

# COUNCIL MEETING MINUTES



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

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## **NEXT MEETING:**

Monday, August 28, 2023

## 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**

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

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

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

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

## **2. TRADITIONAL LANGUAGE STATEMENT**

Bangek Koorarook Bunjil Dja Dja Wurrung  
William Talle tallingingorak wirrmbool bunjil

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

## **3. OPENING STATEMENT**

## **4. MOMENT OF SILENT REFLECTION**

## **5. ATTENDANCE AND APOLOGIES**

### **Attendance**

- Mayor Cr Andrea Metcalf
  - Deputy Mayor Cr Dr Jennifer Alden
  - Cr Matthew Evans
  - Cr David Fagg
  - Cr Rod Fyffe OAM
  - Cr Margaret O'Rourke
  - Cr Greg Penna
  - Cr Julie Sloan
  - Cr Vaughan Williams
- 
- Andrew Cooney, Acting Chief Executive Officer
  - Brian Westley, Acting Director Commonwealth Games
  - Chris Mitchell, Acting Director Presentation and Assets
  - Peter O'Brien, Acting Director Strategy and Growth
  - Stacy Williams, Director Healthy Communities and Environments
  - Jess Howard, Director Corporate Performance
  - Geoff Fallon, Acting Manager Governance
  - Belinda Campbell, Acting Coordinator Governance

### **Apologies**

- Craig Niemann, Chief Executive Officer
- Steve Hamilton, Director Strategy and Growth

### **RESOLUTION - Resolution No. 2023-97**

Moved: Cr Evans

Seconded: Cr Sloan

That any apologies are accepted.

**CARRIED**

## **6. LEAVE OF ABSENCE**

Cr Greg Penna has requested a Leave of Absence for the Council Meeting August 28, 2023

### **MOTION - Resolution No. 2023-98**

Moved: Cr Alden

Seconded: Cr Sloan

That the Leave of Absence be granted from the meeting on August 28, 2023.

**CARRIED**

## **7. SUSPENSION OF STANDING ORDERS**

### **RESOLUTION - Resolution No. 2023-99**

Moved: Cr Fyffe

Seconded: Cr Alden

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

**CARRIED**

## **8. COMMUNITY RECOGNITION**

To tonight's community section:

- Congratulations to Emma Berg, who recently won gold in shot put at the Oceania Cup field and track championships in the Northern Mariana Islands. Emma triumphed in humid conditions and said she was proud to wear the green and gold again.
- The Victorian Women in Resources Awards were held last week in Bendigo and two employees from Fosterville Gold Mine were honoured for their work in the sector.
- Congratulations to the Exceptional Young Woman in Victorian Resources winner Rachel Peng, a Graduate Rock Mechanics Engineer, and winner of the Outstanding Trade Operator Award, Alia Melgin-Hill, a Process Plant Operator.
- And Bendigo Health announced its new CEO last week. Bendigo and the wider region looks forward to welcoming Eileen Hannagan in October, when she steps into this important leadership role for our community.

It's a short community section this month, so we'll leave it there, Thank you.

## **9. PUBLIC QUESTION TIME**

### **9.1. Public Question Time Guidelines**

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

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.



**Responses to questions taken on notice from June 26, 2023 Council Meeting:**

|                  |   |
|------------------|---|
| <b>From:</b>     | Kaylene of Long Gully   |
| <b>Topic:</b>    | Galkangu Offices  |
| <b>Question:</b> | How much per annum are rate payer paying to lease accommodation at Galkangu.                      |
| <b>Answer:</b>   | We can advise the rent this year in Galkangu for the City of Greater Bendigo is \$2.5M per annum. |

|                  |  |
|------------------|--|
| <b>From:</b>     | Helena of Lockwood   |
| <b>Topic:</b>    | Tree cutting in relation to 10 minute neighbourhood  |
| <b>Question:</b> | Referring to the 2014 document in 10 minute neighbourhoods, there are major trees that will need to come down for the 5G powerlines:<br>1. Which trees are coming down?<br>2. Have these been cut as yet, and if not, when will this occur?                        |
| <b>Answer:</b>   | The City has attempted to investigate this question, but without further detail have been unable to verify which trees, if any, are impacted. We continue to work with Helena to get further information and will provide her with a detailed response when known. |

**Questions submitted by 4pm Friday 21 July:**

|                  |   |
|------------------|---|
| <b>From:</b>     | June of California Gully  |
| <b>Topic:</b>    | Intersection of Nelson Street and Sandhurst Road  |
| <b>Question:</b> | Can Council install traffic lights at the intersection of Sandhurst Road and Nelson Street in California Gully due to poor driver behaviour, the impact of the railway, history of incidents and to improve safety for all road users including pedestrians?  |
| <b>Answer:</b>   | <p>Sandhurst Road and the associated intersection with Nelson Street is a state government road under the management and control of the Department of Transport and Planning (DTP). As such, requested safety improvements at this intersection are the responsibility of DTP to design, fund and implement.</p> <p>The City recognises and supports the view that safety upgrades are required at this intersection given its crash history. Accordingly, the City has, and continues to, advocate to DTP that safety upgrades be considered for this intersection, however recognises the highly competitive environment for funding via the Blackspot program.</p> <p>Latest correspondence from DTP received in early 2022 identified that DTP was continuing to assess and prioritise safety related projects across the Loddon Mallee region and that high priority sites would be referred to available funding streams. It has subsequently been expressed by DTP, that treatment of this intersection maintains a comparatively lower priority than several other sites across the region and as such it not currently being recommended for consideration.</p> <p>Representatives from DTP and the City are continuing to explore any low-cost alternate interim safety improvements which may be available, however as yet no viable interventions or available funding streams have been identified</p> |

|                  |   |
|------------------|---|
| <b>From:</b>     | Greg of Huntly  |
| <b>Topic:</b>    | Paths around Huntly   |
| <b>Question:</b> | Can Council upgrade the original part of Huntly footpaths from the current muddy, overgrown tracks to concrete, as what is happening in other parts of Bendigo?   |
| <b>Answer:</b>   | <p>In response I can advise the 23/24 budget has allocated approximately \$300,000 for the Footpath Capital Works Program, but we have a potential future program with a total construction value of approximately \$105m. I encourage all community members to submit specific requests, so the Engineering team can then assess the various costs and benefits and comparatively prioritise all projects in a fair and consistent way.</p> <p>Greg has also raised a complaint about nothing being done on this topic from a request raised in February. I believe contact was made on this issue, by the Organisation, last week and has subsequently been resolved.</p> |

