

# COUNCIL MEETING AGENDA



**6:00 pm on Monday July 24, 2023**

Livestreaming at [www.bendigo.vic.gov.au/councilmeeting](http://www.bendigo.vic.gov.au/councilmeeting)

Broadcast live on Phoenix FM 106.7 \*\*\*

If you would like to attend, please register your interest through the following link:

<https://boxoffice.gotix.com.au/WebPages/EntaWebGateway/gateway.aspx?E=N&QL=S2144|VTWN|G~/WEBPAGES/EntaWebEvent/EventSBandPrices.aspx>

or call the box office on 5434 6100 no later than 5pm on the day of the meeting.

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can be obtained online at [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

## COMMUNITY VISION

### 2021–2031

*Greater Bendigo celebrates our diverse community.*

*We are welcoming, sustainable and prosperous.*

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

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

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

## COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

## STAFF VALUES AND BEHAVIOURS

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

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

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



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This Council Meeting is conducted in accordance with the

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

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- 1. ACKNOWLEDGEMENT OF COUNTRY**
- 2. TRADITIONAL LANGUAGE STATEMENT**
- 3. OPENING STATEMENT**
- 4. MOMENT OF SILENT REFLECTION**
- 5. ATTENDANCE AND APOLOGIES**
- 6. LEAVE OF ABSENCE**

**RECOMMENDED MOTION**

That a Leave of Absence be granted for Cr Greg Penna for the August 28, 2023 Council Meeting.

- 7. SUSPENSION OF STANDING ORDERS**

**RECOMMENDED MOTION**

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

- 8. COMMUNITY RECOGNITION**

## 9. PUBLIC QUESTION TIME

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

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

[Pre registering questions](#) is mandatory for all remaining Council meetings in 2023. This allows residents to have their questions answered on the night and provides more opportunity to give a detailed response.

We are trialling this change in order to keep Council meetings open, accessible and safe for the community, in light of the significant disruption that other Victorian Councils are experiencing including some having to temporarily close meetings.

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

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

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

## 10. RESUMPTION OF STANDING ORDERS

### RECOMMENDED MOTION

That Standing Orders be resumed.

## 11. WARD REPORTS

### 11.1. Eppalock Ward - Cr O'Rourke

### 11.2. Lockwood Ward - Deputy Mayor, Cr Alden

### 11.3. Whipstick Ward - Cr Fagg

## 12. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

## 13. CONFIRMATION OF PREVIOUS MINUTES

### 13.1. Confirmation of Previous Minutes

## RECOMMENDED MOTION

That the Minutes of the Council Meeting held on June 26, 2023, as circulated, be taken as read and confirmed.

Previous minute location:

<https://www.bendigo.vic.gov.au/About/Council/Council-meetings/Past-Council-meetings>



## **14. PETITIONS AND JOINT LETTERS**

### **14.1. Petition: Change to end Temporary Outdoor Dining Arrangements**

#### **Purpose**

The purpose of this report is to present a petition from residents regarding the Temporary Outdoor Dining Arrangements.

#### **Summary**

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

"We the undersigned residents and ratepayers of Greater Bendigo City Council formally request Council to **Not to** return to Outdoor dining trading to pre-covid trading conditions, and close expanded outdoor dining area."

Signatures -

#### **Recommended Motion**

That Council receive the petition and a response be prepared within two (2) meetings.

#### **Conflict of Interest**

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

#### **Attachments**

1. Petition - Outdoor Dining Arrangements [**14.1.1** - 4 pages]
2. Letter to Director [**14.1.2** - 1 page]



Background to Petition (media release from the Great City of Bendigo Council 30<sup>th</sup> May)

Temporary expanded outdoor dining measures will come to an end in the coming months, in line with changes to Victorian Government legislation.

Businesses have been advised that as of **Friday June 30** they will need to extend their Temporary Liquor Licence to continue to serve alcohol in an expanded outdoor dining area and as of Thursday **October 12** all expanded outdoor dining will end”.

But as we have learnt to **live with COVID**, expanded outdoor dining has become **less necessary** and the legislation that supported it is winding up in October, all business that have taken up the use of car parks will return to pre-COVID outdoor trading conditions”.





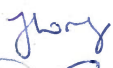







#### **Why I am opposed to the closure of expanded outdoor dining area**

I understand the impact on business, parking, and amenity. However there appears to be a lack of understanding of the impact of this decision on individuals, their families and friends who would choose to dine outdoor, including people like me. In May 2023 was diagnosed with a rare blood disorder called Evan Syndrome.

This condition weakens my immune system and exposure to any infection including Covid 19, and poses significant risk to my wellbeing.



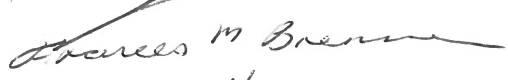

Therefore, indoor dinning in not an option, foot path dinning is often too crowded, I would however choose to dine in a designated outdoor space, it is safe and social distancing is possible.

We the undersigned residents and ratepayers of Greater Bendigo City Council formally request Council to **Not to** return Outdoor dining trading to pre-covid trading conditions, and close expanded outdoor dining area.

Name	MARTIN RYAN	Signature	
Name	Claire Allan	Signature	
Name	KATE GIFFORD	Signature	
Name	Shereen Tose	Signature	
Name	JACLYN LONG	Signature	
Name	Christine Cummins	Signature	
Name	Diane Treasie	Signature	
Name	Eve Curtis	Signature	
Name	Faye Hayman	Signature	
Name	Justin Moir	Signature	
Name	Bridget Nuffry	Signature	
Name	KARYN BATH	Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	

lodged:

- In person at 15 Hopetoun Street, Bendigo or 125 High Street, Heathcote
- And
- Emailed to [councillor.support@bendigo.vic.gov.au](mailto:councillor.support@bendigo.vic.gov.au)
- Paul Kenneth Hurnall
- 145 Paton's Rd Axe Creek
- Outdoor dining trading to **NOT** return to pre-covid trading conditions
- "We the undersigned residents and ratepayers of Greater Bendigo City Council formally request Council to **Not** to return Outdoor dining trading to pre-covid trading conditions, and close expanded outdoor dining area.

Name	Paul Hurnall	Signature	
Name	LLOYD KENNEDY	Signature	
Name	FRANCES BRENNAN	Signature	
Name	Viki Hurnall	Signature	V. Hurnall
Name	Daniel Eltringham	Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	
Name		Signature	



Director Strategy and Growth

Steve Hamilton

Dear Mr Hamilton,

Re: Outdoor dining trading to return to pre-covid trading conditions (media release 30th May)

Excerpt for the media release:

"Temporary expanded outdoor dining measures will come to an end in the coming months, in line with changes to Victorian Government legislation.

Businesses have been advised that as of Friday June 30 they will need to extend their Temporary Liquor Licence to continue to serve alcohol in an expanded outdoor dining area and as of Thursday October 12 all expanded outdoor dining will end".

"But as we have learnt to live with COVID, expanded outdoor dining has become less necessary and the legislation that supported it is winding up in October."

"all business that have taken up the use of car parks will return to pre-COVID outdoor trading conditions".

Whilst I understand the impact on business, parking, and amenity. There appears a lack of understanding of the impact of this decision on individual, their family and friends who would choose to dine outdoor , including people like me. Following a recent admission in May 2023 to the Epworth Private Hospital I have been diagnosis with a rare Blood disorder called Evan Syndrome.

This condition weakens my immune system and exposer to any infection including Covid 19, poses significant risk to my wellbeing.

Therefore, indoor dinning in not an option, foot path dinner is often too crowded, I would however choose to dine in a designated outdoor space, it is safe and social distancing is possible.

I would appreciate the opportunity to discuss this matter in greater detail.

Your faithfully



Paul Hurnall

145 Paton's Rd Axe Creek

0492988130

phurnall@outlook.com

## 15. LEAD AND GOVERN FOR ALL

### 15.1. Audit and Risk Committee Meeting Minutes May 2023

Author:	Rosemary Broad, Risk & Assurance Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

#### Purpose

The Audit and Risk Committee (Committee) Charter, as per the Public Transparency principles and Governance principles in the *Local Government Act 2020* (the Act), states that the unconfirmed minutes of the 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 Committee, held on the 18 May 2023
2. Note that the minutes will be endorsed by the members of the Committee at the next Committee meeting to be held on the 14 September 2023, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.

#### Executive Summary

The 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 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 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:
  - 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 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 engages 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 23 February 2023 were provided for approval to Council at the meeting held on the 24 April 2023.

## **Report**

The Committee Chairperson has reviewed the draft and unconfirmed minutes of the 18 May 2023 Committee meeting and has approved their release. The unconfirmed minutes of the meeting are attached to this report.

## **Communications/Engagement**

As part of its commitment to good governance, the Committee acts as an independent advisory committee to Council, established under s53 of the Act.

The 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

## **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 draft Minutes May 2023 [**15.1.1** - 16 pages]

## AUDIT AND RISK COMMITTEE MINUTES

1:00 pm THURSDAY MAY 18, 2023

BENDIGO TOWN HALL

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## **ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

## **1. ATTENDANCE AND APOLOGIES**

### **Attendance**

- Jovana Obradovic- Trantra (Chair)
  - Robert Stephenson
  - Tony Ridley
  - Stephen Brown
  - Cr Margaret O'Rourke - left meeting at 2.25pm
  - Cr Julie Sloan
- 
- Andrew Cooney, Director Commonwealth Games- for Agenda item on Commonwealth Games only
  - Jessica Howard, Director Corporate Performance
  - Jessica Clarke-Hong, Manager Governance
  - Nathan Morsillo, Manager Financial Strategy
  - Kylie Cheal, Manager People and Culture- for Agenda item on Internal Auditor update only
  - Mark Eels, Coordinator Financial Reporting and Operations
  - Anthony Petherbridge, Manager Strategic Planning- for Agenda item on Internal Auditor update only
  - Kym Paterson, Payroll Project Manager- for Agenda item on Internal Auditor update only
  - Anna Connolly, Risk and Assurance Advisor
  - Felicity Beissmann, Community Partnerships Officer- for Agenda item on Gender Equality Action Plan only
  - Rebecca Watkins Risk and Assurance Administration Officer
  - Brad Ead, Internal Auditor, AFS and Associates Pty Ltd
  - Erin Nankivell, Internal Auditor, AFS and Associates Pty Ltd
  - Kathie Teasdale, External Auditor, RSD and Accountants

### **Apologies**

- Mayor Cr Andrea Metcalf
- Craig Niemann, Chief Executive Officer

## 2. DECLARATIONS OF INTEREST, 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:

1. a general conflict of interest within the meaning of section 127 of the Act
2. 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
- Stephen Brown declared that he is on the Board of Directors of Vision Super
- Robert Stephenson declared that he is currently Advocacy lead of Be Bendigo
- Cr O'Rourke declared that she is a customer of AFS and Associates Pty Ltd

### **3. STANDING ITEMS**

#### **3.1. Previous Minutes**

**Presenters:** Jovana Obradovic-Tantra, Chairperson

**Resolution:** The minutes of the ARC held on 23 February 2023 and previously circulated, be adopted.

Moved: Cr Sloan

Seconded: Rob Stephenson

### **3.2. Finance Update**

**Presenters: Nathan Morsillo, Manager Financial Strategy**

**Feedback/questions:**

- An update on the financial and capital management for the 2022/2023 financial year as at 31 March 2023 was presented with a Year to Date surplus
- Cash holdings currently remain above minimum required levels
- Rate Cap of 3.5% has been built into the draft 2023/2024 budget
- Model Accounts
- The City has provided shell (model) accounts in advance of 30 June 2023
- There are no significant changes to accounting standards this financial year
- In more recent updates from VAGO, the following have been noted as areas of focus:
  - Impact of flooding during October - December 2022 on Council operations and infrastructure assets
  - Government Grants
  - Developer Contributions
  - Landfill provision
  - Council Informing technology controls
  - Lease Accounting

**Actions/outcomes**

- To provide a response on the favorable result to the budget on Professional Services in the Strategy and Growth Directorate
- To provide a response on a summary of the Commercial Crime insurance
- To provide if available, draft financial statements and performance statements to the Audit and Risk Committee in advance of the next meeting for review.



### **3.3. External Auditor Update**

**Presenters: Kathie Teasdale, External Auditor, RSD and Accountants**

**Feedback/questions:**

- The interim Management Letter for year ending 30 June 2023 was presented
- Audit actions on IPPE Processes and Employee Masterfile Audit Trail have been completed
- A new audit on Policies and Procedures due for review has been added

**Actions/outcomes:**

- Nil

### 3.4. Internal Auditor Update

**Presenters:** Brad Ead, AFS and Associates Pty Ltd

**Feedback/questions:**

- The Workforce and Succession Planning audit was tabled. Whilst strong foundational work has been undertaken to analyse workforce data and develop a strategy for the workforce, the City is yet have an integrated formal approach to support effective workforce and succession planning and mitigate risks associated with maintaining a capable and adequate workforce
- The Payroll Planning audit provided assurance that the City has implemented key controls across the payroll function to reduce the likelihood and risk of inaccurate and inappropriate payments being made
- Past Issues Audit for Bendigo Animal Relief Centre confirmed the seven management actions were deemed complete

**Resolution:** The Audit and Risk Committee approved the additional 20 hours scope proposed in the Native Vegetation Removal Internal Audit

Moved: Stephen Brown

Seconded: Cr Marg O'Rourke

**Actions/outcomes:**

- To provide a report to the Audit and Risk Committee on the security surveillance system installed throughout the City

### **3.5. Risk and Assurance Update**

**Presenters: Anna Connolly, Risk and Assurance Officer**

**Feedback/questions:**

- Updates on the Internal Audit actions are provided in this report. There are overdue Internal Audit actions where a recommendation was made to extend the due date

**Actions/outcomes:**

- Six monthly updates on the progress of the Developer Contributions Planning actions to be provided to the Audit and Risk Committee

**Resolution:** The Audit and Risk Committee approved the request for extensions for the Developer Contributions Audit actions only.

Moved: Cr Marg O'Rourke

Seconded: Rob Stephenson

### **3.6. Commonwealth Games Update**

**Presenters: Andrew Cooney, Director Commonwealth Games**

**Feedback/questions:**

- The preparation for the 2026 Commonwealth Games is progressing
- The Athletes Village Design is continuing to progress
- The 2023/2024 budget doesn't include any material account for the Games
- It is anticipated that Council will receive confirmed scopes and funding details for Community Competition Venues by July 2023

**Actions/outcomes:**

- Nil

### **3.7 CEO Report**

#### **Feedback/questions:**

- That the Audit and Risk Committee note the report of the Chief Executive Officer

#### **Actions/outcomes:**

- Nil

### **3.8. ARC Workplan for 2023**

**Presenters: Anna Connolly, Risk and Assurance Advisor**

**Feedback/questions:**

- For information only

**Actions/outcomes:**

- Nil

#### **4. GENERAL ITEMS**

##### **4.1. Gender Equality Action Plan (GEAP)**

**Presenters: Felicity Beissmann, Community Partnerships Officer**

**Feedback/questions:**

- Nil

**Outcomes/Actions:**

- Nil



**4.2. ARC Biannual Report**

**Presenters: Jovana Obradovic-Tantra, Chairman**

**Feedback/questions:**

- Nil

**Actions/outcomes:**

- Report will be tabled at the May Council meeting

**4.3. Councillor and Delegated Committee Member Expenses Report**

**Presenters: Jessica Clarke-Hong, Manager Governance**

**Feedback/questions:**

- Nil

**Actions/outcomes:**

- A question was raised on whether ARC should have an input into the budget process, with a referral to this query when the Mayor is present at the next meeting
- Meetings for ARC will be in the new premises at Galkangu where there is room availability

**5. GENERAL BUSINESS**

**5.1. General Business**

Nil

**6. CLOSE OF MEETING**

There being no further business, the meeting closed at 2.51 pm.

## 15.2. Contracts Awarded Under Delegation

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

### Purpose

To inform Council of contracts signed under Delegation.

### Recommended Motion

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

### Policy Context

#### ***Primary Council Plan Reference***

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

#### ***Secondary Council Plan Reference(s)***

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

### Conflict of Interest

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

### Attachments

1. Contracts Awarded Under Delegation Council Report June 2023 [**15.2.1** - 1 page]

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion	Budget
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Contract Term & Options	Budget
CT000665	Provision of Essential Safety Measures - - Mechanical Services	Burns Services Bendigo Pty Ltd	Brian Westley	18/05/2023	Schedule of Rates	3 Years with options of an additional period of 1 x 2 years	\$280,000.00
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion / Contract Term & Options	Budget

## 16. HEALTHY, LIVEABLE SPACES AND PLACES

### 16.1. Planning Scheme Amendment C247gben Corrections and Planning Scheme Review Part 2 Implementation

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

#### Purpose

This report seeks adoption of Planning Scheme Amendment C247gben as exhibited, with minor changes consistent with the Panel recommendations.

#### Recommended Motion

That Council:

1. Adopt Amendment C247gben to the Greater Bendigo Planning Scheme with minor changes as per the Panel recommendations.
2. Forward the adopted Amendment C247gben to the Minister for Planning for approval.

#### Executive Summary

Amendment C247gben is the final of three amendments to implement the *Greater Bendigo Planning Scheme Review* (the Review) adopted in 2019. It proposes various schedule and overlay changes to the *Greater Bendigo Planning Scheme* to improve its operation where additional strategic work is not required, and seeks to correct various identified zoning, overlay and mapping errors.

Amendment C247gben was publicly exhibited from 17 November until 19 December 2022, with approximately 1,600 letters sent to landowners.

Of the ten (10) submissions received, five submissions were in support of the Amendment, one submission was withdrawn, three submissions were resolved, with only one submission remaining unresolved.

As one submission was unable to be resolved at the conclusion of exhibition, Council requested the Minister for Planning to appoint an Independent Panel to consider the submission.

A one-person Panel was appointed and City officers participated in a Directions Hearing and a Panel Hearing, with the Panel's assessment of the Amendment predominantly undertaken 'on the papers'.

The Panel supported the City's position regarding changes requested in the unresolved submission.

The Panel Report (Attachment 1) recommends some minor changes to Amendment C247gben to avoid potential confusion in the future and City officers are supportive of the recommendations.

## **Background**

The Review was adopted by Council on 20 March 2019 as required by Section 12B of the *Planning and Environment Act, 1987*. The Review found that although the Planning Scheme is operating well, it has several fundamental policy gaps which are affecting Council's ability to sufficiently guide development within the municipality.

The recommended changes from the Review were extensive. While there had been significant strategic work progressed over the last 10 years, there had not been a full refresh of the Planning Scheme since it was first written in 2000. As part of the Review an audit of zone and overlay schedules was undertaken. The implementation of the recommendations from this audit are the basis of Amendment C247gben.

Because of the large amount of work required to implement the Review and modernise the Planning Scheme, the changes were divided into three separate planning scheme amendments. The first amendment, Amendment C256gben was focussed on translating the Municipal Strategic Statement and Local Planning Policy to the new format Municipal Planning Strategy and Planning Policy Framework. Amendment C256gben was gazetted on March 11, 2022.

Amendment C261gben made changes to the Heritage Overlay schedule, introducing a Heritage Overlay to some individual properties where recent statements of significance had been prepared, updating local Heritage Policy and the *Greater Bendigo Heritage Design Guidelines, 2015* to include guidance for signs in heritage areas, as well as correcting mapping errors identified over the previous three years. Amendment C261gben was gazetted on 13 May 2022.

Amendment C247gben proposes to make the recommended changes to the zone and overlay schedules that can be undertaken without additional strategic work. This includes the removal of outdated Design and Development Overlay Schedule 2 (DDO2) and Development Plan Overlay Schedules 2, 3, 14, 15 and 23 from land that has been developed (where the overlay is no longer relevant), the removal of the Land Subject to Inundation Overlay from land where the North Central Catchment Management Authority has advised it is no longer required, and the Public Acquisition Overlay (PAO) from land where the Department of Transport and Planning has advised it is no longer required.

Amendment C247gben also proposes to correct zoning, overlay and mapping errors identified over the last five years as well as rezoning public space sites identified in the *Greater Bendigo Public Space Plan, 2019* to the appropriate public land zone and

rezoning the Flora Hill Athletics Track, purchased by the City from La Trobe University, to the Public Park and Recreation Zone (PPRZ). Amendment C247gben proposes to also rezone land along McIvor Road, Strathdale that was identified in the *Commercial Land and Activity Centre Strategy, 2015* as requiring rezoning from Commercial 1 Zone (C1Z) to General Residential Zone (GRZ).

Details of the Amendment are contained within the Explanatory Report at Attachment 2.

Amendment C247gben was submitted to the Minister for Planning for Authorisation on 28 September 2022. Authorisation to proceed with Amendment C247gben was granted on 12 October 2022, subject to conditions. The conditions were generally administrative in nature and easily met. It was agreed with the Department of Environment, Land, Water and Planning (now Department of Transport and Planning), and with Director approval, that some rezonings to correct errors on land with identified bushfire risk would be held over to a later date to allow for further consideration be given on the best way to manage the risk.

Amendment C247gben was placed on public exhibition from 17 November until 19 December 2022, with approximately 1,600 letters sent to landowners impacted through the proposed rezoning of their land and/or the removal of an overlay from their property. Ten (10) submissions were received, including one late submission. Of the submissions received, five submissions were in support of the Amendment, one submission was withdrawn, three submissions were resolved and one submission remained unresolved.

Minor changes were proposed to the exhibited Amendment in order to satisfy submissions and to rectify administrative errors made when drafting policy, including removing the proposed rezoning at 43A Sandhurst Road California Gully and 26 Olympic Parade Kangaroo Flat, inserting the land description of "19 Blossett Drive, 22 & 32 Daley Lane and CA1 Springs Road Sedgwick" into a table within Rural Conservation Zone, Schedule 4, and updating the minimum setback from a boundary to be 30 metres within Rural Living Zone, Schedule 3.

The issues raised in the submission that remained unresolved were the requested removal of DDO10 from the Scheme and the removal of all overlays that attempt to control density, with controls moved to zone schedules as warranted. City officers did not support the removal of Overlays post exhibition as requested by this submission and this position was supported by Council. As such, this submission remained unresolved and Amendment C247gben, along with all submissions were referred to an Independent Panel for consideration.

Previous Council decision dates:

20 March 2019	Council resolved to adopt the <i>Greater Bendigo Planning Scheme Review</i> .
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- 19 June 2019 Council resolved to re-adopt the *Greater Bendigo Public Space Plan, 2019* to ensure that changes arising from the Implementation Framework process were reflected.
- 16 Sept 2020 Council resolved to request the Minister for Planning to authorise Council to prepare and give notice of Amendment C247 Greater Bendigo Planning Scheme Review Part 2 Zone and Overlay updates and corrections.
- 16 August 2021 Council resolved to endorse the addition of extra zone and overlay changes be included in Amendment C247gben, to request the Minister for Planning to authorise Council to prepare and give notice of Amendment C247 Greater Bendigo Planning Scheme Review Part 2 Zone and Overlay updates and corrections and to authorise the Director Strategy and Growth to make minor changes to the Amendment, where the changes do not affect the purpose or intent of the Amendment.
- 27 February 2023 Council resolved to accept the submissions received, including on late submission, the adopt the recommendations detailed for each of the submissions and to request the Minister for Planning to appoint an Independent Panel to consider all submissions received.

## Report

When requesting the Minister for Planning to appoint a panel to consider the amendment and submissions, City officers, given there was only one submission that was unresolved, requested that if the submitter did not wish to be heard that the submissions be assessed on the papers.

The Minister appointed a one-person Panel to hear and consider submissions.

The Directions Hearing was held via video conference on 24 March 2023. It was attended by the submitter, City officers and the Panel Chair. The Panel then issued Directions, including that the matter would be predominantly conducted 'on the papers' with a Hearing to clarify issues, and:

- The submitter to provide a written report that identified the precise changes sought to the Amendment and the rationale for those changes by 11 April 2023.
- City officers to respond to the changes identified by the submitter, outlining whether the changes were supported, any changes that should be made in response to those changes and the reasons for its position by 21 April 2023.
- A Hearing to be held on 1 May 2023 to clarify any points of disagreement between the submitter and the City based on the already circulated material.

The Panel Hearing was held via video conference on 1 May 2023. It was attended by the submitter, City officers and the Panel Chair. The Panel Chair advised that he had no questions regarding the additional information provided.

The Panel sought further information from the City in relation to 39 Neil Street, Kangaroo Flat, where the Amendment proposed to rezone the land from Public Park and Recreation Zone (PPRZ) and General Residential Zone (GRZ) to Special Use Zone 4 – Private Sport and Recreation Facilities (SUZ4) to correct the split zone across the property. Due to the property being made up of three parcels, with an existing dwelling on Lot 1 TP818989, City officers in correspondence after the Panel Hearing suggested that only the PPRZ is rezoned to SUZ4, with the GRZ to be retained (as shown below).

Figure 3 Existing zones detail



Figure 4 The land parcels making up 39 Neil Street

	Lot/Plan or Crown description	SPI
A	Lot 1 TP818989	1\TP818989
TOWNSHIP OF KANGAROO FLAT		
B	Allot. 79E	79E\PP5403
C	Allot. 7A Sec. 18	7A~18\PP5403

The Panel also foreshadowed recommendations it would make to deal with two other issues – one being land that will remain marked on maps as ‘LDRZ’ without clarity as to what schedule will apply, and the second one being the most appropriate zone boundaries near Charters Way, Huntly.

The Panel Report was received by the City on 22 May 2023 and was made publicly available on June 5, 2023.

From the Panel Report Executive Summary:

*Key unresolved issues raised in submissions included requests for removal of further overlays that were said to be redundant.*

*The Panel agrees with the Council that the changes sought should not be made without further strategic work and notice to the large number of properties that would be potentially affected by the changes sought.*

*The Panel has identified several other refinements that will avoid potential confusion in the future.*

*Council is to be congratulated on an amendment that will make a large number of improvements to the scheme.*

The Panel Report contained the following recommendations:

1. *Do not apply the Special Use Zone Schedule 4 to that part of 39 Neil Street described as Lot 1 TP818989.*
2. *Review the zone boundary of the proposed Low Density Residential Zone Schedule 5 land in Charters way to achieve a better fit with the cadastre (if this is possible).*
3. *In the following zone schedules change the text ‘Shown on the planning scheme map as ...’ by adding the zone code without a schedule number as follows:*
  - a. *In the Low Density Residential Zone Schedule 1:*
    - i. *Shown on the planning scheme map as LDRZ or LDRZ1*
  - b. *In the Rural Living Zone Schedule 1:*
    - i. *Shown on the planning scheme map as RLZ or RLZ1*
  - c. *In the Rural Conservation Zone Schedule 1:*
    - i. *Shown on the planning scheme map as RCZ or RCZ1*
  - d. *In the Farming Zone Schedule 1:*
    - i. *Shown on the planning scheme map as FZ or FZ1*
4. *In the Low Density Residential Zone, Rural Living Zone, Rural Conservation Zone and Farming Zone schedules, replace specific land descriptions with ‘All land’ where the description is intended to cover all the land in the schedule.*
5. *Following gazettal of the Amendment check:*
  - a. *All land in the Low Density Residential Zone, Rural Living Zone, Rural Conservation Zone and Farming Zone has a schedule code applied on the planning scheme maps*
  - b. *Schedule codes accurately reflect the plans in the current schedules.*

City officers are supportive of all of the changes recommended by the Panel and recommend that Councillors adopt Amendment C247gben to the Greater Bendigo Planning Scheme, with minor changes as per the Panel recommendations, and forward the adopted Amendment C247gben to the Minister for Planning for approval.

### ***Priority/Importance***

Timely progression of the amendment is required as per Ministerial Direction No. 15 (the planning scheme amendment process).

### ***Options Considered***

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

### ***Timelines***

If adopted by Council, Ministerial Direction No. 15 (the planning scheme amendment process) requires that *“A planning authority must submit an adopted amendment under section 31 of the Act, together with the prescribed information, within 10 business days of the date the amendment was adopted.”*

### ***Communications/Engagement***

Exhibition of the amendment was undertaken in accordance with the *Planning and Environment Act 1987*.

The Amendment was exhibited for the required minimum of one month, from 17 November to 19 December 2022.

### ***Policy Context***

#### ***Primary Council Plan Reference***

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

#### ***Secondary Council Plan Reference(s)***

Goal 7 - Sustainable population growth is planned for.

### ***Conflict of Interest***

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

### ***Attachments***

1. Greater Bendigo C247gben Panel Report [**16.1.1** - 20 pages]
2. Greater Bendigo C247gben Explanatory Report - Adoption [**16.1.2** - 28 pages]

## Planning Panels Victoria

### Greater Bendigo Planning Scheme Amendment C247gben Corrections and schedule updates

#### Panel Report

*Planning and Environment Act 1987*

**22 May 2023**

**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.  
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

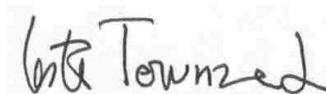
*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Greater Bendigo Planning Scheme Amendment C247gben

Corrections and schedule updates

**22 May 2023**



Lester Townsend

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## Glossary and abbreviations

Council	City of Greater Bendigo
DDO10	Design and Development Overlay Schedule 10
DPO	Development Plan Overlay
GRZ	General Residential Zone
LDRZ	Low Density Residential Zone
LSIO	Land Subject to Inundation Overlay
NVPP	Native Vegetation Precinct Plan
PCRZ	Public Conservation and Resource Zone
PE Act	<i>Planning and Environment Act 1987</i>
PPRZ	Public Park and Recreation Zone
PSP	<i>Maiden Gully Precinct Structure Plan</i>
RCZ	Rural Conservation Zone
RLZ	Rural Living Zone
SUZ9	Special Use Zone Schedule 9



## Overview

Amendment summary	
The Amendment	Greater Bendigo Planning Scheme Amendment C247gben
Common name	Corrections and schedule updates
Brief description	Makes correction and mapping improvements to zones and schedules
Planning Authority	City of Greater Bendigo
Exhibition	17 November to 19 December, 2022
Submissions	10 including one late submission

Panel process	
The Panel	Lester Townsend
Directions Hearing	Video conference 24 March 2023
Panel Hearing	Video conference 1 May 2023
Site inspections	Unaccompanied, 24 April 2023
Parties to the Hearing	City of Greater Bendigo represented by Rebecca Fisher, Senior Strategic Planner Barry Green
Citation	Greater Bendigo PSA C247gben [2023] PPV
Date of this report	22 May 2023

## Executive summary

Greater Bendigo Planning Scheme Amendment C247gben (the Amendment) proposes to:

- implement recommendations of the *Greater Bendigo Planning Scheme Review* (2019)
- rezone land in accordance with *Greater Bendigo Public Space Plan* (2019) and *Commercial Land and Activity Centre Strategy* (2015)
- rezone land which is inappropriately zoned
- correct mapping and ordinance anomalies
- remove overlays which are outdated or have been identified by relevant agencies as no longer required
- update the Greater Bendigo Planning Scheme to be consistent with the *Ministerial Direction – Form and Content of Planning Schemes*
- update zone schedule maps into a consistent GIS format.

Key unresolved issues raised in submissions included requests for removal of further overlays that were said to be redundant.

The Panel agrees with the Council that the changes sought should not be made without further strategic work and notice to the large number of properties that would be potentially affected by the changes sought.

The Panel has identified several other refinements that will avoid potential confusion in the future.

Council is to be congratulated on an amendment that will make a large number of improvements to the scheme.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Bendigo Planning Scheme Amendment C247gben be adopted as changed by Council following its considerations of submissions (as outlined in Table 1 of this report and subject to the following:

1. **Do not apply the Special Use Zone Schedule 4 to that part of 39 Neil Street described as Lot 1 TP818989.**
2. **Review the zone boundary of the proposed Low Density Residential Zone Schedule 5 land in Charters Way to achieve a better fit with the cadastre (if this is possible).**
3. **In the following zone schedules change the text 'Shown on the planning scheme map as ...' by adding the zone code without a schedule number as follows:**
  - a) **In the Low Density Residential Zone Schedule 1:**
    - Shown on the planning scheme map as LDRZ or LDRZ1
  - b) **In the Rural Living Zone Schedule 1:**
    - Shown on the planning scheme map as RLZ or RLZ1
  - c) **In the Rural Conservation Zone Schedule 1:**
    - Shown on the planning scheme map as RCZ or RCZ1
  - d) **In the Farming Zone Schedule 1:**
    - Shown on the planning scheme map as FZ or FZ1

- 4. In the Low Density Residential Zone, Rural Living Zone, Rural Conservation Zone and Farming Zone schedules, replace specific land descriptions with 'All land' where the land description is intended to cover all the land in the schedule.**

**Further recommendations**

The Panel makes the following further recommendation:

- A Following gazettal of the Amendment check:**
- a) All land in the Low Density Residential Zone, Rural Living Zone, Rural Conservation Zone and Farming Zone has a schedule code applied on the planning scheme maps**
  - b) Schedule codes accurately reflect the plans in the current schedules.**

# 1 Introduction

## 1.1 The Amendment

The Amendment proposes to implement the recommendations of the *Greater Bendigo Planning Scheme Review, 2019* and to update the Greater Bendigo Planning Scheme to be consistent with the *Ministerial Direction – Form and Content of Planning Schemes*, including updating zone schedule maps into a consistent GIS format.

The Amendment proposes to:

- rezone land which is inappropriately zoned
- correct mapping and ordinance anomalies
- map zone schedules on the planning scheme maps as opposed to using maps in the schedules themselves
- remove overlays which are outdated or have been identified by relevant agencies as no longer required.

## 1.2 Submissions

Ten submissions were received including one late submission. Of the submissions received, five submissions supported of the Amendment, one submission was withdrawn, three submissions were resolved, with one submission outstanding, referred to the Panel.

Council resolved on 27 February 2023 to:

Adopt the recommendations detailed for each of the submissions in this report.

The relevant recommendations are shown in Table 1. The Panel understands that Council has resolved to change the Amendment as indicated for submissions 3, 4 and 9.

