben~~ Proposed C274gben

Policy application

This policy applies to applications for use and development in the industrial areas shown on the Industrial strategic framework plan that forms part of this clause and applications for industrial use in non industrial zones.

Objective

To encourage diversification and expansion of the municipality's industrial base.

Strategies

Direct industrial development and infrastructure to the areas shown on the Industrial strategic framework plan particularly:

- East Bendigo and Wellsford Estate Industrial Precinct.
- Goornong Industrial Precinct.
- Bendigo Airport Business Park Special Use Zone.
- Marong Business Park Comprehensive Development Zone.

Support industrial subdivisions that provide a variety of lot sizes to support different industry types.

Support the redevelopment of older and underutilised industrial areas for newer types of industry to make more effective use of existing infrastructure.

Support environmentally compatible and ecologically sustainable industry.

Protect existing industrial uses from encroachment by non-industrial uses.

Ensure land in undeveloped areas is not fragmented and remains in large holdings until it is required for development.

Support the revitalisation and renewal of older industrial areas.

Support industrial development in rural townships in areas that will not impact on existing residential amenity.

Discourage industrial use or development in rural areas other than for rural industry.

East Bendigo and Wellsford Industrial Precinct

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.

Goornong Industrial Precinct

Facilitate rural based industries that are compatible with the surrounding rural area.

Avoid subdivision of large landholdings to assist in the attraction of rural based industries to the precinct.

Locate industries that require higher threshold buffer distances under Clause 53.10 in the north of the precinct.

Avoid impacts on surrounding rural land through design, siting and use of buffers.

Provide landscaping to enhance the rural setting of the precinct.

Protect existing remnant vegetation as part of development.

Heathcote

Support the longer-term industrial development of land at 2-24 Back Kyneton Road, Heathcote subject to an environmental audit being undertaken.

Bendigo Airport Business Park Special Use Zone

Support new industries at the Bendigo Airport Business Park that are compatible with airport operations.

Policy guideline

Consider as relevant:

- Providing local species of vegetation as part of any approved landscaping plan in the Goornong Industrial Estate.

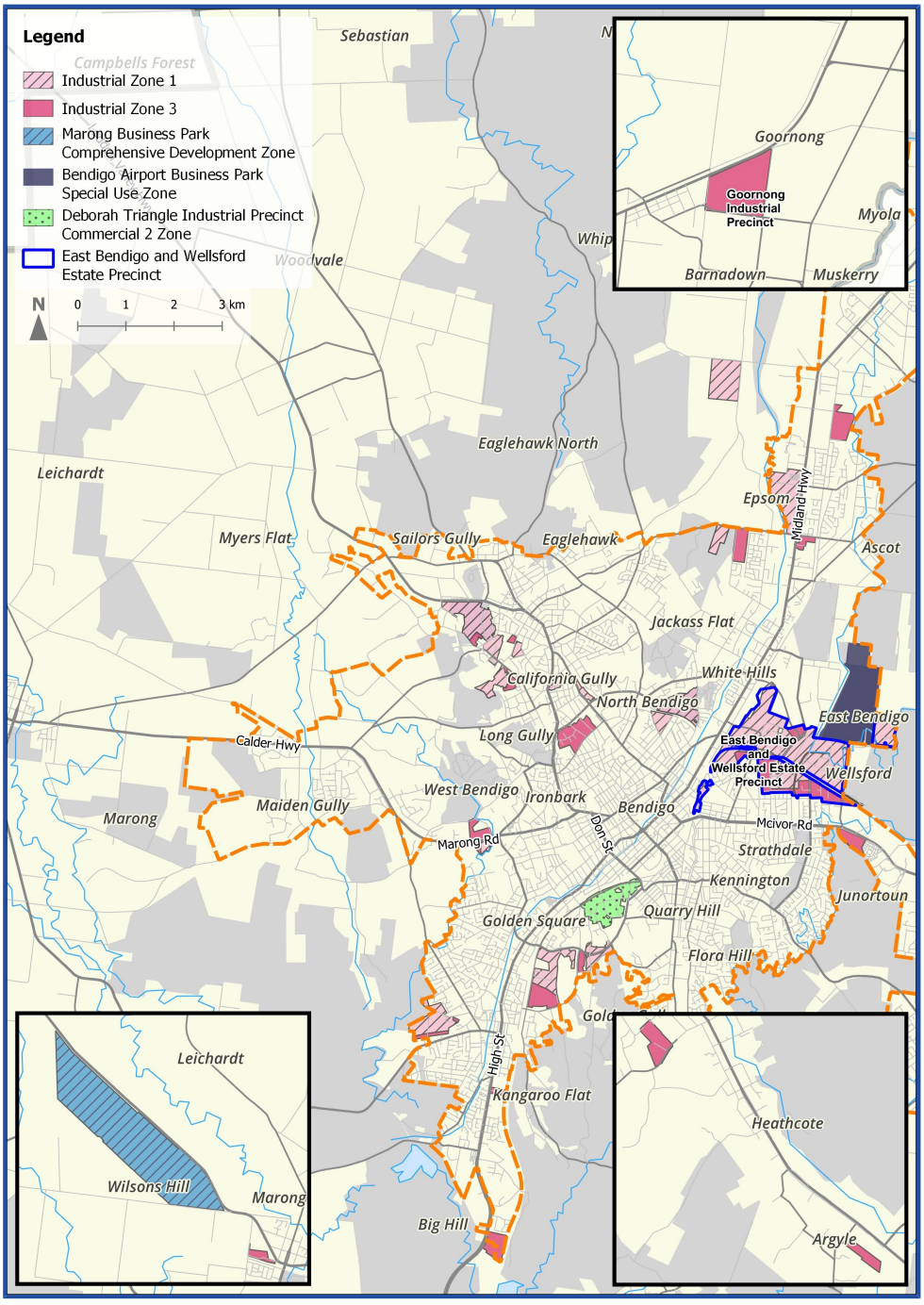
Policy documents

Consider as relevant:

- *Bendigo Industrial Land Strategy* (GHD, June 2002)
- *Review of Demand and Supply for Industrial Land in Greater Bendigo* (SGS Economics and Planning, February 2012)
- *East Bendigo Local Structure Plan* (Maunsell Australia, 2006 amended 2013)

GREATER BENDIGO PLANNING SCHEME

Industrial strategic framework plan



17.03-2S Sustainable industry

03/03/2023
VC215

Objective

To facilitate the sustainable operation of industry.

Strategies

Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.

Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.

Minimise inter-industry conflict and encourage like industries to locate within the same area.

Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.

Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

Support the retention of small-scale industries servicing established urban areas through appropriate zoning.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

Policy documents

Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Publication 1518, Environment Protection Authority, March 2013)

17.03-3S State significant industrial land

03/03/2023
VC215

Objective

To protect industrial land of state significance.

Strategies

Protect state significant industrial precincts from incompatible land uses to allow for future growth. State significant industrial precincts include but are not limited to:

- Southern Industrial Precinct - Dandenong South.
- Northern Industrial Precinct - Campbellfield, Somerton and Thomastown.
- Western Industrial Precinct - Laverton North and Derrimut.
- Officer / Pakenham Industrial Precinct.
- Port of Hastings Industrial Precinct.

Ensure sufficient availability of strategically located land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses.

Protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.

Policy documents

Consider as relevant:

- *Melbourne Industrial and Commercial Land Use Plan* (Department of Environment, Land, Water and Planning, 2020)

GREATER BENDIGO PLANNING SCHEME

17.04 TOURISM

31/07/2018
VC148

17.04-1S Facilitating tourism

31/07/2018
VC148

Objective

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies

Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Seek to ensure that tourism facilities have access to suitable transport.

Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.

Create innovative tourism experiences.

Encourage investment that meets demand and supports growth in tourism.

Policy guidelines

Consider as relevant:

- Any applicable regional tourism development strategy.

Policy documents

Consider as relevant:

- *Tourism Investment Guidelines – Your Guide to Tourism Investment in Victoria* (Tourism Victoria, 2008)

17.04-1R Tourism - Loddon Mallee South

31/07/2018
VC148

Strategies

Support the designation of Castlemaine Diggings National Heritage Park as a World Heritage place to underpin tourism.

Facilitate tourism opportunities in appropriate locations near heritage places and natural environments.

GREATER BENDIGO PLANNING SCHEME

17.04-1L Tourism - Greater Bendigo

~~11/03/2022~~ ~~C256gben~~ Proposed C274gben

Strategies

Build on Greater Bendigo's core tourism strengths of historic goldrush streetscapes, heritage architecture and Chinese heritage by supporting sympathetic and complementary development proposals.

Support the development of the Aspire Precinct, located in the grounds of the Sacred Heart Cathedral, including a new interpretive centre, community function space, cafe and retail space, a new piazza, to provide a new cultural tourism attraction and landmark gateway to the Bendigo City Centre.

Support the Great Stupa development in Myers Flat as a unique and alternative tourism experience.

Support public art in public and private laneways.

Support food and beverage tourism and the development of cultural and creative industries.

Support tourism development that enables the reuse and adaption of heritage places.

Support the development of Heathcote as a tourist destination, by improving the appearance and use of the main street.

Encourage tourism uses associated with the Heathcote Golf Course.

17.04-2S Coastal and maritime tourism and recreation

20/03/2023
VC229

Objective

To encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment.

Strategies

Support safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:

- Responds to identified demand.
- Minimises impact on environmental and cultural values.
- Minimises impact on other users.
- Minimises direct and cumulative impacts.
- Maintains public safety.
- Responds to the carrying capacity of the site.
- Minimises exposure to coastal hazard risks and risks posed by climate change.

Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.

Ensure sites and facilities are accessible to all.

Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.

Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.

Develop a network of maritime precincts around Port Phillip and Western Port that serve both local communities and visitors.

Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point/Cowes and Wyndham.

Support a sustainable network of facilities for recreational boating and water-based activities that respond to:

- Identified demand.
- Use and safety considerations.
- The carrying capacity of the location.
- Coastal processes.
- Environmental values.

Strategically plan and operate ports to complement each other in the context of the broader economy, transport networks and the maritime and coastal environments within which they are regulated.

Provide public access to recreational facilities and activities on land and water.

Policy guidelines

Consider as relevant:

- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)
- *Gippsland Boating Coastal Action Plan 2013 - Gippsland Coastal Board*

- *Recreational Boating Facilities Framework July 2014 - Central Coastal Board*
- *Western Boating Coastal Action Plan 2010 - Western Coastal Board*

Policy documents

Consider as relevant:

- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

GREATER BENDIGO PLANNING SCHEME

19.02 COMMUNITY INFRASTRUCTURE

31/07/2018
VC148

19.02-1S Health facilities

31/07/2018
VC148

Objective

To assist the integration of health facilities with local and regional communities.

Strategies

Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.

Plan public and private developments together, where possible, including some degree of flexibility in use.

Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.

Provide adequate car parking for staff and visitors of health facilities.

19.02-2S Education facilities

29/09/2022
VC222

Objective

To assist the integration of education and early childhood facilities with local and regional communities.

Strategies

Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.

Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.

Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.

Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.

Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).

Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.

Locate tertiary education facilities within or adjacent to activity centres.

Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.

Consider the existing and future transport network and transport connectivity.

Develop libraries as community based learning centres.

Co-locate a kindergarten facility with all new Victorian Government primary schools.

19.02-3S Cultural facilities

31/07/2018
VC148

Objective

To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

Strategies

Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.

Reinforce the existing major precincts for arts, sports and major events of state wide appeal.

Establish new facilities at locations well served by public transport.

19.02-4S Social and cultural infrastructure

31/07/2018
VC148

Objective

To provide fairer distribution of and access to, social and cultural infrastructure.

Strategies

Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.

Encourage the location of social and cultural infrastructure in activity centres.

Ensure social infrastructure is designed to be accessible.

Ensure social infrastructure in growth areas, is delivered early in the development process and in the right locations.

Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.

Support innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

Identify and protect land for cemeteries and crematoria.

19.02-4L Social and cultural infrastructure - Greater Bendigo

11/03/2022
C256gben

Strategies

Support social and cultural infrastructure in rural townships.

Promote social and cultural infrastructure that allow people to come together for social and learning purposes, allow for community connection and build community resilience.

Policy documents

Consider as relevant:

- *Greater Bendigo Health and Wellbeing Plan 2017 – 2021* (City of Greater Bendigo, October 2017)
- *Greater Bendigo Community Plan, 2017–2021* (City of Greater Bendigo, June 2017)

19.02-5S Emergency services

31/07/2018
VC148

Objective

To ensure suitable locations for police, fire, ambulance and other emergency services.

Strategies

Ensure police, fire, ambulance and other emergency services are provided for in or near activity centres.

Locate emergency services together in newly developing areas.

19.02-6S Open space

31/07/2018
VC148

Objective

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Strategies

Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.

Ensure that open space networks:

- Are linked, including through the provision of walking and cycling trails.
- Are integrated with open space from abutting subdivisions.
- Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.
- Maintain public accessibility on public land immediately adjoining waterways and coasts.

Create opportunities to enhance open space networks within and between settlements.

Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.

Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of waste water to reduce turbidity and pollution.

Improve the quality and distribution of open space and ensure long-term protection.

Protect large regional parks and significant conservation areas.

Ensure land identified as critical to the completion of open space links is transferred for open space purposes.

Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.

Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

Accommodate community sports facilities in a way that is not detrimental to other park activities.

Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.

Develop open space to maintain wildlife corridors and greenhouse sinks.

Provide new parkland in growth areas and in areas that have an undersupply of parkland.

Encourage the preparation of management plans or explicit statements of management objectives for urban parks.

Ensure exclusive occupation of parkland by community organisations is restricted to activities consistent with management objectives of the park to maximise broad community access to open space.

Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.

Ensure public access is not prevented by developments along stream banks and foreshores.

Ensure public land immediately adjoining waterways and coastlines remains in public ownership.

Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.

19.02-6L-01 Open space and public land - Greater Bendigo

~~11/03/2022~~ ~~C256gben~~ Proposed C274gben

Policy application

This policy applies to the allocation of land and the use and development of land for open spaces and public land in Greater Bendigo including the open space network shown on the Public open space network – Bendigo urban area map that forms part of this clause.

Strategies

Support the development of a network of integrated primary and secondary public space corridors and link major urban parklands in accordance with the Public open space network – Bendigo urban area map.

Incorporate rivers, creeks and gullies as the primary foundation for the establishment of public open space corridors within the Bendigo urban growth boundary and within rural townships.

Expand and restore the Bendigo Bushland Trail as a means to experience the forest landscape surrounding urban Bendigo.

Progressively improve the major urban parklands, as shown in the Public open space network – Bendigo urban area map, as key public space resources by optimising their use of available space, prioritising accessible and pedestrian-friendly environments and preventing incursions by uses or developments that impact on the amenity of major urban parklands.

Reinforce the significance of small open spaces in the urban areas by designing subdivisions and local street networks to incorporate small, incidental public open spaces that add to local amenity and character.

Retain strategic elements of former mining land as part of the public open space network to recognise its contribution to the character, heritage and identity of Greater Bendigo.

Develop the Bendigo Creek as Bendigo's primary public space spine by:

- Completing a continuous pedestrian and cycling connection as part of the creek corridor between Kangaroo Flat and Epsom.
- Supporting development and open spaces that strengthen the relationship of the creek with its surrounding area.

Create high quality and well connected public spaces and improve connections to paths along waterways and connecting to the O'Keefe Trail.

Policy guidelines

Consider as relevant:

- Connecting new public open space with other existing public spaces and other existing public open space.
- Creating new public open space that can be safely accessible and traversable, including for people with limited mobility or with a disability.
- Providing new public open space that is not negatively affected by the adjoining land use and development.
- Siting new public open space that enhances the liveability of its locality through:
  - Providing providing shade, amenities and access to nature.
  - Being located away from unreasonable noise impacts associated with traffic and other urban land use activities.
  - Having solar access of at least 5 hours a day.

- Providing new public open space that is not constrained by issues which have significant financial or safety implications, such as contamination, unsuitable soil type, poor drainage or weed infestation.
- Providing a space that is not unreasonably constrained by encumbrances such as easements for services or drainage, underground or overhead utilities, past mining activity.
- Providing new public open space that protects and enhances any significant biodiversity and conservation values, without unreasonably affecting its broader use, unless the space is intended to fulfil biodiversity conservation as a primary purpose.
- Providing new public open space that improves access to public open space within the locality.
- Providing new public open space that protects and enhances any significant indigenous or non-indigenous values, but without unreasonably affecting its broader use.
- Providing new public open space in a location and with physical attributes that add to the character, attractiveness and amenity of the neighbourhood.
- Creating a space that is flexible in its nature and has capacity to accommodate a diversity of uses.
- Providing a space that is visually prominent so that its use and contribution to the community is maximised, and it is safe due to passive surveillance.
- Avoiding new public open space that has the potential to increase bushfire risk and designing the space to incorporate bushfire management requirements.

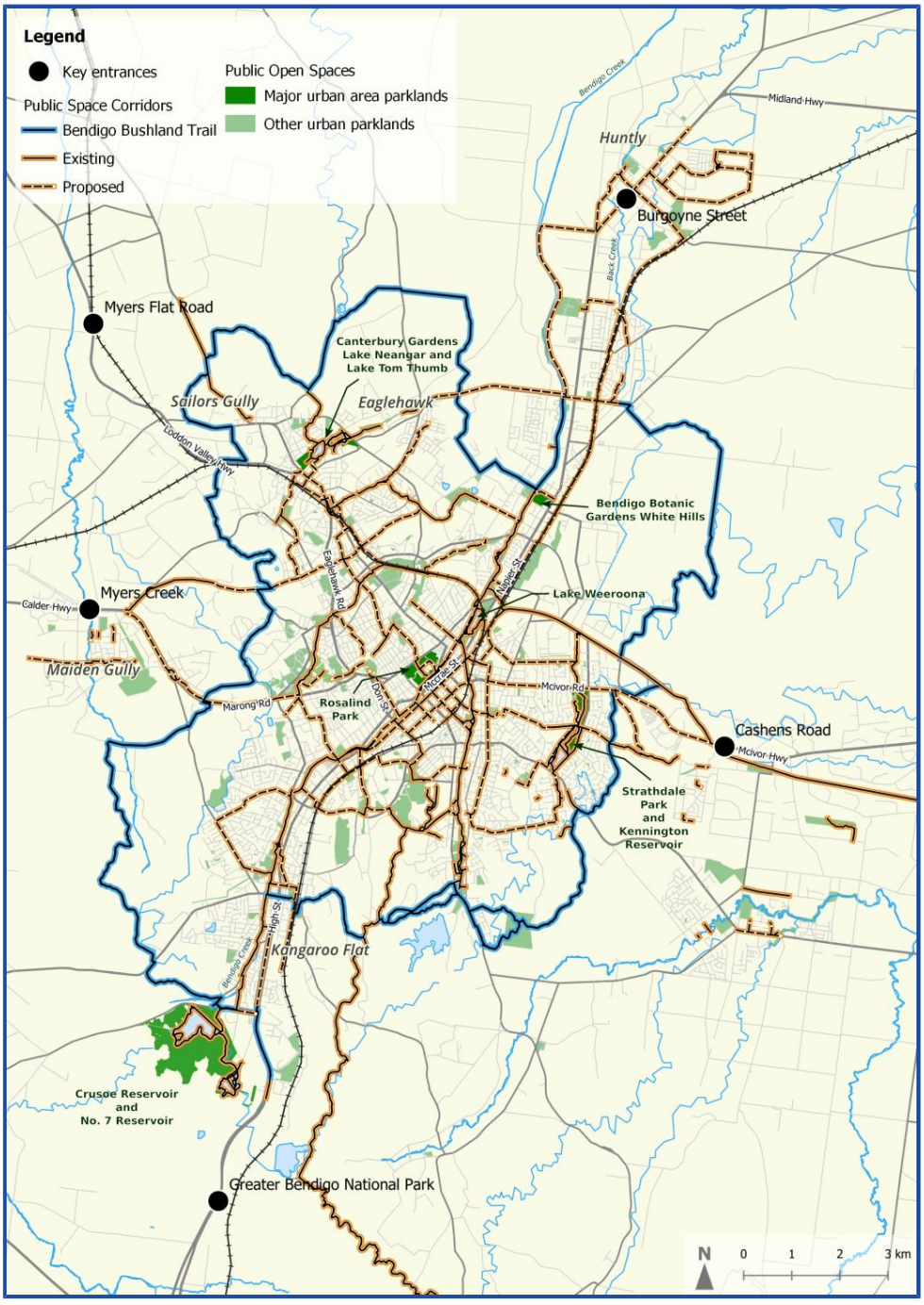
Policy document

Consider as relevant:

- *Greater Bendigo Public Space Plan* (City of Greater Bendigo, June 2019)

GREATER BENDIGO PLANNING SCHEME

Public open space network - Bendigo urban area map



19.02-6L-02 Design of public open space

11/03/2022
C256gben

Objective

To facilitate the activation of public open space, including privately owned spaces for the public, and support community health and wellbeing.

Strategies

Promote commercial activity within public open spaces that:

- Is compatible with the functions of the public open space.
- Includes activated and engaging frontages and shop fronts.
- Has an on street presence and activity.
- Does not dominate or compromise the valued characteristics of the public open space.

Design public open space to include large flexible, multi-purpose exterior space with facilities and infrastructure that can support organised sport, local activities and events.

Locate public open spaces incorporating organised sport facilities adjacent to schools to enable joint use arrangements.

Policy guidelines

Consider as relevant:

- Providing sufficient land area to accommodate all planned organised sport components, as well as ample space for passive use and other functions.
- Locating the space close to or connected with a planned public open space corridor.
- Providing public open space on land with suitable topography, soil and drainage conditions for the proposed use.
- Providing a separation between adjoining sensitive land uses to minimise conflict from noise, floodlighting and other amenity impacts.

Policy document

Consider as relevant:

- *Greater Bendigo Public Space Plan* (City of Greater Bendigo, June 2019)

GREATER BENDIGO PLANNING SCHEME

11/01/2024 -/-/---- C247gbenProposed C274gben

SCHEDULE 8 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ8.**

BENDIGO SHOWGROUNDS

Purpose

To allowprovide for the use of the Bendigo Showgrounds for the Bendigo Show and to support, in the non show period, for a range of entertainment, recreational, commercial and community activities.

To encourage multiple uses of land and buildings to ensure usage of the facility throughout the yearprovide for the use of the Heathcote Showgrounds for a range of entertainment, recreation, commercial and community activities.

To ensure that the multiple use and development of these facilities takes place in an orderly and proper manner and does not cause loss of amenity to the surrounding area or neighbourhoodof land and buildings within the showgrounds to facilitate their usage throughout the year.

1.0 Table of uses

11/01/2024 C247gben

Section 1 - Permit not required

Use	Condition
Agriculture (other than Intensive animal production)	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Caretaker's house	
Exhibition centre	
Informal outdoor recreation	
Market	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Store (other than Freezing and cool storage)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Adult sex product shop

Use
Cemetery
Freezing and cool storage
Intensive animal production
Motor racing track
Transport terminal
Warehouse (other than Store)

2.0
11/01/2024
C247gben

Use of land

The following requirements apply to an application to use land:

- A use must not detrimentally affect the amenity of the neighbourhood, including through the:
  - Transport of materials, goods or commodities to or from the land.
  - Appearance of any building, works or materials.
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- Noise emission levels must not exceed the following levels:
  - Public address systems: 55db(A) LEQ.
  - Music or concerts: 65db(A) LEQ measured outside any residential property.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities that will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill.
- If an industry or store:
  - The type and quantity of goods to be stored, processed or produced.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal supports the use of the land for the Bendigo Show.
- Whether the use is an entertainment, recreational, commercial or community activity.
- Whether the use will cause a loss of amenity to the surrounding area or neighbourhood through the movement of pedestrians, cyclists or vehicles.

- Whether the use will cause a loss of amenity to the surrounding area or neighbourhood through the frequency of any proposed events.
- Whether the use will cause a loss of amenity to the surrounding area or neighbourhood through the hours of operation, particularly in respect to night time use.

3.0 Subdivision

18/12/2020
C245gben

None specified.

4.0 Buildings and works

11/01/2024
C247gben

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage areas.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage, driveways, vehicle parking and loading areas.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal supports the development of the land for the Bendigo Show.
- Whether the development supports the use of facilities for entertainment, recreational, commercial and community activities.
- Whether the movement of pedestrians, cyclists and vehicles will result in a loss of amenity to the surrounding area or neighbourhood.
- Whether changes to the streetscape through the conservation of buildings, building design and treatment, illumination or landscaping will result in a loss of amenity to the surrounding area or neighbourhood.
- Whether any other aspects of the development of facilities will result in a loss of amenity to the surrounding area or neighbourhood.

5.0 Signs

11/01/2024
C247gben

Sign requirements are at Clause 52.05. This zone is in Category 1.

GREATER BENDIGO PLANNING SCHEME

16/08/2018
C236

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

~~11/01/2024~~ ~~--/--/----~~
~~C247gben~~Proposed C274gben

- 1, 1BMO, 1HO, 1LSIO, 1SMO, 1VPO
- 2, 2BMO, 2ESO, 2HO, 2RO, 2SCO, 2VPO
- 3, 3ESO, 3HO, 3SCO, 3VPO
- 4, 4ESO, 4HO, 4VPO
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- 44, 44BMO, 44DDO, 44DPO, 44EAO, 44ESO, 44HO, 44LSIO, 44NCO, 44SCO, 44SLO, 44VPO
- 45, 45BMO, 45DDO, 45DPO, 45ESO, 45HO, 45LSIO, 45SLO, 45VPO

GREATER BENDIGO PLANNING SCHEME

13/05/2022
C261gben

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0 Background documents

~~11/01/2024~~ ~~--/--/----~~
~~C247gben~~Proposed C274gben

Name of background document	Amendment number - clause reference
2013-2019 North Central Regional Catchment Strategy (North Central Catchment Management Authority, 2013)	C256gben - Clause 12.01-1L
2014-2022 North Central Waterway Strategy (North Central Catchment Management Authority, 2014)	C256gben - Clause 12.01-1L
A Land Capability Study of the City of Greater Bendigo, Huntly District (Bluml, M et al, November 1995)	NFPS - Clause 14.01-1L, Clause 14.01-2L-01, Clause 16.01-3L
A Land Capability Study of the City of Greater Bendigo, Strathfieldsaye District (Bluml, M et al, October 1995)	NFPS - Clause 14.01-1L, Clause 14.01-2L-01, Clause 16.01-3L
A Land Capability Study of the Rural City of Marong (Bryant, E and Lorimer, M, April 1993)	NFPS - Clause 14.01-1L, Clause 14.01-2L-01, Clause 16.01-3L
All Saints' Anglican Church, School and Master's Residence Conservation Management Plan (City of Greater Bendigo, August 2012)	C197 - Clause 15.03-1L
Axedale Community Plan 2018-2022 (Greater Bendigo City Council, December 2017)	C256gben - Clause 42.03s02
Axedale Township Structure Plan (Greater Bendigo City Council, March 2009)	C108 - Clause 42.03s02, Clause 43.02s09
Bendigo Aerodrome Master Plan 2007-2022 (Airport Plus Pty Ltd, July 2007)	C175 - Clause 18.04-1L
Bendigo Airport Australian Noise Exposure Forecast for 2032 (ANEF 2032) (Kneebone Planning, November 2012)	C175 - Clause 18.04-1L
Bendigo Airport Strategic Plan (City of Greater Bendigo, June 2009)	C175 - Clause 18.04-1L
Bendigo and Eaglehawk Heritage Study (Butler, G and Associates, 1993)	NFPS - Clause 15.03-1L
Bendigo CBD Parking Precinct Plan (City of Greater Bendigo, 2009)	C169 - Clause 45.09s01
Bendigo CBD Parking Strategy (GTA Consultants, October 2008)	C169 - Clause 45.09s01
Bendigo CBD Plan: New Visions, New Opportunities (Planisphere, December 2005)	C86 - Clause 43.02s05, Clause 43.04s20
Bendigo City Centre Heritage Study Stage 1, Volume 2: Individually Significant Places (GML Heritage Victoria Pty Ltd trading as Context, June 2021)	C235gben - Clause 43.01s
Bendigo Highway Entrances and Boulevard Study (TBA Planners et al, 1994)	NFPS - Clause 18.02-3L-01
Bendigo Industrial Land Strategy (GHD, June 2002)	C41 - Clause 17.03-1L
Bendigo Liquor Accord (Victorian Commission for Gaming and Liquor Regulation, September 2019)	C256gben - Clause 13.07-1L
Bendigo Region Destination Management Plan (Urban Enterprises, November 2015)	C256gben - Clause 17.04-1L
Bendigo Urban Flood Study (Water Technology, November 2013)	C221 - Clause 13.03-1L, Clause 44.04s01, Clause 44.04s02

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Name of background document	Amendment number - clause reference
Big Hill Enterprise Park Landscape Development Report (Spiire, 2014)	C200 - Clause 43.02s19
Certificate of Environmental Audit, part 47 Lansell Street, East Bendigo (Golder Associates Pty Ltd, January 2016)	C220 - Clause 43.04s16
City of Greater Bendigo Annual Report 2018-2019 (City of Greater Bendigo, October 2019)	C256gben - Clause 02.01
City of Greater Bendigo Community Plan 2017-2021 (City of Greater Bendigo, June 2019)	C256gben - Clause 02.02, Clause 02.03-9, Clause 19.02-4L
City of Greater Bendigo Domestic Wastewater Management Strategy 2014-15 (City of Greater Bendigo, 2014)	C214 - Clause 16.01-3L, Clause 19.03-3L, Clause 42.01s02, Clause 42.01s03
City of Greater Bendigo Gaming Policy Framework – "Accessible but not convenient" (Coombes Consulting Group, October 2007)	C110 - Clause 52.28s
City of Greater Bendigo Good Design Guide for Industry (City of Greater Bendigo, 1997)	NFPS - Clause 15.01-1L-02
City of Greater Bendigo Heritage Study Stage 2: Former Shires of McIvor and Strathfieldsaye. Volume 1 Key Findings and Recommendations (City of Greater Bendigo, 2009)	C139 Pt 1 - Clause 15.03-1L
City of Greater Bendigo Heritage Study Stage 2: Former Shires of McIvor and Strathfieldsaye. Volume 2 Heritage Place and Precinct Citations (City of Greater Bendigo, 2009)	C139 Pt 1 - Clause 15.03-1L
City of Greater Bendigo (Marong District) Heritage Study, Stage 1 Report (Andrew Ward, 1994)	C256gben - Clause 15.03-1L
City of Greater Bendigo Residential Character Study (Planisphere, 2001)	C29 - Clause 15.01-5L
City of Greater Bendigo Rural Communities Strategy (City of Greater Bendigo, August 2016)	C256gben - Clause 02.03-2, Clause 02.03-4
Code of Practice for the Operation of Boarding Establishments (Department of Economic Development, Jobs, Transport and Resources, August 2018)	C256gben - Clause 14.01-2L-02
Code of Practice for the Keeping of Racing Greyhounds (Department of Economic Development, Jobs, Transport and Resources, April 2018)	C256gben - Clause 14.01-2L-02
Code of Practice for the Operation of Dog Training Establishments (Department of Economic Development, Jobs, Transport and Resources, August 2018)	C256gben - Clause 14.01-2L-02
Commercial Land and Activity Centre Strategy (City of Greater Bendigo, November 2015 (updated January 2017))	C224 - Clause 11.03-1L, Clause 17.02-1L, Clause 42.02s08, Clause 43.02s04
Connecting Greater Bendigo Integrated Transport and Land Use Strategy (City of Greater Bendigo, August 2015)	C227 - Clause 18.01-1L, Clause 18.02-1L, Clause 18.02-2L, Clause 18.02-3L-01
Eaglehawk Structure Plan (Hansen Partnership, July 2013)	C213 - Clause 43.02s23
East Bendigo Local Structure Plan (Maunsell Australia, July 2006 (amended 2013))	C191 - Clause 17.03-1L
Environmental Management Plan, Capped Area within Crown Allotment 2081, 107 to 125 Holdsworth Road, North Bendigo (URS Australia Pty Ltd, August 2013)	C173 - Clause 37.01s11

GREATER BENDIGO PLANNING SCHEME

Name of background document	Amendment number - clause reference
Environmental Management Plan, Roadways and Fenced Area, 107 to 125 Holdsworth Road, North Bendigo (URS Australia Pty Ltd, September 2013)	C173 - Clause 37.01s11
Forest Park Master Plan (Roberts Day, December 2013)	C190 - Clause 43.04s28
Fortuna Villa Environmental Audit Report (Coffey Environments, October 2012)	C204 - Clause 37.02s01
Greater Bendigo Environment Strategy 2016-2021 (City of Greater Bendigo, 2016)	GC110 - Clause 15.02-1L
Greater Bendigo Health and Wellbeing Plan 2017-2021 (City of Greater Bendigo, October 2017)	C256gben - Clause 02.03-9, Clause 11.03-1L, Clause 19.02-4L
Greater Bendigo Heritage Policy Citations Review, Revision 2 (City of Greater Bendigo, 2011)	C162 Pt 2 - Clause 15.03-1L
Greater Bendigo Housing Strategy (City of Greater Bendigo, January 2018)	C256gben - Clause 02.03-1, Clause 11.01-1L-01
Greater Bendigo Public Space Plan (City of Greater Bendigo, June 2019)	C256gben - Clause 02.03-2, Clause 02.03-9, Clause 12.01-1L, Clause 12.05-2L, Clause 15.01-1L-01, Clause 15.01-3L, Clause 15.03-1L, Clause 18.01-1L, Clause 18.02-1L, Clause 18.02-2L, Clause 18.02-3L-01, Clause 19.02-6L-01, Clause 19.02-6L-02
Greater Bendigo Residential Strategy (City of Greater Bendigo, October 2014 (amended March 2016))	C215 - Clause 11.01-1L-01
Greater Bendigo Thematic Environmental History (City of Greater Bendigo, 2013)	C201 - Clause 15.03-1L
Greater CREATIVE Bendigo (City of Greater Bendigo, November 2018)	C256gben - Clause 02.03-9, Clause 17.04-1L
Heathcote Flood Study (BMT WBM Pty Ltd, March 2016)	C243gben - Clause 13.03-1L, Clause 44.04s01, Clause 44.04s02, Clause 44.04s03
Heathcote-Strathfieldsaye Heritage Study Thematic Environmental History (City of Greater Bendigo, 2002)	C139 Pt 1 - Clause 15.03-1L
Heathcote Township Plan (City of Greater Bendigo, July 2019)	C274gben - Clause 11.03-6L-04
Heritage Assessment, Former City of Bendigo Abattoir (Anthemion Consultancies, August 2014)	C220 - Clause 43.04s16
Hospital Precinct Structure Plan (City of Greater Bendigo, September 2014)	C216 - Clause 11.03-6L-02, Clause 43.02s21, Clause 43.02s22, Clause 45.09s02
Huntly Township Plan (Parsons Brinckerhoff, revised December 2009)	C136 - Clause 43.04s25
Infrastructure Design Manual (Local Government Infrastructure Design Association, March 2020)	GC112 - Clause 19.03-2L
Ironbark Heritage Study 2010: volume 1 (City of Greater Bendigo, 2010)	C129 - Clause 15.03-1L
Ironbark Heritage Study 2010: volume 2 citations (City of Greater Bendigo, revised July 2011)	C129 - Clause 15.03-1L
Jackass Flat Local Structure Plan (Hansen Partnership, April 2007 (amended October 2009))	C133 - Clause 43.04s21

GREATER BENDIGO PLANNING SCHEME

Name of background document	Amendment number - clause reference
Kangaroo Flat South Regional Centre Structure Plan (Hansen Partnership, May 2006)	C87 - Clause 43.04s17
Land Capability Mapping and Assessment Tools for Wastewater Management (City of Greater Bendigo, 2015)	C214 - Clause 14.01-1L, Clause 16.01-3L, Clause 19.03-3L
Maiden Gully Structure Plan (TBA Planners and Planning Australia Consultants, October 1996)	C128 Pt 2 - Clause 43.02s10
North Central Biolinks Principles and Approaches (RMCG, December 2009)	C256gben - Clause 12.01-1L
North Central Native Vegetation Plan (North Central Catchment Authority, 2005)	C60 - Clause 12.01-1L
Northern Corridor and Huntly Local Structure Plan (Conceptz et al, February 2005)	C69 - Clause 43.02s04, Clause 43.02s08
Plan Greater Bendigo Action Plan (City of Greater Bendigo et al, January 2018)	C256gben - Clause 02.02
Public Open Space Contributions Background Report to Amendment C266gben (City of Greater Bendigo, December 2022)	C266gben - Clause 53.01s
Review of Demand and Supply for Industrial Land in Greater Bendigo (SGS Economics and Planning, February 2012)	C161 Pt 1 - Clause 17.03-1L
Rural Areas Strategy (City of Greater Bendigo, September 2009)	C256gben - Clause 14.01-1L, Clause 16.01-3L
Site Environmental Management Plan, Former VicRoads Depot Buildings, 47 Lansell Street, Bendigo East (Beveridge Williams, January 2016)	C220 - Clause 43.04s16
Statement of Environmental Audit 47 Lansell Street East Bendigo (Golder Associates, December 2005)	C34 - Clause 43.04s16
Strategic Directions Rural Roadside Conservation (City of Greater Bendigo, 2011)	C256gben - Clause 12.01-1L
Strathfieldsaye Township Plan (Centrum Town Planning, amended March 2012)	C232gben - Clause 11.03-6L-03, Clause 43.04s26
Strathfieldsaye Urban Design Framework (City of Greater Bendigo, February 2017)	C232gben - Clause 11.03-6L-03, Clause 43.02s27, Clause 43.02s28, Clause 43.02s29
Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, May 2006)	C161 Pt 1 - Clause 43.04s29
Vision and Transition Strategy for a Water Sensitive Bendigo (Cooperative Research Centre for Water Sensitive Cities Ltd, July 2018)	C256gben - Clause 02.03-9, Clause 19.03-3L
Walk, Cycle Greater Bendigo (City of Greater Bendigo, September 2019)	Clause 256gben - Clause 02.03-8, Clause 11.01-1L-01, Clause 18.01-1L, Clause 18.02-1L, Clause 18.02-2L

GREATER BENDIGO PLANNING SCHEME

11/03/2022
C256gben

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0 Further strategic work

~~11/01/2024~~ ~~--/--/----~~
~~C247gben~~Proposed C274gbenReview, prepare and implement as appropriate:

- The Industrial Land Strategy and Good Design Guide for Industry.
- The City Centre Plan and Parking Strategy.
- A municipal settlement strategy – urban settlement plan including:
  - A bushfire risk assessment.
  - A review of residential and mixed use zones.
  - An investigation of future growth areas.
- A municipal settlement strategy – rural settlement plan including:
  - A review of the Rural Areas Study 2009.
  - Protection for productive farm land and activities including intensive animal industries.
  - Identifying the role of rural townships, small townships and rural living areas.
  - Providing policy guidance for rural industry.
  - Identifying and protecting significant landscapes.
- An environmental significance study including:
  - A review of existing provisions.
  - A native vegetation protection strategy.
  - Urban forest interface and biolink protections.
- A Greater Bendigo greening strategy including:
  - Identification of significant urban trees.
  - An analysis of heat island effect.
  - Landscape and subdivision design guidelines.
  - An urban forest strategy.
- A climate change adaptation strategy.
- Structure plans and development contributions plans for major new greenfield areas:
  - Marong Township.
  - Maiden Gully North East.
- A development contributions plan for Huntly West growth area.
- A future growth plan and development contributions plan for Huntly.
- Public open space projects including:
  - Open Space Contributions policy and schedule.
  - Streetscape protection policy.
  - Zoning and overlay review.
- A Bendigo Creek plan.

