

COUNCIL MEETING AGENDA

CITY OF GREATER BENDIGO

6:00 PM on Monday, 28 March 2022

Livestreaming at https://www.bendigo.vic.gov.au

Broadcast live on Phoenix FM 106.7 ***

VENUE:

Reception Room, Bendigo Town Hall*

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





COMMUNITY VISION 2021–2031

Greater Bendigo celebrates our diverse community.
We are welcoming, sustainable and prosperous.
Walking hand-in-hand with the Traditional Custodians of this land.
Building on our rich heritage for a bright and happy future.

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

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

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1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Recommendation: that the Apologies be accepted

6. SUSPENSION OF STANDING ORDERS

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

7. COMMUNITY RECOGNITION

8. PUBLIC QUESTION TIME

9. RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

10. COUNCILLOR ALDEN REPORT

11. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

12. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held on Monday February 28, 2022 as circulated, be taken as read and confirmed.

13. PETITIONS AND JOINT LETTERS

13.1. Petition: Bendigo Uniting Churches Social Justice Group – Social Housing Mandatory Inclusive Zoning

Purpose

Petitions and joint letters with ten (10) or more signatures are presented at the Council Meeting and a Report is to be provided within two Meetings, unless otherwise resolved.

Summary

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

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

Signatories (valid) - 24

Recommended Motion

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

Policy Context

Primary Community Plan Reference:

Greater Bendigo Council Plan (Mir wimbul) 2021-2025:

- Goal 1 Lead and govern for all

The Governance Rules contains further requirements to the petition process, at Rule 12.2.

Background Information

Nil

Report

Nil

Consultation/Communication

Nil

Resource Implications

Nil

Attachments

1. Petition

Attachment 1 - BUCSJP Petition Redacted

Bendigo Uniting Churches Social Justice Group
Convener: Mr Geoff Scott
Contact Details: 26 Myers Street, Bendigo 3550

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

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

Name (Printed)	Signature
CAROL MCKINSTRY	
Barb Fordham	
GLENIS PITSON	
JENNIFER BURSILL	
Diane Farrar	
[illegible] Vernon	
Glenis Dyason	

Bendigo Uniting Churches Social Justice Group
Convener: Mr Geoff Scott
Contact Details: 26 Myers Street, Bendigo 3550

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

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Name (Printed)	Signature
GEOFFREY C SCOTT	[redacted]
RUTH HOSKING	[redacted]
Des Samson	[redacted]
KEN CROUCH	[redacted]
JON WATSON	
Gordon Wild	
VIOLA E. SUTHERLAND	[redacted]
MARGARET BIRRELL	[redacted]
Janice West	[redacted]
GWENDA WATSON	
NANCY BOMFORD	[redacted]
Garth Phillips	[redacted]
Bruce Johnson	[redacted]
JUDITH McCARTHY	

Document Set ID: 4701082



Bendigo Uniting Churches Social Justice Group

Convener: Mr Geoff Scott

Contact Details: 26 Myers Street, Bendigo 3550

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

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

Name (Printed)	Signature
Arthur Pattinson	A. Pattinson [redacted]
Joan Pattinson	Joan Pattinson
Judith Cansdale	J. Cansdale [redacted]
Anne Knight	A. Knight
William D. Lidgett	Will D. Lidgett.
Claire Lidgett	C Lidgett
David Cachia	David C Cachia [redacted]
Dave Lindke	Dll Lindke

ent Set ID: 4701082



Bendigo Uniting Churches Social Justice Group
Convener: Mr Geoff Scott
Contact Details: 26 Myers Street, Bendigo 3550

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

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

Name (Printed)	Signature	
JOHN HOLLIS	J & Hollis	[redacted]
DI EGBENSEN	D Egbensen	

13.2. Petition: National Trust of Australia (Bendigo) - Demolition by Neglect

Purpose

Petitions and joint letters with ten (10) or more signatures are presented at the Council Meeting and a Report is to be provided within two Meetings, unless otherwise resolved.

Summary

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

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

Signatures - 13

Recommended Motion

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

Policy Context

Primary Community Plan Reference:

Greater Bendigo Council Plan (Mir wimbul) 2021-2025:

- Goal 1 Lead and govern for all

The Governance Rules contains further requirements to the petition process, at Rule 12.2.

Background Information

Nil

Report

Nil

Consultation/Communication

Nil

Resource Implications

Nil

Attachments

1. Petition

Attachment 1 - National Trust Petition March 9 2022 Redacted

9th March 2022

To Mayor and Councillors
Greater Bendigo City Council

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

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

Dear Mayor Metcalf and Councillors,

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

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

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

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

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

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

And further;

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

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

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

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

Regards

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

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

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

Name	Address	Signature
Ann Hurley	[redacted]	
Kay McGregor	[redacted]	
Barbara Poustie	[redacted]	B. Poustie
ANGELO VERGA	[redacted]	
Euan McGillivray	[redacted]	
[illegible]	[redacted]	
LAURIE PRESTON	[redacted]	
SHARON DAILY	[redacted]	
JOSEPH DAILY	[redacted]	
PHILIPPE BONNE	[redacted]	
Karen Jones	[redacted]	
Glen Johnston	[redacted]	
Andrew Seiter	[redacted]	

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14. LEAD AND GOVERN FOR ALL

14.1. Councillor Allowances

Author	Geoff Fallon, Coordinator Governance
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to inform Council of the Victorian Independent Remuneration Tribunal's (the Tribunal) Determination on the allowances for Mayors, Deputy Mayors and Councillors of Victorian Local Councils.

Summary

The Local Government Act (2020) sets out that a Mayor, Deputy Mayor and Councillor are entitled to receive an allowance from the Council, in accordance with a Determination of the Victorian Independent Remuneration Tribunal. On 7 March 2022, the Tribunal made a Determination which is binding for all Victorian Councils with an effective commencement date of 18 December 2021. The Determination sets out allowances to 17 December 2025.

The allowances for Greater Bendigo City Council, as a Category 3 Council for the period 18 December 2021 to 17 December 2022 are:

- Mayor - $119,316
- Deputy Mayor - $59,658
- Councillors - $35,972

Recommended Motion

That Council note the Victorian Independent Remuneration Tribunal's Determination relating to the allowances for the Mayor, Deputy Mayor and Councillors.

Policy Context

Primary Council Plan Reference:

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

- Outcome 1 - Lead and govern for all
    - Accountable, financially responsible, equitable, transparent decision making

Other Reference:

Victorian Independent Remuneration Tribunal Determination.

Background Information

Until the Tribunal made its first determination, in accordance with 74 of the Local Government Act (LGA) 1989, as detailed in section 39(6) of the LGA 2020, Victorian Councils were required to set allowances.

The most recent decision relating to allowances for the Mayor and Councillors of Greater Bendigo Council was made at the June 2021 Council meeting.

Report

Tribunal's Role

The Tribunal is responsible for setting remuneration for Members of Parliament (MPs), local councillors and executives in the Victorian public sector.

The Tribunal was established under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

On 7 March 2022 the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

Local Government Act Requirement

Following this Determination, and in accordance with the LGA 2020:

- A Mayor and Deputy Mayor are entitled to receive the determined allowance, section 39(1)
- A Councillor is entitled to receive the determined allowance, section 39(2)

Councils are no longer required, or able, to set allowances. The Determination sets a base allowance for each Council member depending on the role and the Council allowance category assigned to the Council. Greater Bendigo is specified as a Category 3 Council.

The Determination

The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian Councils.

The Determination takes effect from 18 December 2021 and includes annual adjustments through to 17 December 2025.

The allowances (inclusive of superannuation or equivalent) for Bendigo Councillors for the remainder of the period 18 December 2021 to 17 December 2022 are:

- Mayor - $119,316
- Deputy Mayor - $59,658
- Councillors - $35,972

The Determination's Statement of Reasons includes extensive reasoning underpinning the comprehensive review of the allowance framework, including the wide-ranging role of Councils and Councillors, comparators, economic factors and other considerations.

Consultation/Communication

In making the Determination the Tribunal published a Consultation Paper, received submissions and undertook other consultation.

Resource Implications

Nil

Attachments

1. Determination No. 01/2022

14.2. Update to Council Governance Documents

Author	Geoff Fallon, Coordinator Governance
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to seek Council adoption of the updated Council governance documents.

Summary

The Local Government Act 2020 (the Act) and good corporate governance principles require Council to establish and maintain various policies and associated practices. The City has reviewed all Councillor Only governance documents that are due for review, and have proposed some changes, which are included in the updated documents.

The Local Law Process of Municipal Government has been substantially superseded by the Governance Rules under the Act and is therefore proposed to be revoked. The remaining content is proposed to be moved to the Community Local Law. The Local Law No. 10 - Administration has also been updated to ensure alignment.

Revised Local Laws and the Governance Rules are required under the Act to be the subject of formal community engagement. This engagement, for all documents, occurred during the period 1 to 15 March 2022. There were nil community submissions.

Recommended Motion

That Council adopt the attached Councillor Only governance documents and Local Law updates

Policy Context

Primary Community Plan Reference:

Greater Bendigo Council Plan (Mir wimbul) 2021-2025:

• Goal 1 Lead and govern for all

Background Information

The Council Meeting Report of February 28, 2022 detailed the high-level summary of the changes for the following documents:

1. Governance Rules
2. Community Complaints about a Councillor
    a. Template - File Note - Complaint Against a Councillor
3. Councillor Communication & Information
4. Councillor Expenses and Support
5. Councillor Appropriate Behaviour
6. Councillor Prevention of Sexual Harassment
7. Local Laws
    a. Greater Bendigo City Council Community Local Law

    b. Greater Bendigo City Council Local Law No 10 - Administration
8. Councillor Gift Policy

Report

Community engagement to inform and consult in accordance with the IAP2 spectrum of public participation, as per the City Community Engagement Policy occurred for all documents during the period 1 to 15 March 2022. There were nil community submissions.

There are no further proposed changes to the documents.

In accordance with section 74(1) of the Act the City has obtained a certificate from a qualified person stating that the person is of the opinion that the proposed local law is consistent with the local law requirements. These certificates are attached for the purpose of tabling at this Council Meeting, as per section 74(3).

Priority/Importance:

Maintaining all Council governance documents is important to good governance. Finalisation of the proposed revisions, adoptions and supersessions should be prioritised.

Risk Analysis:

If the policies are not regularly reviewed and updated, the documents may not be compliant with the relevant legislation or consistent with contemporary governance practices.

Consultation/Communication

Consultation has occurred internally and with the Community.

In accordance with section 74(5) of the Act the City will, upon adoption, issue a Notice of the Local Law changes in the Government Gazette and on the City website.

Resource Implications

Nil

Attachments

1. Governance Rules
2. Community Complaints about a Councillor
    a. Template - File Note - Complaint Against a Councillor
3. Councillor Communication & Information
4. Councillor Expenses and Support
5. Councillor Appropriate Behaviour
6. Councillor Prevention of Sexual Harassment
7. Local Laws
    a. Greater Bendigo City Council Community Local Law
    b. Greater Bendigo City Council Local Law No 10 - Administration
    c. Local Law certificates
8. Councillor Gift Policy

Attachment 1 - 1 - Governance Rules

CITY OF GREATER BENDIGO

GREATER BENDIGO CITY COUNCIL

GOVERNANCE RULES

DOCUMENT INFORMATION

Approval Level:	Council
Policy Type:	Council
Approval Date:	March 28, 2022
Review cycle:	Within twelve months of each Council election
Review Date:	October 2025
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Local Government Act 2020*
DOCSETID:	4418722

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1. PURPOSE

1.1 The purpose of the Governance Rules are to regulate:

1.1.1 Proceedings at meetings of Council, Delegated Committees and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply

1.1.2 How meeting records will be kept and how to access them

1.1.3 Procedures for the election of the Mayor and Deputy Mayor, and the appointment of an Acting Mayor

1.1.4 Conduct of Councillors, Council and Staff during the election period in the lead up to local government elections

1.1.5 Disclosures of conflict of interest

2. BACKGROUND

2.1 In accordance with section 60 of the Act, the City must adopt and keep in force Governance Rules.

2.2 These Governance Rules provide promote and encourage:

2.2.1 Peace, order and good government of the Greater Bendigo municipal district

(a) x

2.2.2 Administration of Council's powers and functions

2.2.3 Local community participation in the system of local government by providing mechanisms within the meeting arrangements for Council to ascertain the local community's views and expectations

2.3 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.

3. Scope

3.1 This policy applies, as appropriate, to:

- Councillors
- Members of delegated committees
- Staff members

4. Definitions

4.1 In this Policy:

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

Advisory Committee has the meaning given at section 6.41

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting

Audit and Risk Committee means the Audit and Risk Committee established by a Council under section 53 of the Act

Authorised Officer has the same meaning as in the Local Government Act 1989 (Victoria) or any other relevant Act

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

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson

Chamber means any room where the Council holds a Council Meeting

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

Council means the Greater Bendigo City Council being all the Councillors collectively

Councillor means a person holding the office of member of Greater Bendigo City Council

Code of Conduct has the same meaning as in the Act

Council Meeting means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled Meeting and unscheduled Meeting

Delegate means a member of City staff to whom powers, functions and duties have been delegated by an instrument of delegation

Delegated Committee means delegated committees defined under section 63 Local Government Act 2020 (Vic)

Delegated Committee Meeting means a Meeting of a Delegated Committee

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor

Director means a senior member of City staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer

Disorder means any disorderly conduct of a Member of the Gallery or a Councillor in accordance with 6.38

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of a matter

Mayor means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

Meeting means a Council Meeting or a Delegated Committee Meeting

Minutes means the official record of the proceedings and decisions of a Meeting

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council Resolution being made, if the proposal is adopted

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a subsequent Council Meeting in accordance with 6.20

Notice of Rescission means a Notice of Motion to rescind a resolution made by Council

On Notice means held or deferred to enable preparation of a response

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting, in accordance with 6.18

Procedural Motion has the meaning given at section 6.19

Relevant Person has, in the context of Conflict of Interest, the same meaning as section 126 of the Act

Resolution is an approved Motion as per section 6.15

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting

Unscheduled Meeting means a Meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council Meetings set by Council

5. PRINCIPLES

5.1 The supporting principles of the Act apply to this Policy, including:

5.1.1 the community engagement principles

5.1.2 the public transparency principles

5.1.3 the strategic planning principles

5.1.4 the financial management principles

5.1.5 the service performance principles.

5.2 In accordance with section 60(2) of the Act Council must:

5.2.1 Consider and make decisions on any matter being considered by the Council fairly and on the merits

5.2.2 Institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

6. POLICY

Part One - Conduct of Council Meetings

6.1 Public Attendance

6.1.1 In accordance with section 66 of the Act Council must keep a meeting open to the public unless the Council considers it necessary to close the meeting to the public because:

(a) The meeting is to consider confidential information

(b) Security reasons

(c) It is necessary to do so to enable the meeting to proceed in an orderly manner.

6.1.2 Community members may also follow the proceedings via:

(a) Livestreaming (or on-demand) via the City website (https://www.bendigo.vic.gov.au);

(b) Radio (currently Phoenix FM 106.7); and

(c) Any other suitable media, as determined by the City.

6.1.3 If a Meeting is closed to the public for the reasons outlined above in section 6.1.1(b) or 6.1.1(c) the Meeting will be livestreamed. In the event a livestream is not able to be broadcast to Council's website or other approved platform the Meeting may be adjourned, or a recording of the proceedings may be available on Council website.

6.1.4 Community members must not:

(a) Interject during the Meeting

(b) Display or bring placards, posters, banners or other signage in the Council Chamber.

6.1.5 The Chairperson may:

(a) Ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council or acted in contravention of this Policy

(b) Cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

6.1.6 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

6.1.7 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

6.2 **Public Question Time**

6.2.1 Each Council Meeting (except those meetings called for a special purpose such as to elect the Mayor) will allocate an Agenda item to allow up to 30 minutes of public question time of Councillors.

6.2.2 Extension of time for public questions may be granted by resolution of Council.

6.2.3 Questions:

(a) Submitted in writing prior to the Meeting will have priority

(b) May be presented in person, subject to any restrictions

(c) Will be limited to one per person, unless time permits at the discretion of the Chairperson

(d) Will only be allowed during the allocated Agenda item for question time

(e) May be on any matter except if it:

(i) Relates to a specific planning application

(ii) Is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance

(iii) Relates to confidential information as defined under the Act

(iv) Relates to the personal hardship of any resident or ratepayer

(v) Breaches any obligations of the Council under legislation

(vi) Relate to matters outside the powers of Council

(vii) Relates to any other matter which the Council or the CEO considers would prejudice the Council, the City, or any person.

6.2.4 Where the CEO, or delegate, does not accept a written question, the submitter and Councillors are to be informed of the reason or reasons for which their question was not accepted.

6.2.5 Copies of all written questions will be provided to all Councillors in writing, regardless of acceptance or rejection by the CEO or delegate. This notice will also indicate which questions are accepted and which are rejected.

6.2.6 The Chairperson reserves the right to cease or reject a verbal question that they deem inappropriate.

6.3 **Public Petitions and Joint Letters**

6.3.1 Every petition accepted by Council must, unless otherwise approved by the CEO:

(a) Be legible and in permanent writing

(b) Clearly state on each page the matter and action sought from Council

(c) Include the names, addresses and original signatures

6.3.2 Every petition submitted to Council must not:

(a) Be derogatory, defamatory or objectionable in language or nature

(b) Relate to matters outside the powers of Council

(c) Contains signatures that are false or misleading

(d) Relate to a statutory matter (these will be considered as part of the public submissions process in accordance with the relevant legislation).

6.3.3 Every joint letter submitted to Council must comply with the above excepting 6.3.1(b).

6.3.4 Petitions and joint letters may be submitted in electronic or online format.

6.3.5 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.

6.3.6 Every petition and joint letter that has 10 or more signatures will be tabled at a Council Meeting, with the Motion that:

(a) That the petition or joint letter be received

(b) That the petition or joint letter be referred to the CEO or relevant Director for:

(i) Consideration and response; or

(ii) Preparation of a report to inform a Motion at a future Council Meeting

within two Council Meetings, unless otherwise resolved.

6.3.7 Any Councillor that speaks to the above Motion is responsible for ensuring that:

(a) They are familiar with the contents and purpose of the petition or joint letter

(b) The petition or joint letter and their response are not derogatory, defamatory or objectionable in language or nature.

6.3.8 Every tabled petition and joint letter will be addressed in the Agenda item for Petitions and Joint Letters unless it relates to an item listed on the Agenda, where it may be dealt with in conjunction with.

6.3.9 Every petition and joint letter that has nine or less signatures will be forwarded directly to the appropriate member of City staff for action as an operational item.

6.4 **Chairperson**

6.4.1 In accordance with section 61(3) of the Act a Council meeting must be chaired by:

(a) The Mayor

(b) If the Mayor is not present, the Deputy Mayor

(c) If the Mayor and the Deputy Mayor are not present, a Councillor who is present at the Council meeting and is appointed by a resolution of the Council to chair the meeting

6.4.2 The Chairperson must:

(a) Control the Meeting impartially to ensure the smooth passage of business

(b) Must allow the CEO, or delegate, the opportunity to correct factual errors or incorrect assertions that arise during the Meeting

(c) Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of the Meeting

(d) Must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result

(e) Must decide on all points of order.

6.4.3 For the purpose of facilitating the appointment of an Acting Chairperson, as per 6.4.1(c), the CEO (or delegate) will chair the meeting until the appointment is resolved.

6.5 **CEO**

6.5.1 The CEO, or delegate, may participate in the meeting to provide support to the Chairperson.

6.5.2 The CEO, or delegate, should:

(a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law

(b) Advise if there are operational, financial or risk implications arising from a proposed resolution

(c) Help clarify the intent of any unclear resolution to facilitate implementation

(d) On request, assist with procedural issues that may arise.

6.6 **Schedule and Notice of Meetings**

6.6.1 At or before the last Meeting each calendar year, Council must schedule the date, time and place of all Council Meetings for the following calendar year.

6.6.2 The schedule of Council Meetings must be posted on the Council website and be made available from Council's Customer Service Centres.

6.6.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website.

6.6.4 The Council, or the CEO, may change the date, time and place of any scheduled Council Meeting, subject to subject to section 6.6.3.

6.6.5 An unscheduled Meeting of the Council can be called, subject to section 6.6.3, by:

(a) Council resolution

(b) The Chair

(c) Three Councillors

(d) The CEO, following consultation with the Chair

6.6.6 In determining the date and time for any revised scheduled Meeting or unscheduled Meeting the CEO must consider:

(a) The urgency of the business to be transacted

(b) The availability of Councillors

(c) Reasonable notice period for persons whose rights or interests may be impacted by the business to be dealt with

(d) Providing at least seven days' notice to the public via the Council website

(e) Providing at least seven days' notice to all meeting members

(f) The time required to prepare the Agenda in accordance with section 6.7.

6.6.7 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

6.6.8 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO, or delegate, may without the requisite notice stated above:

(a) call or postpone a Meeting of the Council

(b) change the place of a Meeting.

6.7 **Agendas**

6.7.1 The Agenda will be determined by the CEO, in consultation with the Chair.

6.7.2 The Agenda must be made available at least five days before a Meeting to:

(a) Every Meeting member electronically

(b) The public via the Council website

6.7.3 It will not be necessary for a notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of their absence.

6.7.4 In accordance with these Governance Rules each Agenda, except the Mayoral-election Meeting, must include:

(a) Public Question Time

(b) Confirmation of Previous Minutes

(c) Public Petitions and Joint Letters

(d) Urgent Business

(e) Conflict of Interest

6.7.5 Once an Agenda has been made available to Councillors the Agenda may only be altered by resolution of the Council.

6.7.6 No business may be conducted at a Council Meeting unless it arises from:

(a) An Agenda item or accompanying report

(b) A Notice of Motion (in accordance with 6.20)

(c) Urgent Business (in accordance with section 6.8).

6.8 **Urgent Business**

6.8.1 Urgent Business can only be raised, subject to section 6.8.2 below, at a Council Meeting if:

(a) Council has, by resolution, admitted it

(b) It relates to or arises out of a matter which has arisen since distribution of the Agenda and deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter

(c) The item involves a matter of urgency as determined by the CEO and it cannot be addressed through an operational service request process.

6.8.2 Urgent Business cannot be raised at a Council Meeting if it:

(a) Substantially affects the levels of Council service

(b) Commits Council to significant expenditure not included in the adopted budget

(c) Establishes or amends Council Policy

(d) Commits Council to any contractual arrangement.

6.8.3 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the CEO no later than 3pm on the day of the Meeting.

6.8.4 The CEO will advise the Chairperson of any matter determined as appropriate for Council to consider admitting as urgent business.

6.9 **Apologies, Leave of Absence and Absences**

6.9.1 If a Councillor has a planned period of leave or absence, a leave of absence should be sought from the Council at the Meeting prior to the absence.

6.9.2 Councillors who are unable to attend a Meeting must submit an apology in advance in writing or verbally to the Chairperson, the CEO or the Manager Governance

6.9.3 Council must move a Motion to accept or reject apologies and leaves of absence.

6.9.4 A Councillor who is absent from a Meeting and has not submitted and received Council approval of the apology or leave of absence will be recorded as absent.

6.9.5 All attendees, apologies, leave of absences and absentees will be recorded in the Minutes, in accordance with 6.27.

6.10 **Quorum**

6.10.1 In accordance with section 61 (4 and 7) of the Act the quorum required for Council Meetings will be not less than half the total number of elected Councillors.

6.10.2 In accordance with section 67 of the Act if a quorum cannot be maintained the Council must deal with the matter:

(a) in an alternative matter as defined by section 67(3)

(b) by establishing a Delegated Committee.

6.11 **Motions**

6.11.1 The Chairperson must not accept any Motion or amendment which is:

(a) Defamatory

(b) Objectionable in language or nature

(c) Outside the powers of the Council

(d) Not relevant to the item of business on the agenda and

(e) Not admitted as urgent business

(f) A previously Lost Notice of Motion as per 6.20.6

(g) Put during any suspension of standing orders.

6.11.2 Before any Motion is put to the vote it may be withdrawn with leave of the mover and seconder.

6.11.3 The Chairperson may require any complicated or lengthy Motion to be submitted in writing.

6.11.4 The process for moving a Motion is:

(a) Mover – a Councillor must read the Motion without speaking to it

(b) Seconder – another Councillor must nominate to second the Motion, as read

(c) If a Motion is not moved or seconded, then the Motion will lapse.

6.12 **Alternate Motions**

6.12.1 Where a Councillor proposes at 6.11.4 a Motion that is different from the Motion recommended in the Agenda this must be made explicit to all Councillors.

6.13 **Debate**

6.13.1 The procedure for any debate is:

(a) If a Motion is moved and seconded, then any Councillor who so desires may speak to the Motion in the order below for the following timeframes:

(i) Mover - 5 minutes

(ii) Seconder - 3 minutes (or reserve their right to speak later in the debate)

(iii) Any Councillor opposed to the Motion - 3 minutes

(iv) All other Councillors - 3 minutes, alternating for and against, if possible

(v) Seconder – must exercise or forfeit reserved right (if exercised above)

(b) When all Councillors have had the chance to speak:

(i) Mover – 2 minutes (right of reply or summary)

(ii) The Motion will then be put to a vote.

6.13.2 Debate must always be relevant to the Motion.

6.13.3 If after being requested to confine debate to the Motion, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further to that Motion. A Councillor who has the floor must not be interrupted except if:

(a) Another Councillor calls a Point of Order, in accordance with 6.18

(b) The Chairperson advises speaking time has elapsed or is about to elapse

6.13.4 Extensions of time shall be in increments of 3 minutes, in accordance with 6.19.1(b).

6.13.5 Once a vote on a Motion has been taken no further discussions relating to the Motion will be allowed unless the discussion is a Councillor:

(a) Requesting that their opposition to the Motion be recorded in the Minutes

(b) Calling for a Division, in accordance with 6.16

(c) Providing a Notice of Motion to rescind.

6.14 **Voting**

6.14.1 A Motion before a Council Meeting is to be determined as follows:

(a) Each Councillor present who is entitled to vote is entitled to one vote

(b) Voting will be by show of hands

(c) Voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public

(d) The Chairperson will first call for those in favour of the Motion and then those opposed to the Motion, and will declare the result of the Motion

(e) The Motion is carried if it receives an absolute majority of total number of votes

(f) In the event of a tied vote, the Chairperson must exercise the casting vote

(g) A Councillor present at the Meeting who abstains from voting is to be taken to have voted against the Motion.

6.15 **Resolution**

6.15.1 If a Motion is Carried it becomes a Council Resolution in accordance with section 59 of the Act.

6.16 **Procedures for a Division**

6.16.1 A division may be requested by any Councillor on any Motion.

6.16.2 The request for a division must be made to the Chairperson either prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

6.16.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the Motion to raise their hand and then those Councillors opposed to the Motion, to raise their hand.

6.16.4 The vote taken during this division is a final vote.

6.16.5 The Minutes must record the names of Councillors and whether they voted for or against the Motion, in accordance with 6.27.

6.17 **Amendments to Motions**

6.17.1 An amendment to a Motion may be proposed by any Councillor, except the mover or seconder of the original Motion.

6.17.2 The amendment may be proposed at any time by a Councillor who has the floor. Once all Councillors have had the chance to speak an amendment will no longer be accepted.

6.17.3 An amendment must be seconded.

6.17.4 An amendment must not be a direct negative of the Motion.

6.17.5 If the mover and seconder for the original Motion accept an amendment:

(a) The amendment must be accepted

(b) The original Motion is deemed to have lapsed

(c) The amended Motion must be moved in accordance with 6.11.4 and may be debated in accordance with 6.13.1.

6.17.6 If the amendment is not accepted by the mover and/or seconder the procedure at 6.13.1 commences from the start with the following changes:

(a) The Motion is that the original Motion is revised to the amended Motion

(b) Debate on the Motion is limited to the change itself

(c) All timeframes are limited to 3 minutes

(d) There is no right of reply

(e) To avoid doubt all Councillors may speak to the amendment, whether or not they have spoken to the original Motion.

(f) If the amended Motion is:

(i) Carried, the amended Motion must be moved in accordance with 6.11.4 and may be debated in accordance with 6.13.1. To avoid doubt all Councillors may speak to the amendment, whether or not they have spoken to the original Motion.

(ii) Lost, the original Motion recommences from where it left off in Section 6.13.1.

6.17.7 Any number of amendments may be proposed to a Motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original Motion or an amendment of it, can be taken into consideration until the previous amendment has been voted on.

6.18 **Points of Order**

6.18.1 A point of order may be raised by any Councillor at any time in relation to:

(a) A procedural matter

(b) A Councillor who is, or appears to be, out of order

(c) Any act of Disorder, as per 6.38

(d) An error in fact

(e) Objectionable/offensive language

(f) Lack of relevance to the Motion before the Council

6.18.2 A Councillor raising a point of order must state:

(a) The point of order

(b) The reason for the point of order.

6.18.3 Rising to express a difference of opinion or to contradict a speaker will not be treated as a point of order.

6.18.4 The point of order:

(a) Must not be debated, though the Chairperson may seek any clarification necessary including from the CEO or Governance team

(b) Must be dealt with immediately. All other matters before the Council will be suspended until the point of order is decided. The Chairperson may adjourn the Meeting to consider and seek advice.

6.18.5 The Chairperson's decision is final.

6.18.6 If the Point of Order is with regard the Chairperson's actions the matter will be referred to the CEO for review in accordance with 6.18.4 - 6.18.5.

6.19 **Procedural Motions**

6.19.1 A Procedural Motion is a Motion that seeks to improve the meeting administration efficiency or effectiveness and doesn't produce any substantive action outside the meeting. Examples include:

(a) That this [Motion/Debate/Agenda Item] be:

(i) Deferred [until date or action trigger] – deferring debate

(ii) Put now to vote – ending debate

(b) That an extension of time [to a speaker's debate as per 6.13.4] be granted

6.19.2 A Procedural Motion:

(a) Must be moved and seconded

(b) May be moved at any time (excepting during another Councillor's debate time)

(c) Must be dealt with immediately by the Chairperson.

6.19.3 The Chairperson may reject the Procedural Motion if:

(a) The original Motion has not been sufficiently debated

(b) It is debate during the election of a Chairperson

6.19.4 A Procedural Motion:

(a) Cannot be moved by the Chairperson

(b) Proceeds directly to vote. No debate is permitted

(c) Cannot be amended.

6.20 **Notices of Motion**

6.20.1 During the Agenda Item Notices of Motion Councillors may give notice of Motions which they intend to move at a subsequent Council Meeting.

6.20.2 A Notice of Motion must contain the wording of the Motion and the date of the nominated Council Meeting.

6.20.3 No debate may be held during the Agenda Item Notices of Motion. Moving, debate and voting will occur, in accordance with 6.11, 6.13, and 6.14 respectively, at the nominated Council Meeting.

6.20.4 The Agenda for the nominated Council Meeting must include:

(a) The Motion

(b) Supporting written information prepared by the Councillor

6.20.5 The Agenda for the nominated Council Meeting may include a City staff report on the risks, financial implications and other considerations of the Motion, at the discretion of the CEO.

6.20.6 A Motion, that was a Notice of Motion, that is Lost cannot again be put before Council unless there is new information.

6.21 **Notices of Rescission**

6.21.1 A Councillor may propose a Motion to rescind a decision of the Council provided the previous Motion has not been acted upon.

6.21.2 A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.

6.21.3 Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.

6.21.4 A Notice of Rescission must be lodged in writing with the CEO or Manager Governance within two business days of the decision of the Council or such Notice is deemed to have lapsed, and must include:

(a) The decision to amended or rescinded

(b) The meeting and date when the decision was made

6.21.5 Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:

(a) the vote may not have accurately reflected the opinion held by the Meeting due to the misunderstanding of the Motion or for some other reason

(b) new information to hand

(c) some vital information has been overlooked.

6.21.6 A Notice of Rescission Motion must include the written endorsement of one other Councillor.

6.21.7 The CEO must inform the Councillor whether or not the Motion has been accepted or not, and any grounds for refusal and discuss the matter with the Chairperson and Councillors at the earliest opportunity.

6.21.8 Once a Notice of Rescission Motion is accepted by the CEO, consideration must be given to notifying relevant or effected residents or parties who may be impacted by such notice.

6.21.9 For a decision of the Council to be rescinded, the Motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).

6.21.10 If a Motion for rescission is lost, a similar Motion may not be put before Council unless there is new information.

6.21.11 If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.

6.21.12 A Motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

6.22 **Meeting Time Limits**

6.22.1 The initial time limit of a Meeting is four hours.

6.22.2 The time limit may be extended, by Council resolution, limited to a maximum of two 30-minute extensions.

6.22.3 If at the end of the time limit, there is further business to be completed the Meeting must stand adjourned to 6pm on the following day.

6.23 **Adjournment**

6.23.1 The Chairperson may temporarily adjourn a Meeting for a short break, at two hours.

6.23.2 The Chairperson may temporarily adjourn a Meeting for a short break, at an appropriate point in proceedings, if required.

6.23.3 The Chairperson or the Council may adjourn any Meeting until a time and place to be determined, if required.

6.24 **Suspension of Standing Orders**

6.24.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the Meeting.

6.24.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).

6.24.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.

6.24.4 It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate Motion would be: "That standing order be suspended to enable discussion on …"

6.24.5 Once the discussion has taken place and before any Motions can be put, the resumption of standing orders will be necessary. An appropriate Motion would be: "That standing orders be resumed."

6.25 **Joint Council Meetings**

6.25.1 Council may resolve to participate in a Joint Council Meeting to consider:

(a) Matters of joint interest

(b) Collaborative procurement

(c) Emergency Response

6.25.2 If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.

6.25.3 Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

6.25.4 No fewer than five Councillors will be appointed to represent Council at a Joint Council Meeting.

6.25.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.

6.25.6 A joint briefing may be held electronically.

Part Two - Conduct of Delegated Committee Meetings

6.26 **Delegated Committees**

6.26.1 All Delegated Committee Meetings will be conducted as per Council Meetings above (subject to section 6.26.2 below), as if reference to:

(a) Council was to the Delegated Committee

(b) Council Meeting was to the Delegated Committee Meeting

(c) Councillor was to the Delegated Committee member

(d) CEO, or delegate, was to the City contact person/secretariat.

6.26.2 The following are the exceptions to the above:

(a) **Chairperson**. In accordance with section 63 of the Act *a meeting of a delegated committee established by a Council must be chaired by*:

(i) a Councillor appointed by the Council or the Mayor

(ii) if the above person is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.

6.26.3 If Council establishes a Delegated Committee, they may modify how these Governance Rules will apply by Council resolution.

Part Three - Form and Availability of Meeting Records

6.27 **Minutes**

6.27.1 The Minutes must include:

(a) All attendees, apologies, leave of absences and absentees

(b) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals)

(c) The outcome of every Motion, being:

(i) Carried

(ii) Lost

(iii) Withdrawn

(iv) Lapsed

(d) Where a valid division is called in accordance with 6.16, the names of Councillors and whether they voted for or against the Motion

(e) Agenda items affected by and the reason for:

(i) Failure to achieve or maintain a quorum

(ii) Any adjournment of the Meeting

(iii) Suspension of standing orders

(f) Disclosure of any conflict interest and the reason for the conflict of interest, in accordance with 6.34 - 6.360.

(g) Date and time the Meeting was commenced and concluded

(h) Consecutive page numbering

(i) Consecutive item numbers with clear subject titles and, where appropriate, sub-titles

(j) A table of contents

6.27.2 The CEO is responsible for the keeping of minutes on behalf of the Council.

6.28 **Confirmation of Minutes**

6.28.1 The draft Minutes will be made available to:

(a) Councillors, within 7 business days

(b) Members of the public, by publishing them on Council's website, within 9 business days (with the exception of confidential items)

6.28.2 The draft Minutes will become final through a Motion to confirm the Minutes at the next Council Meeting.

6.28.3 If a Councillor is dissatisfied with the accuracy of the Minutes, then they must:

(a) State the item or items with which they are dissatisfied

(b) Propose a Motion clearly outlining the alternative wording to amend the minutes.

6.28.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate.

6.29 **Recording of Proceedings**

6.29.1 The CEO (or other person authorised by the CEO), may record on suitable recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.

6.29.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

6.29.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

Part Four - Election of the Mayor and Deputy Mayor

6.30 **Election of the Mayor**

6.30.1 In accordance with section 26 of the Act:

(a) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2-year term (sub-section 3).

(b) A Mayor is to be elected no later than:

(i) one month after the date of a general election (sub-section 1)

(ii) as close to the end of the term as is reasonably practicable (sub-section 4 or 5)

(iii) within one month after any vacancy in the office of Mayor occurs (sub-section 6)

6.30.2 Any Councillor (subject to section 167 (Serious Misconduct) of the Act) is eligible for election or re-election.

6.30.3 By convention at the City the election is resolved in camera then endorsed publicly at a Council Meeting.

6.30.4 The Mayor-Elect is determined at an informal assembly of Councillors (being not a Council Meeting as defined by section 61 of the Act) by:

(a) The CEO, or their delegate, will act as a Returning Officer.

(b) One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors may nominate one scrutineer.

(c) All Councillors present are required to vote and are entitled to one vote.

(d) If a candidate receives an absolute majority of total number of votes, they are declared Mayor-Elect.

(e) If a single candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated until a single candidate is declared in accordance with section (d) above.

(f) If at any stage there are candidates tied for the least number of votes, Councillors vote to eliminate a candidate. If there is still an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will be eliminated by ballot.

(g) If at any stage all remaining candidates are tied for the number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again. If all remaining candidates remain tied the Mayor-Elect will be drawn by ballot.

6.30.5 At the Council Meeting to elect the Mayor:

(a) The Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor.

(b) The Meeting will be:

(i) Conducted in accordance with section 25 of the Act

(ii) Chaired by the CEO

(iii) Open to the public

6.31 **Election of the Deputy Mayor**

6.31.1 The election of the Deputy Mayor will follow the same procedure as described above for the Mayor.

Part Five - Appointment of an Acting Mayor

6.32 **Acting Mayor**

6.32.1 From time to time it may be necessary for Council to appoint an Acting Mayor if:

(a) The Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation

(b) The Mayor is on leave, interstate or overseas for more than one week

(c) Other unforeseen circumstances require.

6.32.2 In these circumstances the Deputy Mayor will be Acting Mayor.

6.32.3 If the Deputy Mayor is unable to fulfil the role of Acting Mayor, the position of Acting Major will be determined by Resolution of the Council.

Part Six - Election Period Policy

6.33 **Election period**

6.33.1 For the purpose of section 69 of the Act this election period policy is incorporated into these Governance Rules.

6.33.2 This policy must be reviewed not later than 12 months prior to the commencement of an election period.

Part Seven - Disclosure of Conflict of Interest

6.34 **Conflict of Interest Definitions**

6.34.1 The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

6.34.2 In accordance with section 126 of the Act a Relevant Person means a person who is a Councillor; a member of a delegated committee who is not a Councillor; or a member of City staff.

6.35 **Conflict of Interest Obligations**

6.35.1 Relevant Persons must:

(a) Avoid - situations which may give rise to conflicts of interest, if possible

(b) Identify – all conflicts of interest

(c) Disclose – or declare all conflicts of interest, clearly stating their connection to the matter

(d) Manage – all potential, perceived or actual conflicts of interest.

6.35.2 Relevant Persons must not:

(a) Exercise a delegation or make a decision on any matter where they have a conflict of interest

(b) Participate in any decision-making on a matter in which they have a conflict of interest

(c) Participate in any discussion with, or in the presence of, a decision-maker on a matter in which they have a conflict of interest

6.35.3 The following meeting procedures detail the disclosure and management procedures required under section 130(2)(a) and 131(2) of the Act.

6.35.4 Notwithstanding the above, Relevant Persons with a conflict of interest remain solely responsible for ensuring their conflict of interest is disclosed, recorded and appropriately managed.

6.36 **Conflict of Interest Meeting Procedures**

6.36.1 At the time indicated in the Agenda, a Relevant Person with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest.

6.36.2 If there is no Agenda, a Relevant Person with a conflict of interest must indicate they have a conflict of interest as soon as reasonably practicable.

6.36.3 A Relevant Person declaring a conflict of interest must clearly state:

(a) The item for which they have a conflict of interest

(b) Whether their conflict of interest is general or material

(c) The circumstances that give rise to the conflict of interest.

6.36.4 Immediately prior to the consideration of the Agenda item in which they have a conflict of interest, a Relevant Person must:

(a) Indicate to the Meeting the existence of the conflict of interest

(b) Leave the Meeting

(c) Not communicate with any participants in the Meeting while the decision is being made or discussion held

6.36.5 All disclosures of conflicts of interest will be recorded in the Minutes the Meeting, including the action taken by the Relevant Person to leave the Meeting.

6.36.6 If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a File Note and appropriately filed in the corporate record management system.

6.36.7 City staff may be permitted to provide advice to a decision maker despite a conflict of interest, subject to the above disclosure provisions, the Employee Code of Conduct and consideration of:

(a) The availability of suitable alternative sources of advice

(b) Providing balance to other suitable but differing alternative sources of advice

(c) The staff member's Director determination on the influence of the conflict of interest on the advice provided.

Part Eight - Meeting Protocols

6.37 **Addressing the Meeting**

6.37.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must stand and direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.

6.37.2 The Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson.

6.38 **Disorderly Conduct**

6.38.1 The conduct of Councillors and members at Meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.

6.38.2 Disorderly conduct includes, but is not limited to:

(a) Interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order (see 6.18)

(b) Making comments that are defamatory, malicious, abusive or offensive

(c) Refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules

(d) Engaging in any other conduct which prevents the orderly conduct of the Meeting.

6.38.3 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

6.38.4 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:

(a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or

(b) The Chair, under section 19 of the Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.

6.38.5 Where Council suspends a Councillor, or the Chairperson directs a Councillor to leave the Meeting the Councillor will take no active part in the portion of the Meeting from which they have been suspended.

6.38.6 If a Councillor refuses to leave, as above, the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

6.38.7 It is an offence under the Act for a Councillor to refuse to leave the Chamber on suspension.

Part Nine - Other Committees

6.39 **Audit and Risk Committee**

6.39.1 The Act provides for Council to establish an Audit and Risk Committee to provide oversight.

6.39.2 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.

6.39.3 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.

6.39.4 An Audit and Risk Committee must act in accordance with its Charter, as adopted by Council.

6.40 **Community Asset Committees**

6.40.1 Council shall resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply.

6.40.2 As a minimum a Community Asset Committee must:

(a) Accurately and fairly Minute each meeting

(b) Report the Minutes of all Committee Meetings to the next practicable Council Meeting.

(c) Act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference specified by Council.

6.41 **Advisory Committees**

6.41.1 An Advisory Committee is a committee established by the Council that is not a Delegated Committee, that provides advice to:

(a) the Council

(b) a member of Council staff who has been delegated a power, duty or function of the Council

6.41.2 Council shall resolve, in establishing an Advisory Committee which sections of the Governance Rules apply.

6.41.3 As a minimum an Advisory Committee must:

(a) Accurately and fairly Minute each meeting

(b) Report the Minutes of all Committee Meetings to the next practicable Council Meeting.

(c) Act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference specified by Council.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good decision-making by endeavouring to ensure:

- 8.1.1 The Decision making is transparent to Members and observers
- 8.1.2 Meeting Members have sufficient information to make good decisions
- 8.1.3 Every Member is supported to contribute to decisions
- 8.1.4 Due process and natural justice in decision making for any person whose rights are affected
- 8.1.5 Debate and discussion focus on the issues at hand
- 8.1.6 Meetings are conducted in an orderly and respectful manner
- 8.1.7 Decisions are made on the merits of the matter

8.2 Councillors and Members of Delegated Committees contribute to good governance and decision making by:

- 8.2.1 Reading and understanding items in the Agenda and being aware of the community impact of these
- 8.2.2 Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers
- 8.2.3 Attending Meetings and participating in debate and discussion
- 8.2.4 Demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making
- 8.2.5 Being courteous and orderly.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

- 9.1.1 Local Government Act 2020 (Victoria)
- 9.1.2 City of Greater Bendigo Election Period Policy
- 9.1.3 Councillor Code of Conduct

10. HUMAN RIGHTS COMPATABILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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 and by resolution of Council only.

12. Document History

Date Approved	Responsible Officer	Unit	Change Type	Version
Aug 2020	Manager Governance	Governance	Developed	1.0
Feb 2022	Manager Governance	Governance	Revision	1.1

Attachment 2 - 2 - Community Complaints About A Councillor

GREATER BENDIGO CITY COUNCIL

COMMUNITY COMPLAINTS ABOUT A COUNCILLOR POLICY

CITY OF GREATER BENDIGO

Community Complaints About a Councillor Policy

DOCUMENT INFORMATION

Approval Level:	Council
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CITY OF GREATER BENDIGO

Community Complaints About a Councillor Policy

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Attachment One – Definitions from Act 16

1. PURPOSE

1.1 The purpose of this Policy is to:

- provide a framework for the open, fair, objective and transparent handling of complaints about a Councillor
- maintain high standards of good governance and transparency
- ensure alignment with the Local Government Act 2020 (the Act).

2. BACKGROUND

2.1 The City recognises that members of the public have the right to complain about the behaviour of its elected representatives and is committed to a Councillor complaint handling system that reflects the needs, expectations and rights of members of the community.

2.2 In doing this, the Council will recognise, promote and protect our resident's rights, including the right to comment and complain; ensure that the system for resolving Councillor complaints is fair, easily accessible and efficient; and, importantly, learn from complaints.

3. SCOPE

3.1 This policy applies to all external complaints about Councillors.

3.2 Disputes between Councillors and between Councillors and City staff are dealt with through the dispute resolution procedures within the Councillor Code of Conduct.

4. DEFINITIONS

4.1 In this Policy:

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

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.

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

Complaint means an expression of dissatisfaction with the quality of behaviour of a Councillor or group of Councillors.

Complainant means a person or entity affected by the behaviour of a Councillor who brings this to the notice of the Council. A person who makes a complaint who is not affected will receive an acknowledgment and advice that the matter will be dealt with in accordance with this Policy.

Complaint handing process means the way individual complaints are dealt with by the Council, including policy, procedure, technology, reporting, evaluation and improvement.

Council means the Greater Bendigo City Council being all the Councillors collectively.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Delegated Committee means delegated committees defined under section 63 of the *Local Government Act 2020* (Vic).

Delegated Committee member means a person appointed to a Delegated Committee.

Mayor means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor.

Member of Council staff means a natural person appointed by the CEO (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the City to be carried out. The Chief Executive Officer is also a member of Council staff.

Misconduct has the meaning as defined by the Act and replicated in Attachment One.

Municipality means the Greater Bendigo municipality.

Role of a Councillor means the role as defined by section 28 of the *Local Government Act 2020* (Vic) and replicated in section 8 of this Policy.

Serious Misconduct has the meaning as defined by the *Local Government Act 2020* (Vic) and replicated in Attachment One.

5. PRINCIPLES

5.1 This policy is based on seven principles, as outlined in version one of the Ombudsman's Councils and complaints – A good practice guide:

- Commitment: We are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.
- Accessibility: People can easily find out how to complain to us, and we actively assist them with the complaints process.
- Transparency: The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
- Objectivity and fairness: Under the complaint handling system, complainants and Councillors are treated with respect and courtesy, and complaints are judged on merit and fact.
- Confidentiality: The complaint handling system protects the personal information of people making a complaint, and Councillors are informed only on a 'need to know' basis.
- Accountability: We are accountable, both internally and externally, for our decision making and complaints handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.
- Continuous improvement: We regularly analyse complaint data to find ways to improve how we operate and how we deliver our services. We then implement these changes.

6. POLICY

How to make a complaint

6.1 A person can make a complaint in several ways either by telephone, email or face-to-face interaction.

Mail	Greater Bendigo City Council P.O. Box 733 Bendigo Vic 3552
Telephone	5434 6000
In person	Main office Municipal Offices 15 Hopetoun Street Bendigo Vic 3550 Heathcote Service Centre 125 High Street Heathcote Vic
Email	requests@bendigo.vic.gov.au
Online	www.bendigo.vic.gov.au/Contact/Feedback-and-complaints
National Relay Service	TTY users phone 133 677 then ask for 03 5434 6000 Speak and Listen users phone 1300 555 727 then ask for 03 5434 6000 Internet relay users connect to the NRS then ask for 03 5434 6000

Accessibility

6.2 Any member of the public who has been affected by the behaviour of a Councillor or group of Councillors can make a complaint.

6.3 Complaints will be received in the format that is most appropriate and comfortable for the complainant. Complaints can be made through multiple channels, and outside business hours

6.4 Anonymous complaints will be responded to when enough information is provided.

6.5 If required, an interpreter will be provided to facilitate lodging a complaint.

6.6 A complainant may use an advocate or authorised personal representative to progress their complaint.

6.7 Further information on the complaint process can be found at https://www.bendigo.vic.gov.au/Contact/Feedback-and-complaints or by visiting any City office.

Complaint handling procedure

6.8 Summary

6.8.1 The City takes a four-tiered approach to complaint handling, as follows:

(a) Receive and clarify the complaint

(b) Initial assessment and actions

(c) Investigation:

(i) Internal investigation

(ii) Internal arbitration

(iii) Councillor Conduct Panel

(d) Review:

(i) Internal review

(ii) VCAT

6.8.2 The 13.2Template File Note, at Attachment Two, provides a convenient resource to record the complaint, the assessment and the internal investigation, as well as a checklist for required actions at each step.

6.9 **Receive and clarify the complaint**

6.9.1 Any Councillor or City staff member may be the first point of contact in receiving a complaint against a Councillor from a community member.

6.9.2 All complaints about a Councillor must be referred immediately to the Governance Unit

6.9.3 The Governance Unit will receive, clarify, and record a complaint and capture:

(a) The complainant's details (if provided)

(b) How the complaint was received

(c) A description of the complaint (i.e. date, location)

(d) The complainants desired outcome (if known)

6.9.4 All information gathered must be uploaded in the customer request management system with appropriate security levels.

6.9.5 Complainants must receive an acknowledgement of the complaint details, in writing, within 10 working days.

6.9.6 All Complaints about Councillors in the customer request system must be allocated to the Governance Unit.

6.10 **Initial assessment and actions**

6.10.1 The Governance Unit must undertake a preliminary check to determine:

(a) The complaint meets the definition of a complaint (as opposed to a service request etc).

(b) If there is sufficient information provided to proceed. If there is insufficient information, the complainant will be contacted to provide additional information.

6.10.2 The Governance Unit will then forward the complaint for initial assessment to:

(a) The Mayor, in consultation with the Chief Executive Officer

(b) The Deputy Mayor, in consultation with the Chief Executive Officer, if the complaint is about the Mayor.

6.10.3 The initial assessment must determine and document:

(a) If the complaint is deemed frivolous, vexatious, misconceived or lacking in substance

(b) If the complaint may be dealt with informally

(c) If the complaint should proceed to internal investigation

(d) If, in the opinion of the Mayor and CEO, there is sufficient evidence against the Councillor Code of Conduct and the Act of:

(i) Misconduct - the investigation may be escalated directly to the Internal Arbitration Process as per Division Five of Part Six of the Act.

(ii) Serious misconduct - the investigation may be escalated directly to the Councillor Conduct Panel as per Division Seven of Part Six of the Act.

6.10.4 In addition to the initial assessment the:

(a) Mayor must notify the subject of the complaint

(b) The CEO must offer the subject of complaint advice in relation to record keeping, the complaint handling process and their rights and responsibilities.

6.11 **Investigation**

6.11.1 **Internal Investigation**

6.11.2 A Councillors Forum, comprising a minimum of three Councillors excluding the Councillor(s) who are the subject of the complaint will investigate the complaint.

6.11.3 The decision of the Councillors Forum will be provided in writing to the complainant including advice on how to escalate the complaint should the complainant be unhappy with the outcome of the complaint handling process.

6.11.4 Complainants must receive notice of the outcome, in writing, within 28 days.

6.11.5 **Internal Arbitration**

6.11.6 At any stage in the complaint handling process the complaint may be elevated to the Internal Arbitration Process as per Division Five of Part Six of the Act.

6.11.7 **Councillor Conduct Panel**

6.11.8 At any stage in the complaint handling process the complaint may be elevated to the Councillor Conduct Panel as per Division Seven of Part Six of the Act.

6.12 **Review:**

6.12.1 **Internal Review of Investigation Outcome**

6.12.2 An Internal Review of the Internal Investigation may be requested a person who is affected by the decision.

6.12.3 The internal review will be undertaken by a City Councillor Conduct Officer.

6.12.4 The internal review must be completed, and all affected parties notified within a further 28 days.

6.12.5 **Internal Review of Investigation Timeliness**

6.12.6 If the Complaint is not resolved within 28 days, it will be subject to a review.

6.12.7 The internal review will be undertaken by a City Councillor Conduct Officer.

6.12.8 The internal review must be completed, and all affected parties notified within a further 5 days advising in writing:

(a) How and when the Internal Investigation will be completed

(b) Why the Internal Investigation was not completed within the 28 days.

6.12.9 **Councillor Conduct Panel Review**

6.12.10 Under section 170 of the Act a person who is affected by the decision made by a Councillor Conduct Panel under this Division may apply to VCAT for review of the decision.

Confidentiality & Fairness

6.13 Councillors who are the subject of a complaint:

6.13.1 Will be notified by the Mayor upon receipt of the complaint.

6.13.2 Will be offered advice from the Chief Executive Officer and/or Manager of Governance in relation to record keeping, the complaint handling process and their rights and responsibilities.

6.13.3 Will be advised of the outcome of the complaint in writing. The letter will detail:

(a) If the complaint was upheld, partly upheld or not upheld

(b) What recommendations the internal review made that the Councillor(s) must act on

(c) If the complaint has been escalated to an external review.

6.14 All complaints received about Councillors will be kept confidential.

Transparency & Fairness

6.15 When gathering information to respond to a complaint, the City will only:

- 6.15.1 use it to deal with the complaint or to address issues arising from the complaint
- 6.15.2 disclose it in a de-identified format when disclosing data to the public
- 6.15.3 share it with council staff on a need to know basis

6.16 Complainants will, within ten working days of receipt of their complaint, receive an acknowledgement in writing confirming:

- 6.16.1 How the complaint was received
- 6.16.2 A description of the complaint (i.e. date, location)*
- 6.16.3 The complainants desired outcome (of known).
- 6.16.4 That the City will aim to resolve the complaint within 28 days
- 6.16.5 Who to contact in relation to their complaint
- 6.16.6 The review process that will occur if the complaint is not resolved within 28 days

*In the instance of a complaint not being assessed as a complaint against a Councillor how the Council will respond to the matter.

6.17 Once the Internal Investigation process has been completed the complainant will receive an outcome letter in writing confirming:

- 6.17.1 If the complaint was upheld, partly upheld or not upheld
- 6.17.2 Any changes to services, policy and/or procedure as a result of the complaint
- 6.17.3 If the complaint has been escalated
- 6.17.4 What recommendations the Internal Investigation made that the Councillor(s) must act on.
- 6.17.5 How the complainant can escalate their complaint if they are unhappy with the outcome of their complaint.

6.18 If the Complaint is not resolved within 28 days it will be subject to a review in accordance with section 6.12.5.

Record keeping

6.19 All complaints received about Councillors will be kept confidential.

6.20 When gathering information to respond to a complaint, the City will only:

- 6.20.1 use it to deal with the complaint or to address issues arising from the complaint
- 6.20.2 disclose it in a de-identified format when disclosing data to the public
- 6.20.3 share it with council staff on a need to know basis

6.21 The complaint records must be captured in:

- 6.21.1 The customer request system
- 6.21.2 The document management system.

Reporting

6.22 The following performance indicators will be reported on to monitor and evaluate our complaint handling processes:

- 6.22.1 Quantity of complaints received
- 6.22.2 Proportion of complaints:
  - (a) At Preliminary Check:
    - (i) Do not proceed due to insufficient information
    - (ii) Do not proceed due to reclassification
    - (iii) Proceed
  - (b) At Initial Assessment:
    - (i) Do not proceed due to frivolous, vexatious, misconceived or lacking in substance determination
    - (ii) Are dealt with informally
    - (iii) Proceed to internal investigation
    - (iv) Proceed under Misconduct provisions of the Act
    - (v) Proceed under Serious Misconduct provisions of the Act
  - (c) At Internal Investigation:
    - (i) Are upheld, partially upheld, not upheld
  - (d) At Internal Review:
    - (i) Referred for outcome or lateness
    - (ii) Overturned or sustained
- 6.22.3 Average and individual response times for acknowledgement, investigation outcome and internal review
- 6.22.4 Details of changes made to services, policy and or processes.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 In performing their role as a member of Council staff, officers must:

- 8.1.1 Record and escalate all complaints about a Councillor
- 8.1.2 Report any concerns relating to Councillor misconduct to their supervisor or the CEO.

8.2 The Chief Executive Officer (or delegate) must:

- 8.2.1 Assist the Mayor (or Deputy Mayor) to undertake the Initial Assessment of complaints
- 8.2.2 Offer advice to the subject of a complaint on record keeping, the complaint handling process and their rights and responsibilities
- 8.2.3 Support the Internal Investigation process, as requested

8.3 The Mayor (or Deputy Mayor) must:

- 8.3.1 Manage the complaint resolution transparently, fairly, and with confidentiality
- 8.3.2 Liaise with the Chief Executive Officer (or delegate) as required

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

- 9.1.1 Local Government Act 2020 (Victoria)
- 9.1.2 Councillor Code of Conduct
- 9.1.3 Employee Code of Conduct
- 9.1.4 Councillor Appropriate Behaviour Policy
- 9.1.5 Councillor Prevention of Sexual Harassment Policy
- 9.1.6 Complaint Handling Policy

10. HUMAN RIGHTS COMPATIBILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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 and by resolution of Council only.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Oct 2015	Manager Governance	Governance	Developed	1.0
Feb 2022	Manager Governance	Governance	Revision	1.1

13. ATTACHMENTS

13.1 Definitions from the Act

13.2 Template File Note

Attachment One - Definitions from Act

Misconduct by a Councillor means any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct:

Serious misconduct by a Councillor means any of the following:

a) the failure by a Councillor to comply with the Council's internal arbitration process

b) the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147

c) the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor

d) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel

e) continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b)

f) bullying by a Councillor of another Councillor or a member of Council staff

g) conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff

h) the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information

i) conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff

j) the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision-making process when required to do so in accordance with this Act.

Attachment 3 - 2a - Template - File Note - Complaint Against a Councillor

Complaint Against a Councillor

Purpose
The purpose of this document is to:

- maintain high standards of good governance and transparency
- provide support and guidance for Council's elected representatives
- record the open, fair, objective and transparent handling of a complaint about a Councillor
- comply with the complaint handling procedure in the Councillor Complaints Policy.

Description
Use this document to record discussions with parties who are the subject of a complaint and agreed actions taken to respond to complaints about a Councillor received by members of the public.

1. Receive and clarify the complaint	
Complainant name	
Complainant contact details	
How the complaint was received	
Customer request number	
Date complaint received	
Complaint details	Date: Location: Matter:
Desired outcome of complainant	
City Contact Officer details	Name: Email:
Complainant acknowledgement sent	Date: Method (phone, email etc):
Forward to Councillor.support@bendigo.vic.gov.au	

2. Initial assessment and actions	
Preliminary check (Governance Unit)	Date received: Actioning officer: Meets definition of complaint: Y/N Sufficient information provided: Y/N
Initial Assessment (Mayor/Deputy Mayor and CEO)	Date: Who: Location: Notes: Agreed course of action: ☐ frivolous, vexatious, misconceived or lacking in substance ☐ dealt with informally ☐ proceed to internal investigation ☐ sufficient evidence of Misconduct ☐ sufficient evidence of Serious Misconduct
Councillor subject of complaint notified:	Date: Method: ☐ phone call ☐ in person ☐ email ☐ in writing
Councillor subject of complaint offered advice from the CEO	☐ yes ☐ no

3. Internal Investigation	
Councillor forum (minimum of three Councillors excluding the Councillor(s) who are the subject of the complaint) to be comprised of	Councillor: Councillor: Councillor:
Councillor forum to be convened	Date: Location: Chair:
Councillor forum participants asked to review Councillor Code of Conduct and Complaint handling policy	☐ yes ☐ no
Councillor Forum	
Notes Councillor Forum	
Decision of Councillor Forum	
Recommendation of Councillors forum (i.e. changes to policy and/or procedure	
Outcome of complaint	
Decision of Councillor Forum provided in writing detailing: (a) If the complaint was upheld, partly upheld or not upheld (b) Any changes to services, policy and/or procedure as a result of the complaint (c) Number of complaint outcomes overturned (if any) by the internal review process (d) If the complaint has been escalated to an external body (e) What recommendations the internal review made that the Councillor(s) must act on.	☐ Complainant ☐ Councillor subject of complaint

Attachment 4 - 3 - Councillor Communication and Information

CITY OF GREATER BENDIGO

GREATER BENDIGO CITY COUNCIL

COUNCILLOR COMMUNICATION & INFORMATION POLICY

DOCUMENT INFORMATION

Approval Level:	Council
Policy Type:	Council
Approval Date:	
Review cycle:	Within twelve months of each Council election
Review Date:	
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Local Government Act 2020* *Privacy and Data Protection Act 2014* *Health Records Act 2001* *Planning and Environment Act 1987* *Protected Disclosure Act 2012*
DOCSETID:	3560389

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1. PURPOSE

1.1 The purpose of this Policy is to manage compliance with the *Local Government Act 2020* (the Act), including to:

- Identify the scope of access Councillors have to information held by the Council and the process to be followed to access that information;
- Provide a framework for, and manage, appropriate interactions between Councillors and Council staff;
- Maintain high standards of good governance and transparency.

2. BACKGROUND

2.1 The role of every Councillor is to represent the best interests of the community when Council makes decisions or establishes strategic direction.

