

AGENDA

Council Meeting

Monday, 19 July 2021 commencing at 6:00 PM

Livestreaming at www.bendigo.vic.gov.au/councilmeeting

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

VENUE:

Reception Room, Bendigo Town Hall*

**Limited Public Gallery in accordance with DHHS guidelines and limited to sixteen (16) 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:

Monday 16 August 2021

Livestream

Copies of the City of Greater Bendigo Council's Agendas & Minutes
can be obtained online at www.bendigo.vic.gov.au

This Council Meeting is conducted in accordance with the Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020 and the Governance Rules 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. LEAVE OF ABSENCE

Cr Rod Fyffe OAM has requested Leave of Absence for this Council Meeting (July 19, 2021) and the Council Meeting on August 16, 2021.

MOTION

That the request for Leave of Absence from Cr Rod Fyffe OAM from this Council Meeting (July 19) and the August 16 Council Meeting be approved by Council.

7. 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.

8. 150TH ANNIVERSARY OF THE PROCLAMATION OF CITY OF SANDHURST

8.1. 150th Anniversary of the Proclamation of City of Sandhurst

Author	Peter Hargreaves, Project Officer
Responsible Officer	Craig Niemann, Chief Executive Officer

Purpose

The purpose of this report is for Greater Bendigo City Council to formally note 150 years have passed since Bendigo (formerly known as Sandhurst) was declared a City.

Summary

In July 1871 the Governor of Victoria, Sir John Manners-Sutton proclaimed the Borough of Sandhurst to be a City and to be known thereafter as the City of Sandhurst. The proclamation took place by way of notice in the Government Gazette of 21 July 1871 but took effect three days earlier on 18 July 1871.

RECOMMENDATION

That Council:

1. Formally note the 150th anniversary of the proclamation of Sandhurst (now known as Bendigo) as a City on 21 July 1871,
2. Pay tribute to successive generations who have contributed to the life of the city over that time,
3. Acknowledge that Bendigo has a rich Aboriginal past, present and future and stands on the traditional lands of the Dja Dja Wurrung Peoples and we express our gratitude in the sharing of this land.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Lead and govern for all

- Goal 6 Embracing our culture and heritage

Report

History of Municipal Governance in Greater Bendigo

Municipal history of Sandhurst

The history of municipal government in Bendigo began in 1855, four years after the discovery of gold in 1851 permanently transformed a sleepy valley and the traditional lands of the Dja Dja Wurrung Peoples.

Within a year of the gold discovery 40,000 miners had descended on the valley and Bendigo Flat was emerging as a village of shanties, calico tents and unformed streets which became a sea of mud in winter.

In 1854, government surveyor Richard Larritt completed his formal street plan which located the town centre on the flat across the creek from the Government Camp (now Rosalind Park).

Between 1851 and 1855 the goldfields districts were administered by the Government under the control of the Roads Board.

A public meeting in 1855 recommended that the duties of self-government be assumed without delay and the Municipal District of Sandhurst was created on 23 April 1855 under the provisions of an Act for the establishment of Municipal Institutions in Victoria. The municipalities of St Kilda, Prahran, Richmond and East Collingwood were created under the same proclamation.

However, the first Council comprising seven male Councillors was not elected until the following year. The first Council meeting was held at the Bendigo Hotel in January 1856.

At that time the Council met twice a week in a two-room weatherboard building at Charing Cross. The first works were designed to bring order to the adhoc development of the diggings by filling holes (mostly abandoned mine shafts), removing stumps and straightening tracks into streets in accordance with the street plan designed by the government surveyor.

Later works included installation of street lighting and the forming of footpaths.

Plantings of English and Australian trees began in a systematic fashion and continued over the following three decades along with the replacement of trees stolen or vandalised.

The growth of the district in the 1860s resulted in the expansion of municipal governance with the formation of:

Borough of Eaglehawk 29 July 1862

Shires of Marong and McIvor December 1864

Shire of Huntly July 1866

Shire of Strathfieldsaye September 1866.

As Sandhurst continued to grow the Municipal District of Sandhurst became the Borough of Sandhurst in 1863 and the number of Councillors expanded to nine. The head of the Council was then entitled to be called Mayor - and Cr J McIntyre was elected first Mayor of Sandhurst.

Sandhurst was proclaimed a City in the Government Gazette of 21 July 1871. Under the provisions of The Boroughs Statute 1869 a municipality qualified to be declared a City when its annual rate revenue exceed twenty thousand pounds. In a City with a great affection for ceremony in the 19th century and which delighted in celebrating its own success, growth and prosperity the proclamation was met with surprisingly little fanfare.

The impending proclamation was mentioned in passing during a speech by the Chief Secretary (now termed Premier) Charles Gavan Duffy at a civic banquet for Ministers of his government at the Town Hall on 20 July. The news was met with 'great applause'.

The Council minutes do not mention the proclamation until the meeting of 11 August three weeks later. The minutes note a letter, written off behalf of Mr. Duffy on 25 July 1871 advising the Council of the proclamation.

Council was in the grip of annual elections at the time in which two of the three sitting Councillors seeking re-election were defeated and this might have been the reason the proclamation passed with little or no comment from a possibly 'distracted' Council.

A subtle acknowledgement of the proclamation was in how the Council minutes now referred to the Mayor. The title 'Worshipful Mayor' was elevated to 'the Right Worshipful Mayor'.

The main focus of the Council's work at the time was attending to the ongoing requests and petitions for the formation of local streets and guttering, installation of gas lamps for street lighting, and applications for approval to mine for gold including an application to mine in Rosalind Park.

Women in local government

It took more than 100 years for the City to elect its first female Councillor.

Christine Elizabeth Wiseman was elected unopposed in 1960 to fill a casual vacancy. Her election followed a meeting of about 150 women from various organisations which agreed to support a woman candidate to fill the vacancy.

She was re-elected a year later in 1961 securing 80 more votes than her opponent.

Cr Wiseman served on the Council until 1964.

Annie Galvin, whose husband Bill had served as Mayor (1944-45) became the second woman to be elected to the City Council when she defeated her opponent 7710 votes to 3872 in 1968. Annie Galvin served six years as a Councillor before retiring in 1973.

Other first female Councillors in the municipalities now comprising the City of Greater Bendigo were:

Eaglehawk Willi Alyda Carney* 1977

Greater Bendigo Megan Weston* & Ann Jones 1996

Huntly Dawn May Johnson* 1986

Marong Elaine Valda Knight * 1972

Mclvor Marisa Leahy 1986

Strathfieldsaye Marilyn Wallis* 1981

* Also served as Mayor or Shire President

Margaret Brennan became one Victoria's first female senior Council officers when she was appointed Secretary of Strathfieldsaye Shire Council in 1944 – a position she held for 33 years. Her father Richard (1898-1944) and her grandfather Michael (1882-1898) held the position before her.

The role of the Mayoress of the City

The unelected position of Mayoress of the City was the title given to the wife or partner of the Mayor.

In times when men dominated the Council table and female Councillors were a rarity, the Mayor and Mayoress were the City's 'first couple'.

Once a critical but largely unsung contribution to municipal life the role and title of Mayoress has largely become something of the past.

With the title came a range of tasks that the Mayoress agreed to undertake during the term of the Mayor.

According to author and historian Brenda Stevens-Chambers “Mayoresses were deeply involved in the community supporting a multitude of charities and highly engaged in the social and cultural life of the city. All deputised for their husbands when necessary.”

It became a tradition in the City of Sandhurst and then Bendigo to complete and frame a portrait of each Mayoress. A sample is to be displayed in the Town Hall as overdue recognition of the contribution made by successive Mayoresses to the life of the City.

Change of city name

The town we now know as Bendigo was first called Castleton (Government notice 2 December 1852) but changed a few weeks later to Sandhurst (Government notice January 1853)

While the name Bendigo remained popular the City and municipality continued to be known by the official name of Sandhurst for nearly four decades.

Following a meeting with prominent citizens in September 1890 the Council petitioned the government to have the name of the municipality changed to Bendigo.

Others argued that it should be the decision of the ratepayers and the matter was put to poll on 28 April 1891, with the overwhelming majority voting in favour of the change to ‘Bendigo’.

The name change was granted on 8 May 1891 making Bendigo one of the few cities in the world named by the choice of the populace. The first Mayor of Bendigo, instead of Sandhurst, was Cr J H Abbott.

City of Greater Bendigo Established

The City of Bendigo was abolished in 1994, along with the municipalities of Eaglehawk, Huntly, Marong, McIvor and Strathfieldsaye to form the City of Greater Bendigo as part of a state-wide program of local government reform.

Traditional Owner history of Greater Bendigo

While noting this history of municipal governance in Greater Bendigo over more than 150 years, we recognise that Greater Bendigo also has a rich Aboriginal past, present and future. The city stands on the traditional lands of the Dja Dja Wurrung Peoples who maintain a special connection to the environment and to this land (Country).

The Dja Dja Wurrung Peoples faced profound disruption and displacement through the early establishment and expansion of European settlement. The goldrush and the expansion of miner settlements, including the early settlement of Sandhurst, had ongoing and devastating impacts upon traditional customs, language and wellbeing. Since this time, policies and practises have continued to limit the ability of the Traditional Owners to practise their traditional customs and to be able to access Country and its resources.

Today, the City recognises the struggle, resilience and strength of the Dja Dja Wurrung Peoples, and the need to acknowledge and celebrate the region's rich cultural heritage and Traditional Owner history. Events marking the 150th anniversary of the proclamation of Sandhurst are also an opportunity to acknowledge, share and to learn about the First Nations history of Sandhurst and Bendigo. This is important in supporting ongoing truth-telling and the shared histories of this region.

The City will discuss with the Dja Dja Wurrung Traditional Owners if there are opportunities or projects that can further share this history through 2021-2022.

Sources:-

Mayors of Bendigo, 1856-2001, Betty May Jackman

First Women Elected To Victorian Councils, ALGWA, 1992

Celebrating Bendigo Women, Brenda Stevens-Chamber, Editor, 2016

Minute Book, City of Bendigo, 1871

'Joint Management Plan for the Dja Dja Wurrung Parks: Strategy' 2018, Dhelkunya Dja Land Management Board

Consultation/Communication

N/A

Resource Implications

N/A

Attachments

1. Government Gazette 21 July 1871
2. Copy of the letter from the Chief Secretary of Victoria Mr Gavan Duffy MP advising of the proclamation, 25 July 1871.

Attachment 1 - Gazettal

[1147]



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

No. 51.]

FRIDAY, JULY 21.

[1871.]

LEGISLATIVE ASSEMBLY.

I HEREBY notify that I have received a return to the Writ issued by me on the eighth day of July instant for the Election of a Member to serve in the Legislative Assembly of Victoria for the Electoral District of Ballarat East; and that by the return endorsed on such Writ it appears that

ROBERT WALSH

was duly elected Member for the said Electoral District.

C. MAC MAHON,
Speaker.Legislative Assembly Chamber,
Melbourne, 21st July 1871.

GENERAL ELECTORAL LISTS, 1871.

IT is hereby notified for general information that, by *The Electoral Act 1868*, the day fixed for the completion of the General Lists is the 1st September in each year. All persons taking out Electors' Rights on or before the 1st September next, will therefore be entitled to have their names placed upon the General Lists for 1871. No person whose name is on a roll of ratepayers electors for any province or district, is entitled to an Elector's Right. *Vide* sec. 61, Act 279, and sec. 21, Act 334.

C. GAVAN DUFFY,
Chief Secretary.Chief Secretary's Office,
Melbourne, 19th July 1871.

ADDITIONAL MONEY ORDER OFFICE.

IT is hereby notified that on and after Tuesday the 1st August 1871, Money Orders may be obtained and made payable at

EAST BRIGHTON.

W. TURNER,
Deputy Postmaster-General.General Post Office,
Melbourne, 19th July 1871.

ADDITIONAL POST OFFICE SAVINGS BANK.

IT is hereby notified that on Tuesday the 1st August 1871 a Post Office Savings Bank will be opened at

INVERLEIGH;

in conformity with the Regulations made by the Governor in Council, dated 7th August 1866.

The postmaster at the above-named place has been appointed to perform duty in connection with the Post Office Savings Bank.

W. TURNER,
Deputy Postmaster-General.General Post Office,
Melbourne, 19th July 1871.

MINING ON RESERVES, ETC.

THE attention of holders of miners' rights is directed to the 13th, 14th, and 15th sections of *The Mining Statute 1865*, and it is hereby notified that Reserves, or lands exempted or excepted from occupation for mining purposes, cannot be lawfully occupied by the holders of miners' rights unless and until an Order in Council authorizing mining upon such reserves or excepted or exempted lands shall have been published in the *Government Gazette*.

WILLIAM McLELLAN,
Minister of Mines.Office of Mines,
Melbourne, 19th July 1871.
No. 51.—JULY 21, 1871.—1.

INTRODUCTION OF BRANCHES OF RURAL INDUSTRY AND USEFUL FOREIGN TREES.

THE Governor, with the advice of the Executive Council, has been pleased to appoint the undermentioned gentlemen, viz. —

The Honorable S. H. BENDON, Chairman,
The Honorable G. W. COLE, M.L.C.,
The Honorable R. HOPE, M.D., M.L.C.,
R. KEMMAY, Esq., M.P.,
J. F. LEVING, Esq., M.P.,
W. WITT, Esq., M.P.,
T. M. D. PHILLIPS, Esq., M.P.,
F. VON MUELLER, Esq., O.M.G., F.R.S., &c.,
THOMAS BLACK, Esq., M.D.,
The Rev. J. I. BLANDFORD, D.D.,
PAUL DE CASTELLA, Esq.,
C. HODGKINSON, Esq.,
R. B. SMYTH, Esq.,
JOHN HOOD, Esq.,

to form a Commission to consider and report how far it may be practicable to introduce into this country branches of industry which are known to be common and profitable among the farming population of Continental Europe; to specify which of such industries are most suitable to our soil, climate, and circumstances; and to report on the best means of promoting their introduction into Victoria, and how far the labor of persons at the disposal of the State may be advantageously used for that purpose.

And to further consider and report on the best means of promoting the culture, extension, and preservation of State forests in Victoria, and the introduction of such foreign trees as may be suitable to the climate and useful for industrial purposes.

C. GAVAN DUFFY,
Chief Secretary.Chief Secretary's Office,
Melbourne, 19th July 1871.

LICENSING JUSTICE.

THE Governor, with the advice of the Executive Council, has been pleased to appoint

WILLIAM MAIR, Esq., J.P., Brighton,

to be a Licensing Justice for the district of Cheltenham, under the provisions of section 10 of *The Wines, Beer, and Spirits Sale Stipend 1864 amendment Act*, no magistrate having been nominated for that district in accordance with the said Act.

HOWARD SPENSLEY,
Solicitor-General.Crown Law Office,
Melbourne, 18th July 1871.

COMMISSIONER UNDER THE "LAND TRANSFER ACT."

THE Governor, with the advice of the Executive Council, has been pleased to appoint

WILLIAM UYTON TRIPP, Esq., Avoca,
to be a Perpetual Commissioner for taking Acknowledgments of Applications and Instruments Signed by Married Women under the provisions of *The Transfer of Land Statute*.

HOWARD SPENSLEY,

For and in the absence of the Attorney-General.
Crown Law Office,
Melbourne, 18th July 1871.

1149

ELECTORAL REGISTRARS.

THE Governor, with the advice of the Executive Council, has been pleased to make the following appointments, viz.:-

On 10th July 1871.

THOMAS MATTHEWS, Myrtle Creek, to be Electoral Registrar for the Myrtle Creek Division, vice J. Blacketer resigned.

P. KELLY, Wyndham, to be Acting Electoral Registrar for the Wyndham Division, during the absence on leave of Mr. Haynes.

On 18th July 1871.

HUGH MCLAN, Graytown, to be a Deputy Electoral Registrar for the Heathcote Division, vice E. S. Maxwell resigned.

JOHN C. C. SCHILD, Footscray, to be Electoral Registrar for the Footscray Division, vice F. Brown resigned.

WILLIAM CARTER, Sale, to be Electoral Registrar for the Middle Division of North Gippsland, vice Mr. Quinan resigned.

THOMAS NAGGHTON, Corop, to be a Deputy Electoral Registrar for the Echunga and Waranga Divisions, vice S. Sternberg resigned.

C. GAVAN DUFFY, Chief Secretary.

Chief Secretary's Office, Melbourne.

VICTORIAN ARTILLERY CORPS.

THE undermentioned men have been dismissed from the above Corps

WILLIAM BULLOW,
WILLIAM BEEVER,
JOWATHAN DANIEL WATSON.

W. A. D. ANDERSON, Commandant.

Brigade Office, Local Forces, Melbourne, 18th June 1871.

PETTY SESSIONS APPOINTED.

THE Governor, with the advice of the Executive Council has appointed

FOSTER (STOCKYARD CREEK)

to be a place at which Courts of Petty Sessions shall be holden.

HOWARD SPENSLEY, Solicitor-General.

Crown Law Office, Melbourne, 18th July 1871.

ALTERED CIRCUIT COURT DISTRICT.

At the Executive Council Chamber, Melbourne, the eighteenth day of July 1871.

PRESENT:

His Excellency the Governor
Mr. Gavan Duffy
Mr. Grant
Mr. Barry
Mr. McLellan
Mr. Spensley.

