

# AGENDA

## Council Meeting

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**Monday, 17 May 2021 commencing at 6:00 PM**

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

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

### **VENUE:**

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

Reception Room, Bendigo Town Hall

*Limited Public Gallery in accordance with DHHS guidelines and limited to 36 persons. If you would like to attend, please register your interest through <https://www.bendigoregion.com.au/arts-culture-theatres/event/city-of-greater-bendigo-council-meeting> or call the Box Office on 5434 6100 no later than 5pm on the day of the meeting.*

### **NEXT MEETING:**

Thursday 24 June 2021 (tbc)

Livestream

This Council Meeting is conducted in accordance with the Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020 and Local Law Process of Municipal Government 2020

## **Council Vision**

Greater Bendigo - creating the world's most liveable community.

## **Council Values**

Six values inform everything we as Council do in working together to be the best we can for all of our community.

Seeking to achieve the best value for our use of the community's public funds and resources, by:

- We Lead;
- We Learn;
- We Contribute;
- We Care;
- We Respond;
- We Respect.

## **Goals**

- Presentation and Managing Growth
- Wellbeing and Fairness
- Strengthening the Economy
- Environmental Sustainability
- Embracing our Culture and Heritage
- Lead and Govern for All

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**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. TRADITIONAL LANGUAGE STATEMENT**

**3. OPENING STATEMENT**

**4. MOMENT OF SILENT REFLECTION**

**5. ATTENDANCE AND APOLOGIES**

**6. SUSPENSION OF STANDING ORDERS**

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

**7. COMMUNITY RECOGNITION**

**8. PUBLIC QUESTION TIME**

**9. RESUMPTION OF STANDING ORDERS**

That Standing Orders be resumed.

**10. CR PENNA'S REPORT**

**11. DECLARATIONS OF CONFLICT OF INTEREST**

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

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

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

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

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

## 12. CONFIRMATION OF PREVIOUS MINUTES

### 12.1. Confirmation of Minutes

The following items were considered at the Council Meeting held on Monday 19 April 2021 at 6:00pm.

## RECOMMENDATION

That the Minutes of the Council Meeting held on Monday 19 April 2021, as circulated, be taken as read and confirmed.

## Report

Report No.	Item	Recommendation
13.1	City of Greater Bendigo Proposed Budget 2021/2022 and Draft Revenue and Rating Plan	<p>That Council adopt the proposed Budget in-principle and:</p> <ul style="list-style-type: none"> <li>• In accordance with the Local Government Act 2020 and the City's Community Engagement Policy make the proposed Budget available for public comment</li> <li>• Display the proposed Budget on the City's website and Let's Talk Greater Bendigo website</li> <li>• Note the fees, charges, borrowings and capital works discussed as part of this report and attachments</li> <li>• Receive comment/submissions on the proposed Budget until close of business on 18 May 2021.</li> <li>• Appoint a committee of the Council to hear and consider any submissions received on the proposed Budget tentatively scheduled for 5.30pm on Thursday, 20 May 2021.</li> <li>• Endorse the Draft Revenue and Rating Plan (Appendix D in the proposed Budget) and in accordance with the City's Community Engagement Policy seek the community's input to the Draft Revenue and Rating Plan.</li> </ul>

Report No.	Item	Recommendation
14.1	Response to Petition: Request for the Bendigo Livestock Exchange to Provide Shelter Over Pens For Livestock	That Council receive the petition and advise the lead petitioner of the response as outlined in this report.
14.2	Petition: Maternal and Child Health Services for Elmore and Surrounds	That the petition be received and a response be prepared within two (2) meetings.
14.3	Request for Skate Park in Quarry Hill	That the petition be received and response be prepared within two (2) meetings.
14.4	Petition: Sprinkler Timing at Lake Neangar	That the petition be received and a response be prepared within two (2) meetings.
15.1	98-104 Williamson Street, Bendigo - Use and Development of a Residential Hotel, Display of Signs and the Sale and Consumption of Alcohol	Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for use and development of a residential hotel, display of signs and the sale and consumption of alcohol at 98-104 Williamson Street, BENDIGO 3550 subject to the conditions at the end of this report.
15.2	101 Carneys Road, Eppalock - Use and Development of a Second Dwelling, Including Removal of Native Vegetation	<p>Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a second dwelling, including the removal of native vegetation, at 101 Carneys Road, EPPALOCK 3551 on the following grounds:</p> <ul style="list-style-type: none"> <li>• The proposal does not align with the purposes of the Rural Living Zone, as the proposal does not protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.</li> <li>• The proposal does not align with the objective of the Vegetation Protection Overlay – Schedule 2, as the proposal does not protect remnant vegetation and habitat, including understorey.</li> </ul>
15.3	75 Bridge Street & 79 Arnold Street, Bendigo 3550 - Use and Development of a Service Station and Take Away Food and Drink Premises, Display of Illuminated Signage and	The Council advise VCAT and the Permit Applicant that it does not support the granting of a permit for use and development of a service station and take away food and drink premises, display of illuminated signage and alterations of

Report No.	Item	Recommendation
	Alterations of Access to a Road Zone Category 1	<p>access to a road zone category 1 at 75 Bridge Street &amp; 79 Arnold Street, BENDIGO 3550 on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The proposed development does not implement the policy objectives and strategies contained within Clause 11.01-1R (Settlement – Loddon Mallee South), Clause 11.03-1S (Activity Centres), Clause 15.01-1S (Urban design) and Clause 15.01-2S (Building design) as the proposal does not properly consider the strategic context of the site, is an underdevelopment of the site and will not enhance the amenity of the precinct.</li> <li>2. The proposed development does not deliver the vision or implement the strategic objectives expressed for the Bridge Street Activity Area within Clause 21.07-4 of the Municipal Planning Strategy and the Bendigo Hospital Precinct Structure Plan.</li> <li>3. The proposal is inconsistent with the objectives, preferred building heights, setbacks and design outcomes of the Design and Development Overlay (Schedule 21) and fails to satisfy the decision guidelines.</li> <li>4. The proposal is an underdevelopment of the site.</li> <li>5. The proposed pylon sign and sign projecting above the roofline of the building are inconsistent with Clause 22.29 (Advertising and signage policy) and are not supported as they are not in proportion and scale with the surrounding building height and form and will adversely impact on the streetscape.</li> </ol>
15.4	8 Dale Street, Kennington 3550 - Five Lot Subdivision	Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for a five-lot subdivision at 8 Dale Street, KENNINGTON 3550 on the following grounds:

Report No.	Item	Recommendation
		<ul style="list-style-type: none"> <li>• The proposal is not consistent with planning policy and would entrench an undesirable and unordered planning outcome.</li> <li>• The proposal would result in an unacceptable amenity outcome for future residents.</li> </ul>
15.5	Amendment C256gben Planning Scheme Review Implementation Part 1 Adoption Request	<p>That Council:</p> <ul style="list-style-type: none"> <li>• Accept the late submission.</li> <li>• Adopt the recommendations detailed for each of the submissions in this report.</li> <li>• Adopt Greater Bendigo Planning Scheme Amendment C256 with the recommended minor changes.</li> <li>• Forward the adopted Amendment to the Minister for Planning for approval.</li> </ul>
15.6	Planning Scheme Amendment C268 - 5-7 Shakespeare Street, Spring Gully, for Consideration of Submissions and Refer to Panel	<p>That Council agree to abandon amendment C268 (5-7 Shakespeare Street, Spring Gully) and that the Minister for Planning is requested to remove the interim heritage control, which would allow the demolition of the building without the need for a planning permit.</p>
16.1	Bendigo Maubisse Friendship Committee: Governance in Transition	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Approve the Bendigo Maubisse Friendship Committee to transition to an incorporated association.</li> <li>2. Approve a one-off special grant of \$25,000 to support the group to establish themselves over the next 12 – 24 months.</li> <li>3. Endorse the attached Memorandum of Understanding to demonstrate Council's support and linkages with the group.</li> </ol>
16.2	Bendigo Foodshare Warehouse Fitout Support	<p>That Council conclude further planning and design of the Food Hub at Belle Vue Road, Golden Square and reallocate \$140,000 from that project to provide a grant to Bendigo Foodshare for development of the Garsed Street site.</p>

Report No.	Item	Recommendation
20.1	Resolution for State Council Meeting – Municipal Association of Victoria	<p>That Council submit the following resolution for consideration at the May meeting of the State Council of the MAV:</p> <p><i>That this State Council meeting calls on the Victorian Government to increase its contributions to services and programs undertaken jointly with local government in order to redress the historic and growing funding imbalance and to better reflect the true costs incurred and relieve the growing financial hardship caused to Councils.</i></p>
20.2	Councillor Allowances	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Publicly advertise its intention to set the Mayoral allowance at \$100,434 per annum (plus 9.5% superannuation) and the Councillor allowance at \$31,444 per annum (plus 9.5% superannuation)</li> <li>2. Seek submissions from the community on the Mayoral and Councillor allowances</li> <li>3. Note the outcome of the submission process will be included in a final report which will be presented to the ordinary Council meeting on 21 June 2021.</li> </ol>
20.3	Councillor Gift Policy	<p>It is recommended that Council adopt the Councillor Gift Policy, subject to an amendment to the policy to reflect that the monetary amount for the non-token and token gift threshold be reduced from \$50 to \$20 in line with staff and IBAC gift policies.</p>
26.1 - 26.4	Confidential Section 66 Reports	Relating to Council Business Information

### 13. PETITIONS AND JOINT LETTERS

#### 13.1. Response to Petition: Sprinkler Timing at Lake Neangar

Author	Orrin Hogan, Acting Manager Parks and Open Space
Responsible Director	Brian Westley, Director Presentation and Assets

#### Purpose

The purpose of this report is to respond to a petition received regarding the sprinkler timing at Lake Neangar, Eaglehawk.

#### Summary

On 7 April 2021 the City of Greater Bendigo received a petition to have the sprinklers at Lake Neangar, Eaglehawk turned off by 5.00am. The reason for this petition is that walkers need to cross to the main road over an unstable garden area to the main road in the dark and believe the area to be flooded and hard to cross.

#### RECOMMENDATION

That Parks and Open Space officers coordinate a meeting onsite with the petition organisers to investigate avenues to improve system function so as to avoid the need (where possible) for water to pass over designated walking paths.

#### Policy Context

Community Plan Reference:

- Goal 4 Presentation and managing growth

#### Background Information

N/A

#### Report

The irrigation in this precinct utilises recycled water and can only be operated after hours which reduces the available watering times. The system is running at maximum potential every night of the week, particularly during summer months, in order to supply irrigation to a range of sites including Canterbury Heritage Gardens, Canterbury Football/Cricket Ground, Lake Neangar Play Space, Event Lawns, Lake Neangar foreshore and neighbouring Sporting Club Greens and runs for approximately 10 hours overnight through the heat of summer.

Previous attempts to reprogram station times to reduce this impact only impacted other users. We appreciate that at 5am there will still be stations operating in order to meet demand and this may impact some early morning walkers. Subject to weather conditions this should only effect walkers around 12 weeks per year (Summer) when the system is at its peak demand. Parks and Open Space staff are also available to meet with the petition organiser to discuss concerns regarding flooded pathways.

### **Consultation/Communication**

Consultation with the petition organisers as outlined in the recommendation

### **Resource Implications**

Any minor costs associated with redesign or installation alterations should be resourced by the Park and Open Space Unit operation budget.

### **Attachments**

1. Petition



**Attachment 1 - Petition received to have sprinklers turned off by 5am at Lake Neangar****Petition to the Bendigo council:**

**We the undersigned residents and ratepayers of Greater Bendigo City Council formally request Council to investigate with Parks & Gardens why**

**after many phone requests no results have been made to the timing of watering around Lake Neangar.**

**By Rate payers and users of the walking track around Lake Neangar.**

**To have the sprinklers turned off by 5.00 AM.**

**The Reason is walkers need to cross to the main road over unstable garden area to the main road in the dark, to bypass the part that is flooded and being heavily watered.**

**We do not like to get drenched.**


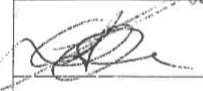

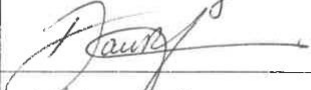







**This situation is unsafe and needs to be rectified**

**Name:** Pom. Dik .

Bruno Dik .

Stephen Kirkpatrick .

Lyn Rick B Brown .

CHRIS MARTIN	
Felicity Vally	Kevin Farnett
Sharon Stedman	John Mansan
Simon Ward	Pamela Ruppall
David Ward	Wynne W. J.
	Pam J.
AOL-Phe	Ann Peters.
	G. Sore
J. Calmley	Th. Lucas.
	
Michael Jones	John Davey
	Jo Madden
B. G. Jones	Brad Madden
	
	
	

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### 13.2. Response to Petition, Maternal and Child Health Services for Elmore and Surrounds

Author	Caroline Grylls, Manager Community Wellbeing
Responsible Director	Vicky Mason, Director Health and Wellbeing

#### Purpose

This report provides a response to a petition received by Council at the April ordinary Council meeting requesting that Council reinstate face-to-face, centre based Maternal and Child Health Services in Elmore.

#### Summary

The following petition has been received requesting Council reinstate maternal and child health services in Elmore, as outlined below:

*"We the undersigned residents and rate payers of Greater Bendigo City Council formally request council to reinstate the Maternal Child Health (MCH) Services in Elmore".*

*"The MCH Service is currently inaccessible to members of our community due to the recent closure of the Elmore centre, as the nearest centre is now 30km away. Parents have been unable to attend appointments due to the travel distance, lack of transport and personal circumstances. This service needs to be returned to Elmore to ensure the health and development of our young children."*

#### RECOMMENDATION

That Council:

1. Acknowledge the importance of the highly valued Maternal Child Health (MCH) service and continue to offer face-to-face consultations for Elmore families at other MCH service sites across Bendigo, with an outreach in home service provided where clients prefer.
2. Advise the lead petitioner of the outcome of this report.

#### Policy Context

Community Plan Reference:

*City of Greater Bendigo Community Plan 2017-2021:*

Goal 1:	Lead and govern for all
Objective 1.1	Engage with all communities
Objective 1.2	Explain the reason for its decision
Objective 1.3	Be innovative and financially responsible
Objective 1.4	Be accountable and efficient in its use of the community's money

Goal 2:	Wellbeing and fairness
Objective 2.1	Create a much healthier Greater Bendigo
Objective 2.2	Promote positive wellbeing across the Greater Bendigo community

## Background Information

The Maternal and Child Health (MCH) service is a free, universally accessible, state-wide health, wellbeing and development service provided for all families with children aged from birth to school age. The MCH service supports families and their children with an emphasis on parenting, prevention and health promotion, developmental and psychosocial screening, early detection and intervention, referral and social support.

The MCH service provides:

- a schedule of 10 Key Age and Stage (KAS) consultations between a MCH nurse and the child and family from birth to school entry age; these consist of an initial home visit, consultations at 2, 4, and 8 weeks, 4, 8, 12, 18 and 24 months and 3 1/2 years of age.
- capacity for groups, additional consultations and community development to enable the development of innovative local service responses to meet the needs of families not addressed through the standard KAS visits; including first time parent groups, community strengthening activities, additional targeted consultations where there is a demonstrated need, and telephone consultations.

Every family receives an initial in-home visit by a MCH nurse after the birth of their baby.

In 2017/18 the City of Greater Bendigo (City) conducted a comprehensive review of its MCH services which included extensive community consultation. The service review concluded with a set of 13 recommendations. The City is well progressed in implementing these. The provision of an outreach MCH service in Elmore aligns with the recommendations of the service review.

A petition was received at the April Council meeting requesting that Council reinstate the face-to-face, centre based MCH services in Elmore - **ATTACHMENT 2**. The petition was instigated by the practice manager at Elmore Primary Health Services on behalf of the Elmore community and signed by 379 people.

Previous Council Decision(s) Date(s):

N/A

## Report

The City completed a comprehensive review of MCH services in 2018. The service review aimed to answer the question - *How does the City make the Universal Maternal Child Health Service more responsive to the needs of the modern family?*

A client survey was undertaken to gather feedback from clients on their experiences with the MCH service. A total of 774 (628 complete) responses were received. The survey asked for feedback on the following:

- General demographic and service data (location of centre attended, age of children, relationship to child etc.).

- What was important to them when choosing a centre to attend.
- If they would be interested in utilising flexible service levels (extended hours, drop in sessions).
- Satisfaction with information provided and where further information or support could be provided.
- Preferred methods of communication.
- If the MCH service meets their needs.
- How the service could be more accommodating to partner/support person/family involvement.
- Overall comments on areas for improvement.

The review also included benchmarking with other Councils including Ballarat, Whittlesea and Campaspe with Ballarat having a similar annual birth rate to Bendigo.

When MCH clients were asked what was important to them about the service, 91% of survey respondents reported that the relationship with the nurse was most important. It is worth noting that the relationship with the nurse is also aligned to a relationship with the MCH centre. For families to see another nurse at the same centre is more acceptable than changing appointment to another day or centre. Delivery the MCH service from multi-nurse centres enables the City to meet this client expectation.

Clean, comfortable and modern facilities were next highest in importance to 63% of respondents. Availability of parking and centres being close to home were both rated as important by 51% of respondents.

The MCH team must be provided with appropriate clinical governance, support and leadership. The team are facing increasingly complex issues with vulnerable families and clinical supervision is integral to ensuring a quality, consistent service while managing staff wellbeing. Nurses report that working in isolation in single nurse centres away from their peers limits their ability to feel secure and professionally supported.

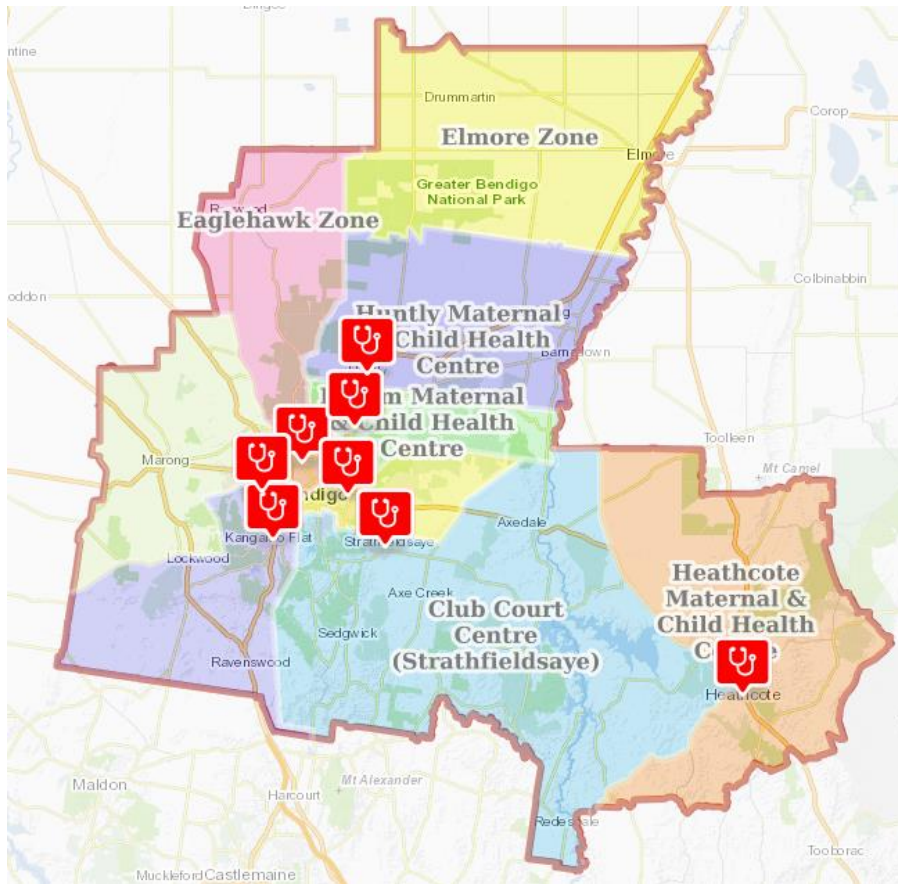
The service review included 13 recommendations. Relevant to this matter are the following:

- Promote the MCH Nurse 24-hour phone line and the MCH App for ready access to trusted information.
- Build the relationship with the service rather than the nurse through multi nurse centres and promotion of teams.
- As opportunities arise, transition from small standalone sites to co-located hub.

The City has provided MCH services in Elmore on average one day per fortnight from an office space leased from Bendigo Community Health Service (BCHS) for approximately 20 years.

Early 2020 as the coronavirus pandemic unfolded, face-to-face centre based MCH consultations ceased at the request of Elmore Primary Health Services in line with the government directives. The decision to continue to provide MCH services as an outreach service, and not resume face-to-face centre based MCH services in Elmore was made as restrictions across the State were easing as it was an opportunity to implement the review recommendation.

The location of current MCH centres are shown in the following map:



#### Priority/Importance:

Low – The City has not withdrawn maternal and child health services in Elmore and the surrounding areas, rather the service model has changed to an outreach service with families able to attend any other centre operating in the municipality, or an in-home face-to-face consultation.

#### Options/Alternatives:

1. Continue with current service model, offering face-to-face services at an alternative centre, with in-home outreach services where clients prefer.
2. Reinstate limited face-to-face centre-based, maternal child health consultations in Elmore.

To reinstate face-to-face centre based MCH services in Elmore, the City would need to identify a preferred location that aligned with the recommendations of the service review. Until a preferred location can be found with suitable infrastructure, access, security and availability the current service model would need to continue. Reinstating face-to-face centre based MCH consultations in Elmore could increase the overall cost of the service as a new lease would need to be negotiated.

To drift from the service review recommendations has risks, as it undermines the service review process which is based on community consultation, data and can lead to more inequity in a service, rather than less. Equity does not mean same and there will always be examples across the community where equitable access to services looks different on face value for individuals.

Timelines:

Option 1: Immediately.

Option 2: The City would need time to negotiate a suitable lease arrangement with a suitable partnering early years' service provider prior to reinstating centre based face-to-face consultations.

Progress:

N/A

Risk Analysis:

The service review of MCH services is the current operational document that guides decisions relating to service provision. The service review process included broad community consultation and the recommendations were developed in response to a range of data, including community survey responses.

Currently the birth rate data for Elmore and surrounds does not support deploying a maternal child health nurse from another MCH centre, where the birth rates are higher.

The following table reflects the number of clients entered as attending or allocated to Elmore MCH.

	<b>ELMORE Maternal and Child Health</b>
<b>Years</b>	<b>No of births</b>
2014/15	6
2015/16	9
2016/17	11
2017/18	13
2018/19	13
2019/20	7
<b>Average</b>	<b>9.833</b>

**Consultation/Communication**

Internal Consultation:

Extensive internal consultation was conducted during the service review of MCH services including focus groups.



### External Consultation:

Extensive consultation was conducted during the review of MCH services.

All MCH clients in the City were sent a text message in March 2020 advising that the MCH service had changed in response to the government directive. The text message advised all clients what options were available to continue to access MCH services as the pandemic unfolded.

All MCH clients in the City were sent an email in September 2020 advising them of all of the changes to MCH services, including that the face-to-face centre-based service in Elmore would not be resuming. It also noted other changes to ongoing services including the relocation of MCH services from Bendigo Central to Helen Jessen in Strathdale and the relocation of the MCH service from Eaglehawk (BCHS) to Epsom. Other changes to nurse locations were highlighted.

All existing Elmore MCH clients and the Elmore Primary Health Service received a subsequent letter via post in February 2021 advising them that face-to-face centre based MCH services would not return to Elmore. The letter advised Elmore clients what options were available to continue to access MCH services - **ATTACHMENT 1**.

### **Resource Implications**

The decision to not resume a face-to-face centre based MCH service in Elmore was not based on cost.

### **Attachments**

1. Letter to Elmore residents
2. Petition

## Attachment 1 - Letter to Elmore Primary Health re Maternal and Child Health Services for Elmore Residents

ATTACHMENT 2: Letter to Elmore Primary Health re Maternal and Child Health Services for Elmore Residents



Enquiries: Community Wellbeing  
T: 03 4408 6590  
E: [eyadmin@bendigo.vic.gov.au](mailto:eyadmin@bendigo.vic.gov.au)

January 20, 2021

Kathy Tuohey  
Practice Manager  
Elmore Primary Health  
46-48 Jeffrey Street  
Goornong VIC 3557

Dear Kathy

### Maternal and Child Health Services for Elmore Residents

I am writing to provide you with an update on access to Maternal and Child Health services for Elmore residents in 2021.

Last year during COVID-19 lockdowns, the City closed its Elmore Maternal and Child Health centre. At the time, families were advised via email that the centre would not reopen and that an outreach service (home visits) would be offered if they were unable to attend another centre.

We have a brand new centre located at the Huntly Kindergarten, 21 Stevenson Street Huntly, which operates a Maternal and Child Health service four days a week from Tuesday to Friday.

The Epsom Centre, located at 6-8 Strickland Street Epsom, is also open four days a week from Monday to Thursday. There will be multiple nurses working at both centres.

For the health and safety of our staff, our preference is to establish sites that have more than one nurse present at any time. We also need to ensure our services are located in areas where they can serve the greatest number of clients.

Home visits for all new parents will always be available, taking place within a week of mother and baby returning home from hospital. Further home visits can be arranged for Key Age and Stage assessments if you are unable to get to one of our Maternal and Child Health centres.

Should you have any further questions or to book a home visit, please phone 44086590.

Yours sincerely

**Jenny Tobin**  
Acting Coordinator Early Years Services

Hearing or speech impaired?  
Call us via the National Relay  
Service on 133 677 or

[www.relay.vic.gov.au](http://www.relay.vic.gov.au)  
Document Set ID: 4524864  
Version: 1.0 Version Date: 22/01/2020

Greater Bendigo City Council  
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Postal Address: PO Box 733, Bendigo VIC 3552  
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F: 03 5434 6200  
E: [requests@bendigo.vic.gov.au](mailto:requests@bendigo.vic.gov.au)  
W: [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)  
ABN 74 149 638 164

**Attachment 2 - Petition from Elmore Medical Practice requesting reinstatement of MCH Service for Elmore and Surrounds**



*Elmore Medical Practice*

46-48 Jeffrey Street, ELMORE VIC 3558  
Telephone: 03 5432 6001 Facsimile: 03 5432 6101

St Anthony Family Medical Practice Pty. Ltd ABN 23 118 243 226

**Dr Patrick Nzegwu**  
Provider No. 4389941X

**Dr. Michelle Medenilla**  
Provider No. 4709742T

**Dr Mustafa Shefaju**  
Provider No. 5294128Y

1<sup>st</sup> March 2021

**Maternal and Child Services for Elmore and Surrounds Residents  
Elmore 3558**

Att: Coordinator Early Years Services

Dear Councillor,

I am writing in regards to the council's decision to close the Maternal and Child Health Service at Elmore. On behalf of my community, I urge you to reconsider this decision by asking that you reinstate the service for the families of Elmore and Surrounds.

This centre has provided a valuable service to the parents and children of Elmore & surrounds for many years. With the closure of Elmore, the closest centre is over 30km away and for many parents of our community this is not within reasonable reach. Therefore, a number of parents have not or will not be able to attend appointments.

This service provides information on child health & development, immunisations, nutrition, safety, as well as referrals to other health services. Therefore, the closure of this service would be detrimental to the health of the Elmore community, most importantly our children's, and put our town at further risk of disadvantage.

It is imperative that we keep this service accessible to all residents and ratepayers of Greater Bendigo City Council and keep this centre open to maintain the health of our local community.

Elmore Primary Health preference is to establish the Maternal service within the Practice, where three General Practitioners and two nurses are on site.

I look forward to your response on this urgent matter.

Yours faithfully,

  
Kathy Tuohy

Practice Manager / Site Coordinator / Recruiting Manager  
Elmore Primary Health Services / Elmore Medical Practice

46-48 Jeffrey Street, Elmore VIC 3558  
p. 03 5432 6001 | f. 03 5432 6101 | m. 0409 926 001 |  
e. [kathytuohy@bchs.com.au](mailto:kathytuohy@bchs.com.au)

# Petition

## Maternal and Child Health Services for Elmore and surrounds Residents.

Contact Person: Kathy Tuohey

Elmore Primary Health

Address: 46-48 Jeffrey Street, Elmore

Email: kathytuohey@bchs.com.au

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Name (Please Print)	Address (Please Print)	Signature
T. McDOWELL	[REDACTED]	[REDACTED]
Ed. Harney	[REDACTED] Elmore	[REDACTED]
d. NIXSON	[REDACTED] ELMORE	[REDACTED]
Diane Chandler	[REDACTED] Elmore	[REDACTED]
DANIEL GERRISH	[REDACTED] ELMORE	[REDACTED]
S. Jean Burke	[REDACTED] Elmore	[REDACTED]
Ben Mullane	[REDACTED] Elmore	[REDACTED]
John Williams	[REDACTED] Elmore	[REDACTED]
Sandra Jaffa	[REDACTED] Elmore 3558	[REDACTED]
R Rogers	[REDACTED] Eaglehawk	[REDACTED]
P. LYNEH	[REDACTED] EPPING	[REDACTED]
K Hill	[REDACTED] EAGLEHAWK	[REDACTED]
G. Willis	[REDACTED] Rochester	[REDACTED]
N Hodges	[REDACTED] ECHUCA	[REDACTED]
J Roke	[REDACTED] MANNING GULLY	[REDACTED]
Belle Toll	[REDACTED] ECHUCA	[REDACTED]
D. BENTLEY	[REDACTED] ECHUCA	[REDACTED]
TOXLY MARRAS	[REDACTED]	[REDACTED]
RAY McEMBERT	[REDACTED]	[REDACTED]



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Name (Please Print)	Address (Please Print)	Signature
Ray Hanson	[REDACTED] Ballendella	[REDACTED]
RUSSELL SHAWCROSS	[REDACTED] LOCKINGTON 3563	[REDACTED]
John Neek's	[REDACTED] Rochester	[REDACTED]
Tim Quinlan	[REDACTED] Rochester	[REDACTED]
Max Williams	[REDACTED] Elmore	[REDACTED]
NIGEL DOBEL	[REDACTED] ELMORE	[REDACTED]
JOHN STUART	[REDACTED] ECHUCA WEST	[REDACTED]
MAURIE SHARKEY	[REDACTED] Bamulloo 3557	[REDACTED]
MARK BROWNE	[REDACTED] ELMORE	[REDACTED]
GERARD BROWNE	[REDACTED] ROCHESTER	[REDACTED]
GREHAM MERCEY	[REDACTED] ELMORE	[REDACTED]
Russell Cusiman	[REDACTED] ELMORE	[REDACTED]
LEIGH POLINGHARNE	[REDACTED] TATURA	[REDACTED]
STEVE ARBUCKLE	[REDACTED] BENDIGO.	[REDACTED]
PETER MCGUIRE	[REDACTED] Kennington Vic	[REDACTED]
TREVOR LAMB	[REDACTED] EPSOM	[REDACTED]
Charlie William	[REDACTED] Elmore	[REDACTED]
JOHN BLAIR	[REDACTED] ECHUCA	[REDACTED]

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Name (Please Print)	Address (Please Print)	Signature
B Smolenacq	Rochester 3561	
Stewart Ayson	Elmore	
Phil Brock	ELMORE 3558	
GREG HOLMBERG	MALCOO 3572	
FRANCIS KEECH	ROCHESTER 3561	
ALAN BENSON	ROCHESTER 3561	
John Brown	KYAMRA	
R. A. Oat	Kunigade	
JOHN PARSONS	ELMORE	
NEVILLE WALTERS	KYAMRA	
EMILIO	KYTON/1/1/22	
ALFIE	MUSCAT	
Peter	Idms	
PAUL FAY	ELMORE	
GEOFF TUNNIN	TONGALA	
Mark Golds	Tongala	
PETE TIMMING	TONGALA 3621	
A. CRILLY	ROCHESTER	
ANDREW HARRIS	ECHUCA	

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Name (Please Print)	Address (Please Print)	Signature
Nadelle	Elmore	
Jessie J.	Elmore	
C. Sweeney	Elmore	
Jim Jones		
Jessie MacCallum		
JAMES COYLE LOCKINGTON.		
KCOUGHAN	Elmore	
C. POWELL	Elmore	
K Gardam	Elmore	
T. Doyle	Elmore	
JG-L	Elmore	
T. Bogack	Elmore	
M. Lynch	Elmore	
Alan Capra	Elmore	
Mary Osborn	Elmore	
Matthew Shaw	"	
T. Goodall	Elmore	
p. William	"	
Helen O'Sullivan	Elmore	



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Name (Please Print)	Address (Please Print)	Signature
Helen McCaskey	Elmore	
Georgina Waiter	Rochester	
LARLIN M'KEE	ELMORE	
FIONA CRICELL	Elmore	
JEN JOHNS	ELMORE	
ROSEMARY FAWCETT	ELMORE	
Temp Nivr	Elmore	
Viv. Spizzigari		
C. BURNS	ELMORE.	
Cass Hassell	ELMORE	
K. Sutherland	Elmore	
Nadelle. G		
Aristine Roscia	Elmore.	
Sascha Charnston		
WAYNE BILLET	GOORNONG	
Rosay CRISP	Elmore	
Tuesday Cooke	Rochester	
Ann Surfoen	ELmore	
Janette Poole	ELMORE	



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Name (Please Print)	Address (Please Print)	Signature
Lynn Beyer	Elmore 3558	
Christine Long	South Australia 5089	
Lorraine Treweek	Elmore.	
Kathy Connick	Elmore	
Don Sheehy	Asedale	
Don Sheehy WATSON	Bagshot North	
Yang Dutton		
Don Cernino	Leicester	
Lyn Alvaro	Geelong	
Rohan Jenner	Elmore	
P.P. Kershaw	Elmore 3558	
D. Macdonald		
A. TREWICK	Elmore	
F. TOSSEL	Elmore	
L. Lonsdale	Elmore	
Gina Spazzica	Elmore	
John		
STEVE FORBES		
Michelle Simmie	Elmore	

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Name (Please Print)	Address (Please Print)	Signature
Annie Hays	[REDACTED] Corop	[REDACTED]
MARY ELGASSER	[REDACTED] Elmore	[REDACTED]
GWEN EAMES	[REDACTED] Elmore	[REDACTED]
ANNA ANTONIACI	[REDACTED] Elmore	[REDACTED]
Barb Holmberg	[REDACTED] Elmore	[REDACTED]
MURREEN COMER	[REDACTED]	[REDACTED]
MARY DICK	[REDACTED] Runnymede	[REDACTED]
Annette Holmes	[REDACTED] Elmore 3558	[REDACTED]
MARY CARTER	[REDACTED] GOORNONG 3557	[REDACTED]
FRED WOOD	[REDACTED] Elmore	[REDACTED]
Nikolmborg	[REDACTED] Elmore	[REDACTED]
KELLY MORRIS	[REDACTED] Lockington	[REDACTED]
KELVIN LOCKE	[REDACTED] Rochester	[REDACTED]
LLOYD GRAMHAM	[REDACTED]	[REDACTED]
STEVE HEARE	[REDACTED] Elmore	[REDACTED]
Kevin Doyle	[REDACTED] Hunter	[REDACTED]
DAVID TREWICK	[REDACTED] Elmore	[REDACTED]
STUART HILL	[REDACTED] Corop	[REDACTED]
Jennifer Wetherfield	[REDACTED] Warrington	[REDACTED]

# Petition

**Contact Person:** Kathy Tuohey  
 Elmore Primary Health  
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Name (Please Print)	Address (Please Print)	Signature
Melissa GARRATT	GOORNONG -	
Mary McIntyre	Ascat - works Elmore	
Fam Oliver	Elmore	
Nicole Judd	Moama - works Elmore	
Beth Schell	Elmore	
Isobel James	Elmore	
Ben Foxley	Rochester	
P. Baur	Elmore	
Veronica Martin	Elmore - Mother	
ALAN FRASER	ELMORE	
Carol Reed	Lackass Flat	
IRENE NIHL		
Michelle Carron	Rochester Elmore	
Carol Fraser	Elmore	
JULIE DENTON	ELMORE	
ANN CURTAIN	ELMORE VIC	
Jim Carron	Elmore	
LINDA McHUGH	ELMORE	
Louise Stancy	Diggers	



# Petition

## Maternal and Child Health Services for Elmore and surrounds Residents.

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Name (Please Print)	Address (Please Print)	Signature
NANCY NIVEN	[REDACTED] Elmore	[REDACTED]
Wendy Henshke	[REDACTED] ELMORE	[REDACTED]
Diane Hoare	[REDACTED] Elmore	[REDACTED]
Amy Hayes	[REDACTED] ASH 3551	[REDACTED]
MARY RYAN	[REDACTED] Rochester 3501	[REDACTED]
Kathy O'Keeffe	[REDACTED] Castlemaine	[REDACTED]
B. Morrison	[REDACTED] Elmore	[REDACTED]
B. Weeks	[REDACTED] Colbinabbin.	[REDACTED]
R. Ashworth	[REDACTED] ELMORE	[REDACTED]
n. m. amy	[REDACTED] Elmore	[REDACTED]
P. BRYANT	[REDACTED] ELMORE	[REDACTED]
M. Shefaji	[REDACTED] Elmore	[REDACTED]
B. Nzeferu	[REDACTED] Elmore	[REDACTED]
Sonia McCann	[REDACTED] FLORA HILL	[REDACTED]
Christine McCormick	[REDACTED] Elmore	[REDACTED]
GLENYS AVARD	[REDACTED] COLBINABBIN 3574	[REDACTED]
MICHELE BIBBY	[REDACTED] LOCKINGTON	[REDACTED]
Leanne Walker	[REDACTED] ELMORE	[REDACTED]
Mary Hoare	[REDACTED] Elmore	[REDACTED]

GP  
GP.

# Petition

Sent.

