

COUNCIL MEETING AGENDA

CITY OF GREATER BENDIGO

6:00 pm on Monday, June 26 2023

Livestreaming at www.bendigo.vic.gov.au/councilmeeting
Broadcast live on Phoenix FM 106.7

If you would like to attend, please register your interest through the following link:
https://boxoffice.gotix.com.au/WebPages/EntaWebGateway/gateway.aspx?E=N&QL=S2144|VTWN|G~/WEBPAGES/EntaWebEvent/EventSBandPrices.aspx
or call the box office on 5434 6100 no later than 5pm on the day of the meeting.

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





COMMUNITY VISION 2021–2031

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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



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

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

This Council Meeting is conducted in accordance with the

- Local Government Act 2020
- Governance Rules

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1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

6. LEAVE OF ABSENCE

7. SUSPENSION OF STANDING ORDERS

RECOMMENDED MOTION

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

8. COMMUNITY RECOGNITION

9. PUBLIC QUESTION TIME

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

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

Pre registering questions is recommended as this provides more time for a more detailed response to be provided to you at question time. Pre registered questions will be given priority in accordance with the Governance rules. If a question is asked on the night and we don't have the answer immediately available we may need to take it on notice, and provide a response later.

Regardless, any member of the community may ask a question in person. The preferred format is to state your name, suburb and briefly identify your topic (ie parking or Lake Weeroona Playspace, etc). Then ask one question only. If time permits, there may be an opportunity to ask additional questions, at the discretion of the Chair.

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

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

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

10. RESUMPTION OF STANDING ORDERS

RECOMMENDED MOTION

That Standing Orders be resumed.

11. WARD REPORTS

11.1. Eppalock Ward - Cr Evans

11.2. Lockwood Ward - Cr Williams

11.3. Whipstick Ward - Cr Sloan

12. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

13. CONFIRMATION OF PREVIOUS MINUTES

13.1. Confirmation of Previous Minutes

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on May 22, 2023, as circulated, be taken as read and confirmed.

Previous minute location:
https://www.bendigo.vic.gov.au/About/Council/Council-meetings/Past-Council-meetings

14. PETITIONS AND JOINT LETTERS

14.1. Petition: Request for Part Closure of Robshaw Street, Ironbark

Purpose

The purpose of this report is to present a petition from residents in the vicinity of Robshaw Street, Ironbark.

Recommended Motion
That the petition be received and a response be prepared within two (2) meetings.

Report

The following petition has been received from residents in the vicinity of Robshaw Street, Ironbark, as outlined below:

> "The proposal submitted by the residents asked the following to be considered:
> 1. As the northern end of Robshaw Street (and a short section of Langston Street) is gravel with no immediate plans to surface with bitumen, Robshaw Street be terminated at the end of that part of Robshaw Street currently surfaced.
> 2. This will leave two exits from Robshaw Street; namely Wattle Street and Valentine Street".
>
> *Reasons for the proposal:*
> 1. *Curtail through traffic:*
>   a. *Which causes billowing dust.*
>   b. *Allows traffic with a specific reason to be there, ie sporting events, a dog walking park, cricket training and general community access.*
>   c. *Make the area safe for family access and use.*
>   d. *Parking for sporting events.*

Signatures - 15

Timelines

Response to the request to be prepared within two (2) meetings.

Communications/Engagement

An onsite meeting with residents, Whipstick Ward Councillors and Engineering officers was held on June 1, 2023.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

Conflict of Interest

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

Attachments

1. Petition Robshaw St - 7 Jun 2023 - 5-16 pm Redacted [**14.1.1** - 2 pages]

To whom it may concern

City of Greater Bendigo

Planning Department

Re: Closure of Robshaw Street

This proposal submitted by residents of Robshaw Street asks that the City of Greater Bendigo close off Robshaw Street (as shown with dotted line).

Robshaw is unusual as there is an exit to Langston Street, Wattle Street and Valentine Street. The exit to Valentine Street is a single lane.

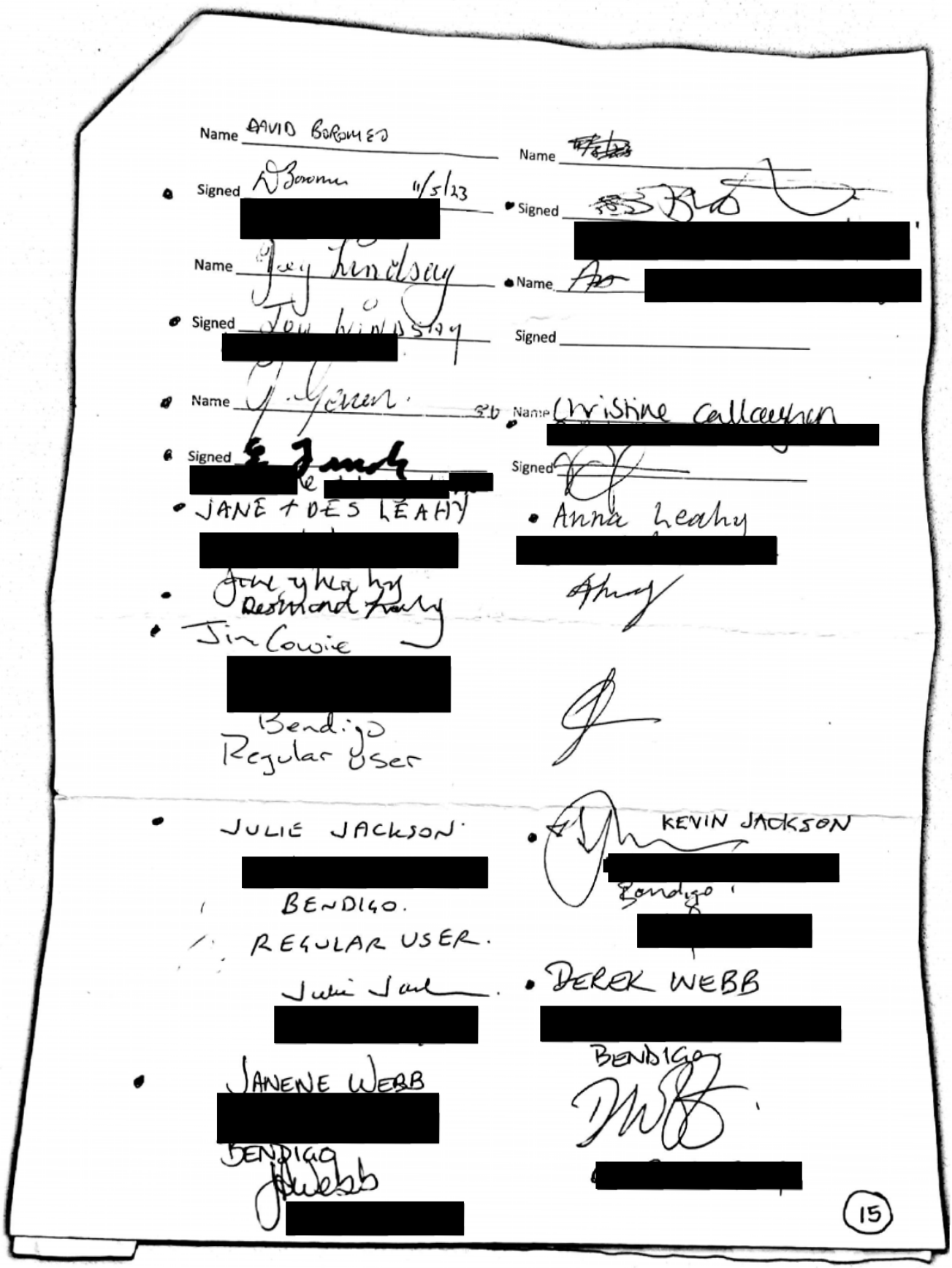


The proposal submitted by the residents asks the following to be considered:

1. As the northern end of Robshaw Street (and a short section of Langston Street) is gravel with no immediate plans to surface with bitumen, Robshaw Street be terminated at the end of that part of Robshaw Street currently surfaced.
2. This will leave two exits from Robshaw Street; namely Wattle Street and Valentine Street.

Reasons for Proposal

1. Curtail through traffic:
    a. Which causes billowing dust.
    b. Allows traffic with a specific reason to be there, ie sporting events, a dog walking park, cricket training and general community access.
    c. Make the area safe for family access and use.
    d. Parking for sporting events.



Name DAVID BORROWED
Signed [redacted] 11/5/23
Name [redacted]
Signed [redacted]
Name [redacted]
Signed [redacted]
Name [redacted]
Signed [redacted]
Name [redacted]
Signed [redacted]
JANE + DES LEAHY
[redacted]
Jane y Leahy
Desmond Leahy
Jim Cowie
[redacted]
Bendigo
Regular User
JULIE JACKSON
[redacted]
BENDIGO.
REGULAR USER.
Julie Jackson
[redacted]
JANENE WEBB
[redacted]
BENDIGO
[redacted]
Name [redacted]
Signed [redacted]
Name [redacted]
Signed [redacted]
Name Christine Callaghan
[redacted]
Signed [redacted]
Anna Leahy
[redacted]
Anny
KEVIN JACKSON
[redacted]
Bendigo
[redacted]
DEREK WEBB
[redacted]
BENDIGO
[redacted]
15

14.2. Petition: Request for Speed Limit Reduction for Peatlings Road, Bagshot

Purpose

The purpose of this report is to present a petition that was presented to the Mayor, Cr Metcalf, from concerned residents in the Peatlings Road, Bagshot area requesting a reduction in the speed limit for Peatlings Road, Bagshot.

Recommended Motion
That the petition be received and response be prepared within two (2) meetings.

Report

The petition is outlined below:

> "We the undersigned residents and ratepayers of City of Greater Bendigo Council formally request Council to reduce the speed limit on Peatlings Road Bagshot to 80 km/h. It has come to our attention that Peatlings road is coping with an unacceptable volume of traffic recently for two reasons, 1. Google Maps is directing traffic down Peatlings road instead of along the Midland Highway on route from Bendigo to Echuca and 2. The street lights erected at the northern end of Peatlings road are misleading motorists to believe Peatlings Road to be more of a major road rather than a minor rural road, therefore the speed limit needs to be reduced in order to: provide a safer environment for school children walking to the bus stop, and to provide greater safety for all other local residents who use the road on a regular basis".

Signatures - 47

The following supporting documentation was provided with the petition:

- Extract from City of Greater Bendigo Road Safety Action Plan 2023-2027
- Google map references for routes Bendigo to Echuca
- News item from ABC Shepparton of May 12, 2023 of accident at Strathmerton resulting in five fatalities

Priority/Importance

A response to be prepared within two (2) Council Meetings.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

Conflict of Interest

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

Attachments

1. Petition - Peatlings Road Speed Limit Reduction Redacted [**14.2.1** - 4 pages]

Dear Councillor Andrea Metcalf

We, the undersigned, are writing to request a reduction of the speed limit along Peatlings Road Bagshot.

The volume of traffic on Peatlings Rd has been increasing exponentially. This traffic encompasses all manner of vehicles: cars, trucks (including B-doubles) and V-Line coaches.

As Peatlings Road is a rural residential road, we began to wonder why such an increase in the volume of traffic was occurring. Partly, it has been due to traffic being diverted down Peatlings Road when the level crossing on the Midland Highway is closed, thus people have learned that this is a 'shortcut'. But significantly, it came to our attention that Google Maps is prioritising Peatlings Road over the Midland Highway on the journey from Bendigo to Echuca. (please see enclosed printed Google Map searches).

With the increase in the volume of traffic, so too are we seeing an increase in speed, with some road users treating our straight road like a speedway zone.

This extra volume of traffic, and in particular the speed it is travelling at, is causing valid safety concerns for both the residents of Peatlings Road and the residents of the surrounding area who also use it.

After consultation with our community, we would like to request a change of speed limit from 100kms/hour to 80kms/h, to be implemented as soon as possible to ensure the safety of residents.

To support our request, we would like to outline the following important points:

1. As a residential road, Peatlings Road is home to families who have school age children who must walk along this, at present, very busy 100km zone road, (where there are no footpaths or road shoulders), to the bus stop on the Barnadown Road to the south, and the bus stop in Wakeman Road, to the north.
2. Residents of Peatlings Road and surrounding roads regularly walk, ride (bicycles and horses), and drive horse drawn vehicles along Peatlings Road to access the Wellsford Forest (located 50m from the southern end of Peatlings Road) for their recreational activities, also with no footpaths or road shoulders to seek refuge on. Some of these people have not only been made to feel unsafe by speeding traffic, they have also been abused by motorists for being perceived to be holding traffic up.
3. We believe the Midland Highway should be the preferred Google Maps route as it runs through Huntly, which already has the footpath and pedestrian crossing infrastructure in place to ensure pedestrian safety and support high volume/heavy traffic. The Peatlings Road surface was never constructed to take high volumes of traffic, and particularly not heavy vehicles like B-doubles.
4. The difference in time to travel the Peatlings Road route as compared to the Midland Highway route, based on Google Maps travel time, is in fact, one minute. So, for the sake of saving one minute of travel time for road users, Google Maps are directing traffic onto a route that is nowhere near as safe for either residents or road users.

Also, Google Maps do not even show the Midland Highway as an alternative option when doing the search from Bendigo to Echuca.

5. It would be advantageous for Huntly for all the extra traffic to be passing through there, in that it would encourage road users to see and/or visit the local businesses along the route.
6. Recent roadworks on the northern end of Peatlings Road also encourage traffic from the Midland Highway to turn off onto Peatlings Road, mistakenly believing the road to be more substantial that it actually is. This perception is substantially heightened by the bright street lights illuminating the bend in the road.
7. The dangers of having too much traffic on roads that are not designed to cope with it are sadly plentiful - the recent horrific accident which occurred at Strathmerton being just one tragic example. We are very worried that a similar tragedy could occur on Peatlings Road, and feel that a speed limit reduction will be the best way of preventing one.
8. It has been reported by residents that they have experienced several 'near misses' when turning into their properties or onto Wakeman Road, from vehicles coming up behind them in a hurry.
9. A lower speed limit would also enhance the safety of incoming traffic from Wakeman Road, which is likely to increase in future due to the new Huntly Train station having been built.
10. Finally, the Midland Highway is maintained and funded by the State Government, whereas Peatlings Road is maintained by local council. Channelling traffic (particularly heavy vehicles) back onto the highway built for them to be travelling on will help extend the life of the Peatlings Road surface and push back potential roadwork expenses that would be incurred by local council if the present volume of traffic were to continue.

In conjunction with the speed limit reduction, we propose that a stop sign be installed at the intersection of Peatlings Road and the Barnadown Road. We believe that these two things will not only make the intersection safer for residents when using the roads for school and recreational purposes, it will make the time to travel the Peatlings Road route from Bendigo to Echuca exceed the time to travel the alternative route along the Midland Highway, and therefore Google Maps will then direct the traffic back on to the highway where it should be.

We very much appreciate your assistance in this matter and we look forward to your reply.

Yours sincerely,

Mike Erny, Pam Erny and Andrea Stringer

On behalf of the residents of Peatlings Road and surrounds.

We the undersigned residents and ratepayers of City of Greater Bendigo Council formally request Council to reduce the speed limit on Peatlings Road Bagshot to 80 km/h. It has come to our attention that Peatlings road is coping with an unacceptable volume of traffic recently for two reasons, 1. Google Maps is directing traffic down Peatlings road instead of along the Midland Highway on route from Bendigo to Echuca and 2. the street lights erected at the northern end of Peatlings road are misleading motorists to believe Peatlings Road to be more of a major road rather than a minor rural road, therefore the speed limit needs to be reduced in order to: provide a safer environment for school children walking to the bus stop, and to provide greater safety for all other local residents who use the road on a regular basis.

Name	Address	Signature
Phillipa & Dylan Morgan	[redacted]	
SHANE NIXON		
Holly Nixon		
Bec Morris		
Cassie Chapman		
Andrew McLean		
Ian Mclean		
DAVE HUTCHISON		
Leanne Rankin		
Ian Rankin		
Briony Johnson		
Cindy Taylor		
Tom Waddell		
SCOTT GRIFFITHS		
DAVID PRICE		
MARI. PEARSON		
ROY. PEARSON		
Kaela Flood		
Ben Flood		
ANDREA SPRINGER		
LAURIE JENSEN		
KATE RITCHIE		
DAVE RITCHIE		
JUMBO & PIP BYRNE		
Grace Aicken		

We the undersigned residents and ratepayers of City of Greater Bendigo Council formally request Council to reduce the speed limit on Peatlings Road Bagshot to 80 km/h. It has come to our attention that Peatlings road is coping with an unacceptable volume of traffic recently for two reasons, 1. Google Maps is directing traffic down Peatlings road instead of along the Midland Highway on route from Bendigo to Echuca and 2. the street lights erected at the northern end of Peatlings road are misleading motorists to believe Peatlings Road to be more of a major road rather than a minor rural road, therefore the speed limit needs to be reduced in order to: provide a safer environment for school children walking to the bus stop, and to provide greater safety for all other local residents who use the road on a regular basis.

Name	Address	Signature
Pamela Erny	[redacted]	
Mike Erny		
Joy HERMAN		
HEDLEY HERMAN		
VIRGINIA GORDON		
ROD QUICK		
Tanya Quick		
Joy L KELLY		
CHARLES KELLY		
Annette Linton		
Greg Pitson		
Michelle Pitson		
Neil Linton		
TREVOR AICKEN		
Debbie Aicken		
Stuart Read		
Russell Hanson		
Jason Peters		
Susan Pintos		
Tanya Mackey		
Nicky Smith		
PETER GOEDHEER		

15. LEAD AND GOVERN FOR ALL

15.1. Review of Public Transparency Policy

Author:	Ryan Millard, Coordinator - Legal Services
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

The purpose of this report is to seek Council approval of the reviewed Public Transparency Policy.

Recommended Motion

That Council adopt the updated Public Transparency Policy.

Executive Summary

The Public Transparency Policy was originally adopted by Council on 19 August 2020 during stage one of the implementation of the *Local Government Act 2020* (the 2020 Act). This is the second annual review of the policy with only minor changes proposed.

Background

Section 57 of the 2020 Act requires Council to adopt and maintain a public transparency policy which must:

- give effect to the public transparency principles; and
- describe the ways in which Council information is to be made publicly available; and
- specify which Council information must be publicly available.

The Public Transparency Policy was adopted by Council on 19 August 2020 during stage one of the implementation of the Act, with a 12 month policy review cycle. The Policy was reviewed in late 2021 and re-approved by Council with minor changes. The Policy is due for review once more.

Report

The Public Transparency Policy gives effect to the following public transparency principles set out in the Act and applies to Councillors and Council staff:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the 2020 Act or any other Act;

- Council information must be publicly available unless –
    - the information is confidential by virtue of the 2020 Act or any other Act; or
    - public availability of the information would be contrary to the public interest;

- Council information must be understandable and accessible to members of the municipal community; and

- public awareness of the availability of Council information must be facilitated.

The Policy was originally developed drawing on the model policy prepared by the Department of Environment, Land, Water and Planning in collaboration with the local government sector during the first stage of the local government reforms.

Since the Policy's adoption in 2020, the City's website has been developed to significantly improve accessibility to Council information for the community.

A desktop benchmarking exercise of public transparency policies developed by other councils indicates that the City's Policy is broadly similar in terms of structure and content. In the time since the Policy was adopted no further guidance has been published by State Government. This policy area appears to be a fairly settled under the 2020 Act.

Accordingly, only minor amendments are proposed to the Policy, which are detailed in markups but include:

- minor grammatical and structural changes; and

- amending the review cycle to be 4-yearly in recognition that this will be the second annual review of the Policy which proposes minor changes only and the Policy appears to have functioned effectively and without controversy since its introduction.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making
Goal 4 - Leadership that sets a standard for good governance and integrity in action, working in partnership with regional Councils

Conflict of Interest

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

Attachments

1. Public Transparency Policy [**15.1.1** - 9 pages]

PUBLIC TRANSPARENCY POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	26/06/2023
Review cycle:	~~Annually~~Every four years
Review Date:	~~12/12/2022~~28/06/2027
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Freedom of Information Act 1982* (Vic) *Local Government Act 2020* (Vic)
DOCSETID:	4417903

1. PURPOSE

The purpose of this policy is to:

1.1 increase public trust and confidence in the Council and City's decision-making through greater understanding and awareness;

1.2 facilitate access to information held by the City in a timely manner;

1.3 support good governance and accountability;

1.4 provide greater clarity around Council and City decision making; and

1.5 ensure compliance with legislative obligations.

2. BACKGROUND

2.1 Transparency and access to government information is a core principle of democratic governance. Systems that are open, accountable and honest are fundamental to building trust within the community and enabling fully informed engagement in the democratic process. Without transparency and engagement, the core responsibilities of local government cannot be achieved.

2.2 Importantly, transparency and information sharing better enable the Municipal Community to contribute to policy formulation, assist regulation compliance, participate in program administration, support decision making and evaluate service delivery performance.

2.3 The *Local Government Act 2020* (Vic) (**Act**) supports the City's commitment to the principles of open, honest and accountable governance. One of the overarching principles of the ~~new~~ Act is that the transparency of Council decisions, actions and information is to be ensured. This policy formalises the City's commitment to transparency in its decision-making processes and the public awareness of the availability of City information.

2.4 This policy fulfils the City's requirement to adopt and maintain a public transparency policy under section 57 of the Act and gives effect to the Public Transparency Principles outlined in section 58.

3. SCOPE

This policy applies to all Councillors and Staff.

4. DEFINITIONS

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

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

Confidential Information means the following information in accordance with section 3 of the *Local Government Act 2020* (Vic):

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989.*

Information prescribed by regulations	Information prescribed by the Act's regulations to be confidential information.
Confidential information under other legislation.	Information that is deemed confidential by virtue of any other legislation.

Council means all of the Councillors collectively.

FOI means freedom of information.

FOI Act means the *Freedom of Information Act 1982* (Vic).

Municipal Community means:

(a) people who live in the municipal district of the City;

(b) people and bodies who are ratepayers of the City;

(c) traditional owners of land in the municipal district of the City; and

(d) people and bodies who conduct activities in the municipal district of the City.

Public Interest Test means the standard test the City will apply when determining whether release of information is contrary to the public interest. The City will consider the harm likely to be created by releasing the information ~~and~~ against the public benefit in being transparent. When considering possible harm from releasing information, the City will only concern itself with harm to the community or members of the community. ~~-~~Potential harm to the City will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the City from performing its functions.

Staff means all employees of the City, including the CEO, volunteers engaged by the City and consultants and contractors directed by the City to comply with this policy.

~~**Transparency** means enabling others to see and understand how the organisation operates in an honest way. It also means to ensure the availability of all information needed in order to collaborate, cooperate and make decisions effectively.~~

~~**Workplace Participants** means all employees, contractors, volunteers and consultants engaged by the City.~~

5. PRINCIPLES

This policy is guided by the following principles:

5.1 Transparency at the City means enabling others to see and understand how the organisation operates in an honest way. It also means ensuring~~to ensure~~ the availability of all information needed in order to collaborate, cooperate and make decisions effectively;

~~5.1~~5.2 Open access to City information – If there is no legal or commercial requirement to protect the information, it should be open to public access;

5.25.3 Promotion of integrity and accountability – The City's decisions, actions and performance are open to public scrutiny; and

5.35.4 Increased awareness around decision-making processes – The City's decisions, actions and performance are clearly explained, and this policy is easily accessible to the public.

5.45.5 Council decisions are made within the legal framework within which it must operate.

6. POLICY

6.1 Council meetings

Decision making at Council meetings will be:

6.1.1 undertaken in accordance with the Act and the City's Governance Rules;

6.1.2 conducted in an open and transparent forum, unless in accordance with ~~the provisions in~~ the Act and the Governance Rules;

6.1.3 informed through community engagement, in accordance with the Community Engagement Principles described in the Act and the City's Community Engagement Policy;

6.1.4 made fairly on the merits and principles of procedural fairness will be applied.

6.2 Decisions made under delegation

~~Workplace participants~~Staff making decisions under delegation ~~or authorisation of the Council under the Act or any other legislation~~ must have regard to the public transparency principles in the Act.

6.3 Information publicly available

6.3.1 The following information will be available publicly, either by way of electronic publication on the City's website, inspection or on request, to ensure the Municipal Community is informed and can benefit from access to information regarding Council's functions and operations:

- Council ~~and Delegated Committee~~ meeting agendas and minutes
- Councillor and ~~Employee~~ Staff codes of conduct;
- Council policies and organisational policies;
- annual reports;
- records of election campaign donation returns;
- interstate and international travel details of Councillors and City staff;
- summary of personal interest returns;
- submissions received under Section 223 of the *Local Government Act 1989* (Vic) during the previous 12 months until its repeal;
- Councillor and employee register of gifts, benefits and hospitality
- donations and grants made by the City during the financial year;

- agreements to establish regional libraries;
- register of leases entered into by the City as a lessor (where the City is the owner);
- register of authorised officers appointed by Council;
- organisations of which the City was a member during the financial year and details of membership fees and services provided;
- instruments of delegation;
- register of processes and operating procedures where appropriate;
- application processes for approvals, permits, grants, access to Council services;
- decision making processes;
- guidelines and manuals;
- road management plans;
- register of roads;
- community engagement processes;
- complaint handling processes; and
- any other registers or records required by legislation

6.3.2 A list of available information is also provided in the Part II Statement published in accordance with the FOI Act. Part II of the FOI Act requires government agencies and local councils to publish several statements designed to assist members of the public in accessing the information it holds. The Part II Statement is available on the City's website by accessing the following link: https://www.bendigo.vic.gov.au/About/Document-Library/part-ii-statement

6.3.3 The City publishes a range of newsletters, reports and handbooks for residents, businesses and visitors. These documents can be accessed from the website or by calling the City for a copy. Some of these publications are available at the City's libraries.

6.4 **Access to information**

6.4.1 The information referred to in clause 6.3 will be made available in a variety of ways including on the City's website or at the City offices. Some information may only be available by request.

6.4.2 The City will use social media to publish or stream information, such as Council Meetings, and other online tools, such as Let's Talk Greater Bendigo, to encourage community engagement and consultation on project and community related matters.

6.4.3 Members of the public can make various kinds of information requests to the City. For example, informal requests for documents and information or formal requests under the FOI Act.

6.4.4 The City will endeavour, where possible, to provide the community with access to information free of charge, but where a request is deemed unreasonable or too voluminous, or where a fee is prescribed by legislation for the provision of information consideration will be given to charging a reasonable fee for accessing the documents. Such requests may also be required to be processed under FOI.

6.4.5 If a decision is made that a request is unreasonable or too voluminous the applicant will be provided with reasons for this decision.

6.4.6 Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

6.4.7 The City will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

6.4.8 This policy will be published on the City's website and will be made available in hard copy upon request.

6.5 **FOI applications**

The FOI Act gives everyone the right to access documents held by governmental agencies and Ministers, including the City. If a member of the public cannot locate a particular document they are seeking, the City encourages them to make contact before lodging an FOI application. In some instances, the City will be able to provide the information without going through the formal FOI process.

6.6 **Information not available**

6.6.1 City information may not be publicly available if:

a) it contains Confidential Information (see definition of Confidential Information);

b) release would be contrary to the public interest (see clause 6.7);

c) disclosure would be contrary to the City's obligations under the *Privacy and Data Protection Act 2014* (Vic); or

d) if access is managed under another Act.

6.6.2 The City may decide, in the interests of transparency, to release information to the public even though it is Confidential Information. However, this will not happen if release is contrary to law, in breach of contractual requirements, ~~if releasing the information is~~ likely to cause harm to any person or is not in the public interest to do so. Councillors and Staff must consult with the City's ~~legal~~ Legal ~~services~~ Services team prior to releasing any Confidential Information.

6.7 **Public Interest Test**

6.7.1 When determining whether release would be contrary to the public interest, the City will apply the Public Interest Test.

6.7.2 The City is not required to make publicly available information if the release would be contrary to the public interest. The City may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

6.7.3 Information that might be withheld because it is contrary to the public interest may include (without limitation):

a) internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public or cause ill-informed debate;

b) directions to Staff regarding negotiations in contractual or civil liability matters, where release may damage the City's capacity to negotiate the best outcome for the community; or

c) correspondence with members of the community, where release may inappropriately expose a person's private dealings.

6.8 **Non-compliance with this policy**

6.8.1 If a member of the community wishes to question a decision about the release of information, this should be raised directly with the staff member handling the matter in the first instance. If the matter is still not resolved and the member of the public would like to contest the decision, this can be reported to the City's FOI Officer by emailing foi@bendigo.vic.gov.au or calling 03 5434 6000.

6.8.2 If the member of the public is not satisfied with the City's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via the website: www.ombudsman.vic.gov.au.

6.8.3 If a member of Staff has any questions or concerns about the release of a document, they can raise a query with the City's FOI Officer or their ~~Director~~people manager.

6.9 **Monitoring, evaluation and review**

6.9.1 The City commits to monitoring processes, information sharing and decision making to understand the overall level of success in this policy's implementation.

6.9.2 A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

7. ROLES AND RESPONSIBILITIES

7.1 ~~Workplace Participants~~Staff

7.1.1 Public transparency is the responsibility of all ~~Workplace Participants~~Staff as appropriate to their role and function.

7.1.2 All ~~Workplace Participants~~Staff will respond to requests for information within 14 days and facilitate provision of information in consultation with their people manager in alignment with this policy.

7.2 Managers

7.2.1 Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.

7.2.2 Communicate this policy to their team.

7.2.3 Demonstrate behaviour that fosters transparency and drive principles through policy, process and leadership.

7.3 Manager Governance

7.3.1 To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

7.3.2 Communicate this policy to the organisation.

7.3.3 Provide educational resources and training to the organisation on the importance of transparency.

7.4 Executive Management Team

7.4.1 Champion behaviours that foster transparency and drive the principles through policy, process and leadership.

7.4.2 Monitor implementation of this policy.

7.5 Council

Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.

8. RELATED DOCUMENTS

Readers are encouraged to access the following relevant documents and resources:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010.*
- The City's:
  - Governance Rules
  - Community Engagement Policy
  - Privacy Policy

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

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

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

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
June, 2020	*JN*	*Governance*	*Develop*	*1*	*Aug 2021*
Aug, 2020	*JCH*	*Governance*	*Develop*	*2*	*Aug, 2021*
Dec, 2021	*RM*	*Governance*	*Annual review*	*3*	*Dec, 2022*
June, 2023	*RM*	*Governance*	*Review*	*4*	*June, 2027*

15.2. Contracts Awarded Under Delegation

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

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

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion	Budget
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Contract Term & Options	Budget
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion / Contract Term & Options	Budget
CT000657	Strathfieldsaye Community Hub Stage 2	Colbrico Pty Ltd T/as Searle Bros	Craig Niemann	01.05.2023	$2,752,835	10 Months	$2,782,615

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. Planning Scheme Amendment C269 and Planning Permit Application DS/137/2021 - 15 & 21 Pratts Park Road Strathdale - Consideration of the Panel Report and Adoption of the Amendment and Subdivision Permit

Author:	Frank Casimir, Strategic Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

This report seeks the adoption of combined Planning Scheme Amendment C269gben (Amendment C269gben) and planning permit application DS/137/2021 as exhibited, with minor changes consistent with the Panel recommendations.

Amendment C269gben proposes to rezone the land at 15 and 21 Pratts Park Road, Strathdale from Low Density Residential Zone (LDRZ) to a General Residential Zone (GRZ) and to delete the Development Plan Overlay Schedule 4 – Low Density Residential Zone – Density Management Areas (DPO4).

The permit is for a multi-lot subdivision of the land at 21 Pratts Park Road, Strathdale, the removal of native vegetation and the creation of a drainage reserve.

Recommended Motion

That Council:

1. Adopt combined Amendment C269gben to the Greater Bendigo Planning Scheme and planning permit application DS/137/2021 with minor changes to the permit conditions as per the Panel recommendations.
2. Forward the adopted Amendment C269gben and planning permit DS/137/2021 to the Minister for Planning for approval.

Executive Summary

Amendment C269gben and planning permit application DS/137/2021 initially only referred to the land at 21 Pratts Park Road, Strathdale and proposed a rezoning from LDRZ to GRZ and removal of the DPO4 to allow for a multi-lot residential subdivision. The application also included the removal of native vegetation and the creation of a drainage reserve. The rezoning of this land was recommended through Council's adopted *Greater Bendigo Housing Strategy 2018* which included an *Investigation of Low Density Residential and Farming Zone Land* within the Urban Growth Boundary.

As a condition of authorisation, 15 Pratts Park Road, Strathdale was added to Amendment C269gben for the proposed rezoning and removal of the DPO4. This was considered

important from an orderly planning perspective to prevent a small (1,400 square metre) parcel of land remaining in the LDRZ, given the land directly to the south is also zoned GRZ. The owner of 15 Pratts Park Road was not previously supportive of their property being included in Amendment C269gben; however, they did not provide a submission to Amendment C269gben once on exhibition.

During the exhibition period fifteen (15) submissions were received. Thirteen (13) submissions opposed elements of Amendment C269gben and the subdivision permit application DS/137/2021 or sought clarification or changes, and two (2) were in support. The opposing submissions were from nearby landowners and occupiers and the consultant acting on behalf of the proponent. The Department of Transport and Planning (DTP), previously known as Department of Transport, provided an opposing submission and requested further information from the proponent. This was subsequently provided and resulted in DTP withdrawing its submission prior to the Panel hearing.

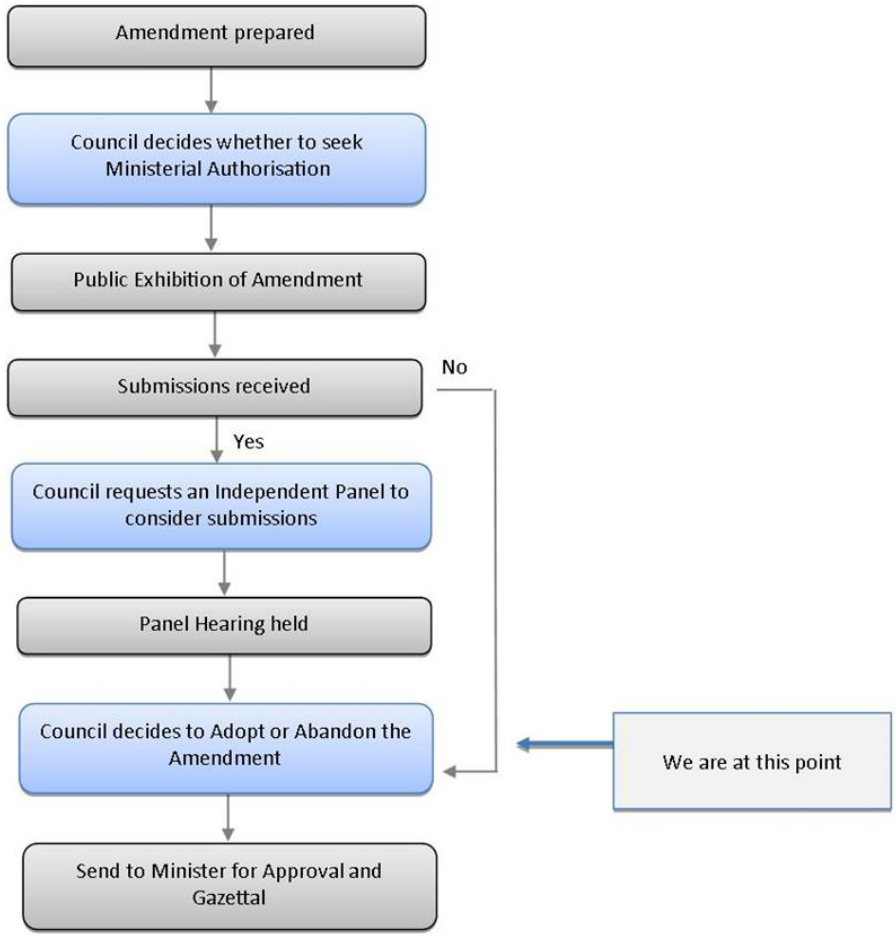
The most common concern raised in the opposing submissions related to the proposed extension of Northmoor Drive. Other issues included traffic impact at the intersection of Pratts Park Road and McIvor Road, stormwater drainage and the removal of the DPO4. Importantly none of the submissions questioned the strategic intent of Amendment C269gben.

As submissions were not able to be resolved, Council resolved to refer the submissions to a Planning Panel at its meeting on 30 January 2023. A Planning Panel consisting of two members was subsequently appointed by the Minister for Planning, with the hearing held at the Bendigo Club on 28 March 2023. All submitters were given the opportunity to attend and to present to the Panel. The Panel heard from the City, the proponent's representative and two submitters (one submitter being represented by two individuals).

The Planning Panel, as shown in the Planning Panel Report (see Attachment 1), determined that Amendment C269gben is well founded, strategically supportable and should be adopted as exhibited. The Panel also recommended that subject to minor changes to conditions that the planning permit should be issued. City officers support the Panel's recommendation.

Background

The key steps in the Amendment process are summarised below:



Previous Council decision dates:

24 January 2018 Adoption of the *Greater Bendigo Housing Strategy*

20 April 2022 Request the Minister for Planning to authorise Council to prepare a combined Amendment C269gben and planning permit under Section 96A of the *Planning and Environment Act 1987* to the Greater Bendigo Planning Scheme.

30 January 2023 Council resolved to:

1. Note and accept all submissions received as a result of the exhibition of Amendment C269gben and planning permit application DS/137/2021.
2. Request the Minister for Planning to appoint an Independent Panel to consider all submissions received for Amendment C269gben and planning permit application DS/137/2021 to the Greater Bendigo Planning Scheme.

Background to Amendment C269gben and Planning Permit Application DS/137/2021

The land on the western side of Pratts Park Road, Strathdale was investigated as part of the review of *Investigation of Low Density Residential and Farming Zone Land* within the Urban Growth Boundary which informed the *Greater Bendigo Housing Strategy 2018.* This land was identified through this review as being suitable to be rezoned for GRZ in the short term provided there were adequate buffers to the industrial zoned land to the north.

This land was subsequently investigated by the proponent and a privately led rezoning request was received by the City.

On 20 April 2022, Council resolved to request the Minister for Planning to authorise and exhibit this combined Amendment C269gben and planning permit application DS/137/2021.

On 19 August 2022, the Minister for Planning authorised Council to prepare and exhibit Amendment C269gben and planning permit application DS/137/2021, subject to a number of conditions.

One of the authorisation conditions was that the adjoining land at 15 Pratts Park Road, Strathdale should also be included in Amendment C269gben to ensure orderly planning (and consistent zoning) is maintained in the area. This landowner of 15 Pratts Park Road had originally indicated they did not want to be included in Amendment C269gben. The landowner was notified as part of the exhibition process and did not lodge a submission to the Amendment.

As a result of this authorisation condition, the land affected by the Amendment is now described as 15 and 21 Pratts Park Road, Strathdale. The planning permit application affects only the land at 21 Pratts Park Road, Strathdale.

Report

The Amendment documentation includes the Explanatory Report that details the purpose and effect of the Amendment and provides the strategic justification for the Amendment. Key issues identified in the Explanatory Report are discussed below.

Land Affected by the Amendment and the Permit

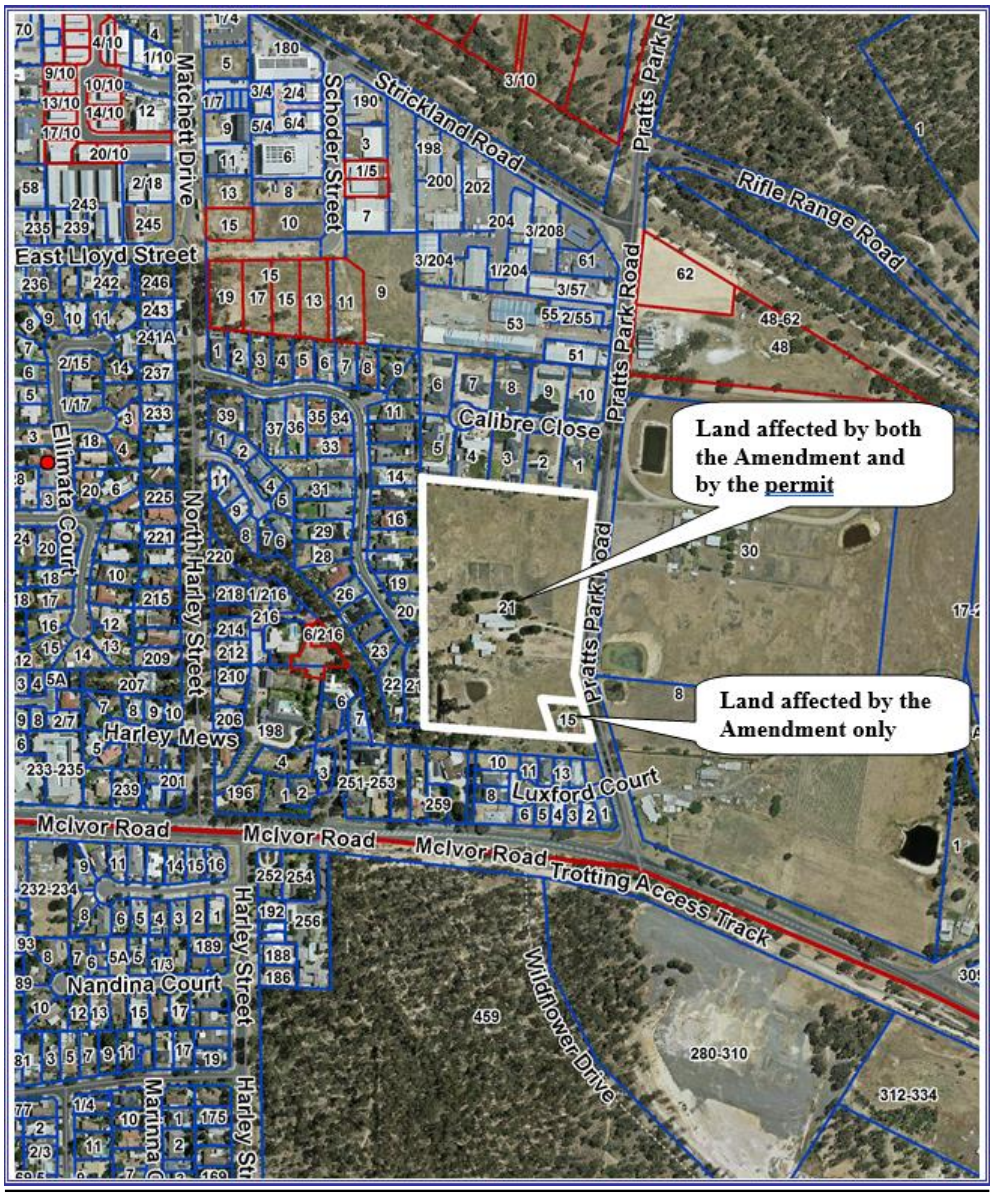


Figure 2: The land affected by the Amendment and the permit

The land at 15 Pratts Park Road, Strathdale is in two parcels and is formally known as Lot 2 and Lot 3 on LP31446 and has a total area of approximately 1,404m^2. The land at 21 Pratts Park Road, Strathdale is also in two parcels and is formally known as Lot 2 on LP 144758 and Lot 2 on LP 144759 and has a total area of approximately area of 38,014m^2. The total area of the land affected by the Amendment and permit is 39,418m^2.

Both sites contain a single dwelling and have direct access to and from Pratts Park Road to the east which is in a Transport Zone 3 and is managed by the City. Existing residential development abuts the land to the north, south and west. Abutting the land to the west, is a relatively well-established residential neighbourhood. There is an existing unmade road reserve which provides for the future extension of Northmoor Drive to connect it to Pratts Park Road through the land at 21 Pratts Park, Road. This was noted in the original plan of subdivision from 2001 which including a road reserve 'parcel' to accommodate this connection.

Scattered vegetation exists throughout the land and consists of both native and exotic trees.

Exhibition

Amendment C269gben and planning permit application DS/137/2021 were exhibited for one month from 6 October 2022 to 7 November 2022.

From the public exhibition process, fifteen (15) submissions were received. There were two (2) supporting submissions, both from referral authorities (Country Fire Authority and Department of Energy, Environment, and Climate Change, previously the Department of Environment, Land, Water and Planning). Among the thirteen (13) opposing submissions was a joint submission from a group of thirty residents in Northmoor Drive, one was from the proponent's planning consultant and one was from DTP (Transport) who requested further information on the Amendment and permit application. The proponent subsequently provided this further information and DTP (Transport) withdrew their submission prior to the Panel hearing.

At the time of the Panel hearing, twelve (12) opposing submissions remained unresolved. However, all fifteen (15) submissions received were referred to the Panel for consideration.

The key themes raised by the objecting submitters were in relation to the:

- Extension of the existing Northmoor Drive to a new road within the proposed subdivision and its traffic impacts.
- Traffic impacts on the Pratts Park Road and McIvor Road intersection.
- Impacts of the proposed works at the new access point from Pratts Park Road to the subdivision on the nearby existing driveways and roads.
- Stormwater drainage.
- Deletion of the DPO4 from the land.

Neither DTP nor the City's Engineering Unit, as the authorities managing McIvor Road and Pratts Park Road respectively, raised any concerns about any adverse traffic impacts on these two roads as a result of the proposed subdivision or the extension of Northmoor Drive. This was further supported by an updated Traffic Impact Assessment report that the proponent submitted at the request of the Panel.

The Panel Hearing

The Minister for Planning appointed the independent Panel to consider the Amendment and planning permit application on 8 February 2023. The Hearing was held on Tuesday, 28 March 2023 in person and via video conference. The Panel considered all written and oral submissions and materials presented to it in response to the exhibition of the

Amendment and permit application. This included one expert witness statement submitted on behalf of the proponent.

The Panel Report and Recommendations

The Panel report was received on 9 May 2023 and was publicly released on Monday, 22 May 2023. The Panel report is available on the City's and DTP's websites.

A summary of the key issues raised and the Panel's comments to each of these issues is provided in Table 1. Further detail is available in the Panel report.

Table 1: Key issues raised in the submissions and the Panel comment

Issues Raised in Submissions	Officer/ Referral Agency Comment	Panel Comment
Strongly objects to the proposed development / extension of Northmoor Drive for the following reasons: • There will be considerable increase in-through traffic. • Businesses in Powells Street will use it as a shortcut if coming from Junortoun • Northmoor Drive is very narrow. • Additional traffic in this street will make it more dangerous for pedestrians • Trees will need to be removed.	In February 2001 the developer of the 'North Harley Street' estate, where Northmoor Drive is located, agreed to include a road reserve 'parcel' at the end of the court bowl to allow for a future connection from Northmoor Drive through to Pratts Park Road. The endorsed subdivision plan for the North Harley Street estate shows the land set aside for the future road connection. The Strategic Planning Unit, in consultation with the Engineering Unit, remained of the view that the extension of Northmoor Drive is the most appropriate outcome from an orderly planning perspective and to ensure connectivity and increase walkability. This would remove the long court bowl at the end of Northmoor Drive. It is expected that most traffic will travel to the east	Following an unaccompanied inspection of Northmoor Drive and review of the updated Traffic Impact Assessment reports, the Panel supported the residents' description of the street as a quiet residential street, but this does not mean the proposed connection is not justified on planning grounds. The Panel concluded the following: • The connection of the road created by the subdivision to Northmoor Drive is justified and appropriate. • The impact from increased traffic will be noticeable but will not pose significant adverse impacts. • The proposed connection is an appropriate outcome from an orderly planning perspective, and will ensure connectivity, increase walkability and remove the long court bowl at the end of Northmoor Drive

Issues Raised in Submissions	Officer/ Referral Agency Comment	Panel Comment
	or through the new development and exit on to Pratts Park Road. Therefore, the increase in traffic along Northmoor Drive by opening up the connection is expected to be negligible. Parked cars in Northmoor Drive will further moderate the speed of vehicles. If there is a need to remove any trees for the extension of Northmoor Drive, this will be dealt with in a separate process.	resulting in a net community benefit.
The impacts of the proposed works at the new access point from Pratts Park Road to the subdivision on the nearby existing driveways and roads.	This issue was brought up as an addition to a submission following the circulation of the functional layout plan, as directed by the Panel, that details the recommended design of the intersection of the subdivision road with Pratts Park Road which takes into consideration any additional traffic from Northmoor Drive. This submitter was concerned that they may not be able to turn in and out of their property or into an existing local street from Pratts Park Road because of the proposed design of this intersection. The City's Engineering Unit advised that the intersection can be appropriately treated with line marking so the adjoining property owners can legally enter and exit their properties.	The Panel concluded: • The proposed access to and from the subdivision to Pratts Park Road is acceptable. • The design of the intersection of the subdivision road with Pratts Park Road should be determined by the City to ensure there is no disruption to access to Calibre Close properties.

Issues Raised in Submissions	Officer/ Referral Agency Comment	Panel Comment
The impacts on the Pratts Park Road and McIvor Road intersection.	City officers and DTP (Transport), after reviewing the SIDRA analysis as part of the Traffic Impact Assessment report, do not consider that the permit application will significantly increase congestion at the Pratts Park Road and McIvor Road intersection.	The Panel considers this issue has been satisfactorily resolved and that there is no requirement for works on the intersection of Pratts Park Road and the McIvor Highway.
Concerns about management of stormwater from the subdivision (upon development).	The proponent prepared and submitted an updated Stormwater Management Plan at the Panel hearing. The findings and recommendations of this Stormwater Management Plan will form part of the permit conditions.	The Panel recommends the inclusion of the words *'to the satisfaction and the approval of the responsible authority' to* condition 14 of the Panel's version of the planning permit as recommended by the submitter.
Deletion of the DPO4 from the land.	The DPO4 only applies to the Low Density Residential Zone and establishes conditions around reticulated water and sewerage. It does not apply to land within a General Residential Zone.	The Panel states that it considers it appropriate to remove the DPO4 from the amendment land as the DPO4 applies only to land zoned LDRZ and will be redundant when the affected land is rezoned to GRZ.

In its final conclusion, the Panel states that the Amendment is well founded, strategically supportable and should be adopted as exhibited, and that subject to conditions (with the Panel's minor changes), a planning permit should be issued.

The changes to the permit are to the permit preamble and to its conditions. The Panel considers that the wording "into 39 lots" should be deleted from the preamble so it remains relevant in the event the number of lots has to change in the future. City officers agree with this recommended change.

The Panel's recommended changes to the permit conditions are listed in Table 2 (shown in bold) and Appendix D to Attachment 1.

Table 2: The recommended changes to the permit conditions by the Panel

Condition Number	Officer Proposed Condition	Panel's Recommended Change / Preferred Wording (in bold)	Officer Response
1	AMENDED PLANS Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plan prepared by Terraco titled *21 Pratts Park Road Proposed Plan of Subdivision* version 7 dated 13 September 2022, but modified to show: (a) Any alterations to the subdivision layout required to accord with the detailed drainage plans prepared and approved under condition 14 of this permit.	AMENDED PLANS Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plan prepared by Terraco titled *21 Pratts Park Road Proposed Plan of Subdivision* version 7 dated 13 September 2022, but modified to show: (a) Any alterations to the subdivision layout required to accord with the detailed drainage plans prepared and approved under condition [14] of this permit. **(b) A pedestrian and cyclist path which utilises the overland flow path as required by condition 14(f) of this permit.**	Agree with the recommended change.
6	RESTRICTION ON TITLE The plan of subdivision must include a restriction (or suitable equivalent, such as a Section 173 Agreement) in accordance with the endorsed plans. The restriction must include the following wording:	RESTRICTION ON TITLE The plan of subdivision must include a restriction (or suitable equivalent, such as a Section 173 Agreement) in accordance with the endorsed plans. The restriction must include the following wording:	Agree with the recommended change.

Condition Number	Officer Proposed Condition	Panel's Recommended Change / Preferred Wording (in bold)	Officer Response
	• Dwellings on Lots 22, 23, 28, 30 and 32 must be designed in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road.	•Dwellings **~~on Lots 22, 23, 28, 30 and 32~~ fronting Pratts Park Road** must be designed **and sited** in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road.	
14	DETAILED DRAINAGE PLANS Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit.	DETAILED DRAINAGE PLANS Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved **~~by~~ to the satisfaction** of the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions.	Agree with the recommended change
15	PEDESTRIAN SIGHTLINES The minimum sight line for pedestrian safety must be provided at the exit lane frontage so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.	PEDESTRIAN SIGHTLINES The minimum sight line for pedestrian safety must be provided at the exit lane frontage **to Pratts Park Road** so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.	Agree with the recommended change
22	COUNTRY FIRE AUTHORITY The bushfire management plan prepared by Spiire and dated 22 February 2021 must be endorsed as part of the permit,	COUNTRY FIRE AUTHORITY The bushfire management plan prepared by Spiire and dated **~~22 February 2021~~ 16 March 2023** must be endorsed as part of the permit.	Agree with the recommended change
24	DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING	DEPARTMENT OF **~~ENVIRONMENT, LAND, WATER AND PLANNING~~ ENERGY, ENVIRONMENT**	Agree with this recommended change

Condition Number	Officer Proposed Condition	Panel's Recommended Change / Preferred Wording (in bold)	Officer Response
		AND CLIMATE ACTION	

Priority/Importance

Amendment C269gben is consistent with the adopted *Greater Bendigo Housing Strategy 2018* and the Greater Bendigo Planning Scheme, and will ultimately deliver more housing in a well-located area to meet growing housing demand.

Options Considered

Council has the options of*:*

- Adopting the Amendment and planning permit in accordance with the Panel's recommendations as outlined earlier in this report and sending to the Minister for Planning for approval.
- Adopting the Amendment with changes contrary to the Panel's recommendations, with supporting justification, and sending the Amendment to the Minister for Planning for approval.
- Abandoning the Amendment.

Timelines

Consistent with Ministerial Direction 15 (The Planning Scheme Amendment Process) a planning authority must make a decision to adopt an amendment under section 29 of the act within 40 business days of the date it receives the Panel's report.

Communications/Engagement

Amendment C269gben and the planning permit application were exhibited for one month from 6 October to 7 November 2022. Notices were provided in the following manner:

- Notices to service authorities.
- Public notice of the Amendment and the permit application in the Bendigo Advertiser on 5 October 2022 and 8 October 2022.
- Publication of the notice of the Amendment and of the permit application in the Government Gazette on 6 October 2022.
- Display of a sign giving notice of the Amendment and permit application at the front of the land at 21 Pratts Park Road, Strathdale.
- Access to the Amendment and planning permit application documents were provided on-line on the City's website at https://www.bendigo.vic.gov.au/Services/Building-and–Planning-Scheme-amendments and on the Department of Environment, Land, Water and Planning at www.planning.vic.gov.au/public-inspection.

Conclusion

It is recommended that Council adopt Amendment C269gben and planning permit DS/137/2021 with changes in accordance with the Panel's recommendations and forward the Amendment and permit to the Minister for Planning for approval.

Financial Sustainability

Officer time will be required to prepare and submit the Amendment and permit documentation for approval.

The proponent is responsible for payment of all statutory fees and costs incurred in the processing of the Amendment.

Risk Assessment

Adopting Amendment C269gben and planning permit DS/137/2021 is strategically justified and consistent with the Panel recommendations and therefore presents a low level of risk.

Policy Context

Primary Council Plan Reference

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

Conflict of Interest

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

Attachments

1. Greater Bendigo C269gben Panel Report [**16.1.1** - 44 pages]
2. Greater Bendigo C269gben Amendment and Permit Documents [**16.1.2** - 31 pages]

Planning Panels Victoria

Greater Bendigo Planning Scheme Amendment C269gben
Planning Permit Application DS/137/2021
15 and 21 Pratts Park Road, Strathdale

Panel Report

Planning and Environment Act 1987

9 May 2023

VICTORIA State Government

How will this report be used?

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

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

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

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Bendigo Planning Scheme Amendment C269gben

Planning Permit Application DS/137/2021

15 and 21 Pratts Park Road, Strathdale

9 May 2023

Sarah Raso, Chair

Geoff Underwood, Member

Planning Panels Victoria

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Glossary and abbreviations

Amendment	Greater Bendigo Planning Scheme Amendment C269gben and Planning Permit Application DS/137/2021
amendment land	15 and 21 Pratts Park Road, Strathdale
BMO	Bushfire Management Overlay
CFA	Country Fire Authority
Council	Greater Bendigo City Council
December 2022 TIAR	Traffic Impact Assessment Report dated December 2022
DELWP	Department of Environment, Land, Water and Planning (former)
DoT	Department of Transport (former)
DPO4	Development Plan Overlay Schedule 4
Framework Plan	Bendigo Urban Strategic Framework Plan
GRZ1	General Residential Zone Schedule 1
Housing Strategy	Greater Bendigo Housing Strategy, Amended, 2018
LDRZ	Low Density Residential Zone
March 2023 TIAR	Traffic Impact Assessment Report dated March 2023
PE Act	*Planning and Environment Act* 1987
permit application	Permit Application DS/137/2021
permit land	21 Pratts Park Road, Strathdale
UGB	Urban Growth Boundary

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Overview

Amendment summary	
Amendment	Greater Bendigo Planning Scheme Amendment C269gben Planning and Permit Application DS/137/2021
Permit Application	Planning Permit Application DS/137/2021
Brief description	The Amendment proposes to rezone 15 and 21 Pratts Park Road, Strathdale from Low Density Residential Zone to General Residential Zone and to delete the Development Plan Overlay Schedule 4 from the land. The permit application proposes the subdivision of 21 Pratts Park Road, Strathdale into 39 lots, removal of native vegetation and creation of a drainage reserve
Amendment land	15 and 21 Pratts Park Road, Strathdale
Permit land	21 Pratts Park Road, Strathdale
The Proponent	Pratts Park Estate Pty Ltd
Planning Authority	Greater Bendigo City Council
Authorisation	19 August 2022
Exhibition	6 October to 7 November 2022
Submissions	15 submissions were received. 12 remain unresolved

Panel process	
The Panel	Sarah Raso (Chair), Geoff Underwood
Directions Hearing	Video Conference, 22 February 2023
Panel Hearing	The Bendigo Club, Bendigo, 28 March 2023
Site inspections	Unaccompanied, 27 March 2023
Parties to the Hearing	Greater Bendigo City Council represented by Bridget Maplestone (Coordinator Planning, Strategy and Policy) Pratts Park Estate Pty Ltd (Proponent) represented by Robert Forrester of Counsel instructed by Rigby Cooke, calling expert planning evidence from Stephen Pole of Spiire Joan and Michael Foley Phillip Nolan
Citation	Greater Bendigo PSA C169gben [2023] PPV
Date of this report	9 May 2023

Planning Panels Victoria

Executive summary

The Amendment seeks to rezone land at 15 and 21 Pratts Park Road, Strathdale to facilitate future subdivision and residential development. Specifically, the Amendment proposes to rezone the land from Low Density Residential Zone to General Residential Zone and delete the Development Plan Overlay Schedule 4 from the land.

The planning permit application affects only the land at 21 Pratts Park Road, Strathdale. It seeks approval for the subdivision of that land into 39 lots ranging in size from 369 square metres to 1,596 square metres, removal of native vegetation and creation of a drainage reserve.

From the public exhibition process, 15 submissions were received, some in support, others in objection and some making various comments about the Amendment and/or the permit application. A one day Hearing was held to consider the Amendment, planning permit application and issues raised, to hear from submitters and to provide advice to the Greater Bendigo City Council about the proposal.

The Panel heard from Greater Bendigo City Council, Pratts Park Estate Pty Ltd and two neighbouring property owners (one who represented a wider group of community members).

The key issues to be reconciled relate to:

- traffic impacts resulting from the proposed connection of the subdivision road to Northmoor Drive to the west
- whether the proposed access to the subdivision from Pratts Park Road is acceptable
- whether the works associated with the establishment of the proposed access point would create unintended consequences for access to Calibre Close.

The Panel considers the Amendment is well founded, strategically supportable and should be approved, and subject to conditions (including amended conditions recommended by the Panel) a planning permit should issue.

Based on the reasons set out in this Report, the Panel recommends:

1. **Adopt Greater Bendigo Planning Scheme Amendment C269gben as exhibited.**
2. **Issue Planning Permit DS/137/2021 for the multi-lot subdivision of 21 Pratts Park Road, Strathdale, the removal of native vegetation and the creation of a drainage reserve, consistent with the Panel's preferred version of the planning permit set out in Appendix D.**

1 Introduction

1.1 The Amendment and Permit Application

(i) Amendment and Permit Application

Greater Bendigo Planning Scheme Amendment C269gben (the Amendment) proposes to rezone land at 15 and 21 Pratts Park Road, Strathdale (amendment land) to facilitate future subdivision and residential development. Specifically, the Amendment proposes to:

- rezone the amendment land from Low Density Residential Zone (LDRZ) to General Residential Zone Schedule 1 (GRZ1)
- delete the Development Plan Overlay Schedule 4 (DPO4) from the amendment land.

Planning Permit Application DS/137/2021 affects only the land, as shown in Figure 2. It seeks approval for the subdivision of 21 Pratts Park Road, Strathdale (permit land) into 39 lots ranging in size from 369 square metres to 1,596 square metres, removal of native vegetation and creation of a drainage reserve (permit application).

Vehicular access to the proposed development will be through:

- an intersection to Pratts Park Road near the northern boundary of the permit land
- an extension of Northmoor Drive from the west.

The extent of the amendment land and permit land is shown in Figure 1, noting that not all of the amendment land is subject to this permit application.

Greater Bendigo City Council (Council) is the Planning Authority for the Amendment and responsible authority for the planning permit. The Proponent is Pratts Park Estate Pty Ltd (Proponent).

The Amendment was authorised by the former Department of Land, Water, Environment and Planning (DELWP) on 19 August 2022.

The Amendment and permit application were exhibited together from 6 October to 7 November 2022, during which 15 submissions were received.

