

COUNCIL MEETING MINUTES



6:00 pm on Monday August 26, 2024

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Broadcast live on Phoenix FM 106.7 ***

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NEXT MEETING:

September 16, 2024

COMMUNITY VISION 2021–2031

Greater Bendigo celebrates our diverse community.

We are welcoming, sustainable and prosperous.

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

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

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

ORDER OF BUSINESS

1. ACKNOWLEDGEMENT OF COUNTRY	5
2. TRADITIONAL LANGUAGE STATEMENT	5
3. OPENING STATEMENT	5
4. MOMENT OF SILENT REFLECTION	5
5. ATTENDANCE AND APOLOGIES.....	6
6. LEAVE OF ABSENCE	6
7. SUSPENSION OF STANDING ORDERS	6
8. COMMUNITY RECOGNITION	7
9. PUBLIC QUESTION TIME	8
9.1. Public Question Time Guidelines	8
9.2. Pre-Registered Questions.....	9
9.3. Gallery Questions	10
10. RESUMPTION OF STANDING ORDERS.....	10
11. WARD REPORTS	11
11.1. Eppalock Ward - Cr O'Rourke.....	11
11.2. Lockwood Ward - Cr Alden	12
11.3. Whipstick Ward - Cr Fagg.....	14
12. DECLARATIONS OF CONFLICT OF INTEREST	15
13. CONFIRMATION OF PREVIOUS MINUTES	16
14. PETITIONS AND JOINT LETTERS	17
14.1. Petition Acknowledgement - Lower Violet Street Bendigo	17
15. LEAD AND GOVERN FOR ALL	19
15.1. Contracts Awarded Under Delegation	19
15.2. Bendigo Airport Strategic Plan	19
15.3. Audit and Risk Committee - Appointment of independent members	25

16. HEALTHY, LIVEABLE SPACES AND PLACES.....	28
16.1. Lot 1 Bradleys Lane, Heathcote 3523 - Construction of a Dwelling and Removal of Native Vegetation	28
16.2. CA 11A Bendigo-Maldon Road, Lockwood South - Use and Development of Land for a Dwelling and Outbuilding	49
16.3. 245 Brownes Lane, Axedale - 2 Lot Subdivision of Land (Dwelling Excision)	67
16.4. Planning Scheme Amendment C248Gben and Planning Permit Application DS/207/2019 - Consideration of Submissions and Request Panel.....	86
16.5. Planning Scheme Amendment C274gben Heathcote Township Plan	102
16.6. Fair Access Policy and Action Plan	109
17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY	121
17.1. Development Contributions Policy and Governance Framework	121
18. ABORIGINAL RECONCILIATION	126
18.1. Registration of Place Name Marrungi Wayaparra	126
19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT	133
19.1. Fosterville Gold Mine Sustained Operations Project Environment Effects Statement.....	133
19.2. E Scooter Trial August 2024 Update	139
20. A VIBRANT, CREATIVE COMMUNITY	150
20.1. Creative Strategy - Updated Action Plan 2025 -2029	150
21. A SAFE, WELCOMING AND FAIR COMMUNITY	155
22. URGENT BUSINESS	155
23. NOTICES OF MOTION	155
24. MAYOR'S REPORT	155
25. CHIEF EXECUTIVE OFFICER'S REPORT	158
26. CONFIDENTIAL (SECTION 66) REPORTS	159
27. CLOSE OF MEETING	159

1. ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

2. TRADITIONAL LANGUAGE STATEMENT

Bangek Knoorarook Bunjil Dja Dja Wurrung
William Talle tallingingorak wirrmbool bunjil

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

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
- Cr Dr Jennifer Alden
- Cr David Fagg
- Cr Margaret O'Rourke OAM
- Cr Julie Sloan
- Cr Vaughan Williams
- Andrew Cooney, Chief Executive Officer
- Brian Westley, Director Presentation and Assets
- Stacy Williams, Director Healthy Communities and Environments
- Jess Howard, Director Corporate Performance
- Rachel Lee, Director Strategy and Growth
- Jessica Clarke-Hong, Manager Governance

Apologies

- Cr Evans

MOTION

That any apologies are accepted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

Resolution No. 2024-133

CARRIED

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

MOTION

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

Moved: Cr Alden

Seconded: Cr O'Rourke

Resolution No. 2024-134

CARRIED

8. COMMUNITY RECOGNITION

To the community section for this month and we start by congratulating our wonderful Olympians. Six athletes and a coach from central Victoria, or with connections to central Victoria, donned the green and gold and made us all very proud.

Jenna Strauch became the first swimmer from Bendigo since Faith Leech in 1956 to win an Olympic medal, taking home silver from the 4 x 100 women's medley relay team. Her parents Dean and Jane watched on in the stands and cheered the girls to victory in what would have been an incredible moment for the Strauch family.

Marathon runner Andy Buchanan got a very late call up to represent Australia when another runner became injured, while basketballers Dyson Daniels, Matthew Dellavedova, Ally Wilson and Amy Atwell, and cycling coach Tim Decker also flew the flag for Bendigo and central Victoria.

Another last minute addition, Amy Atwell, came home with bronze after the Opals beat Belgium in a fantastic game that had us on the edge of our seats.

And cycling coach Tim Decker was trackside when the men's team pursuit set a world record and went onto win gold at the velodrome. Tim is an active member of the Bendigo and District Cycling Club and moved to Bendigo to pursue a cycling career before becoming a coach.

Congratulations to you all on your Olympic journeys and for representing your country and region so successfully. We wish you the very best as you continue your sporting endeavours and enjoy soaking up this amazing moment in your lives.

The City looks forward to hosting a civic reception to honour our Olympians on September 9. We understand not everyone will be able to attend, however we will invite family, friends and the sporting community to celebrate this moment in local sporting history.

The Business Excellence Awards was held recently at Red Energy Arena, and I am delighted to congratulate JL King and Co on being named the 2024 Business of the Year. Every year the awards are a fantastic celebration of our business community and the incredible hard work and effort that so many put into running successful businesses. Congratulations to all winners named on the night.

And tonight we pass on our condolences to our First Nations community following the passing of Gunditjmara Elder, Uncle Barry Fary.

Uncle Barry was one of the Bendigo and District Aboriginal Cooperative's first Board members and was on the Board for 24 years, including many as Chair. Flags will be flown at half mast this week in his honour and further information on Uncle Barry's contribution can be found on BDAC's Facebook page.

9. PUBLIC QUESTION TIME

9.1. Public Question Time Guidelines

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

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

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

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

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

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

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

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

Public Question Time is not a requirement of Council under the Local Government Act. This Council has 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.

9.2. Pre-Registered Questions

Question 1:

From: Thomas of Spring Gully

Topic: Russell Street

Question:

Regarding the Russell Street redevelopment, I'd like to know what factors were considered in accommodating cyclists when designing the new streetscape?

Answer:

Russell Street was designed with cyclists and modern road design standards in mind. We believe the project balances the existing infrastructure and amenity for users with the design intention of improving pedestrian safety. The introduction of pedestrian refuge islands will significantly improve safety for pedestrians but will also improve overall road safety given the lower speed environment and dedicated turning lanes.

As per signage onsite the outer shoulders are designated as bike lanes, whilst also indicating that parking is permitted. This signage existed prior to works and has remained in place.

Overall road safety has been improved through a combination of treatments. Improvements include the reduced speed limit, narrower traffic lane widths, construction of pedestrian refuge islands and installation of electronic Speed Alert Message Boards.

Question 2:

From: Warren of Bendigo

Topic: Speed Humps for Cornish Street Bendigo

Question:

When are you going to put speed humps in Cornish Street Bendigo as vehicle's speed up and down constantly as well as doing burnouts?

Answer:

Each year the City receives several requests regarding reported unsafe driver behaviour. Each request is investigated by officers. Given the associated cost, number of requests received and findings from previous studies, the City focuses traffic calming solutions towards roads where the greatest public risk and/or benefit is identified.

In the case of Cornish Street, officers have assessed requests for the installation of speed humps at either end of this road in February 2016, February 2023 and more recently August 2024. In each instance, officers determined that the installation of speed humps is not supported. This decision primarily took into consideration the recorded vehicle speed, as the road has a recorded 85th percentile speed of less than 50 km per hour. We also considered pedestrian activity in the area and the potential adverse impacts which speed humps may cause in the context of local amenity weighed against the likelihood of modifying driver behaviour.

In this setting, law enforcement remains the single most meaningful method of controlling poor driver behaviour. We therefore strongly encourage residents to report such behaviour to the local police.

9.3. Gallery Questions

Nil

**10. RESUMPTION OF STANDING ORDERS
MOTION**

That Standing Orders be resumed.

Moved: Cr O'Rourke

Seconded: Cr Alden

Resolution No. 2024-135

CARRIED

11. WARD REPORTS

11.1. Eppalock Ward - Cr O'Rourke

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

- Funeral for Rod Fyffe OAM
- Arts & Creative Industries Advisory Committee Meeting
- Citizenship Ceremony
- TAC VTIC Top Tourism Town Awards Ceremony in Lancefield – Bendigo won Gold and Heathcote won Bronze
- Hello for Hope Campaign Launch at Mackenzie Quarters
- Eppalock Ward Engagement at Domain Village
- Heathcote Wine Show Lunch & Award Presentations
- Strathfieldsaye & District Community Enterprise August Meeting
- Disability & Inclusion Reference Committee Meeting
- Spoke at the Karen Wrist Tying Ceremony Futsal Tournament at BSE
- Opening of the newest exhibition at the Bendigo Art Gallery - Rob McHaffie: We are family
- Heathcote RSL Black Tie Ball
- Empowering Eaglehawk's 18th 'This Is Eaglehawk' Celebration
- Cr Evans presented two awards at the Bendigo Business Excellence Awards
- Launch of the Golden Dragon Museum Auslan Self-Guided Tour By Sophie Li
- Indian Independence Day Celebrations hosted by the Bendigo Malayalee Association at the Huntly Hall
- Cr Matt Evans Spoke at the 2024 Bendigo Cup for Canoeing at Lake Weeroona
- Vietnam Veterans Day Ceremony at the Bendigo RSL
- Bendigo Tourism Board Meeting
- Bendigo TAFE Partnership Event
- Rural Press Club of Victoria Lunch at the Conservatory
- Karen Traditional Wrist Tying Ceremony
- 50 Year Anniversary of FC Eaglehawk Dinner
- Listening Post at Domain Village
- Procurement Policy Workshop
- Agricultural Society Committee Meeting
- ERC Meeting – Fosterville Goldmine
- Community briefing from the various Baseball Clubs in Greater Bendigo
- Strategy & Growth workshop
- Bendigo Regional Manufacturers monthly meeting and tour of Lactalis Factory
- National Chinese Museum of Australia (GDM) board meeting
- Bendigo Writers Festival Opening and events
- Flag Raising Taungurung – Heathcote Council Offices
- MAV State Council Meeting – Melbourne

Various meetings with residents, emails, follow-ups and weekly briefings. Its been another busy and rewarding month for Eppalock Councillors.

11.2. Lockwood Ward - Cr Alden

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

- Funeral for Rod Fyffe - a fitting tribute, complete with a bagpipe salute.
- Citizenship ceremony - the last of this term
- Golden Square pool AGM - a continuing success story that provides an example for other community pools
- Farewell to Tricia Currie - one of my former CEO roles - her enormous contribution to women's health and wellbeing in the LM region and I wish her well
- Opening of Rob McHaffie: We are family exhibition - bright, cheerful and humorous - on until March when Frida Kahlo comes to town. Also Art Gallery board strategic planning meeting.
- Bendigo Writers Festival - A lot to reflect on from this year's Bendigo Writers Festival. Some great conversations. Something for all ages and budgets, with the big tent full of free performances. Heard lots of positive comments. Offsite events were fabulous - from an evening of great food and conversation with Masterchef winner Julie Goodwin, to the history of oysters and champagne on the Bendigo goldfields and a fireside bush tucker chat - my highlight being host to Kon Karapanagiotidis and his mum Sia at The Old Church on the Hill for the fabulous Greek feast based on recipes from their book *Phylozenia*. A seat at my table.
- MAV state council meeting - saw Bendigo once more put forward successful motions, including advocacy for increased investment in waste and resource recovery programs across the state.
- Listening Post at Gurriwanyarra, the second last this term - well attended. Last one will be at Lockwood next month.
- And finally I would like to announce that after much reflection I have decided that I will not be contesting the forthcoming Local Government elections in October. I will be signing off from Council after two terms as Lockwood Ward Councillor, having been Mayor and twice Deputy Mayor. Being able to serve the community over the past 8 years has been a privilege. Being an elected representative of the community is a responsibility not to be taken lightly.
- Being Mayor while the city navigated multiple COVID lockdowns presented a huge challenge.
- Winning the Municipal Association of Victoria's Travelling Fellowship to research UNESCO Creative Cities of Gastronomy in Italy was a highlight. That assisted our successful designation as a City of Gastronomy, with all the economic benefits that is now providing for the city.