WHEREAS by the Act of the Lieutenant-Governor and Legislative Council of the colony of Victoria, passed in the fifteenth year of the reign of Her present Majesty, intituled *An Act to make provision for the better administration of Justice in the Colony of Victoria*, it is amongst other things enacted, that it shall be lawful for the Lieutenant-Governor of the said colony, by any Orders to be by him, with the advice of the Executive Council thereof, from time to time made and proclaimed, to define the limits of districts within which Circuit Courts shall be holden in the said colony, and the said limits to alter and vary as he shall, with the advice aforesaid, deem necessary: And whereas by an Order in Council made on the third day of December 1866 the limits of the Circuit District of Sandhurst and Castlemaine were amongst others defined: And whereas it is deemed necessary to alter the said limits: Now therefore His Excellency the Governor, with the advice of the Executive Council, doth by this present Order alter the limits of the Sandhurst and Castlemaine Circuit District, and doth appoint that the limits of the said district, within which Circuit Courts shall be holden, shall be those hereinafter defined, that is to say:-

THE CIRCUIT COURT DISTRICT OF SANDHURST AND CASTLEMACHINE—Commencing at the junction of the Goulburn River with the Murray River; thence up the first named river to Engler's Creek; thence by a line south-westerly to Mount Roads; thence by a line true south to the Great Dividing Range; thence by that range westerly to the range which divides the waters of the Bullock Creek from the waters of the Glangower or Jerro's Creek; thence by that range north-westerly to a point bearing east from the junction of the Bullock and Tullock or Deep creeks; thence to that junction by a line bearing west; thence down by the last-named creek to the Loddon River; thence down that river to an anabranch of the Murray River; thence down that anabranch to the south boundary of the town of Castle Donington; thence by the south, west, and north boundaries of that town to the Murray River; and thence up that river to the point of commencement.

And the Honorable Robert Walsh, Her Majesty's Attorney-General for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,
Clerk of the Executive Council.

CERTAIN LANDS NOT AVAILABLE FOR OCCUPATION UNDER LICENSES.

At the Executive Council Chamber, Melbourne, the eighteenth day of July 1871.

PRESENT:

His Excellency the Governor
Mr. Gavan Duffy
Mr. Grant
Mr. Barry
Mr. McLellan
Mr. Spensley.

IN pursuance of the provisions contained in the 110 section of *The Land Act 1869* the Governor with the advice of the Executive Council doth, by this present Order, alter the Twenty-sixth of the Regulations under the said Act, which were made on the 1st of February 1870, respecting lands not available for occupation under Licenses, by cancelling the words "boroughs or towns" and substituting in lieu thereof the words following, viz., "or which are situated within a distance of one quarter of a mile of lands sold as building lots in towns."

And the Honorable James Macpherson Grant, Her Majesty's Commissioner of Crown Lands, and Survey for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,

Clerk of the Executive Council.
J. M. GRANT,
President of the Board of Land and Works, and
Commissioner of Crown Lands and Survey.

POLLING-PLACES FOR THE ELECTORAL DISTRICT OF EVELYN.

At the Executive Council Chamber, Melbourne, the twelfth day of July 1871.

PRESENT:

His Excellency the Governor
Mr. Gavan Duffy
Mr. Grant
Mr. Barry
Mr. McLellan
Mr. Spensley.

IN pursuance of the provisions contained in the 73rd section of *The Electoral Act 1866*, His Excellency the Governor, with the advice of the Executive Council, doth by this present Order revoke the appointment of

THE LAUNCHING PLACE ON HODDLE'S CREEK,

and also

McMAHON'S CREEK,

as Polling-places for the Brushy Creek division of the Electoral District of Evelyn; and with the advice aforesaid doth hereby appoint

HODDLE'S CREEK

to be a Polling-place for the said division of the said District.

And the Honorable Charles Gavan Duffy, Her Majesty's Chief Secretary for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,
Clerk of the Executive Council.

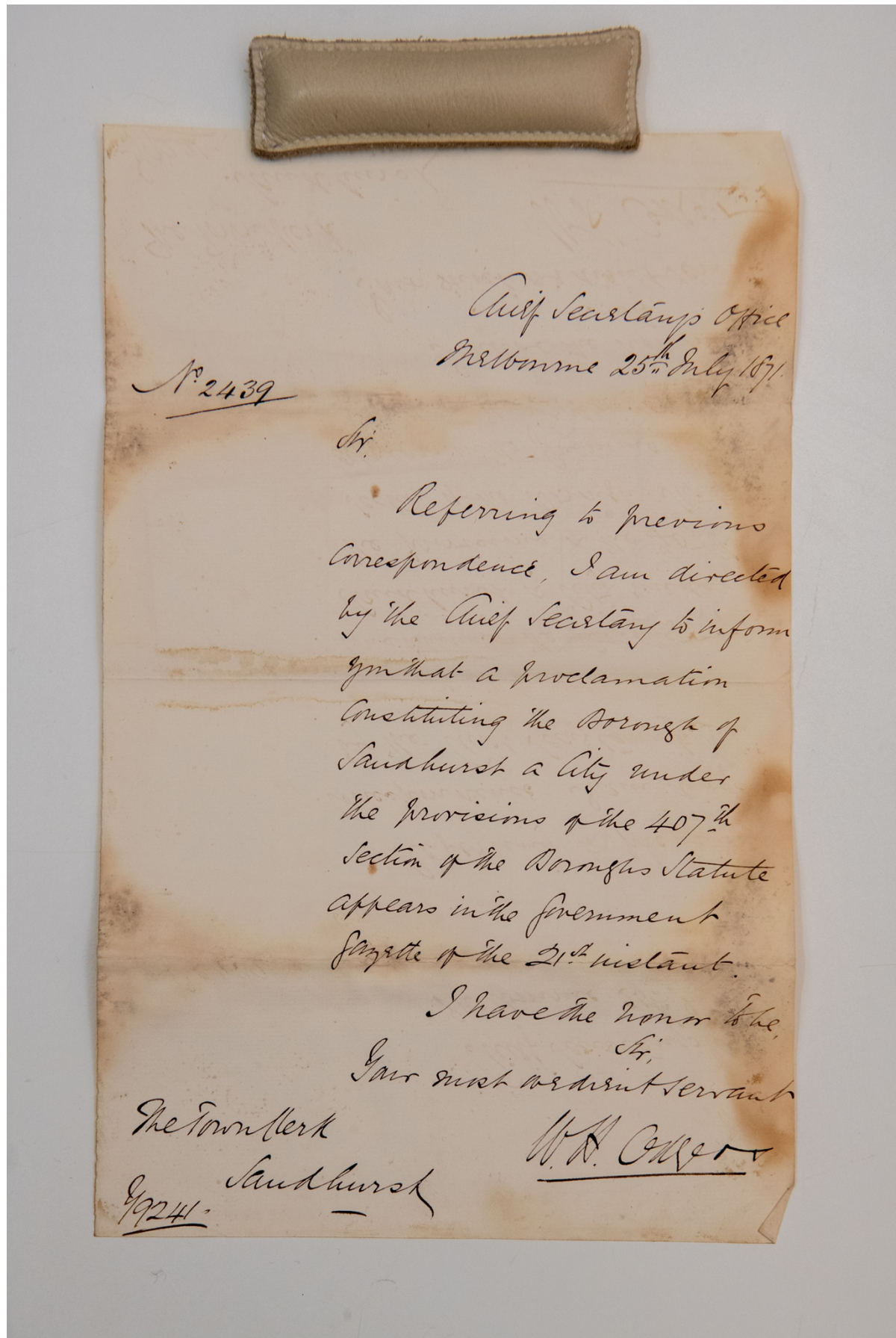
THE CITY OF SANDHURST.**PROCLAMATION**

By His Excellency the Right Honorable JOHN HERAT THOMAS VISCOUNT CANTERBURY, of the City of Canterbury in the County of Kent, and Baron BOTTESFORD, of Bottesford in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

WHEREAS by *The Boroughs Statute 1869* it is amongst other things enacted, that it shall be lawful for the Governor if he shall think fit, by notice in the *Gazette*, to proclaim any borough, whose gross revenue for the year preceding was not less than Ten thousand pounds by such name as in and by such order shall be assigned thereto to be a town, and by such notice to proclaim any borough whose gross revenue for the year preceding was not less than Twenty thousand pounds to be a city, and such borough shall thereupon be and be called such town or city accordingly: Provided that no borough after the proclamation thereof as such city, save as herein provided with regard to the adjustment of boundaries to those of wards, shall be united with any other city or with any shire; and it is also enacted that from and after every such proclamation the borough so proclaimed a town or city as aforesaid shall take and bear the name of the "Town of" (mentioning the name assigned to such town) or "City of" (mentioning the name assigned to such city); the council of such borough, and the members of the said council shall take and bear the name of the council and councillors respectively of such town or city; the mayor and clerk of the said borough shall thereupon respectively be called the mayor and clerk of the said town or city respectively; and the burghers of such borough shall thereupon be known and called the burghers of such town or citizens of such city; the wards (if any) of the said borough existing at the time of such proclamation shall be and be called wards of the said town or city; and the borough fund of the borough shall be called the town fund or city fund of the said town or city; and it is also enacted that every town or city shall after the proclamation thereof as such be and be deemed to be and to have been such and the same borough (to all intents and purposes) as such town or city was at the time of such proclamation; and save as aforesaid and save where herein otherwise expressly provided all the provisions of this Act relating to boroughs shall continue and be of full force

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Attachment 2 - Letter from Chief Secretary Gavan Duffy MP July 1871



9. SUSPENSION OF STANDING ORDERS

That Standing Orders be suspended to unveil a plaque to commemorate the 150th Anniversary of the Proclamation of the City of Sandhurst; the Community Recognition Section and Public Question Time.

10. PLAQUE UNVEILING TO COMMEMORATE 150TH ANNIVERSARY OF THE PROCLAMATION OF THE CITY OF SANDHURST

11. COMMUNITY RECOGNITION SECTION

12. PUBLIC QUESTION TIME

13. RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

14. CR WILLIAMS' REPORT

15. CONFIRMATION OF PREVIOUS MINUTES

15.1. Confirmation of Minutes

The following items as outlined below, were considered at the Council Meeting held on Thursday 24 June 2021 at 6.00pm.

RECOMMENDATION

That the Minutes of the Council Meeting held on Thursday 24 June 2021, as circulated, be taken as read and confirmed.

Report

Thursday 24 June 2021:

Report No.	Item	Recommendation
13.1	Adoption of 2021/2022 Budget	That the Greater Bendigo City Council, having considered the submissions to the 2021/2022 Proposed Budget: 1. Adopt the Budget annexed to this resolution, in accordance with the Local Government Act 2020 and relevant regulations. 2. Acknowledges the contribution of submitters to the budget consultation process, and thank them for their contribution. 3. Authorises officers to provide a formal response to each submitter. 4. Note that for the Revenue and Rating Plan, it was determined for 2021-22: • The farm land differential rate would decrease from 85% to 75% of the general rate. • The vacant land differential rate would remain at 125% of the general rate (no change in 2021-22), with the previously drafted increase to be incorporated in 2022/2023.

Report No.	Item	Recommendation
		5. Note that the budget in May 2021 utilised preliminary valuations. Final valuations have now been received from the Valuer General, and minor adjustments have been made to differential rates to ensure compliance with the Fair Go Rates System and with the City's Rating & Revenue Plan. 6. Implements rates and service charges as detailed in the Budget, Rating & Revenue Plan and the following report. 7. Grants an early full rate payment discount of 1.5% on current year rates and charges, if full payment (including any arrears and interest) is received on or before 30 September 2021. 8. Note that the Community Plan 2017-2021 was used to develop this budget and that a new Community Vision and Council Plan is currently in development. Annual Actions for 2021/2022, in advance of that process being finalised, are included within the same document. 9. Approve new loan borrowings of up to \$19.4M in line with Budget and authorise the CEO, Director Corporate Performance or Manager Financial Strategy to: • negotiate the loan • approve the successful tender (any two of above officers); and • execute the loan documentation (any two of above officers).
14.1	Petition: Request for Reinstatement of Maternal and Child Health Service at Marong	That the petition be received and a response be prepared within two (2) meetings.
14.2	Outdoor Dining - Response to Petition from View Street Traders	That Council: 1. Note the petition that has been received.

Report No.	Item	Recommendation
		2. Note that at the Council meeting on 17 May 2021, Council resolved to extend the outdoor dining trial until 30 April 2022. 3. Request the CEO to establish an internal team with representatives from the City's Local Laws and Economic Development Units to assess outdoor dining permit applications in View Street.
14.3	Response to Quarry Hill Skate Park Petition	That Council: 1. Support the continued development of skate parks at Ewing Park and Kangaroo Flat; 2. Does not support development of a skate park at Quarry Hill; 3. Advise the lead petitioner of the outcome of this report.
14.4	Petition: Request for Sealing of Mannes Lane, Axe Creek	That the petition be received and a response be prepared within two (2) meetings.
15.1	153 McNiffs Road, Redesdale - Use and Development of Land for a Dwelling, Outbuilding (Shed) and Ancillary Buildings and Works	That Council defer a decision on Planning application DR/920/2020 to: • allow the applicant the opportunity to develop an enhanced Environmental Management Plan that clearly sets out the environmental benefits and actions to result from using and developing a dwelling on the land, to be submitted to the City not later than two months after the date of this meeting; and • allow the subsequent assessment of the Environmental Management Plan by Planning staff, with summary advice presented to Council at the first reasonably practicable Council meeting following lodgement of the revised plan by the applicant. • allow for further discussion by Planning staff with the applicant and landowner to understand the

Report No.	Item	Recommendation
		future intention of the remaining lots within the balance farming tenement, and any actions that could be undertaken to limit further fragmentation of that tenement.
15.2	2 Club Court, Strathfieldsaye - Works to Construct a Mixed-Use Development and Medical Centre, the Use of an Enterprise Park and Service Station, Display Advertising Signage, Remove Native Vegetation and Alterations of Access to a Road Zone 1	That Council notify the Victorian Civil and Administrative Tribunal (VCAT) that it does not support the grant of a permit for building and works to construct a mixed-use development and medical centre, the use of an enterprise park and service station, display of advertising signage, removal of native vegetation and alterations of access to a road zone category 1 at 2 Club Court, Strathfieldsaye 3551 on the following grounds: 1. The proposal does not satisfactorily support the mix of uses sought to be achieved by the relevant objective of Schedule 2 to the Mixed Use Zone. 2. The proposal does not satisfactorily deliver a mix of uses compatible with adjoining land uses in the neighbouring precincts as sought to be achieved by the relevant objective of Schedule 2 to the Mixed Use Zone. 3. The proposal does not satisfactorily respond to the physical landscape features and context and fails to adequately support retention of the native vegetation character sought to be achieved by the objective of Schedule 2 to the Mixed Use Zone and the design objectives of Schedule 28 to the Design and Development Overlay. 4. The proposal does not support the strategic vision for Strathfieldsaye as set out in the

Report No.	Item	Recommendation
		Strathfieldsaye Township Plan 2009 (revised March 2012) and Strathfieldsaye Urban Design Framework, February 2017. 5. The proposal does not appropriately address the design objectives and decision guidelines of Schedule 28 to Clause 43.02 Design and Development Overlay.
15.3	Bendigo City Centre Heritage Study - Adoption of Amendment C235gben	That Council: 1. Adopt Amendment C235 to the Greater Bendigo Planning Scheme with the following changes: a. Remove HO931 (former Bendigo Timber Company building) at 106 Williamson Street, Bendigo (HO931) from the amendment now that a Notice of Decision to Grant a Planning Permit for a hotel has been issued. b. For the former Butts Hotel at 114 Williamson Street, Bendigo (HO932) i. Replace the Statement of Significance with the Panel preferred version and update the citation ii. Amend Map 19HO so that the Heritage Overlay covers the building footprint only (to exclude the curtilage to the northwest) c. For the stables at the rear of the St Andrews Church at 96 Mollison Street, Bendigo (HO926) i. Amend Map 19HO so that the Heritage Overlay covers the building footprint plus a five metre curtilage (previously the entire property parcel was included)

Report No.	Item	Recommendation
		ii. Amend the Schedule to Clause 43.01 to allow prohibited uses. 2. Adopt the updated Bendigo City Centre Heritage Study (incorporating the revised citations listed above). 3. Submit the adopted Amendment to the Minister for Planning for approval.
16.1	Heathcote Civic Precinct (Community Hub) Project	That Council: 1. Thank McIvor Cottage Industries Co-operative and all other groups for their participation in and contributions to the most recent round of community consultation. 2. Endorse staff undertaking further consultation as the basis for the next stage of project design development 3. Receive a further report on project progress in early 2022.
16.2	Huntly Camping Ground	That Council work with Haven Home Safe to relocate the current campers, continue to ensure the park is well maintained then review the status of the park in early 2022.
16.3	Reducing Harm from Gambling Policy	That Council support the release of the Draft Reducing Harm from Gambling Policy for community consultation as per the prepared Community Engagement Plan.
16.4	International Relations Policy 2021	That Council adopt the reviewed International Relations Policy 2021 subject to the Policy's principle 5.1 to be amended as follows: 5.1. Mutual benefit and goodwill - The City's International Relationships where possible should be able to demonstrate either mutual benefit or goodwill to parties less fortunate. The City's International Relationships will be based on improving cooperation and mutual understanding, and social, cultural, economic, and

Report No.	Item	Recommendation
		environmental benefits through goodwill and engagement.
17.1	Local Public Holiday - Bendigo Cup	That Council support the application to the Minister for Small Business declaring the immediate Wednesday prior to the Melbourne Cup held the first Tuesday in November, Bendigo Cup Day, the Local Public Holiday for area in the municipality of Greater Bendigo, west of the Campaspe River.
20.1	Q3 - Community Plan 2017-2021 Highlights	That Council acknowledge the progress of implementing Annual Plan initiatives for 2020/2021, and receive the Annual Plan quarterly summary report.
20.2	Q3 Finance and Capital Management Report	That Council note the report comparing budgeted and actual revenues and expenses to 31 March 2021, in accordance with the requirements of the Local Government Act 2020.
20.3	Councillor Allowances	That Council: Acknowledging the community feedback sought in relation to the proposal, resolves to set the maximum Councillor allowances to: a) \$31,444 per annum (plus the superannuation guarantee) for Councillors; and b) \$100,434 per annum (plus the superannuation guarantee) for the Mayor.
20.4	Audit and Risk Committee's Biannual Chairperson Report	That Council note the Audit and Risk Committee Chairperson's second biannual report for 2020/21.
20.5	Local Roads and Community Infrastructure (Phase 2) Grant Agreement	That Council delegate to 1. The Chief Executive Officer the power to sign for and enter into a grant agreement with the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on behalf of the

Report No.	Item	Recommendation
		Greater Bendigo City Council for the purposes of accepting up to \$4,601,569 under the Local Roads and Community Infrastructure Program (LRCI Program); 2. The Director Corporate Performance the power to a. define the associated LRCI Program work schedule to the Department in accordance with eligible Capital Works projects identified within the 2021/2022 Council Budget; b. attribute to and claim against the work schedule grant funding as appropriate; and c. report on progress against the work schedule to the Department as per the conditions of the grant agreement.
26.1	Confidential Section 66 Report	Confidential Report pursuant to Section 66(2)(a) of the Local Government Act 2020 relating to Council business information.