Figure 1 Amendment and planning permit application area[1]

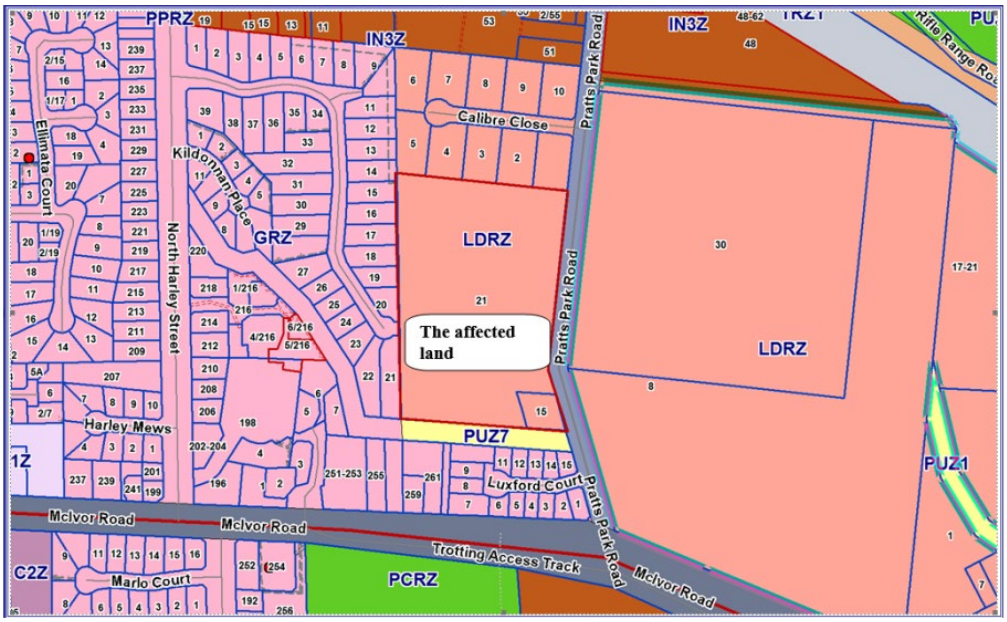
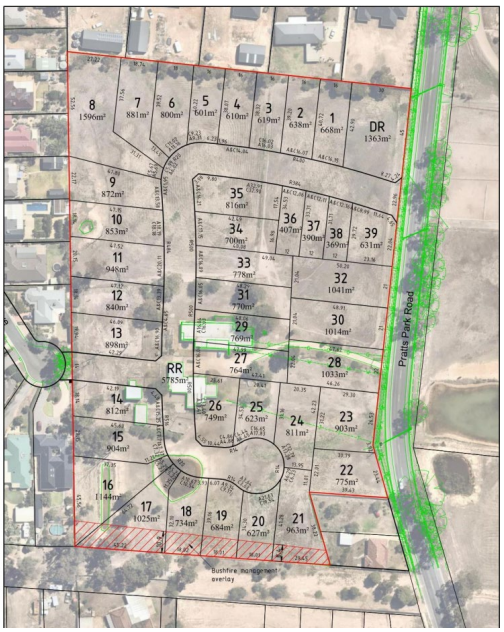


Figure 2 Extract of the proposed subdivision plan showing the proposed subdivision and permit land[2]



1 Exhibited Explanatory Report, Document 9(b).
2 Document 12.

(ii) The subject land

Both the amendment land and permit land are located within Strathdale on the outskirts of Bendigo.

The land at 15 Pratts Park Road is in two parcels and is known as Lot 2 and Lot 3 on LP31446. The land at 21 Pratts Park Road is known as Lot 2 on PS 144759 and Lot 2 on PS 144758. The combined total area of the amendment land is approximately 4 hectares.

The amendment land is subject to the LDRZ and is affected by the DPO4. A small part of both 15 and 21 Pratts Park Road along their southern lot boundaries is affected by the Bushfire Management Overlay.

Both 15 and 21 Pratts Park Road contain single storey brick dwellings. In addition to the dwelling, the land at 21 Pratts Park Road also contains storage sheds, horse yards and extensive electric fencing for horses. All these structures, including the dwelling, at 21 Pratts Park Road are proposed to be demolished. There is no proposal to demolish the dwelling or the shed at 15 Pratts Park Road.

Two small dams located in the southern part of the land at 21 Pratts Park Road. Scattered vegetation exists throughout both 15 and 21 Pratts Park Road and consists of both native and exotic trees. There is no proposal to remove any of the vegetation at 15 Pratts Park Road. Native vegetation is proposed to be removed only at 21 Pratts Park Road.

1.2 Background

The Council provided a detailed background to the Amendment and permit application in its Part A submission, including a chronology of events which the Panel has summarised in Table 1.

Table 1 Chronology of events

Date	Event
22 October 2014	Council adopted the *Greater Bendigo Residential Strategy 2014.* This strategy identified the focus for new residential growth is to be within the defined Urban Growth Boundary (UGB) to manage outward growth and avoid sprawl. It identifies the need to rezone land currently zoned Farming or LDRZ within the UGB to meet Greater Bendigo's growing housing needs
31 August 2016	Council adopted the *Greater Bendigo Housing Strategy, Amended, 2018* (Housing Strategy) which was a key action for the implementation of the *Greater Bendigo Residential Strategy* 2014. The strategy provides guidance on the location, type and form of housing that is required into the future to suit the changing needs of the community
June 2017	Council completed an *Investigation of Low Density Residential and Farming Zone Land.* This included the amendment land and other sites within the UGB to determine whether they may be suitable to be rezoned for more intensive residential development. It recommended that provided there is an adequate buffer with the industrially zoned land to the north, it would be appropriate to consider rezoning the amendment land to the GRZ
21 June 2017	Council considered the draft *Greater Bendigo Housing Strategy Implementation Plan* which included the *Investigation of Low Density*

Date	Event
	Residential and Farming Zone Land
24 January 2018	Council resolved to amend the Housing Strategy
17 February 2021	Pratts Park Estate Pty Ltd submitted a request to Council under Section 96A of the *Planning and Environment Act 1987* to: a. rezone 21 Pratts Park Road from LDRZ to GRZ b. delete the DPO4 from the land c. subdivide the land into 41 lots and for the removal of native vegetation
20 April 2022	Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment and planning permit application
19 August 2022	Authorisation of the Amendment approved subject to conditions One condition was to include 15 Pratts Park Road in the Amendment. This was considered important from an orderly planning perspective to prevent the small land parcel remaining in the LDRZ in isolation
6 October to 7 November 2022	Exhibition of the Amendment and permit application Consultation with Country Fire Authority (CFA), DELWP, the Environment Protection Authority and the Department of Transport (DoT) DoT sought further information to inform its position and later withdrew its submission The CFA and DELWP supported the Amendment and permit application subject to the inclusion of specific permit conditions
30 January 2023	Council resolved to: a. note and accept all submissions received b. request the Minister for Planning to appoint an Independent Panel to consider all submissions
22 February 2023	Directions Hearing
27 March 2023	Unaccompanied site inspection of the amendment land, adjoining land and street network
28 March 2023	Panel Hearing

1.3 The Panel's approach

The key issues to be reconciled relate to:

- traffic impacts resulting from the proposed connection of the subdivision road to Northmoor Drive to the west
- whether the proposed access to the subdivision from Pratts Park Road is acceptable
- whether the works associated with the establishment of the proposed access point would create unintended consequences for access to Calibre Close.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment and permit application, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context (Strategic framework, Statutory considerations, Strategic justification)
- Access and movement
- Other matters (other issues raised in submissions and other planning permit issues)
- Resolution of the Amendment and permit.

2 Planning context

2.1 Strategic framework

This chapter identifies planning context relevant to the Amendment as highlighted in Council's Part A submission. Appendix C highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	section 4 of the *Planning and Environment Act* 1987 (PE Act)
Municipal Planning Strategy	Clause 2
Planning Policy Framework	Clause 11.01-1S (Settlement), Clause 11.01-1L-01 (Settlement - Greater Bendigo), Clause 11.01-1L-02 (10-minute neighbourhoods - Greater Bendigo), Clause 11.02-1S (Supply of urban land) and Clause 11.03-2S (Growth areas) Clause 12.01-2S (Native vegetation management), Clause 13.02-1S (Bushfire planning), Clause 13.04-1S (Contaminated or potentially contaminated land) and Clause 13.07-1S (Land use compatibility) Clause 15.01-3S (Subdivision design), Clause 15.02-1S (Energy and resource efficiency) and Clause 16.01-1S (Housing supply) Clause 19.03-2S (Infrastructure Design and Provision) Clause 52.02 (Easements, Restrictions and Reserves) Clause 52.17 (Native vegetation)
Other planning strategies and policies	Plan Melbourne Direction 4, Policies 4.1, 4.2 Greater Bendigo Residential Strategy, 2014 Greater Bendigo Housing Strategy, Amended, 2018 Bendigo Urban Strategic Framework Plan
Planning scheme provisions	Low Density Residential Zone General Residential Zone Development Plan Overlay, Schedule 4 Brushfire Management Overlay
Ministerial directions	Ministerial Direction No 1 (Potentially Contaminated Land) Ministerial Direction 11 (Strategic Assessment of Amendments) Ministerial Direction No 19 (title) (Preparation and content of Amendments that may significantly impact the environment, amenity and human health)
Planning practice notes	Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 Planning Practice Note 90: Planning for housing, DELWP, December 2019 Planning Practice Note 91: Using the residential zones, DELWP 2019

2.2 Statutory considerations

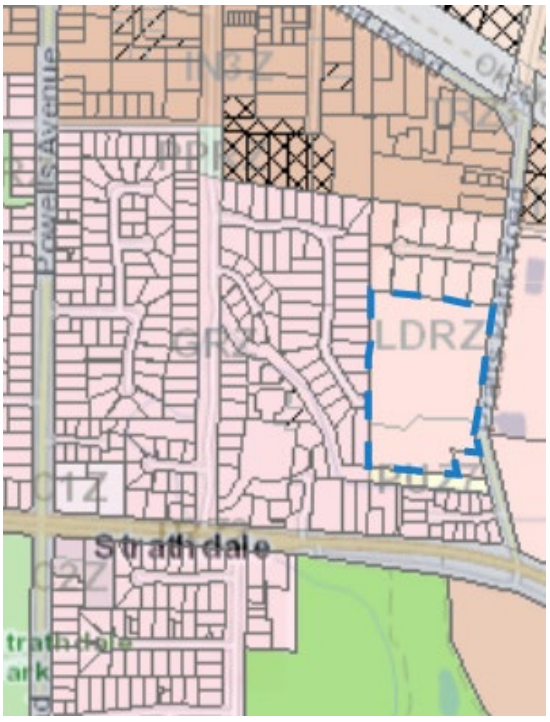
(i) Zones and overlays

The amendment land is currently within the LDRZ and is proposed to be rezoned to General Residential Zone Schedule 1, the purposes of which are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Figure 3 highlights that the areas surrounding the amendment land to the west and south are generally within the General Residential Zone, with land directly to the north remaining in the LDRZ and land further north being in the Industrial 3 Zone. Land to the east remains in the LDRZ.

Figure 3 Zoning context[3]



The Amendment seeks to delete the DPO4 from the amendment land. The DPO4 applies only to land zoned LDRZ and will be redundant when the affected land is rezoned to GRZ.

A small part of the amendment land, along the southern lot boundaries, is affected by the Bushfire Management Overlay (BMO), the purposes of which are:

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

[3] Vicplan.

- 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.

(ii) Particular and other provisions

Development of the permit land must have regard to the following particular and other provisions:

- Clause 52.02 – Easements, restrictions and reserves
- Clause 52.17 – Native vegetation
- Clause 53.01 – Public open space contribution and subdivision
- Clause 56 – Residential subdivision
- Clause 65.02 – Approval of an application to subdivide land.

The permit application was accompanied by a Clause 56 assessment, and a comprehensive Clause 56 assessment was prepared by Mr Pole of Spiire in his planning expert witness statement on behalf of the Proponent.

2.3 Strategic justification

(i) Evidence and submissions

There was no dispute amongst the parties that the Amendment is strategically justified.

The Explanatory Report provides a clear strategic basis for the Amendment:

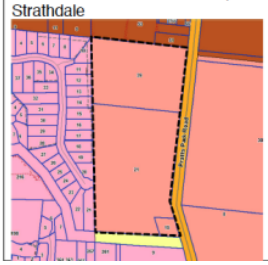
> This amendment, which proposes to rezone the land from LDRZ to GRZ with the removal of the DPO is required to enable increased residential development on the land. This is consistent with the 'Bendigo Urban Strategic Framework Plan' with the site being within the Urban Growth Boundary (UGB) and the surrounding pattern of development particularly to the west and south of the site. The land also already has access to services, including reticulated sewer. For these reasons it is considered that the subdivision of the land under the current LDRZ planning controls, with a minimum of 2000m2 lots, would represent an inefficient use of residential land.
>
> The amendment is also required to address two of the key housing issues for Greater Bendigo specifically housing diversity and housing affordability as listed at Clause 02.03-6 (Housing) of the Greater Bendigo Planning Scheme.
>
> The DPO4 is required to be deleted from the affected land. One of the purposes of the Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. The DPO4 (Low Density Residential Zone - Density Management Areas) applies only to land zoned LDRZ and will be redundant when the affected land is rezoned to GRZ.
>
> The rezoning of this land is well supported by planning policy. It was identified in the 'Investigation of Low Density Residential and Farming Zone Land,' which resulted in its inclusion in the Greater Bendigo Housing Strategy (Amended 2018). The Housing Strategy, which is a background document within the Greater Bendigo planning scheme, identifies the efficient use of land within the UGB as a key factor in realising council's development objective to achieve a compact urban form that limits urban sprawl. The strategy identifies the subject site as suitable for rezoning in the short term, subject to appropriate buffers to the Industrial 3 Zone (IN3Z) land to the north. It is noted that the IN3Z land, the purpose of which is specifically to provide for industry compatible with nearby community uses, is located approximately 127 metres from the northern boundary of the subject site and land in between is developed for low density residential use, providing an appropriate buffer.

Council submitted the Amendment is strategically justified, is supported by, and implements, the relevant sections of the Planning Policy Framework.

Council submitted the permit application was assessed against the relevant clauses of the Planning Scheme and concluded the application meets the requirements and objectives of the GRZ and the BMO, there are no restrictions on the title affecting the granting of a permit and the development will not detrimentally affect the amenity of the surrounding owners and occupiers of the land.

The Proponent submitted the Amendment is required to bring the amendment land into accordance with the specific outcomes sought for the land by planning policy, including the Housing Strategy. The Proponent submitted that key to this consideration is the Housing Strategy's specific identification of the land as considered suitable for rezoning in the short term, and summary of the rationale for the change.

Figure 4 Housing Strategy, Rationale for Change extract, page 45

Location	Current Controls	Proposed Controls	Rationale
West side of Pratts Park Road, Strathdale 	Low Density Residential DPO4	GRZ	This site is well located being only around 1.5km from Kennington Primary School and only around 2.5km from the Strathdale Activity Centre. The site has only the three land owners meaning coordination would be easier. The key constraints with the site are that there is no current reticulated infrastructure and the Industrial Zoned land to the north of the site. Provided there were adequate buffers to the industrially zoned land to the north of the site, it would be appropriate to consider rezoning this size in the short term.

The Proponent, having regard to the four paragraphs of the 'rationale' summarised in the Housing Strategy, noted:

- the location of the amendment land, and its proximity to services, schooling and employment (amongst other things) are recognised in the Housing Strategy
- insofar as the Housing Strategy refers to three landowners, the land identified in the Housing Strategy includes land to the north of the amendment land, which has now been subdivided to create Calibre Close
- as to the question of the 'key constraints' identified, it is now the case that:
  - the amendment land has access to reticulated infrastructure, and is capable of being fully serviced
  - the land within the IN3Z to the north of the site is effectively 'buffered' from the amendment land by approximately 130 metres, by reason of the lots on Calibre Close which remain in the LDRZ and are unaffected by the Amendment.

Mr Pole said:

> The Amendment implements the Greater Bendigo Housing Strategy and the Greater Bendigo Residential Strategy by contributing to the achievement of a compact Bendigo and making efficient use of serviced land within the defined Urban Growth Boundary.

Mr Pole also assessed the permit application against:

- State and local planning policy, including that which supports the rezoning of the amendment land as proposed by the Amendment
- the provisions of the GRZ, including Clause 32.08-3 and the relevant provisions of Clause 56
- the relevant decision guidelines of the GRZ (at Clause 32.08-13), the Bushfire Management Overlay Schedule 2 (at Clause 44.06-8 and Clause 11 of Schedule 2), Clause 52.02, Clause 52.17-4 and by reference the decision guidelines specified in the Guidelines

for the removal, destruction or lopping of native vegetation (DELWP, December 2017), and Clause 65.

Mr Pole concluded that subject to rezoning the permit land to GRZ and the inclusion of appropriate conditions on a permit, the proposed subdivision, removal of native vegetation and the creation of a drainage reserve represents an acceptable outcome.

(ii) Discussion and conclusions

The Panel finds there is strong support under the PE Act, the Planning Scheme and other strategic reports and documents that provides the strategic basis for the Amendment.

The Panel supports the position of Council and the Proponent that planning policy supports the Amendment to achieve residential development in this area of Strathdale. The rezoning of the amendment land is supported by the:

- Framework Plan which identified the land within the UGB
- Housing Strategy which encourages the efficient use of land within the UGB as a key factor to achieve a compact urban form that limits urban sprawl.

The proposed zoning for the amendment land will be consistent with the established pattern of development of the surrounding area. The residential densities proposed in the permit application are similar to the adjoining GRZ land to the west and south, whilst slightly larger lots and wider frontages are proposed at the Pratts Park Road interface to respond to the lower density character of development to the east.

It is appropriate the DPO4 is removed from the amendment land. The DPO4 applies only to land zoned LDRZ and will be redundant when the affected land is rezoned to GRZ.

The Housing Strategy also proposes provisions for the amendment land which do not include the DPO4. This is consistent with the approach taken by the Housing Strategy for other sites proposed to be rezoned; it indicates the contribution land identified within UGB can make to the supply of land and should not be constrained by, and be inconsistent with, the continued application of the DPO4.

The Panel considers the Amendment and planning permit will assist in implementing policy objectives set out in section 4 of the PE Act by providing for the rezoning and subdivision of land to achieve an orderly, well-planned outcome consistent with the strategic direction of Bendigo.

The Panel concludes that the Amendment:

- Is supported by, and implements, the relevant sections of the Planning Policy Framework.
- Is consistent with the relevant Ministerial Directions and Practice Notes.
- Is well founded and strategically justified.
- Should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Access and movement

3.1 Extension of Northmoor Drive

(i) The issue

The issue is whether the proposed connection of the subdivision road to Northmoor Drive is justified and appropriate.

(ii) Background

Vehicular access to the permit land is currently available from Pratts Park Road (refer Figure 5). Vehicular access to the permit land is proposed through:

- an intersection to Pratts Park Road near the northern boundary of the permit land
- an extension of Northmoor Drive from the west.

Council is seeking the extension of Northmoor Drive through the permit land to Pratts Park Road to improve accessibility for existing residents.

A section of North Harley Street is northbound only, and there is no right turn into the southern section of North Harley Street from the McIvor Highway. This restricts resident access to/from the east.

Figure 5 Plan showing the permit land and surrounding street network



Source: Document 33

(iii) Evidence and submissions

The proposed connection to Northmoor Drive was a requirement of Council. Council submitted it would provide for a logical and orderly planning outcome, and one which is justified on the basis that the 2001 subdivision of land to the west included a road reserve 'parcel' to accommodate this connection. Council submitted the connection would ensure connectivity, increase walkability and remove the long court bowl at the end of Northmoor Drive.

The Proponent did not consider the proposed connection necessary to provide an acceptable outcome. However, it did not oppose the connection and accepted that its requirement through a permit condition to provide the connection was legally valid.

Mr Pole considered the connection to be acceptable from a planning perspective.

Submitters 8 and 15 relied on their lived experience and did not support the proposed connection. They submitted:

- the extra traffic would increase the risk of accidents particularly given the Northmoor Drive is narrow with bends
- Northmoor Drive has a low grade surface with loose stones and with extra heavy traffic would be prone to pot holes and uneven rough surface
- Northmoor Drive is too narrow for large vehicle access especially when two cars are legally parked either side of the road opposite one another
- residents on the western side of Northmoor Drive have no footpath so pedestrian traffic would be furthered impacted with increased two way traffic.

The Proponent produced and relied on the Traffic Impact Assessment Report dated March 2023 (March 2023 TIAR)[4]. The March 2023 TIAR concluded it would be unlikely traffic from the permit land would use Northmoor Drive and the number of additional movements on Northmoor Drive would be minimal. This was because it was possible to turn only north, and not south, from Northmoor Drive into North Harley Street, and Pratts Park Road/Strickland Road to provide more convenient access to the north for subdivision traffic.

The March 2023 TIAR expected that impacts on the proposed subdivision from Northmoor Drive would be minimal. It noted the subdivision road is designed as an access street with a target traffic volume of up to 2,500 vehicles per day, and the anticipated volume of up to 585 vehicles per day would be readily accommodated.[5]

The March 2023 TIAR identified:

- in the AM peak hour, it is expected that 13 additional vehicles will travel east from Northmoor Drive to Pratts Park Road, and four additional vehicles will travel west from Pratts Park Road to Northmoor Drive - a total of 17 additional vehicle movements during the peak hour
- in the PM peak hour, it is expected that six additional vehicles will travel east from Northmoor Drive to Pratts Park Road, and 12 additional vehicles will travel west from

[4] While the Northmoor Drive connection was considered in past traffic assessments prepared on behalf of the Proponent, primary considerations are contained in the Traffic Impact Assessment Report: 21 Pratts Park Road, Strathdale (Trafficworks, 17 March 2023) (Document 33).

[5] Ibid, page 19 (section 4.2.3).

> Pratts Park Road to Northmoor Drive - a total of 18 additional vehicle movements during the peak hour.[6]

Council's submission agreed with these findings and submitted traffic was unlikely to use Northmoor Drive. It submitted:

> Due to the distance and additional time to travel from the new development through Northmoor Drive to go west, it is very unlikely that Northmoor Drive will be the preferred route for the residents of the new development.
>
> The residents of the new development will most likely avoid travelling through Northmoor Drive and enter and exit directly from Pratts Park Road.
>
> Similarly, traffic from the east (Junortoun area) will be unable to access the industrial area located in Matchett Drive by travelling through Northmoor Drive and North Harley Street.
>
> It can therefore be concluded that the extension of Northmoor Drive through to Pratts Road will have a negligible impact on Northmoor Drive because this extension will not attract any significant traffic from the new development or from other areas further east.[7]

Council submitted the proposed connection would likely increase traffic in the eastern end of Northmoor Drive primarily as residents from Northmoor Drive use the exit to the east. It said the likely flow-on effect of this increase in traffic would be additional through-traffic within the new development exiting onto Pratts Park Road. However it considered this impact minimal given the total number of dwellings is 39.

(iv) Discussion and conclusion

For about 20 years, residents of Northmoor Drive have enjoyed a no-through-road; it is understandable they would be concerned by change that interrupts that quiet enjoyment. Any increase in traffic in Northmoor Drive will be noticeable, but this does not mean the proposed connection of the road created by the subdivision to Northmoor Drive is not justified or not appropriate on planning grounds.

The Panel's inspection of Northmoor Drive supports the residents' description of the street as a quiet residential street where on-street parking narrows the trafficable pavement and demands drivers take care along the route. This characteristic will also encourage drivers unfamiliar with the winding alignment of the street to drive at a slower speed to ensure they can negotiate the road widths according to its curves, the view lines and on-street parking.

The Panel accepts Council has continuously supported the connection of Northmoor Drive into adjoining land to extend the road, evidenced by the creation of a road reserve parcel as shown in the 2001 subdivision of the land to the west.

The existing conditions mean the link can only be constructed between the residences at the end of Northmoor Drive. The residents there will be most impacted and will notice increased traffic but, according to the evidence, the expected number of vehicles is within the capacity of Northmoor Drive and the surrounding road network.

The Panel accepts that the traffic assessment relied on by the Proponent applies the usual and accepted methodology and standards in their analysis of existing and future conditions. The Panel accepts the data and predictions as providing an appropriate basis for forming opinions on possible or likely traffic impact.

[6] Document 33, page 17 (figures 11 and 12).
[7] Document 35.

The Panel accepts the predictions within the March 2023TIAR which found:

- the proposed development of 39 residential lots is anticipated to generate 33 vehicles per day during the morning and afternoon peak hours and 390 vehicles per day to and from the development
- it is unlikely that traffic from the permit land travelling north would travel through Northmoor Drive, as Strickland Avenue will provide a more convenient travel route for traffic travelling north towards the central business district
- the proposed development is anticipated to have minimal impact on Northmoor Drive as Pratts Park Road would provide more convenient access to the wider road network
- the anticipated traffic volumes (including Northmoor Drive) along the proposed internal roads within the permit land would be within the recommended traffic volume range for the type of road.

The Panel concludes:

- The connection of the road created by the subdivision to Northmoor Drive is justified and appropriate.
- Based on predicted vehicle movements, the impact from increased traffic will be noticeable but will not pose significant adverse impacts or introduce unreasonable amenity impacts for residents of Northmoor Drive and the proposed subdivision.
- The proposed connection is an appropriate outcome from an orderly planning perspective, and will ensure connectivity, increase walkability and remove the long court bowl at the end of Northmoor Drive resulting in a net community benefit.

3.2 Access arrangements to Pratts Park Road

(i) The issues

The issues are whether:

- the proposed access to the subdivision from Pratts Park Road is acceptable
- the works associated with the establishment of the proposed access point would create unintended consequences for access to Calibre Close.

(ii) Submissions

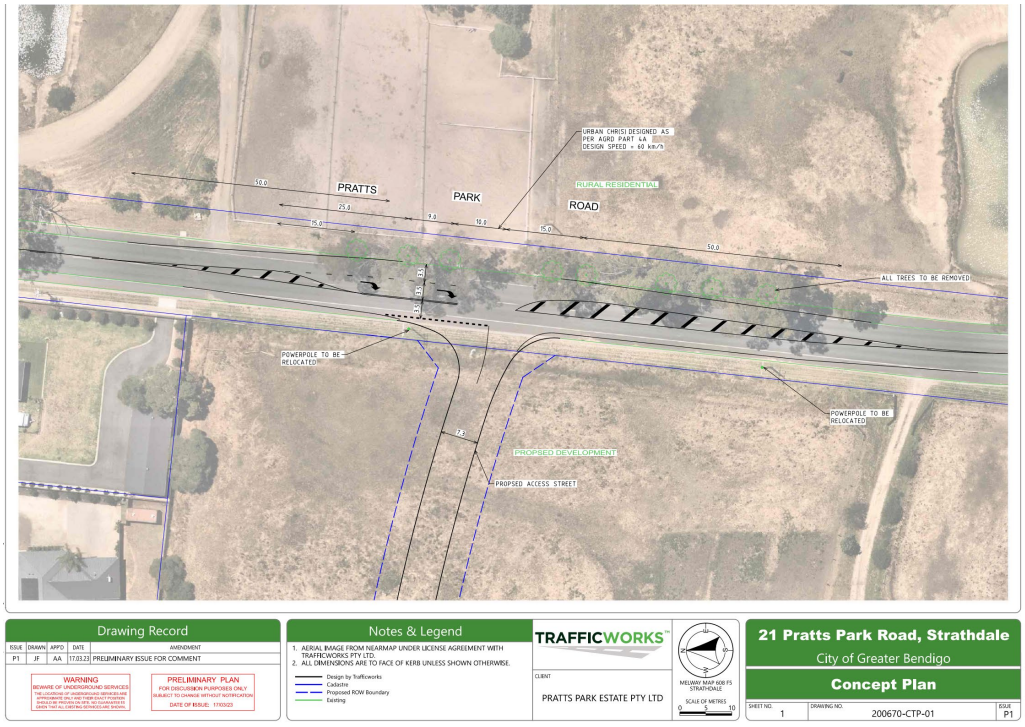
Submitter 4 was concerned the proposed design of the intersection of the subdivision road and Pratts Park Road would impact current access arrangements for Calibre Close, the closest road to the north of the permit land. Submitter 4 was concerned the proposed treatment would restrict turning opportunities into Calibre Close and may make them unlawful.

The design of the intersection of the subdivision road was proposed by the Proponent's traffic consultant and discussed with DoT which, when satisfied there would be limited impact on the operation of Pratts Park Road, supported the design.[8]

[8] Access to the proposed subdivision was originally proposed to be further south. DoT recommended (Document 44) the subdivision layout be revised and the access point shifted further north to limit its impact on the intersection of McIvor Highway/ Pratts Park Road.

The March 2023 TIAR proposed specific design treatments to Pratts Park Road, including a basic left turn treatment and a channelised short right turn treatment (Figure 6). The March 2023 TIAR proposed this could be achieved through line marking.

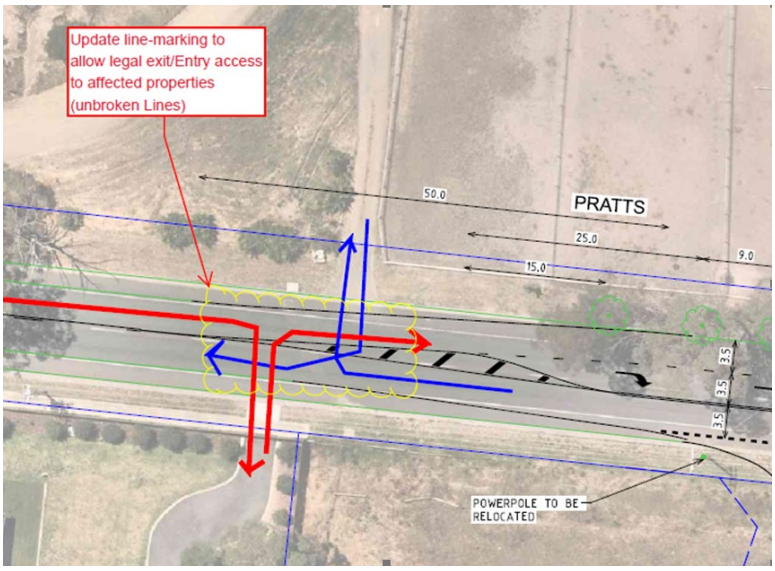
Figure 6 Concept Plan showing proposed line marking and access arrangements



In correspondence to the parties prior to the hearing,[9] Submitter 4 sought changes to the Proponent's Concept Plan to accommodate existing cross-over access and exit points to 1 Calibre Close, Strathdale and 30 Pratts Park Road, Junortoun (Figure 7).

[9] Document 34.

Figure 7 Submitter 4's proposed changes to Concept Plan



The Proponent circulated a response from the traffic consultant[10] which identified:

- the Concept Plan does not display line marking or signage required to complete the turn treatment installation and merely represents the type of turn treatment
- approval of the intersection design is a matter for the road authority (the Council)
- ingress and egress to the Calibre Close properties will not be restricted by the provision of the proposed turn lane arrangements.

Submitter 4 accepted this response but submitted the treatment (including a functional layout plan) should be specifically referenced in the planning permit if issued.

The Proponent supported the use of line marking noting this treatment could be accommodated within the existing carriageway width subject to the consent and satisfaction of Council as the relevant road authority.

Council considered the proposed treatment was appropriate.

(iii) Discussion and conclusion

The Panel supports the use of line marking to create basic right and left turns lane into the permit land from Pratts Park Road and accepts this would not affect access arrangements into Calibre Close.

The Panel agrees with the Proponent that the ultimate decision regarding line marking will be a matter for the Council as the relevant road authority to be determined through the design stage and that it is not appropriate to require any treatment intersection of the subdivision road and Pratts Park Road through this process.

The Panel concludes:

- The proposed access to and from the subdivision to Pratts Park Road is acceptable.

[10] Document 37.

- The design of the intersection of the subdivision road with Pratts Park Road should be determined by Council to ensure there is no disruption to access to Calibre Close properties.

3.3 Pratts Park Road and McIvor Road intersection

(i) The issue

The issue is whether the intersection of Pratts Park Road with the McIvor Highway requires improvements works because of increased traffic from the proposed subdivision.

(ii) Submissions

After the request for the Amendment was made in 2021, DoT carried out improvements to the intersection of Pratts Park Road with McIvor Highway that were considered necessary independent of any traffic considerations arising from the permit application. Those improvements included new turning lanes and line markings as well as general works to upgrade both roads.

DoT's submission to the Amendment and permit application requested further information from the Proponent about traffic impacts on the intersection including SIDRA analysis of possible impacts on the intersection.

The Proponent produced a Traffic Impact Assessment Report dated 6 December 2022 (December 2022 TIAR) providing the necessary SIDRA analysis. DoT subsequently provided its consent to the Amendment and permit application.

Council submitted the permit application, and in particular its connection with Northmoor Drive, will not significantly increase congestion at the Pratts Park Road and McIvor Road intersection. It submitted traffic will have the option of Strickland Road as an equally direct access route to the central business district.

The Proponent submitted the increase in traffic numbers generated by the permit application would be insignificant in their impact on the Pratts Park Road and the intersection with McIvor Highway. It submitted the expected maximum 2 per cent increase[11] is below the threshold which would ordinarily require contemplation of improvements to an existing intersection and an assessment of those volumes indicates the existing intersection will continue to perform satisfactorily.

(iii) Discussion and conclusion

The Panel considers this issue has been satisfactorily resolved by the parties and concludes there is no requirement for works on the intersection of Pratts Park Road and the McIvor Highway. The intersection would be able to accommodate the additional traffic which will result from the permit application.

The Panel concludes no improvements are required to the intersection of Pratts Park Road with the McIvor Highway.

[11] Document 33, page 19 (section 4.2.1).

4 Other matters

4.1 Other issues raised in submissions

(i) Stormwater management

Submitter 4 had concerns in relation to the capacity of the onsite detention basin design.

The Proponent submitted:

- consistent with Clause 56.07-4, the subdivision design has considered stormwater management, with overarching principles of not increasing discharges off-site, and maximising retention of stormwater
- while Clause 56.01-2 requires an application to show a proposed integrated water management system only in circumstances of subdivisions of 60 or more lots, the permit application was prepared including a Stormwater Management Plan to address relevant matters.

The Proponent prepare an updated Stormwater Management Plan.[12] It identified that an overland flow path reserve is likely to be required and include the provision of an illustration and concept plan as to how that may be implemented. The Proponent submitted that while "*this is contemplated by the proposed permit condition 13, the Proponent proposes minor changes to this condition to expressly refer to the updated Stormwater Management Plan*".[13]

Submitter 4 was ultimately comfortable with the updated Stormwater Management Plan but sought the inclusion of "*to the satisfaction and the approval of the responsible authority*" in the relevant permit condition. The Panel agrees this is appropriate and notes words to this effect have been included condition 14 of the Panel preferred version of the planning permit in Appendix D.

(ii) Native vegetation

Given all the proposed lots are less than 4,000sqm the native vegetation within those lots is deemed to be lost.

The Panel notes DELWP's (now the Department of Energy, Environment and Climate Action) support for the Amendment and non-objection to the permit application, and the Proponent has accepted its recommended conditions in respect of offset requirements.

There were some submissions which objected to the removal of vegetation from the end of Northmoor Drive to create the connection to the proposed subdivision road. This is not a relevant matter for the Panel as the vegetation impacted is on land which is not subject to this Amendment and permit application. Permission for any native vegetation removal in this area will be subject to a separate process.

[12] Document 36.
[13] Document 39.

(iii) Bushfire management

A Bushfire Management Statement[14] was prepared by the Proponent and concludes:

- the land affected by the BMO, whilst within a location that could be potentially impacted by bushfire, does not represent an unacceptable level of risk for the proposed subdivision and residential development given its location within the context of the existing urban area of Bendigo
- the separation between future dwellings and the surrounding bushfire threat is such that all future dwellings will not exceed a BAL12.5 rating under *AS3959-2018 Construction of buildings in bushfire prone areas*.

Condition 22 of the Panel preferred version of the planning permit in Appendix D requires the endorsement of the Bushfire Management Statement.

4.2 Other planning permit issues

(i) Restriction on title

Council proposed a new condition[15] which would have the effect of requiring dwellings on lots with frontages to Pratts Park Road to be designed to prevent reverse entry or exit vehicle movements. Council submitted this sought to address any potential road safety issues along this section of Pratts Park Road following the development of the site.

As drafted, the proposed condition would read:

> RESTRICTION ON TITLE
>
> The plan of subdivision must include a restriction (or suitable equivalent, such as a Section 173 Agreement) in accordance with the endorsed plans. The restriction must include the following wording:
>
> - Dwellings on lots 22, 23, 28, 30 and 32 must be designed in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road.

The Proponent submitted there was no statutory provision to require the condition, and there would be ample space in the front yard of each lot to enable cars to exit in a forward direction.

In discussion with the Panel, Council and the Proponent accepted that if the condition was applied, it could be clarified through the inclusion of the words "*and sited*" to clarify that dwellings must be designed *and sited* to allow vehicles to exit the permit land in a forward direction onto Pratts Park Road. Council submitted a plan to demonstrate how this could be achieved.[16]

The Panel accepts this condition is being sought by Council for safety reasons to create a safe manoeuvrer. The Panel accepts this is an important consideration and supports the proposed condition, amended to include the words "*and sited*" after the words "*Dwellings on lots 22, 23, 28, 30 and 32 must be designed*". This would allow the permit holder to design and configure its dwellings and lots with greater scope. In addition, the Panel considers the condition should be updated to remove the reference to specific lot numbers in case these change overtime.

The recommended wording of condition 6 is shown in the Panel's preferred version of the proposed planning permit in Appendix D.

[14] Document 32.
[15] In the course of service of its Part A submission on 16 March 2023 (Document 9).
[16] Document 45.

(ii) Pedestrian link from Northmoor Drive to Pratts Park Road

At the start of the hearing the Panel asked the Proponent why the pedestrian link connecting Northmoor Drive from Pratts Park Road had not been incorporated into the exhibited Concept Plan (noting it had been included in earlier versions).

The Proponent accepted this would be a beneficial outcome and proposed it could be incorporated into the proposed overland flow path reserve as contemplated in the updated Stormwater Management Plan.[17] All parties agreed this was an acceptable approach and the Panel agrees. The proposed route would provide an appropriate level of pedestrian connectivity from Northmoor Drive, through the proposed subdivision to Pratts Park Road.

An updated condition 1 to reflect this approach is shown in the Panel's preferred version of the proposed planning permit in Appendix D.

(iii) Permit preamble

The Panel considers the permit preamble should delete the reference to subdivision of the land "*into 39 lots*". This will ensure the preamble remains relevant in the event the lot numbers change, from for example, the addition of the drainage easement/overland flow path and pedestrian connection. This amendment is shown in the Panel's preferred version of the proposed planning permit in Appendix D.

[17] Document 36.

5 Resolution of the Amendment and permit

5.1 The issues

The key issues are:

- whether the rezoning is appropriate
- whether a planning permit should issue, and if so, the conditions that pertain to it.

5.2 The Amendment

The Panel has reviewed the General Residential Zone and notes no party raised issues with its application to the amendment land, nor its structure or format. The Panel agrees it is the appropriate zone for the land and will provide for the opportunity to deliver a new residential area that provides for greater housing offer.

The Panel considers it is appropriate the DOO4 is removed from the amendment land. The DPO4 applies only to land zoned LDRZ and will be redundant when the affected land is rezoned to GRZ.

5.3 The planning permit

(i) Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

> Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other matters to be taken into account include:

- submissions
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the *Planning and Environment Act 1987*, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

(ii) Discussion and conclusions

Mr Pole's evidence[18] provided a comprehensive summary of the relevant State and local planning policy permit triggers, application requirements and referral requirements for the permit application under the Greater Bendigo Planning Scheme. Council's Part A submission[19] provided a summary of referral authority comments and responses and a chronology of the permit application. This was also highlighted through the Proponent's opening submissions. The Panel was assisted by these submissions in its deliberations.

The key issues and impacts required to be considered in the decision guidelines have been discussed in this Report and in more detail in the Clause 56 assessment.

There was useful discussion about the permit conditions on a without prejudice basis at the end of the Hearing. In the main, all parties were generally comfortable with the conditions, except for some specific points of difference. These related to:

- a restriction on title in relation to future dwelling design
- the inclusion of a pedestrian link within the subdivision layout
- additional requirements in relation to stormwater management.

The Proponent provided updated conditions, which the Panel has adopted in Appendix D as a basis for its preferred and recommended version. The Proponent generally accepted all suggestions made by Council.

On balance, the Panel considers that the permit should be granted in accordance with the conditions in Appendix D. It is consistent with the policy intent of the Greater Bendigo Planning Scheme, and specifically the Framework Plan and Housing Strategy. It will develop a new area of land designated for residential growth in Strathdale and provide for increased housing opportunities.

The Panel concludes:

- The Amendment is strategically justified.
- A planning permit to use and develop the permit land is appropriate.

5.4 Recommendations

The Panel recommends:

1. **Adopt Greater Bendigo Planning Scheme Amendment C269gben as exhibited.**
2. **Issue Planning Permit DS/137/2021 for the multi-lot subdivision of 21 Pratts Park Road, Strathdale, the removal of native vegetation and the creation of a drainage reserve, consistent with the Panel's preferred version of the planning permit set out in Appendix D.**

[18] Document 31.
[19] Document 9.

Appendix A Submitters to the Amendment

No	Submitter
1	David Tyndall
2	Jayson Carroll
3	John Cassidy
4	Phil Nolan
5	Shane and Deborah Cowling
6	Anthony Gundry
7	Vicki Grainger
8	Michael Foley
9	John and Elaine Cullen
10	Denis and Jennifer McCarthy
11	Department of Transport
12	Pratts Park Estate Pty Ltd
13	Country Fire Authority
14	Department of Environment, Land Water and Planning
15	Group of 30 residents represented by Joan and Michael Foley

Appendix B Document list

No.	Date	Description	Provided by
1	23 Feb 23	Panel Directions and Timetable (Version 1)	Planning Panels Victoria (PPV)
2	27 Feb 23	Email from Submitter 4 - request for further information regarding traffic issues	Submitter 4
3	1 Mar 23	Email from PPV regarding traffic issues	PPV
4	"	Traffic Impact Statement, April 2021	
5	2 Mar 23	Panel Directions and Timetable (Version 2)	PPV
6	3 Mar 23	Email from PPV to Proponent regarding access to the subject site	PPV
7	3 Mar 23	Panel Directions (Version 2)	PPV
8	6 Mar 23	Panel Directions (Version 2) (corrected)	PPV
9	"	Council Part A Submission, including Appendices: a. Appendix 1: Amendment request and planning permit application b. Appendix 2: Exhibited Amendment c. Appendix 3: Authorisation d. Appendix 4: Subject Land e. Appendix 5: Greater Bendigo Residential Strategy 2014 f. Appendix 6: Greater Bendigo Housing Strategy, Amended, 2018 g. Appendix 7: Pre exhibition letter to owner of 15 Pratts Park Road h. Appendix 8: Topography of subject land i. Appendix 9: Historical photographs of subject land j. Appendix 10: Provision for the extension of Northmoor Drive k. Appendix 11: Council resolution to seek Minister's authorisation to prepare and exhibit the Amendment l. Appendix 12: Advertising Notice m. Appendix 13: Submissions n. Appendix14: Council resolution to request Panel o. Appendix 15: Post exhibition amendments to Amendment and Permit Application p. Appendix 16: Relevant Clauses of Planning Scheme q. Appendix 17: Bushfire Risk Assessment, Spiire, February 2021 r. Appendix 18: Preliminary site investigation report by Edwards Environmental, November 2021 s. Appendix 19: Officer assessment report of Permit	Greater Bendigo City Council (Council)

No.	Date	Description	Provided by
		Application t. Appendix 20: Traffic Impact Statement, 6 Dec 2022 u. Appendix 21: DoT Withdrawal v. Appendix 22: List of Background Documents w. Appendix 21: Map showing location of submitters x. Appendix 22: Traffic Impact Statement, 9 Dec 2022 y. Appendix 23: Email from Council Development Engineer	
10	"	Updated Noise Report, Audiometrics & Acoustic, Dec 2021	"
11	"	Cover letter, Permit Application Form, Certificate of Title for 21 Pratts Park Road	"
12	"	Proposed Subdivision Plan, Version 7, 13 Sept 2022	"
13	"	Arborist Report, Axion, June 2021	"
14	"	Country Fire Authority Preliminary comments, Nov 2021	"
15	"	Clause 56 (ResCode) Assessment, Spiire, Rev 2, 2021	"
16	"	Department of Environment Land, Water and Planning correspondence, Jan 2022	"
17	"	Department of Transport correspondence, Nov 2022	"
18	"	Ecological Assessment, Cumbre, Aug 2020	"
19	"	Enviro Offset Trading quote, Aug 2020	"
20	"	Environment Protection Authority correspondence, Nov 2021	"
21	"	Intersection treatment report, Terraco, Feb 2021	"
22	"	Photos of subject land and surround	"
23	"	Preliminary Environmental Assessment. Nov 2021	"
24	"	Servicing Report, Terraco, Feb 2021	"
25	"	Stormwater Management Report, Terraco, Feb 2021	"
26	"	Town Planning Report, Spiire, Feb 2021	"
27	"	Tree Impact Assessment Report, Spiire, Feb 2021	"
28	"	Vegetation Offset Trading quote, Aug 2020	"
29	"	Email from Submitter 4 – request for further information on traffic issues	Submitter 4
30	"	Email from Submitter 4 - request for further information on stormwater issues	Submitter 4
31	20 Mar 23	Expert Witness Report Stephen Pole	Proponent
32	"	Updated Bushfire Management Statement March 2023 prepared by Spiire	Proponent
33	"	Traffic Impact Statement, March 2023	Proponent

No.	Date	Description	Provided by
34	"	Email from Submitter 4 on Traffic Impact Statement, March 2023	Submitter 4
35		Council Part B submission including Appendices: a. Appendix 1: Submissions b. Appendix 2: Letter from Northmoor Drive developer c. Appendix 3: Certified subdivision plan for Northmoor Drive development d. Appendix 4: Clause 56 Assessment e. Appendix 5: Development Plan Overlay Schedule 4 f. Appendix 6: Version 5 Subdivision Layout g. Appendix 7: Town Planning Report h. Appendix 8: Ecological Assessment i. Appendix 9: Existing Road Network j. Appendix 10: Traffic Impact Assessment, 6 Dec 22 k. Appendix 11: Traffic Impact Assessment, 9 Dec 22 l. Appendix 12: Functional Layout plan m. Appendix 13: Council's preferred permit conditions	Council
36	22 Mar 23	Stormwater Management Plan, March 2023	Proponent
37	"	Traffic Response, 21 March 2023	"
38	"	Proponent's preferred permit conditions	"
39	"	Proponent's submission	"
40	"	Greater Bendigo Planning Scheme, Amendment C160, Planning Permit DS/594/2012 Panel Report	
41	"	CFA correspondence – position in relation to updated Bushfire Management Statement	"
42	24 Mar 23	Submission	Submitter 4
43	"	Submitter 4's preferred permit conditions	"
44	28 Mar 23	DoT letter, 29 November 2021	Proponent
45	28 Mar 23	Forward movement diagram	Council

Appendix C Planning context

C:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by providing *"for the fair, orderly, economic and sustainable use, and development of land"*.

Clause 2 (Municipal Planning Strategy)

The Amendment supports the Municipal Planning Strategy by:

- delivering additional residential lots within the UGB in an area identified within the Housing Strategy as appropriate for more intensive residential development (Clause 02.03-1 (Settlement))
- appropriately responding to bushfire risk and through the management of the interface between urban development and other nearby non-residential land uses (Clause 02.03-3 (Environmental risks and amenity))
- providing for a diversity of new housing through vacant residential land to be constructed with convenient access to the Strathdale Activity Centre and a number of community facilities such as Strathdale Park and Kennington Reserve (Clause 02.03-6 (Housing))
- providing land which is appropriately serviced with all urban infrastructure (Clause 02.03-9 (Development infrastructure))
- providing land which is located within the UGB and is appropriate for residential development as sought by the Framework Plan (Clause 02.04 (Strategic framework plans)).

Clause 11 (Settlement)

The Amendment supports Clause 11 by:

- supporting the development of sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities
- the rezoning and development of land within the UGB for more intensive residential purpose
- the amendment land is located close to the Strathdale Activity Centre which contains a range of commercial services and facilities
- ensuring the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Clause 12.01-2S (Native vegetation management)

The Amendment supports Clause 12.01-2S by appropriately off-setting (with offset already secured) the removal of any native vegetation so there is no net loss to biodiversity.

Clause 13 (Environment risks and amenity)

The Amendment supports Clause 13 because:

- the bushfire risks associated with the rezoning and future use of the land have been assessed and found to prioritise human life over other policy considerations
- the preliminary environmental site assessment contained found that the site is suitable for residential use
- the amenity of future residents of the development will only be adversely impacted by traffic noise from the adjoining Pratts Park Road and to address this there is a proposed permit condition to ensure dwellings adjacent Pratts Park Road are designed and constructed to a specific standard.

Clause 15 (Built environment and heritage)

The Amendment supports Clause 15 because:

- the subdivision layout plan is consistent with the relevant design objectives and standards of Clause 56 (Residential Subdivision) which set out the design objectives and standards for the subdivision of land
- the size and layout of the proposed lots are adequate to accommodate climate responsive housing design and environmentally sustainable development
- amendment will facilitate urban development within an area that is close to services, facilities and employment opportunities.

Clause 16 (Housing)

The Amendment supports Clause 16 because it will:

- enable a more intensive housing development on a site that is well located in relation to jobs, services and public transport
- provide more housing in a relatively well serviced area.

Clause 19 (Infrastructure)

The Amendment supports Clause 19 because the site has available connections to existing infrastructure networks and the proposed new lots will provide for the logical extension of these services.

C:2 Greater Bendigo Housing Strategy, Amended, 2018

The Housing Strategy is a Background Document at Clause 72.08 of the Planning Scheme and covers many issues that influence the achievement of good planning outcomes.

The future actions (as distinct from further strategic work) specifically nominate land west of Pratts Park Road, which includes the amendment land, for rezoning to the GRZ.

C:3 Zones

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

The amendment land is proposed to be rezoned to the GRZ. The purposes of the Zone are:

> To encourage development that respects the neighbourhood character of the area.
>
> To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
>
> To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

C:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction No 1 (Potentially Contaminated Land)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction No 19 (Preparation and content of Amendments that may significantly impact the environment, amenity and human health)
- *Planning Practice Note 46 (Strategic Assessment Guidelines*, August 2018
- Planning Practice Note 90 (Planning for housing, DELWP, December 2019)
- Planning Practice Note 91 (Using the residential zones, DELWP 2019).

That discussion is not repeated here.

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix D Panel preferred version of the planning permit

This version of the Planning Permit is tracked against the Proponent's final preferred version.[20]

Tracked Added

~~Tracked Deleted~~

PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No: DS/137/2021

Planning scheme: Greater Bendigo Planning Scheme

Responsible authority: Greater Bendigo City Council

ADDRESS OF THE LAND: 21 PRATTS PARK ROAD, STRATHDALE (LOT 2 PS 144758 & LOT 2 PS 144759)

The Permit allows: Subdivision of land ~~into 39 lots~~, removal of native vegetation and creation of a drainage reserve in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. AMENDED PLANS

   Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plan prepared by Terraco titled *21 Pratts Park Road Proposed Plan of Subdivision* version 7 dated 13 September 2022, but modified to show:

   (a) any alterations to the subdivision layout required to accord with the detailed drainage plans prepared and approved under condition ~~[~~14~~]~~ of this permit

   (b) a pedestrian and cyclist path which utilises the overland flow path as required by condition 14(f) of this permit.

2. NO LAYOUT ALTERATION

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

[20] Document 39

authority.

3. LANDSCAPE PLAN REQUIRED
Prior to the certification of the plan of subdivision, a landscape plan for the drainage reserve and street planting to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions.

4. COMPLETION OF LANDSCAPING

Prior to the issue of statement of compliance, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

5. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for two years after the responsible authority has completed the preliminary acceptance inspection, including that any dead, diseased or damaged plants are to be replaced.

6. RESTRICTION ON TITLE

The plan of subdivision must include a restriction (or suitable equivalent, such as a Section 173 Agreement) in accordance with the endorsed plans. The restriction must include the following wording:

- Dwellings ~~on Lots 22, 23, 28, 30 and 32~~ fronting Pratts Park Road must be designed and sited in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road.

7. PUBLIC OPEN SPACE CONTRIBUTION

The applicant or owner must pay to the City of Greater Bendigo an amount equivalent to 5% of land in the subdivision to be determined by a suitably qualified and licensed property valuer. This payment must be made before a statement of compliance is issued and may be varied under section 19 of the *Subdivision Act* 1988.

8. REFERRAL OF PLAN
The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred the relevant authority in accordance with Section 8 of the Act.

9. PROVISION OF SERVICES
The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

10. EASEMENTS

All existing and proposed easements and sites for existing and proposed utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act* 1988.

ENGINEERING CONDITIONS

11. CONSTRUCTION OF WORKS

Prior to the issue of a statement of compliance, road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual, Version 5.30 – March 2020 and plans and specifications approved by the responsible authority and must include:

(a) A fully sealed pavement with kerb and channel.
(b) Footpaths and/or shared pedestrian/bicycle paths on the side of the development along Pratts Park Road linking with the existing path at 15 Pratts Park Road.
(c) Underground drainage.
(d) Underground conduits for water, gas, electricity and telephone.
(e) Appropriate intersection and traffication measures.
(f) Appropriate street lighting and signage.
(g) High stability permanent survey mark.

12. NORTHMOOR DRIVE COURT BOWL

Prior to the issue of a statement of compliance, the Northmoor Drive court bowl is to be removed and reconstructed as a standard street profile and paved footpath is to be extended to the existing footpath.

13. CITY OF GREATER BENDIGO ASSETS

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

14. DETAILED DRAINAGE PLANS

Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved ~~by~~ to the satisfaction of the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

a) The direction of stormwater run-off.
b) A point of discharge for each lot.
c) Independent drainage for each lot.
d) Stormwater detention:

   Allowable discharge
   - Q20% = 140 litres per second
   - Q1% = 410 litres per second

e) Stormwater quality.
f) Drainage easements and reserves, including to provide for overland flow paths generally in accordance with the recommendations of the Stormwater Management Plan produced by Terraco and titled *21 Pratts Park Road Strathdale Stormwater Management Plan March 2023*.

15. PEDESTRIAN SIGHTLINES

The minimum sight line for pedestrian safety must be provided at the exit lane frontage to Pratts Park Road so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.

16. CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of works, the owner or applicant must submit a construction management plan for approval by the responsible authority. This plan must include, but not be limited to:
(a) A site specific plan showing proposed erosion and sedimentation control works.
(b) Techniques and intervention levels to prevent a dust nuisance.
(c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
(d) The protection measures taken to preserve any vegetation identified for retention.
(e) Techniques to prevent mud and dirt being transported from the site to adjacent streets and the protection measures taken to preserve any vegetation identified for retention.
(f) Staging of water quality works.
(g) During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the plan to the satisfaction of the responsible authority and the Environment Protection Agency.

17. CONSTRUCTION STANDARDS FOR DWELLINGS ALONG PRATTS PARK ROAD

Before the statement of compliance is issued under the *Subdivision Act* 1988, the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act*, 1987. The agreement must:
- Implement the findings and recommendations for the design and construction of dwellings along Pratts Park Road contained in the acoustic report dated 3 December 2021 (Report No. 21072.1) by Audiometric & Acoustic Services.
- Specifically, the following construction standards must be implemented:

External Walls

External walls must be standard brick veneer construction with an air cavity, 10 mm plasterboard lining and R1.5 insulation within the 90 mm studwork. Any lightweight sections must achieve Rw > 46 for bedrooms and Rw > 37 for other habitable rooms.

Roof/Ceiling Assemblies

Metal deck roofing with insulation of min R2.5 fibrous with internal lining of standard 10 mm plasterboard will be adequate to meet the requirements for all rooms except bedrooms.

Bedrooms are required to have either:

- Pitched steel roof (22.5 degrees nominal) of min 0.42 mm with minimum R3.0 fibrous batts within the cavity and Bradford Anticon 60 MD R1.3 insulation over battens and 1 x 13 mm Standard Gyprock Plasterboard.
- Pitched concrete tile roof (22.5 degrees nominal) with minimum R3.0 fibrous batts within the cavity and Bradford Thermoseal Roof Tile sarking over battens and 1 x 13 mm Standard Gyprock Plasterboard.

Eaves are to be sealed and treated to prevent / minimise noise break into the roof space.

Installers should ensure the fibrous insulation extends into any eaves.

External Doors

External doors to habitable rooms must be designed to provide an Rw > 32 or be of solid core construction with perimeter seals and a drop seal at the base of the door.

Ventilation

Evaporative coolers are not suited to noise exposed houses.

Split system air conditioners would be suited, if required.

Any Whirly Birds should not be situated over any of the bedrooms.

Glazing

Typical glazing may include the following orientations inclusive of aluminium frame however any glazing combination that achieves the minimum required Rw value will be suitable.

Room	Min Required Rw	Typical Glazing
Bedrooms	35	6.5 mm V-lam Hush - 8 mm argon - 4 mm Double Glazed
Other Habitable Rooms	32	6.38 mm Laminated or 6 mm - 12 mm - 6 mm Double Glazed.

REFERRAL AUTHORITY CONDITIONS

18. COLIBAN WATER

(a) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on

Coliban Water assets. Services are to be provided in accordance with our specifications.

(b) The applicant is to provide evidence to the satisfaction of Coliban Water that existing private water pipes and sanitary drains do not cross the boundaries between lots. Where modifications to pipes or drains are required in order to satisfy this requirement, all work is to be carried out in accordance with AS3500 National Plumbing and Drainage Code of Australia and the relevant requirements of Coliban Water. Works to modify Coliban Water assets may only commence with prior approval by Coliban Water.

(c) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by Registered Easement in favour of Coliban Region Water Corporation.

(d) All proposed sewers must be located at least 1 metre from an existing or proposed structure/boundary.

19. POWERCOR

(a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

(b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

(c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

(d) The applicant must, when required by Powercor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes:

Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

RESERVES established by the applicant in favour of Powercor.

SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

Powercor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

(e) The applicant must establish easements on the subdivision, for all existing Powercor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

20. AUSNET SERVICES (GAS)

(a) Easements in favour of SPI Networks (Gas) Pty Ltd must be created on the plan to the satisfaction of AusNet Services (Gas).

(b) The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with section 8 of the *Subdivision Act* 1988.

21. TELECOMMUNICATIONS

(a) The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

(b) Before the issue of a statement of compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

22. COUNTRY FIRE AUTHORITY

The bushfire management plan prepared by Spiire and dated ~~22 February 2021~~ 16 March 2023 must be endorsed as part of the permit,

23. BUSHFIRE MITIGATION MEASURES SECTION 173 AGREEMENT

Before the statement of compliance is issued under the *Subdivision Act* 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act,* 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Greater Bendigo Planning Scheme.

- Incorporate the plan prepared in accordance with Clause 53.02-4.4

of this planning scheme and approved under this permit.

- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

- The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

24. DEPARTMENT ~~OF ENVIRONMENT, LAND, WATER AND PLANNING~~ ENERGY, ENVIRONMENT AND CLIMATE ACTION

Notification of permit conditions

a) Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Native vegetation offsets

The total area of native vegetation permitted to be removed is 0.257 hectares, comprised of 1 large tree.

b) To offset the removal of 0.257 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
   - A general offset of 0.042 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district;
   - have a Strategic Biodiversity Value score of at least 0.080.
   - provide protection for at least 1 large tree.

must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

c) Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
   - a security agreement signed by both parties, and
   - a management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

   Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

   and/or

d) Credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

e) Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at loddonmallee.planning@delwp.vic.gov.au.

Access and encroachment

f) No access is permitted to the subject land via the Crown land.

g) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.

h) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Fencing

i) Prior to the issue of statement of compliance, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning in accordance with the Fences Act 1968 and at the applicant's expense. Fencing must be:

- erected on the boundaries of the land;
- at least 1.5 metres in height
- stock and domestic pet proof;
- without gates or openings on to adjoining Crown land.

25. EXPIRY OF THE PERMIT

The permit will expire if:

(a) The plan of subdivision is not certified within two years from the date of this permit; or

(b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The responsible authority may extend the time for certification of the plan if a request is made in writing before the permit expires or within six months afterwards.

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C269gben

PLANNING PERMIT APPLICATION DS/137/2021

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Pratts Park Estate P/L.

Land affected by the amendment

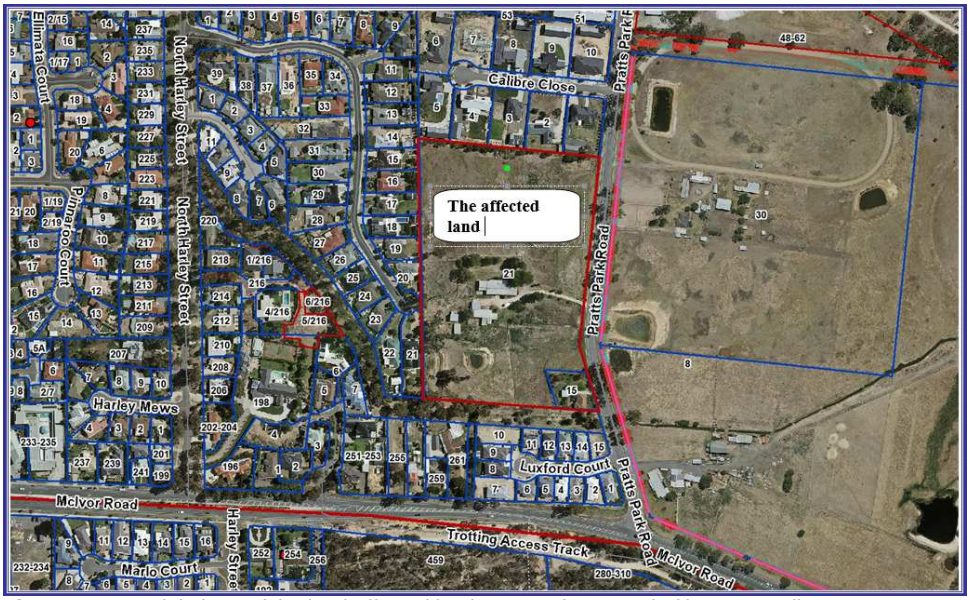


Figure 1: An aerial photo of the land affected by the Amendment and of its surrounding

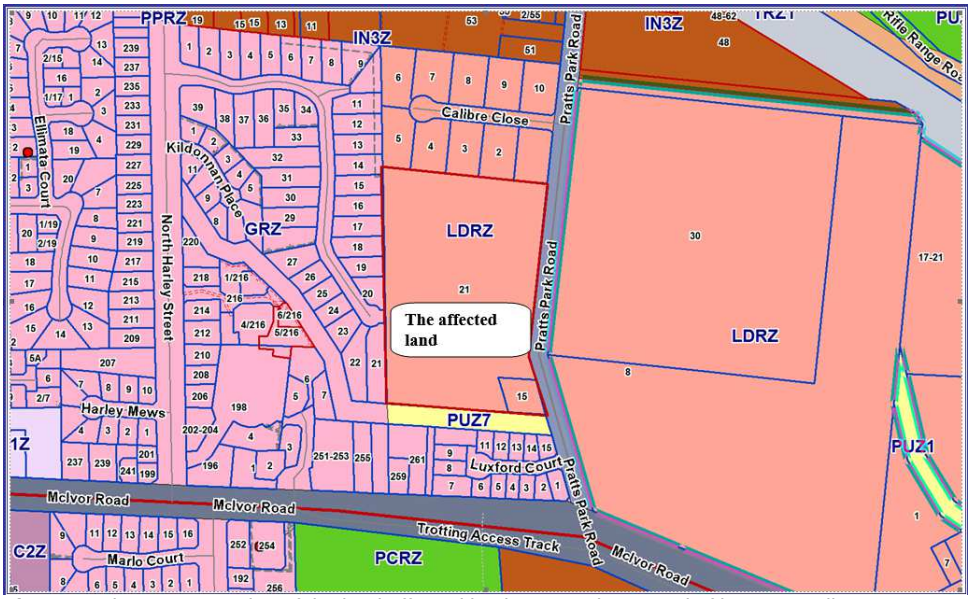


Figure 2: The current zoning of the land affected by the Amendment and of its surrounding

The land affected by the Amendment is 15 and 21 Pratts Park Road, Strathdale. The land at 15 Pratts Park Road is in two parcels and is also known as Lot 2 and Lot 3 on LP31446. The land at 21 Pratts Park Road is also known as Lot 2 on PS 144759 and Lot 2 on PS 144758. The combined total area of the affected land is approximately 4 hectares.