**Contact Person:** Kate Fletcher  
 Address: 113 Hervey St Elmore  
 Email: kate.mcmaster@hotmail.com

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Name {Please Print}	Address {Please Print}	Signature
Jodie Belz	[REDACTED]	[REDACTED]
Sara Safstrom	[REDACTED] Mount Camel	[REDACTED]
Jaclyn Sanford	[REDACTED]	[REDACTED]
Ramie Cienda	[REDACTED] Rochester	[REDACTED]
Megan Frecker	[REDACTED] Elmore	[REDACTED]
Shae McDougal	[REDACTED] Elmore	[REDACTED]
Michelle Simmie	[REDACTED] Elmore	[REDACTED]
Jos Sullivan	[REDACTED] Strong	[REDACTED]
Heather Acocks	[REDACTED] Rochester	[REDACTED]
Kylie Taylor	[REDACTED] Elmore	[REDACTED]
Kess MacCallum	[REDACTED] KAMAROOKA	[REDACTED]
Bree McLeod	[REDACTED]	[REDACTED]
Nicole O'Sullivan	[REDACTED] Elmore	[REDACTED]
Chloe Whitfield	[REDACTED] Hunter 3558	[REDACTED]
Kylie Gardam	[REDACTED] Elmore 3558	[REDACTED]
Nadelle Gault	[REDACTED] Elmore 3558	[REDACTED]
Rebecca Henke	[REDACTED] Elmore VIC 3558	[REDACTED]
Tara Milson	[REDACTED] Geelong	[REDACTED]
Elie Hays	[REDACTED] Elmore	[REDACTED]
Sharon Robson	[REDACTED] Lockington	[REDACTED]

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Name {Please Print}	Address {Please Print}	Signature
LISA GISSON	[REDACTED]	[REDACTED]
Kris Rehman	[REDACTED]	[REDACTED]
Nathan Kavanagh	[REDACTED] Echuca	[REDACTED]
Brett Brashaw	[REDACTED] Bannockburn	[REDACTED]
JACOB KAVANAGH	[REDACTED] BARMAN	[REDACTED]
Susan Scholke	[REDACTED] Embleton	[REDACTED]
Kevin Hays	[REDACTED] FIMPRE	[REDACTED]
Brendan Pether	[REDACTED] Diamond	[REDACTED]
Lisa Day	[REDACTED] Ramsey	[REDACTED]
Andrew Alford	[REDACTED] Lancefield	[REDACTED]
Emma Wapman	[REDACTED] Gabor 3552	[REDACTED]
Michelle Allen	[REDACTED] Camp, 3559	[REDACTED]
Kaylene Pinner	[REDACTED] Wendore 3510	[REDACTED]
Joy Nelson	[REDACTED] Elmore 3558	[REDACTED]
Daryl Dobell	[REDACTED] Elmore 3555	[REDACTED]
Nigel Daxen	[REDACTED] Elmore 3558	[REDACTED]
Benny Whiffles	[REDACTED] Elmore 3558	[REDACTED]
Donna Carnegie	[REDACTED] Tennyson 3572	[REDACTED]
Hamish McCormick	[REDACTED] Elmore 3558	[REDACTED]



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Name (Please Print)	Address (Please Print)	Signature
Emily Giffin	[Redacted] 3558 Hunter	[Redacted]
LES SIMPSON	[Redacted] ELMORE	[Redacted]
LIZ TAYLOR	[Redacted] ELMORE	[Redacted]
Kane Cornell	[Redacted] Elmore	[Redacted]
Jess Harney	[Redacted] Elmore	[Redacted]
Anna Greene	[Redacted] Hunter 3558	[Redacted]
Kevin Stevens	[Redacted] Elmore	[Redacted]
Lorraine Swift	[Redacted] Long Gully	[Redacted]
J. TIMMINS	[Redacted] ELMORE	[Redacted]
K. Harris	[Redacted] ELMORE	[Redacted]
K. A. Vard.	[Redacted] Almore	[Redacted]
C. KOON	[Redacted] Elmore	[Redacted]
M. DAVIES	[Redacted] Elmore	[Redacted]
John McDonald	[Redacted] ELMORE	[Redacted]
Albany McHugh	[Redacted] Elmore	[Redacted]
Beth Graham	[Redacted]	[Redacted]
Kristy Nihill	Runnymede	[Redacted]
Jess O'Brien	[Redacted]	[Redacted]
Danise Dalton	[Redacted]	[Redacted]
Wendy McCormick	Dungee	[Redacted]

Catherine Gidman [REDACTED] Windsor 3181 [REDACTED]  
 Tina Power [REDACTED] Drvaker [REDACTED]  
 Ian Fraumber [REDACTED] Folkestone  
 RAAMAN EBERY [REDACTED] ELMORE  
 Paul Mossall [REDACTED] Elmore  
 Sarah Taylor [REDACTED] Elmore  
 Carmel Hay [REDACTED] Elmore  
 C WARREN [REDACTED] Elmore  
 W TROUWING [REDACTED]  
 Bella Adams [REDACTED] Elmore  
 Jay Worne [REDACTED] Elmore  
 PHIL MACE [REDACTED]  
 Carolyn Tuohy [REDACTED] Toolleen  
 Alicia Jenner [REDACTED]  
 LEON SCADDEN [REDACTED] Elmore  
 Nathalie Brown [REDACTED] Elmore  
 FRAN O'SULLIVAN [REDACTED] ELMORE  
 Helen Kneebone [REDACTED] Elmore  
 Jodie Taylor [REDACTED] Elmore  
 MICHELLE COTCHIN [REDACTED] ELMORE  
 TISH SERPELL [REDACTED] Bamfurn  
 Shae McDougal [REDACTED] Elmore



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Name (Please Print)	Address (Please Print)	Signature
Denise Nihill	[REDACTED] Elmore	
Celie Nihill	[REDACTED] CARNEGIE	
Barry Nankervis	[REDACTED] Golden Square	
Susie Nankervis	[REDACTED] Golden Square	
Andrea Moore	[REDACTED] Longlee	
MEUSA WEEKLEY	[REDACTED] REDCLIFFS VIC 3304	
Butcher + Kate	[REDACTED] Elmore	
Dr. M. CARBON	[REDACTED] Elmore	
CATHERINE WATSON	[REDACTED] Lockington	
DOUG ROULSTON	[REDACTED] Elmore	
LAURIE CRISP	[REDACTED] Elmore	
Dossal Wicks	[REDACTED] Rochester	
Renee Angus	[REDACTED] Elmore	
DON CRICELLI	[REDACTED] Elmore	
Mitch Cricelli	[REDACTED] Elmore	
JACK HAYES	[REDACTED] Elmore	
Bryce Niven	[REDACTED] Elmore	
Joe Harney	[REDACTED] Elmore	
Tom Harney	[REDACTED] Elmore	

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Name (Please Print)	Address (Please Print)	Signature
Gavin Kyle	[REDACTED] Geornong	[REDACTED]
SUE LOCKE	[REDACTED]	[REDACTED]
Fiona Cdeno	[REDACTED] Rochester	[REDACTED]
Kerry Giorgianni	[REDACTED] Ramawn	[REDACTED]
ANDREW JARVIS	[REDACTED] ROCHESTER	[REDACTED]
M. SHARKEY	[REDACTED] Darneden	[REDACTED]
D. Kennedy	[REDACTED] Toolleen	[REDACTED]
H Grogan	[REDACTED] Elmore	[REDACTED]
J Weeks	[REDACTED] ELmore	[REDACTED]
J. PALMER	[REDACTED] ELmore	[REDACTED]
J Woods	[REDACTED] Elm ore	[REDACTED]
A Todd	[REDACTED] Elmore	[REDACTED]
W. cotchin	[REDACTED] Elmore	[REDACTED]
A. Richardson	[REDACTED] Elmore	[REDACTED]
P Jones	[REDACTED] Caunt	[REDACTED]
S. Perrie-John	[REDACTED] Elm	[REDACTED]
J YOUNG	GOGBURNABIN	[REDACTED]
J. Phelen	[REDACTED]	[REDACTED]
T. McCahon	[REDACTED] Huntly	[REDACTED]

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Name (Please Print)	Address (Please Print)	Signature
Jacqui Fabbi	Burnswang	
Anne McEvoy	Colbinabbin	
D. MacDONALD		
Ceri Sands	Rochester	
G Palmer	Elmore	
Maria Rosa	Elmore	
Alan Heywood	Elmore	
RHONDA WALKER	ELMORE	
Timothy Barrett	Gobarup	
ORRATIP CHIMWANGA	Geelong 3651	
Kelli Gordijn	Elmore	
LES STAPPS	ROCHESTER	
Wendy	Elmore	
PER ARNOLD	MOAMA	
Michelle Medenilla	Elmore Medical Practice	
Paige Catchin	elmore	
Rosie Aschenbrenner	Elmore	
Southam	Elmore	
M. Mullane	Elmore	

# Petition

## Maternal and Child Health Services for Elmore and surrounds Residents.

**Contact Person:** Kathy Tuohey

Elmore Primary Health

Address: 46-48 Jeffrey Street, Elmore

Email: kathytuohey@bchs.com.au

We the undersigned residents and rate payers of Greater Bendigo City Council formally request council to reinstate the Maternal and Child Health (MCH) Service in Elmore.

The MCH Service is currently inaccessible to members of our community due to the recent closure of the Elmore centre, as the nearest centre is now over 30km away. Parents have been unable to attend appointments due to the travel distance, lack of transport and personal circumstance. This service needs to be returned to Elmore to ensure the health and development of our young children.

Name (Please Print)	Address (Please Print)	Signature
Nadelle	[REDACTED] Elmore	[REDACTED]
Aaron Taylor	[REDACTED] Elmore	
Lesley Hanna	[REDACTED] Elmore	
Corrina Messfelt	[REDACTED] Elmore	
Monique McHugh	[REDACTED] Elmore	
Jodie Taylor	[REDACTED] Elmore	
Honnie Lonsdale	[REDACTED] Elmore	
Mary Osborn	[REDACTED] Elmore	
NATHAN LAWLER	[REDACTED] Elmore	
Pip Rynshaw	[REDACTED] Elmore	
Michelle Simmie	[REDACTED] Elmore	
Helen Tuohey	Moama	
Samantha Stanford	Rochester	
Hez Maroney	Rochester	



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Name (Please Print)	Address (Please Print)	Signature
Daisy Acock	[REDACTED]	
Maiala Linford	[REDACTED]	
Sandra Holdahan	[REDACTED] Bagshot	
Leonie Gardlan	[REDACTED] Elmore	
ADRIAN BURNS	[REDACTED] ROCHESTER	
Sarah Ormston	Goornong, Vic	
Jodie Belz	[REDACTED]	
Kristiana	[REDACTED] Elmore	
Nadette Ginter	[REDACTED] elmore	
Megan Fiedler	[REDACTED] Elmore	
Nicole Sullivan	[REDACTED] Elmore	
Ross McKenna	ELMORE	
Aileen O'Sullivan	Goornong Vic	
DAVID ALLAN	ROCHESTER	
SCARON	ELMORE	

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Name {Please Print}	Address {Please Print}	Signature
G. BARNON	[REDACTED]	[REDACTED]
Jackie Brown	[REDACTED] Colbinabbin	[REDACTED]
Janet Good	[REDACTED] ELMORE	[REDACTED]
A. Melomay	[REDACTED] Elmore	[REDACTED]
q Newport	[REDACTED] ELMORE	[REDACTED]
W. Bowne	[REDACTED] Rochester	[REDACTED]
G. HARRIS	[REDACTED] ELMORE	[REDACTED]
Alan Rens	[REDACTED] FOSTERVILLE RD	[REDACTED]
D. Mohr	[REDACTED] Elmore	[REDACTED]
Lucinda Webb	[REDACTED] G Square	[REDACTED]
Joan Harry	[REDACTED] Tenniysa	[REDACTED]
KEVIN O'HARA	[REDACTED] DINGEE 3571	[REDACTED]
Colleen O'Hara	[REDACTED] Dingee 3571	[REDACTED]

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Email: [kathytuohey@bchs.com.au](mailto:kathytuohey@bchs.com.au)

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[illegible]

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Name (Please Print)	Address (Please Print)	Signature
Sophie O'Shannessy	[Redacted] Toolken	[Redacted]
Lyn Mitchell	[Redacted] Lockington Vic.	[Redacted]
NOEL MITCHELL	[Redacted] Lockington 3563	[Redacted]
Keely Jish	[Redacted] Toolken	[Redacted]
Lebicia O'Shannessy	[Redacted]	[Redacted]
Kathy Tuohey	[Redacted] Myola	[Redacted]
Macey O'Shea	[Redacted] Bendigo	[Redacted]
Laura O'Shea	[Redacted] Bendigo	[Redacted]
Monique White	[Redacted] Greenbank	[Redacted]
J. Tuohy	[Redacted] Myola	[Redacted]



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[illegible]

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Name (Please Print)	Address (Please Print)	Signature
E. Trewick	[REDACTED] Elmore	[REDACTED]
E. Hayes	[REDACTED] Elmore	
C. Frew	[REDACTED] Elmore	
J. MEANLEY	[REDACTED] Rochester	
A. Jenner	[REDACTED] Elmore	
N. Murray	[REDACTED] Elmore	
C. OLIVER	[REDACTED] Toolleen	
D. LEO.	[REDACTED] Lockington Vic	

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Email: [kathytuohey@bchs.com.au](mailto:kathytuohey@bchs.com.au)

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[illegible]

**Contact Person:** Kate Fletcher  
Address: 113 Hervey St Elmore  
Email: kate.mcmaster@hotmail.com

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[illegible]

## 14. PRESENTATION AND MANAGING GROWTH

### 14.1. 113-133 Mollison Street, 106, 108 & 114 Williamson Street, Bendigo - Use and Development of the Land for a Residential Hotel and Associated Buildings and Works; Use of the Land to Sell or Consume Liquor; Reduction in Car Parking and Bicycle Facilities

Author	Daniel Strachan, Coordinator Planning
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

#### Summary/Purpose

Application details:	Use and development of the land for a residential hotel and associated buildings and works; use of the land to sell or consume liquor; reduction in car parking and reduction in bicycle facilities
Application No:	DU/290/2020
Applicant:	Spring Design & Development Pty Ltd
Land:	113-133 Mollison Street, 106, 108 & 114 Williamson Street, BENDIGO 3550
Zoning:	Commercial 1 Zone Road Zone 2
Overlays:	Design and Development Overlay 5 Parking Overlay 1
No. of objections:	3
Consultation meeting:	Not held. Consultation conducted through written exchange.
Key considerations:	Appropriateness of building form, design and height Adequacy of car parking Appropriateness of use and amenity impacts on locality Implications for structures with potential heritage status
Conclusion:	On balance, the proposal is acceptable to the Greater Bendigo Planning Scheme and it is recommended that a Notice of Decision to Grant a Permit be issued.

## **RECOMMENDATION**

That Council:

1. Pursuant to section 61 of the Planning and Environment Act (1987), issue a Notice of Decision to Grant a Permit for Use and development of the land for a residential hotel and associated buildings and works; use of the land to sell or consume liquor; reduction in car parking and reduction in bicycle facilities at 113-133 Mollison Street, 106, 108 & 114 Williamson Street, BENDIGO 3550 subject to the conditions at the end of this report; and
2. Make application to the Minister for Planning to apply an interim Heritage Overlay to the land at 106 Williamson Street, Bendigo (site of former Bendigo Timber Company) in such case that the City receives an application to demolish under the Building Act in advance of the gazettal of Planning Scheme Amendment C235.

## **Policy Context**

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 4 Presentation and managing growth
- Goal 6 Embracing our culture and heritage

## **Attachments**

1. Planning Assessment Report



**Attachment 1 - Planning Assessment Report - Mollison Street Council Report DU-290-2020****PLANNING ASSESSMENT REPORT**

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**Background Information**

This application was first received in May 2020 as a smaller proposal affecting the land at 113-133 Mollison Street and 114 Williamson Street only. Shortly thereafter, the adjoining parcel of land at 106 to 108 Williamson Street was also acquired. The applicant requested that the application be held in abeyance to reconsider the scope of the proposal.

An amended application incorporating the whole of the site (as per the present application) was received in September 2020.

Following a request for further information in relation to the modifications, the application was again amended in December 2020 to form the application that is presently under consideration. In particular, the changes made under the December amendment introduced some critical design elements including weather protection and further treatment to the Williamson Street building presentation in order to address City officer feedback.

It is of particular relevance that this application has been referred to Council for determination rather than the Statutory Planning Delegated Panel (the Panel), as would be usual practice for an application with 6 or less objections under the s.6 Instrument of Delegation.

The Terms of Reference for the Panel includes as its function *inter alia*:

- To refer to the Council for decision, a planning application where agreement for approval cannot be reached, or the Panel believes the application to be of significant community interest to the Council.

The Panel has therefore referred this matter to Council as it believes “*the application to be of significant community interest to the Council*” given that Council has adopted the Bendigo City Centre Heritage Study. The application under consideration implies outcomes for the building at 106 Williamson Street that would be inconsistent with the objectives sought by the Bendigo City Centre Heritage Study, as discussed in this report.

**Report****Subject Site and Surrounds**

Given the angled boundaries of the site, for ease of description any references to elevations within this report will be simplified to:

- Mollison Street – North elevation
- Williamson Street – East elevation
- McLaren Street – South elevation
- (towards Mitchell Street – West elevation).

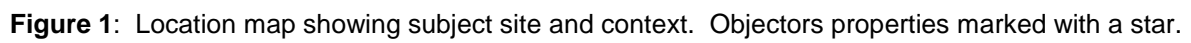
The subject site comprises two lots identified as 113-133 Mollison Street, and 106-114 Williamson Street, Bendigo. The site is bound by Mollison Street to the north, Williamson Street to the east, and McLaren Street to the south. There are existing commercial buildings to the west of the site, facing Mollison and McLaren Streets. The area of the site is in the order of 10,000 square metres, being a substantial development area for the Bendigo City Centre.

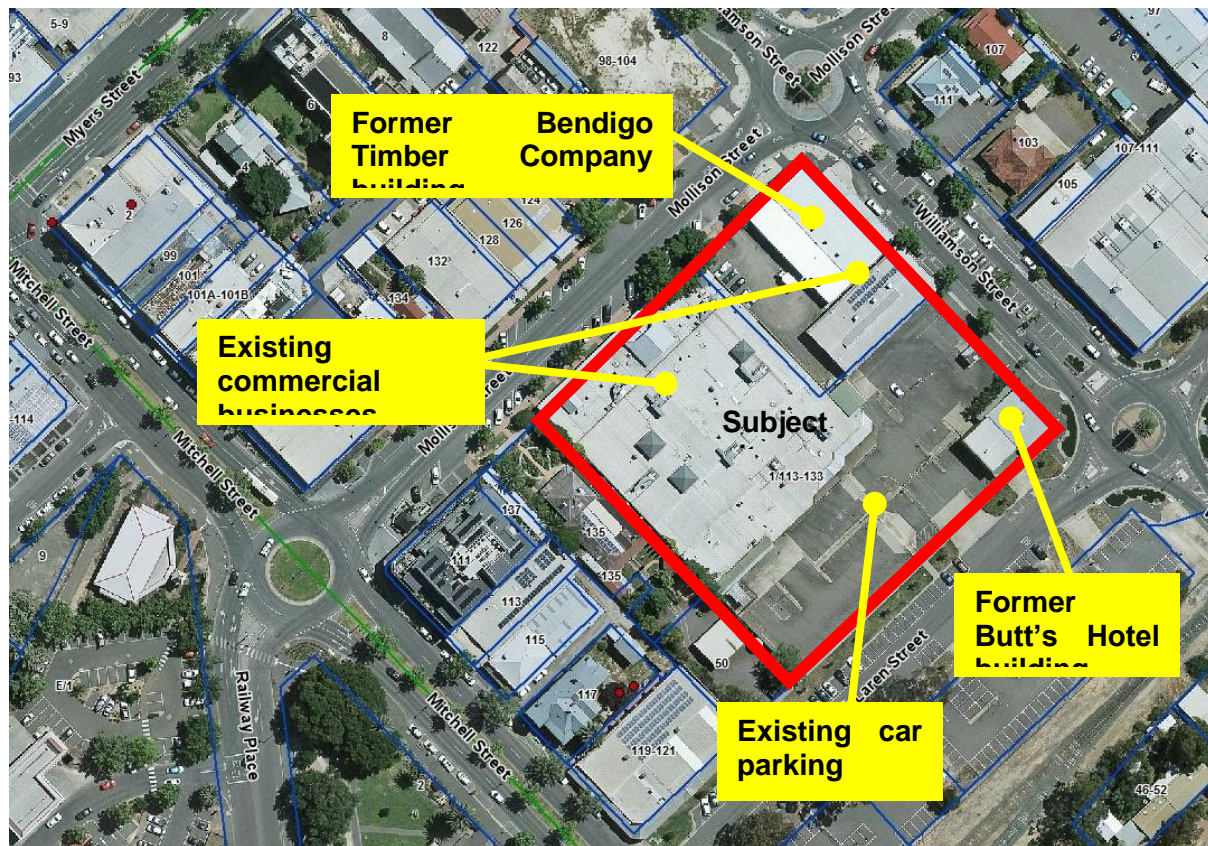
The site slopes downwards at a moderate grade from McLaren Street to Mollison Street, with a fall of approximately 4.5 metres across the site at the greatest extent. The site contains a number of existing buildings and a sizeable car parking area. The larger building facing Mollison Street comprises a number of commercial tenancies. The buildings along Williamson Street include the building occupied by Forty Winks (known as the 'former Bendigo Timer Company building') occupying the corner, and the adjoining building occupied by Drummond Golf. The smaller stand-alone building at the eastern corner of McLaren Street (known as the 'former Butt's Hotel building'), is occupied by a specialist medical centre.

The land is zoned Commercial 1 Zone. Williamson Street is a Road Zone (Category 2). A discussion of other planning controls will follow. A zoning map showing the site location and surrounding context, along with objecting properties, is provided at Figure 1. A corresponding aerial photograph is provided at Figure 2, with key site features marked.

Surrounding land to the north and west is primarily used for various commercial purposes. To the south of the land is the rail line, with a formalised car park abutting the rail land which is accessed off McLaren Street. Properties to the east of the site are also predominantly commercial, some being accommodated within former dwellings. There are some residences further east along Mollison Street as the zoning transitions to Mixed Use.

Of some relevance is the land directly opposite the subject site on the corner of Mollison and Williamson Streets, which is presently vacant. A planning application on that site for a large scale residential hotel (DU/274/2020) was considered by Council at its Ordinary Meeting of 19 April 2021, where a Notice of Decision to Grant a Permit was issued. Adjoining that site (and hence opposite the subject site) are a number of significant heritage buildings known as the 'Bush's Store complex'.





**Figure 2:** Aerial photo subject site and context. Key site features shown.

## Proposal

The planning application seeks approval for the use and development of the land for a residential hotel complex. The proposal is significant in scale for the Bendigo City Centre, effectively occupying more than half a city block and taking in three street frontages.

The application proposes the following key functions for the use of the land:

- A Residential Hotel<sup>1</sup> with 202 rooms;
- Ancillary internal spaces including reception area, conference/function centre, restaurant, bar, and outdoor (rooftop) swimming pool;
- Six retail premises (external facing);
- Food and drink premises (external facing).

The above elements requiring permission for use will be discussed within the report.

From a built form perspective, the proposal would see the construction of a number of buildings across the site with the following key features:

- A four-storey building facing Williamson Street ('Hotel Building 2'), with a maximum height of 17.85m. This building will house the reception area on the ground floor and will be served by a porte cochere facing Williamson Street. The building will be set

<sup>1</sup> Defined as: *Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*

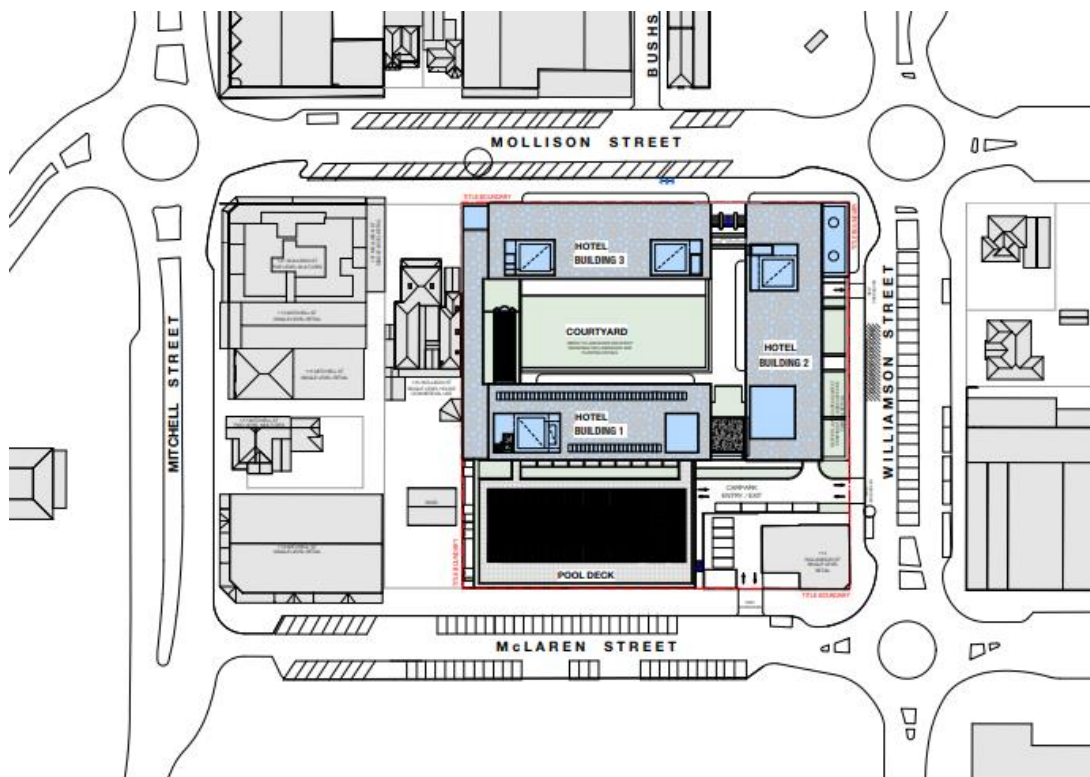


back from Williamson Street to accommodate the porte cochere, aside from the section at the corner of Williamson and Mollison Streets which will have a 'zero setback' to both street boundaries. This corner building is proposed to contain one of the food and drink premises.

- A four-storey building of similar scale and style will face Mollison Street ('Hotel Building 3'), with a maximum height of 17.37m. This building will additionally contain six retail spaces on the ground floor and a food and drink premises at the western end. This building would link to the Williamson Street building via a glass airbridge.
- A centrally-positioned six-storey building with a height of 19.43m ('Hotel Building 1'), with an adjoining central glass stairwell structure reaching 22.8m. This building would house the function centre, spread across a number of spaces.
- All three main buildings are to be separated by a large landscaped courtyard area at the centre of the site, intended to be a key feature of the proposal.
- A multi-storey parking structure is proposed to adjoin McLaren Street, with a rooftop pool area and gymnasium. Access would be derived from Williamson Street. Beyond the parking structure would exist some back-of-house functions, such as loading bays and storage/collection areas for waste.

The former Butt's Hotel building on the corner of Williamson and McLaren Streets will be retained on the site and will continue to be used in its current fashion. However, all other structures (including the former Bendigo Timer Company Building) are intended for demolition.

A selection of plans of the proposal are as follows.



**Figure 3:** General layout plan.

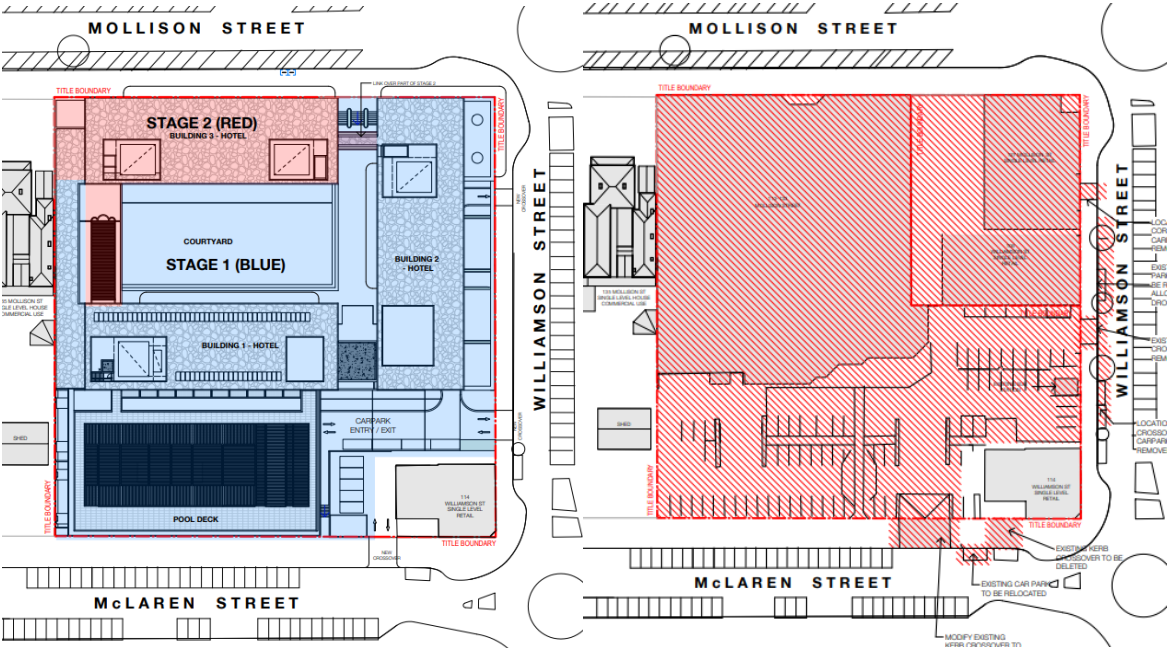


Figure 4: Staging plan (left) and Red Line plan (right)

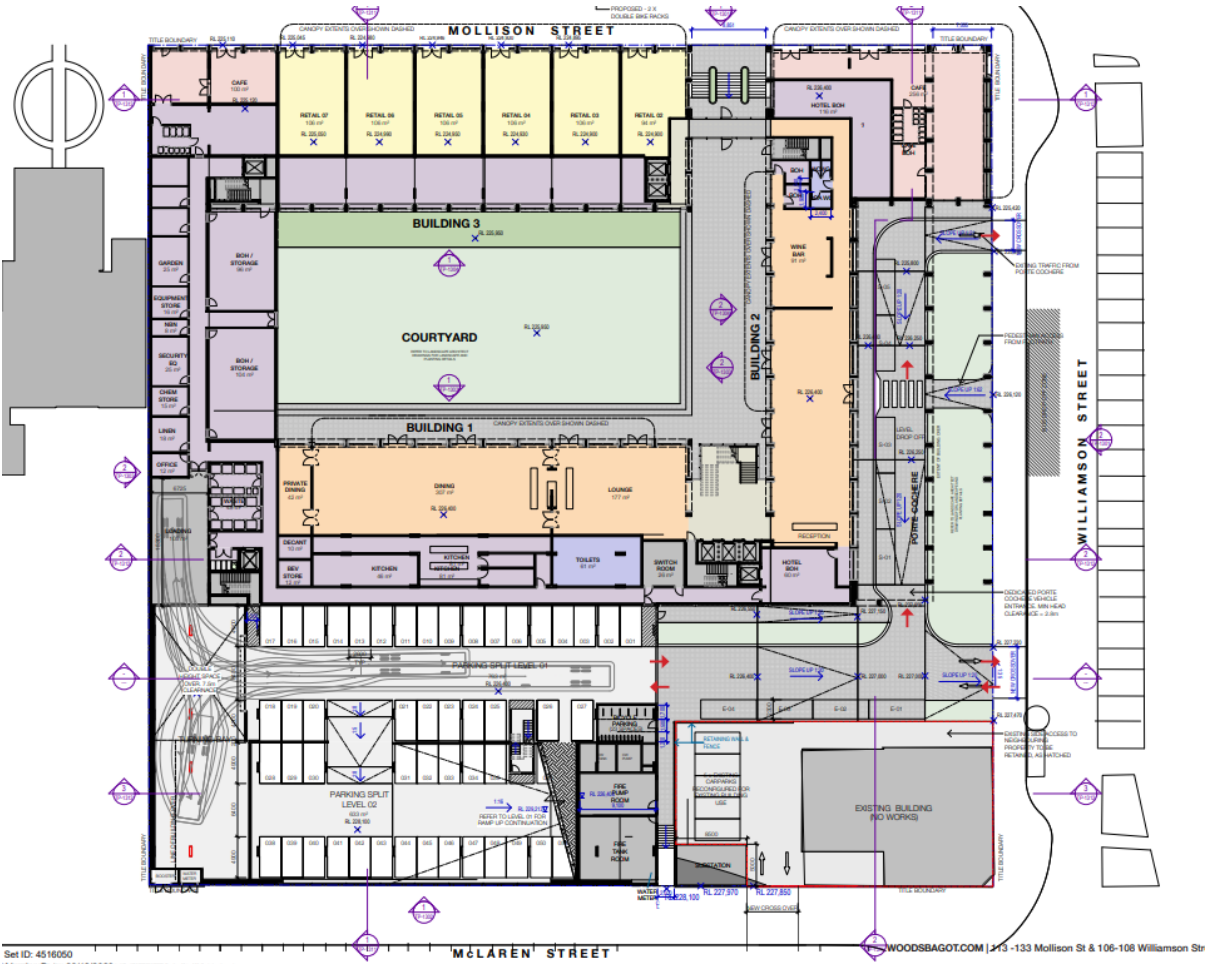


Figure 5: Ground floor plan.





Figure 6: First floor plan.



Figure 7: Second floor plan.



Figure 8: Third floor plan.

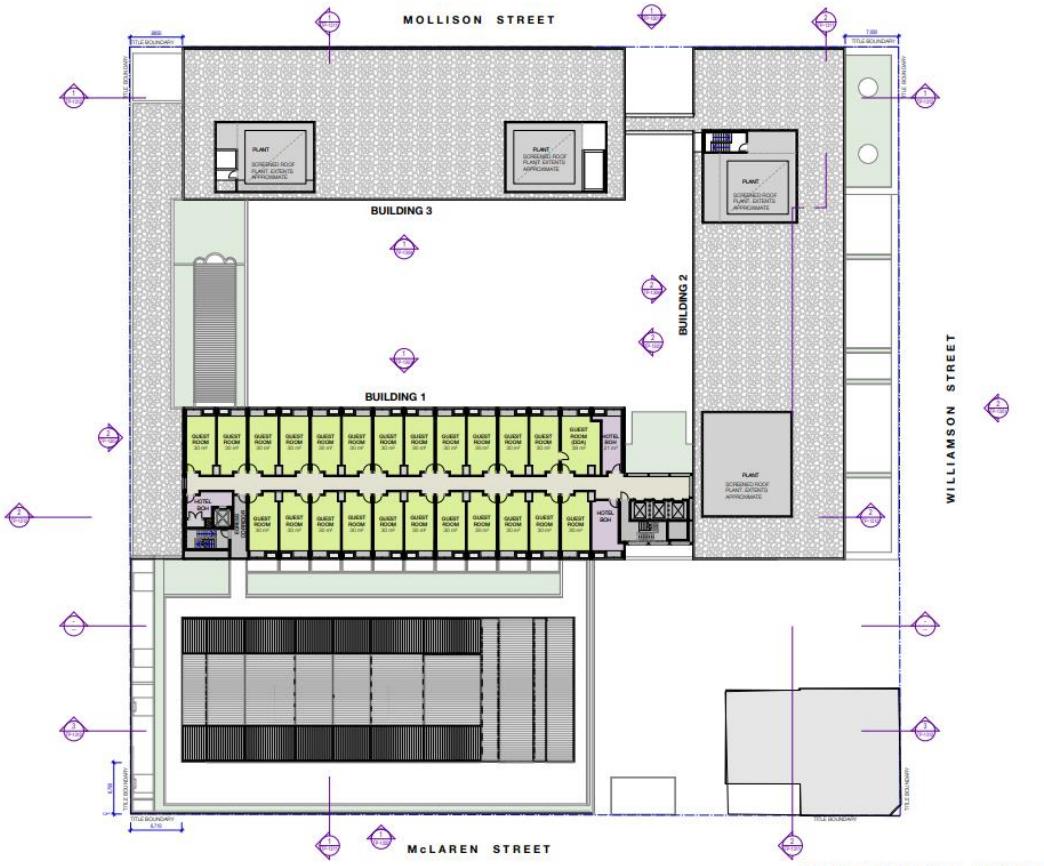
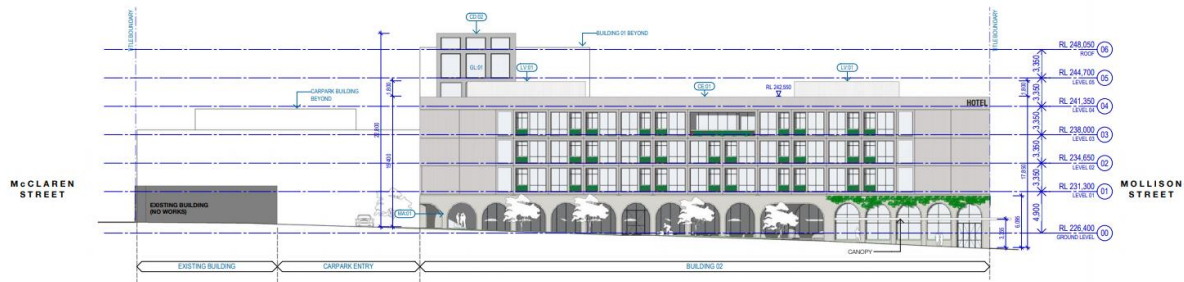


Figure 9: Fourth floor plan.

(For expediency, remaining floors/roof detail not included in this report and are generally a repeat of the fourth floor layout.)

Due to the level of detail in the plans, a sample building elevation is provided below (Williamson Street (east) elevation). Perspectives drawings are provided in place to assist with interpretation of the proposal.



**Figure 10:** East elevation.



**Figure 11a:** North perspective (aerial and street level)



View South up Mollison Street  
taken from the corner of  
Williamson and Mollison Street



**Figure 11b:** North perspective (aerial and street level)



**Figure 12a:** East perspective (aerial and street level)



View West up McLaren Street  
taken from the corner of  
Williamson and McLaren Street

**Figure 12b:** East perspective (aerial and street level)

### Aerial Massing South



**Figure 13:** South perspective (aerial)

### Aerial Massing West



**Figure 14:** West perspective (aerial)



## Planning Controls

Key planning scheme clauses relevant to the assessment of this application are summarised below. A detailed assessment will follow in the subsequent section of the report.

### ***Planning Policy Framework (PPF)***

#### ***11.01-1S Settlement***

*The objective is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

#### ***11.01-1R Settlement – Loddon Mallee South***

*Relevant strategies include to:*

- Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.*
- Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.*

#### ***15.01-1S Urban Design***

*The objective is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

#### ***15.01-2S Building Design***

*The objective is to achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

#### ***15.02-1S Energy and Resource Efficiency***

*The objective is to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

#### ***15.03-1S Heritage Conservation***

*The objective is to ensure the conservation of places of heritage significance.*

#### ***18.02-1S Sustainable Personal Transport***

*The objective is ‘to promote the use of sustainable personal transport’, with strategies including as relevant to the application:*

- Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
- Ensure provision of bicycle end-of-trip facilities in commercial buildings*



## 21.07 Activity Centres

*Central Bendigo is recognised as the most important retail and commercial centre for northern and central Victoria. It is Greater Bendigo's primary employment area, providing a full City centre Bendigo City Centre range of higher order commercial, retail, visitor, social, civic, cultural, tourist and entertainment activities.*

*The Bendigo CBD Plan articulates a vision of creating a colourful, vibrant and exciting place. Key objectives for achieving this vision include the following:*

- To strengthen the principal and diverse roles of the Bendigo City Centre within the activity centre hierarchy by providing regional level commercial, retail, visitor, social, civic, cultural, tourist and entertainment activities.*
- To facilitate development in the Bendigo City Centre which creates a colourful, vibrant and exciting place.*
- To identify opportunities for further development and facilitate new types of development in the Bendigo City Centre.*

*One key strategy within this section is:*

- Support office, residential and tourist accommodation in appropriate locations within the Bendigo City Centre.*

## 21.08 Environment

### *Heritage Overview*

*Greater Bendigo has a large number of significant heritage assets of local, state and national significance. There are buildings, sites and precincts dating from all decades of post-contact settlement since the 1850's, following the discovery of gold, throughout the municipality. The total complex of buildings, infrastructure, urban spaces and natural resources represent the most significant asset and resource in central Victoria. Heritage is an important part of the economy of the municipality due to its role in attracting tourists, renovators and new residents who bring economic development initiatives and assets. Greater Bendigo's heritage is of outstanding historical, social, aesthetic, architectural, and scientific significance according to the Statement of Significance in the Greater Bendigo Thematic Environmental History, 2013.*

*The objective is:*

- To identify and protect heritage places with Aboriginal and historical cultural value as well as natural value.*
- To protect and enhance the municipality's heritage for future generations.*
- To encourage the appropriate reuse of heritage buildings.*
- To encourage compatible development adjacent to heritage places and features.*

## 21.09 Integrated Transport and Infrastructure

### *Walking and Cycling Overview*

*Council's adopted Connecting Greater Bendigo Integrated Transport and Land Use Strategy is focused on prioritising active transport over private vehicle transport. Improving connections between walking and cycling paths, activity centres and the city centre will enable more people to comfortably travel through the municipality by walking or cycling. There are substantial health and wellbeing improvements to be gained by*

*residents choosing to use active transport at least some of the time. A priority is to increase the number of residents and visitors who walk or cycle at least one day a week to work, study or school.*

*The objective is to increase the number of residents and visitors who walk or cycle.*

#### 21.10 Reference Documents

- *Commercial Land and Activity Centre Strategy, November 2015 (updated January 2017)*
- *Bendigo CBD Parking Strategy, October 2008*
- *Bendigo CBD Plan: New Visions, New Opportunities, 2005*

### **Policies**

#### 22.10 Environmentally Sustainable Development

*The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

*In the context of this policy best practice ESD is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build.*

*The provision requires the preparation of Sustainability Management Plans for larger scale developments.*

#### 22.27 Licences Premises

*This Policy assists to give local expression to the statewide liquor provisions at Clause 52.27 of all Victorian planning schemes.*

*The objectives of the Policy include:*

- *To manage the future and existing development of licensed premises within the City of Greater Bendigo.*
- *To define the Entertainment Precinct and manage future and existing development.*
- *To manage the location, patron capacity and hours of operation of licensed premises to protect the amenity of surrounding areas.*
- *To reduce the incidence of anti-social behaviour and the subsequent impact on the amenity of the area.*

### **Zone**

#### 34.01 Commercial 1 Zone

*The purpose of the Zone is:*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

#### 36.04 Road Zone

*The purpose of the Zone is:*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant existing roads.*
- *To identify land which has been acquired for a significant proposed road.*

### **Overlays**

#### 43.02 Design and Development Overlay – Schedule 5

*The purpose of the Overlay is:*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

*Specifics of Schedule 5 discussed throughout this report*

#### 45.09 Parking Overlay – Schedule 1

*The purpose of the Overlay is:*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

*The parking objectives set out in the schedule are identified as:*

- *To provide car parking in the Bendigo City Centre that promotes a vibrant and efficient use of urban space, encourages sustainable transport options and reflects the conditions, opportunities and needs of the area.*
- *To provide future parking through a combination of on-site and off-site parking, with preference for the provision of off-site public parking facilities in strategic locations.*
- *To provide for the collection of financial contributions to contribute to the construction of public car parking facilities.*
- *To implement sustainable transport initiatives which reduce demand for parking within the precinct.*

### **Particular Provisions**

#### 52.06 Car Parking

*The purpose of the provision is:*

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

### 53.06 Live Music Entertainment Venue

The purpose of the provision includes (inter alia):

- To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
- To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
- To ensure that the primary responsibility for noise attenuation rests with the agent of change

The clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue.