2.2 The Chief Executive Officer is responsible for the operations of the Council and the management of Council staff. This includes providing relevant and factual information and advice to Councillors to support decisions and strategic direction, and then implementing the decisions in an effective and timely manner.

2.3 In accordance with section 46(3)(c) of the Act the CEO's responsibilities include but are not limited to:

2.3.1 Managing interactions between members of Council staff and Councillors; and

2.3.2 Ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

2.4 In accordance with Part 6 of the Act Councillors must preserve the integrity of Council and must not:

2.4.1 misuse their position to gain or attempt to gain an advantage for themselves or any other person;

2.4.2 direct, or seek to direct, a member of Council staff

2.5 This Policy sets out the principles and framework which guide these arrangements.

3. SCOPE

3.1 This Policy applies to the Council, Councillors, Council Committees, the CEO and Council Staff.

4. DEFINITIONS

4.1 In this Policy:

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

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

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

Council means the Greater Bendigo City Council being all the Councillors collectively

Councillor means a person holding the office of member of Greater Bendigo City Council

Defamatory means the publication of material that is likely to lower a person in the estimation of others, or cause injury to a person's reputation by exposing them to hatred, contempt, or ridicule, and is without lawful excuse

Delegated Committee means delegated committees defined under section 63 *Local Government Act 2020* (Vic)

Delegated Committee member means a person appointed to a Delegated Committee

Mayor means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

Media types has the definition as per section 6.13

Media statement means any comment, written or verbal, provided to the any media type

Media release means information provided to the media under the 'Media Release' banner and including the City of Greater Bendigo logo

Member of Council staff means a natural person appointed by the CEO (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the City to be carried out. The Chief Executive Officer is also a member of Council staff.

Municipality means the Greater Bendigo municipality

Role of a Councillor means the role as defined by section 28 of the Act and replicated in section 8 of this Policy

5. PRINCIPLES

5.1 Interactions and information flows between Councillors and Council staff, and Councillors and the media must:

5.1.1 Support Councillors to:

(a) Exercise their function as members of the Council

(b) Fulfil their Role of a Councillor impartially, to the best of their ability, and in the best interests of the municipality

(c) Engage and communicate with the community.

5.1.2 Be transparent and mutually respectful

5.1.3 Build confidence and trust in Council leadership, decision making and service provision

5.2 Interactions and information flows between Councillors and Council staff must also respect each other's distinct roles and responsibilities under the Act, acknowledging that the Chief Executive Officer is responsible for the operations of the Council and the management of Council staff.

5.3 Interactions and information flows between Council staff and Councillors must not:

5.3.1 Result in preferential treatment and/or bias

5.3.2 Seek to direct or influence Council staff

5.4 The primary purpose of media statements and media releases is to positively promote the work of Council by providing accurate, relevant and timely information on issues of interest to the community.

6. POLICY

Councillor Access to Information

6.1 Provision of information to the Council:

6.1.1 The City shall provide to Council all information relevant to matters on which Council is required to make a decision.

6.1.2 The City shall provide to Council all information related to Council operations or ward issues that the community would reasonably expect the Council to know as the strategic decision maker.

6.2 Requests for information by Councillors:

6.2.1 A Councillor may request information to assist them to fulfil their Role of a Councillor.

6.2.2 A Councillor will make this request as a member of the Council and in the interests of the municipality rather than as an advocate on behalf of an individual or group which is contrary to the Role of a Councillor specified in section 28 of the Act.

6.2.3 The request for information must be made via the Councillor Information Request form on the Councillor SharePoint page.

6.2.4 The information, if available and if provided, will be circulated to all Councillors. If relevant information is not available, but could be obtained, reasonable efforts will be made to obtain the information unless any of the grounds on which access may be denied (below) apply.

6.2.5 If there is any doubt about whether the information can be provided, the relevant Director will decide about whether or not to provide the requested information.

6.2.6 Councillors should consider the impacts of the Councillor request for information on the Council resources required to action the request.

6.3 Grounds for refusal to provide access to information:

6.3.1 The information is irrelevant to a matter before the Council.

6.3.2 The information is personal within the meaning of the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*

6.3.3 The information is confidential

6.3.4 The request would unreasonably divert or extend Council resources.

6.3.5 The information is not required for the performance of a Council function

6.3.6 The information is irrelevant to a matter where the Council is acting as the responsible planning authority in accordance with its obligations under section 12 of the *Planning and Environment Act 1987*.

6.3.7 The Councillor has declared a conflict of interest.

6.3.8 The Councillor has refused or failed to make a conflict of interest declaration.

6.3.9 The request is for information in relation to a matter on which advice has already been provided by the relevant statutory authority.

6.3.10 Access is prohibited by the *Protected Disclosure Act 2012.*

6.4 If access to information or documents to a Councillor is refused, the Councillor must be advised of the reason for the refusal.

6.5 A Councillor who has been refused access to information may refer the request to the CEO for review and final determination as to whether access will be provided.

6.6 All refusal of access to information will be reported to the next Councillors' Briefing for consideration and discussion by all Councillors with the CEO.

Interactions between Councillors and Staff

6.7 In performing the Role of a Councillor, Councillors must:

- 6.7.1 Act in accordance with the Councillor Code of Conduct
- 6.7.2 Maintain a professional relationship with Council staff, acting with respect and integrity always
- 6.7.3 Not direct, or seek to direct, a member of Council staff
- 6.7.4 Respect the professional opinion, skill and expertise of Council staff
- 6.7.5 Refrain from publicly criticising or vilifying Council staff in a way that casts aspersions on their professional competence or credibility
- 6.7.6 Refrain from using their position to improperly influence members of Council staff in their duties or functions, or to gain an advantage for themselves or others
- 6.7.7 Use the Councillor Information Request system for all requests where it is appropriate to do so including for:
  - (a) IT assistance
  - (b) Meeting requests
  - (c) Physical works requests
  - (d) Planning and Enforcement matters
  - (e) Request for information
  - (f) Routine media and communications issues
- 6.7.8 Use alternative processes for the following:
  - (a) Complaints against Council staff, CEO or Councillors – please refer to the Councillor Code of Conduct
  - (b) Time sensitive and/or contentious media and communications issues – directly contact the Manager Communications
  - (c) Administration of Committees – directly contact the relevant Committee contact officer
  - (d) Administrative support – contact the Councillor Support team, including for:
    - (i) Diary management for Council meeting and briefings
    - (ii) Diary management of Councillor invites and engagement activities

6.8 The above points of contact are summarised in the table in the attachment.

6.9 A Councillor must raise with the CEO or the Manager Governance any concerns that a staff member:

- 6.9.1 Has acted in a manner contrary to a formal Council policy or decision
- 6.9.2 Has provided inappropriate advice
- 6.9.3 Has acted contrary to the Employee Code of Conduct

6.10 These concerns must be raised by the Councillor privately, objectively, constructively and in a timely way.

6.11 The CEO must deal with any dispute between Councillors and Council staff in accordance with the Councillor Code of Conduct.

6.12 In performing their role as a member of Council staff, officers must:

- 6.12.1 Act in accordance with the Employee Code of Conduct
- 6.12.2 Maintain a professional relationship with Councillors, acting with respect and integrity always
- 6.12.3 Record Councillor Requests in the Customer Request Management system
- 6.12.4 Not accept instruction or direction from Councillors in relation to their professional duties and refer perceived instruction or direction to their supervisor or the CEO
- 6.12.5 Respect the leadership role of Councillors
- 6.12.6 Refrain from publicly criticising Councillors
- 6.12.7 Refrain from lobbying the Councillors or using personal influence to gain an advantage for themselves or others
- 6.12.8 Report any concerns relating to Councillor misconduct to their supervisor, the Manager Governance or the CEO

Councillor Media Interactions and Support

6.13 Media types:

6.13.1 Traditional media includes non-digital advertising and marketing methods such as:

(a) radio

(b) broadcast television

(c) print media.

6.13.2 Social media includes content created by people using highly accessible and scalable publishing technologies. Social media comprises relatively inexpensive and accessible tools that allow people to publish, share and discuss information. Social media may include (although is not limited to):

(a) social networking (e.g. Facebook, LinkedIn, Yammer, Snapchat)

(b) video and photo sharing apps (e.g. Instagram, YouTube, Pinterest)

(c) blogs, including corporate blogs and personal blogs (e.g.Tumblr)

(d) blogs hosted by media outlets (e.g. comments or your say feature)

(e) micro-blogging (e.g.Twitter)

(f) wikis and online collaborations (e.g. Wikipedia)

(g) forums, discussion boards and groups (e.g. Google groups, Whirlpool)

(h) vod and podcasting

(i) online multiplayer gaming platforms

(j) instant messaging (including SMS, WhatsApp, Viber)

(k) geo-spatial tagging (Foursquare, Yelp).

6.14 Media statements and media releases must not:

6.14.1 Be used to promote individual Councillors.

6.15 Media releases from Councillors expressing personal views will not include the City of Greater Bendigo logo and will not be issued by the Communications Team.

6.16 In performing the Role of a Councillor, Councillors must:

6.16.1 not speak on behalf of the City in the traditional media or using social media unless authorised to do so by the Mayor;

6.16.2 when making public statements, issuing media releases or commenting on social media, through official or private channels, recognise the key role they play, individually and collectively, in maintaining a positive public image and in preserving public confidence in the Council;

6.16.3 not make any statements that contain remarks of a defamatory, personal, derogatory, insulting or offensive nature directed at current or former Councillors, Council Officers or members of the public;

6.16.4 to preserve public confidence, respect the decision-making process and refrain from using traditional media and/or social media to publicly criticise

recommendations that are before Council or have been decided upon by Council;

6.16.5 when making personal comments on matters that are important to them clearly communicate that they are not speaking on behalf of Council and comply with the Councillors' Code of Conduct and other relevant policies and legislation.

6.16.6 when issuing a personal statement and/or media release include a statement that clearly communicates that the views being expressed are not those of Council.

6.16.7 protect the reputation of Council whenever using social media profiles that identify the account holder as being a Councillor by including the following disclaimer: Any views expressed here are my own and are not those of Council (see 6.17).

6.16.8 comply with the 'terms of use' of any social media site being used

6.16.9 give notice of no less than 48 hours to the Mayor prior to release of any personal media statements or social media comments that relate to Council matters.

6.16.10 not breach any confidentiality protocols or understandings when speaking to the media, issuing media statements or using social media.

6.16.11 not attribute any views or positions to other Councillors without their express consent.

6.17 Not identifying yourself as a Councillor does not excuse the account holder from having to comply with all relevant policies. The effectiveness of a disclaimer will depend on the context in which it is used, the subject matter, the relationship to Council activities and other factors. The use of it does not excuse the Councillor from compliance with the Code of Conduct and Council Policies. A disclaimer does not expunge from the mind of the reader or listener the fact that the author is a Councillor with responsibilities to the Council and fellow Councillors.

6.18 In assisting and supporting Councillors to perform the Role of a Councillor, the Communications Team shall draft and issue all media statements and media releases relating to policy matters, the strategic direction of Council, advocacy, project announcements and launches, and Council support for community initiatives:

6.18.1 on behalf of the Mayor

6.18.2 where delegated by the Mayor, another Councillor, where:

(a) The matter relates to a specific Ward and is a matter of local interest

(b) A Councillor has had a specific ongoing interest and role in an issue

(c) A Councillor has specific knowledge or expertise in the matter

(d) A Councillor is a member of a delegated or advisory committee.

6.19 All statements about operational matters will be made by the CEO (or delegate).

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 In accordance with section 28 of the Local Government Act 2020:

8.1.1 The role of every Councillor is to:

(a) participate in the decision making of the Council

(b) represent the interests of the municipal community in that decision making

(c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

8.1.2 In performing the role of a Councillor, a Councillor must:

(a) consider the diversity of interests and needs of the municipal community

(b) support the role of the Council

(c) acknowledge and support the role of the Mayor

(d) act lawfully and in accordance with the oath or affirmation of office

(e) act in accordance with the standards of conduct

(f) comply with Council procedures required for good governance.

8.2 Council staff are employed by the CEO to implement the decisions of Council, plan and deliver services and provide unbiased, professional advice and support to Councillors.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

9.1.1 Local Government Act 2020 (Victoria)

9.1.2 Councillor Code of Conduct

9.1.3 Employee Code of Conduct

9.1.4 Councillor Appropriate Behaviour Policy

9.1.5 Councillor Prevention of Sexual Harassment Policy

10. HUMAN RIGHTS COMPATABILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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 and by resolution of Council only.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Oct 2015	Legal Officer	Governance	Access to Info	1.0
Jan 2017	Manager Governance	Governance	Staff Interactions	0.1
Oct 2017	Manager Communications	O/CEO	Media	1.0
Feb 2022	Manager Governance	Governance	Revision	1.1

13. ATTACHMENTS

13.1 Table of Points of Contacts

CITY OF GREATER BENDIGO

Councillor Communication & Information

Attachment 1 - Table of Points of Contacts

	Point of Contact			
	Cr Request Form	Councillor Support team	Committee Secretariat	Manager Communications
Matter				
Escalated Customer Issue	X			
Routine Customer Service	X			
Routine Media and Communications Issues	X			
Contentious Media and Communications Issues				X
Information for Meetings	X			
Administration of a Committee			X	
IT Help	X			
Enforcement Matters	X			
Planning Matters	X			
Invitations & Diary Management		X		

Attachment 5 - 4 - Councillor Expenses and Support Policy

GREATER BENDIGO CITY COUNCIL

COUNCILLOR EXPENSE AND SUPPORT POLICY

DOCUMENT INFORMATION

Approval Level:	Council
Policy Type:	Council
Approval Date:	March 28, 2022
Review cycle:	Within twelve months of each Council election
Review Date:	October 2025
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Local Government Act 2020* *Carers Recognition Act 2012*
DOCSETID:	3165575

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1. PURPOSE

1.1 This policy supports Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020* (Vic), by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:

- Entitlements and support
- Processes for reimbursement
- Reporting, monitoring, evaluation and review requirements
- Other measures supporting Councillors to fulfil their duties.

2. BACKGROUND

2.1 In accordance with section 41 of the Act, the City must adopt and maintain a policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Council delegated committees.

2.2 Councillors and members of delegated committees are entitled, under section 40 of the Act to reimbursement of expenses reasonably incurred in the performance of their duties.

2.3 This policy has been developed to establish clear guidelines and enable claims for reasonable out-of-pocket expenses to be processed without the need to seek Council approval for individual claims.

3. SCOPE

3.1 This policy applies to:

- Councillors
- Members of delegated committees.

4. DEFINITIONS

4.1 In this Policy:

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

Carer means a carer as defined under section 3 of the *Carers Recognition Act 2012*

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

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

Committee secretariat means the City officer/team/Unit that manages the committee

Council means the Greater Bendigo City Council being all the Councillors collectively

Councillor means a person holding the office of member of Greater Bendigo City Council

CTM means Corporate Travel Management which is a provider of travel management solutions to the City under the State Government Travel Services Contract.[1]

Delegated Committee means delegated committees defined under section 63 of the *Local Government Act 2020* (Vic)

Delegated Committee member means a person appointed to a Delegated Committee

Information and Communication Technology equipment means any device including mobile phones, tablets, laptops, computers and any peripheral or related devices or accessories

Mayor means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

Municipality means the Greater Bendigo municipality

Out-of-pocket expense means an expense that has been met by the Councillor or delegated committee member, using their own funds, which may later be reimbursed

[1] The Technology One supplier number is G8660

5. PRINCIPLES

5.1 The general principles underpinning this policy are as follows:

- Councillors must meet the standards of conduct set out in the Councillor Code of Conduct prescribed under section 139 of the Act;
- encouraging diversity in participation, equity, inclusion and access; and
- accountability and transparency.

5.2 This policy ensures that the reimbursement of expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the Council.

5.3 Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that are:

- bona fide expenses; and
- have been reasonably incurred in the performance of their role; and
- are reasonably necessary to perform their role.

5.4 The City is committed to ensuring that all claims are processed effectively and efficiently as possible.

6. POLICY

Entitlements - Councillor

6.1 General

6.1.1 All exercise of entitlements, including claims for reimbursement, must comply with the Principles detailed at section 5 of this Policy.

6.2 Travel

6.2.1 **Private vehicle use**. Councillors are entitled to reimbursement for the use of their own vehicle where:

(a) Vehicle use is entirely within the municipality;

(b) Vehicle use is outside the municipality, that is pre-authorised by the Manager Governance. Councillors should, whenever possible, use a City fleet vehicle or public transport when performing duties outside the municipality;

(c) Car mileage will be reimbursed at the rate specified at Attachment One.

6.2.2 **City Fleet Vehicles**

(a) **Mayoral Vehicle**. The City may provide a vehicle for the Mayor's exclusive use during their term. The provision of the vehicle is subject to the following terms and conditions:

(i) Use of vehicle is in accordance with the Fleet Policy and Drivers Licence Policy;

(ii) The Mayor may use the vehicle for reasonable private use;

(iii) Any damage, accident or fault to be reported to Manger Governance as soon as practicable.

(b) **Fleet Vehicles.** Councillors may book City fleet vehicles, through the Governance Unit, for use when performing duties. The provision of the vehicle is subject to the following terms and conditions:

(i) Use of vehicle in accordance with the Fleet Policy and Drivers Licence Policy;

(ii) The vehicle must not be utilized for private use;

(iii) Any damage, accident or fault to be reported to Manger Governance as soon as practicable.

(c) Where required, a designated fleet vehicle will be made available for use by a Councillor with disability for the purpose of supporting that Councillor to effectively undertake their role as a Councillor.

6.2.3 **Intrastate travel**. Intrastate travel is subject to the following terms and conditions:

(a) Travel must utilise City fleet vehicle or public transport, unless otherwise approved by the Manager Governance;

(b) The Governance Unit can arrange transportation, upon request;

(c) Where accommodation is required, Councillors must obtain approval from the Mayor prior to travel;

6.2.4 **Interstate travel**. Interstate travel is subject to the following terms and conditions:

(a) Councillors must obtain written approval from the Mayor prior to travel;

(b) The Mayor must obtain consensus from the Councillors prior to travel;

(c) The Governance Unit will arrange prepaid travel, where possible through CTM, including:

(i) Transport;

(ii) Accommodation and meals, in accordance with rates at Attachment One;

(iii) Insurance.

6.2.5 **International Travel**. International travel is subject to the following terms and conditions:

(a) Councillors must obtain approval from Council prior to travel;

(b) The Governance Unit will arrange travel, where possible through CTM, including:

(i) Transport;

(ii) Accommodation and meals, in accordance with rates at Attachment One;

(iii) Insurance;

(iv) Telecommunications – international travel pass, calling cards, local SIM cards and/or mobile phone roaming.

6.3 **Child or Dependant Care**

6.3.1 In accordance with sections 41(2)(c) and (d) of the Act, the City will reimburse costs to a Councillor or delegated committee member where:

(a) the provision of childcare is reasonably required

(b) the provision of care for a dependent is reasonably required

6.3.2 Care expenses that may be claimed include but are not limited to:

(a) Childcare centre fees

(b) Home care

(c) Hourly fees

(d) Agency booking fees

(e) Reasonable travel expenses for transporting the carer to the dependent or the dependent to the carer

6.3.3 Except by prior written agreement of the Manager Governance, payments for carer and childcare services will not be made:

(a) to a person who resides with the Councillor

(b) has any financial or pecuniary interest with the Councillor

(c) has a relationship with the Councillor or their partner (i.e. immediate family member)

(d) has recognised care responsibility (i.e. parent or other regular care giver)

6.3.4 Evidence of out of pocket costs incurred by the Councillor must be provided with any claim.

6.3.5 The level of financial support shall be determined by the Manager Governance in consultation with the claimant.

6.4 **Information and Communication Technology (ICT)**

6.4.1 The City will provide information communication technology (ICT), including equipment, software, and support including basic training, subject to the:

(a) Conditions in Attachment Two

(b) General IT Use Policy

(c) Portable and Attractive Assets Policy

6.4.2 Councillors must return all items to the City on the next business day at the conclusion of a Councillor's term, unless otherwise agreed by Manager Governance.

6.4.3 Reasonable personal use is permitted as long as it does not affect the primary use of the equipment, or waste equipment or network resources.

6.4.4 The City reserves the right to review or audit anything created or stored on the equipment.

6.4.5 The City reserves the right to monitor usage.

6.4.6 Decisions regarding new product/service selection and existing product/service retention, repair or replacement is vested solely in the City.

6.5 **Office and Meeting Facilities**

6.5.1 The City will provide Councillors with access (individual fob/security tag) to the City's office and designated spaces, including meeting rooms at the Bendigo Town Hall.

6.5.2 Designated spaces may be used by all Councillors for related Council business during usual business hours or by prior arrangement with the Governance Unit.

6.5.3 Councillors may book rooms for meeting with external parties through the Governance Unit.

6.5.4 Where a fob or security tag is misplaced or stolen, Councillors must contact the Governance Unit as soon as practicable (and may be responsible for replacement costs).

6.6 **Professional Development**

6.6.1 The City will meet the cost of training and development courses, seminars and activities of professional and personal development within the limits of the budget approved by Council and taking into consideration the relevance of the course for the Councillor and the Council.

6.6.2 The budget and the individual allocations will be set as agreed by Council on a yearly basis following assessment of professional development requirements.

6.6.3 To assist this process, the Mayor will undertake a professional development assessment with each Councillor.

6.7 **Memberships**

6.7.1 The City will pay professional membership where there is a demonstrated benefit to the Councillor performing their duties, and to the City as agreed by the Council.

6.8 **Conferences and Functions**

6.8.1 The City will bear reasonable costs enabling Councillors to attend an event whilst performing duties. Reasonable costs may include:

(a) Registration fees

(b) Main conference dinner (if not covered by registration cost)

(c) Travel, including transport and accommodation as per section 6.2 Travel

6.8.2 **Spouse/Partner Accompanying Councillor.** Where prior approval is sought the City may cover the cost, limited specifically to the entry fee and meal, of a spouse or partner expressly invited to attend a function to accompany a Councillor.

6.8.3 **Charity Events.** The City may cover the costs to allow attendance of the Mayor (Acting Mayor or Deputy Mayor in the absence of the Mayor), as representative for the City.

6.8.4 Where Councillors attend a charity fundraising event for which contribution is required, Councillors attend at their own expense.

6.9 **Access and Inclusion**

6.9.1 The City is committed to ensuring equitable access, social inclusion and respect for human rights and may provide appropriate support to ensure Councillors can complete their duties proficiently.

6.9.2 The City will provide support to a Councillor upon consideration of written report from a medical practitioner or other relevant qualified professional or the Councillor making the claim where appropriate.

6.9.3 The level of support including financial provided by the City shall be determined by the Manager Governance, in consultation with the claimant.

6.9.4 Support may include reimbursement of a Carer's expenses to support Councillor travel and/or attendance at meetings, professional development, and conferences and functions.

6.10 **Councillors' Welfare**

6.10.1 The Mayor and CEO can provide support to Councillors, specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.

6.10.2 A Councillor shall be entitled to counselling on a confidential basis through the City's approved Employee Assistance Program.

6.11 **Insurance**

6.11.1 Councillors are covered by the following Council Insurance Policies, whilst performing duties:

(a) Personal Accident Insurance

(b) Public Liability Insurance

(c) Professional Indemnity Insurance

(d) Councillors and Officers Liability Insurance

(e) Travel Insurance

(f) WorkCover (as a deemed employee).

6.11.2 The City will pay the insurance policy excess in respect of any claim made against a Councillor arising whilst performing duties, where the claim is accepted by the City's insurers.

6.11.3 Spouses and partners are covered by the City's Personal Accident Insurance when accompanying Councillors whilst performing duties.

6.11.4 Insurance does not cover any criminal, wilful or negligent acts of the Councillor or related parties.

6.12 **Legal Expenses**

6.12.1 Legal expenses incurred by a Councillor shall be the responsibility of that Councillor unless:

(a) Prior written approval of the CEO is provided; or

(b) By Council resolution

6.13 **Working with Children Check and Police Check**

6.13.1 The City will meet the costs of a Councillor undertaking a Working With Children Check and Police check, if required by the City.

Entitlements - Members of Delegated Committees

6.14 **General**. All exercise of entitlements, including claims for reimbursement, must comply with the Principles detailed at section 5 of this Policy.

6.15 **Travel Expenses**. Members of Delegated Committees are entitled to reimbursement of travel expenses:

6.15.1 As per Attachment One

6.15.2 Only if pre-approved by the Delegated Committee secretariat.

6.16 **Carer and dependent-related expenses**. Members of Delegated Committees are entitled to reimbursement of carer and dependent-related expenses:

6.16.1 In accordance with clause 6.3

6.16.2 Only if pre-approved by the Delegated Committee secretariat.

6.17 **Access and Inclusion**. Members of Delegated Committees are entitled to reimbursement of Access and Inclusion related expenses:

6.17.1 In accordance with clause 6.9.

6.17.2 Only if pre-approved by the Delegated Committee secretariat.

Exclusions to Entitlements

6.18 The following out-of-pocket expenses are the responsibility of Councillors or members of delegated committees and cannot be the subject of a claim for funding or reimbursement:

6.18.1 The cost of any road, traffic, parking or public transport infringements or penalties incurred by Councillors or members of Delegated Committees, whether or not in the course of performing their role;

6.18.2 Any private travel, regardless of whether it is conjoined with approved interstate or overseas travel in the course of performing their role;

6.18.3 If Councillors choose to purchase the equivalent of any resources or facilities made available to them as outlined above, Councillors will not be entitled to claim reimbursement for their own purchase of those same resources and facilities.

6.18.4 Any private-use costs associated with use of ICT that are deemed unreasonable.

6.18.5 Any intentional, wilful, or negligent damage to ICT.

6.18.6 Other general expenses including:

(a) Alcohol

(b) Passport application expenses

(c) Fees or charges incurred from a traveller's failure to cancel a guaranteed reservation

(d) Mini bar purchases

(e) Electronic organisers

(f) Toiletries

(g) Briefcases or bags

(h) Newspaper and magazine purchases

(i) Personal travel insurance

(j) Any in-room entertainment, including movie hire

(k) Kennel fees or animal expenses

(l) Hairdressing, barber and beautician services

(m) Loss of property (claims for loss of property may be available under the city's travel insurance)

6.18.7 Other than by Council resolution, expenses or other support for attendance at political party events.

Process for Reimbursements - Councillors

6.19 Making a claim for payment:

6.19.1 Claims must be submitted:

(a) For all car mileage claims using the Monthly Travel Log form (Attachment Three);

(b) For all other claims using the Expenses Reimbursement Form (Attachment Four).

6.19.2 Where the provider of the goods or service is registered for GST a tax invoice must be obtained and provided (without this the GST component of the cost cannot be reimbursed).

6.19.3 Receipts (or statutory declaration in absence of receipt) must be attached to the claim form (credit card receipts will not be accepted).

6.20 All claims for expenses must be lodged within three months of the expenses being incurred. At the end of the financial year all claims must be received no later than one month after the financial year.

6.21 All claims will be assessed (and approved or denied) for compliance by the Governance Unit.

6.22 A Councillor may request the CEO review of a decision made by the Governance Unit under this Policy.

6.23 All approved payments will be provided by either:

6.23.1 Direct disbursement to the supplier; or

6.23.2 Electronic funds transfer into the nominated back account.

6.24 If the claim is denied, the Governance Unit will advise the Councillor in writing of the reasons.

Process for Reimbursements – Members of Delegated Committees

6.25 All expense claims for members of delegated committees must be requested through the relevant committee secretariat.

6.26 Committee secretariats must follow the City's internal process for reimbursement.

6.27 All claims will be assessed for compliance by the Committee secretariat

6.28 All claims for expenses must be lodged within one month of the expenses being incurred.

6.29 A Member of a Delegated Committee may request the Governance Unit to review a decision made by the Committee secretariat under this Policy.

6.30 All approved payments will be provided by either:

6.30.1 Direct disbursement to the supplier; or

6.30.2 Electronic funds transfer into the nominated back account.

6.31 If the claim is denied, the Committee secretariat will advise the member in writing of the reasons.

Reporting, Monitoring, Evaluation and Review

6.32 Monthly reports of all Councillor expenses will be published on the City website.

6.33 Quarterly reports of all Councillor and delegated committee member expenses will be provided to Council's Audit and Risk Committee.

6.34 Annual report of all Councillor expenses will be published in the City's Annual Report.

6.35 Reports will include:

6.35.1 Expenses incurred by Councillor and delegated committee members; and

6.35.2 Reimbursements made by the City to Councillors and delegated committee members

6.36 Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.

6.37 Within one month of funded travel and/or attendance at conferences and/or functions, the Councillor or delegated committee member will report to Council verbally and in writing outlining:

6.37.1 Purpose for the travel;

6.37.2 Its relevance to any Council plan, strategy, program or project;

6.37.3 Perceived benefits to the Council and/or the community and/or the individual;

6.37.4 Any other aspects deemed relevant.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 For the purpose of clarification in giving effect to this Policy, Councillor duties may include, but are not limited to:

8.1.1 attendance at meetings of Council and its committees

8.1.2 attendance at briefing sessions, workshops, civic events or functions convened by Council

8.1.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor

8.1.4 attendance at meetings, events or functions representing Council

8.1.5 duties in relation to constituents concerning Council business.

8.2 This Policy also applies to members of Council Delegated Committees when undertaking approved travel required for their role.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

9.1.1 Local Government Act 2020 (Victoria)

9.1.2 Councillor Code of Conduct

9.1.3 Fleet Policy

9.1.4 Drivers Licence Policy

9.1.5 Public Transparency Policy

10. HUMAN RIGHTS COMPATABILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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 and by resolution of Council only.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Oct 2015		Executive Services	Expenses & Support	1.0
Oct 2015		Executive Services	IT Use	1.0
Oct 2016	Tania Herbert	Information Management	Mobile Device	1.0
Aug 2020	Manager Governance	Governance	Expenses & Support Review	2.0
Feb 2022	Manager Governance	Governance	Revision	2.1

13. ATTACHMENTS

13.1 Travel Rates

13.2 ICT Conditions of Use

13.3 Monthly Travel Log Form

13.4 Expenses Reimbursement Form

Attachment One – Travel Rates

Private vehicle reimbursement

The Australian Taxation Office regularly publishes the cents per kilometre method for motor vehicle expenses.

Councillors are entitled to claim expenses not in excess of the most recent rate published.

Accommodation and Meals Rates

Each financial year the Australian Taxation Office publishes a Taxation Determination articulating reasonable travel expense amounts.

Councillors are entitled to claim:

- Domestic travel not in excess of Table 2 (mid-salary level)
- Overseas travel not in excess of Table 7 (mid-salary level)

With reference to the financial year the travel will be undertaken (or the most recent Determination if not yet published).

Attachment Two – ICT Conditions of Use

The City will provide information communication technology (ICT), including equipment, software, and support including basic training, subject to the following conditions:

(a) All information technology provided remains the property of the City

(b) Councillors must conduct council business utilising equipment supplied by the City

(c) Equipment must only be used by Councillors and Officers

(d) Councillors must maintain the confidentiality of their account and password, to prevent unauthorised access

(e) Councillors must comply with the network enforced password procedures

(f) Councillors must comply with all reasonable directions regarding devices and equipment for audit, maintenance, update or replacement

(g) Councillors must not disable or circumvent the installed virus protection software

(h) Councillors must use the installed virus protection software to scan all:

  (i) Files, from non-Council sources, prior to downloading

  (ii) External disks, immediately upon connection

(i) Councillors must use all ICT in a safe manner, and in compliance with all City policy, and State and Federal legislation. Including but not limited to privacy, copyright, freedom of information, equal employment opportunity, Public Records Act, Intellectual Property and Occupational Health and Safety.

(j) Councillors will manage constraints of usage inherent to system, including operating system and application space limitations

(k) Councillors must manage appropriately any connection or usage charges (for example data and phone calls)

(l) Councillors must not download or install unauthorised applications or files

(m) Councillors must comply with any software licence obligations

(n) Councillors must not utilise the equipment for online gambling

(o) Councillors must ensure appropriate safe keeping of all equipment

(p) Councillors must maintain equipment in fair/reasonable condition

(q) Councillors must report, to the Governance Unit, as soon as practicable:

  (i) Faulty equipment, breakages or issues

  (ii) Lost, stolen or misplaced equipment

  (iii) Any suspicion of a virus being introduced onto the equipment or network.

Attachment Three – Monthly Travel Log Form

CITY OF GREATER BENDIGO

Monthly Travel Log

Date	Location		Councillor duty the travel relates to (provide detailed description)	Odometer Reading		Total Travelled (kms)
	From	To		Start of Trip	End of Trip	
Total						

I declare I have travelled a total of _____kms whilst in the performance of duties.	
Signed:	Date:

Office Use only		
Total amount for reimbursement $ *(current rate: $1.00 per km)*		
Total kilometres		Date:
Name:		
Position:		
Signature:		

Attachment Four – Expenses Reimbursement Form

CITY OF GREATER BENDIGO

EXPENSES REIMBURSEMENT FORM

Full Name			
Title			
Contact details			
Date of Claim		**Total Amount Claim**	$

Details of Out-of-pocket expense:	Date Incurred:	
	Duty at the time expense was incurred	
	Item description	

Attached:
☐ Tax Invoice
☐ Receipt
☐ Statutory Declaration

EFT Payment details -	
Account Name:	
BSB (6 digits):	
Account number	

I certify the above information to be correct and are reasonable bona fide out-of-pocket expenses.	
Signature:	Date:

Please forward this form to Civic and Governance Support

Office Use Only	*JL Account number:*	- - -
	GL Account number:	- - -

Approved by

Name:		Date:
Position:		
Signature:		

Attachment 6 - 5 - Councillor Appropriate Behaviour Policy

GREATER BENDIGO CITY COUNCIL

COUNCILLOR APPROPRIATE BEHAVIOUR POLICY

CITY OF GREATER BENDIGO

Councillor Appropriate Behaviour Policy

DOCUMENT INFORMATION

Approval Level:	Council
Policy Type:	Council
Approval Date:	March 28, 2022
Review cycle:	Within twelve months of each Council election
Review Date:	October 2025
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	**Victorian** *Accident Compensation Act 1985* *Equal Opportunity Act 2010* *Privacy and Data Protection Act 2014* *Local Government Act 1989* *Occupational Health and Safety Act 2004* *Racial and Religious Tolerance Act 2001* The Victorian Charter of Human Rights and Responsibilities 2006 **Federal** *Age Discrimination Act 2004* *Australian Human Rights Commission Act 1986* *Disability Discrimination Act 1992* *Fair Work Act 2009* *Racial Discrimination Act 1975* *Sex Discrimination Act 1984*
DOCSETID:	4657219

CITY OF GREATER BENDIGO

Councillor Appropriate Behaviour Policy

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1. PURPOSE

1.1 The purpose of this policy is to:

- Inform Councillors of expectations regarding acceptable and appropriate behaviour, including the appropriate use of social media (official and private use) and being respectful towards all people associated with the City.
- Align Councillor policies with organisational policies

2. BACKGROUND

2.1 Councillors' expect all Councillors to display the standards of behaviour outlined in the Code of Conduct and described in this policy in their treatment of each other; of City staff, consultants and contractors; and of all other members of the public encountered in the course of their Councillor duties.

2.2 Councillors are committed to:

- A safe, healthy and supportive environment that is free from discrimination, harassment and bullying; and
- A workplace where all individuals treat each other with respect, dignity and courtesy.

2.3 Councillors are committed to taking all reasonable and proportionate measures to prevent and eliminate discrimination, harassment, bullying and victimisation.

2.4 Councillors are committed to a zero-tolerance approach to sexual harassment as set out in the Prevention of Sexual Harassment Councillor Policy.

3. SCOPE

3.1 This policy applies to Councillors and Delegated Committee members whenever and wherever they are performing the duties and functions associated with their role or would be considered by a reasonable person to be acting in capacity in the capacity as a Councillor and applies to circumstances including but not limited to:

- Activities undertaken whilst performing duties as outlined in the Role of a Councillor;
- On-site and off-site Councillor-related social functions, conferences and meetings;
- When travelling to attend conferences, meetings and functions;
- Treatment of Council officers, Clients and members of the public encountered in the course of their duties.

4. DEFINITIONS

4.1 In this Policy:

Bullying means persistent and repeated negative behavior directed at an Individual that creates a risk to health and safety.

Chief Executive Officer (CEO) means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

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

Client means all persons to whom services are provided by the City.

Councillor Conduct Officer means a person appointed by the CEO pursuant to section 150 of the *Local Government Act 2020*.

Council means the Greater Bendigo City Council being all the Councillors collectively.

Council Officer means an employee, volunteer, student, contractor, subcontractors and consultants engaged by the City.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Delegated Committee means delegated committees defined under section 63 *Local Government Act 2020* (Vic).

Delegated Committee member means a person appointed to a Delegated Committee.

Discrimination means unfavourable treatment of a person on the basis of a protected attribute.

Direct Discrimination means when someone is treated unfairly and is disadvantaged because of a personal characteristic that is protected under law.

Equal (Employment) Opportunity (EEO) means freedom from discrimination on the basis of protected classes such as race, colour, sex, national origin, religion, age, disability, or genetic information. EEO rights are guaranteed by federal and state fair employment laws (see 'indirect discrimination' below).

Harassment means unwelcome behaviour or conduct which has no legitimate Workplace function, which intimidates, humiliates or offends another person or persons and is on the basis of a characteristic of the person (from the list of Protected Attributes). Harassment may take a variety of forms, including (but not limited to) verbal (for example, racial slurring or imitating someone's accent), non-verbal (for example, putting offensive material on display) or physical conduct (for example, unwelcome practical jokes) and written communication. A one-off incident can constitute Harassment.

Indirect Discrimination means treating people the same, but in fact people are treated less favourably due to certain Protected Attributes or characteristics. This occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up actually disadvantaging someone with a protected attribute.

Protected Attributes mean characteristics or behaviours that may not be discriminated against at law, including, but not limited to, age, breastfeeding, employment activity, gender identity, impairment (also known as 'disability'), industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of these Protected Attributes. See 'Appendix A' for a detailed description of each Protected Attribute.

Values means the defined and agreed values of the City which are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect

Victimisation means it is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination or harassment on the basis of a protected attribute. In addition, this can include treating or threatening to treat an Individual less favourably because they have:

- Made an allegation that another person has breached anti-discrimination laws
- Lodged, or are proposing to lodge, a complaint of discrimination or harassment
- Provided information/documents to an investigation
- Attended a conciliation conference
- Asserted their rights, or supported someone else's rights, under federal anti-discrimination laws.

Workplace means any premise or location a Councillor attends in the course of discharging their duties.

5. PRINCIPLES

5.1 Councillor conduct aligns with the City's organisational values. Our core values are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect.

5.2 Councillors have a responsibility to care for their own health and safety and that of their colleagues and staff. Accordingly, Councillors' must not engage in acts which constitute discrimination, harassment and bullying behaviour.

5.3 Councillors will take reasonable and proportionate measures to prevent and eliminate discrimination, harassment and bullying.

6. POLICY

Expected Standard of Conduct

6.1 Councillors do not support and will not tolerate behaviour which constitutes discrimination, harassment or bullying.

6.2 All Councillors are expected to:

6.2.1 behave in an appropriate manner in accordance with the Councillor Code of Conduct

6.2.2 treat each other during all interactions with fairness, respect

6.2.3 conduct themselves in a respectful manner at all times and ensure that they do not engage in behaviour towards others which constitutes discrimination, harassment or bullying.

6.3 The expectations referred to in clause 6.2 extend to the treatment of all people who Councillors encounter or interact in the course of performing their duties and functions as Councillors including interactions which occur online.

Reporting Inappropriate Behaviour

6.4 A Councillor who feels that they have been subject to discrimination, harassment, or victimisation is strongly encouraged to immediately make it clear to the person engaging in the inappropriate behaviour that such behaviour is unwelcome, offensive and must stop.

6.5 A Councillor who believes they have been discriminated against, bullied or harassed is responsible for reporting the matter as soon as possible to the Mayor, Deputy Mayor, CEO or Councillor Conduct Officer.

6.6 In circumstances where a Councillor observes behaviour in breach of this policy, that Councillor is responsible for reporting the behaviour as soon as possible to the Mayor, Deputy Mayor, CEO or Councillor Conduct Officer.

Employee Assistance Program 'EAP'

6.7 Councillors at the City are entitled to professional and confidential counselling free of charge via our EAP. Councillors can access EAP by contacting Converge International on 1300 687 327 or by visiting www.convergeinternational.com.au.

Failure to comply

6.8 Failure to comply with this policy may lead to a breach of the Councillor Code of Conduct.

6.9 Non-compliance with this policy may breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the Councillor. In the event of legal proceedings, Councillor may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment is some circumstances.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLE AND RESPONSIBILITIES

8.1 In accordance with section 28 of the *Local Government Act 2020*:

8.1.1 The role of every Councillor is to:

(a) participate in the decision making of the Council

(b) represent the interests of the municipal community in that decision making

(c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

8.1.2 In performing the role of a Councillor, a Councillor must:

(a) consider the diversity of interests and needs of the municipal community

(b) support the role of the Council

(c) acknowledge and support the role of the Mayor

(d) act lawfully and in accordance with the oath or affirmation of office

(e) act in accordance with the standards of conduct

(f) comply with Council procedures required for good governance.

8.2 For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:

8.2.1 attendance at meetings of Council and its committees

8.2.2 attendance at briefing sessions, workshops, civic events or functions convened by Council

8.2.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor

8.2.4 attendance at meetings, events or functions representing Council

8.2.5 duties in relation to constituents concerning Council business.

8.3 This Policy also applies to members of Council Delegated Committees members when undertaking duties in accordance with their agreed role.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

9.1.1 Local Government Act 2020 (Victoria)

9.1.2 Councillor Code of Conduct

9.1.3 Councillor Prevention of Sexual Harassment Policy

9.1.4 Councillor Communication & Information Policy

9.1.5 Community Complaints Against a Councillor Policy

10. HUMAN RIGHTS COMPATIBILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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 and by resolution of Council only.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Jul 2021	Coordinator Human Resources	People & Culture	Developed (Staff)	1
Feb 2022	Manager Governance	Governance	Revision (Councillor)	1.1

13. ATTACHMENTS

13.1 Detailed description of protected attributes

Attachment 1 - Detailed Description of Protected Attributes

Age
Refers to a person's age, whether young or old, or because of age in general

Breastfeeding
Refers to breastfeeding infants or expressing milk for later use.

Employment activity
Making an enquiry or expressing a concern as an Individual about your own employment entitlements (for example, pay, leave and training).

Gender identity
Includes transgender, transsexual and intersex people. Includes the situation where a person previously considered being of one gender genuinely takes on the characteristics of the other sex or seeks genuinely to live as a member of the other gender.

Impairment (also known as 'disability')
Includes the following:

a) partial or total loss of a bodily function or part of the body (which can be permanent or temporary, visible or invisible);

b) the presence in the body of a disease-causing organism (for example, hepatitis or HIV/AIDS);

c) malfunction of part of the body;

d) mental or psychological disease or disorder or learning disability; and

e) malformation or disfigurement of a part of the body, including an impairment that may exist in the future (including because of a genetic predisposition to that impairment) and behaviour that is a symptom or manifestation of an impairment (may also be 'physical features' – see below).

Industrial activity
Includes the following situations:

a) being or not being a member of an association of employees (for example, a union), employers or a profession; and

b) establishing or being involved in establishing an industrial organization;

c) organising, promoting (or proposing to organise or promote) a lawful activity organised on behalf of an industrial organisation or association;

d) Encouraging, assisting or participating in (or proposing to encourage, assist or participate in) the lawful activities organised or promoted by an industrial organisation or association).

e) not participating in the lawful activities organised or promoted by an industrial organisation or association; and

f) being part of a group discussion or action around Workplace rights and benefits.

Lawful sexual activity
Includes the following situations:

a) engaging in, not engaging in, or refusing to engage in lawful sexual activity. Includes adult, consenting sexual relationships (for example, between employees);

b) using the services of (or being employed as) a legal prostitute; and

c) does not include illegal sexual activity such as child pornography or sexual assault.

Marital status
Refers to being or not being married, single, separated, divorced or widowed. Also includes having or not having a domestic partner.

Parental status or status as a carer
Refers to being or not being a parent, including foster parent, adoptive parent, step-parent, or guardian. Also includes responsibilities to the children of your domestic partner (see 'marital status' above).

Physical features
Refers to a person's weight, height or other bodily characteristic. Does not automatically include make-up or clothing, but may include body piercing, body hair or tattoos.

Political belief or activity
Refers to holding or not holding a lawful political belief or view as well as participating in or refusing to participate in a lawful political activity.

Pregnancy
Refers to being pregnant or planning to become pregnant as well as the assumption that someone is or will become pregnant.

Race
Includes the following:

(a) color;

(b) descent or ancestry;

(c) nationality or national origin;

(d) ethnicity or ethnic origin; and

(e) language spoken at home.

Religious belief or activity
Includes the following:

(a) holding or not holding a lawful religious belief or view; and

(b) participating or not participating in a lawful religious activity.

Note: to be protected by the *Equal Opportunity Act 2010* (Vic) the religion must be recognised by law.

Sex
Refers to being male or female.

Sexual orientation
Refers to being heterosexual, homosexual, lesbian or bisexual.

Personal association
Refers to being a friend, relative, associate or companion of anyone with an attribute listed above.

Attachment 7 - 6 Councillor Policy - Prevention of Sexual Harassment Policy

GREATER BENDIGO CITY COUNCIL

COUNCILLOR PREVENTION OF SEXUAL HARASSMENT POLICY

Councillor Prevention of Sexual Harassment Policy

DOCUMENT INFORMATION

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Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Australian Human Rights Commission Act 1986 (Cth)* *Equal Opportunity Act 2010 (Vic)* *Fair Work Act 2009 (Cth)* *Occupational Health and Safety Act 2004 (Vic)* *Sex Discrimination Act 1984 (Cth)* *The Victorian Charter of Human Rights and Responsibilities 2006* *Local Government Act 2020 (Vic)* *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*
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CITY OF GREATER BENDIGO

Councillor Prevention of Sexual Harassment Policy

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Councillor Prevention of Sexual Harassment Policy

1. PURPOSE

1.1 The purpose of this policy is to support the Councillor Code of Conduct and prevent and eliminate sexual harassment by:

- Ensuring all Councillors recognise sexual harassment; and
- Informing Councillors of behavioural expectations and related obligations.

2. BACKGROUND

2.1 All Councillors are expected to display the standards of behaviour outlined in the Councillor Code of Conduct in their treatment of other Councillors, City staff, volunteers, and of other members of the public encountered in the course of their duties including:

- To take positive action to eliminate discrimination, sexual harassment, and victimisation in accordance with the *Equal Opportunity Act 2010* (Vic);
- Not to engage in behaviour that is or is likely to be discrimination, sexual harassment or victimisation as defined in the *Equal Opportunity Act 2010* (Vic); and
- To acknowledge that Councillors engaging in bullying or sexual harassment of other Councillors or Council staff commit serious misconduct in accordance with the *Local Government Act 2020* (Vic) and may face other consequences at law.

2.2 The City is an Equal Opportunity employer and is committed to providing:

- A safe, healthy and supportive work environment that is free from sexual harassment; and
- A workplace where all Individuals associated with the City treat each other with respect, dignity and courtesy and behave in ways that are safe and inclusive

2.3 The City will take all reasonable and proportionate measures to prevent and eliminate sexual harassment.

3. SCOPE

3.1 This policy applies to Councillors and delegated committee members and includes but is not limited to:

- All activities undertaken whilst performing duties as outlined in the Role of a Councillor;
- On-site, off-site, Councillor-related social functions, conferences or meetings regardless of time and location; – wherever and whenever a Councillor may be as a result of their duties; and
- Treatment of all people encountered in the course of their duties.

3.2 Responding to and/or reporting sexual harassment is outside the scope of this policy.

3.3 Councillors who believe they have experienced or witnessed sexual harassment are encouraged to respond to or report the inappropriate behaviour. A range of responding and reporting options are available.

3.4 For further information and guidance please refer to the Councillor Code of Conduct.

3.5 Where reporting of sexual harassment does occur, the City commits to taking a Victim-centred, Safety-driven approach to management of the process.

4. DEFINITIONS

4.1 In this Policy:

Bystander means an individual who heard or witnessed the incident of offensive behaviour / sexual harassment or hears about it subsequently. In the workplace, Bystanders can include co-workers who are informed of workplace sexual harassment through the 'grapevine' or those sought out by victims or harassers for support or advice.

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

Client means all persons to whom services are provided by the City.

Councillor Conduct officer means a person appointed by the CEO pursuant to Section 150 of the *Local Government Act 2020 (Vic)*

Council means the Greater Bendigo City Council being all the Councillors collectively.

Councillor means a person holding the office of member of Greater Bendigo City Council.

Delegated Committee means delegated committees defined under section 63 *Local Government Act 2020 (Vic)*

Delegated Committee member means a person appointed to a Delegated Committee

Council Officer means a person who receives a salary or wages from the City (employed on either a full-time, part-time or casual basis where the nature of the work is permanent/ongoing or temporary for a specified period).

Individual means a Councillor, employee, volunteer, student, trainee, apprentice, contractor, subcontractor or consultant.

Safety-driven means, in line with Health & Safety focused, the requirement that Councillors, employees, other persons at the City and members of the public be given the highest level of protection against risks to their health and safety that is reasonably practicable in the circumstances.

Victim-centred means giving priority to the complainant's wishes, safety, and wellbeing in all matters and procedures. This ensures the compassionate, sensitive and non-judgmental responses to complaints.

5. PRINCIPLES

5.1 The principles associated with this policy are that:

5.1.1 Sexual harassment is unlawful and will not be tolerated in the workplace, beyond the workplace where there is a link to employment or in any other situation connected to the performance of a Councillors duties and functions including from third parties;

5.1.2 A single incident can constitute sexual harassment;

5.1.3 Sexual harassment is driven by gender inequality;

5.1.4 Sexual harassment is gendered. Most instances of sexual harassment (but importantly not all) are experienced by women;

5.1.5 The City has a positive duty to ensure the health and safety of employees to eliminate risks to health and safety so far as is reasonably practicable; and

5.1.6 If it is not reasonably practicable to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.

5.1.7 Victimisation (subjecting or threatening to subject someone to detrimental or unfavourable treatment because they have raised a complaint or issue) is unlawful and will not be tolerated;

5.1.8 All Councillors have a role to play in intervention and action when behaviour is inconsistent with expectations;

5.1.9 Councillors may be personally liable if allegations of sexual harassment are substantiated against them;

5.1.10 Legal action (civil and/or criminal) may be taken against a person who has engaged in sexual harassment; and

5.1.11 Conduct constituting sexual harassment by a Councillor may also expose the City to liability. The City may be vicariously liable for a Councillor's conduct undertaken in the course of, or in connection with, their duties.

5.2 Councillors recognise that comments and behaviour that do not offend one person can offend another. Councillors are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

6. POLICY

6.1 Sexual harassment is unacceptable, unlawful and prohibited by both the *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* and has the potential to adversely affect the harmony of the City and cause harm or injury to others.

6.2 Councillors are required to conduct themselves in a manner that is consistent with the Councillor Code of Conduct.

Sexual Harassment in the Workplace

6.3 **What is Sexual Harassment?**

6.3.1 Sexual harassment means an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

6.3.2 A working environment or workplace culture that is sexually permeated or hostile will also amount to unlawful sexual harassment.

6.3.3 Sexual harassment in the workplace may be physical, spoken, written or image-based and may include, but is not limited to:

(a) Unwelcome physical contact of a sexual nature;

(b) Comments or questions of a sexual nature about a person's private life or their appearance;

(c) Sexually suggestive behaviour, such as leering or staring or offensive gestures;

(d) Brushing up against someone, touching, fondling or hugging;

(e) Sexually suggestive comments or jokes;

(f) Displaying offensive screen savers, photos, calendars or objects;

(g) Repeated invitations to go out on dates;

(h) Unwanted displays or declarations of affection;

(i) Requests for sex;

(j) Sexually explicit emails, text messages or posts on social networking sites;

(k) Sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and

(l) Actions or comments of a sexual nature in a person's presence (even if not directed at that person).

6.4 **Threshold**

6.4.1 The *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* provide that sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

6.4.2 There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

6.4.3 Just because someone does not object to inappropriate behaviour in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.

6.5 **Councillors and the workplace**

6.5.1 Sexual harassment by a Councillor towards a fellow Councillor or an employee of the Council is unlawful under the *Equal Opportunity Act 2010 (Vic)*, just as for employees. However, as they are not contracted employees, Councillors are not subject to the same internal disciplinary procedures as staff.

6.5.2 The *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) sets out how employees can access compensation for workplace injuries, including those caused by sexual harassment. This legislation considers Councillors to be employees of the Council who can access compensation for workplace injuries.

6.5.3 The Councillor Code of Conduct sets out expectations for Councillor behaviour and applies to Councillors, at all times and in all places, in the course of performing their duties and functions as Councillors.

6.6 **Within the workplace**

6.6.1 For the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It includes a place that is a workplace of either, or both people involved in an incident of sexual harassment.

6.6.2 Section 94 of the Equal Opportunity Act 2010 (Vic) provides that a workplace is the place a person attends for the purpose of carrying out functions in relation to their employment. It does not need to be the person's principal place of business or employment.

6.6.3 The workplace is not confined to the actual physical location used by the Individuals. It also extends to common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

6.7 **Beyond the workplace and outside working hours**

6.7.1 Behaviour constituting sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to a Councillor's role including (but not limited to):

(a) At social functions sponsored and paid for by the City;

(b) At social functions in connection with the team/workplace but not sponsored or paid by the City

(c) In vehicles while on the way to Council functions or community meetings;

(d) At after-parties to such events (regardless of their location);

(e) In accommodation (including hotel rooms) associated with or provided by the City;

(f) Online via use of technology and social media; and

(g) Any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice versa.

6.7.2 Consumption of alcohol at Council functions or at a Council-related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sexual harassment. Individuals should regulate their own behaviour and consumption of alcohol to ensure that their behaviour does not adversely impact others.

6.8 **Consent**

6.8.1 A key element of sexual harassment is that it is unwelcome.

6.8.2 It is important to note that if a person does not object to inappropriate behaviour at the time, it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

6.9 **Intent**

6.9.1 The *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* provide that sexual harassment occurs in circumstances in which the conduct was unwelcome and a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

6.9.2 Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person. It is the responsibility of every Individual to ensure that they do not engage in any behaviour that could amount to sexual harassment.

6.9.3 The City will not excuse sexual harassment that was intended as a joke if it meets the legal definition of sexual harassment.

6.10 **Technology and social media**

6.10.1 Sexual harassment can occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, Councillors are subject to the same rules about sexual harassment in the virtual world as they are in the real world.

6.10.2 As such, Councillors are required to use technology and social media responsibly and in relation to anything or anyone associated with their role of a Councillor.

6.11 **Bystander intervention**

6.11.1 Bystanders who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment.

6.11.2 Bystanders that are aware of sexual harassment are encouraged to:

(a) Provide support to the Individual who is being subjected to sexual harassment;

(b) Formally or informally challenge concerning behaviour; and

(c) Report sexual harassment.

6.11.3 The standard that people walk past is the standard that people accept.

6.11.4 Councillors who are bystanders to sexual harassment involving an Individual or a member of the public, in the course of performing their duties, must report this in accordance with the Dispute Resolution process of the Councillor Code of Conduct.

6.11.5 A Bystander may wish to remain anonymous and where appropriate, anonymity will be provided. In certain circumstances it may not be possible to keep the identity of a person, or people providing information, confidential. In some situations, a respondent may need to be provided with the full details of allegations when consideration of procedural fairness and natural justice are taken into account.

6.12 **Failure to comply**

6.12.1 Failure to comply with this policy may lead to a breach of the Councillor Code of Conduct.

6.12.2 Non-compliance with this policy may breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the Individual. In the event of legal proceedings, Individuals may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment is some circumstances.

Support Options

6.13 **Contacts**

6.13.1 A range of options are available to provide advice and support in regard to sexual harassment. The City's primary contacts include:

(a) Mayor or Deputy Mayor

(b) CEO

(c) Councillor Conduct Officer

6.13.2 Relevant external service providers are listed in the attachment.

6.14 **Employee Assistance Program**

6.14.1 Councillors at the City are entitled to professional and confidential counselling free of charge via our EAP. Councillors can access EAP by contacting Converge International on 1300 687 327 or by visiting www.convergeinternational.com.au.

6.14.2 The EAP is staffed by independent qualified practitioners.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 In accordance with section 28 of the *Local Government Act 2020 (Vic)*:

8.1.1 The role of every Councillor is to:

(a) participate in the decision making of the Council

(b) represent the interests of the municipal community in that decision making

(c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

8.1.2 In performing the role of a Councillor, a Councillor must:

(a) consider the diversity of interests and needs of the municipal community

(b) support the role of the Council

(c) acknowledge and support the role of the Mayor

(d) act lawfully and in accordance with the oath or affirmation of office

(e) act in accordance with the standards of conduct

(f) comply with Council procedures required for good governance.

8.2 For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:

8.2.1 attendance at meetings of Council and its committees

8.2.2 attendance at briefing sessions, workshops, civic events or functions convened by Council

8.2.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor

8.2.4 attendance at meetings, events or functions representing Council

8.2.5 duties in relation to constituents concerning Council business.

8.3 All Councillors must:

8.3.1 Comply with this policy;

8.3.2 Model appropriate behaviour;

8.3.3 Participate in any training mandated by the CEO and Mayor, including completing any assessments;

8.3.4 Treat information in relation to claims of sexual harassment with appropriate confidentiality;

8.3.5 Ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint; and

8.3.6 Act in accordance with the Councillor Code of Conduct and the City's values, policies and procedures.

8.4 This Policy also applies to members of Council Delegated Committees members when undertaking duties in accordance with their agreed role.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

9.1.1 Local Government Act 2020 (Victoria)

9.1.2 Councillor Code of Conduct

9.1.3 Councillor Appropriate Behaviour Policy

9.1.4 Councillor Communication & Information Policy

9.1.5 Community Complaints Against a Councillor Policy

10. HUMAN RIGHTS COMPATIBILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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 and by resolution of Council only.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
July 2021	Manager People & Culture	People & Culture	Developed (Staff)	1
Feb 2022	Manager Governance	Governance	Revision (Councillor)	1.1

13. ATTACHMENTS

13.1 External Support, Information and Advice

Attachment 1 - External Support, Information and Advice

All Councillors, employees, volunteers and work-experience students can access free and confidential counselling, coaching and support for workplace and personal issues from the **Employee Assistance Program**. Appointments can be made via phone: 1300 687 327, email: eap@convergeintl.com.au or the provider's website: www.convergeinternational.com.au

A Councillor, employee, volunteer, contractor or work-experience student who believes that they have experienced or been affected by Sexual Harassment may also wish to access other support services listed below.

Victorian Centres Against Sexual Assault (CASA)

CASA provides confidential support and intervention for women, children and men who are victim-survivors of sexual assault and who have experienced or been affected by Sexual Harassment.

Phone: 1800 806 292 (24 hours)
Email: casa@thewomens.org.au
casacv@casacv.org.au (local)
Web: casa.org.au
casacv.org.au (local)

Victorian Sexual Assault Crisis Line (SACL)

SACL provides advice on services available in cases of sexual assault (emergency healthcare, protection services, police complaints processes).

Phone: 1800 806 292 (24 hours) – diverts to local CASA services during standard business hours
Email: SACLFeedback@thewomens.org.au
Web: sacl.com.au
Police/emergency contact line: (03) 8345 3494
SACL admin line: (03) 8345 3201

National Sexual Assault, Domestic Family Violence Counselling Service (1800RESPECT) Qualified and experienced counsellors provide free telephone and online counselling, information and assistance to access other services.

Phone: 1800RESPECT (1800 737 732) (24 hours)
Web: 1800respect.org.au

Attachment 8 - 7a - Community Local Law Track

Greater Bendigo City Council
Community Local Law

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PART A - PRELIMINARY

1.1 Title

This is the Greater Bendigo City Council Community Local Law.

1.2 Power to make this Local Law

This Local Law is made under Section 111 of the *Local Government Act 1989*.

1.3 Objectives of this Local Law

The objectives of this **Local Law** are to:

(a) provide for the peace, order and good governance of the municipal district,

(b) provide a safe and healthy environment so that the community and visitors can enjoy a quality of life that meets its expectations,

(c) prohibit, regulate and control activities, events, practices or behaviours in public places so that no detriment is caused to the amenity of the area, nor nuisance to a person nor detrimental effect to a person's property,

(d) provide for the safe and fair use and enjoyment of public places,

(e) provide for the safe and fair use of roads,

(f) protect Council assets and land and regulate their use; and

(g) to provide standards and conditions for certain activities in relation to the physical and visual environment within the municipality.

1.4 Commencement

This Local Law comes into operation on the first day of September 2018.

1.5 Revocation of Local Law

On the commencement of this Local Law the following City of Greater Bendigo Local Laws are revoked:

- Local Law no. 3 - Environment
- Local Law no. 4 - Streets and Roads
- Local Law no. 5 - Municipal Places Local Law

1.6 Application of this Local Law

(a) This Local Law applies throughout the whole of the Greater Bendigo City Council, except where it is indicated that a Clause or Schedule applies to specific areas.

(b) This Local Law does not apply where any act or thing otherwise prohibited or regulate by this Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.

1.7 Cessation date

Unless this Local Law is revoked sooner its operation will cease on the day which is 10 years after the day on which it came into operation.