The planning permit application affects only the land at 21 Pratts Park Road. The land affected by the Amendment and the permit application is zoned Low Density Residential Zone (LDRZ) and is affected by the Development Plan Overlay Schedule 4 (DPO4) (Low Density Residential Zone - Density Management Areas). A small part of both 15 and 21 Pratts Park Road along their southern lot boundaries is affected by the Bushfire Management Overlay (BMO). The land at 15 and 21 Pratts Park Road each contain a single storey brick dwelling and a shed used for car storage. In addition to the dwelling, the land at 21 Pratts Park Road also contains other storage sheds, horse yards and extensive electric fencing for horses. All these structures, including the dwelling, at 21 Pratts Park Road are proposed to be demolished. There is no proposal to demolish the dwelling or the shed at 15 Pratts Park Road.

There are also two small dams located in the southern part of the land at 21 Pratts Park Road. Scattered vegetation exists throughout both 15 and 21 Pratts Park Road and consists of both native and exotic trees. There is no proposal to remove any of the vegetation at 15 Pratts Park Road. Native vegetation is proposed to be removed only at 21 Pratts Park Road.

The topography of the affect land is relatively flat with a slight fall from Pratts Park Road in the east to the western lot boundary of the land. Access to both 15 and 21 Pratts Road is currently from Pratts Park Road, which is in a Transport Zone 3 (TRZ3). Pratts Park Road is a sealed road that runs along the eastern lot boundary of 15 and 21. Pratts Park Road intersects with McIvor Road which is in Transport Zone 2 (TRZ2), approximately 100 metres to the south.

The subject site is located approximately 4.5 kilometres east of the Bendigo City Centre with easy access along McIvor Road. The land to the west of the affected land (see **Figure 1** and **Figure 2** above), is zoned General Residential Zone (GRZ) and is predominantly developed with single storey dwellings. The land directly to the north is zoned LDRZ and has been subdivided into lots of approximately 2,000 square metres, in accordance with the provisions of this zone. Further north approximately 130 metres from the affected land, the land is zoned Industrial 3 Zone (IN3Z) and is used and developed for light industrial purposes. The Bendigo Airport is located at approximately 1,500 metres further north.

Across Pratts Park Road to the east, the land is zoned LDRZ but remains in larger parcels with single dwellings and associated outbuildings on each lot. The land in this area is also affected either in part or in total, by the DPO4, the BMO the Design and Development Overlay Schedule 1 (DDO1) (Airfield Environs - Restricted Building Heights) and Schedule 17 (DDO17) (Bendigo Airport – Height Restrictions Area (Area B)) and the Airport Environs Overlay Schedule 2 (AEO2).

At approximately 600 metres to the north-east, is the Bendigo Rifle Range site. To the south between McIvor Road and the affected land, the land is developed for residential purposes.

What the amendment does

The amendment proposes to:

- Rezone the land at 15 and 21 Pratts Park Road, Strathdale from LDRZ to GRZ as shown on Planning Scheme Map No. 20.

- Amend the Development Plan Overlay Schedule 4 (DPO4 – Low Density Residential Zone - Density Management Areas) from 15 and 21 Pratts Park Road as shown on Planning Scheme Map No. 20DPO.

The planning permit application seeks approval for:

- The subdivision of the land at 21 Pratts Park Road, Strathdale into 39 lots ranging in size from 369 square metres to 1,596 square metres, removal of 0.257 hectares of native vegetation and creation of a drainage reserve.



Figure 3: The proposed subdivision layout plan

Strategic assessment of the amendment

Why is the amendment required?

This amendment, which proposes to rezone the land from LDRZ to GRZ with the removal of the DPO is required to enable increased residential development on the land. This is consistent with the 'Bendigo Urban Strategic Framework Plan' with the site being within the Urban Growth Boundary (UGB) and the surrounding pattern of development particularly to the west and south of the site. The

land also already has access to services, including reticulated sewer. For these reasons it is considered that the subdivision of the land under the current LDRZ planning controls, with a minimum of 2000m^2 lots, would represent an inefficient use of residential land.

The amendment is also required to address two of the key housing issues for Greater Bendigo specifically housing diversity and housing affordability as listed at Clause 02.03-6 (Housing) of the Greater Bendigo planning scheme.

The DPO4 is required to be deleted from the affected land. One of the purposes of the Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. The DPO4 (Low Density Residential Zone - Density Management Areas) applies only to land zoned LDRZ and will be redundant when the affected land is rezoned to GRZ.

The rezoning of this land is well supported by planning policy. It was identified in the '*Investigation of Low Density Residential and Farming Zone Land,*' which resulted in its inclusion in the *Greater Bendigo Housing Strategy* (Amended 2018), The Housing Strategy, which is a background document within the Greater Bendigo planning scheme, identifies the efficient use of land within the UGB as a key factor in realising council's development objective to achieve a compact urban form that limits urban sprawl. The strategy identifies the subject site as suitable for rezoning in the short term, subject to appropriate buffers to the Industrial 3 Zone (IN3Z) land to the north. It is noted that the IN3Z land, the purpose of which is specifically to provide for industry compatible with nearby community uses, is located approximately 127 metres from the northern boundary of the subject site and land in between is developed for low density residential use, providing an appropriate buffer.

The *Urban Development Program Report* (DELWP, 2021) has determined that there is between 16 and 19 years of zoned greenfield supply in Bendigo and that with land identified to be rezoned (including this land) there are between 26 and 30 years of total land supply. This supply is in excess of the State planning policy requirement to accommodate projected population growth over at least a 15-year period. Given the volume of land available across the municipality, this rezoning will not have a significant impact on the current supply of residential land for Greater Bendigo.

One of the strategic directions for housing as set out in the MPS is to facilitate a wide diversity of housing typologies to suit all household types, needs and incomes and make best use of land and environmental resources. Another strategic direction as set out in the MPS is to increase the residential population of Bendigo City Centre and its immediate surrounds to create a more dynamic area, maximise the use of existing infrastructure and provide different housing choices for people. Based on these two strategic directions, it is considered that the GRZ is the most appropriate residential zone for the affected land because it is located within the UGB where growth and housing diversity is anticipated.

The proposed GRZ zoning for the affected land will be consistent with the established pattern of development of the surrounding area. The residential densities proposed are similar to that of the adjoining GRZ land to the west and south of the affected land. Also, the MPS does not contain any strategic direction which states that the existing predominantly single storey dwellings in this area should be retained into the future but rather states that a wide variety of housing typologies to suit all household types should be facilitated. Given the flexibility in terms of location and building heights allowed, it is considered that the GRZ is the preferred residential zone to achieve the strategic direction that the MPS has set for the future development of the affected land.

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

The amendment implements the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Planning and Environment Act 1987 (the Act) as follows:

- *To provide for the fair, orderly, economic and sustainable use, and development of land;*

By providing for residential development at a higher density within a location identified as suitable for residential development, this amendment will provide for greater diversity of housing choice to meet community expectations and needs into the future.

The affected land is within close proximity to community facilities and allows efficient movement networks for vehicles and pedestrians.

The amendment is supported by the existing development pattern immediately to the west and south of the subject land. The site is located within an area that has been highlighted as having potential for further residential development due to its proximity to services and community facilities.

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

Social effects

The amendment proposes to rezone land within the Bendigo UGB. The site is located approximately 4.5 kilometres from the Bendigo City Centre. It is also within close proximity of several key facilities like the Strathdale Activity Centre (approximately 2.5 km to the south-west), La Trobe University Bendigo Campus, Bendigo South-East Secondary School (approximately 3 km to the south-west) and the Kennington Reservoir public open space (approximately 1.5km to the south-west). The amendment is expected to achieve a positive social outcome in that it will facilitate additional housing opportunities adjacent to an established residential neighbourhood and in addition, to the proximity to the site with the above facilities.

As previously stated, the GRZ is the most appropriate zone for this site principally because of its location, context and consistency with the City strategic directions for development in this area. As a result, it will have a positive social impact for Greater Bendigo in general because this zone provides for a more diverse form of housing. This area is predominantly developed with single storey dwellings and the City is currently not seeking to retain this as the preferred character for this area into the future, but instead supports 3 storey development, which is supported by the GRZ. Rezoning this site to GRZ will have a positive flow on effect on housing affordability in this area as it will be able to accommodate up to 3-storey dwellings as allowed in the GRZ. Similarly, the surrounding existing residential sites have the potential to be redeveloped with 3-storey dwellings.

The LDRZ land to the north was recently developed as large residential lots. The adjoining sites to the south and to the west of the land already contain higher residential development. The subdivision will be connected to Northmoor Drive to the west where an existing court bowl will be replaced with a road through to Pratts Park Road. There will only be one access point from Pratts Park Road to the new subdivision so to minimise traffic conflict along Pratts Park Road. In general, it is considered that the change to the streetscape in this section and side of Pratts Park Road has been incremental given the previous development on the adjoining land.

Vehicular movement/ road safety

The Department of Transport, in their initial submission, advised that the proposed rezoning will likely have an impact on the area specifically at the intersection of Pratts Park Road with McIvor Road.

Following this submission, to further mitigate any adverse traffic impacts, the proponent agreed to amend their subdivision layout plan so the only access to the subdivision to and from Pratts Park Road is located further to the north away from the intersection. It is also proposed to upgrade this section of Pratts Park Road to include the construction of a footpath on either side of its side. This application has also been referred internally to the City's Traffic Engineering Unit who have not raised any issues in relation to traffic.

Existing neighbouring land uses

The impact on the streetscape of an additional eight dwellings on the western side of Pratts Park Road will be mitigated because the abutting land to the south is already zoned and developed as GRZ and the land to the north was recently subdivided to the minimum lot size in the LDRZ and developed with single storey dwellings.

At approximately 600 metres to the north-east of the site is the Bendigo Rifle Range site. There is land zoned and already used for light industrial purposes at approximately 130 metres to the north of the site and the Bendigo Airport is also at about 1500 metres further north. The proponent has prepared and submitted a report titled *Acoustic Assessment of existing noise levels at 21 Pratts Park Road, Strathdale, from surrounding industry, aircrafts and nearby shooting ranges,* Audiometric and Acoustic Services, updated on 3 December 2021. The finding of this report is that the incidence of noise from aircrafts, gunshots and local industry is low and no additional building standards are necessary to mitigate noise.

The acoustic report also identifies that traffic noise from Pratts Park Road will have a higher impact on future residents and that noise attenuation treatment will be required for the dwellings adjacent to Pratts Park Road. To address this issue, there is a condition on the draft planning permit to ensure dwellings along Pratts Park Road are designed and constructed to the required standards to attenuate noise impacts as recommended in the acoustic report.

The condition on the planning permit requires that before the statement of compliance is issued under the *Subdivision Act* 1988 for the subdivision of the land, the owner must enter into an agreement with Council under Section 173 of the *Planning and Environment Act*, 1987. This agreement specifies and provides a list of the design and construction standards for future dwellings along Pratts Park Road as recommended in the acoustic report (Report No. 21072.1) by Audiometric & Acoustic Services dated 3 December 2021. The objective of this permit condition is to ensure that future residents in these dwellings are not adversely impacted by traffic noise from Pratts Park Road consistent with the provisions of Clause 13.07-1 (Amenity, Human Health and Safety).

Economic effects

Additional employment opportunities

The amendment will have positive economic effects by delivering employment opportunities during construction and providing additional residential land to cater for future residents. The land is within the Bendigo UGB and it is also connected to all basic services and its development for residential purposes will contribute to maximise the use of the existing services.

Impacts on any existing economic activity on the land.

The site is in a semi-rural setting consisting of mainly livestock (horses) and it does not appear that there is any real economic activity which is currently being carried out on the land. The rezoning will therefore have no adverse impact on any existing economic activity.

Environmental effects

Native vegetation removal

The most significant environmental impact of the amendment is the loss of the native vegetation. The existing native vegetation on the site consists of six scattered native trees namely one large Red Ironbark (trunk diameter at breast height being 78cm), one small Red Ironbark, one small Grey Box (trunk diameter at breast height <70cm) and three other small dead trees all assessed to be dead. It has also been assessed that much of the native vegetation is already lost or recently died with the impact from livestock grazing. Four remnant patches of native vegetation were also identified and assessed as part of this proposal.

The identification and assessment of the native vegetation proposed to be removed are contained in the report *Ecological Assessment 21 Pratts Park Road Strathdale 3550*, August 2020 by Cumbre and was submitted as part of the supporting documents for the amendment. The report also states that no threatened fauna species were recorded through the field work on the site as part of this assessment.

As part of the assessment, it was determined that because the proposed subdivision will result in lots smaller than 4,000 square metres, all native vegetation on site will be considered as lost and will need to be offset. It was also assessed that there are no feasible opportunities to avoid removal or minimise impacts without compromising the proposed development.

As part of their supporting documentation, the proponent has also provided evidence that they have secured the required offset from an accredited offset provider with the Department of Environment, Land, Water & Planning.

The ecological assessment of the site has also determined that from an ecological point of the view, the site is quite “depleted” and the property is very modified due to the current land use of grazing horses and it is concluded that the impact of native vegetation proposed to be removed will not have a major impact on the environment.

Cultural heritage

The site has not been mapped as being within an area of Aboriginal cultural heritage sensitivity. For this reason, a cultural heritage management plan has not been provided to support the amendment required for this proposal.

Bushfire hazards

The land is in a bushfire prone area and is partly affected by the Bushfire Management Overlay. A bushfire management statement titled *Bushfire Management Statement Residential Subdivision: 21 Pratts Park Road, Strathdale*, February 2021 by Spiire has been submitted to justify that the land can be safely used for residential purposes from a bushfire risk perspective. The report concludes that whilst the site is within a location that could potentially be impacted by bushfire, this does not represent an unacceptable level of risk for the subdivision and residential development given its location within the context of the existing urban area of Bendigo. The report further states that the separation between future dwellings and the surrounding bushfire hazards is such that all future dwellings will not exceed a BAL12.5 rating under AS3959-2018 *Construction of buildings in bushfire prone areas*. The Country Fire Authority has reviewed this report and did not object to its findings.

Soil contamination

In the report titled *Preliminary Environmental Site Assessment 21 Pratt Park Road, Strathdale Victoria*, Edwards Environmental, November 2021, the proponent has provided historic aerial images taken at different points in time dating 2019 back to 1956. These aerial images consistently show that the land was developed with a dwelling and associated shed including farm sheds and/or horse stables. Council has no records that the land has been used for any other purpose. The report also states that according to the 1956 aerial image, the site was being used for pastoral purposes. According to Planning Practice Note 30: *Potentially contaminated land*, July 2021, the use of land for agriculture and animal production has a medium potential for soil contamination. The conclusion of Edwards Environmental investigation is that the land is suitable for residential use and there is no need for any further environmental assessment

Servicing

The affected land is within an area where all services and utilities are located within proximity. Apart from the new drainage reserve for stormwater which is being proposed to the north-east of the site all other facilities and networks are existing.

The amendment will have no unacceptable environment, social or economic impacts. Any native vegetation loss will be offset off-site for best outcome with offsets already secured. There are no existing incompatible land uses in the immediate vicinity which will impact on the future residents. As the land is not being used for any significant economic activity, its rezoning and subdivision for higher residential purposes will have no adverse economic impact.

Does the amendment address relevant bushfire risk?

This combined planning permit application and amendment proposes to rezone the land from LDRZ to GRZ and the planning permit application is to subdivide the land into 39 lots, removal of native vegetation and creation of a drainage reserve. The proposal will intensify the existing use and development of the land specifically through its rezoning and subdivision.

A Bushfire Management Statement Report was prepared to demonstrate that the planning permit application and the amendment comply with the Victoria Planning Provisions for bushfire, particularly Clause 13.02-1S (Bushfire Planning) of the Greater Bendigo Planning Scheme.

Clause 13.02-1S (Bushfire planning) provides the policy basis on how bushfire risk should be addressed. Among other matters, this clause states that this policy must be applied to all planning and decision making under the *Planning and Environment Act* 1987 relating to land that is within a designated bushfire prone area, subject to a Bushfire Management Overlay or proposed to be used or developed in a way that may create a bushfire hazard.

For this reason, the planning permit application and amendment have been considered and assessed for bushfire risk because the affected land is partly in a designated bushfire prone area and partly affected by the Bushfire Management Overlay.

Landscape considerations

The Bushfire Management Statement states that the land is located within an area of potential high fire risk, where bushfire can impact the subject land from high risk locations more than 150 metres from several directions. It also states that there are large bodies of public bushland within a 10-20km radius of the site. The Greater Bendigo National Park extends from the south to the south-west and the Bendigo Regional Park and Wellsford State Forest is located to the north-east of the land. Other public vegetated land is located to the north-west and to the south-west but these are separated from the affected land by established urban development. Within 1 kilometre of the affected land, local conditions consist of existing urban development along most aspects from the affected land except to the south and to the north-east which are part of the abovementioned public bushland.

The areas of public bushland described above present the highest threat from bushfire because of their extent and potential to allow bushfire to spread and gain intensity under extreme conditions. However, it is acknowledged in the Bushfire Management Statement that generally, prevailing wind conditions during the high threat bushfire seasons consist of north-westerlies followed by a cool change and strong south-westerly winds. However, the existing urban development directly to the northwest and to south-west of the affected land would reduce the impact of any fire running directly to the land from these directions.

The possibility of moderate south-easterly and north-easterly winds which would direct fire/embers towards the land from the bushland to the north-northeast and south-east, is likely to be of a reduced intensity.

Alternative locations for development

Given the level of the bushfire risks and the location of the bushfire hazards, it has been assessed that an alternative location for the proposed development is not required. The land either adjoins existing urban development or is separated from existing bushfire hazards by a maintained road reserve which is Pratts Park Road.

An alternative location for development is not relevant in the context of this planning permit application and amendment.

Availability of safe areas

According to the City of Greater Bendigo Municipal Fire Management Plan (August 2019), a neighbourhood safer place is available at the Lords Raceway (centre of race track) in Junortoun. This place is located at 646 McIvor Highway, Junortoun at approximately 1.5 kilometres to the south-east of the land. Access from the land to the safer place is directly available via Pratts Park Road (Transport Zone 3) and the McIvor Road (Transport Zone 2).

Site based exposure

In the Bushfire Management Statement provided to support the planning permit application and amendment, it has been assessed that given the existing separation between future dwellings and the surrounding bushfire hazard, all future dwellings will not exceed a BAL12.5 rating under AS3959-2018, *Construction of buildings in bushfire prone areas.* This includes future dwellings to be constructed on lots which are currently partly affected by the Bushfire Management Overlay.

Risk change

The planning permit application and the amendment will not result in an increase of the risk from bushfire for existing and future residents, property, community infrastructure or the natural environment principally because of the location of the land within the landscape.

Mitigation measures

A Bushfire Management Plan has been prepared for the lots to be created by the proposed subdivision and which are located within the area affected by the Bushfire Management Overlay, as part of the Bushfire Management Statement (See the lots hatched in red at Figure 2 above). The Bushfire Management Plan contains mitigating measures for bushfire risks upon the use and

development of these lots. These mitigating measures relate to defendable space setback, access, provision of static water supply for firefighting and building construction standards. Both the Bushfire Management Statement and the Bushfire Management Plan form part of the draft planning permit conditions.

From the above, it is considered that the amendment meets the objective of Clause 13.02-1S (Bushfire planning) as bushfire risk has been adequately considered and measures can be implemented that will increase bushfire resilience of the residential area and protect human life.

Further, the amendment meets the objective of Clause 02.03-3 (Environmental risks and amenity) of the planning scheme and is consistent with the relevant strategic direction for natural environmental risks in terms of strengthening the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Given the urban context of the land and the findings of the Bushfire impacts assessment, it is considered the proposal meets this strategic direction.

The Country Fire Authority has also reviewed the Bushfire Management Statement including the Bushfire Management Plan and supports the permit application amendment in its current form. The Bushfire Management Statement including the bushfire mitigating measures (defendable space, building construction standards, water supply and access) contained in the Bushfire Management Plan, all form part of the draft permit conditions.

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

The proposed amendment complies with the relevant Ministerial Directions, being:

Ministerial Direction No 1 – Potentially Contaminated Land

A preliminary environmental site assessment was undertaken on the subject land by Edwards Environmental which determined that the land is not potentially contaminated and the land is suitable for the proposed use

These investigations found no evidence of historic mining or other activity that may have potentially contaminated the land. Soil analysis was carried out and found that one area with concentrations of arsenic consistent with natural background levels found within the Greater Bendigo area. The soil analysis found no evidence of contamination that would pose a risk to the environment or human health. As such the findings of this assessment is that the site is considered suitable for residential use and there is no need for any further environmental assessment.

Ministerial Direction No. 11 – Strategic Assessment of Amendments

The amendment has been drafted in accordance with the Strategic Assessment Guidelines, provided in this explanatory report and the relevant supporting documents submitted by the proponent which include a full assessment of the amendment against the obligatory strategic considerations specifically in regard to the Form and Content of Planning Schemes under section 7(5) of the Act.

Ministerial Direction No. 19

As required by this Ministerial Direction, advice has already been sought from the EPA on this combined planning permit application and amendment. This planning permit application and amendment has the potential to have an adverse impact on the amenity and health of future residents. Potentially contaminated soil within the site and noise from nearby land uses are the main matters that were referred to the EPA for comments and advice and relevant permit conditions have been included.

The amendment is also consistent with the Ministerial Direction under Section 7(5) of the Act in relation to the Form and content of Planning Schemes.

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

The amendment supports the objectives of planning in Victoria and implements the general principles and specific policies of the Planning Policy Framework. Specifically, the amendment implements the following clauses of the Planning Policy Framework:

Clause 11.01-1S (Settlement) has an objective to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The amendment is consistent with this objective because it will support the development of sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Clause 11.01-1L-01 (Settlement - Greater Bendigo) has an objective to manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to identified locations. The amendment is consistent with this objective because it is for the rezoning and development of land within the UGB for more intense residential purposes.

Clause 11.01-1L-02 (10-minute neighbourhoods - Greater Bendigo) has an objective to develop a network of attractive neighbourhoods that allow most people to access local facilities and services within 10-minute walking or cycling from their home. The amendment is consistent with this objective because it is located within a 10-minute walking or cycling distance from the Strathdale Activity Centre which contains a range of commercial services and facilities including a full line supermarket.

Clause 11.02-1S (Supply of urban land) has an objective to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. The amendment is consistent with this objective because it will ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Clause 11.03-2S (Growth areas) has an objective to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas. The proposal is consistent with this objective because it is located within the UGB and is not within a valued environmental area.

Clause 12.01-2S (Native vegetation management) has an objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The applicant has stated in their application that they wanted to avoid the removal of vegetation but that the retention of any vegetation on the site would compromise the proposed subdivision of the land because of the proposed lot sizes. All native vegetation to be removed will however be appropriately offset (with offset already secured) so there is no net loss to biodiversity. For this reason, it is considered that the proposal is consistent with the objective set by this clause.

Clause 13.02-1S (Bushfire planning) has an objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The amendment is consistent with this objective because the bushfire risks associated with the rezoning and future use of the land have been assessed and found to prioritise human life over other policy considerations.

Clause 13.04-1S (Contaminated or potentially contaminated land) has an objective to ensure that contaminated and potentially contaminated land is used and developed safely. The amendment is consistent with this objective because the preliminary environmental site assessment for the site found that it is suitable for residential use.

Clause 13.07-1S (Land use compatibility) has an objective to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The off-site impacts of all existing neighbouring land uses on the future residents of the site have been investigated and assessed. The findings of the investigations are that the amenity of future residents of the development will only be adversely impacted by traffic noise from the adjoining Pratts Park Road. To address this, there is a condition on the planning permit which requires that the landowner enters into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act*, 1987 to require that dwellings adjacent Pratts Park Road be designed and constructed to a certain standard to minimise noise impact from Pratts Park Road on the residents. The design and construction standards are specified in the permit condition.

Clause 15.01-3S (Subdivision design) has an objective to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The subdivision layout plan has been assessed to be, on balance, consistent with the relevant design objectives and standards of Clause 56 (Residential Subdivision) of the Planning Scheme which sets out the design objectives and standards for the subdivision of land.

Clause 15.02-1S (Energy and resource efficiency) has an objective to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. The amendment is consistent with this objective because the size and layout of the proposed lots are adequate to accommodate climate responsive housing design and environmentally sustainable development. The amendment will also facilitate urban development within an area that is close to services and facilities and will appropriately integrate land use and transport.

Clause 16.01-1S (Housing supply) has an objective to facilitate well-located, integrated and diverse housing that meets community needs. The amendment is consistent with this policy because it is for higher density housing development on a site that is well located in relation to jobs, services and public transport.

Clause 16.01-2S (Housing affordability) has an objective to deliver more affordable housing closer to jobs, transport and services. The amendment is consistent with this objective because of its minimal impact on residential land supply.

Clause 19.03-2S (Infrastructure Design and Provision) has an objective to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community. The amendment is consistent with this objective because the site has available connections to existing infrastructure networks and the proposed new lots will provide for the logical extension of these services.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Planning Strategy?

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

The amendment supports the Municipal Planning Strategy as follows:

Clause 02.03-1 (Settlement) sets out the strategic direction for settlement in the municipality. This amendment is consistent with the relevant strategic directions as it encourages development that supports population growth and will supply additional residential lots within the UGB for development which have been identified within the Greater Bendigo Residential Strategy as an appropriate site for residential development and supported by the Strategic framework plans contained at Clause 02.04 of the Greater Bendigo Planning Scheme. The amendment is also in keeping with the 10-minute neighbourhood principles being near the Strathdale Activity Centre and other community facilities.

Clause 02.03-3 (Environmental risks and amenity) sets out the key environmental risks for Greater Bendigo which include bushfire, soil degradation and land use compatibility. The bushfire risks associated with the proposed rezoning and development has been assessed as not to be at odds with this strategy or to any relevant objective contained in the PPF.

The amendment also appropriately manages the interface between urban development and other nearby non-residential land uses. This matter was investigated through the referral process. An acoustic assessment was commissioned to determine if any adverse amenity issues are likely to be experienced by future residents. The findings of the report concluded that future residents of the dwellings adjacent to Pratts Park Road would be adversely impacted by traffic noise from Pratts Park Road but that these adverse impacts can be mitigated by the appropriate design and construction standards of the future dwellings at this location. The Environment Protection Authority has also been consulted but did not raise any concerns about any other potential adverse impacts from nearby land uses.

Clause 02.03-6 (Housing) sets out the key housing issues for Greater Bendigo which include the location of residential development, housing diversity and housing affordability. The amendment is an opportunity to provide for new housing by providing vacant residential land for a diversity of dwellings and housing choices to be constructed with convenient access to the Strathdale Activity Centre and a number of community facilities such as Strathdale Park and Kennington Reserve.

Overall, the amendment will contribute to an increased housing supply in an appropriate location. The proposed amendment is supported within the overarching policy direction of Greater Bendigo to create a 'Compact Greater Bendigo' through the provision of suitably designed and located residential development within the UGB.

Clause 02.03-9 (Development infrastructure) sets out the strategic directions for development infrastructure in Greater Bendigo which include the provision of timely, efficient and cost-effective development infrastructure that meets the needs of the community and the incorporation of water sensitive urban design into residential and commercial development. The site can be appropriately serviced with all urban infrastructure as required under this clause. Water sensitive urban design (WSUD) measures have also been incorporated into the proposed subdivision layout and a servicing strategy has been devised that directs all stormwater run-off from the site to the legal point of discharge in Pratts Park Road or within the drainage reserve at the north-eastern corner of the development site.

Clause 02.04 (Strategic framework plans) provides for the strategic framework plans for the various major land uses in Greater Bendigo. The amendment is supported by the Urban Strategic Framework Plan as the land is located within the UGB and is appropriate for residential development as discussed above.

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

The application of the GRZ to the affected land is considered to be an appropriate use of the Victoria Planning Provisions.

Applying the GRZ to the affected land will lead to more efficient use of residential land and help to meet the future housing demands of Greater Bendigo. The selection of the GRZ has been made consistent with the provisions of Planning Practice Note 90- *Planning for housing*, December 2019 (PPN90), Planning Practice Note 91 – *Using the residential zones,* December 2019 (PPN91), the *Loddon Mallee South Regional Growth Plan*, 2014 and the *Greater Bendigo Housing Strategy* (Amended 2018). The *Greater Bendigo Housing Strategy* (Amended 2018) is a background document in the Greater Bendigo Planning Scheme.

PPN90 provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes, by considering housing, neighbourhood character and other strategic work undertaken. Whilst the *Greater Bendigo Housing Strategy* (Amended 2018) was adopted prior to PPN90, it identifies this land as suitable for rezoning for more intensive development in the short term. Similarly, since the adoption of the *Greater Bendigo Housing Strategy* (Amended 2018) until now, no strategic works have been completed which identifies the affected land to have specific neighbourhood, heritage, environmental or landscape character values that distinguish the affected land from other parts of the municipality or surrounding area.

The *Loddon Mallee South Regional Growth Plan*, 2014 (the LMSRGP) among other matters, sets out the future land use directions for the municipality of Greater Bendigo. The LMSRGP is a policy document at Clause 11.01-1S (Settlement) of the PPF. According to the LMSRGP future land use directions for Bendigo, this land is in a residential area within the UGB, where infill opportunities are to be identified to provide for medium and higher density housing in appropriate locations.

The *Greater Bendigo Housing Strategy* (Amended 2018) is consistent with the LMSRGP. One of its three key strategic objectives is the provision of greater diversity in housing with a focus on smaller lots with a component of affordable housing and one of the key strategic directions is that future housing will be directed to land within the UGB and small towns in the short to medium term.

As this land is within the UGB, the City has investigated it for potential rezoning as part of its "*Investigation of Low Density Residential and Farming Zone Land*" which resulted in the inclusion of the land in the *Greater Bendigo Housing Strategy* (Amended 2018). In this Strategy, this land was identified as suitable for rezoning to GRZ in the short term. Included in the justification for the rezoning of this land to GRZ is that the affected land is well located, being approximately 1.5km from Kennington Primary School and 2.5km from the Strathdale Activity Centre. Despite the coming into effect of PPN90 and PPN91 in 2019, the strategic direction set out for the affected land, and the surrounding area, in the *Greater Bendigo Housing Strategy* (Amended 2018) remains valid and current including its proposed rezoning to GRZ. This is because the new MPS that took effect in March 2022 following the gazettal of Greater Bendigo Planning Scheme Amendment C256gben,

which among other matters, inserts and updates a new housing policy specifically Clause 02.03-6 (Housing) in the Greater Bendigo planning scheme. The strategic directions set out for housing in this clause as discussed elsewhere in this report, supports and reinforces the rationales to rezone the affected land to GRZ.

The proposed rezoning of the affected land to GRZ is consistent with PPN90 which requires that to respond to state and regional planning policies, a planning authority need to undertake some form of strategic planning. In this case the City has met this obligation by undertaking the *Greater Bendigo Housing Strategy* (Amended 2018) and adopting it to inform the future directions of land use in this area among other areas within the municipality.

PPN91 states that the right residential zone will reflect the true development capacity of the land. It also places emphasis on the importance of having strategic justification for implementing the new zones. This land has the capacity to support higher residential development being located adjacent to a Transport Zone 3 (Pratts Park Road) which provides direct linkage to the City Centre via McIvor Road. The land is also flat and is not in an environmentally sensitive area which means that its development will have minimal effect on the natural environment in terms of earthworks or removal of vegetation of high biodiversity value.

Although. PPN90 and PPN91 came into effect after Council's adoption of *Greater Bendigo Housing Strategy* (Amended 2018), the City still supports the application of the GRZ to the affected land although it allows for dwellings up to 3 storeys high. It is also understood that neither PPN90 nor PPN91 provides for a minimum number of storeys for dwellings or building heights for the GRZ. Moreover, Council currently has no adopted strategic directions for a change to the existing built form in this area.

Apart of the locational advantage and natural attributes of the land, the maximisation of the use and development of this land for residential purposes is supported by policy. At clause 02.03-1 (Settlement), one of the strategic directions for settlement is to contain most of Greater Bendigo's growth within the UGB. Whilst the population of Greater Bendigo is projected to increase by over 2,000 per year over the next 20 years which would require an additional 1,000 new dwellings per year to accommodate this growth, it is considered good planning practice to allow for higher residential development in suitable areas so the City can accommodate this growth. Under the VPP, the GRZ is the best tool to achieve this because of its flexibility in terms of building typologies.

Further, at clause 02.03-6 (Housing), one of the strategic directions for housing in Bendigo is to increase the residential population of Bendigo City Centre and its immediate surrounds to create a more dynamic area, maximise the use of existing infrastructure and provide different housing choices for people. The application of the GRZ to this land supports this strategic direction because it will allow for its incremental and substantial development for residential purposes in an area where all basic infrastructure already exist including good road access and services.

The application of the GRZ is supported by existing strategic directions contained within the MPS. The land does not have any environmental constraints which may inhibit its further development for residential purposes. It has a locational advantage as it has access to all basic infrastructure, has easy access to the City Centre and other activity centres and is therefore an appropriate site toward which the future growth of the City should be directed. To achieve this outcome, the GRZ would be the preferred zone for this land.

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

The amendment has considered the views of the Department of Transport and the Department of Environment, Land, Water and Planning (Biodiversity). The Department of Environment, Land, Water and Planning does not object to the amendment or to the removal of native vegetation subject to conditions being included in the draft planning permit to address native vegetation offset requirements.

The Department of Transport initially raised concerns in their response about the proposed rezoning because of its potential adverse impact on the intersection of Pratts Park Road and McIvor Road and submitted that a minor change be made to the proposed subdivision layout plan. The change requested by the Department of Transport is that the proposed access to the subdivision from Pratts Park Road should be located further north next to the proposed stormwater drainage reserve (See **Figure 2** above). The change has been made to the subdivision layout plan to address the concerns

and following additional information on the amendment, the Department of Transport initially provided in principle support for the proposed rezoning and permit application.

When the Amendment and planning permit application was referred to the Department of Transport for exhibition, the Department has requested that a Traffic Impact Assessment report which assesses the traffic impact of the development at the intersection of Pratts Park Road and McIvor Road failing which they will object to the Amendment and permit application. The proponent is currently updating the Traffic Impact Assessment Report to address the Department of Transport submission.

Consistent with the requirements of Ministerial Direction 19, the EPA has been consulted. In its response, the EPA did not object to the planning permit application and amendment but submits that Council should satisfy itself that consideration has been given to the need that potential soil contamination and noise impacts has been assessed according to the policy under the *Environment Protection Act,* 2017. An updated soil contaminated report was subsequently submitted which confirmed that the affected land is safe for use for human habitation. The acoustic report however recommends that the future dwellings to be constructed along Pratts Park Road should be designed and constructed to specific standards to protect the amenity of their residents against noise from traffic along Pratts Park Road. These required designed standards have been considered and form part of the draft planning permit conditions.

As outlined above, the Country Fire Authority has also reviewed the Bushfire Management Statement including the Bushfire Management Plan and supports the permit application amendment in its current form.

All relevant agencies have been consulted on the combined amendment/permit as part of the exhibition process.

As part of this process, the City Parks and Open Space Unit has requested that Condition 3 on the exhibited draft permit be deleted because a Landscape Masterplan is not required for a subdivision of this size. They have however suggested that Condition 2 on the exhibited permit be amended to include provision for street planting.

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

The proposed amendment is not considered to be of significant consequence to the transport system or the requirements of the *Transport Integration Act* 2010. The provision of new residential development into an existing urban area with access to the existing public transport and arterial road access supports the principles of the Act.

Resource and administrative costs

The proposal involves a combined amendment/permit for residential rezoning, removal of the DPO4 and subdivision to create 39 residential lots with removal of native vegetation and the creation of a drainage reserve. The proposed rezoning will not result in an increased number of planning permit applications being submitted to responsible authority, as the subdivision is contained within this application. Future residential development on the resulting lots will likely be achieved without the need for further planning approval.

Given the above, it is not considered that the amendment will result in any significant ongoing resource implications for Council.

Panel hearing dates

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

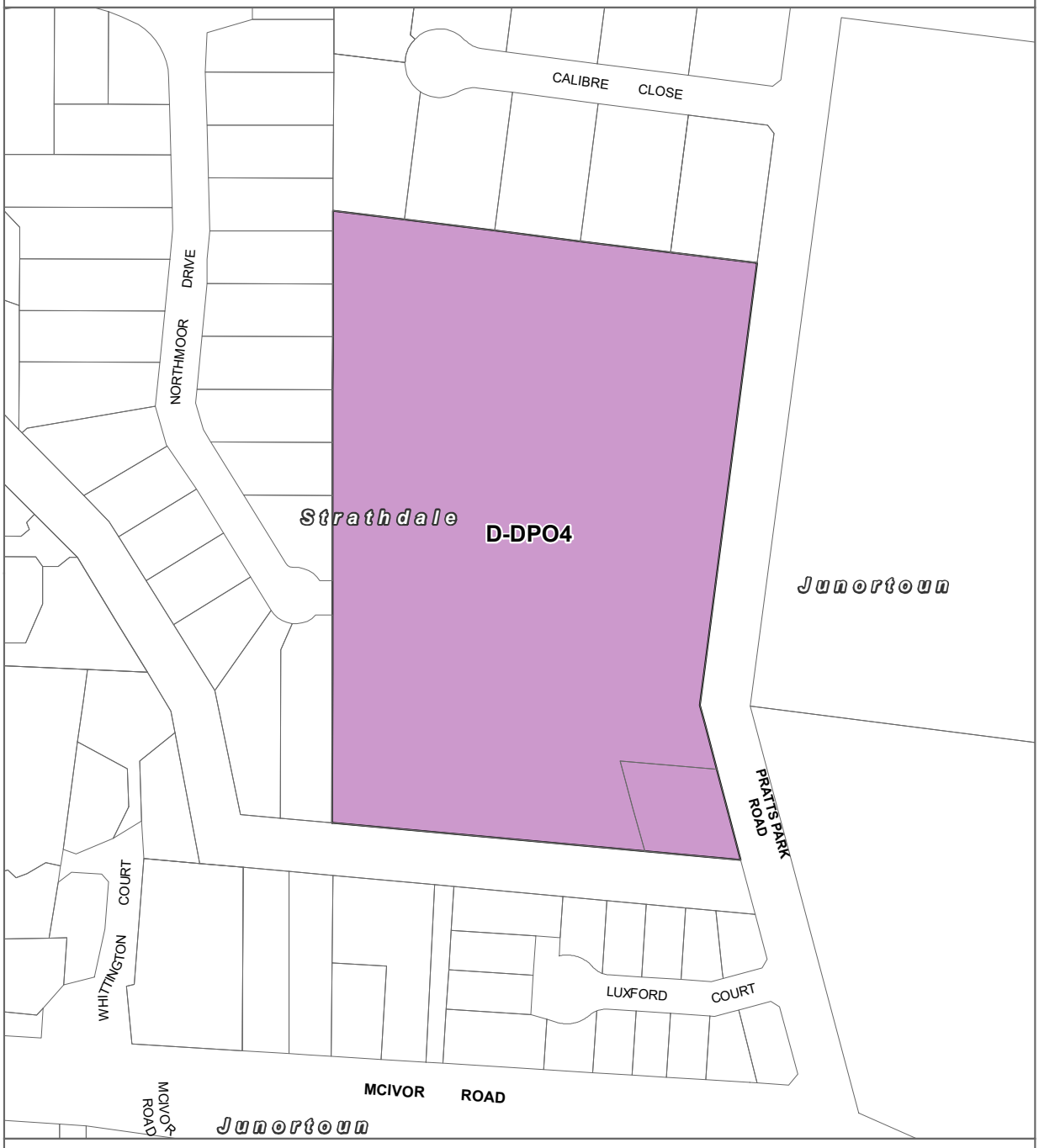
- directions hearing: Week starting Monday February 20, 2023
- panel hearing: Tuesday March 28, 2023

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Strathdale	15 & 21 Pratts Park Road	Greater Bendigo C269gben 002znMap20 Exhibition Greater Bendigo C269gben 001d-dpoMap20 Exhibition

GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

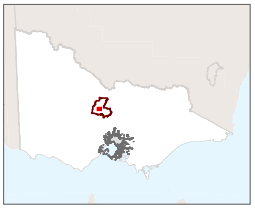
AMENDMENT C269gben



LEGEND

D-DPO - Area to be deleted from a Development Plan Overlay

Local Government Area



Part of Planning Scheme Map 20DPO

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Amendment Version: 2

NORTH

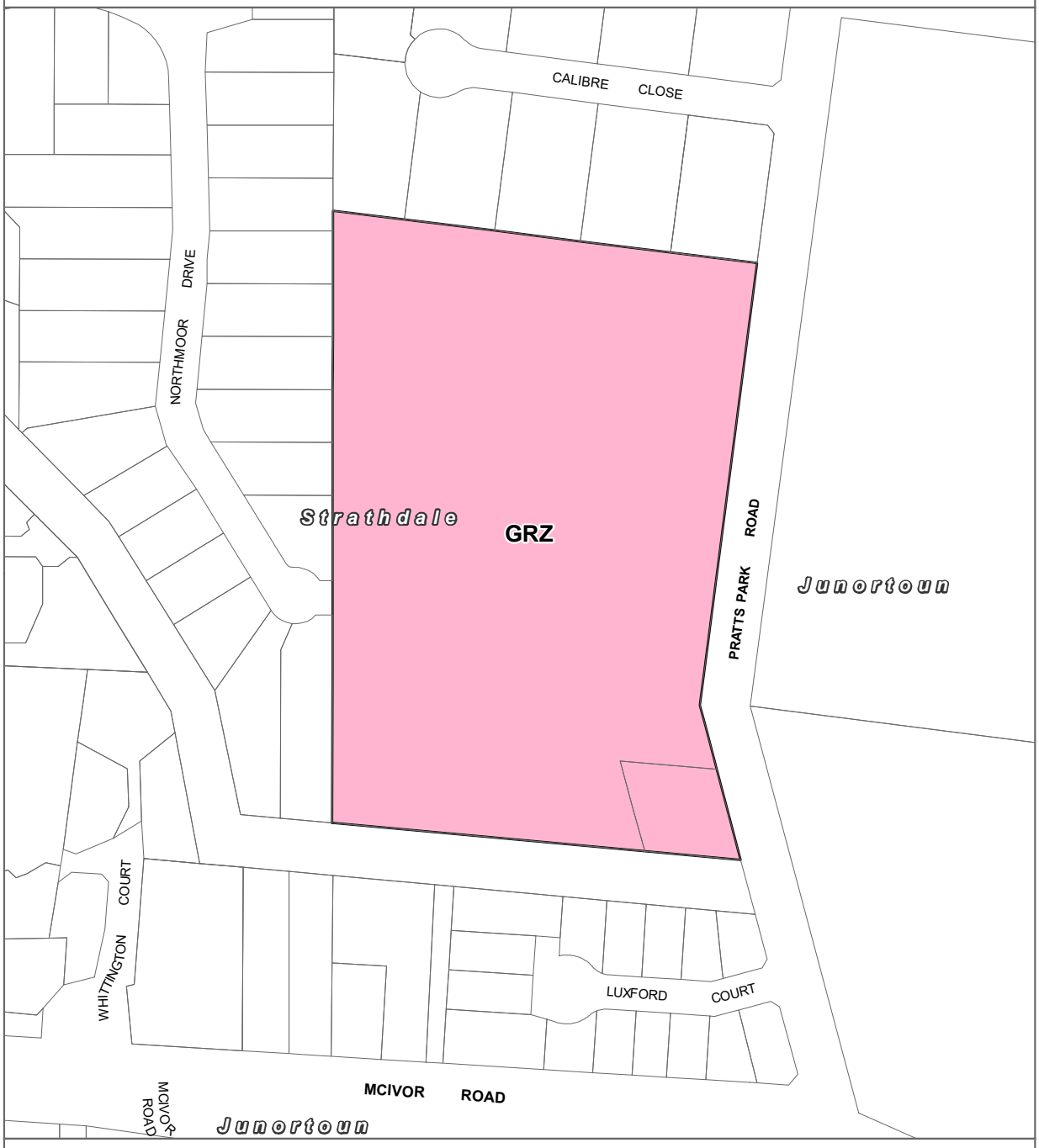
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GREATER BENDIGO PLANNING SCHEME - LOCAL PROVISION

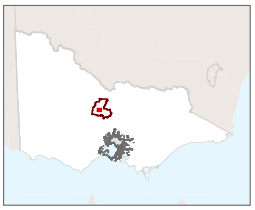
AMENDMENT C269gben



LEGEND

GRZ - General Residential Zone

Local Government Area



Part of Planning Scheme Map 20

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Amendment Version: 2

NORTH

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Metres

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002

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C269gben

INSTRUCTION SHEET

The planning authority for this amendment is the Greater Bendigo City Council

The Greater Bendigo Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 20 in the manner shown on the 1 attached map marked "Greater Bendigo Planning Scheme, Amendment C269gben".

Overlay Maps

2. Amend Planning Scheme Map No. 20DPO in the manner shown on the 1 attached map marked "Greater Bendigo Planning Scheme, Amendment C269gben".

End of document

PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.: DS/137/2021

Planning scheme: Greater Bendigo Planning Scheme

Responsible authority: Greater Bendigo City Council

ADDRESS OF THE LAND: 21 PRATTS PARK ROAD, STRATHDALE (LOT 2 PS 144758 & LOT 2 PS 144759)

The Permit allows: Subdivision of land into 39 lots, removal of native vegetation and creation of a drainage reserve in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. AMENDED PLANS
Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plan prepared by Terraco titled *21 Pratts Park Road Proposed Plan of Subdivision* version 7 dated 13 September 2022, but modified to show:
   (a) any alterations to the subdivision layout required to accord with the detailed drainage plans prepared and approved under condition 14 of this permit.

   (b) a pedestrian and cyclist path which utilises the overland flow path as required by condition 14(f) of this permit.

2. NO LAYOUT ALTERATION
The subdivision permitted by this permit as shown on the endorsed plans and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

3. LANDSCAPE PLAN REQUIRED
Prior to the certification of the plan of subdivision, a landscape plan for the drainage reserve and street planting to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions.

4. COMPLETION OF LANDSCAPING
Prior to the issue of statement of compliance, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

5. LANDSCAPING MAINTENANCE
The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for two years after the responsible authority has completed the preliminary acceptance inspection, including that any dead, diseased or damaged plants are to be replaced.

6. RESTRICTION ON TITLE
The plan of subdivision must include a restriction (or suitable equivalent, such as a Section 173 Agreement) in accordance with the endorsed plans. The restriction must include the following wording:

- Dwellings fronting Pratts Park Road must be designed and sited in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road.

7. PUBLIC OPEN SPACE CONTRIBUTION
The applicant or owner must pay to the City of Greater Bendigo an amount equivalent to 5% of land in the subdivision to be determined by a suitably qualified and licensed property valuer. This payment must be made before a statement of compliance is issued and may be varied under section 19 of the *Subdivision Act* 1988.

8. REFERRAL OF PLAN
The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred the relevant authority in accordance with Section 8 of the Act.

9. PROVISION OF SERVICES
The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

10. EASEMENTS
All existing and proposed easements and sites for existing and proposed utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act* 1988.

ENGINEERING CONDITIONS

11. CONSTRUCTION OF WORKS
Prior to the issue of a statement of compliance, road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual, Version 5.30 – March 2020 and plans and specifications approved by the responsible authority and must include:-

(a) A fully sealed pavement with kerb and channel.
(b) Footpaths and/or shared pedestrian/bicycle paths on the side of the development along Pratts Park Road linking with the existing path at 15 Pratts Park Road.
(c) Underground drainage.
(d) Underground conduits for water, gas, electricity and telephone.
(e) Appropriate intersection and traffication measures.
(f) Appropriate street lighting and signage.
(g) High stability permanent survey mark.

12. NORTHMOOR DRIVE COURT BOWL
Prior to the issue of a statement of compliance, the Northmoor Drive court bowl is to be removed and reconstructed as a standard street profile and paved footpath is to be extended to the existing footpath.

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

14. DETAILED DRAINAGE PLANS
Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved to the satisfaction of the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

a) The direction of stormwater run-off.
b) A point of discharge for each lot.
c) Independent drainage for each lot.
d) Stormwater detention:

Allowable discharge
- Q20% = 140 litres per second
- Q1% = 410 litres per second

e) Stormwater quality.
f) Drainage easements and reserves, including to provide for overland flow paths generally in accordance with the recommendations of the Stormwater Management Plan produced by Terraco and titled *21 Pratts Park Road Strathdale Stormwater Management Plan March 2023*.

15. PEDESTRIAN SIGHTLINES
The minimum sight line for pedestrian safety must be provided at the exit lane frontage to Pratts Park Road so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.

16. CONSTRUCTION MANAGEMENT PLAN
Prior to commencement of works, the owner or applicant must submit a construction management plan for approval by the responsible authority. This plan must include, but not be limited to:
(a) A site specific plan showing proposed erosion and sedimentation control works.
(b) Techniques and intervention levels to prevent a dust nuisance.
(c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
(d) The protection measures taken to preserve any vegetation identified for retention.

(e) Techniques to prevent mud and dirt being transported from the site to adjacent streets and the protection measures taken to preserve any vegetation identified for retention.
(f) Staging of water quality works.
g) During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the plan to the satisfaction of the responsible authority and the Environment Protection Agency.

17. CONSTRUCTION STANDARDS FOR DWELLINGS ALONG PRATTS PARK ROAD

Before the statement of compliance is issued under the *Subdivision Act* 1988, the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act*, 1987. The agreement must:

- Implement the findings and recommendations for the design and construction of dwellings along Pratts Park Road contained in the acoustic report dated 3 December 2021 (Report No. 21072.1) by Audiometric & Acoustic Services.

- Specifically, the following construction standards must be implemented:

<u>External Walls</u>

External walls must be standard brick veneer construction with an air cavity, 10 mm plasterboard lining and R1.5 insulation within the 90 mm studwork. Any lightweight sections must achieve Rw > 46 for bedrooms and Rw > 37 for other habitable rooms.

<u>Roof/Ceiling Assemblies</u>

Metal deck roofing with insulation of min R2.5 fibrous with internal lining of standard 10 mm plasterboard will be adequate to meet the requirements for all rooms except bedrooms.
Bedrooms are required to have either:

- Pitched steel roof (22.5 degrees nominal) of min 0.42 mm with minimum R3.0 fibrous batts within the cavity and Bradford Anticon 60 MD R1.3 insulation over battens and 1 x 13 mm Standard Gyprock Plasterboard.
- Pitched concrete tile roof (22.5 degrees nominal) with minimum R3.0 fibrous batts within the cavity and Bradford Thermoseal Roof Tile sarking over battens and 1 x 13 mm Standard Gyprock Plasterboard.

Eaves are to be sealed and treated to prevent / minimise noise break into the roof space.
Installers should ensure the fibrous insulation extends into any eaves.

<u>External Doors</u>

External doors to habitable rooms must be designed to provide an Rw > 32 or be of solid core construction with perimeter seals and a drop seal at the base of the door.

<u>Ventilation</u>

Evaporative coolers are not suited to noise exposed houses.
Split system air conditioners would be suited, if required.
Any Whirly Birds should not be situated over any of the bedrooms.

Glazing

Typical glazing may include the following orientations inclusive of aluminium frame however any glazing combination that achieves the minimum required Rw value will be suitable.

Room	Min Required Rw	Typpical Glazing
Bedrooms	35	6.5 mm V-lam Hush - 8 mm argon - 4 mm Double Glazed
Other Habitable Rooms	32	6.38 mm Laminated or 6 mm - 12 mm - 6 mm Double Glazed.

REFERRAL AUTHORITY CONDITIONS

18. COLIBAN WATER

(a) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.

(b) The applicant is to provide evidence to the satisfaction of Coliban Water that existing private water pipes and sanitary drains do not cross the boundaries between lots. Where modifications to pipes or drains are required in order to satisfy this requirement, all work is to be carried out in accordance with AS3500 National Plumbing and Drainage Code of Australia and the relevant requirements of Coliban Water. Works to modify Coliban Water assets may only commence with prior approval by Coliban Water.

(c) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by Registered Easement in favour of Coliban Region Water Corporation.

(d) All proposed sewers must be located at least 1 metre from an existing or proposed structure/boundary.

19. POWERCOR

(a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

(b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

(c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

(d) The applicant must, when required by Powercor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes:
Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:
- RESERVES established by the applicant in favour of Powercor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.
- Powercor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

(e) The applicant must establish easements on the subdivision, for all existing Powercor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

20. AUSNET SERVICES (GAS)

(a) Easements in favour of SPI Networks (Gas) Pty Ltd must be created on the plan to the satisfaction of AusNet Services (Gas).

(b) The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with section 8 of the *Subdivision Act* 1988.

21. TELECOMMUNICATIONS

(a) The owner of the land must enter into an agreement with:
- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

22. COUNTRY FIRE AUTHORITY

The bushfire management plan prepared by Spiire and dated 16 March 2023 must be endorsed as part of the permit.

23. BUSHFIRE MITIGATION MEASURES SECTION 173 AGREEMENT
Before the statement of compliance is issued under the *Subdivision Act* 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act,* 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Greater Bendigo Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
- The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

24. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE CHANGE

Notification of permit conditions

a) Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Native vegetation offsets

The total area of native vegetation permitted to be removed is 0.257 hectares, comprised of 1 large tree.

b) To offset the removal of 0.257 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:

- A general offset of 0.042 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district;
- have a Strategic Biodiversity Value score of at least 0.080.
- provide protection for at least 1 large tree.

must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

c) Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:

- a security agreement signed by both parties, and
- a management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Department

of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;
and/or

d) .Credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

e) Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at loddonmallee.planning@delwp.vic.gov.au.

Access and encroachment

f) No access is permitted to the subject land via the Crown land.

g) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.

h) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Fencing

i) Prior to the issue of statement of compliance, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning in accordance with the Fences Act 1968 and at the applicant's expense. Fencing must be:

- erected on the boundaries of the land;
- at least 1.5 metres in height
- stock and domestic pet proof;
- without gates or openings on to adjoining Crown land.

Note 1:

The Department of Environment, Land Water and Planning advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au).

Note 2

Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit https://www.environment.vic.gov.au/native-vegetation/native-vegetation for further information.

25. EXPIRY OF THE PERMIT

The permit will expire if:

(a) The plan of subdivision is not certified within two years from the date of this permit; or

(b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The responsible authority may extend the time for certification of the plan if a request is made in writing before the permit expires or within six months afterwards.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. **C269gben** to the **Greater Bendigo Planning Scheme.**

WHEN DOES THE PERMIT BEGIN?

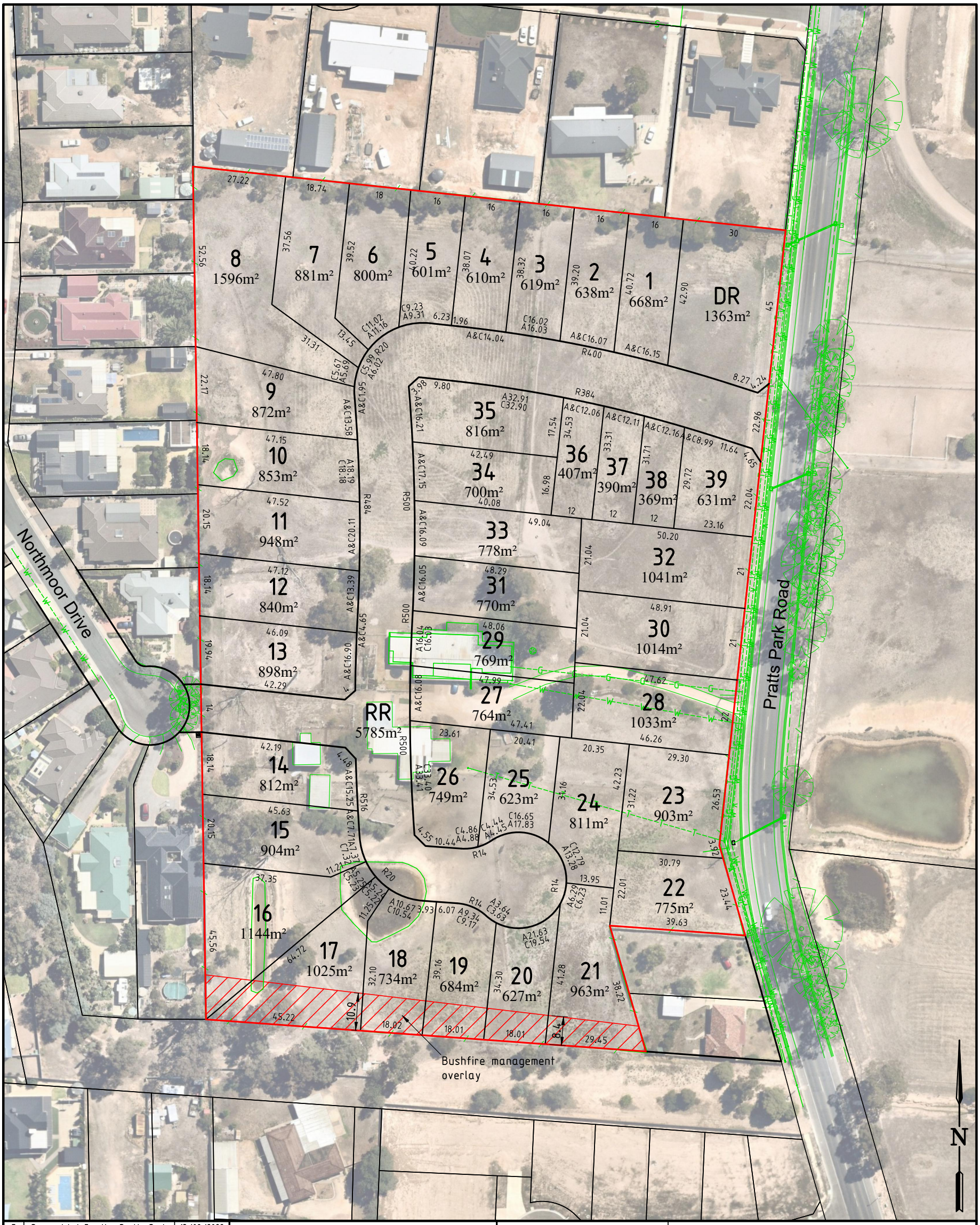
The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
   - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.



7	Removed Lot Fronting Pratts Park	13/09/2022
6	Court Bowl Shortened	23/12/2021
5	Court Bowl Shifted North	21/12/2021
4	Minor Alterations	20/12/2021
Ver	Revision Description	Date

Drafted	Checked	Approved
T.Davies Sep 2022	G.McCoomb Dec 2021	

TERRACO
Civil Engineers
Project Managers
Development Consultants

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E: info@terraco.com.au

Scale (m) H 1:000 0 10 20

All lengths are in metres
and all levels are to Australian Height Datum
(Original Sheet Size is A3)

City of Greater Bendigo - Strathdale

21 Pratts Park Road
Proposed Plan of Subdivision

Drawing file:	LTO Ref:	Council Ref:	Water Auth. Ref:	Our Ref:	Version	Sheet
18026 Layout V7.dwg	-	-	-	18026	7	1 of 1

16.2. 135 Bassett Road, Sebastian 3556 - Use and Development of a Dwelling and Host Farm

Author:	Laura Gillespie, Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DU/780/2022
Applicant:	Bendigo Planning Services
Land:	135 Bassett Road, SEBASTIAN 3556
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
No. of objections:	Nil
Consultation meeting:	Not required
Key considerations:	• Whether the proposed use and development of a dwelling on the land is appropriate in the Farming Zone. • Whether the use of the land as a host farm and its associated development is appropriate in the Farming Zone. • Whether bushfire risk has been appropriately managed and addressed.
Conclusion:	The proposal would introduce a dwelling and host farm that would significantly reduce the agricultural capacity of land in the Farming Zone. This would increase pressure for proliferation of dwellings in the zone and potentially impact upon adjacent farming uses. This is an outcome that is contrary to policy regarding the protection of agricultural land. It is recommended that the proposal be refused on the grounds below.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Refusal to Grant a Permit for use and development of a dwelling and host farm at 135 Bassett Road, SEBASTIAN, 3556 on the grounds:

1. The proposal is inconsistent with policy for agriculture and rural dwellings at Clause 14.01-1S and 14.01-1L, and the purpose and decision guidelines of the Farming Zone, in the following manner:
    a) The proposal is not viable or enduring to the extent that a dwelling and host farm can be supported by the Planning Scheme.
    b) The dwelling and host farm would cause the fragmentation of agricultural land by restraining the ability of the parcel to consolidate with adjoining or nearby land.
    c) The outcome for the land would potentially stymie genuine agricultural activities on surrounding land.

d) The layout of the use and development unnecessarily remove a large area of land from agricultural production.

2. The proposal is inconsistent with planning policy regarding bushfire risk. Locating host farm accommodation in an area of high risk would be contrary to the strategies of the Planning Scheme which seek to locate new development in areas of low risk and to prioritise human life above all other policy considerations.

Background Information

The application was lodged on 7 November 2022.

Further information was requested on 29 November 2022 where initial concerns were raised. The application was referred to the CFA and Agriculture Victoria's Planning and Advisory Service on 1 December 2022.

Report

Subject Site and Surrounds

The land is an irregularly shaped 7.256 hectare property on Bassett Road in Sebastian, approximately 5km south of Raywood township. The property is situated at a curve on Bassett Road, giving it a long frontage to the road along its south and east sides. The land currently contains a transportable accommodation building, a couple of grassed paddocks in the eastern portion and a treed native woodland in the western portion of the land. A vehicle access is point is located toward the northeast corner where a driveway has recently been constructed.

The surrounding land is generally used for farming purposes, although there are significant areas of remnant native vegetation. The nearest dwelling is located opposite the site to the southeast, approximately 90m from the road. To the southwest is the Greater Bendigo National Park.

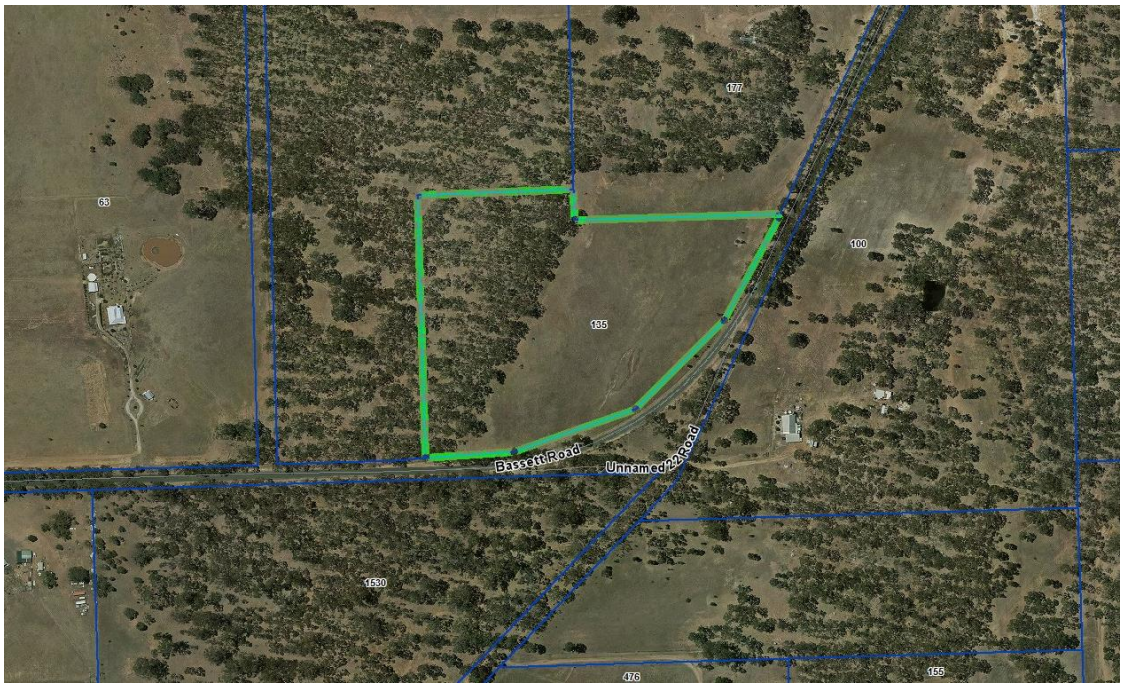


Figure 1: Location map showing subject site.