**Table 1** Summary of submissions

	Submission	Summary of Submission	Outcome identified by Council
1	Re: Lot 2 Dukes Lane, Strathfieldsaye	Letter of support for removal of Public Acquisition Overlay	Supports
2	Re: 483 Somerset Park Road, Strathfieldsaye	Letter of support for removal of Public Acquisition Overlay	Supports
3	VicTrack Re: 61 Pantan Street Golden Square & 43A Sandhurst Road, California Gully	Supports rezoning and removal of Neighbourhood Character Overlay Schedule 1 at 61 Pantan Street, Golden Square. Requests removal of rezoning at 43A Sandhurst Road, California Gully from the Amendment	Resolved – changed as requested
4	Re: Rural Conservation Zone Schedule 4	Requests insertion of land description of “19 Blossett Dve, 22 & 32 Daley Ln & CA1 Springs Rd, Sedgwick” into the table within the schedule	Resolved – changed as requested

	Submission	Summary of Submission	Outcome identified by Council
5	Re: Updates to overlay schedules	Requests removal of Design and Development Overlay Schedule 10 (DDO10). Requests removal of all overlays that attempt to control density, with controls moved to zone schedules as warranted	Unresolved
6	Rezoning from C1Z to GRZ on McIvor Road, Strathdale	Requests the rezoning of 201 and 203 McIvor Road be excluded from the Amendment	Withdrawn
7	North Central Catchment Management Authority	Supports removal of Land Subject to Inundation Overlay (LSIO) as exhibited	Supports
8	Department of Transport	Does not object	Supports
9	Re: 26 Olympic Parade, Kangaroo Flat	Requests removal of rezoning of 26 Olympic Parade, Kangaroo Flat from the Amendment. Requests any future rezoning be of the Special Use Zone Schedule 9 (SUZ9) portion of land to General Residential Zone (GRZ). Acknowledges that this would need to be part of a future amendment	Resolved – changed as requested
10	Department of Environment, Land, Water and Planning	Late submission. Supports Amendment	Supports

### 1.3 Procedural issues

Only one submitter, Barry Green, wished to be heard. Following the Directions Hearing, the Panel directed:

2. Mr Green must provide the following documents by 12 noon on Tuesday, 11 April 2023:
  - A written report that identifies the precise changes sought to the Amendment and the rationale for those changes.
3. Council must provide the following documents by 12 noon on Friday, 21 April 2023:
  - A response to the changes identified by Mr Green outlining whether Council supports those changes, any changes it submits should be made in response to those changes, and its reasons for its position.
- ...
4. The Hearing will be an opportunity to clarify any points of disagreement between Mr Green and Council based on the already circulated material.

No other documents were produced for the Hearing with the Panel relying on published Council minutes and Amendment documentation. At the Hearing the Panel sought further submissions from Council in relation to 39 Neil Street, Kangaroo Flat, as discussed in Chapter 2.2.

The Panel notes it foreshadowed recommendations it will make to deal with two other issues:

- Land that will remain marked on maps as 'LDRZ' and hence not identify what schedule will apply.
- The most appropriate zone boundaries near Charters Way, Huntly.

## 1.4 The Panel's approach

There is clearly a broad expectation and legislative requirement to review and update planning schemes. There is no doubt that amendments of this types are required and desirable.

This is a significant Amendment with few opposing submissions that were with one exception resolved. The Panel has made a broad review of the overall Amendment but has not analysed it in detail. The Panel did review:

- the implications where land was being placed in a non-public zone as these changes could potentially result in a significant change in development outcome
- the notation of schedules on planning scheme maps and whether they accurately reflect the maps currently in the zone schedules.

The Panel did not review:

- the merits of changes to the LSIO as this was not subject to submissions
- the overall accuracy of the application of schedules as this can only be checked manually at the amendment stage.

This Report deals with the issues under the following headings:

- Zone changes
- Overlay removals.

For the reasons set out in this Report, the Panel concludes that the Amendment:

- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and justified
- should proceed subject to addressing the more specific issues as discussed in the following chapters.

## 2 Zone changes

### 2.1 Overview

The Amendment implements some of the recommendations of the:

- *Greater Bendigo Public Space Plan, 2019*
- *Commercial Land and Activity Centre Strategy, 2015.*

Zoning changes include:

- Splitting the single schedule for the Low Density Residential Zone (LDRZ), Rural Living Zone (RLZ), Rural Conservation Zone (RCZ) and Farming Zone, which present different requirements with a table and a map in the schedule, into separate schedules mapped on the planning scheme maps
- rezoning land being used as public open spaces or for other public purposes to either Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ) to reflect the use and ownership
- rezoning land in private ownership from public use zones to the surrounding zone
- rezoning the Prince of Wales showgrounds in North Bendigo from PPRZ to Special Use Zone Schedule 8 – Showgrounds
- rezoning 60 Retreat Road, Flora Hill (after ownership of the property changes from La Trobe University to City of Greater Bendigo) on the basis that the proposed PPRZ is more appropriate than the existing Public Use Zone Schedule 2 (PUZ2) and will facilitate the lands use as a sporting facility and reflect its public ownership
- adjusting zone boundaries to follow the cadastre
- rezoning 29 properties located along Mclvor Road, Strathdale from Commercial 2 Zone to General Residential Zone (GRZ).

### 2.2 Neil Street, Kangaroo Flat

#### (i) The issue

It is not clear that the rezoning of 39 Neil Street is simply a correction.

#### (ii) What the Amendment does

The Amendment proposes to rezone 39 Neil Street from Public Park and Recreation Zone and General Residential Zone to Special Use Zone 4 – Private Sport and Recreation Facilities (SUZ4).

The land in the GRZ is occupied by a dwelling. The Panel notes that 39 Neil Street consists of three parcels as shown in Figure 4. The Panel accepts the rezoning of the two parcels currently in the Public Park and Recreation Zone is appropriate.

Figure 1 Existing zones



Figure 2 Proposed zones

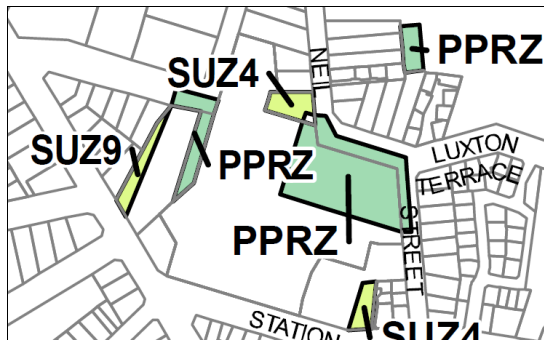


Figure 3 Existing zones detail

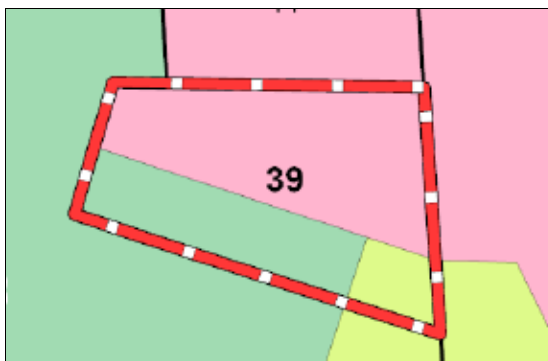


Figure 4 The land parcels making up 39 Neil Street

	Lot/Plan or Crown description	SPI
A	Lot 1 TP818989	1\TP818989
TOWNSHIP OF KANGAROO FLAT		
B	Allot. 79E	79E\PP5403
C	Allot. 7A Sec. 18	7A~18\PP5403

### (iii) Evidence and submissions

At the Hearing the Panel sought a response from Council to the following questions:

- Was it Council's intention to rezone the parcel in the GRZ to Special Use Zone 4?
- If it was Council's intention:
  - Was any specific notice given to properties opposite the site about the rezoning given that the zone change will most likely facilitate and change from residential use?
  - Is the zone change supported by any specific plan or strategy that specifically acknowledges the existing residential use?



## Council advised:

Having reviewed the information provided by the Chair, along with the City's records, City staff agree that the rezoning of Lot 1 TP818989, Township of Kangaroo Flat (shown as Parcel A on the Detailed property report), from General Residential Zone (GRZ) to Special Use Schedule 4 (SUZ4) may have unintended consequences for the occupiers or adjoining landowners, and that notice may be required to be given to properties adjoining and opposite the site.

Given the parcel boundaries and existing layout of the site (with the dwelling wholly contained within Parcel A, and a driveway and outbuildings contained across Parcel B (Allot. 79E) & C (Allot. 7A Sec. 18)), City staff believe that rezoning only the PPRZ section (part of Parcels B & C) to SUZ4 would be an appropriate outcome which minimises opportunities for a significant change in land use, whilst still addressing the existing issue of a public zone being applied to private land. Parcel A could remain in the GRZ.

**(iv) Discussion and recommendation**

The Panel agrees with Council's assessment.

Rezoning of Lot 1 TP818989 and other existing dwellings to the north of the lot may be appropriate to facilitate further development of the existing club or provide car parking, but this would need to be part of a separate amendment process.

The Panel recommends:

- 1. Do not apply the Special Use Zone Schedule 4 to that part of 39 Neil Street described as Lot 1 TP818989.**

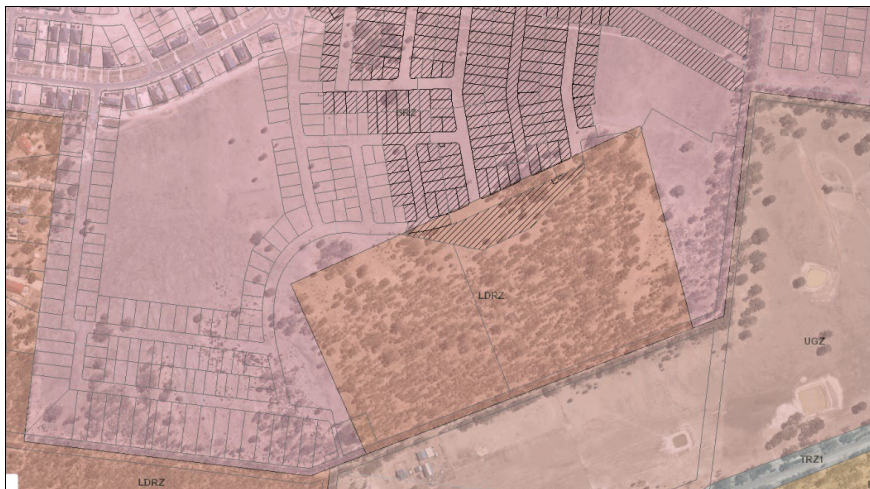
**2.3 Charters Way, Huntly****(i) The issues**

The proposed zone boundaries do not align with the cadastre at Charters Way.

**(ii) What the Amendment does**

The Amendment accurately applies Schedule 5 of the LDRZ to land in Charters Way.

**Figure 5 Zone boundaries and cadastre at Charters Way**



Recent subdivision and development mean that the zone boundary no longer has a clear relation to the cadastre.

**(iii) Discussion and recommendation**

At the Hearing the Panel foreshadowed it would recommend Council review the zone boundary in this location to achieve a better fit between the zone boundary and the cadastre. It is not clear to the Panel whether a better fit can be achieved given development and land ownership issues, neither of which the Panel has explored.

Council advised that based on its understanding of the development issue in the area it was happy to receive a non-specific recommendation and thought a better fit between the zone and cadastre was likely to be possible.

The Panel recommends:

- 2. Review the zone boundary of the proposed Low Density Residential Zone Schedule 5 land in Charters way to achieve a better fit with the cadastre (if this is possible).**

## **2.4 Schedule notations and land descriptions**

**(i) The issues**

The Panel has identified two issues that might lead to confusion:

- Not all land in the LDRZ is rezoned to present a specific schedule.
- The new schedules in the LDRZ, RLZ, RCZ and Farming Zone repeat the land descriptions from the current table in the single schedule.

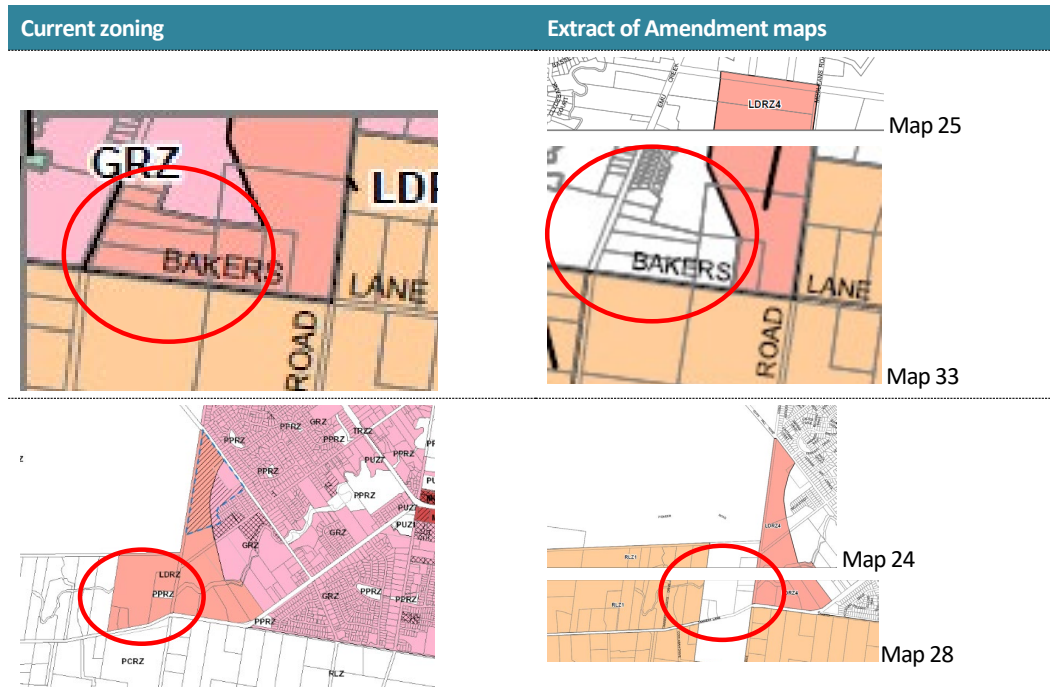
**(ii) What the Amendment does**

At present different schedules are applied by maps in the zone schedule in the LDRZ, RLZ, RCZ and Farming Zone. The Amendment proposes to map these schedules on the planning scheme maps themselves by attaching the schedule code to the zone notation on the planning scheme maps.

The Panel notes that some land currently in the LDRZ was not being rezoned to explicitly apply a schedule number, that is apply 'LDRZ1' or 'LDRZ2' etcetera. Each schedule only applies to land specially identified with the relevant schedule number and so land marked only as 'LDRZ' has no schedule applied. This might raise interpretation issues in the future. 'LDRZ1' is the 'default schedule'.

The new schedules in the LDRZ, RLZ, RCZ and Farming Zone repeat the land descriptions from the current table in the single schedule.

Figure 6 Land not being rezoned to a specific schedule

**(iii) Discussion and recommendations**

At the Hearing the Panel identified two parcels where this occurs (see Figure 6), but there may be other affected land, and it could also be an issue in other zones. Such land can only be identified by manually checking. This is not an efficient approach.

At the Hearing the Panel foreshadowed that it would make recommendations that the schedules be changed so that land with a zone code, but no schedule number, has the 'default' schedule applied.

Repeating the land description is not needed as the relevant schedule only applies to that land and so the entry should be 'All land'. If there is any discrepancy between the mapped schedule and the land description, the land description will carry weight, potentially undermining the whole exercise of mapping the schedules.

The Panel recommends:

3. In the following zone schedules change the text 'Shown on the planning scheme map as ...' by adding the zone code without a schedule number as follows:
  - a) In the Low Density Residential Zone Schedule 1:
    - Shown on the planning scheme map as LDRZ or LDRZ1
  - b) In the Rural Living Zone Schedule 1:
    - Shown on the planning scheme map as RLZ or RLZ1
  - c) In the Rural Conservation Zone Schedule 1:
    - Shown on the planning scheme map as RCZ or RCZ1
  - d) In the Farming Zone Schedule 1:
    - Shown on the planning scheme map as FZ or FZ1

- 4. In the Low Density Residential Zone, Rural Living Zone, Rural Conservation Zone and Farming Zone schedules, replace specific land descriptions with 'All land' where the description is intended to cover all the land in the schedule.**

The Panel makes the following further recommendation which it understands will be able to be achieved relatively quickly using the overlay filtering tool in VicPlan:

- A Following gazettal of the Amendment check:**
- a) All land in the Low Density Residential Zone, Rural Living Zone, Rural Conservation Zone and Farming Zone has a schedule code applied on the planning scheme maps**
  - b) Schedule codes accurately reflect the plans in the current schedules.**

## 3 Overlay removals

### 3.1 Overview

The Amendment proposes changes to a number of overlays:

- Removing Environmental Significance Overlay Schedule 5 from 40 Whirrakee Road, Huntly. This overlay was applied to the nearby public land at Lot RES1 Sawmill Road, Huntly to protect the remnant native vegetation and has erroneously been applied to this residential land containing no native vegetation.
- Deleting the Design and Development Overlay Schedule 2 and the Development Plan Overlay Schedules 2, 3, 14, 15 and 23 as recommended by the *Greater Bendigo Planning Scheme Review, 2019* because the land has now been developed.
- Removing the Salinity Management Overlay from two properties in Kangaroo Flat because neither the North Central Catchment Management Authority nor the City Drainage Engineering Department could clarify the purpose of this overlay at this location.
- Removing the LSIO from 118 properties at the request of the North Central Catchment Management Authority, who have advised the overlay is no longer required due to development that has occurred at these sites which has removed the risk of flooding.
- Removing the Public Acquisition Overlay Schedule 5 from land in Strathfieldsaye at the request of the Department of Transport who have advised that this overlay is no longer required.

### 3.2 Extent of changes

Mr Green was concerned that the premise of the Amendment was updating and removing redundant controls and the Amendment did not go far enough to address the current and future issues of accommodating residential growth within compact and existing serviced areas.

Council advised it was currently undertaking a Managed Growth Strategy which will provide a framework for how Greater Bendigo should grow to accommodate an additional 80,000 residents over the next 30 years based on continuing with the current rate of growth. It will be informed by a new Housing and Neighbourhood Character Strategy, as well as building on a number of already adopted strategies.

As set out in Council's response to submissions, a review of the Design and Development Overlay and Development Plan Overlay was scheduled to begin in early 2023. This work has commenced, and the implementation of recommendations from this review will be scheduled to ensure that any changes occur in an orderly fashion, considering any other changes to zones or overlays flowing from other strategic work being undertaken by the Council.

Council has been, and continues to undertake, a significant amount of work to modernise the Greater Bendigo Planning Scheme.

The Panel accepts that Council has been proactive and diligent in implementing the recommendations of its planning scheme review and notes it is currently planning for future growth.

The Panel concludes:

- A change to the exhibited Amendment is not appropriate in response to this issue.

### 3.3 Removal of Development Plan Overlay Schedule 3

Mr Green submitted

The current DPO Schedule 3 whilst purporting to only cover density is poorly worded and does not specifically exclude a dwelling when read in conjunction with the DPO.

This leads to confusion and inconsistency in advice from Council as to whether a permit is required for development such as a single dwelling.

The use of a DPO as a density control measure is considered an inappropriate use of the VPP tools, as such measures should be in a schedule to the zone.

This matter has been raised with Council; planners over a number of years as the lack of clarity has created inconsistency in interpretation.

Council submitted the removal of this schedule is already included in the exhibited version of the Amendment, as recommended by the *Greater Bendigo Planning Scheme Review, 2019*.

The Panel notes Council's response.

### 3.4 Removal of Development Plan Overlay Schedule 4

Mr Green submitted

The current DPO Schedule 4 whilst purporting to only cover density is poorly worded and does not specifically exclude a dwelling when read in conjunction with the DPO.

This leads to confusion and inconsistency in advice from Council as to whether a permit is required for development such as a single dwelling.

The use of a DPO as a density control measure is considered an inappropriate use of the VPP tools, as such measures should be in a schedule to the zone.

This matter has been raised with Council; planners over a number of years as the lack of clarity has created inconsistency in interpretation.

Council responded that while the title of DPO4 is *Low Density Residential Zone – Density Management Areas*, controlling density is not the only purpose of the schedule. There is an extensive list of requirements for any development plan prepared to allow Council to consider the appropriateness of a proposed development.

The *Greater Bendigo Planning Scheme Review 2019* noted that the DPO4 is complex and requires review through a separate piece of strategic work. This has been captured in the exhibited version of the Amendment in the schedule to Clause 74.02 Future Strategic Work as "*A review of current development plan overlay schedules, particularly: The content and application of DPO4...*".

As an interim measure, updated maps have been proposed as part of the exhibited version of the Amendment to improve legibility.

The Panel notes that the future review of DPO4 is already identified in the schedule to Clause 74.02, and that the overlay currently applies to approximately 3,000 properties throughout urban Bendigo. The Panel agrees with Council that significant alteration or removal would require further notice to be given to all these impacted landowners and occupiers.

The Panel concludes:

- A change to the exhibited Amendment is not appropriate.

### 3.5 Removal of Design and Development Overlay Schedule 10 or interim change to lot size specifications

DDO10 dates from 1990 document when the first areas of Maiden Gully that were developed prior to the introduction of reticulated sewerage in late 1990s and early 2000s.

Mr Green submitted that:

Considering the development that has occurred adjoining these sites (lots between 400 and 600 sqm) and beyond to the Maiden Gully township the areas including Pioneer Drive, Burra Burra Road and Clay Gully Court have the ability to support considerable further development as they are fully serviced and in close proximity to the Bendigo CBD.

It is noted that Council has previously removed DDO references within parts of the Maiden Gully Structure Plan to facilitate new development but this was adhoc at best without consideration of the balance of the area contained within the plan

The identified growth projections and the current approach by Council of focusing on urban sprawl of Maiden Gully into areas not suitable for residential development are not considered sustainable planning.

The level of frustration by some current landowners with Councils inaction on this matter dates back over 12 years.

Mr Green sought an interim change to reduce the lot size minimum in DDO10 if removal was not supported.

Council responded that the *Greater Bendigo Planning Scheme Review* recommended that consideration should be given whether the requirements from DDO10 can be incorporated into zone schedules. The land specifically referred to in the submission, in Precinct 7 of DDO10, is within the GRZ, which does not allow for a minimum subdivision area to be included in the schedule.

Council advised it is currently undertaking strategic work to consider growth opportunities in Maiden Gully. Council adopted the *Maiden Gully Precinct Structure Plan* (PSP) in September 2020. At the time, an updated Native Vegetation Precinct Plan (NVPP) was being prepared, which was delayed due to an inability to complete the fieldwork due to COVID restrictions at the time.

The completed NVPP identified the need for greater vegetation protection based on the *Guidelines for the removal, destruction or lopping of native vegetation 2017*. This created a conflict between the retention of vegetation and bushfire. In some instances, vegetation could be removed but the cost of offsets would be prohibitive. This has meant that the PSP, as adopted, cannot currently progress due to the conflict between vegetation and bushfire risk.

Council did not support changes being made to DDO10 ahead of further strategic work to progress the Maiden Gully PSP being completed.

The Panel notes that DDO10 applies to approximately 1,500 throughout Maiden Gully and its removal would require notice to be given to impacted landowners and occupiers. The Panel considers its removal to be beyond the scope of the Amendment.

The Panel has inspected the subject land and the surrounding area. The Panel cannot identify any site-specific reasons for the requested changes.

The Panel concludes:

- A change to the exhibited Amendment is not appropriate.

## Appendix A Submitters to the Amendment

No	Submitter
1	Villawood Properties
2	Villawood Properties
3	VicTrack
4	Keith Walton
5	Barry Green
6	WITHDRAWN
7	North Central Catchment Management Authority
8	Department of Transport
9	Conceptz Town Planners for Maughold Pty Ltd
10	Department of Environment, Land, Water and Planning (DELWP)

## Appendix B Document list

No.	Date	Description	Provided by
1	24 March 2023	Panel Directions	Planning Panels Victoria (PPV)
2	11 April 2023	Submission by Mr Green	Mr Green
3	20 April 2023	Council response to submission by Mr Green	Council
4	1 May 2023	Panel Post Hearing Directions letter re 39 Neil Street	PPV
5	2 May 2023	Council response re 39 Neil Street	Council



*Planning and Environment Act 1987*

## **GREATER BENDIGO PLANNING SCHEME**

### **AMENDMENT C247GBEN**

#### **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 the Greater Bendigo City Council.

##### **Land affected by the amendment**

The amendment affects land throughout the municipality of Greater Bendigo, particularly land in Ascot, Bendigo, California Gully, Costerfield, East Bendigo, Epsom, Flora Hill, Golden Square, Heathcote, Huntly, Jackass Flat, Kangaroo Flat, Kennington, Lockwood, Lockwood South, Long Gully, Maiden Gully, Mia Mia, North Bendigo, Raywood, Spring Gully, Strathdale, Strathfieldsaye, West Bendigo and White Hills as described below and as shown in the maps referenced in Attachments 1 and 2.

##### **What the amendment does**

The amendment proposes to implement recommendations of the *Greater Bendigo Planning Scheme Review, 2019* and to update the Greater Bendigo Planning Scheme to be consistent with the *Ministerial Direction – Form and Content of Planning Schemes*, including updating schedule maps into a consistent GIS format.

The amendment proposes to rezone land which is inappropriately zoned and to correct mapping and ordinance anomalies.

The amendment proposes to remove overlays which are outdated or have been identified by relevant agencies as no longer required.

The amendment proposes rezoning of land in accordance with *Greater Bendigo Public Space Plan, 2019* and *Commercial Land and Activity Centre Strategy, 2015*.

Specifically, the Amendment proposes to amend the Greater Bendigo Planning Scheme in the following ways:

##### **Zoning Maps**

- Rezone 21,845 square metres of land at CA 20 Sandhurst Street, Raywood from Public Use Zone Schedule 3 (PUZ3) to Township Zone (TZ) as shown on Planning Scheme Map No. 7.
- Rezone 5,500 square metres of land at F5, F6 & G5 on PS846156 and Lot 1 Res PS837949, Charters Way, Huntly from Low Density Residential Zone (LDRZ) to General Residential Zone (GRZ) as shown on Planning Scheme Map No. 12.
- Rezone 26,550 square metres of land at CA 4A & CA 22E Sec 27 Station Street, Huntly from LDRZ to Public Park and Recreation Zone (PPRZ) as shown on Planning Scheme Map Nos. 12 & 16.
- Rezone 4,593 square metres of land at Lot 1 TP951458 Howard Street, Epsom from Farming Zone (FZ) to Public Use Zone Schedule 2 (PUZ2) as shown on Planning Scheme Map No. 15.
- Rezone 2,310 square metres of land at 123-129 Midland Highway, Epsom from PPRZ to Commercial 2 Zone (C2Z) as shown on Planning Scheme Map No. 15.
- Rezone 36 square metres of land at CA 2025 Rosemundy Road, Epsom from C2Z to PPRZ as shown on Planning Scheme Map No. 15.

- Rezone 1,220 square metres of land at CA 2001 Midland Highway, Epsom from C2Z to PPRZ as shown on Planning Scheme Map Nos. 15 & 16.
- Rezone 2,100 square metres of land at Lot 1 TP967530 Midland Highway, Epsom from C2Z to PPRZ as shown on Planning Scheme Map Nos. 15 & 16.
- Rezone 1.6 hectares of land at 164 Ironstone Road, Ascot from GRZ to PPRZ as shown on Planning Scheme Map No. 16.
- Rezone 5.9 hectares of land at 171 Ironstone Road, Ascot from GRZ to PPRZ as shown on Planning Scheme Map No. 16.
- Rezone 2.7 hectares of land at 17 Millewa Drive, Ascot from GRZ to PPRZ as shown on Planning Scheme Map No. 16.
- Rezone land at 13 Yellowgum Drive and Allot. 6A Sec. 8 Parish of Huntly on Station Street, Epsom from GRZ to PPRZ as shown on Planning Scheme Map No. 16.
- Rezone 1,490 square metres of land at Lot 2 Jones Road, Epsom from PPRZ to LDRZ1 as shown on Planning Scheme Map No. 16.
- Rezone 2,223 square metres of land at 453 Midland Highway, Huntly from FZ to LDRZ1 as shown on Planning Scheme Map No. 16.
- Rezone 7,290 square metres of land at 144 Sargeants Road, Huntly from LDRZ to FZ1 as shown on Planning Scheme Map No. 16.
- Rezone 1.6 hectares of land at 35 Murdock Street, California Gully from GRZ to PPRZ as shown on Planning Scheme Map No. 18.
- Rezone 18.97 hectares of land at 12-28 Cunneen Street, Long Gully from part GRZ and part Special Use Zone Schedule 6 (SUZ6) to Public Use Zone Schedule 7 (PUZ7) as shown on Planning Scheme Map No. 18.
- Rezone 1.5 hectares of land at 76 Holdsworth Road, Long Gully from PUZ7 to PPRZ as shown on Planning Scheme Map No. 18.
- Rezone 960 square metres of land at 330 Maiden Gully Road, Maiden Gully from Public Use Zone Schedule 1 (PUZ1) to LDRZ1 as shown on Planning Scheme Map No. 18.
- Rezone 4.7 hectares of land at CA 2087 Derwent Gully Road, West Bendigo from GRZ, Special Use Zone Schedule 4 (SUZ4), PUZ7 and FZ to PCRZ as shown on Planning Scheme Map No. 18.
- Rezone 265 square metres of land at 56 Chapel Street, Bendigo from Special Use Zone Schedule 1 (SUZ1) to GRZ as shown on Planning Scheme Map No. 19.
- Rezone 853 square metres of land at 129 Strickland Road, East Bendigo from TRZ1 to IN1Z as shown on Planning Scheme Map No. 19.
- Rezone 2,800 square metres of land at 36 and 44 Anderson Street, North Bendigo from GRZ to PPRZ as shown on Planning Scheme Map No. 19.
- Rezone 372 square metres of land at 83 Holdsworth Road, North Bendigo from PPRZ to GRZ as shown on Planning Scheme Map No. 19.
- Rezone 19.78 hectares of land at 42-72 Holmes Road, North Bendigo from PPRZ to Special Use Zone Schedule 8 (SUZ8) as shown on Planning Scheme Map No. 19.
- Rezone 627 square metres of land at 37 Herbert Avenue, Strathdale from PUZ1 to GRZ as shown on Planning Scheme Map No. 19.
- Rezone 522 square metres of land at 34 Mill Street, Strathdale from PUZ1 to GRZ as shown on Planning Scheme Map No. 19.
- Rezone 598 square metres of land at 36 Mill Street, Strathdale from PUZ1 to GRZ as shown on Planning Scheme Map Nos. 19.
- Rezone 2.6 hectares of land at 27 Hamelin Street, White Hills from GRZ to PPRZ as shown on Planning Scheme Map No. 19.
- Rezone 7,000 square metres of land at 559 Napier Street, White Hills from GRZ to PPRZ as shown on Planning Scheme Map No. 19.

- Rezone a total area of 223 square metres of land of the Midland Highway (Napier Street) road reserve adjacent to 384-386 and 484-488 Napier Street, White Hills from GRZ to Transport Zone 2 (TRZ2) as shown on Planning Scheme Map No. 19.
- Rezone a combined total area of 2,955 square metres of land at 167, 169, 171, 173, 175 and 177 Crook Street, Strathdale from Commercial 1 Zone (C1Z) to GRZ as shown on Planning Scheme Map No. 20.
- Rezone a combined total area of 5,447 square metres of land at 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 Elstead Drive Strathdale from C1Z to GRZ as shown on Planning Scheme Map No. 20.
- Rezone a combined total area of 3,706 square metres of land at 195A & B, 197A, B & C, 199A, B & C, 201 and 203 Mclvor Road, Strathdale from C1Z to GRZ as shown on Planning Scheme Map No. 20.
- Rezone 3,554 square metres of land at 205 Mclvor Road, Strathdale from C1Z and GRZ to PPRZ as shown on Planning Scheme Map No. 20.
- Rezone 3 hectares of land at 33 Gittins Drive, Strathdale from GRZ and PUZ1 to PPRZ as shown on Planning Scheme Map No. 20.
- Rezone 1 hectare of land at 99 Crook Street, Strathdale from PUZ1 to PPRZ as shown on Planning Scheme Map Nos. 20 & 24.
- Rezone 1,098 square metres of land at 17 Akins Rise, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 7,280 square metres of land at 38A Akoonah Drive, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1,472 square metres of land at 10-14 Allpress Drive, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1.15 hectares of land at 24 Elliott Street, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 5,987 square metres of land at 24 Gresham Court, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1.6 hectares of land at 2-12 Holly Street, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 4,501 square metres of land at 8 Maxwell Drive, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 8,006 square metres of land at 70 Norelle Crescent, Golden Square from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 860 square metres of land at 61 Panton Street, Golden Square from GRZ to TRZ1 as shown on Planning Scheme Map No. 22.
- Rezone 2,146 square metres of land at Lot 1 TP832622 Brian Street, Kangaroo Flat from Special Use Zone Schedule 9 (SUZ9) to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 6,274 square metres of land at 8 Bronze Drive, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 986 square metres of land at 9 Browning Street, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1.5 hectares of land at 26-28 Browning Street Kangaroo Flat from PUZ7 to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1,220 square metres of land at 6-50 Danson Avenue, Kangaroo Flat from GRZ and PUZ7 to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1.7 hectares of land at 80-92 Lockwood Road, Kangaroo Flat from PUZ7 to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 1,381 square metres of land at 34A Magellan Crescent, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 22.