### Permit Triggers

The need for a planning permit is triggered by the following clauses:

<b>Commercial 1 Zone</b>	34.01-1	A permit is required to use the land for a Residential Hotel, being a Section 2 Use.
	34.01-4	A permit is required to construct a building or construct or carry out works.
<b>Design and Development Overlay (Sch. 5)</b>	43.02-2	A permit is required to construct a building or construct or carry out works. The schedule (Schedule 5) does not provide any specific exemptions.
<b>Car parking</b>	52.06-3	A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
<b>Licenced premises</b>	52.27	A permit is required to use land to sell or consume liquor.
<b>Bicycle facilities</b>	52.34-2	A permit is required to vary, reduce or waive any requirement of the broader provision

Planning permission for the display of signage is not sought through this application and would likely form the basis of a separate application.

For clarity, a permit is not presently required under the Heritage Overlay, although two structures on the land (the former Butt's Hotel building and the former Bendigo Timber Company building) are currently identified for inclusion within the Heritage Overlay as part of Planning Scheme Amendment C235. The former Bendigo Timber Company building is intended for demolition. This will be discussed further within the report.

## **Consultation/Communication**

### **Referrals**

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

Internal Referral	Response (summarised)
Heritage Advisor	<p><b>Not supported</b> based principally on the intended demolition of 106 Williamson Street:</p> <ul style="list-style-type: none"> <li>“The proposed demolition of the former Bendigo Timber Company showroom is not supported. The building has been identified as significant and, until the Panel review process is complete, is considered to be significant. The question may be revisited if the Panel does not find sufficient significance to meet heritage criteria, but until that point, demolition is not supported.”</li> </ul> <p>Some concerns about treatment of former Butt’s Hotel building.</p>
Engineering – Traffic	<b>Supported</b> subject to conditions
Urban Design Advisor	<b>Supported</b> subject to conditions
Engineering – Drainage	<b>Supported</b> subject to conditions
Environmental Sustainable Design	<b>Supported</b> subject to conditions, including modifications to plan (to comprise Condition 1 of any permit granted.)
Parking & Animal Control	<b>Supported.</b> No conditions.
RSD – Strategy	<b>Supported.</b> Response notes alignment of the proposal with the Bendigo City Centre Plan 2020 and Parking Futures Action Plan.
Environmental Health	<b>Supported.</b> Conditions and notes recommended for inclusion on permit.
Active and Healthy Environments	<b>Supported,</b> subject to conditions
External Referral	Response (summarised)
Department of Transport (s.55 – Determining)	<b>Supported.</b> Conditions required for inclusion on permit.

### Public Notification

The application was advertised by way of:

- Three (3) notices on the site (being one per each street frontage);
- Direct notice to adjoining and nearby owners and occupiers;
- A notice in the Bendigo Advertiser, due to the scale of the proposal.



As a result of advertising, three (3) objections were received, with the key grounds of objection summarised as follows (in no particular order):

- Lack of adequate car parking
  - Concerns about statutory or discretionary rates being applied in calculations of demand
  - Impact on City Centre of any overflow
  - Impact of any overflow on other nearby developments
- Building height
  - Concerns about relationship to surrounding context
  - Overshadowing of streets
  - Setback of higher structures sought
  - Inconsistency with Bendigo City Centre Plan 2020 with respect to height
- Heritage impacts
  - Proposed demolition of 106 Williamson Street, identified in Bendigo City Centre Heritage Study for application of the Heritage Overlay
  - Height limits within the DDO5 and impact on heritage – failure to properly consider DDO5
- Inactive frontages (McLaren Street) – concerns regarding extent of inactive car parking structure at ground floor and impacts on public realm
- Lack of rooms and car parking facilities for disabled patrons
- Shadowing/shading impacts on adjoining property

The objections are discussed below as part of the planning assessment.

In-person consultation was not conducted due to the small number of objections received and the nature of the objections being such that a mediated outcome would be unlikely. However, the applicant prepared a 'response to objections' document, which was circulated to objectors. No further comments were received from objectors.

## **Planning Assessment**

A review of the application and associated permit triggers reveals the following key assessment issues for the application:

- Whether the proposed use is appropriate, and any impacts arising from the intended use;
- Whether the built form and design response appropriately address the objectives of the Planning Scheme and the context of the site;
- Whether the access and car parking arrangements are satisfactory to the Planning Scheme;
- Is the site appropriate for the sale and consumption of liquor, and what conditions or restrictions should apply?

These central issues will be discussed in turn, followed by a response to any outstanding issues raised through objections.

Separate from the planning assessment, but requiring discussion, is the question of *what consideration should be given to the intended demolition of the former Bendigo Timber Company building (as a candidate for inclusion in the Heritage Overlay)?* This will be discussed as a related matter at the conclusion of the main planning assessment.

### ***Is the site suitable for the intended use?***

The use of the land for a Residential Hotel is a Section 2 Use in the Commercial 1 Zone given the extent of that use at ground floor level. This definition includes the function centre component. The retail and food and beverage components of the proposal do not require permission for use. The assessment of 'use' is therefore focused on the suitability of the site for a Residential Hotel and the planning consequences of such a use in this locality.

While the site occupies a somewhat more peripheral location in the City Centre, the site is very well served by public transport and is highly accessible on foot. The Bendigo Railway Station is only 5 minutes on foot and two bus routes traverse Williamson Street.

The site is surrounded on three sides (west, north and east) by other commercial activities. By virtue of zoning, the Scheme anticipates and encourages a variety of commercial land uses.

Importantly, the proposal intends to provide street-level activation through the inclusion of retail establishments and food and drink premises that will support the residential hotel use. The Mollison Street and Williamson Street frontages in particular will be well-activated streetscapes. The use of the land for large-scale accommodation will additionally lend to activation of the broader precinct through additional pedestrian movements and customers for existing and future businesses.

In summary, the introduction of a more intensive use such as a Residential Hotel will respond well to the Scheme's aspirations for an active and vibrant City Centre. The Scheme gives no reason not to support the proposed use of the land for a Residential Hotel in principle. Consequential issues, such as car parking and site access, will be discussed further in this report.

### **Noise considerations**

The site is somewhat advantaged in its location by being generally separated from residential uses, however, there are a number of residences within 50 metres of the boundary of the site.

The application material included a detailed acoustic assessment by Marshall Day Acoustics, which was reviewed by the City's Environmental Health officers and deemed acceptable. A condition has been recommended for inclusion on any permit issued requiring post-construction reassessment of noise impacts to ensure that the final built form would be able to comply with the obligations of State Environment Protection Policy, Control of Music Noise from Public Premises No. N-2.

It is noted that the area noted as 'Function Room' on the plans is the only space likely to have amplified music in the form of DJ's, live music events and the like. The outdoor spaces are proposed to have 'background noise' only and given the context of the site it is considered appropriate to place a condition on the permit to this effect.

It is to be noted that the proposal intends on constructing an acoustic wall along the western boundary to address the issue of potential noise spill to the west of the site.

The application was publicly advertised and no objection was received in relation to potential noise generation.

***Does the built form and design response appropriately address the objectives of the Planning Scheme and the context of the site?***

**General Design Summary**

A number of meetings and communications took place with the applicant around detailed design elements before and during the formal application process. These detailed design elements included materiality, articulation, presentation to the public realm (such as setbacks) and design of a weather protection canopy. A modified proposal was lodged in December 2020 (forming the basis of the present application), which has sought to address the identified design issues.

These changes, coupled with the further modifications required by the recommended conditions of approval, have been assessed as responding well to the Planning Scheme. The overall package will result in the introduction of a series of contemporary structures to a section of the Bendigo City Centre that has historically been less active than other precincts. Whilst of substantial proportions, the development is not likely to detract from surrounding structures and through its detailed and unique design will likely become its own point of visual interest. The application is considered to adequately address the Design and Development Overlay – Schedule 5 height objectives despite exceeding the nominated height targets. The site benefits from having few constraints, and the additional height is well distributed across the site.

It is the summary assessment of officers that the proposal presents an acceptable design having regard to the Planning Scheme controls in play. A detailed assessment against the Design and Development Overlay follows.

**Design and Development Overlay**

The site is covered by the Design and Development Overlay (Schedule 5) which has the following objectives:

- *To allow for increased development densities while ensuring that the heights of new buildings fit reasonably with Bendigo's character and protect the amenity of public spaces.*
- *To ensure the heights of new buildings are generally consistent with the 'low rise' character of the CBD while responding to substantial heritage buildings in some locations.*
- *To protect streets and other public spaces from overshadowing by new development.*

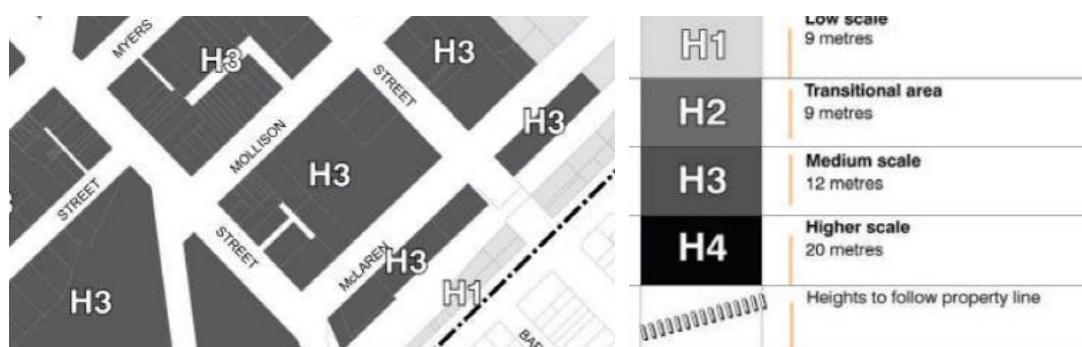
- *To ensure that the built form of new development contributes to the CBD's physical environment by controlling building front and side set backs.*
- *To promote active frontages to streets, walkways and public spaces.*
- *To ensure street spaces are safe, welcoming and provide weather protection for footpaths in the areas of highest pedestrian activity.*

The DDO5 'decision guidelines' are as follows:

- *Whether the proposal achieves excellence in architecture and urban design.*
- *Whether the proposal implements sustainable development principles.*
- *Whether the proposal enhances public and private amenity.*
- *Whether the proposal protects the development potential of nearby sites.*

The DDO5 contains specific requirements for managing the height of buildings in the City Centre as well as the provision of weather protection.

The site falls within a 'H3' Medium scale area, meaning preferred heights of 12 metres.



There are a number of proposed structures on site that would exceed this height, as follows:

Structure	Height above ground level	Departure from DDO5
Hotel Building 2 (Williamson Street)	17.85m	5.85m
Hotel Building 3 (Mollison Street)	17.37m	5.37m
Hotel Building 1 (Central building)	22.8m	10.8m
Car park/swimming pool (McLaren Street)	12.35	0.35

The slight departure from the DDO for the car parking structure is considered sufficiently small that it does not require detailed analysis. It is worth noting that McLaren Street is likely the 'least sensitive' of the streetscapes, with an open car park and a rail line opposite, and it is unlikely that the DDO objectives would be offended by this very slight departure.

It is clear that there is a market aspiration for higher structures, which has in part contributed to the review of the City Centre Plan in 2020 and future height controls. While that document does not have statutory weight, the legacy of multiple planning decisions in favour of higher buildings where context allows indicates that the DDO must be assessed flexibly on a case by case basis, not as a rigid determinant of height outcomes.

In the vicinity of the site and within the same height precinct under the DDO, 111 Mitchell Street (corner Mitchell and Mollison Streets) was approved in 2011 and constructed in recent years. The height to the top of the main roof is 15.5 metres, with a total height of 18.1 metres when including servicing and lift overruns. 103 Mitchell Street, approved in 2016, has a height of approximately 16 metres. More recently, Council has issued a Notice of Decision to Grant a Permit for a hotel on the opposite side of Mollison Street<sup>2</sup> with a height of 23.15 metres on – arguably - a more sensitive site given that site's adjoining heritage constraints.

Having regard for the *objectives* of the DDO5, the height controls are derived in part from the need to avoid overshadowing of public spaces. Against 'H3' the purpose of the 12 metres maximum height is:

*Any building above 3 storeys should set back upper levels to avoid overshadowing of public streets, laneways, parks or other open spaces at winter solstice.*

Shadow diagrams provided with the application indicate an acceptable level of overshadowing to the public realm at the winter solstice. The site is somewhat advantaged by its orientation, in that the majority of shadowing to the public realm would occur on McLaren Street. McLaren Street is not well used by pedestrians and is relatively inactive. It is considered unlikely to ever receive a significant increase in foot traffic, and the street has not been identified for any specific future public purpose. The land opposite the subject site is an open car park that adjoins the rail line. The overshadowing is additionally minimised through massing of the highest structures at the centre of the site.

In this regard, the increased height can be supported, as the intention behind the height control (ie. to limit overshadowing of the public realm) is found to be satisfactory.

While Building 2 and Building 3 have precedence for height within the precinct, Building 1 in the centre of the site is higher again (albeit marginally lower than DU/274/2020 on the opposite site). However, strong regard must be given to the actual impact for an observer at street level. Given the location of the structure at the centre of the site, an observer in either Mollison Street or Williamson Street would be unlikely to see the taller building to the rear. The observer in McLaren Street may see the taller structure, however it would be seated behind the existing buildings which assist to stagger the built form elements. (See street perspectives at fig.11 and fig.12 above). The site does not have any particular constraints that would give need to further restrain the height, and as has been discussed above the shadowing to the public realm would overwhelmingly be limited to McLaren Street.

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<sup>2</sup> Application reference DU/274/2020

Turning finally to the decision guidelines of the DDO5, it is noted that there is somewhat of a ‘disconnect’ from the control’s objectives. The proposition is not seen to offend any of the decision guidelines. As an observation, the decision guideline referencing ‘design excellence’ is considered very subjective and provides limited practical guidance for assessment. Notwithstanding, the design of the hotel has been developed by a highly reputable architectural firm. There has been strong regard given to the basis of the concept, with the planning application carrying evidence of considered theming and design outcomes so as to respond to context. The archway thematic, use of materials and building proportions have their genesis in existing Bendigo architectural styles.

Regarding the Williamson Street setback, this formed the basis of significant early discussions. The DDO5 seeks a ‘zero’ setback on all boundaries. The siting of the porte cochere makes practical sense, however could – if not carefully treated – serve to limit street activation along Williamson Street. The corner of Williamson and Mollison Streets is an important space and will be well activated though its use as a food and drink premises. To respond to the DDO5, a ‘false front’ has additionally been proposed along the length of Williamson Street which will assist with the integration of the porte cochere and hotel tower.

The application has proposed weather protection along the Mollison Street frontage and part of the Williamson Street frontage in response to the DDO5. This issue additionally formed the basis of formal requests for further information in the course of the application, however officers are satisfied with the design response for the weather awning and the extent of its interface with the public realm. For similar reasons as set out earlier, it is not considered that weather protection along McLaren Street is warranted due to its low pedestrian usage at present and also likely into the future. The extent of built form along McLaren Street is also limited to the car parking structure. There are no other examples of weather protection in McLaren Street and therefore a small extent of awning or other device projecting into that streetscape would likely appear discordant.

In summary, despite the specific controls within the DDO5 there does not appear be sufficient reason not to support the additional height. The elements of the DDO5 relating to street setback and weather protection are considered to have been satisfied.

#### Future strategic direction

In May 2020 Council adopted a revised City Centre Plan, which proposes a modified vision for existing planning controls by recommending increased height targets, amongst other aspirations.

It is noted that this document is effectively at an early stage and the Planning Scheme Amendment process has not yet commenced. Its status does not allow for detailed consideration, and little weight has therefore been placed on that document. However, for the purpose of acknowledging that document it is observed that:

- The proposition put forward by the present application does not offend the broader strategic direction that the City is seeking to pursue with respect to increased development density in the City Centre;



- The document's nominated height target for the subject site is 20m. Of the three main 'towers' proposed, the two buildings facing Mollison Street and Williamson Street would remain below this height. The third tower would also remain below this height, aside from the central stairwell structure which would attain a height of approximately 22.8 above ground level. Given that this is overall a very small component of the development, and additionally is set well back from all streets in the centre of the site, it is not considered that this element would be sufficient in its own right to offend the directions sought by the City Centre Plan.

***Are the car parking and access arrangements satisfactory to the Planning Scheme?***

Vehicle access

Primary vehicle access to the site will be from Williamson Street. Once entering the site, vehicles may proceed forward to the multi-storey car park, or immediately turn right into the porte cochere.

Vehicles exiting the site would use the main entry/exit. There is a separate exit for vehicles using the porte cochere, also on Williamson Street.

It is to be noted that Williamson Street is a Road Zone Category 2. Williamson Street also crosses the rail line beyond the south of the site.

A number of traffic issues were required to be worked through in the course of the application. In particular, consideration had to be given to the risk of vehicles queueing onto Williamson Street and affecting the safe flow of traffic. This could occur through congestion within the site itself, such as through exiting vehicles blocking the path of vehicles needing to enter the porte cochere, large delivery vehicles impacting the internal network, or all spaces within the porte cochere being occupied.

In general, the City's traffic engineers have supported the proposal, however require this issue to be properly addressed. It has therefore been recommended that amended plans be provided as a condition of approval that detail traffic treatments both internal and external to the site that minimise the risk of queueing. This could include a range of simple remedies such as direction signage, use of 'no stopping' zones and the like.

It is noted in passing that the former Butt's Hotel building will be separately accessed from McLaren Street, with its own separated car parking area. This is considered appropriate. The City's Heritage Advisor has recommended a landscape treatment for this space to lessen the visual impact of the hard-stand areas on the heritage site, which has been accommodated via condition.

Vehicle parking

As established, the application seeks permission to use the land for a number of purposes. For the purpose of the car parking, the Planning Scheme treats the various uses in different ways – either as a 'statutory rate' or as a 'satisfaction matter.'

The application was accompanied by a detailed traffic and car parking demand assessment. A summary of the anticipated demand and number of spaces provided is set out below.

Proposed Use	Number/Area	Parking Requirement/Demand	Parking Allocation	Shortfall
Residential Hotel	202 rooms/suites	162 spaces <sup>2</sup>	169 spaces <sup>2</sup>	None (7 spaces surplus)
Food and Drink Premises (Café)	350m <sup>2</sup>	12 spaces	3 staff spaces	9 customers spaces
Retail Premises (Shop)	624m <sup>2</sup>	21 spaces	6 staff spaces	15 customers spaces
<b>Total</b>		<b>195 spaces</b>	<b>178 spaces</b>	<b>24 spaces</b>

For clarity, the application proposes that the Residential Hotel component in the above table includes:

- The hotel accommodation;
- The function/conference facilities;
- Restaurant and bar.

The definition of ‘Residential Hotel’ is definitive in including the function facilities, however does not clearly include the restaurant and bar. Whilst there is some question over whether these uses are indeed ‘ancillary’ for the purpose of the car parking assessment, it is acknowledged that both of these spaces are internal to the hotel and would more likely be used in association with the hotel accommodation function. To compare, the other food and beverage uses directly address Mollison Street and are more likely to be used by external customers.

The rate for this Residential Hotel use is a ‘satisfaction matter’.

The traffic assessment has nominated a rate of 0.8 car spaces per room based on various factors. This rate is the same rate proposed for the purpose of the (already approved) hotel in the Hargreaves Mall<sup>3</sup>, which was independently peer reviewed for adequacy by an expert traffic firm. The circumstances of the two proposals are sufficient to find the proposed rate of 0.8 also satisfactory to this site.

In order to find this rate satisfactory, it is noted that a range of sustainable transport initiatives have been adopted including provision of bicycle and ‘end of trip’ facilities as set out under Clause 52.34 (to be separately discussed), as well as preparation of a Green Travel Plan (GTP). The GTP includes a variety of transport demand management measures that reduce peoples’ dependency on private vehicle trips. The site is advantaged by very close proximity to the Bendigo Railway Station (approximately 5 minutes on foot), and this is very likely to lead to reduced demand for car parking.

<sup>3</sup> Application reference DU/888/2019

It is important to note that the car parking demand assessment has been premised on a peak patronage of 180 customers using the function facilities. Built into this assessment is the assumption that a certain proportion of customers would already be staying at the hotel or may arrive by other means. An assessment of parking availability in the precinct indicates that any 'overflow' car parking can readily be accommodated in surrounding streets - ie. capacity is available based on the likely times of functions and events (predominantly evenings and/or weekends.) Furthermore, there is likelihood that many patrons of evening or weekend functions would also be guests of the proposed hotel or nearby hotels in the Bendigo City Centre and therefore would not generate an additional demand for car parking.

It is crucial to note that the assessment is considered 'satisfactory' contingent on the maximum number of customers (180) using the function facilities. This cap on patron numbers should therefore be set down as a condition on any permit issued to ensure that overflow parking is able to be managed and will not impact on other nearby businesses or the amenity of the precinct.

In terms of the food and drink premises and retail premises facing Mollison Street, the car parking calculation is a 'statutory rate.' There is an identified shortfall of 22 spaces.

In assessing whether this is appropriate, a range of matters need to be considered under the Parking Overlay and Clause 52.06 Car Parking of the Scheme. The context of the site and strong availability of alternative means of travel have already been discussed above. Also for consideration is whether there is an existing car parking deficiency associated with the current use of the land.

The car parking assessment undertaken with the application calculated that – if applying the current Planning Scheme car parking rates - the uses presently on site have an existing shortfall of approximately 50 car spaces that can be considered as a 'credit' for the proposed development. Based on the above, the proposed car parking shortfall for the proposed development (24 spaces) is well below the existing car parking deficiency.

Given these factors, the requested car parking reduction for the statutory component is also assessed as acceptable.

### Green travel

A Green Travel Plan has been prepared as part of the application, as required under Council's Environmentally Sustainable Design Policy at Clause 22.10 of the Scheme. The Green Travel Plan makes recommendations on actions for implementation that will minimise the use of private vehicles. This is intended to lessen the need for on-site and off-site car parking through use of public transport and alternative forms of transport such as bicycles and car pooling.

The Green Travel Plan has been reviewed, with recommendations made for small changes which can be carried out via a condition on permit. The permit conditions would additionally require endorsement of the Green Travel Plan to ensure its implementation, and a review of the efficacy of the Plan at the 12-month point.

### Bicycle facilities

The statutory bicycle parking requirement is a total of 45 bicycle spaces, including 23 staff and 22 visitor/customer spaces. Additionally there is a statutory requirement for a minimum of three (3) showers and associated changerooms for staff.

A total of 23 on-site bicycle parking spaces are proposed for staff in a secure store area at ground level, which meets the statutory requirement for staff. At least three (3) showers and associated changing areas are to be provided within the staff amenities on Level 2 which satisfies the statutory requirement.

Given the nature of the land use, it is unlikely that patrons staying at the hotel would arrive by bicycle and therefore it is accepted that the demand is lessened for on-site bicycle provision. However, there are a number of bike trails accessible from this site and it is likely that 'day use' of bicycles might be taken up by guests wishing to explore Bendigo and surrounds. Given the wide range of services, Bendigo residents visiting the establishment (to access cafes and retail premises etc.) should have access to bicycle parking facilities.

The applicant has proposed providing two double-sided bicycle parking rails for visitors (i.e. 4 spaces) within the Mollison Street verge adjacent to the site for customers. The resulting shortfall equates to 18 visitor/customer spaces. The developer has offered a contribution to Council equivalent to the provision of nine (9) double-sided rails (18 spaces) that could be installed within the Bendigo City Centre, benefiting the overall community. It is recommended that Council accept this infrastructure on its land given the likely demand for bicycle parking generated by the use, noting that the parking rails should be located relatively proximate to the subject site. A condition has been recommended to this effect.

Because the facilities are not solely provided on the subject land this is technically a 'reduction' and must reflect as such on the permit. However the proposal achieves the objectives of the Scheme.

### Deliveries and waste

Deliveries and waste storage will primarily be accommodated at the western end of the site beyond the main car parking structure. A waste management plan has been prepared for the site as part of the application material.

Waste for the retail tenancies and businesses along Mollison Street will be serviced by the City's standard kerbside waste collection service. Waste from the residential hotel and ancillary uses will be managed by an independent contractor.

The plans were referred independently to the City's traffic engineers and Resource Recovery Unit and no issues were raised regarding the adequacy of the vehicle access to this section of the site, nor to the waste management plan respectively.

***Is the site appropriate for the sale and consumption of liquor, and what conditions or restrictions should apply?***

The 'red line' for the service and consumption of alcohol takes in the whole of the site. The proposal includes a number of food and drink premises, bars, and the function centre where liquor would be served and consumed. Further, liquor would be available to guests in their rooms at any time. 'Offsite' liquor sales are also proposed, such as incidental sales from the on-site bar.

The application proposes certain hours across the various public spaces for the sale and consumption of liquor, broadly as follows (maximum extent of hours shown for whole site):

- **Mon – Wed:** 7am for pre-booked functions (all other times 10am) – 11pm
- **Thur - Sun:** 7am for pre-booked functions (all other times 10am) – 1am
- **Anzac Day** (not being a Sun): 12noon – 1am
- **Good Friday:** 12noon – 11pm
- **New Year's Eve:** commencement of trading on the hours specified above and close of trading 2am the following morning.

These hours have been broadly assessed under the local policy at Clause 22.27 as acceptable having regard to the needs of the operation, possible impacts on the locality, and the hours of use granted to similar venues. It is noted that this site is not within the Entertainment Precinct. The only exceptions to the requested hours of service of liquor are for:

- Sunday, where a 1am limit was sought. This is an unreasonable variation to Council's Policy, which seeks to apply a 11pm limit. There is no substantive reason given as to why the Policy should not prevail, A limit of 11pm is therefore recommended.
- New Years Eve, where 2am was sought. It is noted that extended hours for this single night (or other 'one-off' events) could be better accommodated via a temporary license through the Victorian Commission for Gambling and Liquor Regulation. 1am is therefore recommended for the purpose of the Planning Permit, consistent with the Local Policy.

With new venues selling liquor, it is considered good practice to allow a 'settlement' period (eg. of a year or two) to be able to ascertain the amenity and public safety impacts. The applicant would be able to re-apply for a variation to the Planning Permit should an extension of hours still be sought once established. Council would by that time have information at hand on the success or otherwise of the operations.

Given that there are a number of other venues selling liquor within proximity to the site, a 'cumulative impact assessment' is required to understand whether the outcome for the precinct would be acceptable if another venue selling liquor was approved. Planning Practice Note 61 applies. In summary:

- It is considered that a positive cumulative impact will arise. Given that a similar development on the opposing site has received approval (at the time of writing in the form of a Notice of Decision to Grant a Permit), the siting of the venues will contribute to the creation of a local 'identity' as a tourism destination. Other positive impacts are likely to include:

- enhanced vitality of the precinct, which is in a less-visited section of the City Centre
- a range of economic benefits
- increase in consumer choice
- the concentration of venues to aid dispersal of patrons, noting the proximity of the site to the Bendigo Train Station (~5 minutes walk) with taxi stand and hub for 16 local bus routes.

Two conditions relating (respectively) to onsite and offsite liquor sales have been recommended for inclusion should a permit issue. It should be noted that the condition relating to hours of operation for on-site consumption deliberately seeks to distinguish the consumption of liquor in *publicly accessible spaces* from consumption in hotel rooms (which could effectively occur at any time).

In terms of the request to sell liquor off-site (ie. packaged liquor sales), more limited hours have been proposed and are considered appropriate. It appears likely that offsite liquor sales would be ‘incidental’ as opposed to being core business. Of note is the fact that the site already contains a retail premises (facing Mollison Street) with a sole business focus on pre-packaged liquor sales. There are no known amenity or public safety impacts from this land use in this area. That business’s operating hours include late-night sales (to 11pm).

The applicants have voluntarily agreed to become a signatory to the Bendigo Liquor Accord. It is recommended that this also be included as a condition of the permit. From an amenity perspective it is additionally noted that the primary focus of the development is for a residential hotel, and it would not be in the best interests of a hotel operator to hold functions which would adversely impact the amenity of their guests. In this respect the operation’s impact would likely be somewhat ‘self limiting’.

***What consideration should be given to the intended demolition of the former Bendigo Timber Company building (as a candidate for inclusion in the Heritage Overlay)?***

The proposal includes the demolition of most of the existing buildings on the land, including the former Bendigo Timber Company building on the corner of Williamson and Mollison Streets. There is presently no Heritage Overlay affecting the land and hence a permit is not required to demolish that building. This assessment therefore does not (and cannot) include detailed consideration of the merits of the demolition of the building.

Notwithstanding, the former Bendigo Timber Company building has been identified as a potential candidate for heritage listing. On 6 May 2020, Council adopted the Bendigo City Centre Heritage Study (Stage 1) which identified the subject site for inclusion based on the following attributes *inter alia* (summarised from adopted Statement of Significance):

- Being aesthetically significant for its ‘modern’ style where structure and function are expressed as part of its aesthetic.
- Its key architectural features, such as:
  - Expressed steel columns
  - Extensive glazing to its principal elevations
  - An asymmetrical low-slung butterfly roof



- Clerestory windows.
- Cantilevered verandahs
- Lower section tilted windows
- Entry porch bound by a single steel column and rubble stonework cladding at the Mollison Street corner.

It is noted as being one of the last intact modernist commercial buildings in the Bendigo City Centre.

The Planning Scheme Amendment to formalise the Bendigo City Centre Heritage Study (Amendment C235) has since proceeded to a Planning Panel in March 2021 with a report anticipated to be considered by Council in mid-2021.

Notwithstanding, the status of the Bendigo City Centre Heritage Study does not have significant statutory weight at this point in the amendment process, and in particular does not reach the higher threshold required by s.60(1A)(h)<sup>4</sup> of the Planning and Environment Act 1987. The Study would more likely be considered under s.60(1A)(g), being ‘*any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council*’, although limited weight would generally be given to such documents.

For the purpose of s.60(1A)(g), it is affirmed that the proposal to demolish the building would be in conflict with Council’s adoption of the Bendigo City Centre Heritage Study that seeks to apply a Heritage Overlay to the site.

In such case that Council grants a permit for this planning application (DU/290/2020), and a Heritage Overlay is *subsequently* introduced to 106 Williamson Street by virtue of Planning Scheme Amendment C235, it is affirmed that a further planning application would need to be made to demolish the building. The merits of that application would need to be considered on their own terms at that time. If the present application DU/290/2020 is approved, it would not ‘compel’ approval of a future planning application to demolish the structure. For clarity, if a future application to demolish the building was refused (either by Council or the Victorian Civil and Administrative Tribunal), the plans for DU/290/2020 would consequentially need to be amended to include the retention of the former Bendigo Timber Company building.

Until such time as Planning Scheme Amendment C235 is determined by the Minister for Planning, Council has the opportunity to seek an interim Heritage Overlay in such case that a demolition application is received (required via the Building Regulations).

An interim Heritage Overlay would mean the place or precinct is temporarily included in the Heritage Overlay. The interim Overlay would then be:

- Removed in such case that the Minister does not agree to its listing through Amendment C235; **or**
- Made permanent in such case that the Minister agrees to its listing through Amendment C235.

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<sup>4</sup> Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider...any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority.

Given Council's previous resolutions to impose a Heritage Overlay on the site, an interim Heritage Overlay is the most appropriate method to maintain Council's interest in the protection of the former Bendigo Timber Company building while C235 completes its course. While certain officers have delegation for such Ministerial requests, direction is sought from Council to avoid uncertainty in the future.

For completeness, a summary of other options available to Council is provided below.

Option and description	Officer comments
<b>1 – Seek interim Heritage Overlay</b> Council would seek an interim Heritage Overlay in such case that an application was received under the Building Regulations to demolish (all or part of) the structure.	<b>Recommended.</b> This is seen as the most practical method of allowing a decision to be made on DU/290/2020 while amendment C235 concludes its process and is formally considered by the Minister.
<b>2 – Do not seek interim Heritage Overlay</b> Council would <u>not</u> seek an interim Heritage Overlay if an application was received under the Building Regulations to demolish the structure.	<b>Not recommended.</b> This option is not recommended based on Council's previous resolution to seek application of a Heritage Overlay to the site. Demolition of the structure would fatally impact the proposed heritage listing of the site under Amendment C235. It is noted that this option would only likely be an option in such case that Council had altered its stance on Amendment C235 with respect to this site.
<b>3 – Defer (ie. postpone) consideration of present application</b> Council could effectively decline to consider planning application DU/290/2020 until such time as Planning Scheme Amendment C235 is determined.	<b>Viable, but not recommended.</b> While this remains a viable option, Council as the Responsible Authority under the Planning and Environment Act is obliged to consider all planning applications in a timely manner. On balance, given the unknown timeframes for resolution of Amendment C235, it could be unreasonable to indefinitely defer consideration of planning application DU/290/2020. Section 79 of the Act would allow a permit applicant to apply to the Victorian Civil and Administrative Tribunal in such circumstances <sup>5</sup> .

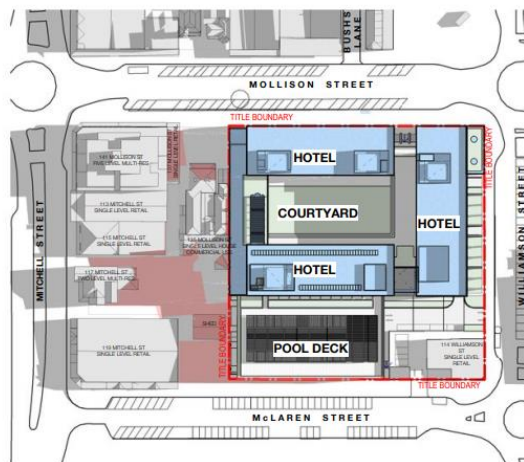
### ***Final response to Objections***

<sup>5</sup> s.79 - Application for review of failure to grant a permit

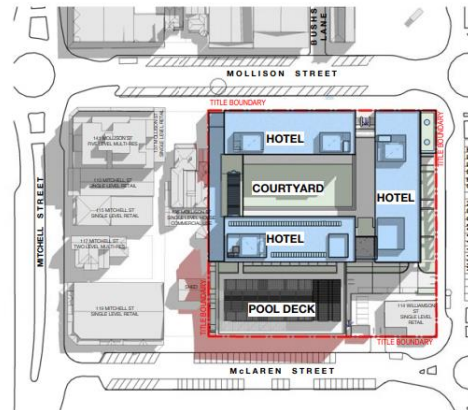
Many of the issues have already been detailed throughout the above assessment. For completeness, a final response is provided below addressing any remnant issues.

Summary objections	Response
<ul style="list-style-type: none"> <li>• Lack of adequate of car parking</li> <li>○ Concerns about statutory or discretionary rates being applied in calculations of demand</li> <li>○ Impact on CBD of any overflow</li> <li>○ Impact of any overflow on other nearby developments</li> </ul>	<p>An assessment of car parking has been provided earlier in this report.</p> <p>The concern raised by one objector that any ‘overflow’ car parking could impact on the objector’s own proposed development is easily addressed by that objector managing the car parking on their own land (such as through parking passes.) Given that more car parking per room has been provided with the present application than in the case of that objector’s, the reverse concern could equally exist. As stated, each land owner/manager is responsible for managing parking on their respective land.</p>
<ul style="list-style-type: none"> <li>• Building height</li> <li>○ Concerns about relationship to surrounding context</li> <li>○ Overshadowing of streets</li> <li>○ Setback of higher structures sought</li> <li>○ Inconsistency with Bendigo City Centre Plan 2020 with respect to height</li> </ul>	<p>Largely assessed earlier in this report.</p> <p>Further setbacks are not sought by the Scheme – indeed, a zero setback is sought by the DDO5.</p> <p>To affirm, the Bendigo City Centre Plan 2020 does not carry sufficient status for inclusion as part of the detailed assessment, suffice to say that the inconsistency with the potential height provisions is minimal and confined.</p>
<ul style="list-style-type: none"> <li>• Heritage impacts</li> <li>○ Proposed demolition of 106 Williamson Street, identified in Bendigo City Centre Heritage Study for application of the Heritage Overlay</li> <li>○ Height limits within the DDO5 and impact on heritage – failure to properly consider DDO5</li> </ul>	<p>Discussion provided within this report and options provided for Council’s consideration.</p>
<ul style="list-style-type: none"> <li>• Inactive frontages (McLaren Street) – concerns regarding extent of inactive car parking structure at ground floor and impacts on public realm</li> </ul>	<p>The assessment notes the different status and role of McLaren Street and does not raise significant concern with the proposal. The suggestions put forward by the objector would be unnecessary and onerous.</p> <p>The City’s Urban Designer has assessed this issue and has recommended some minimal changes to the use of materials along the car park interface to ensure that the design would continue</p>

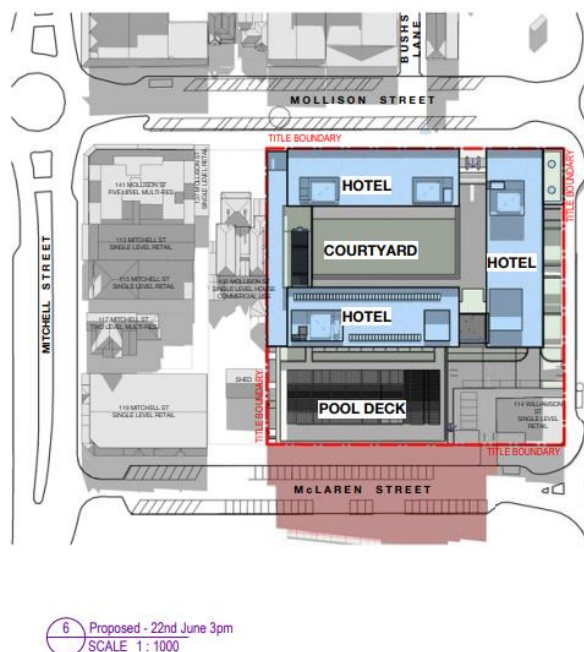
Summary objections	Response
	to present well to the street in such case that the vertical landscaping were to fail.
<ul style="list-style-type: none"> <li>Lack of rooms and car parking facilities for disabled patrons</li> </ul>	This will be addressed at the Building Permit stage. If there are consequential changes to the plans, an amendment to the planning permit may be required and the changes would be assessed at that time.
<ul style="list-style-type: none"> <li>Shadowing/shading impacts on adjoining property</li> </ul>	<p>The objection received from the adjoining property on Mollison Street was not clear regarding the extent of overshadowing that would be acceptable, officers noting that there is already overshadowing at present. Clarification was sought from the objector, however no further explanation was received.</p> <p>The extent of additional overshadowing would be considered acceptable in a commercial context and would primarily be most noticeable on winter mornings. That property would continue to enjoy solar access from mid-late morning, with no overshadowing at all from early afternoon onwards. Shadow diagrams are provided below (<i>additional shadowing shown red</i>).</p>



4 Proposed - 22nd June 9am  
SCALE 1:1000



5 Proposed - 22nd June 12pm  
SCALE 1:1000



## Conclusion

Overall, the proposal is considered appropriate for the zoning of the land for commercial purposes and will rejuvenate an underutilised site within the city centre. The proposed business is complementary to the surrounding area and is unlikely to have any adverse amenity impacts on the surrounding residents given the surrounding site context. Any offsite impacts can be appropriately managed by conditions. The proposal represents a substantial economic investment into the Bendigo City Centre and this additionally weighs in favour of the proposal through yielding a net community benefit.