Figure 2: Photo of the site showing driveway and accommodation building.

Proposal

The proposal is for use and development of a dwelling and host farm.

The dwelling is proposed to be located 37.4 metres from the north boundary; the setback from Bassett Road varies due to the curved frontage. The minimum setback is not nominated on plans but is approximately 100 metres.

The dwelling would be single storey with a pitched roof and verandah. It would be 20.7 metres wide and 9.3 metres wide (plus a 2.4 metre verandah on all sides), and would comprise five bedrooms (one nominated as a study). Access would be gained by a new driveway utilising the existing access point.

The host farm use would utilise a second building (currently on site) used for accommodation, located to the east of the dwelling (closer to Bassett Road). This would be a two bedroom relocatable dwelling with a simple low-pitched roof design. It would be 11.8m wide and 6.3m deep. In addition to the two bedrooms, the dwelling would feature a bathroom and a single unified living space incorporating a kitchen.

A 24m long and 9.2m shed is also proposed, located north of the main dwelling, 10m from the north boundary.

The site plan shown at Figure 3 shows the open area of the land utilised for farm paddocks, a dam and a vegetable / fruit tree orchard. A Farm Management and Activities Plan has been submitted that describes the main agricultural use as the breeding of alpacas, along with an orchard and market garden. A Land Management Plan has also been submitted.

The host farm is described as accommodating young people "*with a range of cultural, physical, emotional, and psychological challenges that have led to low self-esteem, anxiety and depression.*" The host farm would accommodate children and their carers for overnight stays Monday to Friday, along with Saturday day visits. One carer and associated child or children would stay at any given time.

The Farm Management Plan describes visitors to the host farm as participating in farm activities to teach sustainable farming techniques, land regeneration, organic agriculture, and animal husbandry.

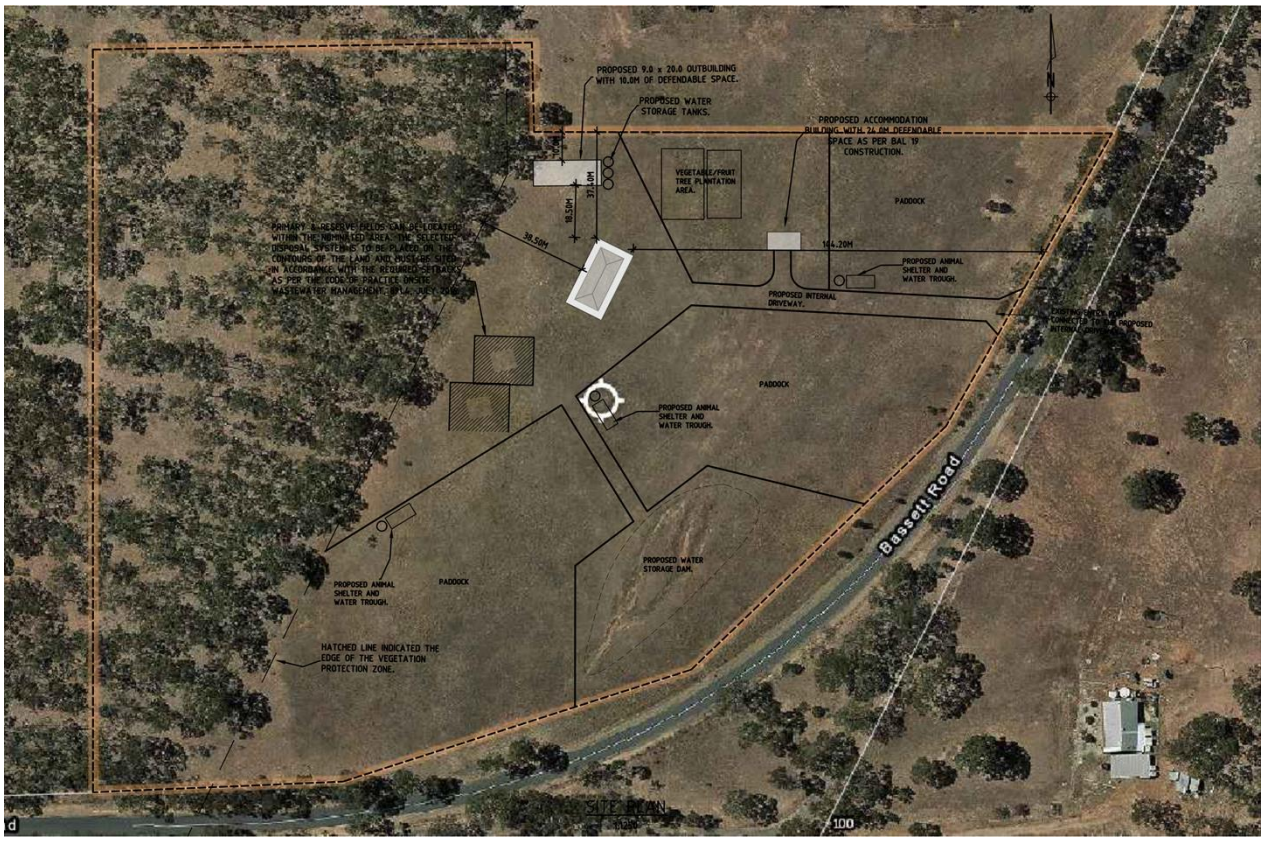


Figure 3: Site plan showing proposed layout of use and development.

Planning Controls - Greater Bendigo Planning Scheme

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

Why is a permit needed?

Clause	Permit Trigger
Clause 35.07-1 Farming Zone	Host farm is a Section 2 Use.
Clause 35.07-1	Dwelling is a Section 1 use, but the condition regarding minimum lot size is not met and a permit is therefore required.
Clause 35.07-4 Farming Zone	Permit required to construct buildings and works associated with a Section 2 use (host farm; and dwelling not meeting the Section 1 condition)

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

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

Planning Policy Framework

Clause 11.01-1L-01	Settlement – Greater Bendigo
Clause 12.01-1S	Protection of Biodiversity
Clause 12.01-1L	Protection of Biodiversity – Greater Bendigo
Clause 13.02-1S	Bushfire Planning
Clause 13.03-1L	Floodplain Management – Greater Bendigo
Clause 14.01-1S	Protection of Agricultural Land
Clause 14.01-1L	Protection of Agricultural Land – Greater Bendigo
Clause 16.01-1S	Housing supply

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Agriculture Victoria (comment)	Raised concerns with regard to the consistency of the use with the purpose of the Farming Zone.
Country Fire Authority	No objection subject to conditions requesting a bushfire emergency plan.
Traffic	No objection subject to conditions.
Environmental Health	No objection.
Agribusiness Officer	Supported.

Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers and two signs displayed on the site. As a result of advertising, no objections were received.

Planning Assessment

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

Dwellings on lots of less than 40 hectares in the Farming Zone require planning approval. This recognises the following purposes of the zone:

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

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

There is a strong emphasis on protection of agricultural land in policy at State clause 14.01-1S - Protection of Agricultural Land, and locally in clause 14.01-1L – Protection of Agricultural Land – Greater Bendigo. The State clause notes that housing should be directed into existing settlements. Where small lots exist, the policy encourages consolidation of these lots.

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

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

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

The proposed agricultural use is primarily related to grazing of alpacas, with some secondary horticulture and a limited number (25 to 30) chickens. The supplied Land

Management Plan estimates that the land would support approximately 15 adult alpacas or 10 females and their progeny.

Agriculture Victoria provided two sets of comments on the application (the later set addressing additional justification provided by the applicant). Their comments noted that the grazing and horticulture could be carried out without the presence of a dwelling and that the number of alpacas proposed *"would be considered to be more akin to a hobby farm or rural lifestyle.*" Given this, it is not considered that it has been established that the dwelling is "*required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision or security*," in accordance with the policy at clause 14.01-1L – Protection of Agricultural Land – Greater Bendigo.

The Agriculture Victoria report also notes various shortcomings and concerns about the information as provided, including:

- The Land Management Plan and Farm Management and Activities Plan both make passing reference to pigs that is not otherwise reflected in the application material. A pig farm is considered a form of Animal Production which is a form of agriculture that needs a permit and is assessed against its own scheme provision (clause 53.16 – Pig Farm).
- Similarly, while the main chicken enclosure would house only 25 to 30 chickens, a hatchery is also mentioned but not detailed further; a poultry farm of more than 100 poultry would need a permit and assessment against clause 53.09 – Poultry farm.
- The dispersal of the main house, host farm building, shed, and waste disposal fields would remove a large area of land from agricultural production.
- The paddocks are limited to approximately 2.4ha of the site and may not be sufficient to maintain the expected number of alpacas.

Agriculture Victoria further noted that approval of a dwelling would remove the ability of the land to be incorporated into surrounding agricultural enterprises. They noted the danger of approval of a dwelling setting a precedent and leading to a proliferation of hobby farm and lifestyle blocks and increasing pressure on nearby agricultural uses. These are relevant factors under the zone's decision guidelines, which include:

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

It is noted that the City's Agribusiness Officer supported the application, noting some limiting features of the block and the difficulty of incorporating the land into nearby enterprises. However, these factors are not considered insurmountable – the land is suitable for grazing, and it is not uncommon for agricultural land to be partly constrained by features such as native vegetation. It is considered the constraints of the land do not negate the issues raised by Agricultural Victoria and do not overcome the considerable policy support for protection of agricultural land.

The applicants have pointed to other dwellings as justification for this use. As in many rural areas throughout Victoria, various dwellings exist in the surrounding area that may not be supported today. This reflects changing Planning Scheme and policy settings over the last two decades, that has been driven by increasing awareness of the importance of protecting agricultural land and the increasing industrialisation of farming practices. That such a circumstance does not justify further dwellings has recently been affirmed by the Victorian Civil Administrative Tribunal in *Moore v Greater Bendigo CC [2023] VCAT 418*. In that matter the Tribunal considered such an argument and stated:

> *"I consider that just because other smaller lots have been used and developed for dwellings it does not justify further approvals that would undermine those policies seeking to avoid construction of dwellings on small rural lots."*

Indeed, that other dwellings are cited to justify this dwelling itself underlines the way in which approval of additional dwellings can progressively erode the protection of agricultural land.

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

Is the use of the land as a host farm, and its associated development, appropriate in the Farming Zone?

The issues related to the use of the host farm largely follow from those in the preceding discussion of the dwelling. A host farm is defined as: "*An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes."*

In this case, the underlying agricultural viability of the use is questionable, for the reasons outlined in the preceding section. While the host farm would provide an additional income stream and in that sense could help support the agriculture on the land, this comes at the cost of further increasing the area of land consumed by non-agricultural uses. As a form of accommodation, the host farm also raises the same interface issues that the dwelling does.

Furthermore, it seems likely that the dwelling on the site is largely necessary to support the host farm use and that the host farm could not operate without the dwelling. The two issues are therefore interlinked and it is difficult to separate the impact upon agricultural land of the host farm from the issues with the dwelling discussed above.

Has bushfire risk been appropriately managed and addressed?

The proposal is within the Bushfire Management Overlay and was accompanied by a Bushfire Management Plan and Bushfire Hazard Assessment. These were referred to the CFA (a recommending referral authority) for comment.

The CFA (in a response of 7 December 2022) questioned aspects of the proposal, including classification of the nearby vegetation and response to siting requirements. This resulted in further amendments to the bushfire assessments accompanying the application including movement of the dwelling further into the site away from the vegetated section. The amended documents were provided to the CFA and three further responses were received (on 17 April 2023, 8 May 2023 and 30 May 2023).

CFA have supported the application subject to conditions requesting endorsement of the bushfire management plan, submission of a bushfire emergency plan for the host farm component and a condition that the host farm be closed on days of declared fire danger rating of catastrophic in the Northern Country Fire District.

Planning policy through Clause 13.02-1S Bushfire Planning has the objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Whilst it is often assumed for applications of this nature that CFA support should dictate the City's position on the application, the policy set out within the Planning Scheme is what should guide our decision making. Consulting with emergency management agencies (CFA) is to do a technical review of the bushfire management statement and plan which is just one aspect of the relevant considerations.

Whilst it is accepted that the application can demonstrate a bushfire management statement that satisfies the CFA, it is considered that locating host farm accommodation in an area of high risk would be contrary to the strategies of the Planning Scheme which seek to locate new development in areas of low risk and to prioritise human life above all other policy considerations

Giving consideration to the above, it is evident that the proposal is not in accordance with the policy framework relating to bushfire risk.

Conclusion

The proposal introduces a dwelling and host farm that will significantly reduce the agricultural capacity of land in the Farming Zone. This will increase pressure for proliferation of dwellings in the zone and potentially impact upon adjacent farming uses. This is an outcome that is contrary to policy regarding the protection of agricultural land.

The proposal is contrary to the strategies of the Planning Scheme relating to bushfire risk.

It is recommended that the proposal be refused on the grounds noted above at recommended motion.

Options

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

Conflict of Interest

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

Attachments

Nil

16.3. 49 Napier Street, Eaglehawk 3556 - Demolition of Buildings, Construction of Medical Practice, Reduction in Car Parking and Display of Signage

Author:	Michael St Clair, Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DC/289/2022
Applicant:	Penno Drafting & Design
Land:	49 Napier Street, EAGLEHAWK 3556
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay – Schedule 23 Heritage Overlay – Schedule 19
No. of objections:	Nil
Consultation meeting:	Not applicable
Key considerations:	• Whether the proposed demolition of the existing contributory heritage listed dwelling is acceptable. • Whether the building design for the Medical Centre is appropriate within a heritage precinct and within the Eaglehawk Activity Centre. • Whether the proposed extent of carparking reduction is acceptable for a Medical Centre of this scale in this location. • Whether the proposed access arrangements for the rear car park is acceptable from the one-way laneway. • Whether the extent and design of signage is appropriate within this heritage precinct.
Conclusion:	The application is not in accordance with the Greater Bendigo Planning Scheme. It is recommended that Council refuse to grant a permit as the proposal does not present an acceptable planning outcome with regards to the purposes of the Heritage Overlay and the Design and Development Overlay. The demolition of the existing dwelling will detrimentally impact the protected heritage character of Napier Street. The proposed design of the Medical Centre is not consistent with the requirements of the Heritage Overlay or the Design and Development Overlay. The design does not respond to the heritage context of the area, nor does it actively integrate with Napier Street.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), that Council issue a Notice of Decision to Refuse to Grant a Permit for the demolition of buildings, construction

of medical practice, reduction in parking and display of signage' at 49 Napier Street, EAGLEHAWK 3556, on the following grounds:

1. The proposal does not conserve or enhance a heritage place which is contrary to the policy contained within Clause 15.03-1S, Clause 15.03-1L and the Heritage Overlay.
2. The proposal will adversely affect the significance of the heritage place which is contrary to the policy contained within Clause 15.03-1S, Clause 15.03-1L and the Heritage Overlay.
3. The proposal seeks a design that is not respectful of Eaglehawk's heritage and character which is contrary to the Design and Development Overlay.
4. The proposal does not promote development and active frontages that contribute to the amenity, public safety and pedestrian use of adjoining public space which is contrary to the Design and Development Overlay.

Background Information

Site History

Whilst not a consideration as part of this planning permit application, the history of the site is relevant in this matter to provide context to the approach taken by the applicant in preparing this application. The following table provides a brief history of this site leading to the lodgement of this application.

Date	Action undertaken
1994	The Borough of Eaglehawk purchased the subject site to allow for the expansion of the car park to the rear (demolition of the dwelling and extension of carpark).
1995	Site was identified as surplus to needs by the former Borough of Eaglehawk.
1994-2019	• The property remained in the ownership of the former Borough of Eaglehawk until amalgamation, at which time ownership was transferred to the Greater Bendigo Council. • The dwelling was rented out on the private rental market throughout this period until 2015. It remained vacant for the final years of ownership by the Council. • A number of strategic planning projects conducted over the years of ownership all identified the site as not being needed for the expansion of car parking areas within Eaglehawk.
July 2013	The Eaglehawk Structure Plan identified the site as an opportunity for in-fill development. No specific plans for how this was proposed to occur were developed.
March 2016	Council resolved to begin public engagement to seek views on the potential sale of the site.
2017	Initial consultation on sale – letter to adjoining properties, community listening post and face-to-face/telephone conversations with

	respondents.
April 2018	Council formally resolved to begin public consultation about the proposal sale of the site.
July 2018	Council formed a committee to review/hear submissions from public consultation.
Dec 2018	Council formally resolved to sell the property.
July 2019	Sale process commenced through local real estate agents.
October 2019	Property was auctioned – current landowner was the successful bidder at this auction.
December 2019	Successful bidder at the auction lodged a demolition enquiry with the City. This enquiry application was subsequently withdrawn by the landowner prior to any advice being provided by City officers.
December 2020	Second demolition enquiry was lodged with the City.
March 2021	The City provided a response to the submitted demolition enquiry advising that: • Demolition of the building would not be supported.

The planning permit application was formally lodged with the City on 17 May 2022. This application seeks the full demolition of the building, contrary to the advice provided by City officers in response to the December 2020 demolition enquiry.

Application Background

Preliminary concerns were raised with the applicant throughout the process, relating to the following:

- Demolition is not supported.
- Medical centre design is not consistent with the requirements of the City of Greater Bendigo Heritage Design Guidelines.
- Medical centre design does not accord with the requirements of the Design and Development Overlay.
- Signage details need to be provided.
- Updates required for the carparking demand assessment submitted in support of the application.
- A response to how stormwater management is to be achieved was required.
- Further assessment in relation to the proposed access to the rear of the site utilising the Council laneway.

An onsite meeting was held on 24 August 2022 to discuss the above issues. The meeting was attended by the Assessing Planning Officer, the City's Heritage Advisor and the landowner (the applicant was not in attendance). A detailed walk through of the property was undertaken to view the state of the property firsthand.

At the conclusion of this meeting, City officers advised the landowner and applicant that the front portion of the building remained in a reasonable condition and any structural issues were able to be reasonably rectified through re-stumping and other works. The City

advised that limited alterations/demolition could be supported if the three-dimensional presentation of the existing building to Napier Street was retained. This must include the front façade of the building, roof form and side elevations including the two chimney's located either side. Replacement of later additions to the building to reflect the original fabric should also be made.

Following the above discussions and onsite meeting, amended plans were submitted. These plans fail to address the concerns raised by the City, as discussed below.

The City's Heritage Advisor maintained the objection to the application. The City provided the position of the Heritage Advisor to the applicant, with the applicant confirming that they do not wish to further amend their application. They instead requested that the application proceed to a Council Meeting for decision.

Report

Subject Site and Surrounds

The site is a regular shaped allotment located on the south-eastern side of Napier Street, Eaglehawk. The site is formally identified as Lot 1 on Plan of Subdivision 812489L, with an overall area of 685 square metres.

The site has a 10.91 metre frontage to Napier Street, which is a local access street managed by the City. A 6 metre wide laneway runs along the north-eastern boundary of the site, which operates as a one-way laneway providing egress from the public car parking area located to the rear of the subject site. The public carparking area to the rear provides communal car parking for the commercial area of Eaglehawk located along High Street and Victoria Street. Figure 1 below shows an aerial image of the subject site.



Figure 1: Subject Site

The site is developed with a single storey dwelling, which was constructed in 1905. The site is identified as having contributory significance to the Eaglehawk Heritage Precinct (HO19). The dwelling is constructed in a Victorian style, which forms part of a consistent housing style that extends along Napier Street. Two original chimneys also remain intact. Some minor modifications have occurred to the property over the years, including the reconstruction of the front verandah using contemporary building techniques to reflect the original structure and the cladding of the building with aluminium cladding (weatherboard look-a-like) over the top of the original weatherboards.

The dwelling is currently in what could be described as a rundown state, reflecting the lack of maintenance over a number of years. It appears that no change in the state of the dwelling has occurred in the years since the sale of the land by the City to the current landowner. The dwelling is set in an overgrown garden setting, largely consisting of grass and small shrubs.

Napier Street has a wide road reserve, consistent with early road reserves set aside in the original survey of Eaglehawk. Street tree planting exist along the midline of the reserve, separating traffic flows. 45-degree angle parking exists along the road corridor on both sides, with three spaces provided to the front of the subject site.

The site is located at a transition point in the streetscape and the Eaglehawk town centre. To the north-east, the main commercial area extends along High Street. A mix of commercial activities occur throughout the area, with a mix of building styles present, with the predominate style coming from the original development of the Eaglehawk commercial

strip in the early 1900's. Eaglehawk community health exists to the north-west of the site, which largely presents as car parking to the subject site. To the south-west of the site, running along Napier Street, residential dwellings predominate. These are all single storey, detached dwellings, constructed on similar sized lots to the subject site. Figure 2 (below) shows the site and the surrounding area, with Figure 3 showing a Google Streetview image of the subject site and the adjoining properties.



Figure 2: Site and surrounding area.



Figure 3: Google Street view of subject site and adjoining properties (image date Nov 2019).

The topography of the area falls from south-east to north-west, with a fall of approximately 2.25 metres from the rear to front boundary of the site.

Proposal

The application seeks planning approval for the '*Demolition of buildings, construction of medical practice, reduction in parking and display of signage*' at 49 Napier Street, EAGLEHAWK 3556. The individual components are further discussed below.

- *Demolition of Buildings*

The proposal seeks to demolish the existing dwelling on the site and all remnants of the former dwelling use on the land (paths, foundations for outbuildings etc.). The proposal also seeks to remove all vegetation from the site (no planning permit required for this). Figure 4 below shows the proposed demolition plan.

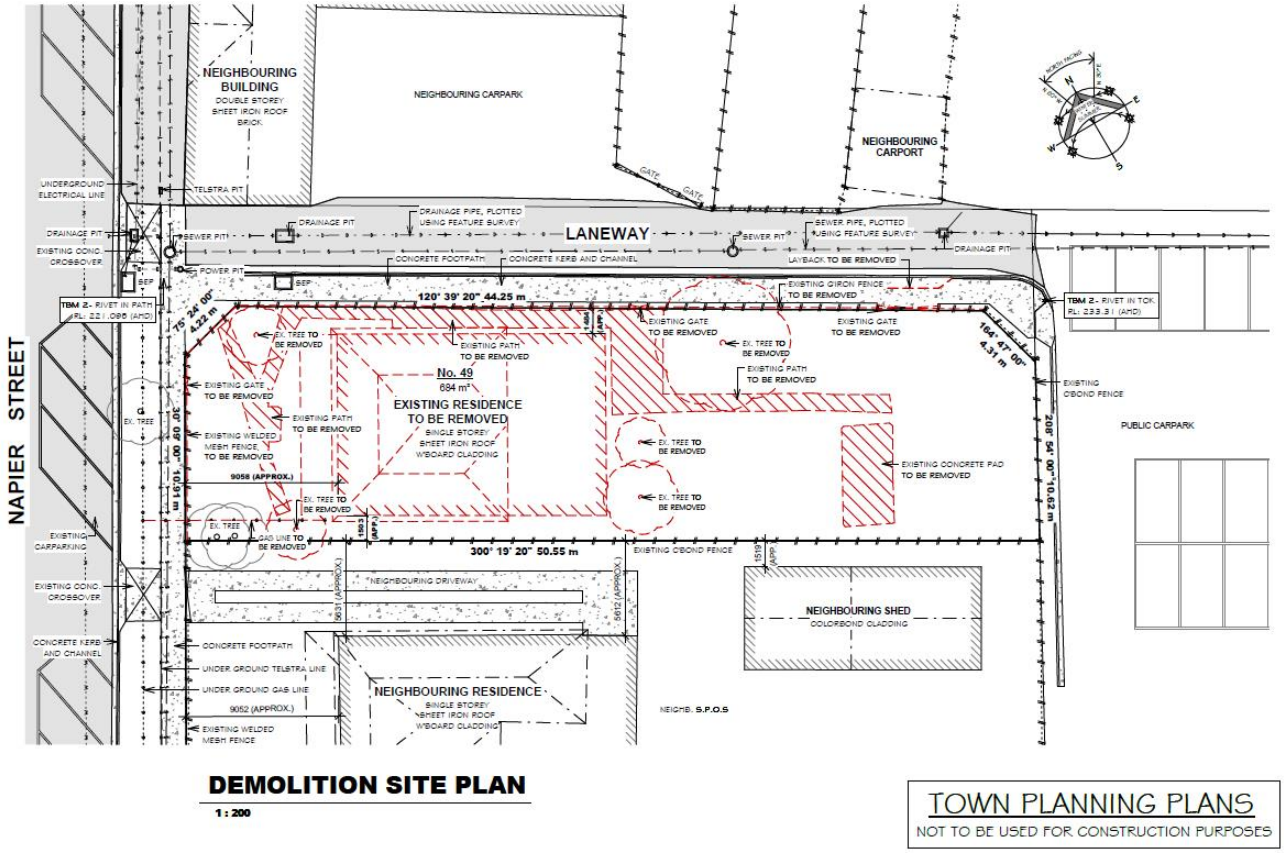


Figure 4: Proposed demolition plan.

- *Construction of a Medical Practice*

The application proposes to construct a new medical centre. The medical centre is proposed to contain the following:

- Entry foyer
- Reception space
- Waiting room
- Six consulting rooms
- Pathology office

- Treatment room
- Nurses station
- Practice manager office
- Staff room
- Storerooms
- Clean store
- Toilets

3 car parking spaces would be provided to the rear of the new medical centre, one of which would be a designated accessible parking space. Waste storage areas and three bicycle parking loops are also proposed in this area.

The medical centre is proposed to have a total floor area of 342.35 square metres. The building would have an overall height of 5.839 metres at the Napier Street frontage. It would be clad in CSR Cemintel Territory Woodland with a light grey colour. The building has been designed to reflect a residential scale. Figures 5 to 7 (below) show the proposed layout and elevations of the medical centre.

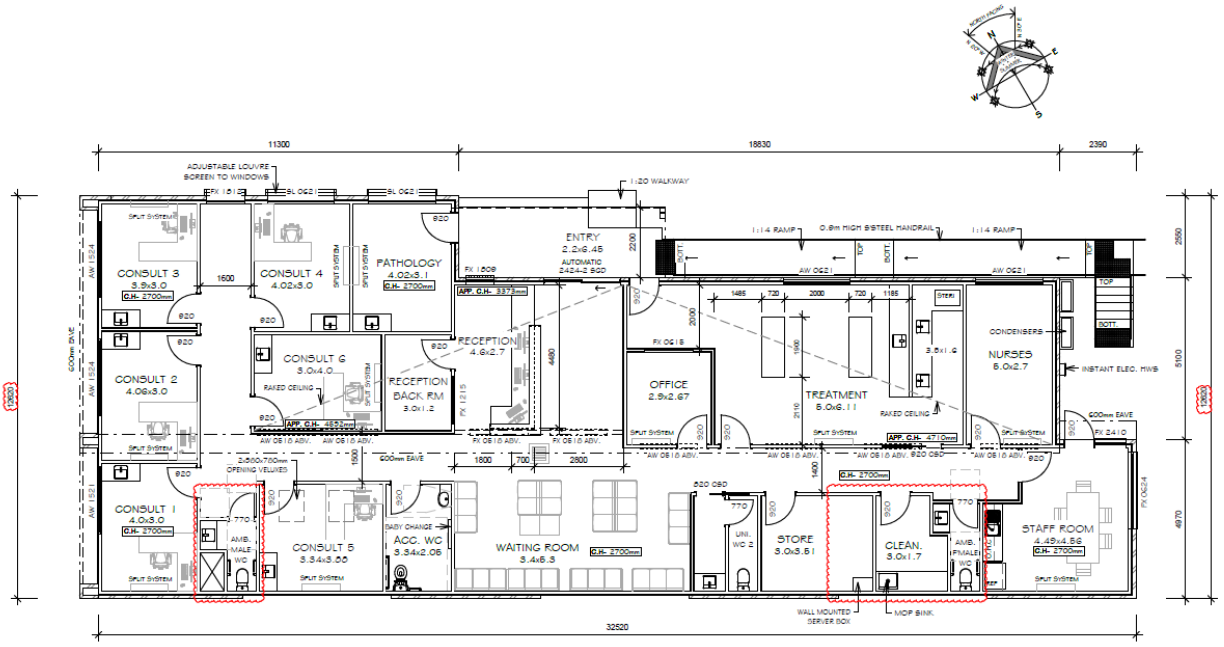


Figure 5: Proposed floor plan

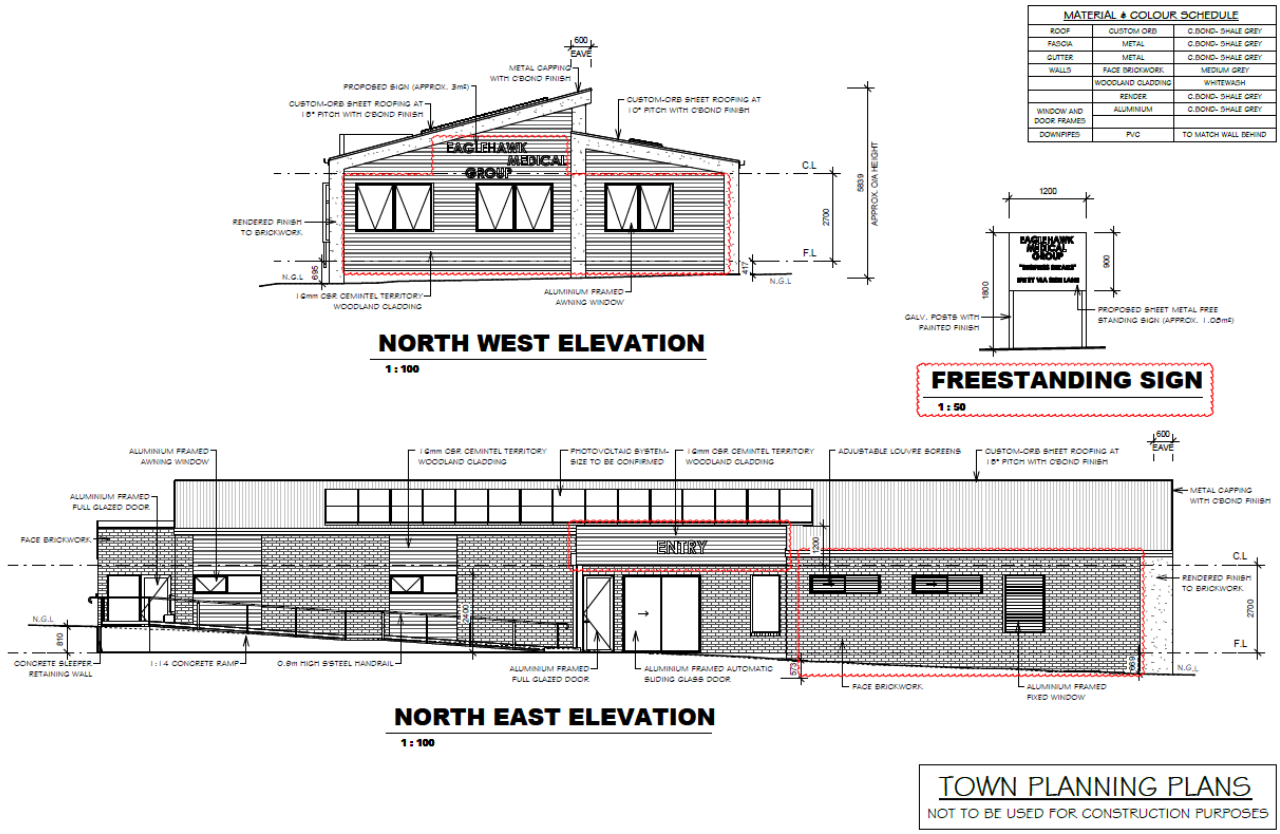


Figure 6: North-east and north-west elevations

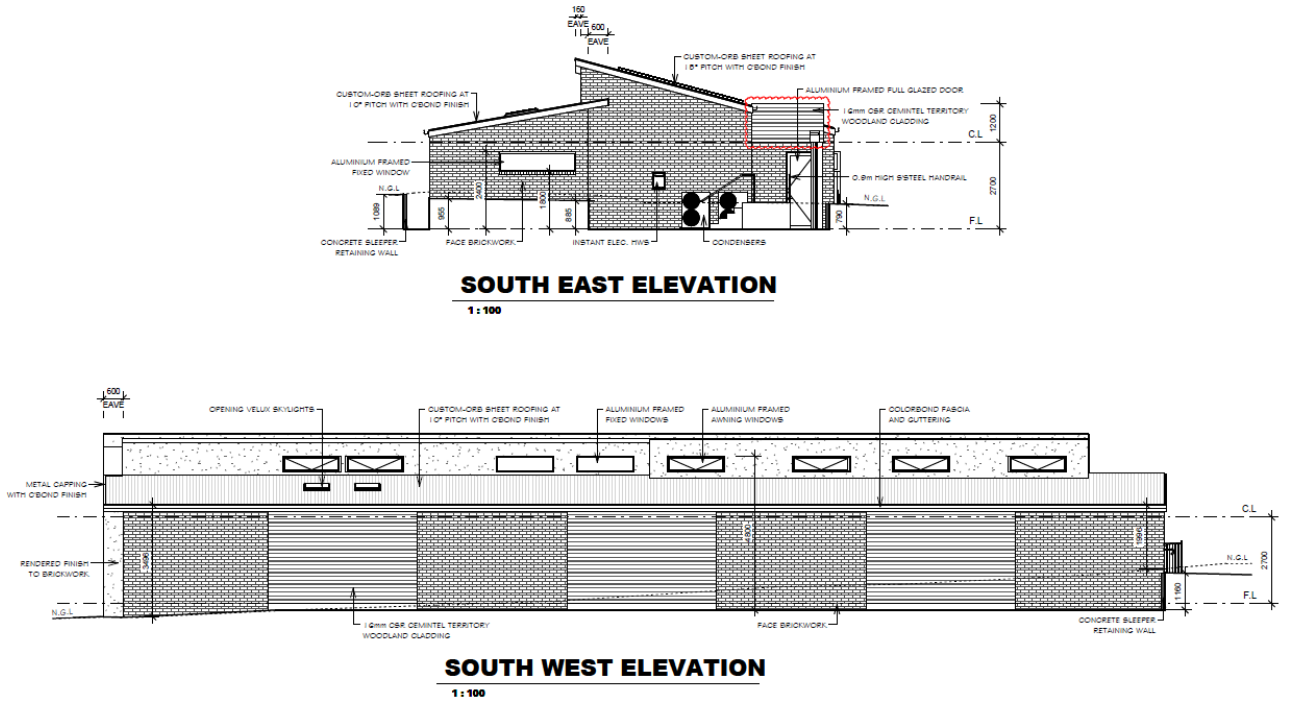


Figure 7: South-east and south-west elevations

- *Reduction in Car Parking*

The proposed use of the land has a statutory parking requirement for 23 spaces. Three car spaces are proposed to be provided on site, with the proposal seeking a reduction of 20 spaces.

- *Display of Signage*

Two business identification signs are proposed along the Napier Street frontage. One sign is proposed to be placed on the front façade of the building within the roof gable. The second is to be provided as a freestanding sign at the front of the property. Figure 8 below shows both proposed signs.

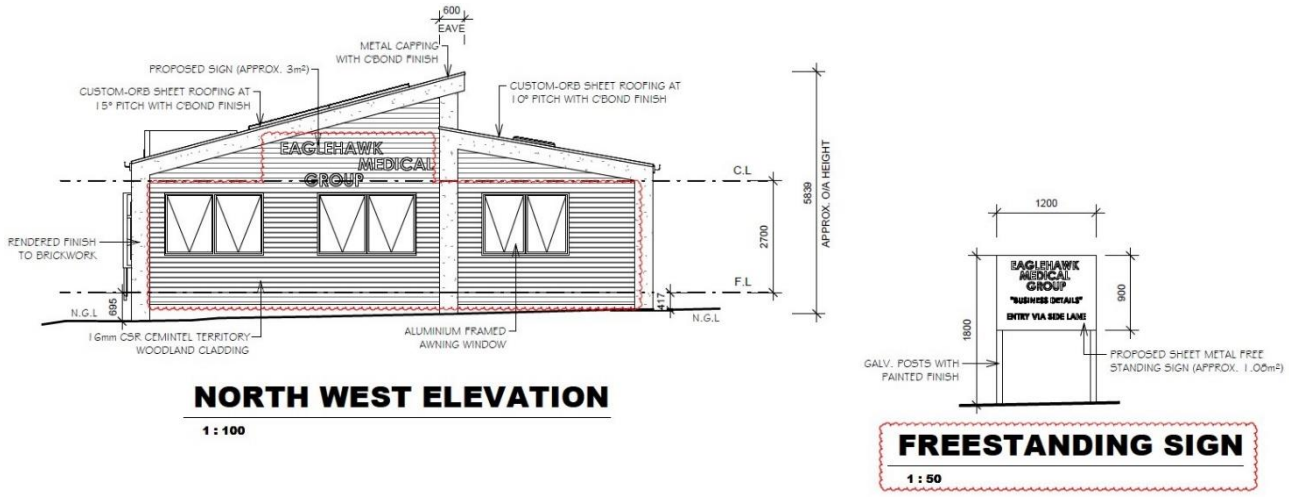


Figure 8: Proposed signage

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The following table lists all the relevant planning permit triggers that apply to this application.

Clause	Permit Trigger
Clause 34.01-4 Commercial 1 Zone	• Construct a building or construct or carry out works.
Clause 43.01-1 Heritage Overlay	• Demolish or remove a building. • Construct a building or construct or carry out works. • Construct or display a sign.
Clause 43.02-2 Design and Development	• Construct a building or construct or carry out works.

Clause	Permit Trigger
Overlay	
Clause 52.06-3 Car parking	• Reduce the standard car parking requirements.

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

Municipal Planning Strategy

02.03 – Strategic directions
02.03-1 – Settlement
02.03-5 – Built environment and heritage
02.03-7 – Economic development
02.04 – Strategic framework plans

Planning Policy Framework

11.03-1L – Activity centres
11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo
15.01-1S – Urban design
15.01-1L-01 – Landscaping – Greater Bendigo
15.01-1L-03 – Signs
15.01-2S – Building design
15.01-2L – Environmentally sustainable development – Greater Bendigo
15.03-1s – Heritage conservation
15.03-1L – Post contact heritage conservation – Greater Bendigo
17.01-1S – Business
17.02-1L – Business – Greater Bendigo
18.01-1S – Land use and transport integration
18.01-1L – Land use and transport integration – Greater Bendigo
18.01-3L – Sustainable personal transport – Greater Bendigo
18.02-4L-01 – Highways and boulevards – Greater Bendigo
18.02-4L-03 – Car parking – Greater Bendigo

Other Provisions

34.01 – Commercial 1 Zone
43.01 – Heritage Overlay – Schedule 19
43.02 – Design and Development Overlay - Schedule 10
52.06 – Car Parking
53.18 – Stormwater management in urban development

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Heritage Advisor	**Objection** Two objections to the proposal have been received from the City's Heritage Advisor dated 14 June 2022 and 22 March 2023. The first related to the initial plans submitted with the application, which informed the Request for Further Information discussed above. Following receipt of amended plans, the City's Heritage Advisor reviewed the proposal. Final comments are summarised below, with the full response included as an attachment to this report: • **Demolition** – The current condition of the existing building is not justification for the proposed demolition. It is in disrepair but is able to be rehabilitated as part of normal maintenance activities that would be expected for a building of this age. • The existing building has high integrity, retaining original ad early elements that are representative of the miner's cottage typology. • **New development** – The proposed built form does not comply with the Heritage Design Guidelines, requiring further amendment to be in a position that could receive heritage support. • The design does not respond to the scale, height, mass, form, siting and materials of the surrounding area. • The south-eastern side of Napier Street contains a row of Victorian, Federation and Interwar residences. Scale and setbacks are regular along this row. The

	proposed front setback is not in keeping with the row of residences on the south-eastern side of Napier Street. The existing setback should be maintained. This advice was provided to the applicant in its entirety for consideration. The applicant and the landowner confirmed that they did not wish to address the City's Heritage Advisor's concerns, instead expressing a wish that the application proceed to Council for decision.
Traffic Engineer	**Objection** Concerns raised in relation to the proposed use of the one-way laneway. This currently operates as an exit to the City operated carpark to the rear of the site. Providing access to the laneway from the site will require users of the medical centre to traverse through the City managed car park prior to entering the proposed medical centre car park. The creation of a car park entry at the rear of the site would result in a reduction in width of the footpath to 1.2 metres, which is less than the 1.5 metres required by the *Disability Discrimination Act 1992* for public access. This proposed outcome is not supported, with amendments required to the proposed plans to show how this requirement is able to be met.
Development Engineer	**No objection** Subject to standard requirements in relation to the construction of drainage for the site, including stormwater detention and treatment. Noted that a referral response from Property is required in this case, as access is proposed across a City managed laneway.
Property Services	**No objection** Property Services indicated that the accessible carparking spaces proposed to the rear of the medical centre are acceptable, subject to the appropriate design of access in accordance with the City's traffic engineering response.

Public Notification

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

As a result of advertising, no objections were received.

Planning Assessment

In assessing the planning merits of this proposal, the key aspects for consideration can be captured by the following questions:

- Does the proposed use require consideration?
- Is the demolition of the existing, contributory, heritage listed dwelling acceptable?
- Is the design for the Medical Centre appropriate for Eaglehawk?
- Is the extent of carparking reduction acceptable?
- Are the access arrangements for the rear car park acceptable?
- Is the extent and design of signage appropriate for a heritage precinct?

Does the proposed use require consideration?

The proposal seeks to develop a purpose-built building on the subject site, designed to accommodate a Medical Centre. Under the Commercial 1 Zone, the use of land for a medical centre is deemed 'as of right' meaning that the use does not require planning approval. As such, any consideration of how the land is to be used is outside the scope of the assessment of this application. All considerations relate to what is proposed to occur on the land to affect the proposed use (i.e., what demolition is proposed, what building works are proposed, what car parking is required, what signage is needed etc.).

As such, officer assessment for this application focuses on the specifics of the built form changes proposed for the site to be used for a medical centre. It does not consider whether a medical centre use is appropriate as this is 'as of right' within the zoning of the land.

Is the demolition of the existing, heritage listed dwelling acceptable?

Under the provisions of the Heritage Overlay, a permit must be sought to '*Demolish or remove a building'*. The purpose of the Heritage Overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The site is located within the Eaglehawk Heritage Precinct (HO19) and is listed as having Contributory significance. A Contributory heritage place contributes to the significance of a heritage precinct.

The Statement of Significance for the precinct states the following:

> *"This precinct represents the architectural and historical core of Eaglehawk which was developed during the latter half of the 19th century on the riches gained from a quartz mining area which was among the richest in the colony. It contains both individually important and contributory sites which form significant streetscapes, particularly in Church Street, Brassey Square and Sailors Gully Road."*

In assessing an application to demolish a building, the Heritage Overlay requires that any Heritage Design Guidelines incorporated into the planning scheme must be considered.

Under the Greater Bendigo Planning Scheme, the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)'* is an Incorporated document. In assessing an application for demolition, the City of Greater Bendigo's objectives are as follows:

- *To encourage the retention of a significant or contributory heritage buildings or places unless it is structurally unsound and beyond repair*
- *To encourage the retention of original elements that contribute to the significance of a heritage place including but not limited to windows, doors, chimneys, verandahs, shopfronts, fences, outbuildings and trees*
- *Allow the demolition of non-contributory buildings in heritage precincts provided the replacement building positively contributes to the heritage significance of the precinct.*
- *Where demolition is supported, ensure any replacement building displays design excellence and positively contributes to the heritage significance of the place*
- *Allow for partial demolition where the fabric is of no significance or reveals original fabric or will assist in long term conservation of the building*
- *To encourage the retention of the three dimensional form; retention of the façade only is not supported*
- *Require archival recording of sites by a heritage professional where demolition is supported, as appropriate*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

In determining if the proposal will result in an acceptable outcome in relation to these policy objectives, the applicant was required to provide an assessment of the structural integrity of the existing building. This assessment found that the building was not beyond repair but required significant work to make it a sound structure to accommodate the proposed medical centre. These works were confirmed as part of the site visit undertaken, extending to the need to undertake re-stumping, associated cosmetic alterations to correct damage resulting from building movement and repairs to correct water damage issues. These works are all works that would be reasonably expected of a building of this age and

construction type. The building is not deemed to be structurally unsound or beyond repair, and as such the proposed demolition is contrary to the above policy requirements.

The proposed demolition of the building has been a point of contention within this application throughout, with the City's objection to the full demolition of the building clearly communicated to the applicant prior to the lodgment of this application, as part of the demolition enquiry response provided in March 2021 (as described above).

To work through this issue, a site visit was conducted with the landowner in August 2022. At this meeting, the landowner was advised that the City remained unsupportive of the full demolition of the building, but could be supportive of a partial demolition subject to the retention of the front portion of the building extending to the chimneys located on either side. This would allow for the preservation of the three-dimensional form of the building as it presents to Napier Street, maintaining its contribution to the heritage character that the City's heritage policies seek to retain. No constraints were provided in relation to the internal configuration of the building from a heritage perspective (noting further discussion relating to building internal configuration below).

Further works were also discussed at this meeting to further enhance the buildings contribution to the heritage character of the area. This included the restoration of the original wooden weatherboards that remained under the aluminum cladding, the removal of the reconstructed front verandah, construction of a new front verandah in an appropriate heritage style, removal of concrete steps and replacement with access arrangements that are in keeping with the heritage style of the building.

The intent of these discussions was to provide a position that allowed for the reconfiguration of the built form on site to allow for a medical centre use, whilst preserving the heritage character that this building contributes to the precinct in which it is located and specifically preserved by the Heritage Overlay within the Greater Bendigo Planning Scheme. The City's stance in relation to this issue sought to achieve a fair and reasonable balance of the landowner's expectations to develop the site and the relevant planning policy framework.

Following the site meeting, the applicant submitted amended plans that disregarded the City's advice with respect to the full demolition of the building. By failing to make any changes to the proposal in relation to the City's position, the application is unable to meet the purpose or Decision Guidelines of the Heritage Overlay. The proposed demolition is not in accordance with the City's local heritage policy at Clause 15.03-1L and the Heritage Overlay and would result in an adverse impact to the Eaglehawk Heritage Precinct through the total loss of a contributory building at a key transition point within Napier Street.

Is the design of the Medical Centre appropriate for Napier Street, Eaglehawk?

Irrespective of whether the demolition of the existing building is supportable or not, the proposed building must also be consistent with the objectives of the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)'*. In relation to new buildings in a Heritage Precinct, the following objectives are sought to be met:

- *To encourage new buildings that do not adversely affect the significance, character or appearance of the heritage precinct and are visually recessive.*
- *To ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks and materials.*
- *To encourage new development within a heritage precinct that is contemporary in appearance and does not copy historic styles or details.*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

The proposed design is not considered to respond to the heritage context of the surrounding heritage precinct, which is contrary to the policy objectives detailed above. The design is not responsive in regard to scale, height, mass, form, siting or materials as follows.

The existing buildings along the south-eastern side of Napier Street present a consistent scale and setback. The proposed design does not respect this consistency, instead proposing a front setback of only 3.99 metres which is less than half the predominant setback of the adjoining dwellings of 9 metres. This would result in an adverse impact on the heritage streetscape.

Further, the proposed building has minimal side setbacks. The dwellings along the rest of Napier Street all present with a large setback to one side for vehicle access to the rear of the dwelling, with a setback of at least 1 metre to the other side boundary. The proposal does not respond to this dominant characteristic.

Roof forms are also hipped roofs, whilst the proposed building is of a contemporary design with a gable roof form.

Material selection does not reference the surrounding materiality. The building is proposed to be clad in brick to the laneway elevation. The front façade is proposed to have rendered brick surrounds in a Colorbond shale grey colour, with textured cement sheeting across the frontage. The cladding is proposed as Cemintel Territory Woodlands in a light grey colouring. Figure 9 below provides a streetscape render of the proposed building as it would sit in relation to the adjoining development. The proposed design does not complement the streetscape and would appear as overly dominant.

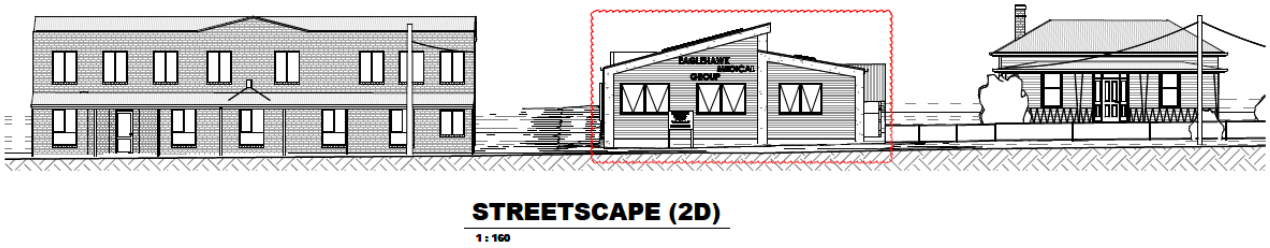


Figure 9: Streetscape render

In assessing this application, the requirements of the Design and Development Overlay must also be considered. It is acknowledged that conflicting design considerations exist within this overlay when compared against the requirements of the Heritage Overlay.

The Design and Development Overlay – Schedule 23 (Eaglehawk Activity Centre) seeks the achievement of the following design objectives:

- *To promote a high quality activity centre that provides a range of economic, social and community activities and open spaces.*
- *To encourage the expansion and intensification of the built environment that consolidates underutilised areas and promotes diversity in land uses.*
- *To allow for increased development densities while ensuring that the design, height and setbacks of new and extended buildings respect Eaglehawk's heritage character and streetscapes.*
- *To protect the amenity and character of adjacent residential areas.*
- *To promote development and active frontages which contribute to the amenity, public safety and pedestrian use of adjoining public space.*
- *To encourage inclusion of environmentally sustainable design techniques.*
- *To improve linkages between the Eaglehawk town centre and the adjoining parkland, public spaces and railway station.*
- *To provide safe and convenient car parking that has minimal visual impact on the streetscape and public places.*
- *To encourage consolidated, shared parking facilities to encourage efficient utilisation of infrastructure and sustainable transport options.*

(emphasis added)

Under the provisions of the schedule, no controls are detailed in relation to building height. However, the schedule seeks a setback for new buildings of between 2 to 4 metres, with 50% of the building frontage to Napier Street to be activated. In respect of the proposed use of the subject site, it has been assessed that the front setback of 3.99m is appropriate taking into consideration the adjoining dwellings within the Heritage Overlay.

The focus of the applicant's design considerations has been placed on the internal operation of the medical centre, designed to provide an optimal patient experience. This design has neglected to acknowledge the importance of the site's integration with the

surrounding public domain in a central area within Eaglehawk and fails to address the streetscape.

The layout of the medical centre proposes two consulting rooms along the Napier Street frontage. Consulting rooms do not present as an activated frontage, with advice provided to the applicant that the main entry and reception areas should be provided to 50% of this frontage to provide a connection between the public domain and the operation of the medical centre. As such, the proposal does not meet the requirements of providing an activated frontage.

This design response also results in a disconnection between the predominant car parking location proposed under the application along Napier Street. The application seeks to rely predominately on public car parking provision throughout the surrounding area. The side entry point does not preference any of the surrounding car parking areas, requiring visitors to the medical centre to walk along the side laneway to gain access to the building. This is not a desirable outcome for the operation of the site and presents an issue for accessible access to the medical centre, along with the potential for pedestrian and vehicle conflict. The adjoining laneway has a slope that can present as an issue for access for visitors to the centre that have accessibility requirements.

Officer assessment is that the proposed layout of the building is not responsive to the site's location within the Eaglehawk Activity Centre, nor responsive to the built form consideration of a new building within the Heritage Overlay. To achieve compliance with the requirements of the relevant provisions of the Greater Bendigo Planning Scheme, the application should seek to retain the front portion of the existing building to maintain the heritage character of the area, with new built form provided behind this façade. The internal layout should seek to provide the main entrance to the Napier Street frontage, with reception areas providing an outlook towards Napier Street. The design has not been well considered and does not result in an acceptable planning outcome.

Is the extent of carparking reduction acceptable?

The proposal is seeking to develop a medical centre with six consulting rooms and a pathology suite. Under the requirements of Clause 52.06: Car parking, 23 car parking spaces are required to be provided, inclusive of accessible spaces. The application seeks to provide only three spaces (inclusive of one accessible space). This results in a shortfall of 20 car parking spaces that need to be assessed as part of this application.

In determining if a car parking reduction is appropriate, a range of policies must be considered. In relation to the site, these relate to Clause 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo and Clause 18.02-4L-03 – Car parking – Greater Bendigo.

Specifically, Clause 18.02-4L-03 – Car parking – Greater Bendigo requires that when assessing an application to reduce car parking that the following be considered:

- *The 10 minute neighbourhood principles set out in Clause 02.03-1 are met.*
- *There are off-site car parking alternatives.*
- *Bicycle parking and end of trip facilities are provided above the rates specified in Clause 52.34.*
- *The site is highly accessible, safe and functional.*
- *Pedestrian or cycling infrastructure is provided.*
- *Car parking demand will be managed through a transport management plan.*
- *The proposal enables the reuse of a heritage building.*

(emphasis added)

The proposed medical centre is located at the periphery of the commercial area of Eaglehawk as it transitions into residential uses. The site has adjoining on-street parking along Napier Street and off-street public parking facilities to the rear managed by the City.

A Car Parking Demand Assessment, prepared by a suitably qualified consultant, was provided as part of the application material. This assessment was prepared in accordance with the requirements of Clause 52.06-7.

The assessment concludes that there is capacity within the surrounding area for a medical centre of this scale to rely on the use of public carparking spaces to meet the statutory parking requirements for the site. It is expected that the majority of car parking demand will be directed to the on-street parking spaces within Napier Street, with some taken by the public car park area to the rear. The three spaces provided within the site will likely be utilised by staff for the medical centre, with the accessible space made available for eligible patients (when the gate is open).

Officer assessment is that the proposed reduction in car parking for a medical centre of this size in this location would be supportable if other elements of the proposal (demolition, design), complied with the requirements of the Greater Bendigo Planning Scheme.

It should be noted that further support for the reduction in carparking spaces would result if the application had sought to reuse the front portion of the existing heritage building rather than propose its full demolition.

Are the access arrangements for the rear car park acceptable?

The proposal seeks to provide a carparking area to the rear of the medical centre building, which would also serve as an area to house services. The space is to be fenced and accessed through a gated entry from the laneway that runs along the side of the site. Three car spaces (as outlined above), are proposed in addition to space for waste bin storage and rear access to the centre. Bicycle parking is also provided in this area.

The City's Traffic Engineer expressed concern with the design of the access point. The construction of the crossover to access the rear car parking area would result in a reduction in the width of the footpath along the side of the site. This width will not be compliant with access requirements under the *Disability Discrimination Act 1992* (Commonwealth). To ensure compliance, amendments to the design of the access point would be required to ensure that required footpath widths were maintained.

It is noted that the need for car parking in this portion of the site is not a mandatory requirement of the Greater Bendigo Planning Scheme. If the partial retention of the existing building was sought, further use of this portion of the site for built form could be considered. A further reduction in on-site carparking could have been sought, which may have also been deemed supportable in relation to an appropriate application on this land (partial retention of the existing heritage building).

Is the extent and design of signage appropriate for a heritage precinct?

In considering whether the extent of signage is appropriate for the site, the signage must be consistent with the signage objectives of the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)'*. In relation to signage, the following objectives are sought to be met:

- *To encourage advertising that complements the character of the heritage place by considering placement, style and scale.*
- *To encourage the rationalisation of advertising to reduce the cumulative amenity impacts in the public realm.*
- *To maintain and enhance the appearance of streetscapes and heritage areas by encouraging well designed and located signage and advertising.*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

No planning permit is required for the proposed signage under the requirements of the Commercial 1 Zone or Clause 52.05: Signage.

The proposed signage has been designed to be respectful of the heritage precinct that the medical centre is located within. The main signage proposed for the façade of the building is in keeping with the scale of the structure and would present as part of the built form. No internal or external illumination of signage is proposed. The additional freestanding sign is of a scale that is not obtrusive and considered appropriate for the heritage precinct. The specific sign details have not been fully provided at this stage, which would have necessitated a condition 1 requirement for further plans to be prepared. The proposed signage is an appropriate response to the heritage context and as such does not form any grounds for refusal.

Conclusion

The application proposes the 'd*emolition of buildings, construction of medical practice, reduction in parking and display of signage'* at 49 Napier Street, Eaglehawk. The proposal runs contrary to the relevant planning policy framework. The proposed full demolition of the existing building on site would result in an unacceptable impact on the established heritage character of the precinct. This building is contributory to this heritage character and the key elements of this structure should be retained.

The proposed built form is also not in keeping with a building in a heritage precinct, nor does it appropriately respond to the requirements of the Design and Development Overlay.

The main themes of the officer assessment detailed throughout this report can be summarised as follows:

- A medical centre use on the site is as of right, subject only to the appropriate development of buildings to support this use.
- The site currently contains a miner's cottage that contributes to the protected heritage character of the Eaglehawk Heritage Precinct.
- The full demolition of the existing building would result in an unacceptable outcome in respect to the conservation of the heritage character of this area.
- Partial demolition of the building could be supported if undertaken as advised throughout the assessment of the application. However, the applicant has not chosen to take this advice on board.
- The proposed building design does not respond to the requirements of new builds in a heritage area.
- The proposed building does not actively present to Napier Street, providing no connection to the public domain as sought by the Eaglehawk Structure Plan.
- The reduction in car parking is appropriate for a medical centre of this scale in this location. This would be further supportable if the front portion of the existing building was to be retained.
- Access from the laneway has not been fully resolved, with further refinement of this area required before full support to any entry in this location being able to be given.
- The location and scale of proposed signage is appropriate for the heritage precinct.

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

Options

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

Conflict of Interest

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

Attachments

Nil

16.4. 13 Haggar Street, Eaglehawk 3556 - Construction of Dwelling, Front Fence and Vehicle Crossover

Author:	Peter O'Brien, Coordinator Planning
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DR/732/2022
Applicant:	Cavalier Homes Bendigo
Land:	13 Haggar Street, EAGLEHAWK 3556
Zoning:	General Residential Zone
Overlays:	Heritage Overlay 19 (Eaglehawk Precinct)
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	• Whether the proposal will adversely affect the heritage significance of the Eaglehawk Precinct (Heritage Overlay 19). • Whether the proposed siting and materials of the dwelling are appropriate. • Whether the proposed car parking arrangements suitably respect the heritage precinct.
Conclusion:	The proposed building is not an appropriate response to the heritage precinct and is recommended for refusal

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), that Council issue a Notice of Decision to Refuse to Grant a Permit for Construction of Dwelling, Front Fence and Vehicle Crossover at 13 Haggar Street, Eaglehawk 3556 on the following grounds:

1. The proposed dwelling is not in accordance with clause 43.01 – Heritage Overlay, clause 15.03-1S – Heritage Conservation, clause 15.03-1L (Post contact heritage conservation – Greater Bendigo), and the City of Greater Bendigo Heritage Design Guidelines in that:
    - The proposed siting of the building does not respect prevailing front setbacks of contributory buildings in the precinct and will exacerbate issues with visibility of inappropriate materials for external walls.
    - The proposed extensive use of brick does not respect the character of the precinct.
    - The appearance and arrangement of the proposed garage (including width of doors, lack of sufficient setback behind the main plane of the dwelling, incorporation into the main roof form and materials) will adversely affect the heritage precinct.
    - The use of two crossovers is contrary to the City of Greater Bendigo Heritage Design Guidelines.

2. The proposed dwelling will adversely affect the heritage significance of the Eaglehawk Precinct (Heritage Overlay Schedule 19) due to its siting, materials, and prominent garage.

Background Information

The application was lodged on 18 October 2022.

Heritage advice was provided during the course of the application and this was not supportive of the application. The applicant has since provided amended plans in response to these comments and it is the plans received on 19 April 2023 that are considered in this report.

The amended plans have not resolved the concerns with the proposal, as outlined in this report.

Report

Subject Site and Surrounds

The subject site is an irregularly shaped vacant lot on the north side of Haggar Street in Eaglehawk. The lot is at a mid-block location, positioned between High Street (to the west) and Willan Street (to the east). The lot was created by a two-lot subdivision in 2014 (application DS/227/2014) that separated this land from the rear of the lot to the north which fronts Church Street. The land has remained vacant since that time.





Figure 1 and 2: Views of the site looking southwest (toward High Street)





Figure 3 and 4: View of application site; and looking northeast (toward 15 Haggar Street)

The lot has an area of 628 square metres and has an angled 24m long frontage to Haggar Street. The site is level and largely cleared of vegetation, with only small trees near the east and west boundaries.

The bend in the sealed roadway of Haggar Street in front of the site creates a wide unsealed verge at this point.





Figures 5 and 6: Adjoining dwellings at 9 and 11 Haggar Street); and adjacent Victorian dwellings at 10 and 12 Haggar Street).

To the east is a building resembling a community hall, which has frontage signage reading “RAOB” – this designation is associated with the Royal Antediluvian Order of Buffaloes, a male fraternity that originated in Britain from 1822. The building does not appear to be in use, although the site is well maintained.

To the west is a single storey weatherboard dwelling. Houses on the street are predominantly from the mid to late 1800s, with some inter-war and post war and contemporary dwellings interspersed.



Figure 7: Aerial photography showing subject site.

The 19th century form prevailing on the street is reflected by the site's inclusion within the Eaglehawk Heritage Precinct, which extends to Willan Street, approximately 130m to the east of the site. There are two individually listed properties along Haggar Street: the Eaglehawk Anglican Church building at the corner of High Street; and 19 Haggar Street, three properties to the east. The latter contains a significant Green Mallee (*Eucalyptus viridis*) tree.

The site is not subject to any restrictive covenants that would affect the proposal.

Proposal

The proposal is for the construction of a dwelling, fence and a vehicle crossover.

The dwelling would be single storey and have three bedrooms. There would be two main living areas. A double garage would be located against the west boundary. A wide porch is proposed to be constructed at the front of the dwelling.

The dwelling would have a minimum setback of 2.66m to the front porch and 4m to the front wall at its easternmost front corner, although this quickly increases due to the sharply angled frontage. The westernmost edge of the garage is proposed to be setback 13.57m.