- The state government's new, inequitable, ward structure of nine single wards, with some very large geographic areas, was one factor in my decision to not stand again for office. I would hope it will not dissuade good women from putting their hands up and bringing independent voices to Council.
- I leave Council in the knowledge that I have worked hard for the benefit of the community, now and in the future. From health and wellbeing to more equitable and positive outcomes for residents and our environment, community has always been my focus.
- Multiple other projects, opportunities and commitments beckon, including researching and writing another book, that I have already commenced. I will continue to be actively involved in many community organisations.
- There will be further opportunity for Councillor reflections on our terms in office at forthcoming Council meetings.
- At this point in time I would like to thank all those who supported me along the way, from family and friends to Councillor colleagues and staff. I'm happy to discuss my Council experience with prospective candidates.

11.3. Whipstick Ward - Cr Fagg

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

- Whipstick Ward have attended the Goornong Listening Post, as well as the La Trobe Uni open day, and a meeting about Bagshot Hall.
- We have chaired numerous committee meetings, including the Greater Bendigo Environment Partnership Mtg, and the Heritage Advisory Committee meeting.
- In addition, I attended the latest meeting of the Long Gully community plan, where community members gave feedback on the penultimate draft of the plan, which will be finalised over the next few months. Many great ideas have been discussed over the life of this plan development, including a Friends of Long Gully Creek group, an organised advocacy agenda, community festivals, and the need for this plan to be driven forward by the community, rather than by government agencies.
- We want to congratulate Empowering Eaglehawk on their AGM, where two Eaglehawk stalwarts were recognised for their achievements. **Terry Smith** on being recognized as Empowering Eaglehawk's **Sport Award** recipient with Terry's dedication and passion for baseball & **Albert Skipper** or Skip from Skip's skateboard & coffee has been named our 2024 **Community Award** recipient.
- To conclude, we were very pleased to celebrate the announcement by Maree Edwards MP of a \$1 million grant from the State Government for the development of Stage 1 of the North Bendigo Recreation Reserve. This is on top of the \$1 million grant previously announced by [Lisa Chesters MP](#) for the project. The [City of Greater Bendigo](#) is contributing \$700,000 towards the project. It will deliver a stand alone sporting pavilion with new change rooms, canteen and function space that will support soccer, swordcraft, junior and women's cricket and broader community access outside of sport. Work is expected to start mid next year and construction is expected to take approximately 12 months. An architect has recently been engaged. It's a great day for the Unite the North group who have been advocating for redevelopment of this site over a number of years. Thank you for your patience and your ability to work together. Of course, it is just the first stage of the redevelopment of this entire site, which is much used by the community.

12. DECLARATIONS OF CONFLICT OF INTEREST

Cr Marg O'Rourke declared a **general conflict of interest** in item number 16.3 Brownes Lane Stat Planning application due to being related to two separate parties who are objectors. Cr O'Rourke will excuse herself for this Agenda Item.

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

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

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

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

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

13. CONFIRMATION OF PREVIOUS MINUTES

13.1. Confirmation of Previous Minutes

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on 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>

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-136

CARRIED

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.

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:

- dedicated left and right turn lanes out of lower Violet Street to High Street,
- entry of traffic to Violet Street from High Street,
- works and measures to enable the banning of left turns into the Guzman Y Gomez restaurant site from Violet Street when travelling in the direction from Mackenzie St to High Street (the proponent supported resident requests for this turn ban at VCAT);
- 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).

MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Sloan

Resolution No. 2024-137

CARRIED

Conflict of Interest

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

Attachments

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

15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded Under Delegation

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-138

CARRIED

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

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

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.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Williams

Resolution No. 2024-139

CARRIED

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]

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.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-140

CARRIED

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 responsiveness, fire risk, water quality and the natural environment.
Conclusion:	<p>The proposal is not in accordance with the Greater Bendigo Planning Scheme.</p> <p>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.</p> <p>The proposed dwelling, if approved, would create an unreasonable and unnecessary risk to life and damage to the natural environment.</p>

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.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

Resolution No. 2024-141

CARRIED

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.

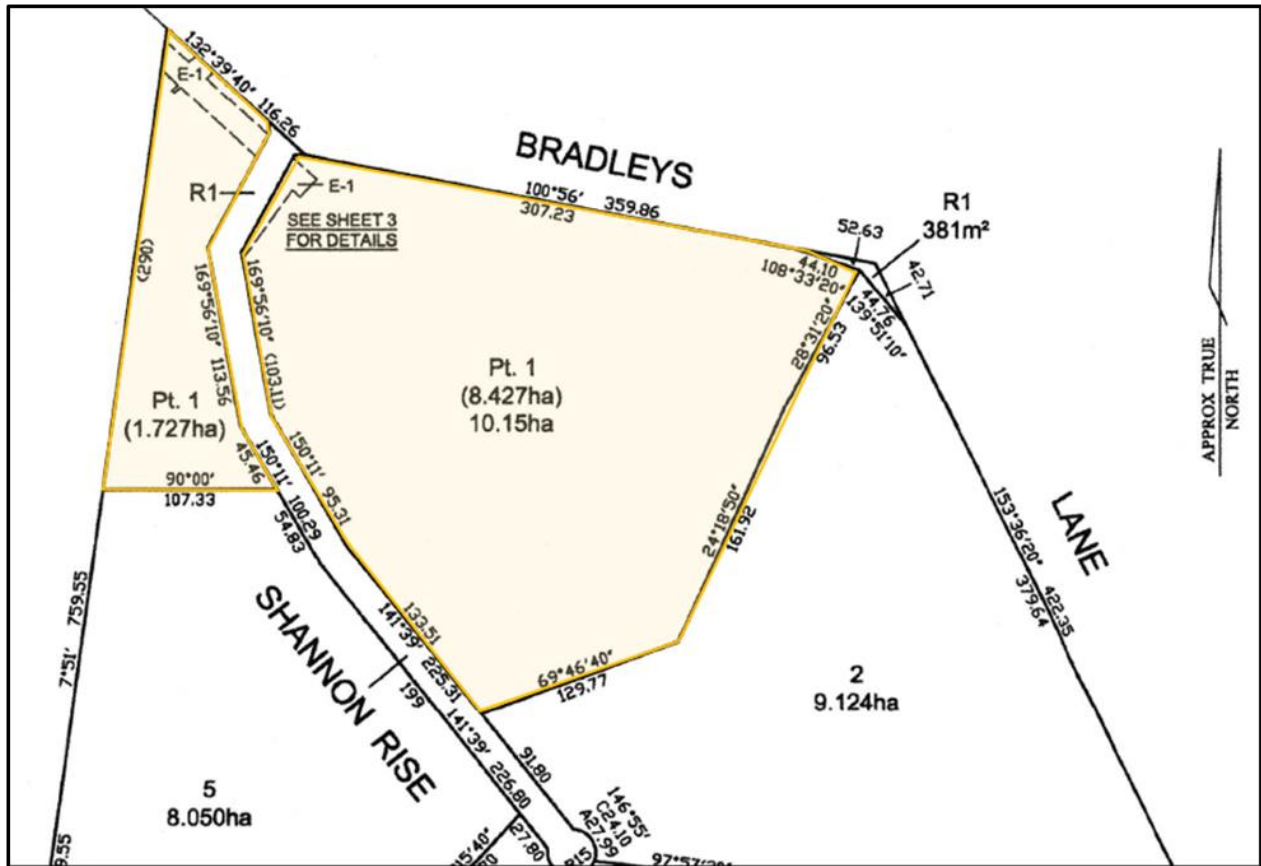


Figure 1: Plan of Subdivision showing size of each part of Lot 1.

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.

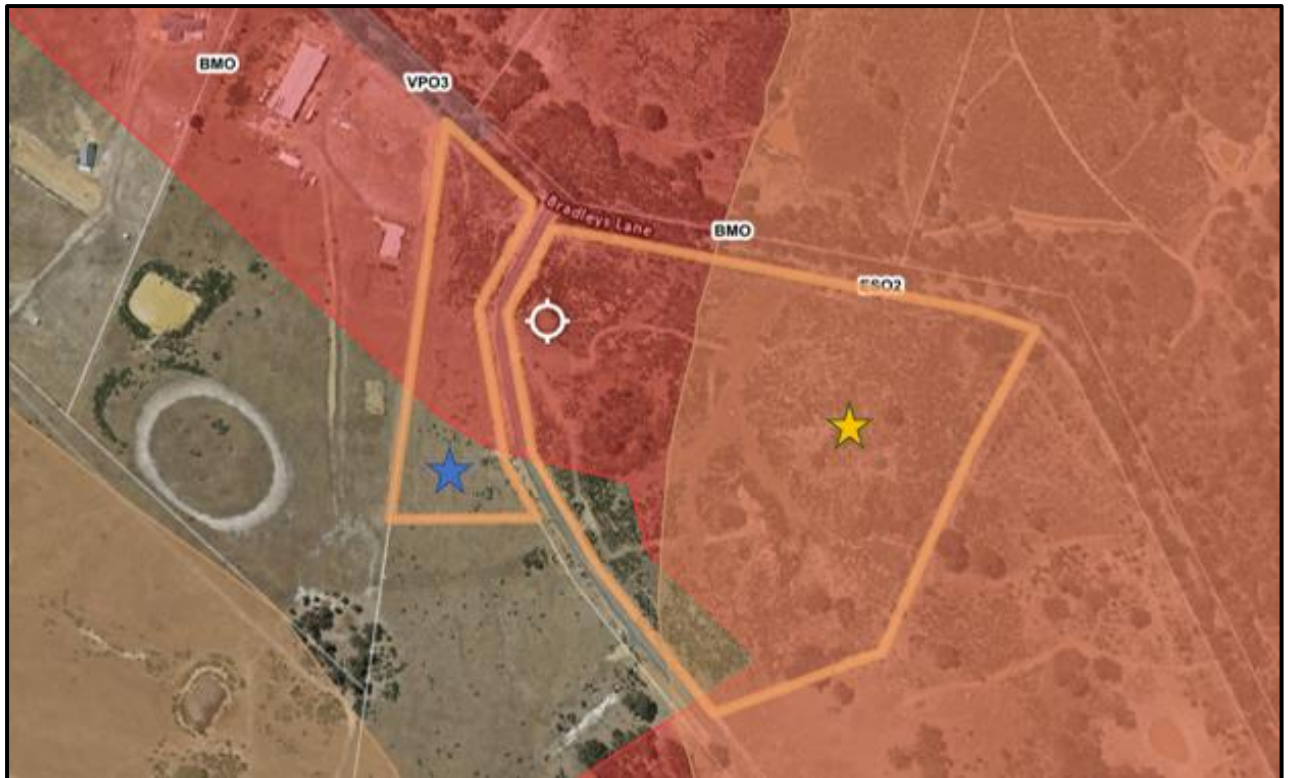


Figure 2: Aerial image showing vegetation cover and extent of overlays (blue star = building envelope, yellow star = proposed dwelling location).



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.