- A review of neighbourhood character overlays and policies and design and development overlays.
- Implement flood studies for:
  - Marong.
  - Redesdale.
  - Lockwood
  - Flood mitigation for urban Bendigo.
- A review of the Highway Entrances & Boulevards Study 1994.
- A municipal wide heritage strategy.
- Heritage studies for:
  - The Bendigo City Centre.
  - Golden Square.
  - The former Huntly Shire.
  - Significant trees.
  - Bendigo/Quarry Hill.
  - The urban area that was formerly in Strathfieldsaye Shire.
  - Post War.
  - Eaglehawk/Sailors Gully.
  - Marong.
- Buffers controls for:
  - Eaglehawk Landfill.
  - Bendigo Water Reclamation Plant.
- A review to identify contaminated land including closed landfills.
- Commercial design guidelines, including for shopping centres.
- Residential infill urban design guidelines.
- Urban design frameworks for:
  - Ironbark.
  - Marong.
  - Maiden Gully.
  - Epsom.
  - Kangaroo Flat.
  - Golden Square.
  - Heathcote.
  - Elmore.
  - The University Precinct (including Kennington).
- Structure plans for 10 minute neighbourhoods, in order to apply appropriate residential zones and schedules and overlays and schedules:

  - Golden Square.
  - Epsom.
  - Kangaroo Flat.
  - Strathdale and Kennington.
  - Kangaroo Flat South.
  - Eaglehawk.
  - Huntly.
  - Maiden Gully.
  - Bendigo.
  - Strathfieldsaye.
- A structure plan for East Bendigo and Junortoun.
- Structure plans for rural townships:
  - ~~Heathcote.~~
  - Elmore.
  - Goornong.
  - Redesdale.
  - Structure plan for Lake Eppalock.
- Residential rezonings, as appropriate, in accordance with the housing strategy.
- An affordable housing plan.
- Freight corridor and precinct plans to protect key freight routes, identify heavy vehicle and trailer exchange facilities, and a freight terminal hub.
- Water sensitive urban design guidelines.
- A review of planning controls for the Bendigo Airport.
- A Greater Bendigo development contributions plan framework.
- Prepare a design and development overlay to replace Clause 18.03-2L Calder Freeway and Calder Highway environs.
- A review of current development plan overlay schedules, particularly:
  - The content and application of DPO4.
  - References to external documents in DPOs 16, 20, 25 and 29.
- A review of the application of the SLO and whether it is the most appropriate control to achieve its intended purpose.

16.6. Fair Access Policy and Action Plan

Author:	Lara Edwards, Active & Healthy Lifestyles Officer - Planning and Policy
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

The purpose of this report is to seek Council's adoption of the Fair Access Policy and support administrative changes to the Community Grants Policy.

Recommended Motion

That Council

1. adopt the Fair Access Policy; and
2. support the following administrative changes to section 6.2 of the Community Grants Policy:
   6.2.3 - An applicant may be considered ineligible for a Community Grant if they:
   - Have not made reasonable efforts to implement the City's Fair Access Policy and Action Plan for sport and active recreation (if applicable)

   6.2.4 - A proposed activity may be considered ineligible for a Community Grant if:
   - It is inconsistent with the City's Fair Access Policy and Action Plan for sport and active recreation (if applicable)
3. note the Fair Access Action Plan

Executive Summary

The Fair Access Policy and Action Plan have been developed to support the City and other organisations involved in providing sport and active recreation to enable greater participation opportunities, and deliver equitable access to, and use of, community sports and active recreation infrastructure. They address the requirements of the Victorian Government's Fair Access Policy Roadmap 2022. They will guide efforts to reduce barriers and address motivation and needs of existing and potential new participants to involvement in sport and active recreation, in particular women, girls and under-represented groups.

The Fair Access Action Plan is an operational document and has been adopted at EMT. The Fair Access Action Plan will take effect once the Fair Access Policy is adopted.

Background

Sport and active recreation are core parts of our lives, contributing to health and fitness, culture, social connection and sense of belonging. But when our entire community does not benefit from this infrastructure in an equitable manner, this contributes to unequal outcomes in sport and active recreation, and wider inequality in our communities.

Sport and active recreation should be available to everyone, so everyone can fully participate and reach their full potential. It is difficult for some people to participate in sport and active recreation. Fair, inclusive and safe opportunities can mean different things to different people.

The Victorian Government's Fair Access Policy Roadmap develops a statewide foundation to improve the access to, and use of, community sports infrastructure for women and girls; with Victorian councils only remaining eligible for infrastructure funding from 1 July 2024 if they have gender equitable access and use policies in place.

The Gender Equality Act 2020 requires local councils to consider and promote gender equality in their policies, programs, and services, and to conduct Gender Impact Assessments (GIA) on policies, programs and services that have a direct and significant impact on the public. The Gender Equality Act 2020 provides that a GIA should 'take into account that gender inequality may be compounded by disadvantage or discrimination that a person may experience on the basis of…Aboriginality, Age, Disability, Ethnicity, Gender identity, Race, Religion, Sexual orientation.'

Active Victoria 2022-2026 identified that sport is a vehicle to address social issues including discrimination, inequality, racism, family violence and violence against women that can help deliver more connected communities. Active Victoria 2022-2026 also outlined that our physical and mental health and wellbeing are improved by participating in sport and active recreation, and physical activity is a strong protective factor for mental health and wellbeing and the risk of developing a chronic condition.

According to the 2019 Active Living Census (ALC), approximately 43% of residents in Greater Bendigo did not meet the physical activity guidelines. The ALC reported the following data in relation to women and girls' participation in physical activity:

- 57.4% of female adults are currently meeting the physical activity guidelines.
- The most popular activities for women and girls are walking (24.2%), swimming (9.5%) and fitness/gym (8.2%) and active play (7.2%).
- 56.6% of females want to be more active more often, compared to 49.2% of males.

- 58.6% of female residents use public open spaces weekly or more.
- The most popular public facilities and open spaces used by women and girls were footpaths (88.5%), parks (84.2%), and off-road walking and cycling tracks (69.6%).

The challenges reported by women and girls are common and change throughout life stages, leaving them at risk of not meeting the physical activity guidelines, or benefiting from the broader benefits of sport and active recreation.

The Inquiry into Women and Girls in Sport and Active Recreation 2015 reported:

- Emerging topics highlighted through discussions were:
  - leadership, clear goals and measurement are the first necessary ingredients to create and support change
  - changes to traditional structures and ways of working are essential to developing new participation and leadership opportunities
  - new ways of 'thinking' and 'doing' need to be nurtured through education and training
  - visibility is important. Promotion of female sport and active recreation opportunities, pathways and role models – whether they focus on participation or leadership – provide an opportunity for inspiring and engaging more women and girls.
- There is a substantial gap between the number of men and women in leadership positions across all Victorian sporting sectors.
- Consultations show that the primary issue facing Victoria is not an overall lack of participation opportunities for women and girls in Victoria, but a lack of certain types of opportunities, which would not only increase overall participation, but also enhance existing opportunities. Specifically:
  - some sports and active recreation activities have a strong cultural history of male competitions and these sports don't currently offer the same opportunities as some other types of sports
  - even when opportunities to participate exist, the quality of those opportunities is sometimes lacking due to a range of factors
  - many women and girls are looking for non-traditional sporting activities, including modified sports, social sports and active recreational / non-competitive opportunities.

Report

The City's Fair Access Policy and Action Plan consider the needs of women, girls and gender diverse people, in addition to men and boys, as well as other factors that may affect a person participating, like age, cultural background, ability, religion or sexual orientation. This addresses the requirements of the Victorian Government's Fair Access Policy Roadmap 2022 to have a gender equitable access and use policy,

considers the compounding and intersecting forms of discrimination or disadvantage a person may experience raised in the Gender Equality Act 2020 and provides for under-represented groups that also experience barriers to participation.

The Fair Access Principles within the Policy have been adapted from those developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth for the Victorian Government Fair Access Policy Roadmap. This Policy and any resultant action plan are based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

The City considers that these principles provide clear direction, while also enabling adaption to the specific environment of the City of Greater Bendigo's area. The principles are:

1. Community sports and active recreation infrastructure and environments are genuinely welcoming, safe, and inclusive
2. Women, girls and under-represented groups can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator
3. Women, girls and under-represented groups will have equitable access to and use of community sport and active recreation infrastructure:
    a. of the highest quality available and most convenient
    b. at the best and most popular competition and training times and locations
    c. to support existing and new participation opportunities, and a variety of sports
4. Women, girls and under-represented groups should be equitably represented in leadership and governance roles
5. Encourage and support all user groups who access and use community sport and active recreation infrastructure to understand, adopt and implement equitable access and use practices for women, girls and under-represented groups
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to equitable access and use of allocated community sport and active recreation infrastructure for women, girls and under-represented groups

The Fair Access Policy and Action Plan were developed with a strong focus on engagement. A lot of the information obtained through engagement was specific examples of barriers and practical suggestions on opportunities to overcome barriers. This level of detail was considered extremely valuable for implementation of the Policy and Action Plan and has resulted in the development of a Fair Access Organisation Resource. A lot of the organisations involved in delivering sport and active recreation

are volunteer based, so it was considered important to make implementation as clear and easy as possible.

The documents developed to enable fair access are:

- The Fair Access Policy – the official position of Council and the City of Greater Bendigo, establishing the key principles that govern decision-making on fair access.
- The Fair Access Action Plan – a list of actions that the City and other organisations involved in delivering sport and active recreation should undertake to achieve the policy principles.
- The Fair Access Organisation Resource – to support organisations involved in delivering sport and active recreation to implement the Fair Access Action Plan, including:
    - step by step instructions,
    - templates,
    - a self-assessment tool with specific examples of barriers and practical opportunities; to help organisations identify what they are doing well and where they can improve.

The Fair Access Action Plan includes an action to 'Review City of Greater Bendigo agreements and processes to support those that practice fair access'. As one method of implementing this action, the following additions are proposed to 6.2.3 and 6.2.4 of the Community Grants Policy (6.2 Eligibility):

6.2.3 An applicant may be considered ineligible for a Community Grant if they:

- Have not made reasonable efforts to implement the City's Fair Access Policy and Action Plan for sport and active recreation (if applicable)

6.2.4 A proposed activity may be considered ineligible for a Community Grant if:

- It is inconsistent with the City's Fair Access Policy and Action Plan for sport and active recreation (if applicable)

Once adopted, implementation of the Fair Access Policy and Action Plan will be led by Active and Healthy Communities, using existing resources. The Organisation Resource will be promoted and made available on the City's website and organisations will be encouraged and supported to work through the actions relevant to them.

Despite not yet having a policy, the City is already taking action to increase participation opportunities for women, girls and under-represented groups.

- *150th anniversary event of Australia's first women's cricket match*
  The City partnered with the Bendigo Easter Fair Society, Bendigo Historical Society, Bendigo District Cricket Association and Cricket Victoria to deliver a free event on Good Friday at the Queen Elizabeth Oval. This demonstrated Fair Access by:

  - Locating it at the City's premier field to show priority
  - Timing to maximise attendance
  - Partnering to maximise exposure
  - A cricket clinic targeting girls so they feel welcome and comfortable
  - An exhibition women's match to help girls see this as a sport for them
  - A female cricket legend running the clinic to redefine gender stereotypes of leadership and show girls what they can aspire to
- *Ewing Park Redevelopment and Activation*
  The redevelopment has delivered a multipurpose community and sporting precinct. Activation has occurred through come and try events and oval lighting through winter. This demonstrates Fair Access by:
  - Diverse infrastructure attracting lots of different people, allowing people to be exposed to different activities that they may not see at a single use facility, and to see a variety of people at the facility reinforcing that they belong
  - All ages all abilities participation options
  - Multi-activity and multi-generational design make more people feel welcome at the site
  - Beginner options including for adults e.g. rebound wall for independent development of skills for those that didn't learn an activity as a child
  - Seating, shelter and landscaping to create zones and make the space comfortable for all to use
  - Toilets, including accessible and unisex
  - Come and try events to help beginners try something new
  - Winter lighting of the oval to increase feeling of safety for those that cannot exercise in daylight hours
- *Equity Impact Assessments*
  These consider how policies, programs and services affect different genders and diverse groups in different ways and recommend changes that will help create a more fair and inclusive community. This demonstrates Fair Access by:
  - Helping staff identify barriers to equality and develop meaningful options for change that will increase equitable outcomes
  - Considering women, girls and under-represented groups

Priority/Importance

The Fair Access Policy and Action Plan will be a key support mechanism for delivering equitable access to, and use of, community sports and active recreation infrastructure in Greater Bendigo.

Options Considered

Option 1 No Policy (not recommended)

This would make the City ineligible for Victorian government infrastructure funding for sport and active recreation.

Option 2: Adopt Policy (not recommended)
This would make the City eligible for Victorian government infrastructure funding for sport and active recreation, and provide direction and opportunities for increasing inclusion in sport and active recreation for women, girls and under-represented groups.

Option 3: Adopt Fair Access Policy and support administrative changes to the Community Grants Policy (recommended)
This would make the City eligible for Victorian government infrastructure funding for sport and active recreation, provide direction and opportunities for increasing inclusion in sport and active recreation for women, girls and under-represented groups and implement part of an action in the Fair Access Action Plan.

Timelines

The Policy has a review period of 2 years.

Communications/Engagement

The Fair Access Policy and Action Plan were developed with a strong focus on engagement. Three groups were targeted:

- Organisations involved in delivering sport and active recreation opportunities (e.g. clubs) to hear who they think is missing, why and opportunities to improve participation.
- Representative groups of the groups identified as under-represented in sport and active recreation. These groups are also typically more difficult to engage with, but were important to hear from to ensure a strong understanding of barriers and motivators for participation.
- The general community, to hear from any participants, past, present and future.

Engagement Process
Stage 1 – Targeting organisations that provide or support sport and active recreation opportunities

- Workshops, surveys and face to face meetings, including:
  - 4 workshops, with 26 organisations represented
  - 11 survey responses
- Emails and/or meetings with representative groups including:
  - Disability Inclusion Reference Committee
  - Rainbow Coalition
  - Positive Aging Advisory Committee

  - Cultural Diversity and Inclusion Plan Consultative Committee
  - Bendigo & District Aboriginal Co-operative
  - Women's Health Loddon Mallee
  - Youth Council
  - Sports Focus

Stage 2 – Past, present and future participants

- 258 responses to the community survey. Demographic information was optional, responses included:
  - 137 or 54.6% describing their gender as girl or woman
  - 104 or 41.4% describing their gender as boy or man
  - 4 or 1.6% describing their gender as gender diverse
  - 9 or 3.5% identifying as Aboriginal or Torres Strait Islander
  - 34 or 13.3% identifying as a person with a disability
  - 104 or 40.6% were a parent or carer
  - 21 or 8.2% identifying as LGBTQIA+
  - 26 or 10.2% speaking a language other than English at home
  - 29 or 11.4% were born overseas
  - Ages between 10 and 84 years of age
- 1 event visit - Blind Bowls Victoria event at White Hills Bowls Club

Stage 3 – Review of draft document

- Key stakeholders were asked to review a draft document, including:
  - Organisations that registered for Stage 1 workshops
  - State Sporting Associations
  - Stage 1 representative groups and Intercultural ambassadors

Engagement Findings

The following factors were identified as affecting participation in Stage 1 engagement:

- cost,
- flexibility (e.g. social and casual options),
- competing interests (e.g. work and study),
- facilities,
- scheduling and sharing facilities,
- transportation,
- community awareness of clubs and activities offered,
- participation caps,
- uniform and equipment,
- safety,
- club culture,
- representation of community diversity in club,
- administration and red tape,

- skills and support for beginners (of all ages)
- skills and support for leaders.

Key findings of the Stage 2 community survey were:

- 24.5% of respondents said it was hard for them to participate in sport or active recreation due to their gender or other factors.
- The top things that people liked about sport and active recreation were:
  - Improving health: weight/fitness,
  - Socialising/connecting with others e.g. friends and family,
  - Relaxing/stress relief/wellbeing.

  Competing against other people was ranked 8th out of 11 options.
- Girls and women selected more barriers to participation than boys and men. Respondents aged 15 and over selected more barriers to participation than those under 15.
- The categories that had a higher number of barriers selected were:
  - Aboriginal or Torres Strait Islander
  - Person with a disability
  - Parent or carer
  - LGBTQIA+
  - Speak a language other than English at home
  - Born overseas
  - Gender diverse

Responses and conversations at Stage 3 were largely supportive with a small number of changes/additions proposed.

Resistance

There were a small number of concerns raised against the project, relating to:

- Men losing ‘prime’ times
- Inclusion of gender diverse players

In relation to these particular items, the intention behind the Fair Access project isn’t to take away from certain groups, but to ensure we give consideration to different needs and experiences in the community. Inclusion of gender diverse participants at a professional level is to be in accordance with the rules of the relevant governing body. At a participation level, concerns about different physical abilities of genders can be managed by matching similar abilities through grading. The Organisation Resource presents a long list of opportunities for improving inclusion and equity, so if an organisation does not agree with implementating a particular opportunity e.g. for religious reasons, there would still be many other opportunities that they could implement to become more inclusive.

Financial Sustainability

Internal funding and staff time will support implementation. External funding could be sought to deliver specific training or other capacity building as an extension of this project.

By failing to have an adopted Policy in line with the State's Fair Access Roadmap the City would be at risk of being ineligible to apply for grant funding through Sport and Recreation Victoria's grant funding streams, which traditionally have assisted the City in delivering numerous capital works projects.

Risk Assessment

- An endorsed policy and action plan will enable improvements to inclusion in sport and active recreation and increase participation opportunities for women, girls and under-represented groups.
- Not having the policy and action plan would make the City ineligible for Victorian government infrastructure funding for sport and active recreation.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 2 - Healthy, liveable spaces and places
Outcome 4 - Aboriginal reconciliation
Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing
Goal 3 - Enhanced wellbeing of our Aboriginal and Torres Strait Islander community
Goal 1 - A community that values gender equity and is free from violence against women
Goal 2 - A welcoming community that understands and respects cultural and religious differences and supports multiculturalism
Goal 3 - Young people are supported to explore, engage and be empowered to shape the world they live in
Goal 4 - A community that values and engages with people of all ages, abilities, genders and sexualities
Goal 5 - A community that feels safe
Goal 6 - A community that promotes equity and addresses poverty and disadvantage

Other Reference(s)

Primary Policy, Regulatory and Planning Frameworks

- Gender Equality Act 2020
- The Victorian State Government's Fair Access Policy Roadmap
- Inquiry into Women and Girls in Sport and Active Recreation (2015)

State strategic plans

- VicHealth's This Girl Can campaign
- Active Victoria 2022-2026: A strategic framework for sport and active recreation in Victoria
- The Victorian State Government's Change Our Game campaign
- Safe and strong: A Victorian Gender Equality Strategy
- Pride in our future: Victoria's LGBTIQ+ strategy 2022 - 2032
- Ageing well in Victoria: An action plan for strengthening wellbeing for senior Victorians 2022 - 2026

Local government strategic plans

- Greater Bendigo Council Plan 2021 – 2025: Mir wimbul
- Healthy Greater Bendigo 2021 – 2025
- Walk, Cycle Greater Bendigo Strategy 2019
- Social Justice Framework 2022 – 2023
- Greater Bendigo Coalition Gender Equity Strategy 2020 – 2025
- Cultural Diversity & Inclusion Plan 2021 – 2025
- Equity for All: Gender Equality Action Plan 2021-2025
- City of Greater Bendigo Positive Ageing Action Plan 2023-2025
- Youth Action Plan 2023-2024
- LGBTIQA+ Inclusion Action Plan - City of Greater Bendigo
- City of Greater Bendigo Reconciliation Plan 2021 – 2025, Barpangu
- Active and Healthy Greater Bendigo Framework

Conflict of Interest

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

Attachments

1. Fair Access Policy City of Greater Bendigo [**16.6.1** - 7 pages]
2. Fair Access Action Plan City of Greater Bendigo [**16.6.2** - 7 pages]
3. Youth Council Letter of Support (14 May 2024) [**16.6.3** - 2 pages]
4. Summary from ISPGG [**16.6.4** - 2 pages]
5. Equity Impact Assessment - Executive Summary [**16.6.5** - 3 pages]

FAIR ACCESS POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie *15 March 2016 (Effective from 1 July 2016)*)
Review cycle:	This policy will be reviewed and evaluated every 2 years
Review Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie *15 March 2016 (Effective from 1 July 2016)*)
Responsible Officer:	Coordinator, Active Communities
Owner:	Active and Healthy Lifestyles
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	Gender Equality Act 2020 Local Government Act 2020 Public Health and Wellbeing Act 2008
DOCSETID:	Click here to enter text.

1. PURPOSE

The Fair Access Policy (the Policy) seeks to address known barriers experienced by women, girls and under-represented groups in accessing and using community sports and active recreation infrastructure. This considers the needs of women, girls and gender diverse people, in addition to men and boys, as well as other aspects of a person's identity that may affect a person participating in sports and active recreation, like age, cultural background, ability, religion or sexual orientation.

The Policy aims to progressively build capacity and capabilities of the City of Greater Bendigo (City) in the identification, and elimination of systemic causes of inequality in policy, programs, communications, and delivery of services in relation to community sports and active recreation infrastructure.

2. BACKGROUND

Sport is a highly visible and valued feature of the City's culture and identity. The sport and active recreation sector provide opportunities for enriching our communities through the promotion of respect and fair mindedness for all people, while also supporting the social, physical and mental wellbeing of all Victorians. The City is well positioned to design and implement place-based, integrated action plans that progress equality in community sport and active recreation.

The Victorian Government have developed a reform agenda to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time. This reform agenda includes addressing the traditional structures and way community sport and recreation organisations operate through the implementation of all nine recommendations from the 2015 Victorian Government's Inquiry into Women and Girls in Sport and Active Recreation. This includes recommendation six:

"…encourage facility owners and managers to review access and usage policies to ensure women and girls have a fair share of access to the highest quality facilities at the best and most popular times"

and

"facilitating a universal adoption of policies, strategies and audit tools will drive change further"

The City recognises that other groups in addition to women and girls are also under-represented or experience inequity in the sport and active recreation setting, and that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience based on Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes. The City is committed to developing an environment for everyone to live in a safe and equal society, have access to equal resources and opportunities, and be treated with dignity, respect, and fairness.

3. SCOPE

The scope of the Policy is to support the City of Greater Bendigo to take positive action towards achieving equity in the access and usage of community sports and active recreation infrastructure.

The Policy considers the needs of women, girls and under-represented groups, in addition to intersectionality, and that gender inequality may be compounded by other forms of disadvantage or discrimination. This complies with the Gender Equality Act 2020 and aligns with the City's Municipal Public Health and Wellbeing Plan.

This policy applies to the community sports and active recreation infrastructure that is owned and/or managed by the City. Infrastructure that is not owned or managed by the City is outside the scope of this policy, however the City is committed to working with the owners and managers of those facilities to support compliance with the Victorian Government Fair Access Policy Roadmap.

Where this policy applies to a facility, the scope of this policy extends to on-field/court as well as off-field facilities.

4. DEFINITIONS

Active Recreation – Leisure time, non-competitive, physical activity for exercise or enjoyment.

Aspects of a person's identity – Factors that shape a person's identity. This may include (but is not limited to) gender, age, cultural background, ability, religion and sexual orientation.

City – Means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020.

Community Sports and Active Recreation Infrastructure – Publicly owned local, rural, regional, or state level sport and active recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport or active recreation activities, including grounds, surfaces, facilities, and pavilions.

Disability – Long-term physical, mental, intellectual or sensory impairments that, in interaction with various attitudinal and environmental barriers, may hinder a person's full and effective participation in society on an equal basis with others.

Equality – Equal rights, responsibilities and opportunities. Equality does not mean that everyone will become the same but that their rights, responsibilities, and opportunities will not depend on aspects of a person's identity.

Equity – The process of being fair to everyone in the distribution of benefits and responsibilities. The concept recognises that people may have different needs and power and these differences should be identified and addressed in a manner that fixes imbalances.

Equity Impact Assessment – The process of considering how policies, programs and services affect different genders and diverse groups in different ways and recommend changes that will help create a more fair and inclusive community. This incorporates Gender Impact Assessments as per the Gender Equality Act 2020.

Gender – Part of how you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

Gender diverse – An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

Intersectionality – understands how a person's identity is shaped by multiple realities (such as gender, race/ethnicity, class, age, sexuality, geographic location, age, disability, religion). The different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation, which impact on people's experiences.

Participation – Includes a range of roles, such as: player, volunteer, committee member, umpire, official, spectator.

Sport – Includes:

- informal sport e.g. playing tennis with a friend, and
- organised sport e.g. playing in a competition

Under-represented groups – people that are participating in lower numbers relative to the population in the broader community, and may be grouped by aspects of a person's identity.

5. PRINCIPLES

The Fair Access Principles have been adapted from those developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth for the Victorian Government Fair Access Policy Roadmap. This Policy and any resultant action plan are based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

The City considers that these principles provide clear direction, while also enabling adaption to the specific environment of the City of Greater Bendigo's area. The principles are:

1. Community sports and active recreation infrastructure and environments are genuinely welcoming, safe, and inclusive
2. Women, girls and under-represented groups can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator

3. Women, girls and under-represented groups will have equitable access to and use of community sport and active recreation infrastructure:
    a) of the highest quality available and most convenient
    b) at the best and most popular competition and training times and locations
    c) to support existing and new participation opportunities, and a variety of sports
4. Women, girls and under-represented groups should be equitably represented in leadership and governance roles
5. Encourage and support all user groups who access and use community sport and active recreation infrastructure to understand, adopt and implement equitable access and use practices for women, girls and under-represented groups
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to equitable access and use of allocated community sport and active recreation infrastructure for women, girls and under-represented groups

6. POLICY

This policy establishes the expectation that equality is considered and prioritised in all of the City's future planning, policy, service delivery and practice as they relate to community sports and active recreation infrastructure.

a. *The City of Greater Bendigo* recognises that equality is the attainment of equal rights, responsibilities, and opportunities. Equality does not mean that everyone will become the same but that their rights, responsibilities, and opportunities will not depend on aspects of a person's identity.
b. *The City of Greater Bendigo* recognises that equity is the provision of fairness and justice in the distribution of benefits and responsibilities. The concept recognises that people may have different needs and power and these differences should be identified and addressed in a manner that fixes imbalances.

The City of Greater Bendigo acknowledges:

a. the barriers some individuals and groups may have experienced in sport and active recreation due to their gender or other aspects of their identity; and
b. that achieving equality will require tailored and diverse approaches for women, girls and under-represented groups to achieve similar outcomes for all people.

The City of Greater Bendigo will:

1. engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and active recreation community, regardless of gender or other aspects of a person's identity, in a positive, respectful, and constructive manner; and
2. engage in the process of Equity Impact Assessments to assess the implications for all people, including women, girls and under-represented groups, of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral part of the design, implementation, monitoring, and evaluation of policies, programs and services.

7. ROLES AND RESPONSIBILITIES

The City's Active and Healthy Communities unit are responsible for implementing the City's Fair Access Policy. As outlined in table below. Other Council personnel, staff, volunteers, and

stakeholders (for example State Sporting Associations and Regional Sporting Assemblies), have a shared responsibility to support the policy.

Role	Responsibility
Councillors and Local Government – leadership (CEO and Executive)	• To promote an inclusive and gender equitable culture and community and champion the Fair Access Policy. • To promote, encourage and facilitate the achievement of inclusion and gender equality in sport and active recreation.
Local Government – Active and Healthy Communities staff	• Lead the review of sport and active recreation policies and process • Develop and adopt equitable access and use policies including inclusion and gender equality. • Support delivery of actions/an action plan relating to the policy. • Communicate policy updates to all staff and community members. • Monitor and report on compliance and issues. • Promote, encourage and facilitate the achievement of equality in sport and active recreation including inclusion and gender equality. • Undertake Equity Impact Assessments as per the Gender Equality Act 2020 obligations. • Communicate and educate sport and active recreation infrastructure user groups and users.
Local Government – accountable Officer for the Gender Equality Act	• Support the review of sport and active recreation policies and processes including inclusion and gender equality. • Support staff to undertake Equity Impact Assessments as per the Gender Equality Act 2020 obligations, and report on progress.
Local Government – all staff	• Adhere to and communicate the policy when required. • Attend training / awareness programs. • Undertake Equity Impact Assessment where required.
Community Asset Committees, local club executives, club members and sporting participants	• Promote, encourage and facilitate the achievement of equality in sport and active recreation including inclusion and gender equality.
State Sporting Associations and Regional Sporting Assemblies	• Promote an inclusive and gender equitable culture and community and champion the Fair Access Policy. • Promote, encourage and facilitate the achievement of equality in sport and active recreation including inclusion and gender equality.

	• Raise awareness of the Fair Access Policy Roadmap and its targets with clubs, leagues and associations.
Other owners / managers of community sports infrastructure in the municipality	• Be aware of the Fair Access Policy Roadmap and its applicability to non-Local Government owners and managers of community sports infrastructure. • Comply with the Roadmap to the extent that the legislation applies to said Authority. • Work in partnership with the City to promote an inclusive culture and community, and champion the Fair Access Policy.

8. RELATED DOCUMENTS

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

These include:

City of Greater Bendigo documents

- Council Plan 2021 – 2025: Mir wimbul
- Healthy Greater Bendigo 2021 – 2025
- Walk, Cycle Greater Bendigo Strategy 2019
- Social Justice Framework 2022-2032
- Greater Bendigo Coalition Gender Equity Strategy 2020 – 2025
- Cultural Diversity & Inclusion Plan 2021 – 2025
- Equity for All: Gender Equity Action Plan 2021-2025
- City of Greater Bendigo Positive Ageing Action Plan 2023-2025
- Youth Action Plan 2023-2024
- LGBTIQA+ Inclusion Action Plan - City of Greater Bendigo
- City of Greater Bendigo Reconciliation Plan 2022-2025
- Active and Healthy Greater Bendigo Framework
- City of Greater Bendigo Community Asset Policy (under development)

Other documents

- Victorian Government's Inquiry into Women and Girls in Sport and Active Recreation
- Gender Equality Act 2020 (Vic)
- Public Health and Wellbeing Act 2008
- Local Government Act 2020 (Vic)
- Equal Opportunity Act 2010 (Vic)

Further information or advice on this policy should be directed to Active and Healthy Lifestyles

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name

of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Month, year	*Insert initials*	*Business Unit*	*Eg. Develop, Review (significant) Review (administrative), Update*	*Increase version number each time document is updated/changed*	*Month, year*
Month, year	*Insert initials*	*Business Unit*	*Eg. Develop, Review (significant) Review (administrative), Update*	*Increase version number each time document is updated/changed*	*Month, year*

Fair Access Action Plan

Introduction

Sport and active recreation are core parts of our lives, contributing to health and fitness, culture, social connection and sense of belonging. We want sport and active recreation to be available to everyone, so everyone can fully participate and reach their full potential.

It is difficult for some people to participate in sport and active recreation. Fair, inclusive and safe opportunities can mean different things to different people.

The Fair Access Action Plan supports the delivery of the City's Fair Access Policy to increase participation in sport and active recreation for women, girls and under-represented groups. This considers the needs of women, girls and gender diverse people, in addition to men and boys, as well as other factors that may affect a person participating, like age, cultural background, ability, religion or sexual orientation. Multiple factors may affect participation, and consequently some people may experience compounding and intersecting forms of discrimination or disadvantage, this is often referred to as intersectionality.

Engagement with sport and active recreation organisations, as well as the general public, has helped to identify barriers and motivators to participation. This has been used to develop a list of actions and opportunities to address the needs of existing participants and potential new participants, in particular women, girls and people from under-represented groups. Organisations will be at different points on the journey. The Action Plan will help all organisations find opportunities for improvement. In turn, organisations may find new ways to attract participants, such as: players, volunteers and officials.

Fair Access Policy Principles

The principles of the Fair Access Policy are:

1. Community sports and active recreation infrastructure and environments are genuinely welcoming, safe, and inclusive
2. Women, girls and under-represented groups can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator
3. Women, girls and under-represented groups will have equitable access to and use of community sport and active recreation infrastructure:
    a) of the highest quality available and most convenient
    b) at the best and most popular competition and training times and locations
    c) to support existing and new participation opportunities, and a variety of sports

4. Women, girls and under-represented groups should be equitably represented in leadership and governance roles
5. Encourage and support all user groups who access and use community sport and active recreation infrastructure to understand, adopt and implement equitable access and use practices for women, girls and under-represented groups
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to equitable access and use of allocated community sport and active recreation infrastructure for women, girls and under-represented groups

Definitions

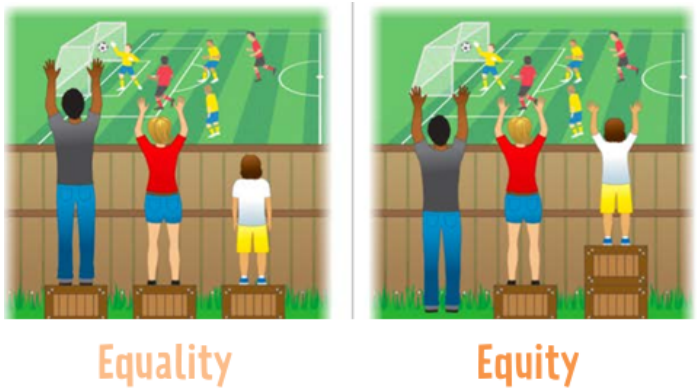
Active Recreation – Leisure time, non-competitive, physical activity for exercise or enjoyment.