The objections received to the proposal raise issues that can generally either be addressed by way of condition or are of insufficient weight to accommodate.

As discussed in this report, the issue of the proposed demolition of the former Bendigo Timber Company building at 106 Williamson Street is a related matter that Council should contemplate, given that it has resolved to seek to apply the Heritage Overlay to the site via Planning Scheme Amendment C235. In response, the second recommendation of this report has been put forward for Council's consideration.

On balance, officers have recommended that a Notice of Decision to Grant a Permit be issued for planning application DU/290/2020, coupled with the second recommendation so as to resolve the statutory challenges associated with Planning Scheme Amendment C235 which remains in train.

## Options

In terms of planning application DU/290/2021 (Recommendation A), Council, acting as the responsible authority for administering the Planning Scheme, may resolve to:

- Grant a permit;
- Grant a permit with conditions;
- Refuse to grant a permit; or
- Defer consideration of the matter until a specified future time.

## Proposed Notice of Decision Conditions

1.	<p>Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must visually highlight any changes included in the plans. The plans must be generally in accordance with the plans submitted with the application (supplied 18 December 2020) but modified to show:</p> <p>A. Changes to the Sustainability Management Plan (SMP) and associated reports prepared by ACOR consultants registered 23 December 2020 to include the following items, which are additionally to be shown or annotated on the plans submitted for endorsement where specified:</p> <ul style="list-style-type: none"> <li>a) Revised SMP to state rainwater tanks will be connected to hotel rooms, café and function room toilets, for irrigation of landscaping as detailed in BESS report.</li> <li>b) Submission of a daylight modelling demonstrating the floor area achieving a 2% daylight factor and achieving a 50% score in BESS</li> <li>c) Prior to construction of proposed buildings provide JV3 modelling demonstrating a commitment to strive for 20% improvement on NCC 2019 BCA requirements and achieving a minimum 10% improvement on the NCC 2019 BCA requirements, and maximum illumination power density in at least 90% of the relevant Building Class to be at least 20% lower than the required NCC-BCA.</li> <li>d) Notation on the relevant plans stating the following measures: <ul style="list-style-type: none"> <li>i. Indicate the windows on elevations which will be openable allowing fresh air intake.</li> <li>ii. Heating and cooling systems within 1 star, or Coefficient of Performance (COP) and Energy Efficiency Ratios (EER) 85% or better than the most efficient capacity unit available</li> <li>iii. Hot water heating units within 1 star or 85% or better than the most efficient equivalent capacity unit available</li> <li>iv. The following minimum Water Efficiency Labelling Scheme (WELS) star ratings <ul style="list-style-type: none"> <li>▪ Showerheads 4 star</li> <li>▪ Taps 6 star</li> <li>▪ Toilets 4 star</li> <li>▪ Urinal 4 star; and</li> <li>▪ Dishwasher 4 star</li> </ul> </li> </ul> </li> </ul>
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	<p>v. Floor plans to indicate facades will achieve a minimum 10% improvement on the required BCA insulation levels</p> <p>vi. Glazing to meet a 10% improvement in the BCA glazing calculator (or better than 90% of the total allowance)</p> <p>vii. Artificial lighting to be at least a 20% reduction from BCA maximum lighting power density (as listed in Table j6.2a of the 2019 BCA)</p> <p>viii. Maximum illumination power density in a least 90% of the relevant building class to be at least 20% lower than required by table J6.2a of the NCC 2019 BCA Volume 1 Section J</p> <p>B. A detailed landscaping plan in accordance with Condition 4.</p> <p>C. Appropriate measures/treatments to the main vehicle access on Williamson Street to ensure that vehicles entering the site do not queue onto Williamson Street and obstruct the flow of traffic. <i>(Note: this could arise through vehicles exiting the site blocking access to the porte cochere, or through capacity constraints within the porte cochere.)</i> Treatments may include (but are not limited to) the application of 'no-stopping' areas and vehicle direction signage within and external to the site. Proposed measures must be indicated on the plans for endorsement.</p> <p>D. The following modifications to the Green Travel Plan (GTP):</p> <ul style="list-style-type: none"> <li>▪ Replace Figure 3 on page 12 of the GTP with the updated connections map on page 39 of the Walk, Cycle Greater Bendigo strategy.</li> <li>▪ Update the Action Plan (page 15 of draft GTP) to include the provision for 9 (nine) double-sided rails for general public use at a location to be determined in the vicinity of the development site.</li> </ul> <p>E. Revised detailed treatment to the screening elements on the McLaren Street frontage of the carpark so as to incorporate additional visual interest (such as colour, articulation and/or themed graphics) to ensure that the façade presents attractively to the public interface irrespective of the success of the creeping vines.</p>
2.	<p><b>NO LAYOUT ALTERATION</b></p> <p>The use and/or development as shown on the endorsed plans and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority. This does not apply to any permit exemptions for buildings and works specified in clauses 62.02- 1 and 62.02-2 of the Greater Bendigo Planning Scheme unless specifically noted as a permit condition.</p>
3.	<p><b>DEVELOPMENT STAGING</b></p> <p>The development must be constructed generally in the order of stages as indicated by the approved plans, except where otherwise agreed in writing by the Responsible Authority.</p>

4.	<p><b>LANDSCAPE PLAN</b></p> <p>Before the development starts, a detailed landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided.</p> <p>The plan must show:</p> <ul style="list-style-type: none"> <li>(a) A survey of all existing vegetation to be retained and/or removed;</li> <li>(a) Details of surface finishes of pathways and driveways;</li> <li>(b) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;</li> <li>(c) The inclusion of canopy trees in locations adjoining the public interface that act to soften the building bulk;</li> <li>(d) Details of landscaping treatments to the multi-storey carpark (vertical plantings), including details of irrigation systems;</li> <li>(e) Details of other vertical landscaping treatments to habitable buildings as indicated on supplied concept plans, including details of irrigation systems;</li> <li>(f) Landscaping treatments in the vicinity of the former Butt's Hotel building that             <ul style="list-style-type: none"> <li>i) act to break up the expanse of surrounding hard surfacing and ii) respond to the heritage qualities of the site.</li> </ul> </li> </ul> <p>All species selected must be to the satisfaction of the responsible authority.</p>
5.	<p><b>LANDSCAPING WORKS</b></p> <p>Before the use/occupation of the development starts for each stage (or by such later date as is approved by the responsible authority in writing), the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.</p>
6.	<p><b>LANDSCAPING MAINTENANCE</b></p> <p>The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority on an ongoing basis, including that any dead, diseased or damaged plants are to be replaced.</p> <p>Landscaping areas must be provisioned with reticulated water supply and a program of water supply. Emphasis is to be placed on the development and management of the 'green wall' on the McLaren Street car park so as to soften the building bulk and maintain visual amenity.</p>
7.	<p><b>CONSOLIDATION OF LOTS</b></p> <p>All lots comprising the subject land must be consolidated into one lot prior to the commencement of the development.</p>
8.	<p><b>LIQUOR LICENCE (ON-SITE)</b></p> <ul style="list-style-type: none"> <li>(a) The serving and consumption of alcohol may only take place within the red line area as indicated on the endorsed plans.</li> </ul>

	<p>(b) The serving and consumption of liquor in all publicly accessible areas may only take place within the following hours (except where a temporary liquor license is otherwise issued):</p> <ul style="list-style-type: none"> <li>▪ <b>Sun - Wed:</b> 7am for pre-booked functions (all other times 10am) – 11pm</li> <li>▪ <b>Thur -Sat:</b> 7am for pre-booked functions (all other times 10am) – 1am</li> <li>▪ <b>Anzac Day</b> (not being a Sun): 12noon – 1am</li> <li>▪ <b>Good Friday:</b> 12noon – 11pm</li> <li>▪ <b>New Year's Eve:</b> commencement of trading on the hours specified above and close of trading 1am the following morning.</li> </ul>
9.	<p><b>LIQUOR LICENCE (OFF-SITE)</b></p> <p>The sale of liquor for consumption off-site must only take place within the following hours:</p> <ul style="list-style-type: none"> <li>▪ <b>Mon-Sat:</b> 9am – 11pm</li> <li>▪ <b>Sun:</b> 10am – 11pm</li> <li>▪ <b>Anzac Day/Good Friday:</b> 12noon – 11pm</li> </ul>
10.	<p><b>ALCOHOL MANAGEMENT PLAN</b></p> <p>Before the sale of liquor commences, an Alcohol Management Plan must be submitted to and be approved by the Responsible Authority. The Plan must address at a minimum the following items to the satisfaction of the responsible authority:</p> <ul style="list-style-type: none"> <li>(a) Staff training</li> <li>(b) Information for staff (with or without RSA), such as manuals and incident management guides</li> <li>(c) Public communication, such as signage and web information</li> <li>(d) Patron management procedures</li> <li>(e) Any specific venue design details (including lighting)</li> <li>(f) Safe transport options</li> <li>(g) Security and emergency management</li> <li>(h) Management of noise and amenity impacts</li> <li>(i) Communication with adjoining and nearby properties, including dispute resolution procedures</li> <li>(j) Management of off-site sales</li> </ul> <p>Once endorsed, the Plan will form part of the permit and must be implemented on an ongoing basis to the satisfaction of the responsible authority.</p>
11.	<p><b>LIQUOR LICENCE DOCUMENT</b></p> <ul style="list-style-type: none"> <li>(a) The permit holder must provide (for Council records) an original copy of any new liquor licence within 1 month of being issued by Liquor Licensing Victoria.</li> <li>(b) Prior to the commencement of the use of the land for the supply of liquor, the permit holder must become a signatory to the Bendigo Liquor Accord 2019-2022 (or its successor), and provide evidence of such to the Responsible Authority.</li> </ul>
12.	<p><b>PATRONAGE ARISING FROM CAR PARKING (FUNCTION FACILITIES)</b></p> <p>Except with the express written consent of the Responsible Authority for individual events, no more than 180 patrons in total may utilise the</p>

	<p>function/conference area at any one time. The spaces comprising the function/conference area are identified on the endorsed plans as:</p> <ul style="list-style-type: none"> <li>▪ (Ground floor): Courtyard</li> <li>▪ (First floor): Function and pre-function room; Terrace; Roof Terrace</li> </ul>
13.	<p><b>SUSTAINABILITY MANAGEMENT PLAN (SMP)</b></p> <p>(a) All works must be undertaken in accordance with the endorsed SMP and associated endorsed documents to the satisfaction of the Responsible Authority. No alterations to the SMP and associated reports may occur without the prior written consent of the Responsible Authority.</p> <p>(b) Prior to the commencement of use, a verification report must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP the associated reports have been implemented in accordance with the approved plans. The verification report must include photographic evidence demonstrating compliance.</p>
14.	<p><b>GREEN TRAVEL PLAN</b></p> <p>(a) The approved actions within the endorsed Green Travel Plan must be implemented to the satisfaction of the Responsible Authority within the nominated timeframes. 'Ongoing' actions are to begin concurrent with the commencement of the approved use of the land as a Residential Hotel.</p> <p>(b) A review of the efficacy of the Green Travel Plan must be undertaken approximately 12 months after the commencement of the use, and a copy of the review provided to the Responsible Authority within one month after completion. The review must identify any action areas requiring redress and an associated timeline for redress.</p>
15.	<p><b>CONSTRUCTION MANAGEMENT PLAN</b></p> <p>Before the development starts, a detailed construction management plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The CMP must address at a minimum the following items:</p> <ul style="list-style-type: none"> <li>(a) Proposed operating hours, noise and vibration monitoring and controls.</li> <li>(b) Dust management.</li> <li>(c) Traffic management including loading and unloading provision for construction materials and waste materials.</li> <li>(d) Proposed parking provision during the construction phase and how this will be managed.</li> <li>(e) Details of notification process for noisier related activities such as excavation and demolition to affected neighbours. (As a principle this should include giving as much notice as possible.)</li> <li>(f) Details of the extent of periods of noise activities and how they will be undertaken to minimise impact on nearby neighbours.</li> <li>(g) Management of demolition activities</li> <li>(h) Appointment of principal contact person on-site for community enquiries.</li> </ul> <p>Once endorsed, the CMP will form part of the permit and must be implemented during the course of construction to the satisfaction of the Responsible Authority.</p>

16.	<b>WASTE MANAGEMENT</b> The endorsed Waste Management Plan must be implemented on an ongoing basis to the satisfaction of the Responsible Authority.
17.	<b>DELIVERIES</b> Deliveries to the site must only occur during the following hours: <ul style="list-style-type: none"> <li>▪ Monday to Saturday - 7am-10pm</li> <li>▪ Sunday and Public Holidays - 9am-10pm</li> </ul>
18.	<b>TRAFFIC – CONSTRUCTION OF ACCESS</b> Prior to the use commencing, the driveways between the property boundary and the kerb must be constructed in accordance with Council's Infrastructure Design Manual, including that: <ul style="list-style-type: none"> <li>▪ Any existing kerb layback not used (as indicated on the endorsed plans) must be removed and the kerb reinstated;</li> <li>▪ Any existing driveway not used must be removed and the nature strip/footpath reinstated;</li> <li>▪ Vehicle crossings must be at 90° to the road and the property boundary;</li> <li>▪ All vehicles must be able to enter and exit the site in a forward direction; and</li> <li>▪ The development must ensure sight lines at the driveway exit, for pedestrian safety, comply with Clause 52.06-9</li> </ul> - All being to the satisfaction of the Responsible Authority.
19.	<b>CONSTRUCTION OF WORKS</b> Road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual and plans and specifications approved by the Responsible Authority and must incorporate drainage.
20.	<b>DETAILED DRAINAGE</b> Prior to the commencement of works, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include and address: <ul style="list-style-type: none"> <li>▪ Stormwater detention</li> <li>▪ Stormwater quality</li> </ul>
21.	<b>PUBLIC ASSETS</b> Before the development starts, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of Kerb & Channel, Footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The permit holder must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

22.	<p><b>CAR PARK CONSTRUCTION</b></p> <p>Before the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:</p> <ul style="list-style-type: none"> <li>(a) Properly formed to such levels that they can be used in accordance with the plans;</li> <li>(b) Surfaced with an all-weather-seal coat;</li> <li>(c) Drained;</li> <li>(d) Line marked to indicate each car space and all access lanes;</li> <li>(e) Clearly marked to show the direction of traffic along access lanes and</li> <li>(f) driveways to the satisfaction of the responsible authority;</li> <li>(g) Provided with public lighting in accordance with AS/NZ 1158.0-2005/Amdt 2-2-1- minimum lighting category P11/P12 and the fittings must minimise light spilling onto neighbouring land (including road reserves) in accordance with AS/NZ 4282-1997.</li> <li>(h) Accessible parking bays, where required by the BCA, must be provided and must be signed and line marked.</li> </ul> <p>The car parking and access areas must comply with the Australian and New Zealand Standards unless otherwise agreed in writing with the Responsible Authority.</p> <p>Car spaces, access lanes and driveways must be kept available for these purposes at all times.</p>
23.	<p><b>LOADING AND UNLOADING</b></p> <p>The loading and unloading of vehicles and the delivery of goods must at all times be undertaken within the boundaries of the subject land.</p>
24.	<p><b>NOISE LEVELS - MUSIC</b></p> <ul style="list-style-type: none"> <li>(a) Noise from music played within the external spaces identified on the plans as 'Courtyard', 'Terrace' and 'Roof Terrace' must not exceed background music noise levels.</li> <li>(b) Across the remainder of the site, the permissible noise levels for entertainment noise must be in accordance with the State Environment Protection Policy – Control of Music Noise from Public Premises No. N-2.</li> </ul>
25.	<p><b>NOISE REPORT AND ATTENUATION MEASURES</b></p> <ul style="list-style-type: none"> <li>(a) Within 60 days of the commencement of the use for each stage (or at a time agreed to in writing by the Responsible Authority), the permit holder must provide an acoustic report to the satisfaction of the Responsible Authority. The account report is to be prepared by a suitably qualified and independent person to measure noise generated at the premises to verify that it complies with State Environment Protection Policy, Control of Music Noise from Public Premises No. N-2 (SEPP N-2) ' (or amended), and Noise from Industry in Regional Victoria' ('NIRV': EPA Publication 1411)' (or amended). The testing is to include a period during the operation of the external function/conference spaces.</li> </ul>



	<p>If found to not comply with SEPP N-2, the report must include recommended mitigation measures to reduce noise to achieve compliance. The accepted report would be endorsed to form part of this permit.</p> <p>(b) Any recommended noise attenuation measures recommended by the endorsed report must be carried out to the satisfaction of the Responsible Authority, within a timeframe to be agreed in writing with the Responsible Authority.</p>
26.	<p><b>DEPARTMENT OF TRANSPORT</b></p> <p>(a) The construction of the development must not disrupt bus operations on Williamson Street without the prior written consent of the Head, Transport for Victoria (Department of Transport).</p> <p>(b) The construction of the development must not disrupt the access to the rail car park on McLaren Street.</p> <p>(c) Any request for written consent to disrupt bus operations on Williamston Street during the construction of the development must be submitted to the Department of Transport not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.</p>
27.	<p><b>GENERAL EXTERIOR TREATMENT</b></p> <p>The exterior treatment of the building(s) permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the responsible authority.</p>
28.	<p><b>PLANT, EQUIPMENT OR FEATURES ON ROOF</b></p> <p>No plant, equipment, services or architectural feature other than those shown on the endorsed plans are permitted above the roof level of the building(s) except with the written consent of the Responsible Authority.</p>
29.	<p><b>REFRIGERATION AND AIR CONDITIONING EQUIPMENT</b></p> <p>Any equipment required for refrigeration, air-conditioning, heating and the like must be suitably insulated for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.</p>
30.	<p><b>BAFFLED LIGHTING</b></p> <p>Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.</p>
31.	<p><b>BICYCLE PARKING PROVISION</b></p> <p>(a) Prior to the use commencing (or by another time as agreed to in writing by the Responsible Authority), the permit holder must provide at the permit holder's expense a minimum of 45 bicycle spaces, comprising of:</p> <ul style="list-style-type: none"> <li>▪ 23 secure spaces (minimum) within the site; and</li> <li>▪ The balance at an alternate external location or locations proximate to the subject site, so as to be reasonably useable to staff and patrons</li> </ul>

	<p>- all to the satisfaction of the Responsible Authority.</p> <p>(b) Prior to any such works commencing, the permit holder must provide for the approval of the Responsible Authority all location plans and design details for any bicycle parking facilities proposed on land owned or managed by Council.</p> <p><i>[NB: Separate permission would be required for works within a road reserve – see Notes]</i></p>
32.	<p><b>AMENITY OF THE LOCALITY</b></p> <p>The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.</p>
33.	<p><b>COMPLETION AND COMMENCEMENT</b></p> <p>This permit will expire if:</p> <ul style="list-style-type: none"> <li>▪ Stage 1 of the development permitted by this permit is not completed, and the use permitted by this permit is not commenced, within 5 (five) years from the date hereof ;or</li> <li>▪ Stage 2 of the development permitted by this permit is not completed, and the use permitted by this permit is not commenced, within 7 (seven) years from the date hereof ;or</li> <li>▪ for either Stage, at any time thereafter, the use is discontinued for a period of 2 (two) years.</li> </ul> <p>The time within which the development must be completed and the use must commence may, on written request made before or within 12 months after the expiry of the permit, be extended by the Responsible Authority.</p>

## Notes:

### Department of Transport

Foreseen disruptions to bus operations and mitigation measures must be communicated to Department of Transport eight (8) weeks prior by telephoning 1800 800 007 or emailing [customerservice@transport.vic.gov.au](mailto:customerservice@transport.vic.gov.au)

### Environmental Health

- Any area of the facility where beverages or foodstuffs for sale are prepared, handle or stored must be approved by and have registration with the Responsible Authority under the Food Act 1984 and comply with the Food Standards Code.
- The requirements around the grease trap must be obtained from the relevant authority (Coliban Water).

- The eventual occupier of the facility must comply with Tobacco Act 1987 controls which include the design and location of areas where smoking (including e-cigarettes) is allowed.
- The hotel and the aquatic facility must have registration with Council under the Public Health and Wellbeing Act 2008 before it is used for the use of provision of accommodation or use by patrons. The hotel and aquatic facility must comply with the Public Health and Wellbeing Regulations 2019.

#### Works within the Road Reserve

The applicant must comply with;

- The Road Management Act 2004;
- Road Management (Works and Infrastructure) Regulations 2005; and
- Road Management (General) Regulations 2005;

with respect to any requirements to notify the Coordinating Authority and/or seek consent from the Coordinating Authority to undertake “works” (as defined in the Act) in, over or under the road reserve. The Responsible Authority in the inclusion of this condition on this planning permit is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve as proposed in this permit.

**14.2. 4 Wills Street, Bendigo 3550 - Display an Electronic Promotion Sign**

Author	Adele Hayes, Statutory Planner
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

**Summary/Purpose**

Application details:	Display an electronic promotion sign
Application No:	DA/948/2020
Applicant:	Citizen Outdoor Pty Ltd
Land:	4 Wills Street, BENDIGO 3550
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay - Schedule 5 Parking Overlay - Schedule 1
No. of objections:	1 (which was later withdrawn)
Consultation meeting:	N/A
Key considerations:	Whether the proposed sign is in accordance with Planning Scheme policy, in particular Clause 22.29 and 52.05.
Conclusion:	The application is not in accordance with the Greater Bendigo Planning Scheme.  It is recommended that Council refuse to grant a permit as the proposal is not consistent with the aspirations of Clauses 22.29 and 52.05 and would result in unreasonable impacts on amenity, character and the visual appearance of the area.

**RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for display an electronic promotion sign at 4 Wills Street, BENDIGO 3550 on the following grounds:

1. The proposal is not in accordance with the objectives and policy of Clause 22.29 of the Planning Scheme.
2. The proposal is not in accordance with the purpose and decision guidelines of Clause 52.05 of the Planning Scheme.
3. The proposal would result in unreasonable impacts on amenity, character and the visual appearance of the area.

**Policy Context**

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 4 Presentation and managing growth
- Goal 6 Embracing our culture and heritage

**Attachments**

1. Planning Assessment Report

**Attachment 1 - Wills St Planning Assessment Report****PLANNING ASSESSMENT REPORT**

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**Background Information**

Preliminary concerns were raised with the applicant with regards to the proposal not being in accordance with the aspirations of the Planning Scheme.

The applicant provided additional justification in support of the application, however it is noted that no changes were made to the proposal. The justification is considered to be insufficient to support the proposal, as discussed below.

Whilst the applicant has voiced their disappointment towards the City's stance on the application, the application was discussed before the Delegated Assessment Panel and as such has been subject to significant internal review.

**Report****Subject Site and Surrounds**

The site comprises of one lot which is formally referred to as Lot 1 on PS301924 and is located on the corner of Mitchell Street and Wills Street. The site is generally rectangular in shape with an area of 1,252sqm. The site has a north-eastern frontage to Mitchell Street of 30.62m, a south-western frontage to Wills Street of 68.53m, and a corner splay facing the intersection of 4.24m.

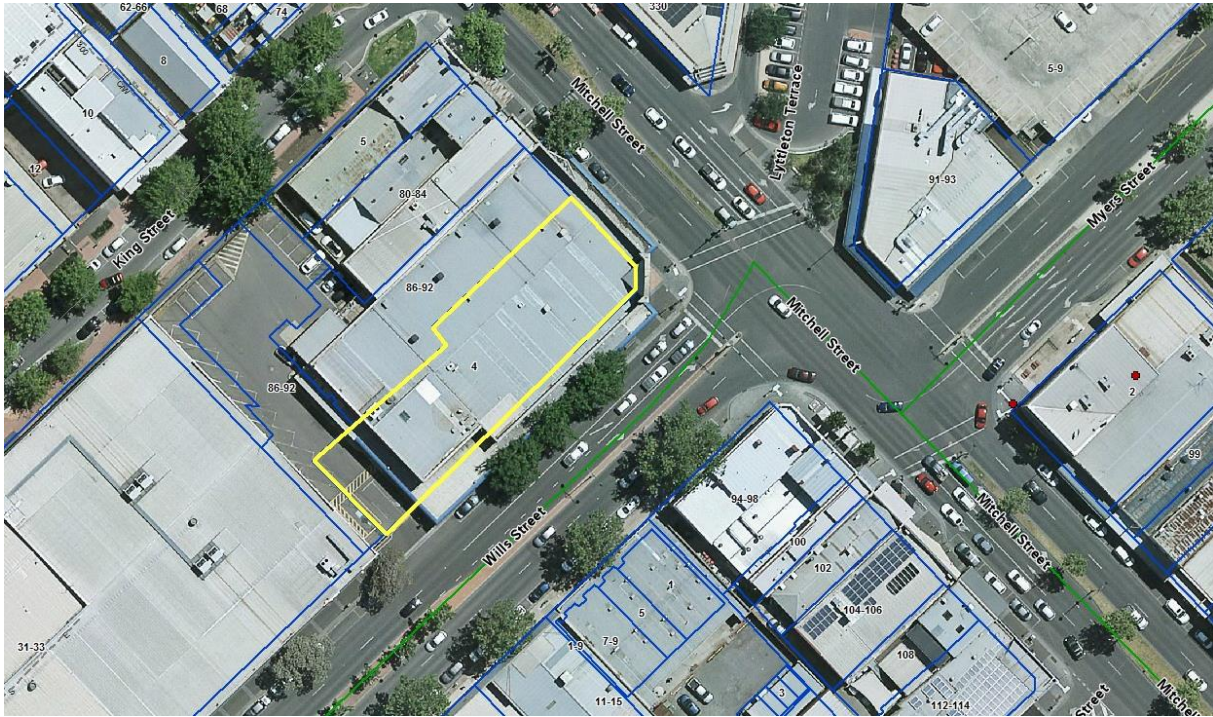
The site contains a two-storey commercial building which is currently occupied by both Snooze and Bank Australia. The building features a recessed corner entrance fronting the intersection, with an upper level atrium. A verandah extending across the footpath runs the entire length of the Mitchell Street and Wills Street frontages.

The site is strategically located within the City Centre on the north-west corner of the intersection of Myers Street, Mitchell Street and Wills Street.

Both Myers Street and Wills Street are Road Zone Category 1 (Department of Transport) roads, with Mitchell Street also classified as a Road Zone Category 1 up until it joins the site, and then continues north-west as a Road Zone Category 2 (Arterial) Road.

The surrounding area is characterised primarily by commercial and retail premises. Built form comprises of a mix of single and two-storey buildings, with signage in the surrounding area primarily consisting of business identification signage located on parapets, façades, windows, and under awning/verandah.





**Figure 1:** Aerial map showing subject site.



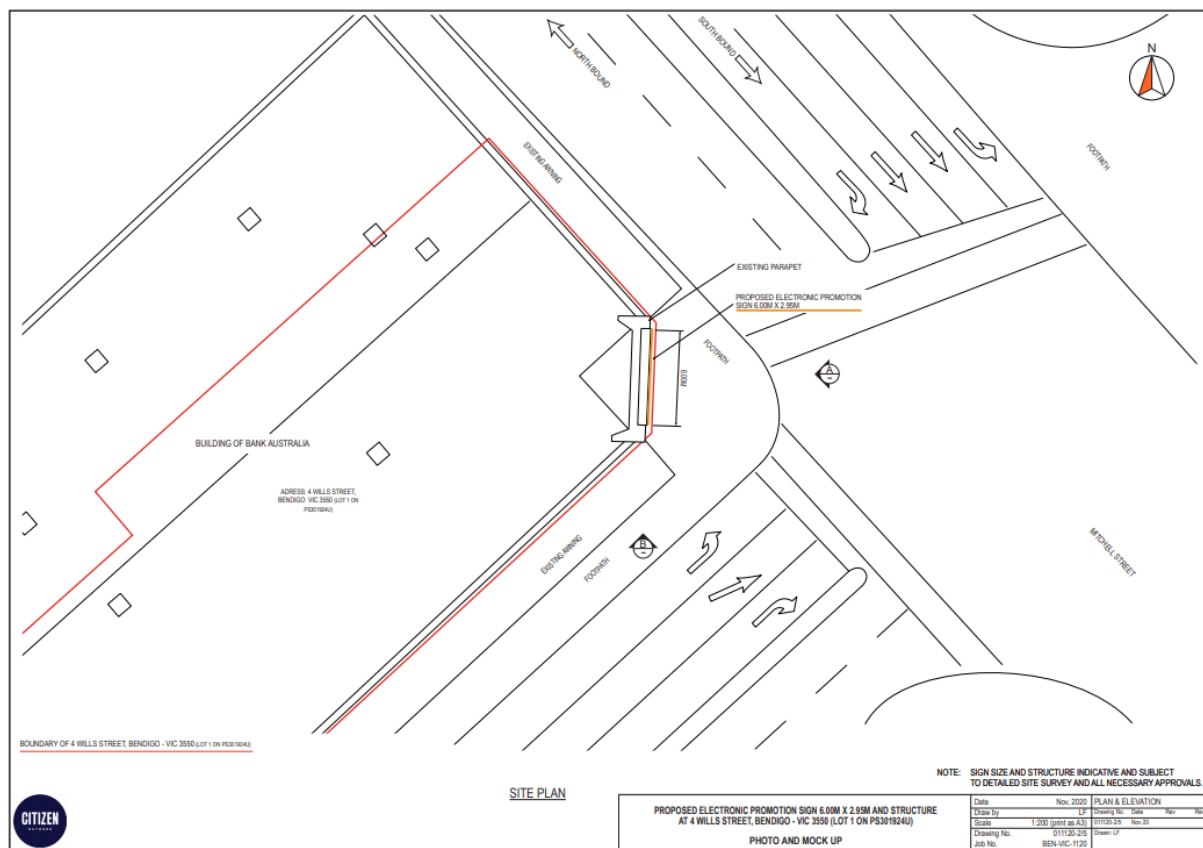
**Figure 2:** Photograph of subject site as viewed from the Myer Street, Mitchell Street, Wills Street and Lyttelton Terrace intersection.

## Proposal

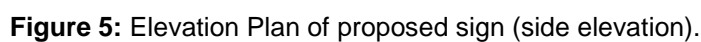
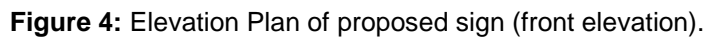
The application proposes to display a 17.7sqm (6m x 2.95m) electronic promotion sign which would be located on the eastern façade of the building (corner splay), fronting the intersection.

The sign would be situated above the entry to Snooze, over the existing upper level atrium windows. The sign would sit 5.55m above ground level and have a maximum height above ground level of 8.5m.

The sign would be internally illuminated by LEDs installed within the face of the sign and would operate with static advertising. Each image on the sign would have a dwell time of 30 seconds.



**Figure 3:** Site Plan showing location of proposed sign.







**Figure 6:** Artists image of proposed sign.

## Planning Controls - Greater Bendigo Planning Scheme

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

### State Planning Policy Framework

- Clause 15 Built Environment and Heritage
- Clause 15.01-1S Urban design
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1S Heritage conservation

### Municipal Strategic Statement

- Clause 21.02 Key Issues and Influences

### Local Planning Policies

- Clause 21.07 Economic Development
- Clause 22.29 Advertising and Signage policy

### Other Provisions

- Clause 34.01 Commercial 1 Zone
- Clause 52.05 Signs

- Clause 65 General Decision Guidelines
- Clause 73.02 Sign Terms

## Consultation/Communication

### Referrals

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

Referral	Comment
Department of Transport	<p>No objection subject to conditions relating to the following:</p> <ul style="list-style-type: none"> <li>• Advertising display time and transition time</li> <li>• Dimming</li> <li>• Colour and luminosity</li> <li>• The need to keep a Compliance Record</li> <li>• Changes to brightness levels</li> <li>• Content</li> <li>• The use of sound and motion</li> <li>• Expiry date</li> </ul>
Traffic & Design	No objection, advised that the application be referred to Department of Transport for comment.

### Public Notification

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

As a result of advertising, 1 objection was received, with the grounds of objection being:

- Concerns relating to works relating to the construction of the sign and the potential for this to impact on customers entering the ground floor retail space (Snooze).
- Concerns relating to business competition, specifically that the proposed sign would contain advertising material for competing bedding/furniture stores.

The City was advised by the objector that they had contacted the applicant and received appropriate documentation to address their concerns. As a result, the objection was withdrawn.

## Sign Terms

Clause 73.02 of the Planning Scheme defines an electronic sign as follows:

*“A sign that can be updated electronically. It includes screens broadcasting still or moving images.”*

Clause 73.02 of the Planning Scheme defines a promotion sign as follows:

*“A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.”*

## **Planning Assessment**

The site is located within the Commercial 1 Zone, for which signage controls are Category 1 – minimum limitation. This category of signage has the purpose *to provide for identification and promotion signs and signs that add vitality and colour to commercial areas*. Both electronic and promotion signs are permitted in this zone, subject to obtaining planning approval.

In considering the appropriateness of signage in commercial areas it is important to balance the needs of business and organisations to be identifiable and attract clients through advertising, along with the visual amenity of the building and area.

As way of background to the current policy context, the City's local signage policy at Clause 22.29 was introduced as part of Amendment C158 (gazetted 26 February 2015) and seeks to balance these needs by providing a policy which guides the location, scale and type of advertising in the municipality, seeks to reduce visual clutter and maintain a quality public environment. The display of advertising signs is further regulated through Clause 52.05 which includes the following purposes:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Collectively, the policies seek to regulate the development of land for signs and require careful consideration to be given to a detailed list of decision guidelines in order to determine the appropriateness.

The decision guidelines of both Clause 22.29 and Clause 52.05 require consideration to be given to the following factors which are of particular relevance to this application:

- *Whether the advertising meets the objectives of this policy.*
- *Whether the proposed advertising for the site is proportional to the frontage of the site and building.*
- *Whether the proportion, placement and style of advertising contributes to the site and area.*
- *Whether the scale, placement and style respects the character, built form and architectural qualities of the place.*
- *The character of the area.*
- *The relationship to the streetscape, setting or landscape:*
  - *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
  - *The relationship to the site and building:*



- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The impact of any illumination.*
- *The impact on road safety.*

In addition to this, the following policy objectives are of particular relevance in considering the application:

- **Clause 15.01-1S Urban design** which has the objective to *create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.* Such strategies include *ensuring that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- **Clause 22.29 Advertising and Signage Policy**  
*Which seeks to discourage the following types of signage and advertising:*
  - *Advertising which is not related to activities conducted on the site.*
  - *Electronic signs along Road Zones*

*Which seeks to encourage advertising including corporate colouring to:*

- *Respect sensitive areas and the heritage significance of buildings*

It is important to highlight that the recommendation for refusal is not based on any road safety related grounds, with the applicant having provided a Traffic Impact Assessment Report in accordance with the requirements of Clause 52.05, and Department of Transport having provided no objection to the proposal.

The recommendation for refusal is rather based on the following:

- The proposal is not in accordance with the objectives and policy of the City's local advertising and signage policy at Clause 22.29.
- The proposal is not in accordance with the purpose and decision guidelines of Clause 52.05.
- The proposal would result in unreasonable impacts on amenity, character and heritage.

It is evident from a review of the above policy objectives that the proposal is not in accordance with the aspirations of the City's local signage policy at Clause 22.29. The policy is very clear in its desire to discourage electronic signs on Road Zones and advertising which is not related to activities conducted on the site.

Not only is the site located on a Road Zone, but it is located on the intersection of Myers Street, Mitchell Street and Wills Street which are all classified as Road Zones. Whilst the policy does not provide any further policy direction on this issue, one can assume that this is in relation to matters of dominance or appearance and road safety. Whilst road safety is not a matter of concern in this instance, consideration must be given to the appearance of the sign, given the prominent location.

Given that the proposal is for a promotion sign (as opposed to a business identification sign) it is evident that the intent of the proposal is to advertise an array of material which is not related to the business on the site. Whilst the applicant has argued that such signs are a legitimate and lawful land use and can be used to provide advertisement services for local businesses in the City, if approved the City would have no control over the content of the sign. This is contrary to the above policy objective.

It is accepted that signage in commercial areas is intended to add vitality and colour to an area and that electronic promotion signs by their very nature are intended to be prominent. However, such an outcome should not be at the expense of unreasonable impacts on character, amenity and the visual appearance of an area.

It is evident that broader State planning objectives such as Clause 15.01-1S seek to achieve urban design outcomes that positively contribute to local character. This is echoed through the Bendigo City Centre Plan (adopted by Council in May 2020), which recognises the distinct character of the City Centre and seeks to maintain the unique look and feel of the public realm. The Plan includes the principle to “*manage the excessive or insensitive use of cluttering elements such as signs that may detract from the quality of the public realm.*”

Due to its location within the Bendigo City Centre, signage in the immediate surrounding area is extensive but does not present as overly dominant. Signage in the surrounding area primarily comprises of business identification signage of a much smaller scale to that proposed. The scale of the proposed sign being 17.7sqm is significantly larger than the scale of signage commonly found within the surrounding area, particularly with regards to the few examples of electronic signage. In addition to this, due to its location, scale and design, the sign would be highly visible from the surrounding area. Whilst the sign would admittedly add vitality and colour to the commercial precinct, it fails to respond to the character of signage in the surrounding area and would appear as overly dominant and would not maintain or enhance the streetscape.

The applicant's supporting justification relied heavily on the recently approved electronic sign (DC/512/2020) on the adjacent Bendigo Bank building. However, the justification failed to acknowledge that the Bank's electronic sign was 3.9225sqm in size which is significantly smaller than the proposed, and replaces an existing electronic sign in the same location. As such, this is not deemed to be sufficient justification in support of the application.

The size and location of signage should also take into account the architectural/design elements of a building, with most buildings (whether heritage or more contemporary) designed to accommodate signage; these types of architectural cues should be observed. It is evident that the glass atrium on which the sign is proposed to be located is a point of visual interest for the building, which helps to soften the bulk of the upper floor, given that there are no other windows located across the upper floor. It is submitted that the sign's location adversely affects the built environment.

The site is located adjacent to the Hopetoun Hotel which holds individual heritage significance. There are concerns that the proposed sign, of such a scale and placement with a scrolling image, would be a distraction by drawing your eye away from the significant heritage building.

## **Conclusion**

The application proposes to display an electronic promotion sign which has been assessed as contrary to planning policy.

As discussed, the desired outcome is to seek a balance between the needs of businesses and organisations to be identifiable and attract clients through advertising, along with the visual amenity of the building and area.

The proposed sign fails to appropriately respond to the context of the site and surrounding area and would result in an undesirable planning outcome with regards to amenity, character and the visual appearance of the area. The proposal fails to respond to both the existing and desired future character of signage in this location, as expressed through the relevant policy framework.

It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

## **Options**

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

### 14.3. 136 Olinda Street, Quarry Hill 3550 - Partial Demolition and Extension of an Existing Dwelling

Author	David Burrow, Statutory Planner
Responsible Director	Andrew Cooney A/Director Strategy and Growth

#### Summary/Purpose

Application details:	Partial demolition and extension of an existing dwelling
Application No:	DR/841/2020
Applicant:	Penno Drafting & Design
Land:	136 Olinda Street, QUARRY HILL 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay – Precinct 30
No. of objections:	1
Consultation meeting:	Written correspondence
Key considerations:	Heritage and Neighbourhood Character
Conclusion:	The proposal will be visible from Olinda Street, however, the proposal represents an acceptable outcome considering its design, setback and set-down within the subject land. On balance, the proposal is considered to be reasonably sympathetic to the heritage character of the precinct.

#### RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Permit for partial demolition and extension of an existing dwelling at 136 Olinda Street, QUARRY HILL 3550 subject to the conditions at the end of this report.

#### Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 4 Presentation and managing growth
- Goal 6 Embracing our culture and heritage

#### Attachments

1. Planning Assessment Report

**Attachment 1 - 136 Olinda Street Quarry Hill - Planning Assessment Report****PLANNING ASSESSMENT REPORT**

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**Background Information**Procedural matter – Delegation to Determine

Despite having delegation to determine a matter with 6 objections or less, officers are referring this matter to Council for decision as the Statutory Planning Delegated Panel was unable to reach a consensus decision.

The current Terms of Reference for the Delegated Panel include:

“To refer to the Council for decision, a planning application ***where agreement for approval cannot be reached***, or the Panel believes the application to be of significant community interest to the Council.” [emphasis added]

This application was considered by the Statutory Planning Delegated Panel (Delegated Panel) on 25 February 2021 and then on 11 March 2021 following further review of the subject land by the Manager, Statutory Planning. In the course of each meeting it was recognised that agreement for approval or refusal could not be reached.

Given the above, it is noted that this report represents the assessment of the assigned assessing planning officer only and is not to be taken as the agreed assessment of the Statutory Planning unit as a whole.

Objection – Conditional Withdrawal

On 9 April 2021, a late ‘conditional withdrawal’ was received from the objector requesting that a notation in relation to overlooking be added to any permit issued. Given that the condition of withdrawal would require a notation to be added to the permit, the objection must technically remain in place until such time as a decision is made.

The technical effect of this is that a Permit would be issued in such case that Council approved the application with the desired notation included. Conversely, if Council approved the application *without* the notation, a Notice of Decision to Grant a Permit would be issued. In such case that the application was refused the objection would also remain in place.

For clarity, the notation sought by the objector is of relatively little consequence to the merits of the proposal. This will be discussed in the course of the report below.

Previous Applications

Previous applications on the subject land include a VicSmart Application to demolish and construct a fence, approved under Planning Permit VC/55/2020.

## Report

### Subject Land and Surrounds

The subject land is located at 136 Olinda Street, Quarry Hill, located wholly within the General Residential Zone and Heritage Overlay – Precinct 30. The subject land has a total area of 505.8 square metres and accommodates an existing dwelling and associated carport. The subject land is at the edge of the Heritage Overlay and the dwelling is not considered to be a contributory building within the overlay. However, Olinda Street, from Russell Street to Peel Street, is wholly within the Heritage Overlay. The subject land sits at a low point within the topography of the locality and slopes down and away from Olinda Street. The intersection of Russell and Olinda Streets is managed by traffic lights. Numbers 24 to 26 Russell Street have facades located on the front boundary and 25 Russell Street accommodates a commercial premise known as the Queens Arms Hotel.

Dwellings within the locality are predominantly single storey with some exceptions. Roof forms include both gabled and hipped



**Figure 1:** Location map showing subject site. Objector's property is marked with a star.

### Proposal

The proposal is for the partial demolition of an existing dwelling and the construction of an extension to the rear and side of the dwelling. A replacement of the existing roof is also included.



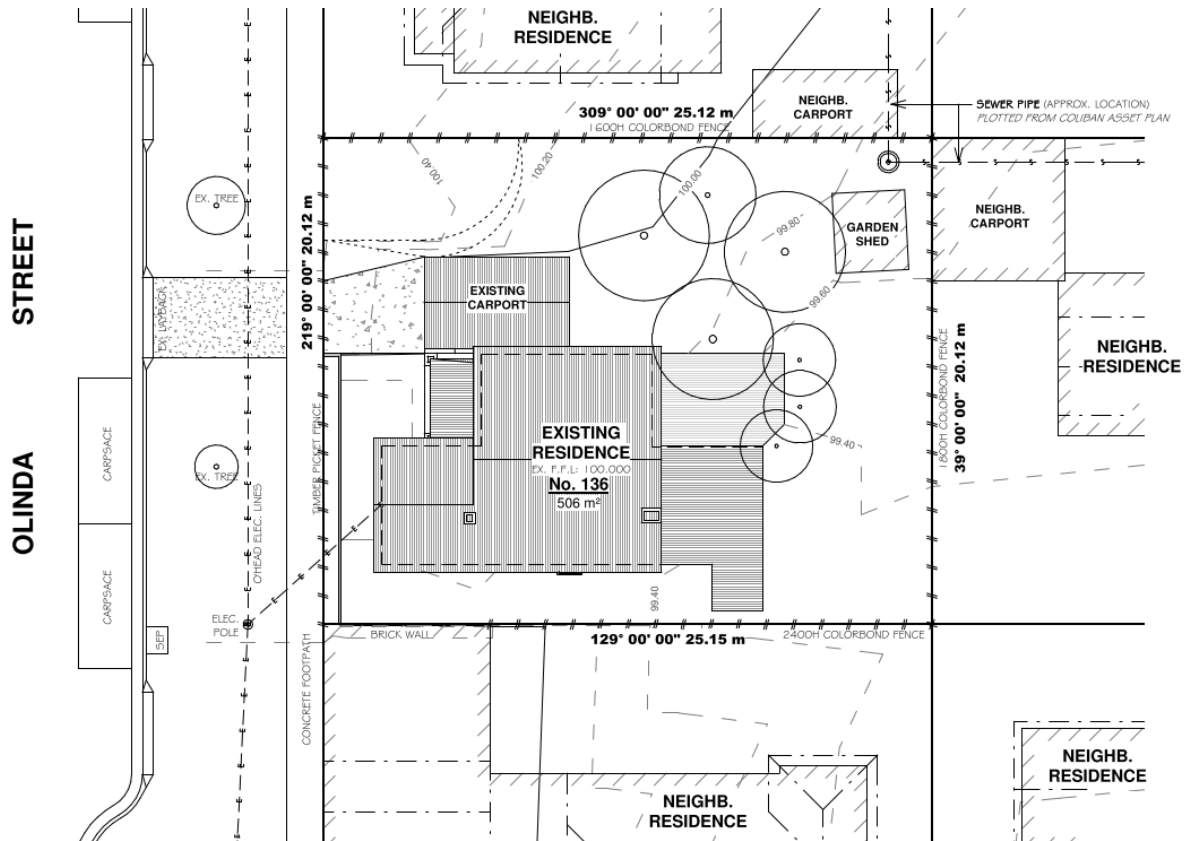


Figure 2: Existing site plan

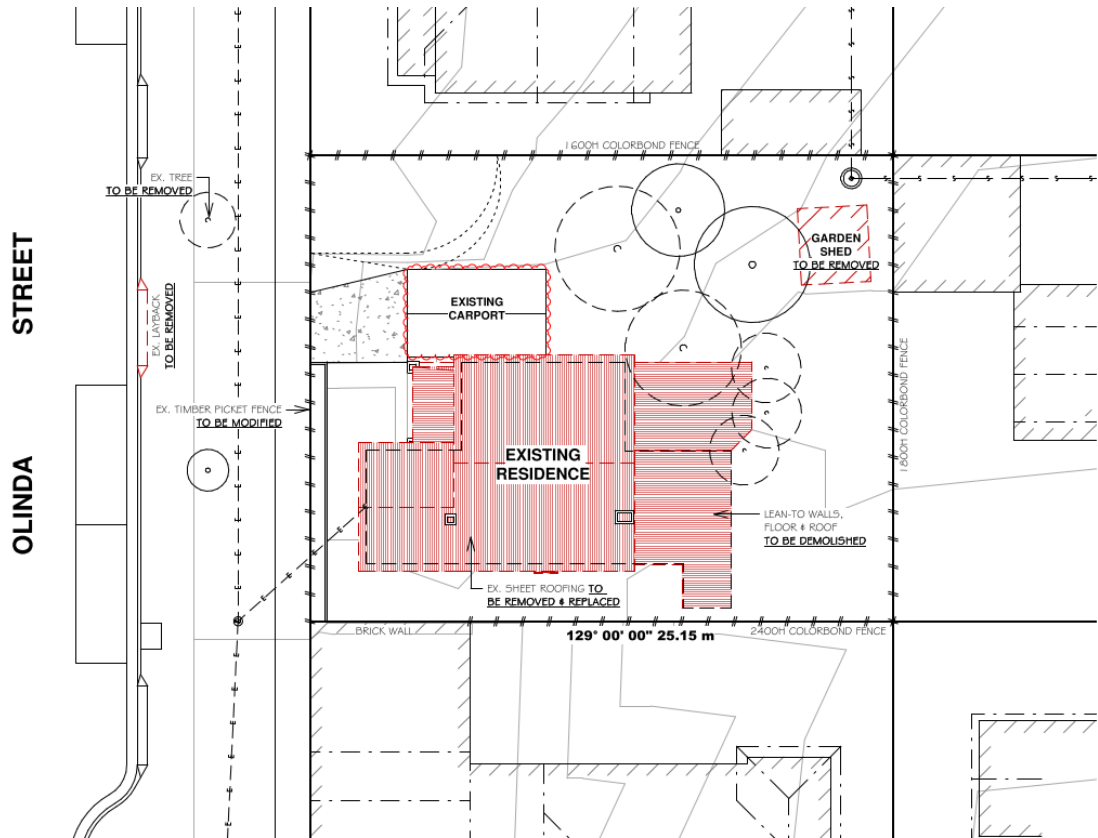
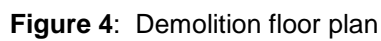
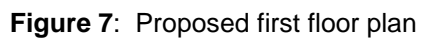
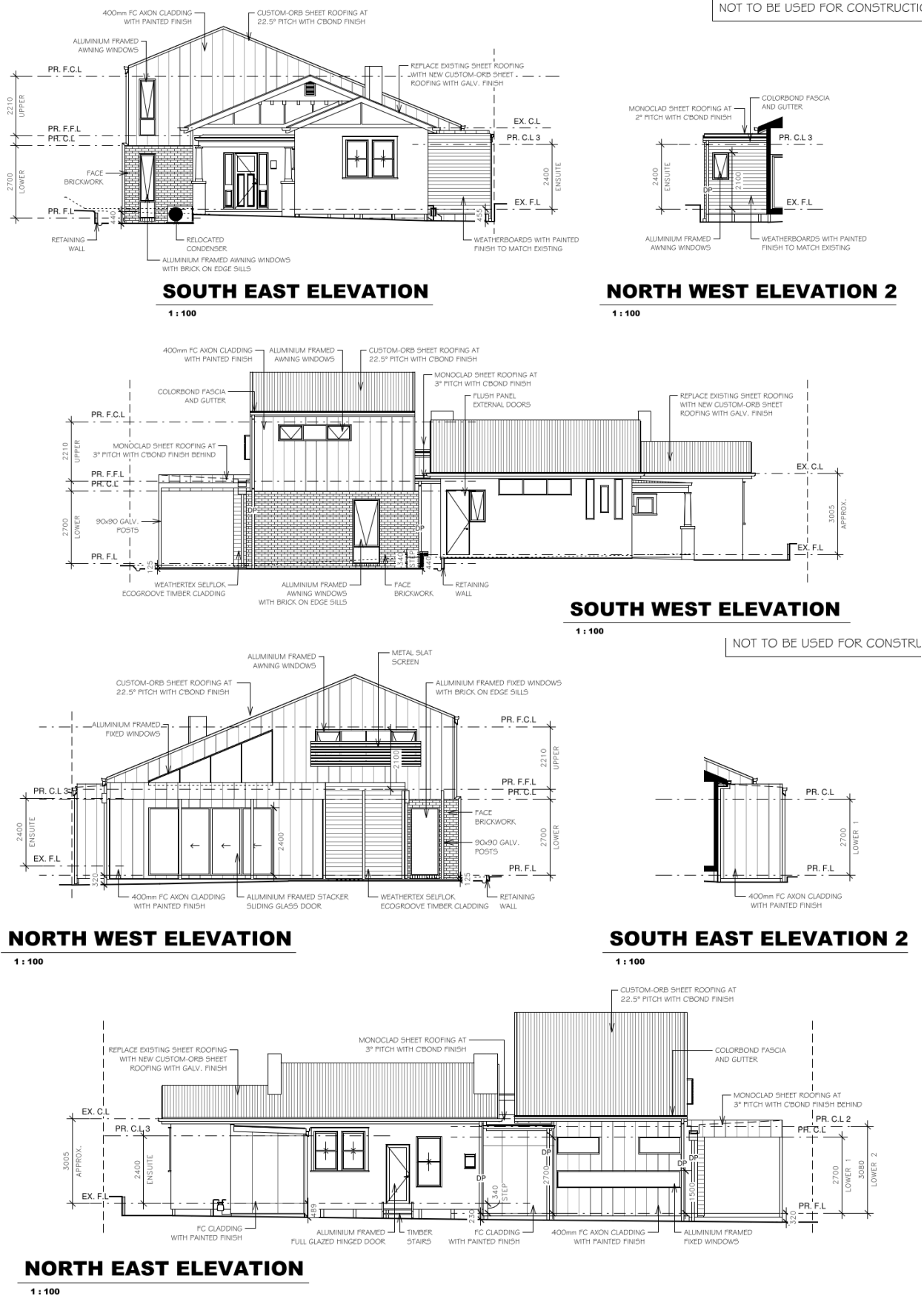
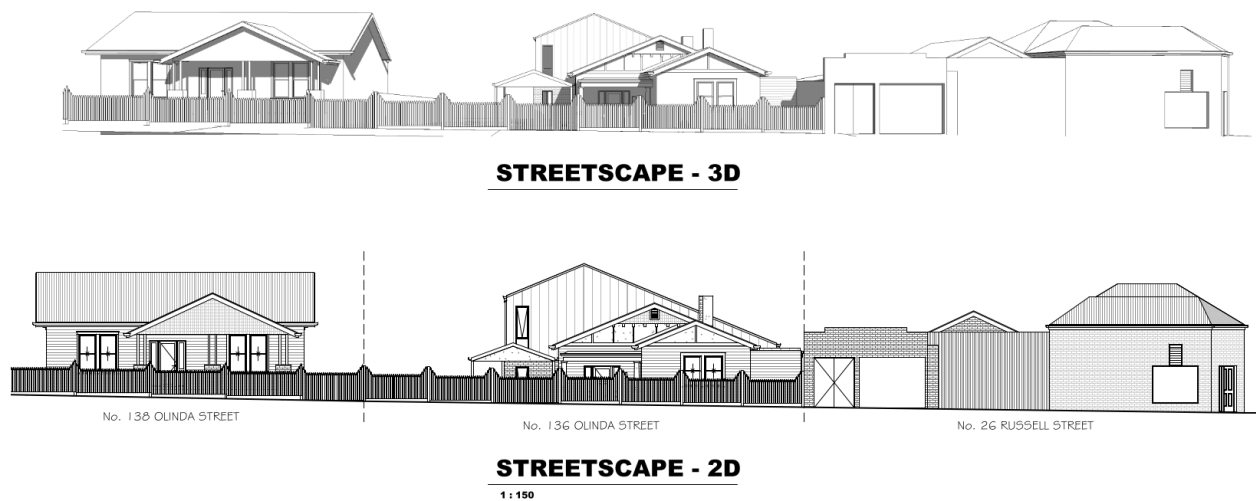


Figure 3: Demolition site plan









**Figure 9:** Proposed streetscape plans

## Planning Controls - Greater Bendigo Planning Scheme

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

### State Planning Policy Framework

- 15.01-1S Urban design
- 15.01-2S Building design
- 15.01-5S Neighbourhood character
- 15.03-1S Heritage conservation

### Municipal Strategic Statement

- 21.05 Compact Greater Bendigo

### Local Planning Policies

- 22.06 Heritage policy
- 22.21 Quarry Hill Residential Zone

### Other Provisions

- 32.08 General Residential Zone
- 43.01 Heritage Overlay

## Consultation/Communication

### Referrals

The following internal department has been consulted on the proposal:

Referral	Comment
Heritage Advisor	<p>Received 22 February 2021  <i>[NB: Key statements underlined below]</i></p> <p><b>Statement of Significance:</b>  The subject property is located within HO30 <i>Quarry Hill Precinct</i>. The precinct is significant for its high percentage of late Victorian and Edwardian dwellings that give it a strong period character, while the hilly terrain provides picturesque views to and from the housing stock that enhance the sense of place.</p> <p>The existing dwelling was constructed outside the period of significance and is therefore considered non-contributory to the precinct, although it is sympathetic in forms and scale.</p> <p>No additional controls apply to the site.</p> <p><b>Comments:</b>  <i>Demolition</i>  The extent of proposed demolition will not remove any significant fabric and is generally supported.</p> <p><i>Additions and alterations</i>  The proposed two storey addition is set well into the site and would be largely concealed by the existing dwelling if not for the substantial height. <u>Locating the bulk of the addition to the side of the main ridge of the existing roof form makes it more prominent than it otherwise would be.</u> The variation in materials goes some way to offset this, as does the substantial setback from the front elevation, <u>however there are concerns about the impact of the addition on the wider precinct given the generally single storey context.</u> Although the proposed addition is set well back, <u>its scale means it will be a dominant feature, which is a poor heritage outcome.</u> There may be more scope for the upper level if it was more centrally sited, using the bulk of the existing house to conceal most of it and so reducing the visual bulk.</p> <p><i>Garage</i>  The proposed change to retain the existing carport is generally supported.</p> <p><b>Recommendations:</b>  <u>The proposal is not supported in its current form. The potential impact of the addition is not consistent with the heritage values of the place.</u></p>



## Public Notification

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

As a result of advertising, 1 objection was received, with the grounds of objection being:

- *Overlooking from the 'eight windows to be installed on the rear of the property on the second storey.'*

The objection solely relates to potential overlooking which is a matter that the responsible authority cannot consider as part of this Planning Permit application. To clarify, the planning permit is triggered by the Heritage Overlay only. Overlooking must be considered within any subsequent building permit and addressed at that stage.

On 9 April 2021 the objector provided written conditional withdrawal. The condition of withdrawal is the addition of a notation on permit to the effect of:

*"Concerns were raised regarding overlooking from the mezzanine level of the extension into the back neighbour's yard through the triangular windows and therefore request this to be assessed as part of the Building Permit assessment."*

Because Council's assessment is limited to heritage considerations under the Heritage Overlay, siting considerations (such as overlooking and overshadowing) will be assessed at the Building Permit stage. The objector's intention is to seek to ensure that the future Building Surveyor will have due regard to the issue of overlooking.

Notations on permits are not conditions and are not legally binding in the way conditions are. Notations are usually advisory in nature and generally act to alert the permit holder to connecting matters in the land development process that do not technically form part of the planning process. Notwithstanding the status of notations, responsible authorities have been urged to curtail their usage to avoid clutter, confusion and administrative overreach.

While the requested notation is of little consequence to the planning decision, planners would discourage the frequent use of notations in this manner. However, observing that there is only one objector and that the inclusion of the notation could mean the difference between a *Permit* or *Notice of Decision* being granted (hence a 28-day waiting period for the permit applicant), on balance officers do not object to the notation being added should Council resolve to approve the application.

## **Planning Assessment**

### Introduction

The proposal is for the partial demolition and extension to an existing dwelling at 136 Olinda Street, Quarry Hill. A permit is required for the demolition and construction of a building within the Heritage Overlay, pursuant to Clause 43.01 of the Greater Bendigo Planning Scheme. No other permit triggers apply. Subsequently, this assessment will focus on the proposal's ability to protect and enhance the heritage precinct, and its compatibility within the neighbourhood character.

## Heritage

The proposal is located within a Heritage Overlay – Quarry Hill Precinct. The proposal has been referred to the Heritage Advisor whose assessment does not support the proposal due to the overall bulk of the proposed extension exhibited above, and to the side of, the existing dwelling. The Heritage Advisor's comments have been provided earlier within this report. The comments raise concerns regarding the cumulative impact the proposal's height being located to the side of the main ridge. The Heritage Advisor has suggested some potential alterations which ultimately recommended lowering or relocating the proposed extension further behind the existing dwelling.

The owner has advised that they cannot relocate or reduce the proposed extension any further and has declined to amend the proposal.

The advice of the Heritage Advisor carries a high degree of weight in planning applications under the Heritage Overlay. Notwithstanding, it is the role of the planner to interrogate the advice of referral authorities and evaluate that advice through the lens of the specific Planning Scheme controls.

It has been established earlier in this report that the proposal poses challenges for a clear and definitive planning assessment.

The following is a list of the favourable and unfavourable design elements for the proposed dwelling, having regard to the Planning Scheme controls in play:

<b>Favourable design elements</b>	<b>Unfavourable design elements</b>
Set-back of over 14 metres and to the rear of the existing dwelling.	Second storey exceeding 2 metres above the apex of the existing dwelling.
'Set-down' in the topography 400 millimetres below the existing finished floor level.	Offset to the side of the apex of the existing dwelling's roof (asymmetrical).
Variation in materials.	Projection on both sides and above the existing dwelling.
Roof design complimentary to the existing dwelling and other gabled roof forms within the locality.	
Separation from the existing building to ensure a clear separation between the old and new buildings.	

The comparison indicates that whilst the proposal is of a greater height and width than the existing dwelling, the proposal has taken significant steps to resolve this incongruence.

Furthermore, the area is not without the presence of two-storey development and it is unreasonable to refuse development due to its two storey nature. The maximum height allowed by the General Residential Zone is 11 metres. However, the proposal's maximum height above ground level will be 7.6 metres, when calculated from the rear of

the subject land which is approximately 400 millimetres lower than the ground level at the front of the subject land.

The Local Heritage Policy under Clause 22.06 states that additions and alterations should:

- *“Encourage additions and alterations that retain and protect the main architectural style, structure and significance of the heritage place.*
- *Ensure integration of new development by encouraging design that respects the heritage place through its setting, location, bulk, form, materials and appearance.*
- *Encourage alterations and additions to heritage places that are concealed from the public realm, or if this cannot be achieved do not dominate the heritage place.*
- *Ensure that alterations and additions to a heritage place do not detract from the significance or views of adjoining heritage places and/or precincts.*
- *Encourage additions and alterations that avoid demolition of a heritage place and/or contributory elements; retaining facades only is discouraged.”*

In response to this:

- The proposal uses the existing roof form as an architectural reference. In addition, it is not a heritage place, but rather is sympathetic in forms and scale.
- The proposal respects the existing dwelling (albeit, not a contributory heritage place) through it being setback behind the existing dwelling, using a roof form consistent with the existing dwelling and varied materials.
- The proposal may be higher and wider than the existing dwelling, however, the existing dwelling is not a contributory building and the proposal sympathetic in form to the existing dwelling.
- Despite being located to the rear of an existing dwelling, the proposal will be visible from the public realm. However, it will not detract from the significance or views of adjoining heritage places and/or precincts due to its location to the rear of an existing dwelling and set-down in the topography.
- The proposal will not demolish a heritage place and/or contributory elements within the precinct and will retain a significant portion of the existing dwelling.

As stated by the Heritage Advisor; *“the precinct is significant for its high percentage of late Victorian and Edwardian dwellings that give it a strong period character, while the hilly terrain provides picturesque views to and from the housing stock that enhance the sense of place.”* It is important to note that the subject land itself is not a heritage place. However, the existing dwelling *“is sympathetic in forms and scale,”* with the heritage precinct. The proposal seeks to extend the existing dwelling and *“there are concerns about the impact of the addition on the wider precinct given the generally single storey context.”* The Heritage Advisor states that *“although the proposed addition is set well back, its scale means it will be a dominant feature, which is a poor heritage outcome.”* As mentioned earlier, the Heritage Advisor carries a high degree of weight in planning applications under the Heritage Overlay. However, as demonstrated above, the proposal has employed measures to reduce the impact of its two storey form. In weighing up the Heritage Advice and the requirements of the Planning Scheme, the proposal is considered to not unduly dilute the strong period character of the precinct nor impact the picturesque views or sense of place to such a degree as to warrant refusal.

## Neighbourhood Character

The proposal is located within the Quarry Hill Precinct 1 of the Residential Character Policy. The desired future character statement is as follows:

The following table addresses each of the objectives for the precinct.

Objectives	Recommended Design Response
To retain buildings that contribute to the valued character of the area.	Retain and restore wherever possible, intact Victorian, Edwardian, Federation and Inter-war era dwellings. Alterations and extensions should be appropriate to the dwelling era.
<b>Comment:</b> The proposal retains the existing dwelling and carport.	
To maintain and strengthen the garden settings of the dwellings.	Prepare a landscape plan to accompany all applications for new dwellings.
<b>Comment:</b> The proposal will maintain the garden forward of the dwelling.	
To maintain the consistency, where present, of building front setbacks.	The front setback should be not less than the average setback of the adjoining two dwellings.
<b>Comment:</b> The proposal will maintain the existing front setback.	
To maintain the rhythm of dwelling spacing.	Buildings should be off-set from one side boundary.
<b>Comment:</b> The proposal will maintain the existing 4.8 metre setback from the south-western side allotment boundary.	
To minimise the dominance of car storage facilities.	Locate garages and carports behind the line of the dwelling. Use rear access where possible.
<b>Comment:</b> The proposal will retain the existing carport.	
To respect the identified heritage qualities of the streetscape or adjoining buildings.	Where the streetscape contains identified heritage buildings, reflect the dominant building forms in the street, including roof forms, in the new building design.
<b>Comment:</b> The existing dwelling is not a contributory building within this heritage precinct. The proposal seeks to reflect the dominant building form in the street by; <ul style="list-style-type: none"> <li>• Retaining the existing dwelling facing the street;</li> <li>• Reflecting the pitch of the existing dwelling's gabled roof form;</li> </ul>	

Objectives	Recommended Design Response
<ul style="list-style-type: none"> <li>• Being setback behind the existing dwelling; and</li> <li>• Being set-down in the topography below the finished floor level of the existing dwelling.</li> </ul>	
To ensure that buildings and extensions do not dominate the streetscape.	Respect the predominant building height in the street and nearby properties. Where there is a predominance of single storey, the height of the dwelling at the front of the dwelling should match the typical single storey wall height.
<p><b>Comment:</b> The locality is predominantly single storey. The proposal retains the existing single storey frontage to Olinda Street.</p> <p>Despite the proposal incorporating a second storey mezzanine level, the proposal will be no higher than 3.5 metres above the existing dwelling at any point, with a maximum height of less than 8 metres above ground level.</p>	
To use building materials and finishes that complement the dominant pattern within the streetscape	In streets dominated by weatherboard dwellings, use timber or other non-masonry cladding materials where possible, and render, bag or paint brick surfaces.
<p><b>Comment:</b> The proposal will be clad in the following:</p> <ul style="list-style-type: none"> <li>• Custom orb roofing;</li> <li>• FC Axon cladding for upper floor for variation;</li> <li>• Face brickwork for the lower level; and</li> <li>• The north-eastern side additions for the ensuite and pantry will be weatherboard and painted to match existing.</li> </ul> <p>*The applicant has indicated verbally that they are prepared to amend materials if considered necessary. However, the Heritage Advisor has indicated that the proposed materials are acceptable. The key issue of consideration is one of form and bulk, not materiality.</p>	
To ensure front fences are appropriate to the era of the dwellings and maintain an openness to the streetscape.	Provide open style front fencing. Front fences should not exceed 1.2 metres other than in exceptional cases.
<p><b>Comment:</b> The proposal will retain the existing front fence.</p>	

The proposal generally meets the objectives of the Quarry Hill Residential Character Precinct 1, as listed above.

The key point of issue is in the proposal's overall bulk, which is more conspicuous than the existing dwelling. However, the proposal is considered to offset this through:

- Its setback and being set-down behind the existing dwelling; and

- Its use of the predominate roof line from the existing dwelling and other dwellings within the street.

It is agreed that the proposal will be a conspicuous departure from the existing dwelling and will be visible particularly when viewed from the street. However:

- The proposal meets the minimum requirements for height under the zone, whilst being a second storey (mezzanine) it is will be less than 1.8 metres higher than the apex of the existing dwelling.
- The proposal is setback 14 metres from Olinda Street, and set down 400 millimetres below natural ground level.
- The proposal maintains the gabled roof form.

Subsequently, the proposal is considered to meet the objectives of the Quarry Hill Residential Character Precinct 1.



**Figure 10:** Streetscape plane prepared by applicant.



**Figure 11:** Google street view

### Officer's Comments

It is acknowledged that the proposal's use of the existing gabled roof form is divisive. It appears that the applicant has sought to respect and appreciate the existing roof form, whilst obtaining the higher ceiling and mezzanine level desired by the client. It is evident by the process that some heritage and planning assessments find the extension as distracting and insensitive, whilst others see it as complementary and appropriate to the context.

Other elements of the proposal to consider:

- The proposal includes an extension to the side for the accommodation of an ensuite and pantry. This will result in the building abutting the north-eastern allotment boundary. This extension is set back 2 metres from the front façade of the existing



dwelling and even further back than the adjoining allotment's existing garage, which is located on the front boundary. Subsequently, this aspect is considered acceptable.

- The proposal may be partially visible from the high points on Olinda Street near the Queens Arms Hotel, and partially visible from certain vantage points along Gladstone Street, albeit fleetingly.
- There is a two storey building directly north of the proposed extension. However, this building is located wholly behind the existing dwelling, with a height of less than 6.4 metres above natural ground level. This building is located directly between the Gladstone and Russell Street Roundabout and the proposed extension.



**Figure 12:** View from adjacent Queens Arms Hotel on Olinda Street





**Figure 13:** View from Queens Arms Hotel on north-eastern side of Russell Street



**Figure 14:** View from round about at the intersection of Gladstone and Russell Street



**Figure 15:** View from Gladstone, the subject land is located directly behind the dwelling to the left of frame.

## Conclusion

The proposal is for the partial demolition and extension of a dwelling at 136 Olinda Street, Quarry Hill. The proposal is triggered by the Heritage Overlay within which the subject land is located as part of a broader precinct. The proposal will result in a portion of the proposed extension being visible from Olinda Street. However, this is considered to

acceptable due to the siting, materials, finishes and design of the proposal. Subsequently, it is recommended that the Council resolve to grant a Planning Permit for the proposal, subject to conditions and notes.

## Options

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

## Proposed Conditions

### 1. NO LAYOUT ALTERATION

The development permitted by this permit as shown on the endorsed plans and/or 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. SCHEDULE OF MATERIALS

Prior to the commencement of development a schedule of the proposed materials and colours to be used for the building, shall be submitted to and approved in writing by the responsible authority.

### 3. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

### 4. GENERAL DRAINAGE – BUILDINGS & HOUSES

The development must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

### 5. 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.

## Note: Objector concerns regarding overlooking

Please note that concerns were raised by an objector regarding overlooking from the mezzanine level of the extension into the rear neighbour's yard through the triangular windows. This is to be assessed as part of the Building Permit assessment.

## Note: Part 5 of the Building Regulations 2018 not assessed

This development has been assessed and approved under the Planning Scheme provisions of the Heritage Overlay only. This approval does not indicate that requirements of Part 5 of the Building Regulations 2018 have been satisfied.

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

Author	David Burrow, Statutory Planner
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

**Summary/Purpose**

Application details:	Use and development of a dwelling
Application No:	DR/525/2020
Applicant:	Shane Muir Consulting Engineers Pty Ltd
Land:	Lot 2 Mt Ida Lane, HEATHCOTE 3523
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay – Schedule 1 Environmental Significance Overlay – Schedule 3
No. of objections:	Nil
Consultation meeting:	N/A
Key considerations:	<ul style="list-style-type: none"> <li>• Land use compatibility</li> <li>• Protection of agricultural land</li> <li>• Rural dwellings policy</li> </ul>
Conclusion:	The proposal is inconsistent with the Greater Bendigo Planning Scheme and a permit should not be granted.

**RECOMMENDATION**

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

1. The proposal does not align with the purpose of the Farming Zone by not supporting a meaningful agricultural activity.
2. The proposal does not align with the Rural Dwellings Policy at Clause 22.02 by:
  - Not being a subdivision created since the introduction of planning controls
  - Not having significant infrastructure in support of an agricultural activity
  - The land has agricultural potential and the proposed agricultural activity is insufficient to warrant the use of the land for a dwelling.

**Policy Context**

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 4 Presentation and managing growth
- Goal 6 Embracing our culture and heritage

### **Attachments**

1. Planning Assessment Report



## Attachment 1 - Lot 2 Mt Ida Lane Heathcote Planning Assessment Report

### PLANNING ASSESSMENT REPORT

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#### Report

##### Subject Site and Surrounds

The subject land is identified as Lot 2 Mt Ida Lane, Heathcote, located wholly within the Farming Zone, Bushfire Management Overlay and Environmental Significance Overlay – Schedule 3. The subject land is also partially affected by the Environmental Significance Overlay - Schedule 1, 50 metres each side of Mt Ida Creek. The subject land has a total area of 31.65 hectares and is located on the foothills of Mt Ida, with Mt Ida Creek flowing through its southern portion. An existing structure located on-site has been used for accommodation, which appears to be unauthorised. There is sporadic native vegetation within the subject land. Access would be via a track from Mt Ida Lane.

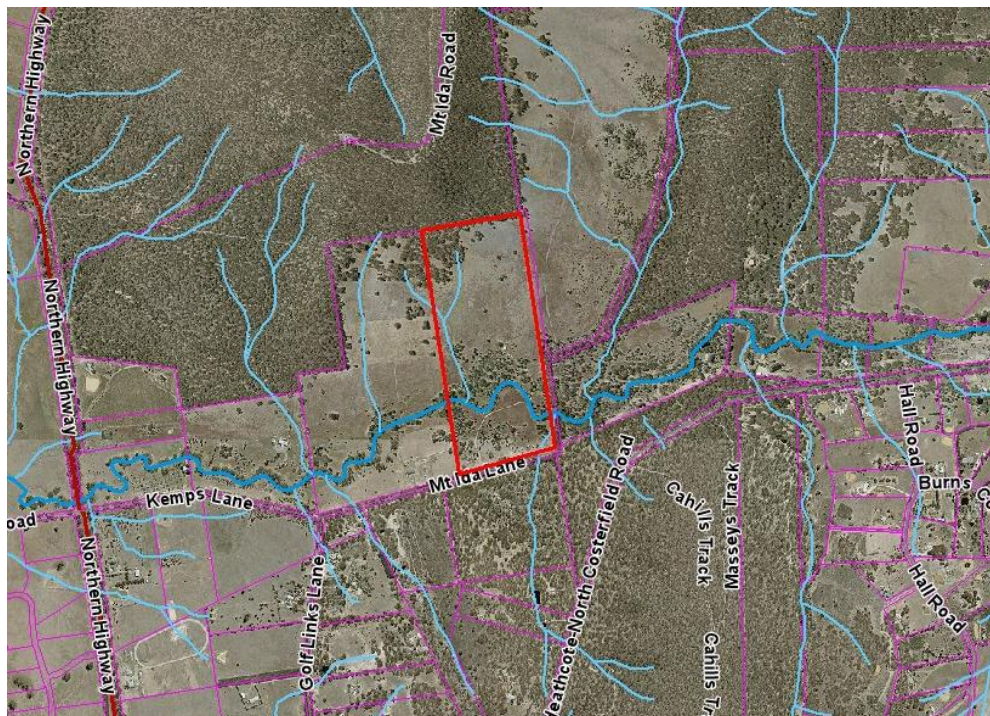
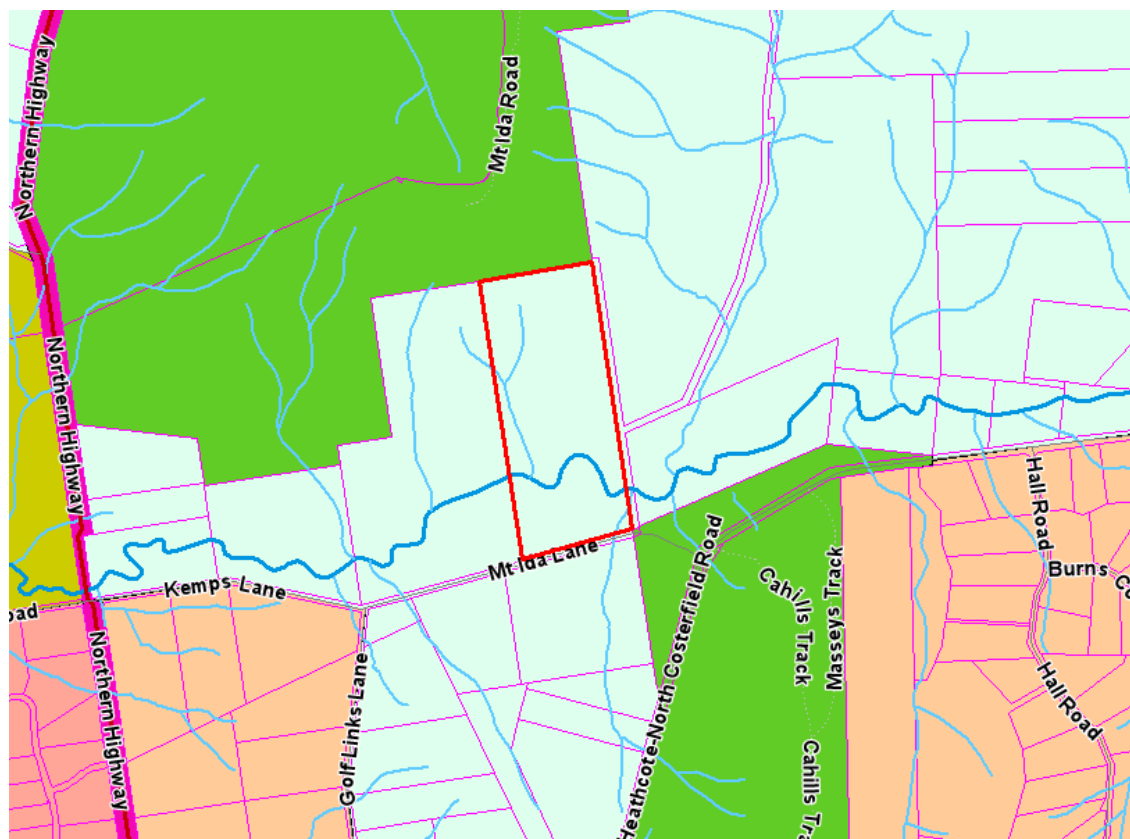


Figure 1: Location map showing subject site.



**Figure 2:** Zone map showing subject site.





**Figure 3:** Applicant's photos of the existing structure.

### Proposal

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

The applicant has also advised that *“the land owner has decided to under (sic) and Agricultural activity based around Horticulture, in particular Viticulture, grape growing (vineyard) with produce development.”* However, no plans including the agricultural use have been provided.