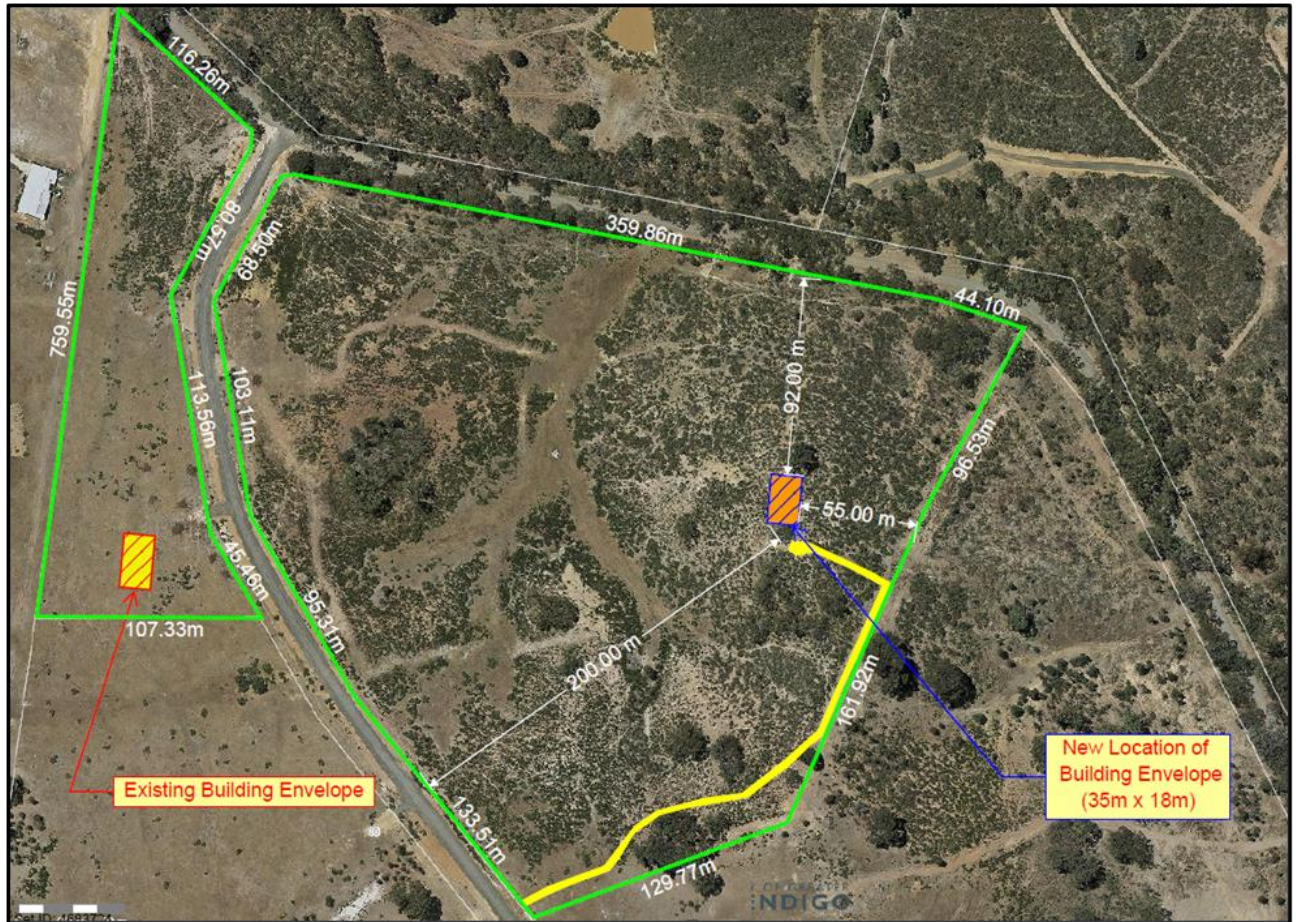


Figure 6: Proposed site plan, note 'existing building envelope' is indicative only (not a title restriction).

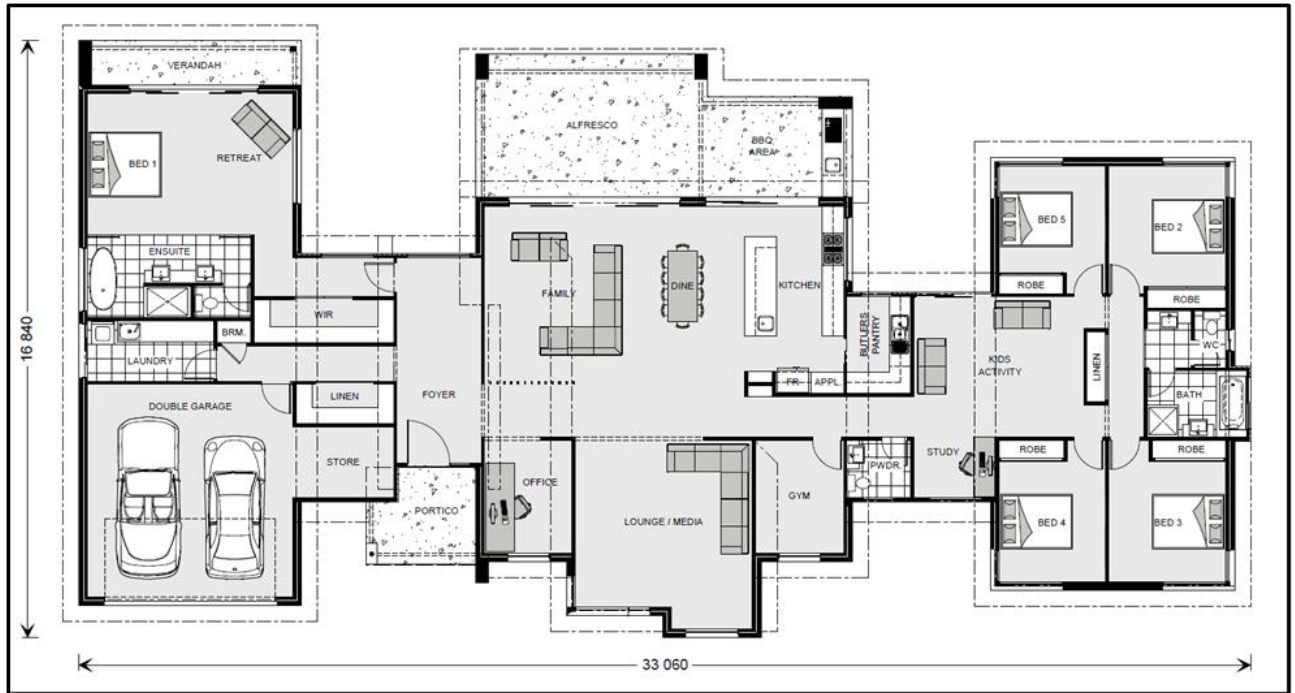


Figure 7: Floor plan of proposed dwelling.



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.

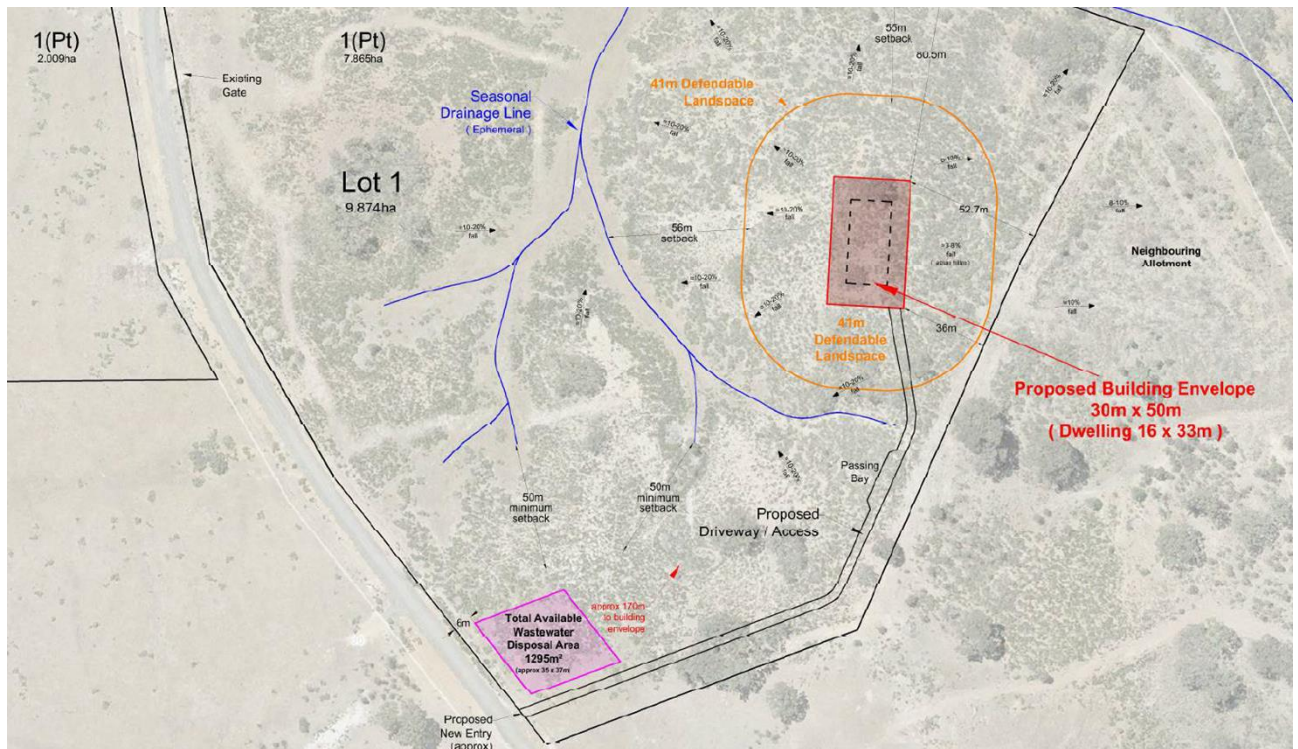


Figure 9: Proposed location of the effluent disposal field.

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/CommunicationReferrals

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.

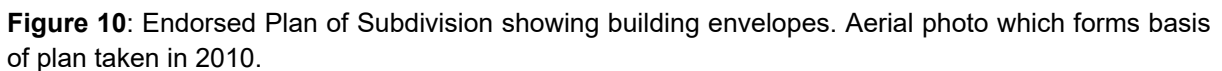
As a result of advertising, no objections were received.

Planning AssessmentHistory 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.*

- 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.



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 5,000m²) 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.

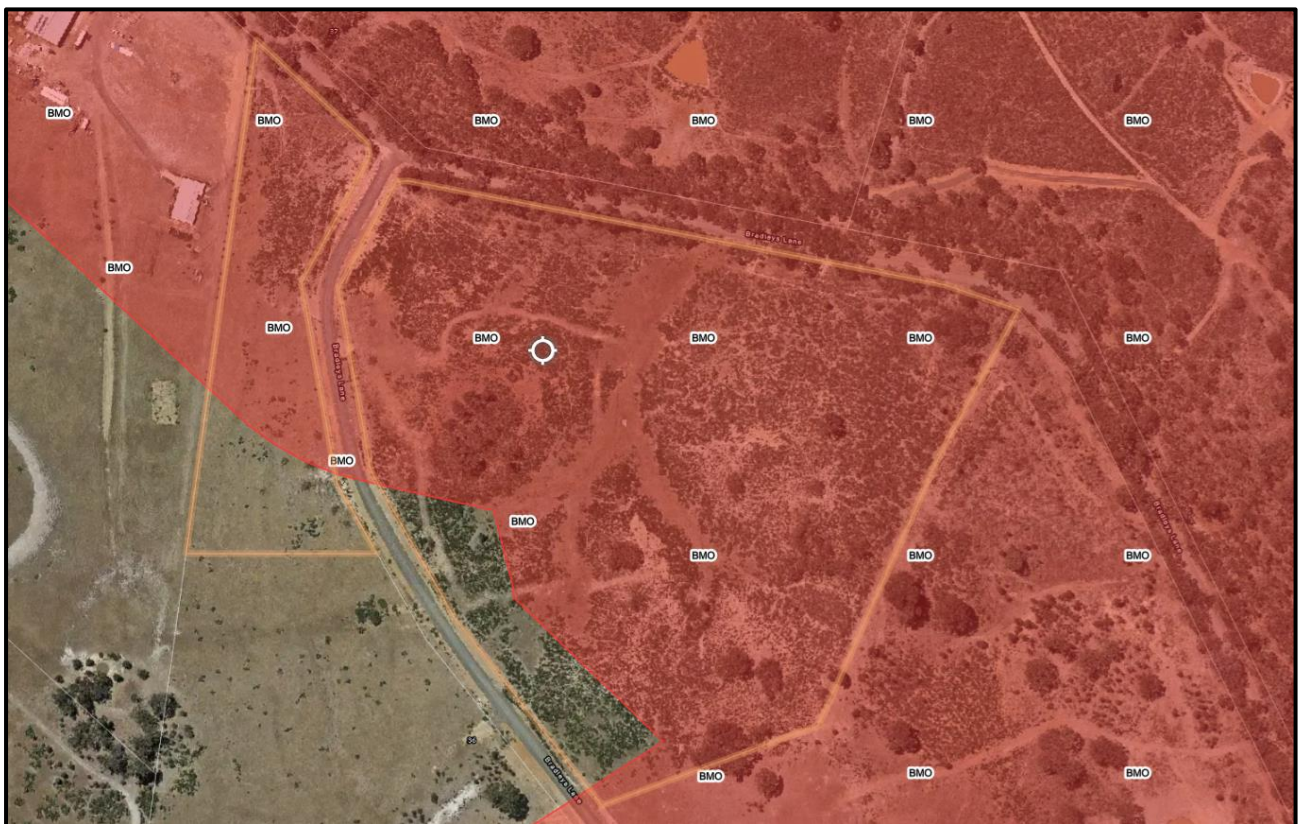


Figure 11: Aerial photo showing extent of the Bushfire Management Overlay covering the property

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.