Aspects of a person's identity – Factors that shape a person's identity. This may include (but is not limited to) gender, age, cultural background, ability, religion and sexual orientation.

Disability – Long-term physical, mental, intellectual or sensory impairments that, in interaction with various attitudinal and environmental barriers, may hinder a person's full and effective participation in society on an equal basis with others.

Equality – Equal rights, responsibilities and opportunities. Equality does not mean that everyone will become the same but that their rights, responsibilities, and opportunities will not depend on aspects of a person's identity.

Equity – The process of being fair to everyone in the distribution of benefits and responsibilities. The concept recognises that people may have different needs and power and these differences should be identified and addressed in a manner that fixes imbalances.



Equity Impact Assessment – The process of considering how policies, programs and services affect different genders and diverse groups in different ways and recommend changes that will help create a more fair and inclusive community. This incorporates Gender Impact Assessments as per the Gender Equality Act 2020.

Gender – Part of how you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

Gender diverse – An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

Intersectionality – understands how a person's identity is shaped by multiple realities (such as gender, race/ethnicity, class, age, sexuality, geographic location, age, disability, religion). The different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation, which impact on people's experiences.

Participation – Includes a range of roles, such as: player, volunteer, committee member, umpire, official, spectator.

Sport – Includes:

- informal sport e.g. playing tennis with a friend, and
- organised sport e.g. playing in a competition

Under-represented groups – people that are participating in lower numbers relative to the population in the broader community, and may be grouped by aspects of a person's identity.

Fair Access Actions

The following actions have been developed to guide organisations involved in sport and active recreation in delivering fair access at sport and active recreation facilities. For each action, the relevant Fair Access Policy Principles, organisations responsible for delivery, timing for delivery, indicators of success and additional guidance for delivery are provided. Where multiple organisations have been identified for an action, each organisation has a leadership role to play in delivery.

Action	Principles	Responsibility	Timing	Indicator of success	Additional Guidance
1. Provide education, information, and resources to support organisations involved in sport and active recreation to implement fair access	1, 2, 3, 4, 5	• City of Greater Bendigo • State Sporting Associations	Short term	The City develops and promotes: • Self-assessment tool • Additional guidance on actions • Action Plan Template • Video on how to develop club action plan	• A shared vision, including agreed goals. • The organisation identifying inclusion and gender equality as a priority and understanding the importance of it. • Genuine understanding and effort to work towards meaningful change. • Consider what groups are underrepresented and why. • Support inclusion and consider how multi-faceted people's identities can be (e.g. gender, ability, cultural background and age) when working to increase participation by women, girls and under-represented groups. • Engage with and build relationships in the community, so that the community can help develop the actions.
			Ongoing	• Training opportunities • Resources for volunteers	
2. Assess opportunities and identify actions for implementing fair access	1, 2, 3, 4, 5	• Clubs • Associations • Leagues • Facility Managers	Medium term	Complete the City's Fair Access Self-Assessment Tool and identify actions to improve inclusion and gender equality in: • Governance & Culture • Leaders, Volunteers & Paid Positions • Participation • Promotion & Recruitment • Facilities & Resources For women, girls and under-represented groups.	
			Ongoing	This should be repeated at regular intervals, with every 2 years considered good practice.	
3. Provide information about activities and inclusion on	1, 2	• City of Greater Bendigo	Short term	COGB provides information on how to use CONNECT Greater Bendigo to share information about activities and inclusion.	Having information about all clubs on CONNECT Greater Bendigo will help members of the community connect with

CONNECT Greater Bendigo website		• Clubs	Ongoing	COGB promotes use of the CONNECT Greater Bendigo website as a single source of information about clubs, groups and activities for the community. Clubs to provide information about their activities and inclusion on the CONNECT Greater Bendigo website.	clubs that are offering what they are looking for. Information included on CONNECT Greater Bendigo should include: who is welcome, how the club is inclusive and accessible, what activities are available and requirements/process for joining.
4. Promote benefits of sport and active recreation for all	1, 2	• All	Ongoing	Promotion of individual benefits of sport and active recreation, including: • Physical health, fitness and wellbeing • Culture and sense of belonging • Social connection with friends and family • Having fun and stress reduction • Developing skills/ learning • Improving self-worth	People are attracted to sport and active recreation for different reasons, so by promoting a range of benefits, clubs can increase recruitment and membership opportunities.
5. Celebrate those that are leading the way in inclusion and gender equality	1, 5	• All	Ongoing	• Showcasing local clubs and role models that are doing inclusion well. • Promote successes. • Share case studies from the club's point of view including video case studies.	Supporting clubs and members to learn from each other. Case studies from a club or member's point of view would be more relatable. Giving attention to practices that are inclusive can help to change social norms and expectations, and help people see the inclusive practice as the standard behaviour.
6. Review City of Greater Bendigo agreements and processes to support those that practice fair access	6	• City of Greater Bendigo	Medium term	Review and update: • fees and charges for use of facilities • lease, license and seasonal user agreements • community grants eligibility criteria • process for allocation and use of sporting facilities, grounds and pavilions	To support clubs that incorporate fair access requirements: • Consider subsidies and discounts to support those that practice fair access • Incorporate fair access requirements into lease, license and seasonal user agreements • Update COGB Community Grants eligibility criteria.

7. Consider fair access in the development or renewal of sport and active recreation infrastructure	1, 3	• City of Greater Bendigo	Ongoing	a) Equity Impact Assessments completed for development or renewal of sport and active recreation infrastructure b) New developments and renewal of existing infrastructure will consider: i. Distribution and quality of facilities supporting local participation opportunities. ii. Sharing facilities and providing various activity opportunities in close proximity. iii. Inclusion and gender equality as part of project prioritisation. iv. Universal Design Principles. v. Community Asset Policy (under development)	To provide facilities that enable more participation opportunities for more people. a) Equity Impact Assessments will be carried out for projects in accordance with the Gender Equality Act 2020. b) New developments and renewal of existing infrastructure is subject to prioritisation and funding
8. Seek relevant funding and grants to support implementation of fair access for infrastructure improvements	1, 3	• City of Greater Bendigo	Ongoing	Funding and grants are obtained to support the implementation of fair access requirements for infrastructure improvements.	To provide facilities that enable more participation opportunities for more people.
9. Promote grant opportunities that could be used to support implementation of fair access	5	• City of Greater Bendigo • State Sporting Associations	Ongoing	Grant opportunities are included in newsletters and other information sharing platforms - including explanation for clubs to know how they could use the grant.	Support clubs to obtain additional resources for implementation of fair access requirements.
10. Support and share information about informal and free participation opportunities	1	• Clubs • City of Greater Bendigo	Ongoing	a) Clubs to display match and training schedules so the community know facility availability. b) Activation/ come and try opportunities for facilities and/or how to use outdoor equipment.	Informal sport and active recreation opportunities reduces the impact of barriers to participation: a) cost b) time restrictions c) fear of not being good enough d) different skill levels
			Medium term	c) Maps for active recreation including walking or bike riding.	

Enquiries: Youth Mayor Lilly Correll
T: 0490 309 583
E: l.correll@bendigo.vic.gov.au

14 May 2024

Lara Edwards
City of Greater Bendigo
PO Box 733
Bendigo, Vic, 3552

Dear Lara,

Re: Youth Council Letter of Support for the Fair Access Action Plan

On the 16th of April, the Youth Council was briefed on the draft Fair Access Action Plan. We would like to extend our thanks to Lara Edwards for briefing the Youth Council on the draft plan. Previosuly on December 3rd 2023 we provided a submission on the draft plan, including a variety of recommendations we are thrilled to see have been included.

The Youth Council is enthused to see the breadth of our recommendations be included. This includes but is not limited to, focus area 3, *Participation*, (especially actions, *3.1.2 Foster a supportive culture in clubs and associations* and *3.2.1, Provide modified social or lower commitment opportunities to encourage participation of underrepresented groups)*. The strong focus on equity is welcomed by the Youth Council. We appreciate the consideration to emphasise the importance of providing opportunities for those of all skill levels to participate.

We believe the Fair Access Action Plan covers a comprehensive list of needed actions that are often overlooked in sports, and have great optimism that sporting clubs will feel empowered through these new guidelines. We are thrilled with the action plan and also hope there is further support provided to sporting clubs to aid in their transition to become more equitable and inclusive for all.

The City of Greater Bendigo Youth Council would like to congratulate the City on the development of the Fair Access Action Plan and looks forward to seeing the action plan being adopted and

If you are deaf, hearing or speech impaired, please call us via the National Relay Service on 133 677 or www.relayservice.com.au

Greater Bendigo City Council
Address: 189 -229 Lyttleton Terrace, Bendigo
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implemented. We believe that this action plan helps fulfil the City's commitment to social justice and equity.

If you would like to discuss this further or have any questions, please feel free to contact me.

Yours sincerely,

Lilly Correll

City of Greater Bendigo Youth Mayor

Lara Edwards

From: Megan O'Donnell
Sent: Wednesday, 15 May 2024 11:41 AM
To: Lara Edwards; Matthew Kerlin
Subject: Summary from ISPGG

Hi Lara and Matt,

Please see below the summary of the discussion at ISPGG. Thank you again for your work to attend and we're always keen to hear feedback on the usefulness of the process.

Matt, the Group requested that you come back to discuss the map of sports plans, as we ran out of time for that. Would you be happy to come back for a short discussion on 21 June?

Many thanks,
Megan

Fair Access Plan

Andie introduced the item and, following preliminary discussions, introduced Lara and Matt. The ISPGG discussed the impact on clubs and their ability to manage additional requirements, particularly as volunteer and funding availability is falling. The ISPGG also considered risks associated with encouraging clubs to submit infrastructure requests to the City that are unfunded.

Lara advised that the proposed action plan was the result of three rounds of engagement and that clubs had been generally supportive to date. The project team has placed emphasis on making fair access planning as easy as possible for clubs and supporting clubs across the maturity spectrum with a range of templates, checklists, instructional videos, and support from the Club Development Officer. Lara also advised that we are required to report progress to the Victorian Government and that there is a risk that increased awareness of equity issues may reduce community satisfaction in the short term.

The ISP advised:

- That strategic directions and Council-only actions should be split into a separate section and made distinct from the actions that clubs are invited to consider.
- That committees of management also be considered in the implementation of the policy, particularly where they have a gateway role in facility upgrades or can broadly disseminate information and upskilling.
- That proposed actions for club have softened language, reflecting the limited capacity of some clubs to make changes that require funding or significant volunteer involvement.
- That the proposed actions be clarified to ensure that clubs understand they are not required to adopt all proposed actions and that they should pursue actions within their means.
- That the project team consider the risk of perverse equity outcomes for smaller or less well funded clubs when incentivising actions or considering compliance measures.

The plan does not need to return to ISP for further review and ISPGG acknowledges the excellent work of the project team. The advice provided ISPGG should be included in the appropriate section when the item returns to EMT.

As an action from the previous presentation on the item, Matt has developed a conceptual mapping of the sport-related planning work in the City, considering whether the work is principally focused on people (participation and equity) or places (activation and infrastructure).

Dr Megan O'Donnell (she/her)
Corporate Strategic Planning Officer
Service Improvement

CITY OF GREATER BENDIGO

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The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country.

Equity Impact Assessment

Policy name:

Fair Access Policy

Template A:

Policies

Date completed: 14 February 2024

Policy lead: Lara Edwards, Active & Healthy Lifestyles Officer - Planning and Policy

EIA Recommendation approved by: Matthew Kerlin, Coordinator, Strategy and Policy

Equity Impact Assessment (EIA) Executive Summary – 2024

Policy Name: Fair Access Policy

Policy background

Sport and active recreation are a really important part of our lives – not just for health and fitness, but also for culture, social connection and sense of belonging; and we want this to be available to everyone. It is difficult for some people to participate in sport and active recreation. Fair, inclusive and safe opportunities can mean different things to different people. This project will result in a new council policy and action plan to increase participation in sport and active recreation. It is about considering the needs of women, girls and gender diverse people, in addition to men and boys. It will also consider other factors that may affect a person participating in sport and active recreation (e.g. age, cultural background, ability, religion, sexual orientation).

EIA focus: *What was identified as the focus for further research?*

How to address the 'invisible barriers' of committees that influence participation in sport and active recreation of women, girls and gender diverse people of all backgrounds?

EIA findings: *What did the data, research and targeted consultation say?*

In Victoria, twice as many men as women participate in sport, and participation in sport falls significantly in the late teenage and young adult years. Aboriginal Victorians, people with a disability, people with poor health and those with little or no English all have significantly lower levels of participation and people with low incomes or living in areas of relative socio-economic disadvantage are also much less likely to engage in sport or active recreation.

These factors influence an individual's experience when it comes to public space, including their perceptions of safety. The feeling of being safe in public space is determined by physical (e.g. infrastructure, such as lighting), social (e.g. presence of different groups of people) and personal factors (e.g. personal experience). Poor perceptions of safety in public spaces can make people less likely to occupy these spaces.

Experience shows that when a space is occupied by women and girls, it is also occupied by more people in general. Women are significantly more likely to use parks, swimming pools and indoor sports/leisure, fitness centres, while men are more likely to use sports grounds, ovals and clubrooms and BMX/Skateparks. The primary issue facing Victoria is not an overall lack of participation opportunities, but a lack of certain types of opportunities.

- Some sports and active recreation activities have a strong cultural history of male competitions and these sports don't currently offer the same opportunities as some other types of sports.
- Even when opportunities to participate exist, the quality of those opportunities is sometimes lacking;
- Many women and girls are looking for non-traditional sporting activities, including modified sports, social sports, activity through play, active recreational and non-competitive opportunities.
- Typical youth facilities (e.g. skate parks) are male dominated, so can be taken over by groups of young men and exclude young women. In this age group, taunting and shaming of girls is a significant barrier. Cultural change and segmentation of space may help.
- Young people have complex 'non-typical' transport patterns, including using buses and walking, and there are gendered differences in transport methods.

Addressing barriers to participation in sport and active recreation is dependant on the organisations involved in delivery understanding the barriers and having the knowledge and capacity to address them.

- Leadership, clear goals and measurement to support change.
- Changes to traditional structures and ways of working to developing new participation and leadership opportunities.
- New ways of 'thinking' and 'doing' need to be nurtured through education and training.
- Visibility is important, promoting female sport and active recreation opportunities, pathways and role models.
- Listening to the target audience in decision making that affects them.

EIA recommendation: *What changes were recommended to the policy in order to create more equitable outcomes for the community?*

Option 1: Provide an action plan to accompany the policy, with clear actions that organisations can take to achieve progress, including addressing invisible barriers of committees of management, e.g.:

- Power structures
- Historical user biases
- Committee of management levels of understanding
- Constitutions to address power & decision making e.g. for scheduling and prioritisation

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

17.1. Development Contributions Policy and Governance Framework

Author:	Philip Garner, Coordinator Infrastructure Development
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

To adopt a new Council policy and governance framework to guide the selection, implementation and management of development contributions schemes across the City of Greater Bendigo.

Recommended Motion

That Council adopt the attached Development Contributions Policy and Development Contributions Governance Framework.

Executive Summary

The City of Greater Bendigo is a recognised regional growth municipality and as part of the City's long-term growth there is a need for a transparent and consistent approach to infrastructure planning and funding for new development.

A development contributions scheme is a tool used by local government to collect funds for the delivery of future infrastructure that services new development.

City officers have assessed how best to guide the selection, implementation and management of development contributions schemes for new development.

A Development Contributions Policy (the Policy, see Attachment 1) and a Development Contributions Governance Framework (the Governance Framework, see Attachment 2) have been prepared to support City staff and the development industry, and to facilitate sustainable urban growth.

Background

As part of the City's long-term growth there is a need for a transparent and consistent approach to infrastructure planning and funding for new developments. The City has developed a new Development Contributions Policy and Governance Framework. This applies to the selection, implementation and management of development contributions schemes across the City of Greater Bendigo.

To effectively manage this, there is a need for policy direction and guidance across City departments and the development industry.

Previous Council decision dates

25 March 2024

Report

At its meeting of 25 March 2024, Council reviewed the draft Development Contributions Policy and the draft Development Contributions Governance Framework and resolved to commence consultation on the documents. Consultation occurred between 5 April and 4 May 2024. One submission was received by YourLand Developments which provided broad support for the preparation and application of the Policy and Governance Framework.

YourLand made a number of comments and suggestions that are summarised in the table below. City officers' responses and actions are detailed and proposed changes are in bold.

YourLand Comment	City Response	Action
Include a Developer or Landowner Working Group (Policy, p5)	The purpose of the Policy is to guide Council about which development contributions scheme is best for each situation, and the groups listed under section 7 are best placed to guide this. A Developer or Landowner Working Group is not considered necessary to guide which development contributions scheme is best. **Addition to section 7:** **"Regular communication and engagement with relevant developers and landowners is recommended to help with the selection of an appropriate development contributions scheme."**	Not supported as requested, however additional wording added to Policy
Commit to maintaining a DCP coordinator role to ensure a consistent approach (Policy, p5)	The Coordinator Strategic Infrastructure Planning role is now permanent, and it is not appropriate for this commitment to be provided in a policy.	Not supported
Include stronger wording for Council's advocacy role in respect of State road and servicing infrastructure (Policy, p5)	Ongoing advocacy is essential to ensure that the State is aware of, and contributes to, critical infrastructure. Noting the role and purpose of the policy, it's not within scope to include wording in relation to advocacy.	Not supported

YourLand Comment	City Response	Action
Include an Annual Report to Council (Governance Framework, p32)	Annual reporting on active Development Contributions Plans is provided to the Minister for Planning on a yearly basis. Further, information is included in Council's Annual Report about how the Development Contributions Plans are tracking. An annual update to Council (by way of a Council report) will ensure greater awareness and transparency. **Add 9.7.3 and associated text under section 9.7, with the text as follows:** **A Council report will be prepared on an annual basis to provide Council with an update on the City's development contributions arrangements, including:** • **Development contributions plans** • **Major section 173 agreements** • **Public open space contributions**	Supported
Include a strong link between Council's budget and capital works program	Noting the role and purpose of the governance framework, including additional wording to make a link between development contributions schemes and the City's capital works program is not considered necessary.	Not supported
Introduce real time DCP project delivery transparency and information sharing	An improved Development Contributions webpage will increase transparency and make it easier for the City's customers to access information.	Supported, however document changes are not required
Include standard document templates on website	Development contributions templates can be investigated, and where they're deemed to add value to the process, can be prepared and made available on the City's webpage.	Supported, however document changes are not required
Ensure a formal and proactive review of DCPs every 5 years (Governance Framework, p31)	Regular reviews of DCPs are typically included within the text of the DCP itself, and five yearly reviews are typical. The review timeframe should be guided by the DCP, and not by a timeframe specified in the Governance Framework.	Supported, however document changes are not required

The City's Development Contributions Steering Committee is supportive of the above changes recommended to the Policy and the Governance Framework.

Priority/Importance

N/A

Options Considered

As outlined in the March 2024 Council Report, three options were considered as part of the City's development contributions framework:

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

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

Timelines

Once approved, it is anticipated that the review cycle set in the Policy and Governance Framework documents will be four years.

Communications/Engagement

The City invited the community to provide feedback on the new Development Contributions Policy and Governance Framework. Feedback was open from 5 April until 4 May 2024. One submission was received.

Financial Sustainability

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

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

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

Risk Assessment

City officers regularly conduct risk assessments and audits on the City's development contribution system, including an external audit conducted in 2022. These assessments reinforced the need for a clear framework that guides development contributions decision making.

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

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 1 - Lead and govern for all
Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making
Goal 7 - Sustainable population growth is planned for

Other Reference(s)

Public Open Space Contributions Policy (2024)

Conflict of Interest

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

Attachments

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

DEVEOPMENT CONTRIBUTIONS POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	26/08/2024
Review cycle:	Every four years
Review Date:	26/08/2028
Responsible Officer:	Coordinator Strategic Infrastructure Planning
Owner:	Strategic Planning
Responsible Director:	Strategy and Growth
Relevant Legislation/Authority:	Planning and Environment Act 1987, Local Government Act 1989, Local Government Act 2020, Water Act 1989, Subdivision Act 1988 ,Greater Bendigo Planning Scheme
DOCSETID:	tbc

1. PURPOSE

The Development Contributions Policy (the Policy) details the various development contribution schemes available to Council and the decision-making principles that guide the funding of major shared infrastructure projects required to service new urban development.

The Policy aims to guide the development of fit for purpose development contribution schemes that effectively manage the infrastructure needs of new and growing communities while minimising the financial risks to Council and the broader community.

The Policy is supported by the City of Greater Bendigo - Development Contributions Governance Framework (2024), that expands on the content of the Policy to provide further guidance.

2. BACKGROUND

Development Contributions are a tool utilised by Local Government and other infrastructure authorities to ensure the delivery of shared essential infrastructure for new urban development or areas of significant change.

Development contributions require landowners / developers to pay a portion of the cost of shared essential infrastructure that's required to service their land. These apportioned costs ensure a user pays approach and reflects the uplift in land value that results from the infrastructure's delivery.

Within regional Victoria, development contributions are primarily used for the management of new 'greenfield' urban growth areas that require the construction of significant infrastructure to transition these areas from farming land to new housing or industrial estates. However, development contributions schemes can also be used within inner urban change areas or smaller developments to address their impact on the broader suburb or community.

The development contributions schemes generally available to Local Government include:

- Development Contributions Plans (DCPs)
- Shared Infrastructure Funding Plans (SIFP)
- Public Open Space Levies
- Drainage / Stormwater Management Schemes
- Special Rates and Charges

The Policy is supported by the *Regional DCP Toolkit – Development Contributions Information Manual (2020)* which expands on the principles of this Policy and provides guidance to regional Councils' on the implementation of development contribution schemes. The Toolkit was a collaboration project between 16 regional Councils and the Victorian Planning Authority.

The Policy also builds upon the recently adopted City of Greater Bendigo *Public Open Space Contributions Policy (2020)* that guides the collection and expenditure of open space contributions collected under the Subdivision Act 1988 and the Greater Bendigo Planning Scheme (Clause 53.01).

3. SCOPE

The policy applies to:

- All shared essential infrastructure required to service the City's new development areas and change areas,
- Development contributions schemes that fall under:
  - Planning and Environment Act 1987 (section 3B)
  - Local Government Act 1989 (section 163)
  - Subdivision Act 1988 (section 18)
  - Water Act 1989 (section 215)
  - Greater Bendigo Planning Scheme (clause 53.01)

The Policy does not cover:

- The delivery of shared essential infrastructure required under a planning permit and usually servicing a single property or development. This could include footpaths, local streets, kerb and channel, small local parks, and local drainage infrastructure, potable water, reticulated sewerage, electricity and telecommunications.
- Major State or Commonwealth infrastructure that's funded and / or delivered to support the growth of the municipality.

4. DEFINITIONS

In this policy:

Development Contributions Plan (DCP) means a DCP incorporated in the Greater Bendigo Planning Scheme via the Development Contributions Plan Overlay and governed by Part 3B of the Planning and Environment Act 1987. A DCP includes a series of projects, estimate costs and apportionment to new development (usually via a $/ha levy).

Development Contributions Scheme means the general term given to a development contribution process used to recover the cost of essential shared infrastructure from new development and change areas. It may take the form of those examples listed under section 2 of this Policy, or used in combination.

Development Contributions Governance Framework means a City of Greater Bendigo guidance document detailing the key decision-making principles for development contributions schemes within the municipality and the governance framework that supports them.

Drainage / Stormwater Management Schemes mean a development contribution scheme setup for the sole purpose of delivering shared stormwater and / or drainage infrastructure, that may include the management of flooding, water quality or both, and is levied under Section 215 of the Water Act 1989.

Section 173 Agreement (S173) means a voluntary agreement under Section 173 of the Planning and Environment Act 1987 that's agreed between a landowner and the Council, and details various legal obligations for each party. It can be used as a development contributions scheme on its own and obligate the delivering of essential infrastructure and / or the payment of funds to Council, or be a facilitation tool to implement individual projects within a large development contributions scheme such as a DCP. The S173 Agreement is registered on the landowners title to ensure obligations are protected long term.

Shared Infrastructure Funding Plans (SIFP) means an infrastructure plan that details the essential shared infrastructure required to service a new development area and sets out the obligations of landowners within the areas relating to works and / or payment of funds to Council. The SIFP is usually implemented via a voluntary agreements with Council under Section 173 of the Planning and Environment Act 1987.

Public Open Space (POS) Levies means a levy applied to an area of the municipality that places an obligation on new development to pay a fixed percentage of the lands value to Council for open space purposes. The levy can be collected via Part 3, Section 18 of the Subdivision Act 1988 or via Clause 53.01 of the Greater Bendigo Planning Scheme. The levy can also be collected via a DCP and would be based on the site-specific land valuations of public open space land projects.
POS levies are guided by Council's Public Open Space Contributions Policy.

Regional DCP Toolkit – Development Contributions Information Manual (2020) means the Development Contributions Information Manual commissioned by 16 regional growth Council's to assist with the development of a consistent and practical development contributions schemes within the State growing regional municipalities (predominately focus on DCPs and SIFPs).

Shared Essential Infrastructure means an infrastructure project of a moderate to large scale (be it costs, size or complexity) that services an area beyond that of an individual landowner, or benefits a large area of a suburb or precinct. Projects may include, but aren't limited to, roads and intersection upgrades, sports reserves and parks, shared paths and trails, community centres and drainage infrastructure. All projects may also include land.

Special Rates and Charges means a formal Council scheme approved under Section 163 of the Local Government Act 1989 for the funding of local or precinct based works that have a 'special benefit' to landowners and as such would require a contribution to these works; be it full or in part. A schemes usually relates to projects such as footpaths, kerb and channel and local drainage works.

Works in Kind (WIK) means the provision works that are nominated within an approved development contribution scheme, whereby the value of these works are offset against any landowner development contributions liability owed to Council. These projects can also include the provision of land.

Works in Kind (WIK) Agreement means an agreement implemented under Section 173 of the Planning and Environment Act 1987 and places an obligation on the landowner to deliver a project(s) included within an approved DCP or SIFP.

5. PRINCIPLES

The Policy principles that underpin the City's development contributions schemes and ensures their fairness, ease of implementation, and ultimately their success, include:

- **Need**
  Clearly established need for the infrastructure.
- **Nexus**
  Clear nexus between the infrastructure and the land it services.
- **Equity**
  Fair and equitable distribution of funding obligations.
- **Transparency**
  Justification for the infrastructure and the selected scheme.
- **Accountability**
  Ensure obligation are monitored and achieved by all parties.

The above principles have been a foundation of the development contributions system for over 30 years and ensure a balanced approach is taken on the collection of development contribution and how this effects the liveability of the new communities and the financial viability of new development.

6. POLICY

In determining a Development Contributions Scheme, it is policy to:

Four (4) Policy Objectives:

- **Maximise equitable cost recovery**
  The recovery of infrastructure costs that have a clear nexus with new development (be it through direct works or through development contribution schemes) is to be maximised.
- **Maximise the liveability of new development**
  The liveability of the City's new development areas and change areas is to be maximised through the timely provision of essential infrastructure.
- **Minimise financial risk to Council**
  The financial risk to the Council, its rate payers and development landowners, is to be minimised.
- **Facilitate development**
  Development contributions schemes that focus on development facilitation and being fit for purpose are to be implemented.

To support the Policy, the *CoGB Development Contributions Governance Framework*, and its seven key stages, should be used to guide the development of fit-for-purpose and best practice Development Contributions Schemes.

7. ROLES AND RESPONSIBILITIES

The primary coordination role of the City's development contributions schemes is the responsibility of the Strategic Planning unit. To support the management of the various development contributions schemes the below governance groups will guide decision making and risk management.

- Development Contributions Steering Committee
- Development Contributions Working Group
- Public Space Committee
- CoGB Audit and Risk Committee

For more detail on the roles of each group above and relevant CoGB departments, please refer to the *CoGB Development Contributions Governance Framework (2024).*

Regular communication and engagement with relevant developers and landowners is recommended to help with the selection of an appropriate development contributions scheme.

All selected development contributions schemes will be presented to Council for ultimate adoption.

8. RELATED DOCUMENTS

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

These include:

- Planning and Environment Act 1987
- Local Government Act 1989
- Subdivision Act 1988
- Water Act 1989
- Greater Bendigo Planning Scheme
- Victoria Government Development Contributions Plan (DCP) Guidelines (2007)
- Victoria Government Infrastructure Contributions Plan (ICP) Guidelines (2018)
- CoGB Public Open Space Contributions Policy
- CoGB Procurement Policy
- Regional DCP Toolkit – Development Contributions Information Manual (2020)
- CoGB Development Contributions Governance Framework (2024).
- CoGB Financial Plan
- CoGB Asset Plan
- CoGB Financial Reserves Management Policy

Further information or advice on this policy should be directed to the Strategic Planning unit.

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
26 August 2024	*RA*	*Strategic Planning*	*New Policy*	*1.0*	*26 August 2028*

City of Greater Bendigo

DEVELOPMENT CONTRIBUTIONS GOVERNANCE FRAMEWORK

Version: 1.0

Approval Date:	26 August 2024
Approved by:	Greater Bendigo City Council
Review Date:	26 August 2028
Responsible Officer:	Director Strategy and Growth
Authorising Officer:	Chief Executive Officer

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2 ACKNOWLEDGMENT OF COUNTRY

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country. We acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung Peoples, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and future for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples. 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.

3 ABBREVIATIONS, DEFINITION AND RELATED DOCUMENTS

Abbreviations

City of Greater Bendigo	**(CoGB)**
Community Infrastructure Levy	**(CIL)**
Development Infrastructure Levy	**(DIL)**
Development Contributions Plan	**(DCP)**
Net Developable Area	**(NDA)**
Public Open Space	**(POS)**
Section 173 Agreement	**(S173)**
Public Open Space	**(POS)**
Shared Infrastructure Funding Plans	**(SIFP)**
Special Rates and Charges	**(SRC)**
Works in Kind	**(WIK)**

Definitions

Collecting agency means the agency to whom community and development infrastructure levies are payable under a Development Contributions Plan (DCP)).

Community Infrastructure Levy (CIL) means a levy payable for new development which is used to fund general community infrastructure under an approved DCP. The rate is set per dwelling and paid as part of the building permit process. The Maximum CIL is set by the Planning and Environment Act 1987 and indexed each year by the Planning Minister.

Development Agency means the agency specified in a development contributions plan (DCP) as being responsible for the provision of works, services or facilities for which a community infrastructure levy or development infrastructure levy or part of a levy is payable.

Development Contributions Plan (DCP) means a DCP incorporated in the Greater Bendigo Planning Scheme via the Development Contributions Plan Overlay and governed by Part 3B of the Planning and Environment Act 1987. A DCP included a series of projects, estimate costs and apportionment to new development (usually via a $/ha levy).

Development Contributions Scheme means the general term given to a development contribution scheme used to recover the cost of essential shared infrastructure from new development and change areas. It may take the form of those examples listed under section 2 of the Policy, or used in combination.

Development Contributions Governance Framework means a Council document detailing the key decision-making principle for developments construction schemes within the City of Greater Bendigo and the governance framework that supports them.

Development Infrastructure levy (DIL) means a levy payable for new development which is used to fund development infrastructure (such as the construction of roads, traffic intersections and drainage works) identified in DCPs.

Drainage / Stormwater Management Schemes mean a development contribution scheme setup for the sole purpose of delivering shared stormwater and / or drainage infrastructure, that may include the management of flooding, water quality or both, and is levied under Section 215 of the Water Act 1989.

Net Developable Area (NDA) means the net area of land available for development, excluding items such as connector roads, current or proposed public land, encumbered land due to flooding, vegetation or cultural heritage. The NDA is the area of land the development contributions would be calculated or charged during development.

Section 173 Agreement (S173) means a voluntary agreement under Section 173 of the Planning and Environment Act 1987 that's entered into between a landowner and the Council, and details various legal obligations of each party. It can be used as a development contributions scheme on its own and obligate the delivering of essential infrastructure and / or payment of funds to Council, or be a facilitation tool to implement large development contributions scheme such as DCPs. The S173 Agreement is registered on the title to the land to ensure obligations are protected.

Shared Essential Infrastructure means an infrastructure project of a moderate to large scale (be it costs, size or complexity) that services an area beyond that of an individual landowner, or benefits a large area of a suburb or precinct. Projects may include, but aren't limited to, roads and intersection upgrades, sports reserves and parks, shared paths and trails, community centres and drainage infrastructure. All projects may also include land.

Shared Infrastructure Funding Plans (SIFP) means an infrastructure plan that details the essential infrastructure required to service a new development area and sets out the obligations of landowners within the areas relating to works and / or payment of funds to Council. The SIFP is usually implemented via a voluntary agreements with Council under Section 173 of the Planning and Environment Act 1987.

Public Open Space (POS) Levies means a levy applied to an area of the municipality that places an obligation on new development to pay a fixed percentage of the lands value to Council for open space purposes. The levy can be collected via Part3, Section 18 of the Subdivision Act 1988 and / or via Clause 53.01 of the Greater Bendigo Planning Scheme. The levy can also be collected via a DCP and would be based on the site specific land valuations of public open space land projects.

POS levies are guided by the Council's Public Open Space Contributions Policy.

Regional DCP Toolkit – Development Contributions Manual (2020) means the Development Contributions Manual commissioned by 16 regional growth Council's to assist with the development of a consistent and practical development contributions schemes within the State growing regional municipalities (predominately focus on DCPs and SIFPs).

Shared Infrastructure means an infrastructure project of a moderate to large scale (be it costs, size or complexity) that services an area beyond that of an individual landowner, or benefit a large area of a suburb or precinct. Project may include, but aren't limited to, roads and intersection upgrades, sports reserves and parks, community centres and drainage basins.

Special Rates and Charges (SRC) means a formal Council scheme approved under Section 163 of the Local Government Act 1989 for the funding of local or precinct based works that have a 'special benefit' to landowners and as such would be required them to contribute; whether in full or in part to the scheme. The scheme usually relates to projects such as footpaths, kerb and channel and drainage work.

Works in Kind (WIK) means the provision of goods, services and / or works that are nominated within a approved development contribution scheme, whereby the value of these works are offset against any landowner development contributions liability owed by the landowner. These projects can also include the provision of land.

Works in Kind (WIK) Agreement means a WIK agreement implemented under Section 173 of the Planning and Environment Act 1987 and placing an obligation on a landowner to deliver project(s) included within an approved Development Contributions Plan.

Related Documents

- Planning and Environment Act 1987
- Local Government Act 1989 and 2020
- Subdivision Act 1988
- Water Act 1989
- Greater Bendigo Planning Scheme
- Victoria Government Development Contributions Plan Guidelines (2007)
- Victoria Government Infrastructure Contributions Plan Guidelines (2018)
- CoGB Public Open Space Contributions Policy (2020)
- CoGB Procurement Policy
- CoGB Development Contributions Policy (2024)
- Regional DCP Toolkit - Development Contributions Information Manual (2020)
- CoGB Financial Plan
- CoGB Asset Plan
- CoGB Financial Reserves Management Policy

4 INTRODUCTION

4.1 BACKGROUND

Greater Bendigo is located on the lands of the Dja Dja Wurrung and Taungurung peoples who are the traditional owners of the land and who lived in the municipality for tens of thousands of years before European colonisation and the discovery of gold by European settlers in 1851.

Greater Bendigo is a creative and culturally diverse regional centre offering a broad range of economic opportunities, services and facilities which cater for a large regional catchment. The municipality is centrally located in the heart of Victoria, at the intersection of major highways, less than 150 kilometres to Melbourne. The municipality covers over 3,000 square kilometres and contains not only a vibrant urban area but many unique small towns such as Heathcote, Elmore, Goornong, Raywood, and Axedale, as well as a variety of agriculture activities such as livestock and cropping.