|                  |   |
|------------------|---|
| <b>From:</b>     | Kay of (no suburb provided)   |
| <b>Topic:</b>    | 15 Minute Cities  |
| <b>Question:</b> | I would like to understand where the 15minute city idea comes from because it is being rolled out in many cities across the Western World.<br>Please Explain as to where this originated from and who instructed you to push it? Does it have anything to do with the U.N (United Nations), W.H.O or W.E.F (World Economic Forum) Agenda 21/30? |
| <b>Answer:</b>   | As per our response to your similar question last month nobody has instructed the City to “push it” and the concept, from our perspective, comes from Plan Melbourne, the State Government’s overarching document for urban and regional planning.  |

|                  |   |
|------------------|---|
| <b>From:</b>     | James of Eaglehawk  |
| <b>Topic:</b>    | The Voice   |
| <b>Question:</b> | This council voted in support of the voice last meeting and I know council would not be silly enough to do so unless it new how the voice would work. Can this council please tell me exactly what the voice will do, what powers will it have to make decisions or influences parliament and how people will be appointed to the position to the voice. As I am unable to find this information. Thankyou for your time, James   |
| <b>Answer:</b>   | <p>If there is a ‘Yes’ response to the referendum later this year, it would:</p> <ul style="list-style-type: none"> <li>• mean Indigenous communities would have a Constitutionally recognised and protected Voice to Parliament to help inform and advise policy and legal decisions that impact their lives.</li> <li>• be an advisory body, without powers to overrule Parliament</li> <li>• be populated by members selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government.</li> </ul> <p>As alluded to by James, if there is a ‘yes’ response the next steps would require a consultative and then standard legislative process to settle the detailed Voice design.</p> <p>We’ll provide a much more detailed response directly to James, and we encourage any other interested people to check out our or the AECs websites.</p> |

## **10. RESUMPTION OF STANDING ORDERS**

### **RESOLUTION - Resolution No. 2023-100**

Moved: Cr Fagg

Seconded: Cr Penna

That Standing Orders be resumed.

**CARRIED**

## 11. WARD REPORTS

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

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

- A month full of various activities – as Councillors we cover plenty of territory geographically and in subject matter. Always a highlight is meeting with the community seeing what they are doing and the privilege of being invited to various activities they want to share with Councillors

A snapshot of the month that was for Eppalock Ward Councillors :

- Strategy and Growth Workshop
  - BDAC Flag Raising Ceremony, NAIDOC Ball @ All Seasons
  - NAIDOC Week Flag Raising Ceremony
  - Knuldoorong Art Exhibition at Dudley House
  - July Listening Post at IGA Strathfieldsaye
  - O'keefe RailTrail opening of new features water & repair station
  - Attending opening of Repair and Share Shed in Garsed St Bendigo.
  - Attended Citizenship Ceremony at Town Hall
  - Celebrating the First Flight from the new Bendigo Airport Terminal
  - Joint Meeting between Council & Youth Council
  - Cr Evans attended Re-opening of the Christopher J Morey Building at Girton Grammar
  - Cr Evans attended Strathfieldsaye & District Community Enterprise Meeting
  - Cr Penna attended a meeting with CEO, Mayor with Peter Daley (Bendigo Fireworks)
  - Cr Penna Photo Shoot for GB Magazine at Strathfieldsaye Recycle Site to do w Clothing and Materials Recycling
  - Cr Penna Chaired PAAC Meeting at new Hub
  - Cr Penna Attended with Mayor to meet Indonesian Consul at Badminton Stadium
  - Cr Evans attend Arts & Creative Industries Committee Meeting
  - Cr O'Rourke attended Bendigo Regional Manufacturing Group July meeting
  - Cr O'Rourke Bendigo Maubisse Friendship Committee
- All Ward Councillors attended briefings, meetings, workshops, and catch ups with residents and ratepayers throughout the month.
  - **A shout out this month** is for the great collaboration on the O'Keefe Rail Trail – with partners for the water and repair station. It is such an asset for our community and the work that the **Friends of the O'Keefe Rail Trail** do is to be commended in their positive 'can do approach' working closely with City staff and other stakeholders. Thank you for the work that you do – round of applause!
  - This time last month Councillors were about to move into Galkangu which has occurred. The feedback from staff has been very positive and particularly from the collaboration of the various departments in the building, enabling them to be even more effective day to day. The collaboration is for our residents as well! Where

residents have shared with me and also to staff examples of people coming in and being pleasantly surprised that they can do various transactions with the one visit.

- Now that we are in the building I would like to acknowledge the work that A/g CEO Director Andrew Cooney in his role previously of leading the Galkangu work and to Jen Spelling who lead this work at an operational level and to the change champions across the organisation – well done to you all on what has been a multi-year project.
- Also acknowledging the disappointment of the announcement for the Commonwealth Games cancellation this last week.
- We had been very excited by this opportunity and it was something our community was also looking forward to.
- Obviously arrangements are still being worked through with the Mayor, A/g CEO, A/g Director of Comm Games have been attending various meetings and we will wait to see the wash up of outcomes.
- The aspiration in my personal view was always lofty; and I was hopeful however, to run and host events at any cost is not sustainable.
- There is some good news to come out of this, including a continued commitment to upgrading sporting infrastructure at what would have been host venues, Bendigo Bowls Club, Bendigo Stadium (Red Energy Arena) and Bendigo Showgrounds. Along with the proposed upgrades with tourism funding which is very positive for Regional Victoria
- That's it for this month from Eppalock Ward Councillors - a lot can happen in a week!

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

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

This month saw another ever growing NAIDOC Week celebration. Flag raising at BDAC, the Council's flag raising at the Town Hall, plus a panel of elders - part of the theme for 2023 For Our Elders. The NAIDOC ball was a great success. Many other events over the week, including the Knulderong art exhibition and more. Each year goes from strength to strength.

We officially relocated Councillors, along with staff, to Galkangu - the new GovHub. We now have less need to wear multiple layers of clothing for our Monday briefings compared with a day in the Town Hall :)

On a recent Sunday evening we saw the first travellers arrive and depart at Bendigo airport using the expanded facility. The works are being finalised as the next stage of business park expansion remains the next priority.

Electoral Boundary Review consultations took place recently on the 3 proposed models already selected by the state government - all single ward structures. This goes against a previous electoral review decision and the lived experience of councillors in regional areas - where in this electorate in particular, with its large area, the team approach to ward councillors works well. Council has made a submission and await the opportunity to speak to it in the near future. The outcomes will influence the council elections next year....

Last Saturday the K Flat Lockwood Ward Listening Post was busy with queues waiting - luckily inside at Gurriwanyarra on a cold day. Its good to see people take the opportunity to discuss issues of concern face to face and for us councillors to then be able to follow up where required for additional information and advocacy. An important part of our role in the ward and community.