External walls would be predominantly brick with metal roofing. A limited area of timber weatherboard cladding is proposed to be provided on the front elevation, that is shown wrapping slightly around the edges of the protruding front lounge and the eastern elevation (as visible in Figures 10 and 11, below), but not along either front or sides of the garage.

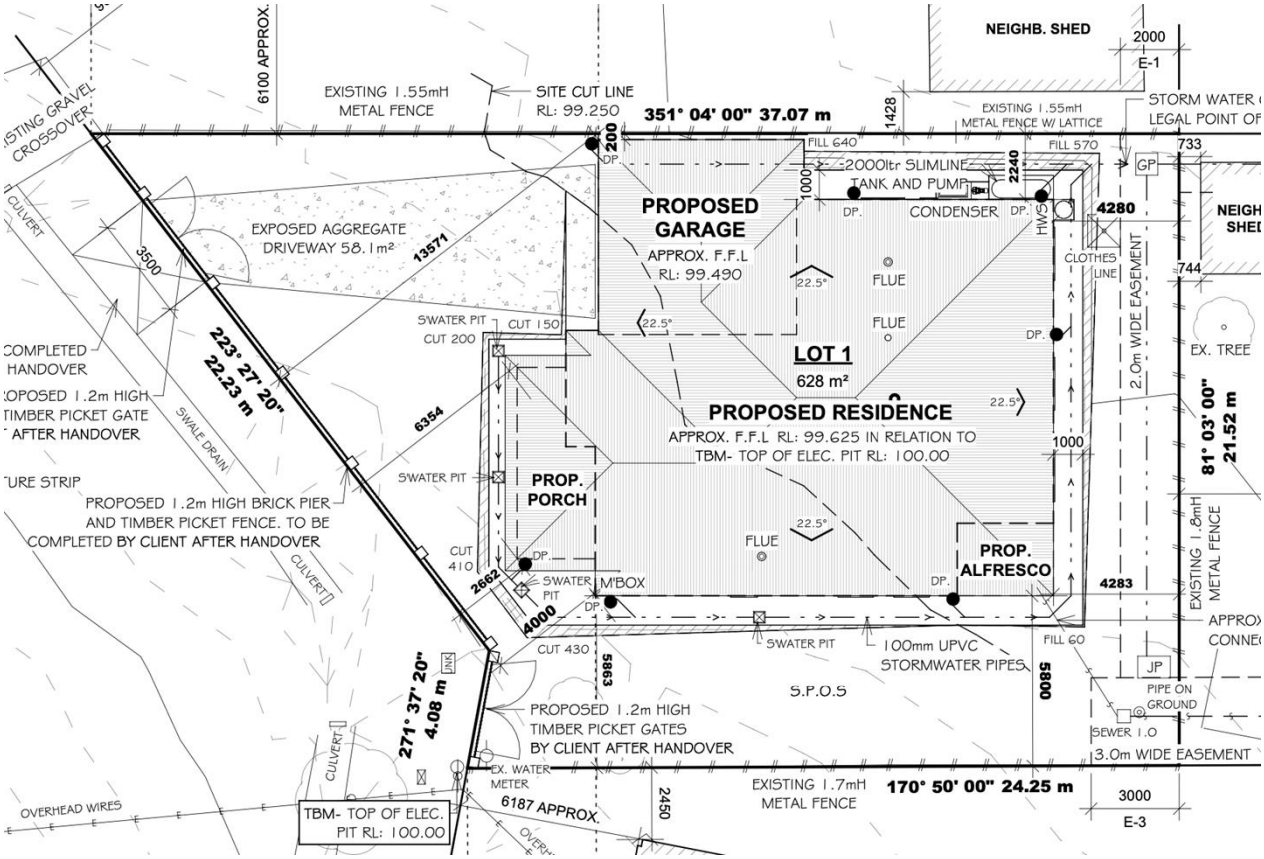


Figure 8: Proposed site plan.

The proposed fence is to be 1.2m high with brick piers and timber pickets. A gate near the west boundary would allow access to a new crossover near the western end of the frontage. Despite the deletion of a sealed crossover on the 19 April 2023 plan, gates at the eastern end of the frontage would allow access at the existing crossover point.

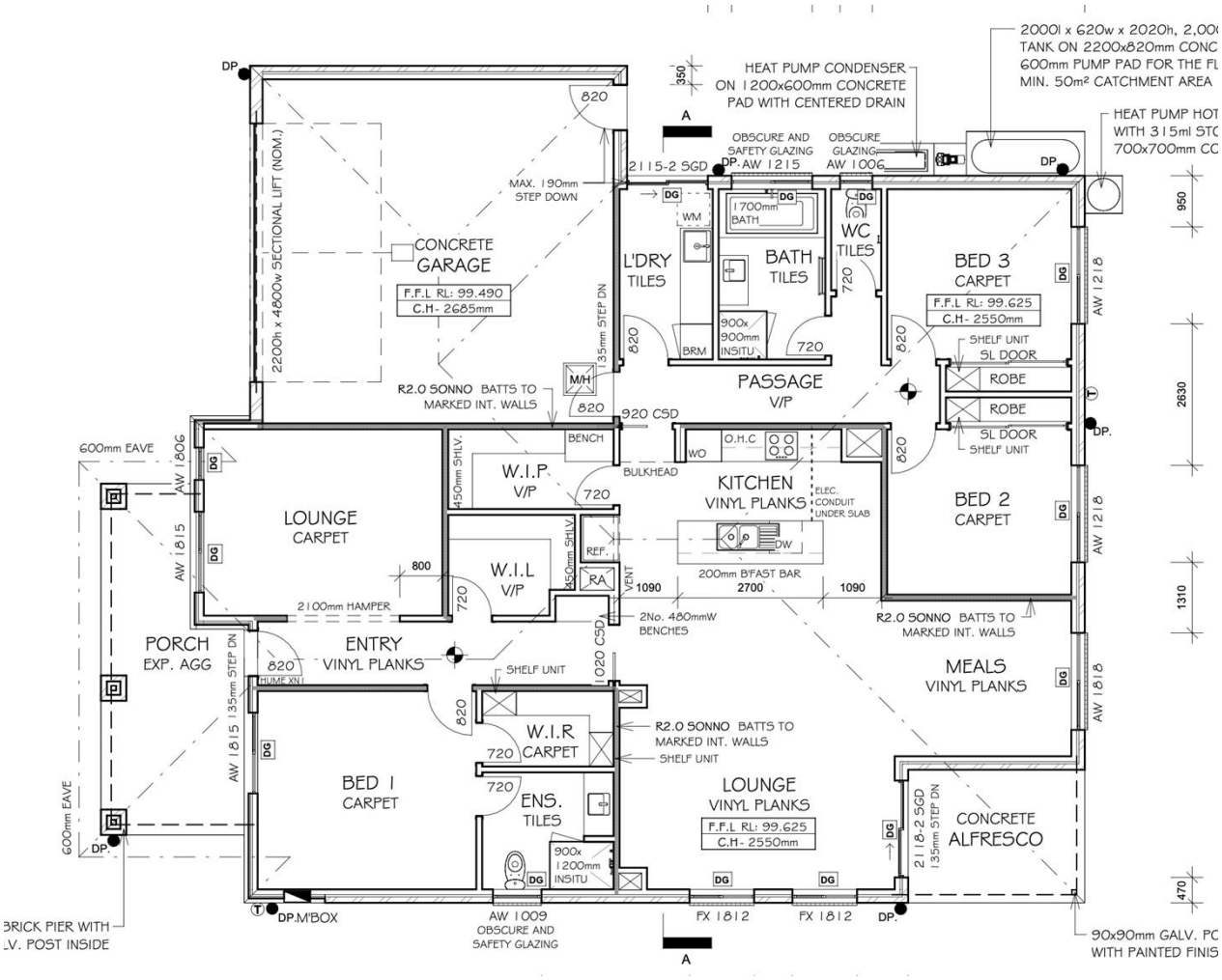


Figure 9: Extract from plans showing proposed floorplan.

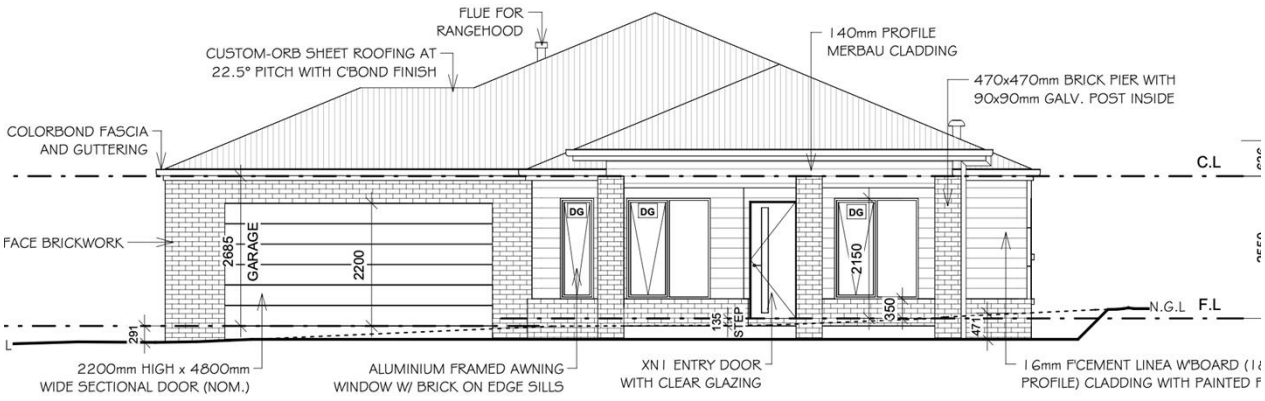


Figure 10: Extract from plans showing proposed front elevation presentation to Haggar Street.

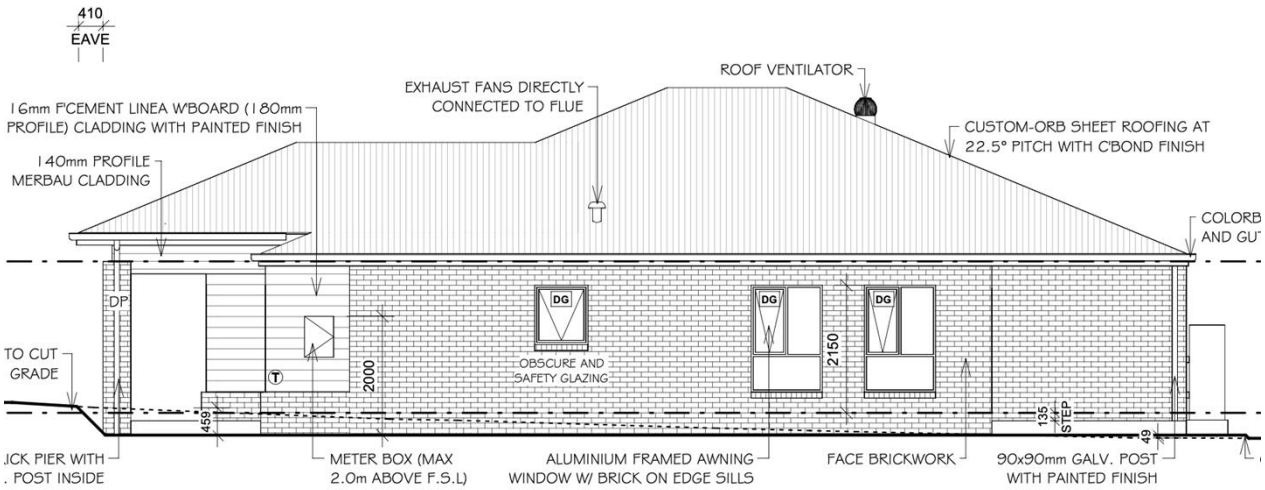


Figure 11: Extract from plans showing proposed east elevation.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The need for a planning permit is triggered by Clause 43.01 Heritage Overlay that states a permit is required to construct a dwelling, fencing and a visible vehicle crossing.

Note: the application is being assessed under the Heritage Overlay only. ResCode or clause 54 is not applicable to this assessment.

A number of ResCode variations are required for this dwelling and these are with the City's Building Department for determination pending the determination of this permit application.

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

Planning Policy Framework

15.03-1S Heritage conservation
15.03-1L Post contact heritage conservation - Greater Bendigo

Zone

32.08 General Residential Zone

Overlay

43.01 Heritage Overlay

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for.

Consultation/Communication

There is no statutory requirement within the Planning Scheme to consult with any referral authorities on a proposal of this nature.

The following internal department has been consulted on the proposal:

Referral	Comment
Heritage Advisor	Comments on initial plans raised concerns with: • Full brick construction in an area where the predominant fabric is lightweight weatherboard construction with corrugated iron roofing. • Setback at southeast corner uncomfortably close to the street. • Lack of setback of garage compared to front wall.

Public Notification

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

No objections were received.

Planning Assessment

Would the proposal adversely affect the heritage significance of the Eaglehawk Precinct (Heritage Overlay 19)?

A permit is only required due to the heritage overlay. Heritage issues are therefore the central issue for assessment.

Referring to the Municipal Planning Strategy and the Planning Policy Framework, the strategic direction for heritage is to protect sites, places and features of natural, archaeological, and cultural heritage significance, partly by balancing the protection of heritage places with support for sensitive development and adaptive reuse.

The subject site is currently affected by a heritage precinct referring to the Bendigo Civic area of significance. The Bendigo and Eaglehawk Heritage Study (Butler, G and Associates, 1993), a background document, states as follows about the precinct:

> *"Eaglehawk includes many of the built and landform elements typifying the local life of a nineteenth century mining community. Most of the buildings were created in the principal era of reef mining. They cover the range of such buildings which would have normally constituted town centres across the goldfields.*
>
> *In the case of Eaglehawk the unusual road pattern and the manner in which the Town hall and Mechanics Institute sit within a Y- intersection and as well the slope of the land down towards this reserve when approached from Bendigo give a more forceful expression to the patterns seen in other gold towns. The centre of Eaglehawk with its solid commercial structures, its public buildings, its range of houses and its street patterns faithfully reflects the intimate and energetic life of a mining township."*

The key local policy providing local guidance for heritage applications is clause 15.03-1L – Post Contact Heritage Conservation – Greater Bendigo. This is then supported by the City's Heritage Design Guidelines, that are an incorporated document and set out the preferred design approaches to new proposals in heritage significant areas. These expand on and localise the Statewide guidance in clause 43.01 (the Heritage Overlay) and clause 15.03-1S – Heritage Conservation.

The proposed dwelling raises issues with regards to its siting, materials and car parking when considered against this guidance. These issues are discussed separately below.

Is the proposed siting of the dwelling appropriate?

With regards to the main portion of the dwelling, relevant policy in clause 15.03-1L is as follows:

> ***Infill development and new building strategies***
>
> *Support new buildings that do not adversely affect the significance, character, or appearance of the heritage precinct, and are visually recessive.*

Ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks, and materials.

The Heritage Design Guidelines comment as follows with regards to front setbacks:

- *Front setbacks should be consistent with adjoining contributory elements, e.g., verandahs should be set back to match adjoining verandahs and façades should be set back to match adjoining front walls.*
- *Where there are different adjoining setbacks, the greater setback will apply.*
- *Where the site does not adjoin a contributory building, or adjoins an atypical setback, adopt the setback common for contributory buildings in the streetscape.*

The proposed minimum front setback of the dwelling does not respond appropriately to this guidance. The front corner of the porch is proposed to be only 2.66m from the street setback and the dwelling itself is 4m. While this is a minimum due to the front wall being set at an angle compared to the street setback, and the bend in the street complicates application of the Heritage Design Guidelines' setback guidance, this is considered at odds with the streetscape given that:

- The houses to the west have similar angled setbacks that are directly comparable to this site (visible in Figure 7 above). However, the closest point of the nearest of these to the street is 9m from the street, more than 6m greater than proposed on this site to the porch, and 5m further than the front corner of the building.
- To the east, the adjoining building is set back 6.18m. This will increase the prominence of the side wall of proposed building when viewed from the east.
- Further to the east and on the south side of the street, setbacks for contributory buildings vary but are typically between 4 to 6m and sometimes more.

The proposed building would therefore not sit comfortably with the surrounding form in either direction, even allowing for the disruption in siting that occurs due to the bend in the street. The visibility of the side wall would increase the prominence of the eastern side wall built to that boundary and exacerbate issues with its materials discussed below.

The guidelines also note:

- Atypical buildings found in the heritage precinct should not be used as the reference point for new development design; the design approach should be respectful of the dominant characteristics of the precinct.

Below are three atypical examples in the streetscape; their presence does not mean that this proposition should be supported having due regard to the above guideline.





Figure 12 and 13: The opposite side of Haggar Street – 2 Haggar Street (constructed in 2015) and Units 1 and 2, 8 Haggar Street (constructed in 2004).



Figure 14: 7 Haggar Street (constructed in 2020).

Are the proposed materials of the dwelling appropriate?

The Heritage Design Guidelines note as follows with regards to materials:

> *Materials, textures, colour schemes and finishes should complement and respect the appearance and character of contributory buildings within the streetscape. A mix of sympathetic materials and colours is often good to lessen the impact of a new building.*

The prevailing material in the precinct and especially for contributory buildings, is weatherboard. While the RAOB building to the east is brick, this is an atypical, non-residential building. The design cues with regards to materials should be taken from the contributory houses in the street.

In response to concerns about the use of brick, a limited amount of timber weatherboard was introduced to the front facade (like that which can be seen at 7 Haggar Street) which, as already described, wraps slightly around the eastern facade.

The limited area of timber weatherboard added to the building is considered an unsatisfactory response. It would be read/viewed as a superficial veneer to what will be readily perceived as a brick building. The use of such a limited and arbitrary portion of timber on a substantially brick building is considered unlikely to be satisfactory regardless

of how this is arranged, but the siting of the building and placement of the timber make it particularly unsatisfactory in this instance.

For example, from the front, the timber weatherboards do not extend across the full frontage, meaning that the brick garage will read as a heavier structure at the same alignment as most of the front wall. The piers for the front porch and the base of the front walls are proposed to remain as brick, further increasing the visibility of the material.

From the east, the siting of the building forward of the prevailing building line would mean the transition from timber to brick would be readily apparent in views from the east. From the west, while the brick side wall of the garage would be relatively concealed given its setback, the front brick wall would be readily apparent. This is evident in the applicant's 3D drawings of the building, extracted at Figure 15.



Figure 15: Extract from 3D drawings of the building showing the building from the southwest.

The building would be read/viewed as a brick building with a limited area of timber applied to its frontage. This is not considered appropriately respectful of the heritage context.

Do the proposed car parking arrangements suitably respect the heritage precinct?

Strategies in clause 15.02-1L relevant to the garage are as follows:

> ***Car parking strategies***
> *Support car parking, car accommodation and associated accessways that do not dominate or affect the significance of a heritage place.*
>
> ***Car parking policy guidelines***
> *Consider as relevant:*
> - *Locating car parking to the rear or to the side of the building, at least 1 metre behind the primary façade.*

Similar principles apply under the Heritage Design Guidelines that have an objective that garages should not "*dominate or affect the significance of the heritage place."* They then provide specific guidance applicable to garages and carports, notably:

> *New structures should be proportionately smaller in scale than the dwelling.*
>
> *New structures should be set under the eaves of the dwelling (the eaves of the heritage place should not be cut into). Existing chimneys should be retained.*
>
> *New structures should be clad in similar materials to that of the dwelling and/or painted to match the heritage place.*
>
> *New structures should have a simple skillion, hipped, gable or flat roof.*
>
> *New structures should be a separate visual entity. Continuing an existing wall without a break or change of material to form a garage is not appropriate, unless located at the rear of the dwelling.*

The garage is proposed as a brick structure presenting a double garage door to the street. It is also aligned with the main alignment of the frontage; the revised plans have had the lounge project forward of the other rooms, but the main wall plane of the house is aligned with the garage. This effect is then intensified by the proposed use of brick for the garage, which would mean that the garage would be read/viewed as a more robust and substantial element than the front of the house will.

The proposed building is not considered to utilise the design approaches outlined above from the Heritage Design Guidelines. For example:

- *It is a large visual element, of similar proportions to the balance of the front facade.*
- *It is incorporated within the main roof form, rather than under the eaves.*
- *While clad in the same material as the bulk of the dwelling, this is an inappropriate material as already discussed, and also involves an awkward relationship with the limited area of timber on the front facade.*
- *It is not a separate visual entity to the main building due to its direct attachment to the dwelling, lack of setback, shared materials and location under a shared roof line.*

Taken in combination, it is considered that the garage would not be suitably recessive and respectful of the heritage context.

The proposal also creates a new crossover, but without clearly showing removal of the existing crossover. While the crossover is annotated as removed on the existing site plan (sheet 01), all the plans show the existing culvert which allows for the crossover to be retained and the presence of gates, allowing access to the existing crossover, suggesting this access will be maintained. The Heritage Design Guidelines note:

- *Existing access points should be used where possible; more than one access point per allotment is discouraged.*

The apparent use of two crossovers is not considered to accord with this guidance.

Conclusion

The proposed building is not considered to respond appropriately to the heritage guidance of clauses 43.01, 15.03-1S and 15.03-1L or the Heritage Design Guidelines. It does not appropriately respect the qualities of the Eaglehawk Precinct.

It is considered that the proposal is inappropriate due to its siting, materials and the prominence of its garage.

It is recommended that it be refused on the ground listed at the beginning of this report.

Options

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

Conflict of Interest

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

Attachments

Nil

16.5. CA 1 Axedale-Kimbolton Road, Eppalock 3551 - Use And Development Of Land For 3 Dwellings And a 3 Lot Subdivision

Author:	Rees May, Senior Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DSD/715/2022
Applicant:	James Westley on behalf of Axedale Rural Living Pty Ltd
Land:	CA 1 and CA 8 Axedale-Kimbolton Road, EPPALOCK 3551
Zoning:	Rural Living Zone
Overlays:	Environmental Significance Overlay 1
No. of objections:	8
Consultation meeting:	28 February 2023
Key considerations:	• Whether the proposal is consistent with the relevant planning policy that deals with rural residential development and subdivision, and the purpose and decision guidelines of the Rural Living Zone. • Whether the proposal is compatible with adjoining and nearby land uses. • Whether the proposal will result in any adverse impacts on the Campaspe River and its environs. • Objector concerns.
Conclusion:	The application is recommended for approval on the basis that it, on balance, represents an acceptable outcome with regards to the relevant policy contained within the Greater Bendigo Planning Scheme. The proposal will result in subdivision and development in a rural setting that is in keeping with the surrounding context. The proposal will not be adversely affected by agricultural and extractive activities, nor will it limit the expansion of these activities.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), that Council issue a Notice of Decision to Grant a Permit for the use and development of the land for 3 dwellings and a 3 lot subdivision at CA 1 and CA 8 Axedale-Kimbolton Road, Eppalock 3551, subject to the conditions at the end of this report.

Background Information

Application History and Planning Scheme Amendment

Planning permit application DS/36/2022 was lodged with the City on 28 January 2022 for a 5 lot subdivision. Whilst this planning permit application was under assessment, Planning Scheme Amendment VC219 was gazetted on 22 March 2022.

This Planning Scheme Amendment introduced additional permit triggers for accommodation uses and buildings and works associated with accommodation within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

The Explanatory Report for Amendment VC219 explains that the amendment enables the planning system to assess the impact and suitability of using or developing land for accommodation in proximity to extractive industry. This affords protection to the extractive industry from encroachment while also considering the potential adverse amenity impacts on accommodation from extractive industry operations. Objectives of Planning Scheme Amendment VC219 include:

- Ensuring orderly planning and minimising the potential for land use conflict between accommodation in rural zones and proposed and approved extractive industry.
- Ensuring accommodation is appropriately sited and designed to avoid adverse amenity impacts arising from the operation of extractive industry operations.
- Recognising and protecting proposed and existing extractive industry operations by preventing the encroachment of accommodation into the required operational separation distances.

These are all relevant considerations to this application.

As a result of the introduction of Amendment VC219, the previous planning permit application for a 5-lot subdivision was withdrawn.

A redesign occurred and the current application for a 3-lot subdivision was lodged, giving consideration to the siting of future development and the potential impacts from the Axedale Quarry.

Report

Subject Site and Surrounds

The subject site is located at Axedale-Kimbolton Road, Eppalock and is made up of two parcels of land legally described as Crown Allotments 1 and 8, Section 6, Parish of Eppalock. The site is located on the north-eastern side of Axedale-Kimbolton Road, is irregular in shape and has a combined area of 31.5 hectares.

Crown Allotment 1 has an overall area of 24.77 hectares with frontage onto Axedale-Kimbolton Road of 618.8 metres and a lot depth of 537.1 metres. Informal vehicle access is provided via two access gates onto Axedale-Kimbolton Road.

Crown Allotment 8 has an overall area of 7.16 hectares with frontage onto the Campaspe River to the east. Informal vehicle access is provided via an access gate adjoining Doaks Reserve.

The site has previously been used for cropping and grazing and contains a small dam located in the north-western corner of the site. The site is mostly cleared of vegetation other than a small amount of regrowth along the northern and eastern boundaries and some scattered trees central to the site.

The land falls from the road frontage to the Campaspe River (west to east) and from south to north (as per the direction of river flow).

The surrounding context is as follows:

- The site is adjoined to the north by Bowden Lane and Doaks Riverside Reserve. Further north is a parcel of land bordered by Axedale-Kimbolton Road, Henry Lane and the Campaspe River. This parcel of land is located within the Rural Living Zone and contains a dwelling and associated outbuildings in the southern portion of the site.

- The site is adjoined to the east by the Campaspe River. Further east are a number of parcels within different ownership located within the Farming Zone. The site is predominantly used for a works authority purpose and contains the Hanson Axedale Quarry. The Quarry is a blasting extraction quarry that produces blue stone aggregate. The site is also used for grazing purposes and a materials recycling component was recently approved.

- The site is adjoined to the south by a parcel of land within different ownership also located within the Rural Living Zone. This parcel of land is currently vacant and mostly cleared of vegetation. This parcel has frontage and access onto Axedale-Kimbolton Road.

- The site is adjoined to the west by Axedale-Kimbolton Road. On the other side of Axedale-Kimbolton Road is a parcel of land within different ownership. This parcel of land is used for agricultural purposes and contains a heritage dwelling constructed from blue stone, along with a stone clad outbuilding and agricultural buildings.

The below images show an aerial image of the subject site and surrounds and views of the site from both Axedale-Kimbolton Road and Doaks Reserve.

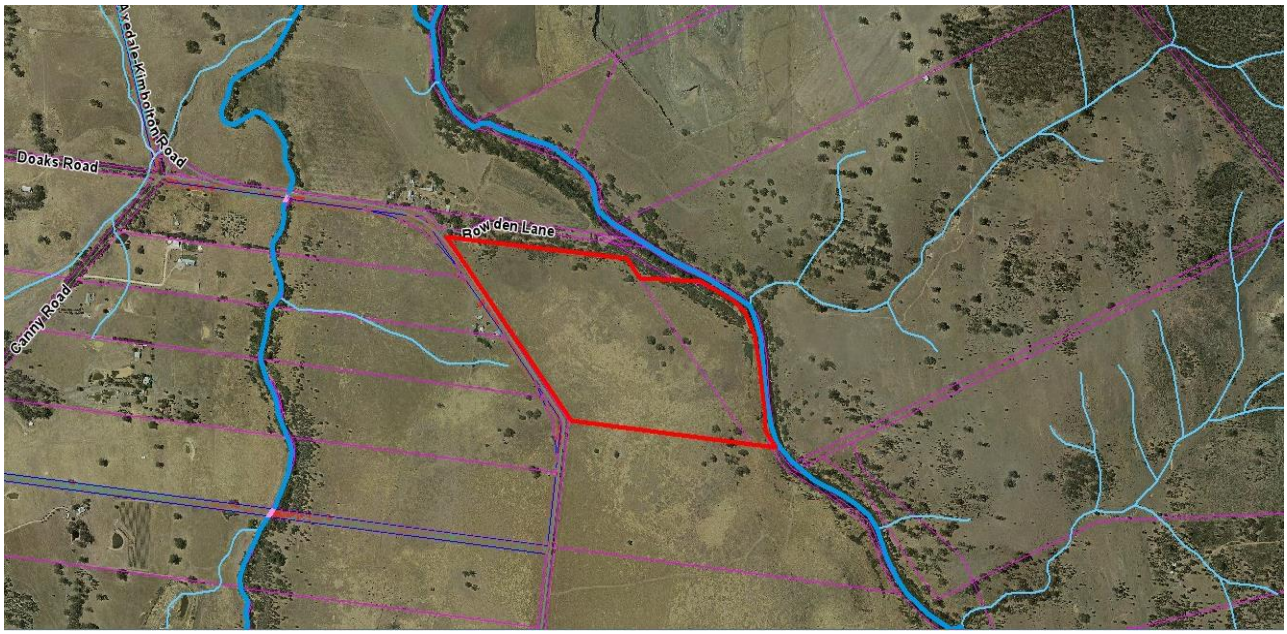


Figure 1 Aerial image of the site and surrounds.



Figure 2 View of the northern access gate adjoining Axedale-Kimbolton Road (the trees lining the Campaspe River can be seen in the background).



Figure 3 View of southern access gate onto Axedale-Kimbolton Road.



Figure 4 View of the access from Doaks Reserve.

The site is located within the Rural Living Zone and a small portion at the rear of the site is affected by the Environmental Significance Overlay Schedule 1 (which relates to watercourse protection). Land within the Public Conservation and Resource Zone is found to the north and east of the site along the Campaspe River. Further to the north and east of the site is the Farming Zone, and further south of the site is the Rural Conservation Zone.

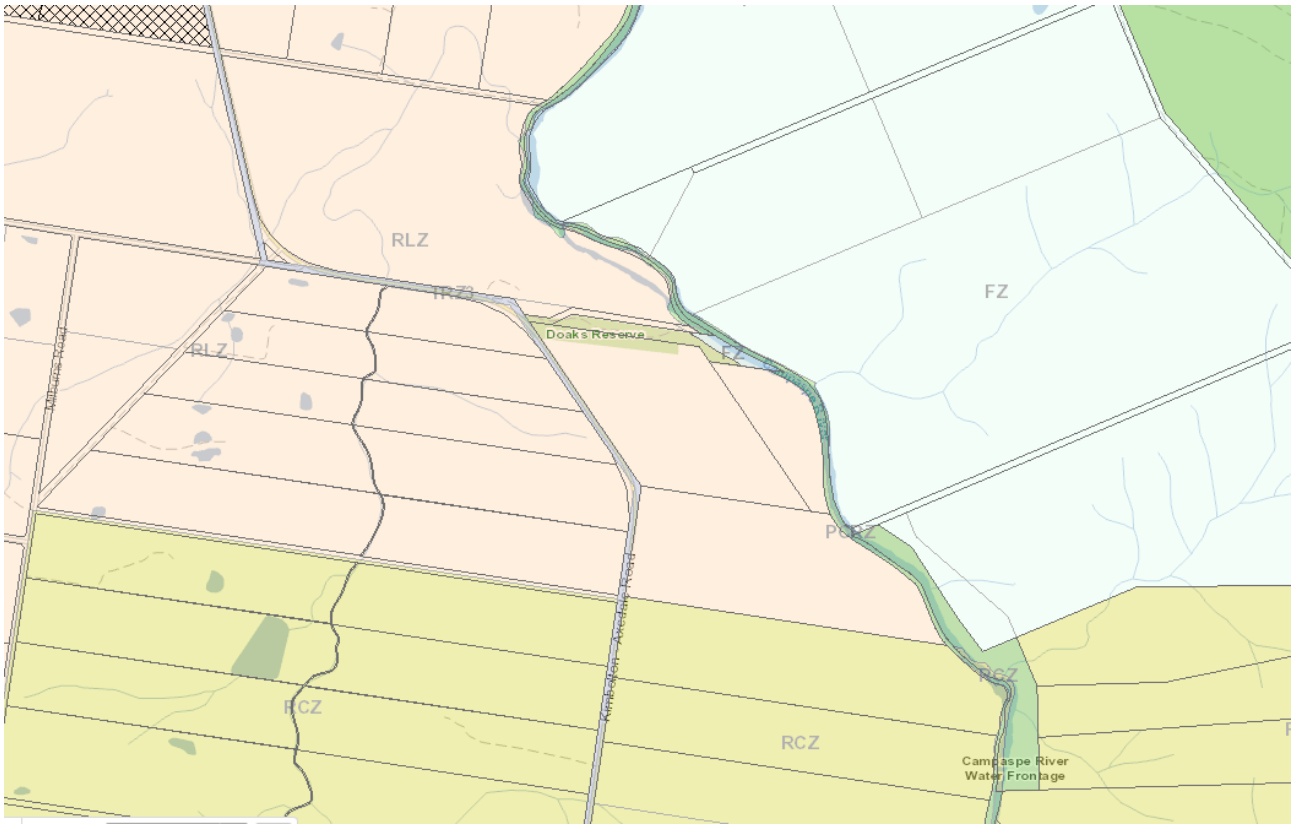


Figure 5 Zoning map of the subject site and surrounds.

Proposal

The application proposes the use and development of the land for 3 dwellings and a 3 lot subdivision.

The proposed subdivision layout is as follows:

- *Lot 1*

Lot 1 would be located in the northern portion of the site. The lot would have an overall area of 14.5 hectares with frontage onto Axedale-Kimbolton Road of 381.2 metres and frontage onto Bowden Lane (Doaks Reserve) of 537.1 metres.

A building envelope would be located within the front portion of the site and setback 50 metres from the front boundary. The building envelope would be irregular in shape with an overall area of 4,177 square metres.

- *Lot 2*

Lot 2 would be located in the central portion of the site. The lot would have an overall area of 8.94 hectares with frontage onto Axedale-Kimbolton Road of 99.6 metres and a depth of 605.3 metres.

A building envelope will be located within the front portion of the site and setback 50 metres from the front boundary. The building envelope would be irregular in shape with an overall area of 7,825 square metres.

- *Lot 3*

Lot 3 would be located in the southern portion of the site. The lot would have an overall area of 8 hectares with frontage onto Axedale-Kimbolton Road of 138.9 metres and an overall lot depth of 605.3 metres.

A building envelope would be located within the front portion of the site and setback 50 metres from the front boundary. The building envelope would be irregular in shape with an overall area of 9,921 square metres.

Development

As outlined above, each lot would have a building envelope that is proposed to contain a future dwelling. The building envelopes are irregular in shape and have been designed to provide a 500 metre buffer from the works authority boundary of the Axedale Quarry (located to the north-east of the site).

Dwelling plans have not been provided at this stage, with the applicant seeking the requirement to provide full dwelling plans to form a permit condition.

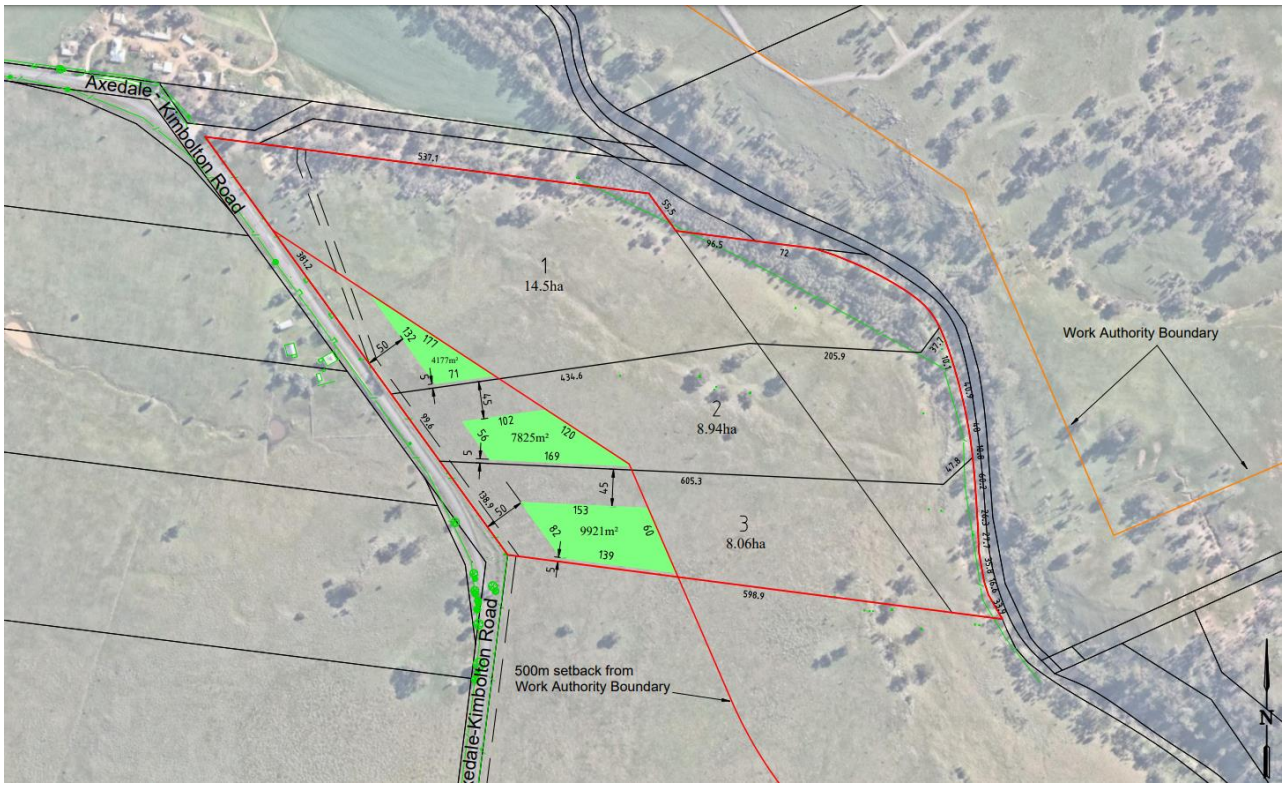


Figure 6 Proposed subdivision and building envelope layout.

Planning Controls - Greater Bendigo Planning Scheme

Why a planning permit is needed?

Clause	Permit Trigger
Clause 35.03-1 Rural Living Zone	A permit is required to use the land for a dwelling within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Clause 35.03-3 Rural Living Zone	A permit is required to subdivide land.
Clause 35.03-4 Rural Living Zone	A permit is required to construct or carry out: • A building or works associated with a use in Section 2 of Clause 35.03-1. • A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Clause 42.01-2 Environmental Significance Overlay	A permit is required to subdivide land.

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

Municipal Planning Strategy

02.01 Context
02.02 Vision
02.03-1 Settlement
02.03-2 Environment and landscape values
02.03-3 Environmental risks and amenity
02.03-4 Natural resource management
02.03-5 Built environment and heritage
02.03-6 Housing
02.04 Strategic framework plans

Planning Policy Framework

11.01-1S Settlement

12.03-1S River corridors, waterways, lakes and wetlands
13.07-1S Land use compatibility
14.01-1S Protection of agricultural land
14.01-1L Protection of agricultural land – Greater Bendigo
14.02-1S Catchment planning and management
14.02-2S Water quality
14.03-1S Resource exploration and extraction
15.01-2S Building design
15.01-3S Subdivision design
15.01-6S Design for rural areas
15.03-2S Aboriginal cultural heritage
16.01-1S Housing supply
16.01-3S Rural residential development
16.01-3L Rural residential development – Greater Bendigo

Other Provisions

35.03 Rural Living Zone
42.01 Environmental Significance Overlay
52.09 Extractive Industry and Extractive Industry interest areas
53.01 Public Open Space Contribution and Subdivision

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Coliban Water	No objection - subject to conditions.
Department of Energy, Environment and Climate Action	No objection - subject to conditions.

Referral	Comment
Downer	No response.
Earth Resources Regulation	No objection – did not request any conditions.
Environment Protection Authority	No objection – did not request any conditions.
North Central Catchment Management Authority	No objection – did not request any conditions.
Powercor	No objection – subject to conditions.
Engineering – Drainage	No objection – did not request any conditions.
Engineering – Traffic	No objection – subject to conditions.
Environmental Health	No objection – subject to conditions.

Public Notification

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

As a result of advertising, 8 objections were received, with the grounds of objection being:

- The lot sizing and dwelling density is incompatible with the rural area.
- Road safety issues due to location of crossovers and additional vehicle movements.
- Soil contamination.
- Wastewater disposal issues.
- Proposal is incompatible with the adjoining and nearby agricultural activity and the quarry.
- Proposal will limit the operation and expansion of agricultural activity and the quarry.
- Impact on environment and natural resources.
- Residential lots may not be maintained – potential fire hazard and increase to pests and weeds.

The objections are discussed below.

A consultation meeting was held on 28 February 2023 and was attended by the objectors, the permit applicant and their Planning Consultant, Traffic Engineer and Acoustic Engineer. No Ward Councillors attended the meeting.

The concerns raised by objectors were discussed at length and whilst there was no resolution, the meeting was invaluable to provide additional context for the issues/concerns raised.

The below image shows the location of objector properties within proximity to the subject site.

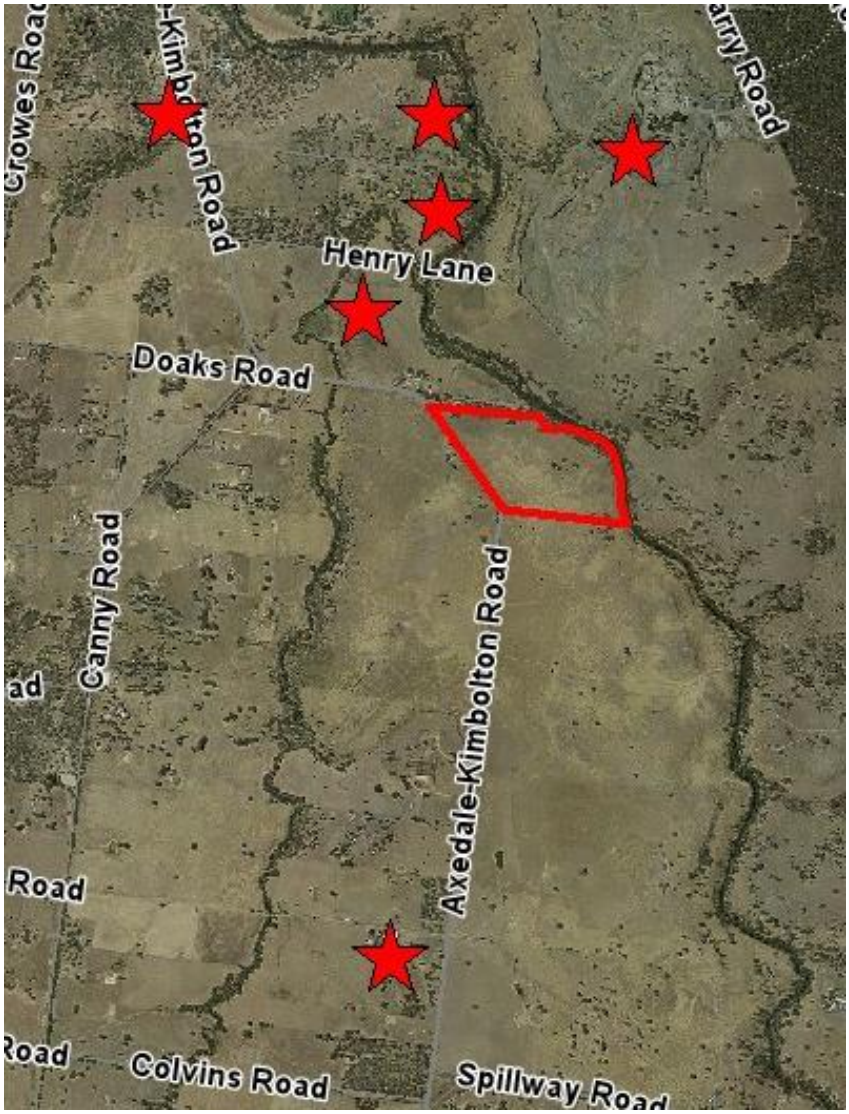


Figure 7 Aerial image showing objector properties within proximity to the subject site.

Planning Assessment

Whether the proposal is consistent with the relevant planning policy that deals with rural residential development and subdivision, and the purpose and decision guidelines of the Rural Living Zone.

Clause 15.01-6S Design for rural areas seeks to ensure development respects valued areas of rural character by ensuring that the siting, scale and appearance of development protects and enhances rural character. Relevant strategies include protecting the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located and siting and designing development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Clause 16.01-3S Rural residential development has the objective to identify land suitable for rural residential development. A strategy of this policy is to ensure that development in rural areas is managed to protect agriculture and avoid inappropriate rural residential development.

Planning policy through Clause 16.04-3L Rural residential development – Greater Bendigo seeks to design dwellings to fit in with the surrounding rural living or rural residential character or preferred character of the area and to ensure that domestic wastewater management systems are located and designed to adequately absorb the waste produced.

The site is strategically located within the Rural Living Zone within proximity to the Axedale Township and is suitable for rural residential development. The proposed subdivision layout and building envelope sites will allow for appropriate rural residential development and to ensure that nearby agricultural activity is protected due to the building envelopes being setback from title boundaries.

Due to the site being located within a Rural Living Zone it is considered suitable for residential development. The Rural Living Zone contains the following purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Each of the allotments would exceed the minimum 8 hectare lot size. The proposal will result in a functional subdivision layout which is compatible and consistent with lot sizing for the Rural Living Zone in the immediate area.

A key theme raised by objectors was that the lot sizing and dwelling density is incompatible with the rural area. Through the assessment of the site and surrounding area it has been determined that the proposed subdivision layout will be consistent with lot sizing within the vicinity of the area and the dwellings will be suited appropriately to provide an outcome that is in keeping with the rural area.

The subdivision layout will ensure that each lot has the capacity to accommodate the use and development of a dwelling. The subdivision layout will provide a configuration that is functional and in keeping with the rural context due to the size of the allotments and the frontages provided to Axedale-Kimbolton Road.

The building envelopes are appropriately separated and have been sited to provide a suitable setback from the road, away from the Campaspe River and outside of the Environmental Significance Overlay that affects a small portion of the site. The proposal has been designed to minimise the impact on the natural physical features and resources of the area and any impact caused by the proposal on soil and water quality has been minimised due to the proposed title boundaries avoiding the need to remove any native vegetation and the building envelopes and wastewater treatment areas being located outside of sensitive areas.

The application has demonstrated that appropriate domestic wastewater management systems can be designed and implemented to adequately absorb the waste produced.

Whilst detailed design of each dwelling has not yet been provided, a permit condition will require detailed plans of each dwelling to be provided prior to the commencement of each development. This approach will ensure that appropriate consideration is given to the building form, scale, colours and materials etc.

It is acknowledged that a planning permit is required to use the land for accommodation and to construct a building or to carry out works associated with accommodation within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990. Accommodation within 500 metres is not prohibited. However, consideration must be given to adverse amenity impacts from the extractive industry operation including vehicular traffic, noise, blasting, dust and vibration from the existing extractive industry operation. This will be discussed in greater detail below.

The proposal will facilitate a rural residential subdivision and development layout that is consistent with relevant policies. The site has the capability to accommodate the proposal and the subdivision layout and siting of future development will ensure that natural resources, biodiversity and the landscape are protected and enhanced.

Whether the proposal is compatible with adjoining and nearby land uses.

A strategic direction relevant to the proposal as outlined in Clause 02.03-1 Settlement is to protect agricultural land and high value environmental areas from development.

Planning policy through Clause 02.03-3 Environmental risks and amenity outlines that a key environmental risk for Greater Bendigo relevant to the proposal is land use compatibility. A strategic direction of this policy is to manage the interface between urban development and incompatible uses with off-site amenity impacts to support land use compatibility.

The key natural resource management issues for Greater Bendigo as outlined in Clause 02.03-4 Natural resource management include:

- *The protection of agricultural land and sustainable agricultural land use.*
- *Protection of water assets.*
- *Resource exploration and extraction.*

The strategic directions for natural resource management relevant to the proposal are:

- *Protecting agricultural land as a valuable and finite resource from fragmentation and encroachment by competing uses.*
- *Protecting existing and potential sites to enable resource exploration and extraction.*

The objective of Clause 13.06-1S Air quality management is to assist in the protection and improvement of air quality. A strategy outlined in this policy aims to ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive residential land use.

Planning policy through Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies to achieve this include:

- *Ensuring that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

As outlined above, the site is located within the Rural Residential Zone which is a rural zone that provides for residential use in rural areas and is typically applied on the outskirts of settlements or township areas.

The Rural Living Zone requires consideration to be given to whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Key considerations for land use compatibility include residential development, the agricultural activity that is occurring within the immediate surrounding area, and the extraction activities occurring at the adjoining Axedale Quarry. These considerations were evident through the objections that were received.

The application has demonstrated that the proposal will result in an outcome where the interface between urban development is compatible with nearby and adjoining uses with potential off-site amenity impacts. This is discussed below.

- *Rural residential land use and development*

There is already a strong presence of rural residential land and development within the immediate surrounding area. The proposal provides for a rural residential land use within an appropriate land zone.

- *Agricultural activities*

The Rural Living Zone does allow for some farming or agricultural activities and the predominant agricultural activity in the surrounding area is grazing which is occurring within the Rural Living Zone (as well as further south in the Rural Conservation Zone). As the majority of properties used for grazing are quite small in area and a number of these lots already contain dwellings, it is unlikely that there will be any significant expansion or intensification of agricultural activity in the surrounding area that will adversely affect the proposed residential land use. Further to this, all dwellings would be setback at least 50 metres from the front title boundary to allow for a suitable buffer between the residential use and nearby grazing activity.

It should be noted that the Rural Living Zone seeks to provide for residential use in a rural environment, with some small-scale agricultural activities allowable in the zone. As such it is unlikely that the proposal will limit the operation or expansion of agricultural activity which was outlined as a concern by objectors.

- *Extraction activities*

As outlined above, the site is located in close proximity to the Axedale Quarry. The Quarry is a blasting extraction quarry that produces blue stone aggregate. A portion of the Quarry site is also used for materials recycling which includes the crushing of concrete on the site by four existing crushers within the existing quarry pit.

A number of dwellings already exist within proximity to the Quarry as demonstrated below in Figure 8. Figure 8 shows the location of the subject site, the location of the Quarry and dwellings located within proximity to the Quarry. Nevertheless, consideration must be given to the appropriateness of any further dwellings within proximity to the Quarry.

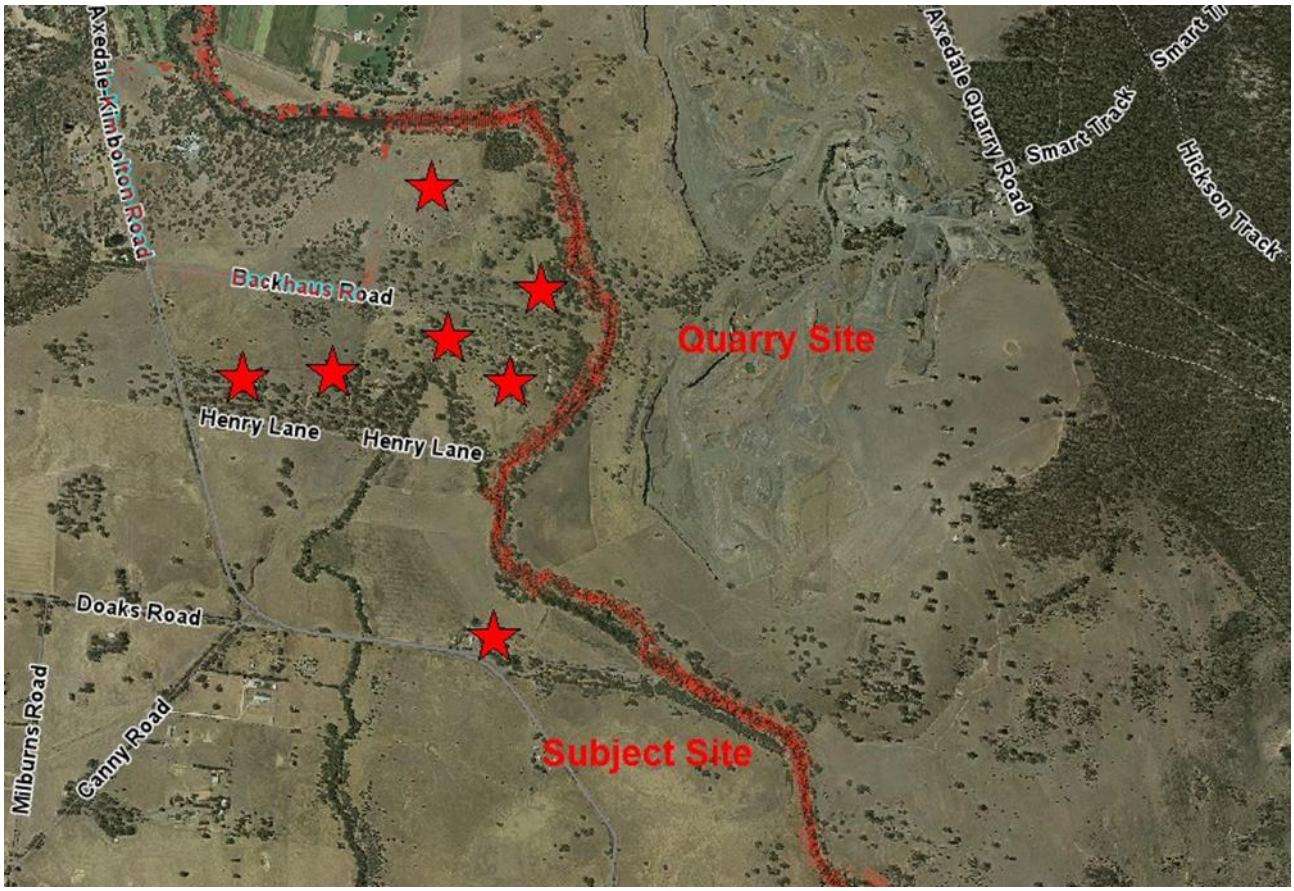


Figure 8 Aerial image showing the subject site, adjoining Quarry and nearby dwellings.

The introduction of Planning Scheme Amendment VC219 imposed a requirement on the planning system to assess the impact and suitability of using or developing land for accommodation in proximity to extractive industry. The 500 metre setback trigger protects the extractive industry from encroachment while also considering the potential adverse amenity impacts on accommodation from extractive industry operations. Due to the potential amenity impacts generated from the Quarry there is a need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust, and vibration from the extractive operation.

Clause 52.09 Extractive Industry and Extractive Industry Interest Areas applies to an application to use or develop land within 500 metres of an existing or proposed extractive industry operation. A purpose outlined in this clause is to ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development. Whilst it is acknowledged that the Quarry is an important resource for the community it is considered that the proposal will be able to operate without being limited or affected by the residential development.

Clause 52.09 outlines that an application to use or develop land for accommodation in a rural zone which is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990, must be referred to Earth Resources Regulation

(ERR). Earth Resources Regulation did not object to the proposal, and provided the following comments for the City's consideration:

> *Council in its determination of the application should consider the impacts of any blasting involved with current and or future extractive industry operations and it would be recommended that independent blasting advice be sought if required.*

It is also noted that the application was referred to the Environment Protection Authority (EPA) who reviewed the Acoustic Report submitted with the application and advised that the proposal meets the recommended separation distance of *EPA Publication 1518 Recommended separation distances for residual industrial air emissions.* The EPA did not object to the granting of a permit.

As outlined above, Amendment VC219 was introduced in order to allow for appropriate consideration of potential impacts of residential land use and development in proximity to extractive industry and vice versa. It is important to note that the recommended 500 metre setback requirement does not prevent residential use and development within the 500 metres of the works authority boundary. The amendment only requires consideration to be given to avoiding or reducing the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation to an acceptable level.

The proposed building envelopes achieve a 500 metre buffer from the current Works Authority Boundary, noting that the Works Authority Boundary does not extend to the title boundary. In this instance, the extraction boundary setback to the title boundary of the Quarry appears to be approximately 170m at the shortest distance. It is the Assessing Officer's view that it is unlikely that the Works Authority Boundary will be extended closer to the subject site as the title boundary adjoins the Campaspe River, and appropriate setbacks would need to be maintained into the future in order to avoid any adverse impacts on the Campaspe River. This is a reasonable assumption to make.

The Axedale Quarry Work Plan has been reviewed as part of the assessment of this application in order to obtain a full understanding of the potential impacts of the Quarry on the proposal and vice versa. The Work Plan outlines the following hours of operation:

- Processing – 7am - 6pm, Monday - Saturday, no operation on Sundays or public holidays.
- Blasting – 8am - 5pm (Monday to Friday) and 8am - noon (Saturday), no permit on Sundays or public holidays.
- Essential plant maintenance – 6pm – 6am (Monday-Saturday) and 6am-6pm (Sunday).

The Rural Living Zone decision guidelines require consideration to be given to vehicular traffic, noise, blasting, dust and vibration.

- *Vehicular traffic*

It is unlikely that the proposed use and development will be adversely impacted by vehicular traffic from the Quarry. The Quarry is provided with vehicle access from Axedale Quarry Road. Whilst it is acknowledged that some traffic from the Quarry may utilise Axedale-Kimbolton Road, it is unlikely that noise generated from vehicular traffic will affect the residential land use due to the dwellings being setback an appropriate distance from the road.

Concerns relating to noise from traffic on Axedale-Kimbolton Road and vehicle safety were raised by objectors. The application material has demonstrated that appropriate sightlines can be provided at the location of each vehicle crossover to provide safe vehicle movements to and from the proposed lots. The application has been referred to the City's Traffic Engineers who have provided consent to the proposal subject to conditions including construction standards for vehicle crossovers.

- *Noise*

The application has been accompanied by an Acoustic Report, prepared by a suitably qualified consultant. The report includes details of noise monitoring and detailed noise modelling that has occurred.

Current operations are taking place in the more northern portion of the Quarry land and are not currently impacting the Subject Land. The modelling undertaken in the Acoustic Report has been based of the Quarry Operator undertaking extraction within the approved extraction boundary and Work Authority area that interfaces closest to the subject land to determine likely impacts and worse-case scenario that may or may not arise.

3D computational noise modelling was conducted to predict noise levels from the Quarry under worst-case scenario, including the subject land being downwind from the quarry, rock breaking occurring constantly along the entire future extraction boundary that interfaces with the subject land, extraction occurring at natural ground level and no bunding or levelling at the extraction boundary provided.

The noise modelling concluded that compliance is expected to occur at a separation distance marginally less than 500m from the extraction boundary for proposed Lots 1 and 2 and a much higher degree of compliance for Lot 3 which has a greater setback. The report concludes that the proposal will not prejudice the proposed expansion of the Quarry or its operations.

The processing and essential plant maintenance activities undertaken at the Quarry site do not pose a threat to the amenity of future residents of the subject site which has been demonstrated through the submission of the applicant's Acoustic Report

- *Blasting*

The Axedale Quarry Work Plan outlines that blasting can occur between the hours of 8am and 5pm (Monday to Friday) and 8am and noon (Saturday), with no permitted blasting on Sundays or public holidays. The Quarry Work Plan includes a Blast Management Plan that outlines that the potential risks from blasting include ground vibration, airblast pressure and flyrock.

It is acknowledged that the Acoustic Report did not include an assessment against the blasting activity. However, as the blasting is relatively infrequent as discussed above, it can reasonably be concluded that the impacts to amenity will be minimal.

Whilst the permitted hours appear to be quite extensive, the Work Plan outlines that blasting at the active face occurs approximately every two weeks. Due to the limited frequency of blasting, the risk to amenity of future residents is considered to be minimal. However, to ensure that land use conflict does not occur in the future, a condition will be included on the planning permit requiring a Section 173 Agreement to be registered on the title to ensure that future landowners are aware of the nearby quarrying activity when purchasing the property. This is discussed in greater detail below.

- *Dust*

The Axedale Quarry Work Plan includes dust mitigation measures to ensure that adjoining and nearby sensitive land uses are not adversely affected by dust generated from the Quarry.

The application has been accompanied by air quality advice from an Environmental Consultant which concludes that the proposed subdivision of land and development sites achieving a 500 metre separation distance will mitigate any impacts associated with dust generated at the quarry site and therefore it can be considered that human health, wellbeing and amenity are all protected from dust impacts.

- *Vibration*

Ground vibration and airblast pressure from the Quarry could potentially result in a brief disturbance to residents in the surrounding area, but the extent of amenity impact is not unreasonable. However, exposure to ground vibration and airblast from quarries does not pose a threat to human health. As outlined above, a condition will be included on the permit requiring the permit holder to enter into a Section 173 Agreement advising of the Quarry operation and the potential amenity impacts.

Ground vibration and airblast levels from all blasting operations at Hanson Axedale Quarry must comply with regulatory limits specified by Earth Resources Regulation (ERR) and the Quarry’s Blast Management Plan requires monitoring to occur to ensure that there is

compliance. The Work Plan for the Quarry outlines that Flyrock from blasting will not extend beyond the boundary of the Work Authority.

The proposed subdivision and development have been designed to consider potential adverse amenity impacts from off-site land uses including agricultural activity and the nearby quarry. The dwelling sites have been setback an appropriate distance from Axedale-Kimbolton Road and property boundaries to minimise impacts from traffic noise and agricultural activity.

The siting of the development also allows for an appropriate buffer from the Axedale Quarry to ensure that potential for adverse impacts including noise, dust and vibration will be reduced to an acceptable level. Farming in the surrounding area and the quarrying activity will be able to continue to operate without any compromises.

- *Section 173 Agreement*

In order to ensure that future landowners are aware of any potential adverse amenity impacts arising from the adjoining quarry and agricultural activities, a condition is proposed to be included on the planning permit requiring the permit holder to enter into a Section 173 Agreement. The Section 173 Agreement will be registered on title and require future landowners to acknowledge the agricultural and quarry activities occurring on surrounding farmland, the potential amenity impacts associated with the uses and note that the level of amenity expected in the site will not be the same as experienced in a residential area.

The inclusion of a permit condition requiring the landowner to enter into a section 173 agreement is an appropriate method to address any potential future issues and will raise awareness for future landowners.

Whether the proposal will result in any adverse impacts on the Campaspe River and its environs

The key environment and landscape values for Greater Bendigo outlined in Clause 02.03-2 Environment and landscape values are:

- *Biodiversity.*
- *Native vegetation.*
- *Waterbodies.*
- *Significant landscapes.*

The Loddon and Campaspe River catchments that are part of the Murray-Darling basin catchment, Australia’s largest and most productive agricultural area. This area is increasingly subject to a range of environmental pressures that impact on social and economic activities. A strategic direction of this policy is to improve the health of streams and watercourses and land adjacent to develop their role as important community assets.

Planning Policy through Clause 12.01-1L Protection of biodiversity - Greater Bendigo seeks to enhance biodiversity and biolinks across Greater Bendigo. A strategy outlined in this policy is to protect key environmental areas including the Campaspe River.

Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs aims to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs. A strategy to achieve the objective is to sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

The site is partially affected by the Environmental Significance Overlay – Schedule 1 which relates to watercourse protection. The municipality contains a number of important streams and watercourses that maintain clean water, soil stability and habitat for flora and fauna. Bendigo's potable and agricultural water supply is dependent on these streams and watercourses. The management of land adjacent to streams and watercourses is necessary to reduce erosion, maintain vegetation and habitat and improve water quality.