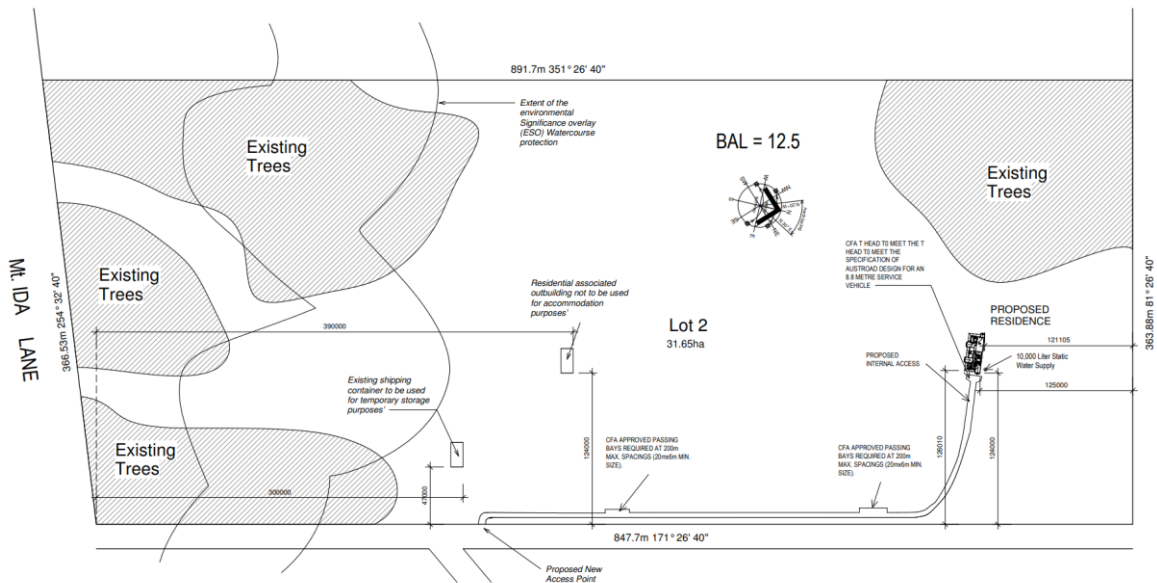


Figure 4: Proposed site plan

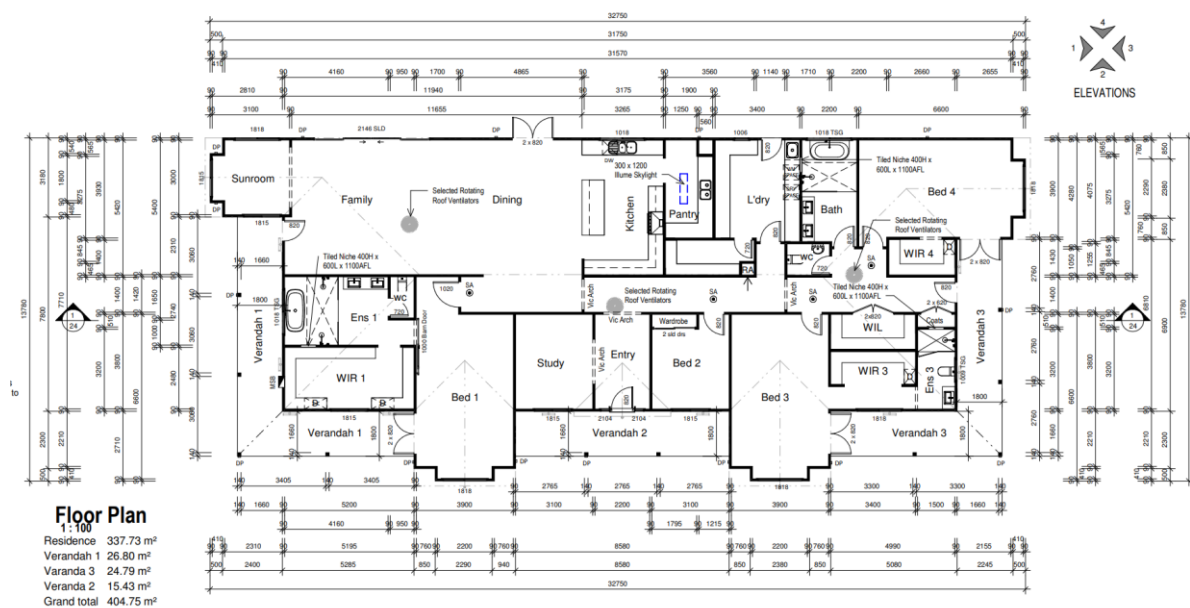


Figure 5: Proposed floor plan

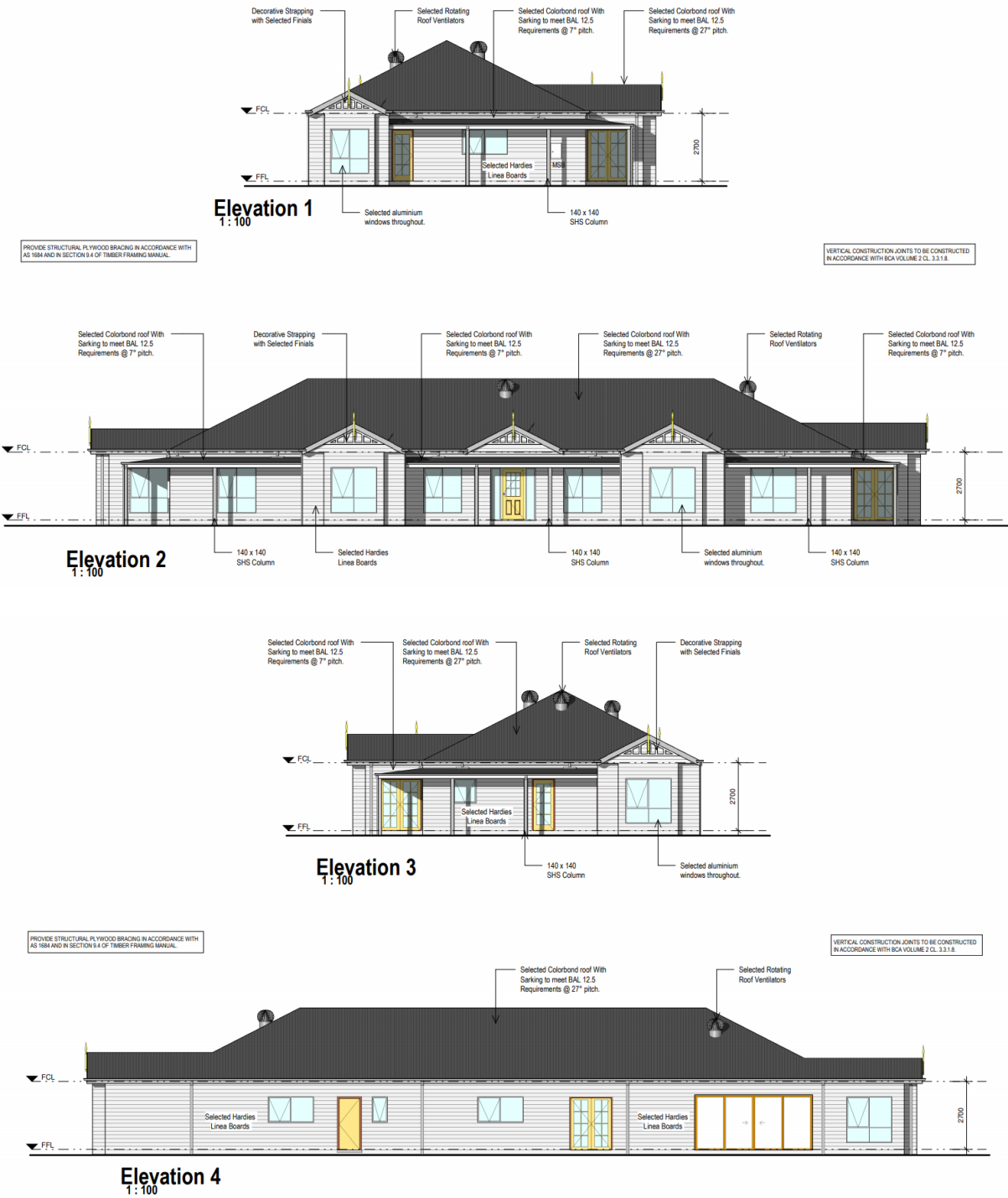
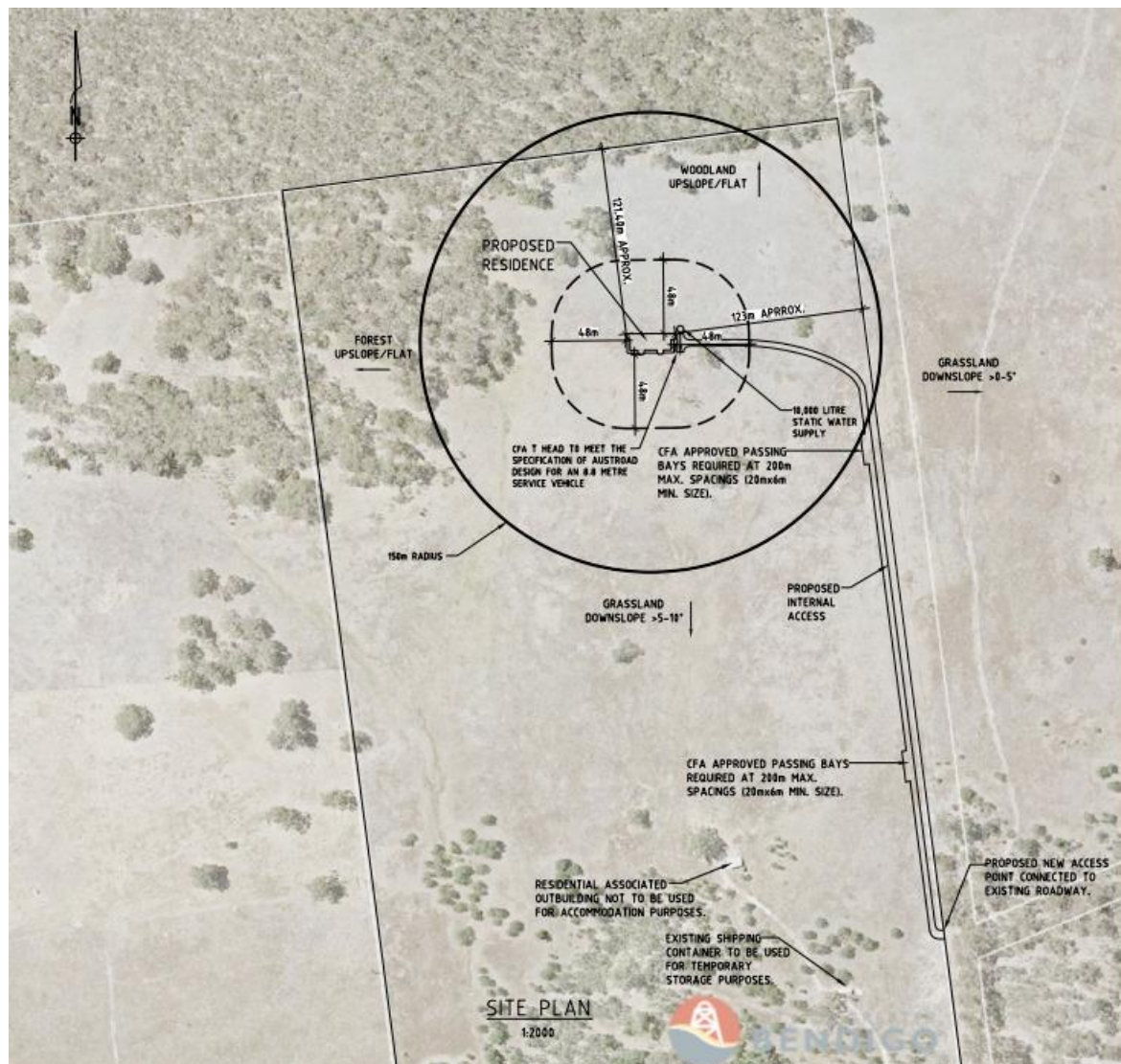


Figure 6: Proposed elevations





**Figure 5:** Excerpt from Bushfire Management Plan.

## Planning Controls - Greater Bendigo Planning Scheme

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

### State Planning Policy Framework

- 11.01-1R Settlement – Loddon Mallee South
- 12.03-1S River corridors, waterways, lakes and wetlands
- 13.02-1S Bushfire planning
- 13.04-2S Erosion and landslip
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.02-1S Catchment planning and management
- 14.02-2S Water quality
- 15.01-6S Design for rural areas
- 15.03-2S Aboriginal cultural heritage
- 16.01-3S Rural residential development

Municipal Strategic Statement

- 21.01 Municipal profile
- 21.02 Key Issues and Influences
- 21.08 Environment

Local Planning Policies

- 22.02 Rural Dwelling Policy

Other Provisions

- 35.07 Farming Zone
- 44.06 Bushfire Management Overlay
- 42.01 Environmental Significance Overlay – Schedule 1
- 42.01 Environmental Significance Overlay – Schedule 3
- 53.02 Bushfire planning

**Consultation/Communication**Referrals

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

Referral	Comment
Goulburn Murray Water	No objection subject to conditions
Country Fire Authority	No objection subject to conditions
Traffic & Design	No objection subject to conditions
Drainage	No objection subject to conditions
Environmental Health	No objection subject to conditions

Public Notification

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

As a result of advertising, no objections were received.

**Planning Assessment**Permit triggers

The proposal is triggered by the following provisions of the Scheme:

- **Clause 35.07 Farming Zone:** The use and development of a dwelling on a Lot with an area of less than 40 hectares, and any construction within 100 metres from a watercourse, within the Farming Zone;

- **Clause 42.01 Environmental Significance Overlay – Schedule 3:** The construction of a building that will increase the generation of wastewater; and
- **Clause 44.06 Bushfire Management Overlay:** The construction of accommodation within the Bushfire Management Overlay.

Therefore, this assessment will consider the following:

- The land use compatibility of the proposal within the Farming Zone;
- The proposal's impact on the catchment area;
- The proposal's bushfire protection measures; and
- The suitability of the proposal's design and scale within the rural character of the locality.

It is noted that the applicant has advised that *“the land owner has decided to undergo an agricultural activity.”* Details of the location and operations of the proposed ‘vineyard’ have not been provided. The applicant has noted that they have been suggested *“to start off with about 10 acres (4 hectares) of vine plantings.”* This would equate to 12-13% of the subject land. It appears that at this stage the applicant is intending to undertake a horticulture and viticulture course in anticipation of the agricultural activity. For clarity, a planning permit is not required for the use of the land for agriculture in a Farming Zone.

#### Land use

The proposal is for the use and development of a dwelling within the Farming Zone, on a Lot with an area of less than 40 hectares. Any dwelling within the Farming Zone must meet the following minimum pre-requirements, pursuant to Clause 35.07-2:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

If these matters cannot be achieved the use of the land for a dwelling is prohibited. The proposal achieves the above requirements as follows:

- Access can be provided from Mt Ida Lane, via an existing road reserve. Conditions regarding upgrades to this road reserve have been provided by the City's engineers.
- The capability for an on-site wastewater management system has been demonstrated and supported by the City's Environmental Health Officers and Goulburn Murray Water, subject to conditions.
- The proposal includes water storage tanks to supply the dwelling and for bushfire protection in accordance with the Bushfire Management Plan.
- Reticulated electricity can be sourced from an extension along Mt Ida Lane.



Subsequently, the use of the land for a dwelling within the Farming Zone may be considered. However, a Planning Permit is required for the use of the land for a dwelling if the allotment has area less than 40 hectares. Therefore, the proposal must be considered in accordance with the purpose and the guidelines for the Farming Zone, including other relevant rural policies.

The purposes of the Farming Zone are;

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

As shown above, the purpose of the Farming Zone is to protect land for agricultural purposes. 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 enroll 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. This, in turn, raises the question of how the dwelling and the agricultural activity will be linked and whether the two uses (dwelling and agriculture) could occur independently.

The assessing officer submits that the maintenance of such a vineyard, whilst important, does not necessitate the need for a dwelling on-site particularly given its limited scale. Furthermore, the subject land is located approximately three kilometres north of Heathcote’s General Residential Zone where dwellings are supported, in sufficiently close proximity to the subject land. Therefore, the presence of a dwelling within the subject land could in actuality remove land which could otherwise be used for a more meaningful and productive agricultural activity.

The objectives of Council’s Rural Dwelling’s Policy at Clause 22.02 are as follows:

- *To discourage the fragmentation of rural land, or land with significant environmental values.*
- *To ensure that existing agricultural enterprises in the Farming Zone are not placed under pressure from the encroachment of residential activities.*
- *To promote effective staging of rural living development linked to the effective supply of infrastructure and services and sound environmental management.*
- *To ensure that domestic wastewater management systems are appropriately located, designed and managed.*

- *To discourage the construction of dwellings on existing small lots within the Farming Zone.*

The policy further explains that dwellings should be discouraged “on existing small lots within the Farming Zone” with the following exceptions:

- *“Subdivisions have been created since the introduction of planning controls,*
- *Substantial infrastructure works have been completed; or*
- *The land has no agricultural potential and native vegetation will be retained and managed.”*

The proposal does not meet the above exceptions for the following reasons:

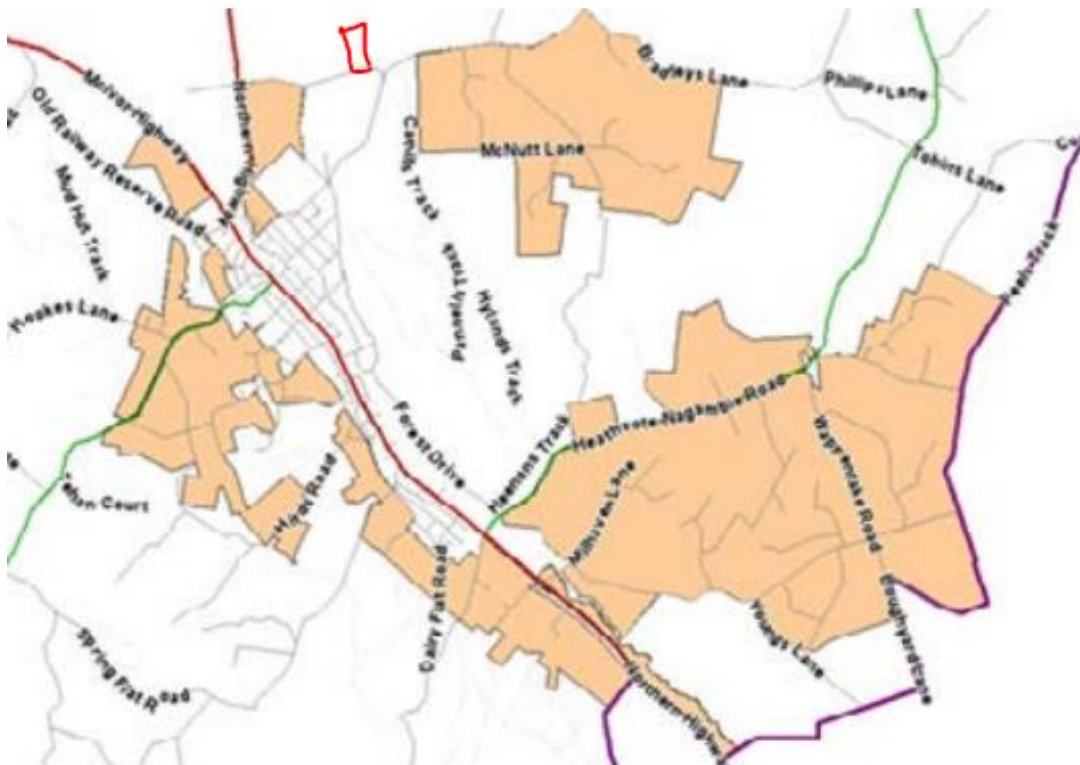
- The subject land was not created as part of a subdivision approved under the Greater Bendigo Planning Scheme. Indeed, the lot is an old Crown Allotment without any expectation of a dwelling when originally created;
- No substantial infrastructure has been completed on the subject land in support of agriculture; and
- The land does have agricultural potential.

Subsequently, the construction of a dwelling within the subject land should be discouraged.

When considered against the purpose of the Farming Zone, and relevant rural policies, rather than supporting the use of the land for agriculture, the proposed dwelling would likely reduce the amount of land that could facilitate an agricultural activity. In addition, it is also acknowledged that there is sufficient land within the residential areas of Heathcote and the Rural Living Zone to the east of Heathcote which could support the use and development of a dwelling.

The Heathcote Township Plan, adopted July 2019, determined that there were more than 300 potential allotments available in Heathcote and Argyle for Rural Living. This could be regarded as an over-supply.

Therefore, the proposal for a dwelling on an undersized allotment within the Farming Zone is considered unacceptable. Such development of undersized allotments within the Farming Zone should be discouraged unless tangibly linked to the use of the land for an agricultural activity. To ensure that land is developed in an orderly and strategic manner, dwellings should be encouraged in appropriately zoned areas, in this case the nearby Rural Living zoned land. The continued development of Farming Zone land for housing undermines efforts to ensure dwellings are located in planned/serviced areas, as well as diminishing the economic return for the agricultural sector.



**Figure 6:** Excerpt from the Heathcote Township Plan, annotated with the location of the subject land in red. The orange colouring identifies the location of the Rural Living Zone around Heathcote.

### Water Quality

The subject land is located within an Environmental Significance Overlay (ESO) – Schedule 3. The objective of this schedule to an ESO is:

*“To ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.”*

The proposal was referred to Goulburn-Murray Water and Coliban Water Corporation with neither objecting to the granting of a planning permit, subject to conditions and adherence to the Land Capability Assessment provided. Subsequently, the proposal is considered to be acceptable within the Environmental Significance Overlay – Schedule 3.

### Bushfire Planning

The subject land is located within a Bushfire Management Overlay. The proposed dwelling would be located within the northern portion of the allotment, within proximity to the Regional Park which is significantly vegetated. The applicant provided a Bushfire Management Plan (BMP). The Country Fire Authority has indicated that they have no objection to the granting of a planning permit, subject to conditions, which resulted in an amended BMP. Subsequently, it is considered that bushfire risk can be suitably mitigated in accordance with Clause 53.02.

### Rural Dwelling Design

The proposed dwelling would be located on the foothills of Mount Ida toward the rear of the subject land, over 100 metres from the northern allotment boundary. Given that the proposed dwelling is setback a minimum of 120 metres from any other allotment boundary and would be of a single storey nature, it is considered to be of an acceptable scale and suitably sited. Subsequently, the dwelling design and siting is considered acceptable.

### **Conclusion**

The proposal is for the use and development of a dwelling on a small lot within the Farming Zone. Such use and development should be discouraged within the Farming Zone to protect agricultural activities. The applicant has indicated that they are considering installing a vineyard within the subject land. However, this agricultural activity does not necessitate the need for a dwelling. Rather the dwelling will use land that could otherwise be available for a meaningful agricultural activity.

The Greater Bendigo Planning Scheme requires an application to use and develop a dwelling on Farming Zone land to be accompanied by detailed justification. In this instance insufficient supporting documentation has been provided. To approve the subject dwelling based on negligible supporting information may make it difficult for the City to uphold the Planning Scheme requirements for future similar proposals, through creating a precedent.

Subsequently, Council is recommended to refuse to grant a Planning Permit for the use and development of a dwelling.

### **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.

### 14.5. Heritage Overlay for 55 Condon Street, Kennington

Author	Emma Bryant, Amendments and Heritage Coordinator
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

#### Purpose

To seek support from Council to apply a heritage overlay to 55 Condon Street, Kennington.

#### Summary

<b>Amendment details:</b>	<p>The amendment proposes to apply a Heritage Overlay to 55 Condon Street Kennington, by amending the Planning Scheme map and the Schedule to the Heritage Overlay.</p> <p>The site contains the John Beebe observatory and dwelling constructed in 1900 that have been assessed as having local individual heritage significance, with the observatory potentially of State significance.</p> <p>The current owner has listed the property for sale and is not supportive of protecting the heritage assets, therefore they are in danger of being demolished.</p>
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#### RECOMMENDATION

That Council resolve to:

1. Request the Minister for Planning to authorise Council to prepare Amendment C271 to the Greater Bendigo Planning Scheme.
2. When authorised by the Minister, exhibit Amendment C271 to the Greater Bendigo Planning Scheme giving notification as required for the minimum statutory exhibition period of one month.
3. Support the Director of Strategy and Growth requesting the Minister for Planning, under delegation, to apply an interim heritage overlay to the site if a report and consent application to demolish under the *Building Act* 1993 is received for the site.

## Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

## Background Information

The property at 55 Condon Street was previously listed for sale by the owner in mid-2019. The property had not been previously studied for heritage significance as no comprehensive study has been done in that area, being the urban area of the former Shire of Strathfieldsaye. We were made aware that the site was of potential heritage significance by interested parties, mostly due to the presence of a red brick observatory on the site, which was built by prominent architect John Beebe and for a time served as the main observatory in Bendigo (see Figure 1 below). We contacted the owner at that time, but they were resistant to both allowing an inspection of the property to assess its condition and to passing along to potential purchasers any information about the heritage interest in the site.

We commissioned the preparation of a heritage citation for the place in case there was a need to apply for an interim heritage overlay to protect the site (Refer attachment 1). The citation confirmed that the house, although altered, was sufficiently intact to meet criteria for local significance (see Figure 2 below), while the observatory was potentially of State significance as a rare surviving example of a private observatory that had served a public function. The connection of both buildings to John Beebe adds to their significance. Beebe was a prominent local architect, brother of Mayor and architect William Beebe, and partnered for a time with W. C. Vahland. Beebe was also a noted amateur astronomer, offering use of the observatory to students at the School of Mines and serving as the official observatory for meteorological readings for Bendigo for several years. The property was subsequently withdrawn from sale and so we did not need to apply for an interim heritage overlay.

While we considered including the property in a heritage overlay as part of our current planning scheme review heritage correction amendment, we also thought that as the property had been withdrawn from sale, that it would be preferable to include it in the broader heritage study for the area, to be commenced this financial year. However, given that the property is once again listed for sale, and the ongoing reluctance of the owner and their agents to engage with the potential heritage aspects of the site, it seems that a standalone amendment is the best way forward.



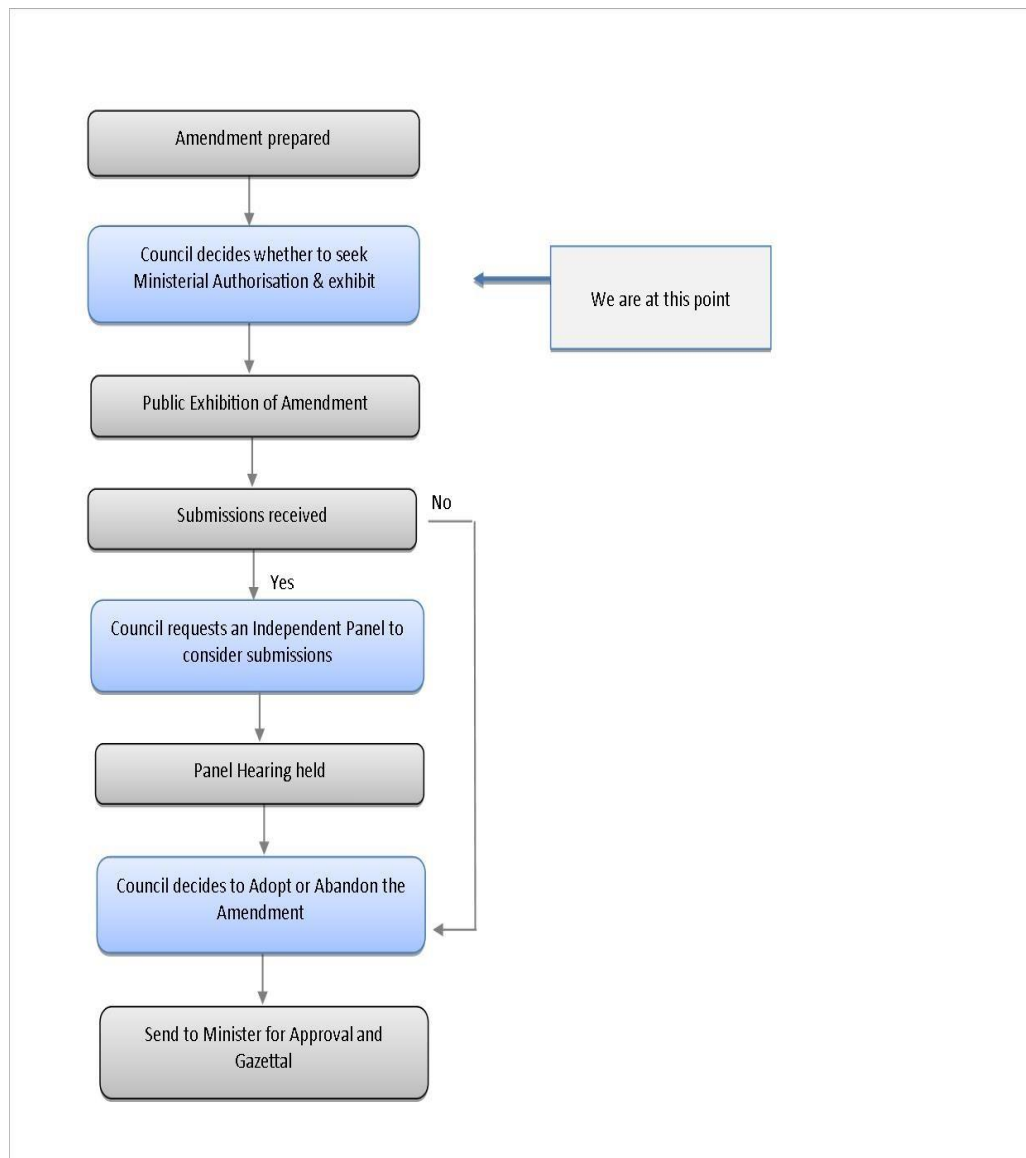


Figure 1: Photo of Observatory (source City of Greater Bendigo 2012)



Figure 2: Photo of LaRocca residence, 2019 (Source: Domain).

The key steps in the Amendment process are summarised below:



Previous Council Decisions: None.

## Report

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

When requesting authorisation from the Minister for Planning, an Explanatory Report must be submitted that discusses the purpose, effects and strategic justification for the Amendment. Key issues identified in the Explanatory Report are summarised below. (Full copy attached).

### Land affected by the Amendment

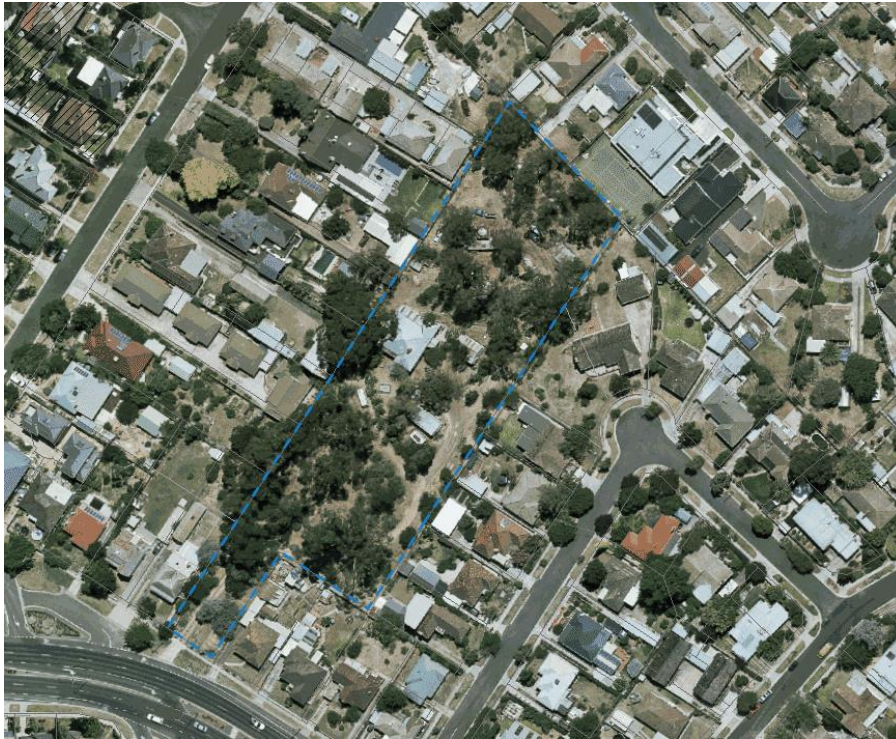


Figure 3: The subject site is known as 55 Condon Street, KENNINGTON 3550.

The land affected by the Amendment is 8,440 square metres in size with a frontage of approximately 16 metres to Condon Street, and is surrounded by General Residential Zone and dwellings. There are no overlays on the land or adjoining land.

The site is hard to see from the road due to its narrow entrance and deep block. There are several trees on the land, including native trees, but these have not been assessed due to the lack of access to the site.

### What the Amendment does

The Amendment proposes to:

- Apply HO937 to the site
- Amend the schedule to Clause 43.01 Heritage Overlay to include 55 Condon Street, Kennington and Statement of Significance ‘La Rocca Residence and East Bendigo Observatory.’
- Amend the Schedule to Clause 72.04 Incorporated Documents to include the Statement of Significance “La Rocca Residence and East Bendigo Observatory.”

### Social, Economic and Environmental impacts

This Amendment will have a positive environmental effect as it will encourage the retention and reuse of a structurally sound and historic building, reducing the need to use new materials, and some of the trees on site.



The Burra Charter (2013) states:

*“Places of cultural significance enrich people’s lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience.... They are irreplaceable and precious. These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.”*

Protection of heritage places benefits the community by adding to the understanding of Greater Bendigo’s rich cultural history, providing a link to the past and giving a sense of place.

The application of the Heritage Overlay may have an economic impact by constraining development of the site, however, as the site is large, part of it will be able to be developed sympathetically.

A Heritage Overlay will ensure that the heritage values of the site are considered as part of any development proposal as a planning permit will be required. Furthermore, the application of the Heritage Overlay would mean that the owner would be eligible for a Heritage Restoration Loan under the Council’s loan scheme, which would assist with the cost of restoring the buildings.

Overall the Amendment will have a positive effect on the economy. It is recognised that heritage contributes to the economy in that it attracts people, often skilled professionals, to visit, recreate, work and live. Bendigo’s rich and diverse heritage landscape, from its small timber cottages to grand public buildings, all contribute to its unique identity and attract people to the City.

#### Strategic justification – Planning context

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

#### State Planning Policy Framework

Clause 15.03-1S Heritage conservation: which has the objective of ensuring the conservation of places of heritage significance and includes the strategy: *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.* The Amendment will ensure that places of heritage significance are provided with planning controls that ensure that their significance is carefully considered and managed into the future.

#### Local Planning Policy Framework

The amendment supports or implements the following clauses of the Local Planning Policy Framework.

Clause 21.02 (Key Issues and Influences) refers to managing heritage sites and places. Specifically, Clause 21.02-2, under the ‘Environment’ section, states that *‘the heritage places of Greater Bendigo can be considered as some of the region’s most valuable assets which set the city apart.’*

Clause 21.08 (Environment) contains a ‘Heritage’ section under Clause 21.08-4, which has the objective of identifying and protecting heritage places with Aboriginal and historic cultural value as well as natural value. It includes a strategy to identify all heritage assets in the municipality.

Clause 21.08-6 additionally contains under the 'Implementation' section that the objectives and strategies will be implemented by applying the Heritage Overlay to buildings, areas, places and sites of heritage significance.

Clause 22.06 (Heritage Policy) applies to all applications in the Heritage Overlay, and relevant objectives of the Heritage Policy are:

- To retain heritage assets for the enjoyment, education and experience of residents, visitors and future generations of the municipality.
- To ensure that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts.
- To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.

A heritage consultant has undertaken a detailed history and assessment of the site against the recognised heritage criteria and found that it has heritage significance and should be protected under a Heritage Overlay in the Planning Scheme. The findings detailed in the citation are summarised below with full a heritage citation attached.

### **Summary of Citation**

The subject property was first held in freehold from 1863 to 1899 by a George Lansell, soap maker, as a four-acre allotment with a small cottage. The site was sold in 1899 to monumental sculptors John Beebe and Jonathon Oliver Mayne who then subdivided the site into two blocks of approximately two-acres each, with Beebe retaining the subject site with the existing dwelling.

A residence was built on the land for the Beebe family, named 'La Rocca', and John Beebe, a keen amateur astronomer, also built and opened a private observatory. Rated with a Net Annual Value (NAV) of £5 in 1899, the subject property was rated consistently with a NAV of £25 from 1900 to 1912, indicating that both the residence and the observatory were built in 1900. It is believed that both buildings were designed by Beebe, who had graduated as an architect from the Bendigo School of Mines in 1900.

John Beebe formed a partnership with Vahland's architect son, Harry, operating from the same offices that the W C Vahland and Sons practice operated from in Bull Street, later named A'Beckett Chambers. During their short-lived partnership, Harry Vahland and John Beebe were appointed honorary architects for the erection of a statue of Queen Victoria in Bendigo in 1901. They also designed a brick shop in Mitchell Street, Bendigo, constructed in 1901, and the Katamatite police quarters. After Harry Vahland died prematurely in 1902, Beebe worked with William Vahland senior who returned from retirement and re-joined the firm. Together they designed See House (Langley Hall – HO682), St Johns Church of England, North Bendigo, opened in 1904 as well as the Marong Shire Hall (HO559), built in 1908. Beebe also undertook work as a sole practitioner and was appointed architect to the Anglican diocese (Butcher 2019:6).

The observatory that Beebe designed mirrored the nineteenth century professional observatory designs popular in Britain, Europe and the USA at the time, although on a smaller scale. It featured an elevated central dome room and adjacent wings, one of which housed a transit telescope that provided a time service for local citizens and use by the astronomer during research programs. Beebe opened his observatory for educational use in 1907 for students at the Bendigo School of Mines.

After the suitability of the site of Bendigo's government observatory was questioned, from 1908 until 1914 Beebe's private observatory took on the role of the official observatory in Bendigo, known officially as the East Bendigo Observatory, with meteorological readings regularly reported in the local press. Beebe's expertise in astronomy was recognised when he was made a Fellow of the Royal Astronomical Society, based in London, in March 1917.

Smaller, private observatories, built in the period 1850s-1920s and comparable with the East Bendigo Observatory, were constructed at a number of places throughout Australia, including the goldfield towns of Ballarat and Castlemaine. From available information it appears that only three of these observatories are extant: the East Bendigo Observatory in Victoria; the Windsor Observatory in New South Wales; and the Ballarat Municipal Observatory in Victoria. No other comparable private observatories dating from the nineteenth and early twentieth century appear to exist in Victoria. The Ballarat Municipal Observatory, in good condition and listed on the Victorian Heritage Register (VHR H0936), is described by the National Trust as 'perhaps the only surviving nineteenth century private observatory in Victoria' (VHD 2008, 'Ballarat Observatory', 67539). It differs from the East Bendigo Observatory in that it is not associated with a private residence and has been in public ownership since c1913. In addition, its building form has evolved and developed over the years.

An accurate description of the subject site as it currently exists is difficult because City officers have been denied access and the site cannot be seen from the street. As a result, observations are largely based on aerial views and real estate photos. A substantial weatherboard house is sited in the approximate centre of the block and is consistent with the time period when Beebe acquired the land and, while there appears to have been some alteration in the early postwar period, remains largely intact. To the north of the house, a red brick observatory is sited at the top of the hill. The square plan base of the observatory is capped with a mansard roof and a metal-clad dome. Wings on either side of the central square plan are at a similar scale and add to a French Second Empire style appearance.

The site is heavily treed, including some native eucalypts that appear to pre-date the house and exotic specimens may date to Beebe's time given their size. Further investigation of these trees is required.

The La Rocca residence and former East Bendigo Observatory are of historic and aesthetic significance to the City of Greater Bendigo. The former East Bendigo Observatory is also of historic, technical and aesthetic significance potentially to the State of Victoria. There are also trees of potential significance on the site.

## **Options**

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.
- Refusing the request to prepare an Amendment.
- Requesting further information. The Amendment application documentation is not sufficiently comprehensive for a request to the Minister at this time and would require considerable financial investment to address all issues. It is considered that further investigation would not resolve the critical issues of the proposal.



## Conclusion

A heritage assessment has determined that 55 Condon Street, Kennington has local heritage significance to the City, with the observatory on site potentially of State significance, and should be protected in the Greater Bendigo Planning Scheme by the application of a Heritage Overlay.

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

It is also recommended that Council support the Director of Strategy and Growth requesting the Minister for Planning to apply an interim heritage overlay if an application to demolish is received under the Building Act.

## Consultation/Communication

We have communicated with the agent selling the property the heritage interest in the property via email only because they are not taking our phone calls, however, we know from prospective purchaser enquiries that the agent is not passing this information on. We have written to the owner notifying them of our intention to apply the heritage overlay to the site, and we have received some demolition enquiries from potential purchasers, where we have explained our heritage interest.

We have also consulted with Heritage Victoria, which is supportive of our approach.

The amendment documents 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.

## Resource Implications

There will be minimal impact on the future resources of the City Statutory Planning department in assessing applications as it is a site specific control and if the site was to be developed it would need a planning permit for subdivision anyway.

Officer time will be required to prepare the amendment documentation for authorisation, exhibition, manage the exhibition process and liaise with the Minister for Planning.

The City will be responsible for payment of statutory fees and costs incurred in the processing of the Amendment. This may include a panel hearing process if the amendment has unresolved submissions following exhibition. Estimated total cost between \$5,000 and \$10,000.