I was unable to attend the launch of the Repair Cafe as it has moved into the Share and Repair Shed recently in Garsed St - a more permanent location from which to work with the community to repair, upcycle, and reuse items - the aim to minimise waste to landfill while educating the community. Also a tool library to reduce the need to buy all sorts of items that are seldom used. Am proud to have been a co-founder six years ago and look forward to its growth in future.

While that was launched I visited East Timor for a week recently (self funded) as part of Team 59 of the BMFC. Thats how many visits have been made by Bendigo volunteers since 2006. As many will remember the BMFC used to be a special committee of council, and some still remain around the country. Since its stand alone status both myself and councillor O'Rourke have remained on the committee. The CoGB is very highly regarded for all the work done over the years to assist the community that struggled to rebuild, yet retains a strong sense of initiative.

We undertook distribution of knitted clothing donated by Rotary, delivered Days for Girls training and organised Trainers training for future, distributed donated sewing machines to small enterprises and community sewing groups, discussed food security plans and met

with St John of God regarding their work in East Timor, amongst other things. The successful scholarship program for secondary and tertiary education, supported by so many generous Bendigo community members (currently 96 secondary and 30 tertiary students), is soon to be evaluated in conjunction with La Trobe University and this will benefit the program and its recipients into the future. Our closest neighbouring country is close to many in Bendigo in more ways than one.

### **11.3. Whipstick Ward - Cr Fagg**

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

- An engaging 'Coffee with a Cr' at the Eaglehawk Bakery with the community. On the chilly morning a hot coffee was appreciated by attendees; thank you to the Bakery for facilitating 'Coffee with a Cr' and for making everyone feel so welcome. Discussion points included support for small business, road and street safety, footpaths, and The Voice to Parliament referendum. Thank you to all residents who attended and spoke with Ward Councillors about matters important to you.
- Make the community aware of an online opportunity to talk with councillors. The date is in August but is not yet set - will be advertised.
- Crs Sloan and Metcalf attended the 2023 Incubator Presentation Evening. This was an event where creative entrepreneurs shared their journey with the Emporium Creative Hub incubator program in 2023. There was a diverse range of presentations from people following their passions.
- After a long wait, the LGNC kitchen upgrade is complete and ready for use by the community. This modern, new space will support kitchen and catering functions, enhance social connectivity and underpin exciting projects that the community can now enjoy. Thanks to volunteers and staff at the Centre, and also staff from the City, for working together to make this happen.
- I would also like to draw resident's attention to opportunities for contribution to council policies and community plans. These can be found on the Let's Talk Greater Bendigo website.
- In particular, I want to alert residents of the Huntly and surrounds area to get on to the site. The next stage of the Huntly Structure Plan is up for community feedback, and that is the options for a community vision. There are 4 different versions, and council needs you to vote on the one you think best expresses Huntly's vision for its future.
- Something for residents to think about
- Council elections are coming up in November of 2024. This does seem like a long time in the future, but if you are thinking of running for council, then I encourage you to start planning now.
  - Council needs a range of councillors with a mix of different life experiences. That's an important way to ensure a more representative local democracy.
  - I encourage you to get in touch with past or current councillors to get a realistic view of life as a councillor.



## 12. DECLARATIONS OF CONFLICT OF INTEREST

No attendee declared a conflict of interest.

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

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

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

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

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

## 13. CONFIRMATION OF PREVIOUS MINUTES

### 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>

#### RESOLUTION - Resolution No. 2023-101

Moved: Cr O'Rourke

Seconded: Cr Fyffe

That the recommended motion be adopted.

**CARRIED**

### **13.2. PROCEDURAL MOTION**

That Council resolve to bring forward Agenda item 18.1, as it is evident a number of attendees in the gallery were present specifically for this item.

#### **RESOLUTION - Resolution No. 2023-112**

Moved: Cr Fyffe

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

## **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 - 17

#### **Recommended Motion**

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

#### **RESOLUTION - Resolution No. 2023-102**

Moved: Cr Fagg

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

#### **Conflict of Interest**

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

#### **Attachments**

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

## **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.

#### **RESOLUTION - Resolution No. 2023-103**

Moved: Cr Sloan

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

#### **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]

## 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.

### RESOLUTION - Resolution No. 2023-104

Moved: Cr O'Rourke

Seconded: Cr Evans

That the recommended motion be adopted.

**CARRIED**

### Policy Context

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

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

Outcome 1 - Lead and govern for all

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

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

### Conflict of Interest

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

### Attachments

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

## 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.

#### RESOLUTION - Resolution No. 2023-108

Moved: Cr Alden

Seconded: Cr Fagg

That the recommended motion be adopted.

**CARRIED**

#### 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> .   |
| 19 June 2019     | Council resolved to re-adopt the <i>Greater Bendigo Public Space Plan, 2019</i> 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]

**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.



## **RESOLUTION - Resolution No. 2023-109**

Moved: Cr Sloan

Seconded: Cr Fagg

That the recommended motion be adopted.

**CARRIED**

Cr Evans left the meeting at 7:14 pm.

Cr Evans returned to the meeting at 7:16 pm.