- Rezone 5,354 square metres of land at 99-101 Olympic Parade, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 3,043 square metres of land at 72 Queen Street, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 549 square metres of land at 17 Carpenter Street, Kangaroo Flat from PUZ7 to C1Z as shown on Planning Scheme Map No. 22.
- Rezone 68 square metres of land at 2 Lansell Street, Kangaroo Flat from PUZ7 to GRZ as shown on Planning Scheme Map No. 22.
- Rezone 834 square metres of land at 29 Lockwood Road, Kangaroo Flat from Public Use Zone Schedule 6 (PUZ6) to C2Z as shown on Planning Scheme Map No. 22.
- Rezone 126 square metres of land at Allot. 79E and 7A Sec. 18 Township of Kangaroo Flat at 39 Neil Street, Kangaroo Flat from PPRZ to SUZ4 as shown on Planning Scheme Map No. 22.
- Rezone 1,002 square metres of land at 1 Station Street, Kangaroo Flat from GRZ to SUZ4 as shown on Planning Scheme Map No. 22.
- Rezone 9,035 square metres of land at 1D Station Street, Kangaroo Flat from SUZ4, SUZ6 & SUZ9 to PPRZ as shown on Planning Scheme Map No. 22.
- Rezone 4 hectares of land at 60 Retreat Road, Flora Hill from PUZ2 to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 601 square metres of land at 20 Drechsler Street, Flora Hill from PUZ1 to GRZ as shown on Planning Scheme Map No. 23.
- Rezone 8,118 square metres of land at 19 Sherwood Drive, Flora Hill from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 5,907 square metres of land at 26 Sherwood Drive, Flora Hill from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 393 square metres of land at 72 Lowndes Street, Kennington from PUZ1 to GRZ as shown on Planning Scheme Map No. 23.
- Rezone 4,136 square metres of land at 84 Marnie Road Kennington from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 772 square metres of land at 9 Annabell Court, Spring Gully from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 836 square metres of land at 4 Eliza Court, Spring Gully from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 3,116 square metres of land at 12 Kristy Drive, Spring Gully from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 1,543 square metres of land at CA 260D Retreat Road, Spring Gully from GRZ to PPRZ as shown on Planning Scheme Map No. 23.
- Rezone 1,433 square metres of land at 19 Figtree Land, Strathdale from GRZ to PPRZ as shown on Planning Scheme Map No. 24.
- Rezone 730 square metres of land at 20 Figtree Lane, Strathdale from GRZ to PPRZ as shown on Planning Scheme Map No. 24.
- Rezone 4,417 square metres of land at 13-17 Landale Drive, Strathdale from GRZ to PPRZ as shown on Planning Scheme Map No. 24.
- Rezone 4,337 square metres of land at 4 Paperbark Court, Strathdale from GRZ to PPRZ as shown on Planning Scheme Map No. 24.
- Rezone 5,050 square metres of land at 7-8 Stephens Court, Strathdale from GRZ to PPRZ as shown on Planning Scheme Map No. 24.
- Rezone 8,548 square metres of land at 4 Wildwood Drive, Strathdale from GRZ to PPRZ as shown on Planning Scheme Map No. 24.

- Rezone 1,365 square metres of land at 44-46 Barnett Drive, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 171 square metres of land at 8 Cobb Court, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 6,598 square metres of land at 6 Jerribong Way, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 8,943 square metres of land at 11 Lee Street, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 366 square metres of land at 16 Miners Rest, Kangaroo Flat from GRZ to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 2,917 square metres of land at 15 Stanley Crescent, Kangaroo Flat from PUZ6 to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 3,612 square metres of land at CA 76 Stanley Crescent Kangaroo Flat from PUZ6 to PPRZ as shown on Planning Scheme Map No. 26.
- Rezone 1.5 hectares of land at 40 Granter Street, Lockwood from GRZ and LDRZ to PCRZ as shown on Planning Scheme Map No. 26.
- Rezone 2,178 square metres of land at CA 14 Sec 6 Bradleys Lane, Costerfield from TZ to PCRZ as shown on Planning Scheme Map No. 38.
- Rezone 2,334 square metres of land at 10 Matheson Road, Mia Mia from PUZ7 to TZ as shown on Planning Scheme Map No. 42.
- Apply the LDRZ1 to land zoned LDRZ:
  - Between Railway Place North and Old Murray Road and between Bagshot Street, Warde Street, Cameron Street and Goornong-Barnadown Road, Goornong as shown on Planning Scheme Map No. 11.
  - North of the Huntly town centre between Midland Highway, Banksia Road, the Bendigo Creek and Pitt Street, Huntly as shown on Planning Scheme Map No. 12.
  - South of the Huntly town centre between Oakridge Drive, Pitson Court, Rennie Street, Tecoma Court, Waratah Road, Aspiring Drive and Cassons Crescent, Huntly as shown on Planning Scheme Map No. 12.
  - Between Watson Street, Buckland Street and St Killian Street, White Hills as shown on Planning Scheme Map No. 15.
  - Between Kennewell Street, Buckland Street and the Bendigo Creek, White Hills as shown on Planning Scheme Map No. 15.
  - At 3-35 Highett Street, Epsom as shown on Planning Scheme Map No. 15.
  - Between the Bendigo Creek and the Epsom-Huntly Recreation Reserve, Epsom as shown on Planning Scheme Map No. 15.
  - East of Midland Highway between Allen Street, Station Street, Sargeants Road and Carsons Crescent, Epsom as shown on Planning Scheme Map No. 16.
  - West of Midland Highway between Jones Road and Buckleys Lane, Epsom as shown on Planning Scheme Map No. 16.
  - West of Midland Highway, lots in Carsons Road, Highett Street and McPherson Streets, Epsom as shown on Planning Scheme Map No. 16.
  - Between Racecourse Road, Fairway Drive and the Huntly-Goornong Channel, Ascot as shown on Planning Scheme Map No. 16.
  - North of Maiden Gully Road and south of Homer Beacon Road, Maiden Gully as shown on Planning Scheme Map No. 17.
  - South of Maiden Gully Road and Patas Road, between Durstons Road and Golf Links Road, Maiden Gully as shown on Planning Scheme Map No. 17.
  - At 137-155 Edwards Road, Maiden Gully as shown on Planning Scheme Map No. 17.

- At 40-58 Pascoe Street, Long Gully as shown on Planning Scheme Map No. 18.
- South of Maiden Gully Road from Durstons Road to Butler Street, Maiden Gully as shown on Planning Scheme Map No. 18.
- North of Maiden Gully Road from Patas Road to Golf Links Road, Maiden Gully as shown on Planning Scheme Map No. 18.
- North of Maiden Gully Road from Albert Street to Batten Street, Maiden Gully as shown on Planning Scheme Map No. 18.
- South of Calder Highway and east of Kronk Street, Maiden Gully as shown on Planning Scheme Map No. 18.
- At 54-60 Derwent Gully Road, West Bendigo as shown on Planning Scheme Map No. 18.
- At 59 Empire Road, West Bendigo as shown on Planning Scheme Map No. 18.
- At 10 Ngaroto Drive, 112-118 and 120-122 Inglis Street and 188, 190, 192, 194, 198-200 Marong Road, West Bendigo and 191 and 193 Marong Road, Golden Square as shown on Planning Scheme Map No. 18.
- At 147-155 Watson Street, Jackass Flat as shown on Planning Scheme Map No. 19.
- At 10-24, 15-25, 40-48, 50 and 52 Cohn Street, 24 and 26 Cowper Street, 191 Holdsworth Road, 9, 22, 26 and 31-35 Latham Street and 99, 101, 103-105 109 and 110 Prouses Road, North Bendigo as shown on Planning Scheme Map No. 19.
- West of St Killian Street and north of John Street and Crane Street and south of Watson Street, White Hills as shown on Planning Scheme Map No. 19.
- Between Scott Street, Kennewell Street and the Bendigo Creek, White Hills as shown on Planning Scheme Map No. 19.
- North of Victa Road and east of Lyons Street and south of Golf Course Road and east of Racecourse Road and west of the Huntly-Goornong Channel and Bendigo Airport Access Road, Ascot as shown on Planning Scheme Map No. 20.
- North of Mclvor Highway between Pratts Park Road, Atlas Road and the O'Keefe Rail Trail, Junortoun as shown on Planning Scheme Map No. 20.
- At 2-10 Calibre Close and 15 and 21 Pratts Park Road, Strathdale as shown on Planning Scheme Map No. 20.
- At 336-380 Mclvor Road, Junortoun as shown on Planning Scheme Map No. 20.
- South of Wellsford Road between Hectors Lane and Alexander Road, Junortoun as shown on Planning Scheme Map No. 21.
- At 2 and 3 Coleman Close, 47, 50A, 51, 57, 73, 80, 88, 94, 102, 106 and 108 Kronk Street, Maiden Gully as shown on Planning Scheme Map No. 22.
- At 30 and 32-34 MacCullagh Street, Golden Gully as shown on Planning Scheme Map No. 22.
- South of Ham Street and east of Bunker Street and Bath Lane, Kangaroo Flat as shown on Planning Scheme Map No. 22.
- Between Birds Reef Lane, Kangaroo Gully Road and Sheltons Road, Kangaroo Flat as shown on Planning Scheme Map No. 22.
- Between Golden Gully Road and Diamond Hill Road, Kangaroo Flat as shown on Planning Scheme Map No. 22.
- At 17, 19-29, 31-37, 39 and 41-45 Vains Road and CA1346B Faugh-A-Ballagh Road, 32, 38 and 46-54 Woodward Road, Golden Gully as shown on Planning Scheme Map No. 23.
- North of Mclvor Highway between Pratts Park Road, Atlas Road and the O'Keefe Rail Trail, Junortoun as shown on Planning Scheme Map No. 24.
- Between La Valla Court, Mclvor Highway, Wilkie Road and Trotting Terrace, Junortoun as shown on Planning Scheme Map No. 24.
- Between Cassinia Drive, Trotting Terrace, Braeside Drive and Mclvor Forest Drive, Junortoun as shown on Planning Scheme Map No. 24.

- At 617, 628, 635, 698 and Lot 2 Strathfieldsaye Road, 25, 41, 69, 71 and 89 Osborne Lane, 184 Ryalls Lane, Strathfieldsaye as shown on Planning Scheme Map No. 24.
- Between Hectors Lane, Splitters Lane, Wilkie Road, Trotting Terrace, the O'Keefe Rail Trail and Bennetts Road, Junortoun as shown on Planning Scheme Map No. 25.
- At Allot. 49, Township of Strathfieldsaye and part of 1108 Wellington Street Strathfieldsaye as shown on Planning Scheme Map No. 25.
- At 40 and 50 Carcoola Drive and 160, 214, 216, 218, 222 and 229 Crusoe Road, Kangaroo Flat as shown on Planning Scheme Map No. 26.
- Between Verdant Court, Bendigo Creek, Cannon Lane, Hamill Street, Granter Street and the Crusoe Reservoir, Kangaroo Flat as shown on Planning Scheme Map No. 26.
- At 91 Birds Reef Lane, 11, 41, 51, 77, Lot 1 and CA 88D Irwin Lane, 8 Hardimans Lane and 17 Dorrington Lane, Kangaroo Flat as shown on Planning Scheme Map No. 26.
- At 56, 61, 70, 78-80, 81, 86, 88, 92, 107, 113, 121, 133, 193, 248 and Lot 1 Kangaroo Gully Road, Kangaroo Flat as shown on Planning Scheme Map No. 26.
- At 5603 and 5648 Calder Highway and 8, 9, 10, 11, 12, 19 and 20 Cherry Tree Lane, Big Hill as shown on Planning Scheme Map No. 26.
- At 192 Hollidays Road, Mandurang as shown on Planning Scheme Map No. 27.
- Between Callinan Lane and Cahills Road, Nankervis Road, Mannix Lane, Hunts Gap Road and O'Halloran Drive, Mandurang as shown on Planning Scheme Map No. 27.
- Between Hunts Gap Road, Hogans Road and Mannix Lane, Mandurang South as shown on Planning Scheme Map No. 29.
- Between Bendigo-Maldon Road, Panorama Road and Lockwood Rises Road, Lockwood South as shown on Planning Scheme Map No. 32.
- At 611, 629, 650, 651, 660, 670, 671, 672, 694, 722, 728 Calder Alternative Highway and 1 and 5 Bendigo-Maldon Road and 872, 879, 897, 899 and Lot 2, Crusoe Road, Lockwood South as shown on Planning Scheme Map No. 32.
- At 40 Heathcote-North Costerfield Road and 1, 4, 5, 6, 8 and 13 Ryans Lane and 2 Barrack Street and 19, 39 and 51 Ambers Street and 81 and 250 Forest Drive, Heathcote as shown as shown on Planning Scheme Map No. 44.
- North of Mclvor Highway and Northern Highway, Heathcote as shown as shown on Planning Scheme Map No. 44.
- Between Scullys Lane, Patterson Street and Heathcote-North Costerfield Road, Heathcote as shown as shown on Planning Scheme Map No. 44.
- Between Warren Road, Old Railway Reserve Road and Scotts Crescent, Heathcote as shown as shown on Planning Scheme Map No. 44.
- North of Redesdale Road and west of Armstrong Street, Heathcote as shown as shown on Planning Scheme Map No. 44.
- Between Back Kyneton Road, Hanson Street and Golden Gully Road, Heathcote as shown as shown on Planning Scheme Map No. 44.
- At Parkinson Court, Heathcote as shown as shown on Planning Scheme Map No. 44.
- Between Caldwell Street and Barrack Street, Heathcote as shown as shown on Planning Scheme Map No. 44.
- Between Heathcote-Nagambie Road, Heenans Lane, Warrowtue-Forest Road and Northern Highway, Heathcote as shown as shown on Planning Scheme Map No. 45.
- Between Mclvor Highway, Farley Road and the Northern Highway, Heathcote as shown as shown on Planning Scheme Map No. 45.
- Between Golf Links Lane, Codes Lane, Heathcote as shown as shown on Planning Scheme Map No. 45.
- At 31 and 97 Heathcote-Nagambie Road and 20 Forest Drive, Heathcote as shown on Planning Scheme Map No. 45.

- Apply the Low Density Residential Zone Schedule 2 (LDRZ2) to land zoned LDRZ:
  - At 45A, 45B, 45C and 45D Edwards Road, Maiden Gully as shown on Planning Scheme Map No. 17.
- Apply the Low Density Residential Zone Schedule 3 (LDRZ3) to land zoned LDRZ:
  - South of Loddon Valley Highway, Myers Flat as shown on Planning Scheme Map No. 13.
  - At 73 Letherbys Road and 152 Loddon Valley Highway, Sailors Gully as shown on Planning Scheme Map No. 14.
  - Between McCormacks Road, Hopkins Avenue and York Street, Sailors Gully as shown on Planning Scheme Map No. 14.
  - Between Durham Street, McCormacks Road, York Street and Belmont Drive, Eaglehawk as shown on Planning Scheme Map No. 18.
- Apply the Low Density Residential Zone Schedule 4 (LDRZ4) to land zoned LDRZ:
  - Between the Loddon Valley Highway, Dempsey Street and Dalton Street, Woodvale as shown on Planning Scheme Map No. 13.
  - Between the Loddon Valley Highway, Dempsey Street, Conder Street and Sailors Gully Road, Sailors Gully as shown on Planning Scheme Map No. 13.
  - At 177 and 183-189 Loddon Valley Highway, Sailors Gully as shown on Planning Scheme Map No. 13.
  - At 3-9 Coakes Street, Sailors Gully as shown on Planning Scheme Map No. 14.
  - Along Osborne Lane, south of Guys Hill Road, Strathfieldsaye as shown on Planning Scheme Map No. 24.
  - At 29 Emu Creek Road, Strathfieldsaye as shown on Planning Scheme Map No. 25.
  - At 359, 361 385 and 409 Tannery Lane, Strathfieldsaye as shown on Planning Scheme Map No. 28.
  - At Lot 2 Emu Creek Road, Lot 2 McCleans Road and 249 Bakers Lane, Strathfieldsaye as shown on Planning Scheme Map No. 33.
  - To the west, south and east of the township of Axedale as shown on Planning Scheme Map No. 34.
- Apply the Low Density Residential Zone Schedule 5 (LDRZ5) to land zoned LDRZ:
  - At Lot F 1 Charters Way and Lot X Sawmill Road, Huntly as shown on Planning Scheme Map No. 12.
- Apply the Rural Living Zone Schedule 1 (RLZ1) to land zoned RLZ:
  - At 7 Adams Street and 1329, 1331, 1332, 1336, 1339 and 1343 Calder Highway, Marong as shown on Planning Scheme Map No. 6.
  - Between Epsom-Fosterville Road, Midland Highway, Peatlings Road and Bissell Lane, Bagshot as shown on Planning Scheme Map No. 9.
  - Between Sandy Creek- Barnadown Road, Oberins Road, Whatleys Road and Tysons Road, Goornong as shown on Planning Scheme Map No. 9.
  - The south-western corner of Midland Highway and Comer Lane, Goornong as shown on Planning Scheme Map No. 11.
  - Between Sherwood Road and the Midland Highway and 61 and 85 Cruikshank Drive and 279 Huntly-Fosterville Road, Huntly as shown on Planning Scheme Map No. 12.
  - At 88 Andrew Lane, East Bendigo as shown on Planning Scheme Map No. 16.
  - At 277, 279, 300, 315 and CA5B Huntly-Fosterville Road, Huntly as shown on Planning Scheme Map No. 16.
  - To the east of Andrew Lane and to the south of Heinz Street, East Bendigo as shown on Planning Scheme Map No. 20.



- At CA4A and CA35 Maggs Lane and 36 Alexander Road, Longlea and 451,492 and 494 Tresize Track, Wellsford as shown on Planning Scheme Map No. 21.
- At 77 Tannery Lane, Mandurang as shown on Planning Scheme Map No. 23.
- At 2 Trotting Terrace, Junortoun as shown on Planning Scheme Map No. 24.
- North of Tannery Lane, between Mandurang Road and James Cook Drive, Mandurang as shown on Planning Scheme Map No. 24.
- At 5 Axe Creek Road, Axe Creek and 10 and 36 Alexander Road Longlea and Lot 1 Longlea Lane, 3 Lexton Road, Lot 1 Strathfieldsaye Road and 1285 Strathfieldsaye Road, Strathfieldsaye as shown on Planning Scheme Map No. 25.
- Both sides of O'Halloran Drive west of Hunts Gap Road, Mandurang South as shown on Planning Scheme Map No. 26.
- At Mandurang as shown on Planning Scheme Map No. 27.
- West of James Cook Drive, Mandurang as shown on Planning Scheme No. 28.
- At 61 and 83 James Cook Drive, Strathfieldsaye and land south of Schilling Lane and east of James Cook Drive, Emu Creek as shown on Planning Scheme No. 28.
- At Mandurang South and Sedgwick as shown on Planning Scheme Map No. 29.
- Between Conway Road, Sedgwick Road and Broadbent Road, Sedgwick as shown on Planning Scheme Map No. 31.
- At 75 Honeychurch Lane and 11 O'Halloran Drive, Mandurang as shown on Planning Scheme Map No. 31.
- At 28 Catto Street, Lockwood South as shown on Planning Scheme Map No. 32.
- North of McIvor Highway, Longlea and south McIvor Highway to the east of Axe Creek as shown on Planning Scheme Map No. 33.
- The northern and south western periphery of the township of Axedale as shown on Planning Scheme Map No. 34.
- East and west of Axedale-Goorong Road and along the western bank of the Campaspe River, Axedale as shown on Planning Scheme Map No. 35.
- East of Northern Highway and south of Hicks Lane, Ladys Pass and to the south of Heathcote-Costerfield Road and Bradleys Lane, Heathcote as shown on Planning Scheme Map No. 37.
- At 17 Harvey Street and CA 12 Church Street, Costerfield as shown on Planning Scheme Map No. 38.
- East of Leanganook Track, Sedgwick as shown on Planning Scheme Map No. 39.
- East and west of Axe Creek Road and Sutton Grange Road, Sedgwick as shown on Planning Scheme Map No. 40.
- At 321 Heathcote-Redesdale Road, Heathcote as shown on Planning Scheme Map No. 41.
- South-west of the McIvor Highway, High Street and Kilmore Road and north of Spring Flat Road and Ellis Road, Heathcote as shown on Planning Scheme Map No. 44.
- Between Northern Highway, Creek Drive and Patterson Street, Heathcote as shown on Planning Scheme Map No. 44.
- South-west of the McIvor Highway, between One Eye Road and Perrys Lane, Heathcote as shown on Planning Scheme Map No. 45.
- East of Northern Highway and west of Golf Links Lane, Heathcote as shown on Planning Scheme Map No. 45.
- North of Heathcote-Nagambie Road, Heathcote as shown on Planning Scheme Map No. 45.
- Apply the Rural Living Zone Schedule 2 (RLZ2) to land zoned RLZ:
  - Between Trewicks Road, Fire Brigade Tracks, Park Road and Elmore-Minto Road, Elmore as shown on Planning Scheme Planning Scheme Map No. 4.

- Between Spring Flat Road, Ellis Lane, Jacksons Lane and Joes Road, Argyle as shown on Planning Scheme Map No. 44.
- South-east of Heathcote-Nagambie Road and to the south-west of the Northern Highway, Heathcote as shown on Planning Scheme Map No. 45.
- Apply the Rural Living Zone Schedule 3 (RLZ3) to land zoned RLZ:
  - Between the municipal boundary, Wild Cherry Road and Almond Tree Road, Lockwood South as shown on Planning Scheme Map No. 30.
  - Between Bendigo-Maldon Road and Hamilton Way, Lockwood South as shown on Planning Scheme Map No. 39.
- Apply the Rural Living Zone Schedule 4 (RLZ4) to land zoned RLZ:
  - East of Bennetts Road, Longlea as shown on Planning Scheme Map No. 25.
  - Between Park Road, Mannes Lane, Sinclairs Road, Longlea Lane and Axe Creek Road, Strathfieldsaye as shown on Planning Scheme Map No. 25.
  - Between James Cook Drive, Schilling Lane, Red Tank Road, Hargreaves Road, Axe Creek Road and Bakers Lane, Strathfieldsaye as shown on Planning Scheme Map No. 28.
  - Between McCleans Road, Bakers Lane, Houlahans Lane, Axe Creek Road and Strathfieldsaye Road, Strathfieldsaye as shown on Planning Scheme Map No. 33.
  - East of Bennetts Road, Longlea as shown on Planning Scheme Map No. 33.
- Apply the Rural Living Zone Schedule 5 (RLZ5) to land zoned RLZ:
  - East and west of Calder Alternative Highway, south of Lockwood Road and south of Crusoe Road, Lockwood South as shown on Planning Scheme Map No. 31.
  - South west of Hollands Road and Sutcliff Road and north of Calder Alternative Highway and Crusoe Road, Lockwood South as shown on Planning Scheme Map No. 32.
- Apply the Rural Conservation Zone Schedule 1 (RCZ1) to land zoned RCZ:
  - Part of CA 5 Millwood Road, Kamarooka as shown on Planning Scheme Map No. 1.
  - South of Elmore Raywood Road along Bendigo-Tennyson Road and Millwood Road, Kamarooka as shown on Planning Scheme Map No. 2.
  - South of Palmer Road between Fauna Way, Hartlands Road, Blandford Road and Evans Road, Sebastian and between Evans Road, Dalys Road, Eaglehawk-Neilborough Road and Downie Road, Woodvale as shown on Planning Scheme Map No. 8.
  - Allot. 7 Sec. 15 Parish of Huntly on Adelaide Hills Road, Whipstick and Allot. 2 Sec. 32 Parish of Huntly and 350 and 540 Eaglehawk-Neilborough Road, Woodvale as shown on Planning Scheme Map No. 8.
  - South of Elmore-Raywood Road in the Greater Bendigo National Park along the Bendigo-Tennyson Road, Kamarooka East as shown on Planning Scheme Map No. 9.
  - At 40 Janaway Road and 341 and 376 Bendigo-Pyramid Road, Woodvale and 311 and 313 Bendigo-Pyramid Road, Sailors Gully and 13, 29 and 55 Whipstick Road, Eaglehawk North as shown on Planning Scheme Map No. 14.
  - At 310, 319, 324 and 332 Eaglehawk-Neilborough Road, Whipstick as shown on Planning Scheme Map No. 15.
  - At 13 Sawyer Lane, Kangaroo Flat as shown on Planning Scheme Map No. 22.
  - At 45 Palm Avenue, 19 Frankcliff Avenue and 190-194 Retreat Road, Spring Gully and 309 Edwards Road, Strathfieldsaye as shown on Planning Scheme Map No. 23.
  - At CA 2011 Calder Highway, Big Hill as shown on Planning Scheme Map No. 26.
  - At 263 Sedgwick Road, Sedgwick as shown on Planning Scheme Map No. 28.
  - At CA 2106 Mandurang South Road, Mandurang South and 66 Hogans Road, Sedgwick as shown on Planning Scheme Map No. 29.
  - At 25 Costas Track, Sedgwick as shown on Planning Scheme Map No. 31.

- East of Godfreys Road and Canny Road, Eppalock as shown on Planning Scheme Map No. 33.
- Along the foreshore of Lake Eppalock as shown on Planning Scheme Map No. 35.
- South of Mclvor Highway and Knowsley-Eppalock Road, Knowsley as shown on Planning Scheme Map No. 36.
- South-west of Coppermine Road and Northern Highway, Derrinal as shown on Planning Scheme Map No. 37.
- Along North Harcourt Road, Ford Road, Fenton Drive and Bryden Road, Harcourt North as shown on Planning Scheme Map No. 39.
- At 1038 Patons Road, Eppalock and CA 2 Girvan Road and 777 Kellys Road and east of Lyell Road, Kimbolton and north of Pilchers Bridge Nature Conservation Reserve at Rayne Road and Smallholder Road, Kimbolton as shown on Planning Scheme Map No. 40.
- Between the south eastern foreshore of Lake Eppalock, the municipal boundary and the Heathcote-Redesdale Road, Derrinal as shown on Planning Scheme Map No. 41.
- North of Daniels Lane, Mia Mia as shown on Planning Scheme Map No. 42.
- West of the Campaspe River at Redesdale and 1800 Heathcote-Redesdale Road, Mia Mia as shown on planning Scheme Map No. 43.
- At 4377 Mclvor Highway, Heathcote and within the Spring Plains Nature Conservation Reserve, Argyle as shown on Planning Scheme Map No. 45.
- Apply the Rural Conservation Zone Schedule 2 (RCZ2) to land zoned RCZ:
  - Between Trotting Terrace, Junortoun Road, Turners Road and Braeside Drive, Junortoun as shown on Planning Scheme Map No. 24.
  - Between Trotting Terrace, Binks Road, Turners Road and Junortoun Road, Junortoun as shown on Planning Scheme Map No. 25.
- Apply the Rural Conservation Zone Schedule 3 (RCZ3) to land zoned RCZ:
  - Between Sinclairs Road, Junortoun Road and Turners Road, Strathfieldsaye as shown on Planning Scheme Map No. 24.
  - Between the O'Keefe Trail, Bennetts Road, Sinclairs Road, Junortoun Road and Turners Road, Junortoun as shown on Planning Scheme Map No. 25.
- Apply the Rural Conservation Zone Schedule 4 (RCZ4) to land zoned RCZ:
  - At 19 Blossett Drive, 22 and 32 Daley Lane and CA 1 Springs Road, Sedgwick as shown on Planning Scheme Map No. 29.
  - Between Pinpandoor Road, Sugarloaf Road and Bill Mollison Drive, Axedale and Part CA 5 Barty Road and 100 Vahland Road, Emu Creek and the land to the east of Abbotts Road and west of Doles Road, Axe Creek as shown on Planning Scheme Map No. 33.
  - At 1-9 Bill Mollison Drive, Axedale as shown on Planning Scheme Map No. 35.
  - At Springs Road, Sedgwick as shown on Planning Scheme No. 39.
  - South of Clancy Road and north of Pilcher Lane, Eppalock as shown on Planning Scheme Map No. 40.
  - Between Tehan Court, Redesdale and Spring Flat Road and McPherson Road, Heathcote as shown on Planning Scheme Map No. 41.
  - At CA 19A Vaughans Lane, CA 20A Travers Lane, 28 Travers Lane, Heathcote as shown on Planning Scheme Map No. 44.
  - Between Vaughans Lane, Spring Flat Road and McPhersons Road, Heathcote as shown on Planning Scheme Map No. 45.
- Apply the FZ1 to land zoned FZ:
  - Between Newton Road, Hartlands Road and Greenhills Road, Neilborough as shown on Planning Scheme Map No. 1.

- Between Settlement Road, Keane Road and Kamarooka Store Road, Drummartin as shown on Planning Scheme Map No. 2.
- Between Settlement Road, the municipal boundary, Scott Road, and Lockington Road, Elmore as shown on Planning Scheme Map No. 3.
- On the periphery of the township of Elmore as shown on Planning Scheme Map No. 4.
- On the periphery of the township of Marong as shown on Planning Scheme Map Nos. 5 and 6.
- On the periphery of the township of Raywood as shown on Planning Scheme Map No. 7.
- South and east of the township of Raywood as shown on Planning Scheme Map No. 8.
- North of Midland Highway between Huntly and Goornong as shown on Planning Scheme Map No. 9.
- Along Axedale-Goornong Road and Elmore-Barnadown Road, Fosterville as shown on Planning Scheme Map No. 10.
- On the periphery of the township of Goornong as shown on Planning Scheme Map No. 11.
- To the north-west, south-west and north-east of the township of Huntly as shown on Planning Scheme Map No. 12.
- At Myers Flat as shown on Planning Scheme Map No. 13.
- East of Whipstick Road, Eaglehawk and north of Janaway Road, Woodvale as shown on Planning Scheme Map No. 14.
- Along Simpsons Road, Watson Street and Bendigo Creek, Epsom as shown on Planning Scheme Map No. 15.
- Along Sargeants Road and Buckleys Lane, Epsom and along Epsom-Barnadown Road, Wellsford as shown on Planning Scheme Map No. 16.
- Along Allies Road and Edwards Road, Maiden Gully as shown on Planning Scheme Map 17.
- North and south of Bracewell Street and west of Goodrich Land and Durstons Road, Maiden Gully as shown on Planning Scheme Map No. 18.
- Along Watson Street, Jackass Flat as shown on Planning Scheme Map No. 19.
- Along Norman Road, Wellsford as shown on Planning Scheme Map No. 21.
- North of the Specimen Hill Channel, Kangaroo Flat and north of Lockwood Road, Kangaroo Flat as shown on Planning Scheme Map No. 22.
- Between Calder Highway, Cherry Tree Lane and Granter Street and between Tuckermans Lane, Calder Highway and the Bendigo-Melbourne Railway Line, Big Hill as shown on Planning Scheme Map No. 26.
- Along Beilharz Road, Ravenswood as shown on Planning Scheme Map No. 29.
- At the south-west municipal boundary at Shelbourne as shown on Planning Scheme Map No. 30.
- North of Fentons Lane and Beilharz Road, Ravenswood and along the Calder Alternative Highway, Marong as shown on Planning Scheme Map No. 31.
- Along Francis Road, Panorama Road, Calder Alternative Highway and Sutcliffe Road, Lockwood South as shown on Planning Scheme Map No. 32.
- North of Fosterville Road, Fosterville as shown on Planning Scheme Map No. 33.
- East of the Campaspe River, Axedale, as shown on Planning Scheme Map No. 34.
- South of Russells Bridge Road, east of the Campaspe River and west of Derrinal-Crosbie Road, Toolleen as shown on Planning Scheme Map No. 35.
- On the periphery of the township of Knowsley as shown on Planning Scheme Map No. 36.
- Along Northern Highway and Heathcote-Rochester Road, Mount Camel and on the periphery of the township of Costerfield as shown on Planning Scheme Map No. 37.

- On the western periphery of the township of Costerfield as shown on Planning Scheme Map No. 38.
- North of Hokins Road and along Calder Highway, Ravenswood as shown on Planning Scheme Map No. 39.
- North of the municipal boundary in Lyal and Myrtle Creek as shown on Planning Scheme Map No. 40.
- North of the municipal boundary in Mia Mia as shown on Planning Scheme Map No. 41.
- On the periphery of the township of Mia Mia as shown on Planning Scheme Map No. 42.
- North of Burkes Lane, Mia Mia as shown on Planning Scheme Map No. 43.
- At CA 2A McNutts Lane, Heathcote as shown on Planning Scheme Map No. 44.
- Along Northern Highway, Heathcote-Nagambie Road and Thomas Lane, Heathcote as shown on Planning Scheme Map No. 45.
- Apply the Farming Zone Schedule 2 (FZ2) to land zoned FZ:
  - Between Coppermine Road, Northern Highway, School House Lane and Cahills Lane, Ladys Pass as shown on Planning Scheme Map No. 37.
- Apply the Farming Zone Schedule 3 (FZ3) to land zoned FZ:
  - At the south east corner of Bissell Lane and Sherwood Road, Huntly as shown on Planning Scheme Maps No. 9 and No. 12.

#### **Overlay Maps**

- Delete the Environmental Significance Overlay Schedule 5 (ESO5) from land at 40 Whirrakee Parade, Huntly as shown on Planning Scheme Map No. 12ESO.
- Delete the Design and Development Overlay Schedule 2 (DDO2) from land in Lockwood South generally bounded by McGlashans Road to the north, Hokins Road to the south, Almond Tree Road and Bendigo-Maldon Road to the east and Wild Cherry Road to the west as shown on Planning Scheme Map Nos. 30DDO and 39DDO.
- Delete the Development Plan Overlay Schedule 15 (DPO15) from land in Epsom bounded by Burgoyne Street, Caviar Court and Stephenson Street as shown on Planning Scheme Map No. 12DPO.
- Delete the DPO4 from land at CA 4A & CA 22E Sec 27 Station Street, Huntly as shown on Planning Scheme Map Nos. 12DPO and 16DPO.
- Delete the Development Plan Overlay Schedule 23 (DPO23) from land at 10, 11, 12, 13, 14, 15, 16 and 17 Botheras Court and 14 and 16 Rosemundy Road, Epsom as shown on Planning Scheme Map No. 15DPO.
- Delete the Development Plan Overlay Schedule 2 (DPO2) from land in Epsom generally bounded by Tobin Crescent to the north, Cassandra Crescent to the south, Station Street to the east and Midland Highway to the west as shown on the Planning Scheme Map No. 16DPO.
- Delete the DPO2 from land in Epsom generally bounded by Ironstone Road to the north, McConnachie Court to the south, Millewa Drive and Creekview Place to the east and Myrtle Road to the west as shown on Planning Scheme Map No. 16DPO.
- Delete the Development Plan Overlay Schedule 3 (DPO3) from land in Epsom generally bounded by publicly-owned land to the north, Ironstone Road to the south and east and the railway track to the west as shown on Planning Scheme Map No. 16DPO.
- Apply the DPO4 to part of 453 Midland Highway, Huntly as shown on Planning Scheme Map No. 16DPO.
- Delete the DPO4 from land at 144 Sargeants Road, Huntly as shown on Planning Scheme Map No. 16DPO.
- Apply the DPO4 to additional land at Lot 2 Jones Road, to include all of the land at Lot 2 Jones Road, Epsom as shown on Planning Scheme Map No. 16DPO.