16. PETITIONS AND JOINT LETTERS

Nil

17. PRESENTATION AND MANAGING GROWTH

17.1. 71 Lily Street, BENDIGO 3550 - Use of Land for a Medical Centre (Allied Health), Alterations and Additions to Buildings, Parking Reduction and Signage

Author	Peter O'Brien, Planning Coordinator
Responsible Director	Andrew Cooney, Acting Director Strategy and Growth

Summary/Purpose

Application details:	Use of land for a medical centre (allied health), alterations and additions to buildings, parking reduction and signage
Application No:	DU/813/2020
Applicant:	T J Cartwright
Application Documents:	Application Documents
Land:	71 Lily Street, BENDIGO 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay (Schedule 11 – Rowan Street Precinct)
No. of objections:	9
Consultation meeting:	Consultation took the form of the distribution of: • A written response from the permit applicant responding to the issues that have been raised; • A supporting report from the permit applicant that contains their assessment of the application against the planning scheme; and • An amended set of plans that sought to respond to the issues which were raised. Objectors were given a further 14-day period to consider this material and a group response was received confirming that the material had not addressed the objector concerns. No objections have been withdrawn.
Key considerations:	Whether the proposal is consistent with the Greater Bendigo Planning Scheme, including the General Residential Zone? Does the proposal pose unreasonable amenity impacts for neighbours?

	Will the proposal cause unreasonable car parking and traffic issues? Is the Hospital Precinct Structure Plan relevant to the application? Other issues raised by the objections.
Conclusion:	The application is recommended for approval on the basis that it represents an acceptable planning outcome with regards to the requirements of the Greater Bendigo Planning Scheme. The report considers the permit application and recommends that the City of Greater Bendigo issues a Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for Use of land for a medical centre (allied health), alterations and additions to buildings, parking reduction and signage at 71 Lily Street, BENDIGO 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 - 71 Lily Street Planning Assessment

PLANNING ASSESSMENT REPORT

Report

Subject Site and Surrounds

The subject site a rectangular lot of 949 square metres with a 21.34 metre frontage to Lily Street. The lot contains a quintessentially 1960s cream brick dwelling with a hipped tile roof, which whilst in a Heritage Overlay Precinct, is not a contributory building. Other features of the site include three outbuildings. Annotated photos of the subject site follow:



Figure 1: Photos of the existing dwelling



Figure 2: Southern side and rear of the dwelling.



Figure 3: Rear of dwelling (proposed car parking location) and outbuilding (to be retained)



Figure 4: Outbuildings (demolished).



Figure 5: Lily Street looking south toward High Street (left) and north toward St John of God Hospital.

The site is relatively flat with fall from the rear of the site to Lily Street of less than 0.5 metres. A sewer main is in a small portion of the front setback of the dwelling.

Lily Street is a local, City of Greater Bendigo managed road. The road reserve is 30 metres wide, both sides of the street contain kerb, channel and footpaths and the sealed portion of the road (kerb to kerb) is approximately 15 metres in width.



Figure 6: Location map showing subject site. Objectors' properties marked with a star. Note: one objector (at 120 Lily Street) is not visible on this aerial.

The adjoining land uses are:

- 73 Lily Street, which contains a single-story dwelling constructed in 1995 (to the north); and
- 63 and 67 Lily Street and 62 Thistle Street being the site of the former Symons Dairy (buildings / outbuildings associated with former use remain on that land).

Opposite the site is a group of dwellings dating from the early decades of Bendigo's initial post-colonial settlement.

Proposal

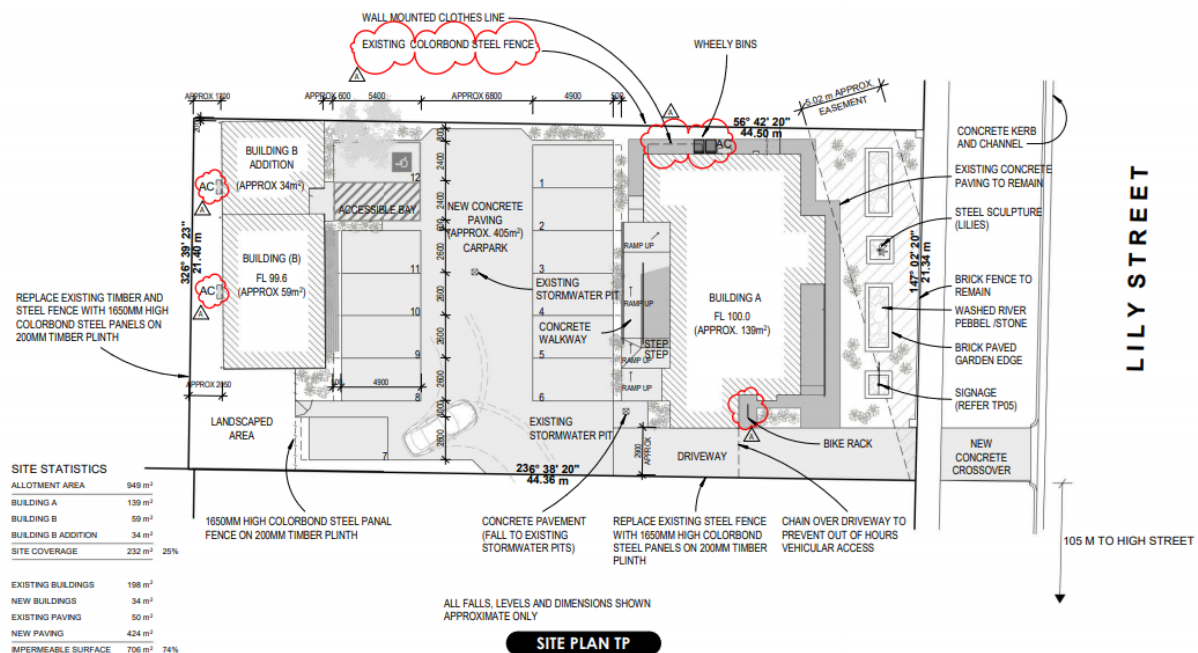


Figure 7: Site layout.

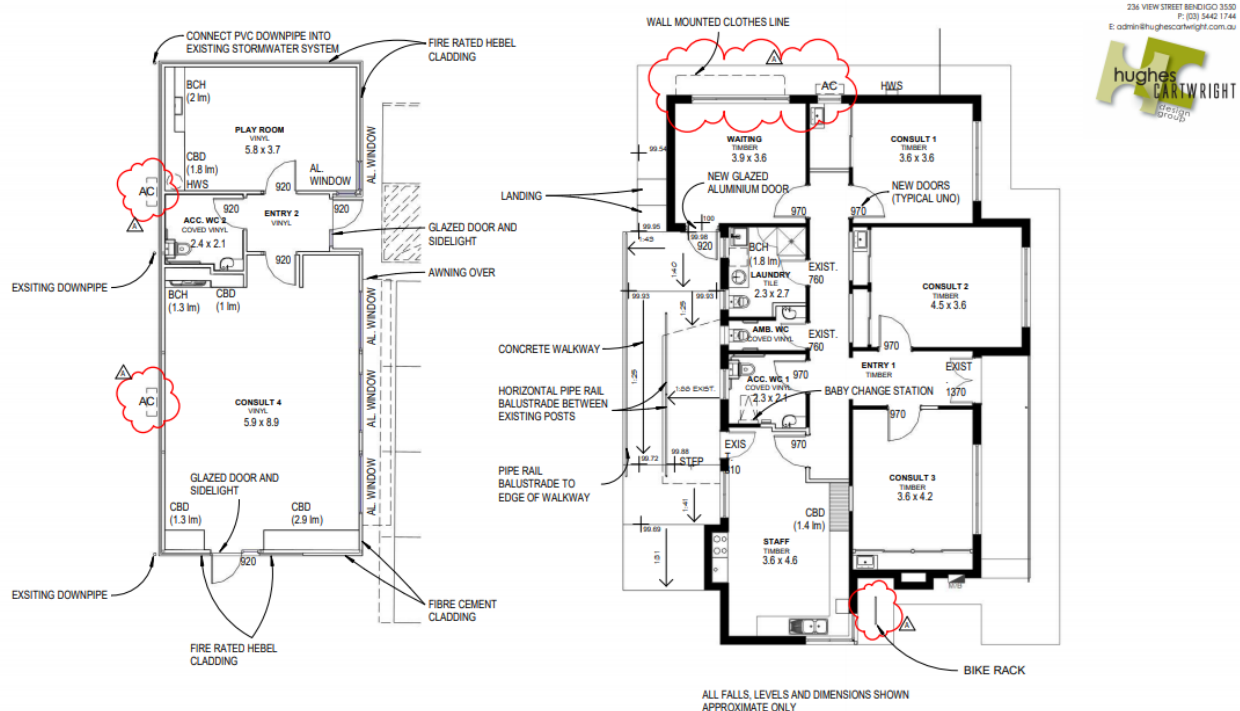


Figure 8: Internal layout of the two buildings which the medical centre will consist of.

The application proposes the use and development of the land at 71 Lily Street, Golden Square as a medical centre (allied health services), a reduction of required car parking, demolition of outbuildings and the construction and display of advertising signage.

The clinic will comprise of four consulting rooms which will be used by a maximum of four clinicians at any one time. The proposal requires a change of use from the most recent use of the land as a dwelling to that of a medical centre, which will provide allied health services.

The proposal includes the demolition of two of the three existing outbuildings on the site (the demolition of these outbuildings is exempt from the need for a permit under the City's Heritage Overlay Incorporated Plan). The other outbuilding will be renovated and extended and will be the fourth consulting room. The fourth consulting room will be a playroom which can be used by clinicians via an internal booking system.

The proposed signage consists of a non-illuminated business identification sign. The sign will have a display area of 1.4 m² and will be 2 metres in height (overall height). The sign will contain the name of the clinic and provide details of the practicing clinicians – note the total number of clinicians that practice from the site will be more than four, however it will only be four at any given time. The sign's display area will be mounted from a repurposed post which will include a decorative Lily feature.

The proposed clinic will focus on paediatric (child/adolescent) services and offer families the opportunity to access a range of allied health professionals in one location, including:

- Occupational Therapy;
- Speech Pathology;
- Social Workers;
- Accredited Mental Health Practitioners.

The clinic is proposed to be open to patients during the following hours:

- Monday: Friday: 8 am to 6 pm; and
- Saturday: 8 am to 5 pm

Those members of the community who access the services provided would generally do so via a specialist referral from either a GP, Paediatrician, or other Allied Health Professional. In some cases, clients will be self-referred and will choose to seek the therapy provided by the allied health clinicians themselves. Since the rollout of the National Disability Insurance Scheme (NDIS) demand for private allied health services has grown substantially.

The applicant's submission notes that the proposed clinic will help to provide:

"Additional services to the local community which are currently in high demand. There are a limited number of private practices in Bendigo providing a multi-disciplinary allied health service".

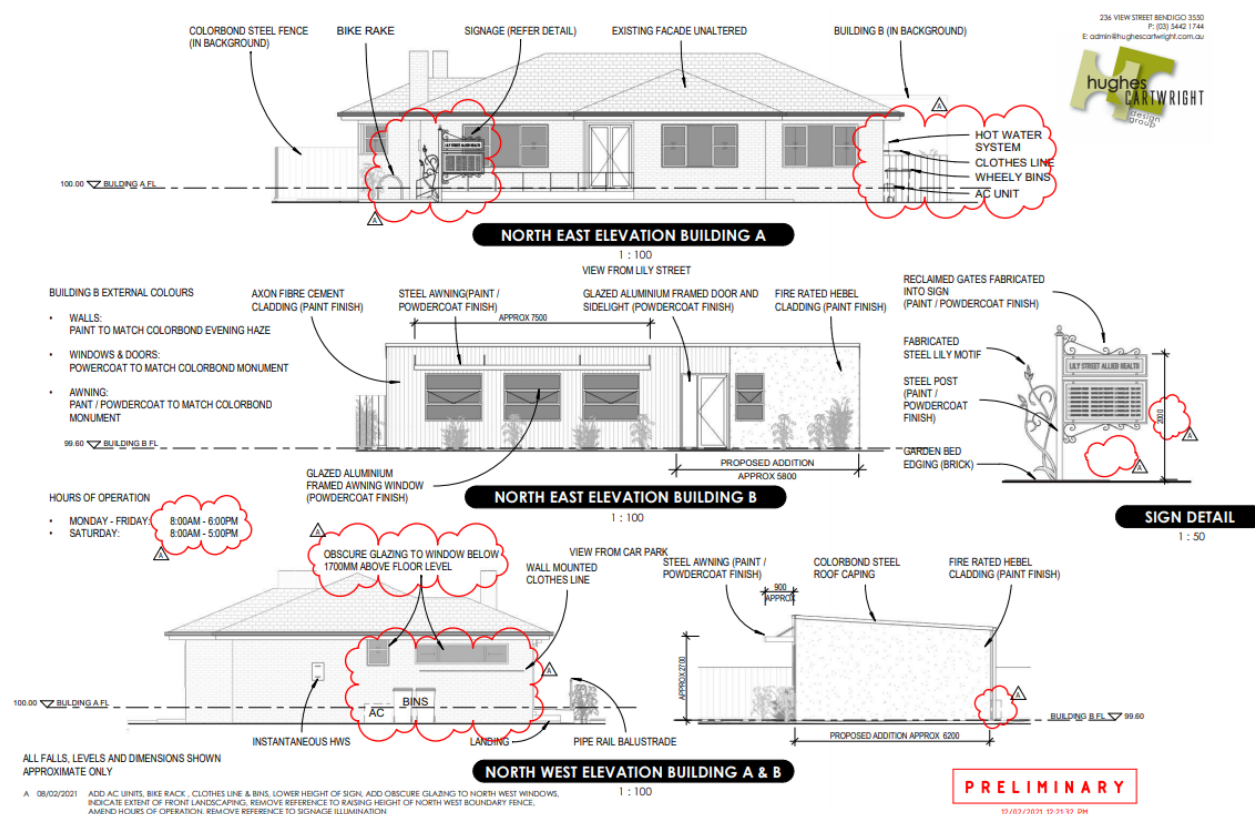


Figure 9: Elevations showing building alterations and signage detail.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit required?

- General Residential Zone – clauses 32.08-2 (the use is a permit required use); and 32.08-9 (buildings and works associated with the use requiring a permit).
 - Heritage Overlay – clause 43.01-1 with respect to alterations and additions; building and works; and signage.
 - Advertising Signs – clause 52.5-13 states that business identification signage requires a permit.
 - Car parking – clauses 52.06-3 with respect to reducing the number of car spaces specified in 52.06-5; and 52.06-9 with respect to the City's discretion to vary design standards.
- The following clauses are relevant in the consideration of this proposal:

State Planning Policy Framework

- Clause 11.01-1S - Settlement
- Clause 11.03-1S - Activity centres
- Clause 11.03-6S - Regional and local places
- Clause 13.05-1S - Noise abatement
- Clause 13.07-1S - Land use compatibility
- Clause 15.01-5S - Neighbourhood character
- Clause 15.03-1 - Heritage conservation
- Clause 17.01-S - Diversified economy
- Clause 17.02-1S - Business

- Clause 19.02-1S - Health facilities

Municipal Strategic Statement

- Clause 21.07-2 - Activity centres
- Clause 21.05-3 - 10-minute neighbourhoods

Local Planning Policies

- Clause 22.06 - Heritage Policy
- Clause 22.29 – Advertising and signage policy

Other Provisions

- Clause 52.05 – Advertising Signage
- Clause 52.06 – Car parking
- Clause 52.32 – Bicycle Facilities
- Clause 62.02-2 – Building and works not requiring a permit unless specifically required by the Planning Scheme
- Clause 65 Decision Guidelines.

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Heritage	No objection.
Traffic	No objection subject to conditions.
Drainage	No objection.

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, 9 objections were received, with the grounds of objection being:

- The proposal is inconsistent with the Greater Bendigo Planning Scheme;
- Inadequate notification period;
- Works which have occurred on site to date;
- Inconsistency with Clause 22.30 Hospital Precinct Medical Centres;
- Potential amenity impacts to the surrounding area;
- Inadequate car park design;
- Utilisation of on-street car parking;
- Removal of the tree located in the front yard; and
- Inappropriate disposal of medical waste.

