

COUNCIL MEETING AGENDA



6:00 pm on Monday, May 23 2022

Livestreaming at www.bendigo.vic.gov.au/councilmeeting
Broadcast live on Phoenix FM 106.7 ***

** Council Meetings are now open to the public. In order to maintain physical distancing the public gallery is limited to 25 persons. If you would like to attend, please register your interest through gotix online <https://www.bendigoregion.com.au/arts-culture-theatres/event/city-of-greater-bendigo-council-meeting> or call the box office on 5434 6100 no later than 5pm on the day of the meeting.*

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 ensures 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 our community.



This Council Meeting is conducted in accordance with the

- Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020,
- [Governance Rules](#); and
- [Local Law Process of Municipal Government 2020](#)

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1. **ACKNOWLEDGEMENT OF COUNTRY**
2. **TRADITIONAL LANGUAGE STATEMENT**
3. **OPENING STATEMENT**
4. **MOMENT OF SILENT REFLECTION**
5. **ATTENDANCE AND APOLOGIES**
6. **LEAVE OF ABSENCE**
7. **SUSPENSION OF STANDING ORDERS**
RECOMMENDED MOTION

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

8. **COMMUNITY RECOGNITION**
9. **PUBLIC QUESTION TIME**
10. **RESUMPTION OF STANDING ORDERS**

RECOMMENDED MOTION

That Standing Orders be resumed.

11. **CR FAGG'S REPORT**
12. **DECLARATIONS OF CONFLICT OF INTEREST**

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

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

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

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

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

**13. CONFIRMATION OF PREVIOUS MINUTES
RECOMMENDED MOTION**

That the Minutes of the Council Meeting held on April 20, 2022, as circulated, be taken as read and confirmed.

Previous minute location:

[April 20, 2022 Council Meeting Minutes](#)

14. PETITIONS AND JOINT LETTERS

14.1. Response to Petition: Demolition by Neglect

Purpose

The purpose of this report is to provide a response to the petition received by Council, regarding 'demolition by neglect'.

Summary

A petition was received from the National Trust of Australia (Victoria – Bendigo and Region Branch) on 21 March 2022 (and dated 9 March 2022) with 13 signatures requesting that Greater Bendigo City Council seriously consider acting upon the Planning and Environment Amendment Act 2021 and introduce stronger measures to further protect heritage buildings and prevent 'demolition by neglect'.

Recommended Motion

That Council:

1. Acknowledges and thanks the lead petitioner and signatories for their interest in this matter.
2. Notes this report and response to the petition received.
3. Notes that City officers will:
 - a. discuss opportunities with the Heritage Advisory Committee to educate and promote to the broader community the importance of retaining heritage places and the implications of the Planning and Environment Amendment Act 2021;
 - b. continue to proactively discuss the implications and opportunities of the Planning and Environment Amendment Act 2021 with the Department of Environment, Land, Water and Planning;
 - c. request the development of Practice Notes regarding the Amendment Act as they relate to building demolition; and
 - d. continue to discourage the demolition of significant heritage buildings with developers and landowners.

Background Information

The Planning and Environment Amendment Act 2021 (the Amendment Act) was passed into law on 23 March 2021. The amended Act inserts a definition of 'heritage building', being a building or place that has heritage projection under a planning scheme, i.e. a Heritage Overlay. As identified in the petition, the Amendment Act also incorporates a number of new provisions, and amendments to existing provisions, intended to:

- Deter people from unlawfully demolishing heritage buildings, or allowing them to fall into disrepair;
- Prevent persons from obtaining a benefit from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair;
- Regulate or prohibit the development of land which had a heritage building that was unlawfully demolished (in whole or in part) or fallen into disrepair; and

- Require that a permit must not be granted for the development of land which had a heritage building that was unlawfully demolished (in whole or in part) or fallen into disrepair, unless the development reconstructs, repairs or reinstates the heritage building.

The petition requests that Council seriously consider the above provisions and introduce strong measures to further protect heritage buildings, and prevent 'demolition by neglect'. The Amendment Act was introduced partly in response to the Corkman Irish Pub in Carlton, which was demolished in October 2016 without the necessary council permit approvals.

Report

The Department of Environment, Land, Water and Planning (DELWP) has not currently prepared any guidelines or practice notes in relation to the Amendment Act, and as such, there is no clear guidance to councils as to how the provisions can be considered or incorporated into Victorian planning schemes. With the Amendment Act provisions only coming into effect last year, there are also no precedents that can be reviewed and considered.

City officers will continue to seek out information on the Amendment Act and provide information to Council as information comes to hand.

City officers sought legal advice on the Amendment Act provisions to better understand the options and opportunities that were available to the City. The legal advice confirmed the following:

- The Amendment Act provisions cannot prevent demolition or 'demolition by neglect'.
- The provisions are intended to be a deterrent. They can be explored and potentially used once demolition/ partial demolition has occurred, with a view to then regulating / prohibiting *future* development of that site.
- Only after demolition has occurred and a successful prosecution has occurred, can councils then investigate the introduction of planning scheme controls to prohibit or regulate future development of that site.

As noted earlier, there is currently no clear guidance on the Amendment Act and in particular, there is no guidance on how a Victorian planning scheme can be amended to give effect to the Amendment Act (after both demolition and a successful prosecution have occurred). City officers will continue to discuss the implications and opportunities of the Amendment Act with DELWP representatives.

Heritage buildings are an important part of Greater Bendigo's history and urban fabric. In order to retain significant heritage buildings, the City has undertaken heritage studies over several decades and subsequently introduced Heritage Overlays. The City continues to update and undertake new heritage studies to increase the protection of significant heritage buildings.

In addition, the City's Heritage Advisor has, and will continue to provide advice to landowners and developers about the preservation, protection and restoration of heritage places.

Conflict of Interest

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

Attachments

1. National Trust Petition March 9 2022 Redacted [**14.1.1** - 3 pages]

9th March 2022

To Mayor and Councillors
Greater Bendigo City Council

Via email: requests@bendigo.vic.gov.au

Re: New powers to protect heritage buildings from "Demolition by Neglect"

Dear Mayor Metcalf and Councillors,

We write regarding recent changes introduced by the State Government to the *Planning and Environment Act 1987*, which include stronger measures to allow Local Government to protect heritage buildings.

The National Trust is concerned about vacant neglected heritage buildings in Greater Bendigo. Often, such properties are left unattended and neglected, and are open to vandalism to the extent that the only alternative is demolition. While there are many buildings that fall into this category, it has been brought to our attention that "Nanga Gnulle" at 40 Harley St Bendigo—which both Council and the National Trust fought to protect under a Heritage Overlay from 2017-2019—is an example where the owner is not protecting or adequately securing the property and extensive vandalism has occurred.

There are many other examples including the former All Saints Church in Forest Street Bendigo, Eaglehawk's first brick house at 92 Victoria Street, and a historic house at 257 Eaglehawk Road Long Gully to name just a few. The Golden City Foundry in Ironbark, a very significant Goldfield's site, has already been lost to Bendigo along with many other buildings.

In response to such issues, this year the State Government introduced the *Planning & Environment Bill 2021* to introduce stronger powers to enforce the protection of heritage buildings. The *Planning & Environment Act 1987* now gives local councils the power to enforce protection through the following amendments under section 6B:

A planning scheme may make provision for the additional matters.... for any of the following purposes—

- (a) To further the objectives of planning in Victoria within the area covered by the scheme*
- (b) To deter persons from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair*
- (c) To prevent persons from obtaining a benefit from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair*

And further;

(a) To regulate or prohibit the development of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair; and

(b) To require that a permit must not be granted for the development of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair, unless the development is for or includes the reconstruction or reinstatement of the building, in whole or in part; or the repair of the building. [Our emphasis]

The National Trust requests the Greater Bendigo City Council to seriously consider these amendments and introduce strong measures to further protect heritage buildings, and prevent “demolition by neglect”. The Trust would like to partner with Council to achieve this outcome, and we would be pleased to offer any assistance we can provide. We have previously prepared a report on the issue of [Demolition by Neglect](#), and this is also an issue being considered by the Heritage Council of Victoria as part of the recent [State of Heritage Review: Local Heritage](#). We would welcome the opportunity to meet with Councillors to discuss this issue further.


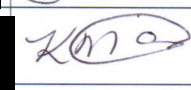
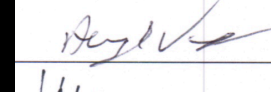
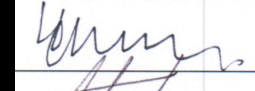
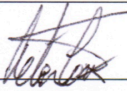
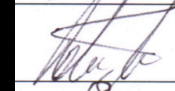
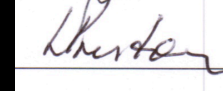
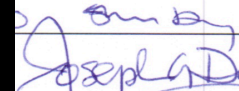
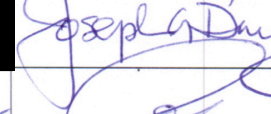
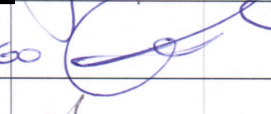


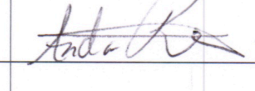
I have attached a petition from members and supporters for Council to consider.

Regards


Peter Cox
President Bendigo & Region Branch
National Trust of Australia (Victoria)¹
E: nattrustbendigo@gmail.com
M: 0447473674

¹ The National Trust of Australia (Victoria) is the state's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing 30,000 members across Victoria. As Victoria's premier heritage and conservation organisation, the National Trust has an interest in ensuring that the wide range of natural, cultural, social, and Indigenous heritage values of the municipality are protected and respected, contributing to strong, vibrant and prosperous communities.

We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to incorporate the new legislation in the Planning and Environment Bill 2021, into the Greater Bendigo Planning Scheme so that the Council has stronger powers to protect neglected heritage buildings.

Name	Address	Signature
Ann Hurley		
Kay, Mae Greer		
Barbara Poustie		B. Poustie
ANGELO VERGA		
Enam McGillivray		
		
LAURIE RESTON		
SHARON DAILY		
JOSEPH DAILY		
PHILIPPE BONNE		
Karen Jones		
Glen Johnston		
Andrew Seiter		

14.2. Response to Petition: Inclusionary Zoning

Purpose

The purpose of this report is to provide a response to the petition received by Council regarding mandatory inclusive zoning (more commonly known as inclusionary zoning) and increasing the supply of social housing.

Summary

A petition was received in March 2022 from the Bendigo Uniting Churches Social Justice Group with 31 signatures (refer to Attachment 1), requesting that Council start the process to introduce mandatory inclusionary zoning (a requirement for new residential developments to provide a proportion of social and / or affordable housing), to ultimately increase the supply of social housing in the municipality.

Recommended Motion

That Council:

1. Acknowledges and thanks the lead petitioner and signatories regarding this matter.
2. Continues to advocate for the introduction of Statewide mandatory inclusionary zoning provisions, where appropriate and submits a motion to the June 2022 State Council Meeting of the Municipal Association of Victoria in this regard.
3. Writes to the Minister for Planning and Minister for Housing and recommends the introduction of Statewide mandatory inclusionary zoning provisions into the Victoria Planning Provisions.
4. Continue to implement the City's Affordable Housing Action Plan 2021.
5. Receives briefings on the progress of this advocacy as appropriate.

Background

Inclusionary zoning is a concept that relates to social and / or affordable housing being a requirement of new residential developments. More specifically, the Australian Housing and Urban Research Institute defines inclusionary zoning as *“a land use planning intervention by government that either mandates or creates incentives so that a proportion of residential development includes a number of affordable housing dwellings.”*

Under section 4 of the *Planning and Environment Act 1987*, one of the objectives of planning in Victoria is to facilitate the provision of affordable housing. Although there is an overarching objective relating to affordable housing, the Victoria Planning Provisions do not currently include a planning scheme control that relates to inclusionary zoning. The Victoria Planning Provisions guide how Victorian planning schemes are structured and what planning controls are available to guide land use and built form. Further, there is no current guidance from the Department of Environment, Land, Water and Planning (DELWP) as to how affordable housing can be incorporated and mandated as a requirement into Victorian planning schemes.

Within the Greater Bendigo Planning Scheme, Clause 16.01-2S (a State policy) includes an objective that seeks to deliver more affordable housing closer to jobs, transport and services, however the associated strategies don't relate to inclusionary zoning.

Without inclusionary zoning being included in the Victoria Planning Provisions, the City does not have a clear path available to mandate social and affordable housing within the Greater Bendigo Planning Scheme.

Council's *Affordable Housing Action Plan*, adopted on 20 September 2021, sets out the City's role and actions it will implement to support an increase in the supply and provision of affordable housing (which includes social housing) to meet the community's needs. Within the Plan, the following action (Action 2.1.5) specifically relates to inclusionary zoning:

Advocate to State Government to mandate inclusionary zoning in the Planning Scheme, to ensure that a proportion of housing in a development is set aside for affordable housing.

City officers across the organisation continue to monitor and implement actions from the Affordable Housing Action Plan in order to increase the supply of social and affordable housing.

Report

Many Victorian councils have affordable housing strategies and most if not all of those strategies would advocate for inclusionary zoning. As discussed above, without an available planning control in the Victoria Planning Provisions, councils have not been able to introduce mandatory inclusionary zoning. It is however, understood that some councils have been able to negotiate the inclusion of affordable housing in new residential developments as part of the approval process for residential rezoning. This has typically been for greenfield developments and negotiated on a case-by-case basis. These have been subject to lengthy negotiations between the City and the respective developers and included consultants and lawyers to undertake the negotiations. While this has resulted in some additional social and affordable housing, it hasn't resulted in systemic change. Inclusionary zoning would ensure a consistent approach that would have a higher benefit in terms of supply.

It is therefore recommended that there be continued advocacy for inclusionary zoning to be made available as a planning requirement in the Greater Bendigo Planning Scheme. Writing to the Minister for Planning and Minister for Housing is recommended as part of the advocacy process. Other advocacy options will also be investigated by City Officers.

City officers are also currently working with a number of community housing providers and providing advice and support to proposals as part of Victoria's Big Housing Build. In addition, site investigations are also underway on City-owned land that might be suitable for suitable for social and affordable housing. While these projects will result in modest increases in the supply of social and affordable housing, they all are important components towards the City's overarching aim of increasing the relative component of social housing. It is important that City Officers continue to monitor and implement the Affordable Housing Action Plan 2021.

Conflict of Interest

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

Attachments

1. BUCSJP Petition Redacted [**14.2.1** - 4 pages]





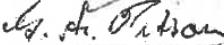
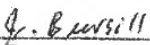

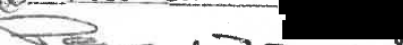
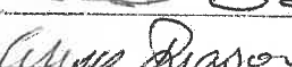
Bendigo Uniting Churches Social Justice Group

Convener: Mr Geoff Scott

Contact Details: 26 Myers Street, Bendigo 3550

Partnering with Bendigo Uniting Church Cluster Councils, Reporting to Central Bendigo Uniting Church Cluster Council via Forest St & St Andrew's Bendigo -Axedale Church Councils

We, the undersigned residents and rate payers of the Greater Bendigo City Council also members and associates of the Bendigo Central & Axedale Uniting Church faith communities formally request Council to address the request contained in the letter from the Bendigo Uniting Churches Social Justice Group dated.... with respect to **Mandatory Inclusive Zoning as a contribution to the provision of Social Housing.**

Name (Printed)	Signature
CAROL MCKINSTRY	
Barb Fordham	
CHENIS PITSON	
JENNIFER BURSILL	
Diane Farrar	
Barb Vernon	
Chenis Dyason	



Bendigo Uniting Churches Social Justice Group

Convener: Mr Geoff Scott

Contact Details: 26 Myers Street, Bendigo 3550

Partnering with Bendigo Uniting Church Cluster Councils, Reporting to Central Bendigo Uniting Church Cluster Council via Forest St & St Andrew's Bendigo - Axedale Church Councils

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Name (Printed)	Signature
GEOFFREY C SCOTT	Geoff C Scott
RUTH HOSKING	Ruth Hosking
Des Samson	Des Samson
KEN CROUCH	Ken Crouch
JON WATSON	Jon Watson
Gordon Wild	Gordon Wild
VIOLE E. SUTHERLAND	Viola E. Sutherland
MARGARET BIRRELL	Margaret Birrell
Janice West	Janice West
GWENDA WATSON	Gwendolyn Watson
NANCY BOMFORD	Nancy Bomford
Gentle Phillips	Gentle Phillips
Bruce Johnson	Bruce Johnson
JUDITH M. CARTNY	Judith M. Cartny



Bendigo Uniting Churches Social Justice Group

Convener: Mr Geoff Scott

Contact Details: 26 Myers Street, Bendigo 3550

Partnering with Bendigo Uniting Church Cluster Councils, Reporting to Central Bendigo Uniting Church Cluster Council via Forest St & St Andrew's Bendigo -Axedale Church Councils

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Name (Printed)	Signature
Arthur Pattinson	A. Pattinson
Joan Pattinson	Joan Pattinson
Judith Cansler	J. Cansler
Anne Knight	A. Knight
William D. Lidgett	William D. Lidgett
Claire Lidgett	C. Lidgett
David Castles	D. Castles
Dane Linde	D. Linde



Bendigo Uniting Churches Social Justice Group

Convener: Mr Geoff Scott

Contact Details: 26 Myers Street, Bendigo 3550

Partnering with Bendigo Uniting Church Cluster Councils, Reporting to Central Bendigo Uniting Church Cluster Council via Forest St & St Andrew's Bendigo -Axe Dale Church Councils

We, the undersigned residents and rate payers of the Greater Bendigo City Council also members and associates of the Bendigo Central & Axedale Uniting Church faith communities formally request Council to address the request contained in the letter from the Bendigo Uniting Churches Social Justice Group dated.... with respect to **Mandatory Inclusive Zoning as a contribution to the provision of Social Housing.**

[illegible]

15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded under Delegation Council Report May 2022

Author:	Kylie Turner, Procurement Officer
Responsible Director:	Jessica Clarke-Hong, Acting Director Corporate Performance

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

1. Contracts Awarded under Delegation Council Report May 2022 [**15.1.1** - 1 page]

Capital Contracts							
	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000619	Bendigo Stadium Roof Replacement	Wild Plumbing Pty Ltd	Craig Niemann	19/03/2022	\$708,000.00	30/06/2022	\$790,000.00
CT000594	Provision of Lead Design (Architectural) consultant services for design and documentation of the Redevelopment of Bendigo Art Gallery	Jackson Clements Burrows Pty Ltd	Craig Niemann	25/04/2022	\$1,163,700.00	27/06/2024	\$1,200,000.00
CT000612	Provision of Portfolio, Program and Project Management System	EPM Partners Pty Ltd	Andrew Cooney	21/03/2022	\$138,096.00	30/09/2022	\$150,000.00
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion / Contract Term & Options	Budget
CT000621	Management of Peter Krenz Leisure Centre	Victorian YMCA Community Programming Pty Ltd	Craig Niemann	12/04/2022	\$2,208,847.04	Initial Term - 5 Years Option to extend - 1 X 1 years	\$4,737,696.00

15.2. Q3 Finance and Capital Management Report - March 2022

Author:	Kate Fox, Coordinator Management Accounting & Analysis
Responsible Director:	Jessica Clarke-Hong, Acting Director Corporate Performance

Purpose

The purpose of this report is to provide Council with a report on the financial position of the City of Greater Bendigo to 31 March 2022 for the 2021/2022 financial year in accordance with the requirements of the Local Government Act 2020.

Recommended Motion

That Council:

- Receive the report comparing budgeted and actual revenues and expenses to 31 March 2022, in accordance with the requirements of the Local Government Act 2020;

Executive Summary

The Finance and Capital Management Report to 31 March 2022 provides an update on financial performance against the 2021/2022 budget.

The City's operating result as at 31 March 2022 is \$16.7M (49%) favourable to budget. The 2021/2022 budget was prepared on the basis of a relatively stable level of trade and limited restrictions. The budget settings which assumed that a 'COVID-normal' 2021/2022 would emerge were optimistic in the first half of the financial year. Additional grant income has had a favourable result on the City's forecasted result, and there have been various one-off grants to assist services impacted by COVID-19. Lockdowns throughout the year have resulted in delayed expenditure across many units over the reporting period.

Background

In accordance with Section 97 of the Local Government Act 2020: "As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

Council were provided with the Q2 Finance and Capital Management Report to 31 December 2021 at the February 2022 Council Meeting.

Report

The City's operating result as at 31 March 2022 is \$16.7M (49%) favourable to budget. The City's year to date results include:

- \$9.9M favourable variance for operational and capital government grants. This is due in part to funds received in the 2020/2021 financial year being recognised in the current financial year (project related).
- \$1.9M unfavourable variance for user fees and charges due to impacts of restrictions.

- \$2.9M favourable variance for employee benefits due staff vacancies.
- \$3.8M favourable variance for general expenses. Portions of this variance are timing related, but also match significant reduced revenues in, for example, Bendigo Venues & Events.

The City's profit and loss statement as at 31 March 2022 is provided below with analysis of the year-to-date variances:

	YEAR TO DATE				FORECAST			
	YTD	YTD	YTD Variance		Annual	Full Year	Forecast Variance	
	Budget	Actual			Budget	Forecast		
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%
REVENUE								
Rates and Charges	132,935	132,787	(148)	(0%)	132,935	132,788	(147)	(0%)
Statutory Fees and Fines	3,974	3,507	(467)	(12%)	5,429	5,049	(380)	(7%)
User Fees	20,063	18,190	(1,873)	(9%)	29,255	26,757	(2,498)	(9%)
Government Grants - Operating	17,780	21,189	3,408	19%	30,667	33,018	2,352	8%
Government Grants - Capital	11,560	18,133	6,572	57%	14,647	25,187	10,540	72%
Contributions - Monetary	2,067	2,679	612	30%	3,145	2,871	(274)	(9%)
Contributions - Non Monetary	-	-	-	-	15,225	15,225	-	-
Interest on Investments	281	500	220	78%	374	660	286	76%
Other Revenue (Internal)	10,710	11,224	514	5%	14,441	15,816	1,375	10%
Share of NCGRLC	71	-	(71)	(100%)	95	-	(95)	(100%)
Total Revenue	199,441	208,208	8,767	4%	246,212	257,371	11,159	5%
EXPENSES								
Employee Benefits	56,798	53,835	2,963	5%	77,395	74,370	3,025	4%
Contract Payments, Materials and Services	58,873	55,091	3,782	6%	75,607	72,679	2,927	4%
Plant and Equipment Operating Expenses	5,140	5,592	(452)	(9%)	6,746	7,338	(592)	(9%)
Depreciation and Amortisation	32,297	31,590	707	2%	45,501	45,499	2	0%
Borrowing Costs	1,229	1,089	141	11%	1,639	1,281	358	22%
Plant, Infrastructure and Assets Held for Sale	-	(545)	545	100%	4,100	3,990	110	3%
Bad Debts	251	119	132	53%	335	471	(136)	(41%)
Other Expenses (Internal)	10,725	10,653	72	1%	14,461	14,865	(404)	(3%)
Total Expenses	165,314	157,424	7,890	5%	225,784	220,494	5,290	2%
Operating Result	34,127	50,784	16,657	49%	20,428	36,876	16,448	81%

Year-to-Date Actual v Budget Variances

User Fees \$1.9M Unfavourable (9%)

The unfavourable result is largely due to COVID-19 restrictions and the effect on Bendigo Venues and Events (\$1.5M) and Safe & Healthy Environments (parking income \$729,000). For BV&E and the Gallery, this is offset by the favourable savings in materials and services.