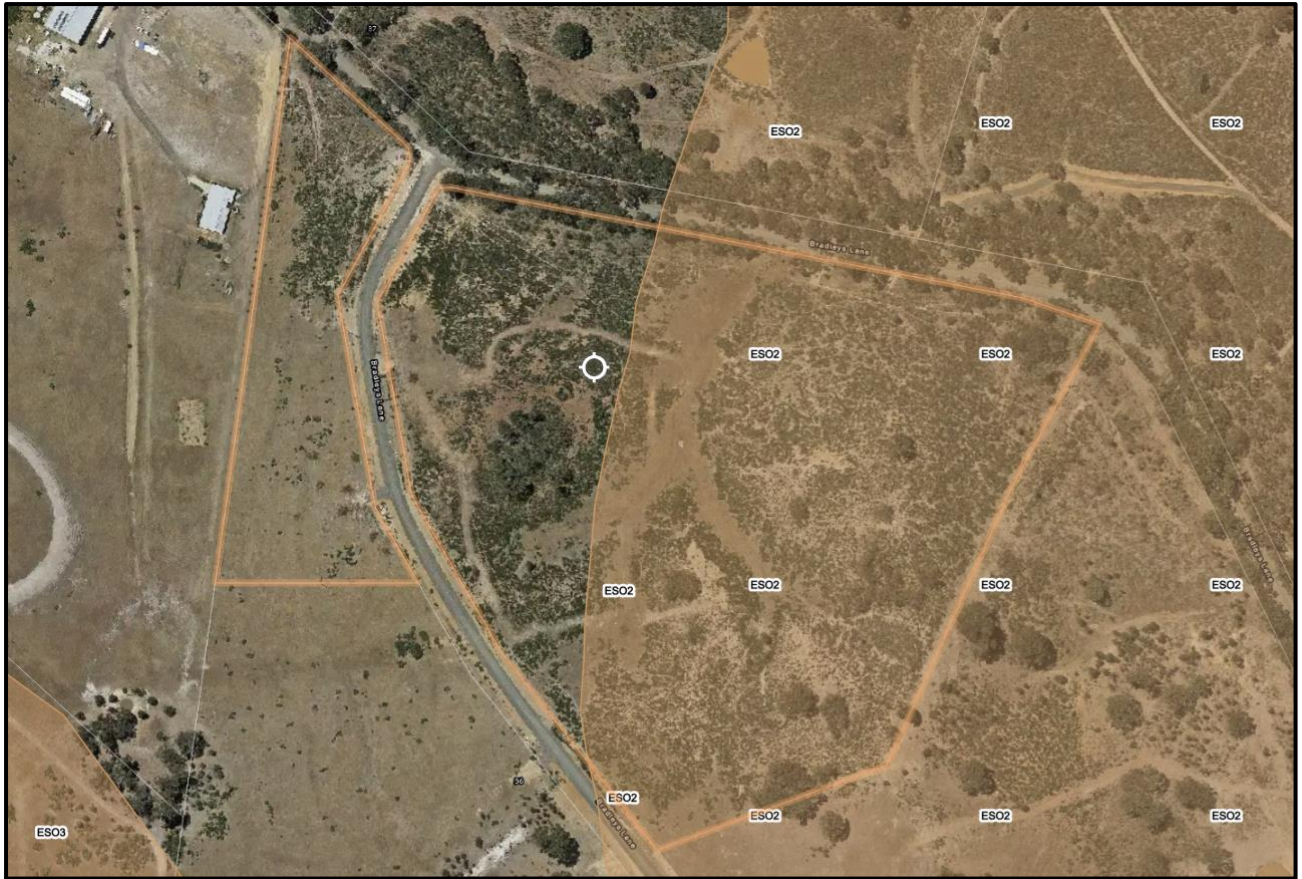


Figure 12: Aerial photo showing extent of the Environmental Significance Overlay covering the property

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 defensible 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 defensible space for a dwelling in certain circumstances relating to bushfire protection.

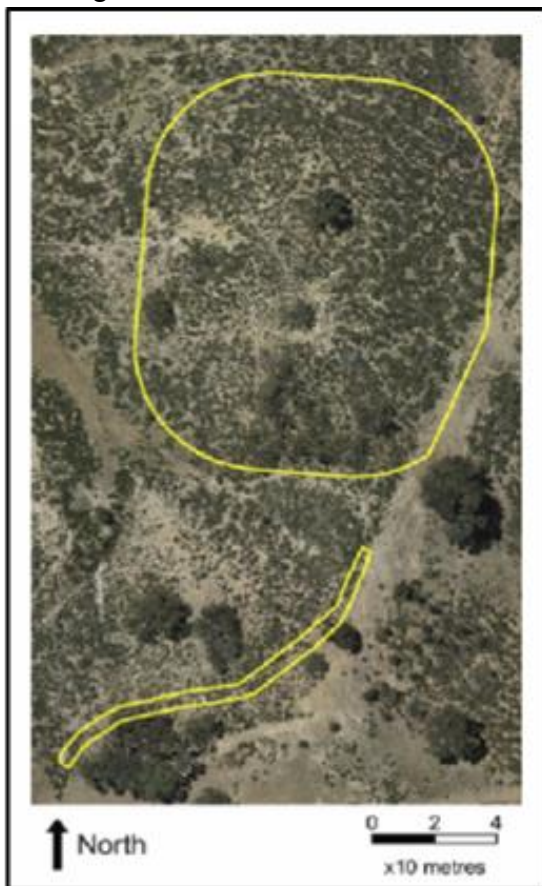


Figure 11: Aerial imaging showing the extent of proposed vegetation removal.

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 defensible 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 defensible 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 defensible space is prospective. It only applies if a permit is granted and the permit contains a condition directing or allowing the creation of defensible 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:	<ul style="list-style-type: none"> 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:	<p>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.</p> <p>The approval of a dwelling would remove land from agricultural production, increase pressure for proliferation of dwellings in the zone and potentially impact on nearby farming uses. This is an outcome that is contrary to Greater Bendigo and State policy relating to the protection of agricultural land.</p> <p>It is recommended that Council refuse to grant a permit as the proposal does not present an acceptable planning outcome with regards to the purpose and decision guidelines of the Farming Zone and the relevant planning policy for rural dwellings.</p>

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.

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Williams

Resolution No. 2024-142

CARRIED

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.

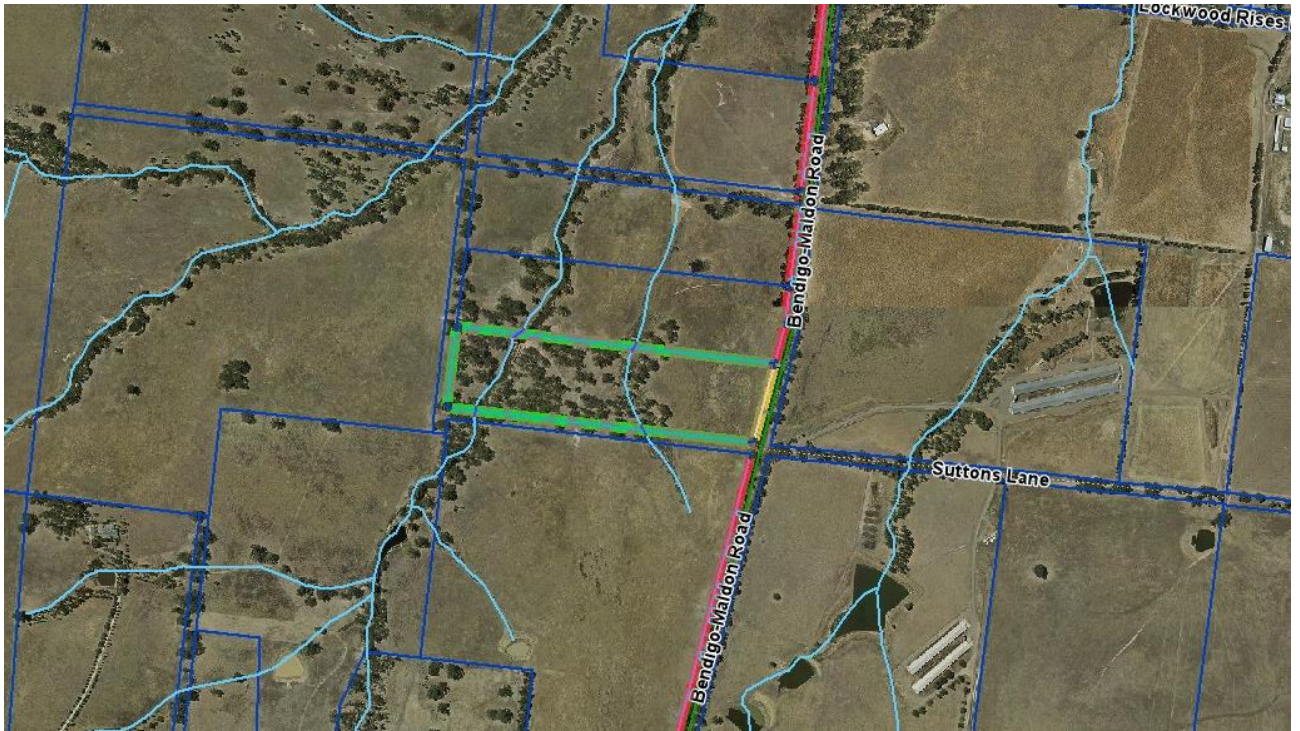


Figure 1: Aerial view of the subject site and surrounding area.

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.

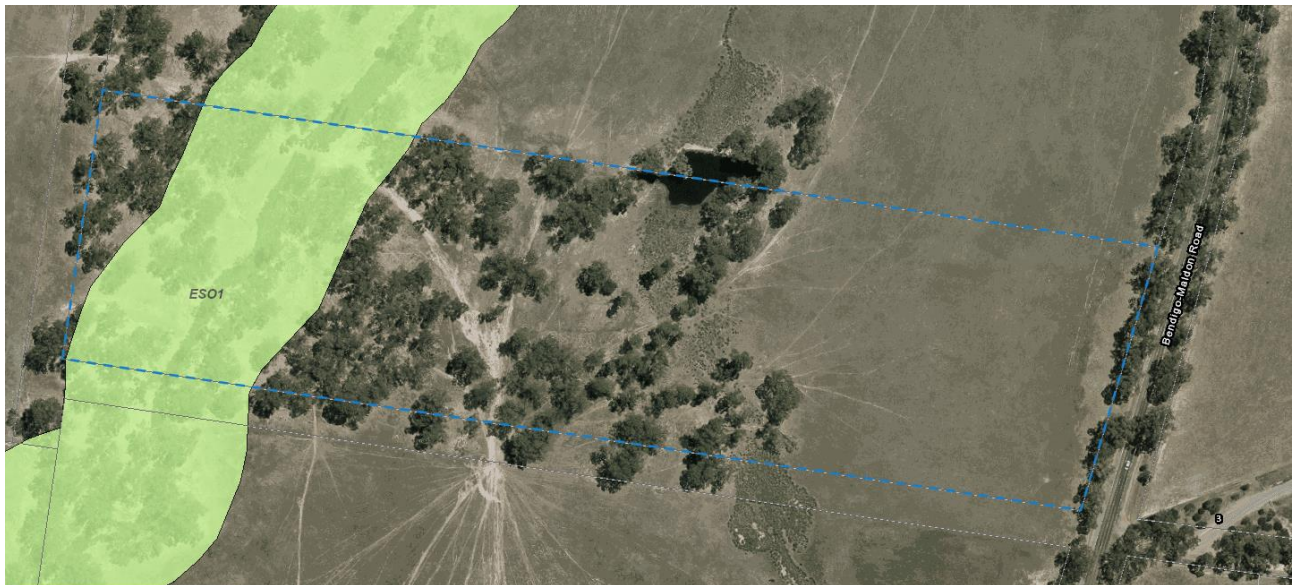


Figure 2: Environmental Significance Overlay Schedule 1 (shaded pale green).