- Delete the Development Plan Overlay Schedule 14 (DPO14) from land in White Hills generally bounded by Tussock Street to the north and west, Scott Street to the south and Priest Street to the east as shown on Planning Scheme Map No. 19DPO.
- Delete the Neighbourhood Character Overlay Schedule 1 (NCO1) from 61 Panton Street, Golden Square as shown on Planning Scheme No. 22NCO.
- Delete the Salinity Management Overlay (SMO) from land at 42 Olympic Parade and 275 Mackenzie Street West, Kangaroo Flat as shown on Planning Scheme Map No. 22SMO.
- Delete the Land Subject to Inundation Overlay Schedule 1 (LSIO1) from land at Lots 65 to 69 PS 806834 Wooleen Court, Huntly 1, 2, 5, 6, 8 Henbury Street, 1, 4 and 5 Bluestone Street, 4, 5, 6, 7, 8, 9 and 10 Remington Court, Huntly as shown on Planning Scheme Map Nos. 12LSIO and 16LSIO.
- Delete the LSIO1 from land at 2, 3 and 5 Evergreen Boulevard and 301 Howard Street, Jackass Flat as shown on Planning Scheme Map No. 15LSIO.
- Delete the LSIO1 from land at 601-611 and 617-623 Napier Street, Epsom as shown on Planning Scheme Map Nos. 15LSIO and 19LSIO.
- Delete the LSIO1 from land at 7, 9, 11, 13, 15, 17, 26 and 31 Priest Street, 1 and 3 Tussock Drive, 589-595 Napier Street, 16 and 18 Scott Street, White Hills as shown on Planning Scheme Map Nos. 15LSIO and 19LSIO.
- Delete the LSIO1 from land at 28, 30, 32 and 34 Langley Drive, Epsom as shown on Planning Scheme Map No. 16LSIO.
- Delete the LSIO1 from land at 1A, B & C Arrawalli Avenue, 162 Myrtle Road, 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 Limousin Court, 45, 47, 49, 51, 53, 55, 57, 59, 61 and 63 Sullivan Street, 147, 151 and 169 Ironstone Road, 1, 3 and 5 Argyle Lane, 2, 11 and 29 Charolais Court, 1 Apple Lane and at 2 Randall Way, Ascot as shown on Planning Scheme Map No. 16LSIO.
- Delete the LSIO1 from land at 19, 21 and 23 Orville Way and 24 and 26 Rheola Drive, White Hills as shown on Planning Scheme Map No. 19LSIO.
- Delete the LSIO1 from land at 18 & 19 Trantara Court, East Bendigo as shown on Planning Scheme Map No. 20LSIO.
- Delete the LSIO1 from land at 1, 3, 5, 7, 9, 11, 13, 15, 1/17, 2/17, 3/17, 4/17 and 19 Grantham Terrace, 20, 22, 24, 27, 29 and 31 Sovereign Gardens and 2 Queen Street, Kangaroo Flat as shown on Planning Scheme Map No. 22LSIO.
- Delete the LSIO1 from land at 10 Cadella Way, Strathfieldsaye as shown on Planning Scheme Map No. 25LSIO.
- Delete the LSIO1 from land at 92, 96, 98 and 100 Taylors Lane, Strathfieldsaye as shown on Planning Scheme Map No. 28LSIO.
- Delete the Public Acquisition Overlay (PAO) from Lot 2 Dukes Lane and 5, 7, 8, 9 and 10 Kiwarra Court and Lot 1 Mannes Lane and 1 and 18 McCleans Road and 478 and 483 Somerset Park Road and CA 1, CA 28C and 1151 Strathfieldsaye Road and 43 Swanson Boulevard and CA 49 and 961, 982, 994, 995, 998 and 1108 Wellington Street, Strathfieldsaye as shown on Planning Scheme No. 25PAO.

#### ***Planning Policy Framework***

- Amend Clause 15.01-2L (Environmentally sustainable development) to correct a terminology error introduced during the translation of policy in amendment C256gben.

#### ***Zone Schedules***

- Replace the existing Schedule to Clause 32.03 (LDRZ) with a new Schedule 1 (LDRZ1), which applies in parts of the municipality with the default minimum subdivision size, consistent with the *Ministerial Direction – Form and Content*.
- Insert a new Schedule 2 to Clause 32.03 (LDRZ2) which applies to land in Maiden Gully.

- Insert a new Schedule 3 to Clause 32.03 (LDRZ3) which applies to land in Eaglehawk and Myers Flat.
- Insert a new Schedule 4 to Clause 32.03 (LDRZ4) which applies to land in Axedale, Eaglehawk, Myers Flat and Strathfieldsaye.
- Insert a new Schedule 5 to Clause 32.03 (LDRZ5) which applies to land in Huntly.
- Replace the existing Schedule to Clause 35.03 (RLZ) with a new Schedule 1 (RLZ1), which applies in parts of the municipality with a minimum subdivision size of 8 hectares, consistent with the *Ministerial Direction – Form and Content*.
- Insert a new Schedule 2 to Clause 35.03 (RLZ2) which applies to land in Elmore and Heathcote.
- Insert a new Schedule 3 to Clause 35.03 (RLZ3) which applies to land in Lockwood South.
- Insert a new Schedule 4 to Clause 35.03 (RLZ4) which applies to land in Strathfieldsaye.
- Insert a new Schedule 5 to Clause 35.03 (RLZ5) which applies to land in Lockwood and at Merindah Road.
- Replace the existing Schedule to Clause 35.06 (RCZ) with a new Schedule 1 (RCZ1), which applies in parts of the municipality with the default minimum subdivision size, consistent with the *Ministerial Direction – Form and Content*.
- Insert a new Schedule 2 to Clause 35.06 (RCZ2) which applies to land in Junortoun.
- Insert a new Schedule 3 to Clause 35.06 (RCZ3) which applies to land in Junortoun.
- Insert a new Schedule 4 to Clause 35.06 (RCZ4) which applies to land in Axe Creek, Emu Creek, Eppalock and Heathcote.
- Replace the existing Schedule to Clause 35.07 (FZ) with a new Schedule 1 (FZ1), which applies in parts of the municipality with the default minimum subdivision size, consistent with the *Ministerial Direction – Form and Content*.
- Insert a new Schedule 2 to Clause 35.07 (FZ2) which applies to land in Ladys Pass.
- Insert a new Schedule 3 to Clause 35.07 (FZ3) which applies to land in Huntly.
- Amend the Schedule to Clause 36.03 (PCRZ) to remove completed projects and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend the existing Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to Clause 37.01 Special Use Zone (SUZ) to remove outdated land use terms and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend the existing Schedules 1, 2 and 3 to Clause 37.02 Comprehensive Development Zone (CDZ) to remove outdated land use terms and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.

**Overlay Schedules:**

- Amend the existing Schedules 1, 2, 3 and 5 to Clause 42.01 Environmental Significance Overlay (ESO) to remove construction exemptions for completed projects, clarify permit exemptions and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend the existing Schedules 1, 2 and 3 to Clause 42.02 Vegetation Protection Overlay (VPO) to clarify permit exemptions and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend the existing Schedules 1 and 2 to Clause 42.03 Significant Landscape Overlay (SLO) to make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend the existing Schedules 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 20, 22, 23, 24, 25 and 26 to Clause 43.02 Design and Development Overlay (DDO) to update maps and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.

- Delete Schedule 2 to Clause 43.02 (DDO2) as recommended by the *Greater Bendigo Planning Scheme Review 2019* to remove the schedule from the scheme as the land is now developed.
- Amend Schedules 4, 10, 16, 20, 21, 25, 26 and 29 to Clause 43.04 (DPO) to update maps and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Delete Schedules 2, 3, 14, 15 and 23 to Clause 43.04 Development Plan Overlay (DPO) as recommended by the *Greater Bendigo Planning Scheme Review, 2019* to remove the schedule from the scheme as the land is now developed.
- Amend Schedules 1 and 2 to Clause 43.05 Neighbourhood Character Overlay (NCO) to clarify permit exemptions and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend the Schedule to Clause 45.01 (PAO) as recommended by the Department of Transport.
- Amend Schedules 1 and 2 to Clause 45.06 Development Contributions Plan Overlay (DCPO) to update to make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.
- Amend Schedules 1 and 2 to Clause 45.09 Parking Overlay (PO) to update maps, clarify content and make minor administrative changes consistent with the *Ministerial Direction – Form and Content*.

#### **Particular Provisions**

- Amend the Schedule to Clause 52.17 (Native vegetation) to remove completed projects from the list of scheduled areas.

#### **General Provisions**

- Amend the Schedule to Clause 66.04 (Referral of permit applications under local provisions) to include referrals previously contained within other schedules, consistent with the *Ministerial Direction – Form and Content*.
- Amend the Schedule to Clause 66.06 (Notice of permit applications under local provisions) to include referrals previously contained within other schedules, consistent with the *Ministerial Direction – Form and Content*.

#### **Operational Provisions**

- Amend the Schedule to Clause 72.08 (Background documents) to include background documents previously contained within other schedules, consistent with the *Ministerial Direction – Form and Content*.

#### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The amendment updates the content of local schedules to reflect the findings of the *Greater Bendigo Planning Scheme Review, 2019* and to align content with the requirements of the *Ministerial Direction – Form and Content*. Minor administrative changes are proposed to improve legibility for users of the Greater Bendigo Planning Scheme by modernising maps and rewording some requirements to clarify and simplify.

The amendment is required to make corrections and to improve the efficient operation and effectiveness of the Greater Bendigo Planning Scheme by removing unnecessary restrictions that originate from incorrectly applied or outdated planning controls that do not reflect the current circumstance of the



affected land. This is consistent with the *Planning and Environment Act 1987* requirements for the regular review of planning schemes by the relevant responsible authorities.

The amendment rezones land which is currently inappropriately zoned based on either the ownership or use. Where a privately owned parcel of land is covered by two or more zones and one of the zones is a Public Land Zone or a Special Purpose Zone the amendment proposes to rezone to the current Residential or Rural zone that applies to the balance of the land. Conversely, the amendment corrects zoning anomalies on public owned land by proposing to rezone land to an appropriate PUZ. Corrections have also been proposed to the extent of Built Form Overlays which apply to parts of these properties.

The amendment also implements some of the recommendations of the *Greater Bendigo Public Space Plan*, 2019 which recommend the rezoning of land being used as public open spaces or for other public purposes to either PPRZ or to PCRZ to reflect the use and ownership.

An amendment proposes to rezone land at 60 Retreat Road, Flora Hill after ownership of the property changes from La Trobe University to City of Greater Bendigo. The proposed PPRZ is more appropriate than the existing PUZ2 and will facilitate the lands use as a sporting facility and reflect its public ownership.

The amendment proposes to rezone 29 properties located along McIvor Road in Strathdale from C1Z to GRZ as recommended by the *Commercial Land and Activity Centre Strategy*, 2015. This land has the potential to provide a diversity of housing types and housing growth in a location offering good access to services and transport. The properties are located adjacent to a Transport Zone 2 (McIvor Road) which provides direct linkage via both public and private transport to the City Centre. The properties are also within the 10-minute walking catchment of the Woodbury Court local centre. The land is flat and is not significantly constrained by overlays. In accordance with *Planning Practice Note 91* which states that the right residential zone will reflect the true development capacity of the land, the General Residential Zone has been identified as the most appropriate residential zone for this land.

The amendment is required to remove ESO5 from 40 Whirrakee Road, Huntly. This overlay was applied to the nearby public land at Lot RES1 Sawmill Road, Huntly to protect the remnant native vegetation and has erroneously been applied to this residential land containing no native vegetation.

The amendment proposes to delete the DDO2 and the DPO Schedules 2, 3, 14, 15 and 23 as recommended by the *Greater Bendigo Planning Scheme Review*, 2019 because the land now been developed.

The amendment proposes to remove the SMO from two properties in Kangaroo Flat because neither the North Central Catchment Management Authority nor the City Drainage Engineering Department could clarify the purpose of this overlay at this location.

The amendment proposes to remove the LSIO from 118 properties at the request of the North Central Catchment Management Authority, who have advised that the overlay is no longer required due to development that has occurred at these sites which has removed the risk of flooding.

The amendment proposes to remove the PAO5 from land in Strathfieldsaye at the request of the Department of Transport who have advised that this overlay is no longer required.

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

This amendment implements the following objectives of planning in Victoria, set out in section 4(1) of the *Planning and Environment Act 1987*:

- a) *To provide for the fair, orderly, economic, and suitable use, and development of the land.*
- b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- c) *To ensure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- e) *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*
- f) *To facilitate development in accordance with the objectives of planning in Victoria.*

The amendment updates the Greater Bendigo Planning Scheme with current and improved policy content. The amendment includes corrections to ensure land is appropriately zoned and implements recommendations from strategic work undertaken. It improves the legibility and efficiency of the

planning scheme and removes redundant planning controls. This will in turn provide certainty for the users of the planning system by ensuring the orderly use and development of land within the municipality, consistent with the objectives of planning in Victoria.

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

As a predominantly administrative amendment, most of the changes proposed in this amendment are unlikely to have any significant environmental, social or economic effects.

***Environmental effects***

The amendment is likely to have minor positive effects on the environment through the provision of clear objectives and decision guidelines in existing Environmental and Landscape Overlay Schedules. The rezoning of land identified in the *Greater Bendigo Public Space Plan*, 2019 will provide protection to existing public open space, whilst corrections to residential and commercial land zones will support development being directed to appropriate locations where existing infrastructure can be leveraged resulting in a lower environmental impact. The amendment will not have any adverse environmental effects.

***Social and economic effects***

The amendment is likely to improve the legibility and efficiency of the planning scheme which will provide certainty for the users by ensuring the orderly use and development of land within the municipality. The removal of redundant planning controls reduces the need for unnecessary permit applications and will ensure that decisions can be made based on relevant concerns.

**Does the amendment address relevant bushfire risk?**

Clause 13.02-1S (Bushfire planning) provides the policy basis on how bushfire risk should be addressed. This clause states that the policy must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is within a designated bushfire prone area, subject to a Bushfire Management Overlay (BMO) or proposed to be used or developed in a way that may create a bushfire hazard. Clause 13.02-1S has the objective to *strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life* and Clause 71.02-3 explicitly requires the protection of human life to be the priority policy consideration in decision making where a proposal has, or could have, a bushfire risk.

This amendment has the potential to intensify development through the rezoning of land and the removal of overlays. A Bushfire Risk Assessment Report (BRAR) was prepared to assess the risk of bushfire and is provided as a background document to this amendment. The BRAR demonstrates that the proposed amendment complies with the Victoria Planning Provisions for bushfire, with the key considerations and findings outlined below.

**Landscape considerations**

The land affected by the amendment is spread throughout the municipality and the landscape, local and neighbourhood conditions vary from site to site. Generally, the greatest bushfire hazard will be from vegetation located to the north and north-west of any given site. The topography (slope) of the affected land in relation to the location of vegetation has been considered when assessing the bushfire risks. None of the affected land was found to be located on a heavily vegetated slope which would have the potential to impact the intensity and severity of bushfire.

**Alternative locations for development**

The land affected by the amendment generally already has established development or existing uses and the rezoning of land is to correct zoning errors or anomalies that apply to part of the site. For these reasons, it is considered that determining alternative locations for development is not relevant in the context of this amendment.

**Availability of safe areas**

The rezoning of land or the application or deletion of redundant overlays as proposed by this amendment will not intensify development to the extent that more lives or properties will be put at bushfire risks. For this reason, the availability of safe areas is not considered as relevant.

### Site based exposure

The land identified for increased development is predominantly located in low risk bushfire areas. The BRAR determined that whilst the following changes to zones may result in the introduction or intensification of development, the sites can all achieve BAL-12.5 rating under AS3959-2009 Construction of Buildings in Bushfire Prone Areas (Standards Australia, 2009) as follows:

- CA 20 Sandhurst Street, Raywood from PUZ3 to TZ  
This site is located on the edge of the Raywood township. Land adjoining the site is zoned Township Zone, except to the west (PUZ2 - Raywood Primary School) and the south-east (Farming Zone). The subject site is undeveloped. The nearby vegetation is classified as Grassy Woodland Forest, with a slope of 0%. Whilst there is some vegetation on site, it is not linked to vegetation outside of the site boundaries. There is no significant vegetation within 150m of the site.
- Part Lot 2 Jones Road, Epsom from PPRZ to LDRZ1.  
This site is currently developed with a single dwelling. The rezoning is required to correct an error where private land has a public zone applied. The nearby vegetation is classified as Plains Grassy Woodland, with a slope of 0%. There is no significant vegetation within 150m of the site.
- 453 Midland Highway, Huntly from FZ to LDRZ1.  
This site is currently developed with a single dwelling. The rezoning and the application of DPO4 is to align the zones to the property boundaries. The nearby vegetation is classified as Plains Grassy Woodland, with a slope of 0.23%. There is no significant vegetation within 150m of the site.
- 10 Matheson Road, Mia Mia from PUZ7 to TZ.  
This site is currently developed with a single dwelling. The rezoning is required to correct an error where private land has a public zone applied. The nearby vegetation is Grassy Woodland, to the south of the site and upslope. The required setback is 33m, which can be achieved due to the area to Matheson Road and it's cleared road reserve.
- 167, 169, 171, 173, 175 and 177 Crook Street and 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 Elstead Drive and 195A and B and 197A, B and C and 199A, B and C and 201 and 203 McIvor Road, Strathdale from C1Z to GRZ.

Most of these sites are developed with a single dwelling and some are yet to be developed. None of these sites is within a designated bushfire prone area, are on a vegetated slope or is in proximity of a bushfire hazard, with all being in an existing established urban area.

### Risk change

The amendment will not result in an increase of the risk from bushfire for existing and future residents, property, community infrastructure or the natural environment because it principally only corrects zoning anomalies or redundant overlays.

### Mitigation measures

Mitigation measures are not required for any of the sites included in this amendment.

### Views of the relevant fire authority

The amendment and BRAR was referred to the Country Fire Authority for their preliminary comments, with several follow up attempts made. The comments of the CFA have not been received and will be sought again during the exhibition process of the amendment.

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

The amendment improves compliance with *Ministerial Direction – Form and Content of Planning Schemes* by making administrative changes and corrections to schedules. In accordance with this Direction, the amendment also seeks to ensure that the Greater Bendigo Planning Scheme only includes land in a public zone where the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council and the public land zone is the most appropriate zone.

The amendment is consistent with *Ministerial Direction 1- Potentially Contaminated Land* as none of the sites it proposes to rezone to allow a sensitive use is known to be potentially contaminated.

The amendment is consistent with *Ministerial Direction No.11 – Strategic Assessment of Amendments* through the inclusion of this Explanatory Report which responds to all the required strategic considerations, as guided by Planning Practice Note 46 – *Strategic Assessment Guidelines*, August 2018.

The amendment will comply with *Ministerial Direction No. 15 – the planning scheme amendment process* by completing steps in the planning scheme amendment process within the set times, unless an exemption from the need to comply is granted by the Minister for Planning.

The amendment complies with *Ministerial Direction No. 19 - Information requirement for amendments that may result in impacts on the environment, amenity and human health* as the amendment does not propose changes that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

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

Clause 01 states that one of the purposes of the planning scheme is “*To provide a clear and consistent framework within which decisions about the use and development of land can be made.*” This amendment implements recommendations of the *Greater Bendigo Planning Scheme Review 2019* and other strategic work, makes corrections to zoning and overlay errors and anomalies and removes outdated controls as recommended by relevant agencies.

The amendment is supported by the following clauses in the Planning Policy Framework:

Clause 11.01-1R (Settlement - Loddon Mallee South) has a strategy to support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services. The amendment is consistent with this clause and the Loddon Mallee South Regional Growth Plan by ensuring that planning controls are up to date and support population and economic growth.

Clause 13.02-1S (Bushfire planning) has an objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The amendment is consistent with this objective as outlined extensively in the relevant section above.

Clause 16.01-1S (Housing supply) has an objective to facilitate well-located, integrated, and diverse housing that meets community needs. The amendment is consistent with this objective by rezoning land zoned C1Z to GRZ to facilitate use and development for residential purposes, as recommended by adopted strategic work.

Clause 16.01-3S (Rural residential development) has an objective to identify land suitable for rural residential development. The amendment is consistent with this objective by rezoning land that is currently being used for residential purposes, but which is inhibited from further development because it is partly in a public zone.

Clause 17.02-1S (Business) has an objective to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The amendment is consistent with this objective by rezoning land that is developed and used for office purposes but is in two zones to all C1Z so its use and development can be maximised.

Clause 17.03-1S (Industrial land supply) has an objective to ensure availability of land for industry. The amendment is consistent with this objective because it corrects a zone mapping error over a property to facilitate its use and development for industrial purposes into the future.

Clause 17.04-1S (Facilitating tourism) has an objective to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. The amendment is consistent with this objective by correcting a zoning anomaly to an existing caravan park and by updating the schedule to the Special Use Zone which applies to tourism facilities.

Clause 18.02-3S (Road system) has an objective to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure. The amendment is consistent with this objective by applying the correct zone to a road reserve which should be in a Transport Zone and also by deleting the PAO on land adjoining a TRZ2 in Strathfieldsaye as it is no longer required.

Clause 19.02-2S (Education facilities) has an objective to assist the integration of education facilities with local and regional communities. The amendment is consistent with this objective because it proposes to correct a zone mapping error over a property with existing educational uses. The amendment will rezone this property to PUZ2 (Education) to reflect its existing use and future development.

Clause 19.02-6S (Open space) has an objective to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The amendment is consistent with this objective by rezoning public land currently used as public open to either PPRZ or PCRZ to support its continued use into the future as recommended by the *Greater Bendigo Public Space Plan*, 2019.

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

The amendment is supported by the following clauses in the Planning Policy Framework:

Clause 02.03-3 (Environmental risks and amenity) lists climate change, bushfire, flooding soil degradation and land use compatibility among the key environmental risks for Greater Bendigo. The strategic directions for natural environmental risks include:

- Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Manage flooding risks that have the potential to cause harm to people and property and damage environmental values.

The amendment is consistent with this clause because in correcting zoning or overlay errors considers the bushfire risk of all proposed changes. It also removes outdated flooding controls as recommended by the catchment authority.

Clause 02.03-6 (Housing) lists the location of residential development, housing diversity and the management of rural residential development among the key housing issues for Greater Bendigo. The strategic directions for housing include:

- Facilitate a wide diversity of housing typologies to suit all household types, needs and incomes and make best use of land and environmental resources.
- Increase the residential population of Bendigo City Centre and its immediate surrounds to create a more dynamic area, maximise the use of existing infrastructure and provide different housing choices for people.

The amendment is consistent with this zone because it proposes to rezone land to residential zones as identified in the *Commercial Land and Activity Centre Strategy*, 2015.

Clause 02.03-7 (Economic development) includes key strategic directions:

- Make well located affordable employment land available.
- Plan for the future growth of the industrial sector by providing zoned land in appropriate locations and lot configurations.

The Amendment is consistent with this clause because it also includes the rezoning of land currently used for industrial purposes to the correct zone.

Clause 02.03-9 (Open space) has among its strategic directions:

- Retain the existing amount of public space, but strategically consolidate it to improve its quality and achieve a network of public open space links between key destinations like schools and activity centres and open spaces.
- Support the various functions and values of the public space network, including space for natural areas and wildlife, biodiversity, managing water quality, active recreation and transport, cultural heritage and indigenous connections.

The amendment is consistent with this clause as it further implements recommendations of the *Greater Bendigo Public Space Plan, 2019*

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

The amendment makes proper use of the Victoria Planning Provisions by updating the Greater Bendigo Planning Scheme with current and improved policy content. The amendment includes corrections to ensure land is appropriately zoned and implements recommendations from strategic work undertaken. It improves the legibility and efficiency of the planning scheme and removes redundant planning controls, providing certainty for users of the planning system. The amendment makes changes to further align the Greater Bendigo Planning Scheme with the *Ministerial Direction - Form and Content*.

In preparing this amendment, the relevant planning practice notes have been considered specifically:

- Planning Practice Note 3 - *Applying the Special Use Zone*, May 2022
- Planning Practice Note 23 – *Applying the Incorporated Plan and Development Plan Overlays*, September 2022
- Planning Practice Note 30 - *Potentially Contaminated Land*, July 2021
- Planning Practice Note 32 - *Review of Planning Schemes*, June 2015
- Planning Practice Note 46 – *Strategic Assessment Guidelines*, August 2018
- Planning Practice Note 54 – *Managing Referrals and Notice Requirements*, June 2015
- Planning Practice Note 22 – *The Parking Overlay*, April 2013
- Planning Practice Note 91 - *Using the residential zones*, December 2019

The following planning practice notes will be considered throughout the planning scheme amendment process:

- Planning Practice Note 74 – *Making planning documents available to the public*, January 2022
- Planning Practice Note 77 – *Pre-setting panel hearing dates*, July 2015

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

Extensive consultation occurred with relevant agencies during the preparation of the Planning Scheme Review. Agencies were also consulted during preparation of this amendment. The Department of Environment, Land, Water and Planning supports the rezoning of its land to a public zone where appropriate. The Department of Transport supports deletion of the PAO along Wellington Street in Strathfieldsaye.

North Central Catchment Management Authority provided the City with a list of properties with the supporting mapping where they are satisfied that flood mitigation works have occurred and the Land Subject to Inundation Overlay is no longer required and therefore, should be deleted.

The amendment was referred to the CFA for comment and followed up on several occasions, but no feedback has been provided.

All relevant agencies were again consulted during the amendment process with the North Central Catchment Management Authority, Department of Transport and Department of Environment, Land Water and Planning all making submissions in support of the Amendment. No other agencies provided comment on the Amendment.

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

The Transport Integration Act 2010 defines the transport system as all the components which make up the system for the movement of persons and goods.

The amendment will not have a significant impact on the transport system as defined by section 3 of the *Transport Integration Act 2010* because the Amendment will not affect land in such a way that there will need to extend any existing transport infrastructure. The land affected by the Amendment is already adequately serviced by the required level of infrastructure. Any changes propose to land which is located within a Transport Zone, are at the request, or in consultation with, the relevant transport authority.

**Resource and administrative costs**

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

The amendment provides for the correction of errors, anomalies and outdated policy in the planning scheme. The changes will reduce resource and administrative costs of the responsible authority by avoiding the need for unnecessary planning permit applications for land use and development which meet with the purposes and provisions of the scheme and by adding clarity to the content and mapping of the planning scheme.

**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 Planning Department, Hopetoun Mill, 15 Hopetoun Street, Bendigo

or

<http://www.bendigo.vic.gov.au/residentsandservices/planningservices/Planningschemeamendments>

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](http://www.delwp.vic.gov.au/public-inspection)

**Panel hearing dates**

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

Directions Hearing: To commence in the week of Monday, 27 March 2023.

Panel Hearing: To commence in the week of Monday, 1 May 2023.

**ATTACHMENT 1 – Zone changes**

<b>Location</b>	<b>Land/area affected</b>	<b>Mapping references</b>
Raywood	CA 20 Sandhurst Street	Greater Bendigo C247gben znMap07 Exhibition
Huntly	CA 22E Sec 27 Station Street	Greater Bendigo C247gben znMap12 Exhibition & Greater Bendigo C247gben znMap16 Exhibition
Huntly	CA 4A Sec 27 Station Street	Greater Bendigo C247gben znMap16 Exhibition
Epsom	Lot 1 TP951458 Howard Street	Greater Bendigo C247gben znMap15 Exhibition
Epsom	123-129 Midland Highway	Greater Bendigo C247gben znMap15 Exhibition
Epsom	CA2025 Rosemundy Road	Greater Bendigo C247gben znMap15 Exhibition
Epsom	CA2001 Midland Highway	Greater Bendigo C247gben znMap15 Exhibition & Greater Bendigo C247gben znMap16 Exhibition
Epsom	Lot 1 TP967530 Midland Highway	Greater Bendigo C247gben znMap15 Exhibition & Greater Bendigo C247gben znMap16 Exhibition
Ascot	164 Ironstone Road	Greater Bendigo C247gben znMap16 Exhibition
Ascot	171 Ironstone Road	Greater Bendigo C247gben znMap16 Exhibition
Ascot	17 Millewa Drive	Greater Bendigo C247gben znMap16 Exhibition
Epsom	13 Yellowgum Drive	Greater Bendigo C247gben znMap16 Exhibition
Epsom	Allot. 6A Sec. 8 Parish of Huntly on Station Street	Greater Bendigo C247gben znMap16 Exhibition
Epsom	Lot 2 Jones Road	Greater Bendigo C247gben znMap16 Exhibition
Huntly	453 Midland Highway	Greater Bendigo C247gben znMap16 Exhibition
Huntly	144 Sargeants Road	Greater Bendigo C247gben znMap16 Exhibition
California Gully	35 Murdock Street	Greater Bendigo C247gben znMap18 Exhibition
Long Gully	12-28 Cunneen Street	Greater Bendigo C247gben znMap18 Exhibition
Long Gully	76 Holdsworth Road	Greater Bendigo C247gben znMap18 Exhibition
Maiden Gully	330 Maiden Gully Road	Greater Bendigo C247gben znMap18 Exhibition
West Bendigo	CA 2087 Derwent Gully Road	Greater Bendigo C247gben znMap18 Exhibition
Bendigo	56 Chapel Street	Greater Bendigo C247gben znMap19 Exhibition
East Bendigo	129 Strickland Road	Greater Bendigo C247gben znMap19 Exhibition
North Bendigo	36 Anderson Street	Greater Bendigo C247gben znMap19 Exhibition
North Bendigo	44 Anderson Street	Greater Bendigo C247gben znMap19 Exhibition
North Bendigo	83 Holdsworth Road	Greater Bendigo C247gben znMap19 Exhibition
North Bendigo	42-72 Holmes Road	Greater Bendigo C247gben znMap19 Exhibition
Strathdale	37 Herbert Avenue	Greater Bendigo C247gben znMap19 Exhibition
Strathdale	34 Mill Street	Greater Bendigo C247gben znMap19 Exhibition
Strathdale	36 Mill Street	Greater Bendigo C247gben znMap19 Exhibition
White Hills	27 Hamelin Street	Greater Bendigo C247gben znMap19 Exhibition
White Hills	559 Napier Street	Greater Bendigo C247gben znMap19 Exhibition
White Hills	Part of the Midland Highway (Napier Street) road reserve	Greater Bendigo C247gben znMap19 Exhibition



Location	Land/area affected	Mapping references
	adjacent to 384-386 Napier Street	
White Hills	Part of the Midland Highway (Napier Street) road reserve adjacent to 484-488 Napier Street	Greater Bendigo C247gben znMap19 Exhibition
Strathdale	167, 169, 171, 173, 175 and 177 Crook Street	Greater Bendigo C247gben znMap20 Exhibition
Strathdale	14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 Elstead Drive	Greater Bendigo C247gben znMap20 Exhibition
Strathdale	195A & B, 197A, B & C, 199A, B & C, 201, 203 and 205 McIvor Road	Greater Bendigo C247gben znMap20 Exhibition
Strathdale	Road reserve along Gittins Drive	Greater Bendigo C247gben znMap20 Exhibition
Strathdale	99 Crook Street	Greater Bendigo C247gben znMap20 Exhibition & Greater Bendigo C247gben znMap24 Exhibition
Golden Square	17 Akins Rise	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	38A Akoonah Drive	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	10-14 Allpress Drive	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	24 Elliott Street	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	24 Gresham Court	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	2-12 Holly Street	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	8 Maxwell Drive	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	70 Norelle Crescent	Greater Bendigo C247gben znMap22 Exhibition
Golden Square	61 Panton Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	Lot 1 TP832622 Brian Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	8 Bronze Drive	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	9 Browning Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	26-28 Browning Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	6-50 Danson Avenue	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	80-92 Lockwood Road	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	34A Magellan Crescent	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	99-101 Olympic Parade	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	72 Queen Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	17 Carpenter Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	2 Lansell Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	29 Lockwood Road	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	7A Sec. 18 at 39 Neil Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	Allot. 79E at 39 Neil Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	1 Station Street	Greater Bendigo C247gben znMap22 Exhibition
Kangaroo Flat	1D Station Street	Greater Bendigo C247gben znMap22 Exhibition

Location	Land/area affected	Mapping references
Flora Hill	60 Retreat Road	Greater Bendigo C247gben znMap23 Exhibition
Flora Hill	20 Drechsler Street	Greater Bendigo C247gben znMap23 Exhibition
Flora Hill	19 Sherwood Drive	Greater Bendigo C247gben znMap23 Exhibition
Flora Hill	26 Sherwood Drive	Greater Bendigo C247gben znMap23 Exhibition
Kennington	72 Lowndes Street	Greater Bendigo C247gben znMap23 Exhibition
Kennington	84 Marnie Road	Greater Bendigo C247gben znMap23 Exhibition
Spring Gully	9 Annabell Court	Greater Bendigo C247gben znMap23 Exhibition
Spring Gully	4 Eliza Court	Greater Bendigo C247gben znMap23 Exhibition
Spring Gully	12 Kristy Drive	Greater Bendigo C247gben znMap23 Exhibition
Spring Gully	CA 260D Retreat Road	Greater Bendigo C247gben znMap23 Exhibition
Strathdale	19 Figtree Lane	Greater Bendigo C247gben znMap24 Exhibition
Strathdale	20 Figtree Lane	Greater Bendigo C247gben znMap24 Exhibition
Strathdale	13-17 Landale Drive	Greater Bendigo C247gben znMap24 Exhibition
Strathdale	4 Paperbark Court	Greater Bendigo C247gben znMap24 Exhibition
Strathdale	7-8 Stephens Court	Greater Bendigo C247gben znMap24 Exhibition
Strathdale	4 Wildwood Drive	Greater Bendigo C247gben znMap24 Exhibition
Kangaroo Flat	44-46 Barnett Drive	Greater Bendigo C247gben znMap26 Exhibition
Kangaroo Flat	8 Cobb Court	Greater Bendigo C247gben znMap26 Exhibition
Kangaroo Flat	6 Jerribong Way	Greater Bendigo C247gben znMap26 Exhibition
Kangaroo Flat	11 Lee Street	Greater Bendigo C247gben znMap26 Exhibition
Kangaroo Flat	16 Miners Rest	Greater Bendigo C247gben znMap26 Exhibition
Kangaroo Flat	15 Stanley Crescent	Greater Bendigo C247gben znMap26 Exhibition
Kangaroo Flat	CA 76 Stanley Crescent	Greater Bendigo C247gben znMap26 Exhibition
Lockwood	40 Granter Street	Greater Bendigo C247gben znMap26 Exhibition
Costerfield	CA 14 Sec 6 Bradleys Lane	Greater Bendigo C247gben znMap38 Exhibition
Mia Mia	10 Matheson Road	Greater Bendigo C247gben znMap42 Exhibition