Government Grants- Operating: \$3.4M Favourable (19%)

The favourable result is due to the receipt of unbudgeted grants and a number of carry forward grants from last financial year (also unbudgeted).

Government Grants- Capital: \$6.6M Favourable (57%)

The favourable result is predominantly due to the timing of revenue recognition for projects from last financial year such as Bendigo Airport Terminal and Business Park, and Kennington Recreation Reserve.

Other Revenue (Internal): \$0.5M Favourable (5%)

The net favourable result of internal revenue and internal expenses of \$586,000 is the amount of costs allocated to projects which will be capitalised. This relates to running costs of plant, machinery and equipment.

Employee Benefits: \$2.9M Favourable (5%)

The year-to-date underspend is a result of vacant positions across the organisation and timing of recruitment.

Materials and Services: \$3.8M Favourable (6%)

The favourable result is predominantly due to reduced costs (offset by reduced revenues, in part) for Bendigo Art Gallery, Bendigo Venue and Events and Bendigo & Heathcote Visitors centres. Resource Recovery & Education has seen a reduction year-to-date in organics disposal costs and recycling contract collection costs. In addition, the EPA levy YTD is lower than budgeted, partially offset by reduced revenue from commercial customers.

Forecast Results

The operating surplus forecast to the end of the financial year is \$36.8M (\$16.4M favourable to budget). The favourable forecast result is largely due to additional operating grants received (\$2.4M) and capital grants received (\$10.5M), partially offset by reduced user fees. Although year to date expenditure is \$5.2M favourable, the current forecast remains optimistic. This is in line with recent major events and exhibitions, including the Easter fair, where programs and services are picking-up the pace of service spending for the remainder of the financial year.

Cash and investments

Cash holdings currently remain above minimum required levels. As at 31 March 2022, rates collection statistics continue to be similar to prior years. As reported in previous quarters, there has been higher uptake of early payments due to the discount incentive and a relatively small number of rate deferrals in place in response to COVID-19 or other financial hardship. Debt collection has commenced this financial year, in line with the City's Financial Hardship policy and guidelines.

The City's investment portfolio remains diverse in line with the City's policy. As at 31 March 2022, there was \$93.6M invested across nine different institutions. There continues to be limited competition, with extremely low central bank rates still in place. Interest rates are averaging 0.55% (this was 0.44% in Q2, 0.32% in Q1) across the portfolio, resulting in a slight improvement in forecast revenues. Currently 40.62% of investments are with institutions without fossil fuel interests. The City has continued to utilise "at-call" accounts where interest rates available are favourable.

The City's financial sustainability: looking forward

The City continues to be low risk for the majority of the key VAGO financial sustainability indicators, with the exclusion of the adjusted underlying result ratio. This flags that long term financial sustainability to resource current service delivery (e.g. all current pools; paths; and the myriad of current services) will require operational efficiencies, review of services, or future increases in revenues.

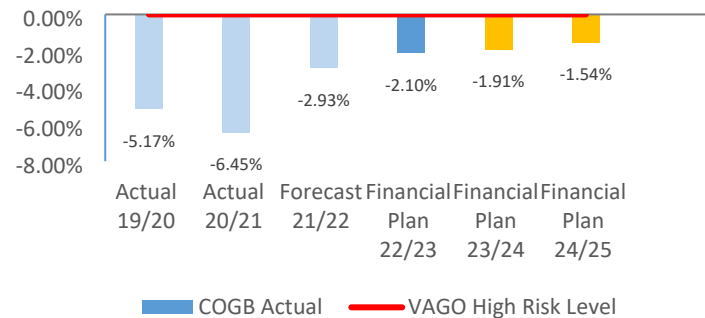
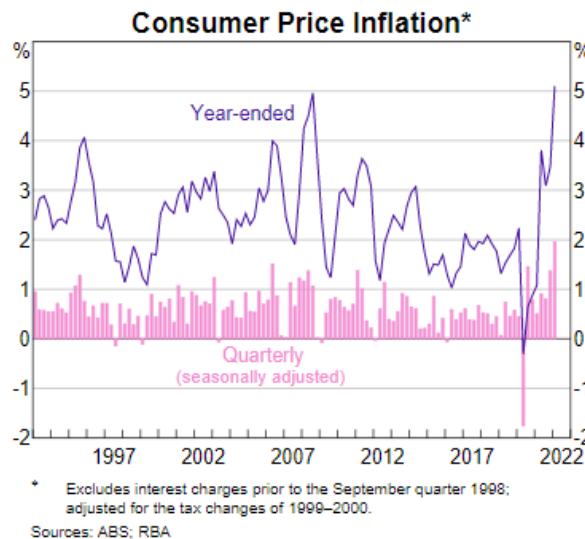


Table: Adjusted Underlying Result

Calculation: Adjusted Underlying Surplus/Deficit / Underlying Revenue. The Underlying Surplus/Revenue is the City's surplus/revenue less non-recurrent government grants received for capital purposes, contributions for capital works and the value of assets received from developers.

Inflation continues to be high, with the most recent RBA update as at 4 May 2022 recording 5.1%. This is significantly higher than the 1.75% rate cap set for the City for 2022/2023. Construction costs continue to increase significantly faster than the broader CPI.



Borrowings

The City's adopted Financial Plan says that the City will apply loan funding to new capital for specific projects after consideration of intergenerational equity, and will maintain total borrowings which are affordable when compared to the income and the growth of the municipality. Borrowings are forecast to slowly decrease over time. Where possible, borrowings are planned to remain in the low risk category when assessed using VAGO ratios.

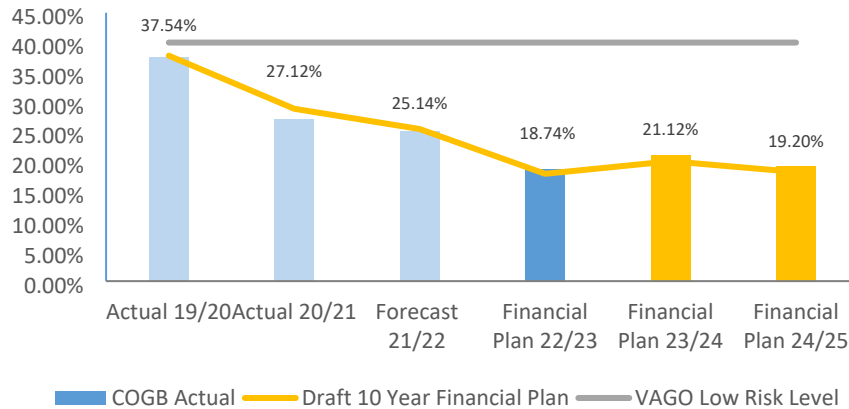


Table: Indebtedness Ratio
Non-Current Liabilities / Own-Sourced Revenue

The financial reserves management policy sets a minimum cash balance equivalent to the balance of City's trust funds and deposits and cash backed reserves and one month of operational expenditure. The City's minimum cash balance as at 31 March 2022 was \$30.8M.

Additional borrowings to a maximum of \$19.462M were approved in the 2021/2022 budget. Taking into consideration a number of changes in circumstances since the adoption of the 2021/2022 budget, including State Government introduction of borrowing options via Treasury Corporation Victoria (TCV), increasing flexibility for Local Government cash management, delays in new development related capital expenditure, rate collection income and additional grant funding, the city is not intending to draw down on borrowings within the 2021/2022 financial year.

The City will have a total loan portfolio of \$24.1M at 30 June 2022 and anticipated cash holdings of \$66M.

Capital Program

Financial delivery of the 2021/2022 capital works portfolio has reached 93% (\$36.75M) of the March revised target (\$39.43M). This expenditure is higher than the prior year Q3 which saw only 65% of the target delivered. This represents a 13% increase in delivery on the City's 5-year average Q3 expenditure, though this includes some large project payments (e.g. Industrial Land and Catherine McAuley College project payments).

Over the past 5 years, Council have delivered on average \$20M of the capital works program in the final quarter. An increase in the expenditure rate will be required to exceed the prior year's average and to ensure the current forecast is delivered by 30 June 2022.

There are a number of capital projects in progress over the coming quarter, including:

- Wolstencroft Reserve Playspace
- Woodvale Recreation Reserve Community Hub
- Kennington Recreation Reserve Pavilion
- Central Hub – Bendigo Botanical Gardens
- Bendigo Skate Park renewal at Ewing Park

Importance/ Timelines

In accordance with Section 97 of the Local Government Act 2020: "As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

Communications/Engagement

A review of the City's financial performance for the period 1 July 2021 to 31 March 2022 was undertaken by Council's Finance Committee, which is made up of all Councillors, on 9 May 2022.

Risk Assessment

The City maintains financial sustainability as a strategic risk, currently with a risk rating of "medium". The risk is described as being unable to deliver operational capability and maintain expenditure within the available funding, leading to a financially unsustainable City.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

Nil

15.3. Q3 - Council Plan Highlights

Author:	Kathryn Loy, Corporate Planning and Reporting Officer
Responsible Director:	Jessica Clarke-Hong, Acting Director Corporate Performance

Purpose

To report to Council progress on the implementation of the Annual Plan initiatives for the 3rd quarter of 2021 - 2022.

Recommended Motion

That Council note the progress of implementing Annual Plan initiatives for 2021-2022.

Executive Summary

The City of Greater Bendigo Community Plan *Mir Wimbul* contains Council's vision, values and direction for 2021-2025, which underpin the way the City manages and conducts its operations. The Annual Action Plan 2021-2022 supports this and details initiatives for the financial year. This document provides the highlights from the 3rd quarter.

Background

The Council Plan is a critical document that guides the work of staff at the City of Greater Bendigo. The goals within this plan will help to deliver on the community vision to create a bright and happy future for us all as we prepare to support a population of 200,000 people by 2050. The Council Plan was adopted by Council on 18 October 2021.

Report

The Council Plan is based on seven outcomes, which are the main focus areas 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

Communications/Engagement

The community vision and values were developed by a dedicated community panel of 61 residents who were specifically chosen to complete this important work.

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. Council Plan update - March 2022 [**15.3.1** - 3 pages]

March 2022 Update

COUNCIL PLAN 2021-2025

Mir wimbul

*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 Council Plan is based on seven outcomes, which are the main focus areas of the Council Plan:

Outcome 1: Lead and govern for all

A community that works together to achieve our shared vision.

Outcome 2: Healthy, liveable spaces and places

A community where all people can live healthy, safe, harmonious lives in affordable and accessible settings.

Outcome 3: Strong, inclusive and sustainable economy

An inclusive, sustainable and prosperous community where all people can thrive.

Outcome 4: Aboriginal reconciliation

A community that recognises and respects Aboriginal people and culture and enables the self-determination of Traditional Owners.

Outcome 5: A climate resilient and healthy landscape

A regional community that enjoys a restored and thriving natural environment.

Outcome 6: A vibrant, creative community

A community that inspires a culture of creativity, activates its spaces, nurtures and supports talent, champions inclusion and access, and shows the world.

Outcome 7: A safe, welcoming and fair community

A community where people are respected, safe to participate in all aspects of community life and have equitable access to the resources they need.

Outcome 1: Lead and govern for all

- A Councillor briefing and workshop were held in March to progress the development of the Community Grants Policy review
- A complaint handling presentation has been prepared and is scheduled for presentation across the organisation
- A marketing and communications plan has been developed to promote Let's Talk, the City's online community engagement platform
- The Councillor Engagement Plan has been drafted and shared with Councillors

Outcome 2: Healthy, liveable spaces and places



- An 18-month Greater Bendigo Health and Wellbeing Action Plan has been developed and shared across the organisation and external partners.
- The Greater Bendigo Health and Wellbeing Governance and Capability Building Partnership Stewardship Group met in March
- Advocacy is underway to secure further funding for the Healthy Heart of Victoria program
- The Healthy Facilities Policy has been drafted and was on public exhibition for feedback between February 1 and March 11
- The Community Gardens Information Hub webpage has been established
- Construction is progressing on the Huntly train station

Outcome 3: Strong, inclusive and sustainable economy

- The scope and project plan for an Employment Strategy are being developed
- Construction tenders for the Bendigo Airport Terminal building have been received
- Detailed design is nearly complete and expected to go to tender in May for the Bendigo Tramways Expansion Project
- The aluminium frames and glazing have been installed and the external timber cladding is complete for the building of the White Hills Botanic Gardens Central Hub Precinct



Outcome 4: Aboriginal reconciliation

- A handover ceremony for return of the Hattam Street land to the Dja Dja Wurrung people and presentation of the Certificate of Title by the Attorney General was held in February. This land is planned to be used for development of the Dja Dja Wurrung Corporate and Community Centre
- Initial meetings have taken place to discuss and plan the approach to develop an Aboriginal Employment and Retention Plan



Outcome 5: A climate resilient and healthy landscape

- The engagement program, evaluation and communication plan is in development for the Greater Bendigo Climate Collaboration
- Preparation of a Zero Carbon Plan is currently underway
- Works are almost complete for the Stage 1 Eaglehawk landfill remediation work
- Tenders for the new glass collection bins have been received and assessed
- Data capturing is underway for the development of a significant tree register

Outcome 6: A vibrant, creative community

- A Koorie youth filmmaking workshop was held in March for Aboriginal young people with two filmmakers
- Applications for State and Federal funding have been submitted for the Bendigo Art Gallery expansion
- The draft Heritage Study for Victoria Hill was released for public comment in March
- An information session on the Central Victorian Goldfields World Heritage Bid was held on March 11
- A new master plan and business case have been completed for the Golden Dragon Museum expansion

Outcome 7: A safe, welcoming and fair community

- On March 30, the City's Equity For All (E4A) Gender Equity Action Plan was submitted to the Commissioner for Gender Equity in the Public Sector
- The development of the draft project plan for the Active Women and Girls Strategy is complete
- The draft Social Justice Framework has been approved by the Equity and Disadvantage working group
- Work on developing a Central Bendigo Flood Study is nearing completion with treatment options analysis and report being finalised
- Council formally adopted the new Cultural Diversity and Inclusion Plan (CDIP) 2021-2025 at the March 28 Council meeting



Your Council

The City of Greater Bendigo is represented by nine Councillors, with three Councillors representing each ward.

Eppalock Ward

Deputy Mayor Cr Matthew Evans

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E m.evans@bendigo.vic.gov.au

Cr Margaret O'Rourke

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Cr Greg Penna

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Lockwood Ward

Cr Dr Jennifer Alden

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Cr Rod Fyffe OAM

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Cr Vaughan Williams

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E v.williams@bendigo.vic.gov.au

Whipstick Ward

Mayor Cr Andrea Metcalf

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E a.metcalf@bendigo.vic.gov.au

Cr David Fagg

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Cr Julie Sloan

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15.4. Audit and Risk Committee Minutes

Author:	Anna Connolly, Risk and Assurance Advisor
Responsible Director	Jessica Clarke-Hong, Acting Director Corporate Performance

Purpose

The Audit and Risk Committee Charter, as per the Public Transparency principles and Governance principles in the Act, states that the unconfirmed minutes of the Audit and Risk Committee meetings are provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting for information and approval.

Recommended Motion

That Council:

1. Approve the unconfirmed minutes of the Audit and Risk Committee held on the 24 February 2022 will be tabled at the 23 May 2022 Council Meeting;
2. Note that the minutes will be endorsed by the members of the Committee at the next Committee meeting to be held on the 26 May 2022, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.

Executive Summary

The Audit and Risk Committee's (Committee) Charter requires that the unconfirmed minutes of each Committee meeting will be reported to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting for information and approval.

Background

Council is committed to good governance, public transparency and accountability to the City of Greater Bendigo's community. The Audit and Risk Committee has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility. The Committee comprises of seven members (three Councillors and four independent, external members), appointed by Council and is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles
 - the Act and the regulations and any Ministerial directions
 - other relevant laws and regulations
- monitor internal controls
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls

- oversee internal audit function
- oversee external audit functions.

The Committee engage with management in discharging its responsibilities and formulating its advice to the Council. The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors. The committee meet at least four times per year. In addition to these meetings, one or more special meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee.

Previous Council decision dates: The minutes of the meeting held on the 11 November 2021 were provided for approval to Council at the meeting held on the 24 January 2022.

Report

The Committee Chair has reviewed the draft and unconfirmed minutes of the 24 February 2022 Committee meeting and has approved the release. The unconfirmed minutes of the meeting are attached to this report.

Communications/Engagement

As part of its commitment to good governance, Council's Audit and Risk Committee acts as an independent advisory committee to Council, established under Section 53 of the Local Government Act 2020.

The Audit & Risk Committee Charter requires the Committee meet with Council's Internal and External Auditors in reviewing Council's financial and non-financial reporting as well as risk management. The Chairperson also prepares a report to Council on the Committee's activities twice per annum including the Committee's findings and recommendations along with agreed actions. This report is also being provided at this meeting. The minutes have been circulated in draft format to the attendees of the Committee.

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. 2022 Audit and Risk Committee 24 February 2022 [**15.4.1** - 6 pages]

AUDIT AND RISK COMMITTEE MEETING MINUTES

24 February 2022, 2.00-4.00pm

Location: MS Teams

1. Membership

Present:

Members:

Warren Pollock (Chair)
Stephen Brown
Jovana Obradovic-Tantra
Robert Stephenson
Mayor Cr Andrea Metcalf
Cr Margaret O'Rourke
Cr Julie Sloan

Officers:

Craig Niemann, Chief Executive Officer
Andrew Cooney, Director Corporate Performance
Nathan Morsillo, Manager Financial Strategy
Jessica Clarke-Hong, Manager Governance
Geoff Fallon, Coordinator Governance
Mark Eeles, Coordinator Financial Reporting and Operations
Anna Connolly, Risk and Assurance Advisor
Rosemary Broad, Risk and Assurance Officer

Attendees:

Brad Ead, Internal Auditor, AFS and Associates Pty Ltd
Mahesh Silva, External Auditor, RSD Chartered Accountants (for Agenda Item 8 only)

Apologies:

Katie Dempster, Internal Auditor, AFS and Associates
Kathie Teasdale, External Auditor, RSD Chartered Accountants

2. Welcome

Warren Pollock opened the meeting and welcomed all in attendance.
A welcome was extended to Cr Julie Sloan and a brief introduction was given by all in attendance.

AUDIT AND RISK COMMITTEE MEETING MINUTES

3. Acknowledgement of Country

4. Declarations of Conflict of Interest and Pecuniary Interest

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

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. A member has a **conflict of interest** if they have:

- (a) a general conflict of interest within the meaning of section 127 of the Act
- (b) a material conflict of interest within the meaning of section 128 of the Act

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

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

The declarations of conflict of interest outlined below will be considered standing declarations:

- Stephen Brown declared that he is an employee of the Bendigo and Adelaide Bank
- Robert Stephenson declared that he is currently interim CEO of Be Bendigo
- Craig Niemann declared that his son works at AFS and Associates Pty Ltd
- Cr O'Rourke declared that she is a customer of AFS and Associates Pty Ltd

5. Previous Minutes

The minutes of the Audit and Risk Committee meeting held on 11 November 2021 were previously circulated.

Motion: That the minutes of the Audit and Risk Committee meeting of 11 November 2021 be accepted.

Moved: Jovana Obradovic-Tantra

Seconded: Mayor Cr Andrea Metcalf

6. Internal Auditor Update

Council's Internal Auditor from AFS, Brad Ead provided an overview of the reports which were tabled as read.

AUDIT AND RISK COMMITTEE MEETING MINUTES

Internal Audit Program Status Update

A three year rolling plan is to be developed with suggested topics including Corporate Reporting, Capital Expenditure and Grants.

The following is a status update on audits:

Upcoming Audit	Commencement of Fieldwork	Status
Fees and Charges	9 November 2021	Fieldwork has been completed and report tabled at Audit and Risk Committee on 24 February 2022
Past issues- Portable and Attractive Assets	31 January 2022	Draft report has been issued to Management
Developer Contributions Planning Audit	22 February 2022	Meetings have all been scheduled

Recent Reports and Publications

Recent reports and publications were presented to the Committee.

Fees and Charges Internal Audit

The Fees and Charges Internal Audit was conducted on 9 November 2021 with four findings to be addressed.

The City has approximately 930 fees and charges applied across the organisation to support the delivery of the services to the community. The 2021/2022 financial year budgeted revenue is expected to be \$223 million.

A Pricing Policy is in place. This aims to establish the high level approach to fees and charges, including pricing categories. However, the methodology and guidance to support the calculation of fees and charges falls short of ensuring fees and charges are transparently set, justifiable and appropriately recover cost to deliver services.

General discussion followed.

Internal Audit Planning Document Business Continuity, Disaster Recovery Planning and Emergency Management

A review is to be undertaken on Business Continuity, Disaster Recovery Planning and Emergency Management in May 2022.

AUDIT AND RISK COMMITTEE MEETING MINUTES

7. Risk and Assurance

Anna Connolly provided an overview of the reports which were tabled as read.

Risk and Assurance Report

An update on Risk and Assurance activities was provided:

- Update on actions from Audit and Risk Committee meeting - November 2021
- Two reports of Fraudulent incidents
- A desktop exercise for Business Continuity is scheduled for March 2022
- Insurance renewals for 2022/23 have commenced
- Strategic Risk Review to be conducted by AFS and Associates Pty Ltd with Executive, Councillors and Audit and Risk Committee independent members

Action: To provide confirmation to the Audit and Risk Committee of the outcome of the incident from the 25/8/2021.

Other matters reviewed from the Audit and Risk Committee Workplan:

- Review of key policies
- Review of Internal Audit Charter which was adopted by Council on the 17 October 2018 is due for review. Amendments made to the document include:
 - Insertion of contents table
 - Objectives and core principles of Internal Audit added
 - Periodic Assessment as per the Audit and Risk Committee Charter and Workplan
 - Amended wording to reflect the current terminology of the Internal Audit Function

Motion: That the draft Internal Audit Charter be adopted.

Moved: Mayor Cr Andrea Metcalf

Seconded: Stephen Brown

Internal Overdue Audit Actions

Report was tabled as read.

8. Quarterly Finance Report 30 September 2021

Nathan Morsillo provided an overview of the Q2 results and the report was taken as read.

- The Quarter 2 report reflects an operating surplus against budget.
- COVID-19 is still having a detrimental effect on user fees.
- Restrictions have resulted in delayed expenditure across many units.

AUDIT AND RISK COMMITTEE MEETING MINUTES

9. Audit Strategy Memorandum

Council's external auditor, Mahesh Silva from RSD Chartered Accountants gave an overview and commentary for the report. There has been a new risk highlighted on the impact COVID-19 has had on financial reports.

10. Local Government Performance Reporting Framework (LGPRF)

An introduction and description of some queries on the data was given by Andrew Cooney, in part in response to queries raised pre-meeting. The data forms part of the website known as the '*Know your Council*', which allows benchmarking against other Councils.