The population of Greater Bendigo has been steadily growing over the last decade, reaching over 121,000 in 2021. With a strong economy and the lifestyle opportunities on offer this growth is expected to continue. Inward migration of new residents, increasing life expectancy among existing residents, and local births will all contribute to more than 85,000 new residents calling Greater Bendigo home by 2056.

121,221 people (2021 Census)
54,342 dwellings (2021 Census)
Estimated additional population 2056 (growth at 1.5%): 85,000
Estimated additional dwellings 2056 (growth at 1.5%): 37,000

In basic terms, if all these 37,000 dwellings were provided in greenfield growth areas it would equate to approximately $400M – $650M in new shared infrastructure projects based on general housing yield and average development contributions per hectare. However, the aim of sound strategic town planning, and supported by the CoGB's draft Managed Growth Strategy, is to maximise the development of land within infill areas, or close to the City, that already have access to infrastructure and services and only require minor augmentation to accommodate new growth.

4.2 DEVELOPMENT CONTRIBUTIONS

As the City grows, as does the need for new infrastructure that must keep pace with the needs of new and growing communities. Development Contributions play an important role to ensure this infrastructure burden doesn't not fall on existing residents and business, but instead is funded by the beneficiaries of new development and the origins of new service demand.

Development Contributions are a tool utilised by Local Government and other infrastructure authorities to ensure the delivery of essential shared infrastructure required to service new urban development or areas of significant change.

Development contributions require landowners / developers to pay a portion of the cost of major shared infrastructure that's required to service their land. These apportioned costs ensure a user pays approach and reflect the benefit and / or uplift in land value that results from the infrastructure delivery.

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

Within regional Victoria, development contributions are primarily used for the management of new 'greenfield" growth areas that require the construction of significant infrastructure projects to transition these areas from farmland to new housing or industrial estates. However, various development contribution schemes are used within inner City change areas or smaller development to reflect their impact on the broader suburb and community.

The development contributions schemes generally available to Local Government include:

- Development Contributions Plans (DCPs)
- Shared Infrastructure Funding Plans (SIFP)
- Public Open Space Levies
- Drainage / Stormwater Management Schemes
- Special Rates and Charges

The Policy has been guided by the Regional Development Contributions Plan Toolkit – Development Contributions Manual (2020) that expands on the principles within the Development Contributions Policy and provide guidance to regional Councils on the implementation of consistent and practical development contribution schemes for new development areas. The Toolkit was a collaboration project between 16 regional Councils and the Victorian Planning Authority.

The Policy also builds upon the recently adopted Public Open Space Contributions Policy (2020) that guides the collection and expenditure of open space contributions collected under the Subdivision Act 1988 and the Greater Bendigo Planning Scheme (Clause 53.01).

Figure 1 - The basic structure of a development contributions scheme

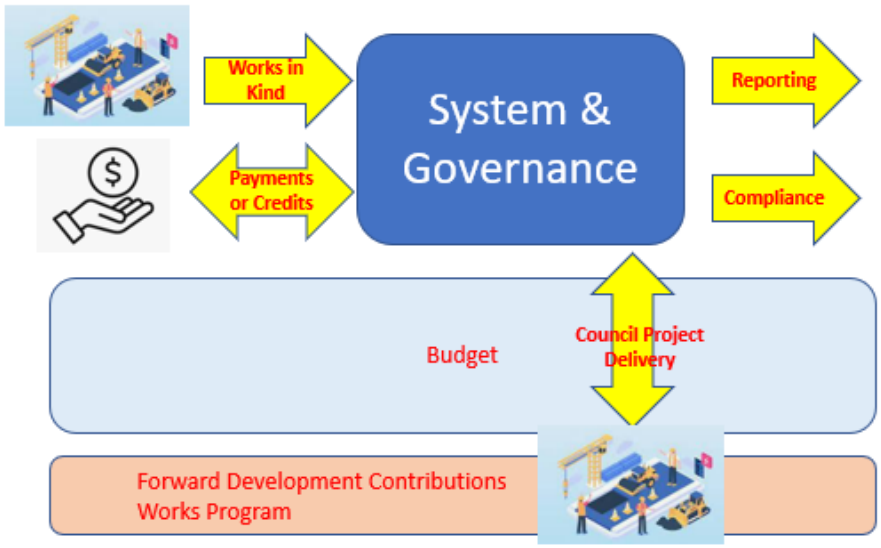
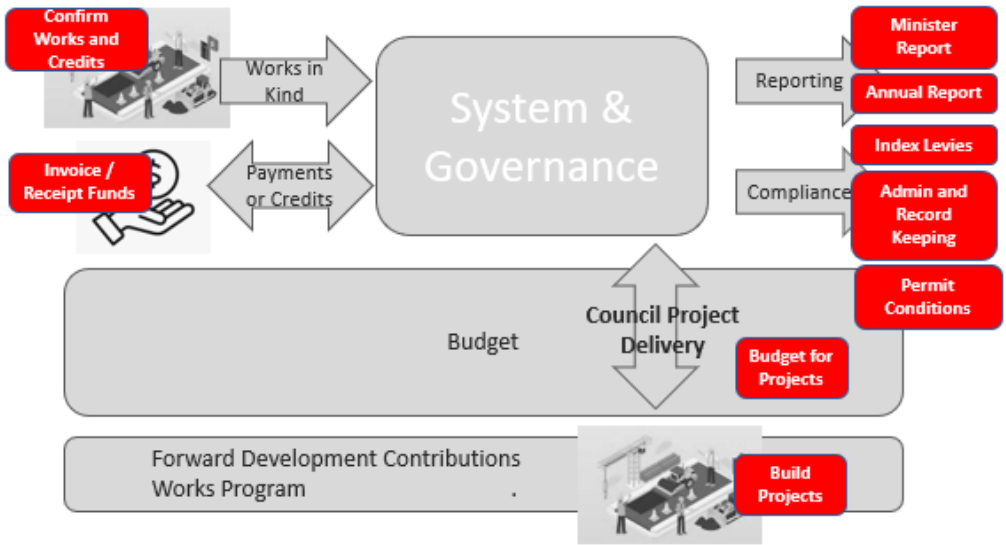


Figure 2 - The basic process and compliance areas of a typical development contributions scheme



4.3 CoGB Development Contributions Plans

Currently the City of Grater Bendigo (CoGB) has two approved DCPs incorporated in the Greater Bendigo Planning Scheme. These being:

- Huntly Growth Area DCP (2020)
- Marong Business Park DCP (2017)

The current value of these approved DCPs relating to funded projects is approximately $68M (2023 dollars), with approximately 88% of these costs being recovered through development contributions.

At this point in time, only the Huntly Growth Area DCP is active, with approximately 40% of the growth areas already developed.

4.4 Section 173 Agreements and SIFP

Section 173 agreements and Shared Infrastructure Funding Plans (SIFP) are voluntary based agreements that capture the infrastructure requirements for moderate to large scale development and ensure these obligations are locked in for the life of the development.

CoGB currently has approximately six of these agreements in place (as of October 2023) that deliver some form of development contribution and / or works.

4.5 Public Open Space Levies

The City of Greater Bendigo has various open space schemes across the municipality, with the most common forms of levies being:

- Greater Bendigo Planning Scheme via clause *53.01 – Space Public Open Space Contribution and Subdivision.*
- Subdivision Act 1988
- S173 Agreements and / or Shared Infrastructure Funding Plans.
- Development Contributions Plans (DCPs)

4.6 Regional Councils' Development Contributions Plan (DCP) Toolkit (2020)

The *Regional DCP Toolkit – Development Contributions Information Manual (2020*) was a joint initiative between 16 regional Councils' and the Victorian Planning Authority.

The purpose of the project was to assist regional Councils with the development of consistent and practical development contributions schemes, and enable the easier take up of development contribution schemes.

The DCP Toolkit addresses matters such as:

- How to prepare, manage and review a development contributions scheme (focus being DCPS, SIFP and S173 Agreements)
- Education and upskilling of regional planners
- Internal governance frameworks, policies, procedures as well as defined roles and responsibilities
- Risk assessments of existing DCPs
- Innovation in how to manage financials and reporting requirements

Beyond the DCP Toolkit, the project also produced the below supporting documents.

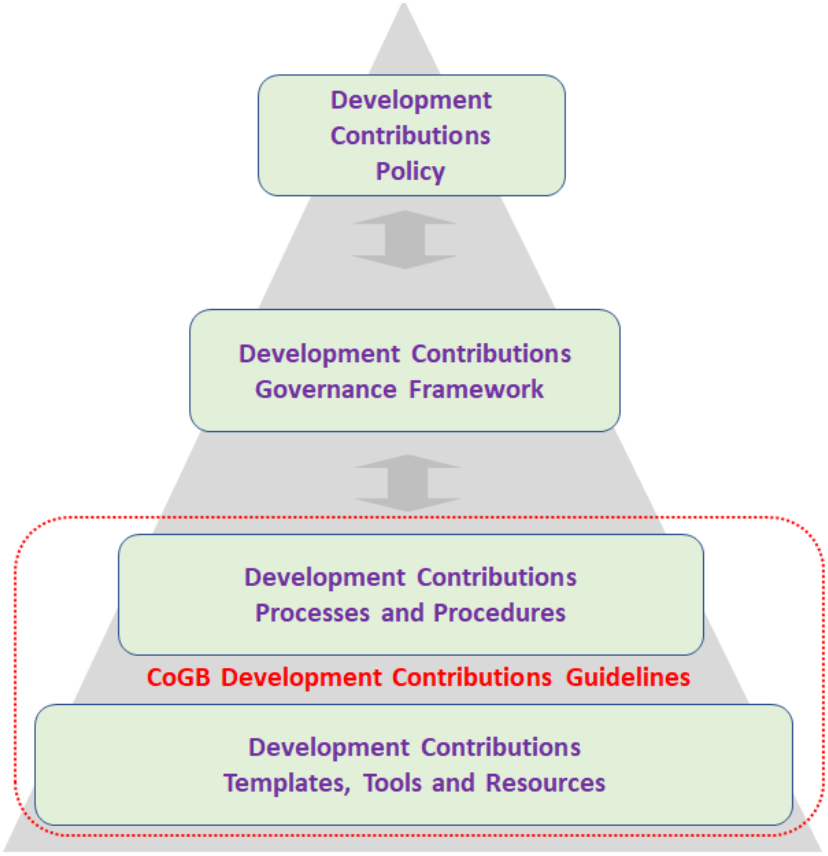
- Regional DCP Toolkit – Development Contributions Policies & Procedures – July 2020
- Regional DCP Toolkit – Development Contributions Fact Sheet – July 2020
- Regional DCP Toolkit – Excel Templates – July 2020

5 PURPOSE OF GOVERNANCE FRAMEWORK

The purpose of this Governance Framework is to:

- Clearly define the Policy Principles and Objectives that govern City's development contributions schemes,
- Clearly define the City's opportunities for funding shared essential infrastructure as part of new development and change areas,
- Ensure the City adopted development contributions schemes are fit for purpose,
- Outline the structure for decision making relating to the establishment and management of development contributions,
- Provide clarity on the roles and stakeholders involved in the management and administration of development contributions scheme.

Figure 3 - CoGB Development Contributions Framework



The key principles that will underpin development contributions schemes and ensures their fairness, ease of implementation, and ultimately their success, are detailed below in Table 1.

These policy principles have been a foundation of the development contributions system for over 30 years and ensure a balanced approach is taken on the collection of development contributions and how this effects the liveability of the new communities and the financial viability of new development.

Table 1 - Development Contributions Policy Principles

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

This Framework also reflects the adopted Policy Objectives relating to the CoGB's role as significant regional growth Council and how best to implementation development contributions within the development environment. These policy principles can be seen below in Table 2.

Table 2 - Development Contributions Policy Objectives

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

6 LEGISLATIVE ENVIRONMENT

6.1 LEGISLATIVE AND REGULATORY SUMMARY

The primary legislative environment for development contributions schemes are anchors off the Greater Bendigo Planning Scheme and the various pieces of legislation that inform specific planning and infrastructure outcomes. This is an important context, as the trigger for infrastructure and / or development contributions occurs through the development process, and more specially the planning permit process (eg: subdivision of land or development).

Greater Bendigo Planning Scheme

The *Victorian Planning Provisions* regulate many forms of development contributions. Clause *19.03 – Development Infrastructure* of the *Planning Policy Framework* confirms the role of development contributions (including DCPs) for planned infrastructure.

The Development Contributions Plan Overlay (DCPO) referred to in clause 45.06 is the primary mechanism for implementing DCPs which are incorporated into local planning schemes.

Clause *53.01 –Public Open Space Contribution and Subdivision* is the primary mechanism for implementing public open space via the nomination of specific percentages of open space contributions.

Planning and Environment Act 1987

The Planning and Environment Act 1987, along with its amending legislation, provides the legislative framework for the preparation and administration of DCPs, sets up the machinery for 'accountability' in the administration of DCPs, sets out the requirements for the contents of a DCP, and imposes financial responsibilities on councils relating to development contributions.

The Act also provides opportunities for Council's and landowners to negotiate voluntary agreements under Section 173 to lock in the infrastructure requirements and development contributions schemes. The benefit of S173 agreements is that they are registered on the title of the land and ensure these obligations are implemented, even if ownerships of the land changes.

S173 Agreements are also used for DCPs relating to formalising agreements for works in kind and using these works to offset their development contributions liability for the development.

Local Government Act 1989

The Local Government Act 1989, and its amendments in 2020, provides opportunities for development contributions, as well as obligations on Councils relating to the management of development contributions.

Section 163 of the Act (1989), allows councils to implement Special Rates and Charges Schemes that can be used for small to moderate development conditions scheme, usually within existing suburbs and for infrastructure gaps in footpaths, kerb and channel and drainage.

The Local Government Act 2020 places obligation on Councils relating to financial management and procurement that have overlaps with the development contributions system. This includes Audit and Risk Committee (Part 2, Division 8), Financial Management (Part 4, Division 4) and Procurement Part 5, Division 2).

Framework Note:

The City's role as Planning Authority

The City of Greater Bendigo is the planning authority with responsibility for carrying out planning functions primarily under the Greater Bendigo Planning Scheme and Planning and Environment Act. The roles of the Planning Authority include:

- Assessment of development proposals to ensure they are consistent with the Greater Bendigo Planning Scheme;
- Issuing planning permits, including conditions relating to infrastructure provision.
- Imposing and enforcing planning permit conditions (including those levying developer contributions).
- Prepare and adopted planning scheme amendments, including rezonings and changes to planning controls that would allow / facilitate development.

The City's role as Responsible Authority

The City of Greater Bendigo is the authority responsible for various assets and services under the Local Government Act, Water Act, Planning and Environment Act and the Greater Bendigo Planning Scheme. These Responsibility Authority roles include:

- Road Authority
    - Guidance, approval and management of local government transport assets.
- Drainage Authority
    - Guidance, approval and management of local government drainage assets.
- Municipal Authority
    - The development and adoption of various strategies, plans and policies that serve the interests of the community and their infrastructure needs.
- Collecting Agency and Development Agency
    - Collection and use of DCP funds under an approved DCP.

Subdivision Act 1988

The Subdivision Act 1988 guides the subdivision of land within Victoria and also includes a default open space contribution of 5% (maximum) that Councils' can use as a safety net for open space contributions, usually in lieu of a formal public open space policy or changes to Clause 53.01 of the planning scheme.

The levy can be collected via Part 3, Section 18 of the Subdivision Act 1988 and / or via Clause 53.01 of the Greater Bendigo Planning Scheme. The levy can also be collected via a DCP and would be based on the site specific land valuations of public open space land projects.

Water Act 1989

The Water Act 1989 is the primary legislation for the management, use and discharge of water within the state of Victoria. It also provides guidance of the management of adverse impacts resulting from water running off new development and the need for effective flood mitigation and water quality management. To support this role, Section 215 of the Act allows water authorities (eg: regional Councils' manage drainage infrastructure) for the creation of 'water management schemes' (as known as Drainage or Stormwater Management Schemes).

These schemes are setup for the sole purpose of delivering shared stormwater and / or drainage infrastructure, and focus on the collection of funds to delivery flooding mitigation infrastructure, major drainage pipes, water quality infrastructure, or all three.

DCP and ICP Guidelines

To support the formal DCP system, the Victorian Government has prepared two guideline documents that inform the general preparation and management of DCPs and Infrastructure Contributions Plans (ICP). ICPs are currently only applicable within metropolitan Melbourne and do not apply to regional Victoria.

These guidelines are:

- Victoria Government Development Contributions Plan (DCP) Guidelines (2007)
- Victoria Government Infrastructure Contributions Plan (ICP) Guidelines (2018).

Although the ICP Guidelines are not formally applicable to regional Victoria and DCP area, they do provide guidance on the evolution of development contributions and areas such as benchmark infrastructure designs and costings.

7 VICTORIAN AUDITOR GENERAL'S OFFICE REPORTS

The Victorian Government, via the Victorian Auditor General's Office (VAGO), has conducted several audits of the Victorian Development Contributions system, with three notable reports focusing solely on the development contributions system being completed in 2009, 2015 and 2020.

Appendix 7 provides a summary of all findings / recommendations from these three reports.

A general summary of the themes coming out of the three VAGO reports are listed below and reflect themes within the control of Local Government.

1. Improved governance and decision making associated with the development, management and reporting of development contributions.
2. Improved documentation of consistent process and procedures.
3. Improved cashflow assessment and forecasting of development contributions income, expenditure and works triggers.
4. Ensure development contributions funds are being spent for the purposes of their collection.
5. Lack of transparency, reporting and monitoring of informal and voluntary infrastructure agreements, such as S173 Agreements.
6. Improved risk management for all development contributions.
7. Improvement the framework, guidance and material available to Local Government relating to development contribution (via both Department of Transport and Planning and the Victorian Planning Authority).
8. Seek ways to reduce the time, cost and admin burden of development contributions.

In relating to point 7 above, 16 Councils' and the VPA have jointly funded and develop a DCP Toolkit – *Development Contributions Information Manual* to assist improve the knowledge and tools available to regional Councils.

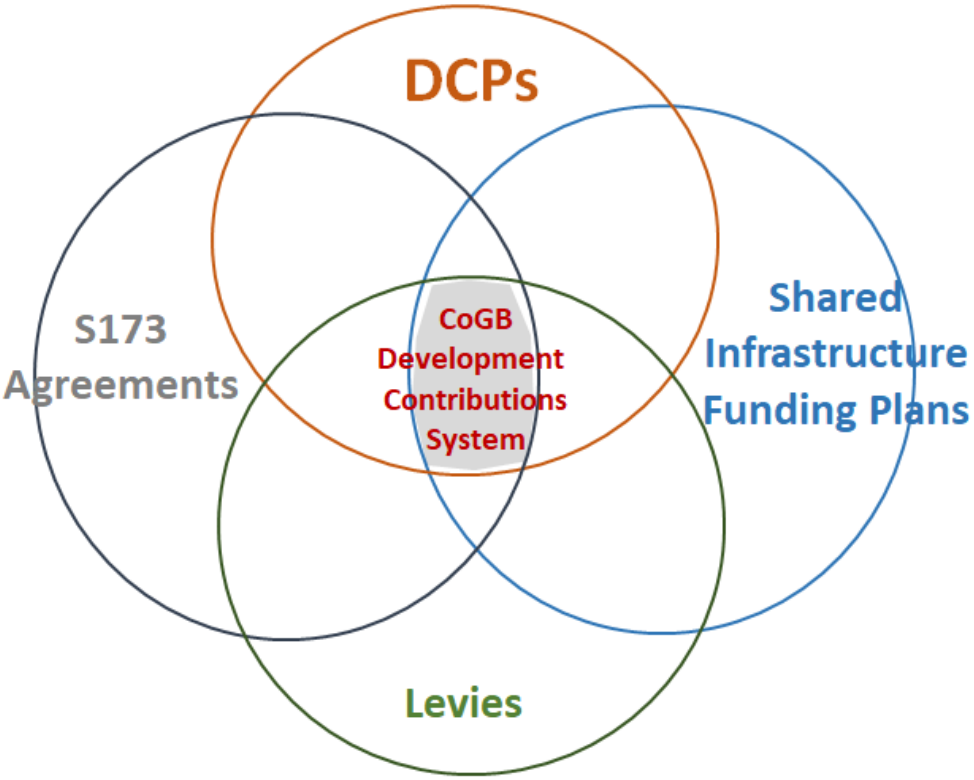
In relation to point 8 above, various Councils, including COGB, will continue to explore development contributions systems outside of a full DCP to will enable a more streamlined and fit for purpose development contributions scheme for small or medium size development. The CoGB has also made recent improvements to the Public Open Space development contributions system to improve transparency and ease of implementation for open space percentages across the municipality.

The remaining themes have been considered as part of the CoGB's new Development Contributions Policy, Governance Framework and internal guidelines.

8 DEVELOPMENT CONTRIBUTIONS SCHEMES

This section covers the six (6) main development contributions scheme utilised by Local Government.

Figure 4 - Development Contributions Schemes



Development Contributions Plans	Planning and Environment Act (1987)
SIFP and S173 Agreements	
Open Space Levy	Subdivision Act (1988) OR Greater Bendigo Planning Scheme Clause 53.01
Drainage and Stormwater Management Levies	Water Act 1989
Special Rates and Charges (levy)	Local Government Act 1989

8.1 DEVELOPMENT CONTRIBUTIONS PLANS (DCP)

A DCP is a mechanism used to levy new development for contributions to planned infrastructure needed by a future community as allowed for under the Planning and Environment Act.

A DCP sets out the justification for infrastructure and the calculations of cost and apportionment, allows the City to collect Development Contributions and specifies the infrastructure that is to be provided.

Approved DCPs are included in the Greater Bendigo Planning Scheme as Incorporated documents in the schedule to Clause 72.04 and are implemented by applying a Development Contributions Plan Overlay and associated schedule to affected land.

The Planning and Environment Act identifies two types of infrastructure which can be levied and collected through a DCP: development and community infrastructure, the levies for which are referred to as the Development Infrastructure Levy (DIL) and the Community Infrastructure Levy (CIL).

The Development Contribution Levy (DIL) is generally paid when land is subdivided. If a development is proposed without the subdivision of land, the payment is triggered prior to the issue of a building permit. The DIL collected from developers forms the majority of funding for projects within a DCP.

The Community Infrastructure Levy (CIL) is paid by homeowners prior to the issuing of a building permit for the construction of a dwelling. Despite this, wherever possible, the City encourages developers to pay the CIL in advance on behalf of future landowners.

DCP Development Agency

Section 46H of the *Planning and Environment Act* defines a "development agency" as:

….a person specified in a development contributions plan as a person responsible for the provision of works, services or facilities or for the plan preparation costs for which a community infrastructure levy or development infrastructure levy or part of a levy is payable under this Part;

As a Development Agency, the Council must comply with the responsibilities of development agencies outlined under the *Planning and Environment Act*, including the delivery of all projects provided for in DCPs. It is responsible to provide all works and/or services nominated in the DCP, unless delegated to a landowner / developers as part of an approved works in kind agreement.

DCP Collecting Agency

Section 46H of the *Planning and Environment Act* defines a "collecting agency" as:

….a person specified in a development contributions plan as a person to whom a community infrastructure levy or development infrastructure levy is payable under this Part;

Councils are subject to legislative regulation and monitoring of development contribution levies in their roles as a Collecting Agency through the *Local Government Act*.

Section 136 of the *Local Government Act* outlines councils' obligations to prudentially manage financial risk, which includes the management of each DCP.

Under Section 46Q of the *Planning and Environment Act* a Council must keep proper accounts of any amount of levy paid to it as a collecting agency or a development agency.

The Council's role as a Collecting Agency also allows it to negotiate WIK and LIK in lieu of cash payments for development contributions.

Contributions collected under a DCP must be accounted for and ultimately spent only on the infrastructure items specified in the DCP. Transparent and clear internal procedures are necessary to appropriately manage DCPs.

8.2 SHARED INFRASTRUCTURE FUNDING PLANS (SIFP)

A Shared Infrastructure Funding Plans (SIFP) is a simplified DCP that avoids the need for the complexity and cost of a planning scheme amendment process (required for a DCP), while still achieving the same outcomes.

A SIFP details the essential shared infrastructure required to service a new development area and sets out the obligations on landowners relating to works and / or payment of funds to Council. The SIFP is usually implemented via a S173 agreement and is registered on the title of all landowners within the development area.

A SIFP is best suited to areas that have low number of landowners (allows easier negotiation), a small to medium number of projects, and low project complexity.

Unlike a DCP, a SIFP is not governed by the requirements of Part 3B of the Planning and Environment Act relating to DCP preparation, management and reporting, however The City will usually manage these SIFP is a very similar manner.

8.3 VOLUNTARY AGREEMENTS – CONTRIBUTIONS VIA SECTION 173 AGREEMENTS

There is an opportunity within the planning system for landowners, the council and other parties to freely negotiate agreements for the provision of infrastructure, at the time a development proposal is considered.

An agreement can be used to place an obligation on the parties to:

- provide infrastructure, and/or
- pay for infrastructure.

Entering into an agreement for development contributions requires all parties to voluntarily agree to commit to their obligations, as set out in the agreement. Therefore, the establishment of a voluntary agreement cannot be a requirement of a planning scheme amendment or planning permit.

Section 173 of the Planning and Environment Act 1987 provides a mechanism for formalising a voluntary agreement between the responsible authority, a landowner, and other parties.

A voluntary agreement in relation to infrastructure provision can be initiated when:

- the CoGB considers a planning scheme amendment request, and
- the CoGB considers a planning permit application.

A voluntary agreement can provide for:

- the costs and standard of infrastructure provision
- the timing of the provision of infrastructure

- the parties' obligation to provide the infrastructure
- timing of payments towards infrastructure
- the refund of cash contributions if infrastructure is not provided
- the upfront provision of infrastructure by one landowner and the reimbursement of the cost by other landowners as they develop, or
- works-in-kind in lieu of a cash contribution.

8.4 PUBLIC OPEN SPACE LEVIES

Unlike other forms of development contributions, Public Open Space contributions can be collected via various development contributions schemes.

A public open space levy places an obligation on new development to pay a fixed percentage of the land's value to Council for open space purposes, or when agreed the provision of land as an offset (in part of in full). The levy can be collected via Section 18 of the Subdivision Act 1988 and / or via Clause 53.01 of the Greater Bendigo Planning Scheme. The levy can also be collected via a DCP and would be based on the site specific land valuations of public open space land projects.

In the City of Greater Bendigo, the most common forms of Public Open Space contributions are:

- Greater Bendigo Planning Scheme via clause *53.01 – Space Public Open Space Contribution and Subdivision,* where:
    - Residential subdivision within locality Bendigo contributes 2%, and
    - All other residential subdivisions contribution 5%
- Subdivision Act 1988
    - Historically used as the default contribution for open space (5% Public Open Space safety net), but has since been superseded by recent updates to the Clause 53.01.
- S173 Agreements and / or Shared Infrastructure Funding Plans.
- Development Contributions Plans (DCPs)

The percentage of Public Open Space contributions are guided by the Council's Public Open Space Contributions Policy.

In relation to works, the delivery of public open space and recreation projects are guided by the Couincil's Public Spaces Plan (2019)

8.5 DRAINAGE / STORMWATER MANAGEMENT SCHEMES

Drainage / Stormwater Management Schemes are development contribution schemes setup for the sole purpose of delivering shared stormwater and / or drainage infrastructure, that may include the management of flooding, water quality or both, and is levied under Section 215 of the Water Act 1989.

Under the Act they're referenced as Water Management Scheme, or more commonly by Melbourne Water as Development Service Schemes (DSS); noting Melbourne Water is the largest user of these schemes across metropolitan Melbourne.

A Scheme comprises a drainage strategy for an area together with a pricing arrangement that allows a Water Authority to require developers to contribute to the cost of the construction of works in connection with a development. Planning permit referrals received from councils under the Subdivision and Planning and Environment Acts are one trigger for this process.

For further details on drainage / stormwater management schemes refer to the Melbourne Water guide; *Principles for Provision of Waterway and Drainage Services for Urban Growth.*

8.6 Special Rates and Charges Schemes

Although not as common as other development contributions schemes, special rates and charges are a formal Council scheme approved under Section 163 of the Local Government Act 2020 for the funding of local or precinct based works that have a 'special benefit' to landowners and as such would be required them to contribute.

The scheme usually relates to projects such as footpaths, kerb and channel and drainage work.

A SRC scheme requires a detailed evidence-based process relating to the justification for the project(s), the estimated cost (including costs per landowner) and a clear community consultation process. If approved, the landowners are charged the actual costs of the works once they're completed.

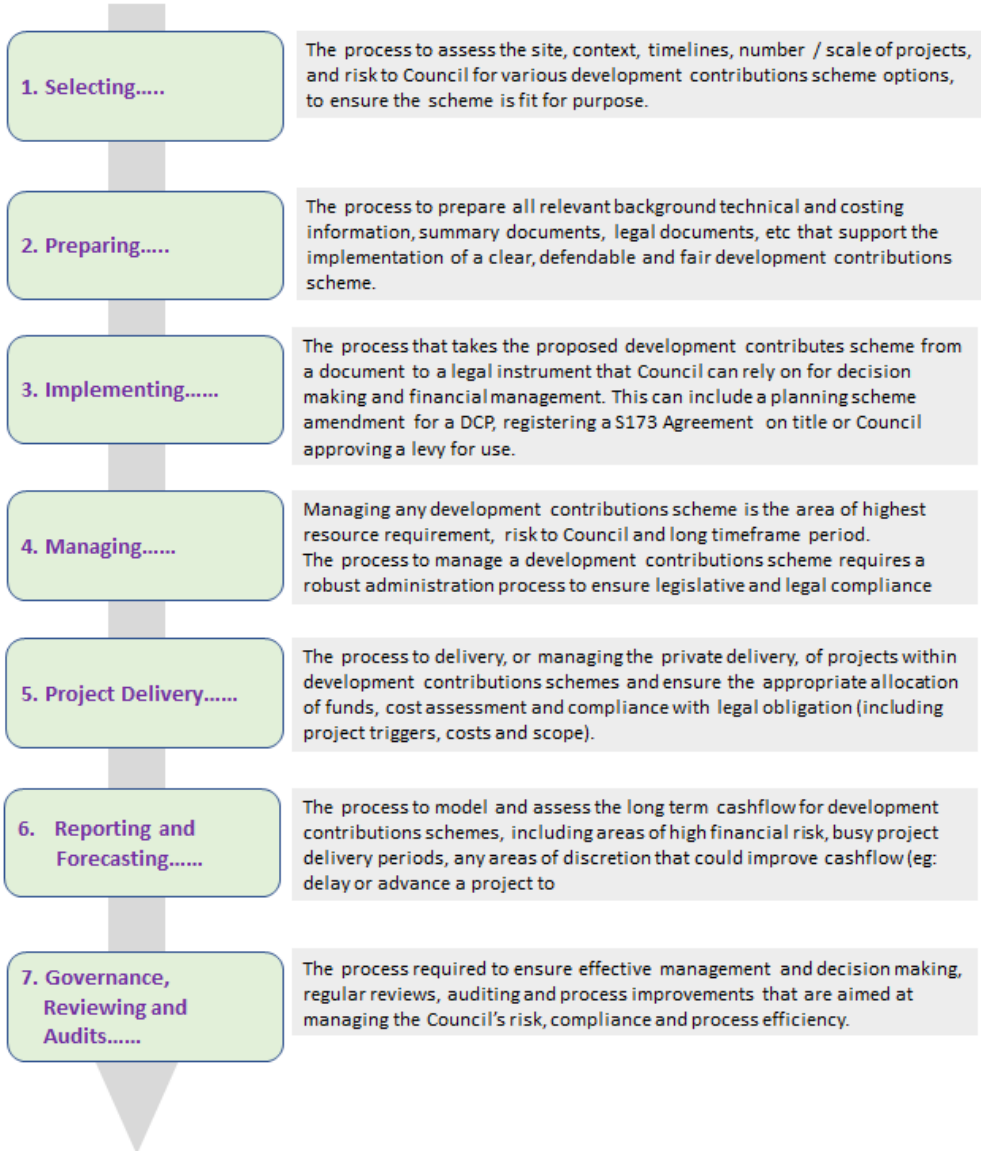
Community consultation will usually involve the agreement of a set percentage of impacted landowners, with most Councils establishing agreements rates of 80 – 100% acceptance. In some cases, the Council can mandate a SRC scheme if there is an urgent need or unique circumstances (eg: public safety).

9 THE SEVEN (7) STAGES OF A DEVELOPMENT CONTRIBUTIONS SCHEME

The foundation of the Development Contributions Governance Framework covers seven key stages that are critical to the success of a fit for purpose and best practice Development Contributions Scheme.

These stages are reflected as a common thread across the CoGB's full development contributions framework, including various guidelines, internal procedures and templates.

Figure 5 - The Seven (7) Stages of the Development Contributions Framework



9.1 Stage 1: Selecting a Development Contribution Scheme

The selection of an appropriate development contribution scheme must consider:

- The scale of the development / change area,
- The amount and certainty of change proposed by the new development or change area,
- The number of landowners involved,
- The number, cost and complexity of the shared infrastructure projects, and
- Maximising the recovery of shared essential infrastructure cost that have a clear nexus with the development areas and types (eg: residential, industrial, etc).

The above attributes are critical to selecting the right scheme for the right area, and must balance the risks to Council and stakeholders, the total life of the scheme (often 5 – 20 years), and the ease of implementation and management.

Figure 6- The General Spectrum of Development Contributions Schemes

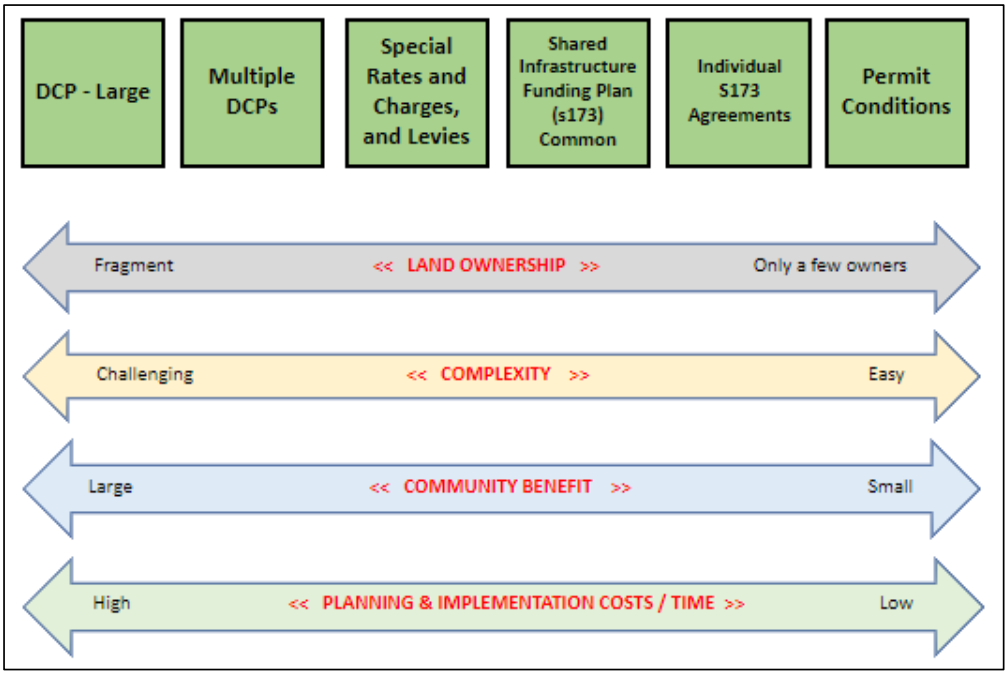


Table 3 - Development Contributions Scheme Suitability Matrix

Scheme	Size of Development Area	Land Ownership	Project No., Cost & Complexity	Community Benefit	Prep. Costs / Time
DCP	Medium to Large	>10 land owners	H	H	H
SIFP	Medium to Large	< 10 land owners	M	M	M
S173	Small to Medium	1 – 5	L	L - M	L
Open Space	Small to Large	Various	L	M	L – M
SRC	Small	~ 20 – 50	H	L	M
Drainage / Stormwater	Generally for parcels >0.4ha	>10 land owners	M	L - M	H

H = High, M = Medium / Moderate, L = Low

The above suitable matrix is a guide only but provide general guidance on the suitability of various development contributions scheme relevant to different development settings and context.