### **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.

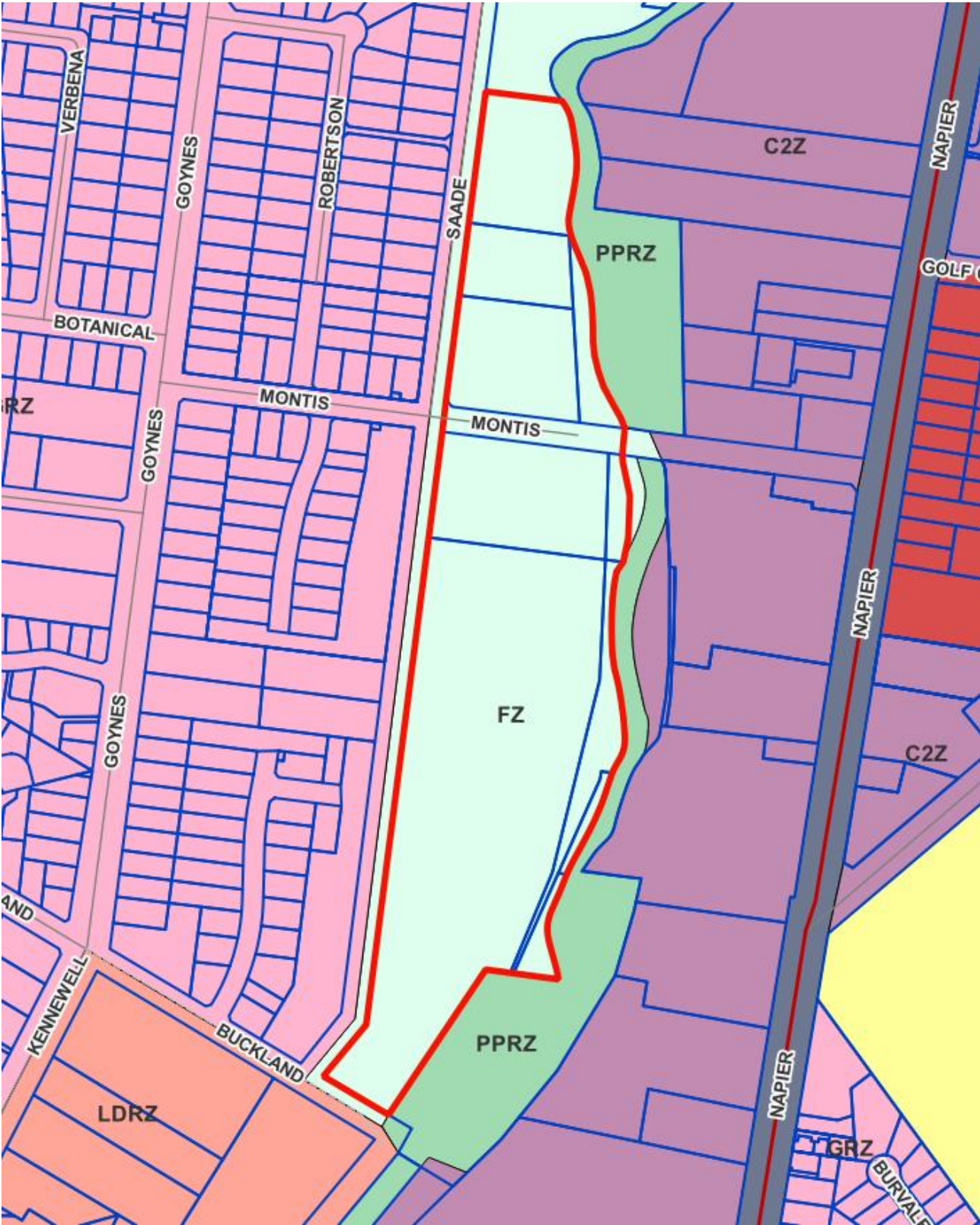


Figure 1: Zoning Map





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

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## 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]

**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<br>Environment Significance Overlay - Schedule 1<br>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.

## **RESOLUTION - Resolution No. 2023-105**

Moved: Cr Evans

Seconded: Cr Penna

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Planning Permit for the use and development of a dwelling at Lot 2, Mt Ida Lane, Heathcote 3523 subject to the following conditions:

1. **No layout alteration**

The use and development permitted by this permit as shown on the endorsed plans and described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

2. **Farm Management Plan**

The Farm Management Plan prepared by Cumbre Consultants on 2 October 2022 shall be endorsed to form part of this permit and any recommendations set forth in the plan, shall be applied to the use and development of the land on an ongoing basis.

3. **Infrastructure Staging Plan**

Prior to the commencement of any development on the land, an Infrastructure Staging Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The documents must include a clear site plan of the whole site, and be drawn to scale with dimensions, indicating all proposed infrastructure. The infrastructure staging plan must be generally in accordance with endorsed Farm Management Plan submitted as part of the planning permit application outlining the proposed agricultural land use. The plan must show:

- 1. The property address;
- 2. Owner's details;
- 3. Proposed agricultural land use;
- 4. Details of the proposed infrastructure including paddocks and associated fencing, automatic watering troughs, orchard and any sheds/shelters;
- 5. Details of the staging in which the proposed infrastructure will be installed; and
- 6. Any other relevant information to support the proposal.

The Infrastructure Staging Plan must indicate to the satisfaction of the responsible authority:

- 1. At what stage the proposed dwelling will be constructed. It must also

indicate that the proposed agricultural land use has been reasonably established on the site prior to construction of the proposed dwelling commencing; and

2. At what stage the proposed dwelling will be occupied. It must also indicate that the agricultural land use has been reasonably established on the site, prior to the occupation of the proposed dwelling.
3. Any remaining infrastructure in support of the intended agricultural use and the timeframe for completion of all infrastructure.

5. **Access**

Prior to commencement of the development allowed by the permit the following works must be carried out to the satisfaction of the responsible authority:

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,
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.
3. A Works Within Road Reserves Permit must be obtained prior to commencing any work outside the property boundary on the road reserve.

6. **Electricity supply**

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

7. **General drainage – buildings and houses**

The proposed buildings and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

8. **Country Fire Authority - endorsement of Bushfire Management Plan**

Before the development starts, the Bushfire Management Plan prepared by Shane Muir Consulting Engineers (Drawing No: 2007010-BMS (Revision C), dated 2/11/2020) must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

9. **Country Fire Authority – mandatory condition**

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.



**10. Coliban Water**

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.
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.
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.
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.

**11. Goulburn Murray Water**

1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
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.
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.
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.
5. No buildings are to be located within 30m of any waterways or dams on waterways.

**12. Expiry of permit**

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

**Notes:**

- Before a building permit is issued for a dwelling at the property, a Permit to Install an Onsite Wastewater Management System is required to be issued by the City.
- A “Works Within Road Reserve Permit” must be obtained from the City’s Engineering Department prior to commencing any work outside the property boundary on the road reserve. (Note: A Planning Permit is not a Works Within Road Reserve Permit).

**LOST**

**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:

2. 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:
  - e) The proposal is not viable or enduring to the extent that a dwelling can be supported by the Planning Scheme.
  - f) The application has not established that the type and scale of agricultural production requires a dwelling on the land.
  - g) The dwelling would cause the fragmentation of agricultural land by restraining the ability of the parcel to consolidate with adjoining or nearby land.
  - h) The outcome for the land would potentially stymie genuine agricultural activities on surrounding land.

**RESOLUTION - Resolution No. 2023-113**

Moved: Cr O'Rourke

Seconded: Cr Sloan

That the recommended motion be adopted.