11. CEO Report

The report was taken as read.

- The Federal Government recently announced funding towards the next stage of the Bendigo Airport project
- The Rate Cap has been set at 1.75% for the 2022/23 year to apply to all Victorian Councils
- 2022/23 Budget Workshops were held in February 2022

12. Workplan

The ARC Workplan was attached to the Agenda was taken as read.

13. General Business

The results of the evaluation survey on the performance of the Internal Audit Program and Internal Auditor were presented and discussed.

AFS & Associates exited the meeting to allow for a discussion relating to their contract and how to proceed. It was agreed that further details would be circulated out of session.

AUDIT AND RISK COMMITTEE MEETING MINUTES

Upcoming 2022 meetings

Date	Time	Comments
19 May 2022	2-4pm	Bendigo Town Hall
8 September 2022	2-4pm	Bendigo Town Hall
10 November 2022	2-4pm	Bendigo Town Hall

Meeting closed at 4.00pm

Distribution

A copy of the minutes will be distributed to all attendees and all Councillors

15.5. Audit and Risk Committee's Biannual Chairperson Report

Author:	Anna Connolly, Risk and Assurance Advisor
Responsible Director:	Jessica Clarke-Hong, Acting Director Corporate Performance

Purpose

The purpose of this report is to brief Councillors on the Audit and Risk Committee Chairperson's biannual report, which provides a summary of the activities and findings of the Committee since the last report.

Recommended Motion

That Council note the Audit and Risk Committee Chairperson's biannual report.

Executive Summary

In accordance with the Local Government Act (2020) and the Audit and Risk Committee Charter, the Audit and Risk Committee Chairperson is required to provide biannual reports to Council on the activities and findings of the Committee.

Background

The Audit and Risk Committee is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
 - o the overarching governance principles;
 - o the Act and the regulations and any Ministerial directions;
 - o other relevant laws and regulations;
- monitor internal controls;
- monitor Council's financial and performance reporting;
- monitor and provide advice on risk management and fraud prevention systems and controls;
- oversee internal audit function; and
- oversee external audit functions.

In accordance with the Local Government Act (2020), the Audit and Risk Committee Charter was reviewed and adopted by Council on the 19 August 2020. To adhere with the Act, there were five new requirements that Audit and Risk Committees must deliver on. One of the new requirements is to increase the reporting from the Audit and Risk Committee Chairperson to two reports per year.

Report

The Audit and Risk Committee Charter requires that the Chairperson report to Council biannually a summary of the activities and achievements of the Committee during the financial year, which has been provided by the Chairperson, Warren Pollock in Attachment 1 - Audit and Risk Committee Chairperson Biannual Report.

Policy Context

Primary Council Plan Reference

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

Outcome 1 - Lead and govern for all

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

1. Audit and Risk Committee Biannual Activity Report 1_10_2022 to 31_3_2022 [**15.5.1** - 8 pages]

City of Greater Bendigo Audit and Risk Committee Biannual Activity Report

1 October 2021- 31 March 2022

Introduction

The role of the Audit and Risk Committee (Committee) is set out in the Audit and Risk Committee Charter, adopted by Council on 19 August 2020. The Audit and Risk Committee (the Committee) has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles
 - the Act and the regulations and any Ministerial directions
 - other relevant laws and regulations
- monitor internal controls
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal audit function
- oversee external audit functions.

The Committee engage with management in discharging its responsibilities and formulating its advice to the Council. The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.

Purpose of the biannual activity report

This report meets the reporting requirements to Council as required by section 54(5) of the Local Government Act 2020 (Act). The report provides Council and the community with a summary of the matters that the Audit and Risk Committee has addressed in the reporting period in discharging its responsibilities under its Charter and under the Act.

Further, the report provides Council with the Committee's findings and recommendations for the period. This report provides an overview of the activity of the Audit and Risk Committee from 1 October 2021 to 31 March 2022.

Committee Membership

The Committee comprises of seven members, four independent members and three Councillors. In addition to the members, other attendees include the CEO, Director Corporate Performance, Manager Financial Strategy, Manager Governance, Risk and Assurance Advisor and Internal and External Auditors.

Independent Members:



Warren Pollock - Chair of the Committee

September 2016 - Current

Warren is an independent member of the City of Greater Bendigo Audit and Risk Committee and currently is the Chair of this committee, holding this role for the past 3 years.

He has more than 25 years' experience in the Audit, Risk, and Finance industry. Warren is a Partner of MGR Accountants, a large Bendigo based accounting firm. He has held this position for more than a decade and has significant experience in a variety of industries including, local government, education and the health sector.

Warren is a Chartered Accountant, an ASIC Registered Company Auditor, Qualified member of the Institute of Internal Auditors and an approved Self-Managed Superannuation Fund auditor.



Jovana Obradovic-Tantra

October 2018 – Current

Jovana is currently serving her second term on the council's Audit and Risk Committee (ARC).

She is a governance professional, with over 15 years' experience in a wide array of industries including ports, transport, warehousing, heavy industry, construction, and manufacturing. She started her own compliance consultancy in 2016 servicing a variety of SMEs and local government clients.

She understands the shifting risk landscape faced by local government and proactively works with the ARC towards better outcomes for the council.



Stephen Brown

October 2020 – Current

Stephen has held senior management and executive positions in the banking and finance industry during his career of over thirty years. In addition to his executive work Stephen is also an experienced Board Director.

He is a Graduate of the Australian Institute of Company Directors, a registered Company Auditor and a Fellow of the Chartered Accountants Australia and New Zealand.



Rob Stephenson

October 2021- Current

Rob 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 most recently, as Interim CEO of Be.Bendigo.

Since finishing his role at La Trobe, Rob has become more deeply involved in a range of Community Boards and organisations, with a focus on Leadership Development, Learning and Education. Rob is a Fellow of the Royal Society of Arts, CPA Australia and Institute of Managers & Leaders, and Member of Australian Institute of Company Directors and International Leadership Association.

Councillor Members:



Mayor Cr Andrea Metcalf

November 2019 - Current

Cr Metcalf is a lifelong resident of Bendigo and is returning to Council for a second term. She is focused on being accessible to the community and looks forward to hearing from and meeting with residents throughout this term. So as the community understands her decision making, Cr Metcalf also looks forward to continuing her record on speaking to most matters before Council.

Cr Metcalf is passionate about support for the business community in the wake of the COVID-19 pandemic and also wants to see the development of a sustainable outcome to manage waste as the Eaglehawk Landfill approaches the end of its life.

She also understands the importance of community facilities and is a keen supporter of Greater Bendigo's rural communities, and wants to help them develop and maintain their unique characteristics.

Cr Metcalf lives with her husband Jason and has two adult children.



Cr Margaret O'Rourke

December 2016 - Current

This is Cr O'Rourke's second Council term. Her focus will be to support our business community to recover and thrive following the COVID-19 pandemic. She is also interested in the health and wellbeing of families and seeing the continued development of open space and recreational facilities to support this. She believes advocacy to State and Federal governments will be critical to driving the continued success of Greater Bendigo and the region. Her focus will also be on sustainably managing growth, protecting our environment, and ensuring the differing needs of rural communities are understood and met.

Cr O'Rourke is a long-time Bendigo resident and lives with her husband and two teenage daughters. She is a former manager of Telstra Countrywide and her current Board appointments include Deputy Chair at Bendigo Kangan Institute and Director at Goulburn Murray Water.



Cr Julie Sloan

December 2021 - Current

Cr Julie Sloan has lived in the Whipstick Ward for 21 years and joins Council for the first time. Her vision for the Whipstick Ward and wider municipality is of a healthy, engaged and inclusive community that is proud of its culture, environment, animal welfare, and vibrant economic growth.

Her favourite parts of her ward include the forests, parks and lakes, native wildlife, family and community spaces, art and culture precincts, recreation reserves, local eateries, markets and friendly local traders. Cr Sloan is interested in supporting strategies that encourage economic and employment growth in small business, local construction and manufacturing industries.

Other issues important to Cr Sloan include sustainable environmental outcomes, considering animals and the environment in decision making, reconciliation and healing initiatives, community arts and culture hubs and interconnected cycling and pedestrian networks across the municipality and outlying towns.

Committee Attendance

The Committee met twice during the period, the 11 November 2021 and 24 February 2022, with attendance outlined below:

Member	Meetings Attended
Warren Pollock (Chair)	2 of 2
Jovana Obradovic-Tantra	2 of 2
Stephen Brown	2 of 2
Rob Stephenson	2 of 2
Mayor Cr Andrea Metcalf	2 of 2
Cr Margaret O'Rourke	1 of 2
Cr Julie Sloan	2 of 2

In addition to the members appointed to the Committee, all Councillors are provided with the Audit and Risk Committee meeting Agendas and Minutes and are able to attend meetings as an observer.

Key Activities for the Reporting Period

11 November 2021

Matter considered	Summary
Nomination of the Audit and Risk Committee Chair	Warren Pollock was reappointed as the Committee Chair through until the 30 September 2022.
Review of actions arising from previous meeting	The Committee reviewed the status of actions arising as a result of matters raised at previous Committee meetings.
Sexual Harassment Implementation Plan	The recommendations, with progress comments were tabled at the Committee and general discussion followed with specific queries around training for Officers and Councillors.
Internal Audit - Status Report	Council's internal auditors presented a report on the status of the internal audit program
Internal Audit – Occupational Health and Safety and Wellbeing	Council's internal auditors presented its findings following an internal audit on Occupational Health and Safety and Wellbeing. There were 14 observations, with 8 being managed, resulting in 6 findings to be actioned (1 Major risk, 4 Moderate risks and 1 Minor risk). An interim assessment was requested to determine compliance to OHS legislation across the organisation while the recommendations from the Internal Audit are being actioned. This will be presented to the Committee in May 2022.
Review of actions arising from previous internal audits	The Committee reviewed the status of the implementation of agreed management actions arising from previous internal audits.
Review of relevant reports and publications	Recent relevant reports and publications were presented to the Committee.
Strategic Risk Register	The City's Strategic Risk Register was presented to the Committee. This will go through a significant review process prior to it being presented to the Committee in 6 months time.
Annual Committee Self-assessment questionnaire	The Committee reviewed the results of the annual 2021 self-assessment questionnaire undertaken by the independent members and councillors of the Committee. The results were extremely positive with a few points for improvement noted and taken into consideration for continuous improvement.
Review of Local Government Performance Reporting Framework	This report was presented to the Committee and discussed.
Report on Gifts, Benefits and Hospitality	The register for Councillors and employees Gifts, Benefits and Hospitality was presented to the Committee.
Report on Councillor Expenses	The report on Councillor Expenses was presented to the Committee.



11 November 2021 continued...

Matter considered	Summary
Review of key policies	Key policies in line with the Internal Control Environment Plan were presented to the Committee and discussed.
Quarterly Finance Report	Quarter 1 results were presented, with the following observations: <ul style="list-style-type: none"> • The Finance Report shows an operating surplus. • COVID-19 is still having a detrimental effect on user fees • Restrictions have resulted in delayed expenditure across many units
Report by the Chief Executive Officer	The CEO provided an overview of the following items: <ul style="list-style-type: none"> • Climate Change and Environment Strategy • 10 Year Financial Plan • Public Health and Wellbeing Plan; and • An update on the Land Use Activity Agreements

24 February 2022

Matter considered	Summary
Review of actions arising from previous meeting	The Committee reviewed the status of actions arising as a result of matters raised at previous Committee meetings.
Internal Audit - Status Report	Council's Internal Auditors presented a report on the status of the Internal Audit program
Internal Audit – Fees and Charges	Council's Internal Auditors presented its findings following an Internal Audit on Fees and Charges. There were 8 observations, with 4 being managed, resulting in 4 findings rated as moderate risks.
Review of actions arising from previous internal audits	The Committee reviewed the status of the implementation of agreed management actions arising from previous Internal Audits.
Review of key policies	Key policies in line with the Internal Control Environment Plan were presented to the Committee and discussed.
Review of the Committee's Internal Audit Charter	The Committee reviewed and approved the minor changes made to the Internal Audit Charter. This document was due for review.
Quarterly Finance Report	Quarter 2 results were presented to the Committee.
External Audit Strategy Memorandum	The Committee considered the draft external audit strategy submitted by VAGO for the audit of the City of Greater Bendigo consolidated annual financial report and the Council annual performance statement for the year ending 30 June 2022. There were no significant changes proposed to the strategy in comparison to the previous year. There has been a new risk highlighted on the impact COVID-19 has had on financial reports.
Review of Local Government Performance Reporting Framework	This report was presented to the Committee and discussed.
Report by the Chief Executive Officer	Some of the points highlighted in the report: <ul style="list-style-type: none"> • The Federal Government recently announced funding towards the next stage of the Bendigo Airport project • The Rate Cap has been set at 1.75% for the 2022/23 year to apply to all Victorian Councils • 2022/23 Budget Workshops were held in February 2022
Evaluation Survey on performance of the Internal Audit Program and Internal Auditor	AFS, the Internal Auditor exited the meeting and the outcome of the survey was discussed by the Committee, which overall was very positive.



Meeting schedule for 2022

The Committee's meeting schedule for the remainder of 2022 is as follows:

- 26 May 2022
- 8 September 2022
- 10 November 2022

This report provides an overview of the requirements of the Audit and Risk Committee Charter and Committee Workplan and I am pleased to report that the Committee has met its objectives during the reporting period.

Warren Pollock

Chair

On behalf of the Audit & Risk Committee

26 April 2022

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. Planning Scheme Amendment C254gben 244 Edwards Road, Maiden Gully Rezoning - Adoption

Author:	Rebecca Fisher, Senior Strategic Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

This amendment proposes to rezone 1.9 hectares of land, being part of 244 Edwards Road Maiden Gully from General Residential Zone to Commercial 1 Zone. This will allow the site to be developed for a Neighbourhood Activity Centre in accordance with previous strategic work undertaken for this site.

Recommended Motion

That Council:

- Adopt Greater Bendigo Planning Scheme Amendment C254gben.
- Forward the adopted Amendment to the Minister for Planning for approval.

Executive Summary

Amendment details:	<p>The amendment proposes to make the following changes to the Greater Bendigo Planning Scheme for part of 244 Edwards Road, Maiden Gully:</p> <ul style="list-style-type: none"> • Rezone 1.9 hectares of land, being part of 244 Edwards Road Maiden Gully, from General Residential Zone to Commercial 1 Zone to allow the site to be developed for a Neighbourhood Activity Centre (to be known as Maiden Gully South-West Neighbourhood Activity Centre). • Amend the Schedule to Clause 34.01 Commercial 1 Zone to include a maximum leasable floor area of 4,200 square metres for shop and a maximum floor area of 1,500 square metres for each individual shop at the Maiden Gully South-West Neighbourhood Activity Centre.
Proponent:	Currie & Brown (Australia) Pty Ltd continues to act on behalf of MG Estates Pty Ltd
No. of submissions:	<p>Four (4).</p> <p>All submissions were supportive of the Amendment in its current form.</p>
Key issues:	Enables development of a Neighbourhood Activity Centre in accordance with the City's Activity Centre Hierarchy.

Planning Permit DS/798/2017 was issued on 28 March 2018 to allow the subdivision of the estate in accordance with the development plans. This permit was amended (AM/798/2017/A) to allow for the inclusion of a new Super Lot G which comprised of the land subject to this amendment, to enable the amendment to progress in parallel with the subdivision planning permit activities, ensuring that the final zone boundary will match the subdivided parcel. A plan of subdivision (PS808010U) has been certified, which creates Superlot F as Lot 2 (see Attachment 3 for Plan of Subdivision PS808010U).

Previous Council decision dates

17 October 2012 – Council resolved to request the Minister for Planning to authorise Council to prepare Amendment C190 to the Greater Bendigo Planning Scheme.

31 July 2013 – Council resolved to request the Minister for Planning to appoint an Independent Panel to consider all submissions to Amendment C190 to the Greater Bendigo Planning Scheme.

26 March 2014 – Council resolved to adopt Greater Bendigo Planning Scheme Amendment C190 with changes as per the Panel and Officer recommendations and forward the adopted Amendment to the Minister for Planning for Approval.

16 August 2021 – Council resolved to request the Minister for Planning to authorise Council to prepare amendment C254gben to the Greater Bendigo Planning Scheme.

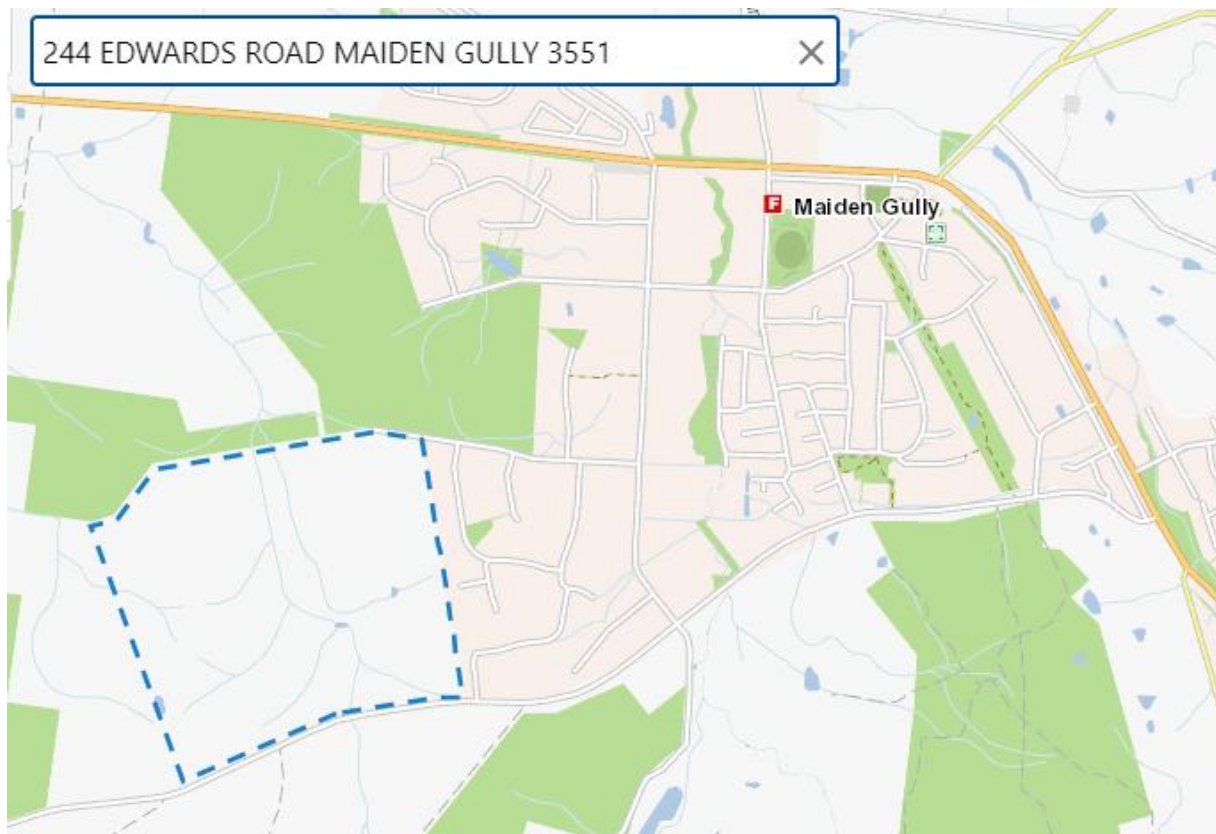
Report

The *Planning and Environment Act 1987* allows for a planning scheme amendment to be initiated by a municipal Council, or a Council can respond to a request for an amendment by any person or body.

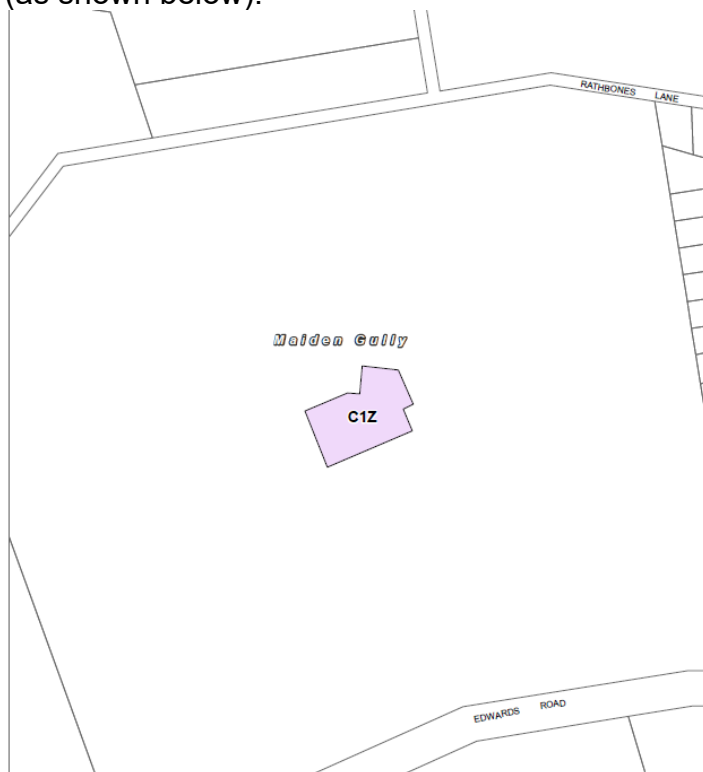
When requesting authorisation from the Minister for Planning, an explanatory report must be submitted that discusses the purpose, effects and strategic justification for the amendment. Key issues identified in the Explanatory Report for this amendment are summarised below, and the full copy is attached as Attachment 4. Minor changes have been made to the Explanatory Report since Exhibition to ensure that it reflects the current local policy in the planning scheme, which was introduced on March 11, 2022 as a result of Amendment C256gben (Planning Scheme Review Implementation Part 1).

Land affected by the Amendment

The subject site at 244 Edwards Road, Maiden Gully, is predominantly cleared farmland, located approximately 8km west from the centre of Bendigo, and approximately 2km southwest from the centre of Maiden Gully (as shown below). The site has a total area of approximately 125ha.



This amendment proposes to rezone a centrally located area of 1.9 hectares of the site only (as shown below).



What the Amendment does

The amendment proposes to make the following changes to the planning scheme:

- Rezone 1.9 hectares of land, being part of 244 Edwards Road Maiden Gully, from General Residential Zone to Commercial 1 Zone to allow the site to be developed for a Neighbourhood Activity Centre as shown on Planning Scheme Map No. 17.
- Amend the Schedule to Clause 34.01 Commercial 1 Zone to include a maximum leasable floor area of 4,200 square metres for shop and a maximum floor area of 1,500 square metres for each individual shop at the Maiden Gully South-West Neighbourhood Activity Centre (NAC) known as part of 244 Edwards Road, Maiden Gully.

Social, Economic and Environmental impacts

Social

The amendment facilitates development of a NAC that serves as a focal point for the local community and enhances opportunities for socialising within the local area. Future development of the NAC will increase opportunities for passive social interaction and recreation in a manner that will provide a net increase in passive surveillance of the surrounding street and open space network. It will enable the establishment of a vibrant local village centre to create a community focal point adjoining a future community centre and active open space areas. A suitable cycle and pedestrian network will be established to provide a clear alternative transport service to cars.