The planning merits and related objector concerns are discussed below.

Planning Assessment

Whether the proposal is consistent with the Greater Bendigo Planning Scheme, including the General Residential Zone.

The site is located between the Bendigo City Centre and Golden Square Local Centre. It is well served by public transport and is highly accessible on foot. Most of the Scheme mandated car parking is provided on site and the very wide formed section of Lily Street means there is ample (and safe) opportunity for other vehicles accessing the service to park on the street.

The site forms part of a relatively intact residential precinct in a Residential Zone, for which two purposes are:

1. To encourage a *'diversity of housing types and housing growth particularly in locations offering good access to services and transport'*, as well as
2. A *'limited range of other non-residential uses to serve local community needs in appropriate locations'*.

Clause 11.01-1R (Settlement – Loddon Mallee South) recognises Bendigo as the regional city and major population and economic growth hub for the region, offering a range of employment and services. Clause 21.05-3 (10 Minute Neighbourhoods) notes:

A 10-minute neighbourhood is an identifiable community where people can access many (but not necessarily all) of their daily needs within a 10-minute walk or cycle trip from where they live. Daily needs can include shops, schools, employment, a range of community facilities and public transport. The advantages of supporting a city built on 10-minute neighbourhood principles include:

- *People spending less income on the combined cost of housing and transport;*
- *Minimisation of environmental impacts;*
- *Promotion of a healthy lifestyle through active transport choices;*
- *Increased neighbourhood safety through activation of the public realm;*
- *Increased community interaction; and*
- *Support of the local economy.*

To build 10-minute neighbourhoods there needs to be the right mix of supporting land uses, greater choice in housing in each neighbourhood including higher density living options, housing needs to be of a high design standard, the public domain needs to be safe, attractive and functional, and walking and cycling need to be prioritised over other transport modes.

Clause 19.02-1S – Health Facilities has an objective to assist the integration of health facilities with local and regional communities.

Strategies to meet the objective include:

- *Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.*

- *Plan public and private developments together, where possible, including some degree of flexibility in use.*
- *Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.*
- *Provide adequate car parking for staff and visitors of health facilities.*

The proposal has been assessed as having a strong alignment with the abovementioned policies.

Clause 15.03-1S (Heritage conservation) contains the objective of ensuring the conservation of places of heritage significance. Relevant strategies include encouraging appropriate development that respects places with identified heritage values, retaining those elements that contribute to the importance of the heritage place and ensuring an appropriate setting and context for heritage places is maintained or enhanced.

The City's Heritage Policy at Clause 22.06 is also of relevance and its objectives include ensuring that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts.

In this instance, whilst in a Heritage Overlay precinct, the building is not a contributory building to the precinct, furthermore the proposed signage will not detract from buildings in this precinct which are significant. Works to alter the building (and outbuilding) are proposed on site, however the location of these works are at the rear of the site, outside of being able to be viewed from the public realm and raise no issues.

The proposal has been considered against the policy objectives and decision guidelines of the City's Advertising and Signage Policy at Clause 22.29. The policy acknowledges the need for businesses to advertise, seeks to maintain and enhance the appearance of streetscapes and heritage areas by encouraging well designed and located signage and encourages the appropriate placement, style and scale of signage to complement the character, area and individual place. The proposed signage is of an appropriate scale and location for this residential area.

Clause 71.02-3 (Integrated decision making) of the Planning Scheme states that Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The General Residential Zone has purposes to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To encourage development that respects the neighbourhood character of the area;
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport; and (of most relevance to this application:
- ***To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*** [author emphasis].

In the General Residential Zone, a medical centre is a discretionary (permit required use). The use only needs a permit as all the requirements for it to not require a permit are not met. These requirements are:

- The gross floor area of all buildings must not exceed 250 square metres.
- Must not require a permit under Clause 52.06-3.
- The site must adjoin, or have access to, a road in a Road Zone.

The first requirement is met as the gross floor area of the two buildings on site proposed to be used are a combined total of 232 square metres; the second requirement is not met as the clause referred to is with respect to the parking rate being met (and a reduction is being sought as part of this application); the third requirement is not met as whilst close to High Street (a Road Zone) it does not directly access to the Road Zone.

The use and development of a medical practice within a residential area is allowable, and in many cases encouraged, as they are generally known to be innocuous uses with little or no amenity impacts on the neighbouring residents. It is also highly relevant that unlike the development of a purpose-built building for the same purpose, a dwelling can be easily reconverted back to residential use in the future if needed.

The use proposed is not a residential use but the zone purpose makes it clear this use is permissible and encouraged. A medical centre that provides allied health services for a child/adolescent cohort is viewed as being compatible with residential use while serving local community needs.

There is often debate and differing views as to what is considered the 'local community' (in terms of the zone purposes) and it is acknowledged that the specialised nature of this use will mean it does not service a discreet catchment to utilise this facility (in the way that a General Practice may). However, there can be little debate this proposed will fulfil a general community need and can come within the phrase local community as intended by the Planning Scheme.

Does the proposal pose unreasonable amenity impacts for neighbours?

The main amenity impacts associated with medical clinics in residential zones is with respect to modest noise and disturbance in terms of the comings and goings of client. The use is to be limited to the following hours:

- Monday: Friday: 8 am to 6 pm; and
- Saturday: 8 am to 5 pm

Any noise arising is unlikely to reach nuisance levels over and above typical noise in the area which includes traffic and normal residential noise. The potential to hear noise is greater at night when traffic levels and background noise are lower; however, the proposed conditions of the permit limit the hours during which the use operates mainly during the daytime with some early evening use.

In terms of onsite management, a chain across the driveway will prevent vehicles accessing the carpark at inappropriate times.

A medical centre is an acceptable use in a residential area. Moreover, if it were not for the car parking reduction component of this application and not directly accessing a Road Zone, a permit would not be required for a medical centre of this size in this location.

An issue raised by objectors was with respect to the location of condenser units associated with air-conditioning. The units in question are located adjoining a garage and the front yard of the adjoining property and no unusual noise associated with these units is expected.

Will the proposal cause unreasonable car parking and traffic issues?

There are several aspects to this proposal requiring planning approval. These elements are:

- The statutory parking rate set out in the Planning Scheme is not met, so a reduction in parking is required;
- The Planning Scheme nominated width of the access to the car parking area is not met, so this design standard is to be varied; and
- Whether the use will introduce an unacceptable parking traffic impact in the area.

The first aspect of the parking and traffic consideration is with respect to the parking reduction being sought. 12 spaces are proposed to be provided on site (including an accessible space).

The Planning Scheme rate for this use is:

- 5 car parking spaces to the first-person providing health services; plus
- 3 car parking spaces to every other person providing health services.

The result is to meet the requirement (and not trigger a permit) 14 car parking spaces on site would have been required. A reduction of two (2) car parking spaces is considered appropriate having regard to the submission of the permit applicant which noted:

- Many patients are taking advantage of Telehealth, reducing the number of face-to-face appointments;
- Some clinicians will make appointments off-site, such as home or school visits, reducing the number of cars utilising the on-site car park;
- Due to the low patient turnover, utilisation of Lily Street car parking will be intermittent;
- The utilisation of the Lily Street car parking will not significantly reduce car parking availability for residents;
- The utilisation of the Lily Street car parking will not impact on St John of God Hospital (as the nearest activity centre).

In further support of the parking reduction, clause 21.05-3 of the Scheme encourages the reduction of car parking requirements where sites are highly accessible and attractive and where pedestrian and cycling infrastructure is provided. In the VCAT decision, *Turner v Greater Bendigo CC [2018] VCAT 1198*, for a place of assembly at the Sacred Heart Cathedral site (Aspire project), the Tribunal's reasons for approving a substantial parking reduction were:

“Even if I am wrong and most patrons drive, and the demand for parking spaces exceeds the available supply on the mornings of business weekdays, I am not persuaded that the residents living near the site will be adversely affected to an unreasonable degree.”

Most of the nearby dwellings have their own crossover, driveway and the capacity to park several cars on their properties. The occupiers and visitors to the dwellings will be able to continue to park on their properties. Most residential visitors arrive at night and on the weekends when parking is not a problem”.

Even if all staff and clients (and their families) travel to the centre by car, it seems highly unlikely that the use would exceed the available car parking capacity and it would therefore be unreasonable to refuse the application on the basis of a shortfall of two car spaces.

Objectors raise an issue that if the use were to change (for example to four General Practitioners), then the parking impacts would be quite different. It is hard to argue against this assertion, however that is not the nature of the proposal which is before Council. Council can (and should) only base its decision on what is proposed, not a hypothetical scenario. That said, the concern is acknowledged and it is proposed to include a permit condition which makes it clear the nature of the use which has been approved, which would mean should a different type of medical centre be proposed in the future, the City would retain the ability to assess the impacts of that type of centre (i.e. GPs could not automatically operate from the site without first seeking, and having an amendment to the permit approved).

The second aspect with respect to the width of the access is an important issue for this use. Objectors have asserted that there is no discretion to allow an accessway to the car park to be less than 3 metres. This is not the case.

Council has discretion regarding the adequate width of a driveway, which is stated in the preamble to Clause 52.06-9 Design Standards for Car Parking as follows: *“Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.”*

The permit applicant has recently supplied a Plan of Survey for the site, carried out by a Licensed Surveyor. This plan illustrates the correct width of the driveway in relation to the boundary, as being between 3.04m to 2.97m over the 3.6m length of the building. New fencing on the correct boundary will be constructed to ensure the full width is available for use/access to the car park.

A failure to meet the Design Standard by a mere 30mm (at its closest point) is not discernible and will not dissuade patients and their parents from utilising the available parking on site. Furthermore, the City’s Transport Engineer reviewed this arrangement and specifically the width of access both at pre-application (which was prior to the applicant’s purchase of the site) and again once the application was received and confirms that the access arrangement and car park layout is satisfactory.

Objectors have also raised (incorrectly) that the car park widths are 2.4 metres, however the plans clearly indicate they are 2.6 metres wide.

It is only the accessible parking space which is 2.4, which as per the relevant standards also includes a further 2.4-metre-wide accessibility bay to create a total width of 4.8m width for that space.

SURVEY PLAN
CROWN ALLOTMENT 5
SECTION 17B
PARISH OF SANDHURST AT BENDIGO

SCALE 1:200

LILY STREET
HIGH STREET

5A
6

FENCE
COLORBOND
BRICK WALL

949m²

N

REF: 7062/20
SHAW LAND SURVEYS
CONSULTING LAND SURVEYORS
8 HOPETOUN STREET BENDIGO 3550
PH 03 54430320

The final aspect raised was with respect to whether the use will introduce unacceptable traffic impacts in the area. As has been noted previously, the road reserve is very generous in width and the site lines (for pedestrians and cars) are good.

The traffic generated will be greater than that of a dwelling, however the City's Transport Engineer having assessed this proposal is satisfied the result will be a safe and compliant traffic outcome.

The short answer is ‘no’, however given this issue was raised by the objectors (and responded to by the applicant) this issue will be briefly explored.

Objectors assert that in the absence of a specific policy direction to consider permit required uses in Residential Zones (some Planning Schemes in Victoria do contain such policies) that the abovementioned policy could be used as an assessment tool.

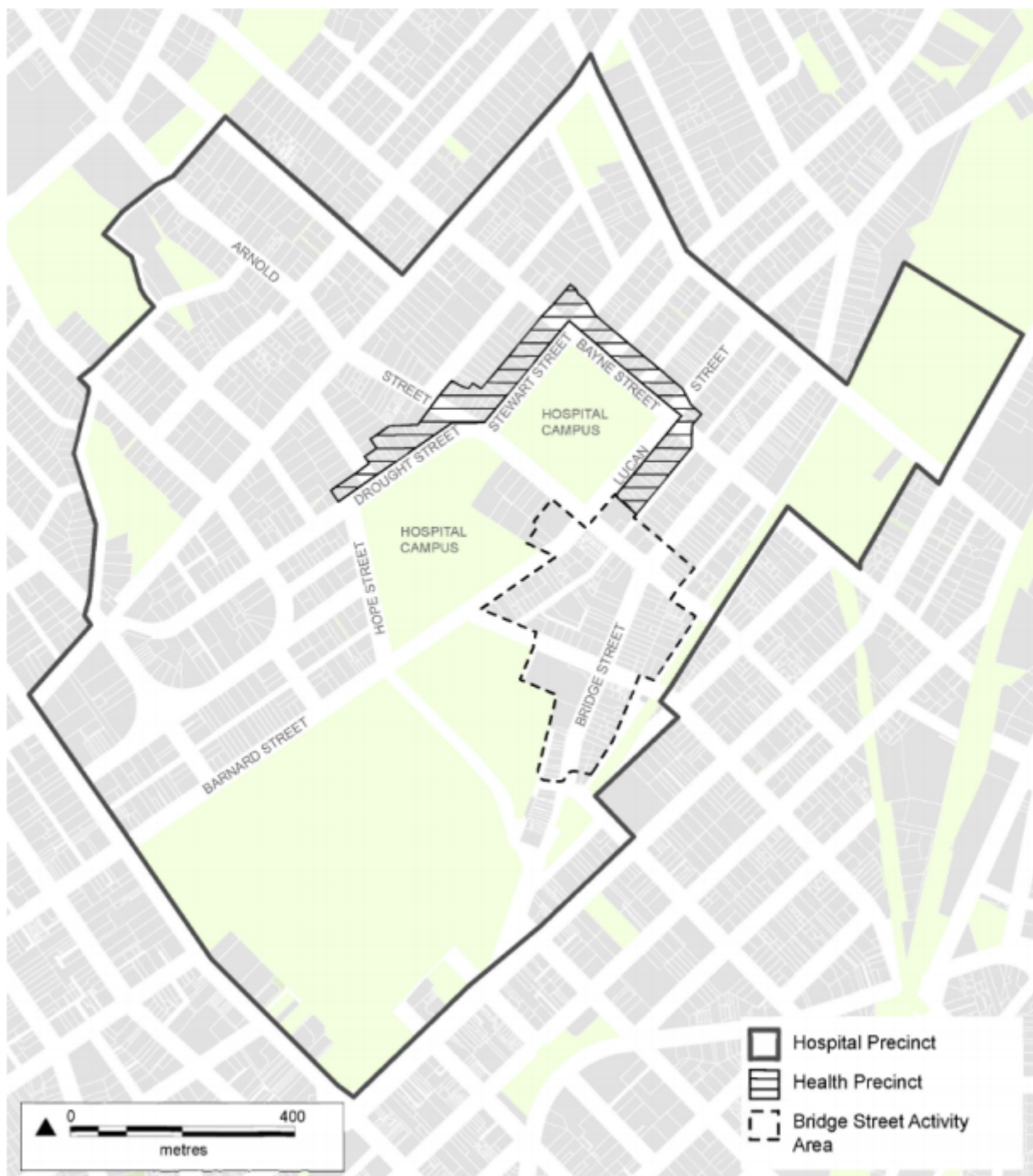


Figure 11: Map one as referred to in clause 22.30.

In its application, Clause 22.30 makes it clear as to where it applies stating

This policy applies to medical centre applications in the General Residential Zone, and Residential Growth Zone within the Hospital Precinct as shown on Map 1 to this clause.

The subject site at 71 Lily Street is not within this precinct and therefore does not apply to the application. Clause 22.30 does not prohibit or discourage medical centres outside of the Hospital Precinct. Its purpose is to ensure that the land surrounding Bendigo Hospital is planned in an orderly manner.

The discretion and decision guidelines under the Zone and clause 65 provide the appropriate tools to assess the impacts of the proposed use, without needing to defer to other policy formulated to meet planning challenges in a completely different context.

Other issues raised by the objections.

Four other issues were raised by the objections which have not been addressed elsewhere in this assessment. These are listed and responded to in turn

- *Inadequate notification period.*

Notification in accordance with the Planning and Environment Act occurred and evidence (in the form of a Statutory Declaration) provided to the City confirming notice occurred.

It is self-evident from the number of objections received (and where they were in relation to the application site) that notice occurred in an effective way, being both via direct mail notification and the sign which was required to be erected on site.

- *Works which have occurred on site to date.*

Works to the dwelling have been occurring and this was brought to the City's attention by objectors and neighbours. The works have been appropriately investigated by the City. It is conceded that works occurring on site whilst this application has been progressing is not a 'good look' for the applicant, however the works are readily explainable and in the opinion of the Delegate uncontroversial and in fact exempt from the need for a Planning Permit.

Clause 62.02-2 of the Scheme states:

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- *The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.*

The applicant has advised (and this has been confirmed by internal inspection of the building separately by the Delegate and the City's Compliance Officer), that the works which have been undertaken are with respect to making the dwelling accessible and more suitable for those living with a disability. This includes works such as the widening of doorways, creation of accessible bathroom facilities and alterations that will allow wheelchairs to manoeuvre easily. The internal works which have been undertaken do not prevent the building from being used as a dwelling and have not resulted in the removal of any of the key facilities which define a dwelling under The Scheme. Further to this the works do not increase the gross floor area of the building or increase the number of dwellings.

The works that have occurred would also be required for the building to be used as a medical centre, however the works are with respect to the current / most recent use and this is evidenced by the fact the Building Permit has been issued on the basis that the site is a dwelling, as opposed to a different class of building.

If a Planning Permit is issued, a further Building Permit will be needed in order to allow the use of the building to change from that of a dwelling.