1.8 Definitions

Act	means the *Local Government Act 1989* or *Local Government Act* 2020, whichever Act is relevant
Advertising sign	means any placard, notice board, sign, structure, banner, A-frame or similar device, whether portable or affixed to any structure, which is used for the purposes of soliciting sales or notifying persons of the presence of an adjacent property where goods or services can be obtained.
Amenity	means a desirable or useful feature or facility of a building or place.
Authorised Officer	means a person appointed by Council under Section 224 of the *Local Government Act 1989* or a Police Officer appointed under Section 224A of the *Local Government Act 1989*.
Barbecue	means a structure or device: (a) designed or constructed for the primary purpose of cooking food, and (b) which is being used for the purposes of cooking food or is being prepared to cook such food.
Busk/busking	means to perform to the public, whether by acting, juggling and singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Camp/camping	means using a caravan, tent, swag, motor vehicle, shipping container, shed or like structure for residential accommodation (either temporary or permanent) by a person or persons, and 'camp' has corresponding meaning.
Caravan/mobile home	means any campervan, mobile home or similar vehicle which includes sleeping and/or living facilities, whether manufactured or converted, and includes a caravan, camper trailer and other similar

	towed living/sleeping trailer facility, whether or not any of the wheels or axles have been removed so the body of the structure is resting on the ground or other supports and includes structure annexed thereto.
Chairperson	means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in that position.
Clause	means a clause of this Local Law and sub-clause has a corresponding meaning.
Common seal	means the common seal of Council
Council	means the Greater Bendigo City Council
Outdoor Dining and Street Trading Code of Practice	means a policy document that supports the City's decisions for approving outdoor dining and street trading, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.
Commercial Fitness Operator Policy	means a policy document that supports the City's decisions for determining suitable commercial fitness activities, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.
Commercial	means land zoned for the purpose of commercial uses and development as defined under the Greater Bendigo Planning Scheme.
Council	means the Greater Bendigo City Council.
Council land	means any land owned by or vested in or under the care, management and control of Council, and include, all roads, reserves and water courses.
Environmental Management Plan for Scheduled Reserves and Park Land	means a list of Council owned or managed reserves, which specifies prohibited activities on those reserves for the protection and conservation of those reserves and which is attached to this Local Law as an incorporated reference document.
Heavy vehicle	has the same meaning as the *Road Safety Act 1986.*

Incinerator	means a structure or device able to be used for the purpose of burning matter, substance or material, but does not include a barbecue or pizza oven.
Industrial zone	means land zoned for the purpose of industrial uses and development as defined under the Greater Bendigo Planning Scheme.
Liquor	means any alcoholic beverage, and any liquid is deemed to be liquor until the contrary is proven.
Mall	means that part of Hargreaves Street, Bendigo between Mitchell Street and Williamson Street.
Motor vehicle	has the same meaning as the *Road Safety Act 1986.*
Offence	means an act or default contrary to this Local Law
Open air fire	means a fire lit in the open air, not including a barbeque.
Outdoor dining facility	means any approved area containing tables or chairs or both tables and chairs, located out of doors on a footpath or part of a road in which food or drink is served and may be consumed.
Penalty unit	means penalty unit as prescribed in Section 110 of the Sentencing Act 1991
Procession	means an organised group of people proceeding along a road or gathering for a ceremony or function and includes fun runs and bicycle events.
Properly constructed fireplace	means a fireplace constructed of stone, metal, concrete or other non-flammable material in a manner which contains the perimeter of a fire.
Public place	means, but not limited to: (a) any public highway, road, street, footway, court, mall, alley or thoroughfare, notwithstanding that it may be formed on private property; (b) any public garden, reserve or other place of public recreation or resort; (c) any open space to which the public have or are permitted to have access; (d) Crown Land; (e) Council land or land owned by or vested in any public Authority.
Refuse	includes rubbish of a domestic or commercial nature

	(except sewage and manure) produced in or about any house, building or premises, but does not include trade waste from food manufacturing plants, or industrial waste material.
Residential	means any land used predominantly for residential purposes and includes land in the Residential Growth, General Residential, Low Density Residential, Mixed Use, Township and Rural Living zones pursuant to the Greater Bendigo Planning Scheme.
Road	means any area that is open to or used by the public and is developed for, or has as one of it's main uses, the driving of motor vehicles and includes a street, right of way, a public road under the *Road Management Act 2004*, footpath, bridge, bicycle path nature strip and other land or works forming part of the road.
Responsible road authority	means the road Authority which has operational functions as determined in accordance with Section 37 of the *Road Management Act 2004*.
Solid fuels	means heat beads, briquettes and dry timber.
Street party	means an organised, recreational, cultural, commercial or social gathering of people held on a road.
Street trading	means the use of a road or part thereof, including a footpath, for the sale or display of goods or signs or for an outdoor dining area, whether or not such activity has been approved by the Council.
Traffic	means the movement of people by foot or in or on vehicles, along, across or within a road.
Toy vehicle	means recreational equipment designed to be propelled by human power and includes a skateboard, scooter, roller and in-line skates.
Vehicle	has the same meaning as the *Road Safety Act 1986.*
Waste receptacle	means a wheeled garbage bin approved by Council.
Waste Services Code of Practice	means a policy document supporting the City's kerbside collection service, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.

1.9 Administration

(a) Notices to Comply, Notices of Impounding, Infringement Notices and Permits for this Local Law may be issued by an Authorised Officer pursuant to the Administration Local Law No. 10.

(b) A Police Officer appointed as an Authorised Officer pursuant to Section 224a of the *Local Government Act 1989,* may serve an Infringement Notice on any person believed to have contravened or failed to comply with Clause 4.1 of this Local Law.

PART B - ENVIRONMENT

2.1 Kerbside waste collection

(a) The occupier(s) of any premise where a kerbside waste collection service is provided shall use waste receptacles which are approved by Council.

(b) In Residential areas, waste receptacles shall not be placed outside the property boundary except within twenty four (24) hours either side of the day of refuse collection.

(c) In Commercial areas waste receptacles shall not be placed outside the property boundary between 10.00am (1000hrs) and 5:30pm (1730hrs) each day, regardless of the frequency of collection.

(d) Municipal litter bins must not be used for the disposal of general residential or commercial waste.

(e) The occupier(s) of any premises where a kerbside waste collection service is provided will have regard to any matters prescribed within the City of Greater Bendigo's Waste Services Code of Practice.

PENALTY: Two penalty units

2.2 Open air burning

This section applies to all land within the Greater Bendigo Municipality, including land zoned Commercial or Industrial under the Greater Bendigo Planning Scheme.

(a) A person must not light an incinerator at any time.

PENALTY: Two penalty units

(b) A person must not light or allow to be lit, or allow to remain alight any fire in the open air during the declared Fire Danger Period as specified by the Country Fire Authority, unless authorised by a written permit issued under the *Country Fire Authority Act 1958*.

PENALTY: Five penalty units

(c) Unless prohibited pursuant to any Act, Regulation or fire danger period, a person may only light an open air fire for cooking or warmth, provided only dry solid fuels are used and that the fire is in:-

(i) a barbeque; or
(ii) a properly constructed fire place.

PENALTY: Three penalty units

(d) An open air fire constructed for warmth or cooking shall:-

(i) be located no closer than 3 metres to the property boundary or 3 metres to any building; and
(ii) be cleared of flammable material for a minimum radius of 3 metres; and
(iii) not occupy an area in excess of 1 metre square and the size and dimensions of solid fuel used are the minimum necessary for the purpose; and
(iv) must not be used when the wind speed in the vicinity of the fire is stronger than 15kph; and
(v) be supervised by an adult at all times whilst an open air fire is being used and who shall ensure that there is immediately available a container of not less than 9 litres of water or a charged hose for safety precautions; and
(vi) must use dry solid fuel, untreated timber; and
(vii) shall not cause a nuisance to neighbours.

PENALTY: Three penalty units

(e) This clause applies only to land one (1) hectare or less in size.

(i) A person shall not without a written permit from an Authorised Officer light an open air fire to burn dry solid fuels for fuel reduction purposes only unless authorised pursuant to an Act or Regulation.

PENALTY: Three penalty units

(ii) A person who has lit or allowed to remain lit a fire in the open air to burn dry solid fuels without a permit from an Authorised Officer must immediately extinguish same when directed to do so by an Authorised Officer, Police Officer or an officer or member of a Fire Authority acting in an official capacity.

PENALTY: Three penalty units

(f) This clause applies only to land greater than one (1) hectare in size:-

(i) Any person before lighting an open air fire to burn dry solid fuel for fuel reduction purposes, must ensure that it does not exceed any of the prescribed dimensions of 4 metres width, 4 metres length and 3 metres in height, unless authorised by a written permit to do so.

PENALTY: Five penalty units

(ii) Subsection (i) does not apply to the owner or occupier of any land or a person acting under the direction of an owner or occupier of any land conducting a burn for primary production or broad acre farming purposes.

(g) In determining whether to issue a permit under clause (f)(i), the Authorised Officer shall have regard to whether the permit is required in order to protect property, the general health of the community or any other purpose that in the opinion of the Authorised Officer is deemed to be a reasonable request.

(h) Any person before lighting an open air fire must ensure that before the open air fire is lit, it must:-

(i) not be located closer than 3 metres to the property boundary or 3 metres to any building; and
(ii) is cleared of flammable material for a minimum radius of 3 metres; and
(iii) not be lit when the wind speed in the vicinity of the fire is stronger than 15kph; and
(iv) be supervised by an adult at all times whilst an open air fire is being used and who shall ensure that there is immediately available a container of not less than 9 litres of water or a charged hose for safety precautions; and
(v) must use dry, untreated timber; and
(vi) shall not cause a nuisance to neighbours.

PENALTY: Three penalty units

(i) Before an open air fire is lit the property owner or responsible person must notify adjoining neighbours and the Emergency Services Telecommunications Authority (ESTA), or relevant Authority of their intention to light an open air fire.

PENALTY: Three penalty units

2.3 Burning of materials causing offence

(a) A person shall not burn or cause to be burned any of the following or any substance containing any of the following:-

(i) manufactured chemicals; or
(ii) rubber or plastic; or
(iii) petroleum, oil or derivative thereof; or
(iv) paint or receptacle which contains or which contained paint, food waste, fish or other offensive or noxious matter; or
(v) explosive material; or
(vi) container which may cause an explosion; or
(vii) green waste or damp garden refuse including leaves; or
(viii) cardboard or newspaper; or
(ix) any other material deemed offensive or dangerous by an Authorised Officer of the Council.

PENALTY: Five penalty units

2.4 Motor vehicles on Council land

(a) A person shall not cause or permit a motor vehicle to be on Council land other than:-

(i) on a road; or
(ii) in a designated parking area; or
(iii) in an area where provision has been specifically made for the entry or accommodation of motorised vehicles.

PENALTY: Five penalty units

(b) Any person responsible for a breach of subsection (a) shall meet the costs incurred by Council of any repair or reinstatement works considered by Council to be necessary as a result of damage caused by such vehicle.

(c) Subsection (a) shall not preclude the entry onto public land of an emergency vehicle, City of Greater Bendigo Council vehicle or a vehicle operated by a Public Authority.

2.5 Dangerous or unsightly land

Unless otherwise permitted by a permit issued pursuant to the Greater Bendigo Planning Scheme, an owner or occupier of land must ensure that the land in the opinion of an Authorised Officer:-

(a) does not constitute a danger to health or property,

(b) does not constitute a fire hazard,

(c) is not unsightly or detrimental to and does not adversely affect the general amenity of the adjoining land or the neighbourhood by the appearance of (including but not limited to):-
(i) stored unregistered motor vehicles;
(ii) machinery or any parts thereof;
(iii) scrap metal;
(iv) second hand timber and or building materials;

(v) waste paper;
(vi) rags;
(vii) bottles;
(viii) soil or similar materials;
(ix) overgrown vegetation.

(d) is not used in any manner that may cause a nuisance or become detrimental to the amenity of the immediate area.

PENALTY: Five penalty units, and one penalty unit for each day after a finding of guilt by any Court during which the breach continues.

2.6 Heavy Vehicles

(a) It is an offence for a person to allow a heavy vehicle to be parked, kept, stored or repaired on any property in a Residential area without a permit issued by the Chief Executive Officer or his/her delegate.

PENALTY: Five penalty units, and one penalty unit for each day after a finding of guilt by any Court during which the breach continues.

(b) In determining whether to grant a permit for the purposes of sub-clause (a), the Authorised Officer shall have regard to-

(i) the possible impacts on adjoining properties; and
(ii) the amenity of the area; and
(iii) any other matters considered relevant by the Chief Executive Officer or his/her delegate.

(c) A permit will not be granted under sub-clause (a) unless the following minimum conditions are complied with:-

(i) the engine of such vehicles shall not be started before 6.00am; and
(ii) no exhaust breaks shall be used when parking; and
(iii) animals shall not be housed within the heavy vehicle when stationary; and
(iv) operation of any compressor driven refrigeration unit on the vehicle shall not be permitted; and
(v) parking of the heavy vehicle shall not cause any visual obstruction for motorists using adjoining roads or driveways; and
(vi) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

2.7 European wasps and bees

(a) Any person who is the owner or occupier of any land upon which is located a colony of European wasps, shall cause all such colonies to be destroyed in such a manner that ensures that all the wasps are killed within five (5) days of being directed to do so by an Authorised Officer.

PENALTY: One penalty unit

(b) Any person who is the owner or occupier of any land upon which is located an unmanaged or abandoned colony of bees, shall cause all such colonies to be removed or destroyed in such a manner that ensures that the colony is removed or destroyed within five (5) days of being directed to do so by an Authorised Officer.

PENALTY: One penalty unit

2.8 Protection and preservation of scheduled Council reserves and parkland

(a) A person shall not, within any area listed in the Environmental Management Plan Scheduled Reserves and Park Land, carry out any activity prohibited in that schedule.

PENALTY: Five penalty units

(b) The Environmental Management Plan Scheduled Reserves and Park and is attached to this Local Law.

PART C - STREETS & ROADS

3.1 Vehicle crossings

This section applies to all properties which have vehicles accessing them.

(a) Require by written notice that the vehicle crossing be constructed, modified or replaced, so that it complies with Council's approved standard drawings for vehicle crossings.

(b) Notice in writing shall specify reasonable time for compliance with sub-clause (a) failure to comply with the notice in the specified time frame is an offence.

PENALTY: Five penalty units

3.2 Advertising signs placed on roads

(a) A person shall not place an advertising sign on any part of a road without a permit from the Chief Executive Officer or his/her delegate

PENALTY: Five penalty units

(b) In considering whether to grant a permit for an advertising sign on any part of a road the Chief Executive Officer or his/her delegate shall have regard to the following criteria:-

(i) any matter prescribed within the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice,
(ii) such sign shall be suitably constructed and weighted to be safe and stable in strong winds
(iii) such advertising sign shall be located to ensure a clear footway area measuring a minimum of 1.8 metres from the property frontage and a minimum of 0.75 metres from the face of the kerb
(iv) such signage shall be placed where it does not affect traffic visibility
(v) such signage shall not be placed on a median roundabout, tree reserve or other public reserve
(vi) public liability insurance shall be provided by the owner of such signage to a sum specified by Council.

(c) An Authorised Officer may impound any advertising sign erected or placed on any part of a road contrary to Clauses 3.2 (a) and (b). An Authorised Officer may take all reasonable steps to facilitate the impounding of such signs. Where such steps are taken Council and the Authorised Officer whether together or individually shall not be liable for any reinstatement costs.

3.3 Sale of motor vehicles or goods on roads or road reserves.

(a) A person must not park a vehicle or goods on a road or public place as defined under Clause 1.8 of the Local Law while that vehicle displays a sign or inscription which promotes or advertises the sale of the vehicle.

PENALTY: Five penalty units

(b) An infringement for this offence may be served in the same manner as section 12(c) of the *Infringements Act 2006.*

3.4 Waste skip bins placed on the road or road reserve.

(a) A person must not without a permit, place a waste skip bin on any road or road reserve.

PENALTY: Five penalty units

(b) In considering whether to grant a permit for any waste skip bin on any part of a road the Chief Executive Officer or his/her delegate shall have regard to the following criteria:

(i) Vic Roads Code of Practice for the Placement of Waste Bins on Roadsides 2001, with any amendments or its successor is incorporated into this Local Law; and
(ii) public liability insurance shall be provided by the owner of such waste skip bin to a sum specified by Council.

3.5 Occupancy of footpath or road reserve for works.

(a) A person must not occupy a footpath or road reserve to conduct works on private property without a permit.

PENALTY: Five penalty units

(b) In considering whether to grant a permit to temporarily occupy a footpath or road reserve, on any part of a road, the Chief Executive Officer or his/her delegate shall have regard to the following criteria:

(i) safety and amenity of other users of the footpath/or road reserve; and
(ii) public liability insurance shall be provided by the person conducting the works to a sum specified by Council.

3.6 Third party advertising on footpaths or road reserves.

(a) Third party advertising and promotion is not permitted on footpaths or road reserves.

PENALTY: Two penalty units

(b) A person wishing to install street art, information signage on the footpath or road reserve must obtain a permit.

PENALTY: Two penalty units

(c) In considering whether to grant a permit the Chief Executive Officer or his/her delegate shall have regard to the following criteria:

(i) safety and amenity of other users of the footpath/or road reserve; and
(ii) public liability insurance shall be provided by the person conducting the activity to a sum specified by Council.

PART D - MUNICIPAL PLACES

4.1. Consumption of Liquor

(a) A person must not:

(i) in or at a public place; or
(ii) in or on a vehicle which is in or at a public place

consume any liquor, or have any liquor in their possession or under their control, other than in a sealed container, in or on any public place located in areas proclaimed by Council, unless the public place is part of a licensed premises or authorised premises pursuant to the *Liquor Control Reform Act 1998*.

PENALTY: Five penalty units

(b) The Chief Executive Officer or his or her delegate may grant a permit for the consumption of any liquor or for the possession of liquor in an unsealed container in any public place within a location proclaimed by Council.

(c) In determining whether to grant a permit, the Chief Executive Officer or his or her delegate shall have regard to:

(i) the nature of the event at which the liquor is to be consumed; and
(ii) any other matter considered relevant by the Chief Executive Officer or his or her delegate.

PENALTY: Five penalty units

4.2 Designation of smoke-free zones within the municipality

(a) The Council, or the Chief Executive Officer under delegation, may designate by Notice in the Government Gazette an area or areas within the municipality as a smoke-free zone.

(b) The Notice referred to in sub-section (a) must:

(i) specify the date on which the designation has effect; and
(ii) be published in a newspaper circulating in Victoria; and
(iii) be kept in a register of designations under this clause available for public inspection.

(c) The Council must cause any area designated under sub-section (a) to be sufficiently signed to reasonably notify members of the public it is a smoke-free zone and smoking is prohibited.

(d) It is an offence for a person to smoke within an area designated under sub-clause (a).

PENALTY: Two penalty units

(e) For the purpose of sub-clause (d) ***smoke*** means smoke, hold or otherwise have control over an ignited or heated tobacco product; or use an e-cigarette to generate or release an aerosol or vapour.

4.3 Activities in public places

(a) It is an offence for a person while in a public place to:

(i) speak to an assembly of people; or
(ii) use amplifying equipment; or
(iii) perform or conduct any form of entertainment or instruction; or
(iv) hold a street party, procession, demonstration or other like assembly; or
(v) erect any booth, kiosk, tent or other temporary building structure or display; or
(vi) use Council owned or managed land or facilities for the purpose of commercial gain or events

without a permit issued by the Chief Executive Officer or his/her delegate.

PENALTY: Five penalty units

(b) In determining whether to grant a permit for the purposes of sub-clause (a), the Chief Executive Officer or his/her delegate shall have regard to:

(i) any matter prescribed within the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice as amended from time to time;
(ii) any matter prescribed within Commercial Fitness Operator Policy as amended from time to time;
(iii) in relation to businesses operating adjacent to roads and road reserves, whether the consent of Victoria Police or VicRoads is required and obtained; and
(iv) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

(c) It is an offence for a person while in a public place to use or allow to be used any object or thing as to endanger, harm, intimidate, unduly obstruct or hinder any other person or vehicle using or intending to use the same area, or damage any public building, structure, furniture, object or fitting.

PENALTY: Five penalty units

4.4. Activities in the Mall

(a) A person shall not without a permit from the Chief Executive Officer or his or her delegate:

(i) display or erect any advertisement, notice, plaque or sign: except in Council approved community signage boards; or
(ii) conduct an event or activity; or
(iii) use Council owned or managed land or facilities for the purposes of commercial gain; or
(iv) perform any form of entertainment; or
(v) disrupt the flow of pedestrian traffic.

(b) A person who desires to obtain a permit for such purposes shall make written application in the approved form. The application shall be lodged with Council and shall be accompanied by the prescribed fee and any such other information as Council may require as prescribed in the Code of Practice.

(c) Dogs must be kept on a lead within the Mall at all times.

PENALTY: Two penalty units

4.5. Street trading and outdoor dining facility

(a) A person shall not without a permit, engage in Street Trading or erect or place an Outdoor Dining Facility on any footpath or part of a road.

PENALTY: Ten penalty units

(b) In determining whether to grant permission, the Chief Executive Officer or his or her delegate shall have regard to:

(i) matters prescribed by the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice; and
(ii) any other matter considered relevant by the Chief Executive Officer or his or her delegate.

(c) It is an offence for a person to not comply with all conditions relevant to the approval given.

PENALTY: Ten penalty units

4.6 Camping and caravans

(a) A person shall not without a permit occupy a tent, caravan or other temporary or make-shift structure in any public place.

(b) A person shall not occupy a tent, caravan or other temporary or makeshift structure on private property for more than a total of 21 days in any calendar year, without a permit.

(c) Subclauses (a) and (b) of this Clause do not apply to persons within an area registered under the Residential Tenancy Act 1997 or camping within a recognised camping reserve.

(d) In determining whether to grant a permit pursuant to this Clause the Chief Executive Officer or his or her delegate shall have regard to:

(i) whether the amenity of the area will be detrimentally affected,
(ii) whether adequate facilities will be available to occupants; and
(iii) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

Such a permit shall not be granted for a period greater than six months unless special circumstances apply:

(e) A person wishing to obtain a permit to occupy a caravan upon a property where that person intends to build a dwelling must satisfy the following criteria:

(i) have a current valid building permit for the dwelling,
(ii) have installed an approved onsite wastewater management system or be connected to reticulated sewerage system,
(iii) have installed proper sanitation facilities as required by Councils Environmental Health Officers; and
(iv) that all domestic refuse will be adequately disposed of.

Such a permit shall not be granted for a period greater than six months but is renewable subject to the Council being satisfied as to the progress of the construction of the dwelling. The application must be in writing and give appropriate details of the proposed living arrangements whilst the dwelling is being constructed.

PENALTY: Five penalty units

4.7 Behaviour

A person must not in, on or within the hearing or sight of a public place:

(a) cause or commit any nuisance;
(b) adversely affect the amenity of that public place;
(c) interfere with the use or enjoyment of that public place or the personal comfort of another person in or on that public place;
(d) annoy, molest or obstruct any other person in or on that public place;
(e) defecate or urinate except in a toilet or urinal (as the case may be) in a public convenience; or
(g) use any threatening, abusive or insulting words.

PENALTY: Ten penalty units

PART E - PROCESS OF MUNICIPAL GOVERNMENT

5.1. Use of the Common Seal

(a) The Council's common seal must only be used on the authority of the Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or his/her delegate.

(b) The CEO must ensure the security of the Council's common seal at all times.

(c) Any person who uses the Council's common seal without authority is guilty of an offence.

PENALTY: Two Penalty Units

5.2. Maintenance of Order

(a) It is an offence for any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

PENALTY: Two Penalty Units

(b) It is an offence for a Councillor to not withdraw an expression, considered by the Chairperson to be offensive or disorderly, and satisfactorily apologise when called upon twice by the Chairperson to do so.

PENALTY: Two Penalty Units

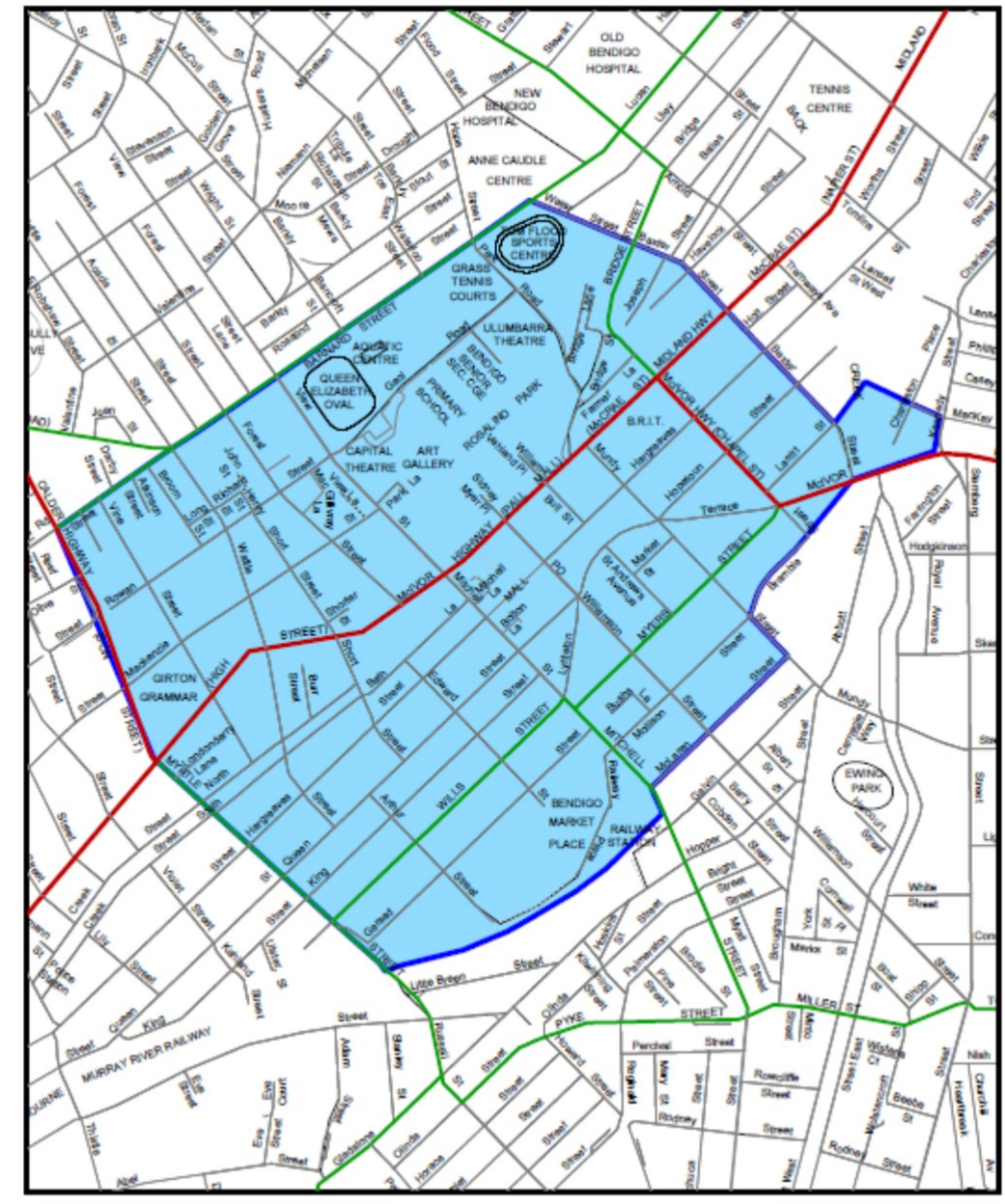
(c) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

PENALTY: Two Penalty Units

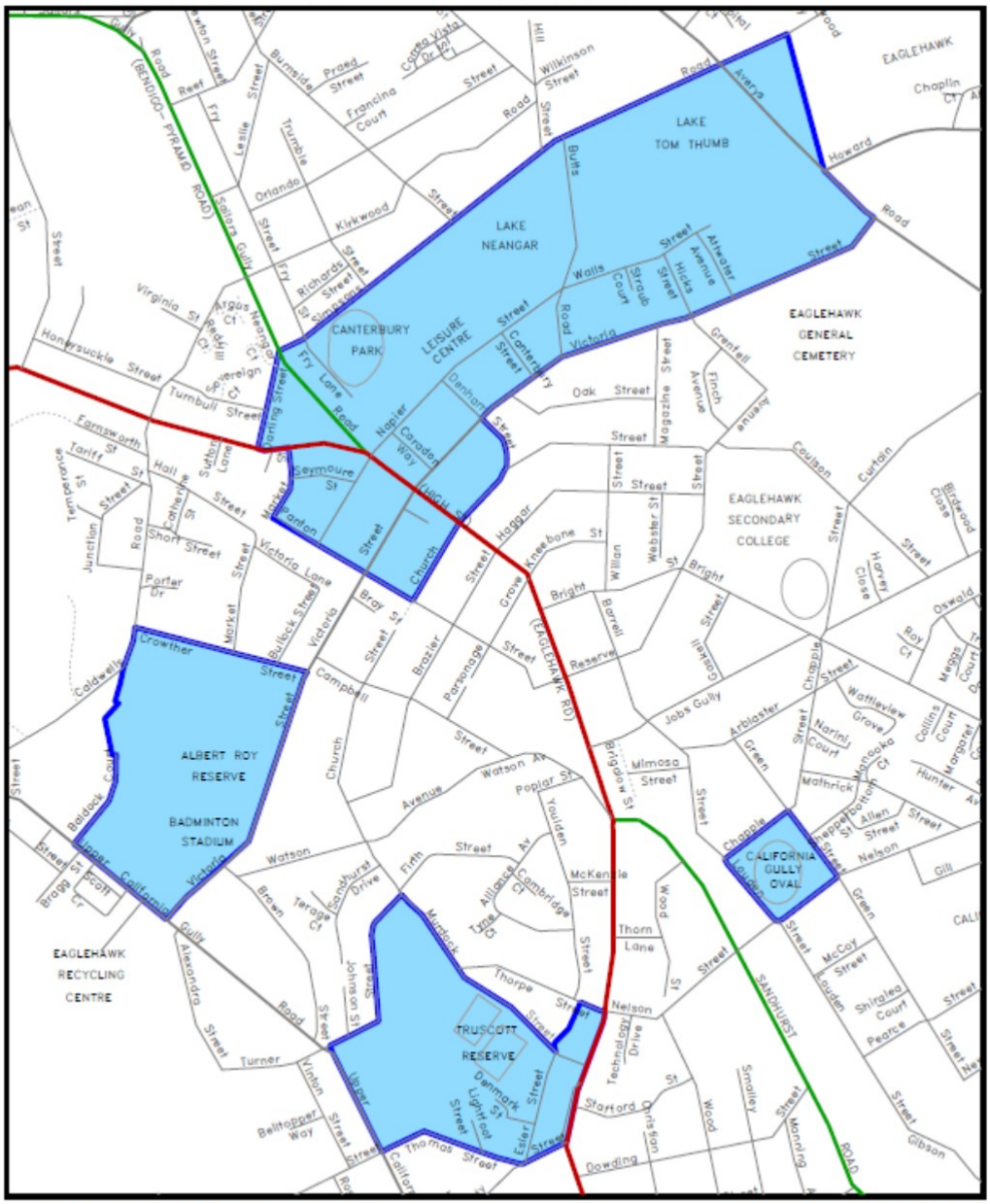
(d) It is an offence for a Councillor to refuse to leave the chamber on suspension.

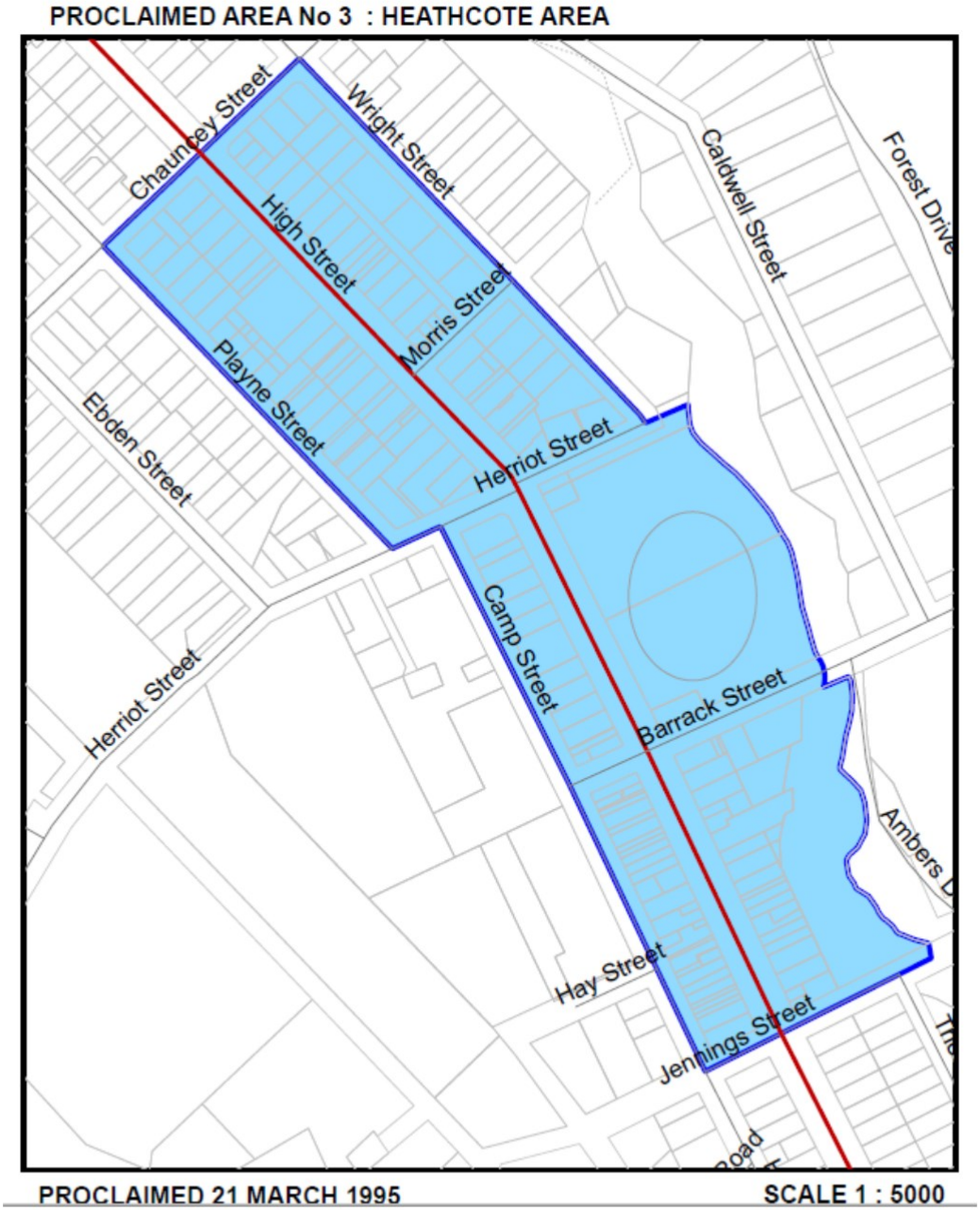
PENALTY: Five Penalty Units

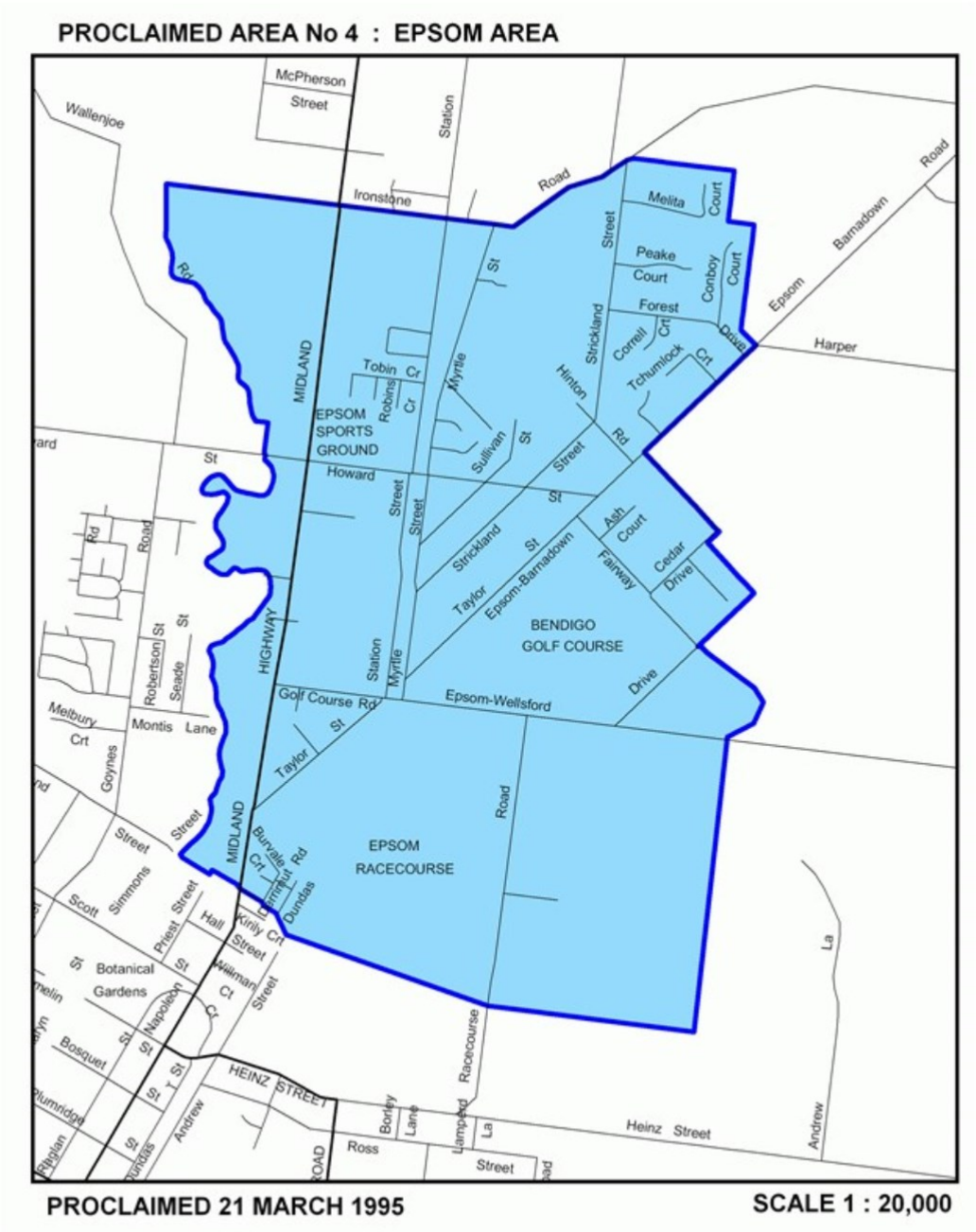
PROCLAIMED AREA No 1 : CENTRAL BENDIGO AREA



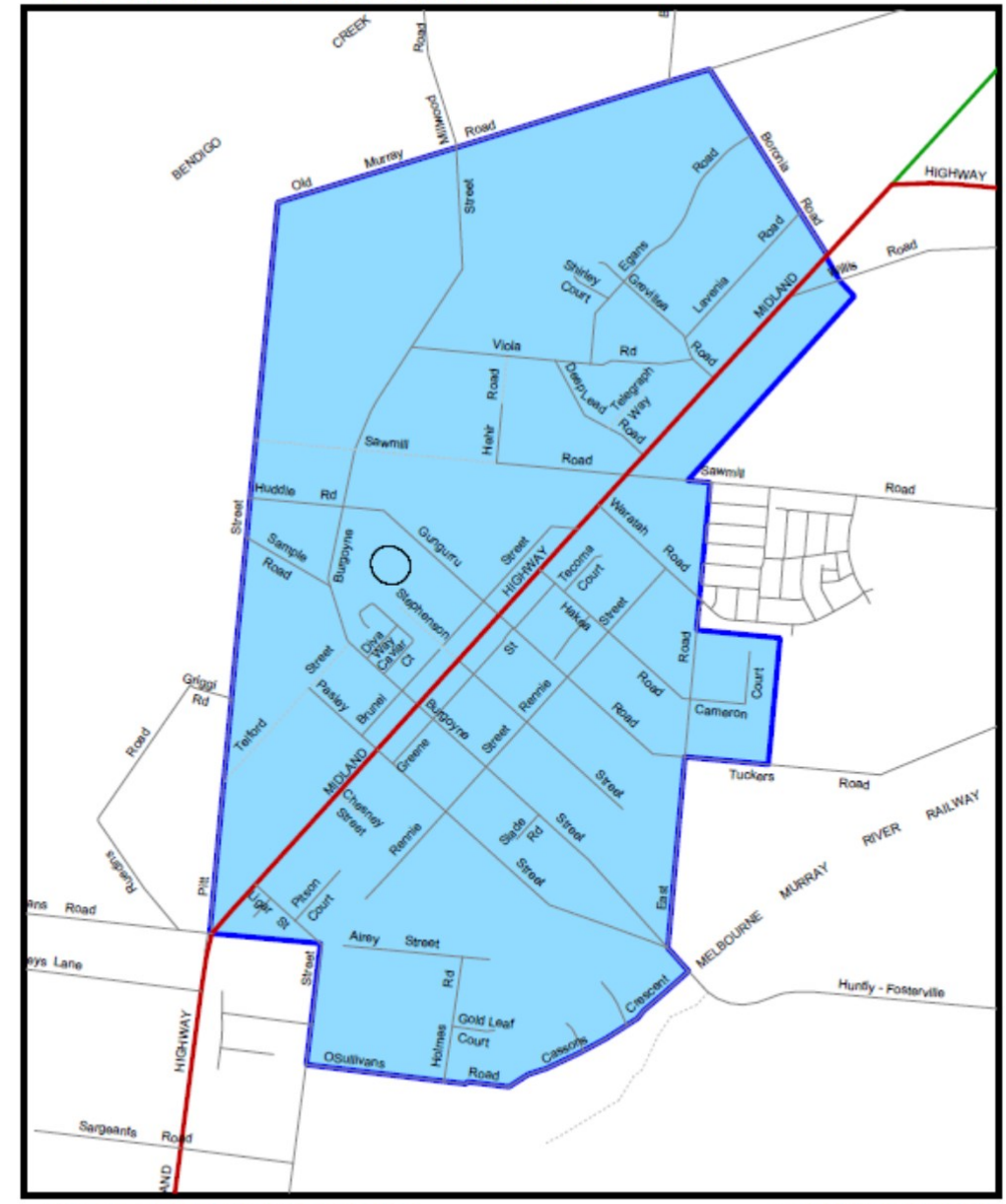
PROCLAIMED AREA No 2 : EAGLEHAWK AREA



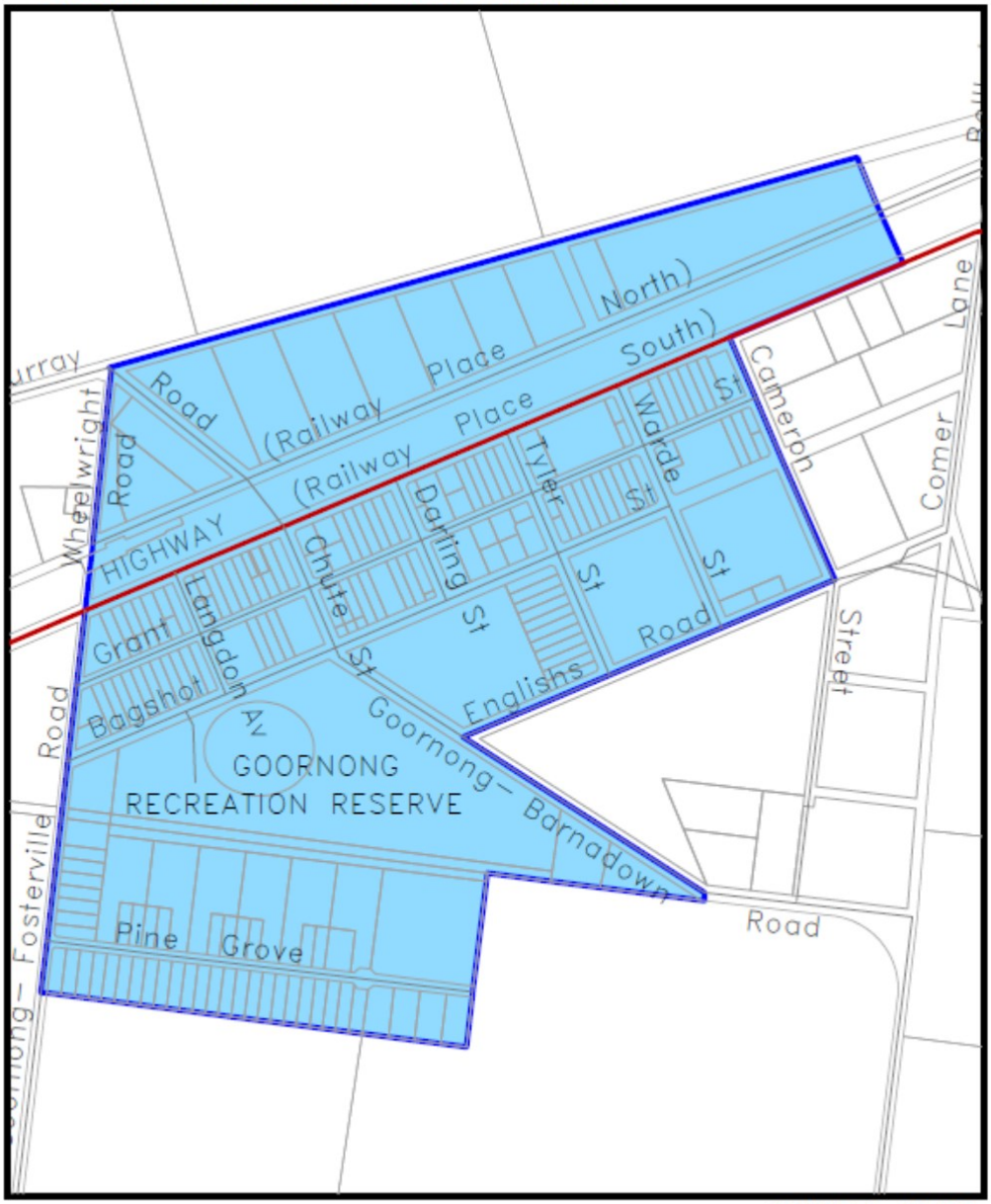

PROCLAIMED AREA No 3 : HEATHCOTE AREA
Chauntey Street
Wright Street
High Street
Morris Street
Caldwell Street
Forest Drive
Playne Street
Ebden Street
Herriot Street
Herriot Street
Camp Street
Barrack Street
Hay Street
Jennings Street
PROCLAIMED 21 MARCH 1995
SCALE 1 : 5000


PROCLAIMED AREA No 4 : EPSOM AREA
McPherson Street
Wallenjoe
Station
Road
Ironstone
Melita Court
Peake Court
Conboy Court
Forest Drive
Epsom Barnadown Road
Harper
Strickland Street
Cornell Crt
Tchumlock Crt
Hinton
Myrtle
Tobin Cr
Robins Cr
MIDLAND HIGHWAY
EPSOM SPORTS GROUND
Howard Street
Sullivan St
Rd
St
Ash Court
Cedar Drive
Fairway
Taylor St
Epsom-Barnadown
BENDIGO GOLF COURSE
Golf Course Rd
Epsom-Wellsford Drive
Station
Myrtle
Robertson St
Seade St
Melbury Crt
Montis Lane
Goynes Street
Taylor St
EPSOM RACECOURSE
Road
Burvale Crt
Rd
Dundas
Scott
Simmons
Priest Street
Hall
Kirrily Crt
Botanical Gardens
Napoleon Ct
Bosquet St
Plumridge St
Andrew
HEINZ STREET
ROAD
Ross
Borley Lane
Racecourse
Lampard La
Heinz Street
Andrew
La
PROCLAIMED 21 MARCH 1995
SCALE 1 : 20,000

PROCLAIMED AREA No 5 : HUNTLY AREA

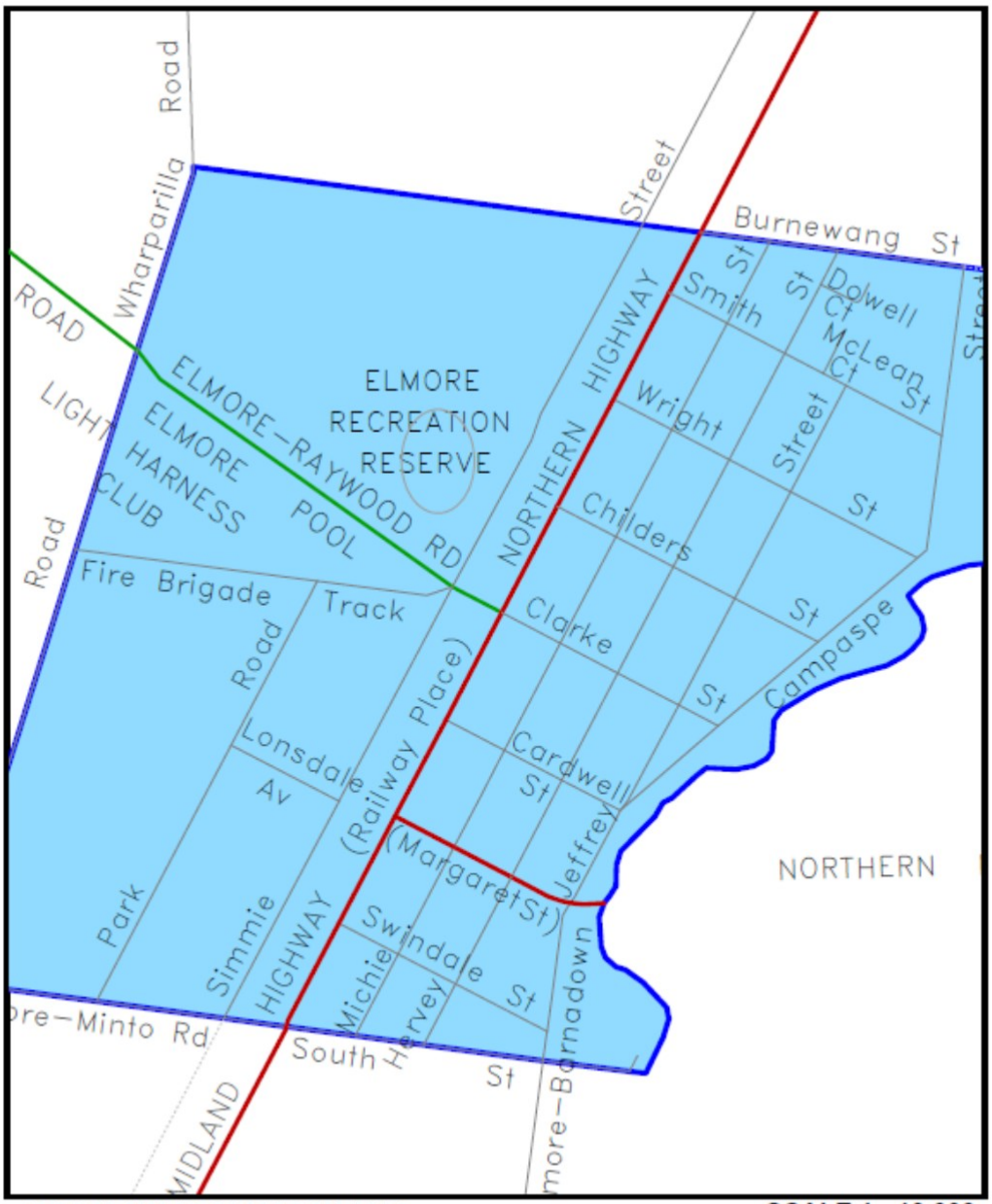


PROCLAIMED AREA No 6 : GOORNONG AREA

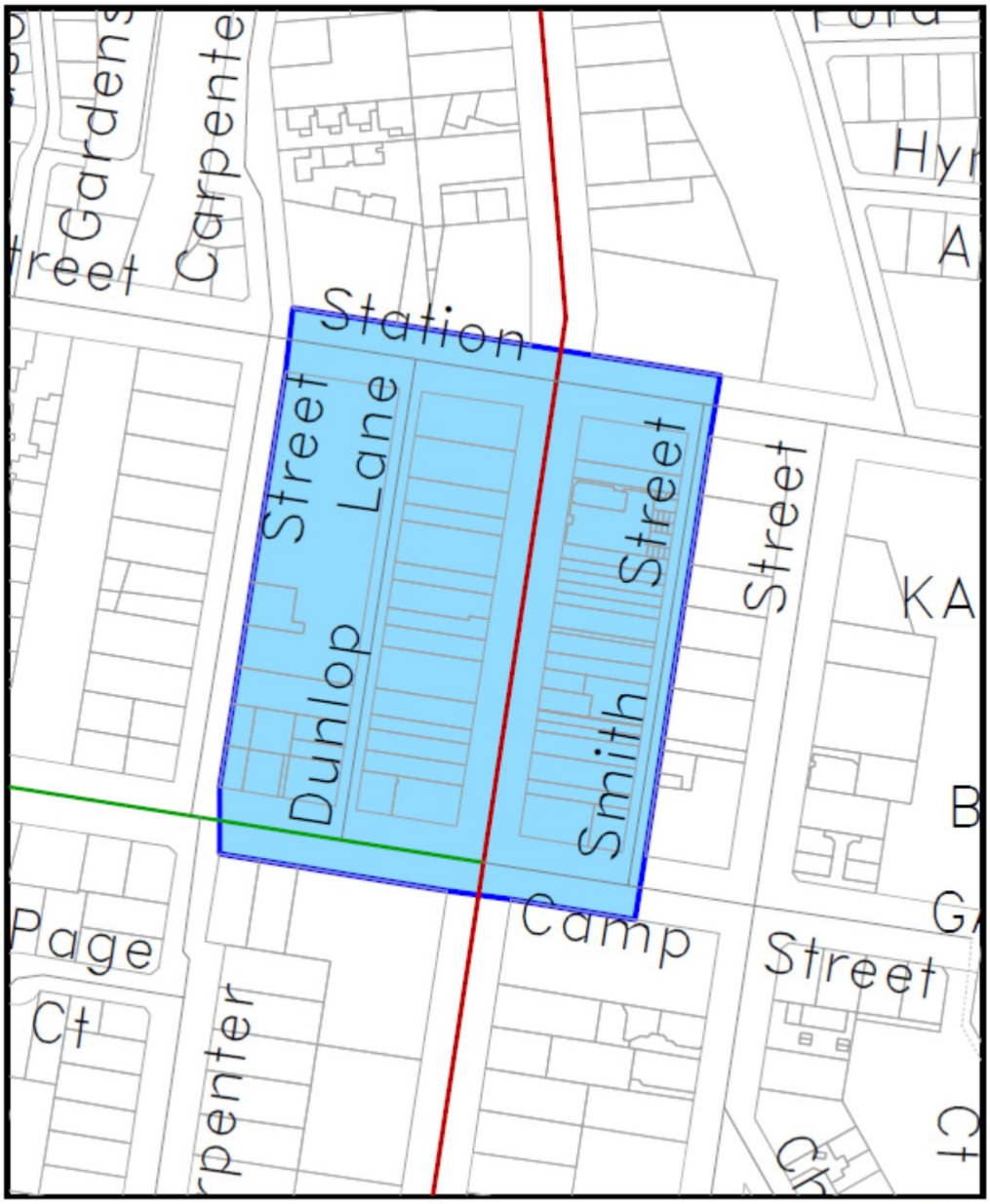


PROCLAIMED 21 MARCH 1995 SCALE 1 : 10.000

PROCLAIMED AREA No 7 : ELMORE AREA



PROCLAIMED AREA No 8 : KANGAROO FLAT SHOPPING CENTRE



PROCLAIMED 15 DECEMBER 1997 **SCALE 1 : 2500**

Environmental Management Plan Scheduled Reserves and Park Land

Crusoe Reservoir and No.7 Park	Kennington Reservoir Natural Reserve	O'Keefe Rail Trail
Passive Recreation Allowed	Passive Recreation Allowed	
Walking and Cycling Allowed	Active Recreation Inc. Ball Games Prohibited	
Fishing Prohibited (At No.7 Park)	Walking and Cycling Allowed	
Fishing Allowed (At Crusoe Res)	Fishing Allowed	
Swimming Prohibited (At No.7 Park)	Dogs (On Lead Only)	
Swimming Allowed (At Crusoe Res)	Non-Power Boating Allowed	
All Domestic Pets Prohibited	Power Boating Prohibited	
Dogs Prohibited	Swimming Prohibited	
Horse Riding Prohibited	Littering Prohibited	
Carry Out Rubbish Only	Dumping of Garden Waste Prohibited	
Littering Prohibited	Motorcycles Prohibited	
Dumping of Garden Waste Prohibited	Prospecting Prohibited	
Camping Prohibited	Lighting Fires Prohibited	
Prospecting Prohibited		
Power Boating Prohibited		
Non-Power Boating Allowed (At Crusoe Res)		
All Boating Prohibited (At No.7 Park)		
Motorcycles Prohibited		
Horses Prohibited		
Lighting Fires Prohibited		
Lake Weeroona Reserve	**Lake Neangar Reserve (Including Lake Tom Thumb)**	
Passive Recreation Allowed	Passive Recreation Allowed	
Walking and Cycling Allowed	Walking and Cycling Allowed	
Swimming Prohibited	Active Recreation Inc. Ball Games Allowed	
Fishing Allowed	Fishing Allowed	
Littering Prohibited	Swimming Prohibited	
Dumping of Garden Waste Prohibited	Dogs (On Lead Only)	
Dogs (On Lead Only)	Littering Prohibited	
Camping Prohibited	Dumping of Garden Waste Prohibited	
Prospecting Prohibited	Camping Prohibited	
Power Boating Prohibited	Prospecting Prohibited	
Non-Power Boating Permitted	Power Boating Prohibited	
Motorcycles Prohibited	Non-Power Boating Permitted	
Lighting Fires Prohibited	Motorcycles Prohibited	
	Lighting Fires Prohibited	

Attachment 9 - 7b - Local Law 10

Greater Bendigo City Council
Local Law No. 10 - Administration

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Greater Bendigo City Council Local Law No. 10 - Administration

1. Title

This is the Greater Bendigo City Council Local Law No. 10 - Administration.

2. Objectives of this Local Law

The objectives of this Local Law are:

(a) to provide procedures for the administration of the local laws;
(b) to provide procedures for the setting of fees and charges in relation to local laws;
(c) provide penalty values for penalty infringement notice purposes; and
(d) to provide procedures for the issue of:
    i) Permits
    ii) Notices to Comply
    iii) Notices of Impounding
    iv) Infringement Notices

3. Power to make this Local Law

The Council's authority to make this Local Law is contained in Section 111 of the Local Government Act 1989.

4. Operational Date of this Local Law.

This Local Law operates from the 1 September 2018.

5. Revocation of Local Law

On the commencement of this Local Law, the previous version of this Local Law No.10 – Administration, is revoked.

6. Application of this Local Law

The provisions of this Local Law apply to all City of Greater Bendigo Local Laws except where it is apparent that a Clause indicates otherwise or provides alternative provisions.

7. Date that this Local Law Ceases Operation

Unless this Local Law is revoked sooner its operation will cease on the day which is 10 years after the day on which it came into operation.

8. Exemption

The Council may prescribe specified persons, premises or areas within the municipality to be exempt from all or any of the provisions of this local law for a specified time and on specified conditions provided that;

i) The exemption is in writing, with specified conditions

ii) The exemption is complied with

An exemption may be cancelled or corrected as if it were a permit.

9. Definitions

Authorised Officer	means an Officer appointed under Section 224 of the Local Government Act 1989.
Chief Executive Officer	means the Chief Executive Officer of the Greater Bendigo City Council.

PERMITS, FEES AND DELEGATIONS

10. Applying for a Permit

(a) An application for a permit under a Local Law shall be in the form of Appendix 5 (except where a Local Law specifies otherwise) and be accompanied by the appropriate fee.

(b) In considering such an application the Authorised Officer may:

i) require a person making an application for a permit to give public notice of such application
ii) take into consideration any response to that notice, any policy or guidelines adopted by the Council, any objections or submissions, any comments from other authorities, government departments or community organisations, any other matter that is considered relevant.

(c) Submissions made in relation to an application may be heard in accordance with Section 223 of the Local Government Act 1989.

(e) An Authorised Officer may require an applicant to provide additional information before considering an application for a permit or request for exemption under the Local Law.

11. Fees & Charges

(a) The Council may from time to time by resolution determine the fees and charges to apply under a Local Law and the Council shall give public notice of its resolution to set or alter fees and charges.

(b) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so.

(c) The Council or Authorised Officer may waive, reduce or alter any fee or charge with or without conditions.

12. Issue of Permits

The Council or Authorised Officer may:

(a) Issue a permit in the form of Appendix 6 (unless a Local Law specifies otherwise), or

(b) Refuse to issue a permit.

A copy of the permit must be available for inspection at the address or place to which the permit relates on demand by an Authorised Officer.

13. Appeal of Decision to Refuse

(a) An applicant may appeal a decision to refuse to issue a permit.

(b) Applications must be in prescribed form of Appendix 7 and be accompanied by the appropriate fee.

(c) Appeals will be considered by a three member panel made up of a Director, a person with legal qualifications and an Authorised Officers.

(d) The applicant may make written or verbal submissions to the panel within the time specified in writing by an Authorised Officer.

(e) Within 10 days of considering any written submissions received from the applicant or after hearing the applicant's verbal submissions, an Authorised Officer shall notify the applicant in writing of the panel's decision.

14. Duration of Permits

(a) A permit remains in force until the expiry date indicated in the permit, unless it is cancelled before the expiry date.

(b) If no expiry date is indicated on the permit, the permit expires on the 30 June next after the day on which it was issued.

15. Conditional Permits

(a) A permit may be subject to such conditions which the Council or Authorised Officer considers appropriate, including but not limited to:

i) the payment of a fee or charge;
ii) the payment of a security deposit , bond or guarantee to the Council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit;
iii) the application of an appropriate standard;
iv) a time limitation specifying the duration, commencement or completion date of the permit;
v) the happening of an event, or the rectification, remedying or restoration of any damage caused to the place or thing by the activity permitted;
vi) where the applicant is not the owner of the subject property, the

consent of the owner.