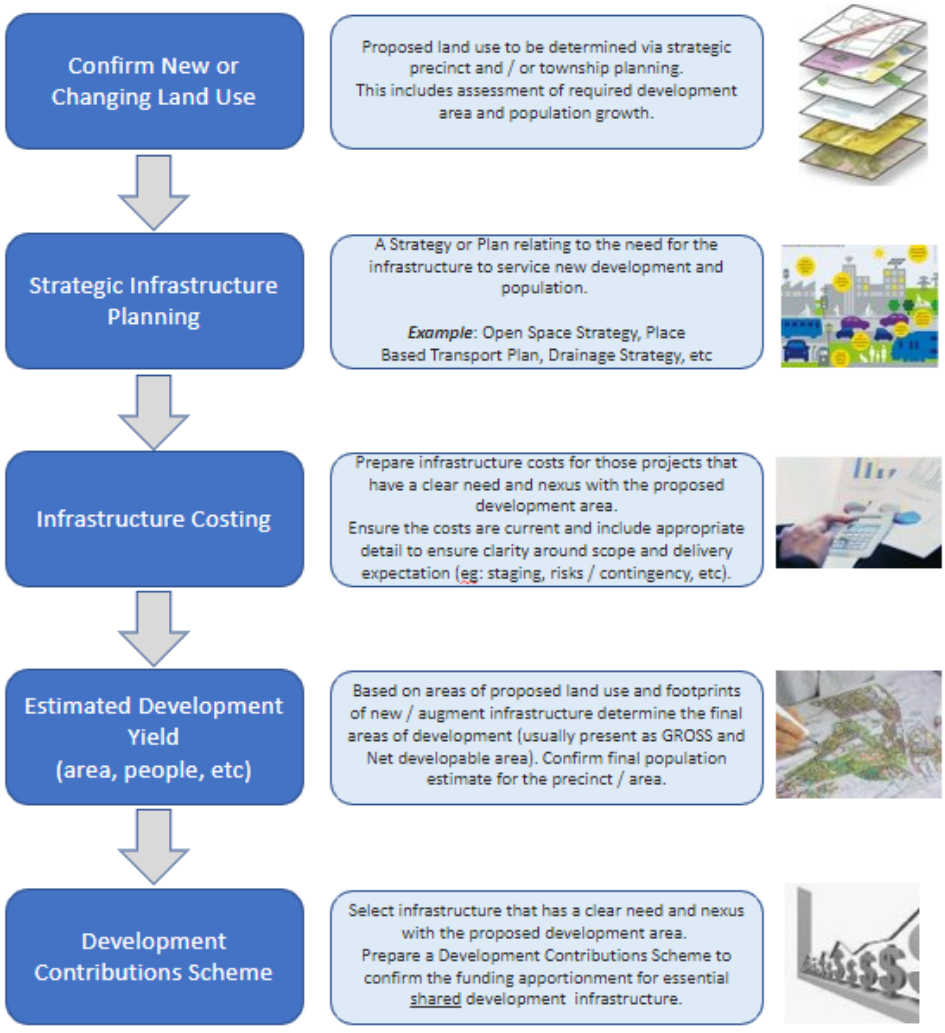
9.2 Stage 2: Preparing A Development Contributions Schemes

The preparation of a development contributions scheme must ensure:

- The Policy Principles of Need, Nexus, Equity, Transparency and Accountability are achieved,
- The Policy Objectives, listed below, are achieved:
    - Maximise Cost Recovery
    - Maximise Liveability of New Development
    - Minimise Financial Risk
    - Development Facilitation
- High quality background technical assessment has been undertaken to justify the need, scope and timing of essential shared infrastructure projects,
- If required, project costing should be prepared and be evidence based,
- All documentation should be consistent of the CoGB's adopted structure, language and standards used within previous development contributions schemes or latest best practice,
- Development contributions are predictable and consistent across the municipality,
- Wherever possible, the scheme be developed in collaboration with the area's landowners and / or future developers, and maximise opportunities for consultation and input.

- As required, the documentation should be reviewed by Council's legal representatives to ensure legislative compliance and appropriate management of Council risk.
- The scheme does not inadvertently overlap with other development contribution schemes and create a real or implied case of 'double dipping',
- The scheme does not reflect a scale of infrastructure and / or funding contributions that would clearly impact the viability of the new development area.
- Projects that have very high external apportionment of costs (ie: low nexus with the development / change area) be discouraged, or alternative funding models considered.

Figure 7- The Basic Steps for Preparing Development Contributions Schemes



In relation to DCPs, SIFP and S173 agreements refer to the Regional DCP Toolkit – Development Contributions Information Manual (2020) for more detailed guidance.

Framework Note:

The default indexation methodology for Council's development contributions schemes are listed below:

Construction Projects	-	ABS Producer Price Index (PPI) – Roads and Bridges, Victoria
Building Projects	-	ABS Producer Price Index (PPI) – Non-Residential Buildings, Victoria
Land	-	*DCPs and SIFPs* Site Specific Land Valuation (before and after impact model for DCPs and SIFPs), OR ABS Consumer Price Index (CPI) for Melbourne, Victoria, OR
	-	*Open Space Levy* Site specific property valuation (for Open Space levy)

9.3 STAGE 3: IMPLEMENTATION A DEVELOPMENT CONTRIBUTIONS SCHEMES

The implementation of development contributions schemes must ensure:

- Effective management of legal, financial, reputational, and precedent risks to Council,
- Compliance with legislative procedures and processes (especially in relation to planning scheme amendments and special rates and charge schemes),
- The approved documentation is easy to read, is practical to implement and reflects the likely duration of the scheme (noting a DCP can take 20+ years to complete),
- The scheme is implemented in advance of any development and / or any projects being delivered.

The implementation of a development contributions schemes can be a resource-intensive and time-consuming part of the process. This stage of the process may require several rounds of documentation review by stakeholder legal representatives, refinement of project design, scope and / or costings, formal or informal community / stakeholder consultation, a planning scheme amendment process for DCPs or SIFP (where the SIFP accompanies a rezoning amendment) and the formal approval process through Council or even the Minister for Planning in the case of DCPs and changes to Public Open Spaces obligations under Clause 53.01 of the planning scheme.

Ultimately all development contributions schemes will require the formal adoption by Council. Depending on the scheme used, there maybe cases where approval occurs under Council delegation.

9.4 STAGE 4: MANAGING A DEVELOPMENT CONTRIBUTIONS SCHEMES

The management of a development contributions scheme must ensure:

- Easy access to information for both external shareholders and internal departments,
- Clear process steps and, wherever practical, integration with existing Council processes and systems,

- Easy administration over the total life of the scheme,
- The use of robust governance systems to oversee management of Development Contributions Schemes. These are reflected in more detailed within the attached Development Contributions Governance Framework (2024).
- The use of up-to-date data and information to monitor the success of the Scheme, and inform high quality decision making.

General Administration

Process, procedures and templates to assist with the consistent, transparent and seamless delivery of administration services that deal with the day to day management of Development Contribution Schemes, especially those relating to DCP management.

Major areas covered by these procedures include:

- Assessment of developer liability and works in kind credits
- Practical completion certificates for completed works
- Works in Kind agreements

Procurement of DCP Projects

The Council can delegate the delivery of DCP projects via a works in kind process. These are formalised under S173 Agreement and approved by Council (or under delegation).

In these situations, the landowner / developer agrees to construct a project(s), and as such accepts the risks associated with its delivery, in exchange for a financial credit against their DCP liability.

All development contribution scheme projects delivered by the CoGB will align with the obligation set-out under the Council's Procurement Policy.

Works in Kind and Land in Kind

DCPs require payment of development contributions in cash, however, section 46P of the Planning and Environment Act provides the option for developers to deliver infrastructure works or provide land, a credit is then applied against the DIL liability for the developer.

These types of contributions are referred to as 'Works in Kind' (WIK) or 'Land in Kind' (LIK).

The decision lies with the CoGB to accept or decline WIK or LIK in lieu of cash contributions. Careful management of this process can provide benefits for the DCP and also the CoGB, in particular reducing some of the construction risk and financial risk associated projects delivery.

Contributions provided as WIK or LIK are secured via the registration of an agreement under section 173 of the *Planning and Environment Act* on the title of the subject land. Section 173 Agreements are binding on any future landowners. A condition is required to be included on the relevant planning permit requiring the preparation of the agreement.

Section 173 Agreements require careful management to ensure that contributions are either paid, delivered as works, or transferred as land in a manner that is compliant with the agreement requirements, including, but not limited to quality and timing.

9.5 STAGE 5: PROJECT DELIVERY

The delivery of projects included within a development contributions scheme must ensure:

- Projects are delivery in a timely manner based on the primary needs of the new / growing community, not the individual needs of landowners.
- Where practical (both physically and financially), development contributions projects are delivered early in the life of the development,
- Where practical, encourages the use of works in kind to deliver development contributions scheme projects (noting the significant benefit of delivering projects as an integrated part of the development),
- Works in Kind Agreements are approval by Council prior to the commencement of works,
- Projects are part of a long-term delivery pipeline to accommodate planning, design and delivery prior to agreed triggers or need.
- Projects are reflected in Council's long term financial plan to ensure a strategic approach to project delivery, income forecasting and deliver efficiency with other non-development construction capital works.
- Projects completed to the standards and specifications detailed in the Development Contribution Scheme or as agreed.

Framework Note:

Works in kind is a tool utilised by Councils' to facilitate the efficient delivery of projects included or nominated under a development contributions scheme.

These works in kind can include the construction of works such as roads, drainage and parks, or the provision of land for projects or open space.

The works in kind process allows the works to be delivered seamlessly as part of the development and avoids rework and conflicts due to Council works occurring within a private development setting.

9.6 STAGE 6: REPORTING AND FORECASTING

The reporting and forecasting of development contributions scheme must include:

- Regular reporting on performance and progress,
- A modelling or forecasting tool that ensure the long-term risk of the scheme(s) are proactively managed,
- Tracking of development contributions revenue and works in kind (including the use of a development contribution financial reserve(s)),
- Compliance with legislative reporting requirements,

Tavle 4 provides an overview of internal and external reporting to be undertaken on development contributions.

Table 4 - Reporting Program for CoGB Development Contributions

Reporting Commitments	Report	Frequency	Recipient	Responsible Officer
Monthly project updates and cost variations	INTERNAL non statutory	Monthly	Executive Management Team (EMT)	Coordinator Strategic Infrastructure Planning, and Manager Active and Healthy Communities, and Project Delivery Managers
Development Contribution Schemes progress and status	INTERNAL non statutory	Quarterly	Development Contributions Steering Committee Public Space Committee	Coordinator Strategic Infrastructure Planning, and Manager Active and Healthy Communities.
Development Contribution Schemes progress and financial status	INTERNAL statutory	Annual	Audit and Risk Committee	Coordinator Strategic Infrastructure Planning, and Manager Active and Healthy Communities.
Development Contribution Schemes progress and status	EXTERNAL statutory	Annual	Council	Coordinator Strategic Infrastructure Planning, and Manager Active and Healthy Communities.
For DCPs in accordance with Planning & Environment Act , Section 46QD and the Ministers Direction for DCPs.	EXTERNAL statutory	Annually, by 30 September	Minister for Planning and for inclusion in Council Annual Report	Coordinator Strategic Infrastructure Planning

9.7 STAGE 7: GOVERNANCE, REVIEW AND AUDITING

A Governance, Review and Auditing stage of the development contributions scheme must ensure:

- The implementation of formal governance and decision-making arrangements to oversee the seven stages of the development contributions process,
- The scheme is regularly reviewed, at frequencies reflective of its scale and complexity,
- Reviews are built into the obligations of the scheme to ensure is currency,
- The findings and actions from any review should, wherever possible, be implemented as soon as practical to minimise long term risk.
- Internal and external audits of the scheme should be encouraged and utilised as continuous improvement opportunities.

9.7.1 Committees and Working Groups

The following internal committees provide oversight and play a decision-making role in the management of development contributions.

9.7.1.1 Development Contributions Steering Committee

The Development Contributions Steering Committee will support the City's development contributions program to ensure Council meets its legislative requirements, demonstrates sound financial management and facilitates the timely delivery of infrastructure.

9.7.1.2 Development Contributions Working Group

The Development Contributions Working Group will support the Development Contributions Steering Committee in preparation and implementation of the City's development contributions program. The working group will coordinate the day to day management of the various development contributions schemes.

9.7.1.3 Public Space Committee

The Public Space Committee supports the preparation and implementation of the City's public open space development contribution schemes to ensure the City meets its legislative requirements, demonstrates sound financial management and facilitates the timely acquisition and / or delivery of open space infrastructure projects.

9.7.1.4 Audit and Risk Committee

The Audit and Risk Committee is an advisory committee formally appointed by Council and is responsible to the Council. It plays an important role in providing oversight of the CoGB's financial and performance reporting, risk management, compliance with legislation and internal and external audit functions.

9.7.2 Delegations

Council has put in place a delegation structure that ensures the effective and efficient management of development contributions schemes to allow processing, management and project assessment.

Delegations will be regularly reviewed to ensure they maintain a fit for purpose approvals processes, including appropriate risk management and compliance with legislative and policy obligations.

Refer the City of Greater Bendigo Delegation and Authorisation Policy (19 Jul 2021) and Instruments of Delegation.

9.7.3 Annual Report to Council

A Council report will be prepared on an annual basis to provide Council with an update on the City's development contributions arrangements, including:

- Development contributions plans
- Major section 173 agreements
- Public open space contributions

18. ABORIGINAL RECONCILIATION

18.1. Registration of Place Name Marrungi Wayaparra

Author:	Joanna Gibson, Connected Communities Officer - Early Years
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To endorse the place naming registration for Marrungi Wayaparra Community Hub, Marong.

Recommended Motion

That Council:

- Endorse ***place naming registration*** for:
  - Marrungi Wayaparra Community Hub

- Endorse the naming proposal for:
  - Marrungi Wayaparra Community Hub to be lodged with the Geographic Names Victoria for consideration and inclusion in VICNAMES.

- Supports the provision of email responses being provided to all 6 Let's Talk Greater Bendigo submission respondents and one e-mail respondent informing them of:
  - Council's decision to recommend place naming registration of the site
  - The opportunity for objectors to appeal to Geographic Names Victoria.

Executive Summary

Using the information and principles identified in the Early Years Infrastructure Framework (EYIF) the City is responding to existing and forecast unmet demand for kindergarten places in SA2 Region South. Marong is the largest township in this region and the site at 36 Torrens Street was identified as suitable for a 99-place kindergarten.

The kindergarten will add to the existing community buildings already on the site and the City is proposing to formally name the community hub at 36 Torrens Street, Marong.

Information about place naming sites has been provided to the community through a community consultation process in line with State Government's Naming rules for

places in Victoria (2022). The consultation process was open from the 10 May 2024 and closed on the 14 June 2024.

Through the City's Let's Talk Greater Bendigo consultation process, a total of 6 submissions were received.

In addition, 650 letters were sent to the Marong community informing of the proposal and the opportunity to object or support. Another 14 were sent to residents who owned property within 200 metres of the site, but do not reside there, advising them that if they did not respond to the community consultation opportunity, it would be taken as implied consent to the naming proposal. All 14 constitute implied consent to the naming proposals.

Objections received were not able to demonstrate valid reasons of how the existing place name did not comply with the Naming rules and therefore it is recommended that Council proceeds and officially register the site with Geographic Names Victoria.

Background

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

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

- Marrungi Wayaparra Community Hub with Geographic Names Victoria.

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

36 Torrens Street Marong

This site is home to the Marong Neighbourhood House, its community garden, the Old Fire Shed Op Shop, the Marong Community Hall and the tennis courts. The tennis courts will be demolished and be replaced by the Kindergarten.

The City is proposing to name this site, the Marrungi Wayaparra Community Hub, recognising the importance of the site and the benefits of raising the visibility of traditional language in community.

Report

The City submitted a language request to the Language Team at Djaara, the request was approved and the name Marrungi Wayaparra (meet in Marong) was given. Sound bite available here.

Once given, this name was sent to Geographic Names Victoria who also provided 'in Principle' support.

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

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

The following process has been undertaken to date:

- Liaison with Geographic Names Victoria to ensure the proposed names and process complies with the 2022 Naming rules.
- Development of a community engagement platform on City of Greater Bendigo's Let's Talk.
- Community Consultation process undertaken for a 35-day period.
- Letter drop to immediate surrounding areas and 650 letters dropped to community members. A mailout to residents who own a property within the radius area but reside elsewhere advising them of the community consultation process and how to make a submission was sent. It was noted in the letters that were mailed out that if the recipient did not respond to this community consultation opportunity, it would be taken as implied consent to the naming proposal. Implied consent has been included in the summary of submissions received.
- Public notice in Bendigo Advertiser on the 11 May 2024.
- Signage at the site advising of registration requirements and community consultation process.
- A social media post was published on the City of Greater Bendigo's Facebook page on the 10 May 2024. The post generated 2 reactions, 2 unrelated comments and no shares.

Priority/Importance

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

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

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

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

Options Considered

Option A – the City does not support the recommendations above and submit the place name for the site with Geographic Names Victoria for registration.

If traditional owner naming proposal is not adopted by Council, the naming process would be required to start again – impacting on resourcing.

The site will remain unregistered and will not appear on VICNAMES.
VICNAMES is the official mapping system that emergency response services access in an emergency.

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

Option B – The City endorses the recommendations above and officially submits the place name of the site for registration with Geographic Names Victoria

The site will be officially named, Marrungi Wayaparra using Traditional Owner language and will help to elevate the importance of Traditional Owners and First Nation's culture in our local community.

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

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

Timelines

The naming project commenced: February 2024
Stakeholder engagement (including Djaara) and development of Communications plan/Engagement tools: February-March 2024

Community Engagement opened: May 2024
Community Engagement closed: June 2024
Submissions Considered: July 2024
Council Decision: July 2024
Proposal to Geographic Names Victoria (if name adopted by Council): August 2024
Outcome from Geographic Names Victoria: October 2024 (estimated date)

Communications/Engagement

Internal Engagement

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

External Engagement

The City has engaged with Djaara on place naming registration process for the use of Traditional Owner Language for this site.

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

The naming proposals were released on Let's Talk Greater Bendigo on the 10 May 2024 at 9am to accommodate the public notice in Saturday's Bendigo Advertiser.

A large distribution area was chosen with Marong being a smaller community and letters were dropped to houses on the 9 and 10 May 2024. Letters were also sent to those residents that owned properties within the 200-metre radius but lived elsewhere.

The City received:

- 6 formal submissions through Let's Talk Greater Bendigo for Marrungi Wayaparra Community Hub and 14 implied consent. One submission was in support of the naming proposal, 5 objected.

Objections received were not able to demonstrate valid reasons of how the proposed name did not comply with the Naming Rules.

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

Risk Assessment

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

- If this traditional owner naming proposal is not adopted by Council, the naming process would be required to start again – impacting on resourcing.
- If this traditional owner naming proposal is not adopted by Council, it may impact on local relationships with Dja Dja Wurrung Clans Aboriginal Corporation.
- If site is not correctly registered with Geographic Names Victoria, there is a public safety risk in terms of emergency response.

City staff will work to mitigate these risks through strong project management and governance, detailed communication plans and stakeholder engagement processes.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 4 - Aboriginal reconciliation
Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 1 - Respecting and celebrating our Traditional Owners and Aboriginal and Torres Strait Islander Peoples and cultures through all levels of our organisation
Goal 2 - Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community
Goal 3 - Enhanced wellbeing of our Aboriginal and Torres Strait Islander community
Goal 5 - A community that feels safe
Goal 7 - Emergencies are prevented or mitigated

Other Reference(s)

Barpangu - Reconciliation Plan 2021-2025

Objective 1: Recognise, acknowledge and celebrate the Traditional Owners
ACTION: Work with the Traditional Owner Groups to promote Aboriginal place naming and the use of Dja Dja Wurrung and Taungurung language in public spaces across the municipality consistent with recognised Country

Social Justice Framework - 2022-2032

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

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

Yilingga Marna Agreement
Opportunity: Project Investment

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

The use of Traditional Owner language supports a number of resolutions from International Frameworks including:
The United National Group of Experts on Geographic Names (UNGEGN)
UNGEGN was established to provide a cooperative framework, allow for follow up on conference resolutions and promote standardisation of geographical names across member states. Victoria complies with a number of United Nations Group of Experts on Geographic Names (UNGEGN) resolutions.

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

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

Conflict of Interest

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

Attachments

1. Community Feedback Summary Marrungi Wayaparra [**18.1.1** - 6 pages]

Consultation Feedback Summary

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

The Place Name Registration for the three sites was released on **Let's Talk Greater Bendigo** on the 10 May 2024 to coincide with a public notice in the Bendigo Advertiser.

NAMING OF MARONG COMMUNITY HUB

The City of Greater Bendigo is creating a Community Hub at 36 Torrens Street, Marong. The Community Hub will include:

- Marong Community Hall
- Marong Neighbourhood House and Community Garden
- The old CFA Shed
- A new kindergarten

The City of Greater Bendigo is a Naming Authority for places that they own or manage. The City must follow the Place Names Act 1988 when naming sites.

The City of Greater Bendigo is now undertaking a naming process for 36 Torrens Street, Marong. Registering place names with Geographic Names Victoria is essential for managing emergencies. It also improves delivery of goods and services.

The City acknowledges Traditional Owners continued connection to the land. Naming places in Dja Dja Wurrung language shows this commitment.

After talking to Djaara (Dja Dja Wurrung Traditional Owners) they have provided the name Marrungi Wayaparra Community Hub. This means 'meeting in Marong' in Djaara language. The City proposes this name for the Community Hub.

Members of the community are invited to provide submissions of support, or objections to, the name Marrungi Wayaparra Community Hub.

Submissions are invited from May 10, 2024 to June 14, 2024.

Further information is available and submissions can be made online on the City's Let's Talk website at **www.letstalkgreaterbendigo.com.au/registration-city-place-names** or by scanning the QR code.

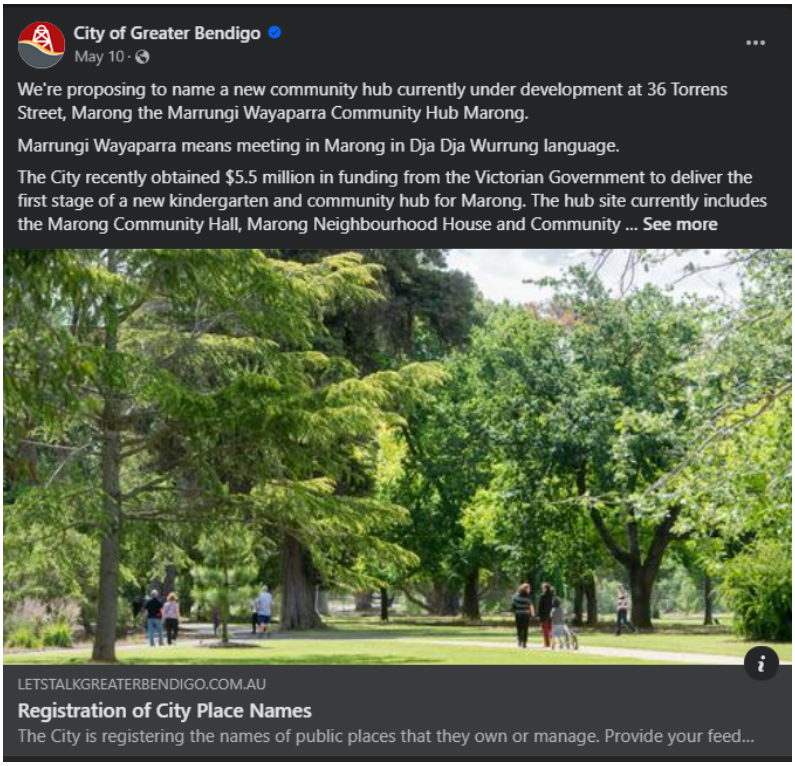
ANDREW COONEY
CHIEF EXECUTIVE OFFICER

CITY OF GREATER BENDIGO

www.bendigo.vic.gov.au

Signage was displayed at the site in 2 locations, advising community members that the site has a proposed place name and there was the opportunity to provide a submission.

The City released a social media post on the 10 May 2024. The post received minimal response from community – 2 comments in total. These comments have not been included in this report as they were not related to the place naming post and are not considered a formal submission as per the Naming Rules.



As Marong is a smaller community we took the opportunity to increase the mail out size to encompass the greater Marong area.

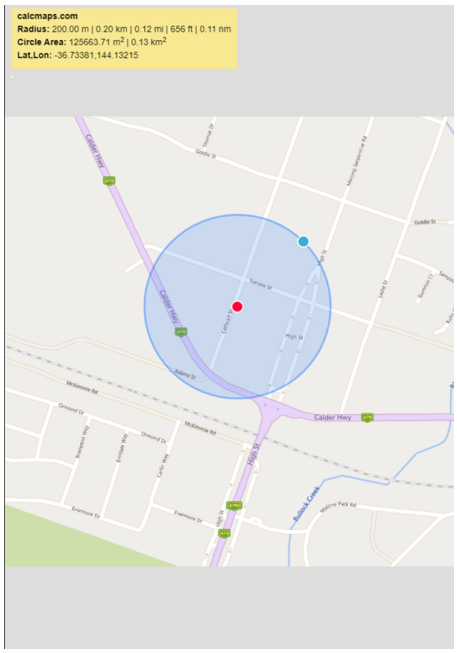
To meet the minimum requirement of the Place Naming Rules we also distributed to the minimum radius of at least 200 metres was determined around the site and a mailout occurred as follows:

Marrungi Wayaparra Community Hub

- 650 letters were dropped to residents who reside within this area in Marong

- To ensure those who reside within 200 metres of the site were informed we also mailed out 14 letters to residents who own properties within this radius but reside elsewhere. It was noted in the letters that **if the recipient did not respond to this community consultation opportunity, it would be taken as <u>implied consent</u> to the naming proposal.**

- **The radius is as follows:**



The community consultation period closed on the 14 June 2024. The following submissions were received:

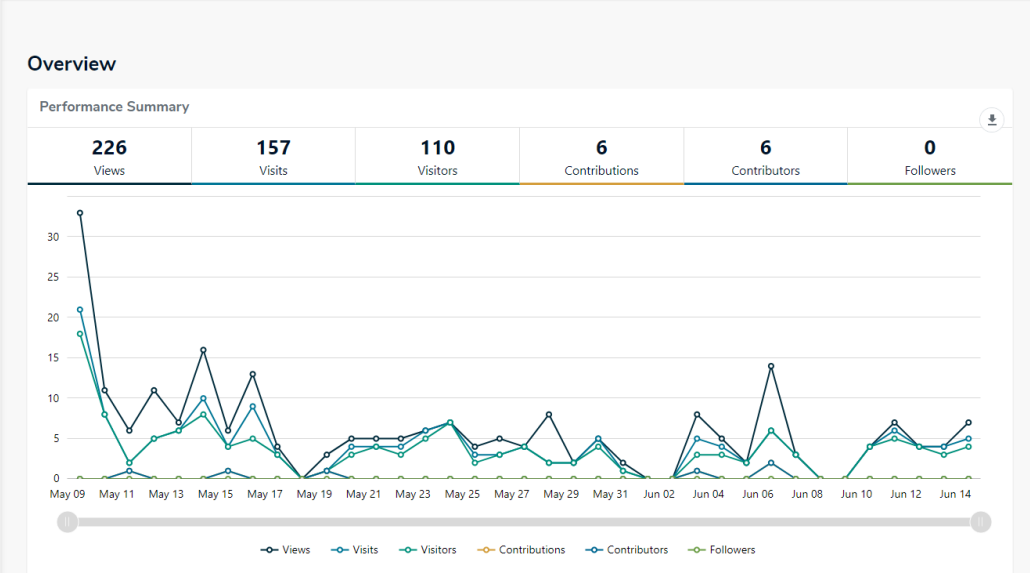
Site	Mailout	Support	Implied Consent	Objection	Total Support	Total Objection
Marrungi Wayaparra Community Hub	664 letters sent. 1 submission received in response to letter	1	14	6	**15**	**6**

Let's Talk Feedback Summary

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

The naming proposal was released on Let's Talk Greater Bendigo on the 9th of May 2024. Coinciding with this, a media release was issued, signage went up at the site and a public notice was placed in the Bendigo Advertiser on Saturday the 11th of May 2024. We also undertook a letter drop to 650 households in Marong.

The Let's Talk Page received



The City received 6 formal submissions through Let's Talk and one that arrived the evening before the page closed by e-mail. 1 supported and 6 objected to the proposed name.

When making a submission the Naming Rules state that an objection or submission must explain why a proposal is opposed/supported.

At a minimum, objections or submissions (including petitions and pro-forma documents) should explain:

- The person's or group's interest in the naming proposal – for example if their address is affected or whether they have a personal link with the place and/or name
- Reasons for the name being inappropriate/appropriate, unsuitable/suitable or unsupported/supported, including how it does not comply with the naming rules.

The Naming Rules state that the Naming Authority need not consider objections that don't explain reasons for the objector opposing the name. None of the objections received met the

minimum criteria, however the City chose to consider all submissions (both objections and those in support).

The submission the City received in support of the name cited

- The importance of recognizing the history of the area prior to colonization

A total of 6 submissions were received objecting to the proposal. The key issues that occurred more than once are:

- The proposed name is difficult to pronounce

Naming Rules - Principle K: Language in the Naming Rules it is recognised that Traditional Owner names will initially appear complex however over time they will become familiar and easy to use.

This has been demonstrated with both Ulumbarra and Gurri Wanyarra, which are now widely accepted and used within the community. In addition, a soundbite has been provided of the proposed name which is available on the Let's Talk page.

Pronunciation of Traditional Owner language is not recognised as a valid reason for objection under the Naming Rules.

The City has consulted with Dja Dja Wurrung and Geographic Names Victoria to ensure the proposed name complies with Principle K – Language under the naming rules.

- Marong is understood to be an aboriginal name

The City sought the advice of the Traditional Owner language team at Djaara who after consideration provided us with the name Marrungi Wayaparra. Desktop research indicates the word Marong is thought to be derived from the Wemba Wemba word for a Murray Cyprus pine tree – Marrung. As such is not local to the area and has not come from consultation with Traditional Owners of Djaara Country.

- The proposed name does not include the location and therefore will be difficult for community and emergency response services to find

Naming Rules - Principle A: Ensuring public safety in the Naming Rules identifies the importance of protecting our communities and not putting the public and operational safety for emergency response at risk; or cause confusion for transport, community and mail services.

Registering a site is essential for managing emergencies and delivering goods and services within Victoria.

By undertaking this Naming process, we will ensure that this site is registered with Geographic Names Victoria. As part of this process the street address will be included in the registration. Community members ringing in an emergency can either identify the location or site name and both will be searchable.

The overall responses on Let's Talk are considerably small compared to other community engagement projects for place naming. Given the broad range of engagement that was undertaken the objections received do not indicate a strong sentiment from the community.

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

19.1. Fosterville Gold Mine Sustained Operations Project Environment Effects Statement

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

Purpose

The Fosterville Gold Mine Sustained Operations Project Environment Effects Statement six week exhibition process closes on Friday, 30 August 2024.

The closing date does not allow for a report to be presented to a Council meeting to formally endorse a submission. Therefore, the purpose of this report is to authorise the Chief Executive Officer to endorse the submission on behalf of the Greater Bendigo City Council.

Recommended Motion

That Council authorise the Chief Executive Officer to endorse and lodge a submission to the Fosterville Gold Mine Sustained Operations Project Environment Effects Statement on behalf of the Greater Bendigo City Council.

Executive Summary

Fosterville Gold Mine seeks to extend their mine's operational life by approximately 10 years. An updated Environment Effects Statement (EES) has been prepared to consider the impacts of the proposed expansion.

The purpose of an EES is to provide a transparent, timely and coordinated assessment of any potential significant effects a project may have on the environment.

The EES is currently on public exhibition for six weeks and City officers are working with a specialist consultancy to consider the EES and to prepare a submission to be lodged by the due date of 30 August 2024.

Given the short window available to review the extensive suite of documents, it is requested that Councillors support the recommended motion to allow the Chief Executive Officer to endorse the submission on behalf of the Greater Bendigo City Council, with the submission provided to Councillors and released to the public after lodgment.

Background

Fosterville Gold Mine (FGM) is owned by Agnico Eagle Mines Limited. The mine is located approximately 20km east of Bendigo and as at the end of 2022 the mine had extracted 3.9 million ounces of gold. The mine is a major employer in the area and supports many community and sporting groups through sponsorships and donations.

The current EES for the mine dates to 1997. There have since been several work plan variations approved by the Earth Resources Regulator. The current approvals for FGM will limit operations to continuing for about another two years, before additional storage space for mine-generated waste will need to be constructed.

More recently the mine has prepared the Fosterville Gold Mine Sustained Operations Plan to expand the operation of the mine and extend its operational life by approximately 10 years. The proposed operations outlined in this plan include:

- Extending the current underground mining operations and existing open pits;
- Construction of new tailings storage and associated works;
- A new brine evaporation pond and waste rock dump;
- Transfer and sale of tailings;
- A managed aquifer recharge program that will inject treated water into the aquifer.

The Minister for Planning determined in November 2021 that a new EES would be required for the proposed expansion. The reasons for this include impacts on native vegetation and threatened species and communities, impacts on surface and ground water, impacts from the mine operation (air quality, noise, etc.) and Aboriginal cultural heritage values.

The then Department of Environment, Land, Water and Planning, now Department of Transport and Planning (DTP) issued the scoping requirements for the EES in September 2022, requiring that the cumulative impacts of constructing, operating, and rehabilitating the project are considered in combination with existing mining activities and approved works yet to be undertaken at FGM. the scope outlines the specific matters to be investigated within the EES and the evaluation objectives which the project will be assessed against by the Minister for Planning.

The EES will also provide the information required for the Commonwealth Minister to assess the potential impacts on matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), particularly the Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (endangered) and Swift Parrot (critically endangered).

The EES covers the following subject areas:

- Aboriginal Cultural Heritage and Historical Heritage
- Air Quality
- Ecology
- Public Safety
- Greenhouse Gas Emissions
- Groundwater
- Ground Vibration
- Landscape and Visual
- Land Use Planning
- Noise
- Surface Water
- Traffic
- Socioeconomic
- Rehabilitation
- Matter of National Environmental Significance (MNES)
- Soils, Waste and Hazardous Materials

The evaluation of the EES will consider whether the proposal avoids the different environmental impacts, and if it can't, how it will minimise the different environmental impacts. An Environmental Management Framework has been prepared to outline the commitments made by FGM to manage the potential impacts of the project and identify who is accountable for implementation.

The preparation of an EES is complex. It involves the preparation of detailed technical reports that cover a broad range of topics and considers the views of various government agencies and stakeholders.

FGM engaged Aecom to prepare the EES. Aecom prepared various technical reports in-house and others were contracted to specialist consultancies. The project was overseen by a Technical Reference Group (TRG) who provided advice throughout the project and reviewed the technical reports and other documentation. The City had a representative on this TRG and relevant City officers reviewed the reports as they were made available.

The reports were submitted to the Minister for Planning where they went through an adequacy check to ensure they are accurate robust and that they address the relevant issues and respond to the scope of the EES.

On Thursday 18 July 2024 the Minister for Planning authorised the public exhibition of the EES.

Exhibition of the EES commenced on Monday 22 July 2024, with submissions due by 30 August 2024. A copy of the public notice is available as Attachment 1.

Report

A copy of the Executive Summary of the EES is provided at Attachment 2 to this report. The entire suite of documents that make up the EES are available on the Fosterville Gold Mine website (Fosterville Gold Mine Sustained Operations Project).

An internal Project Control Group (PCG) has been established to oversee the preparation of the submission to ensure that it represents cross-organisational interests, with City officers reviewing the technical reports where there is existing expertise. A specialist consultancy has been engaged to also undertake technical reviews and to prepare the draft submission on behalf of the City. The draft submission will be reviewed by the PCG.