**CARRIED**

**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**

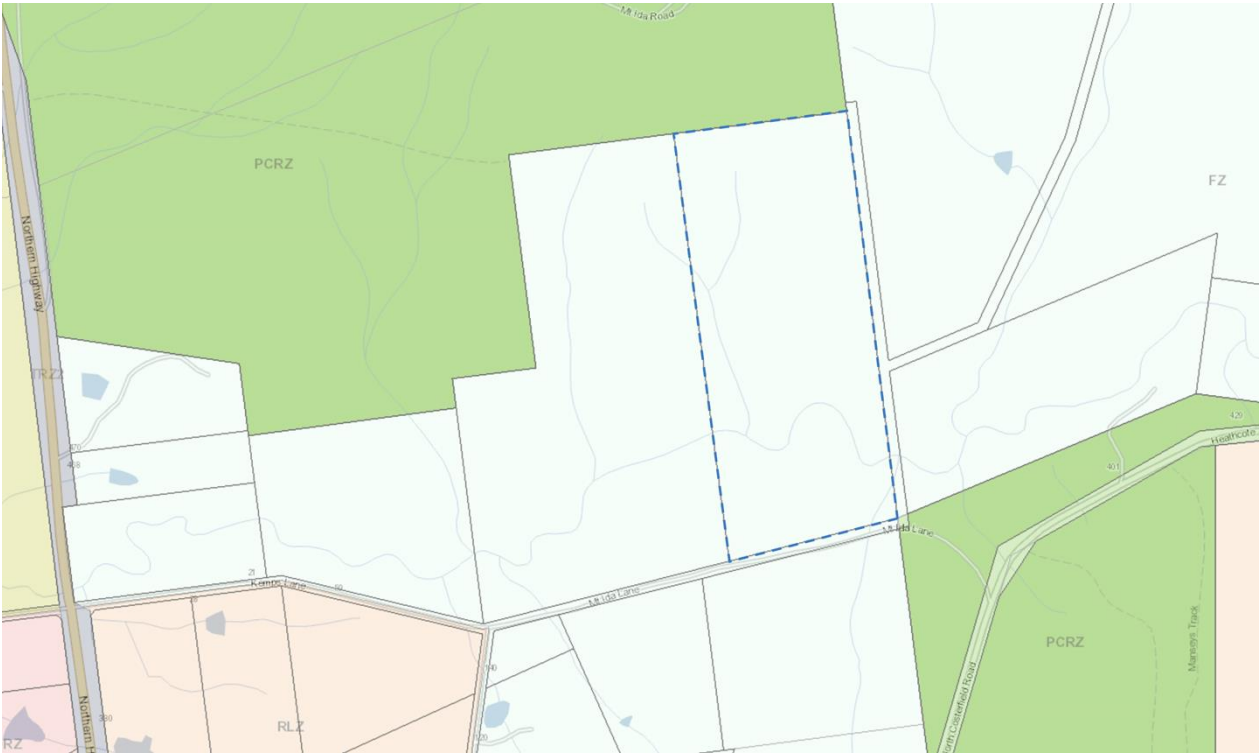
### **Subject Site and Surrounds**

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.

Proposal

The proposal is for the use and development of a dwelling.

The dwelling would be located in the northern half of the property, sited approximately 121 metres from the northern boundary and 124 metres from the eastern boundary. A new access point would be created from the government road reserve on the eastern side of the land, with a driveway constructed adjacent this boundary.

The plans show the existing accommodation building to be retained and it has been marked on the pans as “residential associated outbuilding not to be used for accommodation purposes.” The shipping container would also be retained and used for temporary storage purposes.

The dwelling is proposed to be single storey with four bedrooms and a study. The dwelling is proposed to be 32 metres wide with a hipped roof design. Roofing is to be Colorbond and cladding is proposed as Hardies Linea Boards.