(b) before the granting of some other permit which may be required by the Authorised Officer whether under a Local Law or otherwise.

16. Cancellation of Permit

(a) The Chief Executive Officer or his or her delegate may cancel a permit if it is considered that:

i) there has been a serious or ongoing breach of the conditions of the permit; or
ii) a notice to comply has been issued, but not complied with within seven days after the time specified in the notice to comply; or
iii) there was a significant error or misrepresentation in the application for the permit; or
iv) in the circumstances, the permit should be cancelled.

(b) Before a permit is cancelled under sub-clause 16(a), the permit holder shall be invited to submit within a nominated time a written statement giving reasons why the permit should not be cancelled.

ENFORCEMENT

17. Compliance with Directions

A person must comply with any reasonable direction or instruction of an Authorised Officer, member of the Police Force or an emergency service when requested to do so in urgent circumstances or for public safety reasons whether or not a person has a permit under any Local Law.

PENALTY: Two penalty units

18. Power of Authorised Officer

An Authorised Officer may issue a warning, a Notice to Comply and an Infringement Notice on a person who is in breach of a Local Law**,** commence legal proceedings and may impound items, goods or equipment relevant to a breach of the Local Law.

19. Notice to Comply

An Authorised Officer may serve a written Notice to Comply in the form of Appendix I on any owner, occupier or other relevant person to remedy any breach of a Local Law.

20. Time to Comply

(a) A Notice to Comply must state the time and date by which the breach must be remedied.

(b) The time required by the Notice to Comply to remedy the breach must be

reasonable in the circumstances having regards to:

i) The amount of work involved;
ii) The degree of difficulty;
iii) The availability of necessary materials or other necessary items;
iv) Climatic conditions;
v) The degree of actual risk or potential risk to health and safety;
vi) Any other relevant factor.

21. Failure to comply with a "Notice to Comply"

(a) Any person who fails to remedy a breach of a Local law in accordance with a Notice to Comply is guilty of an offence and liable to the amount of the penalty specified by the Local Law.

(b) Where such failure to remedy occurs an Authorised Officer may take action to remedy the breach and the person who has failed to remedy the breach shall be liable to reimburse Council for all costs associated with such action.

22. Power of Authorised Officers to Act in Urgent Circumstances

(a) An Authorised Officer may, in urgent circumstances arising as a result of a failure to comply with a Local Law take action to remove, remedy or rectify the breach without the necessity to serve a Notice to Comply provided:

i) The Authorised Officer considers the circumstances of the breach to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply may place a person, animal, property or thing at risk or in danger.
ii) Wherever practicable, a senior officer of the Council is given prior notice of the proposed action.
iii) Details of the circumstances and remedial action taken are as soon as possible given to the person responsible for the breach.

(b) Where action is taken by the Authorised Officer pursuant to Clause 22(a) the person responsible for the breach shall be liable to reimburse Council for all costs associated with such action.

NOTICES OF IMPOUNDING

23. Power of Authorised Officer to Impound

(a) Where in the opinion of an Authorised Officer there is a risk to the environment or to the safety of a member of the public an Authorised Officer may seize and impound any goods, animals, birds, items or things where there is a breach of a Local Law.

(b) If an Authorised Officer has impounded an item in accordance with this

clause the Council may refuse to release it until a charge equivalent to all costs incurred by it in such impounding has been paid to Council. Any such fee shall be determined by resolution of the Council.

(c) At the time of the impoundment or as soon as practicable thereafter the Authorised Officer shall serve a Notice of Impounding in the form of Appendix 2 on the owner or registered owner or person apparently responsible for the good, animal, bird, item or thing setting out the fees and charges payable and time by which it must be retrieved from the Council. Where good, animal, bird, item or thing is required for evidence for a prosecution the owner or person responsible for it shall be advised of the time for collection following resolution of the prosecution.

(d) If, after 28 days from the date of impoundment, an impounded good, animal, bird, item or thing has not been retrieved then the Authorised Officer may dispose of it by such means as is determined by the Chief Executive Officer including sale by public auction, public tender or private treaty, by disposal at a municipal land fill or transfer station or otherwise. Any proceeds of sale shall be paid into the municipal fund.

(e) Where an impounded item has been disposed of in accordance with sub clause (d) the owner of the particular item may apply in writing to the Council for reimbursement of any proceeds from the sale. Subject to receipt of satisfactory proof of ownership by the Authorised Officer the proceeds from the disposal shall be paid to the owner except for the reasonable costs incurred by Council which may be retained by the Council.

(f) Where the identity or whereabouts of the owner or person responsible for the impounded item is unknown the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may only proceed to dispose of the impounded item in accordance with sub clause (d) once he or she is satisfied that all reasonable efforts have been made to contact the owner or the person responsible for the impounded item.

(g) A person must not, except with the authority of an Authorised Officer or pursuant to an order of a Court, remove, alter or interfere in any way with an animal or other thing, seized or detained by an Authorised Officer in the exercise of his power, functions or duties under this Local Law

PENALTY: First offence - Two penalty units
Second or subsequent offence - Four penalty units

OFFENCES AND PENALTIES

24. Offences

(a) A person must not refuse or neglect to furnish information to an Authorised Officer when reasonably required under this Local Law to do so.

PENALTY: First offence - Two penalty units
Second or subsequent Offence – Four penalty units

(b) A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

PENALTY: First Offence – Five penalty units
Second or subsequent offence - Ten penalty units

(c) A person must not assault, obstruct, or attempt to obstruct, threaten, abuse, insult, intimidate, or attempt to intimidate any Authorised Officer in the excercise of his powers, function or duties under this Local Law.

PENALTY: First Offence – Two penalty units
Second or subsequent offence - Four penalty units

(d) A person must not refuse to state his name and address of his usual place of residence or state a false name or address to an Authorised Officer when required under this Local Law to do so.

PENALTY: First Offence – Two penalty units
Second or subsequent offence – Four penalty units

(e) Where any provision in a Local Law requires that something shall not be done at all**,** any person who does that thing or act is guilty of an offence.

PENALTY: First Offence – Two penalty units
Second or subsequent offence – Four penalty units

(f) Where any provision in a Local Law requires that something shall not be done between specified hours of the day or night, during specified months of the year or in or at specified locations or specified parts of those locations, any person who does that thing or act between such hours, during such months, on such days, in or at such location or a specified part of such location is guilty of an offence.

PENALTY: First Offence – Two penalty units
Second or subsequent offence – Four penalty units

(g) Where any provision in a Local Law requires that a person obtain a permit before engaging in any particular activity a person is guilty of an offence if that person engages in that activity without a current permit (unless the requirement for a permit has been waived by an Authorised Officer).

PENALTY: First Offence – Two penalty units
Second or subsequent offence – Four penalty units

(h) Where any permit issued pursuant to a Local Law contains conditions, any person who breaches or fails to comply with a condition of such a permit is guilty of an offence.

PENALTY: First Offence – Two penalty units
Second or subsequent offence – Four penalty units

(i) A person is guilty of an offence if he or she:
   i) Falsely represents himself or herself to be an Authorised Officer.
   ii) Fails to comply with any reasonable direction, instruction or signal of an Authorised Officer, member of Victoria Police or an Emergency Service.

PENALTY: Ten penalty units

25. Penalty Units

Where a penalty unit(s) has been prescribed by a Local Law, the value of the penalty unit(s) shall be have the same value of a penalty unit prescribed at the time of the offence by the *Sentencing Act 1991*.

26. Infringement Notices

In accordance with the *Infringements Act 2006* the CEO, or his/her delegate may:

(a) As an alternative to a prosecution, an Authorised Officer may issue and serve an Infringement Notice on a person who:

   i) has committed one of the offences referred to in clause 24, or
   ii) is reasonably suspected of having committed on of the offences referred to in clause 24.

(b) A person served with an Infringement Notice may pay the penalty specified in the Notice to the cashier of the Council within 28 days after service of the Notice, failing which a prosecution may be instituted against that person by an Authorised Officer.

(c) A person served with an Infringement Notice may make a written representation to the Chief Executive Officer or his delegate within 28 days of the service of the Infringement Notice.

(d) The Chief Executive Officer or his delegate may by written notice withdraw an Infringement Notice within 28 days of the service of the same and then initiate a prosecution regardless of whether the Infringement Notice penalty has been paid or not. If the penalty indicated in the Infringement Notice has been paid, the payment shall be refunded to the alleged offender prior to the prosecution being initiated.

(e) The Chief Executive Officer or his delegate may withdraw an Infringement Notice and not proceed to prosecute, providing the circumstances warrant such action in the opinion of the Chief Executive Officer or his delegate.

(f) In the event of the failure of a person served with an Infringement Notice to pay the amount specified within 28 days of the service of the Notice or such further time as the Authorised Officer may permit, the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any other appropriate steps which may be available for enforcing penalties.

(g) Any person served with an Infringement Notice is entitled to defend the prosecution in Court rather than pay the penalty specified therein.

CITY OF GREATER BENDIGO

LOCAL LAW No. 10 - APPENDIX ONE

NOTICE TO COMPLY

TO _____
(Name)

_____
(Address)

The following constitutes a breach under Clause _____ of the Council's Local Law No. _____ (Title _____)

_____

_____

To remedy the breach you must carry out the following, within _____ days from the date of this Notice.

_____

_____

_____

_____

You should contact _____ (contact officer) at the Municipal Office between the hours of 9:00am and 4:30pm for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of a penalty of $ and the Authorised Officer may proceed to carry out the work, the cost of which, in addition to the above penalty, you will be liable to pay.

DATE: / /

_____
(Name of Authorised Officer)

TELEPHONE:

_____
(Signature of Authorised Officer)

NOTE: if this Notice relates to a contravention of a permit and the Notice is not complied with, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.

CITY OF GREATER BENDIGO

LOCAL LAW No. 10 - APPENDIX TWO

NOTICE OF IMPOUNDING

TO _____
(Name)

_____
(Address)

The following item(s) has/have been impounded in accordance with Local Law No._____

(Title _____)
Describe Items Impounded
_____

_____

You may collect the items by attending at the Municipal Office / Depot between the hours of _____ and _____ to see _____ (Contact Officer) upon providing satisfactory proof of ownership and by paying the following:

Details of Fees and Charges

_____ $_____

_____ $_____

_____ $_____

_____ $_____

_____ $_____

_____ $_____

TOTAL $_____

If you fail to collect the item(s), or fail to provide satisfactory proof of ownership and pay the required fees and charges by _____ (date), the Authorised Officer will proceed to dispose of the item(s) in accordance with Local Law No. 10 - Administration.

DATE: / /

_____
(Name of Authorised Officer)

TELEPHONE:

_____
(Signature of Authorised Officer)

CITY OF GREATER BENDIGO

LOCAL LAW No. 10 - APPENDIX THREE

INFRINGEMENT NOTICE

DATE OF NOTICE: _____ NO. OF NOTICE: _____

REG. NO. OF ANY VEHICLE: _____ (STATE)_____

TO: SURNAME OR ORGANISATION NAME
_____

OTHER NAMES _____

ADDRESS _____

I, _____ (name of Authorised Officer) being a duly Authorised Officer of the above Council have reason to believe that you have committed an offence against a Local Law of the Council. The nature of the alleged offence and the amount of the penalty is indicated below:

	Local Law Number	Clause Number	Nature of Infringement	Penalty

Other particulars of alleged offence:

TIME: _____ LOCATION: _____

If you pay the penalty indicated within 28 days from the date of service of this Notice to the City of Greater Bendigo by:

* CHEQUE or MONEY ORDER for the FULL AMOUNT posted to P0 Box 733, Bendigo, 3550
* CHEQUE, MONEY ORDER or CASH for the FULL AMOUNT to Municipal Offices at Lyttleton Terrace, Bendigo, 3550.

this matter will not be brought to Court (subject to Clause 25(d) of Local Law 10) and no conviction will be recorded.

You are entitled to elect to have the matter of the infringement offence heard and determined in the Court and if you are a child, by the Children's Court in accordance with the Children, Youth and Families Act 2005.

Should you wish to make any submission concerning this infringement notice contact should be made with _____ _____

(telephone_____) at the Municipal Office.

_____
(Signed by Authorised Officer)

CITY OF GREATER BENDIGO

LOCAL LAW No. 10 - APPENDIX FOUR

INFRINGEMENT NOTICE

PENALTIES FOR INFRINGEMENT NOTICE PURPOSE IN RESPECT OF OFFENCES AGAINST LOCAL LAWS

CLAUSE		PENALTY
Offences Against Local Law No.2 Keeping of Animals		
Clause 9	Keeping of Animals	2 penalty units
Clause 10	Limit on number of animals	2 penalty units
Clause 11	Keeping of poultry	2 penalty units
Clause 12	Fences of properties to restrain animals	2 penalty units
Clause 13	Animal litter	1.5 penalty units
Offences Against Greater Bendigo City Council Community Local Law Part B – Environment		
Clause 2.1	Kerbside waste collection	2 penalty units
Clause 2.2	Open air burning	2 penalty units
Clause 2.3	Burning of offensive materials	2 penalty units
Clause 2.4	Motorised vehicles on council land	2 penalty units
Clause 2.5	Dangerous or unsightly land	2 penalty units
Clause 2.6	Heavy vehicles	2 penalty units
Clause 2.7	European wasps and bees	1 penalty unit
Clause 2.8	Protection and preservation of scheduled Council reserves and park land	2 penalty units
Part C – Streets & Roads		
Clause 3.1	Vehicle crossings	2 penalty units
Clause 3.2	Advertising signs placed on roads	2 penalty units
Clause 3.3	Sale of motor vehicles or goods on road or road reserves	1 penalty unit
Clause 3.4	Waste skip bins placed on the road or road reserve	2 penalty units
Clause 3.5	Occupancy of footpath or road reserve for works	2 penalty units
Clause 3.6	Third party advertising on footpaths or road reserves	2 penalty units
Part D – Municipal Places		
Clause 4.1	Consumption of liquor	2 penalty units
Clause 4.2	Designation of smoke-free zones within the municipality	2 penalty units
Clause 4.3	Activities in public places	2 penalty units
Clause 4.4	Activities in the Mall	2 penalty units
Clause 4.5(a)	Outdoor dining and street trading	1 penalty units
Clause 4.6	Camping and caravans	1 penalty units
Clause 4.7	Behaviour	2 penalty units

Part E - Process of Municipal Government		
Clause 5.1	Use of common seal	2 penalty units
Clause 5.2 (a-c)	Maintenance of order	2 penalty units
Clause 5.2 (d)	Councillor refusal to leave Chamber	5 penalty unit
Offences Against Local Law No.9 Bendigo Livestock Exchange		
Clause 12	Use of Bendigo livestock exchange	2 penalty units
Clause 14	Sales before and after opening or closing of market or on non-sale days	2 penalty units
Clause 17	Pre-sale procedure	2 penalty units
Clause 18(b)	Allocations	2 penalty units
Clause 19	Penning of Stock	2 penalty units
Clause 20(a)	Stock not connected with sale	1 penalty units
Clause 22	Agents	2 penalty units
Clause 23	Behaviour	1 penalty units
Clause 24(b)	Exclusion from Bendigo livestock exchange	2 penalty units
Clause 25(a)(b)(c)	Dogs	1 penalty unit
Clause 26(b)	Removing the stock	1 penalty units
Clause 27	Moving Stock	1 penalty units
Clause 28(b), (c)	Vehicles	1 penalty units
Clause 29	Dead/Injured stock	2 penalty units
Clause 30	Obstruction	2.5 penalty units
Clause 33	Selling of sundry items	2.5 penalty units
Clause 36	Allotted time for selling	1 penalty unit
Offences Against Local Law No. 10 Administration		
Clause 24	Offences	2 penalty units
Clause 17	Compliance with directions	2 penalty units
Clause 21	Failure to Adhere to Notice to Comply	2 penalty units
Clause 23	Power of Authorised Officer to Impound	2 penalty units
Offences Against Local Law No. 11 Protection of Public Assets & Control of Building Sites		
Clause 21	Infringement Notices – Penalty Fixed	2 penalty units

CITY OF GREATER BENDIGO

LOCAL LAW No. 10 - APPENDIX FIVE

APPLICATION FOR LOCAL LAW PERMIT

I, _____
(Name of Applicant)

of _____
(Address)

wish to apply for a _____
(Type of permit)

The relevant details are as follows:

The address / place to which the permit will relate to is _____

_____

Local Law Number_____ Section Number _____

I wish to be able to: _____

_____

_____

_____

For further information I may be contacted on _____ telephone)

between the following times: _____ and _____.

Signed by the Applicant _____

Signature of Owner where required _____

Name of Owner _____

Address of Owner _____

CITY OF GREATER BENDIGO

LOCAL LAW NO. 10 - APPENDIX SIX

LOCAL LAW PERMIT

PERSON TO WHOM ISSUED: _____

PERMIT NUMBER _____

A permit is hereby granted under Section _____ of the _____

_____ Local Law No. _____ for the

purposes of _____

_____

and subject to any condition attached and signed by the Authorised Officer.

The address/place to which the permit relates is _____

If you have any queries regarding these conditions, you should telephone _____

_____ on _____

Failure to comply with these conditions may result in cancellation of the permit and payment of a penalty.

DATE OF ISSUE OF PERMIT : _____

DATE ON WHICH THIS PERMIT EXPIRES _____

Date : / _____
Authorised Officer

Fees $ _____

Paid / /

Receipt Number _____

NOTE:

A copy of this permit must be available for inspection at the address / place to which the permit relates on demand by an Authorised Officer.

CITY OF GREATER BENDIGO

LOCA LAW NO. 10 - APPENDIX SEVEN

APPLICATION TO APPEAL DECISION TO REFUSE PERMIT

NAME OF APPEALANT: _____

POSTAL ADDRESS OF APPEALANT: _____

CONTACT NUMBER : _____

_____

APPLICATION DETAILS

APPLICATION NO.:- _____

WHAT WAS THE APPLICATION FOR_____

_____

THE ADDRESS OR PLACE THE APPLICATION RELATES: _____

_____

_____

REASONS OF APPEAL

_____

_____

_____

_____

Date : / / _____

Signature of Appellant

Fees $ _____

Paid / /

Receipt Number _____

Attachment 10 - 7ci - Solicitors Certificate - Community Local Law

Solicitor's Certificate
Pursuant to Section 74(1) *Local Government Act 2020*

Greater Bendigo City Council
Community Local Law

The Greater Bendigo City Council (the "City") is proposing to make the Community Local Law (the "proposed Local Law").

I have been asked to provide a certificate under Section 74(1) of the *Local Government Act 2020* (the "Act") in respect of the proposed Local Law.

In accordance with Section 74(1) of the Act, I have assessed the proposed Local Law for consistency with the Local Law requirements pursuant to Section 72 of the Act (the "Local Law requirements"). My assessment of such consistencies is outlined in the following table:

Local Law requirements	Consistent with Local Law requirements
Section 72(a): *A local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or regulations.*	Yes. The proposed Local Law does not overlap with existing legislation, rather it operates in conjunction with the requirements of the Act. The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter.
Section 72(b): *A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.*	Yes. Nothing in the proposed Local Law concerns or otherwise engages the Greater Bendigo City Council Planning Scheme.
Section 72(c): *A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.*	Yes. Not applicable.
Section 72(d): *A local law must not exceed the power to make local laws conferred by this Act or any other authorising Act.*	Yes. The proposed Local Law is consistent with, and does not exceed, the scope of Council's powers to make Local Laws under the Act.
Section 72(e): *A local law must be consistent with the objectives of this Act or any other authorising Act.*	Yes. The proposed Local Law furthers the objects of accountable, transparent, collaborative and efficient operations of Council.
Section 72(f): *A local law must be expressed as clearly and unambiguously as is reasonably possible.*	Yes. The proposed Local Law is clear and unambiguous.

Section 72(g):
Unless there is clear and express power to do so under this Act or any other authorising Act, a local law must not:
(i) seek to have a retrospective effect; or
(ii) impose any tax, fee, fine, imprisonment or other penalty; or
(iii) authorise the subdelegation of powers delegated under the local law.
	Yes.
	
	The proposed Local Law:
	• does not seek to have retrospective effect;
	• makes provision for the imposition of penalties in respect of offences that are created, which penalties are:
	  ○ consistent with Section 79 of the Act;
	  ○ sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences;
	• otherwise does not impose any tax, fee, fine, imprisonment or other penalty; and
	• does not authorise the sub-delegation of any powers.

Section 72(h): *A local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.*	Yes. No regulations relating to the preparation and content of local laws have, at the time of preparing this certification, been made.

I, AARON PAUL DAY, certify that I:

1. Am an Australian Lawyer who has been admitted to the legal profession for at least 5 years;
2. Am not a Councillor of Council;
3. Have reviewed the proposed Local Law against the Local Law requirements; and
4. Am of the opinion that the proposed Local Law is consistent with the Local Law requirements.

SIGNED by the said AARON PAUL DAY at BENDIGO in the State of Victoria on 17th day of JANUARY 2022:)



Attachment 11 - 7cii - Solicitors Certificate - Local Law No.10 - Administration

Solicitor's Certificate
Pursuant to Section 74(1) *Local Government Act 2020*

Greater Bendigo City Council
Local Law No. 10 – Administration

The Greater Bendigo City Council (the "City") is proposing to make the Community Local Law (the "proposed Local Law").

I have been asked to provide a certificate under Section 74(1) of the *Local Government Act 2020* (the "Act") in respect of the proposed Local Law.

In accordance with Section 74(1) of the Act, I have assessed the proposed Local Law for consistency with the Local Law requirements pursuant to Section 72 of the Act (the "Local Law requirements"). My assessment of such consistencies is outlined in the following table:

Local Law requirements	**Consistent with Local Law requirements**
Section 72(a): *A local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or regulations.*	Yes. The proposed Local Law does not overlap with existing legislation, rather it operates in conjunction with the requirements of the Act. The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter.
Section 72(b): *A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.*	Yes. Nothing in the proposed Local Law concerns or otherwise engages the Greater Bendigo City Council Planning Scheme.
Section 72(c): *A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.*	Yes. Not applicable.
Section 72(d): *A local law must not exceed the power to make local laws conferred by this Act or any other authorising Act.*	Yes. The proposed Local Law is consistent with, and does not exceed, the scope of Council's powers to make Local Laws under the Act.
Section 72(e): *A local law must be consistent with the objectives of this Act or any other authorising Act.*	Yes. The proposed Local Law furthers the objects of accountable, transparent, collaborative and efficient operations of Council.
Section 72(f): *A local law must be expressed as clearly and unambiguously as is reasonably possible.*	Yes. The proposed Local Law is clear and unambiguous.

Section 72(g): *Unless there is clear and express power to do so under this Act or any other authorising Act, a local law must not:* *(i) seek to have a retrospective effect; or* *(ii) impose any tax, fee, fine, imprisonment or other penalty; or* *(iii) authorise the subdelegation of powers delegated under the local law.*	Yes. The proposed Local Law: • does not seek to have retrospective effect; • does not impose any tax, fee, fine, imprisonment or other penalty; and • does not authorise the sub-delegation of any powers.
Section 72(h): *A local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.*	Yes. No regulations relating to the preparation and content of local laws have, at the time of preparing this certification, been made.

I, AARON PAUL DAY, certify that I:

1. Am an Australian Lawyer who has been admitted to the legal profession for at least 5 years;
2. Am not a Councillor of Council;
3. Have reviewed the proposed Local Law against the Local Law requirements; and
4. Am of the opinion that the proposed Local Law is consistent with the Local Law requirements.

SIGNED by the said AARON)
PAUL DAY at BENDIGO in the)
State of Victoria on 17th day of)
JANUARY 2022:)



Attachment 12 - 8 - Councillor Gift Policy

GREATER BENDIGO CITY COUNCIL

COUNCILLOR GIFT POLICY

CITY OF GREATER BENDIGO

Councillor Gift Policy

DOCUMENT INFORMATION

Approval Level:	Council
Policy Type:	Council
Approval Date:	March 28, 2022
Review cycle:	Within 12 months of each municipal election
Review Date:	October 2025
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Local Government Act 2020* (Vic)
DOCSETID:	4545424

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1. PURPOSE

1.1 The purpose of the Councillor Gift Policy is to:

1.1.1 provide a transparent and consistent framework regarding offers of Gifts made to and by Councillors; and

1.1.2 minimise Gift offers made to and accepted by Councillors, in order to protect and promote public confidence in the integrity of the Council.

2. BACKGROUND

2.1 Council considers that the proper management of Councillor Gifts is a practical demonstration of Councillors' integrity, impartiality and accountability and contributes to community confidence in the Council's decision making.

2.2 This policy is an important step in the proper management of Councillor Gifts and satisfies Council's obligation under the Act to adopt a Councillor gift policy.

3. SCOPE

3.1 This policy applies to Councillors.

4. DEFINITIONS

4.1 In this policy:

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

Ceremonial Gift means an official Gift provided to the Council or a Councillor as part of the culture and practices of communities and government or as a token of gratitude.

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

Councillor means a person who holds the office of member of the Council.

Gift means:

- free or discounted items or services and any item or service that may be perceived by the public as a gift. Including without limitation high and low value items, consumables and services;
- benefits including preferential treatment, privileged access, upgrades, favours or other advantage offered to a Councillor. Including, without limitation, invitations to sporting, cultural or social events, access to discount or loyalty programs or the promise of a new job; and
- any kind of hospitality.

Councillor Gift Register is the record of Non-Token Gifts whether accepted or declined.

IBAC means the Independent Broad-based Anti-Corruption Commission.

Non-Token Gift means a Gift offered to a Councillor that is, or may be perceived to be, of more than inconsequential value by the recipient or by the wider community. All offers estimated to be worth more than $20 (either individually or aggregated over the preceding 12-month period) are Non-Token offers and must be refused and recorded on the Councillor Gift Register (whether accepted or declined).

Token Gift means a Gift offered to a Councillor that is of inconsequential or trivial value. The primary determinant of a Token Gift is that it would not be reasonably perceived to influence or raise a conflict of interest. A Gift with an estimated value of equal to or less than $20 is a Token Gift (unless the same offeror has made several Token Gift offers in the preceding 12-month period, which when aggregated exceed $20).

5. PRINCIPLES

5.1 Councillors will uphold the following principles in applying this policy:

5.1.1 Impartiality - Councillors have a duty to place the public interest above their private interests when carrying out their duties as a Councillor.

5.1.2 Integrity - Councillors strive to earn and sustain public trust through providing or responding to offers of Gifts in a manner that is consistent with community expectations.

5.1.3 Accountability - Councillors ensure they and their fellow Councillors are accountable in accordance with this policy.

5.1.4 Risk-based approach - Councillors must ensure they consider the reputational and legal risks inherent with Gifts when dealing with offers.

6. POLICY

Gift assessment

6.1 Councillors must not seek, solicit, demand or request Gifts for themselves or anyone else, in any form.

6.2 When deciding whether to accept an offer of a Gift, Councillors should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

6.3 Councillors must consider the GIFT test outlined in Figure 1. below when offered a Gift.

Figure 1. GIFT test

G	Giver	**Who is providing the gift, benefit or hospitality and what is their relationship to me?** Does my role mean that the person or organisation may benefit from a decision I make?
I	Influence	**Are they seeking to gain an advantage or influence my decisions or actions?** Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make or function I am about to discharge?
F	Favour	**Are they seeking a favour in return for the gift, benefit or hospitality?** Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create or imply an obligation to return a favour?
T	Trust	**Would accepting the gift, benefit or hospitality diminish public trust?** How would the public view acceptance of this gift, benefit or hospitality? What would my fellow Councillors, council staff, family, friends or associates think?

6.4 Councillors are encouraged to seek advice from the Council's Governance Unit if they have doubts about accepting a Gift, Benefit or Hospitality, regardless of the value.

6.5 Councillors must refuse all offers of Gifts which are:

6.5.1 likely to influence them in the course of their duties;

6.5.2 likely to raise a material or general conflict of interest for the Councillor either immediately or in the future;

6.5.3 of money, vouchers, credit or similar;

6.5.4 made in secret with an express or implied expectation that the Councillor will not publicly disclose the Gift.

Token Gift offers

6.6 Councillors may accept Token Gift offers without declaring the offer on the Councillor Gift Register, unless the offer must be refused in accordance with clause 6.5.

Non-Token Gift offers

6.7 Councillors must not accept any Non-Token Gift offers.

6.8 All Non-Token Gift offers must be recorded in the Councillor Gift Register.

6.9 It is a Councillor responsibility to notify and provide adequate information to the Governance Unit to enable registration of a Non-Token Gift offer on the Councillor Gift Register.

6.10 Councillors may be offered a Non-Token Gift where there is no opportunity to decline prior to accepting. For example, they may receive a parcel in the post which contains a Gift. At first instance the Councillor should return the Gift to the sender. If that is not possible, the Councillor must notify and deliver the Gift to the Manager Governance for disposal.

Attendance at events and functions

6.11 This policy does not apply to invitations to and reasonable hospitality provided at events and functions that a Councillor is required to attend in an official capacity, including where:

6.11.1 the Councillor is invited to open or speak at the event or function or is otherwise involved in the proceedings;

6.11.2 the Councillor is a Council appointed representative of a committee or group involved in or relevant to the event or function; or

6.11.3 a majority of Councillors or the Mayor consider that it is appropriate and aligned with community expectations for the Councillor to attend the event or function.

6.12 Invitations to attend events and functions in an official capacity are not considered Gifts under this policy and are not required to be declared on the Councillor Gifts Register.

6.13 If a Councillor is invited to attend a function or event and is not required to do so in an official capacity, determined in accordance with clause 6.11, the invitation to attend must be treated as a Token Gift offer or Non-Token Gift offer in accordance with this policy, save that the Councillor is not required to declare Non-Token Gift offers of this kind on the Council Gift Register.

6.14 Councillors should seek advice from Governance staff if they are unsure if their attendance at an event is or would be in an official capacity. However, it is ultimately for the Councillor to determine.

Councillor Gift Register

6.15 Access to amend the Councillor Gift Register is restricted to relevant persons within the Council.

6.16 The Council's Audit and Risk Committee will receive a report at least annually on the administration and quality control of this policy, processes and Councillor Gift Register.

6.17 The Councillor Gift Register is maintained by the Council's Governance Unit.

6.18 The Councillor Gift Register is made available to the public, including by publication of the Council's website.

6.19 The Councillor Gift Register will include any information the Governance Unit consider from time to time is legal and relevant to disclose including the recipient's name, the date the Gift was offered, a description of the Gift, the reason for the Gift being offered, the estimated value of the Gift and the name of the organisation offering the Gift.

Ceremonial Gifts

6.20 Ceremonial Gifts are the property of the Council, irrespective of value, and should be accepted by Councillors on behalf of the Council.

6.21 Councillors accepting a Ceremonial Gift on behalf of the Council must:

6.21.1 arrange registration of the Gift on the Councillor Gift Register; and

6.21.2 discuss with the Governance Unit and other Councillors an appropriate means of displaying, disposing of or storing the Gift.

6.22 Note: In the event a consensus is not reached in discussions, the Manager Governance will determine whether and how to display, dispose of or store the Gift.

Providing Gifts

6.23 Councillors must consider the HOST test outlined in Figure 2. below when providing Gifts.

Figure 2. HOST test

H	Hospitality	**To whom is the gift or hospitality being provided?** Will recipients be external business associates, or individuals of the host organisation?
O	Objectives	**For what purpose will hospitality be provided?** Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	**Will public funds be spent?** What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	**Will public trust be enhanced or diminished?** Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the Council? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

Considerations when providing Gifts

6.24 Councillors providing Gifts must ensure that:

6.24.1 any Gift, Benefit or Hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate Council goals, or promotes and supports the Council's policy objectives and priorities;

6.24.2 it does not raise an actual, potential or perceived conflict of interest;

6.24.3 any costs are proportionate to the benefits obtained for the Council, and would be considered reasonable in terms of community expectations;

6.24.4 costs are contained wherever possible and expenditure complies with principles of financial probity and efficient use of resources.

Personal celebrations

6.25 Gifts provided to Councillors for personal celebrations will not be funded by the Council. This includes anniversaries, birthdays or improving/brightening the spirits of a Councillor. Nothing in this policy will prohibit Councillors or Council staff from personally paying for a Gift for such occasions.

Mayoral and Councillor Gifts

6.26 At the end of each Mayoral term the City provides gifts chosen by the City, not to exceed the following nominal amounts:

6.26.1 $150 - to the Mayor

6.26.2 $50 – to the Deputy Mayor

6.27 These gifts are a memento in recognition of the importance of these roles for the City of Greater Bendigo.

6.28 At the end of the Councillor term the City provides a gift to all Councillors which will not exceed the following nominal amount:

6.28.1 $100 per councillor.

6.29 These gifts:

6.29.1 Must be registered by the City on the Gift Register

6.29.2 Are otherwise exempt from this Policy (as in the individual may accept the gift)

6.30 The choice of gift remains the sole discretion of the City.

6.31 Gifts that are donations on behalf of the gift recipient (or in the name of the Council) must only be to a registered charity.

6.32 No other gifts, for example to the Mayor's spouse, will be provided.

7. REVIEW

7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.

7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

8.1 Councillors are responsible for ensuring:

8.1.1 they do not seek, solicit or demand Gifts, Benefits or Hospitality for themselves or anyone else, in any form;

8.1.2 all offers of Non-Token Gifts are declared; and

8.1.3 they adhere to this policy.

8.2 The Manager Governance is responsible for facilitating the implementation and review of this policy, managing the disposal of Gifts under this policy, maintaining the Councillor Gifts Register and reporting to the CEO and Audit and Risk Committee on the receipt of Gifts, Benefits and Hospitality by Councillors.

9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

9.1.1 Local Government Act 2020 (Victoria)

9.1.2 Councillor Code of Conduct

10. HUMAN RIGHTS COMPATABILITY

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

11. ADMINISTRATIVE UPDATES

11.1 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. 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.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Oct 2015	Manager Governance	Governance	Developed	1.0
Apr 2021	Manager Governance	Governance	Revision	2.0
Feb 2022	Manager Governance	Governance	Revision	2.1

14.3. Draft Asset Plan

Author	Michelle Stedman, Coordinator Strategic Capital Management
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to present Councillors with the draft Asset Plan in accordance with the *Local Government Act 2020* (the Act), and to seek approval to release the draft Plan to the community for a feedback period of four weeks.

Summary

The Act mandates Councils to undertake a principles-based approach to integrated strategic planning and reporting, including development of an Asset Plan with a ten-year outlook. In response, the City of Greater Bendigo (the City) has prepared a draft Asset Plan to support the Community Vision, Council Plan (Mir Wimbul) and the 10 year Financial Plan.

The City currently has an Asset Management System in place to support its asset management activities. The new Asset Plan is proposed to sit at the top of this hierarchy with the aim of acting as a conduit between the organisation's technical asset management documentation and the Greater Bendigo community.

This report seeks Councillors support of the draft Asset Plan and approval to release the draft Plan to the community for feedback period of four weeks.

Recommended Motion

That Council:

1. Endorse the draft Asset Plan

2. Approve for the draft Asset Plan to be released for community consultation for a period of four weeks.

Policy Context

Primary Council Plan Reference:

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

- Outcome 1 - Lead and govern for all
- Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s):

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

- Goal 1 - Accountable, financially responsible, equitable, transparent decision making
- Goal 8 - Targeted investment in services, facilities, and programs to communities most in need

Other Reference(s):

Community Engagement Policy

The City is committed to good community engagement to inform its plans and projects. The Imagine Greater Bendigo process that was undertaken in 2021 in line with the City's Community Engagement Policy, sought to inform the development of several key strategic plans, including the draft Asset Plan.

Stage 1 of the Imagine Greater Bendigo process asked the question “How should Council prioritise which services it delivers to our growing and changing community, while also maintaining infrastructure it is responsible for and investing in new projects as they are needed?”. A wide variety of responses were received and considered. The areas which were included “more often” were:

1. Better scoping, planning, monitoring and evaluation of projects (to avoid cost blow outs and to help prioritisation)
2. Prioritise health and wellbeing/equity
3. Prioritise climate risk/Environmentally Sustainable Design (to address climate change and save on energy costs)
4. Reduce operating costs and improve productivity/efficiency
5. More regular informed community consultation on prioritisation
6. Find more ways to generate income
7. Prioritise investment in rural/suburban areas/outside the city centre and mall
8. Advocate for more state and federal funding
9. Co-management/co-investment of facilities with community.

Legislative Requirements

Local government assets determine the ability of a local government to deliver on community expectations and needs. Assets primarily include local roads, bridges, major culverts and associated traffic infrastructure, land, buildings, storm water infrastructure, parks, and recreation facilities. The Local Government Act 2020 introduced a requirement for Victorian councils to develop an Asset Plan to transparently and clearly set its direction and priorities that support the efficient and responsible management of assets on behalf of the community.

Background Information

With Local Government being the most asset-intensive tier of government in Australia, an Asset Plan rightly features among other key plans legislated by the Local Government Act 2020 (the Act); most already adopted by Council in recent months.

The requirement for an Asset Plan in the Act is a welcome recognition that asset management practices are an integral part of local government’s business. Its inclusion in the Integrated Strategic Reporting and Planning Framework is also an acknowledgement that decisions around assets are not made for the sake of assets alone, they are made in the pursuit of the delivery of the Community Vision and the Council Plan.

The Asset Plan needs to be adopted before 30 June 2022 to comply with the provisions of the Act.

Report

Draft Asset Plan 2022-2032

Attached to this report is the final draft of the Asset Plan for Councillors to consider releasing for community feedback. The report was prepared by City officers and consultants, RMCG, in order to meet the principles and timelines of the Act.

The draft Asset Plan provides a strategic overview of how Council and the City of Greater Bendigo (the City) manage assets on behalf of the community, now and into the future. It outlines:

- how asset management contributes to achieving the community vision and Council Plan
- the diversity of Council's assets, and how assets support services for the community
- the total value and current condition of the eight asset groups
- the City's asset management responsibilities, and how decisions are made on investments
- how the community is involved in asset management and decision-making
- asset management challenges and improvement actions

Summary of Strategic Initiatives

The draft Asset Plan details six Strategic Initiatives to be delivered on over the life of the Plan as outlined below. Actions to support each of these Initiatives are included within the draft Asset Plan:

No.	Strategic Initiative	Description
AP-1	**Define technical, community and environmental service levels for all asset groups**	Working with subject matter experts across the City, and being informed by community engagement initiatives, Council will consider and adopt agreed levels of service across these areas to ensure the asset base is responding to contemporary service needs
AP-2	**Establish and implement an informed process for 'whole of life' costing of assets**	Different approaches to understanding the total long-term costs of assets will be further explored to ensure that the City and Council have accurate information in order to make well informed decisions. A consistent and transparent approach to applying whole-of-life costs will be more regularly applied to all infrastructure investment.

No.	Strategic Initiative	Description
AP-3	**Engage and deliberate with community on key service level and asset management issues (including decommissioning, funding, and quantity vs quality)**	Under the Local Government Act 2020, deliberative engagement practices are to be incorporated into the development of future Asset Plans to ensure the Plan remains aligned with the needs of the community.
AP-4	**Develop approach for optimising asset base (e.g. quality vs quantity)**	Utilisation of engagement processes to support and inform assessments of the asset base and potential decommissioning of underperforming assets. This will help to ensure decisions are transparent, robust and financially sustainable.
AP-5	**Develop systems to better track and report annually on operational costs associated with an increasing Council asset base and non-Council assets**	Gain a clear understanding of implications from the fact that every year the City's asset base increases through new developments (subdivisions); State Government decisions; and the City's own new/upgrade works. Assets that Council does not own but are responsible for maintaining also increase through joint agreements for public use of assets and State Government decisions. These asset responsibilities are growing more quickly than the related operational budgets (particularly maintenance requirements) – which are constrained by the State Government's rate cap.
AP-6	**Monitor, evaluate and update the Asset Plan**	Implementation of a Monitoring, Evaluation and Learning Plan to ensure the Asset Plan remains relevant and is kept up to date, and that further

No.	Strategic Initiative	Description
		guidance and advice is added to ensure the Asset Plan continues to achieve its intent.

Options/Alternatives:

There is an option to take a traditional approach to the Asset Plan and utilise previous Asset Management Strategy work, however the technical nature of these documents mean that they may not remain in line with the principles of the Local Government Act 2020.

Council's opportunity within the new Act is to grow this into a 'Plan for Assets' – including a forward looking, integrated approach that encapsulates all aspects of infrastructure supported by Council.

Timelines:

The following are the forward planned dates for consideration of the Asset Plan:

Date	Task
28 March 2022	Draft Asset Plan to Council Meeting to consider release for community feedback
29 Mar- 25 Apr 2022	Community consultation/engagement on Draft Asset Plan via Let's Talk engagement platform.
17 May 2022	Asset Plan (final) to EMT
6 June 2022	Asset Plan (final) to Councillor Briefing
27 June 2022	Asset Plan (final) to Council Meeting for adoption

Consultation/Communication

Internal Consultation:

A workshop with the consultants and the City's Asset Management Steering Committee informed the development of the draft Asset Plan.

The draft Asset Plan has been shared with Councillors, the Asset Management Steering Committee, the City's Executive Management Team and key stakeholders across the organisation with feedback received considered and incorporated into the draft Asset Plan.

External Consultation:

Throughout the period of community consultation proposed as part of this report, opportunities for the community to provide written submissions on the draft Asset Plan via Let's Talk Greater Bendigo will be advertised.

Resource Implications

The Asset Plan and capital budget implications of this work will be a key part of future budget discussions. There are no other specific budget implications for the finalisation of the draft Asset Plan.

Attachments

1. Final Draft Asset Plan 2022-2032

Attachment 1 - Final Draft Asset Plan 2022-2032

RMCG

MARCH 2022

Draft Asset Plan

City of Greater Bendigo

135 Mollison Street, Bendigo Victoria 3550
rmcg.com.au — ABN 73 613 135 247 — RM Consulting Group Pty Ltd
Victoria — Tasmania — ACT — NSW

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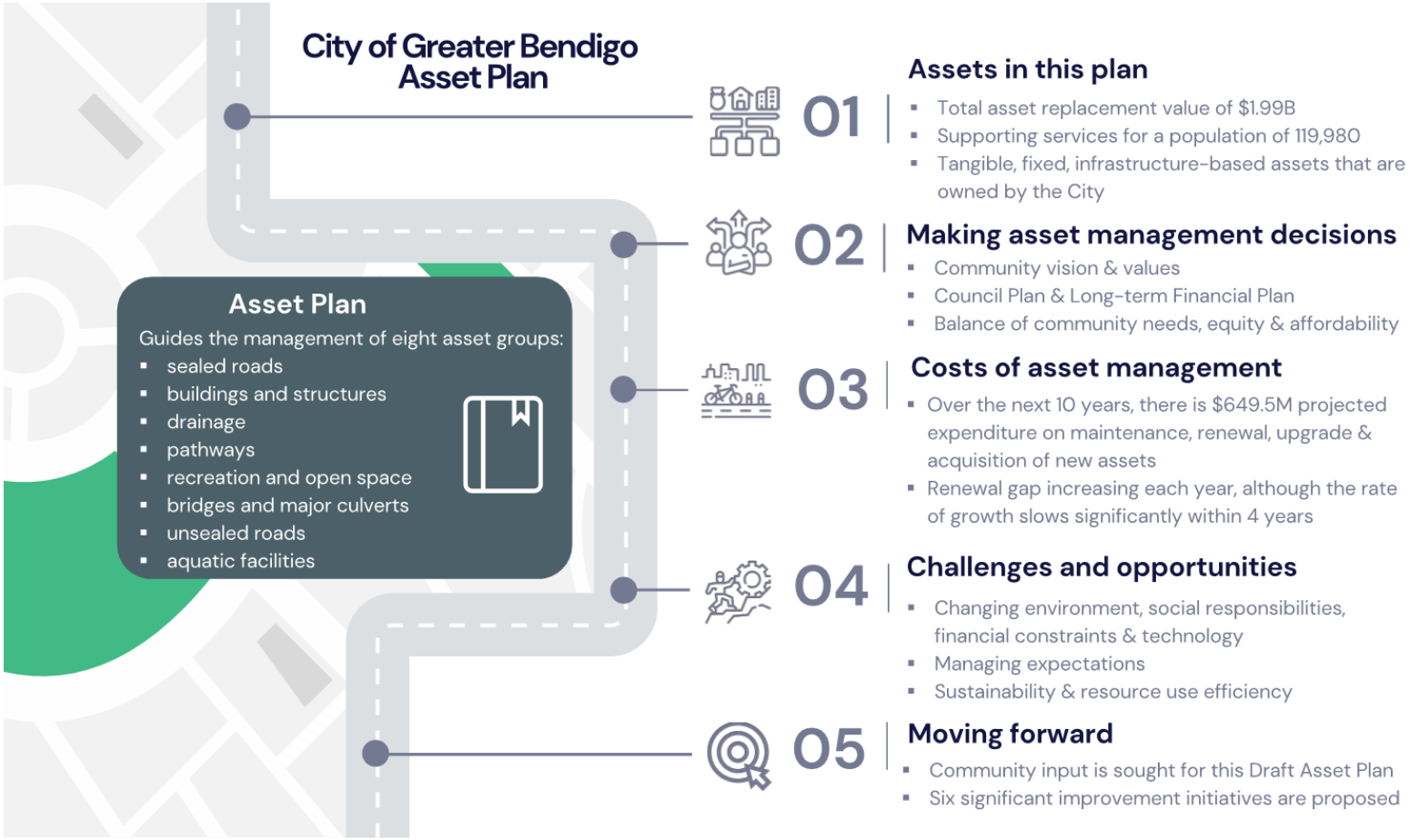
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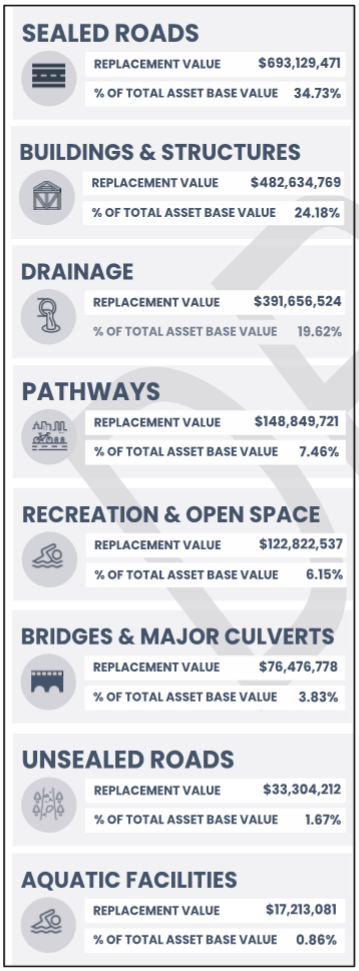

City of Greater Bendigo
Asset Plan
Asset Plan
Guides the management of eight asset groups:
sealed roads
buildings and structures
drainage
pathways
recreation and open space
bridges and major culverts
unsealed roads
aquatic facilities
01
Assets in this plan
Total asset replacement value of $1.99B
Supporting services for a population of 119,980
Tangible, fixed, infrastructure-based assets that are owned by the City
02
Making asset management decisions
Community vision & values
Council Plan & Long-term Financial Plan
Balance of community needs, equity & affordability
03
Costs of asset management
Over the next 10 years, there is $649.5M projected expenditure on maintenance, renewal, upgrade & acquisition of new assets
Renewal gap increasing each year, although the rate of growth slows significantly within 4 years
04
Challenges and opportunities
Changing environment, social responsibilities, financial constraints & technology
Managing expectations
Sustainability & resource use efficiency
05
Moving forward
Community input is sought for this Draft Asset Plan
Six significant improvement initiatives are proposed

Executive Summary

This Draft Asset Plan provides a strategic overview of how Council and the City manage assets on behalf of the community, now and into the future. It outlines:

- How asset management contributes to achieving the community vision and Council Plan
- The diversity of Council's assets, and how assets support services for the community
- The total value and current condition of the eight asset groups
- The City's asset management responsibilities, and how decisions are made on investments
- How the community is involved in asset management and decision-making
- Asset management challenges and improvement actions.

WE INVITE COMMUNITY FEEDBACK ON THIS DRAFT ASSET PLAN.
The final Asset Plan will respond to feedback and will be considered at Council's June 2022 meeting.



This Asset Plan will provide strategic guidance for Council over the next 10 years. It will be regularly reviewed and evaluated to ensure that asset management is achieving Council's goals and is aligned with the Community Vision, Council Plan and Financial Plan.

This Asset Plan is the top tier in the City's comprehensive asset management system, and overarches an existing Policy, Strategy, and detailed plans for each asset group.

The City's asset base

The City continually acquires, maintains, renews, expands, upgrades and decommissions assets. They are responsible for a wide range of assets, including roads, buildings, stormwater drains, pathways, open space and recreational facilities (playgrounds, tennis courts, etc.), bridges and aquatic centres.

The City's assets are currently valued at around $1.99B and they provide services to a population of 119,980. The snapshot on this page shows the value of assets across eight 'asset groups'.

Making asset investment decisions

Council's asset investment decisions must consider:

- The community's current and future needs
- Costs and financial sustainability
- Legislative and regulatory obligations
- Social responsibilities and changes
- Environmental impacts and challenges
- Technological changes
- Risks and community safety.

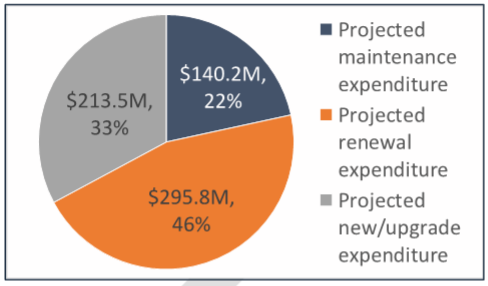
Together, these drivers make asset management decisions complex, requiring long term planning, compromise and community-wide deliberation.

DRAFT

The cost of managing assets

This diagram shows the City's forecast total expenditure on maintenance, renewal and acquisition or upgrade of assets over the next 10 years.

With a large and growing asset base and restricted funding (including rate capping), there is a gap between the demand for renewals and the ability to fund them. This is why sometimes tough decisions need to be made, and prioritisation is important.



The Financial Plan 2021-2031 sets out Council's intention to continue to increase renewal investment. This planned expenditure on renewal has been further broken down, and the City has used historical data to estimate that approximately 20% of renewal allocations each year are redirected to upgrades. This occurs because renewing assets to historic standards (like-for-like replacement) often does not meet current day standards or contemporary community expectations. With restricted (rate capped) income, and an estimated 20% of renewal allocations going toward upgrades, the renewal gap will continue to grow over the next 10 years (Figure 7-2). Consequently, the City's renewal gap is forecast to reach around $70M by 2031/2032.

Challenges & opportunities

The City, like many Local Government organisations across Victoria, faces several challenges in managing community assets. This Asset Plan will guide planning and decisions so that assets and associated services continue to serve community needs. It will help to ensure that in the face of the changing climate, a growing population, increasing construction costs, an expanding asset base and a dynamic regulatory environment, Greater Bendigo will continue to be welcoming, sustainable and prosperous well into the future.

Strategic initiatives & actions

With this Draft Asset Plan, six strategic initiatives are proposed, and these will help to drive improvement and efficiencies in asset management over the life of this Plan.

DRAFT ASSET PLAN STRATEGIC INITIATIVES

AP1 - Define technical, community and environmental service levels for all asset groups

AP2 – Establish and implement an informed process for 'whole of life' costing of assets

AP3 – Engage and deliberate with the community on key service level and asset management issues

AP4 – Develop an approach for optimising the asset base

AP5 – Develop systems to better track and report annually on operational costs associated with an increasing Council asset base and non-Council assets

AP6 – Monitor, evaluate and regularly update this Asset Plan

1 Introduction

Asset management covers the process of planning and controlling the 'whole of life' management, refurbishment and maintenance of infrastructure assets to support the delivery of services and to ensure that these services and assets are available for future generations. The practice of good asset management is an integral part of Local Government's business.

Local Government across the municipality is led by the Greater Bendigo City Council (Council), being the decision making body elected by rate payers generally every four years. Providing subject matter expertise and implementation of decisions made by the Council is the organisation the City of Greater Bendigo (the City). This is an important distinction to make as while the City undertakes asset management activities, they do so under strategic guidance and decisions made by Council.

With the introduction of the Local Government Act 2020, asset management and planning became an explicit part of the Integrated Strategic Reporting and Planning Framework. Council's decisions about asset management are ultimately made in the pursuit of the delivery of the Community Vision, and the Council Plan. The actions and initiatives in this Draft Asset Plan are also strongly integrated with Council's Financial Plan.

Council and the City are already guided by an existing Asset Management Policy, an Asset Management Strategy, and a range of individual Asset Management Plans currently in place. As well as influencing ongoing reviews of these operational documents, the intention of this ***Draft Asset Plan*** is to:

- Articulate Council's strategic intent around management and planning of infrastructure and assets
- Describe the processes Council goes through to make complex asset management decisions
- Outline how Council's stewardship of their assets responds to the Community Vision, the Financial Plan, and a range of challenges and opportunities
- Identify actions to improve the way the City manages and monitors assets on behalf of Council and the community.

This Draft Asset Plan has been developed for consultation with the community of Greater Bendigo.

ACKNOWLEDGEMENT OF COUNTRY

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country.

We would like to acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung Peoples, the Traditional Owners of the land.

We pay our respects to leaders and Elders past and, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples.

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

DRAFT

2 What is asset planning?

2.1 WHAT IS A COUNCIL ASSET?

DEFINING ASSETS

An “asset” is defined as something of value. Assets can be tangible (often physical objects that can be touched, such as a pathway or a building), or intangible (such as someone’s expertise or a scenic view).

For the purposes of this Plan, we are referring only to tangible, fixed, infrastructure-based assets that are owned or controlled by Council. This includes the following 8 ‘***Asset Groups’***:

- Sealed roads
- Stormwater drainage
- Buildings and structures
- Pathways
- Recreation and open space
- Bridges and major culverts
- Unsealed roads
- Aquatic facilities.

A profile of each asset group is provided in Section 6 of this Plan.

SOME ASSETS ARE NOT INCLUDED IN THIS PLAN

The City manages a range of other assets which are not included in this Plan, including: plant equipment (machinery), vehicles, non-fixed or mobile items, trees, artworks, signage and office equipment. These assets are not currently included in this Plan because they are managed differently from a financial perspective, on the basis that they are portable, they have a relatively short asset life, or they are of low financial value. These assets are monitored and managed through other processes, including being overseen by subject matter experts who are guided by other Council-endorsed strategies and plans.

The City sometimes manages assets that Council does not own. These special assets include buildings, land and other infrastructure, in most cases owned by the State Government. These assets help to provide services for the community and so the City may take responsibility for maintenance of these assets in order to protect what the community values.

Challenges:

- There are around $100M of assets that the City invests in but does not own. The City's investment ensures that services important to the community continue to be delivered. Notable examples include the *Ulumbarra Theatre* and the *range of facilities at Marist College* in Maiden Gully. Assets like this are called 'third party' or 'shared' assets and are not included in Council's normal asset groups because of their external ownership
- Costs to maintain third party assets are increasing. The long-term nature of these commitments are not well understood and are not accurately accounted for in Council’s Financial Plan.

Opportunities for improvement:

- The City will work to accurately quantify the impact that these third party asset management responsibilities have on maintenance and renewal budgets
- The City will also continue to investigate opportunities to advocate to other levels of Government, form partnerships and obtain grant funding around the ongoing support for these assets.

ASSETS VERSUS SERVICES

Assets enable the delivery of services. For example, an **aquatic centre** is an asset that enables the City to provide for recreational water services, including exercise, swimming lessons and water play. A **library** is an asset that provides community services, including meeting and learning spaces, and storage and display of reading and audio-visual resources. A large **culvert** under the road and a **swale drain** through parkland are assets that provide drainage services, including drainage of stormwater away from residential and commercial property.

The standard, quantity and location of Council's assets directly affect the levels of service communities experience and subsequently the community's quality of life.
Some of the services that Council assets support, include:

- Sports and recreation
- Drainage of stormwater
- Public health
- Aged care
- Meeting places
- Arts and cultural activity
- Integrated transport
- Waste management
- Emergency response
- Youth wellbeing
- Business development
- Education and learning.

Statutory requirements sometimes set the framework for minimum levels of service or performance levels that assets are required to meet. Section 3.3 of this Asset Plan provides further information on how levels of service are considered when Council makes decisions about assets.

This Asset Plan does not cover the delivery of services. Service information, revenue and expenditure can be found in the City's annual budget. More detailed service planning is contained in Council's service profiles and business plans (and these include the drivers, objectives, benefits, enablers, issues affecting service delivery and the costs to deliver).

2.2 WHAT IS ASSET MANAGEMENT?

Asset management is a process of investing in, and looking after, assets to ensure maximum value is obtained from each investment, and to ensure those assets can deliver appropriate and financially sustainable community services. Asset management includes planning for WHAT assets are required, WHEN they are required (or when they need to be repaired, replaced, upgraded or removed), WHERE they should go, and HOW Council's financial resources can best be spent to provide the full range of assets (and thereby the associated services) that the community values.

Council aims to ensure that infrastructure assets 'deliver the required level of service to existing and future customers (community) in the most cost-effective way'. Council is therefore responsible for planning, and for making decisions about, assets throughout their lifecycle (Figure 2-1). Not all assets will go through all stages of the lifecycle; for example, some will be renewed but not upgraded, some will never be decommissioned.

In managing assets for the community, Council must consider many factors: cost, risk, safety, engineering, land use, environment, performance (of assets), community needs, accessibility, social and financial equity, and regulation. Council must also collect and store data on each asset, which can be used to make sound financial and functional decisions.

Striking a good balance between the cost of assets and the provision of community services can be complex. Council regularly evaluates their long-term ability to finance the maintenance and renewal of existing assets, whilst still planning for future changes and growth.

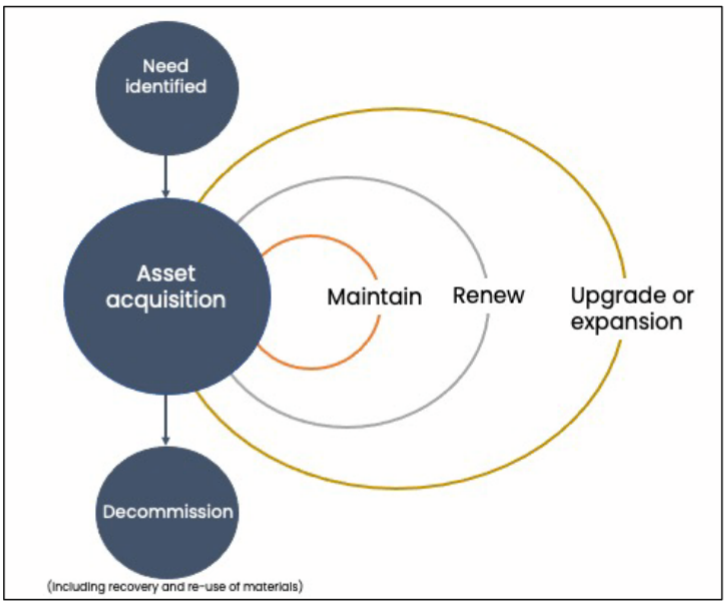


Figure 2-1: Asset Lifecycle

The assets we refer to in this Plan currently have a combined value and replacement cost of $1.99B. Council has accumulated these assets progressively over time, resulting in assets sitting across all stages of the lifecycle. Managing assets which have differing ages, were designed to different standards and deliver different service levels means that Council must provide tailored levels of intervention and care. The standard to which each asset is managed are key considerations in delivering on Council's responsibilities and commitments.

2.3 STRATEGIC CONTEXT

COUNCIL STRATEGIC PLANNING

Council endeavours to understand the assets and related services that the community needs and values, both now and for the future. Through collection of asset and usage data, planning processes, engagement with the community (individually and through groups) and by analysing changes, Council works to develop a strong understanding of those needs and values. Alongside this understanding is the responsible management of finances, and the appropriate allocation of funds each year to meet community needs, but also to meet safety and statutory responsibilities.

To achieve all these things, Council develops and regularly refreshes a range of interconnected strategic plans, with the Council Plan and Community Vision being key guiding documents.

The Community Vision states:

> ***Greater Bendigo celebrates our diverse community. We are welcoming, sustainable and prosperous. Walking hand-in-hand with the traditional custodians of this land. Building on our rich heritage for a bright and happy future.***

The Community Vision for Greater Bendigo was crafted by 65 residents selected specially to form a community panel and represent the views of the community.

The vision is also supported by five values – transparency, sustainability, inclusion, innovation and equity – that underpin the vision and ensure future Council decision making reflects these values.

This Asset Plan aims to respond to the five values and helps to achieve the Community Vision (and underpinning strategies and plans) by guiding the management of assets that support services the community wants and needs; providing for meeting places, recreation, entertainment, learning, movement and safety, and doing all this in sustainable, equitable and responsible ways.

This Asset Plan is also underpinned by a hierarchy of asset planning documents, as illustrated in Figure 2-2.