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.

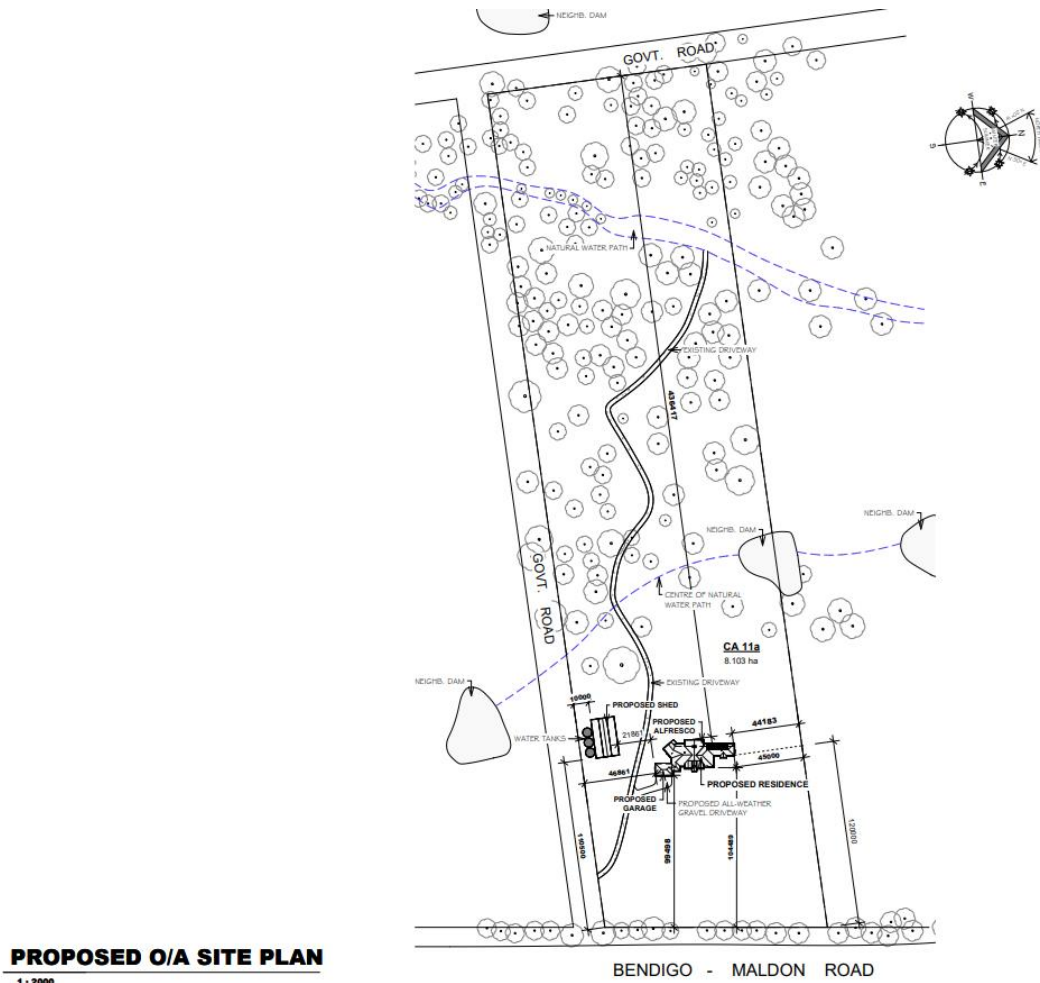


Figure 4: Proposed site plan.

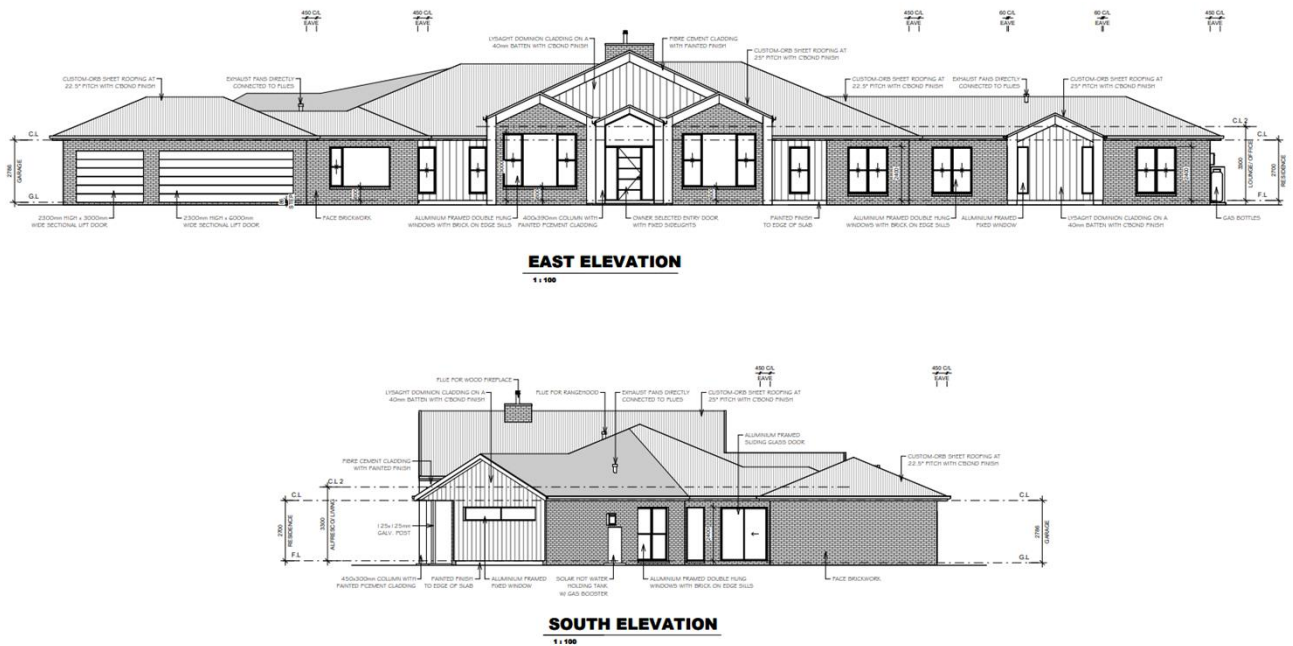


Figure 5: Proposed dwelling east and south elevation plans.

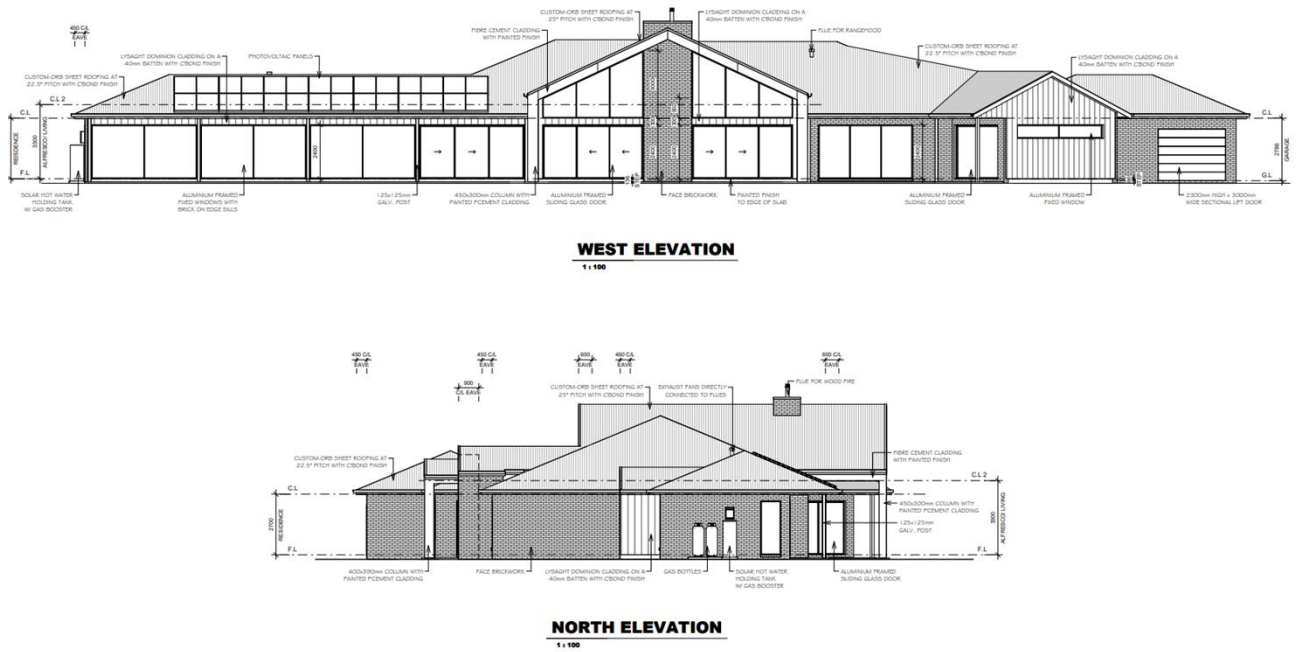
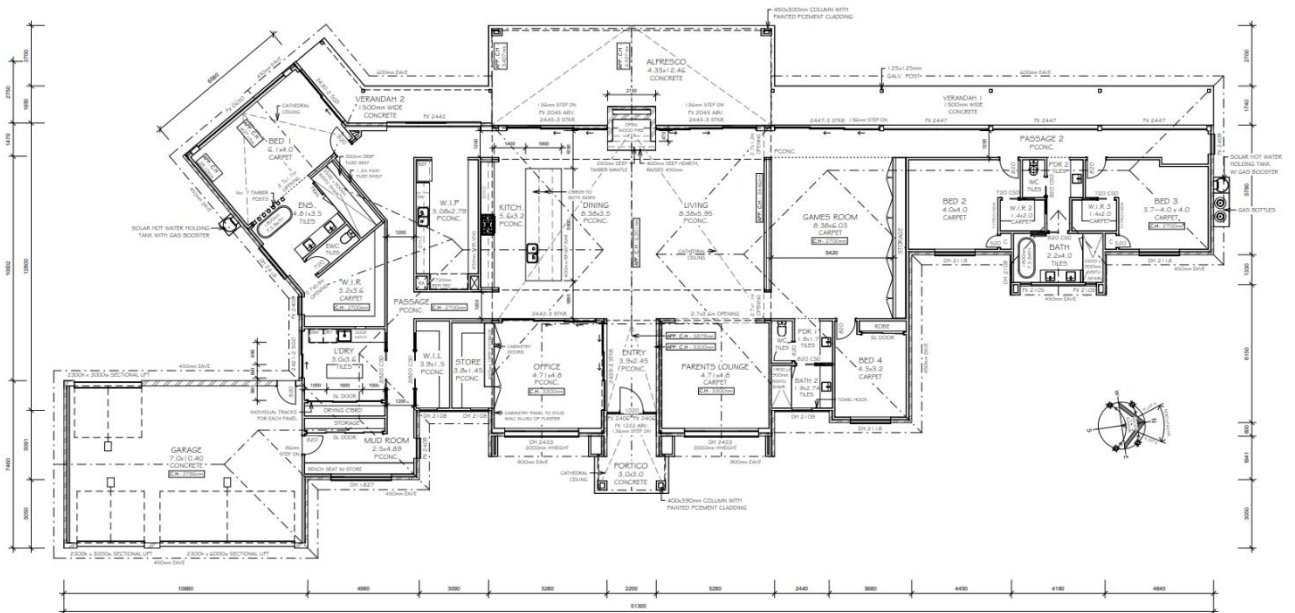


Figure 6: Proposed dwelling west and north elevation plans.