- *Removal of the tree located in the front yard.*

The tree (which can be seen in Figure 1) is to be removed. The removal of this tree does not require Planning Approval.

- *Inappropriate disposal of medical waste.*

The applicant has confirmed that the nature of the proposed use and the allied health practitioners are not the type which produce any medical waste (which would be the case for example at a General Practice). The waste will be domestic type waste stored in the existing garbage bins allocated to the property and collected as part of the City's domestic garbage, organics and recycling services.

Conclusion

The application is recommended for approval on the basis that it represents an acceptable planning outcome with regards to the requirements of the Greater Bendigo Planning Scheme.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

Options

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

Proposed Notice of Decision Conditions

1. NO ALTERATION TO LAYOUT

The development and use permitted by this permit as shown on the endorsed plans 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. PRACTITIONER NUMBERS

The use allowed by this permit is limited to (at any one time) a maximum of 4 specialist child and adolescent allied health practitioners including;

- (a) Occupational therapists;
- (b) Speech pathologists;
- (c) Social workers;
- (d) Accredited mental health practitioners; and
- (e) Other specialist health practitioners

3. HOURS OF OPERATION

Except with the prior written consent of the responsible authority, the use (with respect to when clients and patients can attend the premise) allowed by this permit must operate only between the following times:

- (a) Monday: Friday: 8 am to 6 pm; and
- (b) Saturday: 8 am to 5 pm

4. STORMWATER DRAINAGE

Drainage plans, including computations and longitudinal sections, must be provided to and approved by the Responsible Authority for the lot in the development to the Responsible Authority's nominated point of discharge. Once approved, the plans will be endorsed as part of the planning permit and must not be further altered without the prior written consent of the Responsible Authority.

5. CAR PARK CONSTRUCTION

Before the use *or occupation of the development* starts, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) Constructed with an all-weather-seal coat
- (b) Properly formed to such levels that they can be used in accordance with the plans
- (c) Drained
- (d) Line marked to indicate each car space and all access lanes
- (e) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority
- (f) Within the parking area a means of protection must be installed to the satisfaction of the responsible authority to prevent damage by a vehicle to a fence of an adjoining property.
- (g) Disabled persons parking bays where required by the BCA, must be provided in accordance with AS/NZ 2890.6-2009, section 2 and must be signed in accordance with AS/NZ 1742.11-1999 and line marked in accordance with AS/NZ 2890.6-2009, section 3.
- (h) The development must ensure sight lines for pedestrian safety comply with Clause 52.06-9.

Car spaces, access lanes and driveways must always be kept available for these purposes.

6. LANDSCAPING PLAN REQUIRED

Before the development starts, a 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 2 copies must be provided. The plan must show:

- (a) A survey (*including botanical names*) of all existing vegetation to be retained and/or removed
- (b) Details of surface finishes of pathways and driveways
- (c) 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.

7. LANDSCAPING WORKS

Before the commencement of the use allowed by the permit 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.

8. 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.

9. LOADING AND UNLOADING

The loading and unloading of vehicles and the delivery of goods must always be undertaken within the boundaries of the subject land.

10. BAFFLED LIGHTING

Outdoor lighting, (if 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.

11. CONSTRUCTION PHASE

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

12. SIGNS NOT BE ALTERED

The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

13. NO EXTERNAL LIGHT ILLUMINATION

The sign(s) permitted by this permit must not be floodlit or illuminated by external lights except with the prior written consent of the responsible authority.

14. MAINTENANCE OF SIGN

The sign(s) permitted by this permit must be maintained in good condition to the satisfaction of the responsible authority.

15. COMPLETION OF DEVELOPMENT

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

16. EXPIRY OF USE

This permit will expire if the use permitted by this permit is not commenced within 2 years from the date hereof or is discontinued for a period of 2 years. The time within which the use must commence may, on written request made before or within 6 months after the expiry of this permit, be extended by the responsible authority.

Permit Note – Noise Emissions

Noise emissions must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

17.2. Road Discontinuance –Alexandra Street Eaglehawk

Author	Ian McLauchlan – Manager - Engineering
Responsible Director	Brian Westley, Director Presentation and Assets

Purpose

To seek Council approval for commencement of public notice of the proposed road discontinuance of Alexandra Street and part Turner Street, Eaglehawk.

Summary

All Stone Quarries (ASQ) currently occupy several Crown land parcels adjacent to Alexandra Street and Turner Street, Eaglehawk. These parcels are utilised by ASQ as part of their quarry and landscaping retail operations, under license with the Department Environment, Land, Water and Planning (the Department).

The Department and ASQ are currently in the process of investigating potential sale/purchase of the licensed Crown land parcels, to facilitate expansion and reconfiguration of ASQ's operations as part of their long-term business plans for the site.

Supplementary to the acquisition of the licensed Crown land, ASQ are also seeking to acquire and consolidate the public road reserve which bisects two distinct areas of licensed Crown land and freehold land under ASQ management/ownership i.e. Alexandra Street and part Turner Street (the Subject road).

The Subject road as identified within Attachment 1, predominately services the ASQ sites. No other properties abut the Subject road and it is considered that maintaining public access offers limited to no broader public benefit. This is in recognition that unlicensed Crown land and freehold properties located to the east of the ASQ site, may still be accessed via the remaining component of Turners Road, which connects to Upper California Gully Road.

In order to facilitate the potential sale and consolidation of the Subject road, discontinuance of the public road is required. The process of initiating discontinuance is set out within the Road Management Act 2004 and Local Government Act 1989 (the Act), which requires public and infrastructure manager notice be given, as well as the opportunity for submissions to be received and considered before Council determines whether to proceed.

RECOMMENDATION

That Council give public notice of the proposed discontinuance of Alexandra Street Eaglehawk described as CA224D Section M at Eaglehawk Parish of Sandhurst and described in Crown Folio Volume 11769 Folio 929, together with approximately 300m² of Turner Street Eaglehawk adjoining aforesaid CA224D, described and shown attached within Attachment 1.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

<u>Goal 3</u>	<u>Strengthening the economy</u>
Objective 3.1	Support our local businesses and industry to be strong, vibrant and to grow and develop.
<u>Goal 4</u>	Presentation and managing growth
Objective 4.5	Provide and maintain urban and rural infrastructure to support the liveability of our community

Council Policy Reference : Asset Management Policy

<https://www.bendigo.vic.gov.au/About/Document-Library/asset-management-policy>

Background Information

Previous Council Decision(s) Date(s):

The Departments request seeking consideration of discontinuance of the Subject road was initially introduced for Council discussion at a briefing held on 7 June 2021. No previous Council resolutions have been made with respect to the proposed discontinuance.

Background Information:

A request was received from the Department (on behalf of ASQ) seeking Council support for the discontinuance of the Subject road, being Alexandra Street Eaglehawk described as CA224D Section M at Eaglehawk Parish of Sandhurst and described in Crown Folio Volume 11769 Folio 929 together with approximately 300m² of Turner Street Eaglehawk adjoining aforesaid CA224D, described and shown hatched within Attachment 1.

The proposed discontinuance of the Subject road is coupled to the pending purchase of several Crown land parcels under license by ASQ. Sale of the licensed Crown land parcels and the Subject road has been identified by ASQ as necessary to facilitate an expansion and reconfiguration of their Eaglehawk site operations.

Closure and consolidation of the public road into the adjoining parcels, will enable ASQ to reconfigure and directly connect their quarry and retail operational sites on either side of the Subject road as part of the longer-term business and site development plans.

Section 12 of the Road Management Act sets out the requirements of a proposed discontinuance of a public highway (road).

Specifically, Council is required to:

- publish a public notice stating that submissions in respect of the proposed discontinuance of the road specified in the public notice will be considered
- give a copy of the public notice to each infrastructure manager which is responsible for any infrastructure, of which the discontinuing body is aware, installed in, on, under or over the road.

No third-party infrastructure has been identified within the Subject road.

Report

Alexandra Street and Turner Street are currently public roads for which City of Greater Bendigo (COGB) is the coordinating road authority. Alexandra Street is believed to be predominantly, if not solely used by ASQ customers, staff and contractors as it provides the primary access route to the broader ASQ crushing and landscape/construction stockpile operations.

ASQ occupy the entirety of adjacent land parcels which abut Alexandra Street (both sides) via either Crown Land lease or freehold ownership. Alexandra Street currently provides access to ASQ sites on either side of the road, being the retail premises and landscape material processing and storage facilities.

Preliminary assessment has identified that retention of Alexandra Street as a public road is believed to offer limited, to no broader public benefit due to the homogeneous adjacent land management/ownership by ASQ and perceived lack of un-associated through traffic.

Turner Street is a continuation of Alexandra Street and connects with Vinton Street and Upper California Gully Road. In addition to providing a secondary access to the ASQ operations, the section of Turner Street between Upper California Gully Road and Alexandra Street services areas of Crown land which are not currently under the management of ASQ, as well as secondary access to residential properties along Vinton Street.

The extent to which discontinuance of Turner Street is being sought is limited to an area of approximately 300m², extending from the continuation of Alexandra Street to the boundary of the area of Crown land currently under ASQ management, (see Attachment 1). This section of Turner Street is also considered to offer limited to no broader public benefit as it is predominantly, if not solely used in association with ASQ operations.

As the Subject road is located on a Crown land road reserve, its discontinuance will result in the vesting of the land with the Department. Once vested with Department, sale of the Subject road to ASQ may then be facilitated concurrently with the balance of Crown land parcels currently under license.

Priority/Importance:

Discontinuance of the Subject road is considered to be medium priority. The outcome of the discontinuance request will likely affect ASQ's operational and development plans for the Eaglehawk site.

It is also understood the Department maintains a preference that any acquisition of the Subject road be pursued concurrently with potential acquisition of the broader licensed Crown land parcels for administrative efficiency. Given that acquisition of the licensed Crown land is advancing quickly, it is considered that timely assessment of the Subject road discontinuance is required.

Options/Alternatives:

Council may choose not to support the Departments request to pursue the proposed discontinuance of the Subject road, either in its entirety or current form. In this instance COGB will remain the coordinating road authority and be required to continue road inspection and maintenance activities.

The decision not to support the proposed discontinuance may impact upon the scope and/or viability of ASQ's proposed site redevelopment, limiting the opportunity to explore potential road infrastructure improvements at intersection and access points from the ASQ site to Upper California Gully Road.

Timelines:

Pursuant to section 223 of the Act, Council must provide a minimum of 28 days from the date of publication of the notice for submissions to be received. Any person who makes a submission may also request to appear in person and be heard in support of their submission.

Risk Analysis:

It is considered that engaging in the process for potential discontinuance of the Subject road represents no immediate risk.

At this point in time no risks have been identified with respect to the proposed discontinuance.

If the Subject road is not discontinued, this may represent a potential risk to the ASQ redevelopment and operational plans for the broader Eaglehawk Site.

Consultation/Communication

Internal Consultation:

Internal assessment of the proposed discontinuance has been undertaken by the Engineering, Strategic Planning and Property Service units. This assessment has subsequently led to the recommendation to proceed with the discontinuation public notice pursuant to the Act.

External Consultation:

The purpose of public and infrastructure manager notice is to provide the opportunity for submissions to be received and considered before Council makes its decision whether to proceed with the proposed road discontinuance.

The Department, ASQ and other infrastructure managers and state agencies are actively involved in ongoing discussions regarding the broader ASQ Crown Land acquisition and development proposals, including the proposed road reserve acquisition.

A further report will be provided to Council, presenting the outcome of the public and infrastructure management notices.

Resource Implications

Alexandra Street and Turner Street are currently listed within Councils Public Road Register and as such are subject to periodic inspection and maintenance. Council is also responsible for renewal of the road pavement as required.

Discontinuance of the Subject road will divest this responsibility and any associated cost to the Department in the first instance, as land manager for Crown reserves, and ultimately to ASQ if the Subject road is sold in connection with the transfer of the broader Crown Land parcels.

It is estimated that the closure of the Subject road could save Council between \$2,000 to \$5,000 per annum. The cost of processing discontinuance of the Subject road is considered negligible and will be delivered using existing resources.

Attachments

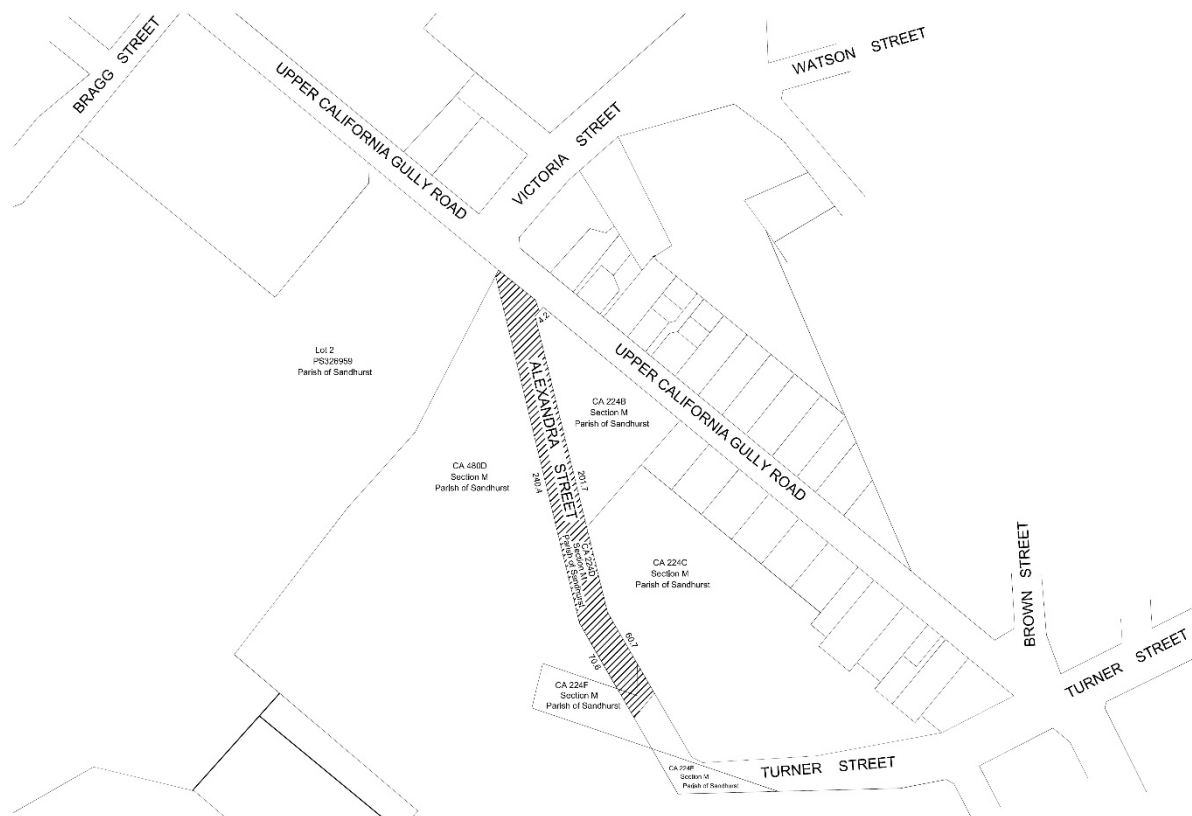
Proposed Public Notice

Attachment 1 - City of Greater Bendigo -Public Notice with Plan - Alexandra Street**City of Greater Bendigo
Proposed Road Discontinuation
Alexandra Street Eaglehawk**

Greater Bendigo City Council proposes to discontinue CA224D Section M at Eaglehawk Parish of Sandhurst and part of Turner Street Eaglehawk in accordance with Section 206 and Schedule 10, Clause 3 of the Local Government Act 1989 indicated hatched as shown on the plan below.

If discontinued, Greater Bendigo City Council will transfer the land from the road to the Crown.

Any written submissions received within 28 days from the date of this notice, will be considered under Section 223 of the Local Government Act 1989.



Submissions should be sent to:-

Manager - Engineering, City of Greater Bendigo, P.O. Box 733 Bendigo, 3552

Craig William Niemann
CHIEF EXECUTIVE OFFICER

18. WELLBEING AND FAIRNESS

18.1. Greater Bendigo Positive Ageing Advisory Committee - Member Appointments

Author	Pinar Maher, Community Wellbeing Officer – Positive
Responsible Director	Vicky Mason, Director Health and Wellbeing

Purpose

For Council to consider the recommended member appointments for the 5 vacant positions on the Positive Ageing Advisory Committee.

Summary

The Positive Ageing Advisory Committee (PAAC) comprises a maximum of 17 community representatives, appointed by Council resolution following an expression of interest process.

On 30 April 2021 the term of three committee members expired. Further, two committee members could not complete their full term.

Council officers are proposing the term of all current committee members, including the three expired committee members, be extended by one year due to inability to contribute to the committee due to COVID-19.

To fill all vacancies the City proceeded to run a public expression of interest process in May 2021.

The City has undertaken an evaluation of the suitability of seven applicants that submitted an expression of interest form.

RECOMMENDATION

That Council:

1. Extend the term of all current committee members by one year due to an inability to contribute to the committee due to COVID-19.
2. Thank all community members who submitted applications to join the Positive Ageing Advisory Committee.
3. Appoint to the Positive Ageing Advisory Committee for a three year term: Bernard White, Natalie Stanway, Peter Barrett, Sunnie Watts and Tan See Tuang.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 2 Wellbeing and Fairness

Objective 2.4 Support participation and development for residents of all ages and abilities.

Objective 2.4.3 Supporting positive ageing.

Background Information

The PAAC advocate for and provide feedback and advice on behalf of Greater Bendigo's older adults on matters related to positive ageing.