Environmental objectives to be achieved as outlined in the Environmental Significance Overlay include:

- *Maintaining water quality.*
- *Maintaining the ability of streams and watercourses to carry natural flows.*
- *Preventing erosion of banks, streambeds and adjoining land and the siltation of watercourses, drains and other features.*
- *Protecting and encouraging the long term future of flora and fauna habitat in and along watercourses.*
- *Ensuring development does not occur on land liable to flooding and minimise the potential for damage to human life, buildings and property caused by flood events.*
- *Preventing pollution, elevated nutrients and increased turbidity in natural watercourses.*
- *Preventing increased surface run-off or concentration of surface water run-off leading to erosion or siltation of watercourses.*
- *Conserving existing wildlife habitats close to natural watercourses and, where appropriate, to allow for generation and regeneration of habitats.*
- *Restricting the intensity of use and development of land and water to activities which are sensitive to environmental values and which are compatible with potential drainage or flooding hazards.*

The subdivision layout has been designed to avoid the need for any vegetation removal on the site and a landscape plan will be required as a permit condition requiring planting to occur on the site. This will result in the protection and enhancement of the biodiversity of the area.

Due to the subdivision being located within the Environmental Significance Overlay, the application was required to be referred to both the Department of Energy, Environment

and Climate Action (DEECA) and the North Central Catchment Management Authority (NCCMA), along with the City's Environmental Health team. All of these parties provided consent to the proposal.

The treatment of wastewater was raised by objectors. The application was accompanied by a Land Capability Assessment (LCA) which has been reviewed by the referral authorities. The LCA demonstrates that each of the proposed lots is capable of appropriately treating any wastewater generated within the property boundaries.

The wastewater disposal area will be sited outside of the Environmental Significance Overlay that affects a portion of the site and provided with a maximum separation distance separation distance from the Campaspe River. It should also be noted that future development will be required to obtain a Septic Permit through the City's Environmental Health team. Overall, the proposal has been designed to ensure that water quality will be protected and enhanced as a result of the proposal.

Objector concerns

Objector concerns that have not been discussed are addressed below.

- Road safety issues due to the location of crossovers and additional vehicle movements.

  The application was accompanied by an Access Sight Distance Plan that demonstrated that the appropriate sightlines that comply with the Australian Standard will be provided at the proposed crossover locations.

  The application was referred to the City's Traffic Engineering team who have supported the proposal subject to conditions. The lot layout and access points provide for each of the lots will allow for appropriate sightlines to be achieve that meet relevant Australian standards. It is considered that safe vehicle ingress and egress will be able to be achieved and the proposal will not compromise traffic safety.

- Soil contamination.

  Two of the objections received referred to a non-operating 'sheep dip' located in the front portion of the site that could be subject to contaminated soil due to chemicals that were used on sheep when the site was previously used for sheep grazing.

  Policy through Cause 13.04-1S Contaminated and potentially contaminated land seeks to ensure that contaminated and potentially contaminated land is used and developed safely. Relevant strategies in this policy include ensuring contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the

commencement of any use or development and protecting sensitive residential use from the effects of contamination.

The permit applicant has addressed this potential issue by ensuring that the dwellings will be sited in a location away from this area which will ensure that any contamination risk has been reduced to an acceptable level.

The building envelope for lot 1 has been located approximately 40 metres away from the ‘sheep dip’ site. The buffer distance proposed provides an appropriate separation distance between the development site and the ‘sheep dip’ site. Only one dwelling will be provided on Lot 1 with ample separation distance from the potential risk. Overall, it is considered the potential for any contamination risk has been reduced to an acceptable level.

- Residential lots may not be maintained – potential fire hazard and increase to pests and weeds.

  This objection is based on an assumption that future landowners will not manage their land appropriately. If there are issues with the maintenance of the property in the future it would be a matter for the City’s Local Laws team to address.

Conclusion

The application proposes the use and development of the land for 3 dwellings and 3 lot subdivision which would result in an acceptable planning outcome having regard to the relevant planning policy that deals with rural residential land use, development and subdivision; the purpose and decision guidelines of the Rural Living Zone, impacts on waterways; and land use compatibility.

The proposal will allow for rural residential living within an appropriate land zone and will not undermine the existing agricultural and extractive land uses currently operating in the surrounding area. The proposal has also been designed to address the concerns raised by the objectors.

It is therefore recommended that Council support the proposal and issue a Notice of Decision to Grant a Permit, subject to conditions.

Options

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

Conflict of Interest

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

Attachments

Nil

Proposed Notice of Decision Conditions

1. MODIFIED PLAN REQUIRED
   Before the development starts on each lot within the subdivision, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) A site plan, floor plans and elevation plans for each dwelling.
   (b) A landscape plan for each lot in accordance with the requirements of Condition 3.
   (c) A site plan which shows a wastewater envelope for each lot, including Land Application Area and Reserve Areas. The sizing of the envelope is to be based on the number of bedrooms in the proposed dwelling, and the Land Capability Assessment report (section 7.4 - Effluent Disposal Field Sizing), prepared by JCBD Consulting (dated 7 October 2022 V1.0). The plan must be to the satisfaction of the to the satisfaction of the City's Environmental Health Department.
   (d) A report prepared by a suitably qualified professional that describes a minimum of 3 boreholes within the nominated wastewater envelope (as above) and demonstrates soil characteristics (including depth to hard rock/rock refusal) so to inform the amount of topsoil required to be imported to each lot.

2. LAYOUT PLANS
   The subdivision, use and development as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.

3. LANDSCAPE PLAN
   Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions.

The plan must show:

(a) A survey (*including botanical names*) of all existing vegetation to be retained and/or removed.
(b) Details of surface finishes of pathways and driveways.
(c) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
(d) A mix of native canopy trees (minimum two metres tall when planted), shrubs and ground cover in the following locations:
    i. Planting around the perimeter of each building envelope.
    ii. Planting along all boundaries fronting onto Axedale-Kimbolton Road.

All species selected must be to the satisfaction of the responsible authority.

4. LANDSCAPING WORKS

Before the use of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

5. LANDSCAPING MAINTENANCE

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

6. CONSTRUCTION PHASE

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

7. GRAVELLED DRIVEWAY

Prior to the commencement of works for the dwelling, the owner must construct the following:

(a) Access to the proposed residence must be provided via an all-weather (gravel) driveway with a minimum trafficable width of 3.5m with 500mm horizontal clearance and 4 metre vertical clearance to trees to accommodate emergency vehicles. Passing areas must be provided every 200m, if applicable, and a turnaround area at the residence.
(b) The driveway between the property boundary and the edge of the road must be constructed in accordance with the Infrastructure Design Manual SD 255 Rural Driveway.

8. ELECTRICITY SUPPLY

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

9. GENERAL DRAINAGE – BUILDINGS & HOUSES
The development must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

10. VEHICLE CROSSINGS
Vehicular access to the subject land from any roadway or service lane (and vice versa) must be by way of a vehicle crossing(s) constructed at right angles to the road, to suit the proposed driveway(s) and vehicles that will use the crossing. A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering & Public Space Unit prior to any work commencing in the road reserve.

11. SECTION 173 AGREEMENT
Before the plan of subdivision is certified the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that:
(a) Any future dwelling must be constructed only within the building envelopes as shown on the endorsed plans except with the consent of the responsible authority.
(b) The owner of the land must acknowledge the agricultural and quarry activities occurring on surrounding farm land, the potential amenity impacts associated with the uses and note that the level of amenity expected in the site will not be the same as experienced in a residential area.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

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

(e) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

REFERRAL AUTHORITY CONDITIONS:

13. COLIBAN WATER
    (a) All Coliban Water required assets located within the subdivision, are to be protected by an easement created in favour of Coliban Region Water Corporation.
    (b) No buildings or structures are permitted within the easement boundaries which protect the Coliban Water assets that traverse this development site.

14. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION
    (a) Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
        i. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
        ii. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

        The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.
    (b) Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
        i. Vehicular or pedestrian access;
        ii. Trenching or soil excavation;
        iii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
        iv. Construction of entry and exit pits for underground services; or
        v. Any other actions or activities that may result in adverse impacts to retained native vegetation.
    (c) No access is permitted to the subject land via the Crown land.
    (d) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
    (e) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at

the same rate post development as on the undeveloped land.

15. POWERCOR

(a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

(b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

(c) Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

(d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

(e) Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

(f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

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

16. EXPIRY OF THE PERMIT - SUBDIVISION AND DWELLING

This permit will expire if:

(a) The plan of subdivision is not certified within two years from the date of this permit; or

(b) The subdivision is not completed within five years from the date of certification of the plan of subdivision; or

(c) The use is not started within four years of the date of this permit; or

(d) Construction of the approved dwellings is not completed within 7 years from the date of this permit.

The responsible authority may extend the time for certification of the plan, or for the completion of the dwelling, if a request is made in writing before the permit expires or thereafter, within the period allowed by section 69 of the Planning and Environment Act 1987.

City of Greater Bendigo Engineering Note
A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

CONSENT FOR WORK ON ROAD RESERVES
The applicant must comply with:
(a) The Road Management Act 2004;
(b) Road Management (Works and Infrastructure) Regulations 2005; and
(c) Road Management (General) Regulations 2005

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

City of Greater Bendigo Environmental Health Note
Before a building permit is issued for a dwelling at each lot, a Permit to Install an Onsite Wastewater Management System is required to be issued by Council.

Department of Environment Land Water and Planning Note
The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

16.6. Positive Ageing Action Plan

Author:	Rebecca Millard, Connected Communities Officer - Positive Ageing
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To present the final Positive Ageing Action Plan 2023-2025 to Council for adoption.

Recommended Motion

That Council endorse the Positive Ageing Action Plan content with the final version to be presented to the community after adoption

Executive Summary

The aim of the Positive Ageing Action Plan 2023-2025 is to outline the City's commitment to older adults in our community. It is aligned with Healthy Greater Bendigo, the Municipal Health and Wellbeing Plan 2021-2025 objectives and actions per integrated planning principles. There are five key areas of priority including healthy and well, safe and secure, able to participate, connected to culture and community, and liveable of which the PAAP responds to.

The PAAP implementation date, aligns with the exit of the Commonwealth funded Home Support Program and demonstrates to community the importance the City places on older adults and outlines actions to support and respond to issues, opportunities and challenges.

Background

In 2019, the All Ages All Abilities (AAAA) Action Plan was adopted by Council. It superseded the earlier Municipal Early Years Plan, Positive Ageing Strategy, Community Access and Inclusion Plan and combined the existing Youth Strategy. The AAAA helped guide the City's actions in improving the physical and social environment for all community members, ensuring everyone had the opportunity to fully and actively participate in activities and events across Greater Bendigo.

In 2021, there were 31,827 people over 60 years in Greater Bendigo, representing 26.2 percent of the population of 121,478 (Profile ID). Areas forecast to have a high percentage of older adults by 2036 include Heathcote, Elmore, East Bendigo, Eaglehawk, Kangaroo Flat-Big Hill and Strathdale. All these areas will have more than 30% of their population aged over 60 years (Profile ID). This growing population of older adults will significantly impact the type and level of services and support required in these areas, not only for in home care but a range of activities and programs will be needed.

Previous Council decision dates:

- Council approved the draft Positive Ageing Action Plan be released for community consultation February 6, 2023.
- Council made the decision to exit Home Support Aged Care service delivery in November 2022.
- Council endorsed the Health and Wellbeing Plan 2021-2025 and the Council Plan 2021-2025 in October 2021.
- Council endorsed the All Ages All Abilities Action Plan 2019-2021 in October 2019.

Report

Project overview
The draft PAAP was developed between November 2022 and January 2023, and was presented to EMT and Council prior to community wide consultation in February 2023. The final PAAP incorporates and considers community wide feedback from more than 100 residents collected between February 17, and March 24, 2023, as well as the recommendation received through an internal Equity Impact Assessment (EIA).

The Plan was initially developed using challenges and opportunities identified through previous community engagement undertaken for the Health and Wellbeing Plan 2021-2025 (as part of Imagine Greater Bendigo) and All Ages All Abilities Action Plan and is still guided by these documents.
Since the previous Council briefing the following has been achieved:

- Community consultation opened from February 17 to March 24, 2023
- A total of 107 responses to the draft PAAP were received
- A Consultation Summary Report has been produced
- The final PAAP has been updated and supplied in attachment 16.7.1
- An Equity Impact Assessment (EIA) was undertaken in March-April 2023
- An unsuccessful budget bid was put forward to broaden the scope of the final PAAP and to respond to growing community need and known areas of concern for the older population

Summary of recommended changes for the Positive Ageing Action Plan based on consultation feedback and the EIA include:

1. Review and update the PAAP actions to adopt plain language throughout.
2. Make the actions in the plan SMART goal focused and the inclusion of key measures.
3. Add in a new action focused on improving information sharing and communication with older adults including men, women, gender diverse and multicultural people.
4. In consultation with the Home Support team adjust actions focused on Home Care Support and navigation of aged care services to support improved information sharing and communication.

5. Removal of actions that are outside of the implementation timelines or where funding has ceased.
6. Additional action added relating to Financial Information Services (Services Australia – Centrelink) support for older adults in response to Councillor feedback.

Next steps
Closing the loop with the community to share consultation findings and the final Positive Ageing Action Plan once endorsed by Council.

Delivery of the final PAAP will be led by the Connected Communities team beginning from July 1, 2023.

Priority/Importance

This initiative is of high importance as it represents and reflects the City's strategic commitment to older adults in Greater Bendigo, a cohort which currently represents 26.2 per cent of the population (31,827 people).

Options considered

With the November 2022 decision to cease delivery of Home Support Aged Care services in Greater Bendigo it is important to manage community expectations and provide reassurance that the City places a high value on older adults, their needs and aspirations. This draft Plan outlines the actions that will be undertaken over the next two years utilising the existing 0.6 FTE Positive Ageing Officer and budget resources.

An unsuccessful 2023/24 budget bid was put forward for additional resources to support the expansion of the PAAP to respond to areas of growing need and concern for older people. City Officers will continue to explore external resources and grants to support areas of future needs.

Timelines

The Positive Ageing Action Plan implementation will commence July 1, 2023, to June 30, 2025.

Progress reports on the PAAP will occur quarterly via Pulse and to the Community Partnerships Manager.

Communications/Engagement

A consultation plan was drafted in partnership with the Engaged Communities team and a Communications Plan was developed in partnership with the Communications Team. Both

documents guided and supported the community wide consultation enabling a successful engagement process on the draft plan.

The draft PAAP was open for community wide consultation from February 17, 2023, to March 24, 2023. The City received 107 contributions and four individual submissions. A Positive Ageing Action Plan Community Consultation Report has been produced.

Consultation summary:

- Consultation questions focused on the draft PAAP, and questions asked included:
  - What's missing in the action plan?
  - How can the draft action plan be more inclusive?
  - Other feedback on the action plan?
- 81 per cent of responses were from residents aged 60 years and older.
- Feedback strongly indicated 'information sharing and communication' with older adults and the community as an area of focus for the PAAP.
- Additionally, responses in relation to Home Care services, transition of services, individual's needs, navigation of aged care and wanting more information and communication on this was of interest to older adults and the wider community.

Equity Impact Assessment (EIA)
An internal review determined an Equity Impact Assessment (incorporating Gender Impact Assessment) of the draft Positive Ageing Action Plan was required as per the Gender Equality Act 2020 and the City's Social Justice Framework 2022-2032. The EIA considered how the PAAP affects different genders and diverse groups in different ways and recommends changes that will help create a more fair and inclusive community.
The EIA recommendation stated the PAAP focus should incorporate 'effective, diverse, and inclusive communication of information to increase engagement and participation of all older people in positive ageing'.

Summary of the changes to final Positive Ageing Action Plan 2023-2025:

- Simplifying the language used through the action plan.
- Incorporation of a SMART goal focus on all actions, the removal of columns 'budget' and 'timelines' and the inclusion of a new column 'measures'.
- New actions added (based on community feedback and EIA):
  - Service Navigator to coordinate 'understanding aged care services and support' information session.
  - Positive ageing activities and events are promoted in an accessible and diverse way including print and online.
- Actions removed and rationale:
  - Continue to work with Murray PHN to deliver a Social Prescribing program in the Bendigo region that connects socially isolated people to non-medical supports and services, planned community activities and volunteering opportunities that can benefit physical and mental wellbeing.

        - Project is no longer funded and will cease continuation from June 30, 2023
    - Support the transition of home care services from Council to a service provider funded by the Commonwealth and State Government.
        - Timelines for completion of this action are June 30, 2023, which falls outside of the PAAP implementation period. Transition support will be provided through a navigator role as outlined in the PAAP.

Community consultation feedback and supporting data indicates additional areas of need or action that the PAAP is unable to respond to based on budget and additional resourcing needs. These areas include expanding on mental health needs (including suicide rates for older men), growing rates of dementia, support for carers, rising rates of homelessness and housing stress (particularly for older women), volunteering, and employment.

Financial Sustainability

The Positive Ageing Officer (0.6 FTE) role coordinates the PAAP progression. This role has been funded through Council since 2019 and is currently funded to June 2026. Prior to this it was funded through the Commonwealth Home Support Program. This funding was withdrawn by the Commonwealth in 2019 as was funding for Senior Citizens Clubs at this time.

An unsuccessful 2023/24 budget bid was put forward for additional resources to support the expansion of the PAAP to respond to areas of growing need and concern for older people, including community feedback received. City Officers will continue to explore external resourcing and grants to support areas of future needs.

Opportunities for positive ageing grant funding are limited. For the past four years the City has received $5,000 from the State Government to support the delivery of the Victorian Seniors Festival. In 2019 the City also received $84,000 in Commonwealth Government funding as part of the Loddon Mallee ‘Move It’ program. This program no longer exists.

Risk Assessment

There is a reputational risk, particularly following the decision to withdraw from Home Support Aged Care service delivery. Adopting a refreshed Plan will send a clear message that there is ongoing commitment to the wellbeing of older adults in our community.

Policy Context

Primary Council Plan Reference

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

Outcome 2 - Healthy, liveable spaces and places
Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing
Goal 4 - A community that values and engages with people of all ages, abilities, genders and sexualities

Other Reference(s)

The development of this plan was guided by the Healthy Greater Bendigo plan.

In the process of finalising the Positive Ageing Action Plan, the need to complete an Equity Impact Assessment was determined and guided by the Social Justice Framework 2022-2032 and the Gender Equality Act 2020

Conflict of Interest

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

Attachments

1. Positive Ageing Action Plan 2023 2025 final [**16.6.1** - 12 pages]

Greater Bendigo

Positive Ageing Action Plan

2023-2025

Acknowledgement of Country

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country. We would like to acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung Peoples, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and 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.

Foreword

Since 2019, through the All Ages All Abilities Action Plan the City of Greater Bendigo has continued to progress work in supporting older adults to lead healthy, happy and resilient lives. The new Positive Ageing Action Plan 2023-2025 (the Plan) will continue this exciting and important work in a changing landscape that is aged care and broaden the scope of programs, activities and events to better meet the needs of the diverse population of older adults.

Older adults in Greater Bendigo represent over a quarter of our population. They are our history holders, our storytellers, our volunteers, our carers, our mentors, our past and current leaders, our pioneers, our trailblazers and much more. Their past and current contributions to our community to make it what it is today and is worth celebrating. The plan aims to celebrate older adults through various means including annual Seniors Festival celebrations and the Positive Ageing and Disability Expo. There are many new and exciting projects to come from this latest action plan.

In finalising the Plan older adults played a significant role in reviewing and responding to the actions in the plan. We saw over 100 responses to the draft plan and of those responses 81 per cent were from people aged 60 years and older. This highlighted the importance of making improvements to how we share information and communicate with older people, including the provision of information about Home Support Services in Greater Bendigo. Expansion of actions relating to this, and the inclusion of new actions ensures we responded to the feedback received.

The forthcoming two years brings exciting new projects and the end of some beloved services. This is a time of great change and as we embark on the implementation of a new Positive Ageing Action Plan to support older adults in our community, we do so with great enthusiasm and respect.

Older adults in Greater Bendigo

In 2021, there were 31,827 people over 60 years in Greater Bendigo, representing 26.2 percent of the population of 121,478 (Profile ID). Areas forecast to have a high percentage of older adults by 2036 include Heathcote, Elmore, East Bendigo, Eaglehawk, Kangaroo Flat-Big Hill and Strathdale. All these areas will have more than 30% of their population aged over 60 years (Profile ID).

Of those aged 60 years and older 11 per cent were born overseas and 2.5 per cent said they spoke a non-English language at home (Australian Bureau of Statistics, Census of Population and Housing 2021). It's important to note that of those born overseas this may not indicate that English is a second language.

In 2021, there were 3,450 carers aged 65 years or more in the City of Greater Bendigo providing unpaid assistance to a person with a disability, long term illness or old age (Profile ID).

With a growing population of older adults, the impacts on the type and level of services and support required will become increasingly evident over time, not only for in home care but a range of activities and programs will be needed for this diverse population group.

The Action Plan

The aim of the Positive Ageing Action Plan 2023-2025 is to outline the City's commitment to older adults in our community over a two-year timeframe. There are 34 actions outlined in the Plan that aim to address a range of issues, opportunities and aspiration of older adults.

The City is committed to recognising and valuing the contribution of older adults, becoming a signatory to the EveryAge Counts coalition, supporting the ongoing transition of home support services through Service Navigators and the Regional Assessment Service. There will be a continued focus on the delivery of age-friendly programs, activities and events like the Seniors Festival and the Positive Ageing and Disability Expo.

The Plan is aligned with Healthy Greater Bendigo, the Municipal Health and Wellbeing Plan 2021-2025 objectives and actions. There are five key areas of priority, these include:

1. Healthy and well
2. Able to participate
3. Connected to culture and community
4. Safe and secure
5. Liveable

The final Plan incorporates and considers community wide feedback from more than 100 residents collected between February 17, and March 24, 2023, as well as the recommendation received through an internal Equity Impact Assessment (EIA). An EIA process considered how the Plan affects different genders and diverse groups in different ways and recommends changes that will help create a more fair and inclusive community.

Unless otherwise stated, actions commence when the Plan is released with implementation until June 2025. Budget will be within resources of one or more departments within the City.

Outcome 1: Older adults are healthy and well

Descriptor: The Greater Bendigo community has good physical and mental health

Priority	Actions	Measures
1.1 Our public spaces encourage community connection and provides the opportunity for everyone to enjoy the benefits of physical and mental wellbeing	Partner with Goldfields Library Corporation to offer place-based exercise programs for older adults (such as Get Moving) at Kangaroo Flat library.	Number of exercise sessions offered in partnership with Goldfields Library Corporation.
	Partner with Bendigo Community Health Service to promote *5 Ways to Wellbeing* to older adults, a program focused on improving mental, social, emotional and physical heath.	Number of communication activities delivered in partnership with BCHS.
1.2 Services and support enables people to feel respected and supported as they age	'Service Navigator' staff are available to help people through changes to their home support services, those seeking (or changing) aged care and disability services.	Number and trend in people contacting Service Navigators.
	Through the Regional Assessment Team and Service Navigator function, staff will coordinate 'understanding aged care services and support' information session.	Successful information session delivered.
	Support multicultural older adults to participate in the 'understanding aged care services and support' information session.	Successful information session delivered.

	Advocate on behalf of the clients and community needs to the Commonwealth Governments for the delivery of quality services to the Greater Bendigo community. Support and direct older people and their carers to advocacy providers including the Aged Care Quality and Safety Commission.	Number of meetings with Commonwealth Government to discuss needs, issues and challenges. Number and trend in people contacting Service Navigators.
	Continue to deliver the Regional Assessment Service until June 2024, connecting older adults to Commonwealth Home Support Programs in Greater Bendigo.	Number and trend in people requesting Regional Assessment Services.

Outcome 2: Older adults are able to participate

Descriptor: The Greater Bendigo community has the capability to participate and contribute to the local economy and community life

Priority	Actions	Measure
2. 1 Provide opportunities for older adults to provide advice to Councillors and City units on issues impacting older residents	Run the Positive Ageing Advisory Committee (PAAC). PAAC members participate in six meetings per year and provide advice to Councillors and staff on age-related issues in Greater Bendigo.	Number of PAAC meetings each calendar year. Evaluation of the PAAC to be completed by end of 2024.
2.2 Support a safe, welcoming, and fair community. A community that values and engages with people of all ages and abilities	Coordinate the annual Victorian Seniors Week event for Greater Bendigo.	Victorian Seniors Week event delivered.
	Engage, promote and share information with groups that support older adults to help increase participation in their programs.	Number of support activities in each calendar year.
	Deliver a Positive Ageing and Disability Expo to allow service and support groups and organisations to share information with the community and with each other.	Positive Ageing and Disability Expo delivered in 2023.
	Take part in and contribute to networks and partnerships that support and advocate for older adults in our community.	Evidence of active involvement in three or more networks of partnerships.
2.3 Encourage and support our ageing community to use a range of transport options	Increase the City's protected walking and cycling network by implementing the priority projects identified in the City's Walking and Cycling Infrastructure Plan.	Number of metres of protected walking and cycling network constructed in line with the City's Walking and Cycling Infrastructure Plan.

	Provide input into the City's planned Walking and Cycling Activation Plan ensuring that it considers a positive ageing perspective.	Activation activity delivered.
	Hold parking information sessions and provide accessible parking information to older adults.	Number of sessions delivered. Feedback will be sought from participants to determine ongoing demand for sessions and the best way of communicating parking information.
2.4 Promote opportunities for lifelong learning and skill development	Partner with Goldfields Library Corporation and Neighbourhood Houses to deliver programs and resources such as digital, health and financial literacy.	Number of programs and resources prepared and delivered.
	Promote and share opportunities for lifelong learning and encourage participation of older adults, this will include Financial Information Service support from Services Australia.	Number of activities, services or programs promoted.

Outcome 3: Older adults are connected to culture and community

Descriptor: 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

Priority	Actions	Measures
3.1 Celebrate and acknowledge the contribution that older adults make to our community	Showcase the contributions of older adults through City e-newsletters, social media, and publications.	Number of articles per calendar year.
	Make one or more nomination to the Victorian Senior Citizen of the Year awards.	One or more nominations submitted each year.
3.2 Celebrate the diverse experiences and views of older adults in our community	Celebrate the culture and contributions of older multicultural community members.	At least one example per year of activities that celebrate older multicultural residents.
	Support participation of LGBTQIA+ older adults in community events or activities.	At least one example per year of activities that supports participation of LGBTQIA+ people.
	Celebrate cultures, histories, knowledge, learnings and rights of older Aboriginal and Torres Strait Islander community members.	At least one example of activities per year recognises cultural learning, history, knowledge and rights.
	Support and participate in NAIDOC week celebrations in 2023 theme 'For our elders'.	Participation in event.

3.3 Create, support and promote opportunities for intergenerational connection and learnings	Look for ways for older people to share skills and knowledge through early years programs and events.	Examples of opportunities identified and implemented.
3.4 Provide timely, trusted and relevant information that is easy to access and understand	Publish the quarterly Get Moving newsletter with information for older adults in Greater Bendigo and include printed copies in libraries and Customer Support offices.	Number of issues published per annum.
	In all publications, depict older adults positively and without stereotyping.	Completion of a diversity image audit.
	Promote CONNECT Greater Bendigo (the community directory) and encourage community groups to review and update their information.	Number of groups registered on CONNECT Greater Bendigo website that cater to older adults.
	Positive ageing activities and events are promoted in an accessible and diverse way including print and online.	Number of events promoted in print and online.

Outcome 4: Older adults feel safe and secure

Descriptor: The Greater Bendigo community lives free from violence and abuse, is protected from environmental risks and is supported to live affordably

Priority	Actions	Measures
4.1 Older adults feel welcome and safe and have equitable access to our city's places, spaces, and buildings.	Promote awareness campaigns that target elder abuse and ageism, such as the Warm Safe Home project.	Number of campaigns completed
	City of Greater Bendigo values and respects people of all ages and will explore becoming a signatory of EveryAge Counts.	City of Greater Bendigo becomes a member of the EveryAge Counts coalition.
	Provide information to older adults about emergency preparedness and extreme weather events such as heat health.	Number of communication activities completed.

Outcome 5: Our community is liveable for older adults

Descriptor: The Greater Bendigo community is resilient to a changing climate, and has access to the natural environment and quality public space for enhanced health and wellbeing

Priority	Actions	Measure
5.1 A climate resilient and healthy landscape	At community events, provide information and assistance to reduce waste, increase water and energy efficiency.	Number of community events supported in each calendar year.
	Provide accessible information on recycling and waste services, and how to manage changes to bin collections.	At least two resources shared per annum (as per action area 4.4)
	Consider the needs of older adults in implementing the Affordable Housing Action Plan, particularly in increasing the diversity of available housing and increasing the supply of social housing.	Annual progress update on the implementation of the AHAP.
	Consider the needs of older adults in implementing the Greater Bendigo Public Space Plan, work to improve our built and natural environments to be safe and encourage social connection.	Annual progress update on the implementation of the Greater Bendigo Public Space Plan.

Acknowledgements

The City of Greater Bendigo would like to thank and acknowledge older adults, their carers, families, the wider community, members of the Positive Ageing Advisory Committee, Goldfields Library Corporation, local community groups, clubs and organsiations catering to the needs and interests of older adults, neighbourhood houses and retirement villages. Their input, contributions and support assisted in finalising the Positive Ageing Action Plan 2023-2025.

16.7. North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023 – June 30 2025

Author:	Stacy Williams, Director Healthy Communities and Environments
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To seek Council approval to the signing and sealing of the North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023- June 30, 2025.

The agreement provides a framework for the provision of services and funding of the Regional Library Corporation for the next two years, with an expectation that the Corporation may be wound up and library services be operating under a different model within this time in line with the sunset clause of the Local Government Act 2020.

If no decision has been finalised with regard to a new model for the provision of library services by this time, a further agreement can be provided.

Recommended Motion

That Council approve the CEO to sign the North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023- June 30, 2025.

Executive Summary

This report provides an overview of the two year North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023- June 30, 2025.

This agreement continues our commitment to the North Central Regional Library Corporation. Over the next two years the North Central Regional Library Corporation member Councils will consider their future commitment to the corporation and the board will explore future management models as required by the Local Government Act 2020.

The Goldfields Library Plan priorities are aligned to the broad priorities of member Councils and Regional Partnership plans for the region. These are:

Children and Young People- supporting childhood and adolescent development
Lifelong Learning- encouraging learning at any age or stage
Safety and Inclusion- a welcoming and accessible service
A Sustainable Future- playing our part in action against climate change
An Informed Community- an engaged, creative, informed community
Connecting People- providing opportunity for connection both digital and physical

Respecting First Nations Peoples and Culture- celebrating the nation's first culture
A Learning Organisation- learning and growing with our community

Background

The North Central Goldfields Regional Library Corporation has involved four Councils since its inception in 1996. The Corporation consists of members from City of Greater Bendigo, and the Shires of Loddon, Macedon Ranges and Mount Alexander. The Corporation provides library services to the member Municipalities.

The Service and Funding Agreement details the responsibilities and obligations of the Corporation and the Member Councils. The Agreement is an extension of the Regional Library Agreement and although it is not required to be gazetted by the Minister, it should be read in conjunction with the Regional Library Agreement.

The Service and Funding Agreement is not bound by legislation. It is the Regional Library Agreement (RLA) that establishes the framework of the Corporation as a separate legal entity, as part of a sunset agreement covered under the Local Government Act 1989 (s. 197). The sunset agreement allows for the provision of Regional Library Corporations under the Local Government Act 1989 until 2030, by which time it is expected that all Councils will have transitioned to another method and structure for service delivery.

Report

The Service and Funding Agreement currently in place, expires on June 30, 2023 and a new agreement is proposed that simply provides for the existing conditions of the service and funding arrangements to be maintained for a 12 month period with an option to roll this over for a further 12 months, pending any decisions by member Councils regarding a new library service delivery model.

This approach is proposed to provide flexibility for Council members undertaking any service review or due diligence in considering the requirements of the Local Government Act 2020, to wind up Regional Library Corporations by 2030 and provide a new way of delivering library services by either directly providing them through an "in-house" Council service, or through a Beneficial Enterprise as defined under s. 110 and s. 111 of the Local Government Act, 2020.

There are no proposed changes to the conditions of the 2023-2025 Funding and Services Agreement.

The timeline of the Agreement is established to allow for review at the end of the 23-24 financial year and for mutually agreed rollover for the 2024-25 financial year, if required for all parties bound to the Regional Library Agreement.

This provides flexibility and a built-in review process as the Regional Library Corporation and member Council's consider the most suitable new approach to the provision of library services under the Local Government Act 2020.

It may be that no decision on a new service delivery approach is reached by June 30, 2025, which would simply result in the re-signing of a new agreement for a further time period, given Councils have until 2030 to finalise a new approach to services.

The Regional Library Service and Funding Agreement is in line with current practice of the Library Corporation and represents good governance through the provision of an Agreement that clearly outlines the foundations of service provision and funding responsibilities of all parties. The Service and Funding Agreement has not been changed in any way to the existing Agreement and this process represents a continuation of current services utilising the same legal structure and fee structure.

City officers will commence a service review to inform the upcoming investigation of new service models for library services across the municipality.

Priority/Importance

A decision is required prior to the commencement of the new agreement.

Timelines

The new agreement is for two years July 1, 2023- June 30, 2025.

Communications/Engagement

The proposed agreement has been discussed at the Regional Library Corporation Board and other member councils have agreed to the new two year agreement.

Financial Sustainability

Funding for the Regional Library Corporation is provided for in the adopted 2023/24 budget.

Funding contribution from each partner Council is calculated on per head of population formula. In 2022-2023 the City contributed $3,410,916 which is equivalent to $28.08 per capita of population (121,470).

Risk Assessment

The regional library Corporation requires agreement to continue to operate.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 2 - Healthy, liveable spaces and places
Outcome 6 - A vibrant, creative community
Outcome 7 - A safe, welcoming and fair community

Conflict of Interest

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

Attachments

1. GLC Service and Funding Agreement 2023-2024 [**16.7.1** - 11 pages]
2. 7.3 COGB Libraries Quarterly Report Jan- Mar 2023 [**16.7.2** - 16 pages]

Service and Funding Agreement

July 1 2023 to June 30 2025

Greater Bendigo City Council

Mount Alexander Shire Council

Macedon Ranges Shire Council

Loddon Shire Council

and

The North Central Goldfields Regional Library Corporation

trading as

Goldfields Library Corporation

Schedule A: General Conditions

Schedule B: Funding Arrangements

The Agreement:

This Service and Funding Agreement is made on……..,

BETWEEN

The Greater Bendigo City Council, a body corporate established under an Order-in-Council made pursuant to the *Local Government Act 1989*, of Lyttleton Terrace, Bendigo:

Signed on behalf of

……..

Signature Position

Date

The Mount Alexander Shire Council, a body corporate established under an Order-in-Council made pursuant to the *Local Government Act 1989,* of 25 Lyttleton Street, Castlemaine:

Signed on behalf of

……..

Signature Position

Date

Macedon Ranges Shire Council, a Body Corporate established under an Order-in-Council made pursuant to the *Local Government Act 1989,* of 129 Mollison Street, Kyneton:

Signed on behalf of

……..

Signature Position

Date

Loddon Shire Council, a Body Corporate established under an Order-in- Council made pursuant to the *Local Government Act 1989*, of 41 High Street, Wedderburn

Signed on behalf of

……..

Signature Position

Date

AND

The North Central Goldfields Regional Library Corporation, trading as Goldfields Library Corporation
Signed on behalf of the Goldfields Regional Library Corporation

……..

Signature Position

Date

Witnessed by

……..

Signature Position

Date

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Introduction:
This Service and Funding Agreement details the responsibilities and obligations of the Goldfields Library Corporation and the four councils served by the Corporation. The Agreement is an extension to the Regional Library Agreement and constitutes a legally binding contract between the parties to the Agreement. This Service and Funding Agreement should be read in conjunction with the NCGRL's Regional Library Agreement.

Background:
The North Central Goldfields Regional Library Corporation (NCGRL), trading as Goldfields Library Corporation was established in January 1996 to provide library and information services to the Greater Bendigo City Council, Loddon Shire Council, Macedon Ranges Shire Council and Mount Alexander Shire Council.

The service covers an area of 12,979 square kilometers, one of the largest library regions in the State of Victoria. The service reaches a growing population of over 200,000, has a collection of almost 300,000 items, has over 1.1 million visits a year, over 1.4 million loans a year and employs approximately 48 full time staff.

The Goldfields Library Corporation comprises nine libraries - at Bendigo, Castlemaine, Eaglehawk, Gisborne, Heathcote, Kangaroo Flat, Kyneton, Romsey and Woodend. Library agencies deliver services in activity centres with smaller populations that are a substantial distance from libraries, including Pyramid Hill, Inglewood, Wedderburn, Boort, Elmore, Axedale, Tarnagulla and Dingee. A Home Library service also provides some services to major special accommodation centres and housebound patrons.

The Goldfields Library Board is responsible for the provision of the best library service outcomes for the communities of the four member Councils. The Board comprises two representatives from each of the four member Councils and meet at least once every three months. The Corporation is managed by the Chief Executive Officer appointed by the Library Board.

The Library priorities are aligned to the priorities of member councils and regional partnership priorities. These are:

Children and Young People- supporting childhood and adolescent development
Lifelong Learning- encouraging learning at any age or stage
Safety and Inclusion- a welcoming and accessible service
A Sustainable Future- playing our part in action against climate change
An Informed Community- an engaged, creative, informed community
Connecting People- providing opportunity for connection both digital and physical
Respecting First Nations Peoples and Culture- celebrating the nation's first culture
A Learning Organisation- learning and growing with our community

Recitals:

1. The Greater Bendigo City Council, the Loddon Shire Council, the Macedon Ranges Shire Council and the Mount Alexander Shire Council (the member councils) established the North Central Regional Library Corporation (NCGRL) on 12th January 1996 and are signatories to the Regional Library Agreement.

2. The Regional Library Agreement establishes the NCGRL as an independent corporate entity, sets out the parameters within which the NCGRL may operate, establishes an obligation to comply with the relevant sections of the *Local Government Act 1989, relevant sections of the Local Government Act 2020* and Corporations law, and prescribes a number of key reporting and operating requirements.

3. The member councils contribute funds to the NCGRL to provide public library services across their municipalities. In aggregate, library services are provided across an area of 12,979 square kilometers to a population of over 200,000 people.

4. The member councils provide, maintain and, where necessary, replace buildings, suitable for the delivery of library services. The member councils also secure, clean and maintain these assets, including associated areas, such as gardens, paths, exterior signs and parking areas.

Scope of Service and Funding Agreement:

1. This Agreement operates in conjunction with and supports the underlying principles and objectives of the Regional Library Agreement.

2. This Agreement comprises two principal parts. These are:

   (a) Schedule A which details the general conditions of this Agreement.
   (b) Schedule B which details the funding arrangements.

3. This Service and Funding Agreement will apply until 30th June 2024 with the option to roll over the agreement for a further year by collective agreement to finish on 30th June 2025.

SCHEDULE A: GENERAL CONDITIONS

This schedule sets out the general conditions that will apply to all member councils and the NCGRL in relation to the provision of public library services.

1. Library Board:

Persons accepting a position on the Library Board will:

- Participate in an induction program to acquire the understanding of library operations necessary to effectively fulfil the duties of a Board member.
- Become an active and visible supporter of the library service.
- Consider matters before the Board from a regional perspective, as well as from the perspective of the member council represented.
- Make full and accurate reports of Board and NCGRL matters to the member council represented.
- Act as an advocate for the NCGRL to influence the allocation of resources and service delivery in all dealings with external parties, including the member council represented.

2. Strategic Planning:

The Library Plan determines the direction of the corporation and will be approved by the Library Board. The Library Plan sets the direction for library services and programs and is responsive to: social trends, community demographics and community needs and aspirations. The Library Plan will align to best practice nationally and internationally and provides a pathway for the Corporation to achieve best practice within budget.

3. Policies and Standards:

The Corporation will provide and manage library services that conform to relevant national, state and local government policies and standards, as well as those policies and standards set by the Board.

If, for any reason, this is not achievable, the Corporation will report those areas of non-conformance to the Library Board and recommend appropriate strategies to achieve conformance. Where the non-conformance creates or may create a public or occupational health and safety risk, the Corporation will take immediate action to manage, reduce or eliminate the risk, including the temporary or permanent closure of library services if appropriate.

4. Advocacy:

The Corporation will act as advocate for existing and prospective library users and will make representations to councils, government bodies and other organisations and individuals to influence the allocation of resources assigned to the Corporation and the public library sector generally.

5. Accountability and Reporting:

The Corporation will comply with all direct and indirect accountability and reporting requirements imposed legislatively or through agreements entered into by, or on behalf of, the Corporation. These agreements include, but are not limited to:

- The *Local Government Act 1989*.
- *The Local Government Act 2020*
- The Regional Library Agreement.
- The Funding and Service Agreements between the Corporation and the Department of Jobs, Precincts and Regions.
- This Service and Funding Agreement.

6. Insurance:

6.1 The Corporation will ensure that adequate and current insurance cover is maintained for:

- Work Cover
- Public Liability.
- Professional Indemnity.
- Industrial Special Risk.
- Contents.
- Motor Vehicles.
- Other insurances as required.

6.2 The member councils are responsible for insuring buildings, fixed assets and fixtures used by the Corporation, but owned and maintained by those councils, while the Corporation is responsible for staff, patrons, furniture and equipment, materials, motor vehicles and other non-fixed assets which are owned and maintained by the Corporation.

6.3 By agreement, the Corporation's insurance can be arranged through the member councils.

7. Agreement Review:

The Agreement will be reviewed at least once every four years, prior to the end of each period. However, where changes to the *Local Government Act 1989* have a significant impact on the Agreement, such changes are to be accommodated within the Agreement at the earliest opportunity.

SCHEDULE B: FUNDING ARRANGEMENTS

This schedule expands on clause 9 of the Regional Library Agreement and establishes the responsibilities of the member councils with respect to funding current and future library operations.

1. Source of Funds:

The NCGRL may fund its operations from a variety of sources, including:

(a) Contributions by the member councils are based proportionally on population levels, as approved by the Library Board and each member council contributes the same per capita amount. The per capita amount should be calculated based on the following criteria:

a. Census data and confirmed estimates on population

b. Inflation rates

c. Proposed business initiatives that are beyond current service levels but are approved as part of the Annual Library Plan.

Councils will have the right to set a per capita amount that takes into account the above factors in a way that provides for a financially sustainable Corporation, with no commitment to fully accommodating inflation or business planning outcomes.

(b) A government contribution in the form of the State Government's Public Libraries Grant and other specific funding programs which apply from time to time. Such contributions will be paid directly to the Corporation.

(c) Revenues earned from charges.

(d) Interest on investments.

(e) Donations in the form of bequests and contributions.

(f) Borrowings in accordance with the conditions imposed by section 197A of the *Local Government Act 1989.*

(g) Contributions by member Councils for services that are planned for and approved by all member Councils as part of an increased or additional level of service.

In addition to the above sources, funds may also be drawn down from accumulated reserves if deemed appropriate by the Library Board.

2. Application of Funds:

The funds available to the Corporation will be applied to:

(a) The operating costs of the library service, which will include expenditures in relation to service points and headquarters.

(b) The capital requirements of the library service which will include the amount required to maintain the Corporation's materials collection in accordance with the Collection Management Policy and the amount required for the acquisition of other library assets, whether new or replacement.

(c) Ensure that adequate provision is made to meet the Corporation's future obligations with respect to staff entitlements for sick leave, annual leave and long service leave, and that payment is made in accordance with statutory requirements to approved superannuation funds.

(d) Invest in financial instruments authorised by the *Local Government Act 1989* and other governing agreements.

(e) Repay borrowed funds.

(f) Retain funds for future purposes.

3. Specific Funding Requirements:

Funds will not be applied to severance payments incurred as a result of decisions made by a member council(s) to restructure branch operations. Although severance payments (as specified by the current Enterprise Agreement) will be disbursed by the Corporation, the member council(s) will be wholly responsible for funding such payments.

4. Funding Formula:

Clause 9.2 of the Regional Library Agreement requires the Library Board to agree on a funding formula to determine the financial contributions to be made by the member councils. The agreed funding formula must ensure each member council contributes the same per capita amount.

5. Timing of Contributions:

Member councils will remit their financial contributions in four quarterly instalments payable on the first day of July, October, January and April of each year.

5.1 If the financial contributions payable by the member councils have not been finalised and approved by each Council prior to 1st July of each year, the first instalment shall be the same amount as was paid by Council for the previous quarter. Adjustments will be incorporated in the second instalment.

5.2 All other contributions received by the member councils on behalf of the Corporation will be remitted to the Corporation no later than one month following receipt of such contributions. Wherever practicable, the member councils will make arrangements for contributions intended for the Corporation to be paid directly to the Corporation.

APPENDIX 1

Key Public Library Principles

The following statements and principles have been drawn from the UNESCO Public Library Manifestoes (1973 and 1995) and from the Australian Library and Information Association statements and policies. The Corporation adopts these principles as fundamental statements about the services, to be used to inform, as appropriate corporation plans, tender documentation, users' charters and other key policies, plans, statements documents and processes.

1. Freedom, prosperity and the development of society and of individuals are fundamental human values. The public library, by providing free access to knowledge, thought, culture and information, enhances the potential for constructive participation in society and the development of democracy.

2. The library services has a role as an independent learning centre, a popular materials library, a reference library, a children's door to learning, a community information centre, a community activities centre a formal education support centre and a research centre.

3. The services of the library are provided on the basis of equality of access for all, regardless of age, race, sex, religion, nationality, language or social status.

4. Notwithstanding the commitment to universal access and equity the library service has a particular responsibility to encourage in children an enthusiasm for books, reading and the habit of using libraries and their resources.

5. All age groups must find material relevant to their needs. Collections and services have to include all types of appropriate media and modern technologies as well as traditional materials. High quality and relevance to local needs and conditions are fundamental. Materials must reflect current trends and the evolution of society, as well as the memory of human endeavour and imagination.

6. Collections and services should not be subject to any form of ideological, political or religious censorship, nor commercial pressures.

7. The library service will strive to provide the highest level of service through well-located and attractive libraries, appropriate and usefully organised collections, equitable and accessible services and policies, skillful, accurate and unbiased responses to all legitimate requests for assistance and efficient and effective management.

8. The library services will be active and positive in its outlook, demonstrating the value of its services and encouraging their use.

9. The library service will nurture the state, national and international network of libraries and information providers through cooperation and the professional exchange of knowledge and information, and through the training and development of librarians and people working in libraries.

10. Each library user's privacy will be protected with respect to information sought or received, and materials consulted or borrowed. Personal details of users will not be released to any party for any purpose without the express permission of the individual/s concerned.

Bendigo Library Quarterly Report

January – March 2023

Goldfields Libraries

Highlights:

- #BIGSummerRead
- Family Sustainability Day
- Alex Miller: A Brief Affair
- Carmel Bird : Memoir Writing Workshop
- Curious Kids Storytime
- Bendigo PRIDE Festival
- Bellydance for Teens, Tweens and Mums

Priority 1: Children and Young People

Dragon Dance

Bendigo Library, dragons and local writer Lauren Mitchell are great contributors to our city's culture. We brought these three together in January to launch the picture story book *Dragon Dance,* written by Lauren and illustrated by Geoff Hocking.

Fortune cookies were shared in a wonderful literary event celebrating Chinese New Year. The book launch was followed by our annual Lion Team celebration in the library gardens.



Dragon Dance

Priority 2: Lifelong Learning

Your Health In Your Hands

We continued our series of digital literacy workshops, in February presenting *Your Health In Your Hands;* a specialist session helping participants navigate the mysterious world on online health products. We discussed telehealth, My Health Record, e-scripts and other products and services that allow us to manage our wellbeing from our devices.

These small and informal sessions are of great benefit to those who may be inexperienced with the digital world, worried about how much medical information they should share and what happens to it once it is uploaded.

Priority 3: Safety & Inclusion

Interfaith Panel

During Cultural Diversity week we partnered with City of Greater Bendigo and the Bendigo Interfaith Council to host a panel discussion and Q&A session about faith and some of the misunderstandings surrounding beliefs.

A panel of five representatives from Bendigo's communities of faith shared the basics of their beliefs and some of the challenges encountered by people of faith in an increasingly secular world. They then fielded questions from the audience. Very special thanks to Salwa Dastgeer, Inclusive Communities Officer at CoGB for coordinating this candid and thought-provoking conversation.



Cultural Diversity Week – Interfaith Panel

Bendigo Library Quarterly Report

January – March 2023

Priority 4: An Informed Community

The Case Of The Missing Dahlias



Historical researchers are our library dectectives. We were tasked by Eaglehawk's *3556 Magazine* to supply some vintage photographs of the annual Dahlia Festival.

Library staff Geordie and Jacqui followed our usual research processes without success, until finally a rumour about a lost box of uncatalogued 1970s filmstrips began to circulate.

A treasure hunt of the Nolan Street Archives yielded a terrifying jumble - which produced gold for our researchers. *3556 Magazine* editors were thrilled with the photos and information found by our staff.



Eaglehawk Dahlia Float - 1972

Priority 5: Connecting People

Freedom Is Mine Exhibition

Freedom is Mine is a colourful and powerful exhibition of portraits of sixteen LGBTIQAA+ people from refugee backgrounds. Beautifully photographed by Peter Casamento, *Freedom is Mine* celebrates people seeking asylum who are members of Many Coloured Sky's Refugee and Peers community.

We hosted this exhibition during the Bendigo PRIDE festival in March, before passing it on to Buloke Shire who will host the exhibition in May.



Freedom Is Mine

Priority 6: Respecting First Nations Peoples and Cultures

Learning From Failure

We were delighted when offered the opportunity to host an online ZOOM session with author Gary Lonesborough. Gary's first novel *The Boy From the Mish* is a funny YA story about growing up Queer and indigenous. The session failed to gain an audience.

We took this as an opportunity to analyse how we approach some of our programs. Why did we miss the target market? Where did our publicity go wrong? Are young people simply ZOOMed Out? Was there just too much competing during Bendigo PRIDE festival to add another event?

Failure is useful as a learning experience, and from this we have decided to take a different tack and offer Gary's session at a later date with some of our learnings in place.

Priority 7: A Learning Organisation

Staff Movements

One of the exciting things about our large staff is that here are always opportunities to diversify. Bendigo Manager Kath Waugh returned from extended leave and is currently job-sharing the management role with Robin Pearson.

Vivien Newton moved from a Team Leader role into a Senior Librarian role focussing on special collections and research training.

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Andrea Christensen resigned to work in the education sector and her collections specialisations were picked up by Carly Milsom and Chris Donnelly.

Castlemaine Library staff member Julia Brown has been seconded to Bendigo in a temporary role, and three casual staff members are developing extra skills while in short term contracts. Choreographing this merry dance of skill-sets has been a challenge for management, but the changes have injected a massive boost of extra energy into our workspace.

Priority 8: A Sustainable Future

The Gift Of A Penguin

Sustainability is not always about gardens and solar panels. While we were saddened to hear of the closure of Dymocks booksellers, we were thrilled when Dymocks staff offered us a penguin shaped book stand which they felt was just too fabulous to dispose of. We set the penguin up in our children's collection area and it is now our "Kids Pix" display stand. Children love recommending their favourite books for others to borrow.

Repurposed, no cost and no longer bound for landfill.



What will we name the penguin?



*Woodland Library – **Library Lover's Day Display***

Feedback:

[Felicity] The garden boxes are lovely and I feel safe in the library

[Glendon] Can you by more audio books on cooking and things like that?

[Patron] Borrowbox is wonderful – I live on it

[Patrons] Thankyou Adam for your kindness, patience and IT skills

[Patron] Thanks for the easy availability of wireless printing via papercut

[Annette] How great are the new cleaners? The toilets smell great, and the Activity Rooms are a pleasure to use

[Cr Slaon] A shout out to Geordie for getting the specific book as requested on bats from an offsite collection.

[Patron] Cried with appreciation after Marie helped her to complete electricity rebate application

Bendigo Regional Archives Centre Quarterly Report

January - March 2023

Goldfields Libraries

Highlights:

- Emerging Historians and Archives
- The Kamarooka Panther Podcast
- The Fruits of our Labours
- Keeping you posted
- Geelong Heritage Centre visits
- Throwing Stones
- Moving with the times

Priority 2: Lifelong Learning

Emerging Historians and Archives

In co-operation with La Trobe University, in late March BRAC's Archives Officer presented an online induction to a fresh intake of history students. While BRAC prides itself on being able to offer flexibility with respect to how and when records are ordered, history students will still need skills in navigating PROVs online catalogue, ordering system and archives throughout their studies and future careers. By offering timely first-hand advice and support, BRAC hopes to make their research paths smoother, and welcoming them to the world of public records. We hope to make this support program a regular event.

Priority 3: Safety & Inclusion

The Kamarooka Panther Podcast

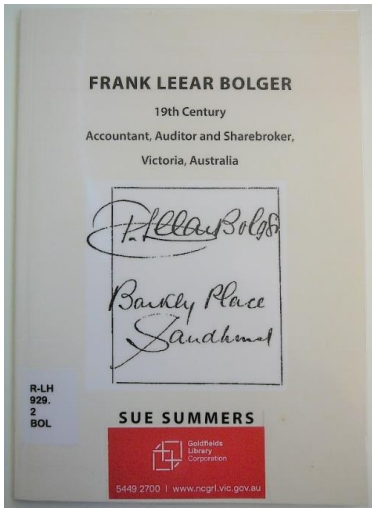
A major part of what we do is providing access and support to public records and local history from within the Reading Room. Sometimes we venture outside the library walls and share our local stories with the community in other ways. Our Archives Officer was recently invited by PROV to convert one her 2019 BRAC Newsletter articles into a podcast. The Kamarooka Panther is one of several legends regarding big cats roaming rural Victoria. The podcast can be listened to online via PROV's podcast series "Look History in the Eye" (Episode 8) and a full transcript, including images of some of the records referred to, is also provided.



Listen to the Kamarooka Tiger at https://prov.vic.gov.au/look-history-eye-podcast

The Fruits of our Labours

BRAC's archives and services have been acknowledged in Sue Summer's book on her ancestor Frank Leear Bolger, an accountant, auditor, and sharebroker. Bolger lived in Castlemaine, Sandhurst, and Melbourne in the 1860s and 1870s. Sue has also donated a copy of her book to the library so all can benefit from her research.



"Frank Leear Bolger" by Sue Summers (2021))

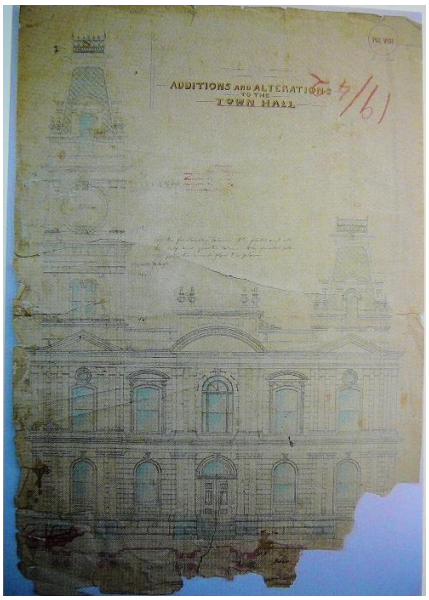
Bendigo Regional Archives Centre Quarterly Report

January - March 2023

Priority 4: An Informed Community

Keeping you posted

Plans are well underway for our official launch on April 20 of the Bendigo Health records recently transferred to BRAC. Representatives from the Public Record Office Victoria (PROV), Bendigo Health and BRAC are all talking on various aspects of the records that we think will be of great value to our community. This event also coincides with the 50th anniversary of the *Public Records Act* which created PROV in 1973.



BRAC's new promotional postcard

As one of three partner organisations, PROV also continues to support BRAC in a variety of ways. The new promotional postcard produced and printed by PROV, features the original drawing of the 1880s additions and alternations to the Bendigo Town Hall. The plan is an important part of the City of Greater Bendigo's archives. The postcard has now been distributed to all our library agencies and Bendigo Tourism Centre.

Priority 5: Connecting People

Geelong Heritage Centre visits BRAC

In February we were delighted to host three visitors from the Geelong Heritage Centre. Like BRAC, the Geelong Heritage Centre are a PROV Class A Place of Deposit, and they hold a vast collection of permanent public records relating to the Geelong region.

As part of a tour, our visitors were keen to see the new Warehouse Management System (WMS) in use. We look forward to using our new channels of communication to share skills and knowledge between facilities.

BRAC has now also joined regular PROV online IT update meetings to further improve the WMS, customer experience and potentials for new resources for BRAC staff and patrons. Stay tuned for some exciting developments.

Priority 7: A Learning Organisation

Throwing Stones and Mending Their Ways

Our 2023 contribution to the La Trobe University *Discovering History* program was "Throwing Stones and Mending their Ways: The local politics of quarrying, road making and stone use". This included a seminar, online articles, and an exhibition.

Researched, written, and presented by our Archives Coordinator using the City of Greater Bendigo's archives (and some from PROV), this seminar focussed several stories that exemplified the past efforts by local governments to create quality roads within budget, and the community's attitudes to stone resources and use. It is a timely reminder that we can all take roads and structures for granted, until geography, price and supply of materials prevent construction and maintenance. The video of the seminar can be found on YouTube, and the original research papers are on the BRAC website at: https://www.brac.vic.gov.au/throwing-stones

The exhibition upstairs in the library provided physical samples of stone resources, images of where they were used in Bendigo, and some of the documents uncovered during research.



Pet rocks on display in our "Throwing Stones" exhibition.

Bendigo Regional Archives Centre Quarterly Report

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Goldfields Libraries

Priority 8: A Sustainable Future

Moving with the times

BRAC staff spent two weeks in early January relocating 150 individual existing units from Nolan Street into the library repository, with priority placed on frequent-use items. In addition to this a further 170 newly-transferred Bendigo Health were also relocated to the library. Since January we have only needed to collect two items from Nolan Street, both of which are now also housed in the Library. Relocating these records in the library saves fuel, and permits a quick response time for orders, enabling our patrons to plan their visits accordingly.

Feedback:

"I had excellent service [from Archives Coordinator] who directed me to the land title document." [Researcher]

"You turned that [ordering records at PROV] into a very simple process; account set up and records booked for viewing". [Researcher]

"You have gone above and beyond the call of duty in assisting me." [Phone enquiry]

Kangaroo Flat Library Quarterly Report

January – March 2023

Goldfields Libraries

Highlights:

- The Nature Room returns – with Dinosaurs and an Ocean Table!
- Social Scrabble gains momentum!
- Silk Worm Moths hatch – cute, but flightless.
- Home Grown Harvest Swap a success!

Priority 1: Children and Young People

Big Summer Read.

The Big Summer Read is a state-wide initiative that encourages children to keep reading across summer, at a time when statistics show that levels of reading drop. Librarians engage with families and children, promoting books and reading and there are small prizes for when a child reads ten books and larger prizes that are drawn at the end of summer. Many parents are pleased at the support the libraries give to keep their children engaged with books.



Big Summer Read major prize winner at Kangaroo Flat!

Summer Story Walk.

"Somewhere in Australia" by Marcello Pennacchio was our Story Walk book for the summer. We put it along the bridge across the creek in Rotary Park, Kangaroo Flat and it gave the opportunity for lots of Australian animal related activities in the Library also. So families either did the Story Walk and then came into the Library to do the related Seek and Find, or had come to the Library, done the Seek and Find and learnt about the Story Walk. Such a great link to bring the Library outside and encourage families to be active.



Staff setting the Story Walk up in Rotary Park.

Priority 2: Lifelong Learning

Social Scrabble and Beginner Drawing Sessions.

For the last six months, we have held monthly social scrabble sessions. These had the intention of allowing people to come together in a social setting while doing something fun. The group has gained momentum, sorted out their differences between different scrabble rules and range from die hard players with an amazing Scrabble lexicon to beginners who have never sat down to a Scrabble board before. Fulfilling our intention of starting this group, they are now meeting fortnightly in the Library under their own volition as apparently playing social Scrabble once a month is not often enough!

In February, we held some beginner drawing classes, once a week across four weeks. There was a huge amount of interest in this, and the lucky attendees became a close group across the month, learning basic styles of drawing using different mediums under the instructor's expert tutelage. After the last session, they

Kangaroo Flat Library Quarterly Report

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too were keen to continue as a group, and so booked the Library's bookable space and continue to meet together once a month, without the instructor to encourage each other to continue along their artistic journey

Both the Scrabble and the Drawing sessions are great examples of what we are finding that community members are needing post-Covid. That feeling of coming together socially to learn or participate in something new, and Libraries provide the perfect place for this.

Priority 3: Safety & Inclusion

Get Moving continues

We were fortunate to receive another "Get Moving" grant from the City of Greater Bendigo last year to provide more of the very popular physical exercise classes for over 60s. In this quarter, we had Sass from Silver Top Dancing return to lead an enthusiastic group in dancing their way through three sessions.

Priority 4: An Informed Community

Popular Nature Room returns

Our popular Nature Room returned for the summer with the addition of dinosaurs and an Ocean Table! Families could measure themselves against some life-sized Australian dinosaurs that used to roam the rainforest in the Victorian Otways and gaze up at a full sized Tyrannosaurus head. There were also shells, and other beach combing discoveries such as a Pipe Horse to be seen on the Ocean Table.



Some life-sized Australian dinosaurs.

Throughout January we had many people of all ages come to see our Nature Room – with many repeat visitors.

As before, this room had an open-ended theme with many questions posed, but not necessarily many answers given. People were also encouraged to bring their own Nature discoveries in to share with others and use the community Brains Trust to help them work out what they might have discovered, but might not know about.



Getting up close with some Nature discoveries!!

Silk Worm cocoons hatch into flightless moths!

By mid to late December, the Silk Worms that had generated such interest since late October last year had all spun themselves into their silky cocoons. In January, to everyone's excitement, the moths started to emerge. Very cute, with feathery antennae, yet flightless. We kept them in an open box, where they lived out their short life, mating, laying eggs, before dying.



Kangaroo Flat Library Quarterly Report

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So many older people reminisced about keeping silk worms when they were growing up and many others were fascinated by the life cycle that was happening in front of them and that they could witness each time they came into the Library.

The life cycle will continue later this year as we have kept some eggs in a quiet, dark cool place, waiting for them to hatch into tiny silk worms later this year.



Cute but flightless silk moth.

Priority 5: Connecting People

The Memory Place – Family Life at Home

We had another successful reminiscing session, this one based around 'Family Life in the Home'.

The attendees shared memories prompted by objects which may have been commonplace in the past, and many of them would have used them in their daily life.

The social connections made and the benefits of this type of discussion are obvious and greatly appreciated by the attendees.



Some treasures that prompted discussion & memories.

Home Grown Harvest Swap a success!

We were very keen to trial a Home Grown Harvest Swap throughout March. This allows people to swap excess home-grown produce, which may include fruit, vegetables, herbs, eggs and seeds, or sealed home-made preserves such as sauces, relishes and jams (with listed ingredients and date made).

Swaps like this are money-free and run on an honesty system. Swappers bring their produce and then 'shop' from the table of goods left by others. The exchange should be a fair reflection of what has been given.