**ATTACHMENT 2 – Overlay changes**

<b>Location</b>	<b>Land/area affected</b>	<b>Mapping references</b>
Huntly	40 Whirrakee Road	Greater Bendigo C247gben002d-esoMap12 Exhibition
Lockwood South	Bounded by McGlashans Road to the north, Hokins Road to the south, Almond Tree Road and Bendigo-Maldon Road to the east and Wild Cherry Road to the west	Greater Bendigo C247gben 009d-ddoMaps30_39 Exhibition
Huntly	Bounded by Burgoyne Street, Caviar Court and Stephenson Street	Greater Bendigo C247gben 007d-dpoMap12 Exhibition
Huntly	CA 4A & CA 22E Sec 27 Station Street	Greater Bendigo C247gben 005d-dpoMaps12_16 Exhibition
Epsom	10, 11, 12, 13, 14, 15, 16 and 17 Botheras Court and 14 and 16 Rosemundy Road	Greater Bendigo C247gben 008d-dpoMaps15_16 Exhibition
Epsom	Bounded by Ironstone Road to the north, McConnachie Court to the south, Millewa Drive and Creekview Place to the east and Myrtle Road to the west.	Greater Bendigo C247gben 008d-dpoMaps15_16 Exhibition
Epsom	Bounded by Tobin Crescent to the north, Cassandra Crescent to the south, Station Street to the east and Midland Highway to the west.	Greater Bendigo C247gben 008d-dpoMaps15_16 Exhibition
Epsom	Bounded by publicly owned land to the north, Ironstone Road to the south and east and the railway track to the west.	Greater Bendigo C247gben 008d-dpoMaps15_16 Exhibition
Huntly	453 Midland Highway	Greater Bendigo C247gben 003d-dpoMap16 Exhibition
Huntly	144 Sargeants Road	Greater Bendigo C247gben 003d-dpoMap16 Exhibition
Epsom	Lot 2 Jones Road	Greater Bendigo C247gben 006dpoMap16 Exhibition
White Hills	Bounded by Tussock Street to the north and west, Scott Street to the south and Priest Street to the east.	Greater Bendigo C247gben 012d-dpoMap19 Exhibition
Golden Square	61 Panton Street	Greater Bendigo C247gben 027d-ncoMap22 Exhibition
Kangaroo Flat	42 Olympic Parade	Greater Bendigo C247gben 013d-smoMap22 Exhibition
Kangaroo Flat	275 Mackenzie Street W	Greater Bendigo C247gben 013d-smoMap22 Exhibition
Huntly	Lots 65 to 69 PS 806834 Wooleen Court and 1, 2, 5, 6, 8 Henbury Street and 1, 4 and 5 Bluestone Street and 4, 5, 6, 7, 8, 9 and 10 Remington Court	Greater Bendigo C247gben 014d-lsioMaps12_16 Exhibition
Jackass Flat	2, 3 and 5 Evergreen Boulevard and 301 Howard Street	Greater Bendigo C247gben 019d-lsioMap15 Exhibition

Location	Land/area affected	Mapping references
Epsom	601-611 and 617-623 Napier Street	Greater Bendigo C247gben 021d-IsioMaps15_19 Exhibition
White Hills	7, 9, 11, 13, 15, 17, 26 and 31 Priest Street and 1 and 3 Tussock Drive and 589-595 Napier Street and 16 and 18 Scott Street	Greater Bendigo C247gben 021d-IsioMaps15_19 Exhibition
Epsom	28, 30, 32 and 34 Langley Drive	Greater Bendigo C247gben 020d-IsioMap16 Exhibition
Ascot	11 and 29 Charolais Court	Greater Bendigo C247gben 015d-IsioMap16 Exhibition
Ascot	2 Charolais Court and 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 Limousin Court and 147, 151 and 169 Ironstone Road and 2 Randall Way	Greater Bendigo C247gben 016d-IsioMap16 Exhibition
Ascot	1A, B & C Arrawalli Avenue and 162 Myrtle Road	Greater Bendigo C247gben 017d-IsioMap16 Exhibition
Ascot	45, 47, 49, 51, 53, 55, 57, 59, 61 and 63 Sullivan Street and 1, 3 and 5 Argyle Lane and 1 Apple Lane	Greater Bendigo C247gben 018d-IsioMap16 Exhibition
White Hills	19, 21 and 23 Orville Way and 24 and 26 Rheola Drive	Greater Bendigo C247gben 022d-IsioMap19 Exhibition
East Bendigo	18 & 19 Trantara Court	Greater Bendigo C247gben 023d-IsioMap20 Exhibition
Kangaroo Flat	1, 3, 5, 7, 9, 11, 13, 15, 1/17, 2/17, 3/17, 4/17 and 19 Grantham Terrace and 20, 22, 24, 27, 29 and 31 Sovereign Gardens and 2 Queen Street	Greater Bendigo C247gben 024d-IsioMap22 Exhibition
Strathfieldsaye	10 Cadella Way	Greater Bendigo C247gben 025d-IsioMap25 Exhibition
Strathfieldsaye	92, 96, 98 and 100 Taylors Lane	Greater Bendigo C247gben 026d-IsioMap28 Exhibition
Strathfieldsaye	Lot 2 Dukes Lane 5, 7, 8, 9 and 10 Kiwarra Court Lot 1 Mannes Lane 1 and 18 McCleans Road 478 and 483 Somerset Park Road CA 1, CA 28C and 1151 Strathfieldsaye Road 43 Swanson Boulevard CA 49 and 961, 982, 994, 995, 998 and 1108 Wellington Street	Greater Bendigo C247gben 010d-paoMap25 Exhibition Greater Bendigo C247gben 011d-paoMap25 Exhibition

**16.2. Rezone Land at 1 Buckland Street, 20 Montis Lane and 18-46 Saade Street, Epsom, from Farming Zone to General Residential Zone and Public Park and Recreation Zone and a 78 Lot Subdivision, including the Removal of Native Vegetation**

Author:	David Burrow, Strategic Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

**Purpose**

Amendment Details:	<p>This is a combined Planning Scheme Amendment (Amendment C248gben) and Planning Permit Application (DS/207/2019).</p> <p>The Planning Scheme Amendment proposes to:</p> <ul style="list-style-type: none"> <li>Rezone the land at 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom from the Farming Zone (FZ) to the General Residential Zone (GRZ) and Public Park and Recreation Zone (PPRZ).</li> </ul> <p>The Planning Permit Application is for:</p> <ul style="list-style-type: none"> <li>The staged subdivision of the land into 78 lots; removal of native vegetation; construction of roads, fences; and associated works.</li> </ul>
Proponent:	Lawserve, Beardall and Smith
Key considerations:	<ul style="list-style-type: none"> <li>Whether the proposed rezoning is consistent with the provisions of the <i>Greater Bendigo Housing Strategy</i> (Amended January 2018).</li> <li>Whether the proposed subdivision layout plan will be an acceptable planning outcome for the development of this area.</li> <li>The management of potential adverse impacts from flooding and stormwater.</li> </ul>

**Recommended Motion**

That Council:

1. Request the Minister for Planning to authorise Council to prepare and exhibit a combined Amendment C248gben and draft planning permit DS/207/2019 under section 96A of the *Planning and Environment Act 1987*.
2. If authorised by the Minister, exhibit Amendment C248gben to the Greater Bendigo Planning Scheme and the draft planning permit DS/207/2019 for a minimum period of four weeks.
3. Authorise the Director Strategy and Growth to make minor changes to Amendment C248gben and draft planning permit DS/207/2019 if they do not change the overall intent of the planning scheme amendment, or if changes are requested by the Department of Transport and Planning.

## **Executive Summary**

Planning Scheme Amendment C248gben and Planning Permit Application DS/207/2019 seek to allow for the development of the land for residential purposes, subdivision into 78 lots and the removal of native vegetation. The site abuts GRZ land and all services are available in the immediate vicinity. The proponent has carried out preliminary investigations relating to stormwater management, traffic impacts, bushfire risks, the quality of vegetation and any potential soil contamination.

It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit the Amendment and draft planning permit.

The amendment documents are provided in Attachment 1, with the draft Planning Permit is provided in Attachment 2.

## **Background**

The proposed Planning Scheme Amendment C248gben and Planning Application DS/207/2019 were submitted in 2019. Since this time, City officers have been liaising with the proponent regarding the background reports and necessary documentation. Amended documentation was submitted on 20 January 2023.

The subject land is identified as 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street, Saade Street and Montis Lane, Epsom, and has a total area of approximately 8.91 hectares. It is located immediately west of the Bendigo Creek, north of Buckland Street and east of Saade Street, Epsom.

The site is located within the Urban Growth Boundary and abuts existing and more dense residential development. All services and utilities are also proximate to the site. The City completed an investigation of this site, among others as part of the *Greater Bendigo Housing Strategy 2018* as to whether it was suitable for more intensive residential development. One of the recommendations of this investigation is that rezoning of the site should commence upon the finalisation of Amendment C221, that implemented the Bendigo Flood Study.

The allotments owned by the Department of Energy, Environment and Climate Action (DEECA) are proposed to be rezoned from the Farming Zone to the Public Park and Recreation Zone (PPRZ) as a matter of orderly planning, as they are located along Bendigo Creek which is identified as a Key Public Open Space and not used for agriculture.

### ***Previous Council decision dates:***

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

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

## **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. The Explanatory Report for this proposal is included within the amendment documents as part of Attachment 1.

### Subject Land and Surrounds

The site is located within the Urban Growth Boundary and within the Farming Zone (FZ) and is almost entirely affected by the Land Subject to Inundation Overlay (LSIO), Schedules 1 or 2. The site is also partially affected by the Environmental Significance Overlay, Schedule 1, within 50 metres of Bendigo Creek.

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

The surrounding area includes a mixture of residential and commercial land uses, with public open space along Bendigo Creek. The land immediately west of the site is within the GRZ, with developed and developing residential allotments as part of the 'Elmwood Estate'. The Bendigo Creek adjoins the site to the east and separates it from land within the Commercial 2 Zone (C2Z) further east. The land to the south of the site is within the Low Density Residential Zone (LDRZ) and comprises larger residential lots. The land to the north of the site is also within the FZ and includes an existing drainage basin, owned and managed by the City, that is proposed to be utilised as part of this proposal.

The zoning of the area and an aerial image are included in Figures 1 and 2 respectively.

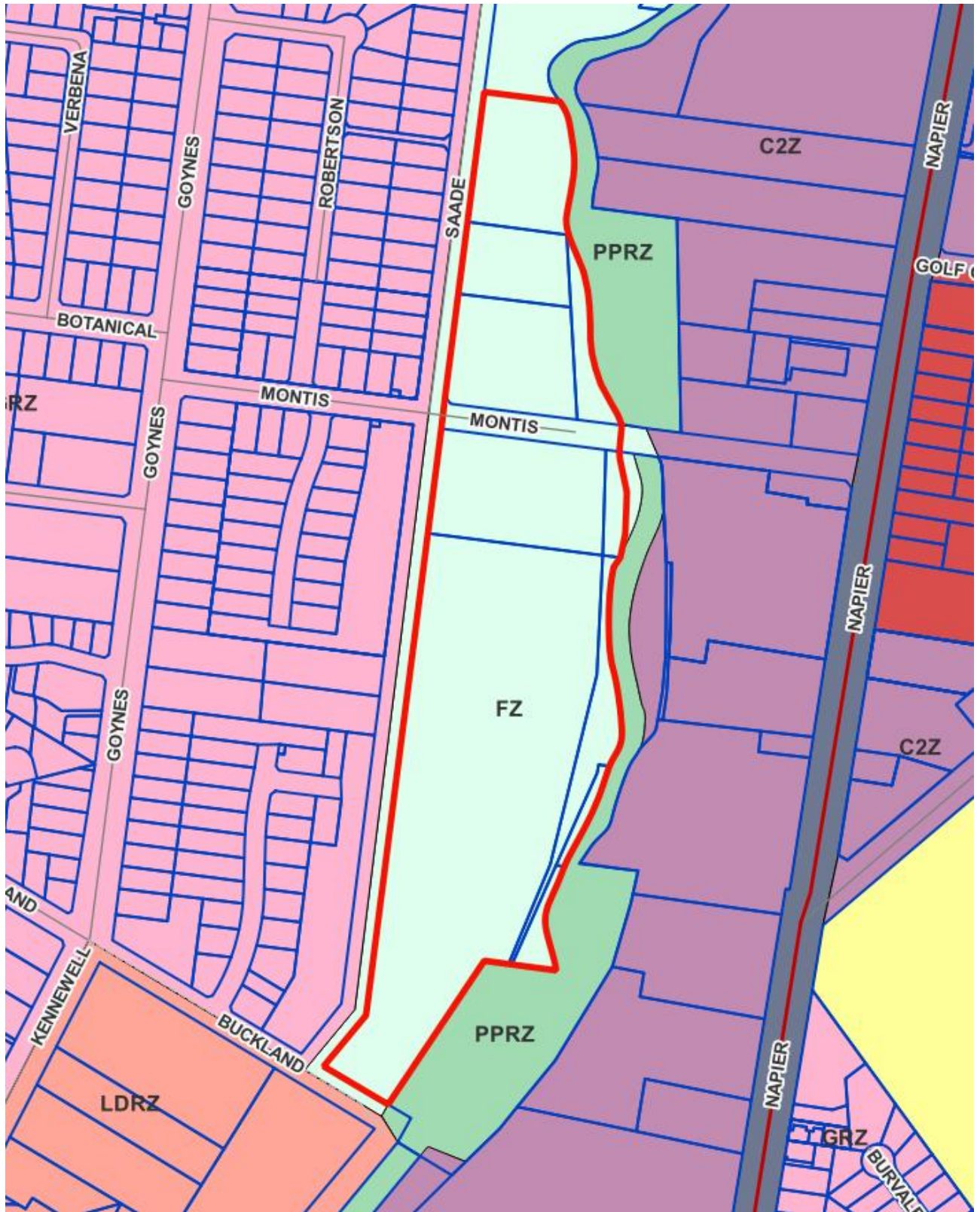


Figure 1: Zoning Map





Figure 2: Aerial Image

## The Proposal

The proposal is for a combined planning scheme amendment and planning permit application to rezone and develop the subject land.

Amendment C248gben proposes to:

- Rezone the land at 1 Buckland Street, 20 Montis Lane, 28-34, 36-46 Saade Street, Epsom and the intervening road reserve from the FZ to the GRZ by amending Planning Scheme Map No. 15 of the Greater Bendigo Planning Scheme.
- Rezone the land immediately abutting the western side of the Bendigo Creek which includes part of the land at 18-26 Saade Street, Crown Allotment 19, No Sec, Township of Epsom, Crown Allotment 20, No Sec, Township of Epsom and Crown Allotment 2024, No Sec, Township of Epsom, Parish of Sandhurst from the FZ to the PPRZ by amending Planning Scheme Map No. 15 of the Greater Bendigo Planning Scheme.

The proposed zoning map is shown in Figure 3. Amendment C248gben does not propose any changes to the planning overlays currently affecting the land.

The planning permit application (DS/207/2019) applies to 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street, Saade Street and Montis Lane, Epsom.

The planning permit application seeks to:

- Subdivide the land into 78 lots;
- Remove native vegetation;
- Construction of roads and fences; and
- Associated works

The proposed subdivision plan is shown in Figure 4.





**Figure 3:** Proposed rezoning plan

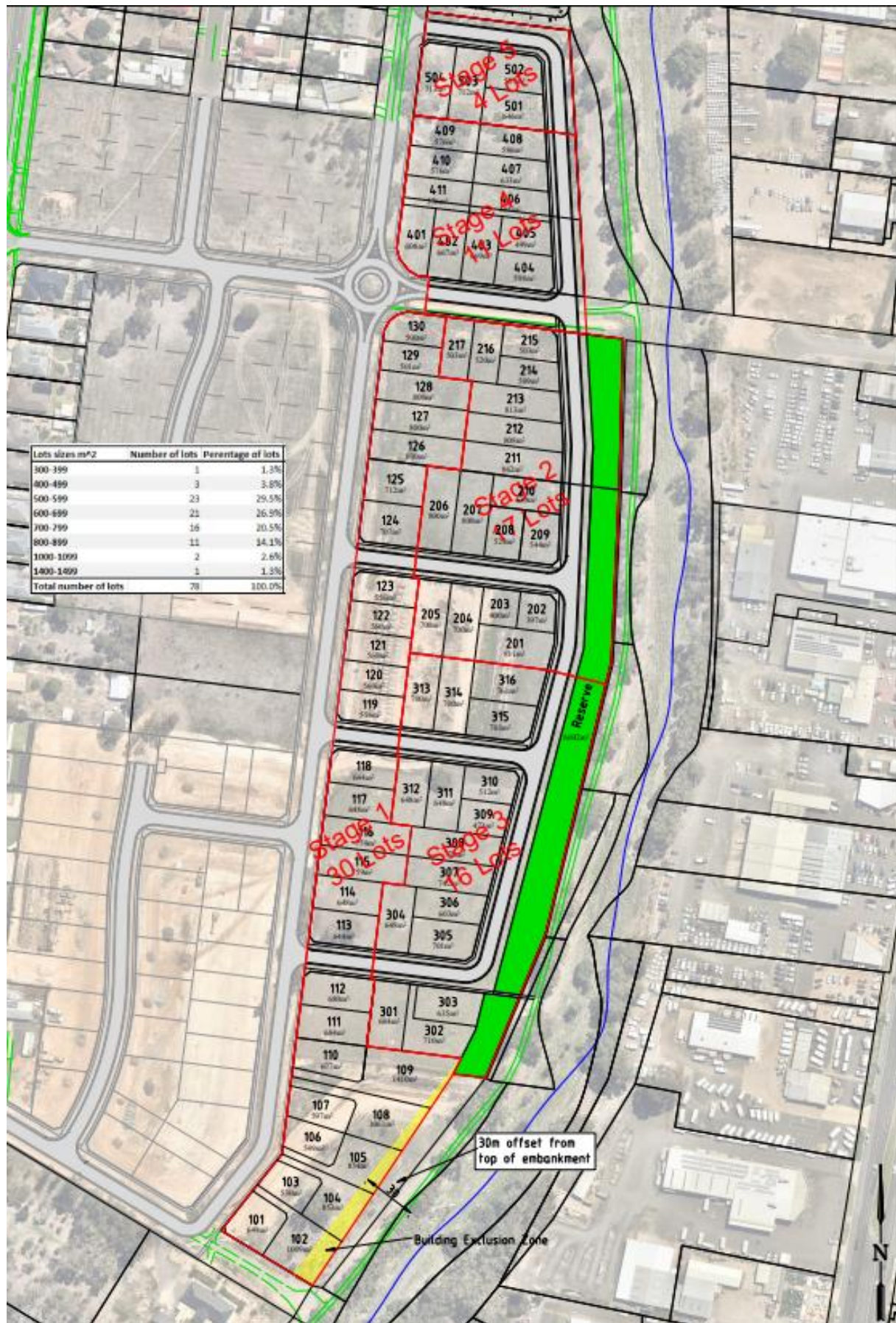


Figure 4: Proposed subdivision plan



## Key Considerations in the Assessment of Amendment C248gben

- *Managing flooding risk*

The subject land is almost entirely affected by Schedule 1 to the Land Subject to Inundation Overlay (LSIO1) - *Flooding from Waterways (Depths up to and including 350 millimetres)*.

The area affected by Schedule 2 to the Land Subject to Inundation Overlay (LSIO2) - *Flooding from Waterways (Depths greater than 350 millimetres)* are constrained to only those areas within the banks of Bendigo Creek, which will not be zoned or developed for residential purposes.

The proposed amendment does not seek to remove the flooding overlays.

The proponent provided a Stormwater Management Plan by Afflux Consulting, to demonstrate how stormwater and potential flooding impacts could be managed. The Stormwater Management Plan also considered the subdivision located immediately west of the subject land. To summarise, the proposal includes:

- A retarding basin capable of managing 1,650m<sup>3</sup> of water;
- The provision of external catchment flows to pass through the site safely;
- No development through high flood hazard areas;
- A proposed minor flow pipe network;
- Major flows to be conveyed by road; and
- Properties to be located 300mm above 1% Annual Exceedance Probability Water Surface Elevation.

The proposed drainage network also includes a drainage basin that is already constructed on the southwest corner at the intersection of Saade Street and Montis Lane.

In discussion with City officers, the proponent has submitted a proposal to co-locate the largest drainage basin on Council land in the reserve at 18-26 Montis Lane, which is reserved for drainage purposes. The City's Engineers have indicated that this presents an opportunity to rationalise the number of assets that the City will ultimately inherit and would be a complementary use of the land as it is already partially reserved for drainage purposes.

The North Central Catchment Management Authority (NCCMA) has reviewed the stormwater documentation and indicated that they do not object to the proposal.

- *Traffic impact*

The Traffic Impact Assessment concluded that there are no traffic management reasons that would prevent the proposed subdivision from proceeding, subject to the following recommendations:

- Provision of sight lines that satisfy Austroad Safe Intersection Sight Distance (SISD);
- Lane treatments and increased lighting at the intersections of Buckland Street and Montis Lane along Goynes Road;
- Traffic calming treatments on road lengths greater than 150 to 200 metres;
- Footpaths installed; and
- That roads facilitate links to the shared paths adjacent to the development.

The City's Engineering Unit has requested further details for intersections to Goynes Road. Any requirements, including but not limited to a concept plan and Road Safety Audit, will be included as permit conditions.

- *Potential contamination*

The Preliminary Environmental Site Assessment found that "*the site contains elevated arsenic across the site which is consistent with background arsenic concentrations for Bendigo.*" The site is suitable for residential use subject to appropriate control measures. A Soil Management Plan has been provided and will be included as a condition on the planning permit.

- *Cultural heritage*

A Cultural Heritage Management Plan (CHMP), that included a complex assessment, has been approved by the Registered Aboriginal Party. The approved CHMP requires that an archaeological salvage program is conducted for any ground disturbing works undertaken.

- *Native vegetation removal*

There are scattered trees across the site with vegetation present along the eastern boundary and in the north. The proponent provided a Native Vegetation Impact Assessment by Practical Ecology that proposes 0.724 hectares of removals, including seven large trees. Most removals are proposed along the western portion of the subject land. Some removals are proposed within the City's drainage reserve in the north to facilitate the provision of drainage infrastructure. It is also noted that a reserve has been identified for the areas within 30 metres of the banks of Bendigo Creek.

DEECA has reviewed the work and indicated that they do not object to the proposal.

## Summary

Amendment C248gben is not expected to result in unacceptable environmental, social or economic impacts and is supported by the Greater Bendigo Housing Strategy. Any native vegetation loss will be offset off-site, with offsets already secured. There are no existing incompatible land uses in the immediate vicinity that will impact on future residents. As the site is not being used for any significant economic activity, its rezoning and subdivision for residential purposes are considered appropriate.

Further strategic justification, particularly against the Planning Policy Framework (State and local planning policies), is included and detailed in the attached Explanatory Report (Attachment 1).

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

## ***Options Considered***

Council has the option of:

- Supporting the Amendment proposal and making a request to the Minister for Planning to authorise preparation and exhibition of the Amendment and draft planning permit.
- Refusing the request to prepare an Amendment and draft a planning permit.
- Requesting further information, on the basis that Council believes that the supporting documentation and justification is not sufficiently comprehensive for a request to the Minister at this time.

## **Communications/Engagement**

The City's Strategic Planning officers have consulted with the relevant internal units and external authorities, including statutory referral authorities for the Amendment and the planning permit application:

- The City's Drainage and Traffic Engineering teams offered no objection to the Amendment and proposed subdivision subject to conditions.
- DEECA has also been consulted and has no objection, in principle, to the Amendment.
- The NCCMA has also been consulted and has no objection, in principle, to the Amendment.
- The Environment Protection Authority (EPA) has been consulted to review the Preliminary Environmental Site Assessment report that the proponent submitted with their proposal. In their response, the EPA did not object to the proposal.
- The City is awaiting advice from the Country Fire Authority regarding conditions and specifically conditions relating to hydrants.

- Comments and conditions have also been sought from all servicing authorities (Coliban Water, Powercor, Telstra and Downer).
- A response is yet to be received from Downer (gas services), however given the location of the site within an existing residential area, it is not anticipated that the connection of the lots to their respective networks will raise any issues.

Some conditions on the draft planning permit are still to be confirmed and these sections are highlighted yellow. Subject to the conditions being confirmed by the relevant agency, these can be amended prior to exhibition of the amendment / draft planning permit.

The Amendment documents, including the draft planning permit and conditions, will be publicly exhibited for a minimum of a month, as required under the *Planning and Environment Act 1987*. The City must give notice of amendments to all owners and occupiers who may be materially affected by an amendment, together with prescribed Ministers and public authorities. The Amendment will also be exhibited in the Government Gazette and the Bendigo Advertiser newspaper.

### **Financial Sustainability**

Officer time will be required to prepare the Amendment documentation for authorisation and exhibition and to manage the exhibition process.

The proponent has agreed to pay for the statutory fees and extra costs incurred by the City as per the adopted Private Planning Scheme Amendments Policy.

It is not expected that the Amendment will have a significant impact on future resources.

### **Policy Context**

#### ***Primary Council Plan Reference***

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

#### ***Secondary Council Plan Reference(s)***

Goal 7 - Sustainable population growth is planned for.

#### ***Other Reference(s)***

Greater Bendigo Housing Strategy (adopted in 2018).



### **Conflict of Interest**

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

### **Attachments**

1. Planning Scheme Amendment C 248 gben Explanatory Report and Instruction Sheet [16.2.1 - 16 pages]
2. Draft Planning Permit Conditions DS 207 2019 v 4\_ [16.2.2 - 11 pages]

*Planning and Environment Act 1987*

**GREATER BENDIGO PLANNING SCHEME**  
**AMENDMENT C248**  
**PLANNING PERMIT APPLICATION DS/207/2019**  
**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 Spiire on behalf of Lawserve, Beardall and Smith.

**Land affected by the Amendment**

The Amendment applies to 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom (site). The site comprises of thirteen (13) land parcels which are more formally described as:

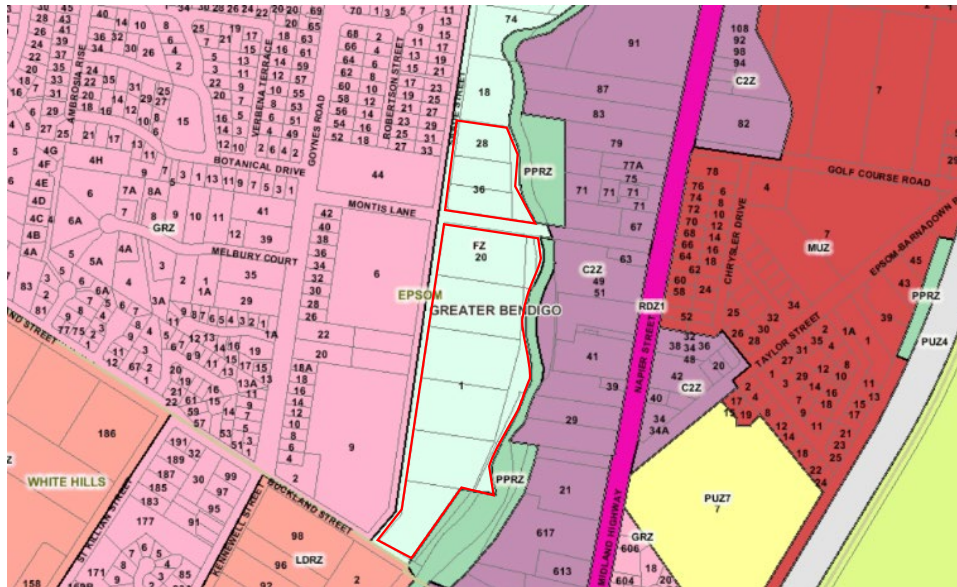
- Lot 2 on PS210213 (Vol 09792 Fol 962);
- Lot 3 on PS210213 (Vol 09792 Fol 963);
- Lot 4 on PS210213 (Vol 09792 Fol 964);
- Lot 1 on TP949533 (Vol 11335 Fol 620);
- Lots 1 & 2 on TP747978 (Vol 05061 Fol 015);
- Lots 1 & 2 on TP743178 (Vol 08782 Fol 139);
- Reserve 1 on LP210004 (Vol 09792 Fol 960);
- Crown Allotment 20A Parish of Sandhurst (Vol 08274 Fol 871);
- Crown Allotment 19, No Sec, Township of Epsom (General Law Land);
- Crown Allotment 20, No Sec, Township of Epsom (General Law Land); and
- Crown Allotment 2024, No Sec, Township of Epsom, Parish of Sandhurst (Vol 11796/Fol 179).

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

The site is located within the Farming Zone (FZ), and almost entirely affected by the Land Subject to Inundation Overlay (LSIO), Schedules 1 or 2. The area within the site proposed for residential development/zone is only affected by LSIO Schedule 1 (LSIO1). The site is also partially affected by the Environmental Significance Overlay, Schedule 1.

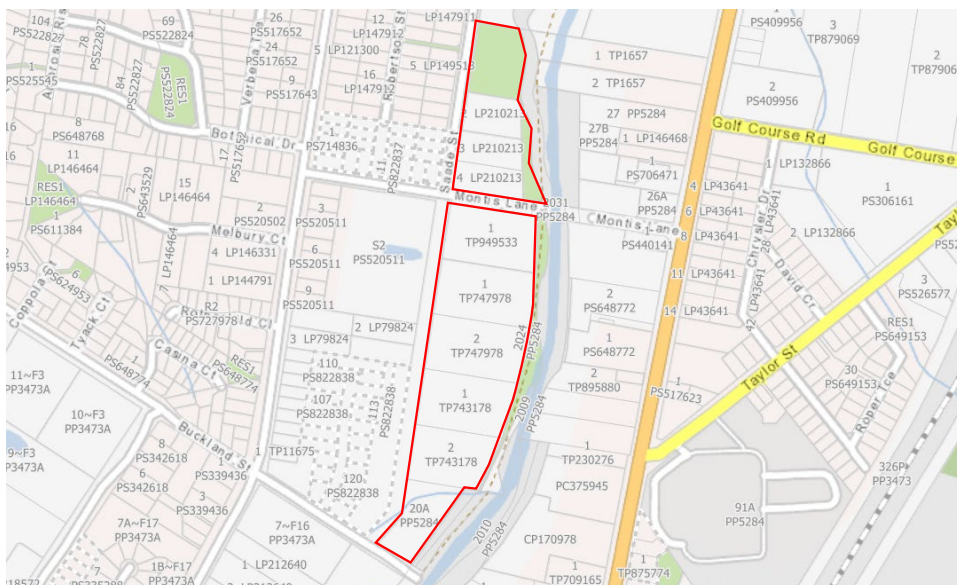
The site has previously been used for farming purposes and is largely cleared of vegetation, with no existing dwellings or structures present. Scattered trees exist throughout the site, with vegetation present along the eastern boundary adjacent to Bendigo Creek and within the northern portion of the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

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



**Figure 1: Land to be rezoned as part of the Amendment**

A mapping reference table is attached at Attachment A to this Explanatory Report.



**Figure 2: Land included in Planning Permit Application**



**Figure 3: Aerial imagery detailing the subject land.**

#### **What the Amendment does**

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

The planning scheme amendment proposes to rezone the land at 1 Buckland Street, 20 Montis Lane, 28-34, 36-46 Saade Street, Epsom, and the intervening road reserve from the FZ to the GRZ by amending Planning Scheme Map No. 15 of the Greater Bendigo Planning Scheme.

The Amendment also rezones the land immediately abutting the western side of the Bendigo Creek which includes part of the land at 18-26 Saade Street, Crown Allotment 19, No Sec, Township of Epsom, Crown Allotment 20, No Sec, Township of Epsom and Crown Allotment 2024, No Sec, Township of Epsom, Parish of Sandhurst from the FZ to the Public Park and Recreation Zone (PPRZ) by amending Planning Scheme Map No. 15 of the Greater Bendigo Planning Scheme.

The planning scheme amendment seeks to retain the overlay provisions currently affecting the land.

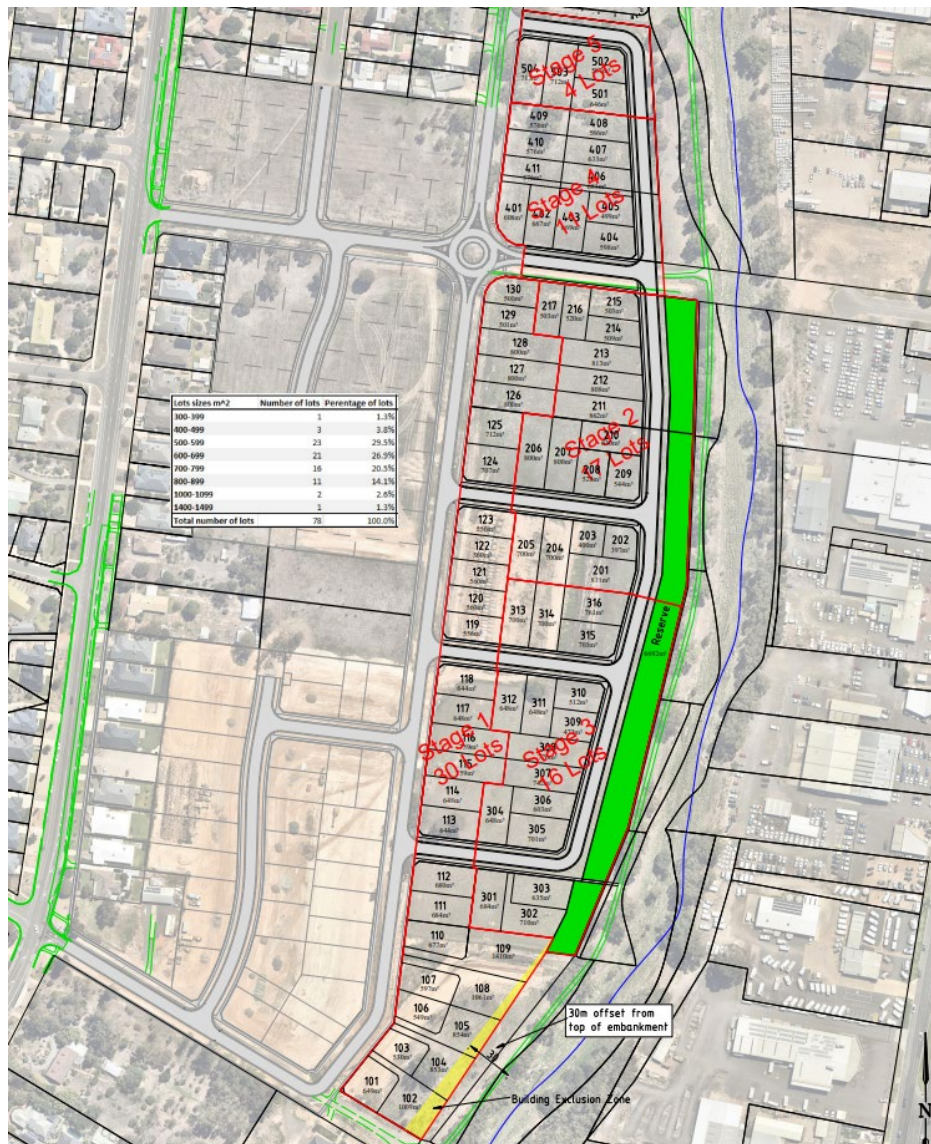
The planning permit application applies to 1 Buckland Street, 20 Montis Lane, 18-26, 28-34 and 36-46 Saade Street and Montis Lane, Epsom.