The Committee's objectives are:

- To integrate the needs and interests of older adults into relevant City plans, projects and initiatives.
- To increase opportunities for Greater Bendigo's older adults to participate in and contribute to activities across the Greater Bendigo community.
- Advocate for the improvement of physical and mental wellbeing of Greater Bendigo's older adults.

Committee meetings are held every six to eight weeks.

Previous Council Decision(s) Date(s):

June 2019 - Council appointed two members for a two-year term and eight members for a four-year term.

February 2017 – Council appointed five members for a two-year term and five members for a four-year term.

Report

The Terms of Reference for the Positive Ageing Advisory Committee states the following:

The Committee shall not exceed 17 representatives and be appointed by Council resolution following an expression of interest process. Committee members should be aged 50 or above.

Composition of the Committee shall be at least:

- *Community member that represent the diversity of older adult's interests, backgrounds, cultures, ages and experiences in Greater Bendigo;*
- *City of Greater Bendigo Councillors who shall chair meetings;*
- *Officers of the City of Greater Bendigo as deemed relevant*

Committee members have a staggered membership term. Committee members will be appointed for a two or four year term. Committee members may renominate through expression of interest for a further term.*

*Please note: In 2021 a three-year term was introduced to realign all the service terms of committee members.

The Councillor Representatives are Rod Fyffe and Greg Penna.

On 30 April 2021 the term of three committee members expired. Further, two committee members could not complete their full term.

During COVID-19 the Positive Ageing Advisory Committee was unable to hold formal meetings or meet face-to-face. The committee did meet informally using online platforms however not all members had access to technology. This hampered the committee's ability to perform its intended purpose.

It is recommended that the term of all current committee members, including the three committee members whose term has expired, be extended for one year. The committee members are supportive of this extension.

In order to fill existing vacancies, the City proceeded to run a public expression of interest process in May 2021.

City officers undertook an evaluation of suitability of the applicants and make the recommendation to Council.

The evaluation process considered the applicants responses to the following questions:

- Why would you like to join the Positive Ageing Advisory Committee?
- Please explain your ability to represent the views and needs of older adults within Greater Bendigo?
- List any organisations or groups that support older adults that you have been and/or are currently involved in?

Seven community members were shortlisted for interview for the five vacant roles.

Evaluation of the interviews, considered the applicants responses to the following questions:

- What is your experience with positive ageing?
- How do you ensure you have collaborative working relationships with others?
- What opportunities would you have to share the information you learn at the PAAC meeting with the committee groups you are involved with?
- How will you ensure you represent the views of the community and not just personal views?
- Are there particular areas of Council's work with older adults that you would like to have more information about?

The following applicants have been recommended for appointment for a three-year term:

- Bernard White
- Natalie Stanway
- Peter Barrett
- Sunnie Watts
- Tan See Tuang

Consultation/Communication

N/A

Resource Implications

Changes as a result of renewed PAAC membership results in minimal additional resources from the City of Greater Bendigo, e.g., small administrative tasks such as changing contact lists.

Attachments

Attachment 1: Current list of Positive Ageing Advisory Committee members.

ATTACHMENT 1: Current Positive Ageing Advisory Committee membership

Name	Member type	Term	Term expiry
Di O'Neil	Community Representative/ Committee Representative	5-year term	April 2024
Geraldine Stills	Community Representative/ Committee Representative	5-year term	April 2024
Angela Lorrigan	Community Representative/ Committee Representative	5-year term	April 2024
Jennifer Jones	Community Representative/ Committee Representative	5-year term	April 2024
Ian Burdett	Community Representative/ Committee Representative	5-year term	April 2024
Robyn Tickner	Community Representative/ Committee Representative	5-year term	April 2024
Marilyn Tangey	Community Representative/ Committee Representative	5-year term	April 2024
David McRae	Community Representative/ Committee Representative	5-year term	April 2024
Ruth Hosking	Community Representative/ Committee Representative	5-year term	April 2022
Jennifer Sheed	Community Representative/ Committee Representative	5-year term	April 2022
Anne Fahey	Community Representative/ Committee Representative	5-year term	April 2022
Dianne Christiansen	BDAC Representative	5-year term	April 2022

Note: 5-year term conditional of Council approving one-year extension for all existing PAAC members due to COVID-19. PAAC members are willing to extend.

18.2. Closed Circuit Television in Public Places Policy

Author	Vanessa Wait, Resilient Communities Officer
Responsible Director	Vicky Mason, Director Health and Wellbeing

Purpose

To provide Council with the Closed Circuit Television in Public Places Policy for review and final adoption.

Summary

The Closed Circuit Television in Public Places (CCTV) Policy:

- complements the Memorandum of Understanding between City of Greater Bendigo and Victoria Police, and
- regulates the management, operation and use of CCTV within public spaces of the Bendigo city centre.
- addresses the issues raised by the VAGO report into security and privacy of CCTV in public places.

The CCTV network was established to:

- Improve actual and perceived levels of safety;
- Reduce graffiti and other forms of damage on public buildings and assets;
- Reduce anti-social behaviour; and
- Reduce crime

RECOMMENDATION

That Council adopt the Closed Circuit Television in Public Places Policy.

Policy Context

City of Greater Bendigo Community Plan 2017-2021:

Goal 2 Wellbeing and Fairness

Objective 2.5 Create safe and resilient communities

Strengthen community safety

Strengthen community resilience

Maintain the attractiveness and cleanliness of public places

City of Greater Bendigo Health and Wellbeing Strategy 2016-2021

Goal 2 Safe and Secure

Objective Increase Community Safety

Community Safety Framework and Strategic Plan 2017-2021

Priority Action Areas:

Creating and maintaining safe physical environments

Supporting community strengthening and capacity building activities

Background Information

The Closed Circuit Television (CCTV) network was originally installed in Bendigo CBD in 1998. The original network had some significant shortfalls in terms of coverage and the quality of captured footage within the City Centre.

In June 2017, the City of Greater Bendigo was successful in receiving \$245,000 through the Federal Governments Safer Communities Fund and \$218,750 through the State Governments Public Safety Infrastructure Fund. The scope of the project was to:

- Install new 'head end' equipment, which consisted of a data storage server and monitoring workstations at Bendigo Police Station
- Replace existing cameras with cameras that produced footage of higher quality
- Add additional cameras at existing locations, in some instances a single camera was replaced with up to five cameras to give a full 360 degree view
- Install cameras at new locations around the CBD. These locations were determined in conjunction with Victoria Police

This project has seen the installation of 148 cameras across 25 sites.

Since the installation of the new system Victoria Police have reported 181 downloads of footage and 155 suspects identified for the 2018/19 financial year. This is a dramatic increase of usage with 2017/18 seeing 14 downloads from the old system and 6 suspects being identified.

Previous Council Decision(s) Date(s): That Council undertakes a four week public consultation period: 16 September 2020

Report

In September 2018, the Victorian Auditor-General's Office (VAGO) released an independent report to Parliament, '*Security and Privacy of Surveillance Technologies in Public Places*'. The report identified the need for local government to fulfil their responsibilities in relation to how CCTV information is collected, stored and transmitted, and strongly recommended that Councils develop policies to cover this area.

"Local councils should be able to demonstrate to their communities that they are managing surveillance systems in public places well. They can achieve this by establishing and implementing robust policies, procedures, management and oversight frameworks and practices."

The full report is available at <https://www.audit.vic.gov.au/report/security-and-privacy-surveillance-technologies-public-places?section=>

The VAGO report outlines some key areas policies should cover and assesses a number of existing policies developed by Local Governments against these. In the development of this policy careful consideration was undertaken to ensure areas outlined in the VAGO report were addressed. In addition, those Local Government Areas that rated highly on their CCTV policies were used to benchmark against.

Key consideration was given to the following areas:

- Relevant legislation and privacy policies
- Allowable purposes and approval process for surveillance systems
- What information is to be collected and how and where it can be used and stored
- Responsibility of managing and monitoring surveillance activities
- Process for ensuring the security of information collected
- Training for staff involved in surveillance and systems
- Who can access the information, including processes and controls for sharing information with external parties
- How long surveillance information will be retained before disposal
- Assurance mechanisms to access compliance with the law and approved policies and procedures
- The provision of general and accountability information to the public
- Dealing with complaints, inappropriate use and privacy breaches

Priority/Importance:

The CCTV Policy will guide future decision making around CCTV placement, management and governance whilst ensuring the integrity of the network is protected.

Risk Analysis:

The CCTV Policy outlines practices and procedures that have been put in place to mitigate risks associated with the misuse or mismanagement of the CCTV Network. The development and implementation of a CCTV Policy is considered best practice in CCTV management.

There are no specific risks associated with the adoption of the CCTV Policy.

Consultation/Communication

Community Partnerships distributed the policy to staff identified as having an interest in CCTV and to the Organisational Leadership Team requesting that it be shared with relevant staff members for feedback. Staff from several business units provided feedback which has been incorporated into the policy prior to the public consultation process.

External Consultation:

The CCTV Policy went out for public comment on the 23 October for a four week period. There were three submissions received and one meeting held to clarify where the operational budget would sit within CoGB. A summary of issues raised is outlined below with the response.

Requests	Response
Inclusion of Victoria Police under Authorised Officer	Included
Procedure on how to handle internal requests for CCTV footage	Will be addressed in CCTV Procedural Manual
Clarification around the usage of CCTV footage by Authorised Officers	Included under 6.2.3
Wording for section 6.2.3 part C not clear	Re-worded
Review cost allocation under Roles and Responsibilities for IT and Property	Cost allocation to sit with IT Identified risk that there is no ongoing operational budget for the CCTV network which is reliant on the success of a yearly operational bid

Resource Implications

There are no resource implications associated with the adoption of the CCTV Policy. However there are budget implications associated with ongoing operational costs of the CCTV network.

Attachments

Closed Circuit in Public Places Policy

Attachment 1 - Closed Circuit in Public Places Policy**CLOSED CIRCUIT TELEVISION IN PUBLIC PLACES POLICY**

Approval Level:	Council
Policy Type:	Council
Approval Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i>)
Review cycle:	Four years
Review Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i>)
Responsible Officer:	Manager, Community Partnerships
Owner:	Community Partnerships
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	<i>Local Government Act 2020 Surveillance Devices Act 2004; Privacy Act 1988; Charter of Human Rights and Responsibilities Act 2006; Freedom of Information Act 1982; and Privacy and Data Protection Act 2014.</i>
DOCSETID:	4446259

1. PURPOSE

The purpose of this policy is to:

- 1.1 Reduce instances of anti-social or unlawful behavior, including graffiti or damage to City-owned assets;
- 1.2 Improve actual and perceived levels of safety within the Municipal Community;
- 1.3 Guide the City's decisions about the introduction, revision, operation and management of Closed Circuit Television (CCTV) cameras in Public Places;

- 1.4 Ensure that the City's CCTV network is compliant with relevant legislation and other statutory requirements; and
- 1.5 Complement the shared partnership between Council and Victoria Police.

2. BACKGROUND

- 2.1 Closed Circuit Television (CCTV) is a tool which is typically used to monitor activity in and around public and private spaces, such as entertainment venues, airports, central business districts and shopping precincts. In recent years, the City has increased its CCTV network within the City Centre from 23 cameras to 148 cameras with significant financial support from state and federal government, taking advantage of improvements in technology, and engaging closely with Victoria Police in the development and usage of the system.
- 2.2 Community safety has been identified within the City of Greater Bendigo Community Plan, City of Greater Bendigo Health and Wellbeing Plan, Bendigo City Centre Plan and the Bendigo Safe Community Forum's Community Safety Framework and Strategic Plan as a high priority for action. The importance of this objective has been supported by the community in the course of numerous consultations. The City recognises that the fear of crime impacts upon the perceived and actual levels of safety for residents. In response to these community concerns, the City has initiated several community safety initiatives including a partnership with Victoria Police to operate CCTV cameras within Bendigo's city centre.
- 2.3 This policy incorporates the recommendations in the report released by the Victorian Auditor-General's Office in 2018 titled *Security and Privacy of Surveillance Technologies in Public Places*, by demonstrating strong leadership through policies, management and controls around CCTV technology.

3. SCOPE

- 3.1 This policy applies to the City-owned CCTV network installed in public places that have the purpose of surveillance.
- 3.2 This policy does not apply to the use of CCTV cameras used for:
 - 3.2.1 Capital works such as drain inspections and maintenance;
 - 3.2.2 Stand alone City-owned CCTV systems that are not linked to the CCTV network; or
 - 3.2.3 CCTV networks used by other parties such as local business or private owners.

4. DEFINITIONS

Authorised Operators means Victoria Police and City staff trained and authorised by the City to access, monitor and review CCTV footage.

Bendigo Safe Community Forum Inc means the local community safety committee that has an Incorporated status.

CCTV means Closed Circuit Television which is a surveillance system with a number of cameras connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.

CCTV Steering Committee means a committee established by the City to oversee the operation of the CCTV network. The CCTV Steering Committee will undertake the functions outlined in the Memorandum of Understanding of both the CCTV Steering Committee and CCTV Audit Committee with an oversight from Council's Audit and Risk Committee.

CCTV Operation Centre means a dedicated communication room with CCTV set up for large community events such as White Night and Bendigo Easter Festival. The CCTV Operation Centre is established as a mechanism for responsible authority agencies to monitor and manage movement in and around the city centre in the lead up, during and after an event.

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020*.

Council's Audit and Risk Committee means the committee established by Council for the ongoing management of audit and risk related matters. A function of the committee is to ensure the integrity of the CCTV network.

Memorandum of Understanding (MoU) means the formal partnership agreement between Victoria Police and the City of Greater Bendigo about the operation of the public space CCTV network.

Municipal Community means:

- (a) people who live in the municipal district of the City;
- (b) people and bodies who are ratepayers of the City;
- (c) traditional owners of land in the municipal district of the City; and
- (d) people and bodies who conduct activities in the municipal district of the City.

Public Places means any place where the public has access to by right or invitation, either expressed or implied and where no charge is made for admission. This includes any public highway, road, street bridge, footway, footpath, court, alley, passage, park, garden, reserve or other place of public recreation, resort or thoroughfare notwithstanding that it may be formed on private property.

VAGO means the Victorian Auditor-General Office.

Workplace Participants means all employees, contractors, volunteers, consultants and any individuals or groups engaging with the community for or on behalf of the City.

5. PRINCIPLES

The following principles underpin this policy;

- 5.1. The City will maintain a consistent, compliant and evidence-based framework for decision-making pertaining to the City's CCTV network. This includes regulation for the installation, monitoring, management, use, image capture, data retention and disposal of information of CCTV data and information.
- 5.2. That the City operated CCTV network will operate fairly, within applicable law, and only for the purpose for which it is established as specified in the partnership agreement with Victoria Police (Memorandum of Understanding). Authorised Operators accessing the CCTV network and footage must do so with the highest moral, professional and ethical standards.
- 5.3. When considering the installation of additional CCTV, the City will balance the right of privacy against public safety.
- 5.4. The City recognises that Victoria Police are the primary users of the CCTV network however the City does have a role around the protection of public assets and management of large events

6. POLICY

6.1 Implementation

- 6.1.2 The City will maintain primary responsibility for the installation, maintenance and operation of the CCTV network.
- 6.1.3 Roles, responsibilities and communication in relation to the CCTV network for the City and Victoria Police is in accordance with the partnership agreement (MoU).
- 6.1.4 The City recognises CCTV as an asset and therefore costs related to the ongoing maintenance and operation of the network are incorporated into City of Greater Bendigo asset renewal planning and budget processes.
- 6.1.5 The City will consider the following factors when deciding on the installation of new CCTV:
 - the proposed CCTV meets legitimate Council objective and/or function and is consistent with applicable laws;
 - whether there are any appropriate alternatives to installing CCTV;
 - the outcome of consultation with impacted stakeholders such as traders, business owners and regulatory authorities such as Victoria Police;
 - impacts on privacy;
 - how the collected information and data will be secured and protected from inappropriate use and disclosure;
 - public expense balanced with the expected community benefit;
 - how the effectiveness of the installed CCTV will be assessed; and
 - any appropriate recommendations from the Bendigo Safe Community Forum Inc.

6.2 Project specifications

6.2.2 Location of Monitors

- a) The City will ensure that monitors are located in areas that facilitate privacy and protects the integrity of the network.
- b) Access to monitors will be restricted to Authorised Operators

6.2.3 Authorised Operators

- a) Authorised Operators are required to operate, access and manage the CCTV network in accordance with the City's CCTV Systems in Public Places Procedural Manual.
- b) When operating and managing the City's CCTV systems, Authorised Operators must act responsibly in line with either Victoria Police's or the City's *Staff Code of Conduct*, consider the privacy of individuals and comply with the *Privacy and Data Protection Act 2014* (Vic).
- c) Authorised Operators can view and download footage from the CCTV Network as operationally required to effectively carry out their functions or respond to an actual or reported incident of unlawful behaviour.

6.2.4 Training

- a) All Authorised Operators will undertake training on the CCTV network, sign a confidentiality clause and understand the contents of the City's CCTV Systems in Public Places Procedural Manual.
- b) Training will ensure a consistent approach and practice within the organisation particularly in relation to protecting personal information.
- c) Training will be inclusive of (but not limited to) all relevant legislation, Policy parameters and include any key areas identified by the Victorian Information Commissioner on how to use, store, disclose and dispose of recorded surveillance data, probity principles and confidentiality.

6.2.5 Signage

The City will advise the public via relevant signage of the existence of the CCTV network in the vicinity it is located.