The early themes arising from the review include:

- Recognition that this is an established use, seeking to continue operations in the manner currently approved, by establishing additional infrastructure to manage mine-generated waste products.
- Whilst this project is described in various ways throughout as being 10 years, or at least 10 years, improvements in waste storage and processing could mean that this EES allows operations to continue well beyond this timeframe.
- The technical reports vary between undertaking modelling based on existing experience, and using industry standard guidelines and measurements, without clarifying why that data source has been chosen in that instance.
- Inconsistencies across the many technical reports make it difficult to compare information and understand the cumulative impacts on individual neighbouring properties.
- Mitigation measures proposed are often quite general, and do not always have a clear and direct link to the findings of the technical analysis.
- Given the significant profits obtained from this operation, rehabilitation of the site should be undertaken to best practice standards.

The volume of technical documents to be reviewed and considered, and the limited review period, mean that it is not possible to finalise the submission early enough to get to Council for endorsement prior to lodgment.

It is recommended that the Chief Executive Officer endorse the submission on behalf of the Greater Bendigo City Council, with the submission provided to Councillors and released to the public after lodgment.

Following exhibition the Minister for Planning may appoint an Inquiry to evaluate the project, the various EES studies and public submissions. This Inquiry could take the form of a desktop review of written submissions, a conference of submitters and a review of submissions or a formal hearing. Hearing dates have been scheduled, and it is expected that the Inquiry will deliver their recommendations to the Minister for Planning before the end of this year.

Priority/Importance

While the Minister for Planning is the decision maker, it is important that as the Municipal Authority (the City) considers the EES and provides a submission.

Options Considered

To prepare and lodge a submission as outlined in this report (recommended).

Not to lodge a submission (not recommended).

Timelines

November 2021	The Minister for Planning determined a new EES was required.
September 2022	The scoping requirements for the EES were released.
18 July 2024	The City is made aware of the public exhibition period.
22 July 2024	Public exhibition begins.
30 August 2024	Public exhibition closes.
18 September 2024	Directions hearing scheduled.
28 October 2024	Hearing scheduled to begin this week
December 2024	Inquiry report due to be submitted to the Minister for Planning.

Communications/Engagement

City officers have participated in the Technical Reference Group, along with representatives of State Government agencies and Djaara to provide guidance to Fosterville Gold Mine on the preparation of the EES.

City officers will collaborate internally and with a specialist consultancy to review the EES and provide comments to inform the submission currently being prepared.

Community members and other stakeholders are encouraged to review the EES, available on the Fosterville Gold Mine webpage, and to consider making their own submissions via the Engage Victoria webpage.

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
Outcome 5 - A climate resilient and healthy landscape
Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 1 - Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy
Goal 5 - Recognise and celebrate our significant national and international heritage

Conflict of Interest

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

Attachments

1. Fosterville Gold Mine Sustained Operations Project Inquiry EES Public Notice 6468 [**19.1.1** - 1 page]
2. Fosterville Gold Mine EES Executive Summary [**19.1.2** - 23 pages]

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FOSTERVILLE

Fosterville Gold Mine Sustained Operations Project

ENVIRONMENT EFFECTS STATEMENT – PUBLIC COMMENT INVITED

The Minister for Planning determined under the *Environment Effects Act 1978* that Fosterville Gold Mine Pty Ltd (FGM) is to prepare an environment effects statement (EES) for the proposed Fosterville Gold Mine Sustained Operations Project (the project).

This notice is provided pursuant to the Environment Effects Act 1978 (Vic) (EE Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). The EES process is accredited to assess potential impacts on matters of national environmental significance (MNES) under the EPBC Act through the Bilateral Assessment Agreement between the Commonwealth and the State of Victoria.

The EES is now available for public comment for a period of **30 business days**.

Written submissions can be made between **Monday 22 July and 11:59pm on Friday 30 August 2024.**

PROJECT DESCRIPTION

The Project is located in the Greater Bendigo region of Victoria and proposes activities that are required to support the continuation of existing gold mining operations at Fosterville Gold Mine for at least the next ten years.

Mining operations would continue as per the current operation, with ore mined using the same underground mining methods and processed through the same treatment plant.

The key components of the project include:

- an extension of current underground mining operations within MIN5404;
- cutbacks (extension) to existing open pits;
- construction and operation of new tailings storage facilities within existing tailings compound or within existing open pits;
- construction and operation of a new brine evaporation pond;
- management of waste paste and construction of a new waste rock dump;
- transfer/sale of carbon in leach (CIL) tailings; and
- aquifer recharge (AR) program to inject treated mine water to the fractured rock aquifer.

EES PROCESS

The project was referred to the Minister for Planning under section 8(3) of the Environment Effects Act 1978 (Vic) in September 2021. On 10 November 2021, the Minister for Planning issued a decision that an EES is required for the Project.

On 3 November 2021, under delegated authority from the Commonwealth Minister for the Environment, the Department of Agriculture and the Environment (DAWE), now the Department of Climate Change, Energy, Environment and Water, made a decision that the Project is a controlled action and will require assessment and approval under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) before it can proceed.

On 10 November 2021, DAWE confirmed that in accordance with the Bilateral Assessment Agreement with Victoria, the Commonwealth Minister would rely on the EES prepared for the Project under the Environment Effects Act 1978 (Vic) to assess potential impacts on matters of national environmental significance (MNES) under the EPBC Act.

The Victorian Minister for Planning will provide a final assessment of the effects of the Project following public exhibition of the EES. The EES has considered matters of national environmental significance (MNES) under the EPBC Act.

You can make a submission on the matters assessed for the purposes of the relevant provisions under the EPBC Act by making a submission on the EES.

HOW TO MAKE A SUBMISSION

Anyone can make a submission on the EES. Submissions must be made in writing and be **received by 11:59pm on Friday 30 August 2024.**

Submissions can be lodged via the Victorian Government's Engage Victoria website at: https://engage.vic.gov.au/Fosterville-Gold-Mine-SOP-Inquiry

- If you do not have internet access and are unable to lodge a submission online contact Planning Panels Victoria (PPV) through the Customer Call Centre on 136 186 (select Option 6).
- Submissions will be treated as public documents and will be published on the Engage Victoria website.
- The submission process is independently managed by PPV and any enquiries regarding the submissions and the Inquiry and Hearing process should be directed to PPV.

HOW TO ACCESS THE EES AND EXHIBITED DOCUMENTS

You can access the EES information via the following options:

Electronically

- The EES will be accessible through the FGM Community Website: https://fgmcommunity.com.au
- A USB with the full EES information pack will be provided free of charge for collection or via post by contacting FGM.

Hard copy

Hard copies of the EES will be made available at the following locations during the exhibition period:

- Fosterville Gold Mine Reception/Agnico Eagle Australia office – McCormicks Road, Fosterville, VIC, 3557
- Bendigo Library – 251-259 Hargreaves Street, Bendigo VIC, 3550
- State Library Victoria – 328 Swanston St, Melbourne, VIC, 3000

Printed copies can be arranged at the requesters own expense by contacting FGM.

***Please note!** The EES is a large document and we encourage the use of electronic versions to minimise impacts from printing. Free hardcopies will only be available for review at selected locations.*

INQUIRY PROCESS

The Minister for Planning will appoint an independent Inquiry to conduct a public hearing commencing in the week beginning Monday 28 October 2024 and expected to run for 4-6 weeks.

The Inquiry will hold a Directions Hearing by video conference on Wednesday 18 September, to consider the arrangements and timetable for the public hearing.

If you want to present to the Inquiry you will need to make a written submission, and mark on the online submission form that you would like to be heard.

The Inquiry will review all the submissions and the EES before providing advice to the Minister for Planning. The Inquiry will be guided by a Terms of Reference issued by the Minister for Planning.

Information on the hearing process and timetable will be published as it becomes available at https://engage.vic.gov.au/Fosterville-Gold-Mine-SOP-Inquiry

CONTACTS

Fosterville Gold Mine Sustained Operations Project

Fosterville Gold Mine Pty Ltd

Address: McCormicks Road, Fosterville, 3557

Phone: 03 9678 5581

Email: fgm.community@agnicoeagle.com

Website: https://fgmcommunity.com.au

EES Process

Impact Assessment Unit

Department of Transport and Planning

Email: environment.assessment@transport.vic.gov.au

Phone: 03 8622 7633

Making a submission or the inquiry process

Planning Panels Victoria

Phone: 136 186 (select option 6)

Email: planning.panels@transport.vic.gov.au

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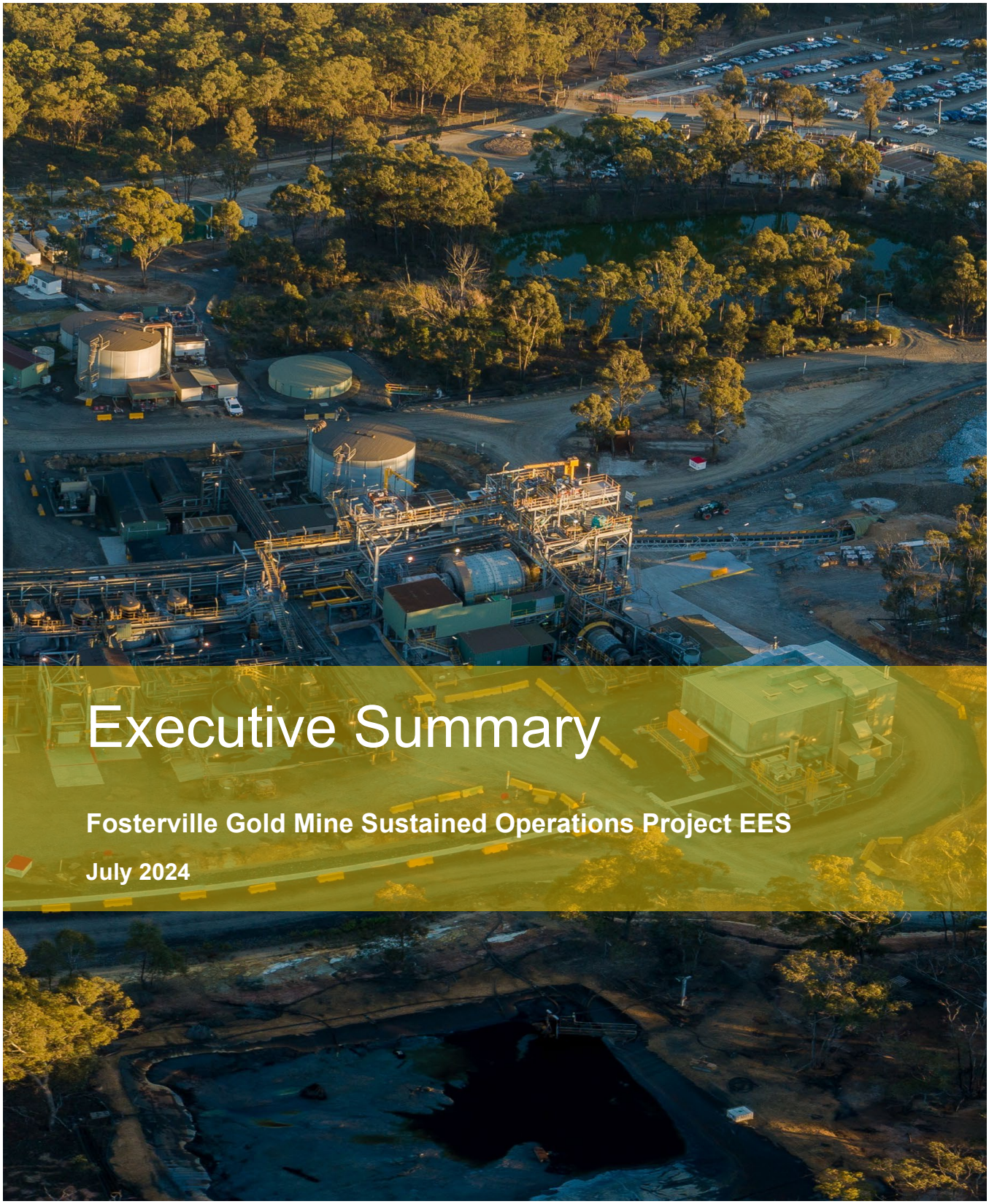
FGM Sustained
Operations Project



Executive Summary

Fosterville Gold Mine Sustained Operations Project EES

July 2024

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Executive Summary

Introduction

This document provides an overview of the Environment Effects Statement (EES) for the Fosterville Gold Mine Sustained Operations Project (the Project) and outlines the Project description, the setting in which the Project is proposed, provides a summary of the environmental assessments undertaken, and describes the significance of the Project related residual impacts.

On 10 November 2021, the Victorian Minister for Planning determined an EES was required for the Project under the provisions of *the Environment Effects Act 1978* (EE Act).

On 3 November 2021, under delegated authority from the Commonwealth Minister for the Environment, the Department of Agriculture and the Environment (DAWE) made a decision that the Project is a controlled action and will require assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

The EES comprises a main report supported by technical studies and supporting information provided as appendices and attachments.

Project overview

Fosterville Gold Mine Pty Ltd is an Australian company that is wholly owned by Agnico Eagle (Agnico), a Canadian-based publicly listed mining company and the third largest gold producer in the world. Agnico has been operating since 1957, and operates mines in Canada, Australia, Finland and Mexico.

FGM has been operating Fosterville Gold Mine since it was established in 2005 following an EES process in 1996. While the initial focus was open-cut mining of near-surface low-grade mineralization, the discovery of high-grade visible-gold mineralization at depth led to the development of extensive underground mining operations. These discoveries transformed Fosterville Gold Mine into one of the world's richest gold mines.

The Project is proposed to be located entirely within mining licence 5404 (MIN5404), which is held by FGM under the *Mineral Resources (Sustainable Development) Act 1990 (*Minerals Act). MIN5404 is a consolidation of a number of earlier mining licences that were granted as far back as 1990 and was extended in northerly and southerly directions to its current extent in 2019. MIN5404 expires on 24 August 2035.

Fosterville Gold Mine Pty Ltd owns the freehold title to most of the land on which it presently undertakes surface mining operations, as well as several residential and rural/residential properties south of the Mine.

Project rationale

During its initial years, FGM produced gold from near-surface, low-grade mineralisation. An EES was developed for the mine in 1996 (1996 EES) which allowed underground mining of the sulphide ore to commence in 2005.

A major inflection point was achieved in 2015 with the intersection of high-grade visible-gold bearing mineralisation at depth, leading to the discovery of the Eagle Zone and, in 2016, the ultra-high-grade Swan Zone. The discovery of these zones, particularly Swan, resulted in a significant improvement in the mine's overall mineral reserve grade, production profile and unit-cost performance. In 2016, exploration work documented similar visible-gold bearing zones at depth in the Harrier zone. Additional exploration progress early in 2017 resulted in new mineral reserves and mineral resource estimates for the operation being released in June 2017, which more than doubled underground reserves.

With continued exploration success over the remainder of 2017, an additional mineral reserve and mineral resource estimate was released in December 2017, with mineral reserves increasing another 65% from the June 2017 estimate. Continued drilling in the Lower Phoenix system during 2018 resulted in another significant increase in the Fosterville Mine mineral reserves to 2,720,000 ounces at an average grade of 31.0 grams/tonne (g/t).

As of 31 December 2023:

- Proven mineral reserves were 273,000 ounces of gold (679,000 tonnes grading 12.52 g/t gold).
- Probable mineral reserves were 1,409,000 ounces of gold (7,897,000 tonnes grading 5.55 g/t gold).
- Measured mineral resources totalled 108,000 ounces of gold (1,082,000 tonnes grading 3.10 g/t gold). Indicated mineral resources totalled 1,404,000 ounces of gold (10,528,000 tonnes grading 4.15 g/t gold).
- Inferred mineral resources totalled 1,461,000 ounces of gold (10,019,000 tonnes grading 4.54 g/t gold).
- FGM is targeting annual production range of 200,000 to 220,000 ounces of gold in 2024.
- In 2023 FGM produced 277,694 ounces of gold at an average grade of 13.61 g/t gold.

Exploration results at FGM continued to demonstrate the size and scale of the gold systems at Lower Phoenix, Cygnet and Robbin's Hill, and confirmed the presence of quartz with visible gold within each of these systems.

Based on current exploration results, the long-term goal for FGM is to establish the mine as a long-life asset through the successful replacement of mineral reserves. There is potential to discover additional high-grade zones that could potentially support higher production levels and improvements in unit costs, which is the reason Fosterville Gold Mine Pty Ltd is seeking to gain approval to continue operations for at least another 10 years.

Project description

The Project includes the components (Figure 1) that will allow FGM to continue mining operations, for at least another 10 years, in the manner currently approved.

The construction of each Project component will not occur at the same time; construction will be staged over 10 years. Depending on various factors some components may not be constructed as they may not be required to sustain operations. However, all components have been included in the Project description to ensure all potential impacts have been assessed.

A summary of the key components of the Project are:

- Continuation of underground mining development in:
  - Harrier and Phoenix orebodies located within the southern underground mining precinct.
  - Robbins Hill orebody located within the northern underground mining precinct.
- Continuation of mineral exploration within the underground precincts and extending into the following areas:
  - To the south outside of the southern underground mining precinct.
  - To the north outside of the northern underground mining precinct.
- Open pit mining cutbacks at existing open pits – Farley's Pit, O'Dwyer's North Pit and O'Dwyer's East Pit. No new pits are proposed.
- An above-ground waste rock dump at Harrier Pit (at the conclusion of backfilling operations of the existing open pit).
- Construction and operation of 5 tailings storage facilities (TSFs) for flotation and neutralisation tailings, including:
  - An extension to the existing tailings management precinct with 2 above-ground facilities (TSF5 and TSF6).
  - Use of existing O'Dwyer's North Pit, O'Dwyer's East Pit and Farley's Pit, for in-pit tailings storage following cutback operations.

- Construction and operation of 2 additional carbon-in-leach (CIL) tailings hardstands, CIL hardstand 5 (CIL HS5) and CIL hardstand 6 (CIL HS6) within the existing CIL hardstand precinct.
- Sale of CIL tailings, with excavation from existing CIL Hardstands and transportation offsite by a third party.
- Construction and operation of a brine evaporation pond.
- Water storages for underground mining water.
- Aquifer recharge of treated mine water to the fractured bedrock aquifer.

Ancillary components of the Project include:

- A vent shaft to surface (with fans located underground) from the northern underground mine extension of Robbins Hill decline.
- A vent shaft to surface (with fans located underground) in the southern half of MIN5404 to support the existing infrastructure.
- Construction of an embankment around Hunt's Pit to provide additional storage and freeboard to the decant water to accommodate water decanted off TSF5 and TSF6.
- Upgrade existing internal haul roads to replace haul roads displaced by TSF5 and TSF6.
- A borrow pit to provide additional material for increased areas of rehabilitation.
- Additional topsoil storage areas.
- A combined services corridor that follows an existing disturbed infrastructure corridor which will contain:
    - Energy reticulation from the Fosterville Terminal Station in the south-east of MIN5404 to the northern precinct.
    - Pipelines at surface for water, air and paste reticulation.

The majority of the components of the Project involve activities and works that are consistent with those already undertaken as part of current operations at FGM. The Project components which represent new activities or general design features different from those currently present at the site are:

- Aquifer Recharge (AR) – new activity.
- Sale of CIL tailings – new activity
- Vent shafts – not a new activity, however, the Project proposes a change in design from the existing vent shaft whereby the fans will be located underground as compared to currently at the surface.

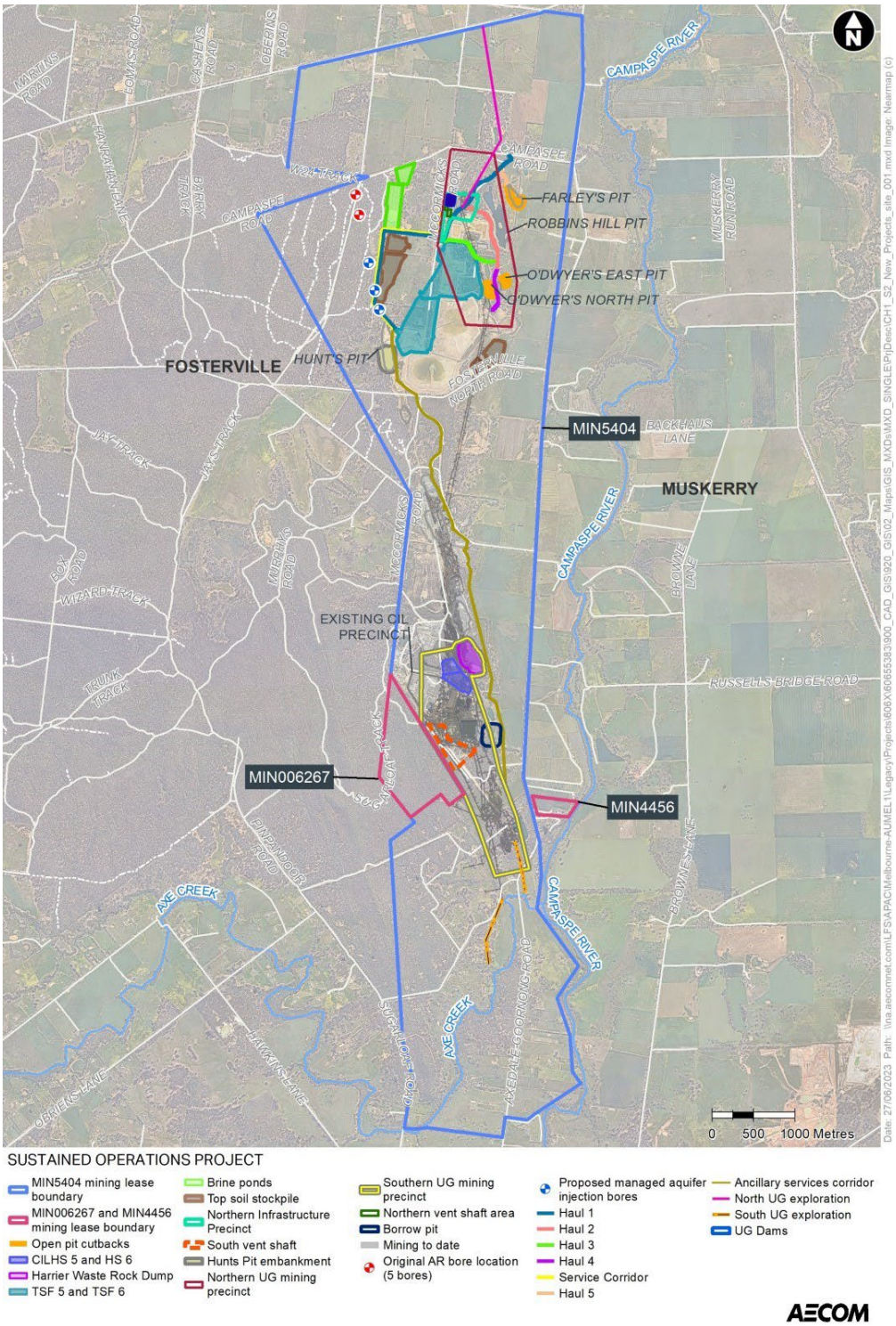

Figure 1 Project Components

Project assessments and approvals

The key legislation and associated approval requirements for the Project are listed below.

***Environment Protection and Biodiversity Conservation Act 1999* (Cth)**

The EPBC Act is the principal government environmental protection and biodiversity conservation legislation at the Commonwealth level. After considering the Minister for Planning's assessment under the EE Act, the Commonwealth Minister for the Environment or their delegate will ultimately decide whether the action is approved, approved with conditions, or refused under the EPBC Act.

***Mineral Resources (Sustainable Development) Act 1990* (Vic)**

The MRSD Act aims to encourage minerals exploration and development in a way that makes the best use of, and is compatible with, the economic, social, and environmental objectives of Victoria. In this context, compatibility means that all factors, including agricultural activity and environmental management, must be considered.

Fosterville Gold Mine Pty Ltd already holds mining licence MIN5404 and an approved work plan under the MRSD Act, which authorise its current operations at FGM.

Fosterville Gold Mine Pty Ltd intends to apply for a series of work plan variations under section 41AAB of the MRSD Act to undertake the individual Project components and activities when required.

These work plan variations will require statutory endorsement and approval under the MRSD Act, administered by the Earth Resources Regulator (ERR) within the Department of Energy, Environment and Climate Action (DEECA), formerly known as the Department of Jobs, Precincts and Regions (DJPR).

***Aboriginal Heritage Act 2006* (Vic)**

The AH Act provides protection for Aboriginal cultural heritage in Victoria. Section 49 of the AH Act states that a CHMP must be prepared in respect of any works when an EES is required under the EE Act. A CHMP for TSF 5 and TSF 6 (CHMP 15553) has already been approved by the Dja Dja Wurrung Clans Aboriginal Corporation (Djaara) as the Registered Aboriginal Party (RAP).

A further CHMP (CHMP 18990, in preparation) will be required for the remainder of the Project components. As required by Section 49 of the AH Act, construction of the Project cannot commence until the CHMP has been approved for the remainder of the Project components.

***Environment Protection Act 2017* (Vic)**

The *Environment Protection Act 2017* (EP Act) provides a legal framework to avoid or minimise the risk of harm to human health or the environment from pollution and waste, reducing risk as far as reasonably practicable.

The Environment Protection Regulations 2021 (Vic) (EP Regulations) and the Environment Reference Standard (ERS) are made under the EP Act 2017.

In accordance with Schedule 1 of the EP Regulations, mining is activity type 'C01'. 'C01' activities are exempt from the need to have development or operating licences where the discharge or deposit of mining wastes occurs solely to land, groundwater or air and is in accordance with the MRSD Act.

However, discharge or deposit of mining wastes to groundwater may be a prescribed permit activity which requires an A18 permit (discharge or deposit of waste to aquifer) under the EP Regulations. An A18 permit would then be required for the aquifer recharge (AR) proposed as part of the Project.

If the proponent applies for an A18 permit exemption, EPA can determine whether or not to grant this exemption by considering the prescribed matters listed under regulation 31 of the EP Regulations.

An A18 permit (or exemption) is also required for the following Project activities as they fall within the prescribed A18 permission activity description in Schedule 1 of the EP Regulations:

- Placement of loose and cemented waste rock fill and paste backfill underground – as part of the extension of mining to the north and south.
- Placement of waste rock into open pits - as part of the Harrier Waste Rock extension aboveground.
- Placement of flotation tailings into open pits – as part of the backfilling of the open pit cutbacks.

Upon request, EPA can provide advice about the permissions required via the EPA permissions pathways process.

These activities (or activities of a similar nature) are being currently undertaken at FGM as part of the existing operations but are exempt from the need for an A18 permit by virtue of exemption EXM000300119, which was issued by EPA Victoria on 28 September 2023 under section 82(3)(a) of the EP Act.

In particular, condition EX_06 allows Fosterville Gold Mine Pty Ltd to discharge the following wastes to an aquifer, subject to conditions:

- Loose rock fill
- Cemented rock fill
- Paste fill
- Overburden rock
- Flotation tailings.

The exemption expires 29 September 2028.

Either a similar exemption or an A18 permit will be required for the proposed Project activities involving placement of materials underground or into open pits listed above.

General Environmental Duty

The general environmental duty (GED) is the centrepiece of the EP Act and it applies to all Victorians. It requires all Victorians who undertake activities that pose a risk of harm to human health and the environment from pollution or waste to understand those risks, and eliminate or minimise those risks, so far as reasonably practicable.

To determine what is reasonably practicable, regard must be had to the following matters set out in section 6(2) of the EP Act:

- the likelihood of the risks eventuating.
- the degree of harm that would result if the risks eventuated.
- what the person concerned knows, or ought reasonably to know, about the harm or risks of harm and any ways of eliminating or reducing those risks.
- the availability and suitability of ways to eliminate or reduce the risks.
- the cost of eliminating or reducing the risks.

EPA Publication 1856 (2020) explains that doing what is reasonably practicable means putting controls in place which are proportionate to the risk of harm. The publication also explains that the combination of what a person actually knows, and what a person in their circumstances should reasonably know, about the risks and how to address them, forms the “state of knowledge” which helps define the scope of the GED.

Given that the Project is essentially a continuation of activities already being undertaken at FGM, Fosterville Gold Mine Pty Ltd has the benefit of an extensive state of knowledge regarding potential risks associated with the Project activities and ways of managing them through an established framework.

Project benefits and objectives

The Project will allow the existing social benefits afforded by the current operating mine to continue for at least 10 years. The potential closure of FGM will have significant negative social consequences for the employees of FGM and their families, as well as the Bendigo Region. More than 25% of existing employees indicated they would “definitely leave” the region if FGM were to close, and 71.3% of employees indicated it was at least possible they would leave the region. Similar percentages of employees indicated that it would be “unlikely” or “very unlikely” they would continue to participate in community activities should FGM close.

As of 2023, FGM was directly responsible for approximately 600 full-time equivalent (FTE) jobs, plus approximately 200 permanent contractors. Approximately 85% of these employees are from the local community. FGM is the 4th largest employer in the Bendigo Region.

Over the past 10 years to 2023, economic activity generated by FGM is estimated to have led to positive net impacts on employment in the Project Area, providing an average of 854 additional FTE per annum (both direct and indirect employment) as well as an additional 1,612 FTE in the state of Victoria, relative to the base case in which FGM did not operate.

The estimated economic effects of the continued operations at FGM due to the Project include:

- Between FY 2024 and FY 2033, the mine is expected to raise GRP in the Project Area by a total of $1.3 billion (present value terms, discounted at 7 per cent) relative to the base case.
- Over the same period, the mine is expected to support on average, 1,066 FTE per annum (both direct and indirect employment).
- Capital expenditure is forecast to total $1.1 billion (undiscounted). This total capital expenditure comprises growth capital expenditure (including expansionary and developmental expenditure such as additional construction) and sustaining capital expenditure (including investments in mobile equipment, general projects, surface and processing, haulage etc. to maintain, replenish and ultimately sustain operations.
- Operational expenditure is expected to total $1.9 billion and reflects spending on the day-to-day operations of the Fosterville Gold Mine. This component reflects various steps in the production processes including mining, processing, refining and transportation, as well as several ancillary services such as engineering, maintenance, geology and administration. The operating outlays also include costs relating to environmental management and ongoing monitoring.
- Royalties include third-party payments as well as payments to the Victorian Government, where government royalty payments account for almost 60% of the profile of royalties ($153 million).
- State taxes include items such as payroll tax, stamp duties and land tax payments. Corporate income taxes dominate the profile of expected payments, with Fosterville Gold Mine Pty Ltd predicting that almost $1.2 billion will be paid to the state of Victoria over the coming decade.

The EES process

Where a proposed development has the potential to have a significant impact on environmental, socioeconomic and cultural values, an EES is required under the provisions of the EE Act. On 10 November 2021, the former Victorian Minister for Planning decided an EES was required for the Project.

The Commonwealth's EPBC Act protects certain MNES and requires the assessment and approval of proposed actions likely to have a significant impact on MNES. On 3 November 2021, the Commonwealth Minister for the Environment determined the Project was a controlled action (that is, there are significant potential impacts to MNES) on the basis the Project has the potential to impact listed threatened species and communities.

To proceed the Project must therefore be assessed and approved under the EPBC Act. The Commonwealth has accredited the Victorian EES assessment process for this purpose.

The purpose of the EES is to describe the Project and assess its potential effects on the environment, including measures to avoid, minimise, rehabilitate or offset the effects. On 10 November 2021, the Minister for Planning issued his decision that an EES is required for the Project for the following reasons:

- *'The Project has the potential for a range of significant environmental effects, including on:*
  - *Native vegetation and associated biodiversity values, including listed threatened species and communities;*
  - *Environmental values of surface waters and groundwater (i.e., hydrology and quality);*

- *Amenity (i.e., air quality, noise, vibration and visual), as well as the landscape values of the surrounding area; and*
- *Aboriginal cultural heritage values.*

- *The proposal has the potential for cumulative adverse effects on the above-mentioned values, from the proposed works, the existing mining activities and other approved works yet to be undertaken.*
- *An integrated assessment is necessary to ensure the range of likely adverse effects and related uncertainties are sufficiently investigated. This includes examining the scope for further avoidance and minimisation of effects via feasible siting, design and operational alternatives for key and ancillary components of the proposal, as well as evaluating their effectiveness and acceptability.*
- *There are other potential adverse effects from the proposal that are less significant but also need to be considered through impact assessment, including greenhouse gas emissions, impacts on historic cultural heritage and current land use of the area; and changes to local amenity associated with traffic and transport from construction and operational phases of the Project*
- *An EES would enable a transparent and rigorous process for consideration of potentially adverse effects of the project, which would inform relevant statutory decision-making.'*

The EES Scoping Requirements, issued in September 2022, detail the specific matters to be investigated within the EES and the evaluation objectives against which the Project will be assessed by the Minister for Planning.

Structure of EES

A summary of the EES structure is provided in Table 1.

Table 1 EES Structure

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Evaluation objectives for the EES

The EES Scoping Requirements detail the evaluation objectives against which the Project will be assessed by the Minister for Planning (refer Table 2). These objectives provide a framework for an integrated assessment of the environmental effects and overall implications of the Project.

Table 2 EES evaluation objectives

Study area	Evaluation objective
Resource development	*Achieve the best use of available resources, in an economically and environmentally sustainable way.*
Biodiversity and ecological values	*Avoid, and where avoidance is not possible, minimise potential adverse effects on native vegetation, species of flora and fauna (particularly listed threatened species and their habitat and listed ecological communities), as well as address offset requirements (if required) consistent with state and Commonwealth policies.*
Water resources and environmental values	*Avoid and, where avoidance is not possible, minimise adverse effects on water resources and on existing and potential future environmental values and licensed uses of surface water, groundwater and related catchment values over the short and long-term.*
Cultural heritage	*Avoid and, where avoidance is not possible, minimise adverse effects on Aboriginal and historic cultural heritage values including Traditional Owner values and assets.*
Amenity, socio-economic and land use	*Avoid or minimise, where avoidance is not possible, potential adverse social, amenity, greenhouse gas, land use effects, including impacts on existing infrastructure and open space, as well as potential adverse effects to landscape values of the area.*

The Project's achievement of the evaluation objectives is determined through an assessment of the residual impacts that may result due to Project activities following the application of avoidance and mitigation measures.

Impact assessment methodology

The EES identifies and assesses the residual impacts that may result due to Project activities following the application of avoidance and mitigation measures.

The significance of each residual impact is determined through consideration of the magnitude, spatial extent and duration of the impact, the likely effectiveness of avoidance or mitigation measures, statutory benchmarks (where relevant), the level of uncertainty associated with the impact assessment, and the interrelationship between different impacts, where they exist.

The impact assessment framework is shown in Figure 2

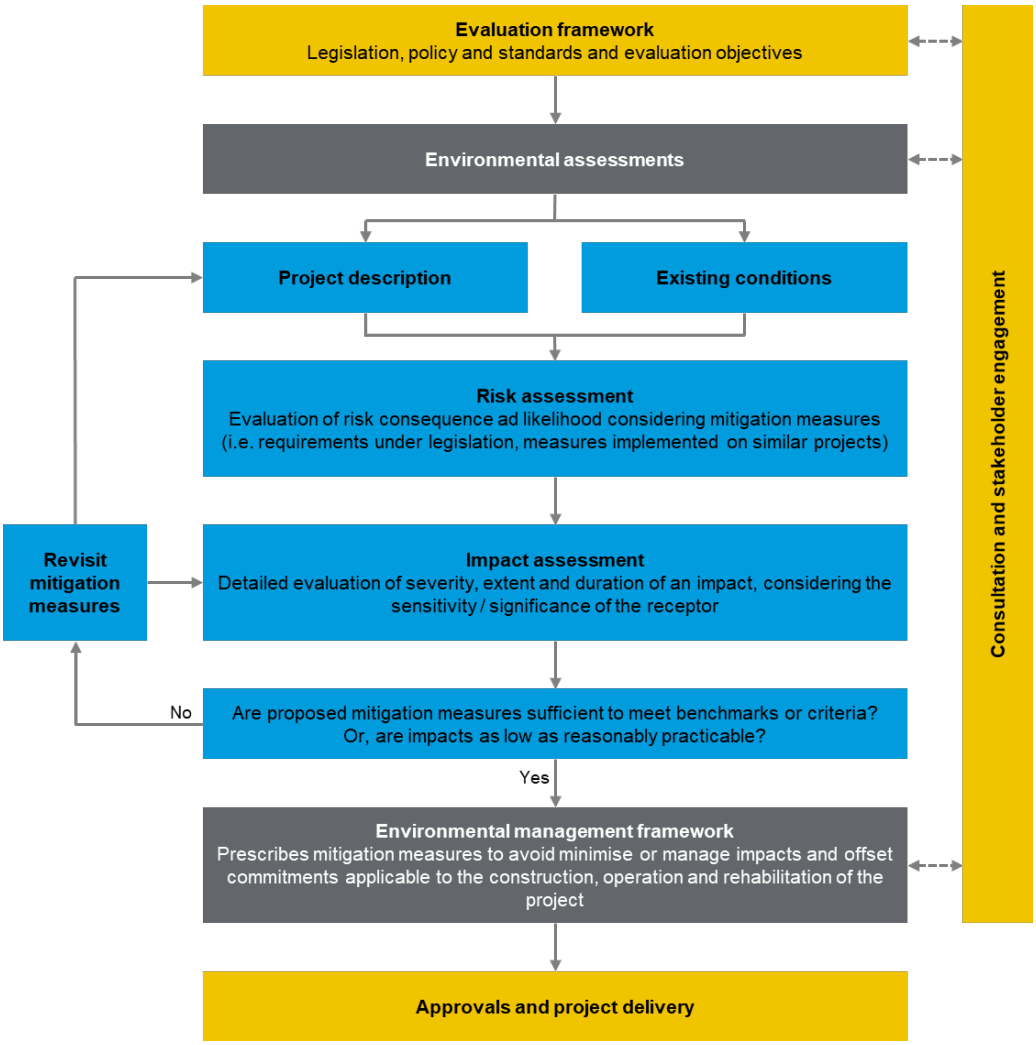


Figure 2 EES Impact assessment framework

Impact assessment findings

Land use and planning

The Project is consistent with and is supported by State and local planning policies in that it supports appropriate use of natural resources and the associated economic and social benefits.