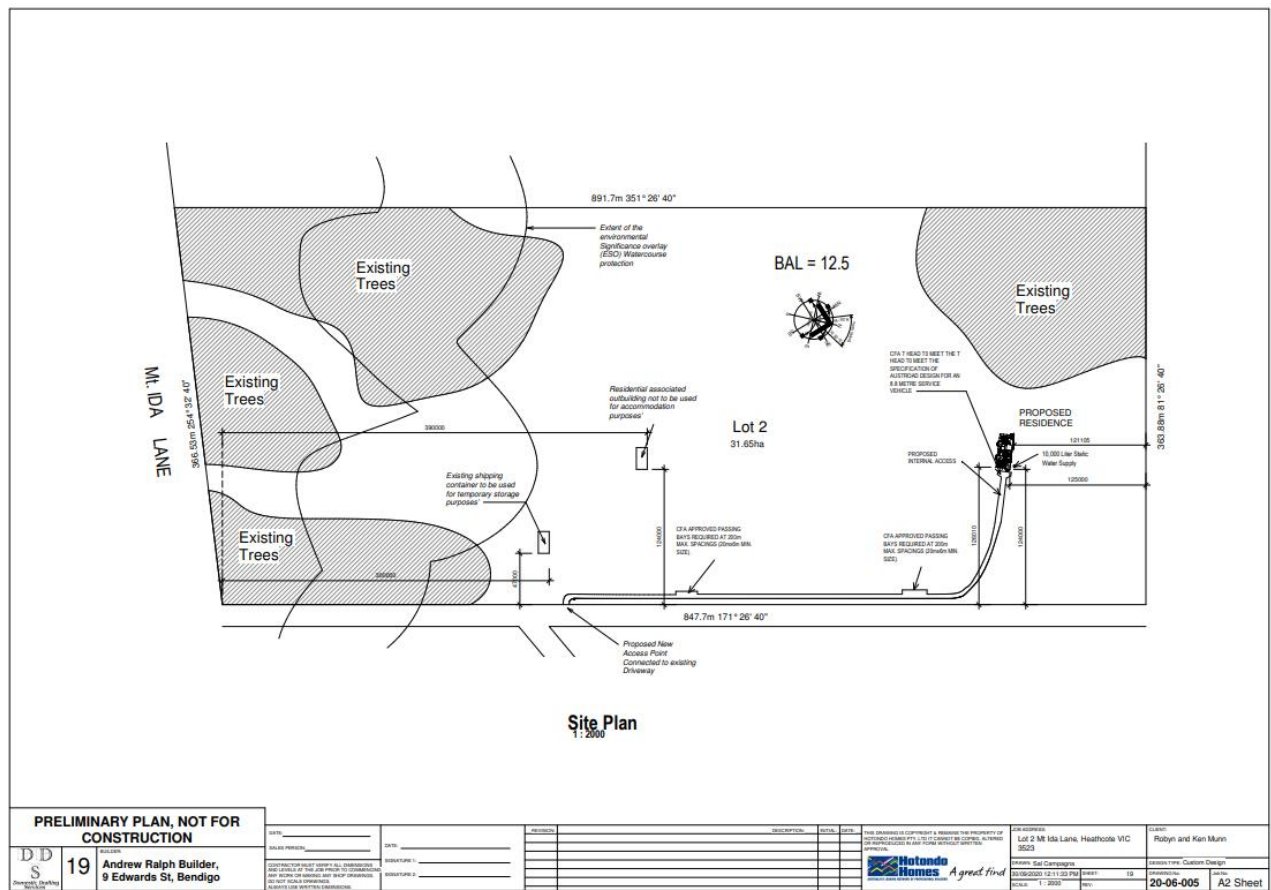
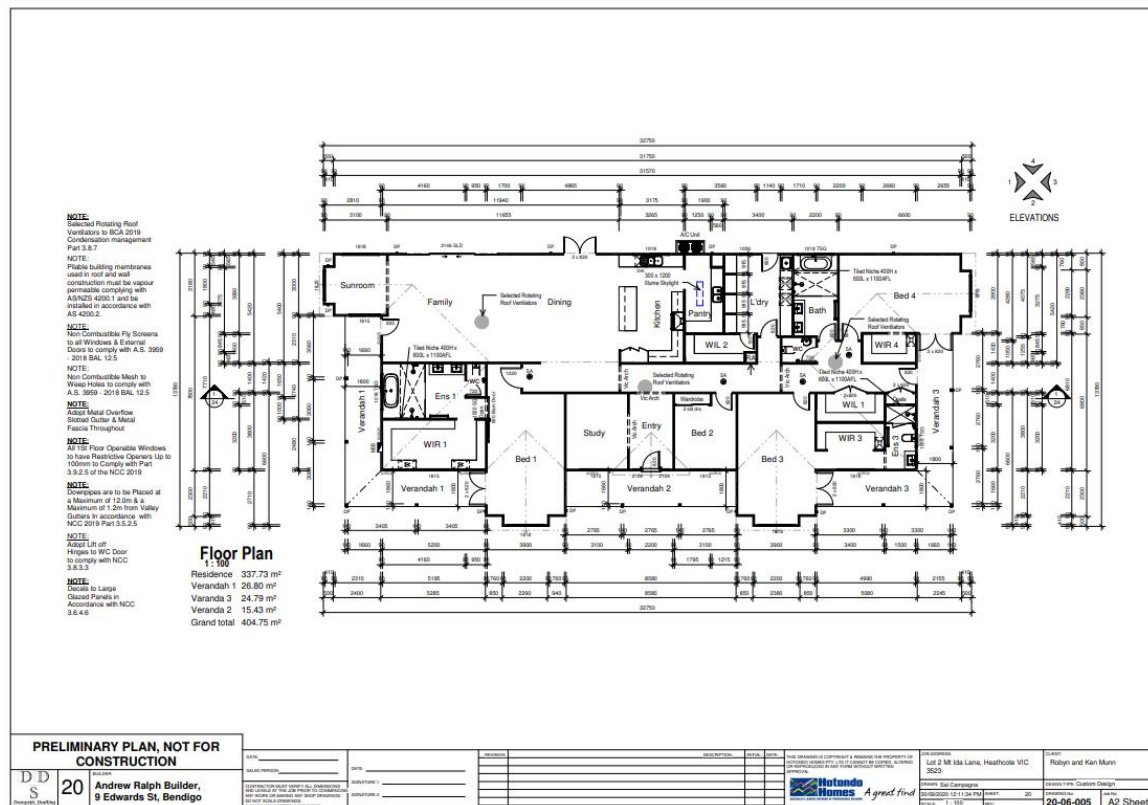
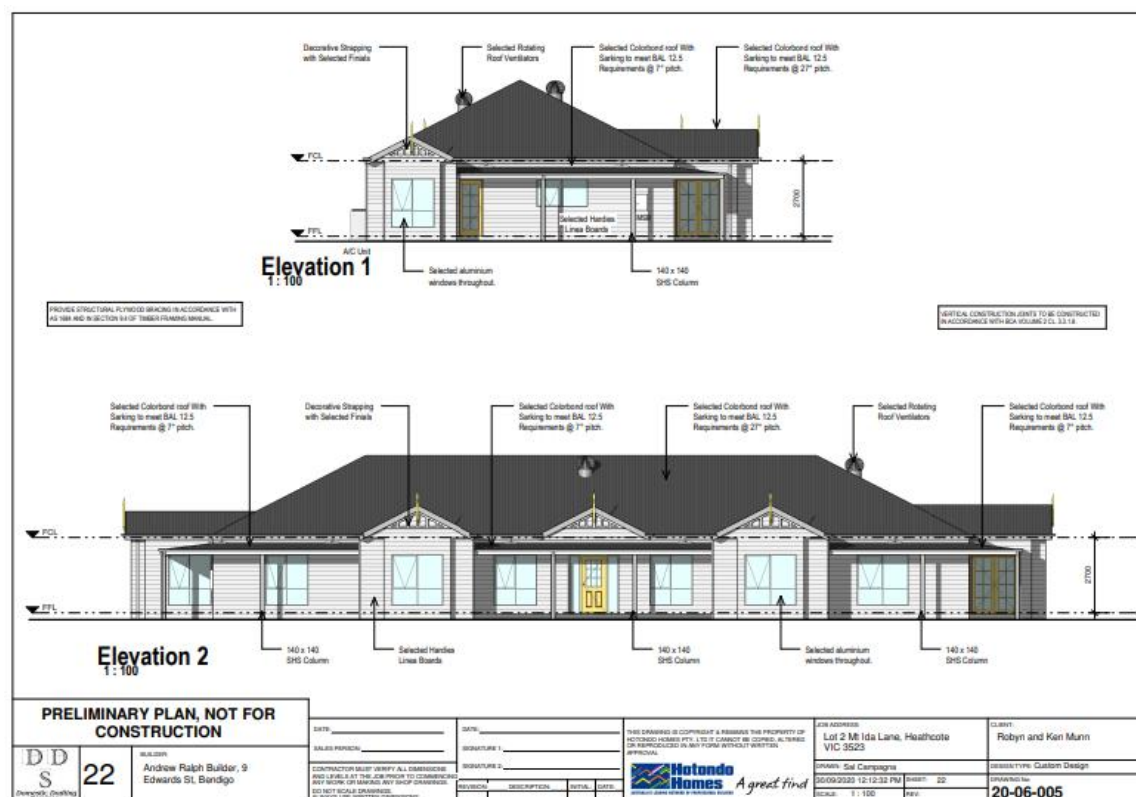


Figure 3: Site plan showing proposed layout of use and development.