The signs will:

- a) Identify the City as the owners of the CCTV network;
- b) Contain words or symbols which makes it clear that the City operates CCTV cameras, and individuals or activities may be recorded; and
- c) Provide contacts details for any enquiries relating to the City's CCTV network.

6.2.6 Collection and Security of CCTV Data

- a) Record keeping practices must comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications, the *Public Records Act 1973* (Vic) and the *Privacy and Data Protection Act 2014* (Vic).
- b) The retention of, and access to, recorded material will only be for the purpose provided by this Policy and applicable legislation
- c) Recorded material will be retained for up to thirty (30) days unless required in relation to the investigations of crime and/or for court proceedings. After 30 days the material will be recorded over.
- d) Recorded data much only be used for the purposes of investigating or providing evidence of an incident.
- e) The City promotes data security through:
 - Security controls on the information and community technology (ICT) used in the devices;
 - Limiting access to surveillance footage and records;
 - Taking steps to detect and deter security breaches; and
 - Training.

6.2.7 CCTV Operation Centre

- a) The City will establish a CCTV Operation Centre for community events that involve a large congregation and movement of foot traffic in the city centre.
- b) In some instances, the request for the establishment of a CCTV Operation Centre will be made by Victoria Police where the safety of the public is a priority.
- c) The CCTV Operation Centre provides the opportunity for Victoria Police and other authority agencies to monitor activities of those in attendance and provide a coordinated response when required.

6.2.8 Request to Access CCTV Footage

- a) An application for CCTV footage can be made under the *Freedom of Information Act 1982* (Vic).
- b) Requests for footage relating to unlawful or anti-social behaviour can be made to Victoria Police via a freedom of information application.
- c) All other requests for footage can be made through Council and will be processed via the City's formal freedom of information processes.

6.2.9 Inappropriate Use and Complaint Management

- a) Where an Authorised Operator or Workplace Participant is in breach of this policy, there will be an internal review and appropriate action taken in line with the City's policies and procedures.
- b) Complaints in relation to any aspect of the management or operation of the network may be made in writing to:

Chief Executive Officer
City of Greater Bendigo
PO Box 733
Bendigo VIC 3552
requests@bendigo.vic.gov.au

- c) Any member of the Municipal Community that is not satisfied with the outcome of their complaint to the City has the right to take the matter to the Victorian Ombudsman. Contact details are as follows:

Victorian Ombudsman
Level 2, 570 Bourke Street
Melbourne VIC 3000
Telephone: 03 9613 6222
Website: www.ombudsman.vic.gov.au
Email: complaints@ombudsman.vic.gov.au

- d) Complaints in relation to privacy should initially be made to the City's Privacy Officer:

Privacy Officer
City of Greater Bendigo
PO Box 733
Bendigo VIC 3552
requests@bendigo.vic.gov.au

- e) Alternatively, a complaint can be made in writing to the Victorian Information Commissioner to:

Office of the Victorian Information Commissioner
PO Box 24274
Melbourne VIC 3001
Email: enquiries@ovic.vic.gov.au

6.3 Governance evaluation and monitoring

- 6.3.2 The CCTV Steering Committee will be guided by the recommendations of the various reports and publications published by the VAGO.
- 6.3.3 The CCTV Steering Committee is accountable for ensuring the development and review of the CCTV Systems in Public Places Procedural Manual is in accordance with this Policy and relevant legislative requirements.
- 6.3.4 The CCTV Steering Committee is responsible for reviewing sites for placement of CCTV in partnership with Victoria Police
- 6.3.5 The CCTV Steering Committee is required to formally report to the Council's Audit and Risk Committee on an annual basis. The report will include data on usage and outcomes.

7 ROLES AND RESPONSIBILITIES

7.1 Information Technology

- negotiating with property owners for positioning of cameras, access to buildings, power supply and facilitation of any works;
- overseeing installation of all assets and infrastructure associated with the CCTV Network;
- providing technical advice to CCTV Steering Committee;
- maintain, repair and replace all assets and infrastructure associated with the CCTV Network;
- working with Victoria Police on any changes to the location of any of the CCTV Cameras;
- meeting scheduled and non-scheduled operational costs relating to the CCTV Network;
- providing timely response to requests for CCTV Network maintenance;
- maintaining knowledge of technical information; and
- developing and maintaining a record of Authorised Operators access to the CCTV network.

7.2 Community Partnerships

- providing feedback on requests to add or alter the CCTV Network using recommendations from the Bendigo Safe Community Forum Inc;
- seeking funding for the expansion of the existing CCTV network if deemed appropriate by the CCTV Steering Committee;
- maintaining and reviewing the partnership agreement (MoU) between Victoria Police and Council;
- establishing and convening the CCTV Audit Committee and the CCTV Steering Committee meetings;
- providing an annual report to Council Audit and Risk Committee; and
- arranging for the development, installation and maintenance of CCTV signage.

7.3 Governance

- providing guidance and information that relate to this policy, including any amendments to relevant legislation or related documents; and
- tabling the annual CCTV report from the CCTV Steering Committee at the Council's Audit and Risk Committee.

8 RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- *Surveillance Devices Act 2004*
- *Privacy Act 1988*
- Australian Standard – Closed circuit television (CCTV) 2006
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- City of Greater Bendigo: Community Plan 2017-21
- Bendigo Safe Community Forum: Community Safety Framework and Strategic Plan 2017-2021
- Memorandum of Understanding (MoU) for the Operation of Closed Circuit Television (CCTV) cameras in the Bendigo Central Business District between the State of Victoria, as represented by Victoria Police and Greater Bendigo City Council
- City of Greater Bendigo, CCTV Systems in Public Places Procedural Manual, October 2019

Further information or advice on this policy should be directed to Community Partnerships

9 HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10 ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a CITY unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11 DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>July 2021 (TBC)</i>	<i>VW</i>	<i>Community Partnerships</i>	<i>Develop</i>	<i>1</i>	<i>July 2025</i>
<i>Month, year</i>	<i>Insert initials</i>	<i>Business Unit</i>	<i>Eg. Develop, Review (significant) Review (administrative), Update</i>	<i>Increase version number each time document is updated/changed</i>	<i>Month, year</i>

19. STRENGTHENING THE ECONOMY

Nil

20. ENVIRONMENTAL SUSTAINABILITY

Nil

21. EMBRACING OUR CULTURE AND HERITAGE

Nil

22. LEAD AND GOVERN FOR ALL

22.1. Delegations and Authorisations Policy

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Responsible Director	Jenn Spelling, Acting Director Corporate Performance

Purpose

The purpose of this report is to seek Council's approval of the draft Delegations and Authorisations Policy.

Summary

An internal audit into Council's management of delegated authority recommended that Council develop a policy which clearly sets out expectations and obligations regarding the management of delegations and authorisations to Council officers.

The draft Delegations and Authorisations Policy before Council for consideration intends to address the requirements of the outstanding audit recommendation.

RECOMMENDATION

That Council approve the draft Delegations and Authorisations Policy.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021: Goal 1 (Lead and govern for all).

Effective delegation plays a key role in enabling responsive, transparent and accountable decision making across the organisation.

Background Information

Many Acts confer a responsibility on councils to take action, determine matters or make decisions. For councils to function effectively, decision-making must be devolved effectively from the central source of authority downwards and powers allocated to certain groups or individuals. The draft Delegations and Authorisations Policy sets out how delegations and authorisations are to be implemented and managed at the City.

Report

Corporate Governance Audit

As part of the 2017 annual audit program a review was undertaken to assess the existence of the City's Corporate Governance Framework and the management of delegated authority (excluding financial delegations as set by Council's Procurement Policy). The Audit considered the completeness of instruments of delegation and existing processes and practices for how delegations are implemented across the organisation.

The last outstanding recommendation from the Audit is that a policy, procedure and guidelines should be developed to clearly set out expectations and obligations for the following:

- Management of delegations and authorisations
- Nominated accountable and responsible officers when updating delegations
- Expectations of delegated officers in carrying out their delegated powers
- Responsibilities of Directors and other service managers for ensuring delegations and authorisations are kept current and accurate
- Frequency with which delegations and authorisations will be reviewed and updated.
- Reporting requirements on the currency and updating of delegations (including where higher duties are performed)
- Issuing and management of Authorised Officer identity cards

We consider, and have previously advised the Audit and Risk Committee, that this policy addresses the requirements above and additional procedures and guidelines are not required.

The draft policy is intended to empower officers by eliminating confusion about what they 'can and can't do' when exercising a delegation while maximising efficiencies in decision making and improving risk management at an organisational level.

Delegation

The *Local Government Act 2020* (Vic) (**LGA 2020**), as well as other legislation, makes express provision for the appointment of delegates to act on behalf of councils. Section 11 of the LGA 2020 gives Council the authority to delegate any power, duty or function to the CEO or the members of a delegated committee. Delegations are made by Council resolution, evidenced in an instrument of delegation and remain effective until revoked.

When a council delegates a power, duty or function to a member of staff or to a committee, the decision of the delegate is deemed to be a decision of the council.

Section 47 of the LGA 2020 allows the CEO to delegate any power, duty or function to a member of Council staff. By instrument of delegation, the CEO delegates to various members of staff certain powers, duties and responsibilities in order to fulfil the responsibilities of the day-to-day management of Council's operations.

Appointment of Authorised Officers

Under s224 of the *Local Government Act 1989* (Vic) (**LGA 1989**), a council may appoint any person other than a Councillor to be an Authorised Officer for the purposes of the administration and enforcement of any Acts, regulations or local laws which relate to the functions and powers of the council. Council must maintain a register that shows the names of all people appointed as Authorised Officers.

Persons appointed or authorised by a council are acting as holders of statutory powers – they are not acting on behalf of the council. Their powers and responsibilities are different to the powers and responsibilities of the council

Priority/Importance:

It is important for Council to address outstanding internal audit recommendations.

Risk Analysis:

The Audit identified that Council does not have an overriding delegation framework that sets out administrative responsibilities and that the absence of an overriding policy framework means that Council does not have a consistent approach to managing delegation and that performance cannot be effectively reported or measured.

The draft policy responds to identified risks by providing a framework addressing:

- Written instruments
- Exercise of delegated authority
- Referral to Council
- Recording and reporting
- Regular review of delegations

Consultation/Communication

The draft policy was circulated to OLT and ADT for comment. Feedback was generally very favourable. It was suggested that the original drafting had potential to impact business as usual for the organisation and created additional reporting requirements for matters that were already well documented. The policy was refined on the basis of that feedback to more closely align with the recommendations of the audit.

Resource Implications

Nil

Attachments

1. Delegations and Authorisations Policy

Attachment 1 -**DELEGATIONS AND AUTHORISATIONS POLICY**

Approval Level:	Council
Policy Type:	Council
Approval Date:	TBC
Review cycle:	Every 4 years
Review Date:	TBC
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	Local Government Act 1989, Local Government Act 2020
DOCSETID:	

1. PURPOSE

Many Acts confer a responsibility on councils to take action, determine matters or make decisions. For councils to function effectively, decision-making must be devolved effectively from the central source of authority downwards and powers allocated to certain groups or individuals. This policy sets out how delegations and authorisations are implemented and managed at the City.

2. BACKGROUND**2.1. What is a delegation?**

Councils have wide-ranging responsibilities, and are given many powers, duties and functions under different pieces of legislation. It would be impossible for a council to exercise all these powers, duties and functions itself because it would need to pass a council resolution each time it wished to act. For day to day operations, councils need others to make decisions and act on their behalf.

Delegating a council's powers, duties and functions is essential to fulfilling the responsibilities of local government. When a council delegates a power, duty or function to a member of staff or to a committee, the decision of the delegate is deemed to be a decision of the council.

2.2. How is authority delegated?

Legislation which confers an express power of delegation often requires that power of delegation to be exercised in writing, that is, by making a written instrument. An instrument of delegation generally specifies classes of position-holders to whom powers are delegated.

2.3. What is an Authorised Officer?

Appointment as an Authorised Officer involves a council appointing a person to a statutory position. Once a person is appointed as an Authorised Officer by the council, that person has the statutory powers of that position (as distinct from being delegated the powers of the council).

This is different from delegations, which involve a council giving its powers to members of staff (or to delegated committees), who then act on behalf of the council.

Persons appointed or authorised by a council are acting as holders of statutory powers – they are not acting on behalf of the council. Their powers and responsibilities are different to the powers and responsibilities of the council. However, Authorised Officers, such as Environmental Health Officers, can and are given delegated powers by Council in addition to the powers of their statutory position.

2.4. How is an individual appointed as an Authorised Officer?

Appointment as an Authorised Officer is made to an individual by name using a written instrument. The instrument demonstrates that a person is duly authorised to take action, make decisions or exercise powers of a statutory position.

3. **SCOPE**

This Policy applies to all City staff and members of any delegated committees of Council.

4. **DEFINITIONS**

Authorised Officer means an individual appointed to a position under an Instrument of Appointment and Authorisation who holds and exercises the statutory powers, duties and functions of that position.

City means the Greater Bendigo City Council organisation.

Council means the Greater Bendigo City Council comprised of elected Councillors.

EMT means the Executive Management Team of the City or its successor.

Instrument of Appointment and Authorisation means a document that appoints an officer to a statutory position. Once the person is authorised and appointed by Council, that person has the powers of that statutory position.

Instrument of Delegation means a document that delegates certain powers, duties and functions to a delegated officer (position or committee) who then acts as a delegate on the behalf of Council.

LGA 2020 means the *Local Government Act 2020* (Vic).

LGA 1989 means the *Local Government Act 1989* (Vic).

5. POLICY

Authorisations

- 5.1. An appointment as an Authorised Officer is made or evidenced by a written Instrument of Appointment and Authorisation to an individual by name.
- 5.2. An individual appointed as an Authorised Officer will possess the requisite skills, qualification or experience consistent with the position to which they are appointed.
- 5.3. Authorised Officers will be issued and carry an identity card as set out by section 224(2) of the LGA 1989.
- 5.4. People managers are responsible for ensuring staff under their supervision, including new staff members and staff in acting position arrangements are appointed or authorised to execute the duties of the position.

Delegations

5.5. Instrument of Delegation

- (a) All delegations of Council powers, duties and responsibilities will be made by a written Instrument of Delegation.
- (b) Delegation to a position extends to persons acting in or temporarily holding that position. Acting arrangements should be documented in writing (including by email correspondence) to ensure the transfer of delegated authority is verifiable.
- (c) If a position is abolished or re-named, the delegation will be taken to be a reference to the principal successor to the functions of that position until the relevant Instrument of Delegation is amended.

5.6. Exercising delegated authority

In exercising a delegation, a delegate must comply with all conditions and limitations of a delegation, relevant legislation, resolutions of Council and the City's policies and procedures including any delegation or authorisation procedures.

(a) *Decision making*

A delegate must act impartially and with integrity at all times and adhere to the principles of natural justice when making decisions.

(b) *Delegate scope*

A delegate should be familiar with the delegated powers issued to them and ensure that decisions or actions taken are within their power to make. Delegates must not exercise delegated authority beyond the scope of their instrument of delegation. Any decisions made beyond the scope of a delegate's delegation will result in that decision being invalid and may potentially expose the City to litigation.

If a delegate is unsure of the extent of their authority to make a particular decision they must seek advice from their people manager or the Governance Unit.

(d) *Delegate accountability*

The delegate is responsible and accountable for any decisions made under a delegation and are required to be able justify such decisions or actions. Delegates must ensure decisions made under delegation are appropriate, fair and documented appropriately.

(e) *Conflicts of interest*

A person must not exercise a delegation that would create for them any material or general conflict of interest. In these circumstances, the delegate must refer the matter to a person more senior in their line of accountability. A person is not obliged to exercise a delegation, where in their reasonable opinion, circumstances exist that would make it more transparent or ethical for the matter to be dealt with by another delegate. The matter must be transferred to a person more senior in their line of accountability.

(f) *No retrospectivity*

A delegation cannot be exercised retrospectively.

(g) *Signing documents*

A delegate must not sign a contract or agreement under delegation unless the total cost of the transaction to the City, including both monetary and any in-kind costs, falls within their delegated financial authority.

In instances where a delegate is making a decision or action that does not have a specific monetary value or involves both monetary value and non-monetary value (in-kind costs, actions, etc) the staff involved must assess that decision or action giving consideration to the following factors:

- level of community interest
- objective importance to the City and the wider community
- stakeholders impacted by it
- complexity
- influence and ongoing implications

If the delegate assesses the above factors to be beyond the scope of their delegation, or if the delegate is in any way unsure of the assessment of the above factors, the decision or action must be referred to a higher-level delegate.

(h) *Tiered delegation*

Where an Instrument of Delegation gives the same delegation to different levels of authority (i.e. to a coordinator, manager and director in the same team/Directorate) any of those delegates have the authority to exercise that power. However, business units are free to make their own rules and procedures around the exercise of specific delegated powers (i.e. the coordinator has a specific delegation, but it is understood within the team that the coordinator would only ever exercise that power if the manager and director were unavailable).

(i) *Assistance from non-delegates*

Delegated powers, duties and functions described in the Instruments of Delegation relate to the final exercise of those powers, duties and functions. Other staff not holding a delegation can and will assist a delegate to prepare for the exercise of that power in any way required (i.e. if a delegation conveys a power to purchase property, the final

exercise of that delegation is the signing of a contract of sale and other documents to effect a transfer – many staff not holding that delegated power will be involved in the preliminary processes to negotiate a deal and produce that documentation).

5.7. Referral to Council

If a delegate considers that the exercise of a delegated power, duty or function would:

- (a) raise an issue of significant public interest, concern or controversy or is likely to do so;
- (b) give rise to substantial public objection or is likely to do so; or
- (c) be inconsistent with a previous decision of Council.

the delegate should refer that matter to EMT or the Council, as appropriate, for determination.