While slow to start, it gained momentum and for the Library it ticked a lot of sustainability boxes:

- Strengthens our community by providing a connection point for people.
- Fosters the growing of food locally, increases food knowledge and encourages good nutrition.
- Reduces waste, packaging and transport, cutting down on food miles – the distance that food often has to travel to reach us.
- Optimises the use of urban space for sustainability, by encouraging backyard food production - making these spaces more viable and growing food more rewarding.
- Offers an alternative model of exchange – based on sharing rather than currency.
- Helps connect and inform in relation to sustainability and local food sources and reduces our footprint on the earth, helping to build a resilient ecosystem.



Home Grown Harvest Swap.

Kangaroo Flat Library Quarterly Report

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The swap spilled into the foyer with many seeds also being donated for the community to take and plant.

Priority 7: A Learning Organisation

Staff Professional Development

- Mother Goose Training – Cultural Inclusion
- Readers' Advisory Group Meetings
- Inter Library Loan Meeting
- Update sessions regarding the Courier for Inter Library Loans
- Early Years Strategic Planning Session
- Enterprise Agreement Negotiating Committee Meetings
- GLC PD Day
- Strategic and Operational Managers Meetings
- Staff Consultative committee Meetings

Volunteers

We have had a new volunteer join us, particularly to help with the Seed Library which is much appreciated, as packaging up envelopes of seeds to keep it well stocked is an ongoing job!

Feedback:

"It doesn't matter how I feel when I come to the Library, I always leave feeling uplifted - even if I don't get a book. It's saying hello to all the staff who know me by name, and who will say 'Lois, I thought you would like this book.' The Library is really our own little community."

"Given my lack of digital skills, the Library and books are my 'streaming' service."

"We were going to go to the Discovery Centre, but this Nature Room is even better! And free!"

"The nature room is wonderful the kids have loved looking at the skulls."

"It's like coming to a garden centre here!" Regarding the seeds, bulbs and seedlings in our foyer donated by the community for the community."

Carer of client with disabilities: "You are so welcoming here - it's a place that we come and my client feels safe and loves to say Hello."

Home Library Service patron said "Thank you very much for the wonderful service I've received over the years" and passed on his thanks to the lovely people who have helped at the library in the past.

"Fantastic job of the Memory Room - thoroughly enjoyable - thank you for running it. This would be perfect for people with dementia."

Patron's grandchild is a Covid child and did not have a chance to make friends but spent a lot of time at the library (his favourite place!) and then he was thrilled to win a prize through the Library! Patron said her grandchild's reading skills are beyond his years and she puts it down to time spent at the library.

Eaglehawk Library Quarterly Report

January – March 2023

Goldfields Libraries

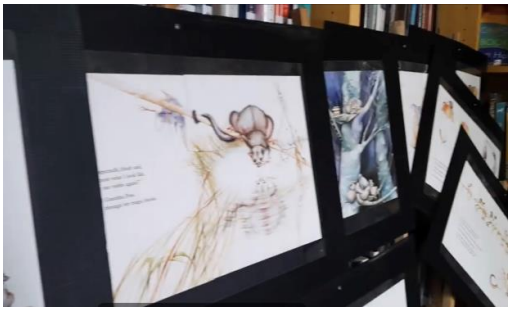
Highlights:

- Mulga Bill Writing Award and linking into the Eaglehawk Dahlia and Arts Festival again.
- Local History Donation
- Summer Story Walk – "Possum Magic" by Mem Fox.

Priority 1: Children and Young People

Summer Storywalk

The well-loved "Possum Magic" by Mem Fox was the summer Story Walk in Canterbury Gardens, Eaglehawk this time. There were many positive comments proving how popular it was, and staff had also put together a "Possum Magic" sensory box which was at the Library. This contained a copy of the book, but also items relating to the story that children could touch and feel as they read the book – a soft toy possum, crocheted food, glasses and an apron were a few of the items included.



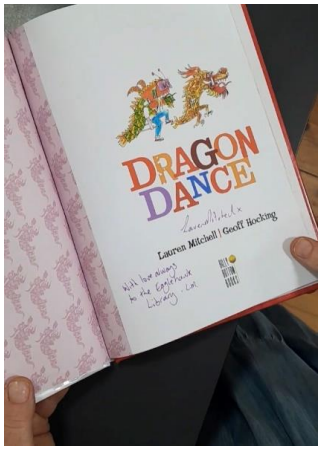
Getting the Story Walk boards ready.

Storytimes Return and Special Storytimes

Storytimes returned in February and it was pleasing to see increasing numbers as people feel more confident in coming out in groups.

We were pleased to have two special storytimes in the first term. One was the first of a series across the year in partnership with the Science and Discovery Centre called "Curious Kids", presented by a Science and Discovery Centre staff member and aimed at promoting science with young children. This first one was "Everyone is a Scientist" and included interactive demonstrations, and an activity pack to take home.

In our second special storytime it was exciting to welcome local author Lauren Mitchell to read her new book "Dragon Dance" – a lovely picture book based on the Bendigo Dragon coming out at Easter.



Lauren signed the Library copy of her book "Dragon Dance".

Eaglehawk Supported Playgroup

Eaglehawk Library staff were asked to present an outreach session to a local supported playgroup and as well as offering them a fun and interactive session, they talked about the services the Library can offer and encouraged the families to come in anytime and to consider attending our regular storytime sessions.

Eaglehawk Library Quarterly Report

January – March 2023

Goldfields Libraries

Priority 3: Lifelong Learning

Local History Donation

We had a very generous offer from local researcher and author, Noelene Wild to donate her Local History collection and research notes to the Library on the proviso it stays at Eaglehawk. We transferred a lot of the collection into new folders and labelled them with GLC branding and an acknowledgement of Noelene's donation and they are now available at the Eaglehawk Library for any interested person to refer to.



Some of the donation in the Local History cupboard.

Mulga Bill Writing Award

It was great to once again host the Mulga Bill Writing Award for the re-invigorated Dahlia and Arts Festival. This was for writing poetry and short stories, and it was incredible to see the varying descriptions and interpretations of the theme 'Gold'.

It was a difficult task, but the judges, local authors Lauren Mitchell and Lorraine Marwood chose from more than 160 entries and this year's winners were announced at the Launch Party for the Dahlia and Arts Festival

The judges had great things to say and the winning entries are available to read at: ncgrl.vic.gov.au/mulgabillwritingaward



Eaglehawk Library Quarterly Report

January – March 2023

Priority 4: An Informed Community

Probus Talk

Eaglehawk Probus Club asked for staff to present at one of their meetings about what services the library can offer. So many attendees were unaware of the wide variety of programming that Libraries now do and were delighted to receive the seasonal programme.

Know your Gizmo / Save your memories

Helping the community with digital literacy continues with targeted programming to small groups. "Know your Gizmo" is a great example of this where 4-5 people come together with one of our staff members and talk through anything they are having difficulties with in regard to the digital world.

"Save your memories" was a more specific session aimed at particularly helping people to scan and save old photos.

One-on-one IT sessions can also be booked on a certain afternoon of the week to help someone with a particular digital problem they may be struggling with.

All these sessions are always very popular, and people find them extremely helpful.



Staff helping with digital literacy session.

Feedback:

"Thanks so much for providing the Storywalks, my youngest son loves them and we have seen ones at Heathcote, Rotary Park - Kangaroo Flat and Eaglehawk's Canterbury Park."

"The Library is great in January for the kids. The Big Summer Read keeps them reading until they go back to school."

"You girls are gems for us oldies. So helpful."

"Thanks for having the Lego and magnetic tiles. They are great and make such a nice library."

"We used to go to Bendigo for storytime, but it's so big the kids weren't very engaged. They were so engaged this morning, it was amazing! (These children went on to 'play' storytime after Storytime finished ☺)

"I love getting the Text messages for when a book is in for me - it's so handy. Thanks!"

"Thanks so much! You've saved me from more sleepless nights." (In regards to Know Your Gizmo Session)

Jenny from Supported Playgroup said that when they asked their families what they wanted in 2023 - they all asked for the Library to come and visit again!

Priority 7: A Learning Organisation

Staff Professional Development

- Eaglehawk Mechanics Meeting
- GLC PD Day

Community Based Services Quarterly Report
January – March 2023

Goldfields Libraries

Highlights:

- Heathcote Storywalk launch
- Curious Kids in the Library
- Library Lovers Day
- Australian Reading Hour
- The Memory Place
- Home Library Service
- The Fields of Gold – book club

Priority 1: Children and Young People

Heathcote StoryWalk – official launch

On Tuesday 28th March, students from Heathcote Primary, Primary, Holy Rosary Primary, Shine Bright ELC and Jenny's ELC attended the Healthy Loddon Campaspe funded Heathcote StoryWalk Launch at Barrack Reserve. Residents from Heathcote Health residential aged care facility also attended, creating an inter-generational opportunity to participate in activities including the StoryWalk, craft and sports activities. Mark was the official MC, with special guest speakers including Deputy Mayor Cr Jennifer Alden and Healthy Loddon Campaspe Coordinator Alicia O'Brien. Kelly Sports Bendigo also attended the event and provided a range of sport activities. Mark and Ange each took two groups of children along the StoryWalk and read the Gruffalo story in their best growly voices.



Heathcote Storywalk launch

Curious Kids in the Library

We welcomed special guest Angela from the Bendigo Discovery Science & Technology Centre to the Elmore and Heathcote Storytime sessions on Monday 27 March and Friday 31 March. Angela showed the children and families how we are all scientist in our own way with stories, songs, experiments, and a take home activity. These sessions are an opportunity to collaborate with partners in the early years sector to foster enquiry and curiosity while building literacy.



Curious Kids in the Library

Priority 2: Lifelong Learning

Library Lovers Day – 14 February

The CBS team promoted & celebrated Library Lovers Day (LLD) with collection displays in our library spaces and via social media. Naarah organised a wonderful "Retro" themed LLD morning tea at the Pyramid Hill agency. Attendees were encouraged to dress up in a retro outfit, there was a retro romance book display, homemade heart shaped & retro inspired treats, as well as conversations and sharing how libraries enrich their life. Library users are our greatest advocates and LLD is a wonderful opportunity for library patrons and partners to tell us about the valuable role that libraries play in their lives.



Library Lovers Day: Pyramid Hill Library Agency

Community Based Services Quarterly Report
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Goldfields Libraries

Priority 3: Safety & Inclusion

Home Library Service

Our Home Library Service (HLS) provides deliveries of library collection items to isolated community members who are unable to access the library. The CBS team manages the HLS for the Bendigo, Axedale, Heathcote and Loddon libraries and agencies. We have seen a significant change within the home library service for Bendigo, with nine applicants coming off the waitlist and a further five new applications received and moved into the service. We were also very excited to welcome our first Bendigo HLS volunteer, Tony, who is now visiting the HLS recipients at two aged care facilities. This is a fantastic opportunity to enrich the lives of the residents and help them feel valued and connected.

Priority 4: An Informed Community

Australian Reading Hour: Thursday 9 March

The Australian Reading Hour is one of the many ways to celebrate books. Community members were invited to drop into the Dingee and Axedale library agencies and join our reading parties as we spent an hour celebrating books and sharing the stories we love with others. Library users were encouraged to bring along a much-loved book and share your favourite passage, try their luck at a 'Lucky Dip' and read something new, or just spend an enjoyable hour indulging conversations about the books and authors you enjoy.

The Fields of Gold: Online Book club

Russell has established a friendly online book club for library agency patrons, they meet monthly via Zoom to connect and make friends while discussing the stories and themes of the books they are currently reading. Book clubs have many benefits, including discovering new books, authors, and genres. Participants can make new connections and gain a sense of belonging, while improving reading and critical thinking skills. Offering this service online is a way to reach outside of our libraries to connect people.

Priority 5: Connecting People

The Memory Place: Early Working Life – February

In collaboration with Heathcote U3A group we held a reminiscing session with the theme of Early Working Life. These sessions are an opportunity for participants to share thoughts, feeling and experiences of their early working life, socialise and connect in a meaningful way. Our reminiscing kits are a treasure chest of items designed to prompt conversations and they work. During this session we heard many stories about working in education and nursing, and we also had two participants who had worked in the fields of science.



Heathcote U3A group & friends – The Memory Place

Priority 6: Respecting First Nations Peoples and Cultures

Welcoming Library Spaces & Collections

The CBS team makes a conscious effort to ensure that the collections at all the library agency locations continue to reflect First Nations stories and authorship. Our weekly agency visit procedure includes checking that the collection is rotated regularly, refreshing collection displays, and ensuring our books used for agency and outreach Storytime sessions reflect First Nations stories and culture.

Priority 7: A Learning Organisation

Staff Training & Development

- Storytime Presenters PD Day
- Canva training
- Reader Advisory Group
- Library Aware training
- Early Years Strategic Planning
- All staff PD Day
- Home Library Service – Special Interest Group

Volunteer Induction & Training

- Heathcote Library – new general library volunteer commenced in February
- Bendigo Home Library Service – new volunteer commenced in February

Priority 8: A Sustainable Future

Loddon Shire: Flood Recovery Project

We have been working with Josie McKinnon, Community Recovery Officer, on the Loddon Flood Recovery Project.

Community Based Services Quarterly Report
January – March 2023

Josie has been doing important work in the Loddon Shire with community members to reconnect and recover after the flood event in October 2022. Some of the projects underway which we have been supporting Josie with include:

- Boort Little Lake StoryWalk
- Book of women's flood recovery stories
- Community campfire night & story writing competition

Feedback:

The Memory Place

"Very relaxing and plenty of discussion. I feel a different person (good) afterward."

"I had a very enjoyable morning chatting and listening to others talking about early memories of our lives. Thank you"

Heathcote Storytime Session

"Ange, I have to say, you are the highlight of our week"

Home Library Service

"it [the Home Library] is such a great service- it's all mum really has so it's very helpful for her engagement"

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

18. ABORIGINAL RECONCILIATION

18.1. A Voice to Parliament Referendum

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

Purpose

The purpose of this report is to provide information on the upcoming 2023 Referendum, and to seek Council's support of constitutional recognition of Aboriginal and Torres Strait Islander people through a Voice to Parliament enshrined in the Australian Constitution (Option 1 below).

Recommended Motion

That Council:

- Formally support constitutional recognition of Aboriginal and Torres Strait Islander Peoples through a Voice to Parliament enshrined in the Australian Constitution; and
- Commits to informing and sharing clear, unbiased information on the Voice to Parliament and all aspects of the upcoming referendum. This will ensure residents can make their own considered and informed choice on the day.
- Acknowledges that any position resolved by Council, is without prejudice to individual positions each Councillor may privately or publicly pursue

Executive Summary

On 27 May 2017, delegates of the National Constitutional Convention released the 'Uluru Statement of the Heart' which calls for legal and structural reforms to reshape the relationship between First Nations and the Australian population. The Uluru Statement calls for two substantive changes, including establishing a Makarrata Commission to lead treaty making and truth-telling, as well as a First Nations Voice to Parliament to be enshrined in the constitution.

A First Nations Voice to Parliament would be an independent, representative advisory body that will provide a permanent means to advise Parliament and Government on matters affecting the lives of First Nations communities.

In 2022, the Federal Government committed to holding a referendum on a constitutionally enshrined Voice to Parliament by the end of 2023.

Following detailed consultation with the First Nations Referendum Working Group and the Government, the Prime Minister announced on 23 March 2023 the proposed constitutional

amendment and the referendum question that will be put to the Australian public at the upcoming referendum.

Supporting constitutional recognition aligns with the City's Reconciliation Plan 2020-2025, *Barpangu* and its underlying commitments to self-determination, partnerships and community dialogue and truth-telling.

Background

The City of Greater Bendigo has been on a long journey of reconciliation from the early 2000s, with two successive Reconciliation Plans guiding the City's work in reconciliation across the municipality.

The City's current Reconciliation Plan 2020-2025, *Barpangu* articulates Council's commitment to advancing reconciliation and to supporting the Traditional Owners and local Aboriginal and Torres Strait Islander community. It is also underpinned by key principles of Aboriginal self-determination, partnerships, relationship building and ensuring our work is guided by two-way learning, self-reflection and ongoing trust and understanding.

Barpangu recognises the Council's leadership role in reconciliation across Greater Bendigo and the wider region, and our responsibility to encourage other local governments and agencies to further their own reconciliation journeys.

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

Previous Council decision dates:

- **16 September 2020** – Adoption of Reconciliation Plan 2021-2025, *Barpangu*
- **27 June 2023** - Adoption of the Social Justice Framework 2022-2032

Report

On 27 May 2017, delegates of the National Constitutional Convention released the 'Uluru Statement of the Heart' (**Attachment 1**). The Uluru Statement calls for legal and structural reforms to reshape the relationship between First Nations and the Australian population towards one based on fairness, truth, justice and self-determination. This is an important step in Australia's reconciliation journey.

In calling for *Voice, Treaty, Truth,* the Uluru Statement calls for two substantive changes, which are:

- Constitutional enshrinement of a Makarrata Commission to undertake processes of treaty making and truth-telling; and
- A First Nations Voice to Parliament to be enshrined in the constitution.

A First Nations Voice to Parliament would be an independent, representative advisory body of Aboriginal and Torres Strait Islander members. It will provide a permanent means to advise Parliament and the Executive Government on the views of Aboriginal and Torres Strait Islander Peoples and to have the means to inform decisions on matters directly affecting the lives of First Nations communities.

The Uluru Statement of the Heart was developed out of a First Nations dialogue process, led by the Referendum Council, to discuss constitutional reform and how to ensure that Aboriginal decision-making was at the heart of the reform process.

Constitutional amendment and referendum question

In 2022, the Federal Government committed to holding a referendum on a constitutionally enshrined Voice to Parliament by the end of 2023. This is part of the Government's commitment to implementing the Uluru Statement from the Heart in full.

This referendum will give Australians a rare opportunity to write a new chapter into our Constitution.

On 23 March 2023, the Prime Minister announced the proposed constitutional amendment and question to be asked at the 2023 Referendum. Australians will be asked to approve the inclusion of the following new chapter into the Constitution:

In recognition of Aboriginal and Torres Strait Islander Peoples as the First Peoples of Australia:

1. *There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;*
2. *The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;*
3. *The Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.*

The question Australians will be asked will be:

A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?

The First Nations Referendum Working Group also outlined the principles underpinning the First Nations Voice to Parliament. This clarifies our understanding of the role and function of this new body. To summarise, the Voice to Parliament will:

- Provide independent advice to the Parliament and Government

- Be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities
- Be representative of Aboriginal and Torres Strait Islander communities, gender-balanced and include youth
- Be empowering, community-led, inclusive, respectful and culturally informed
- Be accountable and transparent
- Work alongside existing organisations and traditional structures

The Voice will not have a program delivery function, nor will it have veto powers.

State and Local Context

Since mid-2022, several developments have occurred across all levels of government and community.

At the Municipal Association of Victoria's (MAV) June 2022 State Council, which comprises representatives from all 79 Victorian councils, it was resolved that:

'…the MAV call upon all Victorian local government authorities to consider supporting the Uluru Statement from the Heart which calls on the Australian people to walk with First Nations in a people's movement for Voice, Treaty and Truth, and encourage all Councils to write to their respective Federal Member of Parliament calling on the Australian Government to support Constitutional Recognition for Aboriginal and Torres Strait Islander peoples and the key principles of the "Uluru Statement from the Heart'.

This follows the Australian Local Government Association's (ALGA) earlier support for constitutional recognition for Aboriginal and Torres Strait Islander Peoples, as per its submission of endorsement to the 2018 Interim Report of the Federal Joint Parliamentary Committee on Constitutional Recognition.

Other recent developments include:

- In December 2022, 38 Mayors from across Australia released a joint statement in support of the Uluru Statement from the Heart and the upcoming referendum, while also committing to civic education in their communities about the importance of the referendum.
- Six Victorian Mayors signed the *Mayors for the Voice to Parliament Public Statement*, including the City of Ballarat, Nillumbik Shire Council and Bass Coast Shire Council.
- As of April 2023, five Victorian local councils have made the following commitments:
    - On 23 November 2022, Bayside Council unanimously adopted a Mayoral Minute to formally support the Uluru Statement from the Heart and Voice to Parliament.
    - On 5 December 2022, Banyule City Council Councillors adopted the Uluru Statement from the Heart.

    - In 2021, City of Greater Geelong made a commitment to the Uluru Statement from the Heart
    - On 26 April 2023, Surf Coast Shire Council voted to publicly declare its support for the Voice to Parliament but will not explicitly advocate for the "Yes" or "No" campaigns.
    - On 21 March 2023, Melbourne City Council voted in support of the Uluru Statement from the Heart and the 'Yes' campaign for constitutional recognition through a Voice to Parliament.
- At the National Cabinet meeting on 5 February 2023, all State and Territory Premiers signed a 'statement of intent', formally supporting a First Peoples Voice to Parliament.
- A series of national and state peak-based bodies have released position statements stating their support for the referendum and for constitutional recognition, including Reconciliation Victoria, Reconciliation Australia, Victorian Council of Social Service, the Australian Reconciliation Network and Diversity Council Australia (**Attachments 2 - 5**).
- On 26 May 2023, more than 20 Australian sporting codes released a joint statement in support of constitutional recognition through the Voice to Parliament, including the AFL, NRL, Rugby Australia, Football Australia and Netball Australia. The joint open letter stated, '*We commit to using our platforms to lead conversations that promote respect, trust and goodwill between Indigenous and non-Indigenous Australians. We commit to improving education and understanding among the Australians who play, administer and watch our sports."*

City of Greater Bendigo Youth Council provided a letter of support to Council on 11 April 2023, voicing their support in favour of the Voice to Parliament and upcoming referendum (**Attachment 6**).

Various Yes and No campaigns have been running since February 2023.

Launched during a 'national week of action' in mid-February 2023, the 'Yes' campaign is being driven by a collective of groups, including *The Uluru Dialogue*, *From The Heart*, *Uphold and Recognise*, and *Australians for Indigenous Constitutional Recognition*. The campaign's objective is supporting the Uluru Statement from the Heart and constitutional recognition for First Nations Peoples. A non-partisan forum, *Parliamentary Friends of the Uluru Statement,* has formed to support parliamentarians to meet and interact with various stakeholder groups around the Uluru Statement from the Heart.

The No campaign, being led by *Australians For Unity*, seeks to offer an alternative solution to First Nations recognition and community needs. Made up of the former *Recognise a Better Way* and *Fair Australia* campaigns, the No campaign reflects criticism around the lack of detail on the structure and role of the Voice to Parliament. For example, the previous *Recognise a Better Way* group sought symbolic recognition of First Nations

Peoples in the Constitution and reiterated that economic participation is the only way to Close the Gap of disadvantage.

These campaigns reflect the diversity of views within the First Nation community and broader public about the Voice to Parliament and referendum.

Locally, the DJAARA Board announced in May 2023 their recommendation that *'DJAARA publicly support the Voice to Parliament in the leadup to the national referendum. A Voice to Parliament would not detract from or interfere with the rights of Dja Dja Wurrung People under the Recognition and Settlement Agreement (RSA) with the State of Victoria'.* This follows Rodney Carter (CEO of DJAARA) previously declaring his personal support in favour of the Yes Campaign.

In April 2023, Taungurung Land and Waters Council (TLWC) released a public statement declaring Taungurung members' and TLWC's support for the Voice to Parliament and constitutional recognition (**Attachment 6**). The Taungurung statement noted that *'having a group of Traditional Owners advising the Government and Parliament on how matters such as policies and laws affect Indigenous peoples is the next step in creating a stronger future not just for the Taungurung Nation, but all Nations'.*

The Voice to Parliament and upcoming referendum offers Council an opportunity to show its support for constitutional recognition of First Nations Peoples, as part of our ongoing commitment to reconciliation and Aboriginal self-determination.

As the level of Government closest to community, Council can play an important role in ensuring residents are able to participate in the democratic process in an informed way providing access to unbiased information in the leadup to the referendum. Council's role will involve informing and sharing clear, unbiased information on the Voice to Parliament and the upcoming referendum to ensure residents can make their own considered and informed choice on the day.

Council will focus on the importance of constitutional recognition for First Nations people and participation of the wider community in the referendum process.

Offering our support for constitutional recognition also aligns with important changes at the State level where the Victorian Government has been leading the nation in advancing Treaty-making, truth-telling and providing a democratic voice for First Nations Peoples. This has included the creation of the First People's Assembly of Victoria in December 2019, the establishment of an independent Treaty Authority and treaty negotiation framework in June 2022, and a formal truth-telling process through the Yoorrook Justice Commission. Importantly, the City's *Yilingga Marna Agreement* with DJAARA also includes a stated commitment for both the City and DJAARA to work towards a Treaty-like Agreement.

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

The key principles are:

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

These core principles are supported by seven pillars of action.

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

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

This can be achieved through the following roles:

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

Priority/Importance

Confirmation of a Council position regarding the First Nations Voice to Parliament is of high importance given the approaching referendum in late 2023 and the growing interest, both internally and externally, of Council’s commitment on this matter.

Options considered

Council may consider the following options in relation to the 2023 Referendum:

Option 1 (recommended):

- That Council formally supports constitutional recognition of Aboriginal and Torres Strait Islander Peoples through a Voice to Parliament enshrined in the Australian Constitution.
- Council commits to informing and sharing of clear, unbiased information on the Voice to Parliament and all aspects of the upcoming referendum. This will ensure residents can make their own considered and informed choice on the day.

Option 2:

- No formal Council position is taken on the upcoming 2023 Referendum or constitutional recognition through a Voice to Parliament.
- In the leadup to the Referendum, Council commits to sharing clear and unbiased information on the Voice to Parliament and the upcoming referendum. This will ensure residents can make their own considered and informed choice in the referendum.

Option 3:

- Council passes a formal motion not supporting the upcoming referendum or constitutional recognition through a Voice to Parliament.

To support decision making, Council:

- Acknowledges that this Council position does not preclude the right of an individual Councillor to:
    - Vote as they individually desire in the referendum
    - Actively campaign or not, for either side, as a private citizen – without prejudice to the position of Council
- Acknowledges that Councillors must still comply with the Councillor Communication & Information Policy, specifically but not limited to sections:
    - 6.16.1 – not speak on behalf of the City (unless authorised by the Mayor)
    - 6.16.4 – respect the decision-making process and not publicly criticise the Council resolution
    - 6.16.5 – clearly communicate that they are not speaking on behalf of Council when making comment
    - 6.16.7 – ensure the reputation of Council is not compromised

Timelines

A Referendum on the First Nations Voice to Parliament will be held in the second half of 2023 (between October – December).

Communications/Engagement

External consultation:

- Regular consultation is occurring with members of the Central Victorian Local Government Reconciliation Network, Bendigo Reconciliation Group, and staff from Reconciliation Victoria regarding local government action on the Voice to Parliament.

Internal consultation:

- Early discussions have occurred between Governance, Communications and Community Partnerships Units on potential options for information sharing, education and engagement, both internally and externally, in the leadup to the referendum.

Financial Sustainability

Any additional communications and information sharing activities in the lead up to the 2023 Referendum will be implemented within existing budget and staffing resources of the Community Partnerships Unit.

Risk Assessment

Supporting constitutional recognition and the 2023 referendum aligns with the City's commitment to reconciliation and key strategic documents, the Council Plan *Mir wimbul,* Healthy Greater Bendigo 2021-2025, City's Reconciliation Plan *Barpangu*, and Social Justice Framework 2022-2025.

These strategies have set high expectations for the community and key partners around the City's commitment to reconciliation and Aboriginal self-determination.

Not adopting a clear position on the Voice to Parliament will likely send a message of non-support to the local First Nations community and other local supporters of reconciliation. This may fracture local relationships with Traditional Owners and First Nations community members and also may cause reputational risk to Council in the reconciliation space.

Not committing to providing clear information on the Voice to Parliament and the referendum would also be a missed opportunity for Council and its role in ensuring residents are able to make a considered and informed choice on the day.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 4 - Aboriginal reconciliation

Secondary Council Plan Reference(s)

Goal 1 - Respecting and celebrating our Traditional Owners and Aboriginal and Torres Strait Islander Peoples and cultures through all levels of our organisation
Goal 2 - Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community
Goal 3 - Enhanced wellbeing of our Aboriginal and Torres Strait Islander community

Other Reference(s)

Healthy Greater Bendigo 2021-2025
Outcome 4 – connected to culture and community

City of Greater Bendigo Reconciliation Plan 2020-2025, *Barpangu*

City of Greater Bendigo Social Justice Framework 2022-2032

Dja Dja Wurrung & Taungurung Recognition and Settlement Agreements as part of the *Traditional Owner Settlement Act 2010*

DJAARA – City of Greater Bendigo Yilingga Marna Agreement

Victorian Charter of Human Rights and Responsibilities Act 2006

Victorian Aboriginal and Local Government Strategy 2021 - 2026

Conflict of Interest

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

Attachments

1. Uluru Statement From The Heart [**18.1.1** - 1 page]
2. Reconciliation Victoria - Uluru Statement and Voice to Parliament - Position Statement [**18.1.2** - 3 pages]
3. Australian Reconciliation Network - Voice to Parliament - Statement [**18.1.3** - 1 page]
4. VCOSS - Voice to Parliament - Public Statement [**18.1.4** - 1 page]
5. Diversity Council Australia - Voice to Parliament - Media Release [**18.1.5** - 2 pages]
6. City of Greater Bendigo Youth Council - Voice to Parliament - Letter to Council 2023 [**18.1.6** - 2 pages]
7. Taungurung Land and Waters Council - Voice to Parliament - Public Statement [**18.1.7** - 1 page]

ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is *a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness*.

We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

Reconciliation Victoria position statement

Constitutional recognition for First Peoples through a Voice to Parliament.

Background

Federal Government position:

In the 2022 Federal election, the Australian Labor Party achieved a majority government and incoming Prime Minister, Anthony Albanese, first announced his commitment to a referendum to enshrine a voice for First Nations people in the Constitution, during his victory speech.

Victorian State Government position:

Ahead of the 2022 Victorian State Election, the office of Minister for Treaty and First Peoples, Honourable MP Gabrielle Williams' wrote to Reconciliation Victoria to also state their position, "Victoria is the first jurisdiction to commit to all elements of the Uluru Statement from the Heart: Voice, Treaty and Truth".

The Australian Constitution:

Australia's founding legal document enacted in 1901, does not mention Aboriginal and Torres Strait Islander Peoples and contains clauses that allow racial discrimination. Successive federal governments have, for many years, considered changes to the Constitution to recognise Aboriginal and Torres Strait Islander Peoples as Australia's First Peoples, but little progress has been made.

Uluru Statement from the Heart:

In 2017 Aboriginal and Torres Strait Islander Peoples gathered at Uluru to hold an historic First Nations National Constitutional Convention. This gathering and a series of preceding regional dialogues produced the Statement from the Heart, officially released on 26 May 2017, which calls for:

- A First Nations' Voice to be enshrined in the Constitution.
- A Makarrata Commission to supervise a process of agreement-making between governments and First Nations
- Truth-telling about our history.

Subsequent actions to progress constitutional recognition of First Nations:

- a Joint Parliamentary Sub-committee, co-chaired by Senator Pat Dodson considered the Uluru Statement in the context of other previous proposals for constitutional reform. The Sub-committee released its Final Report recommending that the Government explore the option of a "Voice to Parliament" and initiate a process of co-design with Aboriginal and Torres Strait Islander peoples
- Tom Calma and Marcia Langton prepared a report for the Morrison government on the Voice. It recommends a structure with local, regional and national arrangements, with representation from remote Australia.
- In September 2022, the first meetings of the Referendum Working Group and Referendum Engagement Group took place. The role of the Referendum Working Group is to advise the Government on implementing a referendum. The role of the Referendum Engagement Group is to provide advice about building community understanding, awareness, and support for the referendum question.

Our Position

Reconciliation Victoria is taking a broad principled position. As more details become available, and as we receive feedback from important stakeholders, these statements may be subject to adjustment:

- Reconciliation Victoria is the peak reconciliation body for Victoria, and we are strongly committed to supporting the three key pillars of the Uluru Statement from the Heart - a constitutionally enshrined and appropriately resourced First Peoples Voice to Parliament, Truth-telling, and Treaty.
- Reconciliation Victoria recognises and respects the Uluru Statement from the Heart may not fully align with the needs and beliefs of all Aboriginal and Torres Strait Islander people. However, we know there is strong agreement amongst First Peoples and reconciliation supporters for the Statement's key principles of sovereignty, justice, and self-determination.
- Reconciliation Victoria recognises our critical role as a facilitator and educator, and we are committed to driving information campaigns to educate the 97% of non-Indigenous Victorians on how to support and advocate for constitutional recognition for First Peoples.
- Victoria continues to lead the way in recognition and empowerment of First Nations people. It created the First People's Assembly of Victoria, the Yoorrook Justice Commission, and the Treaty Authority. We see these important initiatives as complementary to and in harmony with the Voice.

Looking ahead

At the time of writing this position paper, Reconciliation Victoria - along with other peak state reconciliation groups are yet to be informed of the details of the 'Voice' and the timeline for the referendum. However, there has been considerable ground work done on details, as outlined above, and in the Indigenous Voice discussion paper (2021) produced by Tom Calma and Marcia Langton.

While details are still to be confirmed, Reconciliation Victoria is comfortable with the current indicated directions. We continue to monitor developments in consultation with national reconciliation networks and with Reconciliation Victoria's First Peoples Cultural Council and First Nations partners.

We remain closely engaged in consultation with Reconciliation Victoria's nine-member First Peoples Cultural Council to ensure our steps to support a constitutionally enshrined voice are culturally and appropriately guided and endorsed.

Reconciliation Victoria is also strengthening our collaboration with First Peoples and their leaders and authorities, and our alliances with the 29 local reconciliation groups across the state.

We will act strongly in support of First Nations' interests and in collaboration with our allies when directions and timelines are determined.

Summary

Reconciliation Victoria believes:

- Recognition of First Nations in the Constitution is crucial.
- The Uluru Statement from the Heart eloquently and correctly presents the principles of sovereignty, justice, and self-determination though the three pillars of a constitutionally enshrined Voice to Parliament, Treaty, and Truth-telling.
- These pillars are mutually supportive and should be progressed in an integrated way.
- While we understand the desire for more detail about how the Voice may operate, we note:
  a. The referendum question will be about the principle, not the detail; and
  b. Parliament will determine the detail which is where that debate will be rightly had.
  The principle at the core of the Voice referendum is that First Peoples should be recognised as such in the Constitution, and that this recognition is supported by a right to a Voice to Parliament.



Australian Reconciliation Network

Statement

First Nations Voice Week of Action 18-24 February 2023

As peak reconciliation organisations across the country, we stand together to reaffirm our unwavering support for the Uluru Statement from the Heart, and a constitutionally enshrined Voice to Parliament.

Constitutional recognition of Australia's First Peoples has long been called for as part of the reconciliation journey.

We stand firm in our belief that answering the calls in the Uluru Statement from the Heart is a critical step on our path to a reconciled nation. The Statement calls for a constitutionally enshrined Voice to Parliament, and a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

The Uluru Statement was generous in its invitation to the Australian people, and makes clear the reason reform of the Constitution is needed,

> *We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country. We call for the establishment of a First Nations Voice enshrined in the Constitution*

This year, we have the opportunity to make history, and answer that invitation at a referendum.

All around the country during the week of action and up to the referendum, people will be showing support for a constitutionally enshrined First Nations Voice to Parliament.

We encourage all Australians to show support and find out more during the Aboriginal and Torres Strait Islander Voice Week of Action, have conversations with friends and family, and show support as the Yes Campaign launches.

The Australian Reconciliation Network is comprised of peak reconciliation bodies from across the country at a national, state and territory level.

The National Reconciliation Week 2023 theme, *Be a Voice for Generations* calls on all Australians to act today to tackle the unfinished business of reconciliation. Generations of Australians have fought hard for meaningful change, but more effort is needed now to create a just, equitable and reconciled Australia.

February 27, 2023
PUBLIC STATEMENT



VCOSS backs First Nations Voice

The *Uluru Statement From The Heart* contains a clear request for allyship.

It invites all Australians to "walk with" Aboriginal and Torres Strait Islander people towards a better future.

The Victorian Council of Social Service gratefully and enthusiastically accepts this invitation.

Aboriginal and Torres Strait Islander people have an unbroken and unbreakable connection to the lands of modern Australia.

They have shaped, nurtured and nourished it for an indeterminate time. With this enduring connection comes knowledge and wisdom. That sovereign custodianship continues today, and forever.

It's therefore right to formally embed a First Nations Voice in the tapestry of Australia's social and political institutions.

This is a crucial step towards reconciliation and self-determination for Indigenous people in Australia.

It will be a powerful way for the nation to acknowledge the unique position held by Aboriginal and Torres Strait Islander people, and to ensure First Nations views and aspirations are properly heard in all decision making.

Enshrining this Voice in the Constitution will ensure it is never silenced.

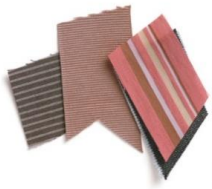
VCOSS will support Aboriginal communities and organisations — where welcome and appropriate — as they work to realise this meaningful change.

We will do so while also supporting Treaty and truth telling in Victoria.

We urge all Victorians to vote in support of the Voice.

— The Victorian Council of Social Service

Source: https://vcoss.org.au/vcoss-organisation/2023/02/voice/



Diversity Council Australia Ltd
ABN 64 421 748 342
ACN 006 898 406
www.dca.org.au

Media Release

23 February 2023

Diversity Council Australia says Yes! to The Voice to Parliament

This week DCA CEO Lisa Annese and Aboriginal Liaison Officer Simone Empacher Earl attended the launch of the ***Yes!*** campaign for a Voice to Parliament.

In 2019, DCA announced its support for the *Uluru Statement from the Heart,* which was the largest consensus of First Nations peoples on constitutional change, DCA also supports The Voice.

DCA is committed to principles of self-determination for Aboriginal and Torres Strait Islander Peoples, and in line with this commitment DCA's position has been guided by DCA's Aboriginal and Torres Strait Islander External Advisory Panel.

As the campaign gathers steam and following our attendance at the launch of the Yes! campaign DCA will hold events and provide resources and information to our members to assist them in actively participating in the Yes! campaign in the lead up to the referendum.

Quotes attributable to Lisa Annese, CEO, Diversity Council Australia

"DCA supports constitutional recognition through a Voice to Parliament because it is a fair and practical change that will give Aboriginal and Torres Strait Islander people the chance to have a say direct to the Parliament on policies that impact their lives.

"Australia will be more prosperous as a nation when it is cohesive and inclusive. Making Australia more inclusive is the vision of DCA. Supporting Yes! for The Voice and encouraging our members to be active in the Yes! campaign is a way we can tangibly bring life to this vision.

"Our research shows that 3 out of 4 Australian workers support or strongly support their organisation taking action to create a workplace which is diverse and inclusive.

"Genuine inclusion must begin with reconciliation. There can be no genuine workplace inclusion while our First Nations Peoples are excluded from opportunities, and we as a nation do not address race relations, equality and equity, unity, institutional integrity, and historical acceptance by including First Nations People in the Constitution.

"DCA will hold events and discussions with members in the lead up to the referendum to build support for a Yes vote."

Quotes attributable to Kate Russell, proud Awabakal woman, DCA Aboriginal and/or Torres Strait Islander External Advisory Panel Chair, DCA Board Director

"Workplace inclusion requires listening, it requires consultation, it requires respect, it centres the voices of those who are marginalised and have lived experience. The Voice, at its simplest, looks to deliver the same, through our Constitution. This should be welcomed and celebrated.

"As the Australian people prepare for a referendum, Australian organisations have an important role to play educating and informing their employees and being a part of a history making moment of change."

[Ends]

Media Contact: media@dca.org.au.

About DCA: Diversity Council Australia is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We provide unique research, inspiring events and programs, curated resources and expert advice across all diversity dimensions to a community of over 1,100 member organisations. Our member organisations are estimated to employ nearly two million Australians, representing up to 20% of the workforce.

Enquiries: Youth Mayor Ryan Peterson
T: 0409 576 577
E: r.peterson@bendigo.vic.gov.au

11 April 2023

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

Dear City of Greater Bendigo Mayor Cr Metcalf and Councillors,

Re: Youth Council Letter of Recommendations Regarding the Voice to Parliament.

I am writing to you on behalf of the City of Greater Bendigo Youth Council. Following the joint Council-Youth Council cultural immersion walking tour on 22 March 2023, the City of Greater Bendigo Youth Council believes that more needs to be done to recognise the importance of our local First Nations members of the community and therefore, at our Meeting on 29 March, we resolved to submit a letter of recommendation to Council on the Voice to Parliament.

We believe this is important because the 2021 Census shows that Aboriginal and Torres Strait Islander members of the community make up 2.3% of Greater Bendigo's population, or 2,743 people.

The Youth Council believes that as a local government, we need to do more to support our Aboriginal and Torres Strait Islander community and set an example for other local governments to follow. This can be done by taking the Yes position in the upcoming referendum, creating a public position, and communicating it to the Greater Bendigo community.

Many organisations have already placed their support behind the 'Yes' vote, and we feel that given the work the City has done with the Aboriginal and Torres Strait Islander community in Greater Bendigo, the recommendation to support the Yes campaign would be a logical, just and moral necessity.

As a result, the Youth Council believes this opportunity should not be taken lightly and should be treated with the seriousness and sensitivity it deserves for the following reasons:

- This Voice will embed First Nations peoples in the Constitution. It is an opportunity to recognise over 60,000 years of connection to Country and First Nations people's sovereignty.
- This is a positive nationwide step towards Reconciliation that would see flow-on effects through State and down to local governments.
- It gives a voice to First Nations people and supports core principles of self-determination, social justice and sovereignty.

Hearing or speech impaired?
Call us via the National Relay Service on 133 677 or www.relayservice.com.au and ask for 03 5434 6000

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- The State Government has placed their support behind the Yes position; therefore, it is logical for local governments to do so.

The Youth Council believes this is a logical step towards the City of Greater Bendigo's goal of Reconciliation. Strategic commitments such as the vision and intent of *Barpangu* / Reconciliation Plan, principles of the Social Justice Framework and Outcome 4: Aboriginal Reconciliation of *Mir Wimbul* / Council Plan are all specific examples of the City's commitment to support the First Nations community in Greater Bendigo. We believe that public support for the Yes vote can only strengthen this commitment.

We believe that Council resolving to support the Voice to Parliament would be a compelling public statement of our intent as a city.

Support of such a cause would be of immense value to our Aboriginal and Torres Strait Islander young people. A "Yes" position would create a sense of acceptance and belonging, so everyone feels recognised and celebrated for their identity. As the City's Acknowledgment of Country says, we must support emerging members of our First Nations community.

We hope this position will spark conversations around the importance of Indigenous culture in our decision-making to allow new generations of Indigenous Australians to grow up in a society that recognises and respects their importance to our history, the present and our combined future.

All of these commitments, whether they be strategic or symbolic signify the need to support the Aboriginal and Torres Strait Islander elders in our community, empower our Aboriginal and Torres Strait Islander young people, recognise the impact that history has had on the community and the work that we can all be doing to create a better, fairer future.

We thank you for your consideration of this letter and hope that it guides you in your decision-making.

If you would like to discuss this further or have any questions, please feel free to contact me.

Yours sincerely,



Ryan Peterson

City of Greater Bendigo Youth Mayor

Taungurung Statement on A Voice to Parliament

In 2023, Australians will be asked to vote yes or no on the following question: 'Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?'.

The Taungurung Land and Waters Council (TLaWC), empowered by the Taungurung people, supports A Voice to Parliament. The only way to change the Australian Constitution is by holding a referendum. This means that the Constitution cannot be altered without 'the approval of the people' – an approval we support at full voice.

Having a group of Traditional Owners advising the Government and Parliament on how matters such as policies and laws affect Indigenous peoples is the next step in creating a stronger future not just for the Taungurung Nation, but all Nations.

The social, cultural and economic wellbeing of our people are matters that require consultation with Aboriginal people, for the betterment of Aboriginal people.

The importance of such change cannot be understated, for anything written into the Constitution means protection from changes of Government. Previous Indigenous bodies have not had such protection.

It has taken 96 years of calling for constitutional recognition to reach this referendum, which does not include the many years of injustice prior. This is a rare opportunity to have a say in affecting the changes our people need through Government policy and legislation. Such opportunities must be taken, for we never know when they will arise again.

When Aboriginal and Torres Strait Islander people who know and understand the best way to deliver real and practical change in their communities have a say through a Voice, we will finally be able to close the gap that still exists between Indigenous and non-Indigenous Australians.

The hopes of our Ancestors will echo through Parliament.

The Voice will be empowering, community-led, inclusive, respectful and culturally informed. It will prioritise youth and represent the needs of local communities. It will be accountable and transparent. It will see a line drawn in 2023, driving positive change into the future.

The Taungurung people and TLaWC advocate for this change, now and forever.





Source: [Taungurung Statement on A Voice to Parliament - Taungurung Land & Waters Council]

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

19.1. Kerbside Frequency Change - Implementation & Education Plan

Author:	Brooke Pearce, Manager Resource Recovery & Education
Responsible Director:	Brian Westley, Director Presentation and Assets

Purpose

The purpose of the report is to:

- Inform Council of the proposed implementation and education plan for the kerbside frequency change to take place in February 2024.
- Request approval of the proposed introduction of 5,500 organic bins to rural properties who do not currently have the organics service. *Note: this tenement figure does not include properties which are in collection areas but have an approved organics exemption.*

Recommended Motion/s

- Council to review and approve the implementation and education plan as noted within this report.
- Council to review and approve the recommendation to introduce the kerbside organics service to 5,500 rural properties who do not currently have the organics service.

Background

At the January 2023 Council meeting, Council approved to swap the collection of general waste bins from weekly to fortnightly, and the collection of organic bins from fortnightly to weekly.

It was noted at the time of the January recommendation that City staff would return to Council with a detailed implementation and education plan for the frequency change due to commence 5th February 2024. It was also noted that City staff would review the current arrangement of 5,500 rural properties which do not currently have an organics service. The review was to be undertaken due to the mandatory state directives regarding kerbside services provided by Local Government. City staff committed to the review being conducted within a 12-month period.

Previous Council decision dates: 30th January 2023.

Report

This report details the actions for implementing the change to the kerbside collection service in response to the Council's approval in January 2023 to change the bin collection frequency for the general waste bins and organics bins.

In the report provided to Council in January 2023 Council Meeting, there was a commitment from City staff to do the following:

- Return to Council with a detailed implementation and education plan for the approved frequency change to commence on 5th February 2024 **(attached)**
- To review collection options for the 5,500 rural properties who do not currently have an organics bin service. The review included the assessment of the most recent composite audit findings for general waste bins in rural areas as well as conditions of the mandated state directive regarding kerbside collection reforms.

Introduction of organic collection services to 5,500 rural properties.

In 2020, the State Government released the first edition of the Recycling Victoria Kerbside Reforms.

The most recent update to this policy was released in November 2021, and the document is now known as 'Recycling Victoria: a new economy policy.'

The Recycling Victoria policy states four targets in which local government are responsible to meet through their internal resource recovery collection processes and external contracts:

1. Divert 80 per cent of waste from landfill by 2030, and an interim target of 72 per cent by 2025.
2. Cut total waste generation by 15 per cent by capita by 2030.
3. Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20 per cent reduction by 2025.
4. Ensure every Victorian household has access to food and organic waste recycling services or local composting by 2030.

The policy also notes the following:

Policy condition 5.1 – Household Recycling Reforms (page 26)
Mandatory rollout of food and garden organics recovery services to households that don't already have access will commence in 2026-27, with all Victorians to have access to a bin or service by 2030.

The last composite audit completed in rural areas across our municipality indicated that the general waste bin contains approximately 45% of organic material. This figure was irrespective of the two years of dedicated education the Resource Recovery & Education Team had completed to promote and provide subsidised compost bins to these properties to utilise in the absence of an organics kerbside service.

It is recommended that the Council approve the rollout of organic bins to the 5,500 properties who currently do not have this service based on the following:

- State & Council environment strategies and targets in regard to diversion of organic materials from landfill
- Composite audit figures for organic matter present in rural general waste bins
- Operational challenges in differing boundaries and collection schedules across the City.
- Consistency of service offering

To ensure equity and transparency regarding the service and the recommended change for the effected properties, the following approach is proposed to ensure a free trial period for the affected properties as well as the opportunity for an exemption after the trial period.

- 5,500 rural properties provided an organics kerbside service in **November 2023 at no charge.**
- The service will commence from mid-November for a fortnightly organics collection to allow rural residents to become accustomed to the service and how it can be utilised in their home.
- In **February 2024** the frequency change will occur for **all** properties across the municipality.
- In **May 2024** once the residents have utilised the organics service 6-month period, in line with the current Kerbside Organics Exemption Policy – these properties can apply for an exemption and if approved will have the service recovered and will not be charged on the following 1st July 2024 rates notice.
- If the exemption application is successful, this property (like others with an existing organic exemption in place) the general waste collection will continue as fortnightly, with no organics service in place at the property.
- If the residents wish to continue utilising the organics service post 1st July 2024, they will be charged accordingly for the service.

Communications/Engagement

Resource Recovery & Education
Financial Strategy
Business Transformation
Communications

Financial Sustainability

In the short-term, the changes to bin collection frequency for tenements with an existing organics service will be immaterial. It is expected that operating costs will reduce over time, given the reduced Landfill Levies payable based on general waste tonnages; in addition to the known environmental benefits.

The financial provisions required for the introduction of the 5,500 organic bins are as follows:

Capital (one off expenditure– funding application in place with Recycling Victoria)
$274,060

Ongoing operational costs
$260,260 per annum (noting that there will be offset savings due to reduced Landfill Levies payable based on general waste tonnages).

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 5 - A climate resilient and healthy landscape

Secondary Council Plan Reference(s)

Goal 2 - Circular economy

Other Reference(s)

Recycling Victoria: a new economy policy

Conflict of Interest

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

Attachments

1. Kerbside Collection Implementation Plan Final [**19.1.1** - 3 pages]
2. Kerbside Frequency Change Education Plan Final [**19.1.2** - 2 pages]

Kerbside Bin Collection Implementation Plan

Service: Waste Management

Director: Brian Westley, Director Presentation and Assets

Manager: Brooke Pearce, Manager - Resource Recovery and Education

Date: May 2023

Introduction

This report details the actions for implementing the change to the kerbside collection service in response to the Council's endorsement in January 2023 to change the bin collection frequency for the general waste bins and organics bins.

Item	Description	Notes and Impact	Change Management	Status	Due Date
1	Councillors update:	Book in update for Council Briefing only: Council briefing: 5th June 2023 Council Meeting: 26th June 2023	Understand	In progress	Prior to 30 June 2023
2	Procurement: Review current kerbside bin collection contracts.	Official correspondence sent to current FOGO contractors in April 2023.	Prepare	In progress	Prior to 30 June 2023
3	Bin Sizes: Bin changes – estimate of how many will change: **est. of 5%** of current given for those shifting to a larger bin	Run as per normal process: 1. Customer requests bin size change either via online (epathway) form or via phone. 2. Request is then allocated to RRE to deliver/replace bins. 3.The request is then forwarded to Rates to complete a supplementary notice with new charges.	Understand	Completed	

4	Exemptions: Bin change	Identify parameters for exemption of bin change: ○ Medical needs that produce additional waste – upsize at no additional cost. ○ Medical needs that produce additional waste – opt out of City provided service and engage private collection to suit needs – general waste only. ○ Businesses operating at home, such as a day care or child-minding service – opt out of City provided service and engage a private collection to suit needs – general waste only. General waste, recycling and organics rates charge policy to be updated as to the above conditions.	Understand	Completed under review by	End May 2023
5	Community education: Education Plan	As per attached – education plan draft	Prepare	Completed	30 June 2023

Timeline Overview of Major Milestones

Activity	Start	End

New contract advertised (Fortnightly General Waste Collection)	1/08/2023	30/09/2023
Behaviour Change Series 1	1/09/2023	4/09/2023
Roll out of rural organics	1/11/2023	15/11/2023
Behaviour Change Series 2	1/12/2023	4/12/2023
Behaviour Change Series 3	15/01/2024	17/01/2024
Frequency change	5/02/2024	5/02/2024
Exemptions open for new rural properties with organics	1/05/2024	Ongoing

Frequency Change 2023/24 Education Plan

Objectives of the education plan

The change will affect most households within Greater Bendigo and the objective is to educate the community about the changes, how it will affect them and what they can do to ensure that they are separating their waste correctly to make the transition as easy as possible.

This change also provides the opportunity to educate the community about waste minimisation, diversion, reuse and recovery.

Key messages:

The key message **'The change is coming!'** be delivered alongside supportive messages targeted at reducing waste, diversion and correct sorting. These messages will be delivered in the six months leading up to the service change and will focus on:

- Know you're transfer station and what can be taken here for responsible disposal such as paint, e-waste, soft plastics and textiles.
- Make sure that all food scraps are going in your organics bin, including meat and dairy, fruit and vegetable scraps, even seafood and bones.
- Make sure that you are recycling right! Place all clean paper and cardboard, aluminium and tin cans and hard plastic bottles, tubs and trays in your recycling bin.
- Take your glass bottles and jars to one of the 19 drop-off locations across the City
- Clean clothing, bed linen, towels, pillows and doonas can now be taken to Strathfieldsaye, Heathcote and Goornong Transfer Stations to be recycled for free.
- Did you know that raw cardboard, paper takeaway bags, egg cartons and toilet rolls can all go in the organics bins?
- Upsize your recycling bin for free to a 360lt bin
- CDS is coming, what this means for you and your community group or business *(as information is available)*

Tools to deliver messages:

- **City website, including FAQ currently online**
- **Community bulletin/booklet featuring Q&A's and a range of other information on how to dispose of household waste** *(this will be sent to ALL households and available on the City website)*
- **Media releases** *(for commencement of project, updates and completion etc.)*
- **Social media**
- **GB weekly e-news update** *(generated by media releases)*
- **GB Magazine** *(article and photo, if timing permits)*
- **TV screens in City offices and libraries**
- **Advertising** *(newspapers, radio, television)*

A number of other initiatives and projects will be run during this time to support the transition for the public, these include:

Task	Timing	How
Free compost days within the community to highlight the importance of using the service and avoiding contamination.	September	Event advertised through Newspaper and social media
Reusable nappy workshops will continue to be delivered quarterly to promote reuse and provide support in getting started	September November February	Events advertised through social media and existing channels
Promotion of the share and repair shed to the community to promote reducing waste and reuse.	Ongoing	Social media, radio, community networks
Correct sorting messages throughout the community to highlight what goes where	Ongoing	Social media, radio, cinema
Attending community events to promote the service change and other initiatives run by the City that support avoidance, reducing waste and recycling	September-February	Attend pre-planned community and City events
Continue community group and school education session	September-November	City website, existing networks
Promotion of other initiatives such as Green Caffeen, reusable bags, cutlery and containers for takeaway food.	Ongoing	Social media, radio, Cinema
Kerbside audits for direct household engagement and education.	Ongoing	Weekly audits
Staff education sessions to provide updates on changes, avoidance, minimisation and correct sorting	October November	Team meetings, Lunch and Learn sessions
Utilise Variable Message Signs across the municipality for promotion of various behaviour change messages	September-March	Hire VMS
Investigate the usage of electronic billboards and message boards in shopping centres for the promotion of the service change and supporting key messages	September - March	Hire space

20. A VIBRANT, CREATIVE COMMUNITY

20.1. Planning Scheme Amendment C275gben - Miners' Housing Serial Listings - Consideration of Submissions and Request Panel

Author:	Frank Casimir, Strategic Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

This report seeks consideration of the submissions received to Planning Scheme Amendment C275gben and recommends that an Independent Planning Panel be requested to consider the submissions received.

Amendment C275gben proposes to implement the recommendations of the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, 2021) (the Study), by introducing a Heritage Overlay. As exhibited, the proposed Heritage Overlay included four new serial listings comprising a total of 156 properties associated with the Victorian miners' housing typology in Greater Bendigo. Four (4) of these properties have been recommended to be removed from the Amendment following public exhibition and receipt of submissions.

Recommended Motion

That Council:

1. Note and accept all the submissions received as a result of the public exhibition of Amendment C275gben, including the three late submissions.
2. Remove the properties at 3 Pascoe Street, Long Gully, 19 Grant Street, Long Gully, 55 Arnold Street, Bendigo and 266 Queen Street, Bendigo from Amendment C275gben and reduce the curtilage of 193 Mackenzie Street West, Golden Square as per the heritage consultant's review and recommendations.
3. Request the Minister for Planning to delete the interim Heritage Overlay (HO1004) from the property at 19 Grant Street, Long Gully.
4. Request the Minister for Planning to appoint an Independent Panel to consider all submissions received for Amendment C275gben to the Greater Bendigo Planning Scheme.
5. Refer any further late submissions received prior to the Directions Hearing for Amendment C275gben to the Independent Planning Panel for consideration.

Executive Summary

The Study was undertaken in 2021 by Trethowan Architecture. It builds on a series of studies completed since the 1990s to apply appropriate protection to Greater Bendigo's built heritage.

The Study initially assessed 229 dwellings and determined that 157 were of local heritage significance for their association with the Victorian miners' housing typology in Greater Bendigo.

Amendment C275gben to the Greater Bendigo Planning Scheme proposes to implement the findings of the Study by applying the Heritage Overlay (HO) to four new serial listings comprising dwellings scattered across the localities of Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully, North Bendigo, Quarry Hill and West Bendigo.

Amendment C275gben as exhibited included 156 dwellings (with one dwelling to be included in a future amendment).

Public exhibition is now complete as required under the *Planning and Environment Act, 1987*. At the time of writing this report, 12 property owners have lodged a submission opposing Amendment C275gben. One submission broadly supported the amendment but noted that Amendment C275gben doesn't go far enough.

The main ground of opposition from property owners is that their dwellings lack sufficient heritage significance to warrant the application of the HO. Other concerns included that dwellings are in a state beyond repair, that dwellings have been substantially altered over time or that the application of the HO will result in an unreasonable financial burden.

Following exhibition, the original heritage consultant, Trethowan Architecture, completed further site inspections to consider the issues raised within submissions and determine if any further changes are required to the Amendment.

Based on these further investigations, four properties are proposed to be removed from Amendment C275gben following exhibition. These properties are:

- 3 Pascoe Street, Long Gully
- 19 Grant Street, Long Gully
- 55 Arnold Street, Bendigo
- 266 Queen Street, Bendigo

It is also proposed to reduce the curtilage (the area of the property covered by the HO) of the property at 193 Mackenzie Street West, Golden Square to align with the recent subdivision plan (and exclude the newer building to the rear).

Despite the recommended removal of four properties from Amendment C275gben, submissions remain that will need to be referred to an Independent Planning Panel for consideration.

Background

The key steps in the Amendment process are summarised below:

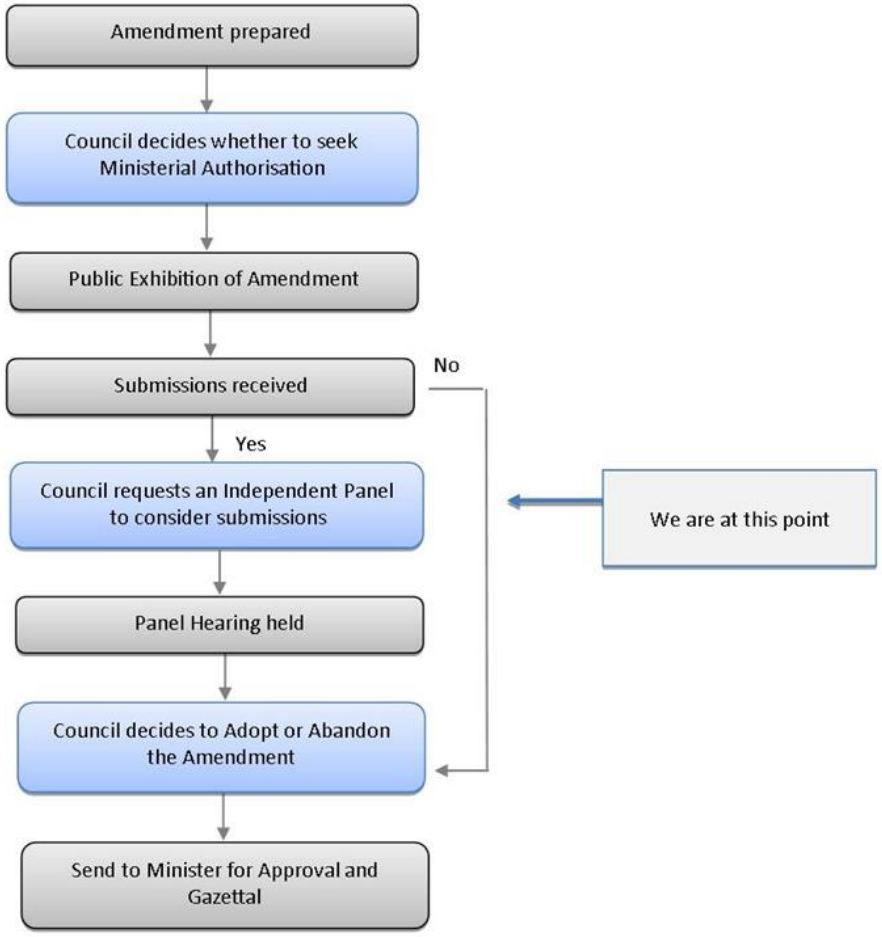


Figure 1: The Planning Scheme Amendment process

The City has a long history of identifying and protecting miners' housing. The City first engaged Amanda Jean to undertake the *Ironbark Heritage Study* (2010). The 2010 Study identified four heritage precincts and one serial listing comprising 91 miners' cottages across parts of Ironbark, Long Gully and West Bendigo. The HO was applied to these places through Amendment C129gben, which was gazetted on 16 August 2012. The serial listing for the miners' cottages was given HO999.

City officers recognised that miners' cottages are one of the most significant groups of buildings in Greater Bendigo and that they are under threat from development pressure. As such, they identified the need to extend the serial listing to incorporate the entire city.

The City engaged Minerva to undertake the *Miners Cottages Gap Study* (2017), a windscreen survey of the Bendigo area to identify miners' style cottages not situated in a heritage precinct or protected by HO999. The 2017 Study identified a total of 574 potential places.

The City engaged Amanda Jean and Dr Charles Fahey to undertake *The Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listings* (2020). This Stage 1 heritage study examined the evolution of mining and housing on the Bendigo Goldfields, identifying four different types of miners' housing:

- Early Miners' Cottages
- Quartz Gold Boom Miners' Houses
- Workers and Mine Speculators' Houses
- Quarter Reefers' Houses

The study recommended that 229 places be assessed for their heritage significance.

The City engaged Trethowan Architecture to undertake the Study. The Stage 2 heritage study assessed the 229 places identified in the previous study using the HERCON criteria, as recommended in *Planning Practice Note 1 – Applying the Heritage Overlay*. The City undertook community consultation on the Study in June 2021. Following consultation and further review the number of properties recommended by the consultant to be of local heritage significance was reduced to 157. The Study was finalised and adopted by Council in August 2022.

Of the 157 properties considered to be of local heritage significance one of these properties was not included in Amendment C275gben but will be included in a future Amendment. Therefore, 156 dwellings were included in the Amendment. The Study recommended that:

- HO999 be amended to included 59 new properties associated with early miners' cottages.
- A Quartz Gold Boom Miners' Houses serial listing be created comprising 42 properties.
- A Workers and Mine Speculators' Houses serial listing be created comprising 49 properties.
- A Quarter Reefers' Houses serial listing be created comprising six properties.