**Figure 4:** Proposed floor plan



**Figure 5:** Proposed western and southern elevations

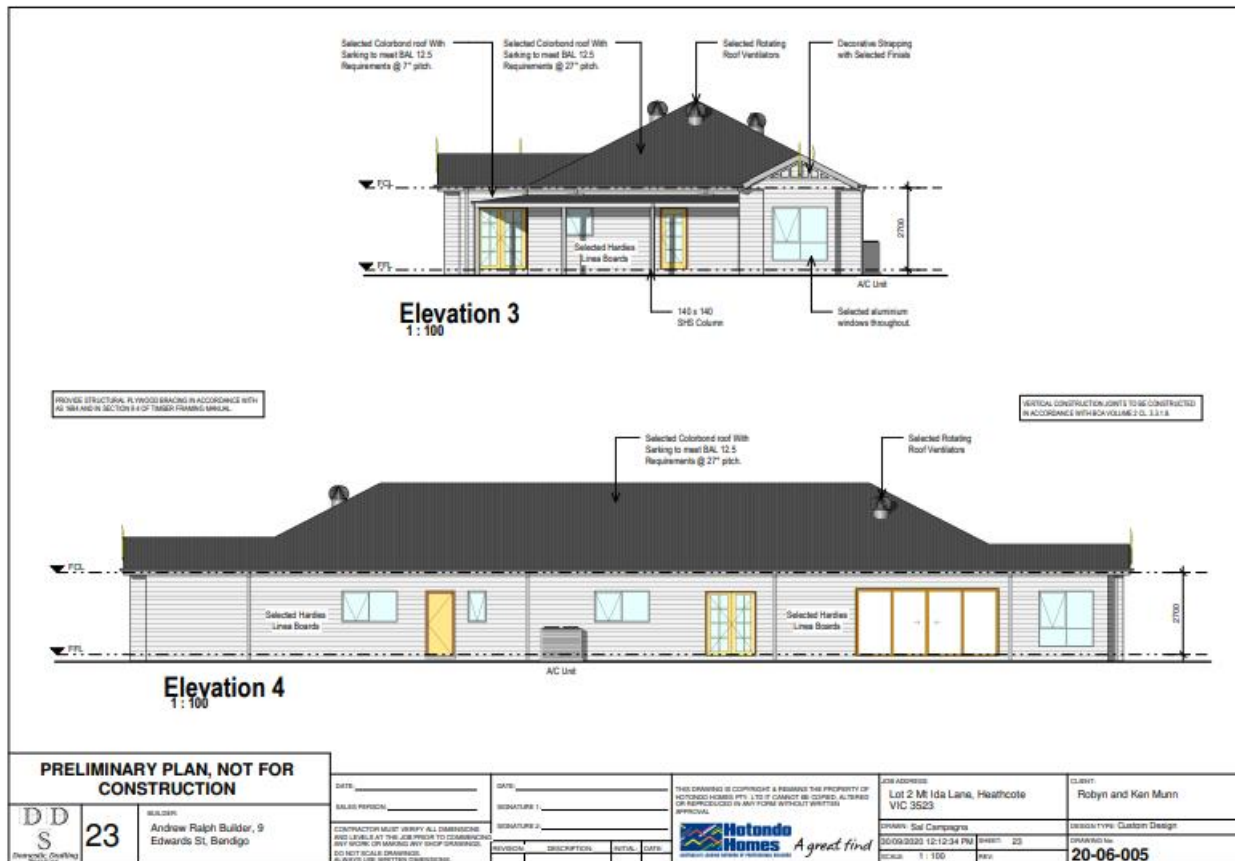


Figure 6: Proposed eastern and northern elevations.

## 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</li> </ol>   |

| Referral             | Comment  |
|----------------------|--|
|                      | <p>in 'Construction Techniques for Sediment Pollution 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:

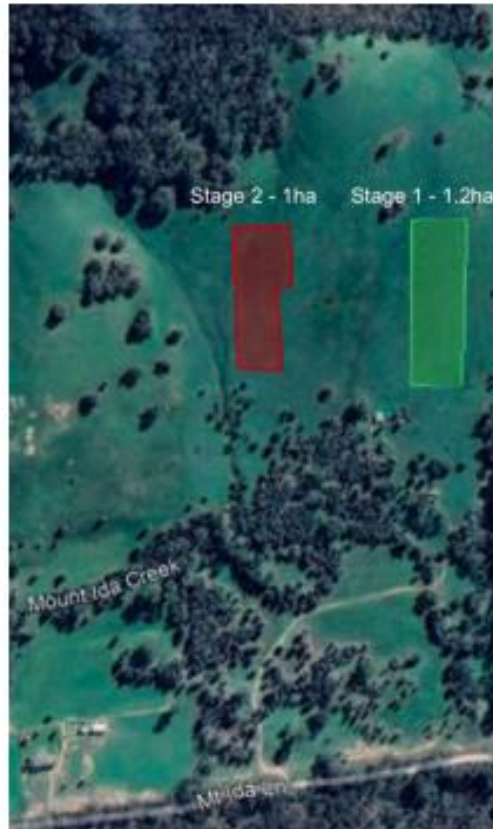
*The applicant had previously stated that “no agricultural activities have been indicated as part of the overall proposal.” However, the applicant has since amended their proposal to suggest that an agricultural activity in the form of a vineyard would be placed on the subject land. No plans or details 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

south of the location in which it is shown in Figure 3, as the indicated driveway passes through the area proposed for the waste disposal field).

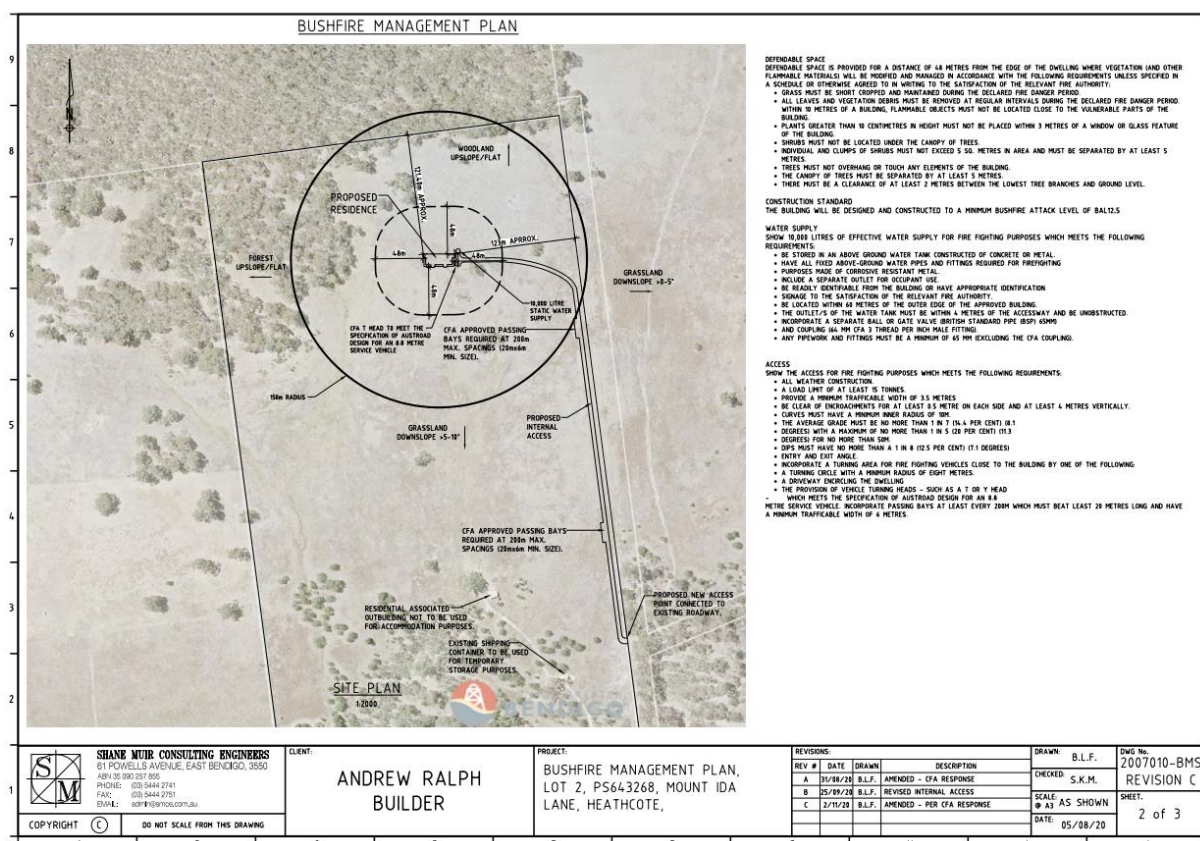
It is considered that the wastewater disposal could be appropriately managed if a permit were to issue.