5.8. Recording

- (a) The City will maintain a register that shows the names of all persons appointed to be Authorised Officers as required by the LGA 1989.
- (b) The City will keep a public register of delegations as required by the LGA 2020.
- (c) The Governance Unit will report to EMT and Council at least quarterly on the currency of the City's Instruments of Delegation and the update pipeline for those documents.

5.9. Review of delegations

- (a) Legal and reputational risk is minimised by maintaining the currency of delegations to members of City staff through a regular review cycle.
- (b) Directors and Managers are responsible for:
 - regularly reviewing delegations to positions within their directorates and business units to ensure the delegations remain current and accurately reflect the responsibilities of positions;
 - regularly reviewing appointment of Authorised Officers within their directorates and business units to ensure officers are appropriately authorised to execute the duties of their position; and
 - advising Governance regarding organisational changes and resultant implications for delegations and authorisations when those changes are made.
- (c) The Governance Unit is responsible for coordinating regular reviews of delegations and authorisations as required by the LGA 2020 and to ensure that instruments are updated to reflect organisational changes and legislative amendments.
- (d) The Governance Unit will report to EMT and Council at least quarterly on the currency of the City's Instruments of Delegation and the update pipeline for those documents.

6. **ROLES AND RESPONSIBILITIES**

6.1 **Delegates**

Delegates are responsible for:

- (a) ensuring they understand the scope of delegations made to them; and
- (b) exercising delegated authority in accordance with this policy and the relevant Instruments of Delegation.

6.2 Authorised officers

Authorised Officers are responsible for:

- (a) ensuring they understand the duties, functions and powers of their authorisation; and
- (b) exercising their duties, functions or powers in accordance with this policy and the relevant Instrument of Appointment and Authorisation.

6.3 People managers

People managers are responsible for:

- (a) Ensuring that new and existing staff with any delegated or authorised authority read and understand the relevant instruments (as they relate to that staff member's position) and this policy.

In the case of new staff, this must be done as soon as possible after the staff member commences.

- (b) ensuring that a suitable delegation or authorisation exists for officers under their supervision;
- (c) requesting the Governance Unit make or amend such delegations or authorisations as required;
- (d) ensuring that delegates and Authorised Officers under their supervision exercise powers, duties and functions in accordance with this policy;

6.4 Governance

The Governance Unit is responsible for:

- (a) maintaining a register of Authorised Officers;
- (b) maintaining a public register of delegations;
- (c) coordinating and preparing instruments of appointment and authorisation on request;
- (d) regular reviews of instruments of delegation, appointment and authorisation in accordance with this policy;
- (e) reporting on the currency and update pipeline for Instruments of Delegation; and
- (f) education and support across the City, as required, in relation to delegations and authorisations.

7. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Instruments of Delegation available on the City's website and Legal Services Sharepoint Page
- Procurement Policy
- Resources on Conflict of Interest
- Gifts, Benefits and Hospitality Policy

Further information or advice on this policy should be directed to Governance

8. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

9. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

10. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>July 2021</i>	<i>RM</i>	<i>Governance</i>	<i>Development</i>	<i>1</i>	<i>July 2025</i>

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22.2. Instruments of Delegations

Author	Ryan Millard, Coordinator Legal Services
Responsible Director	Jenn Spelling, Acting Director Corporate Performance

Purpose

The purpose of this report is to seek Council adoption of an updated suite of instruments that govern delegations of authority.

Summary

Section 11 of the *Local Government Act 2020* (Vic) (**LGA 2020**) gives Council the authority to delegate any power, duty or function to the CEO or the members of a delegated committee. Council must review all in force delegations made under section 11, within 12 months of a general election pursuant to section 11(7) of the LGA 2020.

The suite of instruments of Council delegations are:

1. S5 Instrument of Delegation from Council to the CEO (no changes, requires review and endorsement by Council);
2. S6 Instrument of Delegation from Council to Members of Council Staff (updated and requires approval from Council);
3. S18 Instrument of Sub-delegation from Council to Members of Council Staff – *Environment Protection Act 2017* (new instrument requires approval from Council);
4. C2 Council Resolution, Appointment and Delegation and C4 Instrument of Delegation – Delegated Committee (no longer required, Council to revoke).

RECOMMENDATION

1. That Council approve the attached S5 Instrument of Delegation dated 21 August 2020.
2. That Council approve the attached S6 Instrument of Delegation which will come into force immediately upon the common seal of Council being affixed to the instrument.
3. That Council approve the attached S18 Instrument of Sub-delegation which will come into force immediately upon the common seal of Council being affixed to the instrument.
4. That Council revoke the attached C2 and C4 Instruments of Appointment and Delegation.

Policy Context

- Adherence to legislative obligations under LGA 2020.

- Goal 1 (Lead and Govern for all) in the Community Plan 2017 – 2021. Effective delegation plays a key role in enabling responsive, transparent and accountable decision making across the organisation.

Background Information

An instrument of delegation is a written document that specifies what powers are delegated and to whom.

Delegations empower employees with the authority to make binding decisions on behalf of the Council. This enables timely decisions to be made on the front line, by employees or committees with the required specialised knowledge. For example, most decisions on planning permit applications are made by planning officers with the right level of expertise or qualification, subject to appropriate oversight.

Council currently delegates:

- Duties and powers to the CEO (subject to several limitations). The delegation is set out in the S5 Instrument of Delegation from Council to Chief Executive Officer authorised by Resolution of Council on 19 August 2020 (Attachment 1);
- Legislative powers to specific members of staff. These delegations are set out in the S6 Instrument of Delegation from Council to Members of Council Staff authorised by Resolution of Council on 19 August 2020; and
- Powers and functions to the BMFC. These delegations are set out in the C2 Council Resolution, Appointment and Delegation and C4 Instrument of Delegation authorised by Resolution of Council on 19 August 2020 (Attachments 3 and 4).

Council must review all in force delegations made under section 11, within 12 months of a general election pursuant to section 11(7) of the LGA 2020.

Previous Council Decision Dates:

19 August 2020 - Council review of delegations

19 April 2021 - Council approved the Bendigo Maubisse Friendship Committee (BMFC) to transition to an incorporated association

Report

S5 Instrument of Delegation from Council to the CEO

The S5 instrument can be used by a Council to delegate powers pursuant to section 11(1)(b) of the LGA 2020 to its CEO. The S5 Instrument is drafted in consideration of the matters that cannot be delegated by the CEO pursuant to section 11(2) of the LGA 2020. These matters are listed as Conditions and Limitations in the Schedule to the S5 Instrument, including the condition under section 11(5) that any delegation to enter into a contract must include a financial limit.

There have been no changes to the S5 instrument. This delegation was approved by Council on 19 August 2020 and must be reviewed by Council within 12 months of a general election.

S6 Instrument of Delegation from Council to Members of Council Staff

The S6 instrument relates to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

This delegation was approved by Council on 19 August 2020 and must be reviewed by Council within 12 months of a general election. This instrument has been reviewed and updated to reflect legislative changes which were assented to, or made, on or after 8 July 2020 (Attachment 2):

- Changes pursuant to the *Food Amendment Act 2020* commencing on 1 July 2021.
- Repeal of section 181H(2) of the LGA 1989 which now allows the CEO to sub-delegate the power to enter into an environmental upgrade agreement and declare and levy an environmental upgrade charge.
- Changes to section 42A *Road Management Act 2004* with reference to VicRoads being replaced by Head, Transport Victoria.

The updated S6 instrument has been circulated across all Directorates and amended to incorporate changes provided by work units.

S18 Instrument of Sub-delegation from Council to Members of Council Staff - Environment Protection Act 2017

The *Environment Protection Act 2017* (the new EPA Act) and Environment Protection Regulations 2021 came into effect on 1 July 2021. Under the new EPA Act the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local governments, including a new delegation of powers from EPA to councils. The S18 sub-delegates Council's powers to members of Council staff.

The S18 instrument has been circulated and prepared in consultation with officers from Safe and Healthy Environments.

C2 Council Resolution, Appointment and Delegation and C4 Instrument of Delegation – Delegated Committee

The C2 and C4 instruments were used in conjunction by Council to establish the Bendigo Maubisse Friendship Committee (BMFC) as a delegated Committee and delegate powers to its members. The C2 and C4 instruments were approved by Council on 19 August 2020 and remain in force until 19 August 2021 unless varied or revoked sooner. The instruments must be reviewed by Council within 12 months of a general election.

On 19 April 2021 Council approved the BMFC to transition to an incorporated association. The C2 and C4 instruments will lapse on 19 August 2021 however as the BMFC has now transitioned to an incorporated association it is recommended that Council revoke the instruments.

Consultation/CommunicationInternal Consultation:

A period of consultation was undertaken across the organisation with respect to the S6 instrument. The draft instrument was circulated to managers for review. With the feedback received, the instruments were revised prior to a final draft being developed. The suite of instruments was then considered by EMT.

Consultation was undertaken with Safe and Healthy Environments regarding the S18.

Consultation was undertaken with Community Partnerships regarding the BMFC.

Resource Implications

Nil

Attachments (separate document)

1. S5 - Instrument of Delegation by Council to CEO (signed 21 August 2020)
2. Updated S6 - Instrument of Delegation by Council to Members of Staff
3. C2 - Instrument of Appointment and Delegation Bendigo Maubisse Friendship Committee (Delegated Committee signed 21 August 2020)
4. C4 - Instrument of Delegation Bendigo Maubisse Friendship Committee (Delegated Committee signed 21 August 2020)
5. S18 - Instrument of Sub-delegation by Council to Members of Staff

22.3. Audit and Risk Committee Independent Member Remuneration Review

Author	Anna Connolly, Risk and Assurance Advisor
Responsible Director	Jenn Spelling, Acting Director Corporate Performance

Purpose

The purpose of this report is for Council to approve the proposed remuneration increase for the Independent Members of the Audit and Risk Committee (ARC). The ARC Charter which was reviewed and adopted by Council on the 19 August 2020 (in accordance with the Local Government Act 2020), states that the 'remuneration paid to independent members will be reviewed by Council on at least one occasion during its term' and therefore a review has been undertaken with the outcome now presented to Council for approval.

Summary

In accordance with the ARC Charter a review was recently undertaken, with the following information considered as part of the review:

- The current remuneration for ARC Independent Members is \$600 (ex. GST) and the Chair is \$750 (ex. GST) per meeting, with approximately four meetings held per year for a duration of 2 hours per meeting. There is pre reading of the Agenda items prior to each meeting and occasionally additional out of session reading and responses required;
- The above remuneration amounts have been in place since at least 2012 according to the payment records, perhaps even longer;
- The outcome of the benchmarking exercise of other similar Councils (which can be found in detail in this report) indicated that a review and increase is due if the City wishes to continue to seek appropriately qualified and skilled Independent Members;
- The ARC Charter was reviewed and adopted by Council on the 19 August 2020, which incorporated a review of the Independent Members remuneration at least once every Council term, which is the process currently being undertaken.

Following this review, it is proposed that the ARC Independent Remuneration be increased to \$875 (ex. GST) and the Chair to \$1125 (ex. GST) per meeting which if approved would come into effect from the next scheduled meeting on the 9 September 2021.

RECOMMENDATION

For Council to approve the proposed increase to the ARC Independent Members Remuneration from \$600 (ex. GST) to \$875 (ex. GST) per meeting and the Chair from \$750 (ex. GST) to \$1125 (ex. GST) per meeting which if approved would come into effect from the next meeting scheduled to take place on the 9 September 2021.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal # 1 Lead and Govern for all

Background Information

With the introduction of the Local Government Act 2020, the ARC Charter was reviewed and adopted by Council on the 19 August 2020. Through this review, the requirements of the Independent Members has increased.

The previous ARC Charter did not address the review of the Independent Members remuneration and therefore a review has not been undertaken for some time. The payment records indicate that they have been paid the same remuneration dating back to at least 2012. The current ARC Charter states that 'remuneration paid to independent members will be reviewed by Council on at least one occasion during its term', which has led to this current review. The Local Government Act 2020 S53 (6) states 'a Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council'.

On the ARC there are four Independent Members, with one of the members appointed as the Chair every 12 months. The initial term of the ARC Independent Members is three years, and following a satisfactory review they can be reappointed for a further three years. Currently one Independent Member is in their fourth year, two in their third year and one in their first year.

Previous Council Decision(s) Date(s): 19 August 2020 - Audit and Risk Committee Charter adopted by Council

Report

As part of the remuneration review, a benchmarking exercise was undertaken across a range of Councils, with the comparative remuneration outlined below. The remuneration differs vastly from one Council to the next noting that there are differences in the size and complexity of the operations of those Councils. There are also variations to the way each Council pays their Independent Members/ Chair, which depends on the structure of their meetings and how many they attend per year. The current and proposed remuneration for the City of Greater Bendigo Independent Members has also been outlined below.

Comparative remuneration from other Councils:

Council	Chair (Exc GST) per annum	Independent Members (ex GST) per annum
Campaspe Shire Council	\$3,511	\$3,511
East Gippsland Shire Council	\$4,435	\$2,851
Greater Geelong City Council	\$12,500	\$10,000
Greater Shepparton City Council	\$5,480	\$4,335
Loddon Shire Council	\$2,425	\$1,940

Council	Chair (Exc GST) per annum	Independent Members (ex GST) per annum
Mildura Rural City Council	\$8,423	\$5,679
Mount Alexander Shire Council	\$2,600	\$1,600
Surf Coast Shire Council	\$3,200	\$2,200
Wangaratta Rural City Council	\$3,000	\$2,500
Hepburn Shire Council	\$1,640	\$1,340
Swan Hill Rural City Council	\$3,400	\$2,000
City of Ballarat	\$3,200	\$3,200
Greater Shepparton City Council	\$4,384	\$3,456

City of Greater Bendigo – Current Chair/ Independent Member Remuneration:

City of Greater Bendigo Current Rem	Chair (Exc GST)	Independent Members (ex GST)
Per meeting	\$750	\$600
Per Annum (4 meetings)	\$3,000	\$2,400

City of Greater Bendigo – Proposed Chair/ Independent Member Remuneration:

City of Greater Bendigo Proposed Rem	Chair (Exc GST)	Independent Members (ex GST)
Per meeting	\$1,125	\$875
Per Annum (4 meetings)	\$4,500	\$3,500

Although the amounts differ substantially for the other Councils and there are notable differences paid to the Independent Members and Chair within each Council, it is believed that the amounts proposed for the City are fair and equitable for the size of the Council and the preparation and attendance required for the ARC meetings.

Priority/Importance:

The remuneration review for Independent Members of the ARC has not been undertaken for a number of years and therefore it is important that it is reviewed at this time.

Options/Alternatives:

1. Do nothing and continue to pay the ARC Independent Members their current remuneration rates;
2. To increase the remuneration for the ARC Independent Members as per the recommendation.

Timelines:

If approved the increase to their remuneration would come into effect for the next ARC meeting scheduled for the 9 September 2021.

Risk Analysis:

If the remuneration for the ARC Independent Members is not increased, the Committee may not be able to retain and attract members with the right knowledge and expertise for the role, thus impacting on the quality and outcomes of the Committee.

Consultation/Communication**Internal Consultation:**

Nil

External Consultation:

As part of this review a benchmarking process was undertaken to obtain the remuneration rates of Independent Members and the Chair of ARC's at other Councils. These are outlined in the table above.

Resource Implications

If the recommendation is approved, it will increase the ARC Independent Members Remuneration by \$1100 (ex. GST) per member per year and \$1500 (ex. GST) for the Chair per year, which equates to \$4,800 (ex. GST) for all members per year.

If approved by Council, this increase would be effective from the next scheduled meeting on the 9 September 2021.

Attachments

Nil

22.4. Contracts Awarded Under Delegation Report July 2021

Author	Lee Taig, Contract & Procurement Officer, Governance
Responsible Director	Jenn Spelling, 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

Attachment 1 - Contracts Awarded Under Contract Council Report July 2021

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000545	Wolstencroft Reserve Playspace	Nature Play Solutions Pty Ltd	Brian Westley	15/03/2021	\$236,436.00	15/06/2021	Capex 82139
CT000562	Bendigo Airport Airside Upgrade	ACE Infrastructure Pty Ltd	Craig Niemann	29/04/2021	\$775,467.09	1/07/2021	Capex 82963
CT000572	Supply and Delivery of Two (2) Asphalt Patrol Trucks	Bendigo Truck Repairs & Spares Pty Ltd	Brian Westley	8/06/2021	\$461,809.96	26/04/2022	Capex 80892
CT000566	Central Deborah Gold Mine Points & Cross & Crossing Renewal	Coleman Rail Pty Ltd	Craig Niemann	7/06/2021	\$562,038.35	30/06/2021	Capex 80865
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Contract Term & Options	Budget
CT000564	Construction Quality Assurance (CQA) Supervisor for the Eaglehawk Rehabilitation Stage 1 and 1A Works	ADE Consulting Group Pty Ltd	Brian Westley	7/05/2021	\$156,480.00	Contract Term ends - 1/02/2023 No Extension Option offered	Capex 52701

23. URGENT BUSINESS

24. NOTICES OF MOTION

25. COUNCILLORS' REPORTS

26. MAYOR'S REPORT

27. CHIEF EXECUTIVE OFFICER'S REPORT

28. CONFIDENTIAL (SECTION 66) REPORTS

RECOMMENDATION

That Council close the meeting to members of the public pursuant to Section 66(2)(a) of the Local Government Act 2020 to consider two (2) reports relating to Council business information.