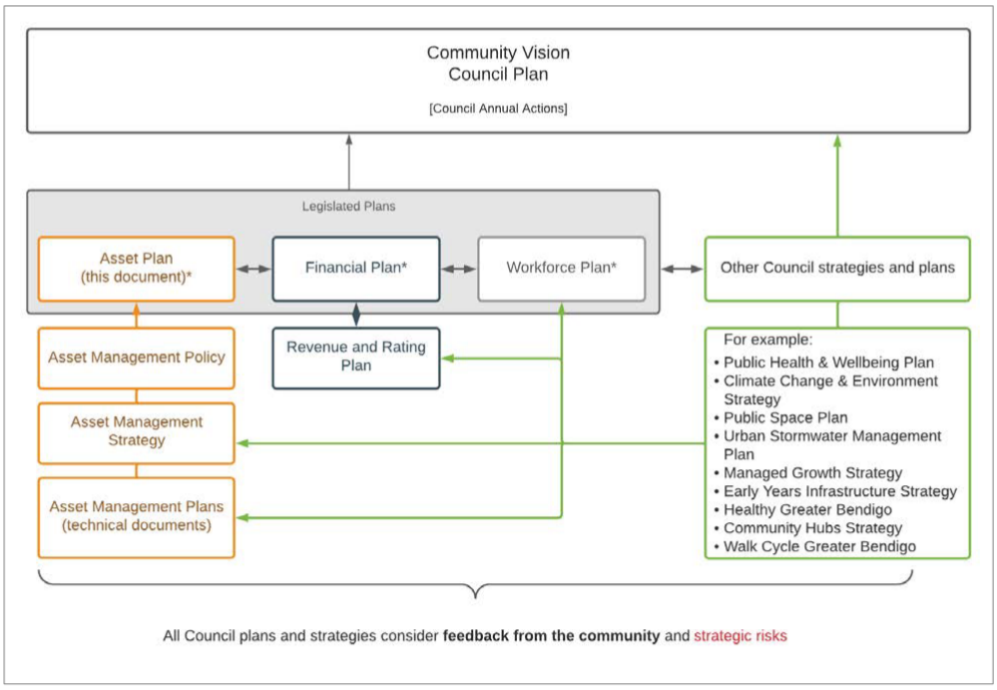


Figure 2-2: Strategic planning context for the Asset Plan

LEGISLATION & REGULATION

State and Federal laws set a strict framework for minimum standards of many Council assets. These include a broad range of legislation and subordinate regulation, including:

- Local Government Act 2020
- Cladding Safety Victoria Act 2020
- Gender Equality Act 2020
- Planning & Environment Act 1987
- Building Act 1993
- Public Health & Wellbeing Act 2008
- Occupational Health and Safety Act 2004
- Dangerous Goods Act 1985
- Environment Protection Act 2017
- Equipment (Public Safety) Act 1994
- Road Management Act 2004
- Electricity Safety Act 1998
- Disability Act 2006
- Climate Change Act 2017
- Flora and Fauna Guarantee Act 1988
- Heritage Act 2017
- Aboriginal Heritage Act 2006
- Catchment & Land Protection Act 1994
- Financial Management Act 1994.

This list is not exhaustive, but relevant legislation is signposted in each of the detailed Asset Management Plans.

In addition to regulatory obligations, there are also guidelines and standards that must be followed in order to provide safe and compliant assets and services for the community. Specific guidelines are issued by organisations such as the Environment Protection Agency (EPA), WorkSafe Victoria, and the Australian National Committee on Large Dams (ANCOLD). Council considers all relevant legislation, regulation, guidelines and standards when acquiring, commissioning, maintaining and decommissioning assets.

Other Government regulatory bodies such as the Victorian Auditor General's Office and the Victorian Ombudsman may also place recommendations on Local Governments around asset management activities to promote transparency and best practice.

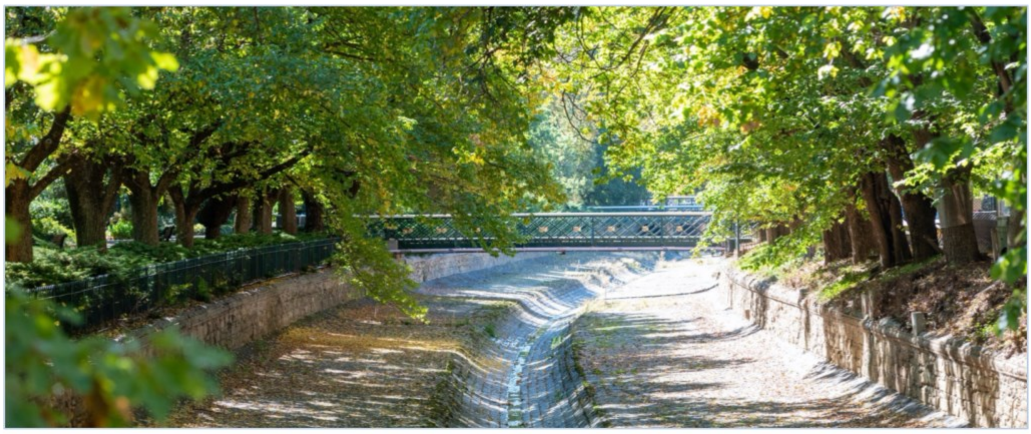
Local Government Asset Management: opportunities to improve

In 2019, the Victorian Auditor General's Office (VAGO) published a report:
Local Government Assets - Asset Management and Compliance.

VAGO audited five local government Councils (these did not include Greater Bendigo City Council) and made seven general recommendations to improve the way Councils manage assets and asset information. These recommendations were for Councils to:

1. Revise their governance and policy guidance for asset investment decision-making to ensure that it is evidence-based
2. Clearly determine and document the information that they need for effective asset reporting and decision-making, including ensuring disaster recovery funding arrangements needs are met
3. Establish more consistent and systematic processes for data collection on all asset classes to a level commensurate to the criticality of the asset and implement them to collect the information
4. Integrate asset management information systems so staff can easily record and access data to enable analysis for planning and decision-making
5. Identify their critical assets, and the potential risks of their failure, to inform investment priorities
6. Integrate asset management planning into financial planning cycles and processes to ensure councils balance asset investment needs against their objectives and funding constraints
7. Evaluate their capability, including resources, skills and training to meet their identified asset management needs, potentially using the national asset management assessment framework.

The strategic initiatives and actions developed throughout this Draft Asset Plan will help the City to address VAGO's recommendations where they apply.



3 How Council makes decisions on assets

Council aims to provide safe and effective assets which support services to meet community needs. There are many constraints and influences on Council's decisions, including: financial capacity, regulatory standards and controls, industry best practice, current state of the assets (including legacies) and use of asset data, environmental factors, population growth and changes, economic environment, social and financial equity, and political influence.

Council makes decisions based on community needs, balancing the demands of diverse assets and associated services with financial sustainability, and keeping a long term focus with planning and scheduling for major asset expenditure.

Decisions on asset investments are made at two levels: lifecycle planning, and the options available within each stage of the asset lifecycle.

3.1 LIFECYCLE PLANNING

Lifecycle planning is an important part of asset management that considers the whole-of-life implications of design, planning, acquiring, constructing, operating, maintaining, renewing, and disposing of assets. It considers the financial, social and environmental impacts associated with all stages of the asset's life. The lifecycle of an asset was outlined in Section 2.2 and Figure 2-1.

Lifecycle planning is required to get the most out of the asset at each stage of its lifecycle, and to avoid or minimise negative legacies.

The objectives of lifecycle planning are to:

- Provide a sound basis for making investment, maintenance, and disposal decisions
- Accurately determine the total cost of ownership and operation of an asset, in order to ensure service affordability and intergenerational equity
- Identify and minimise environmental impacts through all stages of asset life
- Improve cost-effectiveness by optimising the initial costs of construction and the long-term maintenance and renewal costs, rather than making decisions only on the basis of initial (or capital) cost.

LIFECYCLE ASSESSMENTS

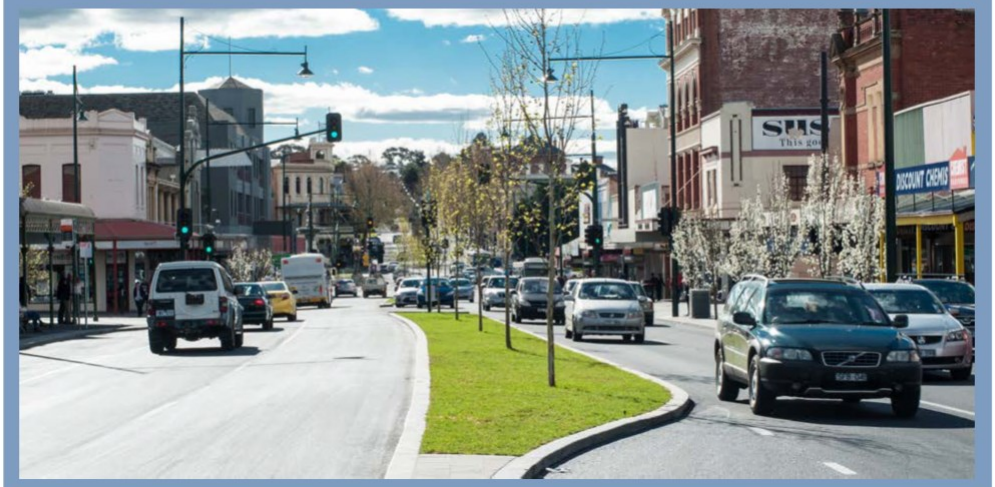
These involve undertaking an assessment of an asset before acquisition or construction to understand if it provides the most effective solution over the whole of its expected life. This assessment may identify how the asset, and the ongoing costs it creates, affect or address financial sustainability, social or service needs, environmental impacts, climate challenges and economic prosperity over the whole of its life. Lifecycle assessments help to improve decision-making by considering the long term effects an asset may have.

BENEFITS OF LIFECYCLE PLANNING

Understanding the impact that an asset can have over the long term is important in reaching the best outcome for communities. It becomes quickly evident when investigating these impacts that upfront costs of assets are only a small part of the picture.

Throughout Bendigo City Centre, roads provide a key transport service for people to access businesses, parks and other important facilities. Road assets in areas with high use are under constant demand. Decisions made about the assets in these locations need to plan for higher than normal demand.

Road sealing treatments can vary in their durability, longevity and (subsequently) cost. Given their increased demand, city centre roads are treated with asphalt seals to maximise their durability. Although the asphalt seal can cost as much as five times more than the alternative, the extra costs are balanced by the longer life and the reduced need to undertake disruptive roadworks and maintenance in the busy city centre.



3.2 CONSIDERATIONS AT EACH STAGE OF THE LIFECYCLE

The lifecycle of an asset was described in Section 2.2. Decisions must be made by Council at each stage of an asset's life: whether to build or buy an asset; how big it should be; where should it go; when it needs to be replaced or upgraded or repaired; how it will be paid for; what standard of service the asset should support; how many of the same asset the City needs; what compromises need to be made to fund new assets or major repairs; and when an asset should be decommissioned or disposed of. These are often complex and interconnected decisions that are made within the constraint of a limited budget.

Council uses three key processes to decide on an investment:

1. Quantitative and qualitative measures to assess the need
2. Consideration of options to meet that need or demand
3. Engagement with the community to determine priorities, information and options.

These three processes are outlined below.

QUANTITATIVE AND QUALITATIVE MEASURES OF NEED

Council uses a range of quantitative and qualitative measures to understand the need for investment, and to make the best investment decisions possible. More than one measure is often applied, and they include:

Forecasts of remaining asset life

Most assets have a predicted useful life which is known at construction, installation, or acquisition. The ability of an asset to reach or exceed that life span can be dependent on the quality of its construction, environmental factors (including damage from storms or accident), maintenance undertaken, the level of usage and demand, and ultimately the reliability of the data and assumptions that determined its predicted useful life. The City uses the predicted life, informed by data on past assets, and calculates the likely timing when an asset will need renewal, and/or disposal. Asset inspection data helps the City to understand changes in the asset over time and when maintenance may be required or inspection timing may require change.

Regulations and standards

Some assets need to be inspected, tested, maintained, or replaced according to a set schedule or criteria that have been established in industry Standards or regulations. To meet regulatory obligations, minimise risks and to ensure worker and public safety, the City documents these in the Asset Management Plans and manages the assets according to the relevant criteria and schedules.

Levels of service

Levels of service are set by Council and provide a standard for an activity or asset that aligns with contemporary service needs and that can be monitored and reported on over time.

Specific performance measures and targets are documented for the City's service plans but are currently only partially established for assets. These levels of service are not yet documented for all asset groups and have been flagged as an opportunity for improvement in Asset Management Plans. This is an area of improvement that the City is working to resolve. As highlighted in the VAGO 2019 report into Local Government Asset Management, this information is important for decision making and prioritisation of asset investment.

The following three elements are considered in setting and managing levels of service:

- Community – Standards specific to the availability of assets and the outcomes sought by the community. This includes safety, equitable access, reliability, appropriate to needs, and the City's responsiveness to faults
- Technical – Specific standards to how the asset functions or to what technical standard the asset is maintained or built to. These are strongly influenced by regulatory requirements. Some examples include Essential Safety Measures determined by a Certificate of Occupancy, the frequency public toilets are cleaned, or how often road inspections are undertaken
- Environmental – Standards specific to the environmental performance of an asset and how it enhances or reduces impact on the environment. For example, minimising energy and water use, meeting environmental licencing conditions, reducing waste generation, reducing and sequestering greenhouse emissions, and any effect on water quality or biodiversity.

STRATEGIC INITIATIVE ACTION AP-1

Define technical, community and environmental service levels for all asset groups

Description: *Working with subject matter experts across the City, and being informed by community engagement initiatives, Council will consider and adopt agreed levels of service across these areas to ensure the asset base is responding to contemporary service needs.*

Actions:

1. Confirm gaps in existing technical service levels across all asset groups in conjunction with the City's Service Planning Working Group and where necessary, improve management and reporting of these.
2. Ensure established technical levels of service within all asset groups and coverage of any identified gaps.
3. Establish and implement a community engagement plan to facilitate community discussion and negotiation on community levels of service across all asset groups and provide recommendations for the consideration of Council.
4. Work with the City's Climate Change and Environment Unit to draft environmental levels of service for the consideration of Council.
5. Develop prioritisation criteria for all levels of service to assist Council in making decisions on service level criticality and implications of investment (or divestment).

Performance or condition assessment

The City regularly inspects a wide range of assets to assess and understand their condition. A condition rating between 0 and 10 is recorded; with 0 for a new asset or an asset recently rehabilitated back to new condition, and 10 for an asset that has failed, is no longer serviceable, may pose an unacceptable risk, and should be retired.

The condition assessment process assists in identification of investment urgency. That is, it helps identify the type and scale of investment required, and the timeframe within which it may need to occur.



Usage or demand analysis

In many cases, the City collects data to help understand the level of asset use or investigates asset use in similar situations. This could be the number of bookings or attempted bookings at a community hall, the number of patrons using a swimming pool, or the number of cars travelling on a road. This information helps the City to understand if the asset's predicted remaining life might be extended or reduced, if the asset is necessary, if it is of substantial value to the community, and if there is opportunity to better maximise its use, and support equitable service delivery.

OPTIONS TO MEET DEMAND FOR AN ASSET

Meeting demand, and the ability to deliver the required assets to meet appropriate service levels requires long term planning, but also requires adaptation to changing asset, environmental and community conditions.

When a new or altered need, changed conditions or a material change in asset functionality has been identified, Council considers how to respond, following the principle of "renew before new". Options can include:

- Maintain the existing assets and services
- Advocate for better utilisation of alternative or existing assets
- Change the prioritisation for planned upgrade, renewal, or acquisition activities for certain assets
- Increase the asset base as growth occurs using developer contributions or other funding sources, and ensure that new assets built by developers meet the required standards
- Rationalise the assets, including decommissioning and disposal of assets where they are beyond their useful life, not economically viable, or no longer have alignment with Council strategies and plans
- Consolidation of similar and surplus assets to create a centralised and greatly improved asset
- Consider the use of non-Council owned assets to deliver services, through partnerships, commercial or cooperative agreements.

ENGAGEMENT PROCESSES

Council uses a range of processes to engage with the community, to discuss complex information and negotiate outcomes. It is acknowledged that there will often be competing interests, compromise, and trade-offs. Processes used include:

- Community consultation, input, feedback or deliberative engagement
- Feasibility studies
- Business case development and cost-benefit analysis
- Lifecycle costing
- Impact analysis (on other assets, services, and on social equity)
- Grant applications (for unfunded or partially funded assets).

CHALLENGES:

- The City develops project proposals for capital projects, however there are opportunities to improve how ongoing costs are considered and what the improved maintenance cost is (otherwise known as operating expenditure) – including links to how it fits within Council's existing budgets or recommendations to fund. This would support the City to have discussions about trade-offs
- Currently there are no clear directions or guidance about how to manage the conflict of some assets with other Council assets. For examples, there is a tension between trees, kerb and roads. Council has a Greening Greater Bendigo Strategy which aims to increase tree cover throughout the municipality, however this may conflict with the useful life and risk profiles of surrounding infrastructure, where tree roots become destructive.

OPPORTUNITIES FOR IMPROVEMENT:

- Consider key strategic plans and develop clear guidance about managing the conflict between natural assets and built Council assets
- Review expected operating expenditure data and use it to inform project proposals; including a section to outline how it fits with existing Council budgets and relevant trade-offs.

3.3 MAKING DECISIONS

Making decisions on asset investment is often difficult. Some of the important, and often competing considerations are:

- Finding a balance in investment for assets and services that are important now, against those that will be needed in the future (years of funding may need to be reserved for major assets)
- Investments must contribute to long term, responsible and sustainable financial management
- Benefit of the investment to the community
- Relative importance of growing the asset base vs maintaining the current asset base
- Criticality of the investment (is it close to failure or does it underpin important community services)
- Optimising each investment (timing to meet a need, leveraging from other local or regional asset management activities, optimal levels of usage and demand, lifecycle cost assessments, etc.)
- Meeting regulatory obligations and strategic commitments (internal strategies including but not limited to the Council Plan, Climate Change & Environment, Early Years Infrastructure, Managed Growth, Community Hubs)
- Responding to identified strategic risks as documented in the organisation's Strategic Risk Register
- Various thresholds, triggers, options and levers for intervention
- Alternative funding options: grants, developer contributions, partnerships, co-funding, user fees.

CHALLENGES:

- Where over-servicing exists, the City has struggled to reduce levels or service or decommission community assets
- There are no clear criteria or process for decommissioning assets. The City has policies around the sale of assets, however criteria or processes may help to define and support change where assets are no longer useable, economically viable, or should be sold or disposed of
- Levels of service are not defined for all asset groups. This information is critical for benchmarking, and for assessing community experience, and technical and environmental performance of assets
- Usage data is not collected across a wide range of Council assets
- Data quality and completeness is variable across asset groups and asset classes
- Not all asset classes have recognised industry standards for service levels.

OPPORTUNITIES FOR IMPROVEMENT:

- Develop criteria for asset decommissioning and disposal
- Document service levels for all asset groups and asset classes
- Expand the collection of usage data across relevant assets to inform asset investment planning
- Undertake an assessment of data quality across all asset classes
- Utilise deliberative engagement processes to allow community members to identify and decide on an acceptable solution to decommission and/or consolidate assets.





DIFFICULT DECISIONS: DECOMMISSIONING AND DISPOSAL OF ASSETS

Council sometimes has to decide whether to stop investing in an asset and to retire, sell or dispose of it. Communities rarely ask for assets to be decommissioned, often for fear of losing a service or facility, regardless of the viability of that asset or service. Endlessly accumulating low-performing assets places an unrealistic burden on Council's resources through increasing maintenance and operating costs. Inability to rationalise also means Council is less able to invest in other new or upgraded assets. Decommissioning and/or disposal can release funding to acquire or upgrade another asset of value to the community. Consolidating assets could be one strategy to explore with involved stakeholders to avoid the sense of communities losing their assets.

Clear criteria for decommissioning assets have not yet been developed but have been identified by Council as an improvement action during the life of this Plan.

DIFFICULT DECISIONS: AQUATIC CENTRES AND OVER SERVICING

Greater Bendigo City Council currently operates 13 aquatic facilities. Many of these are over 50 years old, with ageing buildings, pool shells, chemical handling facilities, and changerooms. These old facilities often struggle to (or cannot) meet today's standards for equitable access, safety and health, or are inefficient, with high operational costs. Aged aquatic centres require significant investment for upgrades to modern standards. Across Victoria, local governments acknowledge that these are expensive assets to maintain and operate.

Bendigo has approximately one aquatic facility per 9,200 head of population. This is one of the highest servicing levels for aquatic centres in Victoria and could be considered an 'overservicing'. With these levels of service and the financial challenges of keeping the centres up to standard, Council faces the decision to either rationalise the existing number of aquatic centres or to extend the life of aged facilities until some of them begin to fail. In terms of lifecycle costing, there is a benefit to rationalising the number of centres, but in terms of community sentiment, there is benefit in keeping all current facilities. If a centre were to be decommissioned, the trade-off may be that another facility can be upgraded, and services expanded. These are difficult decisions for community and Council.



MANAGING A DIVERSE PORTFOLIO OF ASSETS

Council is responsible for managing a diverse portfolio of fixed assets, including roads, bridges and culverts, an airport, buildings and community centres, drainage infrastructure, recreational and outdoor facilities, aquatic centres and pathways. Profiles of each of these assets are provided in Section 6.

Managing this diversity of assets means allocating funding across many service areas, balancing competing demands and ensuring that financial resources can meet obligations and the community outcomes as agreed in the Council Plan and Financial Plan. Funding must cover ongoing maintenance, renewal and growth, but sometimes must be accumulated to prepare for investment in major infrastructure.

There are many changes, challenges and opportunities that will influence Council's asset investment and management decisions.

3.4 EXPENDITURE CATEGORIES

When it comes to budgeting and spending money on assets, Council refers to three expenditure categories:

1. **Maintenance** – The repair of an asset to an appropriate standard, so its service or performance levels can be maintained until the end of the asset's expected life. The asset is returned to a serviceable condition. For example, a fresh coat of paint helps protect the structure of a building so that it lasts the expected amount of time; or filling a pothole ensures the ongoing integrity of a road's base.
2. **Renewal** – Where an existing asset or component of an asset is replaced with a modern equivalent asset or component. This renewed asset would then be capable of delivering the same level of service to the same existing users for an expected length of time. For example, a toilet block that is at the end of its life is rebuilt in the same location with the same number of toilets. Renewal does not increase future operating and maintenance costs, in fact in the short term it may reduce them, and it ensures assets continue to deliver their intended service. It is considered *non-discretionary* spending.
3. **New/upgrade/expansion** – This is discretionary expenditure that may be standalone or in addition to renewal, and it is deliberately chosen to make an improvement to the current level of service:
   - New creates a new asset that did not exist beforehand. For example, a new toilet block is installed at a park
   - Upgrade is when an existing asset is enhanced to provide a higher level of service than what already existed. For example, an old 1-metre-wide footpath being replaced with a new 2.5-metre-wide shared path
   - Expansion is where an existing asset is extended at the same level of service but to an increased number of users. For example, extra rooms are added to a community building so it is able to accommodate more groups of people.

These forms of expenditure may impact revenue (an expanded theatre allows more patrons) and will usually increase future operating and maintenance costs because they increase the organisation's asset base.

4 Challenges & opportunities

There are several challenges that Council needs to balance when making decisions about assets. These are broadly related to political and regulatory influence, economic demands, social demands, the natural environment, and the built environment (Figure 4-1).

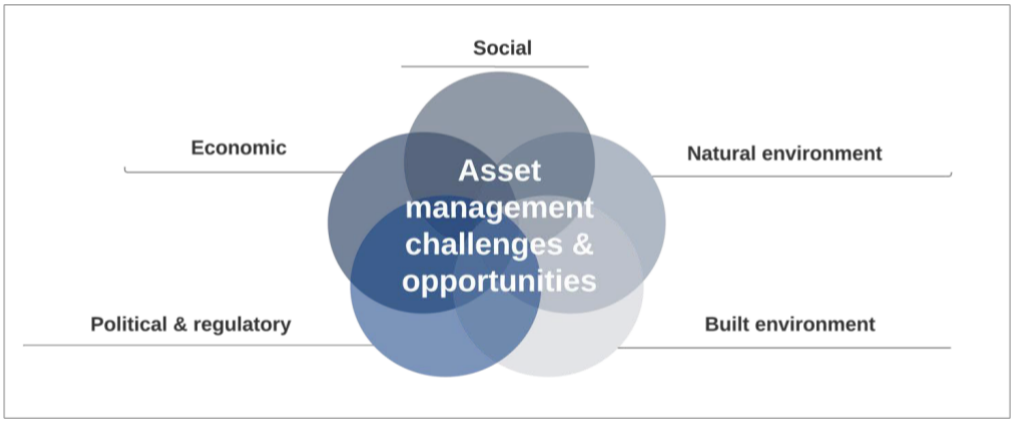


Figure 4-1: Asset Management Challenges

POLITICAL AND REGULATORY

Laws, policy and regulation change

Council must respond to changes in regulation and policy. A recent example of significant change affecting asset management includes State policy and laws on greenhouse gas emissions and climate change. Council has a responsibility to consider future generations (intergenerational equity), and this will influence asset investment decisions. Council must plan for climate risk and build adaptability into their assets, to reduce the severity and likelihood of climate induced natural disasters. Building adaptability into assets can incur high costs, yet failing do so, can be more costly as response and recovery costs are extremely expensive.

Council has developed a Climate Change and Environment Strategy (2021-26), which specifies targets and actions to reduce emissions and commence climate adaptation. These targets and actions will influence asset management decisions.

Funding comes in different forms and often with specific limitations

Council generates income from four main sources: rates and charges, user fees and charges, grants, and monetary contributions, which have associated challenges such as:

- Rate capping – State government has placed a state-wide cap on rate increases which constrains Council's ability to control revenue. Rates are Council's main sources of income.
- Grant funding – usually only available for the development of new assets. New asset development influences Council's acquisition, maintenance, and renewal priorities. Grants are often only accessible if council asset projects are aligned to State service standards, which are sometimes higher than strictly necessary for a regional setting. There are also increasing expectations that Council will continue to deliver services associated with the asset once State or Federal government funding is withdrawn, which further impacts on the capacity of Council to maintain and renew its assets portfolio.

Increasing expectations to maintain Crown Land (and other non-Council) assets

Councils are often best placed to manage built assets because they understand their community and have a strong presence in the region. When regional communities utilise a State-owned asset, Council often takes on, or is specifically designated by the State Government, the role of manager for that asset. With that management responsibility comes the financial responsibility to maintain and renew fixed assets (buildings, drainage, pathways, roads, etc).

ECONOMIC

Costs of procurement, construction and maintenance are increasing beyond CPI

Over time, the increasing asset base and replacement costs are outstripping the City's ability to raise rates to maintain all assets and service levels. Annual increases in construction costs will also directly impact Council's asset management responsibilities. Annually to September 2021, costs have risen 6.8% (Construction Costs index). With consideration to capital expenditure, the purchasing power 'gap' for one financial year in 2022/2023 for capital expenditure for Council (with an estimated capital program of $55M in 2022/2023) is likely to equal $2.78M.

A 1.75% increased rate cap has been announced for the 2022/2023 financial year. At the same time, the ABS recorded the National CPI through to September 2021 as 2.9% for Victoria. In financial terms, this represents a $1.2M gap between the rate cap increase and a likely CPI increases for Council on operational expenses.

Increasing asset base

Residential and commercial development often involves parks and open space, roads, and drainage for the people who live and work in those areas. Developers 'gift' assets as a condition of their development and planning permits when on-selling properties. After construction, Council takes responsibility for the asset's lifecycle and associated costs of an increasing asset base. In certain developments, developers may also be required to make financial contributions to shared community assets, for which Council must also find complementary funding to develop.

Changing community needs and expectations, while maintaining affordability

As the population grows and diversifies, so do community needs for various assets and services. Our community expects Council to respond quickly to emerging needs. Sometimes, it is not clear how long the demand might last or how existing assets are being used.

SOCIAL AND CULTURAL

The population of Greater Bendigo is growing, changing, and becoming more geographically spread

The population of the City of Greater Bendigo has been growing by around 1.7% each year and is estimated to reach around 200,000 residents by 2050. The proportion of people over 65 years of age is also expected to grow from 17.2% to 19.4% within the next 15 years. The COVID-19 pandemic has generated a migration to rural areas and regional centres, and the expanding ability to 'work from home' has provided opportunity for the decentralisation of Victoria's population. Population growth is putting pressure on Council's existing asset portfolio to meet the service need, and the increasing need for new assets to support this growth. The Managed Growth Strategy (estimated to be completed in December 2022) will provide a framework for how Greater Bendigo should grow to accommodate an additional 80,000 residents by 2050 based on continued current rate of growth. This will help the City to understand what level of maintenance, renewals, upgrades and asset consolidation is required for existing assets and where new assets are needed.

Recognising Traditional Owner aspirations and rights

Council recognises and celebrates the long and continuing history of Aboriginal people as custodians of this land and acknowledge the injustices they have experienced in the years since colonisation. The increasing recognition of the value of Aboriginal traditions and knowledge provide opportunities for the City to invest differently in social, cultural and environmental assets, providing additional value to the community. Council actively supports the reconciliation and self-determination for Aboriginal people. In 2013 the State Government entered into a Recognition and Settlement Agreement (RSA) with the Dja Dja Wurrung Aboriginal Clans Corporation (on behalf of Dja Dja Wurrung traditional owners). The RSA includes Land Use Activity Agreements (LUAA), which are legally binding instruments that apply to works on crown land. Land managers like Council must follow the LUAA process when carrying out works on crown land, including providing payment and/or other contributions to the Traditional Owners as a means to compensate dispossession and past injustices. This is a critically important mechanism for achieving social justice outcomes. Subsequently, asset projects on crown land need to factor in LUAA costs as part of their development costs.

Council has a Reconciliation Plan – *Barpangu* – which is structured around three core themes: respect, partnerships and opportunities. Under these three themes are 19 objectives and 71 actions that drives the City's contribution to reconciliation both internally and within the Greater Bendigo community. Council will provide sufficient time and resources to respond to the needs of Traditional Owners in accordance with relevant LUAA requirements and *Barpangu*.

Environmental responsibility

Community expectations are increasing about the climate and environmental performance of Council assets. With impacts being experienced from a changing climate (including drought, bushfire, extreme storm events), and a range of state policy that supports the reduction of emissions and the regeneration of waterways and biodiversity, the community is demanding that Council demonstrate a higher level of environmental responsibility. Asset management responds to these demands through the application of Environmentally Sustainable Development (ESD) principles, integrated water management (IWM), water sensitive urban design (WSUD), lifecycle assessments and energy and water conservation programs.

Social equity

Community expectations are also increasing for equitable access to Council assets. Social equity means the fair and equitable distribution of public assets and services to ensure everyone can fully participate in community life. In planning and developing assets, Council must seek to eliminate barriers preventing equitable access. Access must be equitable regardless of disability, cultural background, language, gender and age.

BUILT ENVIRONMENT

Ageing infrastructure

Some of Council's assets were built at the time of the gold rush in the 1800's, and an enormous range of assets have been acquired through the intervening years. Local Government amalgamations in 1994 also saw assets of six Councils joined together when Bendigo City, Huntly Shire, Borough of Eaglehawk, Marong Shire, Strathfieldsaye Shire and much of the Shire of McIvor brought many duplicate assets servicing smaller Local Government areas together under the one Council. Asset renewal has in some asset groups, not kept pace with the ageing profiles, and has left Council with a renewal legacy and funding gaps. These renewal gaps have been quantified, and through the Asset Management Plans, the City is working to address the gaps. Asset profiles in Section 6 illustrate these renewal gaps and the future trend.



Advancing technology

People and businesses are increasingly connecting online and seeking to deliver or access services online. This has been fast-tracked by the COVID-19 pandemic, with many businesses and government transitioning to a 'work from home' or hybrid model. Technology has enabled remote servicing across many aspects of life. For example, libraries traditionally provided storage and display of large collections of hard copy books and audio-visual materials for the community. These days, the community is less reliant on hardcopy reading and reference materials, and libraries have adapted to provide equitable access to the internet, and to deliver online services for borrowing of e-books, audio-books and streaming of movies.

Technology is also advancing in the area of asset management. New ways of inspecting assets and monitoring their condition and/or use are being developed all the time. Connectivity and access to data is also growing, as are the ways in which data can be analysed and interpreted. The City must continually explore and understand these new technology initiatives and their value propositions.

NATURAL ENVIRONMENT

Climate change

Climate change is increasing average and extreme temperatures, reducing annual rainfall and increasing the frequency and intensity of storms and fire. These changes will have implications for human health, natural systems, economic activity, community wellbeing, and Council's services, assets and liabilities. Council's Climate Change and Environment Strategy sets out several goals that impact how Council will aim to manage its asset base over the next 15 years. For some of these commitments, higher construction costs will be required from Council, but lifecycle costings indicate overall savings through lower operating costs.

These commitments include:

- Zero carbon from Council operations by 2030
- A safe and well-connected active transport network by 2036
- Developing project proposals to increase the funding for new footpaths
- Council operations are water efficient and utilise diverse water supplies
- Flood risk is reduced through flood mitigation infrastructure and planning
- Waterways in Bendigo are healthy, connected, and nurturing paces (Water Sensitive Urban Design).

Biodiversity

Roadsides, open space assets and "drainage" infrastructure (e.g. waterways and water-sensitive urban design, or WSUD, assets) all provide important ecological functions and habitat for flora and fauna. In doing so, they enhance and connect regional biodiversity. Council have outlined several commitments in the Climate Change and Environment Strategy which will influence how assets are managed to ensure that impact on biodiversity from Council works is minimised and there is an overall net vegetation gain within the municipality. The main commitments relevant to biodiversity include:

- 150% net gain in vegetation and biodiversity from Council projects by 2036
- No net loss of native habitat in the municipality by 2036
- No patch of native vegetation over 20ha within the municipality is fragmented from other native vegetation.

Mining legacy

The Greater Bendigo region has supported mining operations since the 1800s. Historical mining and settlements have left a legacy of aged assets and contaminated land, particularly on Crown Land. As regional development pressures increase, there are expectations that Council fund or contribute to remediation costs for contaminated land and historic assets.

STRATEGIC INITIATIVE ACTION AP-2

Establish and implement an informed process for 'whole of life' costing of assets

Description: *Different approaches to understanding the total long-term costs of assets will be further explored to ensure that the City and Council have accurate information in order to make well informed decisions. A consistent and transparent approach to applying whole-of-life costs will be more regularly applied to all infrastructure investment.*

Actions:

1. Work with Financial Strategy Unit and City Asset Managers to improve capture of asset-level financial data on maintenance expenditure.
2. Identify and workshop potential methodologies to inform, and consistently apply, whole-of-life costings to asset groupings.
3. Incorporate endorsed methodology into the City's existing Capital Investment Framework and other components of the Asset Management System as required.
4. Identify any opportunities for learnings through data trending, and any potential efficiency gains in maintenance activities as part of whole-of-life expenditure reviews.

5 The Community's role in asset management

The community plays an important role in helping Council to determine the 'what, when, where and how' of asset management. Usage data helps Council to determine service levels for assets, but there are many other ways the community can directly and indirectly influence decisions and actions on-ground.

HOW THE COMMUNITY HELPS WITH ASSET MANAGEMENT

The community engages with Council in a number of ways, including:

- Customer service requests – Members of the community can call, email or write to Council and advise of maintenance issues. Although Council has safety and maintenance inspection programs for most assets, sometimes an asset can be damaged from use, weather, accident or vandalism. The community play an important role in providing 'eyes on the ground'. Council logs all requests, then investigates and responds. This system can also be used to report problem with service levels or unfulfilled service need
- Specific project consultation – All major infrastructure works have a consultation phase with residents and other stakeholders who are affected by a project
- Development of strategic plans – Council engages with the community in the development of strategic plans and policies. Public engagement activities are intended to encourage the community to have a strong voice in the decisions that affect asset and service provision. Recent and current strategic plans that benefited from community involvement include the Council Plan (Mir wimbul), the Health and Wellbeing Plan, the Financial Plan, the Cultural Diversity and Inclusion Plan, and *Barpangu*
- Council publications and meetings – Council provides community access to their meeting agendas and minutes, and the opportunity to raise issues directly with Council at public monthly meetings
- Traditional Owners are engaged specifically by Council through partnerships. For 2021-2025, the City of Greater Bendigo developed a Reconciliation Plan – *Barpangu* build together. This Reconciliation Plan works towards achieving our vision for reconciliation
- Capital works – Council's Annual Capital Works Program is developed with a consultation process including internal and external stakeholders and councillors. The community has the ability and is encouraged to request works through the City's Pathway system and these works are evaluated and prioritised using standard criteria. These are considered during the Council budget process
- Council annual budget – The draft budget is published for community consideration, comment and input
- Annual reports, leases, licences and usage data from community groups – this information helps Council to understand the demand and trends for assets and services
- Submission through state government and legislative processes – There are opportunities for the community to get involved in local government evaluation and regulation processes (e.g. input to VAGO reports, Ombudsman, etc), and some types of legislation provide an opportunity for community to report or influence asset management decisions. For example, the Road Management Act provides scope for community to comment on Council's Road Management Plan.

FUTURE ASSET PLAN ENGAGEMENT

This Draft Asset Plan was informed by the community engagement project *Imagine Greater Bendigo* and with input from City officers. Future iterations of this plan will involve a deliberative engagement process as outlined in the Local Government Act 2020.

This future process will enable community to engage and consider detailed asset planning information, discuss the impacts, trade-offs and options for service levels and asset management, and influence a range of important principles that guide Council's asset and service level decisions.

STRATEGIC INITIATIVE ACTION AP-3

Engage and deliberate with community on key service level and asset management issues (including decommissioning, funding, and quantity vs quality)

Description: *Under the Local Government Act 2020, deliberative engagement practices are to be incorporated into the development of future Asset Plans to ensure the Plan remains aligned with the needs of the community.*

Actions:

1. In conjunction with future integrated strategic planning undertaken by Council and the City, develop and implement a community engagement plan focused on deliberative engagement regarding relevant questions posed on asset management and service levels.
2. Prepare an outcomes report from deliberative engagement activities to be incorporated into future Asset Plans.



6 Profiles of Council assets

This section provides a snapshot of 8 major groups and classes of assets.
The data in these pages will be updated annually and re-published on Council's website.



Figure 6-1: 2021 Asset Value

(Refer to Technical Note 3)



SEALED ROADS

REPLACEMENT VALUE	$693,129,471
PERCENTAGE OF TOTAL ASSET BASE VALUE	34.73%

OBJECTIVES

To provide the community with a **safe and effective** network of sealed roads

To ensure the road network **connects and complements** other road and infrastructure systems

To ensure the road network is **fit for purpose**

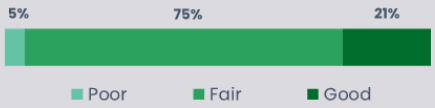
ASSET GROUPING & EXPENDITURE CATEGORY



ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Sealed pavement	100	e.g. repairing potholes	e.g. digging out and replacing failed sections of pavement	e.g. constructing a new road or widening an existing one
Carparks	50	e.g. repainting line-marking	e.g. reconstructing failed sections of an existing carpark	e.g. extending an existing carpark to cater for additional parking demand
Asphalt surface	25	e.g. sealing cracks to prevent water damage to pavement	e.g. removing and relaying aged asphalt on a section of sealed road	e.g. build a new road to provide a connection between existing roads
Sprayed surface	15	e.g. laying additional aggregate	e.g. resealing a section of sealed road	e.g. extending seal to a previously unsealed section of road
Kerb & channel	50	e.g. using street sweeper truck to ensure kerb and channel is clear	e.g. reconstructing damaged sections of kerb and channel	e.g. constructing kerb and channel on a road that did not have it previously
Tram tracks	50	e.g. inspecting and oiling points	e.g. replacing worn tram tracks	e.g. extending the length of existing tram tracks
Airport runways & taxiways	100	e.g. removing built up rubber to ensure runway meets skid resistance requirements	e.g. reconstructing a runway	e.g. extending existing runway to service increased plane traffic

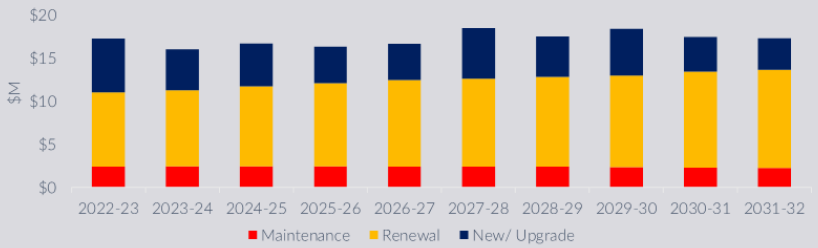
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to remain stable over the next ten years averaging **$2.4M** per annum
- New/ upgrade expenditure is projected to average **$4.8M** over the next 10 years (excluding additional borrowings).



SEALED ROADS

GIFTED ASSETS

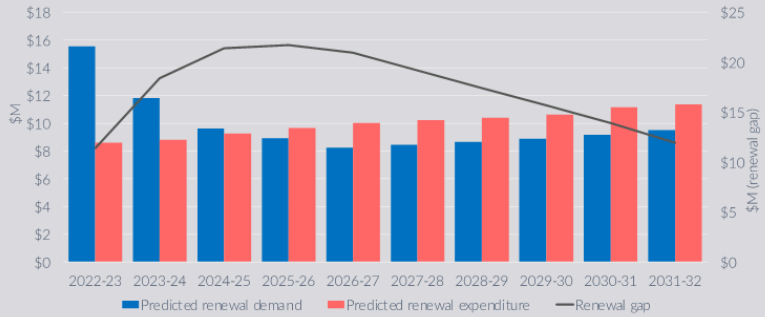
These are mostly received from developers as a contribution to community infrastructure and include **local roads, kerb and channel and parking**.

Gifted assets are not purchased by council, but they do increase the value of the asset group and increase requirements for maintenance and renewals.

The average annual value of gifted sealed road assets is **$5M** (based on 2021 data).



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of sealed roads will **increase** from **$8.6M** in 2022/23 to **$11.4M** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$22M** in 2025/26 then **decrease** to **$12M** by 2031/32.

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Increased usage of recycled and environmentally sustainable material in construction and maintenance of sealed road assets
- Carry out lifecycle assessments for all sealed road assets
- Develop technical and community service level targets to manage expectations and provide clarity for future investment
- Develop performance monitoring measures to report on performance against target levels of service

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Meeting community expectations and demand • Increased population growth	Examples include: • Increased rainfall intensity and frequency associated with climate change resulting in increased rates of deterioration of sealed roads • Increased temperatures associated with climate change resulting in a higher risk of cracking of road surfaces • Balancing road safety with native vegetation retention	Examples include: • Managing the cost and balance between maintenance, renewal and new/ upgrades to assets • Costs associated with managing roads with increased heavy vehicle traffic (e.g. B-double's)	Examples include: • Ageing infrastructure • Factoring in maintenance and renewal costs for gifted assets • Retrofitting on-road bike lanes and challenges associated with funding their installation and maintenance	Examples include: • Ensuring compliance with the *Road Management Act 2004* • Meeting requirements of the Road Management Plan • Ensuring the community has clarity on which roads Council is responsible for • Constraints on development opportunity (e.g. land acquisition requirements)

BUILDINGS & STRUCTURES

REPLACEMENT VALUE	$482,634,769
PERCENTAGE OF TOTAL ASSET BASE VALUE	24.18%

OBJECTIVES

To provide **safe, effective, accessible and resource efficient** buildings and structures

To provide buildings and structures for the community **that meet service needs**

To ensure buildings and structures **are fit for purpose**

ASSET GROUPING & EXPENDITURE CATEGORY

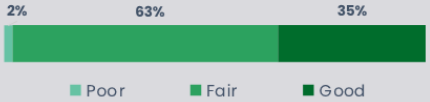




ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Building structure	50 – 150	.g. proactive treatment of structure for termites	e.g. renovating an aged, existing building	e.g. constructing a new building to provide a community service
Building structure - shade sails	N/A	e.g. fixing a torn or damaged shade sail	e.g. replacing an existing shade sale sail with a new one	e.g. installing additional shade sails
Building roof	50	e.g. cleaning gutters	e.g. replacing a roof on an existing building	e.g. constructing a roof on a new building
Building fit out	25	e.g. cleaning carpet, or electrical wiring maintenance	e.g. replacing flooring such as worn carpet or vinyl	e.g. installing new solar panels
Building mechanicals	25	e.g. servicing air conditioning units	e.g. replacing an aged air conditioning unit	e.g. installing air conditioning in a building that did not have it previously

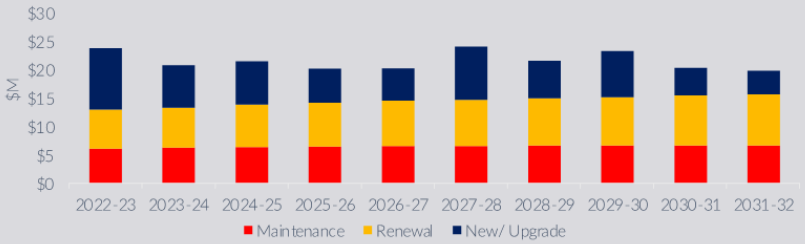
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to increase slightly over the next ten years averaging **$6.5M** per annum
- New/ upgrade expenditure is projected to average **$7M** over the next 10 years (excluding additional borrowings).



BUILDINGS & STRUCTURES

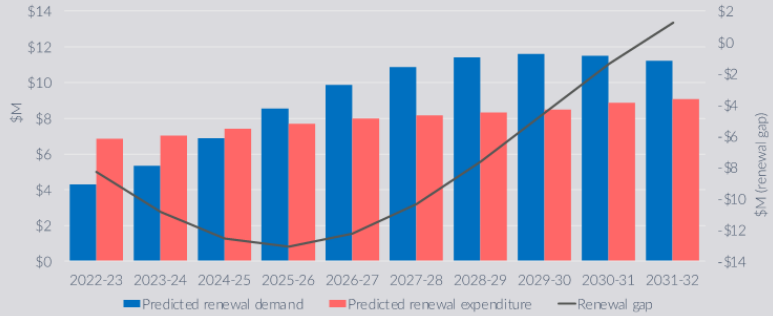
GIFTED ASSETS

These are received from developers as a contribution to community infrastructure and include **libraries, community health centres, arts and cultural facilities.**

Gifted assets are not purchased by council, but they do increase the value of the asset group and increase requirements for maintenance and renewals.



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of buildings and structures will increase from **$6.8M** in 2022/23 to **$9M** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$1.2M** by 2031/32.

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Investigate and review how council manages 'non-council' building and structure assets
- Identify and record levels of service for building and structure assets
- Formally identify, prioritise and implement a program of works to improve access for all genders and all abilities
- Develop a strategy, or plan, for identifying the priority for providing maintenance and upgrade funding for council operated buildings and for committees of management or groups, managing non-council assets
- Identify assets that are surplus to needs
- Finalise and implement the Greater Bendigo Community Buildings Policy
- Develop and implement the Greater Bendigo Community Hubs Strategy to support consistent, transparent and equitable decision making about future community hub provision.

CHALLENGES & OPPORTUNITIES

SOCIAL

Examples include:

- Meeting diverse community demands for buildings and structures e.g. community halls
- Improving access for all genders, all abilities and for under-represented communities
- Maximising how buildings are used
- Improving equity of access to community facilities across the municipality

ENVIRONMENTAL

Examples include:

- Ensuring our buildings are fit-for-purpose in a changing climate
- In line with council's Sustainable Buildings Policy, ensure we use environmentally sustainable design (ESD) principles when construction or renewing buildings or structures
- Ensuring Council meets and maintains its emission reduction target of zero emissions by 2030

FINANCIAL

Examples include:

- Managing surplus assets
- Managing the cost and balance between maintenance, renewal and new/ upgrades to assets
- Reducing operating costs as a result of improving resource efficiency
- Managing disposal of assets to ensure financial capacity to support other strategic acquisitions

LEGACIES

Examples include:

- Ageing infrastructure
- Managing the community's service level expectations for non council assets
- Navigating community emotional links to and personal investment in assets where Council needs to consider asset base rationalisation and optimisation

REGULATORY

Examples include:

- Ensuring council are compliant with the *Disability Discrimination Act (DDA) 1992* and *Occupational Health and Safety Act 2004*
- Ensuring Council assets are provided in line with the National Construction Code which provides regulatory requirements relating to access

DRAINAGE

REPLACEMENT VALUE	$391,656,524
PERCENTAGE OF TOTAL ASSET BASE VALUE	19.62%

OBJECTIVES

To reduce the impact of flooding for the community by providing **safe and effective** drainage

To ensure **environmental values** of our waterways are maintained through progressive upgrade and re-naturalisation of drainage assets

To ensure drainage is **fit for purpose**

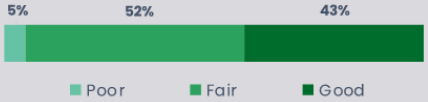
ASSET GROUPING & EXPENDITURE CATEGORY



ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Pits & endwalls	100	e.g. cleaning a pit to remove debris	e.g. reconstructing an exiting pit	e.g. constructing additional pits so the network can handle more water run-off
Pipes & culverts	100	e.g. removing grass and debris from the entrance of a culvert to allow water to flow	e.g. replacing or reline cracked pipes	e.g. replacing existing pipes with larger ones to increase network capacity
Dam walls	200	e.g. keeping spill way clear of vegetation and debris	e.g. repairing dam walls so it can fulfil its original function	e.g. raising the wall of a dam so it can hold more water
Creek infrastructure	100	e.g. keeping access points for run-off to creeks clear of vegetation and debris	e.g. replacing failed sections of concrete/bluestone creek walls	e.g. re-naturalise creek assets for environmental and social benefit

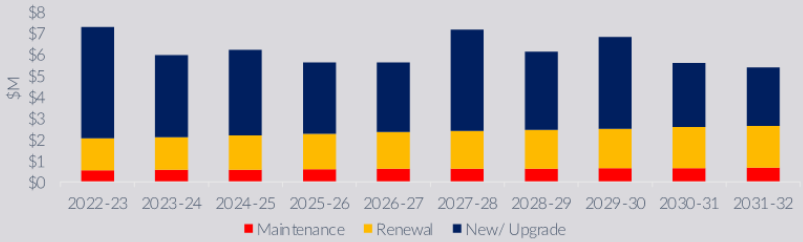
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to increase slightly over the next ten years averaging **$603,000** per annum
- New/ upgrade expenditure is projected to average **$3.8M** over the next 10 years (excluding additional borrowings).



DRAINAGE

GIFTED ASSETS

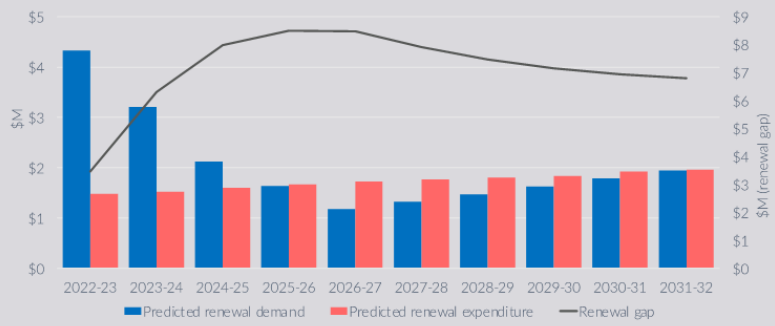
These are mostly received from developers as a contribution to community infrastructure and include **new drainage infrastructure and upgrades**.

Gifted assets are not purchased by council, but they do increase the value of the asset group and increase requirements for maintenance and renewals.

The average annual value of gifted drainage assets is **$4M** (based on 2021 data).



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of drainage assets will increase from **$1.5M** in 2022/23 to **$2M** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$8.5M** in 2025/26 then **decrease** to **$7M** by 2031/32.

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Carry out physical condition assessments for all drainage infrastructure
- Incorporate integrated stormwater management approaches to renewal and upgrade programs
- Implement Reimagining Bendigo Creek Plan
- Implement priority recommendations from the urban flood studies

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Ensuring that damage to property from floods is reduced or mitigated where possible • Increasing community expectations about the role and importance of waterways for urban livebility	Examples include: • Balancing the need for storm water drainage with the need for water for the environment • Rainfall events are likely to be fewer but far more intense increasing pressure on our drainage infrastructure • Using water sensitive urban design (WSUD) principles	Examples include: • Balancing the asset life expectancy versus service need with the significant costs of drainage infrastructure • Potential to increase the levy rate of developer contributions to more adequately finance drainage and water quality offset projects • Finding a balance between the increased costs of water sensitive urban design (WSUD) infrastructure and the positive impacts on water health	Examples include: • Ageing infrastructure • Limited data on the condition of drainage infrastructure • Potential to transform Bendigo Creek infrastructure and the connecting drainage network via the Reimagining Bendigo Creek Plan	Examples include: • Additional drainage asset responsibilities as a result of the state's Flood Management Plan

PATHWAYS

REPLACEMENT VALUE	$148,849,721
PERCENTAGE OF TOTAL ASSET BASE VALUE	7.46%

OBJECTIVES

To provide the community with a **safe and effective** network of pathways

To provide a **connected network** of pathways for the community to use to access facilities

To ensure the pathway network is **fit for purpose**

ASSET GROUPING & EXPENDITURE CATEGORY



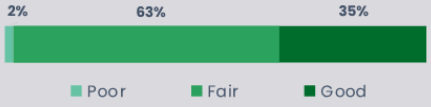




ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Concrete footpaths & cycleways	50	e.g. grinding exposed edges to remove trip hazards	e.g. reconstructing cracked sections of existing footpath	e.g. extending a footpath's length to service other areas of a neighborhood
Asphalt footpaths & cycleways	25	e.g. repairing cracks and pot holes in the path	e.g. reconstructing failed sections of an existing path	e.g. constructing a new length of path to connect to existing paths

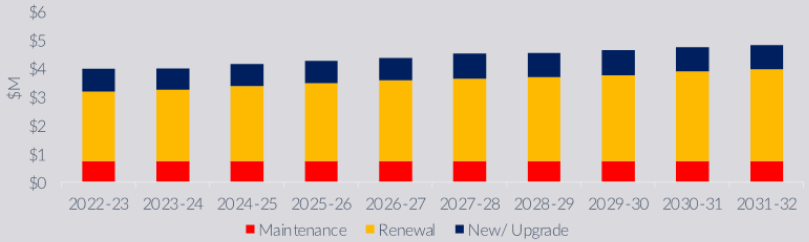
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to remain stable over the next ten years averaging **$739,000** per annum
- New/ upgrade expenditure is projected to average **$820,000** over the next 10 years (excluding additional borrowings).



PATHWAYS

GIFTED ASSETS

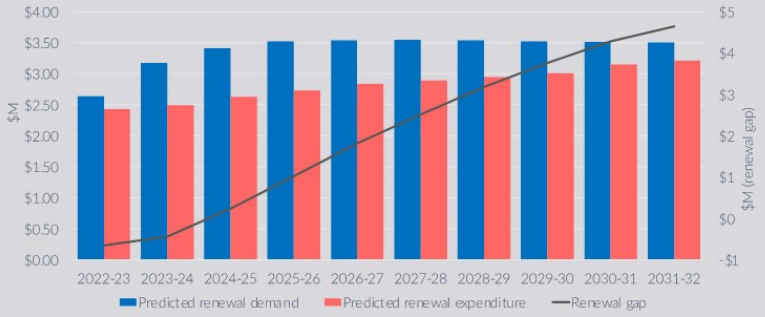
These are mostly received from developers as a contribution to community infrastructure and include **off-road walking and cycling paths**.

Gifted assets are not purchased by council, but they do increase the value of the asset group and increase requirements for maintenance and renewals.

The average annual value of gifted pathway assets is **$2M** (based on 2021 data).



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of pathways will increase from **$2.4M** in 2022/23 to **$3.2M** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$4.6M** by 2031/32

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Increased usage of recycled and environmentally sustainable material in construction and maintenance of pathway assets
- Carry out lifecycle assessments for all pathway assets
- Develop technical and community service level targets to allow council to manage expectations and provide clarity for future investment
- Develop performance monitoring measures to report on performance against target levels of service
- Implement priority works from Walk Cycle Greater Bendigo, including addressing gaps in network

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Managing community expectations • Managing the shared use of pathways • Addressing gaps in the path network to increase active travel opportunities • Aging but more mobile community needing higher safety standards for paths • Improving equitable access to pathways, to support freedom of movement	Examples include: • Opportunities to provide better connectivity between the network and with the natural environment • Addressing gaps in the path network to promote active travel and reduce road congestion.	Examples include: • Managing the cost and balance between maintenance, renewal and new/ upgrades to assets • Balancing the cost of implementing the Walk Cycle Greater Bendigo Strategy with other priorities	Examples include: • Gaps in the path network created by older residential development without requirement for supporting infrastructure contributions • Opportunity to build a Low Line Trail within Bendigo Creek to transform active travel in and around the City Centre • Changes in standard for shared path widths mean many older shared paths are too narrow • Inappropriate tree planting close to paths causing trip hazards and path failures.	Examples include: • Ensuring road crossings meet regulatory standards for road safety, accessibility and standard infrastructure design

RECREATION & OPEN SPACE

REPLACEMENT VALUE	$122,822,537
PERCENTAGE OF TOTAL ASSET BASE VALUE	6.15%

OBJECTIVES

To provide **safe, effective and accessible** open space and recreational facilities for the community

To provide open space that **connects** with existing remnant vegetation where appropriate

To ensure recreation and open space areas **are fit for purpose**

ASSET GROUPING & EXPENDITURE CATEGORY

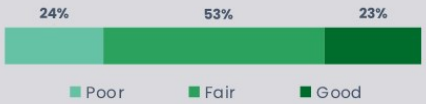




ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Play Spaces	20	e.g. replacing soft fall mulch around an existing play space	e.g. replacing play equipment with new pieces that meet contemporary standards	e.g. constructing a play space in a new location
Lighting – street, public & sport	25	e.g. replacing globe in sports field lighting	e.g. replacing existing aged sports fields lighting towers	e.g. extending the street light network to previously unlit areas
Public furniture	30	e.g. cleaning public BBQs	e.g. replacing aged existing public furniture such as BBQs	e.g. constructing additional public furniture or BBQs
Sporting Surfaces – hard, synthetic & turf	25	e.g. mowing grass playing fields	e.g. resurfacing existing hard courts	e.g. constructing additional playing surfaces
Irrigation	25	e.g. cleaning sprinkler heads	e.g. replacing an aged sprinkler system at a sports field	e.g. installing irrigation in previously non-irrigated areas
Paved areas	50	e.g. replacing individual cracked pavers	e.g. replacing paving in an larger area that was already paved	e.g. creating new paved areas

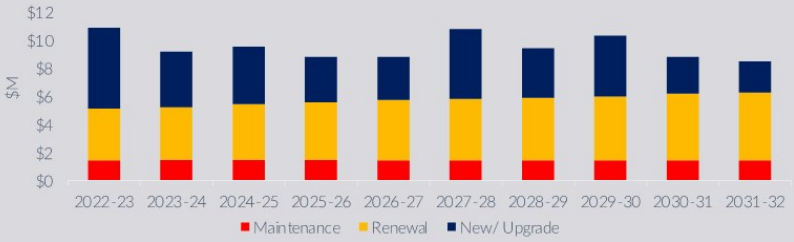
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to decrease slightly over the next ten years averaging **$1.4M** per annum
- New/ upgrade expenditure is projected to average **$3.7M** over the next 10 years (excluding additional borrowings).



RECREATION & OPEN SPACE

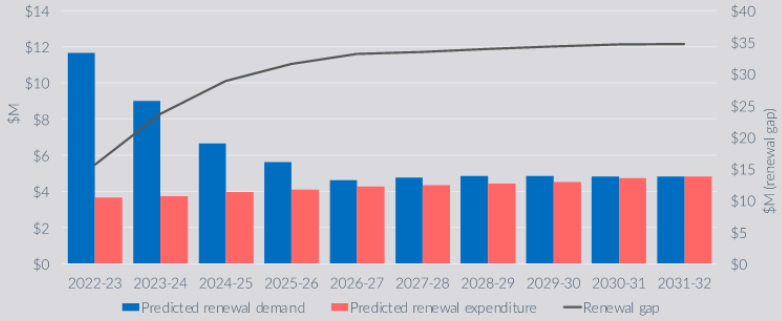
GIFTED ASSETS

These are mostly received from developers as a contribution to community infrastructure, and include **new parks and play spaces, public lighting and toilet blocks, landscaping and streetscaping**.

Gifted assets are not purchased by council, but they do increase the value of the asset group and increase requirements for maintenance and renewals.



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of recreation and open space will increase from **$3.6M** in 2022/23 to **$4.8M** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$35M** by 2031/32.

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Identify and collect missing data and information (including condition for assets)
- Identify, investigate and review council's future and ongoing responsibility for managing or supporting financially 'non-council' recreation & open space assets, whether listed or not listed in council's Assets Register
- Identify and record service level targets
- Identify current recreation & open space assets under-performing and add to long-term upgrade/expansion/new works program.
- Investigate and list high risk recreation & open space assets.

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Meeting community demand for recreational and open space • Meeting community demands for sporting fields • Enhancing community wellbeing by facilitating opportunities to connect with nature. • Improving equity of access to recreation facilities and open space across the municipality • Ensuring the provision of recreational and open spaces that are safe for women and girls • Improving access for all genders, all abilities and for under-represented communities	Examples include: • Balancing the interface between the community and the natural environment • Increased temperatures associated with climate change resulting in less water availability for irrigating parks • Extreme dry or wet conditions make it more difficult to maintain unsealed roads • Enhancing resilience to the changing climate through native plantings that enhance connectivity and biodiversity"	Examples include: • Managing the cost and balance between maintenance, renewal and new/ upgrades to assets	Examples include: • Management of non-council assets • Managing mining legacy issues such as contaminated land	Examples include: • Ensuring compliance with regulatory conditions and requirements e.g. *Environment Protection Act 2017*

BRIDGES & MAJOR CULVERTS

REPLACEMENT VALUE	$76,476,778
PERCENTAGE OF TOTAL ASSET BASE VALUE	3.83%

OBJECTIVES

To provide the community with a **safe and effective** set of bridges crossings and culverts

To ensure the community has **access** across rivers and creeks crossing

To ensure bridges are **fit for purpose**

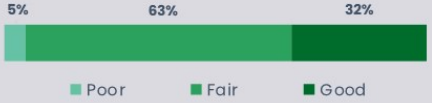
ASSET GROUPING & EXPENDITURE CATEGORY



ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Road and pedestrian; boardwalks; wharves; jetties	100	e.g. repairing slats on a wooden bridge	e.g. reconstructing an existing bridge that had failed due to age	e.g. constructing a new crossing over a creek to meet the demands of increased traffic

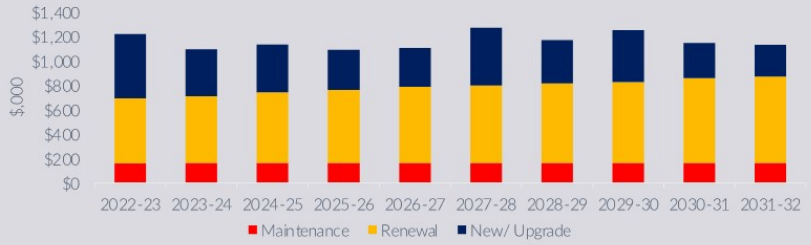
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to remain stable over the next ten years averaging **$164,000** per annum
- New/ upgrade expenditure is projected to average **$374,000** over the next 10 years (excluding additional borrowings).