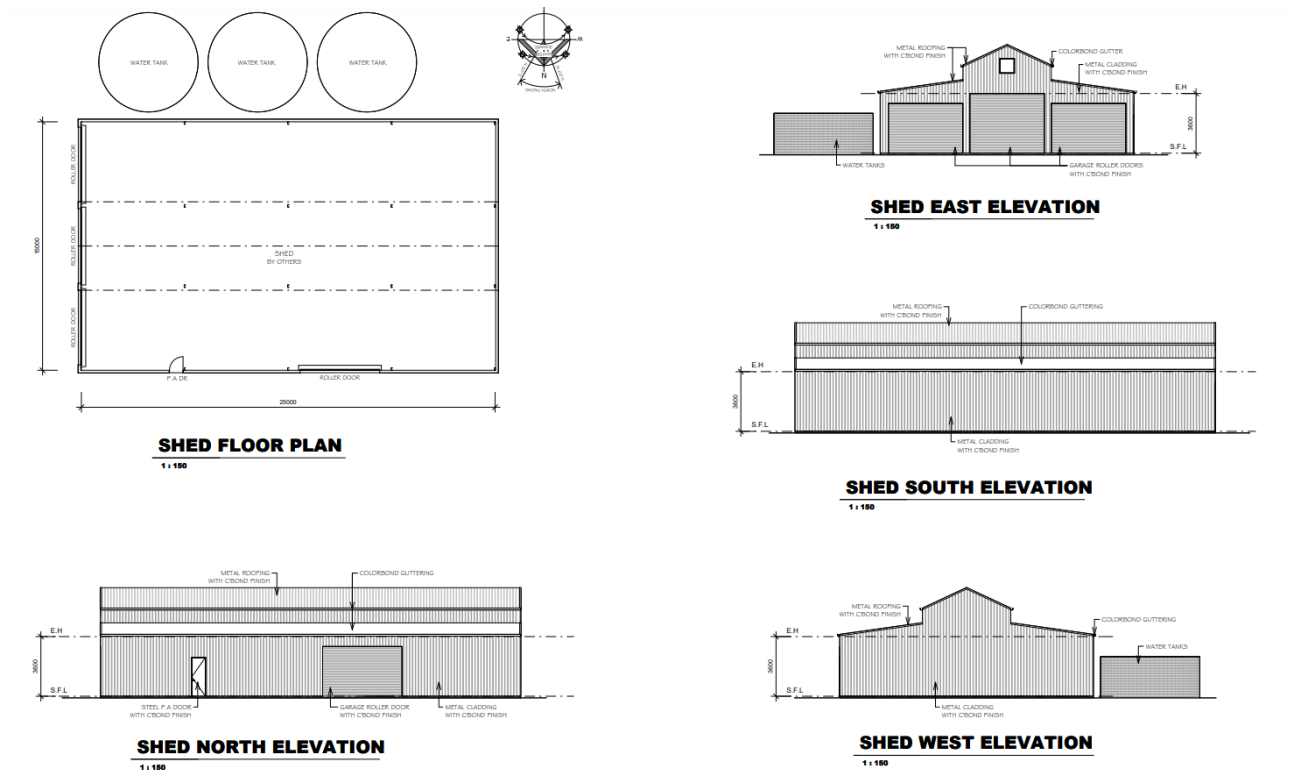


Figure 8: Proposed outbuilding floor and elevation plans.

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	<ul style="list-style-type: none"> Construct a building or to construct or carry out works associated with a section 2 use (dwelling). Construct a building within 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: <ul style="list-style-type: none">• 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 Brownes Lane, AXEDALE 3551
Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay Schedule 1
No. of objections:	6
Consultation meeting:	No
Key considerations:	<ul style="list-style-type: none"> 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:	<p>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.</p> <p>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.</p>

	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.
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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.

Cr O'Rourke left the meeting at 6:52 pm due to a conflict of interest in this Agenda Item.

MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Alden

Resolution No. 2024-143

CARRIED

Cr O'Rourke returned to the meeting at 6:55 pm after this Agenda Item was resolved.

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

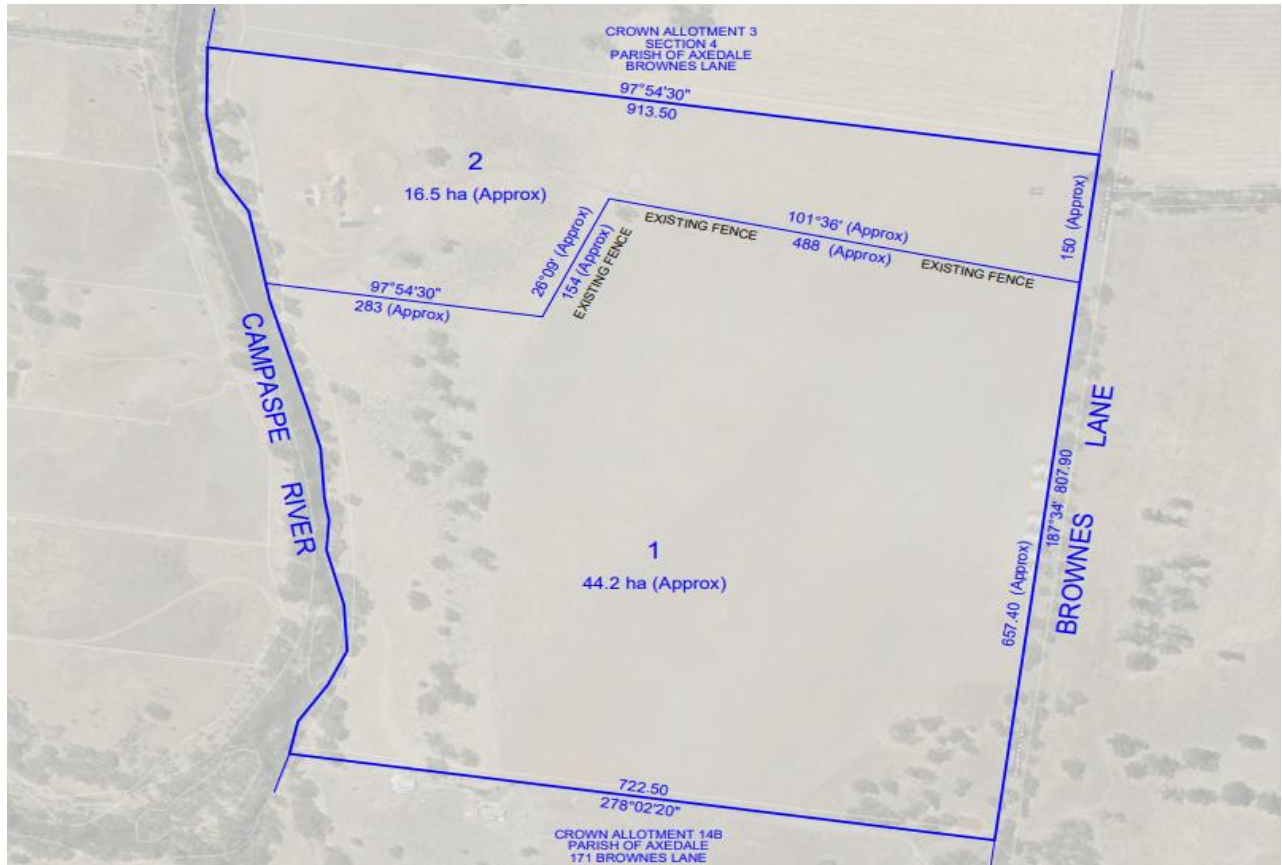


Figure 4: Plan of subdivision.

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	<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> ○ 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.

The relevant Planning policy context

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.

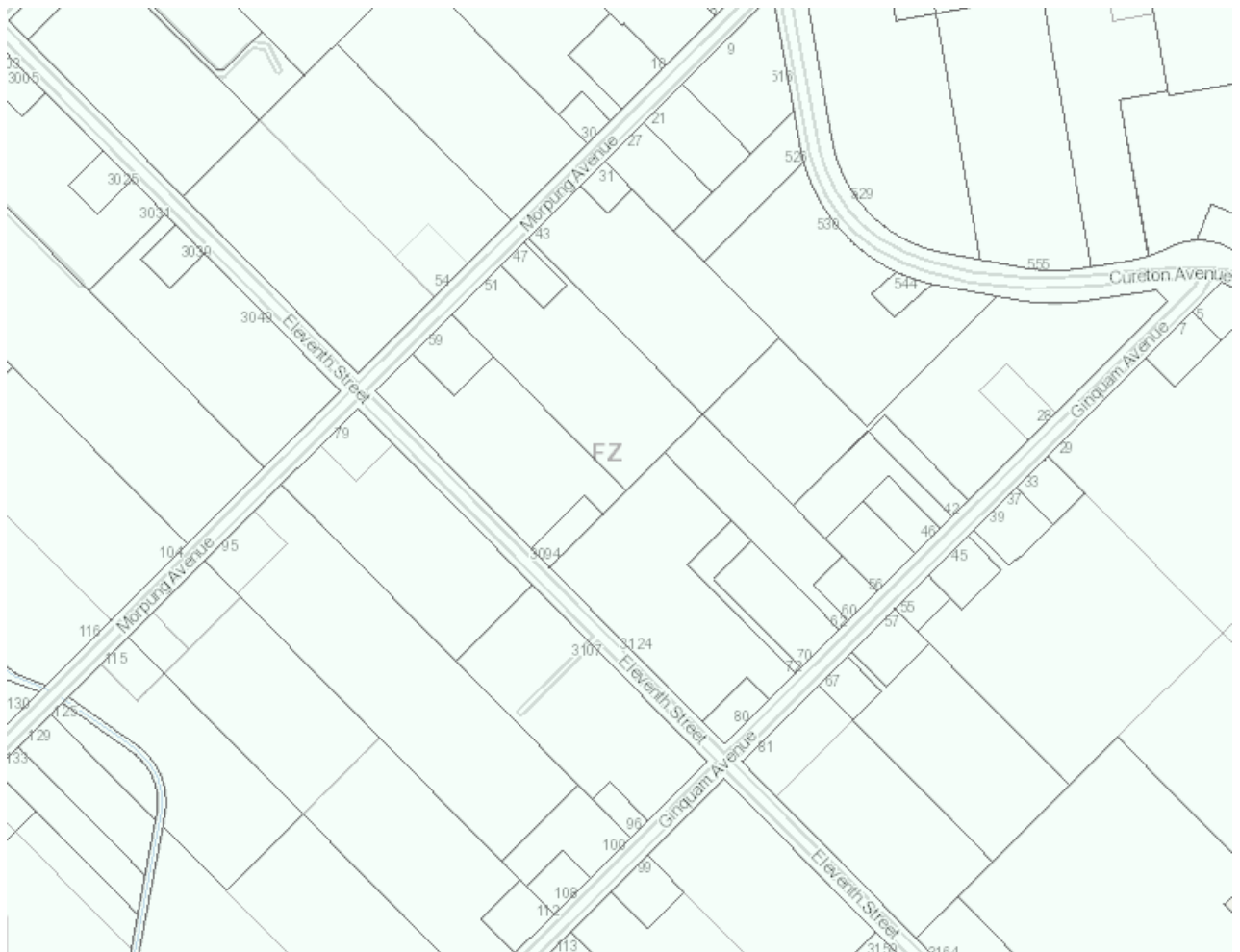


Figure 5: A cadastral planning scheme map of Farming Zoned land in Mildura, where dwellings excisions proliferated.