## Attachments

**Attachment 1 - Attachment 1 - Amendment C271gben - Citation La Rocca Residence and East Bendigo Observatory Heritage Citation**



# **‘La Rocca’ Residence and East Bendigo Observatory Heritage Citation**

Prepared for City of Greater Bendigo

**Prepared by Dr Robyn Ballinger, History Making  
Pty Ltd, PO Box 75, Maldon VIC 3463**

**Reviewed by Wendy Jacobs, Architect & Heritage  
Consultant, PO Box 193, Ballarat VIC 3353**

**28 JULY 2019**

**Amended by the City of Greater Bendigo  
April 2021**

<b>Name</b> 'La Rocca' residence and East Bendigo Observatory	
<b>Address</b> 55 Condon Street, Kennington	<b>Dates</b> 1900
<b>Designer/s</b> John Beebe	<b>Builders</b> Unknown
<b>Heritage Group</b> Residential <b>Heritage Category</b>	<b>Condition</b> Likely poor <b>Intactness</b> Medium-High
<b>Significance</b> Local and state	
<b>Recommendation</b> Inclusion in the Greater Bendigo Heritage Overlay (residence and observatory) and Victorian Heritage Register (observatory)	

## History

### Contextual history

Historians and researchers of astronomy Professor Wayne Orchiston and Daryl Martin write that the second half of the nineteenth century was a formative one in Australian astronomy. This period, they argue, 'saw the establishment of the state observatories; the emergence of the first astronomical societies and local telescope makers; and the appearance of a network of private observatories across the nation' (Martin and Orchiston 1987:1).

Astronomy had a high public profile in Victoria during the second half of the nineteenth century, popularised by the completion of the largest telescope in the world, the 48-inch Great Melbourne Telescope, a succession of impressive naked eye comets, and the 1874 and 1882 transits of Venus (Orchiston 2019).

State government-run astronomical observatories were opened in the colonies of Victoria, South Australia, New South Wales, Tasmania and Western Australia at different stages throughout the mid to late-nineteenth century, with systematic astronomical work established in Melbourne at the Williamstown Observatory in 1853. The Melbourne Observatory commenced operations in 1863 and continued official government work until 1945. In Bendigo, a government observatory, formed to record meteorological conditions, opened at the police reserve in 1894 (*Bendigo Advertiser* 15 June 1894:3).

From 1908 the Commonwealth Meteorological Bureau (Bureau of Meteorology) took over weather recording and meteorological capabilities from the state observatories. The government observatories struggled to maintain the necessary funding to survive through the twentieth century, and all have ceased their formal scientific and research functions.

Other observatories comprised small private ventures established by amateur enthusiasts, particularly after the spectacular astronomical event of a large comet in 1853. By the 1860s, public interest in astronomy was growing. In Bendigo, for example, in 1861 Rev R Fletcher, minister of the Sandhurst Congregational Church, conducted three lectures on elementary astronomy. Later in 1874, in preparation for the transit of Venus on 9 December, Robert L J Ellery from the Melbourne Observatory set up Victorian observing stations at Mornington near Melbourne, at Glenrowan, and at Sandhurst (on One Tree Hill), in addition to preparing to observe from the Melbourne Observatory (Lomb 2012; Martin and Orchiston 1987:2-3).

The astronomical work carried out at private observatories in Australia in the nineteenth and early twentieth centuries was considered as important as the data collected by government observatories of the time (Rowe & Jacobs 2007:79). Indeed, Martin and Orchiston observe, private observatories played a significant role in gathering scientific data:

*Many private observatories served as de facto 'city observatories' in centres devoid of state observatories, providing their townsfolk with regular astronomical and meteorological data, a time service, and public viewing nights at the telescope (Martin and Orchiston 1987:1).*

In a period when Bendigo, Ballarat and Castlemaine were competing for supremacy as Victoria's 'gold capital', 'there was great rivalry between the three main Victorian goldfields centres...and it's not surprising therefore that each was blessed with a significant private observatory' (Martin and Orchiston 1987:1). Each observatory was equipped with a large telescope (by national standards) (Orchiston 2019).

Under the direction of James Oddie, an observatory at Pleasant Point in Ballarat (still extant) was constructed in 1886 and employed amateur astronomer Captain Henry Baker as director. Baker constructed a succession of increasingly larger reflecting telescopes, culminating in the 26-inch Baker Equatorial which, after the Great Melbourne Telescope, was the largest reflector in Australia. Even today, it remains one of Victoria's largest telescopes and continues to be housed in the Ballarat Municipal Observatory and Museum (Orchiston 2019).

Elsewhere, Dr William Bone opened two successive observatories in Castlemaine in the 1870s and 1880s, operating them as public astronomical and meteorological centres (Martin and Orchiston 1987:1-2). Bone's observatory was demolished in 1886 following his unexpected death, and the 8-inch refracting telescope was transferred to foremost nineteenth century astronomer John Tebbutt's observatory at Windsor, New South Wales, where it remains today (Orchiston 2019).

In the late 1870s, chemist J Nelson Jones opened a two-storey observatory on the corner of Arnold and Lucan streets in Bendigo. Jones was more interested in maintaining his observatory for public interest rather than for systematic observations. After he moved to Ararat in 1895, Jones sold his astronomical instruments, including 'a powerful equatorial telescope' to Bendigo architect John Beebe (*Bendigo Advertiser* 10 January 1914:10; Martin and Orchiston 1987:3-4). Beebe subsequently opened what was to become known as the East Bendigo Observatory at the subject site at 55 Condon Street in 1900.

The possibility of adding an observatory to the Bendigo School of Mines was discussed in 1885, however the project did not proceed (Martin and Orchiston 1987:3).

In 1922, to provide support and encouragement to the growing number of local enthusiasts, the Astronomical Society of Victoria was founded.

#### Site history and development

Condon Street was known as Strathfieldsaye Road, Back Creek, until c1910. In c1910, part of Strathfieldsaye Road was named Condon Street (*Bendigo Independent* 14 June 1910:6). The street was named after Michael Condon, a Strathfieldsaye Shire councillor for 30 years to 1917, and a local resident from 1856 (Hull 2006:22). The subject site at 55 Condon Street, part of Crown Allotment 99, Section H, Parish of Sandhurst, was included in the boundaries of the Strathfieldsaye Shire when that municipality was formed in 1866.

Although the Sandhurst Parish Plan (see Figure 1) shows that the subject property, then a four-acre allotment, was first held freehold in 1864, it was in fact owned by George Lansell, soap maker, in 1863 (CT:V45 F923). As can be seen in Figure 1, Lansell owned a number of allotments in the area.

Although detailed rate book information is scant because of a lack of street names, it appears that the subject land remained vacant until at least 1866. By 1897, the property was described as land and house, with a net annual value (NAV) of £5, and occupied by miner Frank Barnett. Because the property, addressed as Back Creek in the Strathfieldsaye Shire rate books, was valued at only £5 in the period 1866-1898, the dwelling on site was not a substantial building. Miners continued to live in the house on the subject site until Lansell sold the property in 1899 (RB 1864, 1865, 1866, 1897, 1898 and 1899).

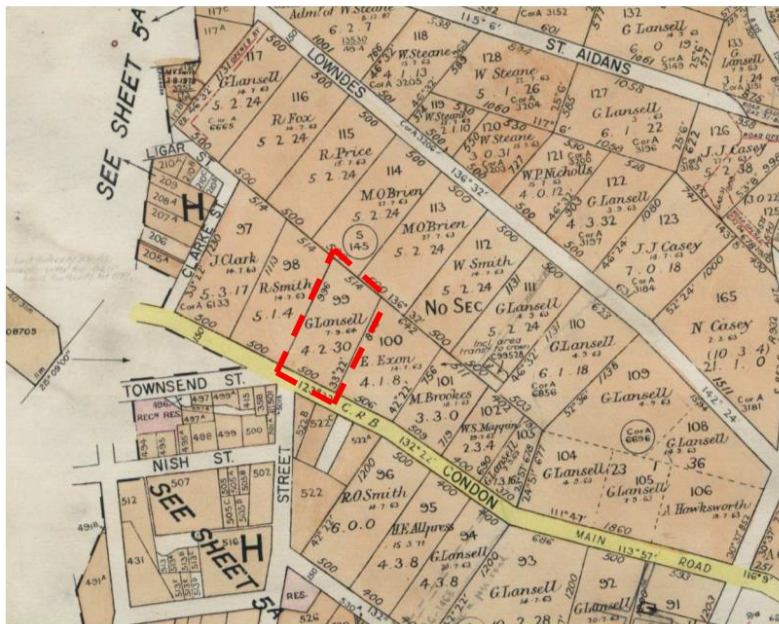


Figure 1. Sandhurst Parish Plan with the subject site outlined in red. (Source: 'Bendigo at Sandhurst Parish Plan' 1961).

The four-acre site and dwelling was sold by Lansell in 1899 to monumental sculptors John Beebe and Jonathon Oliver Mayne in July of that year (CT:V45 F923). Jonathon Oliver Mayne was likely the son of stonemason William Beebe senior's business partner, also named Jonathon Mayne (see the section on John Beebe below). In October 1899, Beebe and Oliver subdivided the four-acre allotment into two blocks of approximately two-acres each, with Beebe retaining the subject site with the existing dwelling (CT:V2731 F156).

A residence for the Beebe family, named 'La Rocca', was subsequently built on the allotment, and John Beebe, a keen amateur astronomer, also opened a private observatory on the site (see Figures 4 and 5). It is believed that both buildings were designed by Beebe, who had graduated as an architect from the Bendigo School of Mines in 1900 (see the section on John Beebe below). Rated with a NAV of £5 in 1899, the subject property was rated consistently with a NAV of £25 from 1900 to 1912, indicating that both the residence and the observatory were built in 1900. From 1913 to 1919, the subject property was valued at £30 NAV because another vacant allotment, also owned by John Beebe, was included in the same rate entry (RB 1899-1913). It is assumed that the earlier dwelling was demolished during this period.

The observatory, designed by Beebe to house a 4.5-inch reflector transit telescope, mirrored the nineteenth century professional observatory designs popular in Britain, Europe and the USA at the time, although on a smaller scale, which featured an elevated central dome room and adjacent wings, one of which housed a transit telescope that provided a time service for local citizens and use by the astronomer during research programs (see Figure 3) (Martin and Orchiston 1987:7; Orchiston 2012:115; Orchiston 2019). Beebe opened his observatory for educational use when, in 1907, he made available his 'astronomical observatory equipped with a well-mounted 4½-inch equatorial refracting telescope and a transit instrument with accessories' to students at the Bendigo School of Mines (*Bendigo Independent* 18 June 1907:3).

After the suitability of the site of Bendigo's government observatory was questioned in 1908, from March of that year until 1914 Beebe's private observatory took on the role of the official observatory in Bendigo with meteorological (mainly rainfall and temperature) readings regularly reported in the local press (*Bendigo Advertiser* 20 January 1908:8; 17 March 1908:6; 4 November 1914:5). From 1908, the observatory was known officially as the East Bendigo Observatory. In 1917, the *Bendigonian* wrote that John Beebe 'has for years been taking a deep interest in astronomy, and gradually equipped a complete and efficient observatory and library at his residence on the Strathfieldsaye road' (*Bendigonian* 18 January 1917:24).

In 1914 the East Bendigo Observatory was relocated to the Supreme Court yard near the Bendigo Gaol (*Bendigo Advertiser* 4 November 1914:5). The current whereabouts of the meteorological instruments and Beebe's telescope are unknown (Martin and Orchiston 1987:7).

Because of health reasons, John Beebe moved to Queensland in the winter of 1916, however his wife Minnie Beebe stayed in Bendigo and continued to live at the residence at 55 Condon Street until c1919 (*Bendigonian* 18 January 1917:24; CT:V2743 F8594).



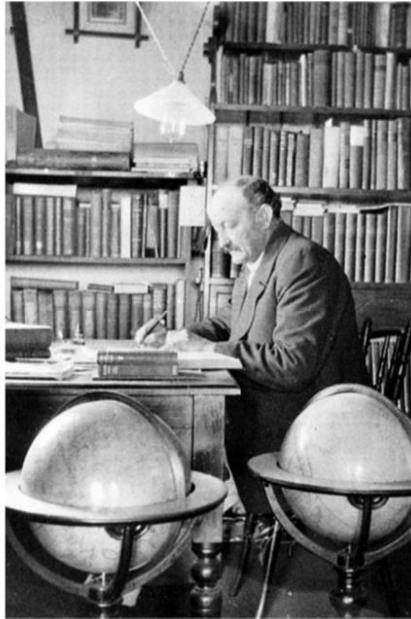


Figure 2: John Beebe in his study. Because of his age, it is likely that this photo was taken in Queensland.  
(Source: Butcher 2019:6)



Figure 3: Beebe's East Bendigo Observatory in 2004.  
(Source: Butcher 2019:4)

The subject property at 55 Condon Street was sold to farmer William McLeod Bull, also of Condon Street, in September 1920 (CT:V2743 F8594). Later owners included Florence Kate Cross in 1927, company owner Jefferson John William Davis in 1937, and school teacher Roy Ambrose Jones in 1940 (CT:V2743 F8594; CT:V6129 F5765).

Owners of the property from 1940, James and Elizabeth Benson, subdivided the allotment of two acres, one rood and 36 perches, into three allotments in 1947: two small blocks fronted Condon Street and a block of approximately two acres was located at the rear (the subject site). Lorna Francis Harris became the owner of the larger block in 1948, at which time it measured two acres and 13 perches (CT:V6129 F5765). Harris retained ownership of the subject site until veterinary surgeon Kenneth Edward Ottrey purchased the property in 1957 (CT:V7184 F651).

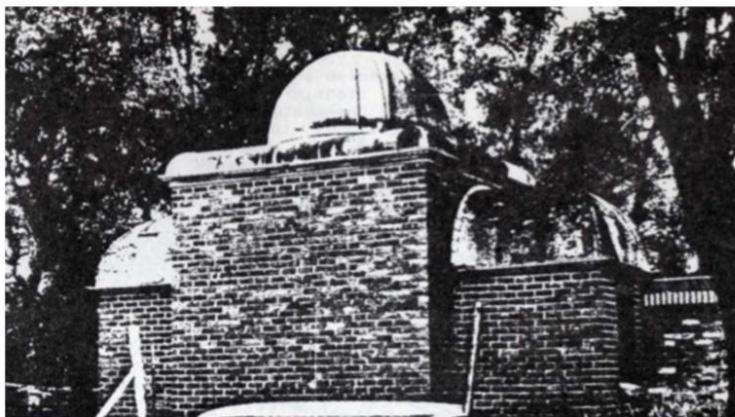


Figure 4. The observatory at 55 Condon Street in 1984. (Source: Martin and Orchiston 1987:5)



Figure 5. Inside view of the observatory in 2004. (Source Butcher 2019:5)

## Associations

### *John Beebe, architect*

John Beebe (1866-1936) and William Beebe (1857-1920) worked in the steam granite and marble monument business, William Beebe and Sons, established by their father, monumental mason and stonemason William Beebe in Mitchell Street by 1892 (*Bendigo Independent* 24 December 1892:1). By 1894, Beebe and Mayne, monumental sculptors and general stonemasons, were operating from the Mitchell Street site (*Bendigo Independent* 23 October 1894:1). William Beebe senior built a substantial stone residence for himself and his family, 'Rocky Vale' (HO557), in Maiden Gully, which was completed in 1892.

John Beebe married Hilda Minnie Campbell Jenkinson of Ironbark in 1887 (*Bendigo Advertiser* 16 September 1887:2; *Age* 24 June 1946:11). The couple had four children.

Both John and William Beebe junior became architects, with William practising from the 1890s and John finishing his training at the Bendigo School of Mines in 1900 (Butcher 2019:5). The Strathfieldsaye Shire rate books describe Beebe as a stonemason from 1900 until 1906, from which year his occupation is noted as 'architect' (RB 1900-1919). Although less-well known than his brother William, John Beebe's body of architectural work was substantial.

After Bendigo-based architect William C Vahland retired from his practice, W C Vahland and Sons, at the end of 1900, in 1901 John Beebe formed a partnership with Vahland's architect son, Harry, operating from the same offices in Bull Street, later named A'Beckett Chambers. During their short-lived partnership, Harry Vahland and John Beebe were appointed honorary architects for the erection of a statue of Queen Victoria in Bendigo in 1901, constructed with funds raised by local subscriptions and a grant from council (*Bendigo Advertiser* 28 June 1901:3). They also designed a brick shop in Mitchell Street, Bendigo, constructed in 1901, and the Katamatite police quarters, also constructed c1901 (*Building Engineering and Mining Journal* 1 June 1901 and 7 September 1901, as cited in AAI, record no 38943 and 34459). Other projects included a design for the brick Kingower Hotel, constructed in 1902 (*Building Engineering and Mining Journal* 7 December 1901, as cited in AAI, record no 17173).

After Harry Vahland died prematurely in 1902 aged 42 years, William Vahland senior returned from retirement and re-joined the firm. The William Vahland and John Beebe partnership designed See House (Langley Hall – HO682), the residence of Anglican Bishop Langley, constructed in 1904 (see Figure 6). St Johns Church of England, North Bendigo, opened in 1904, was also designed by Vahland and Beebe (*Church of England Messenger for Victoria and Ecclesiastical Gazette for the Diocese of Melbourne* 1 October 1903:124). Vahland and Beebe were also appointed architects for factory buildings constructed for the Bendigo Fruit Preserving Company between 1901 and 1909 (*Bendigo Independent* 21 December 1901:4; *Bendigo Advertiser* 8 January 1909:4). In addition, the partnership designed a laundry for the Bendigo Hospital, which opened in 1903, and an Olympic skating rink in Pall Mall, opened in 1908 (*Bendigo Advertiser* 28 October 1902:4; 21 December 1908:3). In 1908, additions were undertaken to the Lorne Hotel to a design by Vahland and Beebe (*Building* 15 December 1908, as cited in AAI, record no 18600). The new Marong Shire Hall (HO559), built in 1908, was also designed by Vahland and Beebe (*Bendigo Independent* 6 March 1908:4).

In October 1909, Vahland and Beebe dissolved their partnership by mutual consent, after which John Beebe became the sole operator of the architectural practice (*Bendigo Advertiser* 16 October 1909:11).

As a sole practitioner, John Beebe was appointed architect to the Anglican diocese (Butcher 2019:6) and was also involved in a considerable amount of hotel work. Shops, warehouses and the occasional house also featured in his portfolio. In 1910, Beebe advertised for tenders for the construction of a shelter for the Golden Square State School (*Bendigo Advertiser* 20 August 1910:12). In 1911, Beebe designed cold stores in Bendigo and a new building for the Crown Hotel in Bendigo (*Building* 12 December 1911:107 and 12 December 1911:88, as cited in AAI, record no 44482 and 16690). Other projects in 1911 included the design of two-storey brick additions to the Royal Hotel at Sea Lake (*Building* 12 December 1911:96, as cited in AAI, record no 18604).

A new building for the Bendigo High School, opened in 1914, was designed by the Chief Architect G W Watson with Beebe appointed Supervising Architect (VHD 2010, 'Bendigo Senior Secondary College' VHR H2229). The final main phase of remodelling the Bendigo Town Hall in 1913-15 was also undertaken by Beebe, in association with J G Austen and E J Keogh. It entailed work mainly to the interior of the south end of the building (VHD 1974, 'Bendigo Town Hall' VHR H0117). Beebe also designed the new infectious diseases wards at the Bendigo Hospital in 1915-16 (since demolished) (see Figure 7) (East 2018:6-7). His other significant work included electric flourmills for Tomlins Simmie & Co (H0107) in Charleston Road, opened in 1912 (Mackay 1988:394).



Figure 6. Drawings for the See House (Langley Hall) at 484 Napier Street, White Hills, designed by W C Vahland and John Beebe and built in 1904 for Bishop Langley. (Source: Dermer Smith c1900, SLV)



Figure 7. The infectious diseases wards at the Bendigo Hospital, opened in 1916. The wards were designed by John Beebe and built by Mr McGraw. They have since been demolished (Source: *Bendigonian* 13 January 1916:15).

John Beebe moved to Queensland because of health issues in the winter of 1916. Minnie Beebe and at least one of the adult Beebe children remained in Bendigo. After taking up a position as an architectural draftsman with the Public Works Department, Beebe decided to stay, as Queensland was 'the coming state of Australia' (*Punch* 25 January 1917:6; Butcher 2019:6). Beebe worked at the Queensland Works Department from 1916 until 1923: as an architect/temporary draftsman from 1916 to 1919; seconded on special duties from 1921 to 1922; and as an architectural draftsman from 1922 to 1923 (Anderson 2019:2).

In c1923 Beebe moved into private practice in Brisbane, working in that practice until 1936. By 1924, he was working from offices in the T & G Building in Queen Street, Brisbane, and by 1936 was working from premises at 85 Adelaide Street, Brisbane (Anderson 2019:6). A photo of John Beebe, likely taken in Queensland, can be seen in Figure 2.

In Queensland as a private practitioner, John Beebe was responsible for several noted structures. He designed the concrete bridge portals (tollhouses) on the Hornibrook Highway across Bramble Bay at Brighton. Built as a part of the 1932-1935 construction of the Hornibrook Highway, a major employment project during the economic depression, the portals are listed as state significance in Queensland (see Figure 8). Beebe also designed silos at Darra for the Queensland Cement and Lime Company (see Figure 9); the Kirra Beach pavilion (1935); the Hamilton Bowling Club (1931); and the Oxley Memorial (*Telegraph (Brisbane)* 16 December 1936:15).

Crossing over with his interests in astronomy, Beebe drew up plans for a 'handsome brick observatory in Italian Renaissance style' in 1916-18 for use as a state observatory in Brisbane. Because of costs, however, the observatory was not built (Anderson 2019:2). Another observatory,



built at St Leo's College in Brisbane in 1919, was designed by Beebe to house a 6-inch Grubb refractor telescope (Anderson 2019:3).

John Beebe died on 15 December 1936 and is buried in the Lutwyche cemetery in Brisbane, in an unmarked grave (Butcher 2019:6). Minnie Beebe died in 1946 (Age 24 June 1946:11).



Figure 8. Hornibrook Highway bridge portals in 2015, designed by John Beebe. (Source: Queensland Deco Project 2015)



Figure 9. Five of the twelve concrete siloes at Darra constructed for the storage of cement, 1938, designed by John Beebe. (Source: *Courier-Mail (Brisbane)* 12 August 1938:9).



*John Beebe, astronomer*

John Beebe was a talented amateur astronomer who contributed significantly to the field during the years 1900-1936, in both Victoria and Queensland, but particularly in Bendigo. His activities can be viewed from a national perspective that dichotomises Australian amateur and professional astronomy (Orchiston 2019).

In addition to meteorological readings, at his East Bendigo Observatory Beebe recorded the passing of comets, the transit of Venus and Aurora Australis, all of which were published in both Bendigo and Melbourne newspapers.

Beebe was also interested in popularising the subject of astronomy, and gave several lectures on the topic. At a meeting of St Matthew's Literary and Debating Society in Bendigo in 1913, for instance, he presented 'lantern views of the sun, moon, planets, comets, stars, and nebulae' (*Bendigo Independent* 7 October 1913:4). He gave another lecture on astronomy at the Quarry Hill Congregational Hall in 1916. The presentation was illustrated with 'fine views', which were 'projected by an up-to-date electric lantern' (*Bendigo Advertiser* 31 May 1916:7).

Beebe was also interested in research, particularly in comets. In 1910, from his Bendigo observatory he located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale. As a teacher of mathematics at the Bendigo School of Mines, he was able to compute the orbital elements of Comet Gale, which were published in the *Journal of the British Astronomical Association* in 1913. Beebe also designed a postcard that showed the comet's orbit and elements (Martin and Orchiston 1987:7-8). In addition, Beebe carried out solar observations from his East Bendigo Observatory, submitting his results to the British Astronomical Association (Martin and Orchiston 1987:7). Beebe's expertise was recognised when he was made a Fellow of the Royal Astronomical Society, based in London, in March 1917.

After moving to Queensland, Beebe maintained his interest in astronomy, writing several articles on the subject for the local Brisbane press in the 1920s and 1930s, and giving night lectures to college students as well as addresses at the Astronomical Society of Queensland, formed in 1927 (*Punch* 25 January 1917:6; Anderson 2019:3-4, 7).

In 1921-22, Beebe was employed by the Queensland Lands Department to co-ordinate the site survey for a suitable observational site for the forthcoming solar eclipse (Martin and Orchiston 1987:7). He served as president of the Astronomical Society of Queensland in 1936, and was co-editor of the Society's bulletin from 1933 (*Telegraph (Brisbane)* 16 December 1936:15; Anderson 2019:7).

Beebe left his library of astronomical books to his friend J R Hornibrook, who, in 1944, presented them to the Astronomical Society of Queensland. Each flyleaf bore the inscription 'The John Beebe Memorial Library, Presented to the Astronomical Society of Queensland by J R Hornibrook July 1944'. This library has now passed to the Astronomical Society of Queensland (Anderson 2019:8).

### Description and Integrity



Figure 10. Aerial view of subject site (outlined in red), 2019.

An accurate description of the subject site is difficult because council officers have been denied access and the site cannot be seen from the street. As a result, observations are largely based on aerial views (see Figure 10) and real estate photos. It has not been possible to ascertain the current condition of the site.

### Residences and trees

A substantial weatherboard house is sited in the approximate centre of the block (see Figure 11). From available real estate photos, the house is consistent with the time period when Beebe acquired the land and, while there appears to have been some alteration in the early postwar period, remains largely intact (see Figures 13 and 14). The single storey, square edged weatherboard building has a corrugated metal clad near pyramidal hipped roof with what appear to be original intersecting hipped roof projections. There is a bull nosed verandah protecting the main entrance door. The corbelled polychromatic brick chimney, timber, double hung windows, original timber framed awnings over windows, and original leadlight to the fanlight and sidelights of the door (also original) remain in place, as do several internal features including a moulded plaster archway and a marble fireplace.

A later skillion roof addition in Fibro cement sheet and concrete block was added to the rear in the late twentieth century. This addition is clearly identifiable as later works and is largely concealed from the front of the building.

To the northeast of the house, a detached weatherboard building with chimney (Figure 12) has a form consistent with the simple vernacular buildings found throughout Bendigo. The floor plan submitted as part of a 1967 application for works to a sleep-out attached to the building suggest that it was originally a two-room building under a gable roof, but it has now had a skillion attached, which is in keeping with method of alteration employed on this type of building. It is clad in the round edge weatherboards more typical in the mid- to late twentieth century, with a red brick chimney. The gable wall has a aluminium framed window. While the overall form is consistent with a miners cottage, details such as the placement of the chimney, cladding profile and window materials suggest that this is not the original house on the site, as had been thought, but rather was constructed between 1940-1967.

The site is heavily treed (see Figure 10), including some native eucalypts that appear to pre-date the house (see Figure 16). Other exotic specimens may date to Beebe's time given their size. Further investigation is required.



Figure 11. View of La Rocca residence, 2019. (Source: *Domain* 2019)





Figure 12. View of the smaller dwelling on site, with original gable form and later added skillion, 2021. (Source: *realestate.com.au* 2021)



Figure 13. Exterior view of La Rocca residence. (Source: *Domain* 2019)



Figure 14. Exterior view of La Rocca residence. (Source: *Domain* 2019)

### Observatory

To the north of the house, a red brick observatory is sited at the top of the hill (see Figures 15 and 16). The square plan base of the observatory is capped with a mansard roof and a metal-clad dome. Wings on either side of the central square plan are at a similar scale and add to a French Second Empire style appearance.

The East Bendigo Observatory is described in an article written by Martin and Orchiston in 1987:

*The observatory is a solid brick structure with the central two-storey equatorial room measuring 3m square, surmounted by a metal dome. The eastern and western walls are appended smaller rooms, the eastern one originally serving as an entrance to the building, and the western one accommodating the transit telescope. The latter extension contains a transit slit in the roof. Stairs led from the entrance area into the equatorial room, where the refractor was mounted on a solid pier. It is not certain if the space below the equatorial room was maintained as a study, or was left vacant. Nor is it clear as to how the transit room was accessed: whether down stairs leading off the equatorial room, or directly at ground level, through the space below the equatorial room (Martin and Orchiston 1987:4).*

A central portion of the dome can still be opened (mechanism anecdotally intact inside) to allow observations from a telescope within. Verbal reports suggest that the concrete platform that the equipment stood on is intact within the structure. A brick addition to the south side of the building is identifiable as later works, leaving the original structure clearly legible.

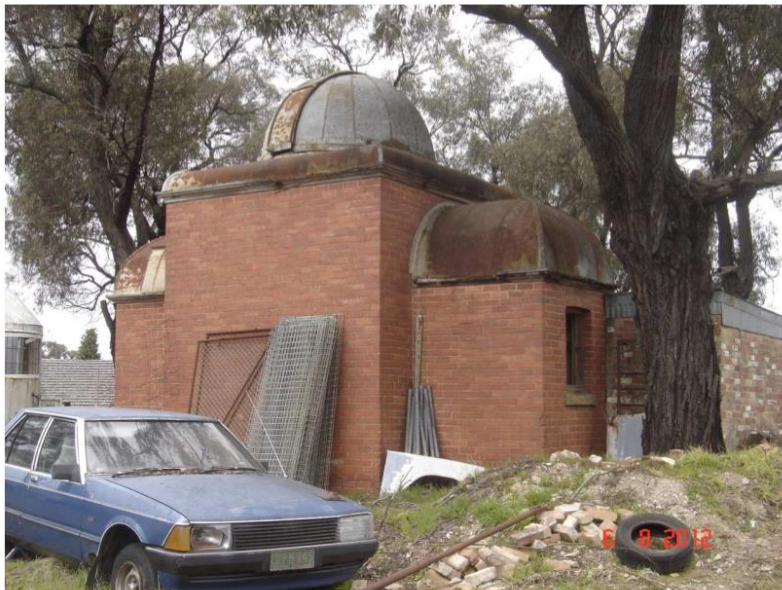


Figure 15. The observatory on the subject site, 2012. (Source: City of Greater Bendigo)





Figure 16. The observatory on the subject site, 2012. (Source: City of Greater Bendigo)

### Comparative Analysis

Large, publicly-funded Australian observatories exist at Murchison, Western Australia; Coonabarabran in New South Wales; Parkes, New South Wales; Arakoola, South Australia; Sydney, New South Wales; Narrabri, New South Wales; Mount Pleasant, Tasmania; Gingin in Western Australia; Mt Canopus, Tasmania; and at Canberra, ACT.

In Victoria, the former government-operated Melbourne Observatory (1861-1902) is listed on the Victorian Heritage Register (VHR H1087). The former Williamstown Observatory (1853) site is included on the Victorian Heritage Inventory (H7822-0612).

Smaller, private observatories, built in the period 1850s-1920s and comparable with the East Bendigo Observatory, were constructed at a number of places throughout Australia, including the goldfield towns of Ballarat and Castlemaine (see Table 1). From available information, including research by Wayne Orchiston (Orchiston 2019), it appears that only three of these observatories are extant: the East Bendigo Observatory in Victoria; the Windsor Observatory in New South Wales; and the Ballarat Municipal Observatory in Victoria. No other comparable private observatories dating from the nineteenth and early twentieth century appear to exist in Victoria.

The **Ballarat Municipal Observatory**, in good condition and listed on the Victorian Heritage Register (VHR H0936), is described by the National Trust as 'perhaps the only surviving nineteenth century private observatory in Victoria' (VHD 2008, 'Ballarat Observatory', 67539). After its establishment by James Oddie, a local committee was appointed to oversee the management of the observatory,



which was constructed in 1886 by a builder named Mr Wall (Rowe & Jacobs 2007:20). The timber observatory buildings were relocated to the Melbourne Observatory in 1910 and returned to the Ballarat site in 1913, after which the Town of Ballarat East took over responsibility of the building (Rowe & Jacobs 2007:25-29).

The observatory was completely renovated in 1914-15, with the works including the installation of the current stained glass windows. A brick domed observatory was built in 1916 to house a new 5-inch brass refractor. The building has been managed by the Ballarat Astronomical Society since 1958 and operates today as the Ballarat Municipal Observatory and Museum (Ballarat Astronomical Society). It differs from the East Bendigo Observatory in that it is not associated with a private residence and has been in public ownership since c1913. In addition, its building form has evolved and developed over the years.



Figure 17. Ballarat Municipal Observatory, 1992. (Source: VHD 1992, 'Ballarat Observatory', VHR H0936)

The **Tebbutt residence and observatory complex at Windsor**, listed on the NSW State Heritage Inventory (1741567), was built by amateur astronomer John Tebbutt (see Figure 18). Tebbutt's observations of comets and minor planets, being among the relatively few made in the southern hemisphere and of proven reliability, were much in demand by orbit computers. Tebbutt, who appears on the \$100 note, discovered two comets from his observatory and had a crater on the moon named after him. The Tebbutt property today comprises a residence and two observatories, all in good condition. The two-storey Georgian style house was built in 1845 of sandstock brick and has a two-storey late Victorian brick wing at the rear. Two brick observatories also exist on site. The smaller one, built in 1863, is circular with a segmental flat iron pitched roof. The larger one, built in 1879, is face brick with sandstone quoins, with a classical pediment over a porch and dentilled cornice to the roof parapet. The windows are of unusual proportions with stuccoed decorations and timber shutters, while the iron segmental roof is a double-pitched octagonal form (NSW State Heritage Inventory 2007). Like the East Bendigo Observatory, the Tebbutt observatory was built as a private observatory and has remained in private hands as a museum. It retains its original telescope.

It is also associated with a residence. Unlike the East Bendigo Observatory, there is no evidence of Tebbutt's observatory acting in any official capacity to record meteorological data.



Figure 18. View of Tebbutt's Observatory, 2007 (LHS). In 1863 Tebbutt constructed the smaller observatory seen to the middle and left. Tebbutt's residence, 2007 (RHS). (Source: NSW State Heritage Inventory 2007)

Found'g decade	Astronomer	Location	Main instruments*	Function	References
1850s	Abbott	Hobart	4.5-in. OG ~5.5-in. OG trans	MPRT	Orchiston (1992, 1997c)
1860s	Manning	Fremantle	?	MP	Utting (1991)
	O'Reilly	Brisbane	Small OG trans	T	Haynes et al. (1993), Darlington and Orchiston (2017)
	Tebbutt	Windsor	4.5-in. OG 8-in. OG trans	MPRT	Orchiston (2004a), Tebbutt (1908)
1870s	Biggs	Launceston	8.5-in. sp trans	MPRT	Giordano (1995), Orchiston (1985a)
	Bone	Castlemaine	8-in. OG trans?	MPRT	Orchiston (1986, 1987b)
	Colyer	Sydney	10.25-in. sp	R	Baracchi (1914)
	Jones	Bendigo	~4.75-in. sp trans	PT	Martin and Orchiston (1987)
	Morris	Melbourne	8.5-in. sp	R	Orchiston (1987a)
	Dr. Wright	Sydney	8.5-in. sp	R	Baracchi (1914), Orchiston and Bhatthal (1991)
1880s	Davidson	Mackay	6-in. OG	PR	Darlington and Orchiston (2017)
	Dobbie	Adelaide	12-in. sp and 18-in. sp	P	Orchiston and Bembrick (1995), Waters (1980, 1981a, b)
	Macdonnell	Port Macquarie	6-in. OG trans	RT	Orchiston (2001b)
	Morris	Sydney	8.5-in. sp	R	Orchiston (1987a)
	Oddie (Baker)	Ballarat	12-in. sp and 26-in. sp trans	PT	Burk (1986), Orchiston (1997a)
	Beebe	Bendigo	~4.75-in. sp trans	PRT	Martin and Orchiston (1987)
1890s	Eglinton	Brisbane	12-in. sp	P	Page (1959)
	Gale	Sydney and Newcastle	6-in. OG 18-in. sp	PR	Orchiston (1997a, b), Orchiston and Bembrick (1997)
	Innes	Sydney	6.25-in. OG 16.5-in. sp	R	Orchiston (2001a, 2003c, 2015)
	Merfield	Sydney	7-in. sp	R	Orchiston (2015)
	Macdonnell	Sydney	6-in. OG	R	Orchiston (2001b)
	Ross	Melbourne	12-in. sp	R	Orchiston and Brewer (1990)
	Wooster	Ballarat	12.25-in. sp	PR	Orchiston (1997a)
	Mr Wright	Sydney	8.5-in. sp	R	Baracchi (1914)
1900s	Beattie	Sydney	6-in. OG	RT	Orchiston (1997b)
	Nangle	Sydney	6.25-in. OG	R	Orchiston (1997b)
1910s	McFarlane	Irvinebank	7-in. OG trans	MPT	Orchiston (1985b)

\*Key: OG = refractor; sp = reflector; trans = transit telescope  
M = meteorological station; P = popularising astronomy; R = astronomical research; T = local time service

Table 1. Significant Australian private observatories, 1850-1920. (Source: Orchiston 2017:115)

### Assessment against criteria

The La Rocca residence and East Bendigo Observatory meet the following criteria as listed in *Victorian Government Planning Practice Note 1: Applying the Heritage Overlay* (August 2018).

**Criterion A:** *Importance to the course or pattern of our cultural or natural history (historical significance).*

**Criterion B:** *Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).*

**Criterion C:** *Potential to yield information that will contribute to understanding our cultural or natural history (research potential).*

**Criterion D:** *Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*

**Criterion E:** *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

**Criterion F:** *Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

**Criterion H:** *Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

### Statement of Significance

#### What is significant?

The La Rocca residence and East Bendigo Observatory at 55 Condon Street, Kennington, are of heritage significance.

The observatory was designed by Bendigo architect and amateur astronomer John Beebe on the same site as the Beebe family residence, 'La Rocca', also designed by Beebe. Both buildings were constructed in 1900. Established trees scattered throughout the site and some are likely to pre-date the construction of the house.

After the suitability of the site of Bendigo's government observatory was questioned in 1908, from March 1908 Beebe's private observatory took on the role of the official observatory in Bendigo. In addition to meteorological readings, Beebe's observatory, officially known as the East Bendigo Observatory, recorded the passing of comets, the transit of Venus and Aurora Australis, all of which were published in both Bendigo and Melbourne newspapers. In 1907, Beebe offered the use of his observatory to the students of the Bendigo School of Mines. In 1910, Beebe located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale. Beebe's expertise was recognised when he was made a Fellow of the Royal Astronomical Society, based in London, in March 1917.

The observatory was moved in 1914 from Beebe's building to the Supreme Court yard near the Bendigo Gaol. Beebe departed Bendigo in 1916 for Brisbane, where he continued his work as an architect and his interest in astronomy. The property remained in the ownership of John Beebe until 1919.

**How is it significant?**

The La Rocca residence and former East Bendigo Observatory are of historic and aesthetic significance to the City of Greater Bendigo.

The former East Bendigo Observatory is of historic, technical and aesthetic significance to the state of Victoria.

**Why is it significant?**

The East Bendigo Observatory at 55 Condon Street, Kennington, designed by architect John Beebe and constructed in 1900, is of historic significance as an early private observatory built in Bendigo, and is important for its role in recording official meteorological readings for Bendigo from 1908 until 1914. The building is a rare and relatively intact extant early twentieth century example of a small, privately built and owned observatory. The observatory is also indicative of the interest in the sciences, specifically astronomy, which gathered popularity in the late nineteenth and early twentieth centuries in Victoria. It is unusual because of its location on the same site as a residence, La Rocca, also designed by John Beebe, where the Beebe family lived from 1900 to c1919. There is also evidence of an earlier building on the site, possibly a miner's cottage built in the period 1867-1897. The property remained in the ownership of John Beebe until 1919. (Criterion A and Criterion B)

The East Bendigo Observatory at 55 Condon Street, Kennington, built to house a 4.5-inch reflector transit telescope, is of technical significance as it reflects advances in Australian science and astronomy. The East Bendigo Observatory was the focus of astronomical, magnetic and meteorological scientific investigation in nineteenth century Bendigo, and was instrumental in providing Bendigo with accurate meteorological statistics in the period 1908-1914. The building evidences the city's early endeavours into scientific research. (Criterion F)

The East Bendigo Observatory at 55 Condon Street, Kennington, is of research potential because it demonstrates changing trends in the design of astronomical and support structures. Purpose built for the site, it is also representative as an example of a particular building typology. (Criterion C and Criterion D)

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are of aesthetic significance. The observatory, designed by Beebe to house a 4.5-inch reflector transit telescope, follows the nineteenth century international professional observatory designs popular in Britain, Europe and the USA, which featured an elevated central dome room, and adjacent wings, one of which housed a transit telescope. The observatory has significance for the integrity of the original fabric. The La Rocca residence, also designed by Beebe, is characteristic of Victorian residences in the area. (Criterion E)

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are significant for their association with Bendigo architect and talented amateur astronomer, John Beebe (1866-1936). Beebe trained as an architect at Bendigo School of Mines, graduating in 1900. In 1901 Beebe formed a partnership with W C Vahland's architect son, Harry, which lasted only until 1902 when Harry Vahland died at the age of 42 years. William Vahland senior returned from

retirement and re-joined the firm. Subsequently the Vahland and Beebe partnership designed a number of buildings in Bendigo, as well as additions to the Lorne Hotel (1908) and a new Marong Shire Hall (1908).