The planning permit application seeks approval for:

- Subdivide land into 78 lots in the General Residential Zone - Schedule 1 (Clause 32.08-3);
- Subdivide land in Environmental Significance Overlay – Schedule 1 (Clause 42.01-2);



- Remove, destroy or lop any vegetation, including dead vegetation in the Environmental Significance Overlay – Schedule 1 (Clause 42.01-2);
- Carry out works (being earthworks, roadworks and other works ancillary to the subdivision) in the Land Subject to Inundation Overlay (LSIO1);
- Subdivide land in the Land Subject to Inundation Overlay – Schedule 1 (Clause 44.04-3); and
- Remove, destroy or lop native vegetation including dead native vegetation (Clause 52.17-1).



**Figure 4: The proposed subdivision layout**

The planning permit is attached as a separate document to this Explanatory Report.

#### **Strategic assessment of the Amendment**

##### **Why is the Amendment required?**

An Amendment to the Greater Bendigo Planning Scheme is required to facilitate the proposed residential development of the site.

The site is located within the FZ and the current zoning provisions discourage the development of the land for residential purposes. To develop the site for residential purposes a planning scheme amendment is required to rezone the land to the GRZ.

The rezoning of the site is supported by the *Greater Bendigo Housing Strategy* (2016, Amended 2018) which identifies the site for rezoning to facilitate an increased housing supply within the Urban Growth Boundary (UGB). The strategy identifies the site as being well located, including having a primary school and major public open space reserve proximate to the site. It also notes that the site is connected to reticulated infrastructure.

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

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

**How does the Amendment implement the objectives of planning in Victoria?**

Section 4(1) of the Planning and Environment Act 1987 states the relevant objectives of planning in Victoria. The Amendment implements these objectives as follows:

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

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

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

The Greater Bendigo Housing Strategy has considered natural and manmade resources, and responded appropriately, requiring appropriate setbacks to Bendigo Creek. Furthermore, land owned by the Department of Energy, Environment and Climate Action (DEECA) and the City of Greater Bendigo (City) which currently forms part of the Bendigo Creek Primary Public Open Space corridor is proposed to be rezoned from the FZ to the PPRZ which is consistent with the existing zoning of the Bendigo Creek.

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

The proposed rezoning from the FZ to the GRZ and the PPRZ will secure a pleasant, efficient and safe living and recreational environment for future residents and the wider community.

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

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

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

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

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

The proposal will help co-ordinate the orderly provision of public utilities for the proposed residential development and Public Open Space will be provided for the benefit of the community.

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

As stated above.

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

The proposed rezoning will facilitate residential development in an area identified by the Greater Bendigo Housing Strategy as having potential for residential development. In light of the availability of services and utilities, the site is logically suited to providing housing stock at a range of sizes. In addition, the subdivision proposes a variety of lot sizes (between 397 square metres and 1,344 square metres) and types. The subdivision layout will support a housing market that meets community needs and is highly accessible to jobs, services and transport.

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

***Environmental Effects***

The use of the site for farming purposes is no longer viable given the residential nature of surrounding land and potential for land use conflicts. The rezoning of the site to the GRZ will provide for a more efficient land use which is consistent with and complementary to surrounding residential and commercial development.

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

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

Given the prevalence of overlays and native vegetation on the site, it is acknowledged that the rezoning of the land for residential purposes will result in some unintended impacts on the receiving environment. Notwithstanding this, the design and layout of the subdivision appropriately addresses these issues to maintain a high level of environmental amenity within the Bendigo Creek corridor.

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

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

- The development to allow external flows to pass through the site;
- A minor pipe network to be installed similar to the alignment as shown in this report;
- A major 750mm diversion pipe located along Buckland Road (as part of rezoning);
- Sedimentation basins of 200m<sup>2</sup> and located as recommended in this report. This will further protect the waterways from sedimentation and some nutrient pollution;
- Wetland covering a minimum of 800m<sup>2</sup> located north of the subject site;
- Retarding basin with a volume of 1,650m<sup>3</sup>, as shown in the report in cut to avoid local afflux;
- SPEL systems as detailed in the SPEL stormwater water quality report in Appendix A; and
- Residencies be placed 300mm above the flood levels as defined in the report.

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

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

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

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

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

To avoid and minimise the extent of native vegetation removal along the western bank of Bendigo Creek, the proposed subdivision involves the provision of a piped drainage system along the site's eastern boundary to discharge into the drainage reserve.

The proposal will result in the removal of 0.724 hectares of native vegetation, 19 small scattered trees and 7 large scattered trees. However, the proposal is considered to meet relevant planning provisions of the Environmental Significance Overlay, and Clause 52.17 for the following reasons:

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

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

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

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

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

### ***Social and Economic Effects***



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

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

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

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

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

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

A Traffic Impact Assessment has been undertaken which reviews the proposed access arrangements from the development to Goynes Road via Buckland Street and Montis Lane to ensure a safe and functional environment is provided for all road users whilst minimising the impact on traffic travelling along Goynes Road.

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

#### **Does the Amendment address relevant bushfire risk?**

The land is not affected by the Bushfire Management Overlay, however, it is within a Bushfire Prone Area. The views of the CFA relating to this proposal have been sought, and it is noted that no issue or objections have been raised by the CFA.

Clause 13.02-1S is designed to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The Amendment meets and gives effect to the Planning Policy Framework by ensuring that each and every dwelling can attain a BAL of at least 12.5. The Amendment also directs residential outcomes to an area that has a low landscape scale risk with multiple access/agrees opportunities.

The Amendment implements existing Local Policy in respect of bushfire risk, and no further strategic work is required.

A Bushfire Risk Assessment was undertaken as part of the rezoning and permit application request. In accordance with the requirements of Clause 13.02-1S, each lot is capable of meeting a BAL-12.5 rating as required. In addition, the proposed Amendment and the subsequent subdivision on the subject site and adjacent properties, will remove a large patch of classified grassland connected to woodland and shrubland vegetation which extends further north into undeveloped areas. The proposed Amendment and subdivision will likely reduce the risk of a grassfire threatening existing residences to the west and south of the site. Therefore, through the development of the land and implementation of onsite bushfire protection measures the proposal will adequately meet the considerations in Clause 13.02-1S.

A bushfire hazard identification and assessment has also been addressed in the submitted Bushfire Risk Assessment.

The report concludes that the Amendment meets the objectives and gives effect to the strategies to address bushfire risk at Clause 13.02-1S of the Planning Scheme for the following reasons:

- *'The risk from the site and surrounding landscape is relatively low and the subdivision design is suitable considering the bushfire risk present;*
- *The site is separated from nearby areas of high bushfire risk by large patches of residential and urban development;*
- *The location of the subdivision will direct population growth into a developed area which can be better protected from bushfire and/or where access to safer areas can be guaranteed;*
- *The development of the land will remove a large patch of grassland and will reduce the risk of a grassfire threatening residences west and south of the site;*
- *The bushfire risk from the wider landscape can be easily mitigated through the adequate BAL construction standard and the general development of the area creating low threat conditions;*
- *The design and layout of the subdivision provides access and egress for residents and emergency services during a bushfire event;*
- *Defendable space can be provided and managed on-site; and*
- *The proposed lots will be provided with a suitable water supply and hydrants will be made available within the road network.'*

In light of the above, it is submitted that the proposed Amendment will not result in any increase to the risk to life, property, community infrastructure or the natural environment from bushfire. There are no local policies for bushfire risk management required as part of this Amendment.

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

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

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

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

The views of the Environment Protection Authority (EPA) will be obtained during the referral process in accordance with *Ministerial Direction No. 19 on the preparation and content of Amendments that may significantly impact the environment, amenity and human health*.

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

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

- The proposal promotes the sustainable growth and development of Victoria through the creation of additional residential lots in an area that is well located, with access to community services and facilities and public transport networks (Clause 11.01-1S).

- Due to the small size and fragmented nature of the site, it is no longer considered viable for agricultural use or farming practices. The subdivision of the land for residential purposes represents a more appropriate land use which rationalises dated and inappropriately zoned lots. The proposed subdivision for residential development is supported by Council policy given the sites location within the Urban Growth Boundary (UGB) and identification as an area with potential for residential development (Clause 11.01-1R).
- The subject site is ideally located within the Bendigo UGB as shown on the Bendigo urban residential framework plan. The proposal will facilitate the orderly development of residential land within a designated growth area and in a manner that is respectful of its surrounding context (Clause 11.01-1L-01).
- Creating compact residential development contributes to creating network of attractive neighbourhoods that allow most people to access local facilities and services within 10-minute walking or cycling from their home. The Epsom Village Activity Centre and other community facilities are within a 10-minute cycle trip from the subject site (Clause 11.01-1L-02).
- The proposal contributes to a sufficient supply of land for residential development and provides for the subdivision of land to accommodate future demand (Clause 11.02-1S).
- The subject site is located close to existing transport corridors and services and will support the efficient use of existing infrastructure networks. In addition, the proposal achieves an average overall residential density of 12 dwellings per net developable hectare (Clause 11.03-2S).
- The proposal has been prepared in accordance with a Flora and Fauna Assessment and Native Vegetation Impact Assessment and seeks to avoid and minimise its impacts on native vegetation, while protecting the higher biodiversity values found along the Bendigo Creek (Clauses 12.01-1S, 12.01-1L, 12.01-2S, 12.03-1S and 12.05-1S).
- This report has demonstrated how the proposal can appropriately respond to bushfire, flooding and environmental risks (Clause 13.01-1S).
- A Bushfire Risk Assessment is enclosed with the application and confirms the proposal will not result in any increase to the risk to life, property, community infrastructure or the natural environment from bushfire (Clause 13.02-1S).
- The subdivision layout has been designed in accordance with a Stormwater Management Plan which addresses the flooding constraints on the land and ensures the development does not adversely impact on the water quality of Bendigo Creek (Clauses 13.03-1S, 13.03-1L, 14.02-1S and 14.02-2S).
- A Preliminary Environmental Site Assessment has been undertaken by Edwards Environmental to investigate whether there have been potentially contaminating land uses at any time in the past, the nature of probable contaminants and the possible locations of contaminants. The report concludes that the site is suitable for residential use subject to appropriate control measures. A more detailed assessment of the proposal against Ministerial Direction No. 1 – Potentially Contaminated Land is provided in Section 6.1.4 of this report and the Explanatory Report (Clause 13.04-1S).
- The proposal meets the neighbourhood and subdivision design objectives through the provision of lot densities that are consistent with surrounding residential development. The proposal contributes positively to Council's policies seeking to create compact neighbourhoods that have walkable distances to activities (Clauses 15.01-1S and 15.01-4S).
- The design and layout of the subdivision will support the creation of a safe, healthy, functional and enjoyable suburban environment. Most lots are rectangular in shape. However, the proposal includes battle-axe allotments in the southern portion of the site. These lots have been designed to improve the interface of the proposed subdivision to the Bendigo Creek. The proposed lot layout will be designed so dwellings are oriented to the creek and will provide for passive surveillance along this key public open space. A restriction is proposed to be included on Title to ensure low lying fencing is provided along this interface (Clause 15.01-3S).
- The site is well positioned along the Bendigo Creek Trail to offer a connected, safe, pleasant and attractive cycling networks that enable and promote cycling as part of daily life (Clause 15.01-4S).
- A Cultural Heritage Management Plan has been approved for the site and the proposal will ensure the protection and conservation of areas of Aboriginal cultural heritage significance (Clause 15.03-2S);
- The subdivision layout provides for a mix of lot sizes to support a housing market that meets community needs and is highly accessible to jobs, services and transport. The proposal will also provide more affordable housing for the community (Clause 16.01-1S and 16.01-2S).
- The proposal will create additional residential lots with access to public transport and will support the creation of a safe and efficient transport network (Clause 18.01-1S and 18.01-1L).
- The proposed subdivision proposes open space along the site's eastern boundary that will integrate with the existing walking and cycling trails along the Bendigo Creek and provides an integral link with this important community asset (Clause 19.02-6S).
- The site has available connections to existing infrastructure networks and the proposed new lots will provide for the logical extension of these services (Clause 19.03-2S and 19.03-2L).

- The proposal has considered the management of water in conjunction with the site's proximity to the Bendigo Creek. A Stormwater Management Strategy has been developed in order to appropriately address these issues (Clause 19.03-3S and 19.03-3L).

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Greater Bendigo Planning Scheme does not include an Local Planning Policy Framework at Clause 20. Local Planning Policy is referred to within the Planning Policy Framework using clauses ending with the letter L.

**How does the Amendment support or implement the Municipal Planning Strategy?**

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

- The proposal contributes positively to Council's vision which is to create the world's most liveable community by implementing their 10-minute neighbourhood principles and providing more diverse and affordable housing for the community (Clause 02.02).
- The proposal encourages development to support population growth and will supply additional residential lots within the UGB for development which have been identified within the Greater Bendigo Housing Strategy (GBHS) as an appropriate site for residential development (Clause 02.03-01).
- The proposal protects and enhances the habitat corridor along the eastern portion of the site where the proposed subdivision abuts the Bendigo Creek. The additional land set aside for open space will assist in developing this area as an important community asset (Clause 02.03-2).
- The proposal considers the environmental risk of flooding to the site, recognised under the Land Subject to Inundation Overlay – Schedule 1 (LSIO1). A Stormwater Management Plan has been prepared which appropriately assesses the flooding risk to the proposed and existing dwellings (Clause 02.03-3).
- A Cultural Heritage Management Plan (CHMP) has been approved for the site which ensures the protection of cultural significance to the Dja Dja Wurrung and Taungurung people (Clause 02.03-5).
- The proposal provides opportunity for new housing to address Greater Bendigo's key housing issues by providing vacant residential allotments which could be used for a diversity of dwellings and housing choices to be constructed with convenient access to Epsom Village Activity Centre, Public Transport and a number of community facilities such as White Hills Recreation Reserve and the Bendigo Botanic Gardens (Clause 02.03-6);
- The proposal supports the compact Greater Bendigo and 10 minute neighbourhood principles which will ensure appropriate access to goods, services and facilities for future residents. In addition, future residents will be afforded with great access to the established walking and cycling paths along the Bendigo Creek which will assist in promoting other forms of transport (Clause 02.03-8).
- The proposal applies the development infrastructure strategies through the provision of reticulated services to the site and the appropriate management of drainage and stormwater through the implementation of a Stormwater Management Strategy (Clause 02.03-9).
- The subject site is appropriately located within an UGB which is where residential development is encouraged (Clause 02.04).

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The application of the GRZ to the site is considered to be an appropriate use of the Victorian Planning Provisions. The rezoning will achieve the strategic objectives of the Greater Bendigo Planning Scheme to encourage residential development within existing growth areas which are highly accessible to services, facilities and open space.

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

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

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

On the basis of the above, the Amendment will not result in any conflict with existing provisions in the Planning Scheme.

**How does the Amendment address the views of any relevant agency?**

Whilst consultation has occurred with the relevant authorities, referral authorities will also be provided with the opportunity to comment during the formal Amendment exhibition process.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

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

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

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

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

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

**Resource and administrative costs**

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

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

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

In addition, Council has requested that the land in between the proposed development site and the Bendigo Creek (which is owned by the City of Greater Bendigo and the Department of Energy, Environment and Climate Action) be included within this combined Planning Scheme Amendment and permit application request, and be rezoned to the Public Park and Recreation Zone. As such, Council will not need to use their resources to undertake the Amendment given that it will be included within this private Planning Scheme Amendment request.

**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 located at 15 Hopetoun Street, Bendigo VIC 3550

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the Amendment and Planning Permit Application may make a submission to the planning authority. Submissions about the Amendment and Planning Permit Application must be received by **[insert submissions due date]**.

A submission must be sent to:

City	of	Greater	Bendigo
PO		Box	733
Bendigo, VIC, 3552			

**Panel hearing dates**

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

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]** ]

**ATTACHMENT A - Mapping reference table**

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

*Planning and Environment Act 1987*

**GREATER BENDIGO PLANNING SCHEME**

**AMENDMENT C248gben**

**INSTRUCTION SHEET**

The planning authority for this amendment is the **City of Greater Bendigo**.

The **Greater Bendigo** Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of **one (1)** attached map sheet.

***Zoning Maps***

1. Amend Planning Scheme Map No. **15** in the manner shown on the **one (1)** attached map marked "**Greater Bendigo** Planning Scheme, Amendment C248gben".

End of document

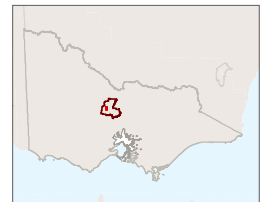


# GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION AMENDMENT C248



## LEGEND

- GRZ - General Residential Zone
- PPRZ - Public Park and Recreation Zone
- Local Government Area

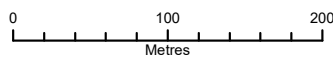


Part of Planning Scheme Map 15

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Planning Group  
Print Date: 10/10/2019  
Amendment Version: 1



Environment,  
Land, Water  
and Planning

## Planning and Environment Regulations 2015 - Form 9. Section 96J

**PLANNING PERMIT**

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

**THE PERMIT ALLOWS:**

<b>Planning Clause No.</b>	<b>Scheme</b>	<b>Description of what is allowed</b>
32.08-3		Subdivide land
42.01-2		Subdivide land
42.01-2		Remove, destroy or lop and vegetation, including dead vegetation
44.04-2		Construct or carry out works, including: <ul style="list-style-type: none"> <li>• A fence.</li> <li>• Roadworks, if the waterflow path is redirected or obstructed.</li> </ul>
44.04-3		Subdivide land
52.17-1		Remove, destroy or lop and vegetation, including dead vegetation

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:****Layout not altered**

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

**Amended plans required before the development starts****Date issued:****Date permit comes into operation:****Signature for the responsible authority:**

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

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2. Before the development starts, amended plans must be approved and endorsed by the responsible authority. The plans must:
  - a) be prepared to the satisfaction of the responsible authority
  - b) be drawn to scale with dimensions and submitted in electronic form
  - c) be generally in accordance with the plans forming part of the application, but modified to show the following details:
    - i. Design and location of boundary fencing.

**Staged Subdivision**

3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the responsible authority.

**Landscape Masterplan**

4. Before the plan of subdivision is certified under the Subdivision Act 1988, a Landscape Masterplan must be approved and endorsed by the responsible authority. The Landscape Masterplan must:
  - a) be prepared to the satisfaction of the responsible authority
  - b) be drawn to scale with dimensions and submitted in electronic form
  - c) include the relevant details listed under B3 of the City of Greater Bendigo Landscape Design Guidelines for Subdivisions

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

**Landscape plan**

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

**Landscaping**

6. Before a statement of compliance is issued for each stage of the subdivision, the landscaping works shown on the approved and endorsed plans must be carried out and completed for that stage to the satisfaction of the Responsible Authority.
7. The landscaping shown on the approved and endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority for 24 months after the works are completed. Areas shown on the endorsed plan as landscaped must not be used for any other purpose and any dead, diseased or damaged plants must be replaced.

**Public Open Space Contribution**

8. The Reserve shown on the endorsed plan must be set aside as a public open space contribution to Council.

**Soil Management Plan**

<b>Date issued:</b>  <div style="border-bottom: 1px solid black; width: 100%; margin-top: 10px;"></div>	<b>Date permit comes into operation:</b>  <div style="border-bottom: 1px solid black; width: 100%; margin-top: 10px;"></div>	<b>Signature for the responsible authority:</b>  <div style="border-bottom: 1px solid black; width: 100%; margin-top: 10px;"></div>
<small>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>		

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9. The construction management measures must be carried out in accordance with the approved and endorsed Soil Management Plan to the satisfaction of the responsible authority.

**Fences**

10. Before a statement of compliance is issued for the relevant stage of the subdivision, open style fencing in accordance with the definition of an open style fence in the Bendigo Floodplain Development Plan, February 2018 must be constructed along the boundaries of proposed Lots 102, 104, 105, 108, 109, 302 and 303 to the satisfaction of the responsible authority.
11. Before the plan of subdivision is certified under the Subdivision Act 1988 for the relevant stage, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 for any Lots adjoining the Bendigo Creek Reserve, which states that any fencing along boundary adjoining the Bendigo Creek Reserve must be an open style fence in accordance with the definition of an open style fence in the Bendigo Floodplain Development Plan, February 2018.

**Minimum Garden Area Requirement**

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

**Detailed Drainage**

13. Before the plan of subdivision is certified under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:
  - a) Direction of stormwater run off
  - b) A point of discharge
  - c) Stormwater detention
  - d) Stormwater quality
  - e) Point of connection to the authority's drainage

**Construction of works**

14. Before a statement of compliance is issued, road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:

Saade Street:

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

Montis Lane:

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

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

Goynes Road Intersections:

- a) A Channelised Right Turn Lane (CHR) at Montis Lane in accordance with the approved design under condition 15.
- b) A Pedestrian Refuge to assist an east-west crossing of Goynes Road near Montis Lane.
- c) Street lighting to category V at Buckland Street and Montis Lane.

Internal roads:

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

**Goynes Road and Montis Land Intersection Upgrade**

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

**Goynes Road and Montis Lane Intersection – Post Construction Safety Audit**

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

**Public Assets**

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

**Construction Management Plan**

- 18. Before the works start the owner or applicant must submit a Construction Management Plan (CMP) for approval by the responsible authority. This plan shall include, but not be limited to:

Date issued:	Date permit comes into operation:  (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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- a) A site specific plan showing proposed erosion and sedimentation control works
- b) Techniques and intervention levels to prevent a dust nuisance
- c) Techniques to prevent mud and dirt being transported from the site to adjacent streets
- d) The protection measures taken to preserve any vegetation identified for retention

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

**Referral Authority Conditions**

**Coliban Water**

- 19. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided and where required by Coliban Water amendments to the existing services may be necessary in accordance with our specifications.
- 20. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- 21. Due to the Land Subject to Inundation Overlay (LSIO), specific requirements for the sewer servicing of the subdivision will be required, based off predicted flood levels and proposed locations.
- 22. Construction of a reticulated water supply network will be required to service the proposed subdivision.
- 23. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must make payment to Coliban Water of New Customer Contributions (NCCs). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the Certified plan of subdivision.

**Powercor Australia Ltd**

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

**Telecommunications**

- 30. The owner of the land must enter into an agreement with:
  - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time

**Date issued:**

**Date permit comes into operation:**

**Signature for the responsible authority:**

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

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

**North Central Catchment Management Authority**

- 32. Development must generally occur in accordance with the Elmwood Revised Storm Water Management Plan Version 7 prepared by Afflux Consulting (dated 6 March 2022) unless otherwise approved in writing with the Responsible Authority and the North Central CMA.
- 33. Prior to certification a waterway management reserve must be created in favour of the City of Greater Bendigo and registered on title. The waterway management reserve must be located generally in accordance with the reserve shown adjacent to Bendigo Creek on the Overall Layout Plan Version 9 (dated 28 March 2023).
- 34. A landscape plan must be prepared for the waterway management reserve by a suitably qualified professional and approved by the Responsible Authority and North Central CMA.
- 35. Prior to issuing a statement of compliance, the waterway management reserve must be shaped and landscaped to the satisfaction of the Responsible Authority and North Central CMA.
- 36. Unless otherwise agreed in writing, prior to issuing a statement of compliance, unauthorised vehicle access and parking on the reserve must be prevented by the use of suitable fencing such as bollard or post and rail, or non-mountable kerb.
- 37. Prior to the commencement of any works, an exclusion fence must be installed to delineate the proposed waterway management reserve. No works or fill material other than works associated with the approved landscaping and water treatment plans are permitted within this exclusion zone during the construction period without the written consent of North Central CMA.
- 38. Prior to certification a suitable restriction is to be placed on title stipulating that no buildings are permitted within 30 metres of the top of bank of Bendigo Creek for lots 102, 104, 105, 108 and 109, without the written consent of North Central CMA. This area is generally indicated on the Overall Layout Plan Version 9 (dated 28 March 2023) as 'Building Exclusion Zone'.
- 39. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, all new allotments must be filled to at least 0.3 metres above the applicable 1% AEP flood level(s). Prior to issuing a statement of compliance a certified survey plan of the finished surface levels prepared by a licensed surveyor must be submitted to the Responsible Authority and North Central CMA for its approval.
- 40. Prior to certification, a suitable restriction is to be placed on the title which specifies that no cut may be undertaken on the property which results in the surface level being lower than 0.3 metres above the applicable 1% AEP flood level unless the plans are approved by North Central CMA.

**Date issued:**

**Date permit comes into operation:**

**Signature for the responsible authority:**

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

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41. Prior to the commencement of works detailed engineering plans and computations must be submitted to North Central CMA and the Responsible Authority demonstrating that any flow along the road achieves the following safety criteria:
  - a) Depth  $\leq 0.3$  metres
  - b) Velocity  $\leq 2$  metres/second
  - c) Depth x Velocity  $\leq 0.3$  metres<sup>2</sup>/second
42. Prior to issuing a statement of compliance a certified survey plan of the finished road surface levels prepared by a licensed surveyor must be submitted to the responsible authority and North Central CMA for its approval.
43. Stormwater runoff arising from the site must be treated to best practice standards prior to discharging to the waterway. Prior to the commencement of works, detailed plans of the proposed stormwater treatment method must be submitted to the Responsible Authority and North Central CMA for its comment/approval.
44. Prior to issuing a statement of compliance, the stormwater outlets must be constructed to the satisfaction of the North Central CMA.
45. Prior to the commencement of any works, appropriate silt control measures must be installed to prevent sediment laden runoff from entering the waterway. The silt control measures must be maintained throughout the construction period.

**Goulburn Murray Water**

46. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
47. All works within the subdivision must be done in accordance with EPA Publication 1834 Civil Construction, Building and Demolition Guide (November 2020).
48. The Plan of Subdivision must show building exclusion zones to prevent future buildings from being located within 30 metres of Bendigo Creek where applicable.
49. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Coliban Water.
50. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

**Department of Energy, Environment and Climate Action**

51. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be topsoiled and revegetated. All drainage is to be diverted around the disturbed areas. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.
52. Notification of permit conditions: Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions.
53. Protection of vegetation to be retained: Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:

Date issued:	Date permit comes into operation:  (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree
  - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
54. The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.
55. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) Vehicular or pedestrian access
  - b) Trenching or soil excavation
  - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - d) Construction of entry and exit pits for underground services
  - e) Any other actions or activities that may result in adverse impacts to retained native vegetation.
56. Native vegetation offsets: The total area of native vegetation permitted to be removed is 0.724 hectares, as identified in Native Vegetation Removal Report PRE\_2020\_030, comprised of:
- a) 1 patch of native vegetation with a total area of 0.040 hectares (containing 1 large canopy tree)
  - b) 6 large, scattered trees
  - c) 19 small, scattered trees.
- To offset the removal of the 0.724 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- a) A general offset of 0.143 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district
  - b) Have a Strategic Biodiversity Value score of at least 0.247
  - c) Provide protection for at least 7 large trees
  - d) Must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).
57. Offset evidence: Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This offset must be:
- a) An established first party offset site. This must include:
    - i. a security agreement signed by both parties, and
    - ii. a management plan detailing the 10-year management actions and ongoing management of the site;
- to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority.
- Every year, for 10 years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;
- and/or
- b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

Date issued:

Date permit comes into operation:

Signature for the responsible authority:

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

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

58. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at p&a.north@delwp.vic.gov.au.
59. Access and Encroachment:
  - a) No access is permitted to the subject land via the Crown land
  - b) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works
  - c) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.

**Expiry Provision**

**Expiry – Staged Subdivision**

60. This permit as it relates to development (subdivision) will expire if one of the following circumstances apply:
  - a) The plan of subdivision for the first stage has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
  - b) All stages of the plan of subdivision have not been certified within 5 years of the issued date of this permit.
  - c) A statement of compliance is not issued within 5 years of the date of certification of a particular stage of subdivision.

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

**Expiry – Development (fences)**

61. This permit, as it relates to development (fences) will expire if one of the following circumstances applies:
  - a) The development is not completed within 10 years of the issued date of this permit.

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

**USEFUL INFORMATION:**

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

1. The permitted use or development may need to comply with, or obtain the following further approvals:
  - a. The recommendations of a cultural heritage management plan approved under the Aboriginal Heritage Act 2006.
  - b. A building permit under the Building Act 1993.

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

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2. Powercor Australia Ltd Notes:
- Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
  - Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
  - Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:
    - RESERVES established by the applicant in favour of the Distributor.
    - SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
  - Existing easements may need to be amended to meet the Distributor's requirements.
  - Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

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

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

Date issued:

Date permit comes into operation:

Signature for the responsible authority:

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

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**16.3. Lot 2 Mt Ida Lane, Heathcote 3523 – Use and Development of a Dwelling**

Author:	Shannon Rosewarne, Senior Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

**Summary/Purpose**

Application No:	DR/129/2023
Applicant:	Robyn and Ken Munn
Land:	Lot 2 Mt Ida Lane, HEATHCOTE 3523
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Environment Significance Overlay - Schedule 1 Environment Significance Overlay - Schedule 3
No. of objections:	0
Consultation meeting:	Not required
Key considerations:	<ul style="list-style-type: none"> <li>• Whether the proposed use and development of a dwelling on the land is appropriate in the Farming Zone.</li> <li>• Whether there is any reasonable justification for departing from the finding on the previous application.</li> <li>• Whether the proposal would result in any unacceptable environmental impacts.</li> <li>• Whether bushfire risk can be appropriately managed and addressed.</li> </ul>
Conclusion:	The proposal would introduce a dwelling within in the Farming Zone with insufficient justification that the agricultural use is viable and without adequate justification that a dwelling is genuinely required to support the agricultural use. This would remove land from agricultural production, increase pressure for proliferation of dwellings in the zone and potentially impact upon adjacent farming uses. This is an outcome that is contrary to policy regarding the protection of agricultural land. It is recommended that the proposal be refused.

**Recommended Motion**

Pursuant to section 61 of the Planning and Environment Act (1987), Council issues a Notice of Decision to Refuse to Grant a Permit for use and development of a dwelling and associated works for access and waste treatment at Lot 2 Mt Ida Lane, HEATHCOTE 3523, on the following grounds:

1. The proposal is inconsistent with policy for agriculture and rural dwellings at Clause 14.01-1S and 14.01-1L, and the purpose and decision guidelines of the Farming Zone, in the following manner:
  - a) The proposal is not viable or enduring to the extent that a dwelling can be supported by the Planning Scheme.

- b) The application has not established that the type and scale of agricultural production requires a dwelling on the land.
- c) The dwelling would cause the fragmentation of agricultural land by restraining the ability of the parcel to consolidate with adjoining or nearby land.
- d) The outcome for the land would potentially stymie genuine agricultural activities on surrounding land.

## **Background Information**

A previous application (DR/525/2020) for the use and development of the land for a dwelling was considered by Council at its Ordinary Meeting of 17 May 2021. The application was refused on grounds relating to the failure of the proposal to align with the purpose of the zone and the Rural Dwellings policy, then found at Clause 22.02 of the Planning Scheme.

The current application was lodged on 7 March 2023 and seeks essentially the same outcome as the previous application.

Further information was requested and the application was amended on 4 April 2023 to reflect an updated application description and wastewater disposal details. The application was referred to relevant authorities.

The application was advertised during April 2023 but did not attract any objections.