Economic

The physical area of the land to be rezoned ensures that future retail and community development will provide increased opportunities for local employment and retail to the benefit of the wider community, in a manner that does not detract from the existing and proposed activity centres across the municipality.

It is proposed that the commercial core will include a range of office, retail and service uses and will have a total floor area of up to 4,200sqm, with individual shop floor areas of up to 1,500sqm. It is also proposed to provide a restaurant adjoining the proposed central lake, which can provide dining and function spaces in addition to the future community hall.

Within the commercial area and adjoining higher density residential areas, the NAC also provides the potential for a range of live work units, shop top apartments and ground level small businesses opening out onto the internal car parking area.

A review of the approved Activity Centres Development Plan was undertaken against the activity centre strategies prior to its approval on 17 May 2017. The scale of the proposal and extent of the floor area proposed was established as being consistent with the adopted strategy. The proposal does not impact adversely on the proposed Activity Centre Hierarchy as sought by Clauses 02.03, 02.04 and 11.03-1L.

Environmental

The amendment will have limited effect on the environment as the activity centre location does not contain any sites of historical, aesthetic, scientific or cultural value. The NAC will provide opportunities for people to access daily needs without relying on personal vehicles.

Vegetation is managed and has been offset by the incorporated *Native Vegetation Precinct Plan for land at 244 Edwards Road, Maiden Gully*, June 2014.

The amendment will also not impact the adjoining watercourse or the management of stormwater as these will be addressed through the development of the approved subdivision. Additionally, the amendment will also rezone land above the designated flood level for the adjoining watercourse.

Strategic justification – Planning context

The Amendment is supported by the following clauses in the Greater Bendigo Planning Scheme:

Clause 02.02 Vision The City of Greater Bendigo has identified a vision for Greater Bendigo to create 'The World's most liveable community. In this regard it is seeking to be centred around the city of Bendigo with a larger population and a more diverse community. In addition, the vision seeks to have a strong economy that supports job growth and attracts visitors.

The amendment responds to this by facilitating development in accordance with this vision, as the amendment facilitates the development of a NAC and associated dwellings and allows for appropriate local employment opportunities that will serve as the focus for the residential development at 244 Edwards Road, Maiden Gully in a manner that bolsters community identity and municipal economic competitiveness.

Clause 02.03-1 Settlement Identifies strategic directions to promote the development of 10-minute neighbourhoods. Settlement in Bendigo is to be structured around a hierarchy of activity centres within the Bendigo Urban Growth Boundary, shown in the Urban strategic framework plan in Clause 02.04.

The amendment will facilitate the creation of a 10-minute neighbourhood and the development of a neighbourhood activity centre within walking and cycling distance of the majority of the future residential area.

Clause 02.03-3 Environmental risks and amenity The amendment will also rezone land within an identified low risk location that will achieve a BAL 12.5 and is above the designated flood level for the adjoining watercourse.

Clause 02.03-5 Built environment and heritage The rezoning of the site to Commercial 1 will facilitate the creation of a compact and sustainable urban form and supports the use of active transport networks to access a neighbourhood activity centre.

Clause 02.03-6 Housing The amendment will provide for a diversity of housing types close to and within a neighbourhood activity centre.

Clause 02.03-7 Economic development The subject site has been identified as an appropriate location for a future NAC and associated higher density housing area. The amendment will enable the delivery of a centre that will primarily service the surrounding estate and community, being within a walkable distance of most of the site. The centre will provide for the day- to-day needs of the community as well as providing facilities for visitors who will access the cycling and public transport network. The centre will also provide for

local employment opportunities close to and within a residential area which will support the NAC.

The centre is consistent within the established activity centre hierarchy and will ensure future design will address the key north-south boulevard and adjoining district level open space area.

Clause 02.03-9 Infrastructure The amendment will support the provision of a community hall and district level open space within an activity centre.

Clause 02.04 Strategic Framework Plans The amendment is consistent with and supports the implementation of the Urban Strategic Framework Plan and Urban Activity Centre Hierarchy Framework Plan by rezoning land identified in the plans for a future Neighbourhood Activity Centre and Key Development Site.

Clause 11.01-1S Settlement Rezoning the site will support an identified key development site to support the future growth of Bendigo.

Clause 11.01-1L-01 Settlement - Greater Bendigo Rezoning the site will support the identified key development site and NAC.

Clause 11.03-1S Activity centre planning Rezoning the subject site to the Commercial 1 Zone facilitates the development of NAC in an appropriate location, to the benefit of the wider community.

Clause 11.03-1L Activity centres - Greater Bendigo The amendment supports the use and development of an identified future NAC and will reinforce the role and function of the centre. It also facilitates the development of a mixed use centre.

Clause 11.01-1R Loddon Mallee South The amendment will support a key population and economic growth hub for the regional city of Bendigo.

Clause 13.02-1S Bushfire planning The activity hub is located within a Bushfire Prone area and development of the hub can achieve a BAL 12.5. In addition, suitable access roads and water supply is provided to protect human life.

Clauses 15.01-1S, 15.01-2S, 15.01-3S, and 15.01- Built environment and heritage The implementation of the Commercial 1 Zone facilitates development that is capable of positively contributing to the identity (and safety) of the public realm and emerging neighbourhood character as well as providing appropriate built form and energy efficient buildings.

Clauses 16.01-1S and 16.01-2S Housing The implementation of the Commercial 1 Zone facilitates the location of additional higher density housing close to the activity centre and provides for diversity of housing choice close to services and transport.

Clause 17.02-1S Business The amendment facilitates a form of development that enhances the economic profile of the immediate and wider area in a manner that meets the community's needs for a variety of local retail services. It provides for new convenience shopping and employment facilities in a planned activity hub. The amendment facilitates innovative housing forms that enable emerging employment trends including work from

home and telecommute employment, home businesses and cottage industries.

Clause 17.02-1L Business - Greater Bendigo The amendment will support development of an activity centre that does not compromise the primacy of the Bendigo City Centre.

Priority/Importance

This is a privately led planning scheme amendment, which has been balanced with the existing work program within the Strategic Planning unit.

This amendment is important to enable the development of a NAC which will meet some of the day to day needs of a growing residential community, helping to implement 10-minute neighbourhood principles.

Options considered

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

- Change the Amendment in the manner requested; or
- Refer the submission(s) to an Independent Panel appointed by the Minister; or
- Abandon the Amendment, or part of the Amendment.

As outlined below, there were no changes requested in the submissions received, therefore all submissions can be considered resolved and there is no need to refer them to a Panel. The Amendment can be adopted in accordance with Section 29(1) with or without changes.

Timelines

If adopted by Council, the amendment will be submitted to the Minister for Planning for approval. If the Minister approves, the amendment will then be gazetted and form part of the Greater Bendigo Planning Scheme.

Communications/Engagement

Pre-exhibition consultation

In preparation of this amendment, the proposal was referred to all relevant agencies in late 2019. Responses were received from the Environment Protection Agency (EPA), North Central Catchment Management Authority (NCCMA), Department of Transport (DoT), Coliban Water and Department of Environment, Land, Water and Planning (DELWP) with no significant issues raised. The amendment was again referred to Country Fire Authority (CFA) in December 2021 with no issues raised.

Exhibition

The amendment was publicly exhibited from Thursday March 10, 2022 until Tuesday April 12, 2022 as required under the *Planning and Environment Act 1987*. The City is required to give notice of to all owners and occupiers who may be materially affected by an amendment. Given the distance (minimum 400 metres) from land that is not in the same ownership as the area to be rezoned and the substantial prior work which has consistently identified the subject area as an activity hub, the City determined that no other owners or occupiers would be materially affected by the amendment.

The City gave notice of the amendment to the prescribed Ministers, as required by Section 19(1)(c) of the *Planning and Environment Act 1987* and public authorities, as required by Section 19(1)(a). Notice of the amendment was given in the Bendigo Advertiser Newspaper on Wednesday March 9 and in the Government Gazette on Thursday March 10. Details of the amendment were made available on the City's website and the website of the Department of Environment, Land, Water and Planning.

Submissions

The EPA responded to our notice of the amendment, advising that as they had already responded in Dec 2019 that they had no concerns, they would not be responding again.

Four (4) submissions were received to the Amendment, all of which were supportive, with no changes requested. The submissions were received from DELWP, NCCMA, Coliban Water and Goulburn-Murray Water.

Financial Sustainability

As a privately led planning scheme amendment, the proponent is required to pay all statutory fees and costs in accordance with the City's *Private Planning Scheme Amendment Policy*.

Officer time will be required to finalise the Amendment documentation for submission to the Minister for Planning for approval.

Risk Assessment

This Amendment is preceded by extensive previous strategic work undertaken for this site. It has been supported by relevant authorities and presents a low risk to the City.

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)

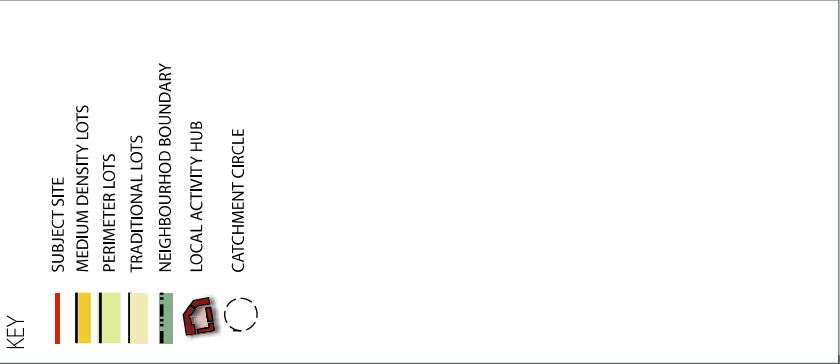
Goal 3 - Everyday walking and cycling is easier for all ages and abilities.
Goal 6 - More people live in 10-minute neighbourhoods
Goal 7 - Sustainable population growth is planned for

Conflict of Interest

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

Attachments

1. C254gben Relevant Section of Master Plan [**16.1.1** - 3 pages]
2. C254gben Development Plan [**16.1.2** - 5 pages]
3. C254gben Plan of Subdivision PS808010U [**16.1.3** - 3 pages]
4. C254gben Explanatory Report Adoption [**16.1.4** - 10 pages]



5. Design Response -Neighbourhood Structure and Built Form

5.9 A Local Activity Hub

The central local activity hub will be a mixed use zone structured to foster local businesses in a predominantly live / work format. The urban form is arranged to create a complete urban block with a robust perimeter form. This allows for the public and private carparking to be placed at the rear and removed from the pedestrian focused streetscapes and open spaces adjacent.

The result is a traditional village feel to the public areas with a fine grain of streets, increased densities and active ground floors without constricting carparking access, back of house functions and deliveries and servicing. The traffic through the centre will be managed to create a low speed environment prioritising pedestrian and cycle movement.

The centre would include a high proportion of two storey, live/work dwellings in a terraced format creating active ground floor areas for small business and upper floor dwellings and residences. This flexible housing typology allows for the activity of the centre to expand or contract without compromising the urban form and feel of the place.



Forest Park, Malden Gully, Bendigo - Master Plan Report



Potential for pavilion overlooking wetlands as combined community and environmental / wetlands centre.

Enterprise centre with leasable small office spaces.

Enterprise centre includes business support hub with communal space, printing facilities and quiet reading room.

Business support centre accessible to community as study room.

Civic street environment with wide footpaths, street trees, carparking and low traffic speeds.

Larger ground floor unit for café / deli supporting business and local community.

Public carparking inside urban block provide ease of access without compromising the urban character.

Two storey livework terrace housing with dual frontage for separated business and residential access.

Flexible development area for live / work dwellings or commercial floor space.

Forest Park, Malden Gully, Bendigo - Master Plan Report

83.





- DPO 05 Boundary.
- Medium density residential development.
- Mixed use site with ground floor activation and adaptive uses on walk up upper floor for shop top apartments and small business. Indicative building footprint.
- Mixed uses site with ground floor activation and adaptive uses on walk up upper floor for shop top apartments and small business. Indicative building footprint.
- Active retail frontage addressing town square and avenue streets and activating pedestrian laneway to car parking court.
- Active frontage to residential dwellings addressing local streets
- Active frontage to residential dwellings addressing mews streets and courts

Built form concepts included in approved DPO 02. Illustrated to describe the integration between DPO areas.

- Proposed lake side restaurant with north facing sun deck overlooking lake. Indicative building footprint.
- Community centre. Indicative building footprint.

NOTES:

- Boundaries based on Vicland Surveying Levels and Feature Survey.
- Street and intersection design are indicative only and subject to detailed design.
- Lake, Wetlands and riparian corridor designs are in principal and subject to detailed design.
- All building footprints indicative only and subject to detailed design.

244 Edwards Road,
Maiden Gully,
City of Greater Bendigo

DEVELOPMENT PLAN 05 Activation Plan

REF NO	DRAW NO	REV	
BRG FOR	UD 1602	F	
F	Revision	290317	MJ
E	Revision	060317	MJ
D	Revision	020317	MJ
C	Revision	280217	MJ
B	Revision	170217	MJ
A	Draft	080217	MJ
REV	DESCRIPTION	DDMMYY	DRAWN

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Scale 1:1,500 @ A3



Mixed use, future retail and community development site.

Indicative building footprint.

- Ground floor activation with cafes and convenience shop addressing town square and avenue street.
- Convenience shop premises integrated within building footprint to minimise inactivated frontages to public spaces.
- Gym and health uses with street address.
- Integration of childcare on second storey with external play areas on roof.
- Loading and service areas to rear accessed from carparking courtyard.

Indicative total floor area 2,400m²

Indicative uses

Ground Floor

- Convenience shop
- Cafe
- Gym
- Loading

First Floor

- Medical Centre
- Child Care
- Roof Garden

Proposed lake side restaurant.

Indicative building footprint included in approved DPO 02 area. Illustrated to describe the integration between DPO areas.

- Active frontage and primary address to town square.
- North facing sun deck and alfresco dinner areas overlooking lake.
- Flexible internal spaces for catered events as well as private function rooms.

Indicative total floor area 650m²
Indicative area of sun deck 400m²

Proposed Community Centre.

Indicative building footprint included in approved DPO 02 area. Illustrated to describe the integration between DPO areas.

- Visually prominent location with view overlooking lake and wetlands.
- High accessibility adjacent to bus stops, cycle paths and on street public carparking areas.
- Integration of public toilet facilities.

Indicative total floor area 320m²

Mixed use, future retail, commercial and residential site.

Indicative building footprint.

- Feature café / deli activating town square and pedestrian laneway connection to rear carparking areas.
- Ground floor activation with livework units addressing town square and avenue street.
- Adaptive uses on walk up upper floor for shop top apartments and small business.
- Loading and service areas to rear accessed from carparking courtyard.

Indicative total floor area 1,800m²

Indicative uses

Ground Floor

- Deli / cafe
- Livework units
- Circulation / plant
- Carparking

First Floor

- Flexible apartments / small business units
- Common areas and circulation

PLANNING AND ENVIRONMENT ACT
GREATER BENDIGO PLANNING SCHEME
APPROVED DEVELOPMENT PLAN

PD/94/2017

For and on behalf of the City of Greater Bendigo

Signature

Date 17/5/17



- DPO 05 Boundary.
- Mixed Use / Community**
Indicative building footprint
Mixed use site with ground floor activation including convenience, cafes and gyms. Childcare, community and medical uses on upper level.
Building Height:- 2 storeys
Setbacks:- 0m
- Mixed Use / Residential**
Indicative building footprint
Mixed use site with ground floor activation and adaptive uses on walk up upper floor for shop top apartments and small business.
Building Height:- 2 and 3 storeys
Setbacks:- 0m
- Urban Living Residential Quarter**
Indicative building footprint
Medium density living with housing typologies suitable for a wide range of households including older couples, young families and rental properties.
Density of 25dw/ha sought to be achieved subject to market conditions
Building Height:- 2 and 3 storeys
Setbacks:- Varied

Built form concepts included in approved DPO 02. Illustrated to describe the integration between DPO areas.

- Mixed Use Food and Drink / Function**
Indicative building footprint
Lakeside restaurant with function spaces and sun-deck overlooking lake.
Building Height:- Single storey
Setbacks:- Varied
- Community Building**
Indicative building footprint
Adaptive hall space with ancillary services including kitchen public toilets and meeting rooms.
Building Height:- Single storey
Setbacks:- Varied

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244 Edwards Road,
Maiden Gully,
City of Greater Bendigo

DEVELOPMENT PLAN 05 Built Form Plan

REF NO	DRAW NO	REV
BRG FOR	UD 1603	F
F	Revision	290317
E	Revision	060317
D	Revision	020317
C	Revision	280217
B	Revision	170217
A	Draft	080217
REV	DESCRIPTION	DDMMYY
		DRAWN

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Scale 1:1,500 @ A3

Currie & Brown **TERRACO**

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Mixed Use / Community - Concept

Urban architectural styles with industrial references. Activation of public space with convenience shop and cafes. Integration of health uses, gym and childcare on roof.



Mixed Use / Residential - Concept

Brick, timber & metal cladding creating inner urban character. Ground floor activation with awnings & integrated signage. Deep balconies overlooking lake, square & avenue streets.



Urban Living Residential Quarter

Contemporary town and terrace houses. Warehouse style units with minimum front setbacks. Mews courts with shared surface home-zone streets.



Built form concepts included in approved DPO 02 area. Illustrated to describe the integration between DPO areas.

Mixed Use Food and Drink / Function

Lake side boat house architectural influences. Large north facing sun deck for alfresco dining. A signature architectural statement for the development.



Community Centre

Best practice environmental sustainable design. Clearly articulated entry and arrival point. Flexible space overlooking lake and wetland.



PLANNING AND ENVIRONMENT ACT
GREATER BENDIGO PLANNING SCHEME
APPROVED DEVELOPMENT PLAN

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For and on behalf of the City of Greater Bendigo

Signature *[Signature]* Date 17/5/17



- Bus route along lakeside boulevard.
- Embayed bus stops with shelters next to parkland and adjacent centre of village.
- Dedicated off road cycle path leading to village.
- Proposed Bike Port in heart of village.
- North facing town square with pedestrian priority with shared surface connection.
- Major pedestrian connections through village and to adjoining neighbourhoods.
- Local pedestrian connections through shared surface mews courts.
- Active pedestrian connections link retail, major open space and carparking areas.
- Active open space on strategic pedestrian link including district play area and lakeside park.
- On street parking for community centre, 30 spaces.
- Public parking area at rear of activity centre with pedestrian link to town square, Potential use for community markets.
- On street parking in vicinity of village centre.
- Dedicated share car parking bay.
- Service vehicle and loading for retail.

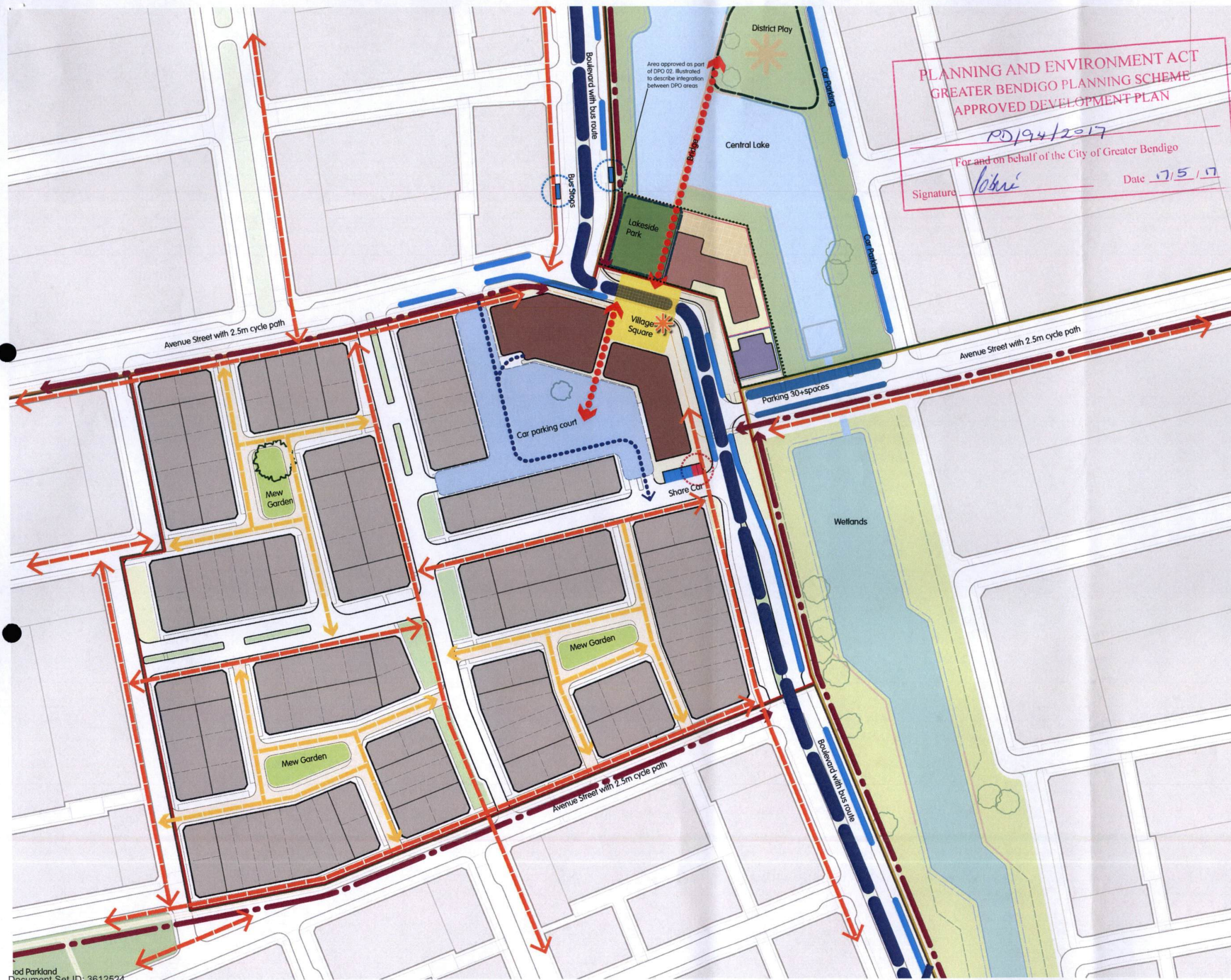
NOTES:
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 - All building footprints indicative only and subject to detailed design.