BRIDGES & MAJOR CULVERTS

GIFTED ASSETS

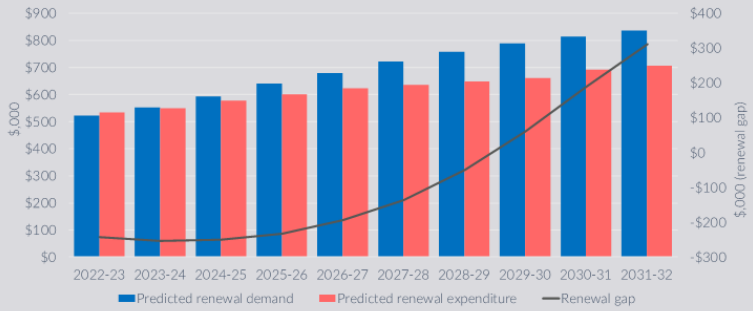
These are mostly received from developers as a contribution to community infrastructure and include **bridges to connect off road walking and cycling paths**.

Gifted assets are not purchased by council, but they do increase the value of the asset group and increase requirements for maintenance and renewals.

The average annual value of gifted bridge assets is **$83,000** (based on 2021 data).



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of bridges will increase from **$534,000** in 2022/23 to **$706,000** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$310,000** by 2031/32.

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Increased usage of recycled and environmentally sustainable material in construction and maintenance of bridge assets
- Carry out lifecycle assessments for all bridge assets
- Develop technical and community service level targets to manage expectations and provide clarity for future investment performance
- Develop performance monitoring measures to report on performance against target levels of service

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Ensuring that bridges are strategically placed within the existing road network to maintain accessibility for the public	Examples include: • Consider the impact of flooding on bridge assets as a result of more frequent and intense rainfall events associated with climate change • Ensuring that construction or maintenance meets Council's Sustainable Infrastructure Guidelines	Examples include: • Managing the cost and balance between maintenance, renewal and new/ upgrades to assets	Examples include: • Ensuring bridges built prior to current regulations are upgraded to meet these new regulations and requirements	Examples include: • Ensuring compliance with regulatory conditions and requirements

UNSEALED ROADS

REPLACEMENT VALUE *See Technical Note 1*	$33,304,212
PERCENTAGE OF TOTAL ASSET BASE VALUE	1.67%

OBJECTIVES

- To provide the community with a **safe and effective** network of unsealed roads
- To ensure the road network **connects and complements** other road and infrastructure systems
- To ensure the road network is **fit for purpose**

ASSET GROUPING & EXPENDITURE CATEGORY

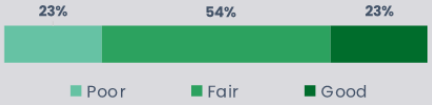




ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Unsealed roads	15	e.g. road grading to enhance the road surface	e.g. resheeting works – application of compacted crushed rock to the road surface and corrugation repair	*The City does not generally spend money on the 'new/ upgrade' category for unsealed roads.*

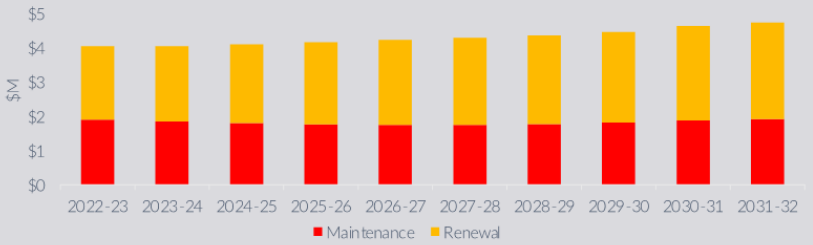
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

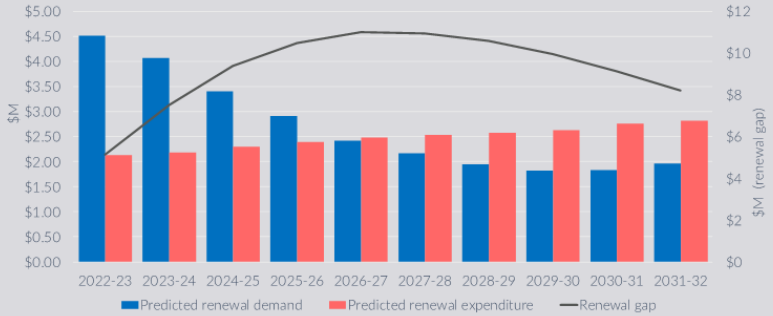
- Over the next 10 years council's predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to remain stable over the next ten years averaging **$1.8M** per annum
- The council does not generally allocate expenditure for the 'new/ upgrade' category for unsealed roads.



UNSEALED ROADS



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of unsealed roads will **increase** from **$2.1M** in 2022/23 to **$2.8M** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$11M** in 2026/27 then **decrease** to **$8M** by 2031/32

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Increased usage of recycled and environmentally sustainable material in construction and maintenance of unsealed road assets
- Carry out lifecycle assessments for all unsealed road assets
- Develop technical and community service level targets to manage expectations and provide clarity for future investment
- Develop performance monitoring measures to report on performance against target levels of service

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Meeting community expectations and demand for grading and resheeting • Increased population growth • Managing dust and amenity impact from unsealed roads where there has been intensified residential development in rural areas	Examples include: • Increased hotter, drier conditions associated with climate change could increase the need for additional maintenance (e.g. dust suppression works)	Examples include: • Managing the cost and balance between maintenance, renewal and new/ upgrades to assets	Examples include: • Increased volume of traffic on roads transitioning from rural to higher density residential	Examples include: • Ensuring compliance with the *Road Management Act 2004* • Meeting safety regulations with native vegetation removal regulations

AQUATIC FACILITIES

REPLACEMENT VALUE	$17,213,081
PERCENTAGE OF TOTAL ASSET BASE VALUE	0.86%

OBJECTIVES

To provide **safe, effective, accessible and resource efficient** aquatic facilities for the community

To provide aquatic facilities for the community **that meet service needs**

To ensure buildings and structures **are fit for purpose**

ASSET GROUPING & EXPENDITURE CATEGORY







ASSET TYPE	ASSET LIFE (years)	MAINTENANCE	RENEWAL	NEW/ UPGRADE
Pool shell & plant	Varies	e.g. replacing a valve on a pool	e.g. re-tiling the whole pool	e.g. constructing a new pool

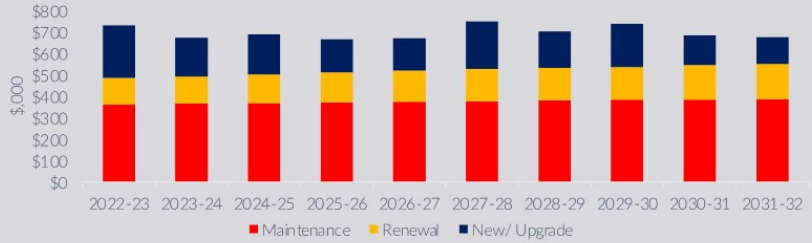
STATE OF THE ASSET (2021)

Condition rating



EXPENDITURE PROJECTIONS

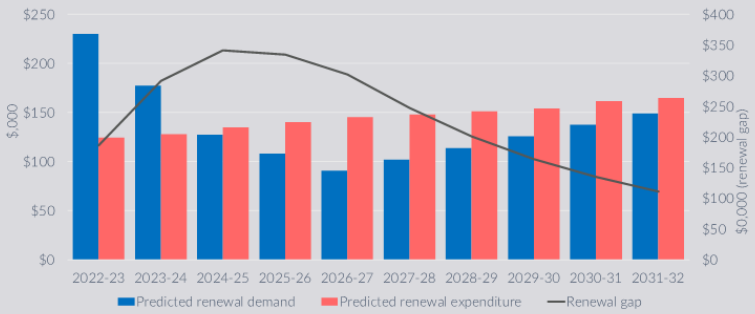
- Over the next 10 years councils predicted renewal expenditure is expected to **increase** by **3%** per annum
- Maintenance costs are predicted to increase slightly over the next ten years averaging **$375,000** per annum
- New/ upgrade expenditure is projected to average **$177,000** over the next 10 years (excluding additional borrowings).



AQUATIC FACILITIES



MANAGING THE RENEWAL GAP



Trends & forecast

Over the next 10 years, predicted spending on the renewal of aquatic facilities will increase from **$124,000** in 2022/23 to **$164,000** in 2031/32, an average increase of **3%**.

The renewal gap will **increase** to **$340,000** in 2024/25 then **decrease** to **$110,000** by 2031/32

IMPROVEMENT ACTIONS & SIGNIFICANT PROJECTS

- Better understand the condition for older aquatic facilities including pool components such as pumps and water treatment systems
- Identify service level targets
- Develop a strategy, or plan, for identifying the priority for providing maintenance and upgrade funding to committees of management or groups, managing non-council assets.
- Carry out lifecycle assessments on aquatic assets
- Ensure lease agreements clearly define maintenance responsibilities

CHALLENGES & OPPORTUNITIES

SOCIAL	ENVIRONMENTAL	FINANCIAL	LEGACIES	REGULATORY
Examples include: • Meeting community demands for aquatic facilities e.g. pool capacity limits • Improving access for all genders, all abilities and for under-represented communities	Examples include: • Ensuring our pools are fit-for-purpose in a changing climate • Ensuring we use environmentally sustainable design (ESD) principles when constructing or renewing aquatic facilities	Examples include: • Managing surplus assets • Managing the cost and balance between maintenance, renewal and new/ upgrades to assets • Reducing operating costs as a result of improving resource efficiency"	Examples include: • Ageing and surplus infrastructure	Examples include: • Ensuring council are compliant with the *Disability Discrimination Act (DDA) 1992, Occupational Health and Safety Act 2004* and the Australian Building Code

7 Sustainable funding of assets

The City's planning and forecasting aim to drive capital and operational investment that maximises public value (both now and for the future), whilst maintaining financial sustainability.

The City's key financial management documents are the Financial Plan 2021–2031 and the Annual Budget. The current Financial Plan confirms that the City is in a stable financial position. It has sufficient cash reserves and a sustainable level of borrowings. This financial position has been achieved through careful planning and financial discipline, including a commitment to reinvest in the City's asset base.

HOW FUNDS ARE RECEIVED AND ALLOCATED

The Financial Plan provides a 10 year forecast of revenue, and identifies which financial activities, community services and assets the City proposes to fund and prioritise, incorporating the demands of future growth and change.

Revenue, expenditure, and borrowing decisions are guided by:

- The overarching governance and financial management principles in sections 9 and 101 of the Local Government Act 2020
- The risk to, or opportunity for, long term financial sustainability. Financial sustainability is currently rated as a medium risk in council's strategic risk register
- Council's policies and a broad range of strategic plans, which collectively aim for long term financial stability and the provision of predictable, timely and appropriate services for the community.

Funding for asset management is predominantly sourced from general rates. Total revenue budgeted for 2021/2022 is $223.5M, which is projected to rise to $267M by 2030/2031. Revenue in 2021/2022 is budgeted to be sourced from rates ($133M or 63%), government grants ($40M or 19%), user fees and charges ($35M or 16%), and monetary contributions ($3M or 2%). Non-monetary contributions, which are predominantly gifted assets, have been estimated at $15M. Where required, particularly for large asset investments, the City uses debt to fund new construction and then pays this debt down over time.

Several Roads and Local Community Infrastructure grants and programs (funded by State and Federal governments) are available, which acknowledge the gap between rate revenue and regional Councils' ability to maintain infrastructure.

Increases to rate revenue are currently capped under the State Government's *Fair Go Rates* system. A 1.75% increased rate cap has been announced for 2022/2023 financial year. This limits revenue available to fund new projects and initiatives. There is an ability to apply for an increase above the cap; but such a decision would need broad community support. There is also the option to raise fees and charges for certain community services. Council's Revenue and Rating Plan 2021–2025 details the current rating approach.

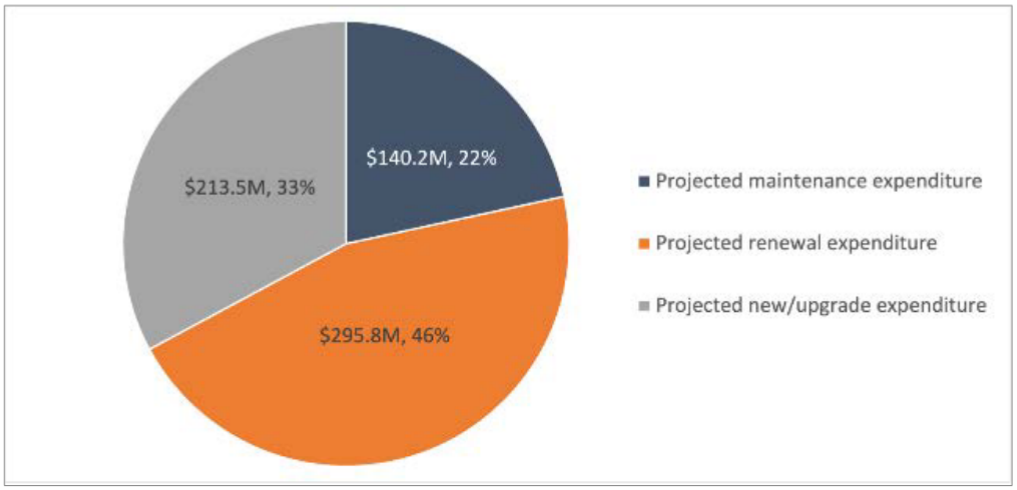
To fund large infrastructure or priority projects, whilst minimising debt, Council often seeks grant money. The application processes for government grants can be complex, requiring well developed feasibility studies and business cases, with cost-benefit analysis, financial projections and substantiated usage forecasts.

FUTURE SPENDING

Council's planned expenditure on assets and services are detailed in the Financial Plan. This plan provides a 10 year guide of forecast revenue which financial activities, community services and assets Council proposes to fund and prioritise. The Financial Plan examines Council's ability to fund community services and assets and to meet agreed service levels, whilst continuing to plan for growth and change.

The City allocates a significant component of its annual budget towards supporting current services and the assets which support them, including asset renewal and upgrade.

Funding for the actions that are detailed in asset management plans is aligned to the Financial Plan forecasts and projections. Figure 7-1 illustrates the breakdown of projected expenditure on asset management for the period 2021–2031.



(Refer to Technical Note 2)

Figure 7-1: Ten year projected spend on assets by expenditure category

The Financial Plan 2021-2031 sets out Council's intention to continue to increase renewal investment. This planned expenditure on renewal has been further broken down, and the City has used historical data to estimate that approximately 20% of renewal allocations each year are redirected to upgrades. This occurs because renewing assets to historic standards (like-for-like replacement) often does not meet current day standards or contemporary community expectations.

With restricted (rate capped) income, and an estimated 20% of renewal allocations going toward upgrades, the renewal gap will continue to grow over the next 10 years (Figure 7-2). Consequently, the City's renewal gap is forecast to reach around $70M by 2031/2032.

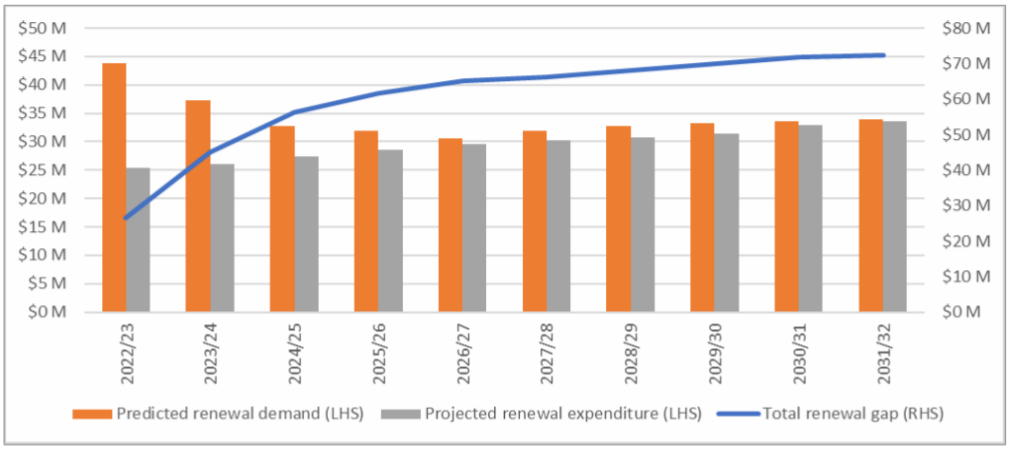


Figure 7-2: Renewal gap over 10 years

As noted elsewhere in this Plan, there are a number of key risks to these estimates. The largest and most current of these is construction cost increases growing faster than available revenue. This would increase the overall 'renewal gap' over time as renewal activities become more expensive.

Maintaining financial sustainability and community assets are priorities for the City. The renewal gap will be managed through a mixture of financial control, external funding (grants and cost-sharing), increasing revenue (e.g. user fees) and optimising the asset base by reducing low-preforming assets and increasing high-performing assets.

STRATEGIC INITIATIVE ACTION AP-4

Develop approach for optimising asset base (e.g. quality vs quantity)

Description: *Utilise engagement processes to support and inform assessments of the asset base and potential decommissioning of underperforming assets. This will help to ensure decisions are transparent, robust and financially sustainable.*

Actions:

1. In conjunction with Strategic Initiative AP-2, work with Asset Management Steering Committee to develop parameters and criteria for Lifecycle Assessments.
2. Undertake Lifecycle Assessments on asset groups to ensure they provide the most effective solution over the whole expected life of an asset.
3. Using outcomes from Strategic Initiative AP-3, provide advice to Council on options and recommendations to optimise Council's asset base, including:
    a. Policy development for decommissioning of assets that identifies criteria to assess if decommissioning is required, and acceptable budgetary treatment of decommissioning expenditure.
    b. a program to address assets that are no longer fit-for-purpose or do not meet required levels of service.
4. Report on lifecycle assessment and policy development findings in future Asset Plans.



STRATEGIC INITIATIVE ACTION AP-5

Develop systems to better track and report annually on operational costs associated with an increasing Council asset base and non-Council assets

Description*: Every year the City's asset base increases through new developments (subdivisions); State Government decisions; and the City's own new/upgrade works. Assets that Council does not own but are responsible for maintaining also increase through joint agreements for public use of assets and State Government decisions. These asset responsibilities are growing more quickly than the related operational budgets (particularly maintenance requirements) – which are constrained by the State Government's rate cap.*

Actions:

1. In conjunction with Strategic Initiative AP-2, prepare and implement project plan to:
    a. review impact of increasing asset base and associated growth in maintenance costs. This will inform future financial indicators for next iteration of the Asset Plan to better plan for financially sustainable growth of the asset base.
    b. review impact of non-Council assets and associated maintenance costs of these. This will inform planning around future asset acquisition and provide opportunity for advocacy to other levels of government on costs to maintain non-Council assets.
2. Report annually to Council on asset base growth, scale of non-Council assets responsibility, and subsequent operational expense demand increase as compared to budget forecasts. This will quantify efficiencies that are otherwise not identified and allow Council to actively monitor this and advocate where appropriate for additional funding required to support the asset base.

8 Strategic improvement initiatives

Council's strategic asset management improvement initiatives are signposted throughout this document and are summarised in Table 8-1.

Table 8-1: Council's strategic improvement initiatives and actions

	STRATEGIC INITIATIVE	PROPOSED ACTIONS
AP-1	**Define technical, community and environmental service levels for all asset groups** Description: Working with subject matter experts across the City, and being informed by community engagement initiatives, Council will consider and adopt agreed levels of service across these areas to ensure the asset base is responding to contemporary service needs.	▪ Confirm gaps in existing technical service levels across all asset groups in conjunction with the City's Service Planning Working Group and where necessary, improve management and reporting of these. ▪ Ensure established technical levels of service within all asset groups and coverage of any identified gaps. ▪ Establish and implement a community engagement plan to facilitate community discussion and negotiation on community levels of service across all asset groups and provide recommendations for the consideration of Council. ▪ Work with the City's Climate Change and Environment Unit to draft environmental levels of service for the consideration of Council. ▪ Develop prioritisation criteria for all levels of service to assist Council in making decisions on service level criticality and implications of investment (or divestment).
AP-2	**Establish and implement an informed process for 'whole of life' costing of assets** Description: Different approaches to understanding the total long-term costs of assets will be further explored to ensure that the City and Council have accurate information in order to make well informed decisions. A consistent and transparent approach to applying whole-of-life costs will be more regularly applied to all infrastructure investment.	▪ Work with Financial Strategy Unit and City Asset Managers to improve capture of asset-level financial data on maintenance expenditure. ▪ Identify and workshop potential methodologies to inform, and consistently apply, whole-of-life costings to asset groupings. ▪ Incorporate endorsed methodology into the City's existing Capital Investment Framework and other components of the Asset Management System as required. ▪ Identify any opportunities for learnings through data trending, and any potential efficiency gains in maintenance activities as part of whole-of-life expenditure reviews
AP-3	**Engage and deliberate with community on key service level and asset management issues (including decommissioning, funding, and quantity vs quality)** Description: Under the Local Government Act 2020, deliberative engagement practices are to be incorporated into the development of future Asset Plans to ensure the Plan remains aligned with the needs of the community.	▪ In conjunction with future integrated strategic planning undertaken by Council and the City, develop and implement a community engagement plan focused on deliberative engagement regarding relevant questions posed on asset management and service levels. ▪ Prepare an outcomes report from deliberative engagement activities to be incorporated into future Asset Plans.

	STRATEGIC INITIATIVE	PROPOSED ACTIONS
AP-4	**Develop approach for optimising asset base (e.g. quality vs quantity)** Description: Utilise engagement processes to support and inform assessments of the asset base and potential decommissioning of underperforming assets. This will help to ensure decisions are transparent, robust and financially sustainable.	▪ In conjunction with Strategic Initiative AP-2, work with Asset Management Steering Committee to develop parameters and criteria for Lifecycle Assessments. ▪ Undertake Lifecycle Assessments on asset groups to ensure they provide the most effective solution over the whole expected life of an asset. ▪ Using outcomes from Strategic Initiative AP-3, provide advice to Council on options and recommendations to optimise Council's asset base, including: a. Policy development for decommissioning of assets that identifies criteria to assess if decommissioning is required, and acceptable budgetary treatment of decommissioning expenditure. b. A program to address assets that are no longer fit-for-purpose or do not meet required levels of service. ▪ Report on lifecycle assessment and policy development findings in future Asset Plans.
AP-5	**Develop systems to better track and report annually on operational costs associated with an increasing Council asset base and non-Council assets** Description: Gain a clear understanding of implications from the fact that every year the City's asset base increases through new developments (subdivisions); State Government decisions; and the City's own new/upgrade works. Assets that Council does not own but are responsible for maintaining also increase through joint agreements for public use of assets and State Government decisions. These asset responsibilities are growing more quickly than the related operational budgets (particularly maintenance requirements) – which are constrained by the State Government's rate cap.	▪ In conjunction with Strategic Initiative AP-2, prepare and implement project plan to: c. Review impact of increasing asset base and associated growth in maintenance costs. This will inform future financial indicators for next iteration of the Asset Plan to better plan for financially sustainable growth of the asset base. d. Review impact of non-Council assets and associated maintenance costs of these. This will inform planning around future asset acquisition and provide opportunity for advocacy to other levels of government on costs to maintain non-Council assets. ▪ Report annually to Council on asset base growth, scale of non-Council assets responsibility, and subsequent operational expense demand increase as compared to budget forecasts. This will quantify efficiencies that are otherwise not identified and allow Council to actively monitor this and advocate where appropriate for additional funding required to support the asset base.
AP-6	**Monitor, evaluate and update the Asset Plan** Description: to ensure the Asset Plan remains relevant and is kept up to date, and that further guidance and advice is added to ensure the Asset Plan continues to achieve its intent.	▪ Complete a post-release review within six months of the process to develop the inaugural Asset Plan to understand lessons learnt and opportunities for improvement from the first iteration. ▪ Incorporate Asset Renewal Funding ratio (proposed renewal budget for the next 10 years divided by forecast renewal demand for next 10 years) as an ongoing indicator into Asset Plan during next review. ▪ Develop and implement a Monitoring, Evaluation and Learning Plan (MELP) for the Asset Plan to understand effectiveness of the Plan and its ability to guide and inform decision making as intended. ▪ Implement Asset Plan reviews as identified – annually (data set and indicator review), every 4 years (reproduction of Plan), and every 10 years (retrospective Full review).

9 Monitoring this Plan

Council recognises the importance of monitoring and evaluating all our work to deliver the best possible outcomes for our communities, businesses, and natural environment. Council will therefore develop a detailed monitoring, evaluation and learning plan (MELP) over the next 12 months.

The MELP will ensure that the Asset Plan is kept up to date, and that it achieves its intent. Results of the MELP will be made publicly available.

The MELP will use the following basic framework.

TIMING OF REVIEWS:

- Annual update of data
- Interim review and update in line with every council election (an Asset Plan must be produced every 4 years)
- Full review at the end of the 10-year plan.

CORE QUESTIONS:

- Are we making progress on the Actions (doing what we said we would do)?
- Is this Plan making a difference (effectiveness, appropriateness, impact)?
- Is our approach/Plan efficient (cost and time)?
- Is asset condition improving/ maintaining in line with projected funding allocations?

RESPONSIBILITIES:

The Director Corporate Performance will be responsible for managing this Plan's implementation and for developing and overseeing the MELP.

STRATEGIC INITIATIVE ACTION AP-6

Monitor, evaluate and update the Asset Plan

Description: to ensure the Asset Plan remains relevant and is kept up to date, and that further guidance and advice is added to ensure the Asset Plan continues to achieve its intent.

Actions:

1. Complete a post-release review within six months of the process to develop the inaugural Asset Plan to understand lessons learnt and opportunities for improvement from the first iteration.
2. Incorporate Asset Renewal Funding ratio (proposed renewal budget for the next 10 years divided by forecast renewal demand for next 10 years) as an ongoing indicator into Asset Plan during next review.
3. Develop and implement a Monitoring, Evaluation and Learning Plan (MELP) for the Asset Plan to understand effectiveness of the Plan and its ability to guide and inform decision making as intended.
4. Implement Asset Plan reviews as identified – annually (data set and indicator review), every 4 years (reproduction of Plan), and every 10 years (retrospective Full review).

Appendix 1

GLOSSARY

TERM	DEFINITION
Asset	Fixed infrastructure-based assets that are owned or controlled by Council.
Asset management	Planning for, and making decisions about, assets throughout their lifecycle.
Asset Plan (this document)	Provides a high-level overview of Council's approach to managing assets. It outlines Council's asset management processes, challenges, and opportunities. It also commits Council to continuous improvement in asset management and highlights some of the key actions that will improve cost-effectiveness.
Asset Management Policy	Provides direction and strategic intent for managing assets. It states the core principles, requirements, and responsibilities for asset management, and how these link to Council's strategic objectives.
Asset Management Steering Committee (AMSC)	An internal governance group to the City of Greater Bendigo that was established to ensure an integrated approach to continuous improvement in asset management awareness, practice and capability.
Asset Management Strategy	Outlines how asset management will happen. Provides the scope, objectives and organisational approach, holistic renewal demand, and the Council's asset improvement plan.
Asset Management Plans	Detail the targets, and what and how Council will deliver. These are technical documents for each of the asset classes. They detail the service levels, demand forecasts, risks, and lifecycle activities for the asset groups.
Brownfield rates	Constructing assets in developed areas incurs additional costs over and above the cost to construct the asset itself, e.g. traffic management is required when working on an existing road compared to constructing a new road in an area closed to the public. For the purposes of allocating funds to renewing assets a 20% markup is applied to the cost of constructing the asset without constraints to cover these incidental costs.
Council	Greater Bendigo City Council, as the Local Government decision making body, i.e. the Councillors.
City	The City of Greater Bendigo, as the Local Government organisation that enacts the decisions made by Greater Bendigo City Council.
Community Vision	The Community Vision for Greater Bendigo was crafted by 65 residents selected specially to form a community panel and represent the views of the community. The vision is also supported by five values – transparency, sustainability, inclusion, innovation and equity – that underpin the vision and ensure future Council decision making reflects these values.
Council Plan	The Council Plan is a critical document that guides the work of staff at the City. The goals within this plan will help to deliver on the community vision to create a bright and happy future for us all as we prepare to support a population of 200,000 people by 2050.
Executive Management Team (EMT)	The City of Greater Bendigo's team of Directors and the Chief Executive Officer.

TERM	DEFINITION
Financial Plan	The Financial Plan supports the Community Vision and Council Plan. It outlines the resources required to deliver the Council Plan and ensures Council is investing in assets the community values, services remain affordable and accessible for the community, and the City remains financially sustainable.
Integrated Strategic Reporting and Planning Framework	The *Local Government Act 2020* requires councils to prepare a range of reports including a Community Vision, Council Plan, Financial Plan and Asset Plan.
Levels of service	Levels of service are set by Council and provide a standard for an activity or asset that aligns with contemporary service needs and that can be monitored and reported on over time.
Lifecycle Assessment	Undertaking an assessment of an asset before acquisition or construction to understand if it provides the most effective solution over the whole expected life of the asset; provides key information for Lifecycle Planning.
Renewal gap	When there is a gap between the funding allocated to renewing an asset group and the funding required a backlog of assets requiring renewal occurs. If funding is consistently below the required level the backlog will grow and if the funding is increased above the required level the backlog will shrink. The cumulative backlog of assets requiring renewal is referred to as the 'renewal gap'.
Service	The action of doing something or supplying something for a specific need. In the context of this plan, assets enable the delivery of council services.

TECHNICAL NOTES

Note 1: The City excludes 'Unsealed Roads - Formation' from this category because it does not attract depreciation.

Note 2: 20% of funds allocated to **renewal** in the Financial Plan are actually spent on **upgrading** assets. This is a common assumption in asset management, as there is often a desire (or legislative need) to improve the size and/or quality of an asset when it comes up for renewal. For stormwater drainage assets the upgrade ratio increases to 50%.

Note 3: Replacement valuation figures in the following asset profiles represent brownfields rates of asset replacement and do not align with asset base financial valuation. Brownfield rates are applied in Asset Renewal Modelling to provide more robust advice for decision making and are used here to give the community a sense of the true cost of assets, rather than aligning with accounting methodologies.

ASSUMPTIONS AND REFINEMENTS OF THIS ASSET PLAN

This Asset Plan is strongly aligned with Council's 10 year Financial Plan. These two documents incorporate forecasts and predictions of factors that will determine their accuracy over the next 10 years, including assumptions about future demand, revenue and the operating environment.

These assumptions have been derived using the best data and information currently available, along with trend analysis and modelling. Over the next 10 years, this Asset Plan will be refined and adjusted to maintain its currency and accuracy; enabling it to reflect changes in revenue, demands, financial sustainability and external drivers. The review cycle is outlined in Section 9.

This report has been prepared by:

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Document review and authorisation

Project Number: #1486

Doc Version	Final/Draft	Date	Author	Project Director review	BST QA review	Release approved by	Issued to
2.0	Draft DAP	03/02/2022	M Ludeman A Kilborn	C. Flanagan-Smith	E. Kelly		M. Stedman
2.1	Draft DAP	10/02/2022	A Kilborn				C. Flanagan-Smith
3.0	Draft DAP	10/02/2022	A Kilborn	C. Flanagan-Smith	J. Longford	C. Flanagan-Smith	M.Stedman
4.0	Final DAP	24/02/2022	A Kilborn	C. Flanagan-Smith	J. Longford	C. Flanagan-Smith	M.Stedman
4.1	Final DAP	24/02/2022	A Kilborn	C. Flanagan-Smith	J. Longford B. Gravenor	C. Flanagan-Smith	M.Stedman
5.0	Final DAP	22/03/2022	A Kilborn	C. Flanagan-Smith	B. Gravenor	C. Flanagan-Smith	M.Stedman

14.4. Quarter 2 Highlights 2021-2022

Author	Michael Smyth, Manager Business Transformation
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

To report to Council progress on the implementation of the Annual Plan initiatives for the 2nd quarter of 2021- 2022.

Summary

The City of Greater Bendigo Community Plan *Mir Wimbul* contains Council's vision, values and direction for 2021-2025, which underpin the way the City manages and conducts its operations. The Annual Action Plan 2021-2022 supports this and details initiatives for the financial year. This document provides the highlights from the 2nd quarter.

Recommended Motion

That Council:

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

Policy Context

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

Background Information

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

Report

The Council Plan is a critical document that guides the work of staff at the City of Greater Bendigo. Following extensive community consultation, we have reaffirmed the community's priorities and staff look forward to delivering on these in partnership with Council. The goals within this plan will help to deliver on the community vision to create a bright and happy future for us all as we prepare to support a population of 200,000 people by 2050.

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

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

1. Lead and govern for all
2. Healthy, liveable spaces and places
3. Strong, inclusive and sustainable economy
4. Aboriginal reconciliation
5. A climate-resilient built and natural environment

6. A vibrant, creative community
7. A safe, welcoming and fair community

Consultation/Communication

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

Resource Implications

N/A

Attachments

1. Annual Plan Summary Report–Q2Highlight

Attachment 1 - Council Plan update - December 2021 (1)



December 2021 Update

COUNCIL PLAN 2021-2025

Mir wimbul

Greater Bendigo celebrates our diverse community.

We are welcoming, sustainable and prosperous.

Walking hand-in-hand with the Traditional Custodians of this land.

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

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

Outcome 1: **Lead and govern for all**

A community that works together to achieve our shared vision.

Outcome 2: **Healthy, liveable spaces and places**

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

Outcome 3: **Strong, inclusive and sustainable economy**

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

Outcome 4: **Aboriginal reconciliation**

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

Outcome 5: **A climate resilient and healthy landscape**

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

Outcome 6: **A vibrant, creative community**

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

Outcome 7: **A safe, welcoming and fair community**

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

CITY OF GREATER BENDIGO

Outcome 1: **Lead and govern for all**

- Community consultation has been finalised for the Early Years Infrastructure Strategy
- The 10-year Financial Plan was adopted by Council in October 2021 and the Workforce Plan was completed in November 2021
- A workshop was conducted in November 2021 to evaluate the Imagine Greater Bendigo Project and a report is currently in development for presentation to Councillors
- The revised Complaints Policy has been adopted
- The Community Engagement Plan template has been reviewed/updated and a Stakeholder Identification List template created
- The new Domestic Animal Management Plan has been adopted by Council

Outcome 2: **Healthy, liveable spaces and places**



- The Healthy Heart of Victoria Service Delivery and Agreement has been developed between the Department of Health and the City
- A list has been developed and included in the Council Prospectus for walking and cycling trail development
- Construction is in progress for Stage 2 of the Ewing Park development
- The Goornong Train Station was opened on Sunday December 12, 2021 as part of the Bendigo-Echuca line upgrade
- Building foundations and the slab has been poured for the Catherine McAuley Sports Precinct development

Outcome 3: **Strong, inclusive and sustainable economy**

- Small Business Grants have been announced and the first instalments have been paid
- The Invest Loddon Mallee project is underway to promote the region
- Funding has been received for the Central Victorian Advanced Manufacturing and support has been provided to the ManuFutures project
- The City Centre Planning Scheme Amendment is currently being drafted
- Detailed design is near completion for the Bendigo Tramways Expansion Project



Outcome 4: **Aboriginal reconciliation**

- Public art themed around the Dja Dja Wurrung Six Seasons is now embedded within the Oscars Walk /Bath Lane precincts.
- A draft Local Area Agreement has been prepared to address the approach to Land Use Activity Agreement
- An application has been made to the Planning Minister to approve the development of the Dja Dja Wurrung Commercial and Cultural Centre



Outcome 5: A climate resilient and healthy landscape

- The Coordinator has been appointed for the Greater Bendigo Climate Collaboration project
- A community survey was completed in October 2021 to explore the potential for a fortnightly food organics and general waste kerbside collection system
- The tender for the purchase of glass bin infrastructure has been advertised to implement a glass collection system

Outcome 6: A vibrant, creative community

- Construction documentation is 70 per cent completed for the redevelopment of the Municipal Baths in Rosalind Park
- Planning for the 2022 Bendigo Writers Festival, to be held 12-15 May, is underway. The Festival theme this year is Flourish, and will include some content relating to gastronomy, in line with Bendigo being a UNESCO Creative City of Gastronomy
- Council was given an outline in November 2021 on the recommended changes to the Bendigo City Centre Heritage Precinct boundaries
- The document is being finalised for recommended changes for the Bendigo City Centre Heritage Study Stage 2 – Precinct including changes to the precinct boundaries
- The Mayor attended a meeting of all Councils to advocate to State Government to fund the World Heritage listing of the Central Victorian goldfields

Outcome 7: A safe, welcoming and fair community

- The Workplace Gender Audit has been completed and the results are being used to develop the Gender Equity Action Plan
- The Gender Impact Assessment Guide and Template are being finalised
- The draft Cultural Diversity and Inclusion Plan was presented to Councillors in November 2021 and was released for public exhibition
- Two Systems Thinking Workshops and Kids Co-design Workshops were completed before Christmas to engage with children and young people to strengthen the Greater Bendigo Health and Wellbeing Plan
- Grant applications were successful for FReeZA and Engage! programs for youth services in Bendigo
- The funding application for Changing Place funding was successful

Your Council

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

Eppalock Ward

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

Cr Margaret O'Rourke
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Cr Greg Penna
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Whipstick Ward

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CITY OF GREATER BENDIGO

14.5. Contracts Awarded under Contract Council Report March 2022

Author	Kylie Turner, Procurement Officer, Governance
Responsible Director	Andrew Cooney, Director Corporate Performance

Policy Context

Council Plan Reference:

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

- Outcome 1 - Lead and govern for all

Recommended Motion

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

Attachments

1. Contracts Awarded

Attachment 1 - Contracts Awarded under Contract Council Report March 2022

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000610	Wolstencroft Play Space	CPE Landscaping	Craig Niemann	14/01/2022	$535,954.94	15/06/2022	$761,518.00

15. HEALTHY, LIVEABLE SPACES AND PLACES

15.1. Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, Leichardt 3516 - 3 Lot Re-subdivision

Author	Daniel Strachan, Planning Co-ordinator
Responsible Director	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application details:	3 Lot Re-subdivision
Application No:	DS/563/2021
Application Documents	
Applicant:	G B Stanford and K M Stanford
Land:	Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, LEICHARDT 3516
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Vegetation Protection Overlay 2
No. of objections:	1
Consultation meeting:	No formal consultation meeting given number and nature of objections. Applicant provided with an opportunity to respond to objector concerns if desired.
Key considerations:	This matter was previously considered by Council at the December 2021Ordinary Meeting, where it was resolved as follows: • *That Council defer a decision on planning application DS/563/2021 for a 3 Lot Re-subdivision at Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, LEICHARDT 3516 to allow for further consideration of options by the applicant, with the matter to be returned to Council at a future meeting.* The permit applicant has undertaken some communications with the Statutory Planning Unit but has requested that the matter be returned for final consideration

	in its original form. Therefore, the matter is now returned for a decision. The officer report remains unchanged from December 2021 as the planning circumstances have not altered in the intervening period. Key considerations in the assessment of the application are: • Whether the proposal promotes the purpose of the Farming Zone; • The appropriateness of re-subdividing lots in rural areas to pursue rural-residential development; • Planning policy for dwelling excisions and implications of 'undoing' former excisions; • Outcomes for existing commercial activities on site; • Degree to which context and historical planning decisions should guide contemporary outcomes.
Conclusion:	The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone and does not meet planning policy for the subdivision of land in rural areas of the municipality.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for a 3 Lot Re-subdivision at Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, LEICHARDT 3516 on the following grounds:

1. The proposal fails to meet the Planning Policy Framework, Local Planning Policy Framework, and Farming Zone provisions of the Greater Bendigo Planning Scheme by:
2. Creating lots for the purpose of rural-residential development;
3. Reconfiguring boundaries in a manner unconducive to agricultural production;
4. Compelling further dwelling development to support the existing business on site;
5. Entrenching a change in the character of the land in the absence of any such strategic direction.

Policy Context

Council Plan Reference:

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

- Outcome 2 - Healthy, Liveable Spaces & Places
- Goal 7: Sustainable population growth is planned for.

Attachments

1. Planning Assessment Report

Attachment 1 - Planning Assessment - 99 Forest Drive, Leichardt 3516

PLANNING ASSESSMENT REPORT

Background Information

This application has been previously considered by the Delegated Assessment Panel, which formed the view that the proposal does not meet the expectations of the Greater Bendigo Planning Scheme. As such, the application is referred to Council for a decision, with a recommendation for refusal.

Report

Subject Site and Surrounds

The subject site is a 31ha property, comprised of four separate parcels. Only three of these parcels form the basis of the application, such that the 'planning unit' is actually 23 hectares in area. The three existing parcels are described as follows:

- Lot 2 PS434211R 11.97ha, 164.5m frontage to Old Bridgewater Road (single lane, unsealed), 332m to constructed Forest Drive and 224m to unconstructed Sheldons Road. Developed with a dwelling, studio, several outbuildings, a substantial commercial shed and is sparsely vegetated.
- Lot 1 PS434211R (created via subdivision in 2000), 2.07ha, 214m frontage to Forest Drive (partially constructed to Sheldons Road, single lane, unsealed) and developed with dwelling. Some scattered vegetation. It is noted that the application material has largely avoided discussion about the presence of the dwelling on this site.
- Lot 1 TP330035B (formerly part CA95A, Parish of Leichardt), 8.8ha, landlocked Crown Allotment, unimproved, with some scattered vegetation along boundaries.

All the lots are irregularly shaped, which is typical of the pattern of lot boundaries in the locality. As mentioned, a further lot also forms part of the property, but is not part of this application.

There are two existing crossovers to Forest Drive. The property contains two residences and a cable reel business.

The land has a gentle 1.4° fall to the west and is not traversed by any mapped watercourses, although there are three dams on the property.

The site is located approximately 1.35km east of Bullock Creek and 1.4km north of the Marong township boundary. There are several vegetated reserves to the east, north east and south east. The site is located on the boundary of the localities of Leichardt, Myers Flat and Marong and is characterised by mixed rural development. Rural lifestyle allotments are present in the surrounds, varying in size from around 2.5ha (27 Forest Drive to the south) to around 21ha (41 Hardys Lane to the west). Many of the surrounding allotments are developed with dwellings and all have remnant vegetation at varying densities. The only small property demonstrating elevated primary production is 156 Forest Drive (Sandhurst Ridge Winery and Vineyard).

Beyond the immediate neighbourhood there are larger agricultural properties to the south and west.



Figure 1: The image above shows the extent of the existing lots in the tenement, with the yellow stars denoting existing dwellings and the blue star the existing commercial shed. The objector's property to the north is marked with an 'O'.

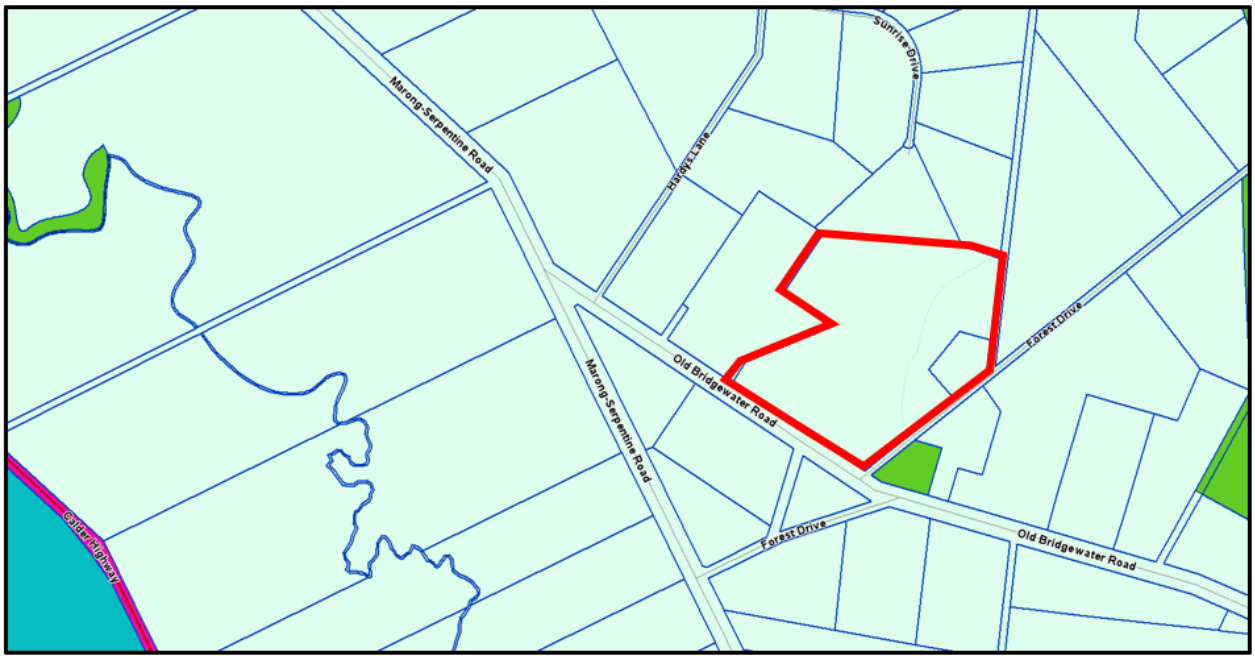


Figure 2: Wider context showing existing property patterns.

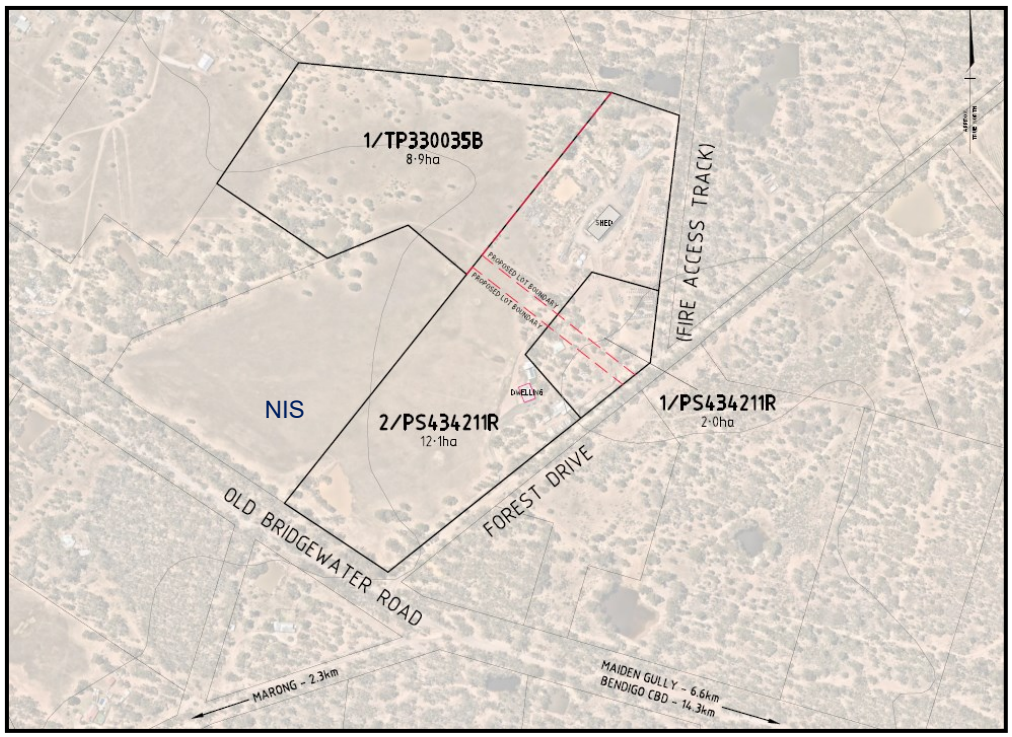


Figure 3: The image above shows the proposed lot layout (red) in reference to the existing lot boundaries (black). Note that the fourth lot comprising the property is excluded as it does not form part of the re-subdivision proposal (marked as 'NIS').

Proposal

The application seeks to re-subdivide the three existing lots. The key outcomes of the subdivision would be:

- The development of formal access to the rear lot (currently does not have formal access), to create a lot of 9.4ha.
- The placement of both dwellings onto one lot (i.e. 'undoing' the previous house-lot excision), yielding a lot of 8.1ha.
- The creation of a lot containing the commercial business buildings, but no dwelling, on a lot of 5.5ha.

This outcome is shown on the subsequent plan of subdivision (also see **Fig. 5** later in the report for a before/after comparison).

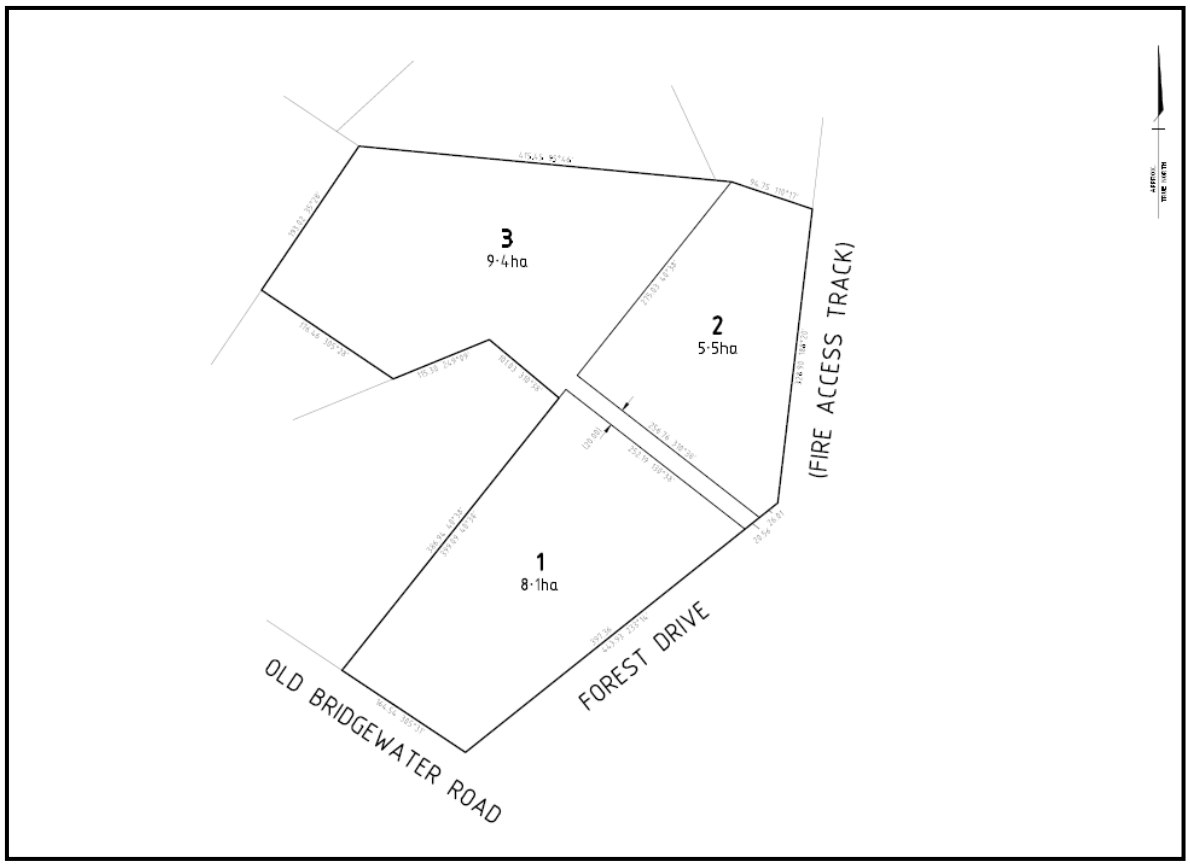


Figure 4 – Plan of proposed subdivision

The applicant supplied a Bushfire Management Statement in support of the proposal. There will be no removal or lopping of native vegetation associated with the proposal.

Previous Permit History

The previous planning history is provided below, as some of the previous approvals will be relevant to the discussion of the merits of the current proposal.

DG/665/2012	Construction of Pool Pavilion – issued
DR/812/2007	Construction of Dwelling and Garage on CA 94C – issued, expired
DR/800/2006	Extensions to Dwelling – issued, amended
DS/462/2005	Three Lot Subdivision and Realign Existing Boundaries – approved, expired
DM/223/2003	Use of Land for Industry (Store - Storage of Cable Reels) and Construction of Shed – issued 31 December 2003, amended
DS/908/1999	Realignment of Existing Boundaries – issued (excised second dwelling referenced below)
DM/130/1996	Construct Relocatable Dwelling – issued (for a second dwelling on a lot)
DM/139/1995	Subdivide the Land into Two Lots – issued

It is noted that there were a couple of previous approvals that have since expired and were not acted upon. All of these (in particular the previous re-subdivision DS/462/2005) occurred more than 15 years ago when the zoning of the land was different (former 'Rural Zone') and before current policies came into effect. Given that the Scheme controls were substantially different at that time, little weight can be placed on those previous decisions in determining the current proposal.

Planning Controls - Greater Bendigo Planning Scheme

Permits are triggered by the Scheme as follows:

Farming Zone

A planning permit is required pursuant to Clause 35.07-3 to subdivide land.
The schedule to the zone specifies a minimum lot size of 40ha.
Clause 35.07-3 however, creates the opportunity to seek approval for the creation of lots below the schedule minimum if *the subdivision is a re-subdivision of existing lots and the number of lots is not increased.*

Bushfire Management Overlay

A planning permit is required pursuant to Clause 44.06-2 to subdivide land.

Vegetation Protection Overlay

No planning permit is required to subdivide land pursuant to Clause 42.02.

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

Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF) & Municipal Planning Strategy (MPS)

Clause 11 Settlement seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements and to support Bendigo as the regional city and major population and economic growth hub for the region, offering a range of employment and services.

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

The subject site is located within a designated Bushfire Prone Area; however, the proposed subdivision does not require assessment under this clause.

Clause 14.01 Agriculture seeks to protect the state's agricultural base by preserving productive farmland and to encourage sustainable agricultural land use. Strategies for achieving this include:

- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*

  - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
  - *Land capability.*
- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*

Clause 21.07-8 Agriculture includes the following relevant objectives:

- *To identify and protect productive agricultural land from competing inappropriate land uses.*
- *To protect rural industry from residential encroachment.*
- *To ensure protection of productive rural assets including land and water.*
- *To maintain potential for agricultural production.*
- *To minimise the fragmentation of productive agricultural land units.*
- *To minimise noise, odour, effluent and visual impact created by intensive agricultural industries.*

Clause 22.03 Rural Subdivision Policy applies to all land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

Objectives

- *To discourage the fragmentation of rural land, or land with significant environmental values.*
- *To limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource.*
- *To ensure that dwellings which are excised do not prejudice agricultural production activities.*
- *To ensure that excised dwellings are properly sited and designed.*
- *To ensure that any new lot or excised dwelling site created can sufficiently treat and contain domestic wastewater within the lot boundaries where connection to reticulated sewerage is not required by the responsible authority.*
- *To protect and enhance natural resources and biodiversity.*

Policy

- *Ensure lots created by excising dwellings under the provisions of Clause 35.07-3 should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.*
- *Discourage subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area and which is not consistent with the purposes of the zones.*
- *Ensure lots created under the provisions of Clause 35.03-3, 35.06-3 or 35.07-3 for residential use and development are: -*
  - *Clustered in order to minimise the area taken up by residential use and development;*

  - *Not located so as to limit the productive use and development of rural land; and*
  - *Boundary realignments will be discouraged except if they are minor adjustments to take account of physical, man-made or topographical features on the site.*
- *Ensure that lots created are of sufficient size to contain and manage domestic wastewater within the boundaries of each lot, to be demonstrated by a land capability assessment, where connection to reticulated sewerage is not required by the responsible authority.*
- *Discourage subdivision of high quality agricultural land.*
- *Ensure subdivisions are carefully planned to protect water quantity and quality and significant native vegetation.*
- *Discourage serial excisions and further subdivision after re-configuration of existing titles.*

Zones

Clause 35.07 Farming Zone

Purpose

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

Overlays

Clause 42.02 Vegetation Protection Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

Schedule 2 to the zone relates to significant vegetation.

Clause 44.06 Bushfire Management Overlay

Purpose

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

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Particular Provisions

Clause 53.02 Bushfire Planning

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

General Provisions

Clause 65 sets out the requirements for the responsible authority to decide whether the proposal will produce acceptable outcomes in terms of the appropriate decision guidelines listed in clause 65.01. The guidelines relevant to this application have been considered in the report below.

Operational Provisions

Clause 71.02-3 – Integrated Decision-Making notes that *planning authorities and responsible authorities should endeavour to integrate the range of 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. However, in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.*

Consultation/Communication

Referrals

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

External:

Referral	Status	Comment
Country Fire Authority	S55 Recommending	Consent to waiver of application requirements, permit, certification and Statement of Compliance
Coliban Water	S55 Determining	Consent

Powercor	S55 Determining	Conditional Consent
Downer	S55 Determining	Consent to permit, certification and Statement of Compliance

Internal

Referral	Comment
Environmental Health (Septics)	Consent provided
Engineering (Traffic)	Consent provided
Engineering (Drainage)	Consent provided

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, one (1) objection was received, with the grounds of objection being:

- The area contains large acreages rather than small subdivisions.
- Noise, rubbish and vermin from the commercial activities already occurring on the subject site.

A response to the objection will be provided as part of the assessment.

Planning Assessment

The proposal seeks to re-subdivide three existing lots into three new lots of more consistent sizes. The existing parcels are a combination of 'new' lots (lots created under the current Planning Scheme) and an old Crown allotment, which is currently landlocked. Applications to re-subdivide existing lots, where the proposed lots do not meet the Farming Zone schedule minimum of 40ha, are able to be made contingent upon the number of lots not increasing.

The assessment that follows relates to the precise manner in which the lots are being reconfigured and the additional development capacity that is likely to result. As per the recommendation, the proposal does not find support in the Greater Bendigo Planning Scheme.

The site has been issued a number of permits over the past 30 years and has been subject to several compliance investigations relating to the commercial operation, with a similar concern raised in the objection received. However, it is important to note that compliance matters are not relevant to this assessment.

The whole of the site is currently comprised of four land titles, one of which does not form part of this application. However, overall the land is a tenement of approximately 31 hectares and has the prospect of making a contribution to agricultural production.

The land quality is not high and the presence of shallow soils through this country is not disputed. This is often used in planning applications as an argument in favour of fragmentation. However, the opposite is true – the lower the land quality, the more

aggregation required to form a property with agricultural potential. Further fragmentation of lower quality land can lead to its total loss from agricultural production.

It is relevant to arguments regarding agricultural quality that a commercial winery has established in the same terrain on a nearby lot. The vineyard has been in existence since the 1980s.

The following summary is provided of the key areas of concern, followed by a review against relevant Planning Scheme provisions where compliance is not seen to be achieved. A diagram is provided to assist interpretation of the changes proposed.

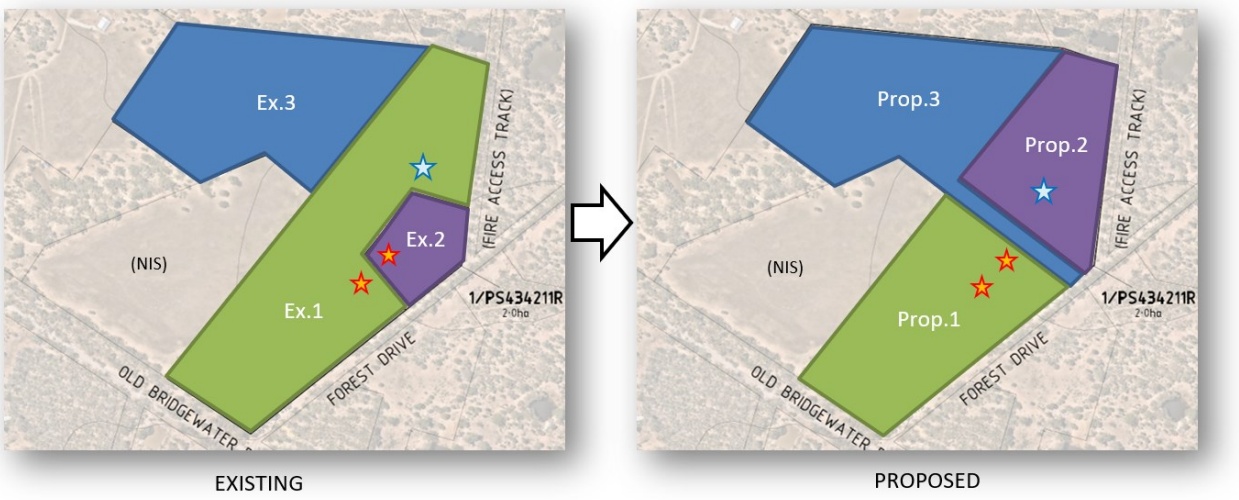


Figure 5: Dwellings marked with red stars. Shed/business marked with blue star.