### Can bushfire risk be appropriately managed and addressed?

The proposal is within the Bushfire Management Overlay and was accompanied by a Bushfire Management Plan and Bushfire Hazard Assessment. The application was referred to the CFA (a recommending referral authority) for comment. The CFA has consented to the grant of the permit without changes to the submitted Bushfire Management Plan.

The application generally accords with the requirements of the Bushfire Management Overlay and clause 53.02 (Bushfire Planning).

It is considered that subject to standard conditions implementing the proposed Bushfire Management Plan, bushfire risk would be appropriately managed if a permit were to issue.



**Figure 9: Proposed Bushfire Management Plan**

## **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.

#### RESOLUTION - Resolution No. 2023-110

Moved: Cr Alden

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

#### 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]

**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**

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

- Industry Capability Network (ICN) Victoria Annual Showcase with a Victoria 2026 Commonwealth Games focus.
- Chaired the Economic Development Implementation Steering Committee Quarterly Meeting.
- Bendigo Trust Board meeting.
- Economic Development Implementation Steering Committee Working Group - Capitalise on the Opportunities Presented by our Gold Rush.
- Bendigo Health Cancer Clinical Trials Information Session.
- Gastronomy Advisory Committee meeting.
- Spoke at the Opening of Knuldoorong Art Exhibition at Dudley House.
- Spoke at Home Support Staff Farewell event.
- Strategy and Growth Workshop - Managed Growth Strategy.
- NAIDOC Ball held at All Seasons Hotel.
- Spoke at the Caneball Tournament (Sepak Takraw) held at Weeroona College Bendigo Stadium.
- Spoke at the Fundraising Launch for Community Museum Bendigo Historical Society.
- Rotary Club of Bendigo Sandhurst Changeover Function.
- Spoke at the Celebration for First Flight using new Terminal Building, Bendigo Airport.
- Spoke at the NAIDOC Week Flag Raising event held at the Library Gardens.
- Attended as Chair of Regional Cities Victorian - Regions Rising event held in Geelong.
- Chaired the Regional Cities Victoria Executive Management Group online meeting.
- Co-Chaired the Council and Youth Council Meeting.
- Economic Development Implementation Steering Committee Working Group - Transform and Revitalise.
- Met with representatives from the Maiden Gully Progress Association.
- Hargreaves Mall Workshop.
- Local Government Mayoral Advisory Panel (Meeting #2).
- Chaired the Eaglehawk Table Tennis and Badminton Meeting.
- Greater Bendigo Housing Crisis Roundtable and Feedback Discussion hosted by Federal Member for Bendigo Lisa Chesters.
- Onsite meeting at Saade Street, Epsom.
- Economic Development Implementation Steering Committee Working Group - Unlock Land & Build New Key Infrastructure
- Acknowledging 40 Years: Centre Against Sexual Assault (Central Victoria) held at The Capital Theatre.
- Participated in photo opportunity for the opening of new water station on O'Keefe Rail Trail (near Wilkie Road, Junortoun).
- Spoke at the Women of Wool Luncheon as part of the Australian Sheep and Wool Show.
- 2023 Incubator Presentation Evening held at The Capital Theatre.



- Whipstick Ward Councillor Engagement – Coffee with a Councillors held at the Eaglehawk Bakery.
- Spoke at the Launch of Bendigo Share and Repair Shed.
- Participated in media interviews regarding the cancellation of 2026 Commonwealth Games being held in Victoria.
- Spoke at the Positive Ageing Advisory Committee meeting to thank members.
- Presided at the Citizenship Ceremony held at the Bendigo Town Hall, attended by 69 new citizens.
- Presented at the Greater Shepparton City Council Female Candidate Information Session held at the North Shepparton Community and Learning Centre.
- Minerals Council of Australia Victorian Women in Resources Awards.
- Future Cities Showcase - Girton Grammar School and Bendigo Tech School.
- Visited at the Bendigo Badminton Stadium.
- Spoke and assisted with trophy presentations at the Bendigo Masters Squash Open Championships held at Bendigo Squash Club.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

## **25. CHIEF EXECUTIVE OFFICER'S REPORT**

- Thanks to all those in attendance who are in Acting roles this evening.
- Thanks to all staff and community for the support shown throughout my Acting CEO role.
- In relation to the cancellation of the Commonwealth Games, on behalf of the organisation, I can say we were stunned, shocked and disappointed. We can understand the reasons why, but we are allowed to be sad. In saying that, there are still a lot of things to work through, and the City and regions will still benefit, in particular through sports precinct upgrades, social housing development and local jobs.
- The NAIDOC celebrations were an honour to be a part of, and exciting to see this space continue to grow.
- Regionally, attended an LGPro forum with over 100 Local Government CEO's and directors, interesting to compare notes, learn from other LGA's and discuss future plans and ideas.
- Thanks to community members in the gallery for having the patience to trial some changes for tonight's meeting, to ensure the meetings space remains open and safe for all.

## **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.

### **RESOLUTION - Resolution No. 2023-106**

Moved: Cr O'Rourke

Seconded: Cr Fyffe

That the recommended motion be adopted.

**CARRIED**

## **27. CLOSE OF MEETING**

There being no further business, this Council Meeting closed at 7.40 pm.