244 Edwards Road,
 Maiden Gully,
 City of Greater Bendigo

DEVELOPMENT PLAN 05 Movement & Connectivity Plan

REF NO	DRAW NO	REV
BRG FOR	UD 1604	F
F Revision	290317	MJ
E Revision	060317	MJ
D Revision	020317	MJ
C Revision	280217	MJ
B Revision	170217	MJ
A Draft	080217	MJ
REV	DESCRIPTION	DDMMYY
		DRAWN

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 Scale 1:1,500 @ A3



PLANNING AND ENVIRONMENT ACT
 GREATER BENDIGO PLANNING SCHEME
 APPROVED DEVELOPMENT PLAN
 PD/94/2017
 For and on behalf of the City of Greater Bendigo
 Signature *[Signature]* Date 17/5/17



- 1. Town Square**
 - Active social heart for community.
 - Walkable destination for local conveniences, cafes and social spaces, community services and public transport.
 - Defining north facing square with sightlines to lake and forest.
 - Shared surface treatment to square prioritising pedestrian access to lake park.
 - Innovative management of transport and pedestrian interface.
- 2. Lakeside Park**
 - Civic green space adjacent village centre and overlooking lake.
 - Structured urban landscape treatments with pavilion, boardwalk style promenade to lake and tree planting.
- 3. District Level Play Space and Active Park**
 - A destination park for active play and family gatherings.
 - Centre of a key recreational space for Bendigo.
 - District play area & associated facilities including BBQ shelter.
 - Foot bridge pedestrian and cycle link to village centre shop.
 - Employed parking areas adjacent playground.
- 4. Shared Surface Mews Courts**
 - Urban setting for 'warehouse' and terrace housing.
 - Changes in street types and sightlines create a sense of an authentic urban village.
 - Mews houses overlooking shared surface courts & communal gardens within the urban blocks create a fine grain of pedestrian connectivity and unique 'secluded' medium density living opportunities.
 - Linkage of open space to bring communities together.
- 5. Green Link**
 - Create a green spine through village with wide verges and avenue tree planting.
 - Strong visual link to connected green spaces south of village including large retained trees.

- DPO 05 Boundary.
- Views towards and overlooking lake, long views of water body from town square increasing the perceived size of lake.
 - Strategic views towards village centre from major approach and avenue streets. Focus on Lake side restaurant as a signature architectural feature of the neighborhood.
 - Active lake side parks including district play area

NOTES:

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244 Edwards Road,
Maiden Gully,
City of Greater Bendigo

DEVELOPMENT PLAN 05
Landscape & Open Space Plan

REF NO	DRAW NO	REV
BRG FOR	UD 1605	F
F	Revision	290317
E	Revision	060317
D	Revision	020317
C	Revision	280217
B	Revision	170217
A	Draft	080217
REV	DESCRIPTION	DDMMYY

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Currie & Brown TERRACO

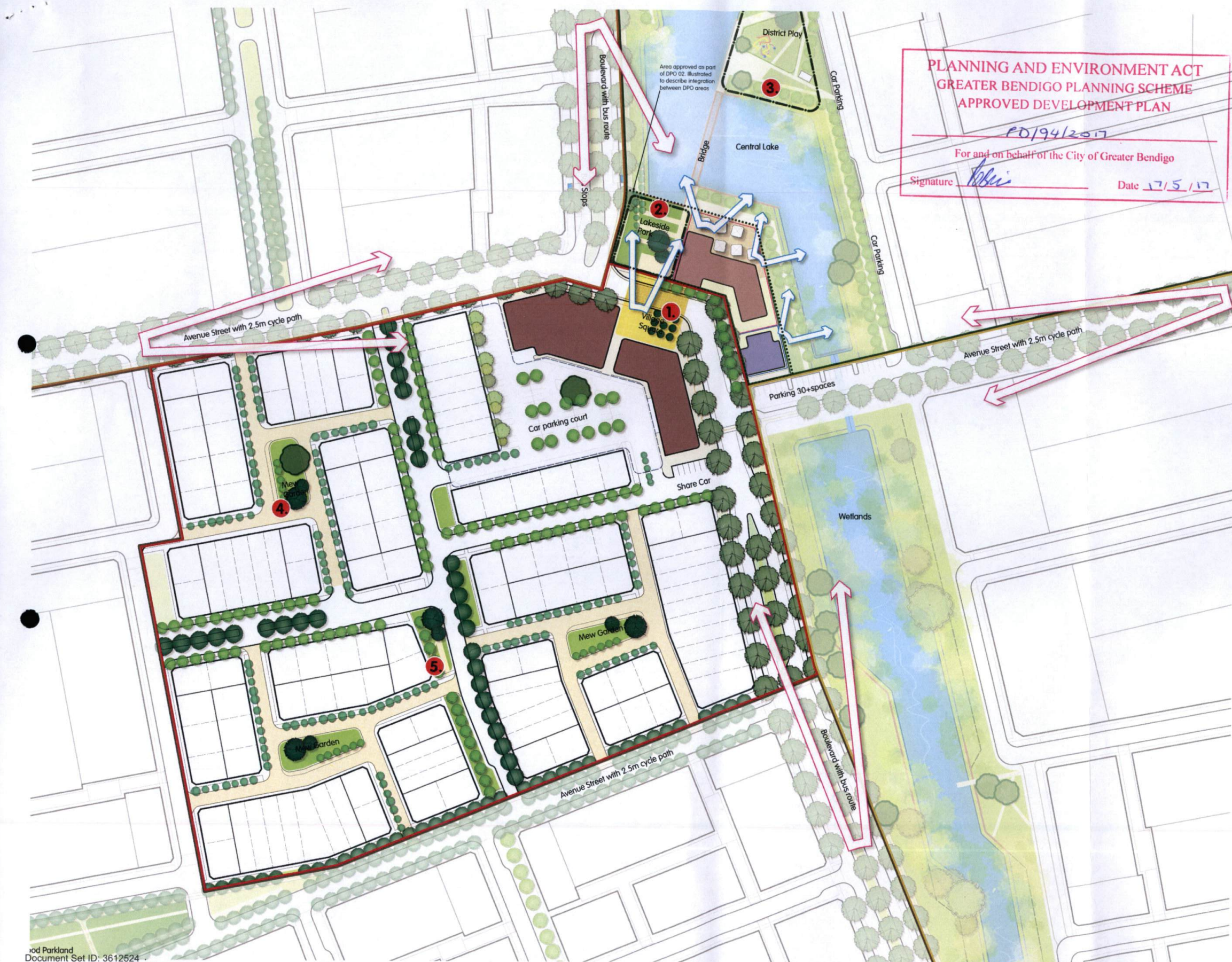


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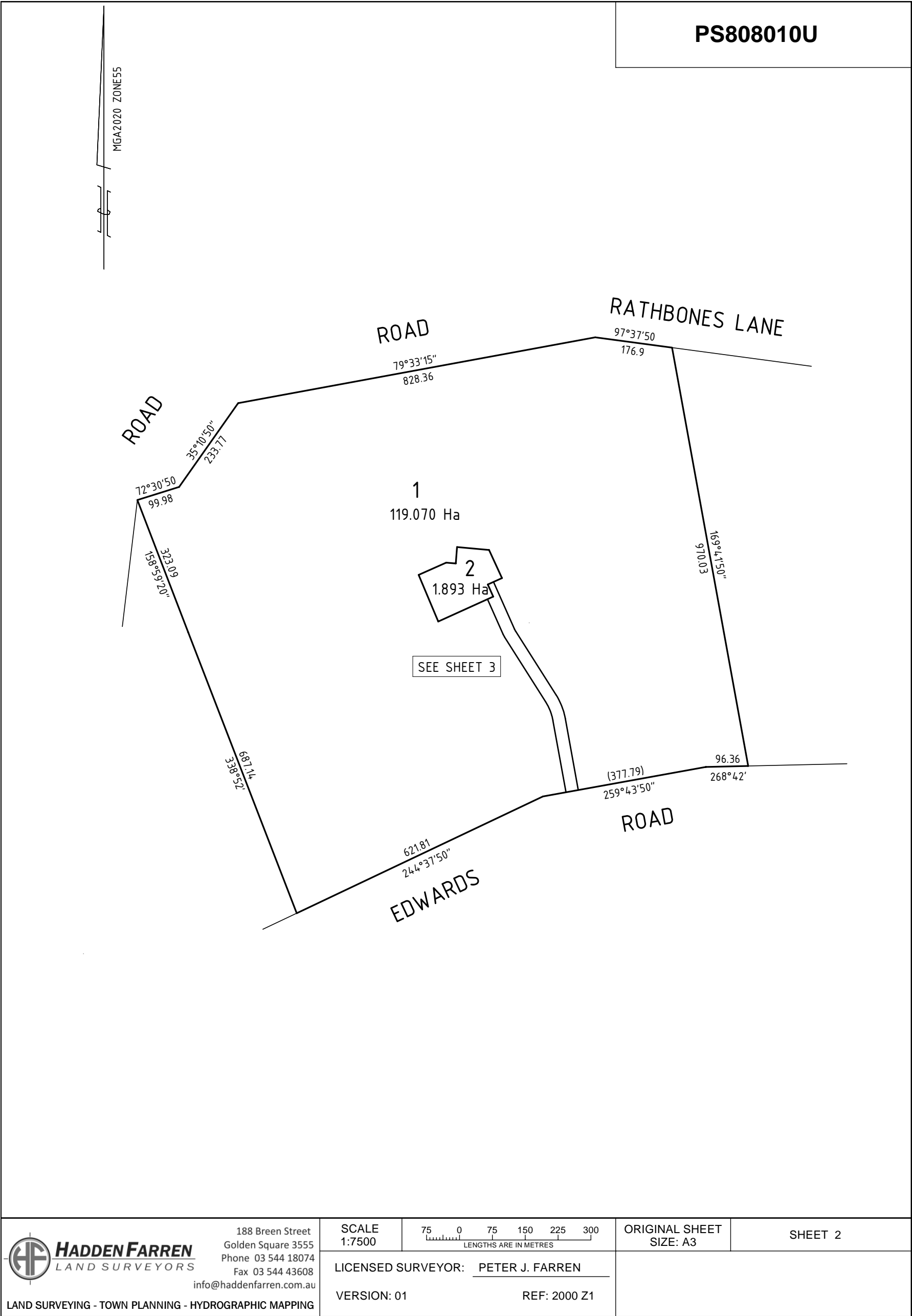
**PLANNING AND ENVIRONMENT ACT
GREATER BENDIGO PLANNING SCHEME
APPROVED DEVELOPMENT PLAN**

PD/94/2017
For and on behalf of the City of Greater Bendigo
Signature: *[Signature]* Date: 17/5/17

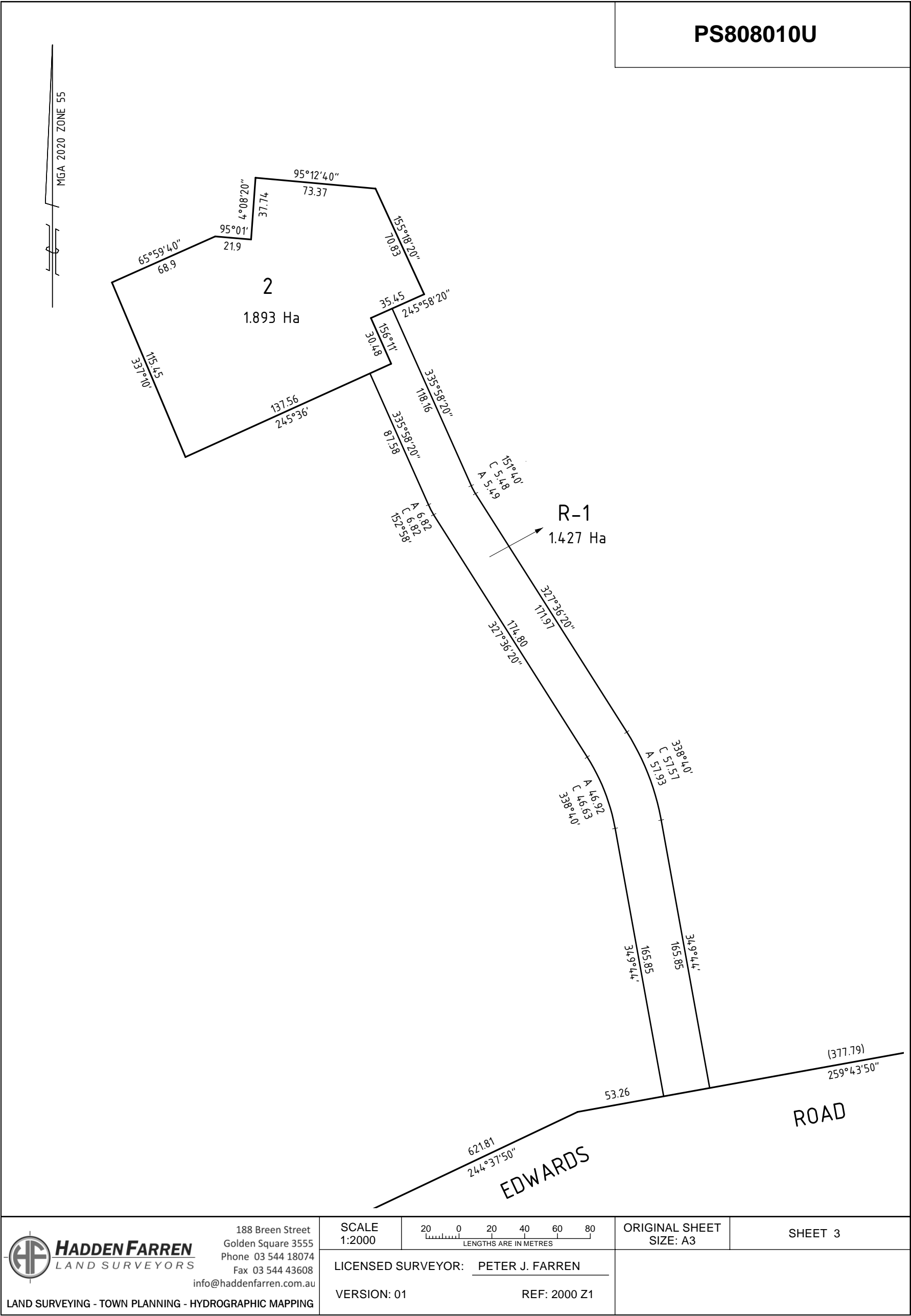


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Document Set ID: 3612524
Version: 1, Version Date: 05/04/2017
Document Set ID: 3642119
Version: 1, Version Date: 17/05/2017

Document Set ID: 4687896
Version: 1, Version Date: 11/02/2022



Document Set ID: 4687896
Version: 1, Version Date: 11/02/2022



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Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME AMENDMENT C254gben

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Currie & Brown (Australia) Pty. Ltd.

Land affected by the amendment

The amendment applies to 1.893ha of land at 244 Edwards Road Maiden Gully, shown as Lot 2 on proposed Plan of Subdivision PS808010U (extract at Figure 1 below).

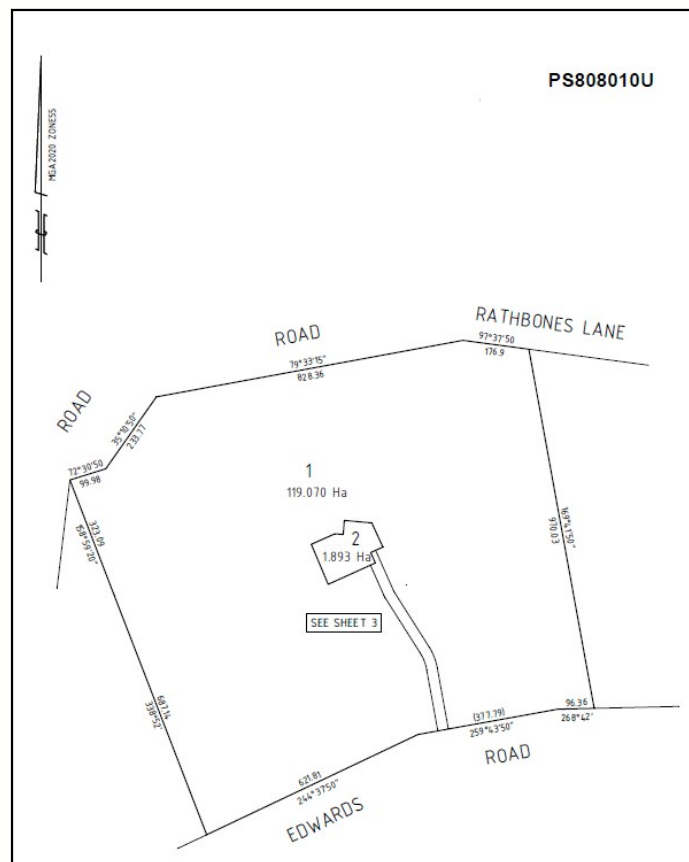


Figure 1. Extract from PS808010U showing subject area as Lot 2

What the amendment does

The amendment applies the Commercial 1 Zone to part of 244 Edwards Road Maiden Gully to facilitate the development of the site for a future Neighbourhood Activity Centre (NAC).

Specifically, the amendment:

- Rezones 1.893 hectares of land, being part of 244 Edwards Road Maiden Gully, shown at Lot 2 on PS808010U, from General Residential Zone to Commercial 1 Zone to allow the site to be developed for a NAC as shown on Planning Scheme Map No. 17.
- Amends the Schedule to Clause 34.01 Commercial 1 Zone to include a maximum leasable floor area of 4,200 square metres for shop and a maximum floor area of 1,500 square metres for each individual shop at the Maiden Gully South-West NAC known as part of 244 Edwards Road, Maiden Gully.

Strategic assessment of the amendment

Why is an amendment required?

The land is currently zoned General Residential with a Development Plan Overlay 28 applied. The *Forest Park Master Plan 2013* showed a central Local Activity Hub. The Activity Hub Development Plan was approved by the City on 17 May 2017. The approved Development Plan proposes up to 4,200sqm of retail floor space, with a community hub and medium density residential development of two to three stories to the south-west of the activity centre.

The amendment rezones the land associated with the approved Activity Hub Development Plan from General Residential Zone to Commercial 1 Zone. It proposes an amendment to the schedule to the Commercial 1 Zone to be consistent with the floor area approved in the endorsed Development Plan.

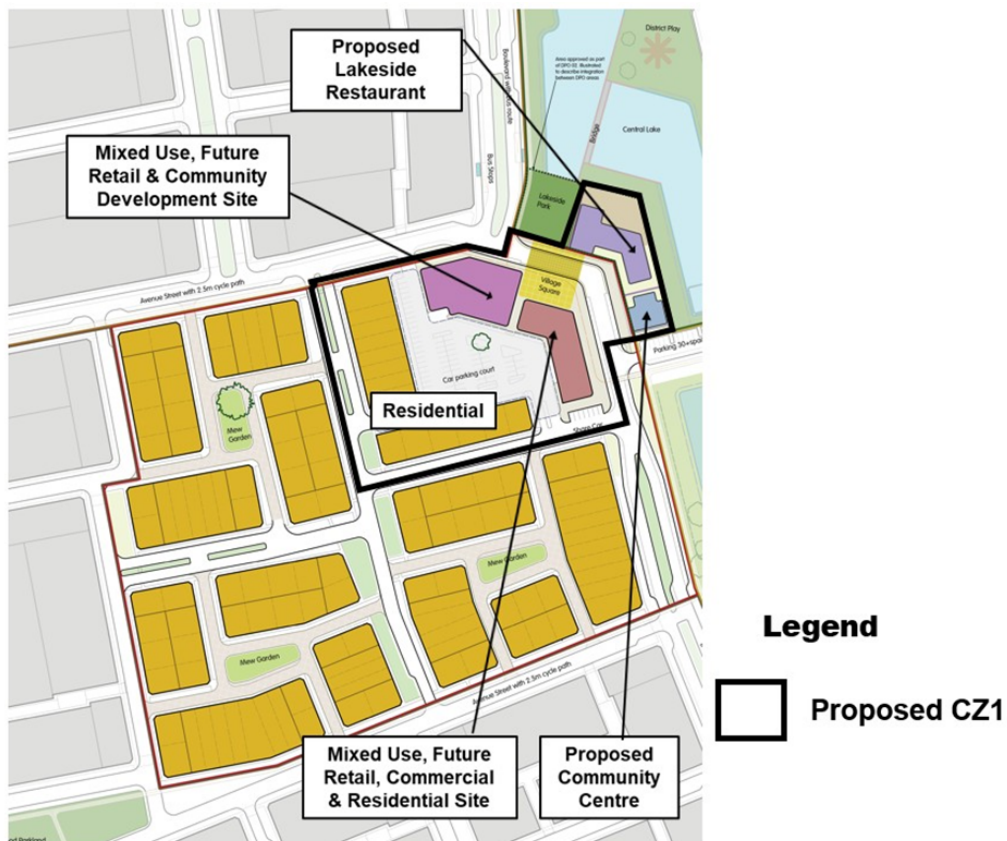


Figure 2. Extract from approved development plan with extent of the site to be rezoned overlaid

The application of the Commercial 1 Zone will achieve the following:

- Create a vibrant mixed use commercial centre for retail, office, business, entertainment, and community uses within the walkable catchment of the community.
- Provide for residential uses at densities complementary to the role and scale of the commercial centre increasing housing diversity and affordability.

The Commercial 1 Zone, along with the previously approved development plan, will provide sufficient guidance for the future development of the proposed Neighborhood Activity Centre. The zone will allow for a range of residential uses and commercial developments consistent with the preferred character of the area and will support the development of the activity centre to provide a range of retail, commercial, community and residential needs in accordance with the established activity centre hierarchy.

Clause 11.01-1L-01 and the Bendigo Urban Area Residential Framework Plan identifies the proposed Local Activity Hub Maiden Gully South West Neighbourhood Activity Centre as a Key Development Site, meeting the 10 minute neighbourhood principles and being suitable to accommodate a higher density of residential development.

Clause 02.03, the Urban area activity centre hierarchy framework plan in Clause 02.04 and Clause 11.03-1L of the Greater Bendigo Planning Scheme identifies the Maiden Gully South- West (Future) centre as a NAC, being a relatively small centre, with a small number of shops and a mix of activities that meet common day-to-day needs, primarily servicing the surrounding neighbourhood, much of which is within walking distance.

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

The amendment implements the objectives of planning in Victoria as set out in Section 4(1) of the Planning and Environment Act 1987 by:

S4(1)(a) - Providing for the fair, orderly, economic and sustainable use and development of land

The amendment implements this objective by enabling the site to be used and developed in ways consistent with the Greater Bendigo Planning Scheme, which is the result of extensive strategic work over the past decade.

S4(1)(b) - Protecting natural and man-made resources, ecological processes and genetic diversity

Native vegetation is managed and been offset in accordance with the incorporated Native Vegetation Precinct Plan for land at 244 Edwards Road, Maiden Gully, June 2014.

S4(1)(c) - Securing a pleasant, efficient, safe working, living and recreational environment

The inclusion of the site in the Commercial 1 Zone will facilitate the efficient provision of a commercial development that will provide a safe and pleasant living environment for future residents. The proposed increased densities and mixed-use urban environment will enhance the activation and overlooking of the local streets and public spaces within the activity hub improving the safety of the area.

The Activity Centre will adjoin public open space, and a Community Hall and recreation facilities will be delivered in accordance with an existing registered S173 Agreement. The open space will include provision of a constructed water body and district level open space. The development of the centre will also include establishment of a restaurant to support the use of the open space and lake.

The amendment supports the reduction in commuting by public transport or by private vehicle to achieve a 10 minute city sought through the Greater Bendigo Planning Scheme and the approved development plans. The amendment will also support the 20 minute neighbourhood principles promoted in Plan Melbourne. The rezoning will bring daily needs and services within easy reach of all residents in the future master planned community. It also supports smaller, mixed use neighbourhoods to localise networks, capital and travel and decentralises services.