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 in 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. 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.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Fagg

Resolution No. 2024-144

CARRIED

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:

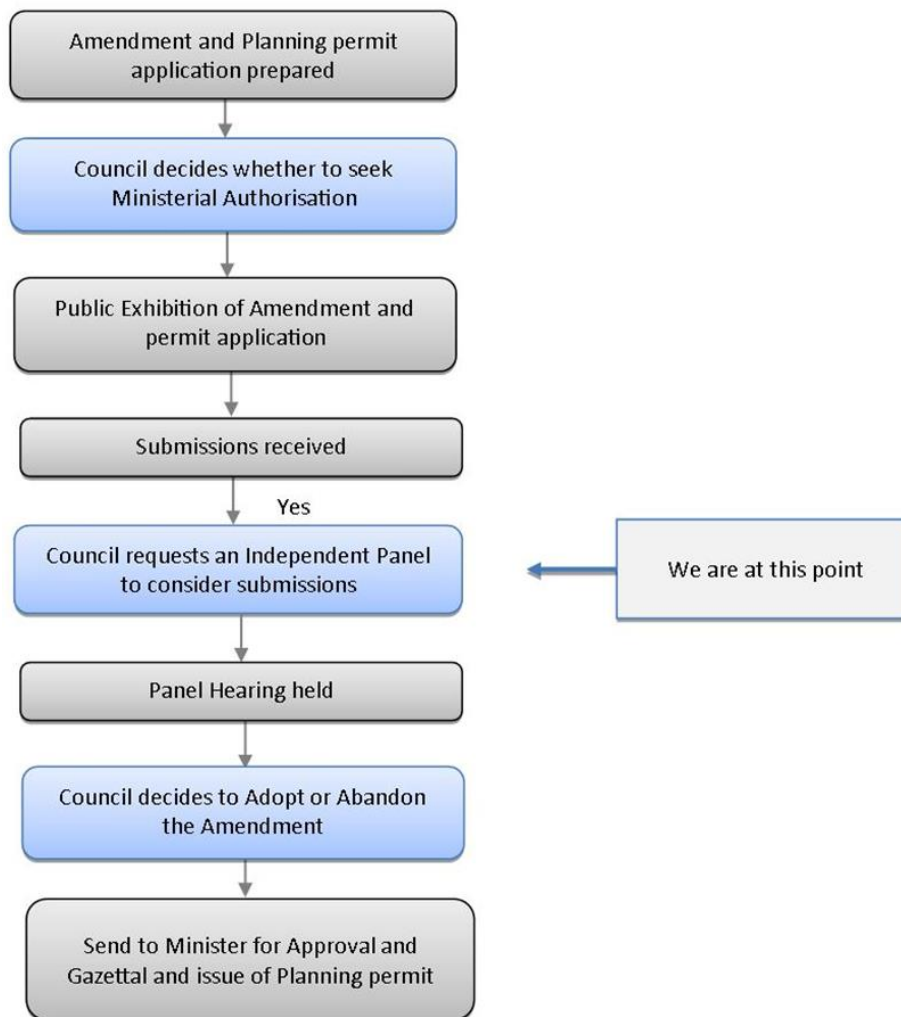


Figure 1: The combined planning scheme amendment and planning permit application process

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 (NVR, 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 NVR, 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
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • 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 NVR, 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 NVR, 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 NVR, 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]

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.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Williams

Resolution No. 2024-145

CARRIED

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:

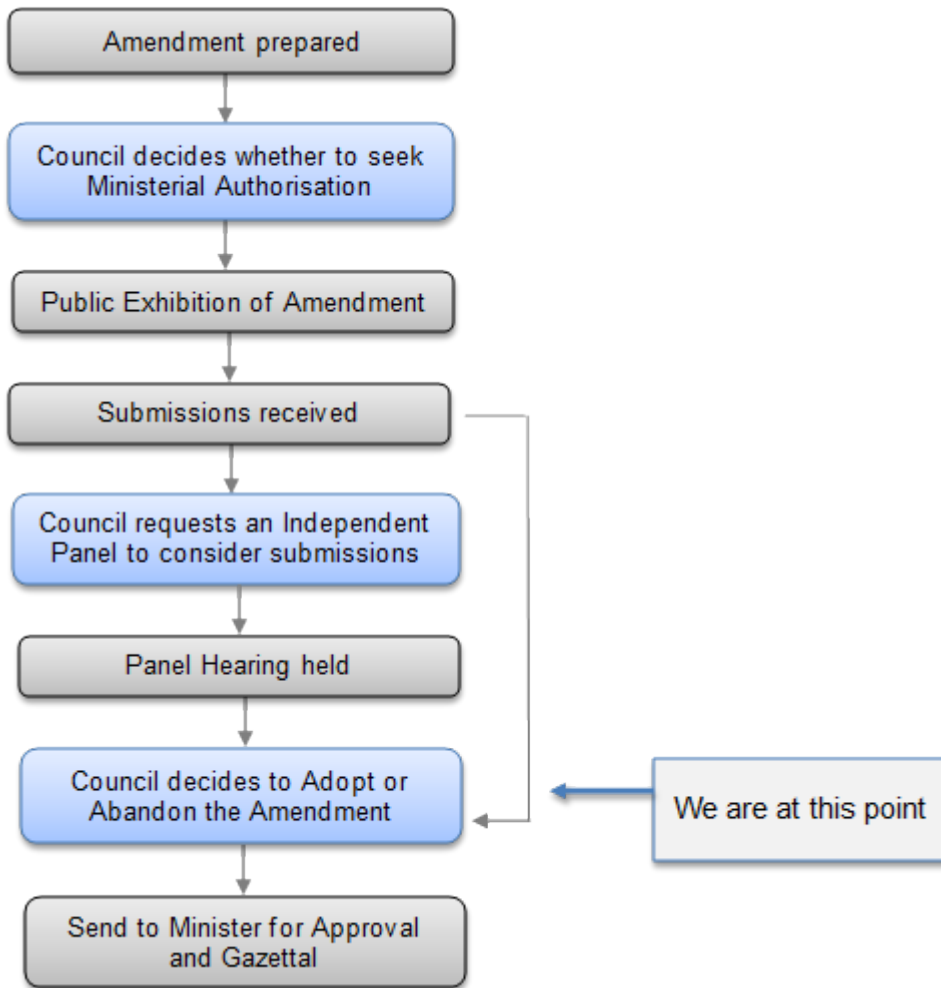


Figure 1: The planning scheme amendment process

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 *Melvor 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]

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

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Sloan

Resolution No. 2024-146

CARRIED

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 implementing 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
- LGBTIQ+ 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]

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.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

Resolution No. 2024-147

CARRIED

Executive Summary

The City of Greater Bendigo is a recognised regional growth municipality and as part of the City's long-term growth there is a need for a transparent and consistent approach to infrastructure planning and funding for new development.

A development contributions scheme is a tool used by local government to collect funds for the delivery of future infrastructure that services new development.

City officers have 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

YourLand Comment	City Response	Action
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
Include an Annual Report to Council (Governance Framework, p32)	<p>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.</p> <p>Add 9.7.3 and associated text under section 9.7, with the text as follows:</p> <p>A Council report will be prepared on an annual basis to provide Council with an update on the City's development contributions arrangements, including:</p> <ul style="list-style-type: none"> • 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	Supported, however document

YourLand Comment	City Response	Action
	not by a timeframe specified in the Governance Framework.	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]

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.

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr O'Rourke

Resolution No. 2024-148

CARRIED

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:

- Marrungj 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]

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.

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Fagg

Resolution No. 2024-149

CARRIED

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]

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.

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.
4. The City will undertake community consultation on the e-scooter trial to occur in the first part of 2025 and prior to putting to a future Council Meeting a resolution to extend or conclude the trial.

Moved: Cr Sloan

Seconded: Cr Alden

Resolution No. 2024-150

CARRIED

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:

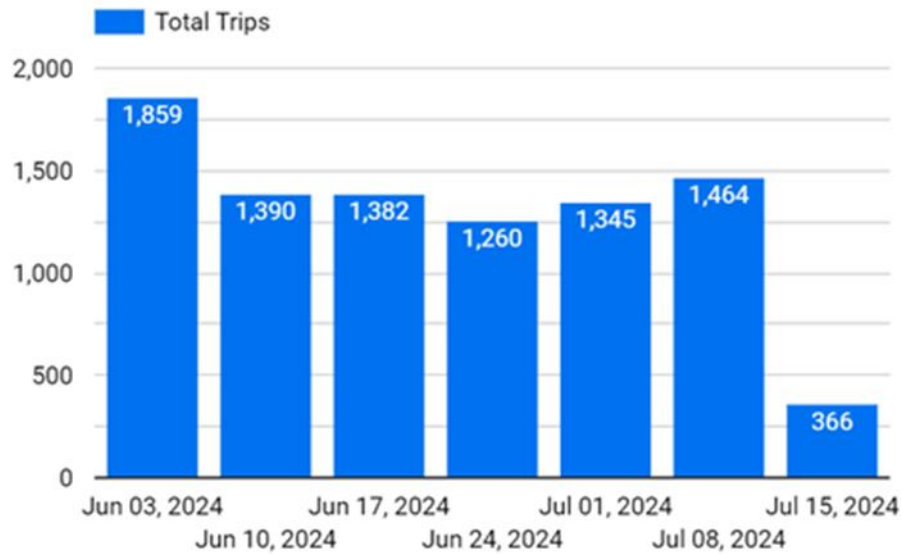


Figure 1: Total number of trips per week (as of Wednesday 17 July),

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).

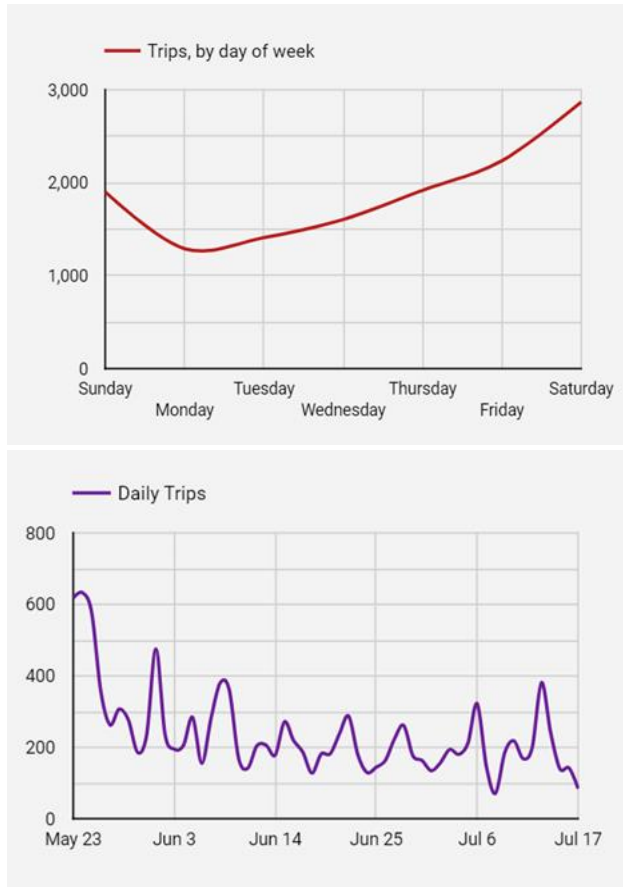


Figure 2 & 3: Number of trips per day and by day of the week (as of Wednesday 17 July)

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.