The potential land use conflicts created by the proposed Project have been assessed in which the Project site and surrounding land use can continue to be used for its current and future intended purpose. The assessment concludes that once mitigation measures are applied, there will be negligible land use impacts on the existing and future surrounding land use.

Aspects of the Project that were identified as potential land use impacts include:

- The works associated with the Project disrupt existing and/or reasonably foreseeable land uses, with associated effects on established land use; however, these would not be significant.

- The land use of the site may not be consistent with future surrounding land uses, however, in the context of relevant strategies, policies and provisions of the City of Greater Bendigo Planning Scheme, there is support for FGM to ensure there is little, to no, conflict of land use surrounding the site.
- There are no significant cumulative impacts on land use values associated with the Project in conjunction with existing and proposed projects in the region.

The relevant supporting EES technical assessments have ensured that sufficient mitigation measures are proposed to appropriately reduce the risk of land use impacts caused by the Project. Furthermore, the use of continually updated risk management and rehabilitation plans (as required under the MRSDA Regulations) and which will incorporate the requirements of the General Environmental Duty (GED) would manage risks and impacts through the different phases of the Project. The Project would have minimal impact on existing or future surrounding land uses provided all amenity management and mitigation controls are implemented and monitored.

As a result, the Project would not result in unacceptable or long-term residual impacts to the existing composition of land uses within the locality and would not diminish the long-term vision for growth and land use and planning in the broader region. Rather, the Project would support a variety of state and regional land use objectives and continue to uplift the surrounding region through investment and jobs.

Traffic

The construction, operation and rehabilitation of the components that make up the Project will only increase the traffic in a minor way: comprising 20 additional light vehicle return trips per day during construction and ten additional heavy vehicle return trip movements per day during operation.

Forecast traffic demands indicate the road network is expected to accommodate the anticipated additional traffic generated by the Project i.e. there will be no reduction in performance.

Modelling undertaken for the construction and operation phase of the Project showed that all intersections will continue to operate satisfactorily, with minimal congestion.

Mitigation measures have been recommended which will contribute to improved road safety in the long term.

Fosterville Gold Mine Pty Ltd are committed to working with City of Greater Bendigo (CoGB) Council to resolve any existing non-compliance issues and will continue to provide information on vehicle movements to Council to assist with decisions on treatments. Following the implementation of mitigation measures, low residual impacts are predicted for intersection performance, increased congestion and amenity.

The potential safety impacts due to potential crashes at both the Huntly-Fosterville Road / McCormicks Road and/or Axedale Goornong Road / Huntly Fosterville Road intersections are very high. This is an existing impact as these intersections are not conforming to current design and safety standards. Mitigation measures to improve sightlines and implement lane treatments would result in better performing and safer intersections over an extended and long term period. With the implementation of these safety measures the residual impact is reduced from very high to high.

The residual impact cannot be reduced any further as the residual consequence remains major (potential for severe injury).

Cultural and historic heritage

Impacts to Aboriginal cultural heritage in the area from the Project is summarised as follows:

- Potential damage to defined Aboriginal places exists through construction and the potential damage or disturbance of hitherto unregistered or previously unidentified locations or objects of Aboriginal cultural heritage or importance. These potential impacts are mitigated through avoidance, the fencing-off of known Aboriginal places and the implementation of the general conditions described in the CHMPs for the Project.
- Due to the geomorphology and history of ground disturbance from previous mine workings in the area, the archaeological sensitivity of the area and the likelihood of new finds is considered low. However, with implementation of the mitigation measures as documented within the CHMPs, there

will be no residual impact to the registered Aboriginal places and unregistered Aboriginal places (if identified during proposed works) within the activity area.

- Residual impacts to intangible, non-archaeological Aboriginal heritage places (s) and/or values will be reduced through the implementation of the ongoing cultural values assessment process and the approved CHMPs.

Impacts to historic heritage in the area from the Project is summarised as follows:

- Historic heritage in the Fosterville area began in the 1830s with colonization and displays a two-century history of agriculture and gold mining. As such, associated physical artefacts and ground disturbance are very common in the Fosterville area, including within the Project site.
- To mitigate the impact of the proposed works, the Project works would be planned to avoid all ground disturbance within known historical cultural heritage sites within the study area, and exclusion zones will be established around the extent of each historical cultural heritage site.
- If it is not practicable to avoid impacts to a site(s) then Consents to Disturb will be required from Heritage Victoria.
- There remains a potential residual impact to previously unidentified historical cultural heritage. This potential impact has been partially mitigated by the conducting of the EES desktop and site investigations meaning it is unlikely that this would occur.

Landscape and visual amenity

The impacts to landscape and visual amenity are based on the theoretical viewshed limit for the Project components and value (or significance) of the landscape character.

The impact assessment included an assessment of the actual visibility of the proposed Project components in terms of operational and rehabilitated Project components overlain on the existing landscape.

Of the ten locations assessed, six had a moderate operational visual impact, two had a low operational visual impact and two had no visual impact during operations.

For the six moderate operational impacts, the rehabilitated landform was shown in the photomontages along with additional screening, where required.

Screening and progressive rehabilitation of the landforms will occur in accordance with the approved rehabilitation plan and in consultation with community and stakeholders, thereby leaving low, long-term cumulative, residual negative landscape and visual impacts.

Ground vibration

Ground vibration generated from blasting by the Project's continuation of underground mining is predicted to extend into areas and residential properties that have not previously experienced impact before, although the impact will be below ERR's 5 mm/s regulatory limit for human comfort.

Impacts from surface blasting required for the extension to three former pits will also be below ERR's guideline based on a conservative blasting design. Impacts would be minimised to a reasonably practicable extent while maintaining an effective and safe blasting program.

The proposed safety buffers from the surface blasting would mean the likelihood of flyrock being generated, resulting in an injury to the public is rare, however the residual impact from flyrock must remain high due to the magnitude of the consequence (i.e. serious injury or death), despite the low likelihood of the residual impact occurring.

There is likely to be a residual impact generated from concern and annoyance from ground vibration activities as individuals may be annoyed or concerned regardless of the ground vibration level generated and despite mitigation measures being implemented. The residual impact from blasting generated ground vibration will cease following the cessation of mining.

Ground vibration generated from mine-induced seismicity (MIS) is currently experienced in the Project area as a consequence of underground mining, and this will continue for a predicted area covering over 150 dwellings irrespective of whether the Project proceeds.

Continuation of underground mining from the Project will increase the area and number of receptors who may experience a MIS event, and with the next largest MIS event predicted over the 10 year Project life having the potential to cause cosmetic damage of approximately 250 residential buildings. Although, given the unpredictable nature of MIS events there is no certainty that this event will occur or cause damage.

There remains a residual impact from mine-induced seismicity upon cessation of mining, but this reduces during rehabilitation as a portion of voids will have already been backfilled during operations.

Noise

There is a range of noise-sensitive receptors that could potentially be affected by noise emissions associated with the existing operations, Project construction activities, Project operations and Project rehabilitation, including:

- Areas defined as 'noise sensitive areas' in accordance with the EP Act and subordinate legislation. These areas are all residences located in the nearby area, predominantly in farming-zoned land (FZ zoning) and rural living zones (RLZ zoning)
- The Wellsford State Forest natural area
- Mount Sugarloaf Nature Conservation Reserve natural area.

The assessment of impacts is based on predictive noise modelling, using existing site data, and scenarios that include existing operations, Project construction, Project operations (day and night periods), Project traffic and Project rehabilitation.

The modelling shows that noise limits at sensitive receptors (properties) are not exceeded for existing operations, Project construction, Project operations (day and night periods) or Project rehabilitation.

Furthermore, low frequency noise (LFN) threshold limits at sensitive receptors (properties) are not exceeded for existing operations, Project construction, Project operations (day and night periods) or Project rehabilitation.

The modelling does show that Project traffic results in noise levels that exceed the ERS objective noise level of 40 dBA at 56 receptors with the maximum predicted noise level being 59 dBA. These receptors are located within the Axedale township, within 100 m of McIvor Highway or Axedale-Goornong Road and are already exposed to relatively frequent heavy traffic on these roads and associated noise impacts. The Project will not contribute to these levels as shown by analysis of existing noise data from the Axedale township area which shows that the noise levels regularly exceed 50 dBA.

Noise from existing operations (day and night periods), Project construction, Project cumulative activities, Project operations (day and night period) are predicted to be above the noise limits in Mount Sugarloaf Nature Conservation Reserve. The exceedances are predicted to be between 4 dBA and 7 dBA above the noise limit and are considered to be unlikely to impact on the amenity, or to unreasonably interfere with enjoyment of the Mount Sugarloaf Nature Conservation Reserve.

Noise from Project construction, Project cumulative activities and Project rehabilitation are predicted to be above the noise limits in Wellsford State Forest. The exceedances are predicted to be between 3 dBA and 7 dBA above the noise limit and are considered to be unlikely to impact on the amenity, or to unreasonably interfere with enjoyment of Wellsford State Forest.

There are no identified cumulative airborne noise impacts associated with the Project in conjunction with any other existing or planned projects and land uses.

FGM will continue to implement appropriate stakeholder engagement and communications processes to notify the community of upcoming noisy works prior to works commencing, as well as having a clear process established for community feedback, including complaints relating to airborne noise impacts will help manage potential noise impacts.

The relocation of existing and new Project southern and northern ventilation fans underground will reduce noise emissions to surrounding receivers. The conditioning of noise emissions from future ventilation fans through the specification of acoustic performance requirements will protect surrounding noise sensitive areas and natural areas and ensure that the risk of unreasonable noise emissions in relation to frequency spectrum is minimised as far as reasonably practicable.

Air quality

The principal source of impact to air quality from the Project is the construction of various Project components. Once construction is complete, operational impacts to the environment resulting from the Project are unlikely to differ significantly from existing conditions with no increase in mine throughput or significant changes in surface operations.

The mining activities associated with Project construction are scheduled to occur at different locations around FGM and at different times during the next 10 years. Therefore, the extent of potential impacts to air quality at nearby sensitive receptors will change as the locations of the emission sources change.

Impacts to air quality resulting from existing operations, that is, prior to the implementation of these Project scenarios, are captured by the existing background air quality monitoring to which Project components (principally construction) impacts are added and modelled.

Also, the background data includes nearby activities such as Axedale Quarry (i.e. existing site contribution plus surrounding activities). However, it is noted that Axedale Quarry is located at a distance of approximately 2 km southeast of MIN5404's southern boundary, and 6 km from the nearest Project component and is unlikely to be significantly contributing to the background impacts.

The conclusions from the impact assessment modelling are:

- Assuming all components are constructed at once, the severity of residual impacts is minor, and with scheduling across the Project period it is demonstrated that there will be a reduction in 24-hour average impacts at sensitive receptors. Thus, assuming each construction activity is scheduled to last over a period of approximately 6 months, then the already insignificant impacts would reduce.
- The severity of residual RCS impacts from the Project was assessed to be insignificant.
- The potential residual impact of arsenic concentrations in rainwater tanks resulting in risk of harm to public health is concluded to be low as the estimated concentrations of arsenic in tank water are predicted to be below the drinking water criteria (0.01 mg/L).
- Rehabilitation works proposed would be progressively undertaken over several years, at a lower intensity compared to those proposed for the construction and operation of the Project. The residual impact is therefore considered to be insignificant and would cease at the end of active rehabilitation.

Surface water

Catchment modelling of the surface water impacts of the Project components for 1% AEP assessed the potential for the works to influence direct catchment water levels in proximity to the Project area. The results show increased water levels where the Gunyah Creek overland flow path is led through the Project area, as well as upstream of bunds around the Project area. Decreased water levels were predicted in the overland flow path leaving the southeast corner of MIN5404, flowing north towards the Campaspe River.

This is concluded to be a minor impact based on:

- the limited reduction in depth (less than 100 mm)
- only occurs at this magnitude during 1% AEP storm events,
- the short-lived nature of the impact and
- the low strategic biodiversity score in this area.

The catchment modelling of the surface water impacts, with the inclusion of a climate change scenario, showed increases in flood depth, but no overall change to the inundation characteristics.

The Mine Water Balance (MWB) model shows that with the implementation of all Project components FGM is able to continue to contain and manage impacted stormwater and mine water within the Project area (mine site), and thus avoid risk of impact to downstream water quality.

The MWB model also shows that with the potential variability in implementation of various Project components, including likelihood of aquifer recharge (AR) system will not be implemented within 2

years from the commencement of the Project, there is sufficient mine water storage to ensure FGM can avoid discharge into adjacent surface water systems.

In summary, no changes to water quality in receiving bodies downstream from the Project area are to be expected during construction, operation and rehabilitation, as runoff from the mine site will not be discharged offsite. Only when the Project site areas have been rehabilitated will surface water run-off return to adjacent surface water systems.

Mitigation measures, the majority of which are already part of the existing surface water management Plan, are proposed for the Project to reduce the likelihood of impacts occurring to so far as reasonably practicable.

Groundwater

The impacts to groundwater from the Project can be summarised as follows:

- Continuation to underground mining:
  - An increase dewatering rates to allow safe underground mining to a cumulative maximum of 5.2 ML/day (1,970 ML/year) which will result in an increase to the existing cone of water table drawdown in the Fractured Rock Aquifer (FRA) by 2034.
  - The dewatering will result in a cumulative drawdown of 2 m in a small area of the Shepparton Formation aquifer and less than 0.5 m in the alluvium at the Campaspe River by 2034 which will have a negligible reduction in baseflow contribution to the Campaspe River.
  - Following closure (cessation of all mining and dewatering) a minor cone of drawdown will remain in FRA because of several former pits staying open and allowing evaporative (groundwater) loss. This will have a positive effect in terms of hydraulically controlling the migration off-site of any residual changes to groundwater quality.
  - There is concluded to be no long-term residual impact to the alluvium aquifers as drawdown is predicted to ultimately recover to within 1 m to 2 m of the pre-mining groundwater level.
  - GDEs will not be impacted as the reduction in baseflow to the Campaspe from mining will be negligible and residual impact on stygofauna due to a potential drawdown of 1.5 m in the alluvial aquifer is considered low. Stygofauna were not found in the FRA and are assumed to not be present.
- Aquifer Recharge
  - Impact to groundwater quality is avoided based on the fact that water used for the AR scheme will be from the MWTP where treatment will occur, to ensure it meets the water quality objectives in regards to metalloids and potential contaminants of concern.
  - Elevated nitrate in mine water is not proposed to be treated prior to injection and will change receiving groundwater quality. However, the prediction of nitrate concentrations (based on dispersion) in the FRA will be lower than the adopted groundwater criteria for maintenance of ecosystems approximately 1,300 m (along strike of the Fosterville Fault) to the north of the northernmost injection bore and all EVs of the FRA (segment F) will be continually met beyond this distance. It is also likely that in-situ groundwater natural attenuation processes, such as denitrification, will occur and will reduce nitrate concentrations below those predicted.
  - Residual impact of artesian (above ground water level) conditions is limited to a localised area and will only be experienced in discrete bores as the fractured rock aquifer is confining and the AR system would be managed to prevent this. The residual impact would cease once injection ceases. There are no post mining residual impacts associated with artesian conditions in the AR system as there will be no injection of water into the FRA.
  - There are no potential terrestrial and subterranean GDEs, and species associated with the FRA near the AR site therefore there is no residual impact.

- Tailings Storage
  - Seepage from in-pit TSFs and aboveground TSFs during mining operations and post mining will be captured by the cone of drawdown, will not migrate laterally and will not impact environmental values, therefore it is concluded there is no residual impact.
  - There are no post mining residual impacts from leaching of paste backfill and paste waste.

Existing groundwater monitoring will continue and be extended for the purposes of the Project. It will include additional monitoring as a requirement of an A18 Permit or any other permitting which may be required for the Project.

A trigger action response plan (TARP) will be prepared for the AR component of the Project to ensure a response is initiated to a potential impact in advance of the impact occurring.

Socioeconomics

FGM has been an important contributor to local economic activity for the last 10 years with it estimated that the gross regional product in the Project Area is $2.6 billion higher as a result of the presence of FGM.

Economic modelling predicts that between 2024 and 2033, FGM is expected to raise the GRP in the Project area by a total of AU$1.3 billion relative to the base case where the Project does not exist and raise the GRP in the State of Victoria by a total of AU$1.6 billion.

The modelling outcomes suggests that between 2024 and 2033, FGM is expected support an average of 1066 FTEs in both direct and indirect employment in the Project area. This does not mean that 1066 new jobs will be created each year, between 2024 and 2033, but that FGM will, on average, sustain 1066 FTEs per annum relative to the base case of FGM not existing.

Overall, the economic impacts of the Project are broadly positive, as employment of the current workforce would be sustained and contribute to the economic welfare of their families for at least the next ten years. The project would enable members of FGM's existing workforce to continue to live within the Bendigo Region.

The Project would defer negative consequences associated with mine closure for these individuals and their families. Similarly, the Project would defer negative consequences for existing communities of the Bendigo Region associated with a substantial reduction in FGM employees' contribution to the viability and vibrancy of community activities.

In terms of the social impacts, the majority of community concerns and complaints about the existing FGM operation relate to ground vibration and noise emissions from FGM, which some community members consider incompatible with the quiet and tranquil rural and bushland settings surrounding FGM.

Impact assessments demonstrate that existing noise and ground vibration levels do not exceed the guideline limits set by the relevant Regulator, although the area where the predicted next largest mine induced seismicity event may exceed the cosmetic damage threshold is anticipated to increase. These reports demonstrate that the mitigation measures, the majority of which are already in place, will continue to maintain noise and vibration levels so far as reasonably practicable, in accordance with the EPA's GED.

Nonetheless, community concern over impacts on amenity do exist despite the fact that the Project would have minimal implications for the use and enjoyment of natural areas, such the Campaspe River, Mount Sugarloaf and the and the Wellsford State Forest.

The impacts on the workforce and social profile of the Project are considered to be generally moderately to majorly positive. Based on the available information the human health risk assessment concluded that the Project provides a significant benefit to community wellbeing and the impacts of the Project on wellbeing are expected to be adequately managed through the community engagement plan (CEP).

Mitigation for the negative social impacts of the Project involves the continued implementation of the existing community engagement plan and associated complaints management procedure so that site practices and processes are continuously reviewed and improved and to ensure potential impacts to

community are considered, managed, and communicated and the finalisation of the Good Neighbour Guide with the commitment to rectify/compensate for damage attributable to FGM, in a timely manner.

Biodiversity

The Project has sought to avoid and minimise impacts on Grey Box Grassy Woodland and Derived Native Grassland of South-eastern Australia as much as practicable by using existing easements and incorporating previously disturbed areas where possible.

The Project will continue to seek opportunities to avoid and minimise impacts and will implement mitigation measures as outlined. However, the Project will result in the following residual impacts:

- Direct loss of 19.435 ha patches of native vegetation
- Direct loss of 102 large trees in patches
- Direct loss of 68 scattered trees (37 large, 31 small)
- Direct loss of 6.325 ha of EPBC listed TEC (GBGW)
- Deemed loss of 9.566 ha patches of native vegetation
- Deemed loss of 60 large trees in patches
- Deemed loss of 27 scattered trees (11 large, 16 small)
- Deemed loss of 4.267 ha of EPBC listed TEC (GBGW)
- Direct loss of 19.260 ha and deemed loss of 9.566 ha of habitat which could be suitable habitat for the FFG listed Victorian Temperate Woodland Bird Community threatened ecological community.
- Direct loss of 0.047 ha and deemed loss of 0.413 ha of the FFG listed Grey Box Buloke Grassy Woodland Community threatened ecological community.

These residual impacts to native vegetation and the potential Victorian Temperate Woodland Bird Community (VTWBC) habitat are critical in their severity and will result in permanent impact.

The Project will result in the direct loss of up to 2.847 ha of endangered EVCs which is major in its severity and will result in permanent impact.

The Project will result in the direct loss of one patch of high-quality native vegetation in the TSF5 & TSF 6 study area which is moderate in severity and will result in permanent impact.

No residual impact is predicted to mapped wetlands, threatened flora species or GDEs.

Minor to moderate residual impacts are predicted to threatened fauna waterbirds, woodland species, Brown Toadlet and 113 hollow- bearing trees.

The Project will contribute to cumulative impacts on native vegetation, hollow-bearing trees, Grey Box Grassy Woodland and the Victorian Temperate Woodland Bird Community which includes threatened fauna species. There may be cumulative impacts to threatened flora based on assumed presence.

Loss of hollow-bearing trees is an FFG Act-threatening process, and any removal of mature hollow-bearing trees will further reduce the number of resources available to hollow-dependent fauna in the study area, which includes arboreal mammals, parrots, owls, and bats. The Project will protect retained trees that contain hollows through No Go Zones and will implement an artificial hollow program, (including a trial period to assess effectiveness), to compensate for the loss of this critical habitat feature.

As the Project will result in unavoidable losses, offsets will be required in accordance with the EPBC Act Environmental Offsets Policy and the Victorian Native Vegetation Removal Regulations.

Environmental management

The environmental management of the Project will be achieved through integration into existing environmental management systems and approval processes, noting that the regulatory environment has changed since the 1996 EES was prepared, and the subsequent 2004 work plan was approved.

Key to the existing environmental management is that in 2017, Fosterville Gold Mine Pty Ltd consolidated the work plans approved between 2004 and 2017 into a single consolidated work plan which described all operations relevant to the site at the time. The consolidated work plan required no approval from Earth Resources Regulator but was rather an administrative update to ensure all approvals prior to 8 December 2015 were captured in one approved work plan.

Since consolidation of the work plan in 2017, each subsequent work plan variation (WPV) has duplicated the previously approved consolidated work plan and updated it to include the “new works” that trigger the need for the specific WPV. This is the current approved work plan for MIN5404.

The process that FGM follow for any new project or activity that requires a work plan variation is for the risk assessment to be conducted in accordance with ERR’s guidelines. As part of this process, FGM reviews and updates where necessary the following:

- overarching Risk Management Plan for the site, including the risk register with any new or altered risks, management measures, or monitoring requirements.
- relevant individual management plans
- Rehabilitation plan
- Community Engagement Plan (CEP)

This process will continue with each work plan variation which would be prepared for the Project, as and when, the variations are required.

All work plan variations submitted for new works which have been assessed through the EES process will require approval, under S41AAB of the MRSD Act, by the Earth Resources Regulator (ERR) division of Resources Victoria in the Department of Energy, Environment and Climate Action (DEECA).

The management of the environmental effects (through the mitigation measures and contingency plans) developed through this EES process will be integrated into each work plan variation.

Closure – Rehabilitation

The FGM is operating under the current approved work plan which includes a rehabilitation plan as required under the *Mineral Resources (Sustainable Development) Act 1990*.

Updated rehabilitation plans will be produced for the initial and all subsequent work plan variations which would be produced for the Project.

Consistent with the existing rehabilitation plan objectives, the final land uses are considered achievable and would return the site to a similar vegetation function and structure as existed prior to the mining operations disturbed the area, with low risk of impact to environmental values.

This means the site, including the Project components, would return agricultural land to an agricultural land use – for example cropping or grazing and the remainder native forest areas. Where opportunity exists, water bodies such as surface water dams would remain particularly when near, or on, agricultural land.

It is also proposed to return areas of native forest back to a self-sustaining native forest, while also taking opportunities to increase the number of indigenous species and link up biodiversity corridors, where possible.

Fosterville Gold Mine Pty Ltd is committed to appropriately preparing for rehabilitation by initiating the technical investigations, outlined in this chapter, and achieve a safe, stable and sustainable rehabilitation.

Community consultation

Community consultation will continue to be undertaken in regard to the Project with stakeholders, including potentially affected parties, interested community organisations and government bodies. These stakeholders already have a direct link (physical, social, historical, cultural, and/or political) with FGM in which the Project will operate.

The existing CEP will be updated for the first Work Plan Variation and will document how, when and what community consultation will be undertaken.

The updated CEP will align with relevant laws, regulations and guidelines. The CEP currently includes a complaints mechanism so that community issues can be resolved so far as reasonably practicable.

Information on the Project, throughout all stages, will be available through various mechanisms such as factsheets and newsletters.

Community engagement activities that are ongoing include one-on-one stakeholder meetings, working groups and representation at community events.

FGM will continue to contribute to the development and vibrancy of nearby communities through grants, sponsorships and scholarships.

Over the 10 year life of the Project, engagement activities may change or be expanded. It is recognised that the regulatory environment and stakeholder interest are fluid and dynamic. To ensure community engagement activities remain relevant and effective, community engagement plans and opportunities will be regularly reviewed and, where required, updated.

EES conclusions

The assessment of the potential impacts of the project on environmental assets has informed the development of an Environmental Management Framework (EMF) that includes Fosterville Gold Mine Pty. Ltd's. environmental commitments for the project.

The EMF is a framework for outlining the environmental commitments made by the Project proponent to manage potential environmental impacts associated with the project and to identify accountabilities for implementation. The EMF is informed by recommendations arising from the 16 specialist technical studies conducted for the EES.

The mitigation measures set out in the EMF are the environmental commitments made by Fosterville Gold Mine Pty Ltd and, subject to a favourable assessment of the project by the Minister for Planning, would be given effect through the relevant statutory approvals including, but not limited to, A18 permits (where required), Works on Waterways Permits and dam construction permits under the Water Act. These commitments, as well as conditions required by regulatory authorities, would also be included in management plans such as the site risk management plan (incorporating air quality, groundwater, surface water, noise, ground vibration, ground control management, waste management, waste rock and biodiversity sub plans) the CHMPs for TSF5 (and the remainder of the Project). The proponent and its contractors would be responsible for their implementation.

The project would be delivered in accordance with these environmental commitments, including ongoing stakeholder engagement, through the updated community engagement plan, throughout the approvals, construction, operation, rehabilitation and post rehabilitation phases.

Next steps

The Sustained Operations Project EES will be on public exhibition for 30 business days. During this time members of the public can view the EES and make written submissions concerning the Project.

The EES Main report (summary plus 25 chapters), Technical Appendices (A to O) and Attachments (I to IV), including an example Work Plan Variation can be viewed and downloaded from the Project website:

https://fgmcommunity.com.au/

Hard copies of the EES can be viewed at FGM site office, Bendigo Library and the State Library of Victoria. The addresses of these locations are as follows:

Reception/Agnico Eagle Australia office – McCormick's Road, Fosterville, VIC, 3557

Bendigo Library – 251 – 259 Hargreaves Street, Bendigo VIC, 3550

State Library Victoria – 328 Swanston St, Melbourne, VIC, 3000

More information on how to make a submission, the submission process and public hearings can be found on the Engage Victoria website (Engage Victoria) or by contacting Planning Panels Victoria by email or on 136 186.

Online submissions are preferred and can be lodged via the Victorian Government's engagement website. Hard copy submissions must be accompanied by a coversheet obtained from Planning Panels Victoria. To request a coversheet please call DTP Customer Service Centre on 136 186. Each written submission must have a separate coversheet.

Following the public exhibition/submission period of the EES, it is expected that the Minister for Planning will appoint an inquiry under the EE Act to consider and report on the environmental effects of the Project. No decisions can be made on the Project until the Minister for Planning has provided their assessment of the EES.

The Minister will consider all relevant information relating to the Project, including the EES documents, public submissions, the proponent's response and the inquiry report. The Minister will then provide an assessment of the Project's environmental effects.

The Minister's assessment may conclude that the Project:

- Will have an acceptable level of environmental effects.
- Will not have an acceptable level of environmental effects.
- Would need major modifications and/or further investigations to establish that acceptable outcomes would be achieved.

The Minister's assessment will also be provided to the Commonwealth Minister for the Environment and Water. The Commonwealth Minister will then consider the final EES document and the Victorian Minister for Planning's assessment report to make an informed decision on the Project under the EPBC Act.

A decision under the EPBC Act is anticipated to be made within 40 business days from the submission of final documentation to the Commonwealth Minister for the Environment and Water, although there may be some delay if additional information is requested regarding specific aspects of the Project. Based on the assessment report, the Commonwealth Minister formalises the decision, determining whether the Project will be approved, approved with conditions or not approved.

If it is concluded that the Project would have an acceptable level of environmental effects, all required statutory approvals must be sought prior to Project commencement.

19.2. E Scooter Trial August 2024 Update

Author:	Sumaya Tonny, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

To provide the first quarterly update on the City's share hire e-scooter trial.

Recommended Motion

That Council:

1. Note the key statistics, compliance data and feedback from customers and stakeholders from the first two months of the trial.
2. Note a possible expansion of the existing operating area before summer.
3. Delegate to the CEO and/ or Director the ability to confirm changes to Beam's operations.

Executive Summary

On 23 May 2024 the City launched a 12-month e-scooter trial with Beam Mobility Pty Ltd (Beam) following the Council resolution in November 2023.

It is now more than two months since the trial commenced and Beam's purple e-scooters have been widely used by residents and tourists.

City officers have been receiving live ride data from Beam since the launch day, as well as recording all the enquiries and complaints related to the trial that are received directly by the City. Beam has also provided their compliance, incidents and customer enquiries data to officers.

Beam commenced the trial with a smaller operating area than the City originally proposed, however it is likely that this will be expanded before the summer period (keeping to the area that was originally proposed and endorsed for the trial at the Council meeting in November 2023), following requests from frequent riders and analysing the parking and ride data. This will allow more riders to access the service from their place of origin and to their final destination without needing to seek an alternate mode of transport.

City officers and Beam representatives have recently provided quarterly updates to the established internal and external stakeholders and will continue to do so throughout the trial period.

Background

Following the appointment of Beam as the commercial operator of the trial, City officers and Beam conducted extensive stakeholder consultation prior to the commencement of the trial.

Beam prepared a draft rollout plan incorporating the restrictions proposed by the City in November and a site analysis to identify potential parking and geofencing arrangements. The plan was discussed with the internal and external stakeholder groups, relevant officers of the Department of Transport and Planning, the City's Youth Council and other stakeholders as required. A letter from the Mayor was distributed to all businesses informing them about the trial's commencement and included Beam's contact details for any queries.

Following this consultation, Beam prepared the final rollout plan and applied for a local law permit with the operating area, parking locations and geofencing arrangements. The permit was issued with the conditions of limited operating hours (5am-11pm), maximum fleet size and the expiry date of the trial.

Beam has hired a local warehouse in Golden Square for their Bendigo operations and has employed local people to form a ground team for responding to incidents and managing the overall operation.

As part of the trial's launch, a media event was held at La Trobe University with the Mayor, university staff and students, City officers and Beam representatives. The event was followed by interested university students trying out the e-scooters with guidance from the Beam ground staff. A Beam Safety Academy session was also held on the launch day at the Rosalind Park Piazza to train people on safe riding, educate riders about the Victorian e-scooter rules, local restrictions in Bendigo and address to any questions or concerns.

Timeline of previous EMT briefings, Councillor Briefings and Council Meeting:

- 15 December 2020: EMT support obtained for submitting an EOI to the State Government to participate in the trial
- 4 April 2022: EMT briefing on Victorian e-scooter trial and potential expansion to Bendigo
- 30 May 2022: Councillor briefing on Victorian e-scooter trial and potential expansion to Bendigo
- 8 August 2023: EMT briefing on the latest announcement from the State Government and presentation on case studies
- 21 August 2023: Councillor Briefing on the latest announcement from the State Government and presentation on case studies

- 31 October 2023: EMT briefing on the scope and timeline of the trial and seek support to engage a commercial operator
- 13 November 2023: Councillor Briefing on the scope and timeline of the trial and seek support to engage a commercial operator
- 20 November 2023: At the Council meeting, Council resolved to approve to commence an e-scooter trial for an initial period of 12 months and engage a commercial operator to launch the trial
- 16 April 2024: EMT briefing on the draft rollout plan
- 13 May 2024: Councillor workshop on the rollout plan

Report

Ridership Data

Since the trial commenced on 23 May 2024, Beam has been maintaining a fleet of 250 e-scooters across the operating area, seven days a week. As of Wednesday, 17 July the trial has been running for about 8 weeks out of the 52-week trial period. In this period, over 4,333 unique riders have taken 13,231 trips travelling a total of 22,745.85 kilometres. On average riders have travelled 1.72 kilometres per trip, with an average of 11.36 minutes per ride. The total number of trips per day has varied between 120 to 200 on weekdays and 260 to 480 on weekends. 633 trips were recorded on the launch day.

Some of the key statistics from the trial are demonstrated in the following figures:

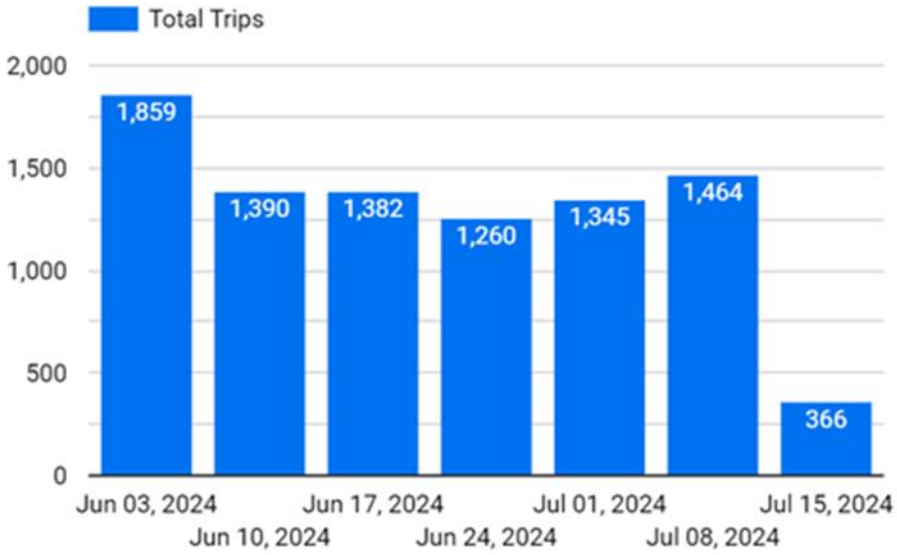
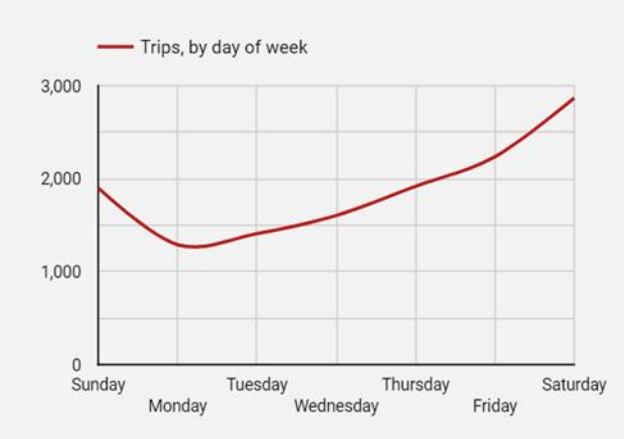


Figure 1: Total number of trips per week (as of Wednesday 17 July),
Note: the numbers from the week of 15 July only includes 2-day data (15 and 16 July)

Although the first week recorded the highest usage to date, the number of trips per week have settled down to around 1,350 per week. Beam has expressed its satisfaction with the number of trips being made, however are expecting to see a spike in summer. Beam has advised that the weekly numbers are higher in Bendigo than a similar regional city (Albury, where Beam started a trial late 2023).