S4(1)(e) - Protecting and enabling the orderly provision and coordination of public utilities and other facilities

The orderly provision of community facilities is managed by an existing registered S173 Agreement which provides for the delivery of facilities including a District Level Play Space, Community Hall, cycle facilities and a bus route. The rezoning of the land to the Commercial 1 Zone will support the use of these facilities by bringing people into the site.

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S4(1)(f) - Facilitating development in accordance with the above objectives

The amendment will facilitate development of the NAC that is consistent with each of the above objectives and is within the Urban Growth Boundary shown on the Bendigo Urban Area Residential Framework Plan in Clause 11.01-1L-01, the Urban strategic framework plan in Clause 02.04 and with the Urban activity centre hierarchy framework plan in Clause 02.04 of the Greater Bendigo Planning Scheme.

S4(1)(g) - Balancing the present and future needs of all Victorians

The amendment will help to ensure the establishment of a medium density housing with typologies suitable for a wide range of households including older couples, young families and rental properties. The mixed use and commercial development will also provide additional employment opportunities as well as a NAC including a small supermarket, cafes and convenience shops and gym with childcare and medical centres and offices on upper levels.

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

Environmental

The amendment will have limited effect on the environment as the activity centre location does not contain any sites of historical, aesthetic, scientific or cultural value. Additionally, vegetation is managed and has been offset by the incorporated Native Vegetation Precinct Plan for land at 244 Edwards Road, Maiden Gully, June 2014.

The amendment will also not impact the adjoining watercourse or the management of stormwater as these will be addressed through the development of the approved subdivision. Additionally, the amendment will also rezone land above the designated flood level for the adjoining watercourse.

Social

The amendment facilitates development of a NAC that serves as a focal point for the local community and enhances opportunities for socialising within the local area. Future development of the NAC will increase opportunities for passive social interaction and recreation in a manner that will provide a net increase in passive surveillance of the surrounding street and open space network. It will enable the establishment of a vibrant local village centre to create a community focal point adjoining a future community centre and active open space areas. A suitable cycle and pedestrian network will be established to provide a clear alternative transport service to cars.

Economic

The physical area of the land to be rezoned ensures that future retail and community development will provide increased opportunities for local employment and retail to the benefit of the wider community, in a manner that does not detract from the existing and proposed activity centres across the municipality.

It is proposed that the commercial core will include a range of office, retail and service uses and will have a total floor area of up to 4,200sqm, with individual shop floor areas of up to 1,500sqm. It is also proposed to provide a restaurant adjoining the proposed central lake, which can provide dining and function spaces in addition to the future community hall.

The NAC also provides within the commercial area and adjoining higher density residential areas the potential provision of a range of live work units, shop top apartments and ground level small businesses opening out onto the internal car parking area.

A review of the approved Activity Centres Development Plan was undertaken against the activity centre strategies prior to its approval on 17 May 2017. The scale of the proposal and extent of the floor area proposed was established as being consistent with the adopted strategy. The proposal does not impact adversely on the proposed Activity Centre Hierarchy as sought by Clauses 02.03, 02.04 and 11.03-1L.

Does the amendment address relevant bushfire risk?

The entire site at 244 Edwards Road, including the area subject to this amendment, is within a designated bushfire prone area, which means that the amendment must consider the requirements of Clause 13.02-1S. The objective of this clause is *to strengthen the resilience of settlements and*

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communities to bushfire through risk-based planning that prioritises the protection of human life.

The policy strategies relating to protection of human life require that we *Give priority to the protection of human life by: Prioritising the protection of human life over all other policy considerations; directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire; and reducing the vulnerability of communities to bushfire risk in decision making at all stages of the planning process.*

The area subject to this amendment is the lowest risk area within the subject site. Being in the centre of the development area, the neighbourhood conditions (within 400m of the subject area) will be residential development with low threat vegetation in all directions. The local conditions (within approximately 1km of the subject area) include woodland vegetation to the north, west and south. The landscape conditions (within 20km of the subject area) include 8km of woodland to the north, 3km to the west and 9.5km to the south. The Bushfire Management Overlay has been applied along the northern, western and southern boundaries of 244 Edwards Road for 150m from the surrounding woodland vegetation on adjoining properties, but this does not apply to the area subject to this amendment.

The land to be rezoned has been established as achieving a BAL 12.5 and will not increase risk to existing and future residents through previously approved measures including the provision of suitable access roads and water supply. Either Rathbones Lane or Edwards Road provide egress from either the north or south of the estate, providing alternate options depending on the direction of travel that fire may approach from. It is noted that whilst spotting could lead to fire occurring in proximity to both the north and south of the site simultaneously, and that topography and convection can result in fire approaching from multiple directions although it is considered unlikely that such would occur under the conditions at the subject site. The Panel Report to Amendment C190, approved in 2014, noted that the centre of the subject site (the area subject to this amendment) is to act as a community refuge in the event of fire and that access to this area can be attained without travelling through a fire hazard.

The bushfire hazard identification and assessment for the entirety of 244 Edwards Road has been comprehensively undertaken throughout the strategic planning process as outlined below:

- Detailed bushfire assessments undertaken during the preparation of the *Forest Park Master Plan*;
- Three bushfire assessments provided in evidence to the Panel for Amendment C190 (approved 2014);
- Approval of a Bushfire Management Statement (BMS) with the approval of Development Plans on 30 June 2016;
- Approval of an updated Bushfire Management Plan with the Permit DS/798/2017 for subdivision issued on 28 March 2018; and,
- The implementation of the BMS through a S173 Agreement that is registered on title as required by conditions 11 and 32 of Permit DS/798/2017.

The relevant fire authority has been engaged throughout the planning of the wider site in the activities listed above and their recommendations have resulted in the implementation of appropriate bushfire protection measures. This proposal to rezone the activity centre area to the Commercial 1 Zone in this amendment was referred to the relevant fire authority, who advised *"The Amendment proposes to transfer existing Residential zoned land into associated Commercial land to service the surrounding community. This transition has limited impact on the bushfire related issues. As such CFA do not object to the proposal to rezone the land into a Commercial precinct"*.

Clause 13.02-1S requires that we *plan to strengthen the resilience of settlements and communities and prioritise the protection of human life by not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*

The approved Bushfire Management Statement (2016) and Bushfire Management Plan (2018) for 244 Edwards Road determined that all residential construction in the area subject to this amendment will require construction to a minimum BAL-12.5 and that the following Landscape Design Guidelines will apply to all private land, to be enforced via an existing Section 173 agreement:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Trees must not overhang or touch any elements of the building.

All public land within the area subject to this amendment is to be maintained as "low threat" vegetations as defined in the exclusions listed in AS3959-2009. Amongst other things, this includes:

Grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks. NOTE: Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to a nominal height of 100 mm).

Significant work has been undertaken in the strategic planning for this site to ensure that the bushfire risk to existing and future residents, property and community infrastructure will not increase because of future land use and development. The development achieves no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall and by assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.

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

The planning authority has determined that the land subject to this amendment is not potentially contaminated. The amendment is consistent with Section 5 of Ministerial Direction No.1 Potentially Contaminated Land, which requires that in preparation of an amendment which will allow land to be used for a sensitive use, where the planning authority is satisfied that the land is not potentially contaminated, that the determination is stated in the Explanatory Report.

The amendment is consistent with Minister's Direction No.11 under Section 12(2) of the *Planning and Environment Act 1987* in relation to the Strategic Assessment of Amendments.

The amendment satisfies the requirements of the Ministerial Direction on the Form and Content of Planning Schemes.

The amendment was referred to the Environment Protection Agency in accordance with Minister's Direction 19, which relates to strategic planning processes that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The EPA advised that they have no concerns with this amendment, as the proposed rezoning does not facilitate the use of a former industrial land to a sensitive use; the amendment does not result in a land use conflict and the land has low potential for contamination.

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

The amendment directly supports implementation of the Planning Policy Framework (PPF) through the following:

- Facilitating the future development of a NAC in an appropriate location to the benefit of the immediate and wider community having regard to environmental, social and economic effects;
- Providing for a key future development site that can enhance the public realm and contributing to neighbourhood identity and character; and
- Facilitating a retail and community development that makes a contribution to the economic viability of the immediate area and wider municipality through future retail and community uses on site.

Specifically, the amendment supports the provisions of the PPF as follows:

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Clause 11.01-1S Settlement Rezoning the site will support an identified key development site to support the future growth of Bendigo.

Clause 11.01-1L-01 Settlement - Greater Bendigo Rezoning the site will support the identified key development site and neighbourhood activity centre.

Clause 11.03-1S Activity centre planning Rezoning the subject site to the Commercial 1 Zone facilitates the development of NAC in an appropriate location, to the benefit of the wider community.

Clause 11.03-1L Activity centres - Greater Bendigo The amendment supports the use and development of an identified future neighbourhood activity centre and will reinforce the role and function of the centre. It also facilitates the development of a mixed use centre.

Clause 11.01-1R Loddon Mallee South The amendment will support a key population and economic growth hub for the regional city of Bendigo.

Clause 13.02-1S Bushfire planning The activity hub is located within a Bushfire Prone area and development of the hub can achieve a BAL 12.5. In addition, suitable access roads and water supply is provided to protect human life.

Clauses 15.01-1S, 15.01-2S, 15.01-3S, and 15.01- Built environment and heritage The implementation of the Commercial 1 Zone facilitates development that is capable of positively contributing to the identity (and safety) of the public realm and emerging neighbourhood character as well as providing appropriate built form and energy efficient buildings.

Clauses 16.01-1S and 16.01-2S Housing The implementation of the Commercial 1 Zone facilitates the location of additional higher density housing close to the activity centre and provides for diversity of housing choice close to services and transport.

Clause 17.02-1S Business The amendment facilitates a form of development that enhances the economic profile of the immediate and wider area in a manner that meets the community's needs for a variety of local retail services. It provides for new convenience shopping and employment facilities in a planned activity hub. The amendment facilitates innovative housing forms that enable emerging employment trends including work from home and telecommute employment, home businesses and cottage industries.

Clause 17.02-1L Business - Greater Bendigo The amendment will support development of an activity centre that does not compromise the primacy of the Bendigo City Centre.

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

The amendment directly supports and implements the Municipal Planning Strategy (MPS), as follows:

Clause 02.02 Vision The City of Greater Bendigo has identified a vision for Greater Bendigo to create 'The World's most liveable community'. In this regard it is seeking to be centred around the city of Bendigo with a larger population and a more diverse community. In addition, the vision seeks to have a strong economy that supports job growth and attracts visitors.

The amendment responds to this by facilitating development in accordance with this vision, as the amendment facilitates the development of a NAC and associated dwellings and allows for appropriate local employment opportunities that will serve as the focus for the residential development at 244 Edwards Road, Maiden Gully in a manner that bolsters community identity and municipal economic competitiveness.

Clause 02.03-1 Settlement Identifies strategic directions to promote the development of 10-minute neighbourhoods. Settlement in Bendigo is to be structured around a hierarchy of activity centres within the Bendigo Urban Growth Boundary, shown in the Urban strategic framework plan in Clause 02.04.

The amendment will facilitate the creation of a 10-minute neighbourhood and the development of a neighbourhood activity centre within walking and cycling distance of the majority of the future residential area.

Clause 02.03-3 Environmental risks and amenity The amendment will also rezone land within an identified low risk location that will achieve a BAL 12.5 and is above the designated flood level for the adjoining watercourse.

OFFICIAL

Clause 02.03-5 Built environment and heritage The rezoning of the site to Commercial 1 will facilitate the creation of a compact and sustainable urban form and supports the use of active transport networks to access a neighbourhood activity centre.

Clause 02.03-6 Housing The amendment will provide for a diversity of housing types close to and within a neighbourhood activity centre.

Clause 02.03-7 Economic development The subject site has been identified as an appropriate location for a future NAC and associated higher density housing area. The amendment will enable the delivery of a centre that will primarily service the surrounding estate and community, being within a walkable distance of most of the site. The centre will provide for the day- to-day needs of the community as well as providing facilities for visitors who will access the cycling and public transport network. The centre will also provide for local employment opportunities close to and within a residential area which will support the NAC.

The centre is consistent within the established activity centre hierarchy and will ensure future design will address the key north-south boulevard and adjoining district level open space area.

Clause 02.03-9 Infrastructure The amendment will support the provision of a community hall and district level open space within an activity centre.

Clause 02.04 Strategic Framework Plans The amendment is consistent with and supports the implementation of the Urban Strategic Framework Plan and Urban Activity Centre Hierarchy Framework Plan by rezoning land identified in the plans below for a future Neighbourhood Activity Centre and key Development Site.

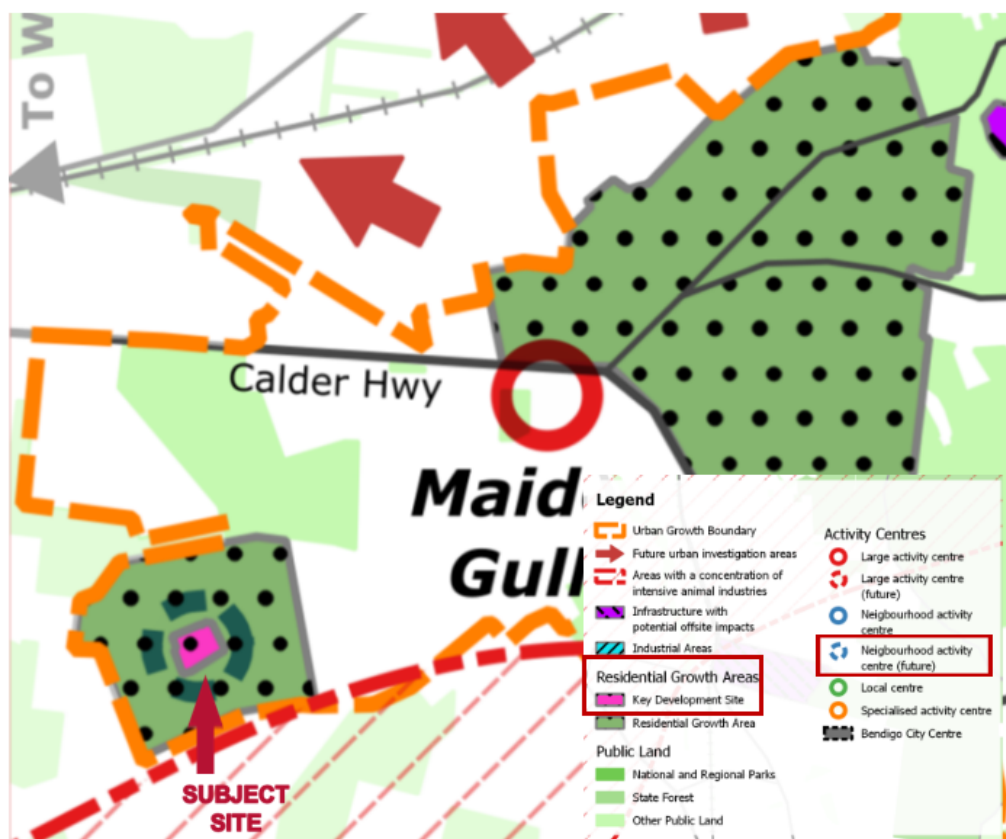


Figure 3: Extract from Urban strategic framework plan

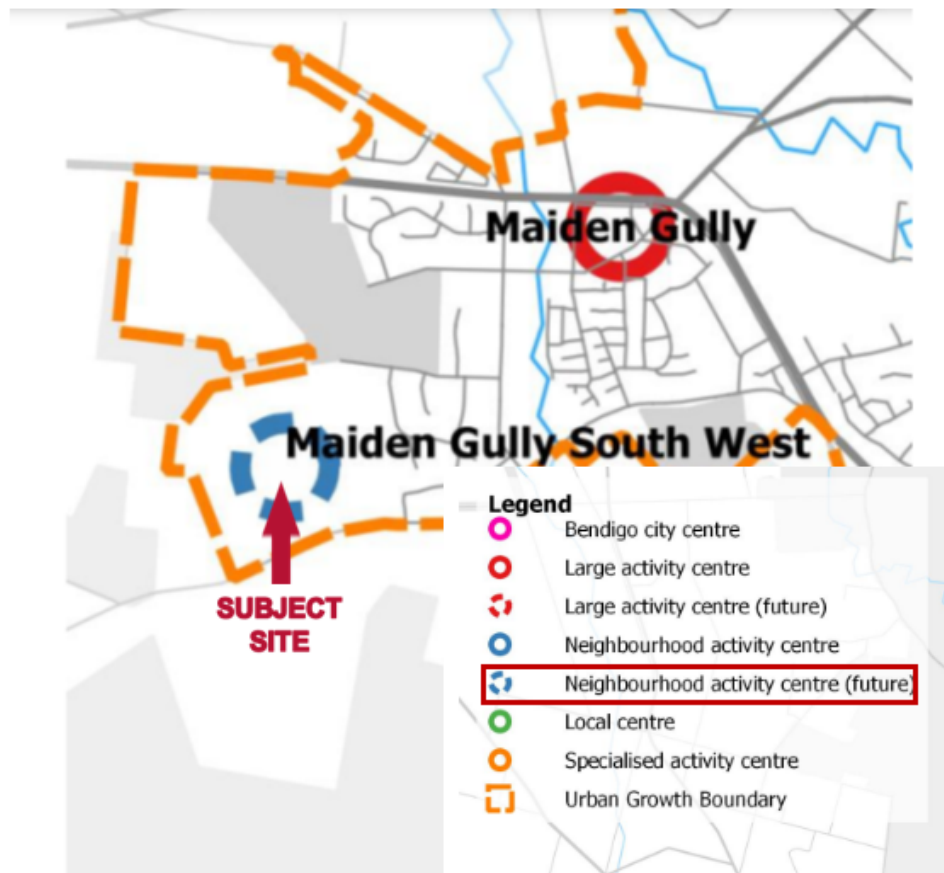


Figure 4: Extract from Activity Centre Hierarchy Framework Plan

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

The Commercial 1 Zone facilitates a broad range of appropriate land uses and development commensurate with a NAC.

The existing General Residential Zone is inappropriate for the following reasons:

- The full suite of commercial, service and community issues envisaged by the master plan cannot be delivered;
- The zone does not provide for the range of uses required for a NAC and is therefore contrary to the objectives and strategies sought by Clause 11.03-1L; and
- The zone does not allow for suitable commercial development to support a future bus route and a 10 minute neighbourhood.

The application of the Commercial 1 Zone is an appropriate use of the VPP that is consistent with Planning Policy Framework of the Greater Bendigo Planning Scheme and with the Loddon Mallee South Regional Growth Plan. The amendment will ensure that the orderly development of essential neighbourhood services and associated residential development within an existing urban area is achieved and which will ensure that a good design outcome is realised.

The inclusion of a maximum floor area for shop in the schedule to the zone will also ensure consistency between the zone and approved Activity Hub Development Plan.

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

The views of service authorities including the EPA, Country Fire Authority, Transport for Victoria (VicRoads), Coliban Water, North Central Catchment Management Authority, DELWP and Goulburn Murray Water have been comprehensively addressed through Amendments C190, C215, C221 and C224 as well as through the approval process for six (6) Development Plans and the subdivision permit.

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This amendment proposes the Commercial 1 Zone to allow the development of a NAC established by the Forest Park Master Plan, December 2013 and approved Activity Hub Development Plan.

This amendment was referred to all relevant agencies in January 2020 and responses were received from EPA, NCCMA, Dept of Transport, Coliban Water and DELWP with no issues raised. The amendment was again referred to CFA in December 2021 with no issues raised.

All relevant referral authorities were consulted during the exhibition period and no objections received.

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

The amendment will not create a significant impact on the existing transport system as defined by section 3 of the *Transport Integration Act 2010*. The amendment provides for the use and development of a NAC in accordance with the original master plan and approved Development Plan. These plans were prepared with input from Transport for Victoria (and its predecessors) and provided for the integrated planning of the NAC with provision of a future bus route including appropriate road widths, intersections, and provision of bus stops.

The additions and changes to the existing transport system in and adjacent to the NAC will meet the transport system objectives by:

- Enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network.
- Upgrading transport development infrastructure, including the upgrade of Rathbones Lane, through a registered infrastructure contribution S173 Agreement as sufficient demand arises for the relevant infrastructure item and provides the opportunity for the efficient construction of items concurrent with subdivision and development.

Resource and administrative costs

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

The amendment will have a limited impact on the resources and administrative costs of the City of Greater Bendigo. Council planning officer resources will be required to approve any subsequent permit application, which is no different from the current situation.

The approval of the Activity Hub Development Plan ensured that future planning permit applications will be exempt from the notice, decision and review provisions of the *Planning and Environment Act 1987*. This will ensure that no resources will be required to manage the advertising of applications and consideration of objections.

Where you may inspect this Amendment

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

City of Greater Bendigo, Hopetoun Mill, 15 Hopetoun St, Bendigo or

<https://www.bendigo.vic.gov.au/Services/Building-and-Planning/Planning-scheme-amendments>

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

16.2. 25 Alliance Avenue & 26-28 Youlden Street, California Gully 3556 - Construction of 14 Dwellings and Waiver of Visitor Parking Requirements

Author:	Beth Lavery, Senior Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DR/700/2020
Application Documents:	Application Documents
Applicant:	M Abubaker
Land:	25 Alliance Avenue & 26-28 Youlden Street, CALIFORNIA GULLY 3556
Zoning:	General Residential Zone
Overlays:	Nil
No. of objections:	29
Consultation meeting:	No consultation meeting was held at the request of the applicant.
Key considerations:	<ul style="list-style-type: none"> • Is the land contaminated, and can it be appropriately remediated for residential development? • Is the site appropriate for infill development? • Is the proposed development site responsive and consistent with the pattern of existing development and neighbourhood character? • Is the scale of development appropriate, or does the proposal represent an overdevelopment of the site? • Is the proposal consistent with the requirements of Rescode and Clause 55 of the Planning Scheme? • Will there be any adverse amenity impacts to surrounding landowners and occupiers, and are these are acceptable?
Conclusion:	<p>While the site has development potential and the ability to meet policy objectives relating to urban consolidation, the design of the proposed development does not adequately respect the existing pattern of development and neighbourhood character of the area by virtue of the proposed siting and inappropriate setbacks and lack of dwelling diversity.</p> <p>There are a number of areas of non-compliance with the requirements of Clause 55 (Rescode) of the Greater Bendigo Planning Scheme which would result in poor amenity outcomes for future residents and to existing landowners proximate to the site.</p> <p>The proposed waiver of visitor parking is also inappropriate, particularly given the narrow width of Alliance Avenue, where visitors would be likely to park, would be unable to accommodate the additional on street parking safely.</p> <p>The proposal does not represent an orderly planning outcome for the area and refusal of the application is recommended</p>

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for construction of 14 dwellings and waiver of visitor parking requirements at 25 Alliance Avenue & 26-28 Youlden Street, California Gully on the following grounds:

1. The proposal is inconsistent with planning policy contained within the Greater Bendigo Planning Scheme with regard to the maintenance of neighbourhood character, the provision of dwelling diversity, and fails to ensure that the development does not compromise the amenity of the surrounding area.
2. The proposal does not fully comply with the requirements of Clause 55 of the Greater Bendigo Planning Scheme.
3. The waiving of visitor parking is not appropriate given the context of the land and the inability of the surrounding network to contain any overflow visitor parking.
4. The proposal does not represent an orderly planning outcome for the site.