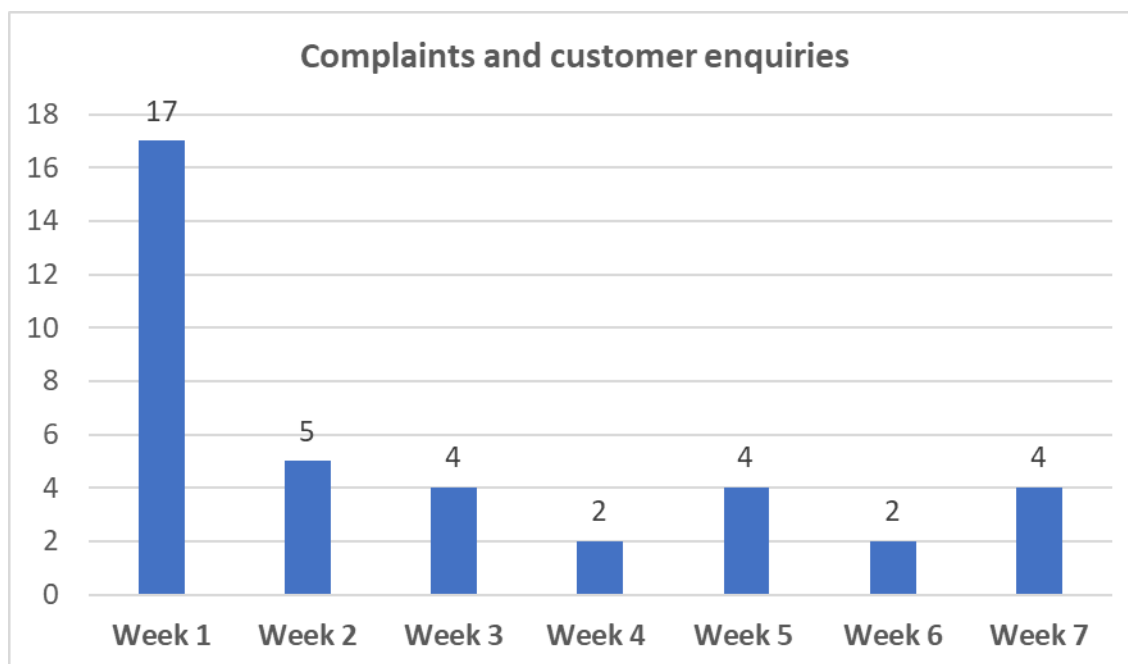


Figure 5: Distribution of complaints and enquiries by week (received by the City, as of Wednesday 17 July)

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.

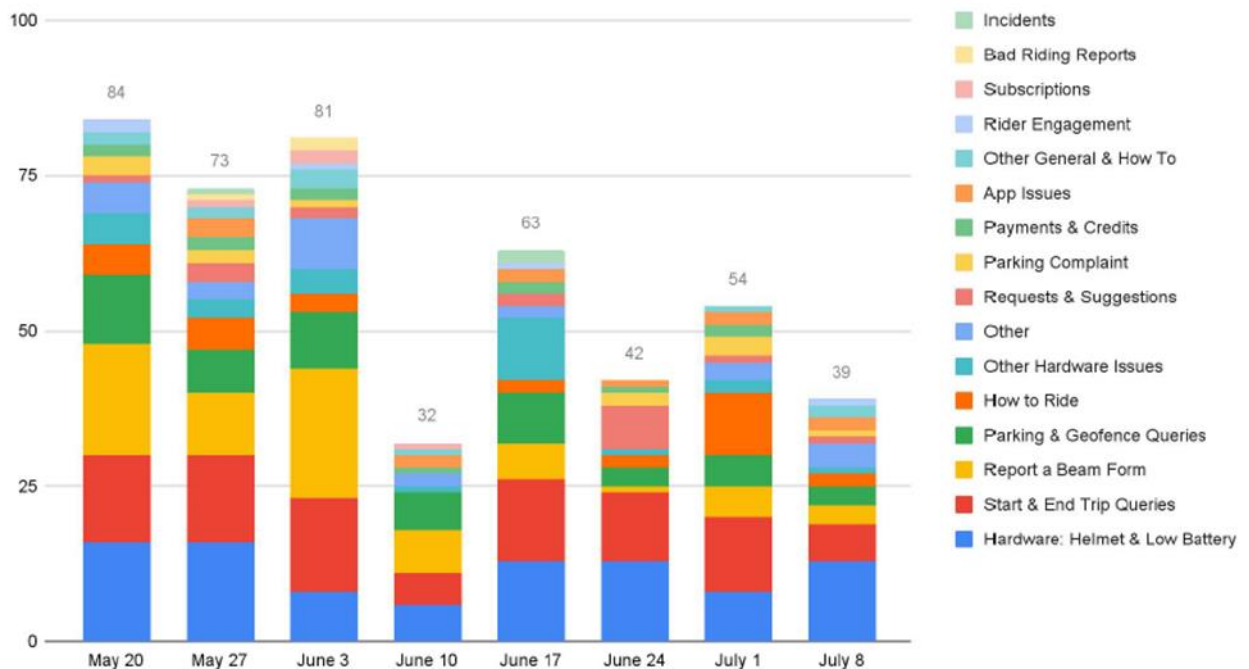


Figure 6: Distribution of complaints and enquiries by week (received by Beam on Tuesday, 16 July)

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

MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Sloan

Resolution No. 2024-151

CARRIED

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]

21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

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

- Basin Councils meeting with the Hon. Harriet Shing MP Minister for Housing, Minister for Water, Minister for Equality.
- Girls in STEM Club Partnership Launch held at Discovery Science and Technology Centre.
- Regional Cities Victoria Executive Management group online meeting.
- Cr Rod Fyfe OAM funeral service held at the Bendigo Town Hall – Vale Rod.
- Presided at the Citizenship Ceremony attended by 67 new citizens.
- Met with representatives from the Bagshot Hall Committee.
- Met with residents from Violet Street, Bendigo.
- Spoke at the 2024 Violet Vines Marshman Oration: Transforming Indigenous Health in Rural Australia, with Professor Ian Anderson AO and dinner held following event.
- Visit with St Monica's Primary School Grade 2 students to speak about Local Government.
- Lifeline's Hello for Hope Launch.
- Spoke at the announcement - Bendigo to host the 2025 & 2027 Victorian Short Course Swimming Championships.
- Strategy and Growth workshop.
- Greater Bendigo Climate Collaboration Group meeting.
- 99th Anniversary Celebration of the Rotary Club of Bendigo.
- Bendigo Trust Board meeting.
- Multicultural Roundtable meeting with Matthew Evans Federal Liberal Candidate for Bendigo and the Hon. Jason Wood MP Shadow Minister for Community Safety, Migrant Services, and Multicultural Affairs.
- Chaired the Gastronomy Advisory Committee.
- Met with Nationals candidate Andrew Lethlean and Senator Bridget McKenzie.

- Heathcote Wine Show Celebration Lunch.
- Nexus Theatre Production of Cinderella held at The Capital Theatre.
- Beehive Bendigo event.
- Golden Square Pool Inc. Annual General Meeting.
- 'Women in Leadership' event with Senator the Hon. Sarah Henderson.
- Regional Cities Victoria Executive Management group online meeting.
- Recycling Victoria Local Government Advisory Committee online meeting #3.
- Briefing for Under Cover Movie panel members.
- Celebration event for Tricia Currie – Women's Health Loddon Mallee.
- Spoke at the Photo Opportunity for the North Bendigo Recreation Reserve with the Hon. Maree Edwards MP.
- St John of God Hospital da Vinci Xi Robot Fundraiser Launch.
- Fosterville Mine EES meeting held at Goornong Hall.
- Whipstick Ward Listening Post engagement activity held at the Drovers Arms Hotel, Goornong.
- Opening of Rob McHaffie: We Are Family Exhibition held at The Bendigo Art Gallery.
- Heathcote RSL Black Tie Ball held at the RSL Hall.
- Parliament House Canberra Advocacy visit to meet with politicians and political advisors on projects for the Greater Bendigo community.
- Regional Cities Victoria Annual Forum held at Parliament House, Melbourne.
- Participated in proceedings at the inaugural Indian National Flag Hoisting Ceremony held at Ewing Park.
- Integrated Municipal Emergency Management Planning Committee meeting.
- 77th Anniversary of India's Independence National Day Reception held in Melbourne.
- Open Door - Vision Australia Radio Studio.
- Launch of the Golden Dragon Museum Auslan Self-Guided Tour By Sophie Li.
- Spoke at the Opening Gala Bendigo Writers Festival.
- Spoke at the Indian Association of Bendigo's Independence Day Celebration held at Holy Rosary Hall, White Hills.
- Spoke at the Indonesian Independence Day Celebration held at the Quarry Hill Community Hall.
- Spoke at the Bendigo Malayalee Association's Indian Independence Day Celebration held at Huntly Hall.
- Spoke at the Filipino Australian Social Club of Loddon Campaspe 33rd Anniversary Dinner held at the Farmers Arms Hotel.
- Spoke at the Protech Elite Series 4 and AIA Junior Circuit 8 (Badminton Victoria).
- Laid a wreath at the Vietnam Veterans Day Commemorative Anniversary - Battle of Long Tan.
- Special Closing Gala Event - Bendigo Writers Festival.
- Presentation to Council session with Baseball Association and Clubs.

- Networking reception with Victoria's Trade and Investment Commissioners held in Melbourne.
- Regional Cities Victoria Executive Management Group online meeting.
- Taungurung Local Government Forum including a Taungurung Flag Raising ceremony at the Forecourt of the Heathcote Council Offices.
- Panel member at the Bendigo screening of Under Cover + Panel Discussion held at Star Cinema.
- Chaired the Economic Development Implementation Steering Committee meeting.
- Bendigo TAFE Partnership Networking Evening.
- GMID Water Leadership - Northern Victorian Basin Water Summit.
- Rural Press Club lunch with Premier The Hon. Jacinta Allan MP held at the All Seasons Bendigo.
- Spoke at the Horseland Bendigo Grand Opening, 2D Thistle Street, Bendigo.
- Kangaroo Flat Fire Brigade Annual Award Presentation held at the Kangaroo Flat Fire Station.
- The National Bush Summit 2024 held at the All Seasons Bendigo.
- Gallery tour with the Nationals Leader David Littleproud MP and Nationals candidate Andrew Lethlean.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

Thank you Councillors

Thank you for your work tonight Councillors in what is your 2nd last Council meeting before the Election period commences

Be.Bendigo Business Excellence Awards

Attended Be.Bendigo Business Excellence Awards - JL King and Co was crowned Bendigo's Business of the Year. This was one of three awards JL King won during the event. They were also successful in winning:

- Climate Leader Award
- Manufacturing Award

Redevelopment of the North Bendigo Recreation Reserve

Attended the media event to celebrate \$1M State Government funding for the redevelopment of the North Bendigo Recreation Reserve. Construction will include a new community and sporting pavilion at Shadforth Park. \$1M in funding also provided by the Albanese Labor Government and contribution of \$700,000 by City of Greater Bendigo.

Taungurung Land and Water Council (TLaWC) Local Government forum

I along with the Mayors and CEOs of a number of Councils in North East and Central Victorian attended a Taungurung Local Government forum in Heathcote on 21 August. The City co-hosted the event and we look forward to continuing to strengthening our partnership with TLaWC.

As another important step in our reconciliation journey we celebrated the flying of the Taungurung flag out the front of our Heathcote .

Regional Cities Victoria Annual Forum

Attended the Regional Cities Victoria Annual Forum at Parliament House. Guest speakers included Premier Allan; Minister for Regional Development - Gayle Tierney; Minister for Planning - Sonya Kilkeny; Deputy Leader of the Coalition/Leader of the Nationals - Peter Walsh.

Inquiry into Local Government Funding and Services Delivery

The Victorian Legislative Council Economy and Infrastructure Committee Upper House committee are currently conducting an enquiry into Local Government and Funding. The City has been regularly advocating for changes to Local Government funding and revenue mechanisms and provided a submission to the inquiry. The Committee conducted a hearing in Bendigo on 21 August which I was invited to present to.

Federal Parliament Advocacy

Federal Parliament Advocacy Visit - this month we visited Canberra to meet with Federal Ministers and Advisors, to share our priorities ahead of the upcoming Federal Election. Our priority projects include the redevelopment of the Bendigo Art Gallery, the development of the Bendigo Regional Employment Precinct and Stage 2

of the North Bendigo Recreation Reserve. Positive feedback was provided and we have extended invitations to Ministers and Shadow Ministers to visit Bendigo and we welcomed Senator Bridget McKenzie and Leader of the Nationals David Littleproud to Bendigo today to continue this discussion.

Farewell Jessica Clarke-Hong

Tonight is Jess Clarke-Hong, our Governance Manager's final Council meeting with us. Jess has resigned from her role and her final day with us will be 6 September. Jess has been with the City for the past 7 years and worked with two Councils during this period. Thank you Jess for your contribution!

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;

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Sloan

Resolution No. 2024-152

CARRIED

27. CLOSE OF MEETING

There being no further business, this Council Meeting closed at 8:20 pm.