## **Report**

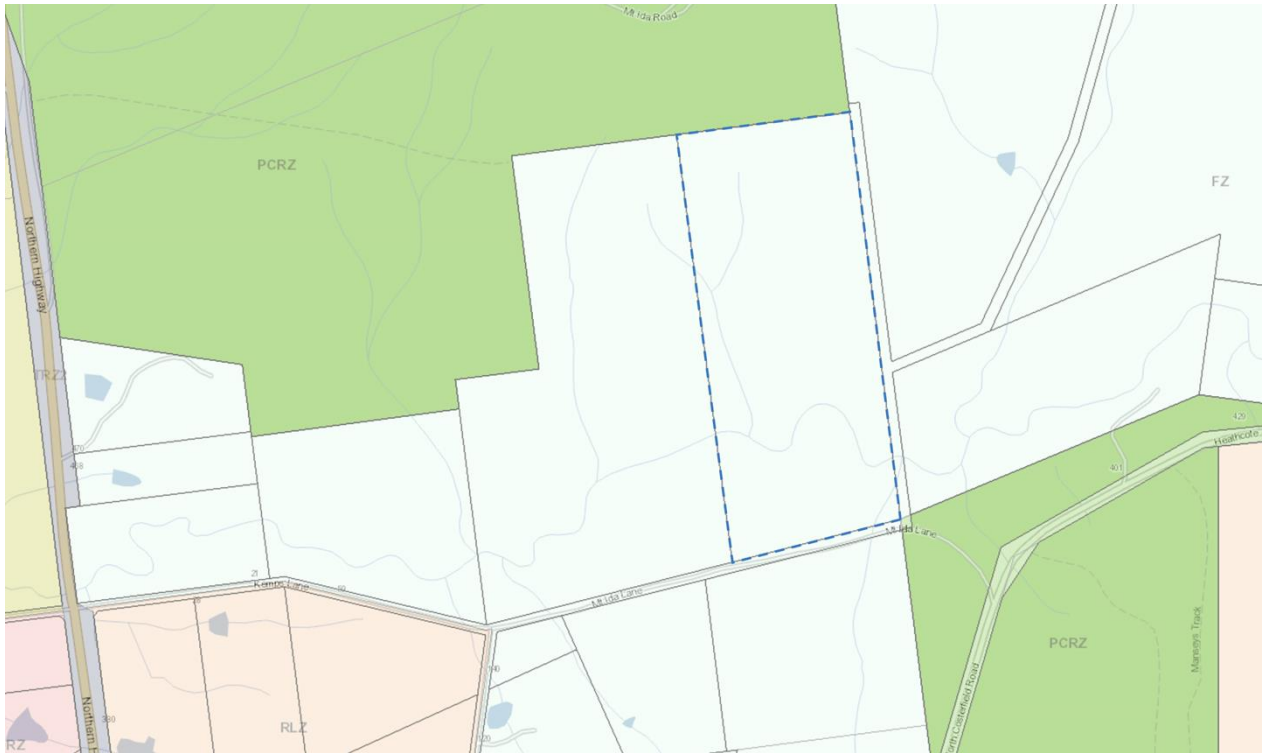
### **Subject Site and Surrounds**

The land is an irregularly shaped, 31.65-hectare property on Mt Ida Lane, approximately 1.7 kilometres north of the edge of the Heathcote township and 1.3 kilometres east of the Northern Highway. The property is on the northern side of Mt Ida Lane. The road reserve along the eastern boundary of the site is an unnamed government road. The Mt Ida Lane road reserve terminates at the eastern end of the property and continues as a track through Crown land, connecting to Heathcote-North Costerfield Road. The government road that is proposed to provide access to the site has been constructed for a length of 320 metres north of Mt Ida Lane.

The land has been partially cleared to create open pasture; some trees are scattered through the land, especially in the northwest corner of the property, along the east boundary and south of and along the Mt Ida Creek, which cuts through the southern end of the property. The land rises towards its north end, becoming quite steep to the rear near the northern boundary.

A building that seemingly has been used for accommodation, without apparent authorisation, is located near the centre of the site. A shipping container is also located on the land.

The land to east, west and south is generally used for farming purposes. To the north the site abuts heavily treed land within the Heathcote-Graytown National Park. There are dwellings located approximately 540 metres east of the site and 580 metres to its west. The National Park continues to the southeast of the land.



**Figure 1:** Location map showing subject site, including surrounding zoning.



**Figure 2:** Aerial photograph showing subject site and surrounds.





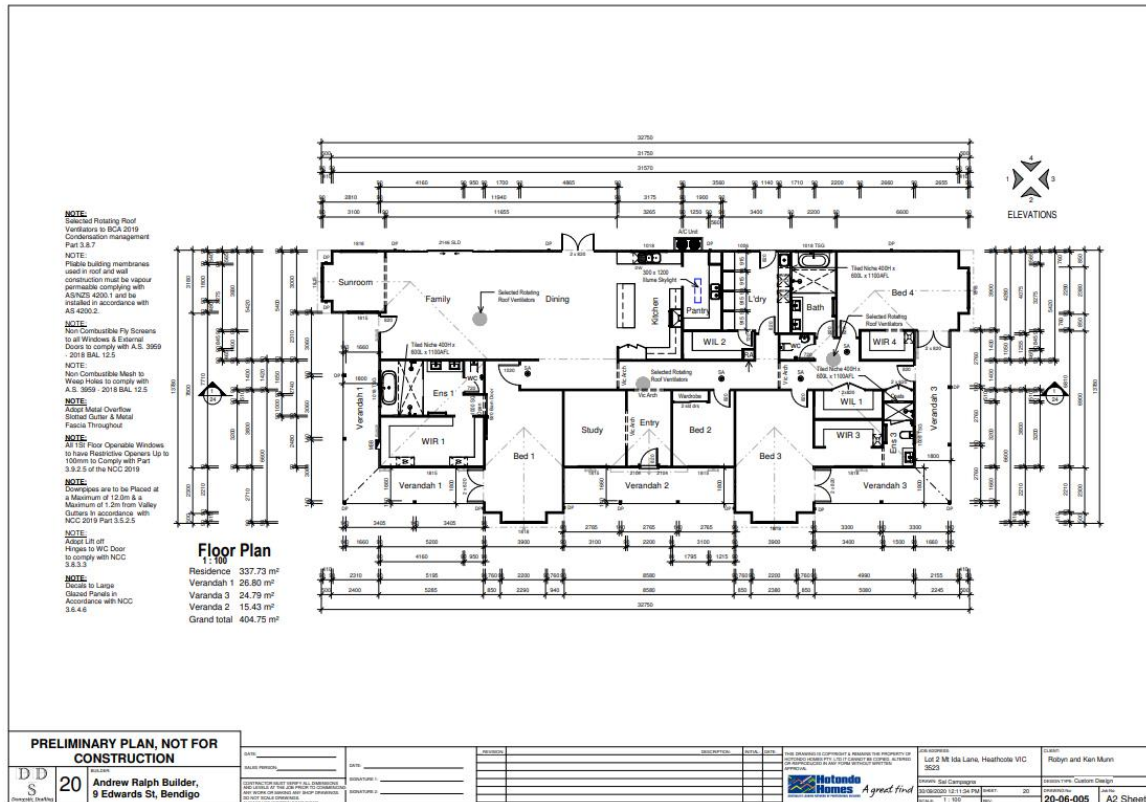


Figure 4: Proposed floor plan

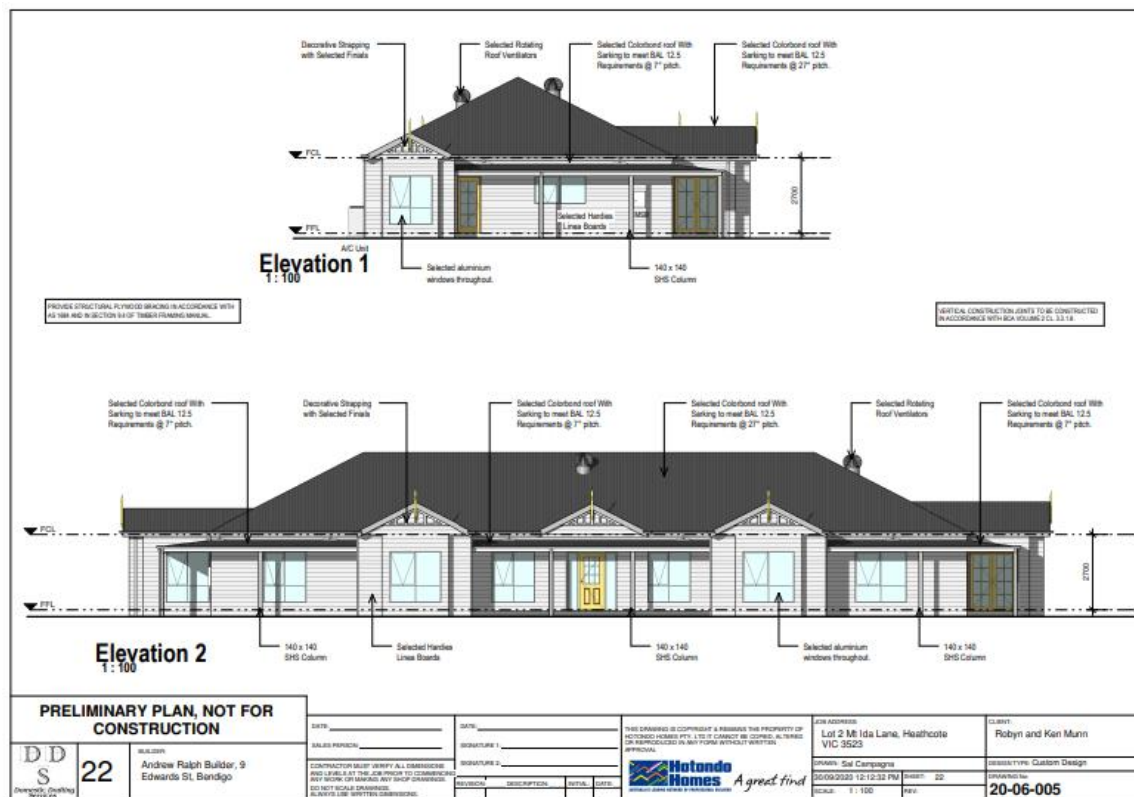


Figure 5: Proposed western and southern elevations

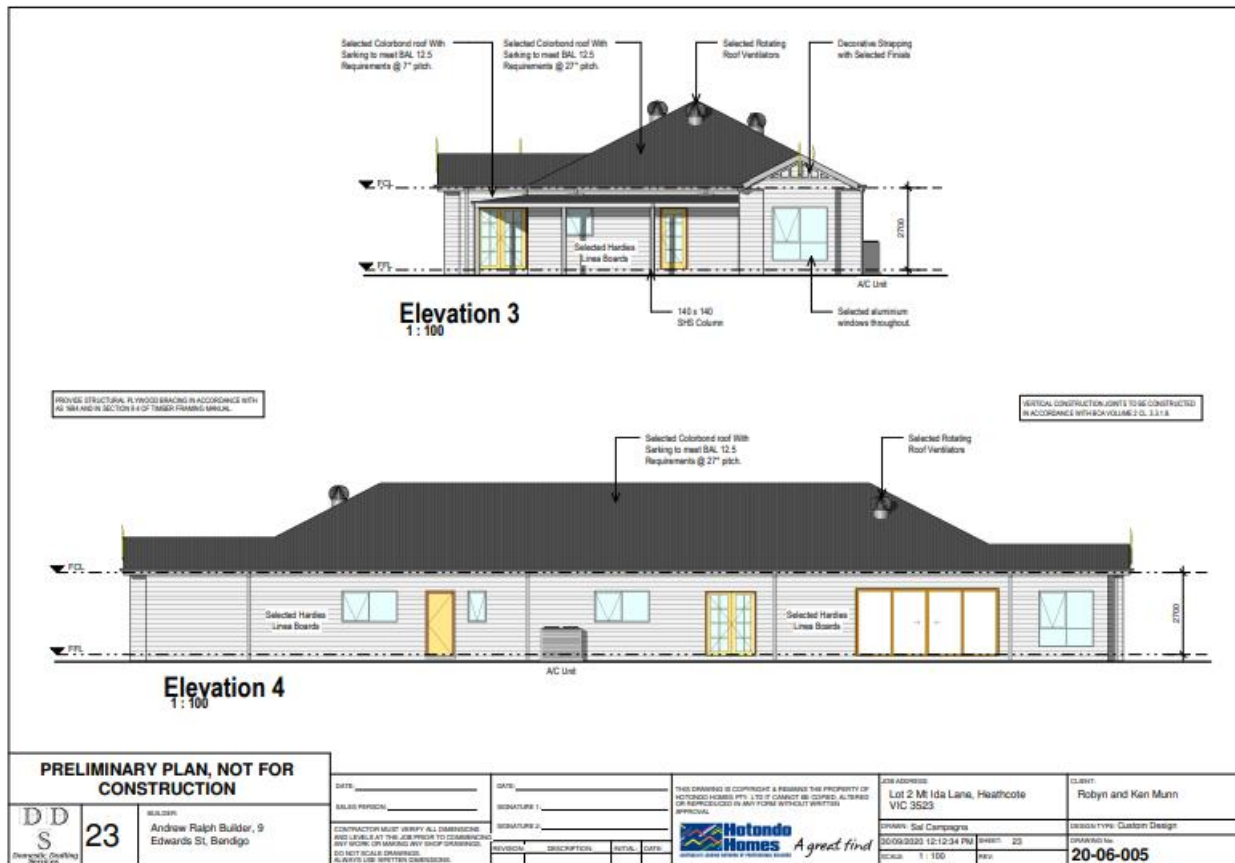


Figure 6: Proposed eastern and northern elevations.

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a permit needed?

Clause	Planning control	Permit Trigger
Clause 35.07-1	Farming Zone	Dwelling is a Section 2 use as the minimum lot size is not met.
Clause 35.07-4	Farming Zone	Buildings and works associated with a Section 2 use.
Clause 42.01-2	Environmental Significance Overlay (Schedule 3)	Construct a building or carry out works which are not connected to reticulated sewerage.
Clause 44.06-2	Bushfire Management Overlay	Construct a building associated with accommodation.

The following clauses are of particular relevance in the consideration of this proposal:

Municipal Planning Strategy

- Clause 02.03-1 - Settlement
- Clause 02.03-2 - Environment and Landscape Values
- Clause 02.03-4 - Natural Resource Management
- Clause 02.03-6 - Housing
- Clause 02.03-7 - Economic Development

Planning Policy Framework

- Clause 11.01-1L-01 - Settlement – Greater Bendigo
- Clause 12.01-1S - Protection of Biodiversity
- Clause 12.01-1L - Protection of Biodiversity – Greater Bendigo
- Clause 13.02-1S - Bushfire Planning
- Clause 13.03-1L - Floodplain Management – Greater Bendigo
- Clause 14.02-2S – Water quality
- Clause 14.02-2S – Catchment planning and management
- Clause 14.01-1S - Protection of Agricultural Land
- Clause 14.01-1L - Protection of Agricultural Land – Greater Bendigo
- Clause 16.01-1S - Housing supply

Zone

- Clause 35.07 – Farming Zone

Overlays

- Clause 42.01 - Environmental Significance Overlay
- Clause 44.06 - Bushfire Management Overlay

Particular Provisions

- Clause 53.02 - Bushfire planning

Other provisions

- Clause 65.01 - Approval of an application or plan
- Clause 66 – Referrals
- Clause 71.02-3 – Integrated decision making.

**Policy Context**

***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

**Secondary Council Plan Reference(s)**

Goal 7 – Sustainable population growth is planned for.

**Consultation/Communication**

Referrals

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

Referral	Comment
Agriculture Victoria	Raised concerns regarding the consistency of the use with the purpose of the Farming Zone (discussed further in planning assessment below).
Country Fire Authority	No objection subject to conditions including the mandatory Bushfire Management Overlay condition for buildings and works in relation to ongoing bushfire mitigation measures, and endorsement of the Bushfire Management Plan.
Coliban Water	No objection subject to the following conditions: <ol style="list-style-type: none"> <li>1. Prior to the commencement of the construction of buildings or other works, the Land Capability Assessment, prepared by Shane Muir Consulting Engineers P/L, Report No: LCA/2007010, and 28 July 2020, must be endorsed under the permit.</li> <li>2. The disposal area, and any recommendations for fencing or the prevention of trafficable access to the disposal area, must be identified in an updated version of the Land Capability Assessment, and must be shown on the site plans that form part of the permit.</li> <li>3. The wastewater treatment systems and disposal areas must be installed, and, at all times, must be operated and managed, in accordance with the endorsed Land Capability Assessment and the council-issued septic tank permit.</li> <li>4. Prior to the commencement of the construction of buildings or other works, the Environmental Management Plan, prepared by Shane Muir Consulting Engineers P/L, Report No: EMP/2007010, and 20 July 2020, must be endorsed under the permit.</li> </ol>
Goulburn Murray Water	No objection subject to the following conditions: <ol style="list-style-type: none"> <li>1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution</li> </ol>

Referral	Comment
	<p>Control' (EPA, 1991).</p> <ol style="list-style-type: none"> <li>2. All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated, and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.</li> <li>3. The wastewater disposal area must be located at least: 100m from any waterways (including dams on a waterway), 40m from any drainage lines, 60m from any dams, and 20m from any bores.</li> <li>4. The wastewater disposal area must be kept free of stock, buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. Unless wastewater disposal is by subsurface irrigation methods, a reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use if the primary field requires resting or has failed.</li> <li>5. No buildings are to be located within 30m of any waterways or dams on waterways.</li> </ol>
Traffic Engineer	<p>No objection subject to conditions relating to construction of vehicle access. Prior to commencement of works:</p> <ol style="list-style-type: none"> <li>1. The unnamed north/south road from Mt Ida Lane to the property entrance must be upgraded to an all-weather (gravel) road with a minimum trafficable width of 3.5 metres with 500mm horizontal clearance and 4 metre vertical clearance to trees to accommodate emergency vehicles. A table drain is required on the high side. Passing areas must be provided every 200 metres,</li> <li>2. The driveway from the property boundary to the proposed residence must be constructed as an all-weather (gravel) driveway with a minimum trafficable width of 3.5 metres with 500mm horizontal clearance and 4 metre vertical clearance to trees to accommodate emergency vehicles. A table drain is required on the high side. Passing areas must be provided every 200 metres if applicable.</li> <li>3. A Works Within Road Reserves Permit must be obtained prior to commencing any work outside the property boundary on the road reserve.</li> </ol>
Environmental Health	<p>No objection, subject to a revision to the Land Capability Assessment. Recommendation 1 of the LCA is required to reflect the irrigation system calculations.</p>

## Public Notification

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

## **Planning Assessment**

### Is the proposed use and development of a dwelling on the land appropriate in the Farming Zone?

As noted above, this application was previously considered and refused by Council on 17 May 2021. The grounds of refusal at that time related to the appropriateness of a dwelling in the Farming Zone. While some additional justification has been provided with this application, this remains the key concern with the proposal.

Dwellings on lots of less than 40 hectares in the Farming Zone need a permit. This recognises the following purposes of the zone:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

Dwellings can both consume agricultural land while at the same time creating potential for interface issues with agricultural uses on adjoining properties.

Decision guidelines under the zone include:

- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

This focus in the zone is reinforced in policy at State level in clause 14.01-1S (Protection of agricultural land) and at local policy level in clause 14.01-1L (Protection of agricultural land – Greater Bendigo). The State policy notes that housing should be directed into existing settlements. Where small lots exist, the policy encourages consolidation of these lots.

The local policy refines this direction, including the following relevant strategies:

*Avoid the construction of a dwelling unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision, or security.*

*Ensure that where a dwelling is deemed necessary to support an agricultural use, that the use is viable based on the level of investment required and the estimated return as shown in an integrated land management plan.*

*Ensure that where a dwelling has been deemed necessary to support an agricultural use, that the agricultural use has been established on the land prior to the construction of a dwelling.*

Planning policy therefore discourages construction of a dwelling on land such as this unless it is required to support an agricultural use.

As part of the previous application only limited information was provided about the proposed agricultural use, with the report to Council noting as follows:

*The applicant had previously stated that “no agricultural activities have been indicated as part of the overall proposal.” However, the applicant has since amended their proposal to suggest that an agricultural activity in the form of a vineyard would be placed on the subject land. No plans or details have been provided other than a two-page letter suggesting that the owner would start with approximately four hectares of vines and enrol in a course on viticulture.*

*This demonstrates that the applicant is aware that the subject land can accommodate an agricultural use. However, based on this minimal information it also insinuates that the agricultural activity will be secondary to the use of the land for a dwelling.*

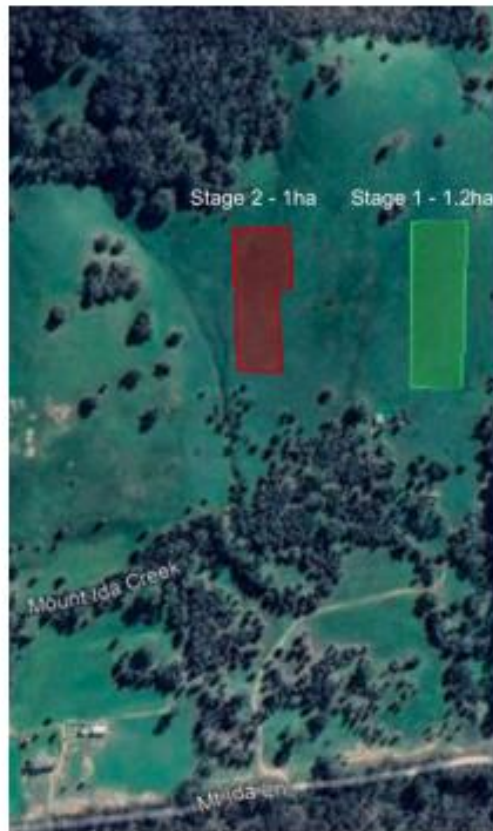
Unlike the previous proposal, the current application has been supported by a Farm Management Plan. This indicates that it is proposed to establish a vineyard, initially utilising 1.2 hectares of the property with a further one hectare of vines to follow as a second stage of planting. Figures 7 and 8 below demonstrate the extent of the site suitable for agricultural use and the extent of the land proposed to be utilised for agriculture.





**Figure 7:** Extract from proposed Farm Management Plan showing the various 'land use zones' identified for the property.





**Figure 8:** Extract from proposed Farm Management Plan showing extent of proposed agricultural activity for the site

It is also proposed to produce small batch honey, with ten beehives to be placed on the land. Although the Farm Management Plan refers to the overall use as a winery, no winery is proposed at this time. A winery is a different land use and is defined at clause 73.03 of the Planning Scheme as:

*Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.*

It is acknowledged that the application provides more information about the proposed agricultural use than the earlier application. However, it is also noted that the policy framework has changed compared to the framework that existed at the time of the previous application (where the key local guidance was the former clause 22.02 – Rural Dwellings Policy). This was replaced by the current clause 14.01-1L by Amendment C256 on 11 March 2022.

The new policy has added the aforementioned references to dwellings being discouraged unless required to support a “genuinely economically viable agricultural use of the land” and for that use to require “permanent and continuous care, supervision or security.” The strategies quoted above emphasise the importance of establishing the viability of the agricultural use and for the agricultural use to precede the construction of the dwelling.

Agriculture Victoria provided comment on the application, including the Farm Management Plan. Their comments raise several issues with regards to the justification for the proposed dwellings, including (in summary):

- *The justification for the dwelling is stated as being in support of the agricultural use of the land for a vineyard, however according the submitted Farm Management Plan the critical assessment as to whether the site will be suitable for plantings and what varieties is yet to be determined.*
- *The agricultural use of the land (viticulture) represents less than 7% of the available land on the subject site.*
- *The development plans do not show a timeframe for the dwelling construction in relation to the establishment of the vineyard.*
- *The Farm Management Plan places an emphasis on the need to ensure adequate water supply for the vineyard, and yet does not identify that irrigation of vines is a commercial use of water requiring appropriate licencing or discuss the seeking of the required licencing.*
- *The development stages outline a four-year plan to process the first vintage. Perennial horticultural crops (including grape vines) generally take longer than five years to reach full production (particularly under dry-land conditions). In addition, the infrastructure costings for wine production noted at Stage 4 is not apparent in the development budget.*
- *The site plans do not identify the detail of and/or areas set aside for wine production and the establishment of the noted winery.*
- *The site plans do not define a domestic envelope to contain and minimise loss of land for the agricultural use, including domestic wastewater disposal, increasing the risk of further loss to available productive land over time.*

Agriculture Victoria further noted that proposed type and scale of agricultural production could be out carried without the presence of a dwelling (albeit requiring regular visits) and that the proposal has the potential to result in permanent loss of agricultural land. Dwellings can also hinder the consolidation of agricultural landholdings through the uplift in land value resulting from a dwelling being on the land.

These points are considered to highlight valid shortcomings in the response to the policy framework and especially clause 14.01-1L. In particular, the supplied information has not sufficiently established the viability of the agricultural enterprise, that there is sufficient need for permanent and continuous care to justify a dwelling, or that the agricultural use and dwelling are appropriately sequenced.

It is accepted that there are dwellings on other similar nearby properties. However, these predate the changes to policy that are discussed above. The strengthening of the policy over time (which reflects similar strengthening in State policy and the zone settings) has been driven in part by past undesirable proliferation of dwellings.

For these reasons it is considered that the proposed use and development of a dwelling on the land is not appropriate.

Planning legal principles with reference to repeat applications.

There are numerous Tribunal cases dealing with repeat appeals and the factors that should be taken into account when considering such applications. Although no appeal was lodged for the previous application, it is recommended that the principles established by the Tribunal be considered by Council in making its determination on this application.

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

**Principle:**

Significant or material changes to the application itself which address the primary reasons for the previous proposal being refused.

**Assessment:**

There has been a material change to the application in that a Farm Management Plan has been prepared detailing a proposed agricultural use to be undertaken on the land.

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

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

**Principle:**

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

**Assessment:**

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

**Principle:**

Significant or material changes in planning controls and policy.

**Assessment:**

Since the previous application was considered by Council on 17 May 2021, Amendment C256 to the Greater Bendigo Planning Scheme was subsequently gazetted on 11 March 2022.

This Amendment made changes to the Planning Policy Framework to implement the

review of the Municipal Strategic Statement. Specifically, Clause 22.02 (Rural Dwellings Policy) was deleted and Clause 14.01-1L (Protection of agricultural land – Greater Bendigo) was introduced.

Clause 14.01-1L contains strategies which seek to:

- Avoid the construction of a dwelling unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision, or security.
- Ensure that where a dwelling is deemed necessary to support an agricultural use, that the use is viable based on the level of investment required and the estimated return as shown in an integrated land management plan.
- Ensure that where a dwelling has been deemed necessary to support an agricultural use, that the agricultural use has been established on the land prior to the construction of a dwelling.

As such, there are now additional and stronger policy considerations for rural dwellings in the Farming Zone.

The previous application was determined to be inconsistent with the Rural Dwellings Policy at Clause 22.02. The current application is not consistent with Clause 14.01-1L.

**Principle:**

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

**Assessment:**

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

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

Are the environmental impacts of the proposal acceptable?

The proposal requires planning approval under the Environmental Significance Overlay (Schedule 3 – Eppalock Proclaimed Catchment Area).

The proposal has been accompanied by a Land Capability Assessment (LCA). This has been reviewed by the City's Environmental Health team who advised that the site is generally suitable for a septic system, however an amendment to the LCA would be required if the application was approved to correct an error in relation to the irrigation system calculations. Coliban Water and Goulburn Murray Water have both consented to the application subject to permit conditions.

It is noted that the wastewater disposal field is proposed to be to the east and slightly south of the dwelling. (This would require realignment of the proposed driveway to be



## **Conclusion**

The proposal would introduce a dwelling within in the Farming Zone with insufficient justification that the agricultural use is viable and without adequate justification that a dwelling is genuinely required to support the agricultural use. This would remove land from agricultural production, increase pressure for proliferation of dwellings in the zone, and potentially impact upon adjacent farming uses. This is an outcome that is contrary to policy regarding the protection of agricultural land.

It is recommended that the proposal be refused.

## **Options**

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

## **Conflict of Interest**

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

## **Attachments**

Nil

## **17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY**

Nil

## 18. ABORIGINAL RECONCILIATION

### 18.1. January 26 Statement of Intent and Australia Day Citizenship Ceremony

Author:	Fiona Machin, Inclusive Communities Officer - Reconciliation
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

#### Purpose

1. To provide an update to Councillors and to seek formal Council endorsement of the *January 26 Statement of Intent* and;
2. Support the recommendation that Council move the City's Australia Day Citizenship Ceremony to 25 January in 2024 and future years.

#### Recommended Motion

That Council:

- Note support for the *January 26 Statement of Intent* by Traditional Owner groups - Dja Dja Wurrung and Taungurung Land and Waters Council as well as the Bendigo & District Aboriginal Co-operative Board
- Endorse the *January 26 Statement of Intent*.
- Endorse moving the City's Australia Day Citizenship Ceremony to a day earlier – 25 January annually (which aligns with recent Federal Government changes to the Australia Day Citizenship Ceremony Code)
- Utilise the Social Justice Framework principles to guide decision making.

#### Executive Summary

The City has demonstrated a strong commitment to reconciliation with two successive Reconciliation Plans guiding reconciliation activities since 2016.

January 26 'celebrations' are a reminder to many Aboriginal and Torres Strait Islander People of our nation's history of dispossession, exclusion, violence and trauma with the impacts of colonisation continuing to be felt today.

January 26 is widely seen as a day of mourning and loss.

Through engagement with key members of the local Aboriginal and Torres Strait Islander community throughout 2022, Council developed the January 26 Statement of Intent (Statement of Intent). This is a clear demonstration of Council's increased understanding and leadership on the issue.



Feedback was received from DJAARA in October 2022 supporting the Statement of Intent and Council's leadership.

In January 2023, the Taungurung Land and Waters Council publicly released its own 'Taungurung Statement on January 26' to help guide its key partners and stakeholders, and to reiterate the need to properly understand and respect the true history of this Country and what this day represents to Taungurung Peoples.

The City's Statement of Intent was endorsed by the Bendigo and District Aboriginal Co-operative (BDAC) Board on Tuesday 28 March and a letter of support from Dallas Widdicombe, BDAC CEO, has been received.

In December 2022, the Federal Government announced greater flexibility for Australia Day Citizenship Ceremonies from 2023, allowing for ceremonies to be held between January 23 – 29.

If supported by Council, the Statement of Intent would not change how events on January 26 would run, including a number of Australia Day community events staged by service clubs and volunteer groups. Any events in support of Traditional Owners and First Nations would be in addition to traditional activities.

## **Background**

Since 2017, a growing number of local governments have changed the way they mark Australia Day / January 26. This led to increased national discussion and debate as to the appropriateness of commemorating Australia Day and engaging in celebrations on January 26.

Australia Day, and its history, is complex and holds different meanings for different members of our community. It is seen by many Aboriginal and Torres Strait Islander People as a day of mourning and loss, and one where many feel increasingly marginalised by the Australia Day celebrations that take place.

The issue of January 26 commemoration was discussed at EMT and Councillor Briefings in October 2021 and November 2022. During this period, a series of conversations were held between Councillors, City staff and key Aboriginal and Torres Strait Islander community leaders about January 26 and how to mark the day respectfully.

Council has demonstrated its commitment to reconciliation through the delivery of two successive Reconciliation Plans. The current Reconciliation Plan 2020-2025, *Barpangu* articulates Council's commitment to advancing reconciliation and to supporting the Traditional Owners and local Aboriginal and Torres Strait Islander community.

It is also underpinned by key principles of Aboriginal self-determination, partnerships, relationship building and ensuring our work is guided by two-way learning, trust and understanding.

The Social Justice Framework provides Council with principles to guide decision making, planning and actions to improve equity, inclusion and support human rights in the community.

Previous Council decision dates:

July 2019 Ordinary Meeting – the Central Bendigo Uniting Church Cluster petition was submitted to Council, seeking changes to the way in which January 26 was celebrated in Greater Bendigo.

- Recommendation that Council thank the Central Bendigo Uniting Church Cluster Council for their letter and commit to an ongoing conversation with community which promotes and progresses greater understanding, respect and reconciliation.

25 October 2021 Councillor Briefing – Advancing Reconciliation Through January 26 Discussions

- Council endorsed the proposed engagement process to start community conversations with key leaders from the Traditional Owners and local Aboriginal and Torres Strait Islander community, on marking Australia Day and January 26 respectfully in Greater Bendigo.

7 November 2022 Councillor Briefing – January 26 Statement of Intent

- Council decision on the Statement of Intent was paused at this time, pending feedback from Taungurung Land and Waters Council.

## **Report**

In December 2021, City staff invited key Aboriginal and Torres Strait Islander community leaders to be part of conversations on how to mark January 26 respectfully in Greater Bendigo. These conversations aimed to increase cultural awareness and understanding, and to gain a better understanding of local views regarding January 26. This would help inform Council's approach to marking January 26.

In 2022, the following community conversations and activities were undertaken:

- Three conversation circles were held between Aboriginal community leaders and Councillors to provide an opportunity for deep listening, truth-telling and to gain an understanding of what January 26 means to the local Aboriginal community.
- Additional meetings were held with Aboriginal community leaders who could not attend the conversation circles to ensure their participation and engagement in the discussions.

- A presentation was delivered to Youth Council in June 2022 with an update on the issue of January 26 and the local conversations being had. The Youth Council was overwhelmingly supportive of any changes to January 26 events and provided a letter of support to Council (**Attachment 1**).
- Updates were regularly provided to the Bendigo Reconciliation Group and its members who are investigating ways to actively support local discussions and changes to January 26 commemorations.

Following these discussions, Council developed a *January 26 Statement of Intent* which would guide Council's direction for marking the date (**Attachment 2**). The Statement of Intent was sent to DJAARA (trading as Dja Dja Wurrung Clans Aboriginal Corporation) and Taungurung Land and Waters Council (TLWC) for feedback and endorsement in mid-2022.

In October 2022, the City received a positive response from DJAARA who welcomed Council's leadership as well as Council's increasing recognition and understanding of the day for Aboriginal and Torres Strait Islander Peoples (**Attachment 3**).

Multiple communications were made by City staff and CEO to contact TLWC between July and December 2022, and again in January/February 2023, with no formal feedback or response received at the time.

In January 2023, TLWC publicly released its own 'Taungurung Statement on January 26' (**Attachment 4**) which had been developed by the full Taungurung members group over a 12-month period. This detailed statement reflects the deep hurt and sorrow felt by Taungurung Peoples towards a day that celebrates colonization, invasion and dispossession.

It asks that individuals *'take time to truly acknowledge and respect that 26 January does not bring a sense of unity and pride and implores people to educate themselves about the true history of this Country and to consider what you can do to become an ally of the Taungurung people'*.

The Taungurung Statement is intended to guide and inform its partners and stakeholders on their reflections and responses to local January 26 commemorations.

BDAC has responded positively towards Council's progress on this issue. Several BDAC staff and Board members, including its former and current CEO (Raylene Harradine and Dallas Widdicombe), participated in the conversations in 2022. The Statement of Intent was provided to BDAC in November 2022 for formal Board support and endorsement – the Statement of Intent was formally endorsed on Tuesday 28 March and a letter of support received from BDAC (**Attachment 5**).

Given the previous timelines and delays in obtaining feedback from TLWC and BDAC towards the end of 2022, the Statement of Intent could not be progressed or formally endorsed by Council in the leadup to January 2023.