Report

Permit History

A planning permit was issued in 2010 for a five lot subdivision of the land at 25 Alliance Avenue (DS/545/2010). This subdivision, however, was not completed before the permit expired.

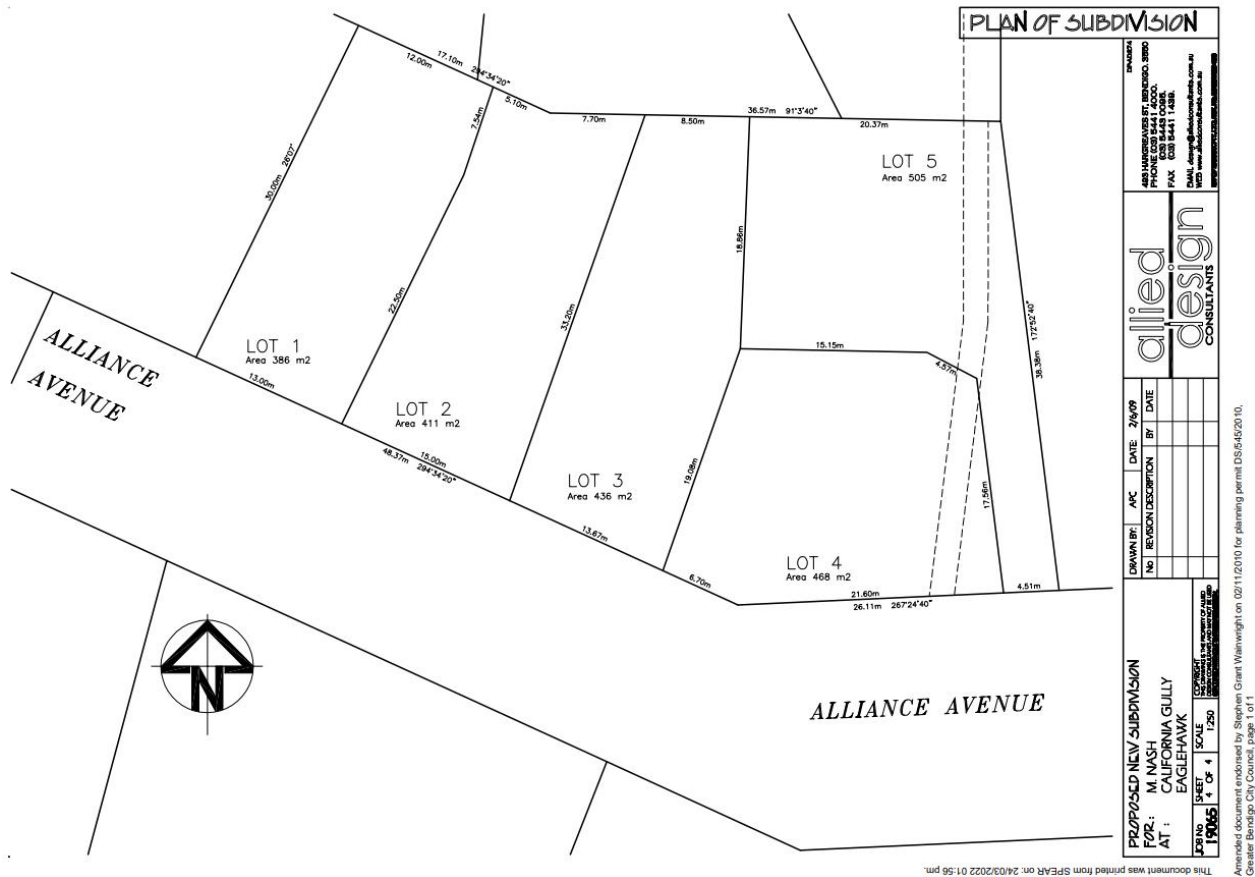
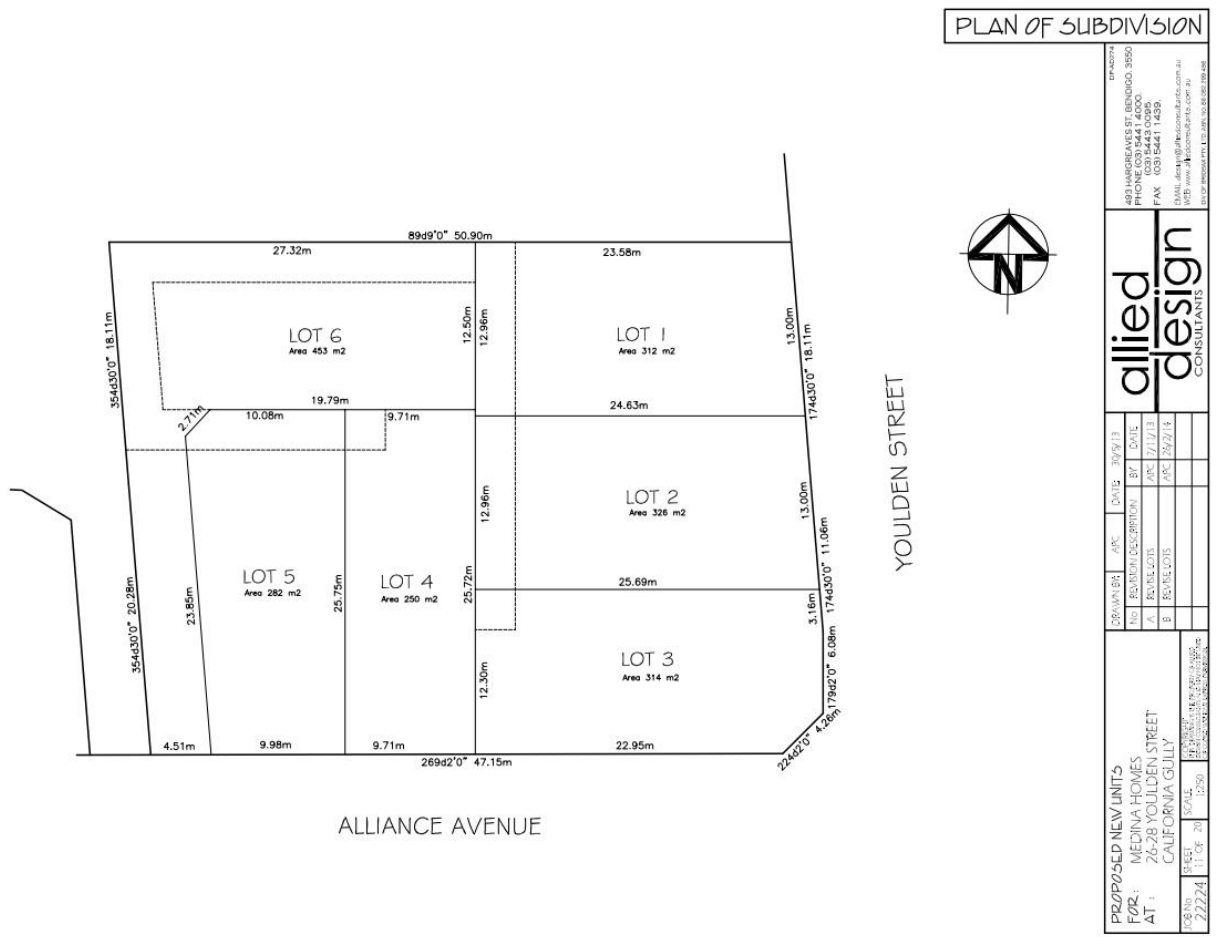


Figure 1: Endorsed plan showing approved layout of five lot subdivision approved by permit DS/545/2010

In 2014, a planning permit was issued for a six lot subdivision and construction of six dwellings on the land at 26-28 Youlden Street (DSD/448/2013). This subdivision and development was not completed before the permit expired. Plans were not endorsed for this permit due to modified plans being required, however the plans submitted with the application are shown below at Figures 2 and 3.



irregular in shape. Topographically, the land is not level and falls away from Youlden Street towards the centre of both of the parcels.

Both Youlden Street and Alliance Avenue are sealed Council roads, with a footpath and concrete kerb and channel extending along the frontage of both parcels of land within Alliance Avenue. There is no formal kerbing or footpath along Youlden Street. Both roads, while being sealed, are relatively narrow with both having a width in the order of 5.5 metres.

The land is surrounded by established residential development to the immediate north, east and west, while a large parcel of vacant land is located immediately south of the site also adjoining Alliance Avenue. This residential development is typical of a suburban area and is predominately single storey, detached dwellings with associated outbuildings and landscaping.

Eaglehawk Road is located a short distance east of the site, however, neither Youlden Street or Alliance Avenue have direct access to this road. The California Gully commercial precinct is located less than 500m south of the land, with Truscott Reserve, including a dog park, located 300m south west. Central Eaglehawk is located approximately 1km north west of the site and the Bendigo City Centre approximately 4km to the south east.



Figure 4: Location map showing subject site. Objectors' properties are marked with a star. Note that some objectors do not live nearby.

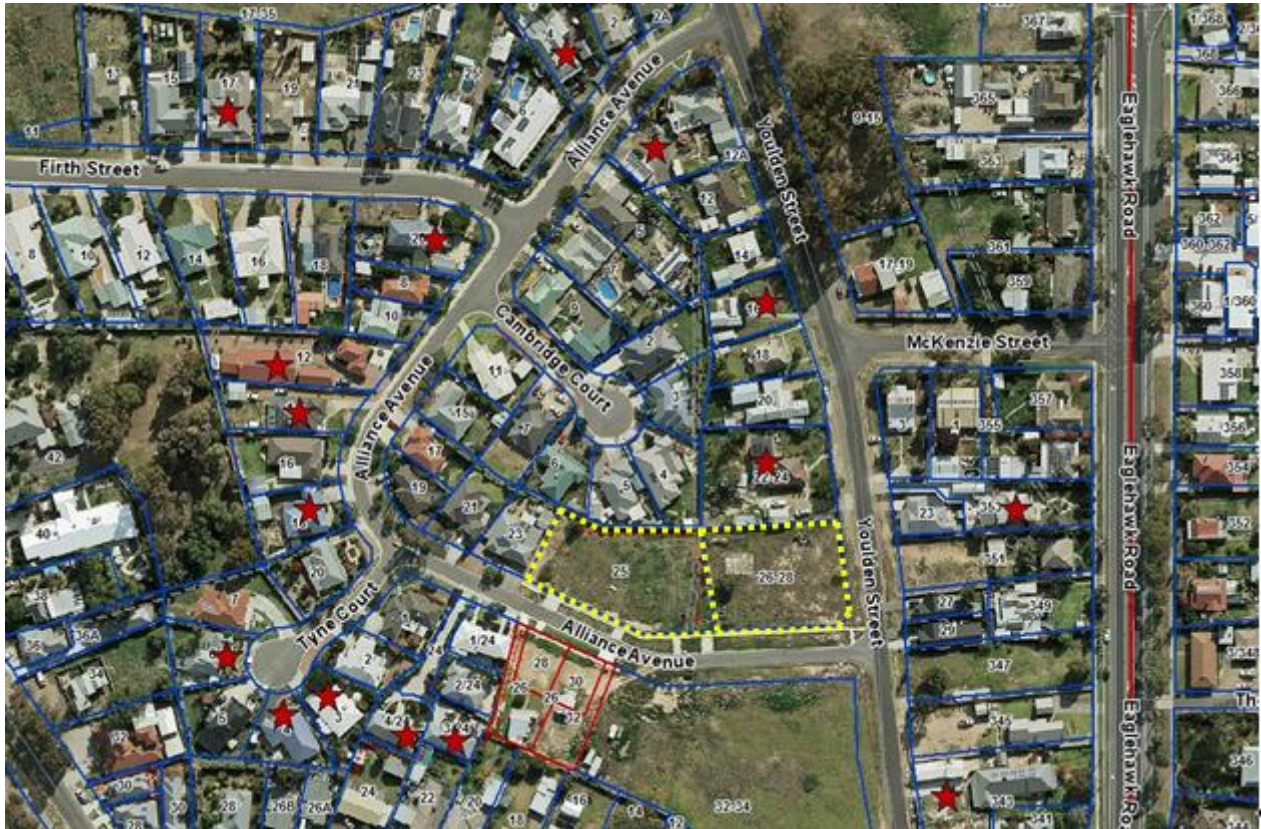


Figure 5: Aerial map showing subject site. Objectors' properties are marked with a star. Note that some objectors do not live nearby



Figure 6: View from Youlden Street looking towards subject land and Alliance Avenue



Figure 7: View from Alliance Avenue looking towards corner of Alliance Avenue and Youlden Street



Figure 8: View of subject land from Youlden Street with Alliance Avenue in background

Proposal

The application proposes to construct fourteen single storey dwellings over the two parcels of land. The fourteen dwellings would comprise 12 three bedroom dwellings, each with a double garage, and 2 two bedroom dwellings with a single garage.

The bulk of the dwellings would be 'rear loaded' (access from the rear of the site) and accessed via a rear common driveway with one dwelling to be accessed directly from Alliance Avenue.

Private open space for each dwelling would generally be provided between the rear of the dwelling and the garage, except for dwellings 1 and 2 where it would be provided entirely to the rear of the dwelling.

Dwellings 1-7 and 8-14 would be attached, with a gap between dwellings 7 and 8. Roof form would be a combination of flat, skillion and pitched rooflines constructed of Colorbond. The dwellings would be constructed of a mix of face brickwork, rendered brickwork and scyon cladding ('matrix' and 'linea').



Figure 9: Proposed site plan



Figure 10: Proposed floor plans



Figure 11: Proposed elevation plans

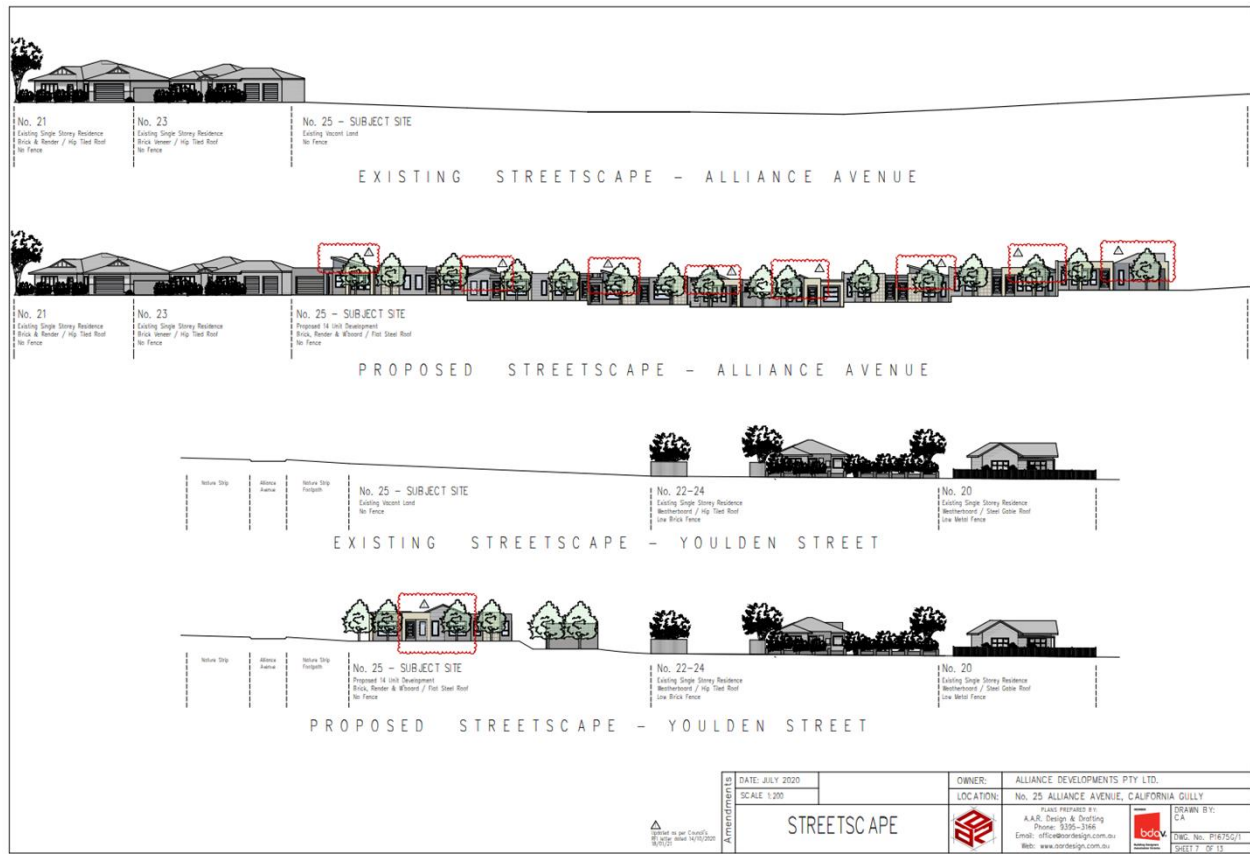


Figure 12: Proposed streetscape views

Planning Controls - Greater Bendigo Planning Scheme

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

Municipal Planning Strategy

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

Planning Policy Framework

- 11 – Settlement
- 11.01-1S – Settlement
- 11.01-1R – Settlement – Loddon Mallee South
- 11.01-1L-01 – Settlement – Greater Bendigo
- 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo
- 11.02-1S – Supply of urban land
- 13 – Environmental risks and amenity
- 13.04-1S – Contaminated and potentially contaminated land
- 15 – Built environment and heritage
- 15.01-1S – Urban design
- 15.01-2S – Building design
- 15.01-5S – Neighbourhood character
- 15.01-5L-01 – Neighbourhood character – Greater Bendigo

- 15.01-5L-04 – Eaglehawk neighbourhood character
- 15.02-1L – Environmentally sustainable development – Greater Bendigo
- 16 – Housing
- 16.01-1S – Housing supply

Other Provisions

- 52.06 – Car parking

Permit Triggers

- 32.08-6 – construction of two or more dwellings on a lot in the General Residential Zone
- 52.06-3 – waiving of requirement to provide visitor parking

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

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

The internal departments have been consulted on the proposal:

Referral	Comment
Traffic Engineer	No objection subject to conditions
Drainage Engineer	No objection subject to conditions

Public Notification

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

As a result of advertising, twenty nine (29) objections were received, with the grounds of objection being:

- Proposed common driveway adjoining property boundary will have amenity impacts to adjoining owners due to traffic noise.
- The style of development is too compact and overcrowded compared to surrounding dwellings which have a more open style, being detached and located on larger blocks.
- Proposed housing will be cheap and not good quality.
- Low income rentals will devalue land and existing houses in the area.

- Proposed housing will increase crime in the area.
- Proposed development does not fit in with the existing quiet neighbourhood and is out of character.
- High density housing will create amenity impacts such as noise and increased traffic.
- There will be a significant increase in traffic and the waiving of visitor parking requirements is not appropriate.
- Insufficient on site parking to be provided.
- Large number of additional residents on a small site will have amenity impacts.
- Higher density living is not good for health.
- Street parking and traffic is already dangerous and the road will not be able to cope with extra traffic.
- There are likely to be safety impacts – no footpath (Youlden Street) so people use the roads to walk and ride, which will be dangerous with extra traffic.
- On street parking will be unsafe and will clutter the roadway.
- Bin collection will be dangerous.
- The design of the dwellings not in keeping with existing neighbourhood character.
- The existing narrow roadways will not be able to cope with additional traffic generated by the dwellings.
- This type of accommodation is better located in other areas.
- Existing area is relatively low density and the proposal is too high density for such a small area.
- There will be ongoing construction impacts if the dwellings are approved.
- There is not enough infrastructure in area eg footpaths and kerb and channeling (Youlden Street), which means the road cannot support additional traffic.
- Internal accessibility will be difficult with narrow driveways which will have amenity impacts to adjoining neighbours.
- Privacy impacts.
- The existing streetscape should be considered and fully detached dwellings with open space proposed.
- The addition of low income dwellings will impact on other dwellings in terms of noise pollution and safety.
- Too many rentable properties in the one spot, low income residents will result in violence, drug use and crime.
- Low income houses shouldn't be located together like former commission type areas.
- Land should be developed into bigger blocks or a children's playground.
- To keep with the local area, large dwellings with parking and driveways should be proposed.
- Façade design is not appropriate and not consistent with existing dwellings.

- Land is contaminated from mining.
- The dwellings will create a fire hazard.
- The dwellings will result in overpopulation of the area.
- May result in stormwater issues.
- Not enough open space proposed for dwellings.

The main planning themes emerging from these objections are:

- That there will likely be significant traffic impacts from the proposal and an inability of the existing road network to cope with this additional traffic;
- The number and design of the dwellings is not appropriate for the area and is inconsistent with the existing pattern of development;
- Insufficient parking will be provided to support the proposed dwellings and will have adverse impacts on the surrounding roadway;
- A perception that the housing will attract low income earners with associated safety and amenity impacts;
- There are general threats to amenity such as noise, privacy and overlooking; and
- That potential contamination of the land renders it inappropriate for residential development.

The objections are discussed further within the planning assessment below.

No formal consultation process was undertaken at the request of the applicant.

Planning Assessment

Is the proposal consistent with planning policy?

The Planning Scheme contains extensive policy regarding the need for residential development in appropriate locations within the urban growth boundary, particularly on underutilised parcels of land within the municipality. Residential development should be consistent with '10 minute neighbourhood' principles, where development is located within 10 minutes of a range of services accessible by walking or cycling, and should seek to preserve neighbourhood character (Clauses 02.03-1 *Settlement*, 02.03-5 *Built environment and heritage*, 11.01-1L-01 *Settlement – Greater Bendigo*, 11.01-1L-02 *10 minute neighbourhoods – Greater Bendigo*).

Urban sprawl should be limited by directing growth into existing settlements and opportunities for urban renewal and infill development supported by facilitating increased densities and revitalisation projects for underutilised sites and land in Bendigo (Clauses 11.01-1S *Settlement*, 11.01-1R *Settlement Loddon Mallee South*). This policy, while encouraging appropriate infill development, also recognises that there is a mismatch between household structure and the type of dwellings being built, with an oversupply of three plus bedrooms, despite one and two person households making up half of all households within the municipality (Clause 02.03-6 *Housing*). As such, the Planning Scheme encourages the facilitation of a wide diversity of housing types to be developed, to suit all household types, needs and incomes, which make best use of land resources.

The Planning Scheme also recognises the impact of environmental risks and amenity on development, and planning should identify, prevent and minimise the risk of harm to the environment, human health and amenity through ensuring land use and development compatibility and effective controls to prevent or mitigate significant impacts (Clauses 13 – *Environmental risks and amenity*, 13.02-1S – *Bushfire planning*). In relation to contamination, planning should ensure that contaminated or potentially contaminated land is or will be suitable for the proposed use prior to commencement of any use or development, and should facilitate the remediation of contaminated land to make the land suitable for future intended use or development (Clause 13.04-1S *Contaminated and potentially contaminated land*).