- The creation of new lots for the purpose of rural living is inconsistent with the purpose of the Farming Zone and local planning policy. If the area is intended to be used for rural living, that determination should come through a proper Planning Scheme Amendment request.
- The lot sizes proposed are unlikely to be able to make any meaningful contribution to agricultural production, as expected by the Farming Zone.
- While the surrounding land context is mixed and contains some smaller lots from old (pre-amalgamation) subdivisions, the presence of those lots is not sufficient to consign the area to rural living. Again, such a decision should come through a Planning Scheme review process to determine whether another zone is more appropriate and the extent of that zone. To create such lots now is pre-emptive and 'ad hoc'.
- The exiting small excised dwelling lot ("Ex.2") presently aligns with policy that seeks to minimise its size. The proposal seeks to 'undo' the excision and put the two dwellings back together on the one lot ("Prop.1"). As stated above, this would leave the lot containing the business ("Prop.2") without a dwelling to manage that business, compelling the development of a further dwelling.
- The landlocked lot ("Ex.3") presently has no prospect of development (being landlocked) and currently serves as a useful adjunct for grazing. The land is already accessible through the subject site while serving such purpose. By giving the lot its own access and new title particulars (as per "Prop.3"), it is likely that it is being 'set up' for a further dwelling. It should be noted that the lot is also a Crown Allotment that is not supported by policy for a dwelling at present, even if access were available (i.e.

the subdivision is seeking to create development potential where not currently supported by planning policy.)

On this last point, the application has stated that "*In the absence of practical access to Lot 3* ["Prop.3"]*, the management of this portion of the described land is likely to suffer inefficiencies or a reduction in the level of management practices. Both of these threaten the sustainability of the site and could potentially impact the surrounding community*. Planning officers fundamentally disagree with this statement. The land is already accessible through the existing lots. Many farming properties contain old landlocked titles created before planning schemes existed, with no consequence to land management or agricultural production. Indeed the current lot has been historically extant without consequence.

Little information has been put forward as to how the restructured titles would benefit agricultural production. Indeed the land would be further fragmented into less-useful parcel sizes under the proposed subdivision. The proposal has been assessed as working against key areas of the Planning Scheme including:

- Clause **14.01 Agriculture**, which *'seeks to protect the state's agricultural base by preserving productive farmland and to encourage sustainable agricultural land use*.' The proposal fails the stated Strategies, including:
  - *Limit new housing development in rural areas by:*
    - *Directing housing growth into existing settlements.*
    - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*

  As discussed, the new layout would likely compel the development of an additional two dwellings across the site, being:
  - One for the site containing the business ("Prop.2"), given the proposal seeks to remove the existing dwelling serving that business; and
  - One on the lot to the rear ("Prop.3"), presently a landlocked Crown Allotment.

  As noted earlier, there is another fourth lot in the tenement without a dwelling, which does not form part of this application. The support of the current re-subdivision proposal (which implies support for dwellings) would likely lead to development pressure on that lot also.

- **Clause 21.07-8 Agriculture**, and the objectives:
  - *To maintain potential for agricultural production.*
  - *To protect rural industry from residential encroachment.*

- **22.03 Rural Subdivision Policy,** and its following objectives and strategies:
  - *To discourage the fragmentation of rural land, or land with significant environmental values.*
  - *To limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource.*
  - *Ensure lots created by excising dwellings under the provisions of Clause 35.07-3 should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.*

- *Discourage serial excisions and further subdivision after re-configuration of existing titles.*
- *Discourage subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area and which is not consistent with the purposes of the zones.*

On the last two points, the small dwelling-lot ("Ex.2") that was created in the 1990s presently accords with what the Scheme is seeking, being to minimise the area of land taken up by excisions. The proposal seeks to effectively 'undo' that excision, place the two dwelling back together on the one lot ("Prop.1"), and in the process leave the business on its own lot without a supporting dwelling ("Prop.2"). There has been no explanation of why the two dwellings are required to be placed back together, nor how the business would operate in the future without a dwelling. The application compels a further dwelling to be constructed for that purpose.

The land has already taken the benefit of previous subdivisions in the 1990s. The Policy discourages the further manipulation of lots to gain additional development potential.

The introduction of new lots specifically intended for rural residential development will likely lead to a change in use and character for the land itself. It will also likely compel further change in the wider context (such as compelling development of the fourth lot in the property (not included in this proposal) as well as on other vacant lots in the vicinity.

- The purpose of the **Farming Zone (Clause 35.07),** particularly:
  - *To provide for the use of land for agriculture.*
  - *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

- The decision guidelines of the **Farming Zone (Clause 35.07),** including:
  - *Whether the use or development will support and enhance agricultural production.*
  - *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
  - *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

As mentioned above, it is unclear how the rearrangement of lots would support agricultural production. The proposal creates new lots intended for rural residential purposes and sets up the property for further fragmentation.

At present the land in full is held in a tenement of 31 hectares. It is agreed that the quality of the land is not high. However, there is just as much argument to maintain lower quality land in larger units, since more land is required to create a size with the potential for meaningful production.

A winery has established on similar terrain on nearby land, which has existed for many years. This demonstrates that more meaningful agricultural activities are possible.

If, however, the land is best purposed for rural residential uses, then this finding should come through a proper strategic assessment of the broader area and re-zoned as such, rather than decided on an 'ad hoc' basis.

The proposal compels or anticipates an additional two dwellings. This runs counter to the following Farming Zone decision guideline:

- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

Response to Objection

The objection is brief in nature, however cites concerns regarding the creation of smaller rural residential lots.

The planning assessment has found that the proposal does not have the support of the Planning Scheme as it seeks to manipulate existing titles to gain additional development potential. The land is clearly not of high quality, however this is not sufficient argument alone to create further lots intended for rural-residential purposes. If this is the future intention of this area, then this should be identified and properly managed through strategic work, rather than occurring in piecemeal fashion. The application could be considered premature in this regard.

The existence of the smaller lots to the north has been taken into account. These lots were created through a previous planning scheme before amalgamation. Looking more broadly, however, there are larger tracts of agricultural land to the south of the subject site. The 'mixed' context does not point one way or the other. Again, the future direction should be determined through a proper investigation and if Rural Living (or another zone) is more suitable, then the boundaries, conditions and policies for such a zone should be established in the Scheme before proposals such as this could be supported.

The objector's concerns are also noted regarding the operation of the existing business, however the business has a planning permit to operate. Concerns regarding compliance cannot be addressed through the subject application and should be taken up separately.

Conclusion

For the reasons outlined in this report, the proposal has been found to not enjoy the support of the Scheme. Despite the lower quality of the agricultural land, the proposal actively works against any potential for the land to make a contribution to agricultural production by creating lots solely suitable for rural-residential purposes.

The 'decoupling' of the existing dwelling from the business activities will compel the need to develop yet another dwelling to support the business. The creation of formal legal access to the rear lot (which is already accessible internal to the property) is also 'setting up' that lot for an additional dwelling. Being an old Crown Allotment, planning policy discourages the use of that lot for a dwelling.

The context of the area is a mixture of smaller lots and larger farming tenements. It is agreed that this area would benefit from further strategic work to identify its future, given this mix. Approval of the proposed re-subdivision would be premature in this regard.

Notwithstanding, planning decisions must be made on the basis of existing planning scheme controls, which do not support the application.

It is wholly possible that a re-subdivision of sorts could be contemplated on this site given the existing layout of infrastructure. However, such a re-subdivision should seek to maintain the open farmed landscape and minimise fragmentation and the intrusion of further dwellings scattered across the site. The adjoining lot in the tenement ('NIS') could form part of that equation. If the current proposal is refused, the applicant would be encouraged to re-engage with Planners to identify options that would better align with the current provisions of the Scheme.

Options

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

15.2. Graffiti Policy

Author	Daniella McClure
Responsible Director	Brian Westley, Presentation and Assets

Purpose

To seek endorsement of the Graffiti Management Policy.

Summary

Graffiti is an ongoing issue with negative impacts that affect the community, with the City of Greater Bendigo responding to approximately 150 incidents of graffiti over the 2019/2020 financial year at a cost of over $52,000.

Incidents of graffiti can be reported by staff or members of the public. On occasion, the City receives requests to remove graffiti from property that the City does not own or manage.

Currently graffiti on City owned and managed assets is removed promptly and whilst the Graffiti Prevention Act 2007 enables local government to enforce removal from private property, the City does not have a policy in place outlining the City's position on graffiti management including removal from both public and private property.

Key principles including Proactive, Reactive and Preventative management of graffiti, were developed to guide and inform the draft Council policy, which will assist in establishing a coordinated approach to managing, preventing and removing graffiti within the City of Greater Bendigo.

For clarity, this report uses the terms ***Graffiti*** *and* ***Public Art*** as per the definition provided in the Draft Policy.

Graffiti means any <u>unauthorised</u> writing, drawing, marking, scratching or otherwise defacing property by any means so that the defacement is not readily removable by wiping with a dry cloth. For the purposes of this policy, graffiti doesn't relate to Public Art (commissioned or authorised works).

<u>Types of graffiti include:</u>

a) ***Etching*** *is a destructive form of graffiti that can be etched onto windows (particularly shops/businesses)*

b) ***Murals*** *are applied to and made integral with a wall or ceiling surface and are generally within sight of high trafficable and high activity areas.*

c) ***Stencilling*** *is painted onto walls/fences and can carry messages which are either political or are concerning current social issues.*

d) ***Sticker Art*** *also known as sticker bombing, sticker slapping, slap tagging, and sticker tagging, is a form of street art in which an image or message is publicly displayed using stickers. These stickers may promote a political agenda, comment on a policy or a policy issue.*

e) ***Tagging*** *is a type of graffiti that commonly occurs on walls/fences, bridges, and service authority Fixed Assets such as light poles, traffic signal devices etc. Tagging is generally indecipherable.*

f) ***Tributes*** *usually occur on walls, light poles, fences, road pavements, footpaths and local rocks as a declaration*

Public Art refers to artwork that is displayed in public on surrounding buildings, on streets, trains and other publicly viewed surfaces commissioned with the permission of the person/authority who owns the surface/wall that the artwork is being presented, and with the permission of the City.

The scope of this policy incorporates graffiti on all City fixed assets and private property where deemed necessary and does not relate to the management of Temporary or Permanent Public Art which will be informed by the Public Art Policy currently under development. This policy will apply to all City staff and City contractors involved in asset management, design, redesign and refurbishment of City fixed assets. This policy will also apply to private, commercial and other government property owners.

This policy provides clarity and direction on the removal of graffiti, however it should be acknowledged that private property owners' approval is required under the Graffiti Prevention Act for the removal of graffiti on all private property.

A Communications Engagement Plan was prepared and implemented to ensure all key stakeholders identified were informed and consulted. Consultation extended to both internal and external stakeholders including: City business partners, Youth Council, Coliban, Department of Environment, Land Water and Planning, Department of Justice and V/Line. In addition to the consultation a Gender Impact Assessment was also undertaken to ensure a diverse and equitable lens was applied to the policy.

Feedback relating to the following has been applied and reflected in the updated Draft policy:

- Strengthen connection to Greater Creative Bendigo Strategy
- Inclusion of stickers as a type of graffiti,
- Strengthening connection of education and engagement strategies
- Review of policy definitions to remove stereotypical generalisations and review of language to reframe perceived negative connotations to graffiti.

Recommended Motion

That Council:

Endorse the Graffiti Management Council policy that clearly outlines the City's position on graffiti management and establishes a coordinated approach to preventing, managing and removing graffiti within the municipality. Once the policy has been adopted, create an internal organisation Graffiti Management Procedure to provide clarification around the key steps to undertake, as well as identifying roles and responsibilities within the organisation for graffiti management on both private and public assets.

Policy Context

Mir Wimbul - Council Plan 2021-2025

Outcome 1: Lead and Govern for all

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

Outcome 7: A safe, welcoming and fair community

- Goal 3: Young people are supported to explore, engage and be empowered to shape the world they live in.
- Goal 5: A Community that feels safe.

Temporary Public Art Policy and Procedure - Currently under review

The objectives of this policy are to:

- explore and foster a diversity of experiences, art forms and locations;
- contribute to the demonstration of Greater Bendigo as a creative place;
- celebrate local distinctiveness and cultural diversity;
- cultivate and contribute to a sense of identity and pride in public spaces;
- increase the appreciation and understanding of public art;
- support community engagement and inclusion;
- excite the imagination of the public and create conversation and social connection;
- encourage high quality artworks which have relevance to their location and its community;
- provide a public art program that is professionally managed and promoted;
- provide opportunities for local emerging and established artists;
- provide a framework for the commissioning and management of public art, and
- provide for a public art program that offers increased access to and participation in public art

Permanent Public Art Policy and Procedure - Currently under review

Background Information

Graffiti is an ongoing issue with perceived negative impacts that affect the community. In the 2019/2020 financial year, the City of Greater Bendigo responded to approximately 150 incidents of graffiti costing over $52,000. Incidents of graffiti can be reported by staff or members of the public. On occasion, the City receives requests to remove graffiti from property that the City does not own or manage.

Currently graffiti on City owned and managed assets is removed promptly and whilst the Graffiti Prevention Act 2007 enables local government to enforce removal from private property, the City does not have a policy in place outlining the City's position on graffiti management including removal from both public and private property.

Early in 2020, an internal working group was created. The working group developed three key principles for the Proactive, Reactive and Preventative management of graffiti to inform a draft Council policy which has been developed to establish a coordinated approach to managing, preventing and removing graffiti within the City of Greater Bendigo.

The scope of this policy incorporates graffiti on all City fixed assets and private property where deemed necessary. This policy will apply to all City staff and City contractors involved in asset management, design, redesign and refurbishment of City fixed assets. This policy will also apply to private, commercial and other government property owners.

This policy provides clarity and direction on the removal of unauthorised graffiti, however it should be acknowledged that private property owners' approval is required under the Graffiti Prevention Act for the removal of graffiti on all private property.

In March 2021, EMT provided approval to proceed with Stage 1 of the Community Engagement Plan, with Stage 2 engagement to include informing Council of the Draft

Graffiti Management Policy through Council Briefing Read Only Agenda and subsequent Council endorsement. Communications will also be implemented to inform the broader community of the adopted policy.

Invitations were distributed to 12 external stakeholders to seek feedback on the Draft Graffiti Management Policy with four responses received Department of Environment, Land, Water and Planning (DELWP), Coliban, Department of Justice and V Line. It was noted that Coliban and DELWP do not currently have a formal Graffiti Management Policy in place and although V Line do have a policy, financial constraints impact their ability to achieve policy outcomes in its entirety.

Property Services also presented at Youth Council Briefing 15 September 2021 to present the Draft policy. The Policy was well received by the Youth Council. The Youth Council requested a review of the policy definitions to ensure that the policy did not stereotype specific demographics which has now been updated.

In addition to the above, a Gender Impact Assessment (GIA) on the policy was undertaken

with a focus on the following:

- Shifting the policy to one more of prevention rather than criminalisation
- Attempt to consult some of the missing voices from the policy
- Research some case studies around graffiti from the rest of the world
- Look at some examples from local graffiti art

Desktop research was undertaken by the GIA Lead and Dr Jacqueline Millner from La Trobe University who specialises in Graffiti Art and Reece Hendy, owner of Nacho Station and local professional Graffiti artist were also engaged to provide feedback on the Policy.

The following key outcomes were identified from the GIA and have been considered in the updated Draft Graffiti Management Policy:

1. Change definition of mural
2. Create a study/database of the graffiti being removed as an education tool
3. Create more detail around the education and engagement strategies
4. Add an additional responsible person

Draft policy feedback incorporated in the updated Graffiti Management Policy include:

- ·connection to Greater Creative Bendigo Strategy
- addition of “stickers” as a type of graffiti
- connection of education and engagement strategies
- review of policy definitions to remove stereotypical generalisations and review of language to reframe perceived negative connotations to graffiti

Once the policy is adopted and implemented, a graffiti removal procedure will be created to formalise key steps to be undertaken and provide clarity around the roles and responsibilities within our organisation when dealing with private and public assets and rapid response.

Report

Without a Council policy that clearly outlines the Council position on the management of graffiti;

- there is an inconsistent approach to managing graffiti across the organisation;
- there is no guidance and policy defining the City's position for removal of graffiti on private property; and
- preventative measures may not be considered for asset management, design, redesign and refurbishment of City fixed assets.

Consultation/Communication

Internal Consultation:

Internal engagement with the following City business units was undertaken to establish key principles, prepare the draft policy and associated Communications Engagement Plan.

- Community Partnerships
- Parks and Open Space
- Safe and Healthy Environments
- Bendigo Venue and Events
- Regional Sustainable Development

Feedback on the draft policy has been obtained from the City's Policy and Legal Support Officer, Youth Council and EMT.

Coordinator Engaged Communities and the Communications unit have been consulted to inform the Community Engagement Plan.

External Consultation:

External engagement was undertaken with the following stakeholders to inform the Draft Graffiti Management Policy:

- Coliban
- Department of Justice
- Department of Environment, Land, Water and Planning
- V Line

A Gender Impact Assessment Working Group with the following business units was undertaken to ensure the policy is inclusive for all.

- Community Partnerships
- Safe and Healthy Environments
- Bendigo Venue & Events
- Major Tourism and Events
- Parks and Opens Space

Dr Jacqueline Millner from La Trobe University who specialises in Graffiti Art and Reece Hendy, owner of Nacho Station and local professional Graffiti artist were also engaged to provide feedback on the Policy.

Resource Implications

Nil – any costs associated with this policy development and engagement will be covered by the existing operational budget.

Attachment 1 - DRAFT Graffiti Management Policy

GRAFFITI MANAGEMENT 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 *15 March 2016 (Effective from 1 July 2016)*)
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 *15 March 2016 (Effective from 1 July 2016)*)
Responsible Officer:	Manager Property Services
Owner:	Property Services
Responsible Director:	Presentation and Assets
Relevant Legislation/Authority:	*Victorian Graffiti Prevention Action 2007* *Racial and Religious Tolerance Act 2001* *Local Government Act 2020* *Local Government Act 1989* *Greater Creative Bendigo Strategy*
DOCSETID:	Click here to enter text.

- **PURPOSE**

The purpose of this policy is to establish a coordinated approach to managing, preventing and removing unauthorised Graffiti within the Greater Bendigo municipality.

- **BACKGROUND**

1.1 Effective management of Graffiti is important to maintain and improve the City's aspiration to be a Graffiti free city whilst creating and maintaining quality Community Amenities and to engender pride in the Greater Bendigo municipality.

1.2 Graffiti can impact on people's perception of safety. Some people may feel that an area with Graffiti is unsafe and therefore may avoid areas where Graffiti is present. The presence of Graffiti may also increase feelings of fear and disorder in the local community and can distort perceptions around the actual level of crime and safety.

1.3 Graffiti can have a negative impact on the environment through pollution (including chemical and litter runoff into waterways), damage to items of environmental heritage and atmospheric impacts caused by aerosol sprays.

1.4 Graffiti creates a financial burden on the community through costs associated with its removal and management. It can also contribute to a decrease in property value.

1.5 The *Graffiti Prevention Act 2007* (Vic) (Act) outlines the laws and penalties for Graffiti vandalism. Whilst Victoria Police is largely responsible for enforcing the Act, it also has a provision that local councils may, but are not required to, remove Graffiti from private property.

1.6 The City is committed to prompt removal of Offensive Graffiti and will work with Private Property owners, within Acts and Regulations to achieve this.

1.7 The City is committed to the ongoing engagement and education of the Community to ensure a whole of community proactive approach to Graffiti prevention.

- **SCOPE**

In scope:

3.1 This policy applies to Graffiti on all City Fixed Assets and private property where deemed necessary by the City.

3.2 This policy also applies to all Workplace Participants involved in asset management, design, redesign and refurbishment of City Fixed Assets.

3.3 This policy applies to private, commercial and other government property owners within the City of Greater Bendigo.

Out of scope

3.4 This Policy relates to unauthorised graffiti only. Authorised Public Art commissioned or authorised by the City is not covered under this policy and will be supported under the Public Art Policy.

- **DEFINITIONS**

Act means *Graffiti Prevention Act* 2007 (Vic).

CPTED means Crime Prevention Through Environmental Design which is a planning approach to deter criminal behavior through the design of the built environment that leads to a reduction in the fear and incidence of crime.

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

Council means all of the Councillors collectively.

Fixed Assets are long term tangible pieces of property or equipment.

Graffiti means any unauthorised writing, drawing, marking, scratching or otherwise defacing property by any means so that the defacement is not readily removable by wiping with a dry cloth. Types of graffiti include:

a) **Etching** is a destructive form of graffiti that can be etched onto windows (particularly shops/businesses)

b) **Murals** are applied to and made integral with a wall or ceiling surface and are generally within sight of high trafficable and high activity areas.

c) **Stenciling** is painted onto walls/fences and can carry messages which are either political or are concerning current social issues.

d) **Sticker Art** also known as sticker bombing, sticker slapping, slap tagging, and sticker tagging, is a form of street art in which an image or message is publicly displayed using stickers. These stickers may promote a political agenda, comment on a policy or a policy issue.

e) **Tagging** is a type of graffiti that commonly occurs on walls/fences, bridges, and service authority Fixed Assets such as light poles, traffic signal devices etc. Tagging is generally indecipherable.

f) **Tributes** usually occur on walls, light poles, fences, road pavements, footpaths and local rocks as a declaration, or other acknowledgment of gratitude, respect or admiration to a person/s.

Inaccessible Graffiti means Graffiti that is not readily accessible and exposes Graffiti response team members to unacceptable risks to health and safety.

Offensive Graffiti is obscene in nature and has the potential to cause offence to the community or groups within the community. It creates a reputational risk to the City and often includes defamatory remarks or slurs about race and gender and includes offensive words, phrases or graphics.

Private Property means any Fixed Asset within the municipality that is not owned or managed by the City.

Public Amenities means buildings, parks, open space, infrastructure and Fixed Assets

Public Art refers to artwork that is displayed in public on surrounding buildings, on streets, trains and other publicly viewed surfaces commissioned with the permission of the person/authority who owns the surface/wall that the artwork is being presented, and with the permission of the City.

Public Space is any space managed or owned by the City that is broadly accessible for:

- Community use and activity;
- Aesthetic or place making value;
- The protection of areas of heritage, cultural or ecological value; and
- Utility use such as drainage reserves or flood retention, providing that the space incorporates at least one of the above criteria.

Rapid Removal means the removal of Graffiti within 24 to 48 hours of it occurring.

Visible to Public is Graffiti that is within view from a public road or park reserve.

Workplace Participants means all employees, contractors, volunteers and consultants engaged by the City.

- **PRINCIPLES**

5.1 Preventative - To apply a combination of strategies including effective CPTED, education, partnership initiatives and Public Art projects to discourage Graffiti and improve overall Public Amenity.

5.2 Proactive - To support timely action by the City to remove and record offensive graffiti on City Fixed Assets and Private Property where it affects Public Amenity. Promote ongoing activation of Public Spaces in line with the Public Art Policy, through place management that will protect Public Amenity and increase perception of community safety.

5.3 Reactive - To ensure the prompt identification, removal and recoding of Graffiti on the City's Fixed Assets as well as Private Property located within the municipality, to restore the condition of the property, capture analytical data, maintain aesthetic values and preserve perception of safety and the City's reputation.

- **POLICY**

1.8 **Graffiti Prevention**

6.1.1 The City acknowledges that one of the effective strategies in Graffiti prevention is active engagement, education and development of partnerships to develop a broader approach to the management and removal of Graffiti and promotion of Public Art across the municipality.

6.1.2 The City will continue to implement and promote Graffiti prevention strategies through:

a) Rapid Removal of Graffiti to discourage the recurrence of Graffiti, as it reduces exposure time of the Graffiti and makes the Graffiti physically easier to remove

b) Active engagement to promote and provide appropriate avenues for creativity and skill development opportunities.

c) Community education and information to support the growth of Greater Bendigo's Public Art Culture and to ensure a whole of community proactive approach to Graffiti prevention.

d) Ownership and community pride to enable influence, involvement and promote a sense of collective community confidence, safety and security.

e) Partnership approach to support a coordinated response to develop solutions and opportunities for Graffiti prevention, education, removal and enforcement

f) Urban Design that contributes to a positive amenity.

g) Through effective planning processes, developing safe and welcoming public spaces that improve perceptions of safety, encourage crime prevention and provide opportunity for positive social engagement via implementing CPTED principles. These include improved lighting, landscape plantings, surface finishes (i.e. texture and colour), and property maintenance.

h) Use of Public Art murals in site appropriate locations that contribute to the amenity of the area and prevent Graffiti on the site

i) Use of Graffiti resistant materials or protective coatings to assist with removal

1.9 Graffiti Removal

1.9.1 Graffiti Removal from City owned and managed property

a) To manage Graffiti in our community, the City will proactively remove Graffiti in a timely manner. The City will undertake Rapid Removal of Graffiti on City owned and managed property within 10 working days.

b) Where possible, the City will utilise the Graffiti Offenders Program facilitated by the Department of Justice that places Graffiti offenders managed by the Department of Justice within the municipality to remove Graffiti from allocated sites.

c) Removal of Graffiti will be consistent with heritage conservation principles.

1.9.2 Graffiti Removal on Public Art Assets

a) Due care will be taken with removal of Graffiti from Public Art Assets. Further support may be sought with the commissioner and/or owner of the work if specialist information is required.

1.9.3 Graffiti Removal on Private Property and Assets

a) The City can utilise the provisions of the Act to remove Graffiti by gaining consent from Private Property owners through the issuing of notices under sections 18(2) and 18(3) of the Act.

b) The City will provide support to Private Property owners through community education to assist in reducing incidents of Graffiti.

c) The City will work with the community to remove Graffiti from Private Property where it has a significant impact on Public Amenity (for example, where it is deemed offensive), or where residents are frail aged or living with a disability.

d) Removal of Graffiti will be consistent with heritage conservation principles.

e) The City may enter Private Property for the purpose of removing Inaccessible Graffiti if it serves a notice under the Act to the owner or occupier at least 28 days before the action is proposed to be taken; and the owner or occupier of the property has given written consent to do so or does not object.

f) If entry to Private Property is not necessary, the City must serve a notice under the Act at least 10 days before the action to remove the Graffiti is proposed to be taken; and the owner or occupier of the property has given written consent to do so or does not object.

g) As Graffiti removal is the responsibility of the property owner, all associated costs incurred with the removal of Graffiti will be borne by the property owner.

1.9.4 Offensive Graffiti Removal

a) The City will undertake Rapid Removal of Offensive Graffiti on City owned and managed property within 48 hours.

b) Under the provisions of the Act the City can take action to remove Graffiti from Private Property if the Graffiti is visible from a public place. The removal of obscene or Offensive Graffiti will be fast-tracked through immediate contact with the property owner or their representative.

- **ROLES AND RESPONSIBILITIES**

7.1 Property Services Manager - Responsible to oversee the implementation of the policy and review it in a consultative and collaborative exercise at identified periodic intervals.

7.2 Business Services and Economic Development – Responsible to oversee the implementation of the Greater Creative Bendigo Strategy actions including development of Public Art Policy to support the growth of Greater Bendigo's Public Art Culture.

7.3 Council Officers and Council Contractors - Responsible to implementation and or adherence to this policy.

- **RELATED DOCUMENTS**

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

These include:

Graffiti Prevention Act 2007;
Racial and Religious Tolerance Act 2001;
Local Government Act 2020;
Local Government Act 1989; and
Greater Creative Bendigo Strategy;

Further information or advice on this policy should be directed to Property Services

- **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.

- **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.

- **DOCUMENT HISTORY**

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Month, year	*Insert initials*	*Business Unit*	*Eg. Develop, Review (significant) Review (administrative), Update*	*Increase version number each time document is updated/changed*	*Month, year*

Month, year	*Insert initials*	*Business Unit*	*Eg. Develop, Review (significant) Review (administrative), Update*	*Increase version number each time document is updated/changed*	*Month, year*

16. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

17. ABORIGINAL RECONCILIATION

Nil

18. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

19. A VIBRANT, CREATIVE COMMUNITY

Nil

20. A SAFE, WELCOMING AND FAIR COMMUNITY

20.1. Draft Cultural Diversity and Inclusion Plan (2021- 2025)

Author	David Williamson, Coordinator - Inclusive Communities
Responsible Director	Vicky Mason, Director - Health and Wellbeing

Purpose

To seek Council endorsement of the draft Cultural Diversity and Inclusion Plan (2021-2025), and for Council to acknowledge and thank external members of the Project Steering Group who guided the evaluation, community engagement process and development of the Draft Cultural Diversity and Inclusion Plan (2021-2025).

Summary

The Draft Cultural Diversity and Inclusion Plan (CDIP) 2021 – 2025 provides a framework for Council to further advance cultural diversity and inclusion, support Greater Bendigo's multicultural communities and progress our status as an accredited 'Welcoming City'. The CDIP articulates how the organisation, Council, partner agencies and groups in the community can work together to implement the CDIP over the next four years. It follows a 'whole of Council', collaborative partnership approach and builds on the work and success of the City's first CDIP delivered from 2016 to 2019.

The Draft CDIP has been developed through an extensive evaluation and community engagement process involving residents from diverse cultural and religious backgrounds, agency partners; and City Services. The process included preparing a Report Card into the achievements of the previous CDIP, the findings of the external Consultant's Evaluation Report, and findings from interviews, surveys, focus groups and stakeholder workshop.

The Draft CDIP responds to State government policies and legislation, including the Victorian Multicultural Policy Statement and the Victorian Charter of Human Rights and Responsibilities. The implementation of the CDIP aims to be integrated with relevant Council plans and strategies, the requirement of Welcoming Australia for the City to have a 'Welcoming City' Plan; and work to ensure there are strategic program links with relevant partner agencies in the community.

Following the Council Briefing on 29 November 2021, the Draft CDIP was released for a period of public exhibition and feedback from 6 December 2021 to 28 January 2022. This report discusses the feedback received during the period of public exhibition, recommended amendments to the Draft CDIP in response to the feedback received; and the amended Draft CDIP with the recommended amendments included.

Recommended Motion

That Council:

1. Endorse the Draft Cultural Diversity and Inclusion Plan (2021-2025) following feedback received during the period of public exhibition.
2. Thank external members of the Project Steering Group who guided the evaluation, community engagement process and development of the Draft Cultural Diversity and Inclusion Plan(2021-2025).

Policy Context

Mir wimbul Council Plan (2021-2025):

Outcome 7: A safe, welcoming and fair community

Goal 2. A welcoming community that understands and respects cultural and religious differences and supports multiculturalism

Action: Finalise development of the Cultural Diversity and Inclusion Plan

Healthy Greater Bendigo (2021-25):

Outcome 4: Connected to culture and community

The Greater Bendigo community is socially engaged and inclusive and is a place where people can safely identify and connect with their culture and identity

Actions: Access and inclusion for people who are culturally diverse

Community participation and belonging

Social connection and reduction of loneliness

Greater Bendigo Cultural Diversity and Inclusion Plan 2016 - 2019:

Goal 5: Ensure capacity and a coordinated approach to implement the CDIP and apply continual improvements

Objective 33: Evaluate the effectiveness of the Plan

Action 33b: Seek a partnership with a research institute, and adequate resources, to evaluate the effectiveness of the CDIP

Victorian Government Multicultural Policy Statement

Vision: To drive concrete improvements across government and ensure that every Victorian can belong, contribute, achieve and succeed

Domain 4: Victorians are connected to culture and community

Outcome: Victorians can safely identify with and connect with their culture and identity

Victorian Charter of Human Rights and Responsibilities Act 2006

The updated draft CDIP also responds to the City's accreditation as an 'Advanced' Welcoming City.

Background Information

The Draft Cultural Diversity and Inclusion Plan 2021 – 2025 (CDIP) provides a framework for Council to further advance cultural diversity and inclusion, support Greater Bendigo's diverse multicultural communities and progress our status as an accredited 'Welcoming City'. The CDIP focuses on how the organisation and Council can work together with partner agencies and groups in the community to implement the CDIP over the next four years. It follows a 'whole of Council', collaborative partnership approach and builds on the work and success of the City's first CDIP delivered over 2016-2019.

The CDIP has been developed through an extensive evaluation and community engagement process involving residents from diverse cultural and religious backgrounds, agency partners; and City Services. The process included preparing a Report Card into the achievements of the previous CDIP, the findings of the external Consultant's Evaluation Report, and findings from interviews, surveys, focus groups and stakeholder workshop.

The CDIP responds to State government policies and legislation, including the Victorian Multicultural Policy Statement and the Victorian Charter of Human Rights and Responsibilities. The implementation of the CDIP aims to be integrated with relevant Council plans and strategies, the requirement of Welcoming Australia for the City to have a 'Welcoming City' Plan; and ensure there are strategic program links with relevant partner agencies in the community.

Stakeholder engagement regarding the CDIP has been very positive with significant input and interest from City staff, partner agencies and multicultural community groups and residents.
Keyfeedbackandthemestoemergefromtheconsultationsandevaluationprocessincluded:

- Support for being a 'Welcoming City' and developing facilities, public spaces, services, events and communications that reflect this.
- Improving organisational cultural safety through information and training, increasing the level of employees from culturally and linguistically diverse backgrounds, and ensuring services are culturally responsive and equitably distributed.
- Support for the Intercultural Ambassadors Program; and increasing the level of participation bymulticulturalcommunitygroupsindecisionmakingaboutCityplansandprograms.
- Focusingonleadershippathwaysandhumanrightsespeciallyforyoungpeople.
- Improving employment, business development and economic outcomes.
- Celebrating our diverse cultures and creating opportunities for interfaith connections and community harmony.
- Increasing the connection between of Aboriginal and Torres Strait Islander culture, history and story-telling; and multicultural communities.
- Better promotion and awareness of the City's work in cultural diversity and inclusion especially recognition and support for partner agencies.

Following feedback from the Welcoming Cities Accreditation Report, Latrobe University Evaluation Report and the Stakeholder Workshop, it was seen as advantageous to structure the draft CDIP and its action plan around six core themes linked to the Welcoming Cities Accreditation Standard criteria, plus the additional theme of Health and Wellbeing. Accordingly, the themes and goals presented in the CDIP and the Action Plan are:

Theme	**Goal**
1.Leadership	Cultural and religious diversity is celebrated in Greater Bendigo and social inclusion strengthened.
2.SocialandCulturalInclusion	Greater Bendigo is a place where multicultural communities can safely connect with their culture and religious identity.
3.EconomicDevelopment	Greater Bendigo is a sustainable and prosperous community where all people

Theme	Goal
	from diverse backgrounds can contribute and thrive.
4.LearningandSkillsDevelopment	City staff and broader community have more knowledge and understanding about Greater Bendigo's cultural and religious diversity.
5.CivicParticipation	People from diverse multicultural backgrounds can actively participate in community life.
6.PlacesandSpaces	There is equitable access to public places and spaces, which are culturally safe for multi-cultural groups in the community.
7.HealthandWellbeing	Multicultural community members are healthy and well, supported by responsive and culturally safe service provision.

Under these seven themes and associated goals, 22 objectives and 42 related actions are presented as part of the CDIP Action Plan that will drive the organisation's cultural diversity and inclusion work both internally and within the broader community. The CDIP and Action Plan will be delivered through a 'whole-of-Council' and collaborative partnership approach involving key City Services, partner agencies, culturally, linguistically and religiously diverse groups in the community; and broader community organisations, phased over four years.

The first annual CDIP Action Plan will commence in 2021/22 and has been prepared in consultation with responsible City services and external key stakeholders in order to respond directly to the priority issues and opportunities identified as part of the evaluation and update process.

The City's Community Partnership Unit and the CDIP Steering Committee will monitor, evaluate and oversee the delivery of the CDIP to identify continuous improvements and update the Action Plan annually to ensure it continues to respond to community needs and important community issues, such as developments in the Pandemic, National Migration and Refugee Programs; and National and State policy, legislation and grants programs.

Previous Council Decision(s)Date(s):

9 August 2021: Council Briefing – Cultural Diversity and Inclusion Plan – Evaluation and Update Process (Read Only).

Council noted the process taken and progress to date, to evaluate and update the Greater Bendigo Cultural Diversity and Inclusion Plan 2016–2019 for a further four years.

29 November 2021:Council Briefing-Draft Cultural Diversity and Inclusion Plan (2021-2025).

Council acknowledged the Draft Cultural Diversity and Inclusion Plan (2021-2025) and associated Action Plan for review and released the draft Plan for a period of public exhibition and feedback. The period of public exhibition commenced on 6 December 2021 and concluded on 28 January 2022.

Report

Following the Council Briefing on 29 November 2021 the draft CDIP 2021-2025 was released for a period of public exhibition and feedback which commenced on 6 December 2021 and closed on 28 January 2022.

Submissions Received

In total, nine submissions were received during the period of public exhibition.

Attachment 1: presents the public exhibition feedback received and recommended amendments to the Draft CDIP in response to the feedback received.

In general, feedback received was supportive of the CDIP and constructive concerning improvements. Key matters raised from the feedback were:

- Include a list of acronyms and abbreviations and whether or not the organisation has staff quotas in relation to cultural diversity.
- Recognise the language and cultural barriers for refugees accessing local GPs and the need for interpreters.
- Confirmation of Loddon Campaspe Multicultural Services stated role in the CDIP.
- Greater recognition of religious diversity in the CDIP and actions in support of this.
- Greater recognition of the role played by the Bendigo Interfaith Council and how this can be supported by the City.
- Recognise the Community Employment Connector project as a State government funded initiative and recognise the unique employment and education pathway needs of multicultural communities.
- Referring to ‘our’ multicultural or ‘our’ diverse communities in the CDIP is not preferred.
- Seeking clarification on why their agency was mentioned as partners in the CDIP Action Plan and/or proposing new actions in the Action Plan that their agencies could undertake with City of Greater Bendigo support.
- There is a homogenisation of culturally diverse communities within the document where, aside from the Census data, there is no mention of the activities nor aspirations of the vast range of cultures and experiences.
-

Attachment 2: contains the updated CDIP (2021-2025) including amendments recommended Attachment1 in response to all feedback submitted during the period of public exhibition.

Priority/Importance:

The implementation and review of the CDIP (2021-2025) is of high importance as it demonstrates the City’s ongoing commitment to advance cultural diversity and inclusion, support Greater Bendigo’s multicultural communities and progress our status as an accredited ‘Welcoming City’. The CDIP(2021-2025) also provides a framework for the

City to respond to the Mir wimbul, Council Plan Vision to 'celebrate our diverse community' and to achieve Goal 2: A welcoming community that understands and respects cultural and religious differences and supports multiculturalism.

Options/Alternatives:

N/A

Timelines:

The implementation of the CDIP (2021-2025) is planned to commence following Council endorsement in 2022 and conclude at the end of 2025.

Progress:

N/A

Risk Analysis:

The CDIP (2021-2025) and associated Action Plan represents the City of Greater Bendigo's commitment to cultural diversity and inclusion; and being a 'Welcoming City'. It is a key strategic document that builds on our work, partnerships and progress under the previous CDIP (2016-2019).Key risks identified include:

- Ensuring the CDIP remains relevant and responsive to the emerging needs and priorities of different culturally, linguistically and religiously diverse groups in the community including groups with small populations and groups not currently engaged.
- Managing community and partner agency expectations around the delivery of identified actions within the CDIP, and commitments to increase the level of participation of multicultural community groups in City planning and decision-making processes.
- Insufficient knowledge, engagement and support by multicultural community groups concerning the CDIP particularly non - English-speaking residents, refugees and groups not currently engaged.
- Lack of sufficient commitment and change in City Services to provide accessible, inclusive and equitable services and engage multicultural community groups in strategic planning and / or City decision making processes.
- Lack of sufficient commitment across the organisation to successfully promote and continue the City's accreditation as a 'Welcoming City'.
- Insufficient resources and budget to deliver on all actions within the CDIP over the next four years. Being unable to attract external grants to help deliver actions in the Action Plan and respond to community priorities.
- Limited change in cultural safety, being inclusive; and equity in service delivery across the organisation.

These risks will be mitigated by:

- Continued community engagement and relationship building especially with a diverse range of multicultural community groups and key stakeholder agencies.
- Liaison with the Welcoming Cities Network regarding continuing accreditation as a 'Welcoming City'.

- Liaison with relevant State and Federal government departments and preparing applications to grants programs.
- Support for opportunities to continue the Intercultural Ambassadors Program.
- Implementing the Social Justice Framework including an equity lens on City plans, budgets and services.
- Facilitating increased levels of participation by multicultural community leaders in CDIP Steering Committee meetings and Project Working Groups.
- Regularly reviewing and prioritising actions, implementing a Monitoring, Evaluation and Learning Plan from commencement, and providing annual progress reports to Council and community.
- Managing budget and resources through delivering actions in stages and, where possible, through partnerships with external agencies; and multicultural community members.

Consultation/Communication

Internal Consultation:

The evaluation and update process for the CDIP was guided by the Project Steering Group which included representatives of multicultural agencies, multicultural communities, City staff and the City's CDIP Steering Committee.

Attachment 3: lists the CDIP Evaluation and Update Project Steering Group members. Internal consultation occurred with City staff, including invitations for key staff to complete the Evaluation Consultant's on-line survey, 22 staff participating in two Staff Forums held on 6 May 2021;and three Councillors (Evans, O'Rourke and Sloan) and 11 staff attending the Stakeholder Workshop held on 8 July 2021.

Overall, staff consulted represented the following Service Units: Active and Healthy Communities, BVE, Business Transformation, Climate Change and Environment, Communications, Community Partnerships, Community Wellbeing, People and Culture, Economic Development, Governance, Parks and Open Space, Property Services, Regional Sustainable Development, Strategic Planning; and Tourism and Major Events.

External Consultation:

The Consultant's Evaluation Report prepared by Julie Rudner from La Trobe University was completed via responses to its community engagement process undertaken during February to April2021 which comprised: responses to its on-line survey (n=25), CDIP partner agency interviews (7),community member interviews (14) and on-line posts(4).

Sixteen agency and 7 community representatives attended the City's Stakeholder Workshop held on 8 July 2021.External key stakeholders consulted included representatives from: Amnesty International, Bendigo Community Health Services (Settlement Services), Be.Bendigo, Bendigo Senior Secondary College, Bendigo Interfaith Council, Bendigo Islamic Community Centre, Bendigo Health, Friends and Mentors, Goldfields Libraries, Karen Organisation Bendigo, Latrobe University – International Students, Loddon Campaspe Multicultural Services, Multicultural Arts Victoria, Old Church on the Hill, Rural Australians for Refugees, Sports Focus and Victoria Police.

Resource Implications

The majority of actions under the Draft CDIP (2021-2025) will be implemented within existing resources of the Community Partnerships Unit and other City Service Units over the next four years. To help manage resources, the CDIP Steering Committee will regularly review and prioritise key actions within the CDIP Action Plan and their time frame for delivery.

Some actions within the CDIP may require grant funding or a future operational budget submission, for example: the continuation of the City's Intercultural Ambassadors Program.

Under the 2021/2022 Operational Budget, total allocations for the CDIP are approximately $151,392 comprising $107,000 for fulltime Inclusive Communities Officer and $44,392 for projects, events, venues and communications.

In addition, the City has received approximately $231,000 in Strategic Partnership Program funding from the Department of Families, Fairness and Housing in 2021/22. This comprises $91,000 for staffing and projects related to the Intercultural Ambassadors Pilot Program and approximately

$140,000 for staffing and projects related to identified cultural diversity and inclusion priorities as part of the Strategic Partnership Program.

The Department of Families, Fairness and Housing have advised the City that State government funding for the Strategic Partnership Program may conclude at the end of this financial year.

Attachments

Attachment 1 - Draft Cultural Diversity and Inclusion Plan (2021-2025) - Public Exhibition Feedback Received and Recommended Amendments.

Attachment 2 - Draft updated Cultural Diversity and Inclusion Plan (2021-2025).

Attachment 3 - Cultural Diversity and Inclusion Plan - Evaluation and Update Project Steering Group Members.

Attachment 1 - Public Exhibition Feedback and Recommendations

Attachment 1

CITY OF GREATER BENDIGO Cultural Diversity and Inclusion Plan 2021-2025

Public Exhibition Feedback Received and Recommended Amendments
6 December 2021 – 28 January 2022

Submission No.	Name	Feedback	Response/Recommendations
1	**Community Member**	Just completed my quick review and I thought it would be helpful to list the acronyms and abbreviations somewhere in the document. As I am not familiar with many of these it becomes frustrating not knowing which organisations have action responsibilities. Also does Council have quotas for employment of culturally diverse peoples and how is this applied?	A list of abbreviations and acronyms has been added on page 36 The City does not have formalised quotas for employment of culturally diverse community members at this time. However, this can be responded to via the Monitoring, Evaluation and Learning (MEL) Framework (which will be developed soon after new CDIP launch) by measuring the trend in the organisation's employment numbers from 2021 to 2025 to demonstrate progress.
2	**Representative of Refugee Health at Bendigo Community Health Services**	Well done!! Such an awesome report/plan ☺ Thanks for the opportunity to have an input it may be too late, and I am not sure if this is the correct place to comment or mention but I want to share with you my concern as the refugee health nurse coordinator- comment/add to **Objective 20: Develop and strengthen partnerships to understand and respond to current and emerging**	Changes made to Action 20.1 to reflect this feedback as below: *In partnership with key stakeholder agencies, ensure the needs of multicultural communities are considered in the implementation of Healthy Greater Bendigo (2021 – 2025) initiatives; such as, accessing local GPs, use of interpreters by local GPs etc*

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		health and wellbeing needs of multicultural communities Accessing health care at local GP -The challenges of the refugee background community in the ability to access a local doctor? limited doctors taking new clients and the use interpreters ?? – (I see mentioned that interpreters is a priority in one the objectives)-fantastic!! also, the challenge of getting appointment at earlier time slot/ on the day when unwell. all this to avoid the burden on emergency dept and to improve health care	Also, added Health and Wellbeing Directorate in the Partner column given the link with the Healthy Greater Bendigo (2021 – 2025) initiatives.
3	**City Staff**	**<u>Objective 7, Action 7.1</u>** As requested, my feedback is as follows. The responsibility for this action should sit jointly with Governance and Business Transformation. Governance has oversight/administers the organisational policy framework and Business Transformation are developing the service review program for the organisation. Key contacts are Rebecca Maple (Governance) and Emma Young (Business Transformation). Any P&C policies or service reviews will be part of these frameworks/programs and would be assessed for inclusivity and accessibility in the process. For this	Contact has been made with Governance and Business Transformation to consult and make changes to the Responsibility column for Action 7.1

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		particular action, P&C would be a participant (included in current Partners) rather than have the responsibility for actioning.	
4	**Representative of Loddon Campaspe Multicultural Services**	I have gone through the plan. Well done, it looks really good. I don't have anything I wanted to amend or add to it. I am happy with LCMS' stated role in the work plan.	No changes required.
5	**Representative of Bendigo Interfaith Council (BIC)**	1 - Overall, I think this looks great, I would like to see more explicit inclusion of religious diversity given that this aspect of diversity has been problematic here. Like, Leadership Goal could be "cultural and religious diversity is celebrated" 2 - So, for example on page 17 Social and Cultural Inclusion ... "safely connect with their cultural and religious identity" 3 - In the Action plan the mission could also include religious as well as cultural diversity and this would carry on in the more specific goals of the actions plan. 4 - It would be good to add a paragraph on religious diversity on page 10. 5 – we can add Census data on religious diversity on page 11 6 - I can see that BIC is on the plan, in 6.1, the Interfaith Dinner has been an annual event related to the Zinda	1- change of wording for Theme 1 goal: to include 'religious diversity' is celebrated … page 17 2 - change of wording for Theme 2 goal: to include 'religious identity'… page 17 3 – change of wording for the CDIP Mission to include: Where people of all cultural and 'religious' backgrounds belong… pages 8 & 23 4 – a paragraph added under the section 'Greater Bendigo's Multicultural Communities' to describe religious diversity in GB and the role of BIC on page 11 5 – added statistics on GB religious diversity from 2016 census on page 11 and 12 6- Action 6.3 added under Obj 6 on page 27 to acknowledge BIC as below:

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		Festival, though not part of its program - ? can it be put in as 6.4 or 6.5 7 - Should BIC be in 8.1 re work with schools? 0r where else can that fit? BIC's work with schools and other activities to foster religious understanding could be included in 5.1 or does 5.2 need to be expanded to include anti-religious attitudes.	*Support Bendigo Interfaith Council (BIC) and its Annual Interfaith Dinner, and explore opportunities to partner with BIC to foster mutual understanding, social inclusion and respect* 7- Bendigo Interfaith Council added as a partner for Actions 1.1, 5.1, 5.2, 7.2, 8.1 and 12.1
6	**City Staff**	1 - P. 7 Victorian Government Support. As a dot point you could add here the *Community Employment Connector* program for which the CoGB is the host organisation. It commenced in September 2021 and is a 12-month program with funding from DFFH. Ann-Marie Roberts may be able to provide some more information to you on this. You can also go to : https://www.vic.gov.au/community-employment-connectors-program 2 - P. 20 A possible indicator of point **2. Social and Cultural Inclusion** – Greater Bendigo is a place where multicultural communities can safely connect with their culture and identity. – could membership/participation in Multicultural organisations, services etc. be a possible indicator here? E.g. Church on the Hill and their Multicultural Playgroup, Women of Colour Group, groups and supports through BCHS and LCMS 3 - P. 20 **Point 3. Economic Development** – could organisations such as MAV (Multicultural Arts Victoria, the Duniya Behter program etc), Sisterworks etc. and membership and activities be part of the indicators here?	1 – Agreed. Added a reference to the Community Employment Connector Program in relation to State government support on page 7 2 - 4. No action to be taken in relation to suggestions concerning data collection in relation to the Monitoring Evaluation and Learning Framework to measure the City's performance on page 19 as this all needs to be City centric data at this stage not data concerning other agencies and their services.

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		4 - P. 20 **Point 4 . Learning and Skill Development** – would it be worthwhile here to include the number of participants in LCMS pre-employment skills program, Sisterworks programs etc. as indicators? Rather than just evidence from skill development of cultural competency etc. of the CoGB staff and the wider community. 5 - P. 22 **Building on the work of the 2016-2019 CDIP** I'd suggest including in this section that in addition to: '*Support our partners to provide opportunities for service providers in the healthcare system to increase their understanding of the unique health needs of multicultural communities and advocate for systemic change'* that a dot point be included here on **increasing the understanding of the unique employment and education pathways needs of multicultural communities ….** 6 - P.27 Objective 8 – 8.1 include BCHS here as one of the partners 7 - P. 28 Objective 10 – 10.1. Maybe include Sisterworks , MAV, Learn Local and TAFE here as partners 8 - P. 29 11. 2 and p. 30 13.1 The Community Employment Connector program/staff should be included here as a partner (it is funded by DFFH, hosted by the CoGB and is separate to the Job Advocates program with a specific multicultural employment focus) 9 - P. 32, Point 19.2 Multicultural Hub. The Church on the Hill and its CEO Rose Vincent could be included here	5 – No change. This is already covered in the same section via the statement *"Utilise the STEP-UP Employment Resource Kit to raise awareness and educate local employers about employing culturally diverse workers"* on page 23 6- change made – BCHS added as a partner for Action 8.1 7 – No change. Action 10.1 has already started and the implementation is underway via a Working Group with the key partners mentioned in the Action Plan. 8 – No change. Action 11.2 already refers to Community Employment Connectors program in the Responsibility column. For Action 13.1, No Change, because the project is focused only on business sector. 9 – Agree in principle and potential change to be confirmed with Old Church on The Hill 10 – No change. BCHS is already identified in the Responsibility Column.

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		as partners as they are currently acting in many ways as a Multicultural Hub 10 - P. 34 Point 20.1 BCHS should be included here as a partner as Health is the key focus and they work with refugee and migrant communities 11 - P. 34 Point 20.2 LCMS and BCHS should be included here as partners 12 - P. 35 Point 22.1 Include LCMS and BCHS as partners as both organisations have experience in developing a diverse range of written and video resources in other languages	11 – No change. Both LCMS and BCHS already identified in the Responsibility column. 12 – No change. Already identified in the Responsibility column.
7	**Representative of Neighbourhood Collective Australia (NCA)**	1 - We would recommend removing the phrase 'our multicultural communities' and similar - it's not considered best practice to use that term as it is patronising language. 'Our community' is fine as we are all equal parts of that but 'our multicultural community' sounds like one community is superior to another. My concern is that being in the CDIP it will be the way Bendigo refers to migrant and refugee communities that live here 2 - Two community members name's misspelled Ayuen Bol, and Sei Sei Mu Thein. 3 – Addition to Action 2.2 *"and includes strong representation from migrant and refugee communities. Aim for at least 50% of committee members being born outside of Australia"*	1 – Agreed, changes have been made across the document 2 – Names corrected on page 37 3 – Agreed to add the phrase "with strong representation from migrant and refugee communities " at the end of Action 2.2.

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		4 – A new Action proposed under Leadership Theme, Objective 4 to be delivered by Neighbourhood Collective Australia: *"Explore, develop and implement an annual series of four women in leadership networking events for migrant women and first nations women to build connection and share skills and knowledge"*	The Strategic Indicator on page 20 under Leadership Theme already covers the remaining feedback with some changes as below: *"Level of participation in the CDIP Steering Committee (aim towards 50%) and other City Committees and working groups by multicultural community members"* 4 – The CDIP is Council centric and its Actions must be led by the City of Greater Bendigo. However, the wording of the existing Action 4.1 could be revised to reflect this feedback, and NCA could be added as a partner alongside other partners: *"Work in partnership to develop and implement an annual story-telling, art initiative, and/or networking/ on-country events to build connection and share skills and knowledge between multicultural communities and Aboriginal and Torres Strait Islander communities"*
		5 – A new Action proposed under Social and Cultural Inclusion Theme, Objective 8 led by Neighbourhood Collective: *"Develop and Implement regular 'village lunches' and 'feast of stories' at the Old Church on the Hill that bring together multicultural communities and the broader community to connect, share culture and strengthen social cohesion"*	5 - The CDIP is Council centric and its Actions must be led by the City of Greater Bendigo. However, the wording of the existing Action 8.1 could be revised to reflect this feedback, and NCA could be added as a partner alongside other partners: *"Work with partners to develop and implement community lunches, story-telling opportunities, and/or intercultural/inter-faith sharing that bring together multicultural communities, including young people, and the broader community to connect, share culture and strengthen social cohesion"* 6 – No change – the proposed additions are covered elsewhere. The phrase "*culturally diverse residents on*

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		6 – Addition to Action 9.2 *"and culturally diverse residents on committees, steering groups and working groups. Explore opportunities to undertake a Cultural Competency Organisational Review"* 7 – Addition to Action 12.1 *"anti-racism practice and unconscious bias"*	*committees, steering groups and working groups"* is one of the strategic indicators under the Leadership Theme The phrase *"Cultural competency organisational review"* is covered by Action 7.1 7 – Agreed and changes made to Action 12.1.
8	**Representative of Regional Victorians of Colour (RVOC)**	1 - multicultural or refugee community groups such as the Karen Organisation of Bendigo (KoB), KBBDF, Hazara Community of Bendigo, Bendigo Malayalee Association or Bendigo Islamic Association (BIA), and many more are not included as partners in any of the action items. We strongly advocate that community organisations and community leaders, including emerging youth leaders, are being heard and given opportunities to lead community responses in the city's cultural diversity and inclusion plan.	1- CDIP is a high-level strategic document and, therefore, engages with strategic partners. However, KoB and BIA are already listed as partners. The City is committed to working with local Ethnic Associations through LCMS and will directly invite them to become members of the CDIP Steering Committee and Working Groups. 2 – Agreed – addition of the phrase *"in partnership with multicultural communities"* to Action 5.2 to reflect this feedback. The City will ensure to keep the community at the centre of all its anti-racism initiatives and consult

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		2 - *Objective 5: Support initiatives that prevent racism and discrimination;* should be led by community leaders who have been on the receiving end of racism and discrimination. Regional Victorians of Colour is committed to supporting any initiative that centre aspirations and lived experience of newly arrived communities in Greater Bendigo. 3 – A new Action proposed under Leadership Theme, Obj 4, led by RCOV: *"Develop and implement an annual series of on-country events that bring together Traditional Owners and newly arrived community members to share knowledge and skills around care for the country and care for the community"* 4 – A new Action proposed under Social and Cultural Inclusion, Objective 5, led by RVOC: *"Develop and implement an annual forum led by and for people of*	with the community before designing and delivering any projects. 3 – The CDIP is Council centric and its Actions must be led by the City of Greater Bendigo. However, the wording of the existing Action 4.1 could be revised to reflect this feedback, and RVOC could be added as a partner alongside other partners: *"Work in partnership to develop and implement an annual story-telling, art initiative, and/or networking/ on-country event to build connection and share skills and knowledge between multicultural communities and Aboriginal and Torres Strait Islander communities"* The above feedback is similar to feedback No. 4 from Rose Vincent, Neighbourhood Collective Australia 4 - The CDIP is Council centric and its Actions must be led by the City of Greater Bendigo. However, this feedback is already reflected in the existing Action 5.2; and the City is keen to partner with RVOC to address racism via community-led initiatives.

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		colour, focused on experiences of interpersonal and systemic racism and collective response"	
9	**Representative of Multicultural Arts Victoria, (MAV)**	1 - Framing of "our diverse communities" and "our multicultural communities" - Consider reframing to "culturally diverse communities within our region", "culturally diverse communities" or "multicultural communities" 2 - Overall, there is a homogenisation of culturally diverse communities within the document where, aside from the Census data, there is no mention of the activities nor aspirations of the vast range of cultures and experiences. What does it mean, for example, to speak of "working together with the community"? (p. 4)	1 – Agreed and addressed across the document. This feedback is similar to feedback No. 1 from Rose Vincent, Neighbourhood Collective Australia 2 – The plan does not aim to reflect homogenisation of CALD communities. It constantly refers to the diversity of cultures and religions in Greater Bendigo across the document. To respond to this feedback, the following changes have been made: Page 4 – *"working together with the diverse cultural groups in the community"* Page 10 – *"It is also important to acknowledge the diversity within the multicultural communities in Greater Bendigo with vast range of experiences and cultures mainly from countries, such as, England, New Zealand, India, Philippines, Scotland, Indonesia, Pakistan, Thailand, and Myanmar."* The discussion around the activities and aspirations of the CALD communities in the regions has occurred in the CDIP Report Card (link in the plan on page 9) and in the Latrobe Uni Evaluation Report (link in the plan on page 15) 3 – No change because the terminology is derived from the 2016 Census and 2019 Active Living Census

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		3 - Non-English-Speaking Backgrounds (p. 11) "speak a language other than English" (p. 11) This is obsolete and unclear terminology – consider: "English as an Additional Language" 4 - How does self-determination factor into community leadership? As well, how are those communities not within the remit of LCMS/BCHS engaged? 5 – Objective 4, Action 4.1 – "Develop and implement one story-telling and/or art initiative to promote cross cultural awareness and understanding between multicultural and Aboriginal and Torres Strait Islander communities" - What is MAV's role within this initiative, especially given that BV&E now has a First Nations Arts Officer? As well, what is the purpose of a singular event? MAV currently has no council support and thus no capacity to be undertaking this without said support. 6 – Objective 5, Action 5.2 – "Explore opportunities to develop and implement anti-racism initiatives,	4 – No change – the City is committed to self-determination when working with multicultural communities. We aim to broaden our reach and engage and consult with all the culturally diverse communities over the course of CDIP implementation. 5 – MAV has great relationships with both multicultural and Aboriginal and Torres Strait Islander artists so as a partner, MAV's role could be to provide advice or connect the City with artists or promote an event within their networks etc. As a partner, they could provide in-kind support and contributions to projects under Action 4.1. 6 – This feedback is similar to feedback No. 2 from Linto Thomas at RVOC and responded as below: Agreed – addition of the phrase *"in partnership with multicultural communities"* to Action 5.2 to reflect this feedback. The City will ensure to keep the community at the centre of all its anti-racism initiatives and consult with the community before designing and delivering any projects. 7 – Agreed, MAV may not have any contributions to Action 19.1, therefore, it is removed as a partner.

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		campaigns and workshops to discuss 'unconscious bias', the impact of racism on the community, and ways to take a stand against racism" - Where is the role of the community in determining the shape of such responses/initiatives? Specifically, in relation to peer-to-peer opportunities to enable culturally safe spaces. As well, neglect of the arts in providing a self-determined space through which to articulate experiences of segregation, racism, and discrimination. 7 – Objective 19, Action 19.1 – "Explore, trial and evaluate the placement of welcome signage and/or messaging opportunities in multiple local languages at City-owned venues and facilities across the municipality" - What is the relevance of MAV being included in this action? 8 – Objective 19, Action 19.2 – "Investigate establishing a Multicultural Hub that provides space for culturally and linguistically diverse communities to hold their cultural/religious events, art exhibitions, social gatherings and community consultations" - What support is there from Council in 'investigating' here? 9 - Ayven Bol, Multicultural Arts Victoria/South Sudanese Community Ayuen Kuol Bol, Multicultural Arts Victoria Misspelt name. As well, noting that the cultural/ethnic background of most others is not mentioned in the list.	8 – No change – a response to this action is to be developed by the City and when known support will be identified and this can be communicated to the MAV. 9 – Agreed and spelling of names corrected. This was due to some participants identifying themselves and their cultural background when registering for the key Stakeholder forum. 10 – No Change because these three community members attended the key stakeholder workshop as Community Leaders, not in their professional capacity. There were other people in the workshop who represented the agencies where they work ie: LCMS and BCHS.

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		10 – Laila, Nay Chee and Zahir all work for community organisations –their professional associations need to be listed. As well, noting that the cultural/ethnic background of most others is not mentioned in the list.	