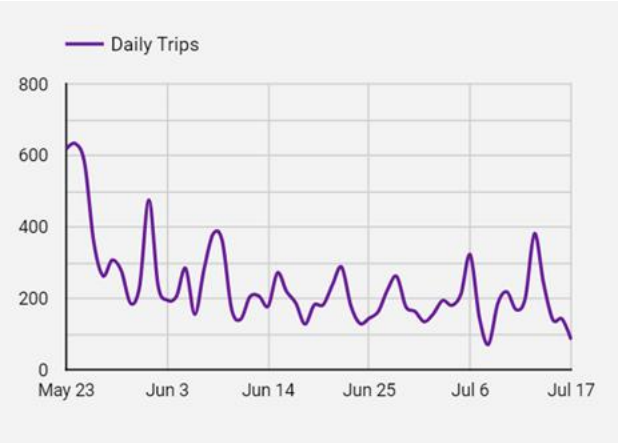


Figure 2 & 3: Number of trips per day and by day of the week (as of Wednesday 17 July)

E-scooter usage was the highest between 3-6pm on weekdays and 6-9pm on Fridays and Saturdays.

Origins and Destinations

E-scooters have been mostly used within the City Centre area. Flora Hill (La Trobe University), Kennington and Strathdale Shopping Centre and Lake Weeroona have also been popular amongst riders.

The top five parking spots to start and end trips include Park Road, Queen Elizabeth Oval, Hargreaves Mall, Bendigo Town Hall and Pall Mall.

Figure 4: Heatmap showing the popular riding routes (as of Wednesday 17 July)

Compliance and Enquiries

The City has received 46 enquiries and complaints (as of Tuesday, 13 August) through Customer Support, direct emails or phone calls, and internally through City staff. These enquiries include 27 general complaints (no helmets, tandem riding, riding on footpaths, general poor/ unsightly parking), nine reports of incorrectly parked e-scooters, six requests for geofencing changes and four requests for information.

Beam has responded to the City's requests (mostly related to a geofencing change or to move incorrectly parked e-scooters) within 10 minutes to two business days depending on the urgency of the matter. Beam has also been working with businesses, hospitals, schools and universities to process their requests and adjusted geofencing accordingly in response.

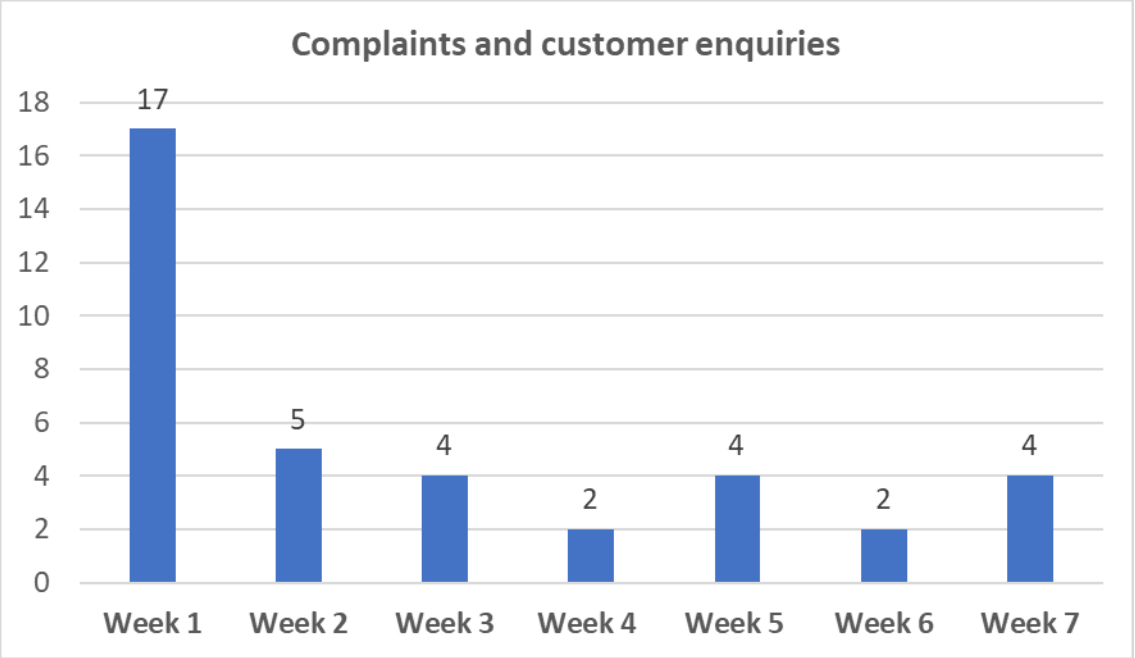


Figure 5: Distribution of complaints and enquiries by week (received by the City, as of Wednesday 17 July)

Figure 5 shows that the number of complaints has slowed down since the first week of the trial.

Beam has also been recording their compliance data since the start of the trial. Beam has issued 51 warnings to riders for bad behaviour related to incorrect parking, riding without a helmet and tandem riding. More than half of the warnings were issued to riders for failing to park their e-cooters correctly. Three riders have been banned by Beam since the commencement while enforcing the 3-strike policy.

Beam has received 56 requests to move an e-scooter, which were responded to within 24 hours. In some of these instances, residents or business owners raised concerns about findings e-scooters parked in front of their houses or shops even though the e-scooter was correctly parked.

Six submerged e-scooters were recovered from waterbodies and Beam could not re-use the vehicles, however the components have been recycled.

Figure 6 demonstrates the distribution of complaints and enquiries by week received by Beam. This shows that the number of complaints and enquiries have dropped significantly from the first three weeks. The most common enquiries received by Beam include hardware issues (helmet and low battery), start and end trip queries, reporting a Beam form and payment and credit issues. Only a few complaints and reports have

been about illegal parking and bad riding, which indicates that overall, most people are riding in accordance with the rules.

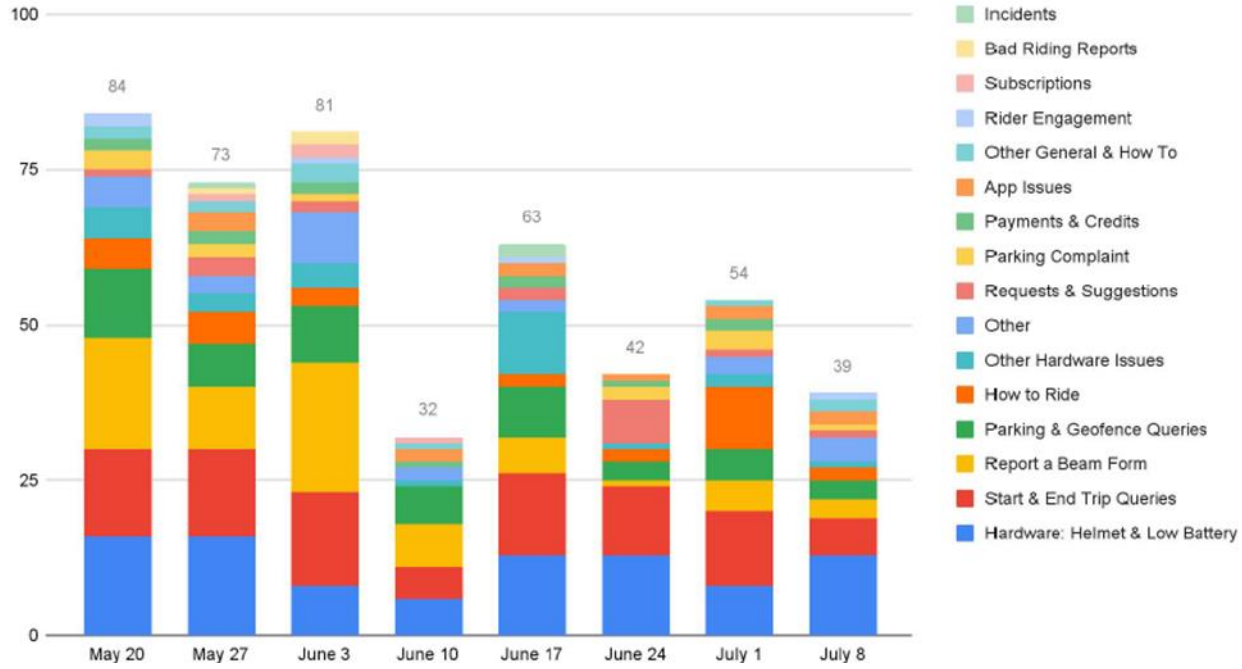


Figure 6: Distribution of complaints and enquiries by week (received by Beam on Tuesday, 16 July)

Discounts and Concessions

Beam offers discounts and concessions to eligible riders through the 'Beam For All' program. This program was made available for eligible Bendigo residents from 20 June 2024. To date, 11 riders have accessed this program.

Rider Education

Beam has been conducting a Safe Academy Quiz in Bendigo through the app since the trial commenced to test the knowledge of local riding rules. Should a rider pass this quiz they will receive a $5 credit. Since 23 May, 32 riders have commenced the quiz with 87% completing it successfully. Beam is looking to promote this quiz further.

City officers have also been contributing to rider education by reminding people to abide by the riding rules through its dedicated e-scooter trial webpage and through information being included in local news articles. The City's Spring Magazine will also include an article highlighting the details of the trial in Bendigo and riding rules in Victoria.

Timelines

The 12-month trial is scheduled to end on 23 May 2025. Before the end of the trial, officers will prepare an evaluation report and present to Council to determine whether to continue with a permanent or temporary e-scooter hire program.

Officers have started providing quarterly updates to the internal and external stakeholders' groups and this will continue throughout the trial period to seek inputs and make adjustments as required.

Communications/Engagement

The first quarterly update to the Internal Working Group was provided on 16 July 2024. The members have agreed for the expansion of the operating area while keeping it within the boundary of the area endorsed the Council Meeting in November 2023.

Members raised concerns about riders not complying with the riding rules, including riding on footpaths, not wearing helmets or bad parking, and requested Beam to enhance compliance on these matters. While the riding rules are for Victoria Police to enforce, Beam is happy to be more vigilant with the parking issues. Beam also advised that they are trying a new technology with the e-scooters that will detect if the rider is riding on a footpath and provide instant warnings.

Members also recommended collecting more data from riders through a rider survey to understand more about the rider's age group, the purpose of the trip, whether the trip is replacing a car trip and what other destinations the rider would like the trial to cover.

It was also recommended that further analysis should be undertaken on the popular e-scooter routes to understand whether these align with the popular biking routes and whether these are the routes that riders feel safe to ride in Bendigo.

Officers and Beam representatives met the project external stakeholders on 23 July to provide the first quarterly update and seek feedback from the members. All members who attended agreed that they are happy with the overall outcome of the trial to date. A representative from Bendigo Police shared enforcement data indicating 17 penalty infringement notices have been issued to Beam riders to date. This included nine riders for not wearing helmets, six riders for riding on the footpath and two riders for tandem riding. Moreover, Bendigo Police have issued nine warnings and reported one collision that resulted in hospital admission.

A representative from Bendigo Health reported no knowledge of any accidents and no report of any hospital admissions relating to e-scooters. However, Bendigo Health

does not specifically capture this data at present. They are exploring options to add it to their system to capture such data in future.

The other members including La Trobe University and Bendigo Tafe did not raise any issue and are happy with the trial so far. La Trobe University welcomed the *Beam for All* program and advised that it would encourage more students to use the e-scooters.

Financial Sustainability

The project is being managed within the Strategic Planning operating budget.

Risk Assessment

Most of the risk associated with the trial is carried by the operator, particularly risk of theft or vandalism of the e-scooters and dealing with customer complaints. As expected, the City has been receiving enquiries or complaints since the launch of the trial and the numbers have significantly declined as residents are getting more familiar with the rules and trial arrangements. Beam has been responding to requests and incidents very well and within the agreed timeframes.

Safety risks to riders and pedestrians can continue to be reduced through education, enforcement of rules and identifying and adjusting controls on speed and designating appropriate parking areas. The examples of previous trials have shown that incidents of serious injury are low and usually affect a rider not wearing a helmet.

As part of the evaluation process of the RFQ, the City's Legal team requested whether the indemnity provision proposed by Beam could be amended to help achieve complete indemnity coverage for all claims arising from the trial. Beam was supportive of this change to the agreement.

If significant issues cannot be resolved, the City may opt to terminate the trial Agreement.

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
Outcome 5 - A climate resilient and healthy landscape

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing
Goal 5 - More sustainable active and public transport services
Goal 1 - Zero carbon

Other Reference(s)

Integrated Transport and Land Use Strategy 2015
Climate Change and Environment Strategy 2021-2026

Conflict of Interest

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

Attachments

Nil

20. A VIBRANT, CREATIVE COMMUNITY

20.1. Creative Strategy - Updated Action Plan 2025 -2029

Author:	Mandy Field, Creative Industries Officer
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

To present the updated Creative Action Plan 2025 – 2029 for Councillors to adopt.

Recommended Motion

That Council adopt the updated Creative Action Plan 2025 - 2029

Executive Summary

The Greater *CREATIVE* Bendigo (GCB) Strategy was adopted by Council in 2019, with a review recently completed. GCB itself is current and the intent is to continue the strategy, with updates arising from internal and external consultation, supported by an updated action plan.

The outcome of the review includes:

- A completed Monitoring, Evaluation and Learning (MEL) report, that summaries the strengths, legacy and gaps in the delivery of the strategy;
- A list of priorities and recommendations to address gaps and identify opportunities;
- An updated Creative Action Plan 2025 – 2029, based on the recommendations.

The updated Creative Action Plan 2025 – 2029 has undergone the following process:

- Included recommendations that formed the draft actions emerged from consultation workshops with the general public, Arts and Creative Industries Advisory Committee (ACIAC) and an internal Project Working Group;
- Engagement with the Integrated Strategic Planning Governance Group (ISPGG);
- Considered by the Project Control Group;
- Action delivery confirmed by project/action leads;
- Presented to EMT and recommended by EMT for adoption by Council.

NOTE: The Creative Action Plan 2025 – 2029 is based on the current organisational structure, and the Unit leads will be updated accordingly.

Background

GCB was adopted by Council in 2019 and was due for review in 2023, with 29 out of the 33 actions included in GCB completed across its 4-year timeline.
Actions related to the following 5 strategic themes:

INSPIRE a culture of creativity
CREATE more activated spaces
NUTURE and support talent
CHAMPION inclusion and access
SHOW the world

The development of the GCB was one of the 10 key actions from the 2017- 2021 Council Plan, and work continues under Outcome 6 (A vibrant and creative community) of the Council Plan (Mir wimbul) 2021-2025. GCB was developed through an extensive consultation process and codesign with community members and stakeholders.

GCB outlined a longer-term vision of how the City and the community could work together to realise a future with creativity at its core, supported by an initial four-year action plan.

GCB aimed to address the whole creative ecosystem with an intentionally broad definition of cultural and creative industries to reflect a changing landscape and allowing for new ideas to emerge.

Report

GCB was a bold and ambitious strategy that has delivered meaningful outcomes, including establishing Djaa Djuwima First Nations Gallery, developing a Public Art Policy and Plan, and attaining the UNESCO Creative City and Region of Gastronomy designation.

The scope of the recently completed review was to provide a summary of the impact and effectiveness of GCB and assist in identifying gaps and priorities to guide the development of a refreshed Action Plan.

Recommendations arising from the review are as follows:

- Consultation recommended a consolidated focus on First Nations cultural visibility by adding a new theme to the existing five strategic themes: ***Connecting*** *to Country* and *Culture*. (In addition to: *Inspire a* ***Culture*** *of creativity;* ***Create*** *more activated spaces;* ***Nurture*** *and support talent;* ***Champion*** *inclusion and access;* and ***Show*** *the world.)*

- Clarifying the role of the City as a partner will strengthen trust and further engagement, and connecting talent going forward;
- A whole of City approach to working with the creative industries will respond to strategic gaps identified. This includes the need for: systemic support, future precinct plans, a commitment to our local cultural facilities and institutions, a response to the limited education pathways, a clearer narrative of past successes and future intentions, and greater facilitation and advocacy from the City of behalf of local creative sector.

Timelines

Consultation workshops with the public and ACIAC	1 December 2023
GCB review completed, with key recommendations forming the DRAFT Creative Action Plan 2025 - 2029	12 April 2024
ISPGG initial review of DRAFT Creative Action Plan 2025 – 2029	7 May 2024
PCG review of DRAFT Creative Action Plan 2025 – 2029	17 May 2024
EMT endorsement of DRAFT Creative Action Plan 2025 – 2029	25 June 2024
PCG final review of Creative Action Plan 2025 - 2029	22 July 2024
ACIAC final review of Creative Action Plan 2025 - 2029	24 July 2024
ISPGG final review of Creative Action Plan 2025 - 2029	1 August 2024
Councillor Briefing	19 August 2024
Council Meeting – Adoption of Creative Action Plan 2025 - 2029	26 August 2024

Communications/Engagement

External engagement

- A strategy review consultation workshop for the general public was promoted via the ‘Let’s Talk Greater Bendigo’ platform and attended by a small group of local community members, providing the initial recommendations that formed the draft list of actions in the Creative Action Plan;
- A survey targeting the general public was also presented via the ‘Let’s Talk Greater Bendigo’ platform, where community members were invited to respond to questions regarding what they value about arts and cultural experiences, and how they participate in arts and cultural experiences;
- The Arts and Creative Industries Advisory Committee (ACIAC), which comprises of 18 cultural leaders with representation across multiple art forms, emerging and independent practitioners; cultural organisations and first nations creatives. The ACIAC participated in a strategy review workshop that provided recommendations for the initial DRAFT Creative Action Plan;
- A survey that targeted arts and creative industries professionals was also promoted on the ‘Let’s Talk Greater Bendigo’ platform.

Internal engagement and coordination

- An internal strategy review workshop was attended by a project working group comprised of staff involved in the delivery of the Greater Creative Bendigo Strategy that identified gaps and priorities that further contributed to the DRAFT Creative Action Plan;
- The ISPGG provided recommendations with regards to scope of the strategy, timelines, resourcing, clear roles and responsibilities;
- A project control group provided recommendations regarding action detail including duplication, business as usual and strategic outlook;
- EMT were presented the DRAFT Creative Action Plan and it was recommended for adoption subject to final approvals by the PCG and the ISPGG;
- A final review opportunity was provided to the PCG and ISPGG.

Financial Sustainability

The majority of actions in the Creative Action Plan 2025 – 2029 are an extension of business as usual and delivered within Unit budgets. A select few will require a business case to be submitted for funding.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - A culture of creativity
Goal 2 - More activated spaces
Goal 3 - Nurturing and supporting talent and championing inclusion and access for creatives
Goal 4 - Build international recognition for our designation as a UNESCO Creative City and Region of Gastronomy
Goal 5 - Recognise and celebrate our significant national and international heritage

Other Reference(s)

Greater Creative Bendigo Strategy

Conflict of Interest

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

Attachments

1. Creative Action Plan 2025-2029 [**20.1.1** - 12 pages]

GREATER
CREATIVE
BENDIGO
Creative Action Plan
2025 – 2029
FACILITATE • PARTNER • ADVOCATE • SUPPORT
CITY OF GREATER
BENDIGO

GREATER *CREATIVE* BENDIGO
IS DESIGNED TO
CONNECTING
TO COUNTRY AND CULTURE
INSPIRE
A CULTURE OF CREATIVITY
CREATE
MORE ACTIVATED SPACES
NURTURE
AND SUPPORT TALENT
CHAMPION
INCLUSION AND ACCESS
SHOW
THE WORLD

About

The **Greater *CREATIVE* Bendigo (GCB) Strategy** was endorsed by Greater Bendigo City Council in 2019. A bold and ambitious strategy that aimed to address the local creative ecosystem and allow for new ideas to emerge. The strategy has delivered meaningful outcomes, across 33 actions, between 2019 and 2023.

An updated *Creative Action Plan 2025 – 2029*, has been developed through consultation with external and internal stakeholders and will be undertaken by the City of Greater Bendigo over the next four years.

Consultation recommended a consolidated focus on First Nations cultural visibility by adding a new theme to the existing five strategic themes.

Actions included in the plan respond to the key strategic themes:

CONNECTING to Country and culture

We recognise and value the importance and cultural contributions of First Nations communities.

INSPIRE a culture of creativity

Through initiatives that connect, engage, innovate, experiment and surprise.

CREATE more activated spaces

Where creative innovation and cultural activity can thrive.

NUTURE and support talent

Ensuring education pathways and local opportunities for our diverse creative community.

CHAMPION inclusion and access

Across all abilities, ages, and cultural backgrounds.

SHOW the world

We recognise and have pride in our creative industries and cultural institutions.

**Note: all actions that require Council Budget will go through the Council budget cycle and will be subject to final decision by Council.*

Acknowledgement of Country

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country. We acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung Peoples, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and future for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples. 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.

CONNECTING

CONNECTING to Country and culture

We recognise and value the importance and cultural contributions of First Nations communities.

Description	Why	Lead	Who's involved	Term	Measures
CAP 1.1 Consult Traditional Owner groups on how to incorporate Country Plan goals and aspirations in City-led arts and creative industries programs.	To respond to Dja Dja Wurrung Country Plan *Dhelkunya Dja* and Taungurung Country Plan *Taungurung buk dadbagi* in program design and delivery.	Economic Development	Bendigo Venues & Events, Community Partnerships, Bendigo Art Gallery	1 – 4 years	• Traditional owner groups consulted • Propose workshop to be delivered with Tourism and Major Events, and Arts and Culture teams
CAP 1.2 Facilitate opportunities for First Nations creatives to develop their practice and share their cultural heritage through Djaa Djuwima.	Djaa Djuwima as a hub supporting knowledge sharing for local First Nations communities.	Bendigo Venues & Events	First Nations community members	1 – 4 years	• Number of events • Number of participants
CAP 1.3 Partner to support and promote Dumawul's arts, culture, and tourism offerings, e.g. cultural tours.	Valuing and leveraging First Nations cultural contributions.	Tourism and Major Events	DJAARA/ Dumawul	1 – 4 years	• Number of campaigns and promotion opportunities
RP 8.2 Support and work with Traditional Owner Groups to deliver initiatives as part of the UNESCO Creative City and Region of Gastronomy program.	Embedding UNESCO Creative City and Region of Gastronomy initiatives in connection to Country.	Economic Development	Traditional Owner Groups	1 – 4 years	• Number of initiatives delivered
RP 16.3 First Nations art, workshops and education programs into Bendigo Art Gallery's annual programming and provide support to First Nations art practitioners.	Centering First Nations arts and culture in Bendigo Art Gallery programming.	Bendigo Art Gallery	First Nations artists	1 – 4 years	• Number of workshops delivered • Number of First Nations artists engaged • Number of participants
PARTP 1.4 Support the creation of a landmark First Nations artwork.	• Increase visibility of First Nations culture • Opportunity to celebrate local cultural heritage and connection to Country	Bendigo Venues & Events	Tourism and Major Events, Bendigo Art Gallery, Parks and Open Space	1 – 4 years	• Artwork created

BGM Bendigo Botanic Gardens White Hills Masterplan – 2010 // **CAP** Creative Action Plan 2025 - 2029 // **CP** Council Plan Annual Actions 2024 - 2025
PARTP Public Art Plan 2023 - 2028 // **RP** Reconciliation Plan 2021 - 2025 // **YAP** Youth Action Plan 2023 – 2024

INSPIRE

INSPIRE a culture of creativity

Through initiatives that connect, engage, innovate, experiment and surprise.

Description	Why	Lead	Who's involved	Term	Measures
CAP 2.1 Create and implement a data capture model for units delivering arts-based initiatives.	• Consult with relevant project leads to create a template that offers consistent reporting across City led arts-based initiatives • Demonstrating the City's support for arts and creative industries, and the impact of that support	Economic Development	Bendigo Venues & Events, Tourism and Major Events, Community Partnerships, Bendigo Art Gallery	1 - 2 years	• Template created and implemented across relevant units • Biannual survey delivered on Let's Talk Greater Bendigo, indicating arts participation by residents • Number of surveys completed
CAP 2.2 Develop an audience engagement strategy to increase visitation to City owned and managed exhibition spaces e.g. Djaa Djuwima, Dudley House, Living Arts Space, Exhibit B.	To understand and respond to local audiences.	Bendigo Venues & Events	Communications, Tourism and Major Events	3 - 4 years	• Strategy developed and implemented

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BGM Bendigo Botanic Gardens White Hills Masterplan – 2010 // **CAP** Creative Action Plan 2025 - 2029 // **CP** Council Plan Annual Actions 2024 - 2025
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Description	Why	Lead	Who's involved	Term	Measures
CAP 2.3 Partner with local organisations to develop a winter gastronomy and arts event.	• To showcase local arts and creative industries, engage local audiences, consolidate diverse arts ecology • Aligns with promotion of Bendigo as a cultural capital	Tourism and Major Events	Economic Development	1 - 2 years	• A delivery plan for the event • Funding secured and event delivered
CAP 2.4 Partner with local organisations to facilitate a cross sectorial approach to programming, events and networking opportunities.	• To create local professional development opportunities, and cross sectorial relationships • To break down silos and encourage innovation, collaboration between creative industries, first nations communities, business and research	Economic Development	Local education providers, industry leaders, business representatives	1 - 4 years	• Biannual event delivered and evaluated
CAP 2.5 Facilitate opportunities for the engagement of creatives in City and State Strategies and Infrastructure Projects.	Apply creative innovation, design principles, placemaking and problem solving to City plans and policies.	Economic Development		1 - 2 years	• Mechanisms for engagement facilitated and documented
CAP 2.6 Support and maintain City owned Public Art assets and new commissions e.g. Pennyweight Walk Open Air Gallery, Chancery Lane, Djaara Lights.	Currently no maintenance allocations.	Bendigo Venues & Events	Economic Development	1 - 2 years	• Costings established • Budget Bid and allocations successful
PARTP 1.1 Consider the recruitment of a Public Art Officer.	To continue the creative placemaking legacy, momentum and opportunities generated through the new Public Art Policy and Plan.	Bendigo Venues & Events		3 - 4 years	• Business case developed

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CREATE

CREATE more activated spaces

Where creative innovation and cultural activity can thrive.

Description	Why	Lead	Who's involved	Term	Measures
CAP 3.1 Advocate for the use of vacant commercial and private sector spaces for the use of micro business, community arts practice, galleries, wet spaces for artists.	To activate dormant spaces, enable small business development, support new community arts program development.	Economic Development	Strategic Planning	1 – 4 years	• Database of vacant spaces created • Contact made with vendors • Mapping need from community
CAP 3.2 Advocate for the ongoing sustainability of the Emporium Creative Hub.	Important part of the local economy, providing access to: cross industry collaboration, business development, networking, resources.	Economic Development		1 – 2 years	• Emporium Creative Hub in a secured position • Number of businesses operating
CAP 3.3 Facilitate Cultural Precinct Facilities Improvement Plan.	To identify building improvements and immediate public realm improvements that can better facilitate movement, safety and experience in the View Street Cultural Precinct.	Bendigo Venues & Events	Strategic Planning, Property Services	3 – 4 years	• Plan delivered
CAP 3.4 Reinstate subsidies for performing artists and small to medium not for profit organisations to access the Engine Room.	Support local performing artists and companies to access space in an equitable way.	Bendigo Venues & Events		1 – 2 years	• Increase in number of independent artists and small not for profits accessing Engine Room
PARTP 1.2 Consider public art walls and spaces for building infrastructure related capital works projects as part of graffiti reduction program.	• Support creative community to access spaces • Activate spaces for public safety • Utilise walls for graffiti prevention	Property Services	Economic Development	3– 4 years	• Sites identified
BGM 7 Construction of event space.	Increase number of fit for purpose outdoor venues for community use.	Parks and Open Space		3 – 4 years	• Work commenced at Bendigo Botanic Gardens site

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NURTURE

NUTURE and support talent

Ensuring education pathways and local opportunities for our diverse creative community.

Description	Why	Lead	Who's involved	Term	Measures
CAP 4.1 Create an online platform for showcasing success stories of our local cultural and creative industries.	For local audiences and those further afield to understand Bendigo's thriving and diverse arts and creative industries.	Economic Development	Bendigo Venues & Events	1 – 2 years	• Review digital strategy document • Develop a digital/ social media plan to promote the local arts sector
CAP 4.2 Facilitate a bespoke mentoring project for young and emerging artists.	Create pre-professional pathways for young and emerging artists and support young people to see what career pathways are possible within the creative industries.	Economic Development	Community Partnerships	1 – 2 years	• Successful delivery of a program
CAP 4.3 Encourage local creatives to register with Vendor Panel and engage with the tender process and City procurement systems.	Empower creatives to develop capacity to work with LGAs.	Economic Development	Bendigo Venues & Events, Procurement	1 – 2 years	• Increase in locally procured creatives • Increase in number of local creatives on tender system
CAP 4.4 Bendigo Art Gallery to create professional development opportunities for local creatives.	Bendigo Art Gallery supports capacity building of local creatives.	Bendigo Art Gallery		1 – 4 years	• Annual professional development opportunity provided
CAP 4.5 Map arts and creative industries education and employment pathways within Greater Bendigo.	To support local pathways for education and training in the creative industries.	Economic Development	Education providers	1 – 4 years	• Documentation created
YAP 20 Provide young artists and creatives with performance or exhibition opportunities across the municipality.	Create opportunities for emerging artists to build their professional profiles.	Community Partnerships		1 – 2 years	• Number of opportunities created • Number of artists participating
PARTP 1.9 Explore and identify partnership opportunities for skills and capacity development around public art creation.	Develop capacity of local artists to make work for the public realm.	Economic Development		1 – 2 years	• Number of partnerships established

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CHAMPION inclusion and access

Across all abilities, ages, and cultural backgrounds.

Description	Why	Lead	Who's involved	Term	Measures
CAP 5.1 Meet with organisations annually to discuss diverse programming.	Celebrate diversity across Greater Bendigo.	Bendigo Venues & Events		1 – 2 years	• Annual meeting documented • Number of participating groups
CAP 5.2 Embed ways to increase accessibility at events including related resources for event promotion and delivery.	The City is a leader in inclusion and supports audiences of all abilities and needs.	Community Partnerships	Tourism and Major Events, Bendigo Venues & Events, Economic Development	3 – 4 years	• Accessibility resource updated and referenced • Checklist embedded in City resources • Training sourced and recommendations made • Bendigo Venues & Events reaccredited with Scope Communication Access Symbol Accreditation 2026
CAP 5.3 Apply an equity lens for approvals across public events and festivals.	• Including all aspects of the process e.g. signage, application processes • Including feedback and data collection	Tourism and Major Events	Community Partnerships	3 – 4 years	• Implementation of diversity, access and inclusion requirements for event applications and permits • Feedback and data collection methods include diversity, access and inclusion lens
CAP 5.4 Encourage and Promote the health benefits of arts participation, e.g. *My Health Story* - Arts in Health.	City can have a role in advocating and supporting arts participation for health and wellbeing. Increase local participation.	Bendigo Venues & Events	Community Partnerships	3 – 4 years	• Number of events that promote arts for wellbeing • Data that measure impact of programs on wellbeing
CAP 5.5 Updated programming policy to reflect the diversity of the Greater Bendigo community including First Nations arts, disability arts, youth arts, and culturally diverse arts.	City as a leader of diverse and inclusive events.	Bendigo Venues & Events		1 – 2 years	• Updated programming policy
PARTP 1.5 Oversee permanent Plinth Activation Sites with opportunities for diverse and inclusive representation from the community.	Sites will form part of a future Public Art Trail with revolving artworks that celebrate the diversity of Greater Bendigo.	Parks and Open Space		3 – 4 years	• Sites identified • Business case developed

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SHOW

SHOW the world

We recognise and have pride in our creative industries and cultural institutions.

Description	Why	Lead	Who's involved	Term	Measures
CAP 6.1 Create a new Bendigo brand story that celebrates the UNESCO Creative City and Region of Gastronomy designation, First Nations culture, and the local cultural and creative industries.	• To understand and utilise the UNESCO Creative City and Region of Gastronomy branding • To celebrate Greater Bendigo's inclusive and diverse cultural and creative industries • To represent a maturing and evolving local creative and cultural industry	Tourism and Major Events	Bendigo Venues & Events, Bendigo Art Gallery, Community Partnerships, Communications, Economic Development, Climate Change and Environment	1 – 2 years	• Successful campaign developed and delivered
CAP 6.2 Disseminate a local gig guide created by the local music industry.	Encourage local audiences and support financial sustainability of the local live music industry.	Bendigo Venues & Events	Economic Development	1 – 2 years	• Register created and promoted

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Description	Why	Lead	Who's involved	Term	Measures
CAP 6.3 Facilitate an annual program of gastronomy and arts-based projects and opportunities ensuring participation from diverse and emerging creatives.	Engage creatives in supporting the UNESCO Creative City and Region of Gastronomy brand and brand creating opportunities for cultural and creative industries.	Economic Development	Tourism and Major Events	1 – 2 years	• Number of events and diverse representation of local artists
CAP 6.4 Update signage to include creative spaces e.g. Exhibit B, Chancery Lane, Djaa Djuwima, Djaara Lights.	For local residents and visitors to access creative spaces.	Parks and Open Space	Bendigo Venues & Events	3 – 4 years	• Increased wayfinding signage to cultural venues
CAP 6.5 Investigate subsidised Bendigo Tourism memberships for individuals and not for profit organisations.	Improve accessibility as Tourism membership is a key promotional tool the City offers.	Tourism and Major Events		3 – 4 years	• Increased number of artists, and creative businesses as members
CAP 6.6 Advocate for investment in our cultural infrastructure to lift them to world class standards e.g. Bendigo Art Gallery, The Capital, Dudley House, The Great Stupa, The Golden Dragon Museum.	Recognising and preserving the cultural value of our local cultural icons and facilities.	Economic Development	Cultural partners	3 – 4 years	• Priority upgrades identified and business case developed
CAP 6.7 Create opportunities for exchanges, residencies and collaboration through the UNESCO Creative City and Region of Gastronomy program.	Engage with other state, national and international Creative Cities.	Economic Development	Bendigo Venues & Events, Bendigo Art Gallery, Community Partnerships, Communications, Economic Development, Climate Change and Environment	1 – 2 years	• Number of exchanges and residencies • Evaluation of benefits on artists
CAP 6.8 Facilitate a plan for public art works that amplify a sense of arrival at Greater Bendigo as a cultural destination.	Amplify Creative City brand.	Tourism and Major Events		3 – 4 years	• Business plan ready
CAP 6.9 Continue to pursue World Heritage recognition for the Central Victorian Goldfields.	Recognise and celebrate Greater Bendigo's significant national and international heritage.	Tourism and Major Events		1 – 4 years	• World Heritage Bid achieved
CP 3.5.1 Deliver a Bendigo Art Gallery International Exhibition program supported by multiyear funding for tourism marketing from Visit Victoria.	Build Bendigo Art Gallery's reputation as a leading cultural institution.	Bendigo Art Gallery	Tourism and Major Events	1 – 2 years	• Program finalised
CP 4.2.1 Engagement of Djandak and Traditional Owner designer for elements of the Bendigo Art Gallery building redevelopment, landscaping and architecture.	Celebrate First Nations design.	Bendigo Art Gallery		1 – 2 years	• Designer engaged

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21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

25. CHIEF EXECUTIVE OFFICER'S REPORT

26. CONFIDENTIAL (SECTION 66) REPORTS

RECOMMENDED MOTION

That Council close the meeting to members of the public pursuant to Section 66(2) of the Local Government Act 2020, to consider (a) report(s) relating to:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;

(g) private commercial information, being information provided by a business, commercial or financial undertaking that -(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;