In 2023, BDAC hosted a Survival Day Dawn Service and Community Event for the first time in Greater Bendigo. This was a private event for the local Aboriginal and Torres Strait Islander community and key allies, including Councillors and City staff. This event was very well received by community with around 150 people attending the Dawn Service alone.

The Federal Government also announced important changes to the Australia Day Citizenship Ceremonies Code on 16 December 2022 (**Attachment 6**). As of January 2023, local councils are no longer obliged to hold a citizenship ceremony on January 26.

Councils are now able to hold a ceremony on January 26, or on the three days before or after (between 23 – 29 January).

No changes could be made to the 2023 Australia Day Citizenship Ceremony in Greater Bendigo given the late notice of the Federal Government's decision.

For 2024, it is recommended that the citizenship ceremony is moved to a day earlier and is held on Thursday 25 January. This would be in strong alignment with the Statement of Intent and demonstrate action of one of the core commitments within the statement.

If the Statement of Intent and changes to the January 2024 Citizenship Ceremony are endorsed, City staff will progress the following:

- Ongoing planning and engagement with Aboriginal and Torres Strait Islander community members about how they would like to see changes in 2024 and in future years – guided by suggestions made in the Statement of Intent,
- Commence working in partnership with Traditional Owners on the Citizenship Ceremony, in line with the commitments of the Statement of Intent,
- Leading a series of communication and engagement activities aimed at education and sharing information to the broader community around January 26 and the impact on First Nations peoples. This would include:
  - Continued engagement with the Bendigo Reconciliation Group and key reconciliation supporters to ensure there is broad support in the media on the issue,
  - Work with key partners on a range of education and awareness raising activities to increase understanding of the issues across the broader community, and
- Ongoing engagement and communication with the local Aboriginal and Torres Strait Islander community in the leadup to and post-announcement, as well as support to be provided to First Nations staff employed at the City.

The Social Justice Framework (2022-2032) provides Council with principles to guide decision making, planning and actions to improve equity, inclusion and support human rights in the community.

The key principles are:

- Human Rights
- Access and Inclusion
- Equity
- Participation in decision making

These core principles are supported by seven pillars of action.

- Recognise Aboriginal and Torres Strait Islander People/First Nations people
- Uphold Human Rights
- Champions Social Justice
- Advance Equity
- Support Access and Inclusion
- Enable Engagement and Participation
- Support Environmental Justice

The City has a strategic responsibility to plan, lead and advocate for the local community and social justice.

This can be achieved through the following roles:

- Leader– develop a clear position on equity, participation and human rights issues
- Advocate – advocate across all levels of Government to improve outcomes.
- Engage- engage with the local community to ensure those experiencing inequity or disadvantage have a voice and input into plans and services that affect them.
- Facilitator– Connecting groups and bringing people together to build tolerance and understanding of difference and celebrate diversity.
- Partner – partnering with key stakeholders to leverage assets to address barriers to achieving social justice.

### ***Priority/Importance***

Significant time has been provided for discussions on January 26 in Greater Bendigo. This was in recognition of the complexity of the issue and the time needed to progress conversations authentically with the Aboriginal community.

Endorsement of Council's *January 26 Statement of Intent* is now being sought given the feedback received from the Dja Dja Wurrung and Taungurung Traditional Owners, and the need to demonstrate Council's commitment to and leadership on the issue.

## ***Timelines***

A decision is required to ensure City staff have adequate time in the lead up to January 2024 to support the announcement of the Statement of Intent, to deliver a range of communication and education activities, as well as ongoing engagement with Aboriginal and Torres Strait Islander community members.

Planning for the January 2024 Citizenship Ceremony will commence in October 2023.

## **Communications/Engagement**

Ongoing conversations and engagement has occurred with the following external partners:

- DJAARA
- Taungurung Land & Waters Council
- Bendigo and District Aboriginal Co-operative
- Key leaders of the local Aboriginal and Torres Strait Islander community
- Co-Chairs and broader membership of the Bendigo Reconciliation Group
- Central Bendigo Uniting Church Cluster Council

Internal engagement has been driven by conversations with Councillors and EMT. Early discussions have also occurred between Governance, Communications, Major Events and Community Partnerships Units on options for ongoing engagement and education in the leadup to January 26, 2024.

## **Financial Sustainability**

The delivery of community information and education activities for 2024 will be covered within existing staff resources and budget of the Community Partnerships Unit who oversee delivery of the Reconciliation Plan *Barpangu*.

City staff will provide support to BDAC's Survival Day Dawn Service and Family Day in 2024, if requested.

Opportunities for local government to apply for grant funding to deliver January 26-related community events is limited. However, City staff will encourage and support First Nations community groups and organisations to seek State Government funding opportunities if there is interest in offering more local events.

Citizenship Ceremonies are covered within existing staff resources and budget of the Tourism and Major Events Unit. The Civic Events Officer provides overall coordination and resourcing support for these ceremonies.

## Risk Assessment

Endorsing the Statement of Intent and moving the date of the Citizenship Ceremony to January 25 aligns with the City's commitment to reconciliation and key strategic documents, particularly the Council Plan *Mir wimbul*, Healthy Greater Bendigo 2021-2025, the City's Reconciliation Plan *Barpangu*, and Social Justice Framework 2022-2025.

These strategies articulate the City's commitment to advancing reconciliation and have set high community expectations around our Organisation's responsiveness. These community expectations have been further heightened by the conversations circles that were held between Councillors and members of the local Aboriginal and Torres Strait Islander community to specifically discuss January 26 and the issues surrounding this date.

During these conversations there was reassurance provided to First Nations community leaders who were present, that authenticity was a priority, and that ongoing action and engagement was required to demonstrate understanding and commitment.

The following risks have been identified:

- Not adopting the Statement of Intent or providing a clear message of Council's position on January 26, sends a message of non-support to the local First Nations community and other local supporters of reconciliation. This could cause reputational and relationship damage to Council and the City, particularly with Traditional Owners, BDAC and key Aboriginal community leaders. The potential damage to relationships would be amplified given the previous conversations and verbal commitment provided by Councillors involved in the conversation circles.
- Further delays to a public endorsement of the Statement of Intent also increases the relationship and reputational risk to Council. Some Aboriginal and Torres Strait Islander leaders are disappointed over the perceived lack of action or progress on the Statement of Intent by Council. This risk can be mitigated by a public endorsement of the Statement of Intent and the new date for the January Citizenship Ceremony. This would be a clear and visible demonstration of Council's commitment.
- Public endorsement of the Statement of Intent may create backlash from some sections of the community who disagree with or do not understand the Statement. This risk can be mitigated through effective communication of Council's commitment to and leadership role in reconciliation and to working in partnership with Aboriginal and Torres Strait Islander Peoples as per the Council Plan, Healthy Greater Bendigo 2021-2025, the City's Reconciliation Plan *Barpangu* and the Social Justice Framework 2022-2032.

Other strategies to mitigate the risk of community backlash may include involvement of the Bendigo Reconciliation Group and other community groups in

showing support for the Statement of Intent and collaborating on a series of education and awareness raising activities.

## **Policy Context**

### ***Primary Council Plan Reference***

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

Outcome 4 - Aboriginal reconciliation

### ***Secondary Council Plan Reference(s)***

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

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

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

### ***Other Reference(s)***

Healthy Greater Bendigo 2021-2025

- Outcome 4 – connected to culture and community

City of Greater Bendigo Reconciliation Plan 2020-2025, *Barpangu*

- Objective 1 – Recognise, acknowledge and celebrate the Traditional Owners
- Objective 3 – Support community and civic events that acknowledge and celebrate Aboriginal and Torres Strait Islander Peoples
- Objective 4 – Enhance and increase opportunities for Aboriginal people to help guide and participate in City activities and events
- Objective 9 – Improve health and wellbeing outcomes through connections to family, community and story-telling

City of Greater Bendigo Social Justice Framework 2022-2032

Dja Dja Wurrung & Taungurung Recognition and Settlement Agreements as part of the *Traditional Owner Settlement Act 2010*

*Victorian Charter of Human Rights and Responsibilities Act 2006*

*Yilingga Marna Agreement* (Land Use Activity Agreement between DJAARA and the City of Greater Bendigo)

Victorian Aboriginal and Local Government Strategy 2021-2026



### **Conflict of Interest**

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

### **Attachments**

1. Youth Council Letter of Recommendations Regarding January 26 [**18.1.1** - 2 pages]
2. Jan 26 Statement of Intent - V 6 DRAFT March 2023 [**18.1.2** - 2 pages]
3. DJAARA Statement of Intent Email - M Costello [**18.1.3** - 2 pages]
4. Taungurung's Jan 26 Statement [**18.1.4** - 4 pages]
5. BDAC - Co GB Statement of Intent - Letter of Support March 2023 [**18.1.5** - 1 page]
6. The Hon Andrew Giles MP Media Release Citizenship Ceremonies 16 December 2022 [**18.1.6** - 2 pages]



Enquiries: Youth Mayor Victoria Tangey  
T: 0435 486 586  
E: [victoria@tangey.com.au](mailto:victoria@tangey.com.au)

23 March 2022

City of Greater Bendigo Council  
PO Box 733  
Bendigo, VIC 3552

Dear City of Greater Bendigo Councillors,

**Re: Youth Council Letter of Recommendations Regarding January 26**

At the Youth Council meeting on the 23<sup>rd</sup> of February 2022 the Youth Council established a position that January 26 is not an appropriate date to celebrate Australia Day. We discussed this position with Council at an informal joint meeting on March 2<sup>nd</sup> where it was requested that the Youth Council submit a letter of recommendations.

We believe that Australia Day should be a day to celebrate for all Australians. January 26 represents white settlement not the diversity of Australia, only colonial history. We believe that Australia Day should represent everyone.

We acknowledge that any changes to Australia Day celebrations in Greater Bendigo should be led by Council but ultimately be supported and guided by the Dja Dja Wurrung and Taungurung peoples, the traditional owners and custodians of the lands Greater Bendigo comprises.

There is momentum building in our community to change the date of Australia Day. A study by CoreData Australia indicated that almost 70% of the Generation Z participants (under 26 years of age) did not intend to celebrate in 2022. The same survey showed more than 80% of the Generation Z participants support changing the date.

Young Australians want to see change happen. The Youth Council would like to see changes made to Australia Day celebrations in Greater Bendigo to foster growth and healing for future generations and see meaningful impact on the lives of young people in Greater Bendigo, particularly indigenous youth.

There is precedent for change, many councils in Central Victoria have taken steps to commemorate January 26 in a more respectful way. The City of Ballarat holds a Survival Day ceremony along with making other meaningful changes to celebrations such as cancelling the fireworks display. Mount Alexander Shire Council jointly brands the day and its celebrations as 'Australia Day/Survival Day' as well as holding a Survival Day dawn service.

We encourage Council to follow other Central Victorian Local Governments and incorporate some of the changes they have made into Greater Bendigo's January 26 celebrations. The

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Version: 1, Version Date: 22/04/2022

Youth Council also understands that change is a gradual process and will require time and public education. Our recommendations to Council are as follows.

To increase awareness around what January 26 represents for Indigenous Australians we believe it is important to include a reflection and commemoration service in the calendar of events. A Survival Day service or dawn service could be incorporated as it is in other Central Victorian local government areas.

Additionally, for events and celebrations on January 26 we would love to see a reflection included in the opening of the event along with the acknowledgement of country.

We would encourage Council to offer staff an alternate day of leave if they would like to work the public holiday on January 26. This is an initial step to facilitate a culture shift toward more meaningful growth and healing. This will also encourage conversations and education around the appropriateness of celebrations on January 26.

Many Australians are unaware of the breadth of generational trauma Indigenous Australians still face because of the events of January 26, 1788, and those that followed in the years, decades, and centuries after. For these changes to be understood by the whole community we recommend Council implements an education program to inform community of the reasons behind the change.

We request that in future Council considers advocating to the Commonwealth Government about changing the date of Australia Day to a date that is inclusive of all Australians. There is a lot to celebrate about being Australian, but we should all be able to celebrate together.

We recommend Council works closely with local first nations people to develop a public position on January 26 and its appropriateness as a date to celebrate Australia Day.

We would like to see Council take steps toward reducing celebrations on January 26 and eventually rescheduling them to a more appropriate date.

Thank you for your time and consideration of our recommendations. The Youth Council would love to continue to work with Council to support these changes going forward.

If you would like to discuss this further or have any questions, please feel free to contact me.

Yours sincerely,

A handwritten signature in dark ink, reading "Victoria Tangey". The signature is fluid and cursive, with a horizontal line underlining the name.

**Victoria Tangey**  
**City of Greater Bendigo Youth Mayor**

**January 26 Statement of Intent – DRAFT V6.**

**ACKNOWLEDGEMENT OF COUNTRY**

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country. We would like to acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung Peoples, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and future for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples. We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing, and our hope that we may walk forward together in harmony and in the spirit of healing.

**ACKNOWLEDGEMENT OF FIRST NATIONS PEOPLE**

The City recognises that there are people from many Aboriginal and Torres Strait Islander communities living in Greater Bendigo. We acknowledge and extend our appreciation to all First Nations Peoples who live and reside in Greater Bendigo on Dja Dja Wurrung and Taungurung Country, and we thank them for their contribution to our community.

**BACKGROUND TO THE GREATER BENDIGO COMMUNITY VISION 2021 - 2031**

The Greater Bendigo Community Vision 2021 – 2031 was developed by a representative group from the community in May 2021.

*‘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. The vision and values guided the development of the 2021 – 2025 Council Plan – *Mir wimbul* which has a dedicated outcome area focussed on Aboriginal Reconciliation with the goal being *‘A community that recognises and respects Aboriginal people and culture and enables the self-determination of Traditional Owners’*.

Council has demonstrated its commitment to Aboriginal Reconciliation over recent years through the development and implementation of two Reconciliation Plans. The first plan (2016 – 2019) formalised and built on existing reconciliation initiatives and opportunities within the City of Greater Bendigo. The second, *Barpangu* (2021-2025), was developed through conversation and consultation with the Traditional Owners, the Dja Dja Wurrung and Taungurung Peoples, the broader local Aboriginal and Torres Strait Islander community and City of Greater Bendigo staff.

*Barpangu* describes Council’s commitment to reconciliation and self-determination with the goal to: *work towards a strong and vibrant culture that celebrates the Aboriginal community of Greater Bendigo and puts them at the forefront to collaboratively heal Country and create an inclusive space where we all celebrate stories, histories and Peoples.*

### **STATEMENT OF INTENT**

Building on these solid foundations Council is committed to listen deeply during ongoing conversations with local First Nations people and demonstrate respect, empathy and understanding to promote healing.

We should listen closely and understand a history of exclusion, oppression and trauma of First Nations people that began on 26 January 1788. The City of Greater Bendigo and Council stand in solidarity with First Nations people in recognising this.

As a Council we have a responsibility to demonstrate leadership to our community, to recognise and understand that many First Nations people and others see this day as one of mourning and deep loss and to honour Aboriginal and Torres Strait Islander Peoples in Australia's history.

Council will work with the Greater Bendigo community seeking to influence how January 26 is understood and acknowledged across the Municipality.

Further, Council will seek to ensure that commemorations reflect a true and representative view of 26 January, to educate the Greater Bendigo community and to establish a strong culture of respect and understanding of history that values and honours the strength and resilience of First Nations Peoples.

This Council commits to walking hand in hand with Traditional Owners and First Nations people to make appropriate changes around January 26 events within our LGA, address the disadvantage and inequity that exists between Aboriginal and non-Aboriginal peoples and promote reconciliation and self-determination.

As a Council we commit to:

- Work in partnership with Traditional Owners and First Nations community members to hold an event on January 26 which acknowledges the history, holds space for all First Nations people and provides an opportunity for the Greater Bendigo community to show support
- Partner with Traditional Owners and First Nations community members to build broader community knowledge and promote understanding regarding January 26 in relation to the impact of colonisation on First Nation's people.
- Build recognition and understanding of Traditional Owner's and First Nation's culture into citizenship ceremonies. We will be guided by our Traditional Owners and work in partnership to develop a ceremony that promotes understanding, connection and acknowledges Dja Dja Wurrung and Taungurung culture.
- Advocate for a review of the date and it's appropriateness Federally, ensuring alignment with the intent of the Uluru Statement of the Heart
- Work together in partnership with Traditional Owners and First Nations people to continue the conversation around January 26 and progress plans to address issues going forward.

**From:** Mark Costello <[REDACTED]>  
**Sent:** Wednesday, 5 October 2022 5:06 PM  
**To:** Andie West [REDACTED]  
**Subject:** RE: Support following up on the City's January 26 work

Hi Andie

I hope you are well. Below is the response endorsed by Cassandra Lewis, General Manager – DJAARA.

*Thank you for sharing Council's Statement of Intent with respect to 26 January.*

*DJAARA appreciate the range of views and communities that Council represents and must engage with in forming its positions.*

*DJAARA welcomes Council's acknowledgement of their responsibility to demonstrate leadership to our community, through the recognition and demonstrated understanding that many First Nations people and others see this day as one of mourning and deep loss and to honour Aboriginal and Torres Strait Islander Peoples in Australia's history.*

*As the First People of Central Victoria, and as the representative body for Dja Dja Wurrung People, DJAARA's position is clear. 26 January is not a day to be celebrated. It is a day that represents invasion, colonisation, dispossession, and trauma, which is still experienced by Djaara and First Nations People across Australia today.*

*However, we strongly support the intent of Council to initiate discussions with the Federal Government and advocate to change the date of Australia Day from January 26th to an agreeable alternative, in line with the intent of the Uluru Statement of the Heart. We strongly support the intent of Council to work with the Greater Bendigo community to influence how January 26 is understood and acknowledged across the Municipality. We strongly support the intent to working in genuine partnership with Traditional Owners and First Nations Peoples to make appropriate changes around January 26 events within the City of Greater Bendigo. We strongly support the intent to address the disadvantage and inequity that exists between Aboriginal and non-Aboriginal peoples and to be leaders in reconciliation and self-determination.*

*DJAARA looks forward to continuing to work with Council to understand, acknowledge and promote community understanding of our true history, to embed Djaara's culture across Dja Dja Wurrung Country, and to embed working in partnership in business-as-usual approach, not just through a conversation around January 26 or specific events such as Reconciliation Week and NAIDOC Week.*

*We would be pleased to meet with Council or its representatives to discuss our position with you further.*

Kind regards  
Mark



June 25, 2022

## Taungurung Statement on January 26

While many Australian's believe January 26 (Australia Day) is a celebration of all the things we love about Australia: land, sense of fair go, lifestyle, democracy, the freedoms we enjoy but particularly the celebration of people and culture, the Taungurung people don't share this view.

For the Taungurung people, January 26 celebrates the colonisation/invasion of our lands and the lands of Traditional owner Nations across this continent. It celebrates the suppression of Taungurung language and culture, the incarceration and genocide of our people, and is an annual reminder of the dispossession of our people and the ensuing systemic and institutional racism which continues to this day.

In the 2018 Taungurung Recognition and Settlement Agreement (RSA), the State Government of Victoria (the State) formerly recognised the devastating impact of colonisation upon Taungurung people, and the role that the State played in dispossessing Taungurung people of our Country. The State also acknowledged the continued suffering of the Taungurung people through the implementation of laws and policies that discriminated against us in the nineteenth and twentieth centuries.

These far-reaching laws and policies fragmented both our families and community. Beginning in the nineteenth century, Taungurung children were forcibly taken from parents, in one of the most traumatic examples of State policy and practice. Depending on how the State defined Aboriginality over time, Taungurung people could either be forced to live on a reserve or, under what came to be known as the Half Caste Act of 1886, forcibly evicted from a reserve, and prevented from living with our families. Other laws regulated Aboriginal marriages and employment. These laws and policies, including under the State's assimilationist efforts in the twentieth century, ensured that Taungurung people were excluded from the life of the nation, the intrinsic value of our culture and our identity denied.

The State formerly acknowledged that the actions of early colonists on Taungurung country including the deliberate killing of Taungurung people. The State also recognises the deadly and widespread impact of foreign diseases upon the Taungurung population, and the hunger experienced by our people who were no longer able to sustain themselves on Taungurung lands.

The Taungurung people continue to experience the ongoing effects and the impact of colonisation near on 190 years later. This is seen through the continued dispossession of lands, denial of inherent rights, intergenerational trauma and institutional structures designed to negate and restrict.

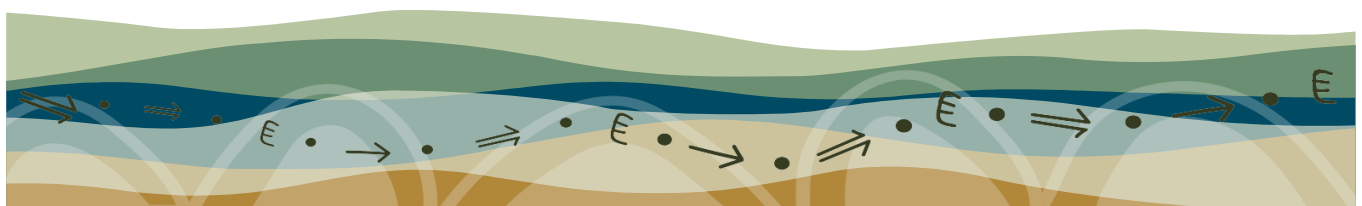


**Taungurung Land & Waters Council**  
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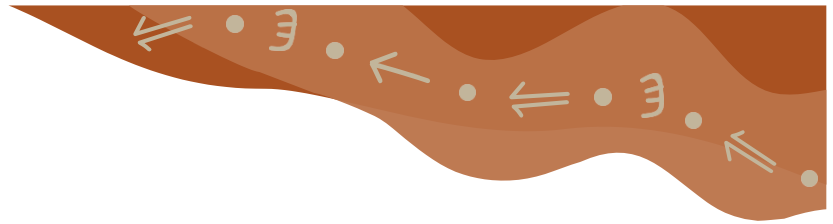
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June 25, 2022



From the very beginning, however, our people fought to survive. In the early days of colonisation, when sheep and cattle destroyed our traditional food sources, the Taungurung people took livestock and destroyed crops to push pastoralists from our lands. The Taungurung people never accepted that the colonists owned our country. The Taungurung people signed no treaties, nor took any action to relinquish our sovereignty.

Though Taungurung people were forced to find sanctuary at stations and missions such as Mitchelstown and Murchison, the Taungurung also fought to maintain connection to our Country. In 1859, a group of Taungurung men – Bear-ring, Mur-rum-Mur-rum, Parn-gaan, Bur-rip-pin and Koo-yarn – petitioned the colonial government for land in their own country where they could grow crops, but where they could also continue to maintain their traditional ways of obtaining food. This stands as one of the earliest examples in Australia of Aboriginal people taking direct political action for the return of their land. Their appeal resulted in the Central Board appointed to watch over the interests of Aboriginies (Aboriginal Protectorate) approving the Taungurung people's selection of and then surveying of land at a place they called 'Nakkrom' on the Acheron River near Alexandra. At the time Guardian of Aborigines William Thomas described location as the 'Promised Land' of the Taungurung people.

Despite the land being approved by the Aboriginal Protectorate and the Board of Land & Works, there was strong resistance by pastoralists. Our people were later driven off our 'Promised Land' by the local pastoralists. Denied a realistic alternative, most Taungurung survivors later joined other Kulin peoples at Coranderrk Station, on Woiwurrung country. Over time, our people moved to mission stations and reserves elsewhere in Victoria – to Lake Tyers, Lake Condah, Franklinford, and Ebenezer – or to Cummeragunga in New South Wales. A number of Taungurung people, however, refused to leave our own Country, and remained there for the rest of their lives. Some found work within the colonial economy, including on local pastoral stations such as Molka, Wappan and Doogalook, as a way of staying on Taungurung land. One Taungurung man even took up a selection on his own country in 1879, when it was rare for Aboriginal people to gain leaseholds. The Taungurung's push to retain, and reclaim, their country continued.

Through much of the nineteenth and twentieth centuries, the State actively discouraged the practice of Taungurung culture. Despite this, our people continued to pass down knowledge via family and community gatherings, out of view of the wider community. In 1967, Camp Jungai was established near Alexandra, just south of Lake Eildon, in the heart of Taungurung Country. Named using the Taungurung word for meeting place, Camp Jungai became a place where culture would thrive, and continues to this day.

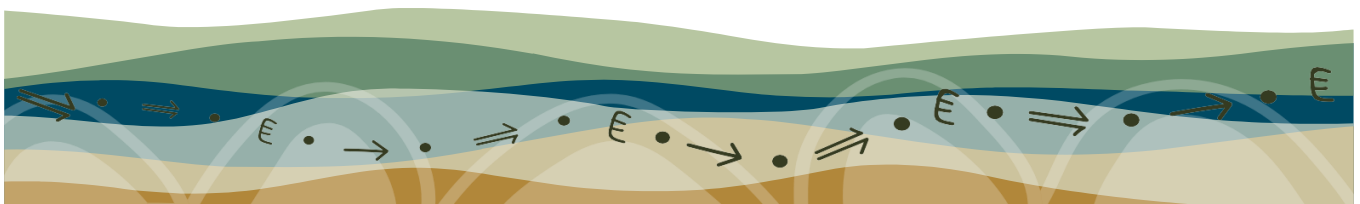


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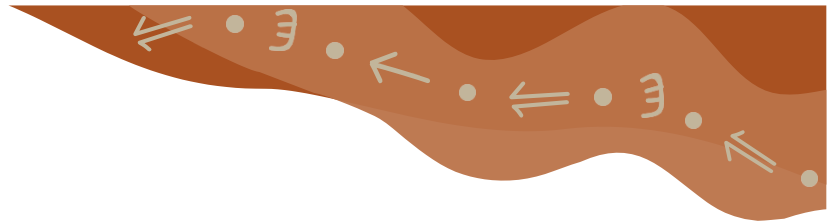
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June 25, 2022



In the eyes of the Taungurung peoples, Australia Day ignores our history, our struggle, and the fact that our ancestors have lived on, cared for, and maintained cultural obligations to and for Taungurung Country for over 65,000 years.

It is for this reason that many Taungurung people call Australia Day, Invasion Day, as a reflection on the effects invasion had and still has on our community and Country. Taungurung people also refer to Australia Day as Survival Day, a day to reflect on our resilience and survival, and our continued determination and drive to exercise our cultural and inherent rights, and our continued fight for and assertion of rights on Taungurung land.

Moreover, January 26 has a long history of protest within the Aboriginal Community. On 26 January 1888, on the centenary of British colonisation, Aboriginal leaders boycotted the 100-year anniversary celebrations.

On 26 January 1938, on the 150th anniversary of Arthur Phillip's arrival, Yorta Yorta man William Cooper and other members of the Aboriginal Progressive Association held the Day of Mourning and Protest. The protest took place in Sydney after an event to celebrate Arthur Phillip's landing, which included a parade and a re-enactment of the First Fleet's arrival. Afterwards, over 1000 First Nations people and their supporters formed a silent march through the streets of Sydney.

All this history of Aboriginal resilience, mourning and protest on January 26 and yet January 26 only became a national celebration in 1988.

Taungurung people therefore continue to see January 26 as a day of mourning and reflection, and not a day of celebration.

It is Taungurung peoples wish that all people living on our Country take time to truly acknowledge and respect that 26 January does not bring a sense of unity and pride and implores people to educate themselves about the true history of this Country and to consider what you can do to become an ally of the Taungurung people.

The easiest way to be an ally of Taungurung people is to engage in the Yoorrook truth telling process (<https://yoorrookjusticecommission.org.au/>), share these resources with others and start conversations with friends and family on what you have learnt through the process.

The Taungurung Land & Waters Council, through the direction of the Taungurung people have chosen not to participate in any activities associated with January 26 and request that our partners and stakeholders respect this position.

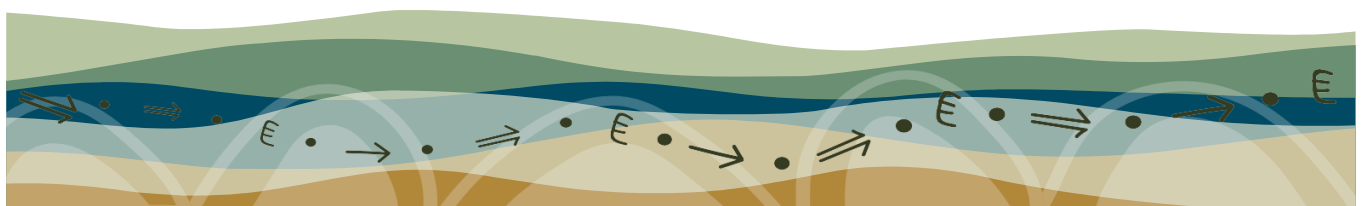


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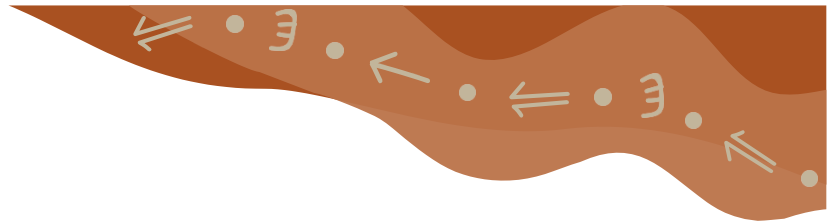
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June 25, 2022



It is important to note the Taungurung people respect our partners/stakeholders' responsibilities and commitments to January 26, however, also request they frequently consider deeply the views of the Taungurung Nation and the actual need to continue celebrating a day which would continue to isolate and segregate the Taungurung people on their own Country.

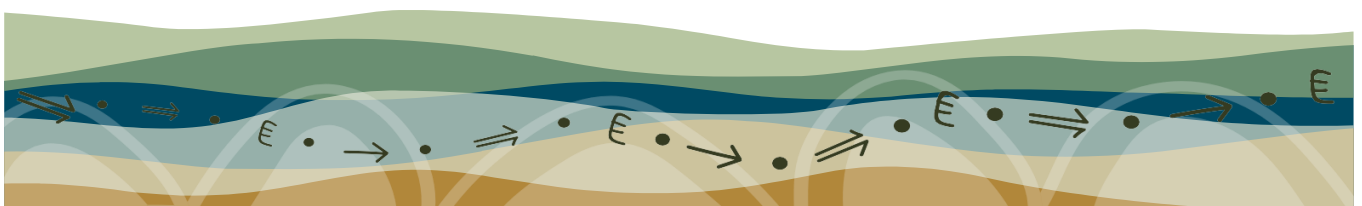


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**BDAC**  
BENDIGO & DISTRICT  
ABORIGINAL CO-OPERATIVE

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ABN 62 135 239 366

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Fiona Machin  
Inclusive Communities Officer – Reconciliation  
City of Greater Bendigo  
PO Box 733  
Bendigo Victoria 3552

Dear Fiona,

**Re: City of Greater Bendigo Statement of Intent**

I am writing to advise that our Board have agreed to endorse the Statement of Intent by City of Greater Bendigo.

The Bendigo and District Aboriginal Cooperative Board and executive look forward to the roll out of the statement.

Kind regards,

A handwritten signature in blue ink, appearing to read 'D. Widdicombe'.

Dallas Widdicombe  
Chief Executive Officer  
Bendigo and District Aboriginal Cooperative

## The Hon Andrew Giles MP

Minister for Immigration, Citizenship and Multicultural Affairs



Friday, 16 December 2022

### Media Release

## Greater Flexibility for Citizenship Ceremonies for 2023

The Australian Government has today announced an update to the Australian Citizenship Ceremonies Code, removing red tape to allow councils to hold Australia Day citizenship ceremonies on or around Australia's national day.

Minister for Immigration, Citizenship and Multicultural Affairs, Andrew Giles said, "Australia Day holds great significance to many people across Australia. Our national day provides all Australians with the opportunity to reflect, respect, and celebrate."

"It is also the day when more people become citizens than any other time of the year and, for those who have joined our great Australian community from all corners of the world, becoming a citizen is an unforgettable occasion to be treasured forever."

"It is the Australian Government's strong expectation that councils conduct ceremonies on January 26."

"The Australian Government implores councils to have new citizens as their key focus, recognising that many community members want to complete their journey to Australian citizenship in connection with Australia Day."

"I look forward to joining some of our newest citizens at the National Citizenship and Flag Raising Ceremony on the shores of Lake Burley Griffin in Canberra on Australia Day 2023," he said.

"Australian citizenship is an important common bond for all Australians, whether by birth or by choice, and lies at the heart of a unified, cohesive and inclusive Australia. The Government's priority is to ensure that, where people have made the choice to become

Australia citizens, they are afforded that opportunity in their own communities, with friends and family, in a timely way.”

A number of councils have indicated they will move to no longer hold a citizenship ceremony on Australia Day due to higher operational costs involved in hosting ceremonies on a public holiday. Councils have also indicated they would benefit from scheduling ceremonies as part of a broader program of Australia Day community events.

Minister Giles also announced the reinstatement of the City of Yarra and Darebin City Councils' authority to conduct citizenship ceremonies. Importantly, by increasing the capacity to confer citizenships in these local government areas, new citizens in Yarra and Darebin will once again be able to invite friends and family to what is, for some, the most important day in their lives.

The Australian Citizenship Ceremonies Code sets out the requirements for conducting citizenship ceremonies in accordance with the *Australian Citizenship Act 2007* (Cth). Prior to this update, councils were required to hold a citizenship ceremony on Australia Day; they will now be able to hold it on 26 January, or on the three days before and after – for 2023, councils will be allowed to hold Australia Day ceremonies in the period from Monday 23 to Sunday 29 January.

This is a pragmatic change in line with the Government's commitment to efficient processing of citizenship applications and timely ceremonies for new citizens.

As of 9 December 2022 there were under 98,000 applications on-hand- the first time in more than 5 years that the number has been below 100,000.

More than 165,000 people have become new citizens in 2022. Of the 60,000 approved applicants currently waiting to attend a ceremony 92 per cent have, to date, been waiting less than six months to attend a citizenship ceremony.

Last updated: 16 December 2022

**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. MAYOR'S REPORT**

**25. CHIEF EXECUTIVE OFFICER'S REPORT**

**26. CONFIDENTIAL (SECTION 66) REPORTS**

**RECOMMENDED MOTION**

That Council close the meeting to members of the public pursuant to Section 66(2)(a) and (g) of the Local Government Act 2020, to consider reports relating to;

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that -(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.