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Attachment 2 - Cultural Diversity and Inclusion Plan 2021-2025

City of Greater Bendigo

Cultural Diversity & Inclusion Plan 2021-2025













CITY OF GREATER BENDIGO



Acknowledgement of Country

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country. We acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples. We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

Acknowledgement of First Nations Peoples

The City recognises that there are people from many Aboriginal and Torres Strait Islander communities living in Greater Bendigo. We acknowledge and extend our appreciation to all First Nations Peoples who live and reside in Greater Bendigo on Dja Dja Wurrung and Taungurung Country, and we thank them for their contribution to our community.

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Message from the Mayor

The City of Greater Bendigo is pleased to present its second Cultural Diversity and Inclusion Plan (2021-2025).

The Cultural Diversity and Inclusion Plan aims to build on the success of the first plan and guide our work over the next four years to achieve Council's community vision and ensure we continue to celebrate the cultural and religious diversity of our community.

Our community already comes from many places around the world, bringing together many different languages, faiths and cultures that enriches our social fabric. With Greater Bendigo's population continuing to grow, we will be home to more culturally and linguistically diverse residents in the future. So, it is important to recognise that multicultural communities in Greater Bendigo are diverse within themselves, coming from a range of cultural and religious backgrounds including diverse visa pathways, such as skilled migration, refugees entering on Humanitarian Visas, family reunions and international students.

The Cultural Diversity and Inclusion Plan includes our commitment to ensure Greater Bendigo grows and develops as a *Welcoming City*, a city that is open, compassionate and dedicated to diversity and inclusion. Through the plan, the City of Greater Bendigo aims to continue supporting, promoting and celebrating our cultural diversity and recognise the value and importance of the economic, educational, social and cultural benefits of multicultural communities.

The plan has been developed in consultation with multicultural groups in the community, local partner organisations and City services. Central to the plan is our aim to continue working together with the diverse cultural groups in the community and in partnerships with other agencies to build community capacity and ensure we are achieving our Council Plan (Mir wimbul) aspiration to be a safe, welcoming and fair community. A community where people are respected, feel safe to participate in community life and have equitable access to the resources they need.

I wish to thank everyone who has contributed to the development of the plan and I look forward to watching its implementation as we continue our journey to celebrate community diversity and ensure Greater Bendigo is a welcoming city for all.

Mayor Cr Andrea Metcalf



Message from the CEO

This Cultural Diversity and Inclusion Plan has been developed following a significant process of evaluation and community consultation involving a committed group of people including representatives of key stakeholder agencies, local multicultural communities, La Trobe University and relevant City of Greater Bendigo services.

The plan aims to promote and guide the City's commitment for Greater Bendigo to be a welcoming community, a community that understands and respects cultural and religious differences and supports multiculturalism.

The plan will also act as our *Welcoming Cities Plan* as we seek to continue our accreditation with the Welcoming Australia Network. As a *Welcoming City* we are focused on achieving priority goals and actions for our community linked to the seven themes of: Leadership, Social and Cultural Inclusion, Economic Development, Learning and Skills Development, Civic Participation, Places and Spaces, and Health and Wellbeing.

The City of Greater Bendigo was the first Local Government in Australia to be accredited as a *Welcoming City* in the 'advanced' category and the plan now provides the foundation and renewed direction for the City to continue our accreditation journey and hopefully improve our standards to the level of 'excelling'.

I am proud of our efforts across the organisation to be fair, inclusive and welcoming of multicultural communities. Now, through this plan, we have the important opportunity to continue working together to support residents from refugee backgrounds, international students and a growing population of skilled migrants to ensure they feel welcome, their contribution is valuable, and that Greater Bendigo is home.

I look forward to continuing to work in partnership with other levels of government and the many supportive community organisations and residents to achieve the plan's mission, goals and actions over the next four years. Together we can strive for a connected community where everyone feels welcome and encouraged to share their own cultural experiences with others.

Craig Niemann
Chief Executive Officer





Festival of Light at the Great Stupa of Universal Compassion

Introduction

Welcome to the City of Greater Bendigo's Cultural Diversity and Inclusion Plan for the four-year period 2021 to 2025. The Cultural Diversity and Inclusion Plan provides a clear direction for the City and our partners to advance Greater Bendigo as a Welcoming City and celebrate and support the access and inclusion of Greater Bendigo's growing multicultural communities.

The Cultural Diversity and Inclusion Plan aims to build on the significant 'whole-of-community' partnership approach taken by the first Cultural Diversity and Inclusion Plan between 2016 and 2019.

The new Cultural Diversity and Inclusion Plan has been developed following an evaluation of the previous Plan which commenced in 2020 with the establishment of the Project Steering Group comprising key City staff and valued community partners; and engaging La Trobe University as Evaluation Consultants to undertake the evaluation.

Identifying Themes for Action

In 2020 the City was accredited as the first *Welcoming City* in Australia with the Welcoming Australia Network in the 'Advanced' category. Accordingly, the Cultural Diversity and Inclusion Plan has also been developed as a *Welcoming Cities Plan* with a focus on the six areas of assessment (Themes) for the City to be accredited as a *Welcoming City*, these being:

1. **Leadership**
2. **Social and Cultural Inclusion**
3. **Economic Development**
4. **Learning and Skills Development**
5. **Civic Participation**
6. **Spaces and Places**
7. **Health and Wellbeing**

The additional area of Health and Wellbeing was added to the six Welcoming City themes following a recommendation by the Evaluation Consultant, feedback from key stakeholders; and the importance of there being a connection with Healthy Greater Bendigo (2021-2025), the City's new Municipal Health and Wellbeing Plan.


Multicultural performance at Zinda Festival

A whole-of-Council partnership approach was taken in developing the new Cultural Diversity and Inclusion Plan, which aims to:

- Support multicultural communities to feel welcomed, safe, connected and like they belong in the Greater Bendigo community
- Enable the equitable access to services and supports to improve health and wellbeing outcomes across the lifespan
- Continue building on the achievements, partnerships and multicultural community connections attained during the time of the first Cultural Diversity and Inclusion Plan (2016-2019)
- Advance the City's commitments to Social Justice, Human Rights and Responsibilities and community participation in decision making
- Position the City to continue being accredited as a *Welcoming City* with the Welcoming Australia Network
- Ensure an integrated strategic approach connecting the vision and goals of the Cultural Diversity and Inclusion Plan with the vision and goals of other City strategies and plans including: Mir wimbul Council Plan, Healthy Greater Bendigo, Barpangu 'Build Together' Reconciliation Plan, Climate Change and Environment Strategy, Economic Development Strategy, Creative Greater Bendigo; and others
- Respond to State government policy and priorities in order to attract funding to benefit the community and provide the capability to address priority issues

Accreditation as a *Welcoming City*

The development of the new Cultural Diversity and Inclusion Plan has been significantly influenced by the City's accreditation as a *Welcoming City*. This Accreditation means the City of Greater Bendigo has achieved recognition under a National Standard for cultural diversity and inclusion policy and practice in local government. As part of the Accreditation process the City has received an overall assessment of its strengths and opportunities that has been incorporated into the development of this new Plan.

Accreditation as a *Welcoming City* recognises Greater Bendigo's commitment to cultural diversity, Aboriginal and Torres Strait Islander reconciliation; and social cohesion. It also highlights the contribution of our many community agency partners in helping to deliver the Cultural Diversity and Inclusion Plan.

Victorian Government Support

Since 2016, the City of Greater Bendigo has received significant funding from the State government to coordinate:

- The Strategic Partnership Project with the Department of Families, Fairness and Housing, Bendigo Community Health Services and Loddon Campaspe Multicultural Services. This project delivers programs for multicultural communities that build: leadership and capacity, social cohesion, good health, access to information and services; and education and employment
- The Intercultural Ambassadors Pilot Program
- The Community Harmony Project which welcomed Muslim residents and celebrated construction commencing at the Bendigo Islamic Community Centre
- The Community Employment Connectors Program to support young and culturally diverse Victorians to secure suitable and sustainable employment

The City of Greater Bendigo acknowledges the support of the Victorian Government and all of our local partners in ensuring Greater Bendigo is a safe, welcoming and fair community.

"We aspire to a community where people of all cultures and backgrounds feel welcome, safe and respected"

- Community member interviewed during evaluation

Our vision

Our Community Vision

Greater Bendigo celebrates our diverse community. We are welcoming, sustainable and prosperous. Walking hand-in-hand with the traditional custodians of this land. Building on our rich heritage for a bright and happy future.

Our Community Values

Transparency, Sustainability, Inclusion, Innovation, Equity

Our Cultural Diversity and Inclusion Plan Mission

Greater Bendigo is a welcoming, inclusive and diverse community where people of all cultural and religious backgrounds belong and participate equally in social, political, and economic life.

To realise our Community Vision and Mission for Cultural Diversity and Inclusion, the City will work in partnership with governments, local agencies, multicultural communities, and the broader community to promote our commitment to be a *Welcoming City*.



Bendigo Karen Buddhist temple

Background and key achievements since 2016

The City of Greater Bendigo launched its first Cultural Diversity and Inclusion Plan 2016-2019 in September 2016 following an extensive process of consultation and partnership development with community agencies and local multicultural groups. Since then, the City in partnership with a range of specialist local organisations and multicultural groups in the community, has worked to deliver programs and initiatives that aim to improve: access to services, a commitment to human rights, capacity building and leadership; and intercultural connections.

With a strong commitment to furthering cultural diversity and inclusion in Greater Bendigo, this Plan builds on the many achievements of the first Plan and provides a strategic direction and integrated approach to strengthen partnerships, share resources, and coordinate services and programs.

Since 2016, the City in partnership with 22 organisations and multicultural community groups has achieved significant progress in the inclusion of different cultural groups and social cohesion. Major initiatives included:

- Karen Connections Project
- Intercultural Ambassadors Pilot Program
- Building Culturally Inclusive Sporting Clubs and Programs booklet
- Community Harmony Project
- Inclusive Multicultural Libraries Project
- Sponsoring the Zinda Festival
- Supporting the establishment of the Bendigo Interfaith Council and Annual Interfaith Dinner

Further details concerning the achievements since 2016 can be found in the **Report Card**.



Bendigo Karen Youth Network Cane Ball Tournament

Government and Civic Leadership award

In 2019, the City of Greater Bendigo won the Victorian Multicultural Award for Excellence in the category of Government and Civic Leadership. This award recognises government bodies for their community partnerships and major initiatives that meet the needs of their culturally, linguistically and religiously diverse communities.

"I feel proud that I can showcase my culture to the community – the traditions, food, music and language"

- Community member interviewed during evaluation

Greater Bendigo's multicultural communities

The City of Greater Bendigo is the regional capital of Central Victoria and covers almost 3,000 square kilometres. The municipality has an estimated residential population of 119,980 people in 2020[1], and encompasses Bendigo and surrounding townships, including Heathcote, Axedale, Huntly, Marong, Elmore, Goornong, Lockwood, Raywood and Redesdale.

The City of Greater Bendigo has attracted settlement from a wide range of migrants for many years dating back to the gold rushes of the 1850s that brought thousands of migrants to Bendigo and in doing so created a wave of multiculturalism. Greater Bendigo is very proud of its long migration history and the resulting multicultural communities that call it home.

Australian Bureau of Statistics (ABS) figures from the 2016 Census show that the population of people born overseas in Greater Bendigo was 8,819. Whilst the ABS is the only formal measure of population, it is important to acknowledge that anecdotal evidence from local community organisations suggests that the total number of people born overseas is under represented from this source for Greater Bendigo. It is also important to acknowledge the diversity within the multicultural communities in Greater Bendigo with there being a vast range of experiences and cultures mainly from countries, such as England, Scotland, New Zealand, India, Pakistan, Indonesia, Philippines, Thailand, Myanmar and Sri Lanka.

Migration to Greater Bendigo has occurred for a variety of reasons, such as employment, education, family reunification and/or humanitarian reasons. Data from Department of Home Affairs Settlement Reports suggest that of a total of 88,319 people that arrived in Victoria in 2019, 447 of them settled in Greater Bendigo. Of these 447 people, 233 arrived as skilled migrants, 143 arrived on family reunification visas and 71 arrived as refugees on humanitarian visas. This suggests that a majority of the migration to Greater Bendigo is due to work purposes, and people from refugee backgrounds comprise a small number of arrivals each year.



Bendigo Islamic Community Centre Open Day 2021


Great Stupa of Universal Compassion

Greater Bendigo has also been welcoming international students from across the globe completing their educational journeys at the La Trobe University Bendigo Campus. Based on statistics received from La Trobe University's International Students Services, in 2017, 200 international students attended the Bendigo Campus. The top five countries where students have come from were: India, Nepal, Kuwait, Vietnam and China.

Greater Bendigo received its first Karen refugee family from Myanmar in 2007 and since then has been welcoming increasing numbers of refugees from Myanmar, Afghanistan and South Sudan. The largest cohort of refugees are the Karen people followed by Afghans from the Hazara minority ethnic group, and South Sudanese. The local Settlement Provider estimates that there are around 3,000 Karen, 250 Afghans and 150 South Sudanese people living in Greater Bendigo.

The needs and settlement issues of people from refugee backgrounds are unique and far greater than of those who come as migrants (i.e. skilled migrants, family reunions, and international students). This is mainly due to the trauma and hardships they suffer as a result of many years of persecution, war, poverty, limited educational opportunities and living in refugee settlements. The City of Greater Bendigo is committed to support the work of the local Humanitarian Settlement Providers to ensure Greater Bendigo is a welcoming, safe and inclusive city that offers culturally appropriate and responsive services to all multicultural communities, especially, those of refugee backgrounds.

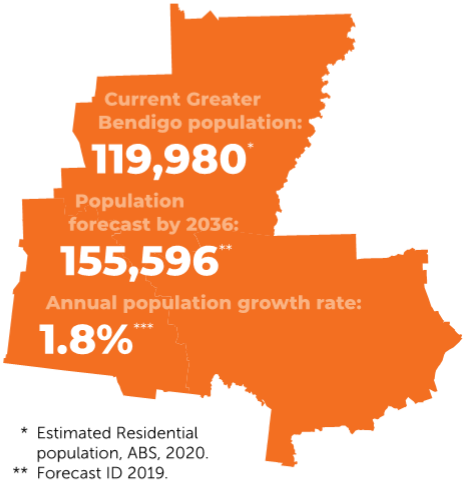
The City of Greater Bendigo is equally proud of its religious diversity and many of its landmarks with religious significance, such as the Great Stupa, Sacred Heart Cathedral, Bendigo Islamic Community Centre, Bendigo Karen Buddhist Temple etc.

The Bendigo Interfaith Council was established in 2014 representing Baha'i, Buddhist, Christian, Hindu, Islam, Judaism, Religious Society of Friends (Quakers) and Sikh faith-based groups. The Bendigo Interfaith Council has since played a major role in promoting religious harmony through mutual understanding, social inclusion and respect in Greater Bendigo by way of many initiatives, including the Annual Interfaith Dinner.

1 | This figure is the Estimated Residential Population for Greater Bendigo for 2020 as calculated annually by the Australian Bureau of Statistics. Refer to the City of Greater Bendigo Community Profile https://profile.id.com.au/bendigo

Greater Bendigo Census snapshot

Information from 2016 Census. Census information will be updated after August 2022 when new data from the 2021 Census will be released by the Australian Bureau of Statistics (ABS).

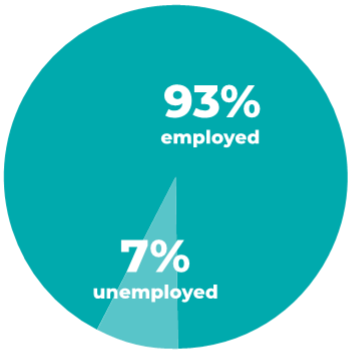


* Estimated Residential population, ABS, 2020.
** Forecast ID 2019.
*** Estimated Residential Population, ABS 2019.



Top 5 countries and ethnicities of birth:

- United Kingdom
- New Zealand
- India
- Karen
- Thailand



93% of residents born overseas are employed compared to the 7% unemployed

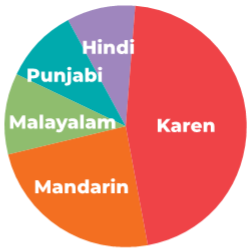
5,258 from Non-English-Speaking Backgrounds

3,561 from English-Speaking Backgrounds

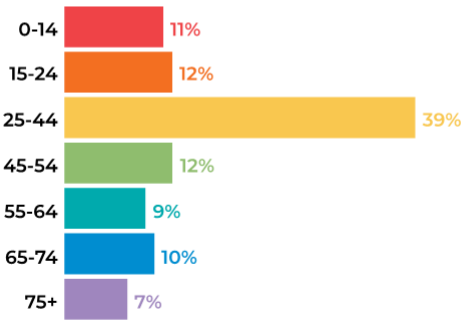
60% of residents born overseas are from Non-English-Speaking Backgrounds (NESB)

The top 5 languages spoken are:

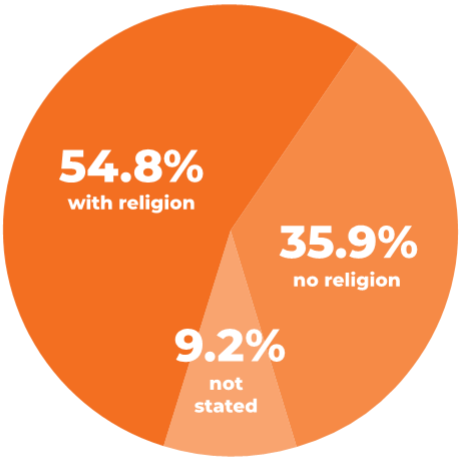
- Karen: 46%
- Mandarin: 24%
- Malayalam: 11%
- Punjabi: 10%
- Hindi: 9%

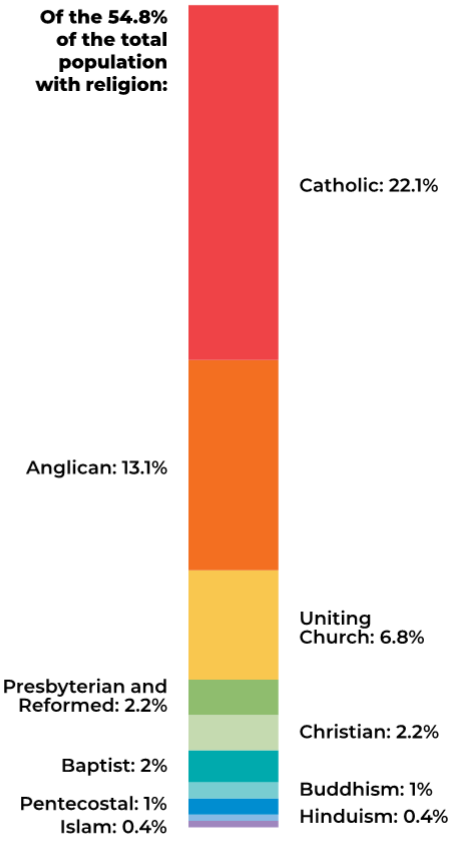


Age Group of NESB residents in Greater Bendigo:



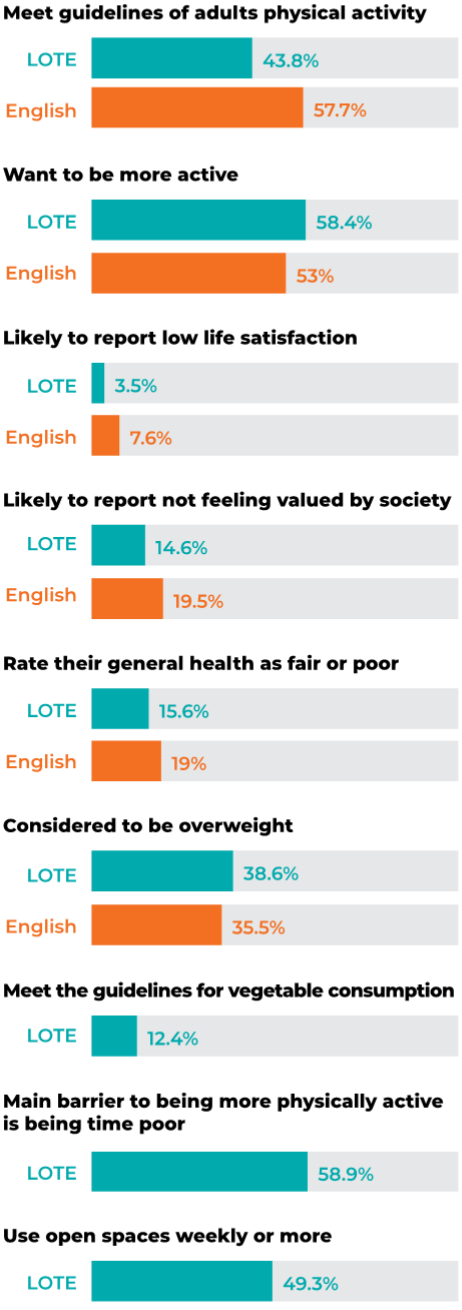
Religion

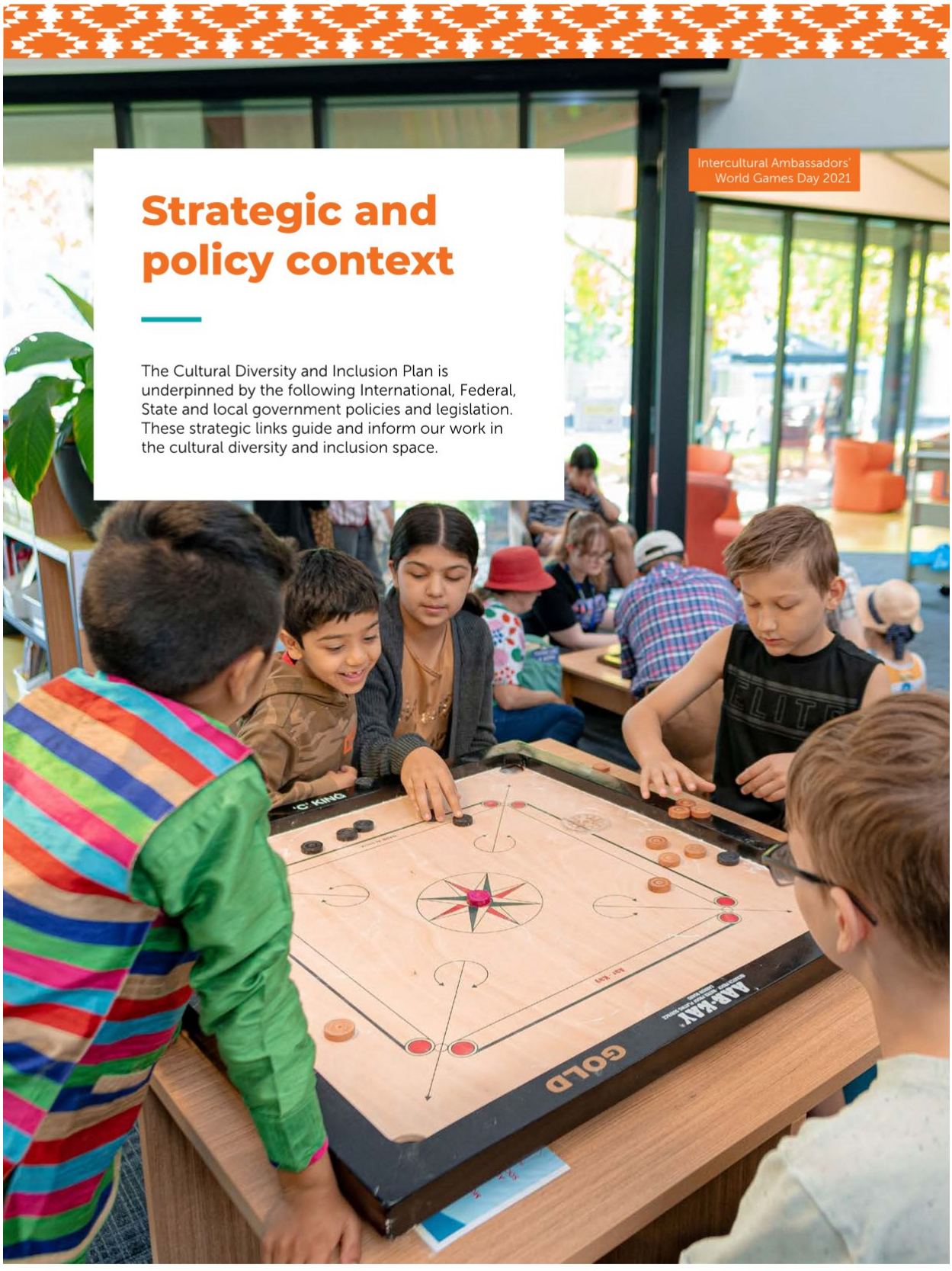




2019 Active Living Census

LOTE = Residents who speak a language other than English





Strategic and policy context

The Cultural Diversity and Inclusion Plan is underpinned by the following International, Federal, State and local government policies and legislation. These strategic links guide and inform our work in the cultural diversity and inclusion space.

Strategic links

International

The International Convention on the Elimination of all Forms of Racial Discrimination 1975

International Covenant on Economic, Social and Cultural Rights 1966

International Covenant on Civil and Political Rights 1966

The Refugee Convention 1951

The Universal Declaration of Human Rights 1948

Australian Government

Multicultural Australia: *United, Strong, Successful* (Australia's Multicultural Statement, 2017)

Australian Human Rights Commission Act 1986

National Settlement Framework

Racial Discrimination Act 1975

Victorian Government

Victoria's Multicultural Policy Statement 2019

Multicultural Victoria Act 2011

Victorian Equal Opportunity Act 2010

Victorian Public Health and Wellbeing Act 2008

Victorian Charter of Human Rights and Responsibilities Act 2006

Racial and Religious Tolerance Act 2001

City of Greater Bendigo

Council Plan (Mir wimbul) 2021-2025

Healthy Greater Bendigo 2021-2025 (Municipal Public Health and Wellbeing Plan)

Greater Bendigo Climate Change and Environment Strategy 2021-2026

Barpangu 'Build Together' Reconciliation Plan, 2021-2025

City of Gastronomy Implementation Framework and Action Plan 2020-2024

Greater Bendigo Economic Development Strategy 2020-2030

Greater Bendigo Coalition Gender Equity Strategy 2020-2025

City of Greater Bendigo COVID-19 Relief and Recovery Plan

City of Greater Bendigo's (draft) Social Justice Framework

Integrated Municipal Emergency Management Plan 2019

Greater *CREATIVE* Bendigo

Cultural Diversity and Inclusion Plan 2021-2025

Updating our Cultural Diversity and Inclusion Plan

The City's Cultural Diversity and Inclusion Plan - Project Steering Group was established in 2020 to guide and oversee the evaluation and update of this Plan. Its members included Intercultural Ambassadors, City staff and representatives of local networks, agencies and schools.

La Trobe University (LTU) in Bendigo was engaged by the City as a Consultant to evaluate the success of the first Plan in achieving its goals; and engage with the community and key stakeholders to identify future directions to be included in this Plan.

The community engagement process undertaken to evaluate and develop this plan included:

Project Steering Group

- 13 meetings since May 2020

LTU Evaluation

- Surveys: 10 City staff, 15 partner agencies
- Interviews: 7 partner agencies, 9 multicultural community members
- 18 postcards (from multicultural community members)

Cultural Diversity and Inclusion Plan (2016-2019) Report Card

Welcoming Cities Accreditation process

- 18 City staff consulted
- 6 partner agencies consulted

Imagine Greater Bendigo consultation

- 77 multicultural community members provided feedback via postcards and listening posts
- 15 members of the Multicultural Youth Network via interviews

Staff Forums

- 22 City staff from key customer-facing service units

Stakeholder Workshop

- 3 Councillors and 11 City staff,
- 7 multicultural community leaders
- 16 representatives from partner agencies

The feedback and findings generated by the community engagement process led to a significant number of key themes and priority issues being identified for further focus as part of the Plan.



Turning of the sod with Victorian Premier Daniel Andrews at the Bendigo Islamic Community Centre site



Mayoral Welcome with former Mayor Cr Margaret O'Rourke

Key themes identified

Key themes identified in the La Trobe University Evaluation Report included:

1. Governance:
   - Ensure City policies and programs intersect with those of partner agencies and develop a digital platform to share information and achievements
2. Leadership:
   - Build relationships with Bendigo Community Health Services (BCHS), Loddon Campaspe Multicultural Services (LCMS) and other partner agencies including faith-based organisations to develop a stronger network of community leadership
3. Social Inclusion
   - Develop a process to assess the level of visibility and engagement of different ethno-culturally and religiously diverse communities, as well as their differing needs to inform strategic planning processes and programming
4. Economic Development:
   - Provide access to facilities, innovation support and business mentoring to increase ethno-culturally diverse representation and business ownership in commercial, retail and hospitality sectors
5. Learning and Skills Development:
   - Work with industry groups to identify existing and future workforce needs and tailor programs to ensure different cohorts can learn transferable skills and knowledge to work in these sectors regardless of language skills or levels of education. Evaluate and extend industry specific training supports for employers to employ ethno-culturally and religiously diverse workers
6. Civic Participation:
   - Enhancing civic participation by facilitating more opportunities for ethno-cultural and religiously diverse groups to influence policy, strategies, plans and programs.
7. Spaces and Places:
   - Provide appropriate facilities in public spaces that support ethno-cultural and religious needs, for example: ablutions, child friendly and breast feeding friendly public spaces
8. Health and Wellbeing:
   - Work through BCHS and LCMS and faith-based organisations to identify, prioritise, communicate and link health information to familiar experiences, activities and events

You can find the full report at **www.bendigo.vic.gov.au**


Bendigo Interfaith Council Annual Dinner

Priorities identified

Priorities identified via forums and workshops involving community members, agency partners and City staff included:

Leadership:

- Increasing the connection between of Aboriginal and Torres Strait Islander culture, history and story-telling and multicultural communities
- Support for being a *Welcoming City* and developing facilities, public spaces, services, events and communications that reflect this

Social and Cultural Inclusion:

- Improving organisational cultural safety through information and training, increasing the level of City employees from culturally and linguistically diverse backgrounds, and ensuring services are culturally responsive and equitably distributed
- Support for the Intercultural Ambassadors Program and increasing the level of participation by multicultural community groups in decision making about City plans and programs

Economic Development:

- Improving employment, business development and economic outcomes

Learning and Skills Development:

- Enhance the cultural competency of City staff through training and information sharing concerning Greater Bendigo's cultural and religious diversity with a focus on meeting and hearing from a range of multicultural community members

Civic Participation:

- Focusing on leadership pathways and human rights especially for children and young people

Places and Spaces:

- Celebrating diverse cultures and creating opportunities for interfaith connections and community harmony

Health and Wellbeing:

- Working in partnerships to respond to community priorities including emergency preparedness, gender equity, aging and understanding the National Disability Insurance Scheme

Cultural Diversity and Inclusion Plan 2021-2025

The City of Greater Bendigo Cultural Diversity and Inclusion Plan (2021-2025) is focused on the growing population of multicultural communities including: refugees, international students, skilled migrants and other Visa holders.

The Action Plan which follows, responds to directions recommended in the La Trobe University Evaluation Report and feedback from community engagement processes with multicultural community members, key stakeholder agencies and City services. It is structured around achieving our Mission and goals in relation to the six Welcoming City accreditation themes with the addition of 'Health and Wellbeing'. The implementation of actions will be phased over the life of the Plan.



Zinda Festival



Welcoming City Themes and Goals

1. Leadership
Cultural and religious diversity is celebrated in Greater Bendigo and social inclusion strengthened.

2. Social and Cultural Inclusion
Greater Bendigo is a place where multicultural communities can safely connect with their cultural and religious identity.

3. Economic Development
Greater Bendigo is a sustainable and prosperous community where all people from diverse backgrounds can contribute and thrive.

4. Learning and Skills Development
City staff and the broader community have more knowledge and understanding about Greater Bendigo's cultural and religious diversity.

5. Civic Participation
People from diverse multicultural backgrounds can actively participate in community life.

6. Places and Spaces
There is equitable access to public places and spaces, which are culturally safe for multicultural groups in the community.

7. Health and Wellbeing
Multicultural community members are healthy and well, supported by responsive and culturally safe service provision.



Our commitments

Underpinning the Cultural Diversity and Inclusion Plan are eight commitments.

Commitment 1

Prioritising positive outcomes for multicultural communities and authentically hearing their voice, will remain central to the actions of this Plan.

Commitment 2

Being proactive in engaging multicultural community groups at all levels and making our services accessible, inclusive and responsive to community requirements.

Commitment 3

The Plan acts as a *Welcoming Cities Plan* to celebrate, support and promote diverse communities and focus our efforts to advance our Accreditation as a *Welcoming City* with Welcoming Australia.

Commitment 4

Build stronger relationships with our agency partners and multicultural community groups to ensure a collaborative approach to achieving the Plan and celebrating our shared achievements.

Commitment 5

To monitor, review and report on progress in achieving the Plan to the community and consider flexible responses to grant opportunities and emerging community priorities.

Commitment 6

Connect with other levels of government to share ideas, knowledge and opportunities that can improve access and inclusion for multicultural community groups.

Commitment 7

We will strengthen our whole-of-Council partnership approach to cultural diversity and inclusion and maintain commitments to the Victorian Charter of Human Rights and Responsibilities, City of Greater Bendigo's Social Justice Framework; and applying an equity lens.

Commitment 8

The Plan is intended to be a 'living' document that remains flexible in order to respond to the changing needs and priorities of local multicultural communities over time.

Measuring success

Governance

The Cultural Diversity and Inclusion Plan Steering Committee, comprising Councillors, City staff, external partners and local multicultural community representatives, will guide and oversee the delivery of this Plan.

In-line with the Plan's whole-of-Council partnership approach, the City's Community Partnerships Unit is responsible for coordinating the implementation and evaluation of the actions under this Plan in partnership with multicultural groups in the community, relevant City service units and local community agencies.

To ensure accountability to multicultural communities, the City will invite leaders and representatives from local multicultural groups and organisations to participate in the Steering Committee, Working Groups and project support groups to ensure the Plan is relevant to the local multicultural community and is achieving its goals.

The Plan will also be championed across the organisation by our:

- Councillors
- Executive Management Team (Chief Executive Officer and Directors)
- Organisational Leadership Team
- Staff from all levels of the organisation

The Cultural Diversity and Inclusion Plan Steering Committee will oversee any working groups that deliver on identified goals and objectives in the Action Plan, the Strategic Partnership Project (Department of Families, Fairness and Housing, Strategic Engagement Coordinator, Bendigo Community Health Services and Loddon Campaspe Multicultural Services) and the City's Cultural Diversity team.

Monitoring, Evaluation and Learning

How will we know the Plan is successful?

The Plan will be monitored and reviewed annually by Council and the Cultural Diversity and Inclusion Plan Steering Committee in conjunction with agency partners and community groups.



Intercultural Ambassadors The Way Ahead Networking Forum 2021

A Measurement, Evaluation and Learning (MEL) framework will be developed and endorsed by the Steering Committee at the commencement of the Plan.

MEL Framework

The MEL Framework will include:

- Development of an Evaluation and Monitoring Plan including key evaluation questions, data collection methods and pathways for continuous improvement. Evidence will be collected to record which groups and how many community members benefited from key actions and programs. Where possible evaluation of initiatives will be shared to build our collective capability and discuss new and emerging issues.
- Annual Progress Reports presented to Council and the community.
- Data and analysis via strategic indicators linked to achieving the seven *Welcoming City* goals. Strategic indicators help us to evaluate our progress and understand if we are progressing to our desired outcomes. Examples of these are on the following page

Welcoming City Theme and Goal	Strategic Indicators
1. Leadership Cultural and religious diversity is celebrated in Greater Bendigo and social inclusion strengthened.	• Ongoing Welcoming Cities Accreditation • Level of participation in the CDIP Steering Committee (aim towards 50%) and other City Committees and working groups by multicultural community members • Number of CDIP organisational partners • Number of multicultural events/initiatives connecting community
2. Social and Cultural Inclusion Greater Bendigo is a place where multicultural communities can safely connect with their cultural and religious identity.	• Number of racism incidents reported via the online Community Reporting Tool (CRT) • Level of community participation in the anti-racism initiatives delivered by the Council • Community perceptions of inclusion survey during Zinda Festival • Number of local cultural and religious celebrations and events and level of community participation
3. Economic Development Greater Bendigo is a sustainable and prosperous community where all people from diverse backgrounds can contribute and thrive.	• Number of culturally diverse staff, students, volunteers and trainees in the Council • Number of City community grants awarded to multicultural and interfaith groups and businesses • Number of small businesses owned by multicultural community members supported
4. Learning and Skills Development City staff and the broader community have more knowledge and understanding about Greater Bendigo's cultural and religious diversity.	• Increased number of capacity building opportunities around cultural safety and engaging with multicultural communities available to City staff • Promotion of cultural events and community achievements in all forms of media, aimed at enhancing understanding and educating our community about the benefits of diversity • Level of uptake of TIS National phone interpreting services by City staff and local businesses
5. Civic Participation People from diverse multicultural backgrounds can actively participate in community life.	• Number of City units engaging with multicultural communities during their key planning and decision-making processes • Number of young people from Culturally and Linguistically Diverse (CALD) backgrounds engaging with City's Youth Team, Youth Council and youth events/activities • Number of inclusive Citizenship Ceremonies • Qualitative surveys concerning level of participation
6. Places and Spaces There is equitable access to public places and spaces, which are culturally safe for multicultural groups in the community.	• Level of access and participation by multicultural groups in City facilities and events • Increase in the number of places and spaces accessed by multicultural and religious community members to celebrate events • Improved access to social and community housing/rental accommodation for multicultural communities • Improved welcoming signage and multilingual messaging in City facilities
7. Health and Wellbeing Multicultural community members are healthy and well, supported by responsive and culturally safe service provision.	• Gender Impact Assessments on identified City programs are conducted • Increase in the number of multicultural community members accessing health and wellbeing services • How people rate their level of health and health priorities • Number of capacity building opportunities made available to the health sector to improve responsiveness to community need


Citizenship Ceremony at the Bendigo Town Hall

Action plan

Mission: Greater Bendigo is a welcoming, inclusive and diverse community where people of all cultural and religious backgrounds belong and participate equally in social, political, and economic life.

Building on the work of the 2016-2019 CDIP, we will continue to:

- Be an active member of the Welcoming Cities Network and participate in meetings and events
- Maintain and promote our status as a *Welcoming City* and as a Refugee Welcome Zone
- Promote the Cultural Diversity and Inclusion Plan (CDIP) as our Welcoming Cities Plan and hold events and activities to welcome new residents from diverse and multicultural backgrounds
- Promote and support the dissemination of accessible information and awareness raising about staying healthy while living with COVID-19. Ensuring all information is provided in local community languages, and support other pandemic-related efforts, including crisis support and food security
- Co-ordinate the CDIP Steering Committee through quarterly meetings to oversee the implementation, monitoring and review of actions in the CDIP, and encourage the participation of local multicultural community leaders and senior City staff
- Promote CDIP actions and accomplishments to the wider community through a number of mediums, and provide opportunities for greater public awareness of Greater Bendigo's multicultural communities, such as via diversity and inclusion at Annual Bendigo Easter Fair
- Utilise the STEP-UP Employment Resource Kit to raise awareness and educate local employers about employing culturally diverse workers
- Support our partners to provide opportunities for service providers in the healthcare system to increase their understanding of the unique health needs of multicultural communities and advocate for systemic change
- Work in partnership with Greater Bendigo Coalition for Gender Equity to promote gender equity; and raise awareness of gender-based violence and relevant support services available to multicultural communities, with particular focus on newly arrived migrant and refugee communities



Goals, Objectives and Actions

This Action Plan has 7 goals, 22 objectives and 42 Actions to be commenced in 2021/2022, the first year of the Plan's operation.

All the actions have been developed through ongoing conversations and community engagement processes with multicultural community groups, local agencies and responsible City service units.

This Action Plan reflects the needs and priorities of local culturally and religiously diverse communities. The implementation of this Action Plan will be phased over the four-year span of the Cultural Diversity and Inclusion Plan and will be monitored, reviewed and reported on annually to ensure accountability, transparency and continued relevance in meeting the needs of local multicultural communities.

For ease of reading, a list of acronyms can be found on page 50.

1. Leadership

Cultural and religious diversity is celebrated in Greater Bendigo and social inclusion strengthened.

Objective		Proposed action
Objective 1: Promote and celebrate Greater Bendigo's accreditation as a Welcoming City with the Australian Welcoming Cities Network	1.1	Hold launch events, forums and Cultural Diversity Week activities to welcome new residents from culturally and religiously diverse backgrounds and promote the Cultural Diversity and Inclusion Plan (CDIP) as our *Welcoming Cities Plan*.
	1.2	Renew accreditation with the Welcoming Cities Network and aim for a higher level of accreditation.
Objective 2: Ensure effective governance, monitoring and reporting on the Cultural Diversity and Inclusion Plan (CDIP) to deliver outcomes	2.1	Prepare and implement a CDIP Monitoring, Evaluation and Learning (MEL) Framework leading to continuous improvements, and provide an annual report to the community on CDIP achievements.
	2.2	Consider the membership and update the Terms of Reference for the CDIP Steering Committee to ensure its membership supports the delivery of the Plan's intended outcomes with strong representation from migrant and refugee communities.
Objective 3: Enhance our delivery of policy and programs for multicultural communities through partnerships, networks and advocacy	3.1	Apply for the next funding round of the Strategic Partnership Program (SPP) released by the Department of Families, Fairness and Housing (DFFH) to ensure CDIP actions are supported and SPP partnerships strengthened.
Objective 4: Increase the opportunities for greater connections and learnings between Aboriginal and Torres Strait Islander Peoples and multicultural communities	4.1	Work in partnership to develop and implement an annual story-telling, art initiative, and/or networking/on-country event to build connection and share skills and knowledge between multicultural communities and Aboriginal and Torres Strait Islander communities.

Applicable to	Timeline	Responsibility	Partners
• Greater Bendigo community	Annually	• Community Partnerships (Inclusive Communities)	• Communications • LCMS • BCHS • BIC
• Greater Bendigo community	2023	• Community Partnerships (Inclusive Communities)	• Communications • LCMS • BCHS
• Greater Bendigo's multicultural communities • Councillors and City staff • CDIP stakeholders	2022	• Community Partnerships • CDIP Steering Committee	• Active and Healthy Communities - Research and Evaluation
• Greater Bendigo's multicultural communities • Councillors and City staff • CDIP stakeholders	2022	• Community Partnerships • CDIP Steering Committee	• CDIP stakeholders
• Greater Bendigo's multicultural communities • CDIP stakeholders • Intercultural Ambassadors	2022	• Community Partnerships (Inclusive Communities)	• BCHS • LCMS
• Traditional Owners • Aboriginal and Torres Strait Islander communities • Multicultural communities	2023	• Community Partnerships (Inclusive Communities) • Goldfields Library Corporation	• Traditional Owners and Aboriginal and Torres Strait Islander communities • Neighbourhood Collective Australia • MAV • BV&E • RVOC

2. Social and Cultural Inclusion

Greater Bendigo is a place where multicultural communities can safely connect with their cultural and religious identity.

Objective		Proposed action
Objective 5: Support initiatives that prevent racism and discrimination	5.1	Develop and implement educational programs and awareness raising events to inform the community of the purpose, benefits and outcome of using the Community Reporting Tool (CRT) to report incidents of racism, discrimination, hate-speech and religious vilification.
	5.2	Explore opportunities to develop and implement anti-racism initiatives, campaigns and workshops, in partnership with multicultural communities, to discuss 'unconscious bias', the impact of racism on the community, and ways to take a stand against racism.
Objective 6: Support Greater Bendigo's multicultural communities to celebrate significant cultural and religious events, and to safely connect with their cultural and religious identity	6.1	Develop a Multicultural Calendar of Events to promote significant cultural dates, celebrations and festivals and make it as accessible as possible via a number of mediums, such as, Connect Greater Bendigo, print, media, social media etc.
	6.2	Support Zinda Festival as Greater Bendigo's major multicultural festival during Cultural Diversity Week in March.
	6.3	Support Bendigo Interfaith Council (BIC) and its Annual Interfaith Dinner, and explore opportunities to partner with BIC to foster mutual understanding, social inclusion and respect.
	6.4	Evaluate the Intercultural Ambassadors Pilot Program and explore options to action the recommendations of the Evaluation Report.

Applicable to	Timeline	Responsibility	Partners
• Councillors and City staff • Intercultural Ambassadors • Multicultural communities • Greater Bendigo schools • Multicultural Youth Network	2022	• Community Partnerships (Inclusive Communities)	• Communications • VEOHRC • VIC POL • BIC
• Councillors and City staff • Intercultural Ambassadors • Multicultural communities • Greater Bendigo schools • Multicultural Youth Network	2023	• Community Partnerships (Inclusive Communities)	• LCMS • BCHS • BIC • RVOC • CDIP Stakeholders
• Multicultural communities • Aboriginal and Torres Strait Islander communities • Broader community	Annually	• Community Partnerships (Inclusive Communities)	• Communications • BCHS • LCMS • BIC • SPP • KOB
• Multicultural communities • Aboriginal and Torres Strait Islander communities • Broader community	Annually	• Community Partnerships (Inclusive Communities) • Tourism and Major Events	• LCMS
• Greater Bendigo's culturally and religious diverse communities	Annually	• Community Partnerships (Inclusive Communities)	• BIC
• Multicultural communities • Aboriginal and Torres Strait Islander communities • Broader community	2021/2022	• Community Partnerships (Inclusive Communities)	• Communications • Active and Healthy Communities - Research and Evaluation • LCMS • BCHS

Objective		Proposed action
Objective 7: Ensure multicultural communities have access to culturally and religiously safe and inclusive City of Greater Bendigo services	7.1	Explore opportunities and develop processes to ensure programs and services are culturally and religiously safe and accessible through policy development and service reviews.
	7.2	Update the New Resident Welcome Kit to include key information about cultural diversity and access to services for new residents of culturally, linguistically and religiously diverse background.
	7.3	Promote and support Mayoral welcomes for new arrivals during Humanitarian Settlement Orientation Programs.
Objective 8: Improve the knowledge and understanding of the wider community on diversity, inclusion and Greater Bendigo's multicultural communities	8.1	Work with partners to develop and implement community lunches, story-telling opportunities, and/or intercultural/ inter-faith sharing that bring together multicultural communities, including young people, and the broader community to connect, share culture and strengthen social cohesion.

Applicable to	Timeline	Responsibility	Partners
• City Staff • Greater Bendigo's multicultural communities	2023/2024	• Governance • Business Transformation • Community Partnerships • (Inclusive Communities)	• All customer-facing City services
• Greater Bendigo's multicultural communities • Aboriginal and Torres Strait Islander communities	2022	• Communications • Community Partnerships (Inclusive Communities)	• BCHS • LCMS • BIC • KOB
• New arrivals/residents of refugee background • Mayor and Councillors	Annually	• BCHS	• Community Partnerships • Governance
• Multicultural communities • Aboriginal and Torres Strait Islander communities • Broader community	2023	• Community Partnerships (Inclusive and Engaged Communities)	• Goldfields Library Corporation • Youth Council • LCMS/Multicultural Youth Network • Traditional Owners and Aboriginal Communities • Neighbourhood Collective Australia • BIC • BCHS • BV&E • BICC

3. Economic Development

Greater Bendigo is a sustainable and prosperous community where all people from diverse backgrounds can contribute and thrive.

Objective		Proposed action
Objective 9: Promote inclusive employment and increase the cultural diversity of the City of Greater Bendigo workforce	9.1	Review internal recruitment processes to ensure inclusive advertising, easy English position descriptions and diversity on interview panels.
	9.2	Establish a baseline and aim to increase the number of culturally diverse employees within the City's workforce.
Objective 10: Support small businesses owned by multicultural community members	10.1	Provide information and support to CALD small business operators to improve their understanding of the small business regulatory environment, such as, the planning and permit requirements, Food Act requirements, Local Laws and regulations, and COVID-19 rules; including small business grants.
	10.2	Provide training sessions for multicultural community members on grant writing and understanding of City community grants, including the eligibility requirements and application process.
Objective 11: Support access to training and employment pathways for multicultural jobseekers	11.1	Establish a system to support young people and adults from diverse cultural backgrounds to have opportunities to undertake student placements, work experience, apprenticeships and traineeships, and temporary paid or voluntary roles at the City.
	11.2	Explore and develop partnerships to assist and support multicultural jobseekers find training pathways, employment opportunities, and sustain financial independence during and post the COVID-19 pandemic.

Applicable to	Timeline	Responsibility	Partners
• Greater Bendigo's multicultural communities • Key City service units	2022	• People and Culture	• Community Partnerships
• Greater Bendigo's multicultural communities	2022	• People and Culture	• Community Partnerships
• Small businesses owned by multicultural community members	2022	• Safe and Healthy Environments • Economic Development • Community Partnerships (Inclusive Communities)	• SPP • BCHS • LCMS • Be.Bendigo • Rural Financial Counselling Service Victoria
• Ethnic associations • Local community groups • Small businesses	2023	• Economic Development • Community Partnerships (Strong Communities)	• LCMS • Community Partnerships (Inclusive Communities)
• Multicultural jobseekers • Intercultural Ambassadors	2023	• People and Culture • Community Partnerships (Inclusive Communities)	• Bendigo TAFE • CECs • BSSC
• Multicultural jobseekers • Bendigo TAFE • Local employers	2022	• Community Partnerships (Resilient Communities) • Community Employment Connectors Program	• DFFH • Jobs Victoria Advocates Program, Department of Jobs, Precincts and Regions • Local Employment Agencies

4. Learning and Skills Development

City staff and the broader community have more knowledge and understanding about Greater Bendigo's cultural and religious diversity.

Objective		Proposed action
Objective 12: Enhance cultural and religious awareness and cultural competency of City of Greater Bendigo Councillors, leadership and staff	12.1	Develop an annual training program to enhance City staff's cultural competence and understanding. Such as, sessions on cultural competency, the refugee journey, understanding Greater Bendigo's cultural and religious diversity, anti-racism practice and unconscious bias, and use of interpreting and translating services.
	12.2	Develop and promote digital resources and fact sheets on the City's SharePoint site about Greater Bendigo's multicultural communities and culturally-responsive service delivery.
Objective 13: Enhance local employers and service providers' cultural competency and understanding through workplace training and education	13.1	Offer opportunities for local businesses to deliver culturally-safe and responsive services, including regular use of TIS National over-the-phone interpreting services.
	13.2	Support our partners to provide opportunities for local service providers, such as, VIC POL, Bendigo Health, NDIS, local schools, etc., to enhance their confidence and competence around cultural awareness via educational/ information sessions and digital resources.

Applicable to	Timeline	Responsibility	Partners
• Customer-facing City services • Councillors • Executive Management Team (EMT)	2022	• People and Culture • Community Partnerships (Inclusive Communities)	• Communications • Neighbourhood Collective Australia • SPP • BCHS • LCMS • BIC
• Customer-facing City units • Councillors • EMT	2022	• Community Partnerships (Inclusive Communities)	• Information Technology • Communications • People and Culture • SPP • BCHS • LCMS
• Local business sector, i.e. real estate agencies, pharmacies, medical centres, optometrists	2022	• DFFH/ Strategic Engagement Coordinator • Be.Bendigo	• Community Partnerships • LCMS • BCHS • RAR
• Local key service providers	Annually	• BCHS • LCMS	• Community Partnerships • Refugee Settlement Network

5. Civic Participation

People from diverse multicultural backgrounds can actively participate in community life.

Objective		Proposed action
Objective 14: Increase participation and engagement of multicultural communities in the City's planning and decision-making processes	14.1	Build the capacity and confidence of City units to ensure multicultural community members are properly engaged and consulted with during key decision-making processes by developing resources on SharePoint.
	14.2	Raise awareness on local government election processes; reduce barriers to voting; and provide information about being a Councillor in the lead up to the next Council election.
Objective 15: Promote and support volunteering and leadership opportunities for multicultural communities	15.1	Explore opportunities for culturally diverse young people to engage in leadership and volunteering activities with the City's Youth Team and embed in youth participation processes.
Objective 16: Support multicultural community members to achieve citizenship, and ensure inclusive citizenship ceremonies	16.1	Work with local partner agencies to provide better pathways to citizenship.
	16.2	Work with Traditional Owners and multicultural communities to make the City's citizenship ceremonies more welcoming and inclusive.
Objective 17: Enhance the knowledge and understanding of multicultural communities regarding their civic compliance obligations and relevant local law requirements	13.2	Develop partnerships to provide opportunities and resources to newly-arrived CALD residents to better understand local government and their civic obligations and relevant local laws.

Applicable to	Timeline	Responsibility	Partners
• City service units • Intercultural Ambassadors • Multicultural communities • Secondary schools • Community agencies	2023	• Community Partnerships (Engaged and Inclusive Communities)	• Relevant City units • BCHS • LCMS
• Greater Bendigo multicultural communities	2024	• Governance • Community Partnerships (Inclusive Communities)	• LCMS • BCHS
• CALD young people	2023	• Community Partnerships (Engaged and Inclusive Communities)	• LCMS/Multicultural Youth Network • Youth Council
• Multicultural communities • City of Greater Bendigo	2022	• Community Partnerships (Inclusive Communities)	• SPP • LCMS • BCHS • RAR • BF&M
• Multicultural communities • City of Greater Bendigo • Aboriginal and Torres Strait Islander communities	2022	• Community Partnerships (Inclusive Communities) • Tourism and Major Events	• Communications • Governance • Traditional Owners • SPP
• Multicultural communities • City of Greater Bendigo	2023	• Community Partnerships (Inclusive Communities)	• Communications • Relevant City units • BCHS

6. Places and Spaces

There is equitable access to public places and spaces, which are culturally safe for multicultural groups in the community.

Objective	Proposed action	
Objective 18: Promote the need for affordable housing and accommodation options for multicultural communities	18.1	Advocate for multicultural communities in the delivery of the Affordable Housing Action Plan.
Objective 19: Provide public places and spaces that are inclusive and enhance social cohesion	19.1	Explore, trial and evaluate the placement of welcome signage and/or messaging opportunities in multiple local languages at City-owned venues and facilities across the municipality.
	19.2	Investigate establishing a Multicultural Hub that provides space for culturally and linguistically diverse communities to hold their cultural/religious events, art exhibitions, social gatherings and community consultations.
	19.3	Provide opportunities for multicultural communities to participate and connect with recreational spaces, through community programs and initiatives.
	19.4	Develop a project brief to explore opportunities to enhance the cultural safety and accessibility of major public spaces and sporting facilities.

Applicable to	Timeline	Responsibility	Partners
• Multicultural communities	2023	• Strategic Planning • Community Partnerships (Inclusive Communities)	• DFFH • LCMS • BCHS
• Multicultural communities • Aboriginal and Torres Strait Islander communities	2023	• Community Partnerships (Inclusive and Strong Communities) • Active and Healthy Communities • Business Transformation • Parks and Open Space • Property Services • Communications	• BCHS • LCMS • Traditional Owners
• Multicultural communities	2023	• Community Partnerships (Inclusive Communities)	• BV&E • MAV • LCMS • Welcoming Cities
• Multicultural communities • CALD young people • Sporting clubs	Annually	• Community Partnerships • Active and Healthy Communities	• Sports Focus • LCMS
• Multicultural communities • CALD young people • Sporting clubs	2023	• Community Partnerships • Active and Healthy Communities	• Sports Focus • LCMS

7. Health and Wellbeing

Multicultural community members are healthy and well, supported by responsive and culturally safe service provision.

Objective		Proposed action
Objective 20: Develop and strengthen partnerships to understand and respond to current and emerging health and wellbeing needs of multicultural communities	20.1	In partnership with key stakeholder agencies ensure the needs of multicultural communities are considered in the implementation of Healthy Greater Bendigo (2021-2025) initiatives; such as, accessing local GPs, use of interpreters by local GPs etc.
	20.2	Work with partners to support CALD Seniors' Initiatives to raise awareness of community members and service providers on issues and needs of seniors from a CALD perspective.
Objective 21: Support initiatives that enhance multicultural communities' understanding of the climate change, how they can respond, and limit its impact on their health	21.1	Annual review of summer preparedness and emergency response resources to support multicultural communities to build their capacity in responding to community emergencies, i.e. bush fire safety, heat health, and floods.
Objective 22: Develop partnerships and implement mechanisms to advance gender equity and prevent gender-based violence among multicultural communities	22.1	In partnership, develop and promote resources to raise awareness of gender-based violence and relevant support services available to multicultural communities, with particular focus on newly arrived migrant and refugee communities.
	22.2	Commit to the implementation of a Gender Impact Assessment in relation to a CDIP goal, program; or project with multicultural communities.

Applicable to	Timeline	Responsibility	Partners
• Greater Bendigo's multicultural communities	Annually	• BCHS • Bendigo Health • Community Wellbeing (Early Years Programs)	• Health and Wellbeing Directorate • Community Partnerships • Refugee Settlement Network • LCMS
• Greater Bendigo's multicultural communities • Local service providers	2022	• BCHS • LCMS • Community Wellbeing (Home Support)	• Community Partnerships • Refugee Settlement Network
• Greater Bendigo's multicultural communities	Annually	• Community Partnerships (Resilient Communities) • BCHS	• LCMS • Refugee Settlement Network
• Greater Bendigo's multicultural communities • Intercultural Ambassadors	2023	• Community Partnerships (Resilient and Inclusive Communities) • BCHS • LCMS	• Refugee Settlement Network • Greater Bendigo Against Family Violence • Greater Bendigo Coalition for Gender Equity
• CDIP actions and initiatives	Annually	• Community Partnerships	• BCHS • LCMS



Intercultural Ambassadors The Way Ahead Networking Forum 2021

List of Acronyms

ABS	Australian Bureau of Statistics
BCHS	Bendigo Community Health Services
BF&M	Bendigo Friends and Mentors
BIC	Bendigo Interfaith Council
BIA	Bendigo Islamic Association
BICC	Bendigo Islamic Community Centre
BSSC	Bendigo Senior Secondary College
BV&E	Bendigo Venues and Events
CALD	Culturally and Linguistically Diverse
CDIP	Cultural Diversity and Inclusion Plan
CECs	Community Employment Connectors Program
City	City of Greater Bendigo
DFFH	Department of Families, Fairness and Housing
KOB	Karen Organisation of Bendigo
LCMS	Loddon Campaspe Multicultural Services
MAV	Multicultural Arts Victoria
NESB	Non-English-Speaking Background
RAR	Rural Australians for Refugees
RVOC	Regional Victorians of Colour
SPP	Strategic Partnership Program
SEC	Strategic Engagement Coordinator
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VIC POL	Victoria Police

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- Julie Rudner, La Trobe University and her team
- Fiona Gardner, Bendigo Interfaith Council
- Justin See, Intercultural Ambassador
- Kaye Graves, Bendigo Community Health Services
- Lucy Mayes, Goldfields Library Corporation
- Ma Aye Paw, Intercultural Ambassador
- Michael Lennon, Bendigo Senior Secondary College
- Moustafa Al Rawi, Bendigo Islamic Community Centre
- Sonia Di Mezza, Loddon Campaspe Multicultural Services
- Andy Sloane, Bendigo Health
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- Andy Miller, Multicultural Arts Victoria
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- Helen Musk, Bendigo Friends and Mentors
- Forest Keegle, Multicultural Arts Victoria
- Laila Hashimi, Multicultural Youth Network
- Laura Bradley, Sports Focus
- Marie Bonne and Ken Rookes, Rural Australians for Refugees
- Miriam Casas, Hispanos Unidos de Victoria
- Nay Chee Aung, Karen Community
- Sei Sei Mu Thein, Karen Organisation of Bendigo
- Sue Ghalayini, Bendigo Community Health Services
- Zahir Azimi, Afghan Community

Thanks also to all the organisations that were part of the previous CDIP's Partnership Commitment and participated in the four Working Groups, these being: Social Cohesion, Sports, Welcome and Healthy, and Workplace Inclusion.











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CITY OF GREATER BENDIGO

Attachment 3 - Project Steering Group Members

Attachment 3: City of Greater Bendigo Cultural Diversity and Inclusion Plan Evaluation and Update - Project Steering Group Members

Key Stakeholders/Agencies	
Julie Rudner	*Director Bendigo Campus Latrobe University (Engaged as Project Consultant to evaluate the Cultural Diversity and Inclusion Plan 2016 - 2019)*
Justin See	Intercultural Ambassador
Ma Aye Paw	Intercultural Ambassador
Kaye Graves	Bendigo Community Health Services
Sonia Di Mezza	Loddon Campaspe Multicultural Services
Michael Lennon	Bendigo Senior Secondary College
Lucy Mayes	Goldfields Library Corporation
Fiona Gardner	Bendigo Interfaith Council
Moustafa Al Rawi	Islamic Community
City Represenation	
Manager, Community Partnerships (Chair)	
Inclusive Communities Officer – Cultural Diversity, Community Partnerships	
Coordinator Inclusive Communities, Community Partnerships	
Coordinator - Creative Communities, Bendigo Venue and Events	
Coordinator - Organisation Development, People and Culture	
Coordinator – Policy and Planning, Community Wellbeing	
Coordinator – Engaged Communities, Community Partnerships	
Healthy Lifestyles Officer - Club Liaison, Active and Healthy Lifestyles	
Creative Industries Officer, Business Services and Economic Development	

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21. URGENT BUSINESS

22. NOTICES OF MOTION

23. COUNCILLORS' REPORTS

24. MAYOR'S REPORT

25. CHIEF EXECUTIVE OFFICER'S REPORT

26. CONFIDENTIAL (SECTION 66) REPORTS

26.1 Confidential report pursuant to section 66(2)(a) of the Local Government Act 2020 to consider a report relating to private commercial information.

RECOMMENDATION MOTION

That Council close the meeting to members of the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider a report relating to private commercial information