Beebe's portfolio of work as a sole practitioner in Bendigo from 1909 to 1916 included a number of buildings in Bendigo and in northern Victoria that comprised hotels, shops, warehouses, factory buildings and residences. The final main phase of remodelling the Bendigo Town Hall was undertaken by Beebe in 1913-15, in association with J G Austen and E J Keogh. Beebe also designed the new infectious diseases wards at the Bendigo Hospital in 1915-16 (demolished) and the Tomlins Simmie & Co electric flourmills in East Bendigo (1912).

After moving to Queensland in 1916, Beebe was responsible for the design of a number of projects in that state, with perhaps the best well-known being the bridge portals on the Hornibrook Highway (1935). In addition, Beebe designed an observatory built at St Leo's College in Brisbane in 1919.

As an amateur astronomer, from his East Bendigo Observatory, in 1910 Beebe located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale, which were published in the *Journal of the British Astronomical Association* in 1913. Beebe was made a Fellow of the Royal Astronomical Society in March 1917. In 1921-22, Beebe was employed by the Queensland Lands Department to co-ordinate the site survey for a suitable observational site for the forthcoming solar eclipse. He also served as president of the Astronomical Society of Queensland in 1936, and was co-editor of the Society's bulletin from 1933. (Criterion H)

#### Additional Controls

External paint controls apply	No
Internal alteration controls apply	Yes
Tree controls apply	Yes
Outbuildings or fences not exempt under Clause 43.01-4	Yes
Included on the Victorian Heritage Register under the Heritage Act 2017	No
Prohibited uses permitted	No
Aboriginal heritage place	No

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**Identified by**

**Attachment 2 - Attachment 2 - Amendment C271gben Explanatory Report***Planning and Environment Act 1987***GREATER BENDIGO PLANNING SCHEME  
AMENDMENT C271  
EXPLANATORY REPORT****Who is the planning authority?**

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

**Land affected by the amendment**

The land affected by the amendment is 55 Condon Street, Kennington. The overall site area is 8,440 square metres with an approximate 16 metre frontage to Condon Street. The site is zoned General Residential Zone and is surrounded by that zone and dwellings. There are no overlays on the land or on adjoining land.

The site is very hard to see from the road due to its narrow entrance and deep block. There are several trees on the land, including native trees, but these have not been assessed due to the lack of access to the site.

**What the amendment does**

Specifically, the amendment:

- Amends Planning Scheme Map No. 23HO to apply new HO937 to the site.
- Amends the Schedule to Clause 43.01 Heritage Overlay to insert the new listing HO937 and Statement of Significance for 55 Condon Street, Kennington 'La Rocca Residence and East Bendigo Observatory.'
- Amends the Schedule to Clause 72.04 Incorporated Documents to insert a new Statement of Significance for 'La Rocca Residence and East Bendigo Observatory.'

**Strategic assessment of the amendment****Why is the amendment required?**

The amendment is required to apply a heritage overlay on 55 Condon Street, Kennington, to protect the dwelling and observatory on the site, both constructed and designed by John Beebe, architect, and trees.

A citation has been prepared for the site '*La Rocca Residence and East Bendigo Observatory Heritage Citation*' Ballinger and Jacobs 2019, amended City of Greater Bendigo, 2021. A summary of the citation is provided below.

The subject property was first held in freehold from 1863 to 1899 by a George Lansell, soap maker, as a four-acre allotment with a small cottage. The site was sold in 1899 to monumental sculptors John Beebe and Jonathon Oliver Mayne who then subdivided the site into two blocks of approximately two-acres each, with Beebe retaining the subject site with the existing dwelling.

A residence was built on the land for the Beebe family, named 'La Rocca', and John Beebe, a keen amateur astronomer, also built and opened a private observatory. Rated with a Net Annual Value (NAV) of £5 in 1899, the subject property was rated consistently with a NAV of £25 from 1900 to 1912, indicating that both the residence and the observatory were built in 1900. It is believed that both buildings were designed by Beebe, who had graduated as an architect from the Bendigo School of Mines in 1900.

John Beebe formed a partnership with Vahland's architect son, Harry, operating from the same offices that the W C Vahland and Sons practice operated from in Bull Street, later named A'Beckett Chambers. During their short-lived partnership, Harry Vahland and John Beebe were appointed honorary architects for the erection of a statue of Queen Victoria in Bendigo in 1901. They also designed a brick shop in Mitchell Street, Bendigo, constructed in 1901, and the Katamatite police quarters. After Harry Vahland died

prematurely in 1902, Beebe worked with William Vahland senior who returned from retirement and re-joined the firm. Together they designed See House (Langley Hall – HO682), St Johns Church of England, North Bendigo, opened in 1904 as well as the Marong Shire Hall (HO559), built in 1908. Beebe also undertook work as a sole practitioner and was appointed architect to the Anglican diocese (Butcher 2019:6).

The observatory that Beebe designed mirrored the nineteenth century professional observatory designs popular in Britain, Europe and the USA at the time, although on a smaller scale. It featured an elevated central dome room and adjacent wings, one of which housed a transit telescope that provided a time service for local citizens and use by the astronomer during research programs. Beebe opened his observatory for educational use in 1907 for students at the Bendigo School of Mines.

After the suitability of the site of Bendigo's government observatory was questioned, from 1908 until 1914 Beebe's private observatory took on the role of the official observatory in Bendigo, known officially as the East Bendigo Observatory, with meteorological readings regularly reported in the local press. Beebe's expertise in astronomy was recognised when he was made a Fellow of the Royal Astronomical Society, based in London, in March 1917.

Smaller, private observatories, built in the period 1850s-1920s and comparable with the East Bendigo Observatory, were constructed at a number of places throughout Australia, including the goldfield towns of Ballarat and Castlemaine. From available information it appears that only three of these observatories are extant: the East Bendigo Observatory in Victoria; the Windsor Observatory in New South Wales; and the Ballarat Municipal Observatory in Victoria. No other comparable private observatories dating from the nineteenth and early twentieth century appear to exist in Victoria. The Ballarat Municipal Observatory, in good condition and listed on the Victorian Heritage Register (VHR H0936), is described by the National Trust as 'perhaps the only surviving nineteenth century private observatory in Victoria' (VHD 2008, 'Ballarat Observatory', 67539). It differs from the East Bendigo Observatory in that it is not associated with a private residence and has been in public ownership since c1913. In addition, its building form has evolved and developed over the years.

An accurate description of the subject site as it currently exists is difficult because City officers have been denied access and the site cannot be seen from the street. As a result, observations are largely based on aerial views and real estate photos. A substantial weatherboard house is sited in the approximate centre of the block and is consistent with the time period when Beebe acquired the land and, while there appears to have been some alteration in the early postwar period, remains largely intact. To the north of the house, a red brick observatory is sited at the top of the hill. The square plan base of the observatory is capped with a mansard roof and a metal-clad dome. Wings on either side of the central square plan are at a similar scale and add to a French Second Empire style appearance.

The site is heavily treed, including some native eucalypts that appear to pre-date the house and exotic specimens may date to Beebe's time given their size. Further investigation of these trees is required.

The La Rocca residence and former East Bendigo Observatory are of historic and aesthetic significance to the City of Greater Bendigo. The former East Bendigo Observatory is also of historic, technical and aesthetic significance potentially to the State of Victoria. There are also trees of potential significance on the site.

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

Section 4 (1) of the *Planning and Environment Act 1987* sets out the objectives of planning in Victoria. The objectives that are directly related to this amendment are:

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

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

The amendment implements these objectives by protecting buildings and trees of historic value for present and future generations of Bendigonians and Victorians.

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

The amendment will not have any adverse effects on the environment, in fact it will have a positive impact by encouraging the retention and reuse of a structurally sound and historic building, reducing the need to use new materials, and protecting historic trees.

The amendment will have positive social effects through enabling the protection of heritage places, which benefits the community by adding to the understanding of Greater Bendigo's rich cultural history, providing a link to the past and giving a sense of place.

The application of the Heritage Overlay may have an economic impact by constraining development of the site, however as the site is large it should be able to be partly developed sympathetically. It is recognised that heritage contributes to the economy in that it attracts people, often skilled professionals, to visit, recreate, work and live. Bendigo's rich and diverse heritage landscape, from its small timber cottages to grand public buildings, all contribute to its unique identity and attract people to the City. Once in the heritage overlay the buildings will be eligible for assistance from Council's Heritage Restoration Loan Scheme.

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

The site is in the middle of urban Bendigo and is not affected by bushfire risk.

The amendment is therefore not considered to result in an increase to the risk of life, property, community infrastructure or the natural environment from bushfire, and can meet the requirements of Clause 13.02.

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

The amendment is consistent with Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with Ministerial Direction 11 – Strategic Assessment of Amendments.

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

The amendment supports and implements the following elements of the Planning Policy Framework (PPF).

Clause 15.01-5S Neighbourhood character has the objective "to recognise, support and protect neighbourhood character, cultural identity and sense of place." Strategies identified to achieve this objective include:

- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
  - Heritage values and built form that reflect community identity.

Clause 15.03-1S Heritage conservation – has the objective "to ensure the conservation of places of heritage significance". Strategies identified to achieve this objective include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

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

Clause 21.08 (Environment) establishes the heritage significance of Greater Bendigo through the Greater Bendigo Thematic Environmental History, 2013 and sets the framework for protecting heritage places.

The objectives of this clause which are relevant to heritage and as listed at Clause 21.08-4 (Heritage) are:

- To protect and enhance the municipality's heritage for future generations,

The amendment is consistent with this clause because it proposes to protect buildings of local heritage significance.

The amendment is also consistent with Clause 22.06 (Heritage Policy). The objectives of this clause are:

- To ensure that Greater Bendigo's heritage assets are maintained and protected.
- To ensure that new land uses and developments are sympathetic with the appearance and character of heritage places.
- To encourage sympathetic reuse of heritage places so that such places are maintained and enhanced.

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

The Heritage Overlay is the appropriate tool to protect places with heritage significance.

The Schedule to Clause 72.04 Incorporated Documents is also the appropriate VPP to utilise to incorporate documents into the Planning Scheme.

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

We sought advice from Heritage Victoria on the proposed amendment and it was supportive with no changes recommended. The amendment will be referred to Heritage Victoria.

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

The amendment does not impact on the Transport Integration Act 2010.

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

This amendment will have minimal impact on council's resource costs as a responsible authority as it is a site specific amendment and some development proposals on this site, eg subdivision, would already require a planning permit.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the City of Greater Bendigo website at <https://www.bendigo.vic.gov.au/Services/Building-and-Planning/Planning-scheme-amendments>.

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

N/A during this time due to Covid-19 restrictions.

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

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. The date for submissions about the amendment to be received is

**Panel hearing dates**

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

- Directions hearing:
- Panel hearing:

**Attachment 3 - Attachment 3 - Amendment C271gben - Proposed Heritage Overlay Map**



## **15. WELLBEING AND FAIRNESS**

Nil

## 16. STRENGTHENING THE ECONOMY

### 16.1. Bendigo Airport Lease of Lot HX12, N4 and N5

Author	Vicki Bayliss, Senior Business Services Officer
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

#### Purpose

City officers are seeking approval to commence the statutory procedures under section 190 and 223 of the Local Government Act 1989 for the proposed grant of a lease of:

- Lot HX12, of Lot 3 on Plan PS 422204F, being land at Bendigo Airport (premises) to John Moore and Addinsall Nominees Pty Ltd (lease proposal).
- Lot N4 and N5, of Lot 3 on Plan PS 422204F, being land at Bendigo Airport (premises) to PeterJohn Pty Ltd (lease proposal).

#### Summary

John Moore and Addinsall Nominees Pty Ltd is a current tenant who would like to take out a new lease on Lot HX12 at the Bendigo Airport. They would like a lease term of seven (7) years with two (2) seven (7) year options to renew the lease. The site is approximately 658 square metres of land. The Council lease policy has assessed the annual market rental for the site at \$3,000.00 per annum, plus GST.

PeterJohn Pty Ltd would like to take out a lease on Lot N4 and N5 at the Bendigo Airport. They would like a lease term of five (5) years with four (4) five (5) year options to renew the lease. The site is approximately 440 square metres of land. The Council lease policy has assessed the annual market rental for the site at \$3,300.00 per annum, plus GST.

## RECOMMENDATION

That Council:

1. Acting under section 190 and section 223 of the Local Government Act 1989 (the Act):
  - a) Resolves that the statutory procedures be commenced to consider a proposal to lease the land comprising approximately 658 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot HX12 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar (Lease Proposal);
  - b) Resolves that the statutory procedures be commenced to consider a proposal to lease the land comprising approximately 440 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot N4 and N5 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar (Lease Proposal);

- c) Directs that under section 223 of the Act public notice of the Lease Proposal be given in the Bendigo Advertiser and on the City's website;
  - d) Authorises the Manager Business Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the Lease Proposal;
  - e) Directs that any submissions received under section 223 of the Act about the Lease Proposal will be considered by the Council at its July ordinary meeting to be held at the Bendigo Town Hall.
2. Directs that a further report to Council in respect of the Lease Proposal include an assessment of all submissions received and of any submissions heard pursuant to section 223 of the Act.

## Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 3: Strengthening the economy

Objective 3.1 Support our businesses and industry to be strong, vibrant and to grow and develop

Strategy Reference (include weblink as applicable):

[Bendigo Airport Strategic Plan](#)

Strategic Direction 2: Effectively Manage and Maintain Bendigo Airport Assets

Council Policy Reference (include weblink as applicable):

## Background Information

John Moore and Addinsall Nominees Pty Ltd is a current tenant at the Bendigo Airport and is looking for a new lease on their lot.

PeterJohn Pty Ltd is a new tenant at the Bendigo Airport and is looking to lease a double lot.

## Report

The Bendigo Airport is located at 35 Victa Road, East Bendigo (being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954 (Land).

The Bendigo Airport has six (6) vacant hangar sites available to lease. The uptake has been very strong over the last few years with 15 leases commencing in the last two years.

John Moore and Addinsall Nominees Pty Ltd is seeking a new lease on a part of the land at the airport which is known as Lot HX12 at the airport. Lot HX12 is approximately 658 square metres and based on the current market rental will be leased for \$3,000.00 per annum plus GST.

John Moore and Addinsall Nominees Pty Ltd proposes to use the Premises for the purposes of an airport hangar over a lease term of seven (7) years with two (2) seven (7) year options.

PeterJohn Pty Ltd is seeking a new lease on a part of the land at the airport which is known as Lot N4 and N5 at the airport. Lot N4 and N5 is approximately 440 square metres and based on the current market rental will be leased for \$3,300.00 per annum plus GST.

PeterJohn Pty Ltd proposes to use the Premises for the purposes of an airport hangar over a lease term of five (5) years with four (4) five (5) year options.

Timelines:

If Council intends to consider the lease proposal, then City officers will place a public notice in a local newspaper (and on the City's website) in accordance with section 190 and 223 of the Local Government Act 1989 calling for submissions from the public about the lease proposal and allow at least 28 days for submissions to be received. Council must then consider any submissions received and conduct hearings for anyone that wishes to be heard in support of their decision, before Council can consider and then make a final decision about whether to grant the lease proposal. Once submissions have closed, City officers will provide another report in July to Council outlining the submissions received (if any) and making a recommendation about whether to approve the lease proposal, for Council's consideration.

### **Consultation/Communication**

As noted above.

### **Resource Implications**

The costs associated with the negotiation and development of the lease documentation can be absorbed in the Business Services operations budget. There will not be an increase in ongoing maintenance or operational expenses as a result of this lease.

If John Moore and Addinsall Nominees Pty Ltd's lease is approved \$3,000.00 per annum, plus GST revenue will continue to be made.

If PeterJohn Pty Ltd's lease is approved an additional \$3,300.00 per annum, plus GST revenue will be made.

The revenue will increase annually as per the Bendigo Airport Lease Policy.

### **Attachments**

Nil

## 16.2. Bendigo Airport Lease of Lot M6

Author	Vicki Bayliss, Senior Business Services Officer
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

### Purpose

This report seeks Council's decision on the granting of a lease at the Bendigo Airport to Reidie Pty Ltd who has request a lease for an initial term of five (5) years for Lot M6 commencing 30 May 2021, with four (4) five (5) year options, at a commencing rent of \$1,680 plus GST per annum, with rent review every three years.

### Summary

The City has completed the statutory procedures under sections 190 and 223 of the Local Government Act 1989 regarding the lease proposal. Public notice was given in The Bendigo Advertiser on March 20, 2021 giving Council's intention to enter a lease on the following terms:

- Reidie Pty Ltd.
- Initial five (5) year term commencing 30 May 2021 with four (4) five (5) year options.
- Commencing rent of \$1,680 plus GST per annum.
- Market rent reviews every three years.
- Permitted use of the premises is for an airport hangar, a space to operate his recreational aviation school, and storage of related equipment and consumables.

At the close of the submissions period on 19 April 2021, no written submissions were received. Council can now decide whether or not to grant a lease to the tenant.

### RECOMMENDATION

That Council, having complied with sections 190 and 223 of the Local Government Act 1989 (the Act) by having given public notice in the Bendigo Advertiser on March 20, 2021 and that no submissions were received:

1. Grant a lease to Reidie Pty Ltd for 216 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot M6 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar, a space to operate his recreational aviation school, and storage of related equipment and consumables (Lease Proposal), for a term of five (5) years (with four (4) five (5) year options), with a commencing rent of \$1,680 per annum plus GST.

## **Policy Context**

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 3 Strengthening the economy

Strategy Reference (include weblink as applicable):

<https://www.bendigo.vic.gov.au/sites/default/files/2018-06/city-of-greaterbendigo-bendigo-airportstrategic-plan-update.pdf>

Strategic Direction 2: Effectively Manage and Maintain Bendigo Airport Assets

## **Background Information**

Council is the owner of the land known as the Bendigo Airport which is located on 35 Victa Road, East Bendigo (being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954).

Reidie Pty Ltd has sought a lease of the part of the Land which is known as Lot M6 (Premises). Reidie Pty Ltd proposes to use the premises for the purposes of storage of aircraft for private (non-paying) operations only, and storage of related equipment and consumables, over a lease term of five (5) years with four (4) five (5) year options to renew the lease. The premises comprises of approximately 216 square metres. The City has assessed the annual market rental for the premises at \$1,680 per annum, plus GST. City officers have proposed an annual rental of \$1,680 per annum, plus GST, upon the basis that a market review is undertaken every three years and the lease is compliant with the Lease Policy approved in 2019.

## **Report**

The Bendigo Airport is located at 35 Victa Road, East Bendigo (being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954 (Land). The Bendigo Airport has three (3) vacant hangar sites available to lease. The uptake has been very strong over the last few years with 19 leases commencing in the last two years. Public notice was given in The Bendigo Advertiser on March 20 2021 indicating Council's intention to enter a lease with this tenant. No written submissions were received.

## **Consultation/Communication**

External Consultation:

A public notice was placed in the Bendigo Advertiser on 20 March 2020.



**Resource Implications**

The costs associated with the negotiation and development of the lease documentation can be absorbed in the Business Services operations budget. There will not be an increase in ongoing maintenance or operational expenses as a result of this lease.

If Reidie's lease is approved an additional \$1,680 per annum, plus GST revenue will be made. The revenue will increase annually as per the Bendigo Airport Lease Policy.

**Attachments**

Nil

### 16.3. Outdoor Dining

Author	Bridget Maplestone, Coordinator Growth and Liveability
Responsible Director	Andrew Cooney, A/Director Strategy and Growth

#### Purpose

The purpose of this report is to provide an overview of the engagement around expanded outdoor dining and to recommend continuation of the trial until 30 April 2022.

#### Summary

As COVID-19 restrictions began to ease in September 2020, hospitality traders were required to mainly serve patrons outdoors. As this was the key to re-opening and being somewhat profitable, Local Governments across Victoria supported these businesses to expand their outdoor dining offer.

The City received a \$500,000 grant from the Victorian Government to support outdoor dining including expanding outdoor dining into public spaces. Hospitality businesses could also apply for \$5,000 grants to improve their public infrastructure.

In addition to these grants, hospitality businesses also benefited from the waiving of various fees as part of the 2020/21 Council budget.

City officers met with over 80 hospitality businesses late in 2020 and issued 51 permits to enable expanded outdoor dining. Designs were prepared internally, various traffic assessments were undertaken, and infrastructure was installed to ensure the safety of patrons dining outdoors.

With the existing trial due to end on 30 June 2021, it was important to evaluate its success or otherwise, to determine whether an extension should be considered, or if this should be considered a longer-term proposition.

The City sought to obtain feedback from the community, hospitality and non-hospitality businesses. This included three surveys; one with the community; one with hospitality businesses who took up the trial; and one with hospitality businesses not part of the trial. The City also appointed RM consulting group to run a focus group with hospitality businesses and to conduct in depth interviews with four non-hospitality businesses.

#### RECOMMENDATION

That Council:

1. Extend the expanded outdoor dining trial until 30 April 2022, with individual hospitality businesses to apply for a local laws permit should they wish to continue to trade under the current conditions after 30 June 2021.
2. Receive a further report in late 2021 around longer-term arrangements around expanded outdoor dining including costs and further evaluation.

#### Policy Context

Community Plan Reference

### Goal 3 – Strengthening the economy

#### 3.1 – Support our local businesses and industry to be strong, vibrant and to grow and develop

##### **Background Information**

Prior to COVID-19 businesses were able to apply for outdoor dining which required paying for a local law permit and sometimes a planning and liquor licensing permit. Businesses were charged a per chair rate in relation to number of patrons. Businesses could extend onto the footpath with a permit but not into car parks or into roadways.

In 2020/21 with the negative impact of COVID-19 on business, the City waived a number of fees including around outdoor dining.

Then as part of the state-wide initiative to encourage expanded outdoor dining in September 2020, for the first-time hospitality businesses were able to apply for a permit to expand their outdoor dining into car parks. In the case of Bull Street, with a number of hospitality businesses in the precinct, it was considered the most appropriate treatment was to close the northern side of the street.

Overall there were 52 water-filled barriers and 40 concrete barriers installed around the city centre to enable businesses to safely expand their outdoor dining area. This was based on traffic management assessments and safety audits which informed a VicRoads permit.

##### **Report**

Expanded outdoor dining has enabled many hospitality businesses to continue to trade, as well as improved the overall vibrancy of the city centre and in other areas such as Heathcote.

With the trial due to end on 30 June 2021 and the future easing of restrictions, it was timely to assess if expanded outdoor dining should continue and in what form.

To make an informed decision, the City has undertaken a variety of engagement activities and spoken with both hospitality and non-hospitality businesses.

Should outdoor dining continue, there will need to be consideration as to the impact on surrounding residents and businesses. In addition, further improvements will need to be made to the aesthetics of some of these spaces to encourage outdoor dining particularly as restrictions ease.

##### Community and Business Engagement

The City consulted via three surveys which were available from the 18 February until 10 March 2021. It also engaged RM consulting group to undertake a focus group with hospitality businesses who were part of the trial and interviews with non-hospitality businesses in precincts with outdoor dining.

##### Community Survey

The community survey was promoted through a media release, the Bendigo Advertiser, tent cards in venues, e-newsletters and the new engagement platform, Let's talk Greater Bendigo.

Over this time 97 surveys were returned. Of these, 94 per cent had dined in one of the venues that took up expanded outdoor dining.

Generally, those surveyed were supportive of outdoor dining. However, given the vast majority had dined in a venue, it is difficult to determine to what extent this is reflective of the broader community.

Respondents positively indicated that expanded outdoor dining created colour, liveliness, a social vibe, discouraged anti-social behaviour and was economically beneficial. On the flip side negative comments included around noise, impacts to non-food businesses and greater difficulty in accessing footpaths.

The survey asked about the closure of the northern side of Bull Street. Of those surveyed 81 per cent indicated they thought Bull Street should remain partially closed. However, views were more mixed on whether this should be for the whole year or only seasonally, with 53 per cent of respondents indicating the latter.

In terms of whether car parks should be used for outdoor dining, 76 per cent thought they should but views were more mixed around whether this should be year-round or only some of the time with:

- 45% responding seasonally
- 41% responding permanently
- 15% responding only on certain days of the week

Some of the factors the community considered in creating a comfortable outdoor dining experience included; weather protection such as umbrellas; clean tables and chairs; clear separation from footpaths; accessible for people with a disability; and safe from traffic.

#### Hospitality businesses who took part in the trial

Hospitality businesses who took part in the trial were sent a link to a survey via email. 14 businesses responded to the survey.

Positively, businesses indicated the initiative enabled them to trade and keep staff employed when they otherwise wouldn't.

Not surprisingly weekends were the busiest time for these businesses and in general the pattern of trade was similar to pre-COVID-19.

All but one business who responded to the survey would like to continue with expanded outdoor dining, however just over half indicated they thought this should be every day.

Just over half of the businesses thought that the northern section of Bull Street should remain closed permanently, and there were also mixed views on whether car parks should be used for outdoor dining.

All businesses indicated they would be willing to invest in the improvement of outdoor areas and regular audits by City staff.

#### Hospitality businesses who didn't take part in the trial

This survey was sent via an email link to 234 hospitality businesses. A total of 21 businesses responded to this survey. Prior to expanded outdoor dining a total of 62 per cent of these businesses already offered outdoor dining.

There were various reasons why these businesses didn't take up outdoor dining. These included; offering takeaway; having an adequate outdoor area already; and lack of access.

The majority (77%) of those who responded to the survey and don't already have expanded outdoor dining indicated they wouldn't pay for any future outdoor dining expansion.

#### Other businesses

In all precincts there are businesses who didn't take part in the trial who may have been impacted.

Non-hospitality businesses who have been contacted and too part in interviews are lukewarm to negative about permanently extended outdoor dining.

Concerns often related to loss of car parking, as well as the design of precincts and lack of engagement.

Given the greater concentration of businesses in both Bull Street and View Street in the city centre who have taken up expanded outdoor dining, businesses in these precincts are potentially more impacted than other precincts.

Improvements to the design of these precincts, clearer car parking signage as a priority and minimising the impact on surrounding businesses will be essential over the coming months. All businesses within these precincts should be engaged on a way forward to try to benefit all businesses in the precinct not just hospitality businesses.

#### Other considerations

There are some hospitality businesses in residential areas. Where a business is looking to expand onto residential land, they will require a planning permit which will require notification of the neighbours. For businesses in residential areas that have expanded onto carparks or the road verge, this will require careful consideration to minimise any impact on surrounding residents.

City officers have already spoken with a number of the surrounding residents in these instances and not all residents are supportive of the outdoor expansion. There will need to be targeted engagement particularly of neighbours in these areas before making any final decision around long term expansion.

#### Priority/Importance:

A decision on this project is of high importance to allow for time for businesses to apply for a local laws permit as required.

#### Options/Alternatives:

Continue to allow for the expanded outdoor dining arrangements until 30 April 2022.

Cease the expanded outdoor dining arrangements as of 30 June 2021.

#### Timelines:

The expanded outdoor dining trial commenced in September 2020. By adopting the recommendations in this report, expanded outdoor dining will be able to continue for some businesses (subject to a local laws permit) until the end of April 2022.

#### Risk Analysis:

There are potential implications on surrounding businesses and property owners. This will be managed through engagement with these businesses and owners through the permit process.

There is a risk for outdoor spaces to be underutilised, or not used in winter. This will be managed through considering how to activate some of these spaces particularly over winter months. Discussions should also be held with traders when they are applying for a new permit around utilisation of these spaces in winter.

There is potentially negative sentiment from some residents around loss of car parking. This will be managed through signage to other car parking areas and by inspections by officers.

## **Consultation/Communication**

### Internal Consultation:

This project has involved many officers across the organisation.

A project working group (PWG) that met fortnightly was established for the duration of this trial. The PWG included representatives from Engineering, Statutory Planning, Safe and Healthy Environments, Parks and Open Space, Regional Sustainable Development, Communications and Governance.

### External Consultation:

City officers met with a number of hospitality and non-hospitality businesses throughout the trial. This included over 80 businesses to discuss the potential for expanded outdoor dining.

The following activities informed the evaluation of the trial:

- Surveys of the community and hospitality businesses
- Focus group with hospitality businesses
- In-depth interviews with non-hospitality businesses
- Conversations with other non-hospitality businesses

## **Resource Implications**

### External Funding Sources:

The City received a \$500,000 grant from the State Government to support the trial until 30 June 2021.

### Projected costs for future financial years:

Should this trial be extended past the 30 June 2021, there will be budget implications in assessing permit applications, in additional compliance, enquiries through the business help desk, designing and installing improvements to temporary infrastructure to enable expanded outdoor dining. In 2020/21 many of these costs were covered within the \$500,000 outdoor dining grant provided by State Government.

There would be a cost in any further waiving of fees to enable expanded outdoor dining to continue.

Should a decision be made to permanently close the northern side of Bull Street then there could be substantial infrastructure costs (depending on the solution) and an allocation in a future budget to make this happen.

As it stands the City is also currently losing revenue from 28 car parking bays. This could be partially offset by charging hospitality businesses to use the car parks.



## **17. ENVIRONMENTAL SUSTAINABILITY**

Nil

## **18. EMBRACING OUR CULTURE AND HERITAGE**

Nil

## 19. LEAD AND GOVERN FOR ALL

### 19.1. Change of June Council Meeting Date and Australian Local Government Association National General Assembly

Author	April Hinton, Acting Coordinator Civic and Governance Support
Responsible Director	Jenn Spelling, A/Director Corporate Performance

#### Purpose

The purpose of this report is to request Council to consider altering the date of the June Council Meeting from Monday June 21 to Thursday June 24 at 6.00pm to facilitate the attendance of the Mayor and the Chief Executive Officer, Mr Craig Niemann at the Australian Local Government Association National General Assembly (NGA) in Canberra from June 20-23.

The reports also seeks Council's endorsement of a motion and supporting information to be lodged by the Council for the NGA.

#### Summary

The Australian Local Government Association (ALGA) National General Assembly (NGA) in Canberra is being held from June 20 - 23, 2021.

To facilitate the attendance of the Mayor and CEO at the NGA, it is requested that the date of the June Council Meeting be altered from Monday June 21 to Thursday June 24 at 6.00pm.

Further, on 24 March 2021, Council submitted a motion and supporting argument to the NGA for consideration and seeks the endorsement of Council for this motion as outlined in this report.

#### RECOMMENDATION

That Council:

1. Support the change to the advertised June Council Meeting from Monday June 21 to Thursday June 24 at 6.00pm to facilitate the attendance of the Mayor, Cr Jennifer Alden and Chief Executive Officer, Mr Craig Niemann at the Australian Local Government Association National General Assembly in Canberra from June 20 – 23, 2021; and
2. Endorse the submitted motion and supporting argument as outlined in this report to the National General Assembly.

#### Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Lead and govern for all

## Background Information

Supporting the attendance of the Mayor and Chief Executive Officer at the ALGA's National General Assembly, themed for 2021, 'Working Together For Our Communities', together with an opportunity to meet political leaders at a Federal level.

## Report

The Australian Local Government Association National General Assembly is held in Canberra in June 2021. The attendance of both the Mayor and CEO at the Assembly allows the opportunity for advocacy with Federal Ministers and/or Advisors and networking with Australia-wide Local Government counterparts. It also provides the opportunity for future meetings to progress project funding and initiatives.

On March 24, the City submitted the following motion and supporting argument to the NGA and if considered, it will provide the opportunity for the Mayor and CEO to present in support of its content:

*That this National General Assembly calls on the Australian Government to address the economic hardship people in rural and regional areas are experiencing due to the unique combined impacts of COVID-19, unprecedented bushfires, long running drought and/or flooding by providing additional support to recovery.*

That this relief include:

- a) Initiatives targeting the tourism and creative industries
- b) An evaluation of and response to the youth and gender impacts of COVID-19
- c) Initiatives that will boost jobs and long term community resilience to climate change
- d) Restoration of funding for local government Financial Assistance Grants (FAGs) to a level equal to at least 1% of Commonwealth taxation revenue.

## Objective

The objective of this resolution is to:

- Draw national attention to the struggles of rural and regional communities in relation to a unique set of circumstances following COVID-19. This includes the most devastating bushfires on record; prolonged and (for some) continuing drought and/or flooding; tourism challenges; and ongoing challenges in maintaining local country roads
- Propose a relief program that recognises and addresses the unique set of circumstances people in rural and regional areas are struggling with
- Recognise and address the fact that the impacts of COVID-19 have been worse for women
- Bring to focus the opportunity to apply a relief package to build long term community resilience to the effects of climate change
- Redress the significant economic damage caused by the three-year freeze on the indexation of FAGs to 2017-18 which hampered the ability of rural and regional Councils to deliver services and maintain local roads and infrastructure (a larger impact on regionals due to the way the grants are distributed).

## Summary of key arguments

COVID-19 struck while rural and regional communities were struggling with combined disasters:

- Black Summer bushfires, Australia's costliest natural disaster – about \$103 billion in property damage and economic losses; an estimated \$1 billion lost tourism revenue.
- Devastating droughts causing agricultural jobs to fall about 25%, the number of beef, sheep and grain farmers to halve, and GDP and some community populations to fall.
- Widespread flooding particularly in Queensland and NSW in February 2020 and March 2021.

Women and young people are feeling the worst of the COVID-19 impacts which have been hardest on sectors employing more women - hospitality, travel, tourism, accommodation, creative arts, sport, recreation, store-based retail, tertiary education.

Women and young people accounted for most Victorian job losses. Victoria has the most unemployed women in its history. Policy responses - early access to superannuation and education reforms, have compounded the impact on women. Reports of family violence have significantly increased.

We must better understand the effects of necessary COVID measures on women and young people and design support/recovery measures accordingly.

COVID reactivation/recovery is integral to communities' successful regeneration and resilience. While economic resilience needs support, accelerating action on climate change is fundamental to recovery. This action can combine that objective with innovative approaches to job creation.

Equally important are public health and safety, providing scope to encourage emotional resilience and community connection. Opportunities exist to strengthen social infrastructure to reduce vulnerability in emergencies.

Municipalities lost about \$925 million revenue during the freeze on FAG indexation - funds needed for local roads and crucial infrastructure. It was hardest on rural/regional areas.

The value of FAGs has declined over 25 years from about 1% to 0.55% of Commonwealth Taxation Revenue.

While the COVID-19 impacts are felt by all, special consideration is needed for rural and regional communities experiencing these combined setbacks.

## Consultation/Communication

Councillors were consulted and involved in the development of the motion.

## **Resource Implications**

Funding for the attendance of the Mayor and CEO at the National General Assembly in Canberra can be accommodated within the current budget. Similarly, advertising for the change of the date of the Council Meeting in June can be accommodated within the current budget.

## **Attachments**

Nil

**19.2. Contracts Awarded Under Delegation Report - May 2021**

Author	Lee Taig, Contract & Procurement Officer, Governance
Responsible Director	Jenn Spelling, A/Director Corporate Performance

**Policy Context**

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 1 Lead and govern for all

**RECOMMENDATION**

That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.

**Attachments**

1. Contracts Awarded Under Delegation



Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000563	White Hills Recreation Reserve Cricket Training Nets	Avard Civil Pty Ltd	Vicky Mason	2/03/2021	\$341,248.77	27/04/2021	<ul style="list-style-type: none"> <li>• Capex 82972 \$250,000.00</li> <li>• Sport Rec Grant \$100,000.00</li> <li>• White Hills Cricket Club \$30,000.00</li> </ul>
CT000551	Wolstencroft Reserve Landfill Capping – Lining Works	Winslow Constructors Pty Ltd	Brian Westley	23/03/2021	\$436,953.96	21/05/2021	Capex Budget 82096
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Contract Term & Options	Budget
CT000548	Supply and Delivery of Road Marking Paint and Products	<b>Panel</b> <ul style="list-style-type: none"> <li>• APCO Coatings</li> <li>• Damar Industries Pty Ltd</li> <li>• Potters Industries</li> </ul>	Brian Westley	4/01/2021	Schedule of Rates	Initial term - 3 year Extension Options 2 years (1 X 2 year)	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$95,000.00
CT000554	Commonwealth Home Support Program (CHSP) Food Services	Golden Meals	Vicky Mason	10/02/2021	Schedule of Rates	30/06/2022	Budget is covered by a combination of sources <ul style="list-style-type: none"> <li>• CHSP grant</li> <li>• Client contribution</li> <li>• the City</li> </ul>
CT000549	Supply and Delivery of Various Precast Concrete Products	<b>Panel</b> <ul style="list-style-type: none"> <li>• Bates Pipes &amp; Products Pty Ltd</li> <li>• Bendigo Precast Concrete Products</li> <li>• Central Vic Precast</li> <li>• Reinforced Concrete Pipes Australia (Vic) Pty Ltd</li> </ul>	Craig Niemann	12/02/2021	Schedule of Rates	Initial term - 3 year Extension Options 2 years (1 X 2 year)	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$800,000.00
CT000555	Provision of Commonwealth Home Support Program CHSP Elmore & Heathcote District under a Panel Contract Arrangement	<b>Panel</b> <ul style="list-style-type: none"> <li>• Heathcote Health</li> <li>• Rochester and Elmore District Health Services</li> </ul>	Vicky Mason	28/02/2021	Schedule of Rates	30/06/2022	Budget is covered by a combination of sources <ul style="list-style-type: none"> <li>• CHSP grant</li> <li>• the City</li> </ul>
CT000561	CT000561 Provision of Pond and Fountain Maintenance	<b>Panel</b> <ul style="list-style-type: none"> <li>• Supasuk</li> <li>• RSP Environmental Services</li> </ul>	Brian Westley	25/03/2021	Schedule of Rates	Initial term - 5 year Extension Options 2 years (1 X 2 year)	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$120,000.00
CT000567	Consultancy for Strengthening of Victoria's Foodshare Operations	Think Impact	Vicky Mason	6/04/2021	\$163,210.00	Practical Completion 31/12/2021	Budget is covered by External Funding body - Department of Jobs, Precincts and Regions
CT000531	Provision of Environmental Consulting Panel - Contaminated Land	<b>Panel</b> <ul style="list-style-type: none"> <li>• Enviroprotect (Vic) Pty Ltd</li> <li>• Golder Associates Pty Ltd</li> <li>• Edwards &amp; Associates Environmental Services Pty Ltd</li> <li>• WSP Australia Pty Ltd</li> </ul>	Brian Westley	16/04/2021	Schedule of Rates	Initial term - 5 year Extension Options 2 years (2 X 1 year)	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$80,000.00

**20. URGENT BUSINESS**

**21. NOTICES OF MOTION**

**22. COUNCILLORS' REPORTS**

**23. MAYOR'S REPORT**

**24. CHIEF EXECUTIVE OFFICER'S REPORT**

**25. CONFIDENTIAL (SECTION 66) REPORTS**

**25.1 – 25.4 Confidential Reports pursuant to Section 66(2)(a) and (g) of the Local Government Act 2020 relating to private commercial information and Council business information**

**RECOMMENDATION:**

That Council close the meeting to members of the public pursuant to Sections 66(2)(a) and (g) of the Local Government Act 2020 to consider four (4) reports relating to private commercial information and Council business information.