The preservation of existing neighbourhood character is recognised as being important, with development required to contribute positively to local character, and minimise detrimental impacts on amenity, on the natural and built environment, and on the public realm including the safety and efficiency of roads (Clauses 15 *Built environment and heritage*, 15.01-1S *Urban design*, 15.01-5S *Neighbourhood character*). The form, scale and appearance of development should respond to its context, and should also minimise the detrimental impacts on neighbouring properties (Clause 15.01-2S *building design*). The rhythm of dwelling spacing should be maintained by setting buildings back from at least one side boundary, and new buildings should not dominate the streetscape by matching height and roof form with the existing pattern within the street and designing buildings with materials that complement the dominant pattern within the street (Clause 15.01-5L-01 *Neighbourhood character – Greater Bendigo*).

The site is located within the Eaglehawk neighbourhood character precinct 4 (Clause 15.01-5L-04 *Eaglehawk neighbourhood character*), which seeks to maintain the existing neighbourhood character of the area through limiting front fence height and requiring setbacks of 1-3 metres from both side boundaries.

The proposal is consistent with policy with regard to the provision of infill development and has demonstrated that while there is some level of contamination, that this can be appropriately remediated to enable the use of the land for residential purposes. However, the development fails to provide sufficient housing diversity and does not respond to the existing pattern of neighbourhood character, particularly with regard to siting and setbacks.

Is the land contaminated and can it be appropriately remediated for residential development?

The applicant was required to submit a Preliminary Environmental Site Assessment to support the application, given that there is sufficient evidence to suggest that the land might be subject to soil contamination resulting from historical mining activity on and surrounding the site, and in order to determine whether the land is appropriate for a sensitive use, being residential development.

Soil testing as part of this assessment found that arsenic concentrations across parts of the site exceeded the residential threshold for arsenic. This contamination can be attributed to historic mining in the area, fill material and mine tailings ('grey sand') imported to the site. Elevated concentrations of heavy metals (mercury) onsite also exceed the EPA Clean Fill criteria.

Despite the above findings, the assessment concludes that the site is suitable for unrestricted residential use in its current condition, subject to the following recommendations:

- (a) The development of a Site Remediation Plan should be undertaken to remediate soils suitable for unrestricted residential use.
- (b) The blue circle areas (shown below) need to be scraped up to 100mm.
- (c) The grey sand areas need to be scraped up to the natural ground level at least 200mm and need to be removed as per EPA Guidelines. Additional testing required after the removal of grey sand.
- (d) Category C stockpiles need to be removed as per EPA Guidelines. Additional testing required after the removal of each stockpiles. Refer to attached EPA Guidelines. Soils with any contaminant level greater than TC0, but below the TC1 and ALSP1 thresholds are categorised as Category C. Soils with all contaminant levels below the TC0 threshold are categorised as clean fill.
- (e) All works should be undertaken by a suitably registered and qualified professional.

Based on this assessment, it is considered that the land could be appropriately remediated to allow for residential use of the site (subject to EPA and other guidelines). These requirements could be included as a condition on any permit granted for residential development of the site.



Figure 13: Plan showing boreholes and where clean up of the site is required (source: Preliminary Environmental Site Assessment, 25 Alliance Avenue & 26-28 Youlden Street California Gully, prepared by Auburn Consulting Group)

Is the site appropriate for infill development and is the scale of development acceptable, or does the proposal represent an overdevelopment of the site?

The size of the land, that it is vacant and its strategic location proximate to both California Gully and Eaglehawk activity centres, as well as recreational opportunities, means that there is certainly scope for appropriate development to be carried out on the land to meet policy objectives relating to infill development. Development of the site, however, must recognise the importance of maintaining the established pattern of neighbourhood character, through a site responsive design at an appropriate density, which has appropriate setbacks so as to integrate coherently with the existing surrounding development.

Given the scale of surrounding development, which are single storey dwellings with generous side and rear setbacks, the proposal to have 14 dwellings which will essentially read as one or two (large) buildings is inconsistent with the existing pattern of development and established neighbourhood character. As noted above, planning policy supports the redevelopment of infill sites and the site is certainly capable of containing multi dwelling development, however the scale of the development proposed is not appropriate given its context. Further, the proposal does not provide sufficient dwelling diversity, with 12 of the proposed dwellings to be three bedrooms, when policy encourages a mix of dwelling types be provided to address a mismatch in housing supply.

A reduced dwelling yield with a variety of dwelling types, coupled with a more site responsive design which recognises the predominant pattern of development within the street and surrounds would result in a more appropriate outcome for the site which better achieves all planning policy objectives.

Will the proposed development be consistent with the pattern of existing development and neighbourhood character of the area?

The application seeks to construct 14 dwellings on the land, which are on the most part attached. The streetscape plan indicates that there would be little visual break when viewing the proposed dwellings from Alliance Avenue, with the proposed dwellings dominating the streetscape.

Much, if not all of the surrounding residential land contains single storey detached dwellings. These dwellings are generally set back from one or both side boundaries and the rear boundary. While the proposal has taken some cues from the surrounding neighbourhood through being single storey and introducing of a mix of roof forms (given most surrounding dwellings have a hipped roof), the lack of setbacks and separation between the proposed dwellings results in a streetscape view that is likely to be unreasonably bulky and dominant, and unsympathetic to the current 'open' feel of the street.

A more appropriate site responsive design would allow for more separation between the proposed dwellings, at perhaps a lower density, so that they insert into the existing streetscape more effortlessly and complement the neighbourhood rather than trying to introduce a new streetscape element which is at odds with its surrounds.

Waiver of visitor parking

Table 1 at Clause 52.06-5 (Car parking) sets out that one car parking space must be provided for visitors to every 5 dwellings, for developments of 5 dwellings or more. This Clause also sets out that a permit is required to reduce (including to zero) the number of car parking spaces required under this Table.

The application proposes 14 dwellings and as such, the requirement under Table 1 equates to the provision of two visitor car parking spaces to support the development.

The application seeks to waive this requirement and not provide any visitor parking on the site and contends that visitor parking can be adequately contained within the adjoining road ways or road reserves.

Before granting a permit to reduce the number of spaces required under Clause 52.06-5, the responsible authority must consider a range of matters, including the availability of alternative car parking in the locality of the land, including on street parking in residential areas which are intended to be for residential use.

In this instance the adjoining roadways are both narrow and would have limited capacity to contain any overflow parking generated by visitors to the site. It is therefore considered that the waiver of the visitor parking requirement would be an unacceptable outcome with regards to the purpose and objectives of this Clause.

Would there will be any adverse amenity impacts to surrounding landowners and occupiers as a result of the development, and are these acceptable?

Many of the objections suggest that the development of 14 dwellings will result in unacceptable impacts to the safety and functionality of both Youlden Street and Alliance Avenue, both through the introduction of a number of new cars into the street from future residents of the dwellings, as well as from visitors to the site, who through the lack of provision of visitor parking proposed, would be required to park on the street. Both of these roadways are relatively narrow, which would limit ability for any on street parking to be safely carried out.

The additional traffic on its own would not necessarily be an unacceptable outcome – any development of the vacant site is going to result in additional traffic in the adjoining streets, however, the failure of the proposal to accommodate any visitor parking (which is a requirement for the construction of five or more dwellings) is considered unacceptable. The lack of visitor parking will likely result in adverse amenity affects to the surrounding residents, as well as impacts to the safety of the streets, in the event that visitors to the site try to seek parking within the roadway which, as outlined above, is unlikely to be safely accommodated.

Potential impacts to privacy are raised in a number of objections. The proposal would result in single storey dwellings with existing 1.8m high boundary fencing fitted with an additional 300mm screening to further reduce any overlooking and noise impacts, and internal fencing between the proposed dwellings at 1.8m high. This fencing is consistent with the requirements of the Planning Scheme in relation to overlooking (Standard B22) so it is not considered likely that the proposal would result in any unacceptable impacts with regards to privacy.

Noise, particularly from the driveway of the proposed dwellings, which would essentially run the length of the northern boundary, is a recurrent theme in the objections. While the 'rear loading' of the lots is a supportable concept and generally results in a good urban design outcome through the minimisation of hard surfaces in front of a dwelling and dominance of car parking facilities, in this instance is likely to result in unacceptable amenity impacts to

nearby landowners, particularly given the density proposed and the number of cars to access this common driveway on a daily basis.

Remaining Objector Concerns

Property devaluation, the potential to attract low socio-economic residents to the area and a resulting increase in crime have been cited in some of the objections. These matters are difficult to substantiate and are not planning related grounds and as such, no further commentary on their merits is provided.

Is the proposal is consistent with the requirements of Clause 55 of the Planning Scheme?

The application is generally consistent with the requirements of Clause 55 as shown in the table below, however, further commentary on the areas of non-compliance are included following the table.

Clause	Objective and standard	Does the proposal comply
55.02-1 Neighbourhood character objectives	<p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area</p> <p>Standard B1 The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Does not comply</p> <p>It is considered that the proposal does not satisfactorily respect the existing pattern of development and surrounding neighbourhood character, particularly with regard to siting and setbacks.</p>
55.02-2 Residential policy objectives	<p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p> <p>Standard B2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>Complies</p> <p>An acceptable statement has been provided.</p>
55.02-4 Dwelling diversity objective	<p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p> <p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Partially complies</p> <p>The proposal does not provide a range of dwelling sizes and types, with 12 x three bedroom dwellings and 2 x two bedroom dwellings proposed. There is opportunity to</p>

		<p>provide greater diversity.</p> <p>All dwellings provide a kitchen, bath/shower, toilet and wash basin at ground level.</p>
55.02-4 Infrastructure objectives	<p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p> <p>Standard B4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure</p>	<p>Complies</p> <p>The development can be appropriately serviced with all required infrastructure.</p>
55.02-5 Integration with the street objective	<p>To integrate the layout of development with the street.</p> <p>Standard B5 Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space</p>	<p>Partially complies</p> <p>The dwellings will be oriented towards Alliance Avenue and will not have any high fencing. There is some question regarding whether the siting of the proposed garages to the rear is an appropriate outcome for the site.</p>
55.03-1 Street setback objective	<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p> <p>Standard B6 Where the site is on a corner: <i>Minimum setback from front street</i> If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street, or 9 metres, whichever is the lesser.</p> <p><i>Minimum setback from a side street</i> Front walls of the new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of</p>	<p>Does not comply</p> <p>Whilst being orientated towards Alliance Avenue, the development has chosen to take Youlden Street as the 'front' street, with the adjoining dwelling being setback 9.79m from the street. A setback of between 8.7m and 6.4m is being proposed from Youlden Street.</p> <p>The setback of the adjoining dwelling in Alliance Avenue is 5.9m, with the</p>

	any existing building on the abutting allotment facing the side street, or 2 metres, whichever is the lesser.	development opting for a lesser setback of 3m. This will result in the dwellings being set forward of existing dwellings on both Alliance Avenue and Youlden Street.
55.03-2 Building height objectives	<p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p> <p>Standard B7 The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>Complies</p> <p>The proposed dwellings will not exceed 9m in height.</p>
55.03-3 Site coverage objective	<p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p> <p>Standard B8 The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent 	<p>Complies</p> <p>The site has a total area of 4,145m², meaning site coverage should not exceed 2,487m².</p> <p>Proposed site coverage is 2,072m² (49.99%) which complies with the standard.</p>
55.03-4 Permeability and stormwater management objectives	<p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>Standard B9 The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone, or • If no minimum is specified in a schedule to the zone, 20 percent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces 	<p>Complies</p> <p>The site has a total area of ,4145m² meaning that a minimum of 829m² of the site should be permeable.</p> <p>The total area of impervious surfaces totals 2,646m² (63.84m²), meaning that 36.16% of the site will be permeable and achieves the standard.</p> <p>The Sustainable Design Assessment submitted with the application details water efficiency and stormwater</p>

		management for the site.
55.03-5 Energy efficiency objectives	<p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>Standard B10 Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. • Living areas and private open space should be located on the north side of the development, if practicable. • Developments should be designed so that solar access to north-facing windows is maximised. 	<p>Partially complies</p> <p>Energy efficiency on nearby allotments is not likely to be compromised through the development.</p> <p>Living areas and private open space is generally located to the north of each of the proposed dwellings.</p> <p>There are limited north facing windows due to the design of the dwelling.</p> <p>Sunlight to north facing windows may be compromised through the positioning of the garages.</p>
55.03-6 Open space objective	<p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p> <p>Standard B11 If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site. • Be accessible and useable. 	N/A
55.03-7 Safety objective	<p>To ensure the layout of development provides for the safety and security of residents and property.</p> <p>Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Partially complies</p> <p>Entrances to dwellings are clear and obvious from the street.</p> <p>Appropriate lighting of the proposed car parking area could be conditioned as part of a permit to ensure that adequate visibility of the accessway is provided. This, however, could have amenity impacts on adjoining property owners.</p>
55.03-8 Landscaping objectives	<p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Complies</p> <p>The site contains limited existing vegetation.</p>

	<p>Standard B13 The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. • Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. • Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. • The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. • Development should meet any additional landscape requirements specified in a schedule to the zone. 	The layout allows for landscaping to be provided within the front setback and some opportunity for landscaping to the rear of the dwellings.
<p>55.03-9 Access objective</p>	<p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p> <p>Standard B14 The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Complies</p> <p>Only two vehicular crossovers are proposed for the development, one on Alliance Avenue (providing access to Dwelling 1) and the common access point for Dwellings 2-14 from Youlden Street.</p> <p>There are no existing on street car parking spaces which would be impacted.</p>
<p>55.03-10 Parking location objectives</p>	<p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p> <p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. • Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a 	<p>Does not comply</p> <p>Visitor car parking spaces required under Clause 52.06-5 will not be provided and the waiving of these requirements is not considered appropriate given the context of the site.</p> <p>Individual car parking for each dwelling is considered to be located conveniently, with Dwelling 1 having access via an attached</p>

	<p>fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>double garage and Dwellings 2-14 accessing parking facilities via a rear accessway and detached garages.</p> <p>This component of Clause 55.02-10 is met.</p> <p>The shared accessway would be located at least 1.5 metres from the windows of habitable rooms.</p>
<p>55.04-1 Side and rear setbacks objectives</p>	<p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. • Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. • Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard. 	<p>Complies</p> <p>Dwelling 1 will be partially located on a boundary, with the remainder of the building to be setback 1.26m from the side boundary with 23 Alliance Avenue.</p> <p>The rear accessway allows for a generous setback between any built form and the northern property boundary.</p>
<p>55.04-2 Walls on boundaries objective</p>	<p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> • For a length of more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. 	<p>Complies</p> <p>Dwelling 1 partially adjoins the boundary with 23 Alliance Avenue, for a distance of only 6.46m.</p> <p>There are no other walls proposed on boundaries.</p>

	<p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	
55.04-3 Daylight to existing windows objective	<p>To allow adequate daylight into existing habitable room windows.</p> <p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies</p> <p>Light courts to existing windows are maintained.</p>
55.04-4 North-facing windows objective	<p>To allow adequate solar access to existing north-facing habitable room windows.</p> <p>Standard B20 If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>Complies</p> <p>No existing north facing habitable windows on existing dwellings are impacted by the development.</p>
55.04-5 Overshadowing open space objective	<p>To ensure buildings do not significantly overshadow existing secluded private open space.</p> <p>Standard B21 Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies</p> <p>The proposal results in minimal overshadowing of existing open space of adjoining properties.</p>

<p>55.04-6 Overlooking objectives</p>	<p>To limit views into existing secluded private open space and habitable room windows.</p> <p>Standard B22 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p>Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	<p>Complies</p> <p>1.8m high fencing is either existing or proposed along property boundaries, to prevent overlooking.</p>
<p>55.04-7 Internal views objective</p>	<p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p> <p>Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies</p> <p>Internal 1.8m high fencing between proposed dwellings will ensure that internal views are limited.</p>
<p>55.04-8 Noise impact objectives</p>	<p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p> <p>Standard B24</p>	<p>Does not comply</p> <p>Noise sources, such as air conditioners, have not been indicated on the plans.</p>

	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	
55.05-1 Accessibility objectives	<p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p> <p>Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies</p> <p>Dwelling entries are, or can be made, accessible.</p>
55.05-2 Dwelling entry objective	<p>To provide each dwelling or residential building with its own sense of identity.</p> <p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry 	<p>Complies</p> <p>Dwelling entries are visible and easily identifiable from the street and provide adequate shelter and sense of address.</p>
55.05-3 Daylight to new windows objectives	<p>To allow adequate daylight into new habitable room windows</p> <p>Standard B27 A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p> <p>Adequate daylight into new habitable room windows will be provided.</p>
55.05-4 Private open space objective	<p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard B28 A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>Complies</p> <p>Each dwelling is provided with at least 25 square metres of secluded private open space.</p>

55.05-5 Solar access to open space objective	<p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p> <p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>Does not comply</p> <p>While the private open space is located to the north of the proposed dwellings which is acceptable, the southern boundary of the secluded private open space does not meet the required minimum setback from the wall to the north (garage).</p> <p>This will result in unacceptable impacts on the useability and amenity of the secluded private open space given it will be mostly overshadowed throughout the day.</p>
55.05-6 Storage objective	<p>To provide adequate storage facilities for each dwelling.</p> <p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Does not comply</p> <p>Storage to meet the standard is not indicated on the plans.</p>
55.06-1 Design detail objective	<p>To encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, Roof form, and • Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Partially complies</p> <p>Some attempt has been made through the design of the propose dwelling to respond to some dominant forms within the existing streetscape such as roof form, and window and door proportions, overall the design is no responsive to the existing pattern of neighbourhood character.</p>
55.06-2 Front fences objective	<p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	<p>Complies</p> <p>No front fences are proposed.</p>
55.06-3 Common property objectives	<p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p>	<p>Partially complies</p> <p>A common driveway is proposed, with limited</p>

	<p>To avoid future management difficulties in areas of common ownership.</p> <p>Standard B33 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>information on how this will be managed and maintained into the future.</p>
<p>55.06-4 Site services objectives</p>	<p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p> <p>Standard B34 The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and othersite facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Complies</p> <p>Sufficient space will be provided for all necessary and required site services.</p>

The above assessment outlines a number of areas of non-compliance with the requirements of Clause 55 of the Planning Scheme, particularly with regard to siting, neighbourhood character and internal amenity. This non-compliance will potentially result in adverse amenity impacts to future occupants of the dwellings, as well as nearby and adjoining property owners.

Conclusion

With appropriate land contamination remediation, the land has development potential and development of the site would achieve planning policy objectives surrounding infill development and urban consolidation. However, the proposal as it currently stands fails to adequately respond to the existing pattern of development and neighbourhood character of the area by seeking to introduce a large number of attached dwellings into a streetscape where this is not familiar.

Further, there is a lack of dwelling diversity in the proposal. The inclusion of a a range of dwelling types, rather than the proposed 12 three bedroom dwellings and the 2 two bedroom dwelling would provide a more diverse housing typology outcome .

There are a number of areas of non-compliance with the requirements of Clause 55 of the Greater Bendigo Planning Scheme which would result in poor amenity outcomes for future residents and to existing landowners proximate to the site.

The proposed waiver of visitor parking is inappropriate, particularly given the narrow width of Alliance Avenue, where visitors would be likely to park, would be unable to accommodate the additional on street parking safely.

Based on the above, the proposal does not represent an orderly planning outcome for the area, and refusal of the application is recommended.

Options

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

Conflict of Interest

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

Attachments

Nil

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

17.1. Lease of Property at 193 Upper California Gully Road, Eaglehawk to Workspace Australia

Author:	Natalie Johnson, Coordinator Economic Development
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

To recommend a new lease of 193 Upper California Gully Road, Eaglehawk to Workspace Australia to provide an industrial incubator support for businesses.

Recommended Motion

That Council offer Workspace Australia a new 20-year lease, in a 5 X 4 year basis, on the site without any community consultation.

Background

Council has for many years been supportive of the Enterprise Park industrial estate at Eaglehawk which was established as an "incubator" to assist new businesses to develop to a point where they can relocate into a regular commercial or industrial situation.

The Regional Enterprise Network, known as Workspace Australia, manages these factories on behalf of Council. Workspace Australia operates under the following arrangements:

1. Service Agreement with Council, and
2. Lease of the property from Council.

Currently there are 20 factories on the site, all these factories are on land owned by Council.

Under the current Service Agreement, a commercial valuation is determined on the entire property (approximately \$135k pa) which is paid by the tenant and rebated by way of a grant to enable the tenant to continue to operate and develop the estate.

A Service Agreement is also in place that addresses operational issues, including Council representation on Workspace Australia, branding recognition and other economic development issues.

Workspace Australia enters into a private arrangement with each individual operator at the estate, in respect to rental levels, considering the reasonable ability of a newly established business to pay rent.

Report

The current lease which commenced in 2006 expired on 30 June 2021 and Workspace Australia have requested another 20-year lease with the same terms of the previous agreement.

Under the Local Government Act 2020 it is optional for Council to engage in a community engagement process for the requested lease due to the lease amount currently being included in the advertised budget.

After investigating if there are other organisations who offer industrial incubator and start up support in our region it was found that there are no other organisations who offer what Workspace currently do. There are organisations offering support for technology, digital, creative and office-based start-ups, however Workspace are currently supporting trades and industrial businesses. In August 2021 the businesses leasing the Workspace sheds were employing 49 staff across 20 businesses. There are a number of success stories of businesses that started at Workspace and have moved on and expanded.

Priority/Importance

As the lease has expired it is important to give Workspace a response to their request.

Options Considered

1. Don't offer a new lease and request Expressions of Interest for a new operator of the site
2. Provide a new 20-year lease, in a 5 X 4 basis, on the site without any community consultation
3. Offer a new 20-year lease, in a 5 X 4 basis, on the site through a community engagement process
4. Offer a new 5-year lease on the site without any community consultation process
5. Change the rental charged to a peppercorn rental instead of the current commercial rental charged and being rebated to Workspace Australia.

Communications/Engagement

- The City's Coordinator Legal Services has been consulted on the lease process.
- A desktop review of organisations offering business incubation and start up support was undertaken.

Financial Sustainability

There are no budget implications as rental currently received is rebated back to Workspace Australia.

Risk Assessment

That Workspace Australia don't continue to operate the facility in line with the Service Agreement and don't drive enough economic development activity.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 3 - Strong, inclusive and sustainable economy

Secondary Council Plan Reference(s)

Goal 1 - Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy

Other Reference(s)

Economic Development Strategy 2020-2030
Strategic Direction 1: Grow sustainable jobs and investments
Initiative 4: Invest in Business Innovation

Conflict of Interest

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

Attachments

Nil

18. ABORIGINAL RECONCILIATION

Nil

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

20. A VIBRANT, CREATIVE COMMUNITY

Nil

21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. COUNCILLORS' REPORTS

25. MAYOR'S REPORT

26. CHIEF EXECUTIVE OFFICER'S REPORT

**27. CONFIDENTIAL (SECTION 66) REPORTS
RECOMMENDED MOTION**

That Council close the meeting to members of the public pursuant to Section 66(2) (a & g) of the Local Government Act 2020, to consider 2 reports relating to Council business information and private commercial information.