<u>Previous Council decisions:</u>

22 August 2022 – Council resolved to:

1. Adopt the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (2021).
2. Request the Minister for Planning to authorise Council to prepare Amendment C275gben to the Greater Bendigo Planning Scheme.

3. If authorised by the Minister, exhibit Amendment C275gben to the Greater Bendigo Planning Scheme giving notification as required for the minimum statutory exhibition period of one month.
4. Authorise the Director Strategy and Growth to make minor changes to Amendment C275gben if they do not change the overall intent of the planning scheme amendment.
5. Authorise the Director Strategy and Growth to request the Minister for Planning to apply an interim Heritage Overlay for any place or serial listing should an application for demolition be received whilst the permanent controls in Amendment C275gben are processed.

Report

The Explanatory Report to Amendment C275gben details the purpose and effect of the Amendment and provides the strategic justification for the Amendment as required. Key information and issues identified in the Explanatory Report are summarised below.

Land Affected by the Amendment

The Amendment originally affected 156 properties across the localities of Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully, North Bendigo, Quarry Hill and West Bendigo.

Following exhibition and a review of submissions by Trethowan Architecture, the consultants who prepared the original study, four (4) properties have now been recommended to be removed from the Amendment. The Amendment now affects 152 properties.

Specifically, the Amendment applies to the following housing types in urban Bendigo:
- Early Miners' Cottages
- Quartz Gold Boom Miners' Houses
- Workers' and Mine Speculators' Houses
- Quartz Reefers' Houses

What the Amendment does

The amendment proposes to implement the recommendations of the Study, and:
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply the HO to four new places (four serial listings comprising a total of 152 properties) listed in **Table 1** below and remove the existing HO547 from one property that is to be included in the new HO, as shown on Planning Scheme Maps 17HO, 19HO, 22HO and 23HO.

Table 1: Number of properties affected by the serial listings

HO Number	Description of Place	Property Address
HO1000	Early Miners' Cottages	55 properties
HO1001	Quartz Gold Boom Miners' Houses	42 properties
HO1002	Workers and Mine Speculators' Houses	49 properties
HO1003	Quartz Reefers' Houses	6 properties

- Deletes the Heritage Overlay (HO11) from land at 3 Pitt Street and 6 Broom Street, Bendigo, as shown on Planning Scheme Map 18HO.
- Deletes the Heritage Overlay (HO547) from land at 15 Stone Street, Long Gully, as shown on Planning Scheme Map 18HO.
- Deletes the interim Heritage Overlay (HO1004) from land at 19 Grant Street, Long Gully as shown on Planning Scheme Map No 18HO.
- Deletes the Heritage Overlay (HO546) from land at 89 Upper California Gully Road, Long Gully, as shown on Planning Scheme Map 18HO.
- Deletes the Neighbourhood Character Overlay, Schedule 1 (NCO1) from land affecting 82 properties in Bendigo, Golden Square, Ironbark and Long Gully as shown on Planning Scheme Map Nos. 18NCO, 22NCO and 23NCO.

Submissions

Thirteen (13) submissions were received to the Amendment (including three late submissions). There were twelve (12) objecting submissions which include the three late submissions. All 12 opposing submissions are from individual property owners who specifically oppose the application of the HO to their properties. The only supporting submission was from the National Trust which holds the view that the Amendment does not go far enough. The submissions are discussed in Table 2 below.

Table 2: Response to submissions

Submitter 1 – 19 Grant Street, Long Gully	
Supports/Objects	**Officer Response & Recommendation**
Objects • The submitter objects to the recommendation to include the property in the HO based on the following:	Officer Recommendation: Remove property from Planning Scheme Amendment C275gben. As an Interim HO has been applied, it is recommended that Council not resolve to remove the Interim HO as part of Amendment C275gben.
• The building is structurally unsound as confirmed by a structural engineer's	• City officers and the heritage consultant who prepared the Study

report and is beyond saving. The submitter also provided a report titled *Structural Report on Property at 19 Grant Street, Long Gully (*T.M.C & Associates April 2022) to support their submission.	completed a site visit to the property in late May 2023. Based on this site visit and the evidence provided the substantial repair works required would significantly impact on the remaining original fabric of the building and diminish its integrity. The heritage consultant has recommended the removal of this building from the HO.
Submitter 2 – National Trust	
Supports/Objects	**Officer Response & Recommendation**
Objects in part The submitter supports the Amendment and looks forward to participating in the process to substantiate and expand the listings of Miners' Housing throughout Greater Bendigo and encourages Council to adopt the following requests: • Introduce external paint controls, using those colours recommended in the City's Heritage Design Guidelines, be included. This has been an important document previously written and adopted by Council and therefore, needs to apply to all properties under a HO. • Include controls on the removal of early garden plantings and elements such as garden beds, edgings, rockeries etc, and any trees over 50 years old. These trees, plantings and elements are important to retain the character of these properties.	Officer recommendation: No change. • No external paint controls were deemed necessary in the Study, as no early colour schemes were identified and there is provision within the Planning Scheme that will enable a planning permit to require the painting of a previously unpainted surface (e.g. face brick, render, stone, concrete, timber shingles). The proposed HO provision is sufficient to control any adverse impact caused by the application of paint and its chosen colour. • The Study identified those significant trees that warranted protection for inclusion in the HO. No landscaping elements were identified as part of the Study. However, following queries from the Department of Transport and Planning (DTP) and further discussions between City officers and DTP on the need to protect the identified trees at some of the properties under the HO, it was determined that this will not meet the requirements of PPN01.

• Include controls to protect outbuildings and fences where they exist as they too contribute to the story of how people lived. Many properties of the era had stables, workshops and some had mudbrick outbuildings. Fences provide a valuable contribution to the streetscapes.	• There was insufficient evidence to apply outbuilding controls through Amendment C275gben and no original or early fences were identified as part of the Study.
Submitter 3 – 3 Pascoe Street, Long Gully	
Supports/Objects	**Officer Response & Recommendation**
Objects This submitter objects to the recommendation to include the property in the HO based on the following:	Officer Recommendation: Remove property from Planning Scheme Amendment C275gben.
• The property does not display the necessary attributes to be classified as a mining cottage.	• The property has been identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo serial listings.
• A heritage listing should be based on the physical appearance and characteristics of the property, rather than on its historical background alone.	• In consideration of the points raised in this submission and on closer inspection of the physical condition of the property the heritage consultant considers that the level of alteration to the property (including the loss of chimneys, original doors and windows) significantly impacts the integrity of the building and its intelligibility as a miner's cottage. Therefore, the property no longer meets the thresholds for inclusion in the HO.
• The owner is concerned about the financial burden that a heritage listing would impose on them as homeowners and their ability to maintain and repair the property.	• Response provided in the section following this table.
• Believes the HO will require them to reinstate the facade back to an earlier appearance, which would require a significant financial investment that we cannot afford.	• The application of the HO would not require this, however the HO is no longer proposed to apply.

Submitter 4 – 200 King Street, Bendigo	
Supports/Objects	**Officer Response & Recommendation**
Objects The submitter objects to the recommendation to include the property in the HO based on the following:	Officer recommendation: No change.
• It is not a house from the Victorian era.	• The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. • There is physical evidence attributing the property to the Victorian era. Key characteristics include hipped roof with corrugated metal cladding, external weatherboard cladding, decorative iron lacework to verandah and symmetrical façade with central door and tripartite windows flanking either side.
• Affordability of maintaining the property.	• With respect to the maintenance of the property and the associated costs, all properties require on-going maintenance to protect their amenity and value, whether in the HO or not. The City does offer a Heritage Restoration Loan Scheme to undertake restoration and conservation works, and this will become a grant program in the 2023/24 financial year.
• The HO will devalue the property.	• Property values are not relevant considerations in the assessment of appropriate heritage controls. PPN01 identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.
Submitter 5 – 83 Allingham Street, Golden Square	
Supports/Objects	**Officer Response & Recommendation**
Objects • The submitter objects to the recommendation to include the property in the HO but no basis on which the objection is made.	Officer recommendation: No change • The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo serial listings.
	• No information has been received

	outlining why the submitter objects to the recommendation other than the property is referenced in a will, which is not of relevance when determining if a HO is to be applied under the Planning Practice Note (PPN01).
Submitter 6 – 266 Queen Street, Bendigo	
Supports/Objects	**Officer Response & Recommendation**
Objects The submitter objects to the recommendation to include the property in the HO based on the following: • Permits were sought in 1993 to demolish the house and redevelop the site. • There are alterations noted to the property. • The house is not suitable for living or restoration as it is uninhabitable.	Officer Recommendation: Remove property from Planning Scheme Amendment C275gben. • A further site investigation by the heritage consultant and City officers in May 2023 has determined that the extent of decay present in the building will require substantial repair works to it. As these repair works will significantly impact on the remaining original fabric of the building and diminish its integrity, the heritage consultant recommends that the building be removed from the HO.
Submitter 7 – 26 Oak Street, Golden Square	
Supports/Objects	**Officer Response & Recommendation**
Objects The submitter objects to the recommendation to include the property in the HO because according to them: • The house was built in the 20th century rather than the Quartz Boom period based on the following information below:	Officer recommendation: No change. • The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. • There is physical evidence attributing the property to the Victorian era and the Quartz Gold Boom Miner's House typology through those key characteristics which include hipped roof with corrugated metal cladding, external weatherboard cladding, verandah and symmetrical façade with central door and double hung windows flanking either side.
○ The size of the block afforded those who held a Miner's Right	• The establishment of miners' housing was typically on 1/4 acre blocks

was 1/4 acre. This block is significantly larger at approximately 2/5 acre.	afforded by a Miner's Right. However, the heritage consultant notes the potential for blocks to have been subdivided or altered over time. The size of the block is not directly relevant to the inclusion of the property in the HO.
○ Interior lining is old thick plaster there doesn't appear to be timber lining boards. ○ The house block is aligned with the street pattern, and the blocks abutting along Panton Street to the east indicate roads were likely surveyed prior to it being built. ○ Commonly, houses in the Quartz Boomers period were built around company mines. This property is away from any known mine shafts with no evidence of any in close proximity. ○ The chimney is external.	• Internal alteration controls are not proposed to be applied to the property. • The heritage consultant has advised that whilst the block is aligned to the street pattern and abutting blocks along Panton Street, the positioning of the house itself suggests the original alignment of the house to Oak Street is likely prior to the surveying of Panton St and subdivision of abutting blocks. • The Study identifies in Section 4.4.3 that the location of a property within a former mining settlement and community and this is sufficient evidence for the inclusion of the property in the HO. • External chimneys were a typical feature and form an important characteristic of a Quartz Gold Boom Miner's House.
Submitter 8 – 59 Jackson Street, Long Gully	
Supports/Objects	**Officer Response & Recommendation**
<u>Objects</u> The submitter objects to the recommendation to include the property in the HO based on the following: • Asked at the time if it had a heritage listing on it, because if it had, wouldn't have purchased the property.	<u>Officer recommendation:</u> No change. The property is identified as 'contributory' to the Workers and Mine Speculators' Houses serial listing. • Noted.
• Alterations have been made to the house and include - painting the external of the house (in colours that they don't believe are heritage colours),	• The property was re-evaluated through a site visit by the heritage consultant and City officers in late May 2023. The heritage consultant considers the

internal renovations, removing all the old features.	alterations to the property to be of a sympathetic nature with the extant original fabric and overall form of the building substantiating a level of integrity sufficient to satisfy the threshold for inclusion in the HO.
• Want to continue with the renovations and eventually extend the home, but the HO may change future plans.	• The HO does not prohibit redevelopment but requires that the identified heritage values are considered as part of the planning permit application process for any development or works.
Submitter 9 – 193 Mackenzie Street West, Golden Square	
Supports/Objects	**Officer Response & Recommendation**
Objects The submitter objects to the recommendation to include the property in the HO based on the following:	Officer recommendation: Agree in part to change the curtilage of the HO to only include the front property.
• The current residence was built in 1999.	• The revised recommended curtilage covers the building to the front of the site only. The newer building to the rear is not considered to be of any heritage value. • The heritage expert recommends the curtilage of the front property is revised to those boundaries as set out in the recent subdivision plan.
• The building has little or no historical significance for the following reasons: ○ The property retains no original external features except the chimneys.	• The building to the front of the property was deemed to hold heritage significance as a 'contributory' property to the Ironbark Miners' Cottage serial listing. The extant physical evidence attributing the building to the Ironbark Miners' Cottage typology includes external chimneys, weatherboard and timber construction, gable roof form with modest cottage proportions, symmetrical front composition featuring central front door and double hung windows flanking either side. Based on this physical evidence the property retains a level of integrity sufficient to satisfy the threshold for inclusion in the

	HO.
○ The property is not habitable due to the deterioration of the timbers both in the foundations and the roofing structure. ○ To return the property to a state suitable for habitation would in essence require a total rebuild. ○ The stumps are rotting and sinking, the iron cladding on the roof is rusty and the timbers supporting the roof are rotting and the internal plumbing is rusting. ○ The front verandah was replaced prior to us purchasing the property and none of the posts or fret work are original or in keeping with the time of the building having been erected. ○ There is only one window which contains original floation produced glass. ○ An inundation of water in April 2022 further damaged the flooring and substructure of the building.	• With respect to the maintenance of the property and the associated costs, all properties require on-going maintenance to protect their amenity and value, whether in the HO or not. The City does offer a Heritage Restoration Loan Scheme to undertake restoration and conservation works. A grant program will be offered in the 2023/24 financial year.
Submitter 10 – 1 Abel Street, Golden Square	
Supports/Objects	**Officer Response & Recommendation**
Objects The submitter objects to the recommendation to include the property in the HO based on the following: • The property is the only property classified as residential and the other two are classified as commercial, so the property has no significance or related character with the appearance of adjacent buildings and heritage place.	Officer recommendation: No change. • Noted. As per earlier responses this is a 'serial' listing. The zone of the property is not directly relevant to whether the property has heritage value or not.
• A number of changes have occurred including cladding weatherboards with aluminium siding, vinyl siding on top of the aluminium and aluminium windows.	• The heritage consultant and City officers conducted a site visit to the property in late May 2023 where the physical condition of the building was re-evaluated. The heritage consultant considers the alterations to the property raised in the objection to be of a reversible nature, with the extant

	original fabric and overall form of the building substantiating a level of integrity sufficient to satisfy the threshold for inclusion in the HO.
• Submitter was looking to sell the house a few years ago and was told that whoever purchased it would probably pull it down and build units on it, but now they wouldn't be able to do that under the overlay.	• Future development opportunities are not a relevant concern to the assessment of heritage significance.
• Financial burden of undertaking any major restoration and will not be accepting any financial assistance to help conserve a HO, that is not wanted.	• The City currently has the Heritage Restoration Loan Scheme which provides financial assistance for eligible restoration works to owners of heritage buildings. This will be a grant program in the 2023/24 financial year.
• Difficulty in getting tradesmen to do work on a property that has HO given the restrictions.	• Noted.
• Loss of value and decrease/ increase in rates due to the HO.	• Property values are not relevant considerations in the assessment of appropriate heritage controls. PPN01 identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.
• Despite ownership of the property and payment of rates, still governed by Council on what can be done to the property, or how it is listed.	• Council is required under Section 4 (1)(d) of the *Planning and Environment Act,* 1987 to identify and protect places of architectural and historical interests. The HO is a recognised mechanism in the Victorian planning provisions for protecting valued heritage places.

Submitter 11 – 7 Walker Street, Long Gully	
Supports/Objects	**Officer Response & Recommendation**
Objects The submitter objects to the recommendation to include the property in the HO as the house was built in the early 1900s as the building that was at that property burnt down in 1901.	Officer recommendation: No change. • The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. • The extant building at the property contains physical evidence attributing

	it to the Victorian era and the Quartz Gold Boom Miners' House typology. Key evidence includes; hipped roof form with corrugated metal cladding, weatherboard and timber frame construction, brick chimneys, symmetrical front façade composition with central door and double hung windows flanking either side. Based on this physical evidence, the property satisfies the threshold for inclusion in the HO. • Information supplied to support the submission and received on site from the property owner, pertaining to a reported fire at the property in 1901, has been considered but is deemed insufficient to prove that the subject site was the property that burnt down. While the information provided reference to the presumed owner Mr William Pinch, there was no direct connection between him and the site, as William Pinch is reported to have also owned several other properties in the Walker Street area and the fire could have occurred elsewhere. • Notwithstanding the fire matter, the property displays sufficient physical evidence that attributes the building to the Victorian era and the Quartz Gold Boom Miners' House typology.
Submitter 12 – 55 Arnold Street, Bendigo	
Supports/Objects	**Officer Response & Recommendation**
Objects • The property was excluded from the *Eaglehawk and Bendigo Heritage Study* 1993 and now the dwelling has suffered deterioration and structural instability.	Officer Recommendation: Remove property from Planning Scheme Amendment C275gben.
• Other than its age, how is this site 'contributory' and specifically significant to warrant inclusion in the HO and what does it contribute to. It is in isolation. • Do not see a comparison between "Cornish vernacular long houses" as referenced in the Statement of	• The dwelling was individually assessed and was found to meet the criteria for inclusion in this serial listing for miners' cottages (as opposed to a precinct listing where properties would be clustered together).

Significance for Early Miners' Cottages (of which this dwelling form part) and a miner's cottage.	
• The dwelling at 55 Arnold Street contains masonry party wall & chimney, there is no 'pise' (pise de terre) located within the timber walls to this dwelling that the overlay significance states. According to the submitter, this does not match with the description contained in the statement "Why it is significant". • The incorporation of the HO to the Residential Growth Zone (the current zoning of the site) will contradict the purpose of the zone. • There are a number of 'miners cottages' that are in structurally better conditions than this dwelling in the area and there are opportunities to record this dwelling for future reference. • A structural engineering report by RMG and dated 7 December 2022 was submitted to substantiate that the dwelling is structurally unstable.	• A site visit to the property in late May 2023 was undertaken by the heritage consultant and City officers. The heritage consultant considers based on the structural report combined with the site visit that the extent of repair works required will significantly impact on the original fabric diminishing the integrity of the building. It is therefore recommended to be removed from Amendment C275gben.
Submitter 13 – 15 Adelaide Gully Road Golden Gully	
Supports/Objects	**Officer Response & Recommendation**
<u>Objects</u> The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following:	<u>Officer Recommendation:</u> No change. • The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo serial listings.
• The dwelling identified (there are two on the block) to be placed in the Heritage overlay is not original to the site, having been relocated from Strathdale.	• Apart from the letter and a personal - communication reference to a Mr Tucker, the submission provides insufficient evidence to confirm the relocation of the building to the site. However, should this be able to be proven, the Historical Context, and the Description of Integrity sections of the

	proposed citation (HO999), both acknowledge that cottages were sometimes relocated to new goldfield sites. The act therefore of relocation, in the context of the Heritage Study, is considered to form part of the historical significance of the place. • The extant physical evidence attributing the building to the Ironbark Miners' Cottage typology includes external chimneys, weatherboard and timber construction, gable roof form with modest cottage proportions, central front door and double hung windows. Based on this physical evidence the property retains a level of integrity sufficient to satisfy the threshold for inclusion in the Heritage Overlay.
• The building is derelict with both white ant and vandal damage. Other matters raised in the submission include: • A photo is also included in a publication titled *'Bendigo Yesterday and Today'* by K Arnold where permission to access to the property was not sought and obtained from the property owners.	• With respect to the property being in poor condition, all properties require on-going maintenance to protect their amenity and value, whether in the Heritage Overlay or not. The condition of the house is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under PPN01 • This is not a City document. This would need to be raised with the author of this publication.

Three late submissions were received and have been included in the above list. Additional late submissions might be received following finalisation of this report, and prior to the Directions Hearing for the Panel Hearing. It is recommended any further late submissions received prior to the Directions Hearing for Amendment C275gben be referred to the Independent Planning Panel for consideration.

Discussions

The opposing submissions are all from individual property owners. There are three main themes that have been mentioned in the opposing submissions; specifically, the perceived lack of heritage significance to warrant inclusion in the HO, the structural integrity of the identified dwellings, and the maintenance costs and other financial burdens associated with maintaining a heritage building.

- *The lack of heritage significance*

A common theme raised in the opposing submissions is that properties do not have sufficient heritage significance to warrant the application of the HO. Several reasons for this were provided including dates of construction, the appearance, the level of alterations or the location of dwellings. In recommending that these dwellings be included in the HO, the Study has considered all these matters as described in the methodology which specifically includes, understanding the typology of each dwelling, a street level survey of each dwelling, historical research of the dwellings and an assessment of each dwelling against the HERCON criteria as provided under PPN01.

Before each dwelling was recommended to be included in the HO, they were rigorously assessed to determine their heritage value.

- *The structural integrity of the dwellings*

The other common theme contained in the opposing submissions relates to structural integrity of the dwellings. Several properties owners have submitted that their dwellings are currently uninhabited because of their poor state of repairs, some of which have been confirmed during the site visits carried out by the heritage expert and City officers. To further support their claims, some property owners have provided structural reports as part of their submissions.

The conditions of the dwellings were also considered and noted in the Study whilst making its recommendations. At Section 2.6.4 of the Study, it is stated that "*as a general rule, condition was not considered to rule out heritage significance of a place providing original fabric and overall form was still evident.*" The poor condition of a dwelling that has been identified as being of heritage significance, is generally not a sufficient reason to exclude it from the HO. That being said, based on further investigations by the heritage consultant and details provided within submissions, four properties are no longer recommended to be included in the proposed HO via Amendment C275gben.

- *Maintenance costs associated with heritage buildings*

The maintenance costs and other financial burden associated with the dwellings that have been identified to be included in the HO is another common theme that property owners

have raised in the opposing submissions. The Study and PPN01 are, however, silent on any additional costs that may result from including a dwelling or a building in the HO. Therefore, the costs whether real or perceived, that the opposing submitters claim to be associated with the maintenance of their dwellings because of the HO cannot be considered from a heritage planning perspective.

Heritage Consultant (Trethowan Architecture) comments

The heritage consultant has reviewed all the submissions received and conducted further site inspections where required. A copy of the feedback to submissions is provided in Attachment 3.

Priority/Importance

Consistent with Ministerial Direction 15 (The Planning Scheme Amendment Process), if Council as the planning authority wishes to proceed with the amendment, a request to appoint a Panel under Part 8 of the *Planning and Environment Act*, 1987 must be made within 40 business days of the closing date for submissions.

Options Considered

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

Section 23(1) of the *Planning and Environment Act* 1987 requires that in consideration of submissions received in relation to an Amendment, the Council must either:

- Change the Amendment in the manner requested by the submitters and adopt the Amendment with changes; or
- Refer the submission(s) to an Independent Panel appointed by the Minister; or
- Abandon the Amendment, or part of the Amendment.

Section 22(2) of the *Planning and Environment Act* 1987 advises that Council has the option of accepting late submissions but must do so if requested by the Minister for Planning.

Timelines

22 August 2022 – Council resolved to request authorisation of the Minister for Planning to prepare and exhibit the Amendment.

1 March 2023 – Council received authorisation from the Minister for Planning to exhibit the Amendment.

30 March to 8 May 2023 – Public exhibition of the Amendment.

Communications/Engagement

Exhibition Procedures

The Amendment was exhibited for one month from 30 March to 8 May 2023.

Notices were provided in the following manner:

- Individual notices were sent to the affected landowners and occupiers as well as to adjoining landowners and occupiers.
- Notices were sent to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment* Act.
- Public notice of the Amendment was placed in the Bendigo Advertiser on 29 March and on 1 April 2023.
- Publication of the notice of the Amendment was placed in the Government Gazette on 30 March 2023.
- Access to the amendment documents were provided on-line on the City's website at https://www.bendigo.vic.gov.au/Services/Building-and-Planning/Planning-scheme-amendments and on the Department of Transport and Planning's website at www.planning.vic.gov.au/public-inspection

Prior to the finalisation of the Study, the City undertook a community consultation on the Study in June 2021. This community consultation was done by sending personalised letters to all affected property owners and by holding a drop-in session on 23 June 2021.

Financial Sustainability

Officer time will be required to prepare the Amendment documentation for the Panel hearing to progress the amendment.

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment, and there will be additional costs associated with holding a Panel and an additional amount for calling expert evidence and legal representation. The Strategic Planning Unit has operational budget for these expenses.

Risk Assessment

The planning scheme amendment process can take a couple of years from commencement to completion. During this time, demolition requests may be made by property owners affected by the Amendment.

Council has already resolved to authorise the Director Strategy and Growth to request the Minister for Planning to apply an interim HO for any place or serial listing should an application for demolition be received whilst the permanent controls in Amendment

C275gben are processed. However, the final decision to approve the application of an interim HO still rests with the Minister for Planning.

There are risks if this Amendment does not continue to progress in accordance with timeframes consistent with Ministerial Direction 15.

Conclusion

It is recommended that Council resolve to request the Minister for Planning to appoint an Independent Panel to consider all the submissions.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 6 - A vibrant, creative community

Secondary Council Plan Reference(s)

Goal 5 - Recognise and celebrate our significant national and international heritage.

Other Reference(s)

Victorian Miners' Housing Serial Listings – Stage 2 Study (Trethowan Architecture, 2021)

Conflict of Interest

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

Attachments

1. Greater Bendigo C275gben Victorian Miners' Housing Serial Listings Stage 2 Study [**20.1.1** - 75 pages]
2. Redacted submissions C 275 gben (1) [**20.1.2** - 72 pages]
3. Consultant response to Submissions [**20.1.3** - 22 pages]
4. Greater Bendigo C275gben Explanatory Report Panel Request [**20.1.4** - 13 pages]



trethowan

Victorian Miners' Housing Serial Listings - Stage 2 Study Findings and Recommendations

Adopted by Council on 22 August 2022

Author Trethowan Architecture
Date November 2021

ARCHITECTURE
INTERIORS
HERITAGE

Revision	Description	Date	Issued To
1	Initial Draft	14-05-2021	Client
2	Incorporating comments from Greater Bendigo	08-06-2021	Client
3	Updated citations	19-07-2021	Client
4	Maps Added	03-11-2021	Client

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1 Introduction and Background

1.1 Introduction

Trethowan have been commissioned to undertake a *Stage 2 Heritage Study of Victorian Mining Cottages* in the City of Greater Bendigo. This study builds directly upon previous research that formed Stage 1 of this study which consisted of:

- *Miners Cottages Gap Study* (Miners Cottage Survey) undertaken by Minerva Heritage in 2017 that surveyed those Victorian dwellings in urban Bendigo not currently covered by the Heritage Overlay to create a long list of approximately 574 individual properties
- Review of this initial long list by City of Greater Bendigo to identify those properties associated with a Miners Residency Area
- Analysis and further review of this refined list by Amanda Jean and Charles Fahey in the 2020 report *Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing* (hereafter termed the Serial Listing Study)

The Serial Listing Study identified a total of 229 candidate places, and recommended the creation of three new serial listings and expansion of the existing miners' cottages serial listing (HO999) to create a total of four serial listing heritage overlays, as described below:

- Quartz Gold Boom Miners' Houses.

  Modest timber frame, weatherboard, hip roof houses associated with the 1870s quartz mining boom and the 1865 Mines Act and 1181 Residence Areas Act.

- Workers and Mine Speculator's Houses.

  Increasingly opulent housing styles due to increased security of tenure. Housing associated with later opening of mining land to non-mining manual and skilled workers, and widows of miners, associated with the Mines Acts of 1890, 1892, 1897 and 1910.

- Quartz Reefer Houses.

  Early colonial regency style houses built by successful miners, speculators and quartz reefers. Usually built very close to their mines. Usually built of brick or stone.

- Miners Cottages (amended Ironbark listing (HO999).

  All early gable roofed miners' cottages associated with the Miner's Rights Act 1855 and the Mines Act 1856, and with alluvial, puddling and early quartz reef mining.

Purpose of Current Study

The purpose of this Stage 2 Heritage Study is to:

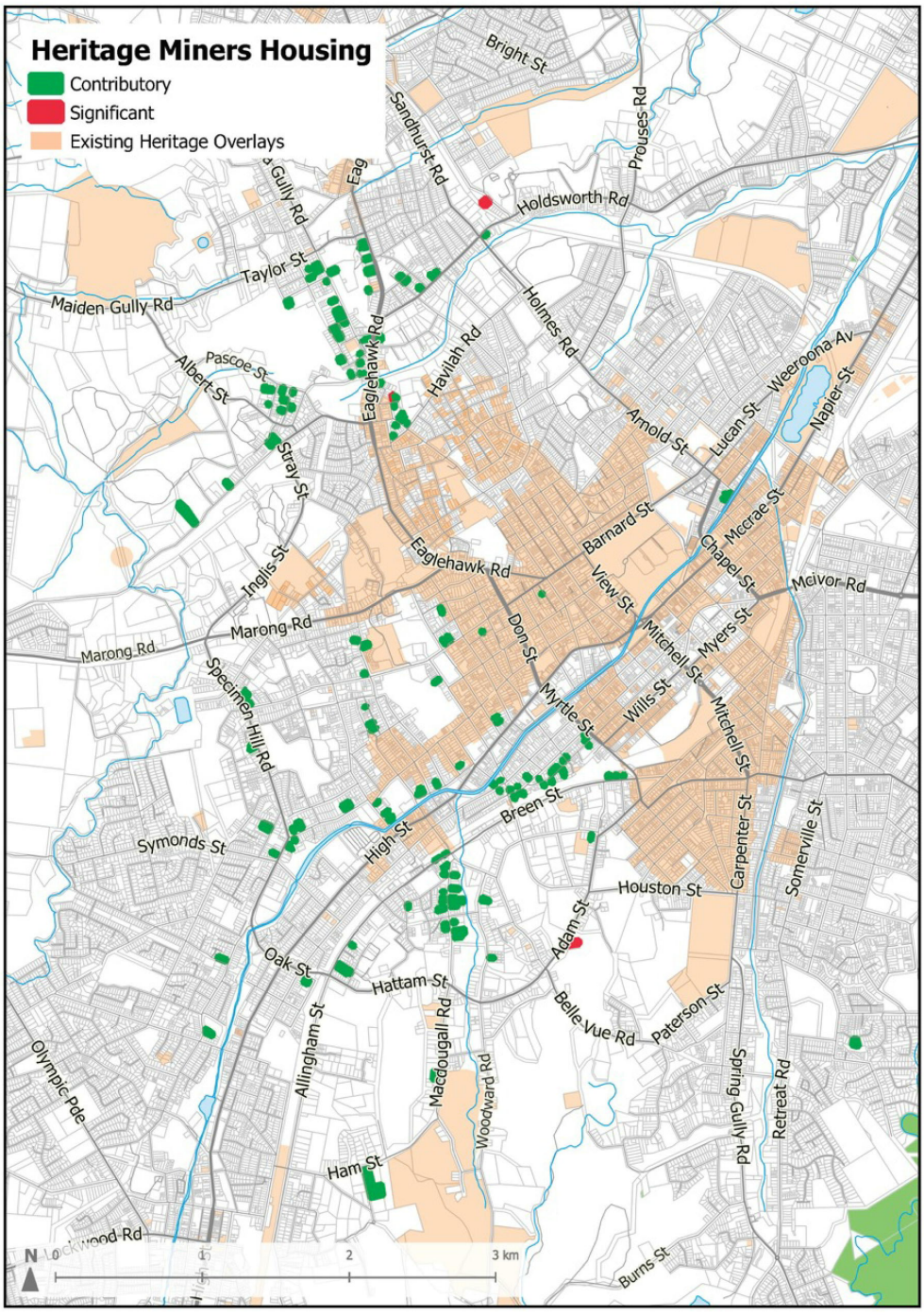
- Review the list of houses from the Miners Cottage Gap Study 2017 (Miners Cottage Survey) and determine which ones fit into one of the recommended serial listings
- Determine a threshold of protection of places for each listing that includes condition, intactness, land zoning and any other relevant considerations
- Provide sufficient justification to support the houses going into the serial listing Heritage Overlays of the Greater Bendigo Planning Scheme
- Include any additional properties identified during the course of the study

Study Area

The Study Area is is the pre-amalgamation boundary of the former City of Bendigo. The serial listing approach, and the scattered nature of mining throughout the district, means that the study area is spread across a number of suburbs. The houses are sometimes, though not always, clustered around former mine sites. A total of 229 individual candidate properties were assessed (identified in the Miners Cottage Survey), distributed across the following suburbs:

- Bendigo (central)
- Flora Hill

- Golden Gully
- Golden Square
- Ironbark
- Long Gully
- North Bendigo
- Quarry Hill
- West Bendigo



1.2 Background

The Stage 2 Study builds on a series of heritage studies commissioned by the City of Greater Bendigo since the early 1990s that have identified and sought to apply appropriate protection to the City's post-contact built cultural heritage. Given the large area covered by the City, these studies have generally focused on single suburbs or discrete districts. Such area-based heritage studies have been supplemented by a series of strategically focussed gap and thematic studies that have highlighted areas and/or building typologies requiring further research to address the 'patchwork' of knowledge that currently exists.

The following list summarises the heritage studies, surveys and reports currently available that apply to Greater Bendigo that form the background, analysis and benchmarking opportunities to this report. Both the *City of Greater Bendigo Heritage Gap Analysis*, 2019 (Landmark Heritage Pty Ltd with David Helms) and the Serial Listing Study 2020 provide a detailed summary and analysis of the vast body of historical research that is represented by these studies:

- *Eaglehawk and Bendigo Heritage Study, 1993,* Graeme Butler & Assoc.
- *Former Shire of Marong Heritage Studies,* 1994 and 1999, Andrew Ward & Assoc; and reviewed by the *Heritage Policy Citations Review*, 2011, Lovell Chen
- *Former Shires of McIvor and Strathfieldsaye, Heathcote-Strathfieldsaye Heritage Study*: *Stage 1*, 2002, Earthtech
- *Former Shires of McIvor and Strathfieldsaye Heritage Study: Stage 2*, 2010, Context Pty Ltd.
- *Ironbark Heritage Study*, 2011, Mandy Jean
- *Greater Bendigo Thematic Environmental History, Overview Report and Aboriginal History,* Lovell Chen, 2013
- *White Hills and East Bendigo Heritage Study Stage 1*, Bendigo Hospital Area, 2014, Lovell Chen
- *White Hills and East Bendigo Heritage Study Stage 2*, Ascot, Bendigo, East and North Bendigo Epsom and White Hills, 2016, 2 vols, Context Pty Ltd:
- *The Miners' Cottage Gap Study'*, 2017/18, Minerva Heritage
- *Golden Square Heritage Study Stage 1 Chronological and Thematic History*, 2019, Dr. Robyn Ballinger
- *City of Greater Bendigo Heritage Gap Analysis*, 2019 Landmark Heritage Pty Ltd with David Helms
- *Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing*, 2020, Amanda Jean and Charles Fahey

The overall approach to identifying heritage has shifted dramatically since the 1993 Eaglehawk study that relied upon, as its starting point, a much more architecturally focused notion of heritage significance. Eaglehawk and Bendigo - they were still separate councils at that time. More recent studies have sought to more fully take account of the myriad social and historical factors that have resulted in the diverse typology of buildings that reflect Bendigo's mining past. This more closely reflects the best practice approach adopted in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (The Burra Charter) that shifts the focus from the identification and conservation of built fabric to more fully embrace those cultural values (aesthetic, historic, scientific, social, and spiritual) that contribute to the significance of a heritage place.

Despite this shift in approach, studies have continued to largely favour exemplars while overlooking the more modest miners' housing that is found across most areas of Bendigo. In addition, the disparate and widespread nature of miners' cottages has also meant that they are, generally speaking, not clustered into easily delineated areas that can be managed via a more traditional Heritage Overlay 'precinct'. Rather, the 2020 Serial Listing Study and 2019 Heritage Gap Analysis have both recommended the appropriateness of a 'serial listing' approach that groups together properties based on a common typology and history rather than geographical clustering (for example, a significant streetscape).

Serial Listing Approach

The serial listing approach adopted in this study builds upon the previous work undertaken in preparing the existing serial listing Heritage Overlay *Miners' Cottages* (HO999) as part of the 2011 *Ironbark Heritage Study*. This Heritage Overlay links together heritage places across a number of suburbs that share a common developmental history and built form.

Serial listing presents a unique set of challenges when compared to the identification of 'precinct' or 'individual' heritage overlays. It recognises the collective significance of a group of heritage places that are not necessarily clustered into readily recognisable precincts.

The Victorian *Planning Practice Note No. 1 'Applying the Heritage Overlay DELWP'* (2018) (Practice Note) provides the following guidance in relation to group, thematic and serial listings:

> *Places that share a common history and/or significance, but which do not adjoin each other or form a geographical grouping may be considered for treatment as a single heritage place. Each place that forms part of the group might share a common statement of significance; a single entry in the Heritage Overlay Schedule and a single Heritage Overlay number.*

1.3 Study Limitations

The key limitations of the Stage 2 Study are:

- Places were only investigated externally and from the public realm; the result is that all descriptions are primarily based on observations of the front facade and partial side facades, with more limited opportunity to describe rear elevations
- In addition, some properties were set back from the street behind vegetation or other obstructions and could not be clearly assessed from the public realm
- The large geographical study area, and vast number of properties surveyed, means that this study may not have identified all potential candidate sites
- The identification of original building material was difficult for dwellings that had undergone extensive renovation and addition; in many cases modern materials have replaced or obscured original fabric

2 Methodology

2.1 Overview

The Victorian Miners' Housing Serial Listing Stage 2 Study: Findings and Recommendations (the 'Victorian Miners' Housing Study') was prepared in accordance with *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage Significance* (the 'Burra Charter') and the Victorian *Planning Practice Note No. 1 'Applying the Heritage Overlay DELWP'* (2018) (the 'Practice Note'). This has been consistent with the methodology outlined by the City in the Study Stage 2 brief 2020. As a result, the following steps were undertaken and are detailed in this section:

- Understanding the typology for each serial listing
- Street level survey of all places identified in the Serial Listing Study 2020
- Additional historical research
- Assessment against HERCON Criteria
- Assessment against Threshold of Significance based on Comparative Analysis
- Recommendations for each property and citation.

2.2 Understanding the Typology for Each Serial Listing

In order to effectively identify, sort and assess each place in relation to the four proposed serial listings, a range of characteristics of each type was established based on the analysis and history in the Serial Listing Study 2020 (Table 1). A desktop review was undertaken of all the information provided from Council in relation to the Miners Cottage Gap Study 2017 Stage 1 survey and contextual reading of *Eaglehawk and Bendigo Heritage Study* (1993); *Ironbark Heritage Study* (2010); *Greater Bendigo Thematic Environmental History* (2013); *The Evolution of Housing on the Bendigo Goldfields*: *A case for serial listings* (Serial Listing Study 2020) and any other relevant documents to provide a good base understanding of the municipality and the project.

Trethowan then conducted a desktop review of each of the 229 places to assist in breaking the information down into the three proposed serial listing Heritage Overlay areas: Quartz Gold Boom Miners' Houses; Workers and Mine Speculator's Houses and the Quartz Reefer Houses; and the proposed amendment of the Miners Cottages (HO999). The 229 places were reviewed against the statements of significance, findings, typologies, and linkages identified in *The Evolution of Housing on the Bendigo Goldfields*: *A case for serial listings.* These typologies can be summarised as follows:

Ironbark Serial Listing

These early houses (1860s-1870s) were historically associated with settlement under the Miner's Rights 1855 and Mines Act 1856. They generally began as small one or two bedroom huts with simple gable end roof forms. These cottages were often of weatherboard with few or simple decorative features, with common variations including mud brick or stone walling made by German or Cornish miners respectively. Chimneys were often external. Common alterations or additions include rear gable additions, front verandahs, rear skillions or later decorative detailing. Other building materials could include handmade red brick, local stone, mine slag or mud pisè bricks. These cottages most commonly exist in Long Gully, Victoria Hill, Ironbark Hill and Golden Gully areas.

Quartz Gold Boom Miners' Cottages

These houses were historically associated with the 1870s quartz mining boom and extend into the 1880s. Generally beginning as square plan houses with two to four rooms, with verandahs, they typically were of modest proportions, constructed with commercially sawn weatherboards, with hip roofs of corrugated metal and some fashionable contemporary architectural detailing. Chimneys were by this time generally internal and common later additions were to the rear or side, with later decorative embellishments or new verandahs. These houses often constituted

small settlements around the main mine shafts and battery buildings, sometimes with no formal alignment with later street patterns that evolved afterwards.

Workers and Mine Speculators' Cottages

These houses were historically associated with the late expansion of the Residence Area that opened auriferous land for habitation to non-miners and skilled workers and women holders of Crown land leases in the 1890s. These houses were often larger cottages of 5-8 rooms sometimes set in large gardens. Materials continued to be chiefly weatherboard walls and corrugated metal roofs with internal chimneys, but with more complex roof forms comprising combinations of hip or gable forms, more ornate verandahs and decorative detailing. These houses appear around Bendigo.

Quartz Reefers

Rather than being limited to a particular period of the gold mining history of Bendigo, these houses were historically associated with particular reefers and investors who built their homes near the mining tenements and mines across the district, who took advantage of the Mines Act 1865 to convert their Miner's Rights to freehold. These houses could be small or large but tend to be grander in style and more decorative. They commonly could include Colonial Regency style characteristics, encircling verandahs, are well articulated or architecturally designed. Comprised of brick or stone, they commonly have more complex roof forms and could be built in phases. These houses were spread around the quartz mining areas with many near mining tenements and might be oriented towards the mine rather than the road.



Figure 1. An example of an Ironbark Cottage (Source: *Evolution of Housing* Serial Listing Study 2020)



Figure 2. An example of a Quartz Gold Boom cottage (Source: *Evolution of Housing,* Serial Listing Study 2020)



Figure 3. An example of a Workers and Miners Speculators cottage (Source: *Evolution of Housing* Serial Listing Study 2020)



Figure 4. Example of a Quartz Reefers house currently covered by the Heritage Overlay at 44 Bellevue Road (Source: *Evolution of Housing* Serial Listing Study 2020)

Table 1. Summary of characteristics (built form) associated with each of the proposed serial listings (Source: *Evolution of Housing* Serial Listing Study 2020). These are the general characteristics identified with each typology, however there may be exceptions to the materiality in some historical periods.

Category	Ironbark	Quartz Gold Boom	Speculators'	Quartz Reefers'
Primary period	1860-70s	1870-80s	1890	1850s-1900
Size	Small	Small - Modest	Large	Small-Large
General Built Form/Features	One-two room hut Gable end roof	Square shaped house Two-four rooms Prefabricated/portable May incorporate later decorative detailing	Five/six/eight rooms Intricate decorative detailing Large Gardens	Colonial regency, Victorian-boom, and Italianate style Decorative embellishments Well-articulated Grander scale (cf. Ironbark) Architecturally designed
External Cladding/Walls	Weatherboard Handmade brick Local stone Mine slag Mud pise	Weatherboards	Weatherboard	Brick or stone
Level of alteration	High	High	Low-Medium	Low
Common additions	Decorative detailing Rear and side additions (gables and skillions) Front verandahs	Decorative detailing Rear addition	Rear addition	
Roof	Gable roof Corrugated metal (overlaying timber shingles)	Hipped Corrugated metal	Hipped/Complex Corrugated metal	Hipped/Complex Corrugated metal
Verandah	Yes – usually later addition	Yes	Yes	Yes – often encircling
Chimney	External	Integrated	Integrated	Integrated

2.3 Survey

Trethowan's team of five heritage consultants individually surveyed the places identified in the Serial Listing Study 2020, expanding on the master spreadsheet provided by Council, on 22-23 February 2021. The survey of each property was carried out by foot at the pedestrian level from the street, with photographs taken of each from the public realm and observations collected on data sheets covering architectural features, intactness/alterations, street orientation, typology, materials and outbuildings. In some cases where the property was obscured by vegetation this was also noted, and additional information gleaned from publicly available aerial photography or real estate advertisements where possible.

The specific built features associated with each serial listing Heritage Overlay were used as a guide to prompt the observations of the survey team (summarised in Table 1). This ensured that



sufficient information was collected to both confirm the findings of the desktop survey and allow for each property to be later assigned to an Heritage Overlay. Particular attention was paid to the overall condition and integrity of the property where it was possible to determine this. This included detailing later additions (such as rear or side extensions or changes to roof form) and instances where original fabric had been removed or replaced (such as chimneys, windows, doors, cladding or decorative elements).

A small number of additional properties were also identified by the team during the survey that were subsequently added to the spreadsheet and assessed alongside the existing list of candidate sites.

As a result of the survey, the spreadsheet was updated with current photographs and place information, including level of integrity and intactness. Where possible, the places were provisionally sorted into one of the four serial listing categories based on their visual identification with the serial listing typologies during the survey and based on the understanding established in the first phase.

2.4 Additional Historical Research

The study has relied chiefly on basic research undertaken by the City of Greater Bendigo and Minerva, as well as additional work done by other consultants in wider Bendigo area that is applicable to the areas covered by the Stage 2 Study such as the Landmark 2019 gaps study. This information was provided as part of the master spreadsheet provided to Trethowan at the outset of the project. Some 20 properties required further background research to determine the construction date and confirm association with mining industry where this was not evident from either the initial information or visual inspection. This desktop research was undertaken by Trethowan with assistance from the City of Greater Bendigo and its Heritage Advisor and included local rate books, parish plans, municipal directories, newspapers and aerial photography. Additional records, including goldfields Libraries historical rate index online, will and probate documents at Public Record Office Victoria and certificates of land titles were also obtained and reviewed.

2.5 Assessment Against Criteria

The Burra Charter was rewritten by the heritage professional organisation, Australia ICOMOS, and has been revised most recently in 2013. This document established a 'values-based' assessment of heritage places, looking at their social, aesthetic, historic and scientific values.

Since that time, standard heritage criteria have been based on these values. This report adopts the most commonly used standard criteria for assessing these values, the *Heritage Council Criteria for the Assessment of Cultural Heritage Significance* (HERCON). These assessment criteria were adopted at the 1998 Conference on Heritage, and by the Heritage Council of Victoria in 2008. The Practice Note recommends the use of the HERCON criteria for carrying out heritage assessments.

In accordance with the Practice Note heritage places are identified as meeting either the threshold of 'Local Significance' or 'State Significance'. Places of Local Significance can include places that are important to a particular community or locality. Some of the places of local significance may also be important to the entire City of Greater Bendigo, but this is not essential to meet the Local Significance threshold.

The Practice Note advises that assessment of whether a place meets the local or State threshold should be determined in relation to model heritage criteria (also known as the HERCON Criteria) which is as follows:

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

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

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

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

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

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

Criterion G: Strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

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

2.6 Applying a Threshold of Significance

Establishing a clear threshold of significance is crucial in determining the 'minimum' level at which a site or potential heritage place qualifies for inclusion within one of the serial Heritage Overlays identified in the Serial Listing Study.

2.6.1 What is a Threshold of Significance?

The Heritage Victoria standard brief for heritage studies (2010) notes that local significance can include places of significance to a town or locality. Whether this 'threshold' of local significance is achieved depends upon how relevant heritage criteria are applied and interpreted. In 2006, the Minister for Planning appointed an Advisory Committee to review heritage provisions in planning schemes. Part of the scope of the review was to consider the criteria and thresholds applied in the identification of local heritage places. The subsequent report provides some guidance in considering how thresholds should be applied, understanding that this forms an integral part of narrowing down what is to be managed from the wide range of potential heritage places.

On the basis that the concept of thresholds is an integral component of assessing heritage significance, the Advisory Committee concluded that the threshold for inclusion of a place in the Heritage Overlay in Planning Schemes should be a positive answer to the question 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' (Advisory Committee Report 2007:xviii)

This requires the consideration of two key elements. Firstly, there should be something to be managed, evident in the fabric of the place. Secondly, there should be a criteria for assessment, and for this the HERCON Criteria have been accepted. It is also accepted that the threshold will vary according to the comparative analysis in the locality. The municipality's Thematic History should also be considered when assessing whether a place contributes towards the significance of the municipality.



In its conclusion, the Advisory Committee (2007:2-40) noted that 'the issue for planning purposes is simply whether a place is of sufficient heritage note in the local context to warrant planning controls being put in place to ensure that its heritage value is taken into account when development proposals are being considered.' It concluded:

> *Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values. Factors determining thresholds comprise another list again. They will include such things as intactness, age, rarity, and design or aesthetic quality. An important factor in the selection of places for listing will always be whether there is heritage fabric remaining in situ or other qualities pertaining to the place that are required to be managed*. (2007:2-42)

Thresholds are to be used to 'sieve' places identified as of some significance by the HERCON criteria and determine those that should be listed under the Heritage Overlay (2007:2-44). Comparative analysis is thus crucial. This assessment is to be undertaken within a 'locality' delineated by geography and history of development and may be a smaller/different area to the municipal area (2007:2-44).

2.6.2 Comparative Analysis

Comparative analysis is thus an essential step to determining if a place or precinct meets the local (or State) threshold for heritage significance. The Practice Note advises that:

> *... some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those that have previously been included in a heritage register or overlay.*

Comparative analysis is considered particularly important in deciding if a place is of architectural significance or of rarity value in a given area but can be applied to most place types to determine their relative importance in a locality or wider area.

For the purposes of the Stage 2 Study the heritage places already identified in the existing *Miners' Cottages* serial listing (HO999) was considered the minimal scope for comparative analysis to establish local significance. Comparisons were also sought with similar heritage places across the three new serial listings proposed in the Serial Listing Study. Other Heritage Overlays that provided useful comparators included *Calder Highway Precinct* (HO26) and *Ironbark Precinct* (HO27).

In this process, similar places and precincts (in terms of build-date, building type, and/or use/theme) already included in the City of Greater Bendigo Heritage Overlay were used as 'benchmarks' to provide a basis for comparison. These places were compared according to a range of criteria, including how well they represented a historical theme, their architectural design quality such as form and detailing, intactness (integrity) and rarity.

When the place or precinct under assessment was considered to be of equal or better quality than the contributory 'benchmarks' within the existing *Miners' Cottages* Heritage Overlay (HO999) for example, it was judged to meet the threshold of local significance as a Contributory property and considered worthy of inclusion in the serial listing Heritage Overlay.

For example, the house at 25 Lazarus Street, West Bendigo (HO999) has retained its original gable end form with external chimney. Its materiality comprises rockwork, weatherboard and metal roofing. There are some additions of a later verandah with Edwardian detailing, but the original is strongly recognisable in the form and materiality of the property. The house at 19 Lazarus Street (HO999) has been rendered, painted and alterations made to the verandah and a rear addition and twentieth century fence added. However, the original miner's cottage form is strongly evident including external chimneys, roof form, simple symmetry of the door and windows, and early

outbuildings. In another example of a Contributory graded property in HO26, the house at 91 Marong Road, Golden Square, is a later Victorian house with more complex roof form and some original detailing, window forms and verandah. Despite the removal of the chimney and minor alterations to the door, the property is strongly recognisable as a Victorian miners cottage. The house at 71 Marong Road, Golden Square (HO26) is a simpler hipped roof form, with weatherboard walls and metal sheet roof, brick chimneys and lacework verandah, and is a Victorian miners cottage of a similar aesthetic quality to many of the houses in the proposed serial listing.



Figure 5. 25 Lazarus Street, West Bendigo (Source: City of Greater Bendigo)



Figure 6. 19 Lazarus Street, West Bendigo (Source: Realestate.com)



Figure 7. 71 Marong Road, Golden Square. Contributory within HO26 Calder Highway, Ironbark Precinct (Source: Google Maps 2021.)



Figure 8. 91 Marong Road, Contributory within HO26. (Source: Google Maps 2021.)

2.6.3 Integrity

Given the importance of historical significance as a criteria for the serial listing, it was considered crucial that this history should continue to be demonstrated by the place in terms of some combination of fabric, form, or setting. An important benchmark was that to be Contributory to the serial listing, the house should be intelligible as a miner's cottage. Thus where some later alterations were added to the cottage, key elements of its original form such as roofs, chimneys, windows, verandahs (if applicable) should be clearly visible or easily restored. The visibility of original fabric such as stonework, brickwork, timber or metal roofing where applicable was also considered. A house might be missing one or two elements and still be recognisable as a Contributory miner's cottage, but a loss of many such elements could be considered fatal to integrity where this recognisability began to be lost.

Integrity varied across the study. Some houses had been extensively restored with varying degrees of sensitivity. Later additions such as verandahs or significant enlargements of the property made accurate categorisation difficult in some cases. As per above, the recognisability and intelligibility of the historic themes was considered critical. It was also noted that many miners



cottages were upgraded or decorated by their residents in the later nineteenth century or in the early twentieth century. These houses were still generally considered to retain their integrity where the original cottage was clearly evident. In some cases the additions or alterations to the property were considered to be seriously detracting or defacing of the property such that the property was no longer worthy of heritage protection. In such cases the additions or alterations might have a cumulative effect of overwhelming, dominating or completely obscuring the original form.

2.6.4 Condition

The condition of each property was noted in the survey, with a range of conditions noted. Some houses were in excellent condition. Average condition included some elements requiring repair. Poor condition included places requiring immediate attention or in some rare cases in states of dereliction. As a general rule, condition was not considered to rule out heritage significance of a place providing original fabric and overall form was still evident.

2.7 Gradings Within the Serial Listing

Once it was established that each of the sites satisfied one or more of the HERCON criteria at a local level (through comparative analysis), each property was also assigned a grading. In most cases, a Contributory grading was appropriate, however a handful of properties were considered Significant within the listing.

Current Greater Bendigo Grading System

Most previous heritage studies in the City have employed the old 'letter' grading system. This approach is inconsistent with the Practice Note that requires the establishment of a clear set of definitions for 'Significant', 'Contributory' and 'Non-contributory' properties.

Proposed Grading System

The 2019 Heritage Gap Analysis Study recommended clear and consistent standard definitions of Significant, Contributory and Non-contributory. Based on the findings of this gap study the following definitions have therefore been adopted and adapted for this study:

- **Significant:** a place that is of individual significance and satisfies at least one of the HERCON criteria at the local level. Significant places are often significant independent of their context, but may also contribute to the significance of a precinct
- **Contributory:** a place that contributes to the significance of a heritage precinct, but is not of individual significance on its own
- **Non-contributory:** a place within a precinct that does not contribute to the significance of the precinct. No places within the serial listing will be graded non-contributory, as the geographic scattering of the places doesn't allow for properties that do not contribute to be included in the listing

Properties deemed Contributory within the proposed serial listing are those considered to be representative of the type in terms of aesthetic form or history, but may have had minor alterations. Despite alterations, these properties retain their identity or intelligibility as former miner's cottages and clearly belong to one of the four typologies.

Properties were deemed Significant within the proposed serial listing if they fit within the broad historical period or category but are in addition individually outstanding or distinctive somehow (usually aesthetically) within the historical type or may have a particularly high integrity and/or intactness as a representative example.

Properties were deemed Non-contributory for a number of factors such as:

- Low integrity, where a place has a high degree of alterations from historical periods unrelated to the mining period to the extent that it is no longer intelligible as a miner's cottage
- The property was not associated with any of the historical typologies, for example was built outside of the period of significance or not associated in any way with the relevant historical themes
- The property has been moved from another location
- The property no longer exists or has been demolished

2.8 Statements of Significance

For each serial listing found to meet the threshold of local significance for at least one criterion, a Statement of Significance was prepared, summarising the most important facts and the significance of the place/precinct. This includes formulating statements of significance for the three new serial listings, as well as assessing the statement for the existing *Miners' Cottage* serial listing.

Each statement was prepared in accordance with The Burra Charter; using the HERCON criteria; and applying the thresholds of local or State significance. Each assessment is summarised in the format recommended by the Practice Note, namely:

> ***What is significant?***
>
> *This section should be brief, usually no more than one paragraph or a series of dot points. There should be no doubt about the elements of the place that are under discussion. The paragraph should identify features or elements that are significant about the place, for example, house, outbuildings, garden, plantings, ruins, archaeological sites, interiors as a guide to future decision makers. Mention could also be made of elements that are not significant.*
>
> ***How is it significant?***
>
> *A sentence should be included to the effect that the place is important because of its historical significance, its rarity, its research potential, its representativeness, its aesthetic significance, its technical significance and/or its associative significance. These descriptors are shown in brackets at the end of the heritage criteria listed above. The sentence should indicate the threshold for which the place is considered important.*
>
> ***Why is it significant?***
>
> *This should elaborate on the criteria that makes the place significant. A separate point or paragraph should be used for each criterion satisfied. The relevant criterion should be inserted in brackets after each point or paragraph. Each point or paragraph may include the threshold for which the place is considered important.*

2.8.1 Updating the *Miners' Cottages* Serial Listing (HO999)

Changes to the existing HO999 serial listing are restricted to the addition of new properties identified in this study. Where relevant, suggested changes to the existing citation have been highlighted or suggested for future work.

2.8.2 Statutory Recommendations

The typical statutory recommendations for places and precincts assessed to be of local significance are made in accordance with relevant policies and guidelines set out in the Practice Note.

The Practice Note describes additional controls that can be ticked in the Schedule to the Heritage Overlay for a place or precinct, including:

- External Paint Controls – to control changes to paint colours; particularly important if evidence of an early colour scheme survives; note that a planning permit is always required to paint a previously unpainted surface (e.g., face brick, render, stone, concrete, timber shingles).
- Internal Alteration Controls – to be used sparingly and on a selective basis for special interiors of high significance.
- Tree Controls – to be applied only where a tree (or trees) has been assessed as having heritage value, not just amenity value.
- Fences and Outbuildings which are not exempt from advertising planning permit applications – demolition applications for early fences and/or outbuildings that



contribute to the significance of a place must be publicly advertised if this box is ticked, and the accelerated VicSmart permit process cannot be used; note that a planning permit is required to alter, demolish or replace a fence or outbuilding even if this box is not chosen, however public notice of the permit application is generally not required.

- Included on the Victorian Heritage Register – can only be entered by Heritage Victoria.
- Prohibited uses may be permitted – this allows additional uses not normally permitted in a given zone, subject to a planning permit; it is most frequently used to give redundant buildings a wider range of future use options to ensure their long-term survival, e.g., purpose-built shops in residential areas.
- Incorporated Plan has been adopted for the place/precinct – an incorporated plan is sometimes prepared to introduce permit exemptions for a precinct, or provide specific guidance in managing a complex site.
- Aboriginal heritage place – note that Aboriginal heritage significance was not assessed as part of this Study.

When making statutory recommendations, recommendations for these additional controls were made where appropriate. In cases where Tree Controls or Fence and Outbuilding exemptions are recommended, the specific elements to be protected have generally been indicated for inclusion in the Schedule to the Heritage Overlay to provide clear guidance for planners and owners. For example: Tree Controls: *Yes – English Oak at No.X*.

2.8.3 HERMES Entry

The Practice Note specifies that:

> *All statements of significance should be securely stored in the HERMES heritage database.*
>
> *Where a planning scheme amendment has resulted in the addition of, or amendments to, places in the Heritage Overlay, the strategic justification (that is, heritage study documentation and statements of significance) should be entered into the department's HERMES heritage database*.

This will be done once a planning scheme amendment has been gazetted. Once the places have been added to HERMES, the records of those places added to the Greater Bendigo Heritage Overlay will be visible on the Victorian Heritage Database.

Places found to not meet the threshold of local significance should be entered into the HERMES database to note that they have been 'Researched but NOT recommended'. These records are not published for the general public to see but are accessible to Council staff.

3 Key Findings

3.1 Local Significance

3.1.1 Proposed Serial Listing Heritage Overlays

All three of the new serial listings proposed in *'The Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing'* are considered to meet the threshold for local significance when assessed against the HERCON criteria, and are thus determined to be worthy of protection in the Heritage Overlay. These Heritage Overlays are:

- Quartz Gold Boom Miners' Houses
- Workers and Mine Speculators' Houses
- Quartz Reefers' Houses

3.1.2 Extending Existing Serial Listing Heritage Overlay

The proposal to amend the existing serial listing *HO999: Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo* ('Ironbark Miners' Cottages') to include additional early gable roofed miners' cottages is also supported.

3.1.3 Contributory and Significant Graded Properties

A total of 158 individual places out of the 229 assessed from the original survey list are considered to meet the threshold for local significance and therefore worthy of inclusion into one of the four Heritage Overlays. These 158 individual places have been graded as either Contributory or Significant.

Contributory Properties

A total of 156 properties have been graded as Contributory and are assigned to one of the four serial listings as follows:

- **Ironbark Miners' Cottages:** 58
- **Quartz Gold Boom Miners' Houses:** 42
- **Workers and Mine Speculators' Houses:** 50
- **Quartz Reefers' Houses:** 6

Each of these Contributory places have been determined to satisfy the threshold for inclusion in a Heritage Overlay when assessed against the HERCON criteria. They also meet the requirement for high integrity in relation to their original form, fabric or setting, as well as being in sufficiently good condition that integrity was still evident. The methodology for this has been outlined in Sections 2.5 and 2.6 above.

Significant Properties

A total of two individual properties have been graded as Significant and are assigned to two of the four serial listings as follows:

- **Ironbark Miners' Cottages:** 1 Daly Street, Long Gully
- **Quartz Gold Boom Miners' Houses:** n/a
- **Workers and Mine Speculators' Houses:** n/a
- **Quartz Reefers' Houses:** 83 Adam Street, Quarry Hill

Both significant places have been determined to satisfy the threshold for inclusion in a Heritage Overlay when assessed against the HERCON criteria and represent outstanding or especially unique examples of their typology. It is considered that these properties are comparable to other individually significant properties in terms of exceeding a threshold for high integrity in relation to



their original form, fabric or setting, as well as being in sufficiently good condition that integrity was still evident.

Outbuildings

A small number of potentially contributory outbuildings were identified during the survey. These appeared to be a mix of attached or detached nineteenth century outbuildings associated with the history of the place, and could encompass historical buildings such as outhouses, detached former kitchens or laundries. Due to the location of outbuildings to the rear or within properties, close inspection and assessment was not possible during the general survey, and it is possible that other original outbuildings may have been obscured from view. A general statement has been added to the Statement of Significance noting that original outbuildings from the nineteenth century where they exist, may contribute to the historical significance of the place. These can be assessed by Council on a case by case basis as the need arises. Potential outbuildings of interest were noted during the survey at the following properties:

- 89 Upper California Gully Road – gabled timber outbuilding
- 97 Upper California Gully Road – possible detached former kitchen with chimney
- 12 Gundry Street, Long Gully – possible outbuildings may be attached
- 180 King Street – Possibly detached former kitchen with chimney

3.2 Non-contributory Graded Properties

A total of 51 individual places from the original survey list of 229 have been graded as Non-contributory. These places were rejected because they were deemed not to meet the threshold of significance. This was most often due to a lack of integrity (substantive additions or changes that have resulted in a loss of original fabric), or to be lower in representative quality when compared to other comparable examples.



Figure 9. 265 King Street, Bendigo. Example of a non-contributory property illustrating changes to original fabric that have impacted on integrity (Source: Trethowan Architecture)



Figure 10. 12 Wade Street, Golden Square. Non-contributory due to substantial changes to original fabric and later additions (Source: Trethowan Architecture)

3.3 Other Properties that Fail to Qualify

A total of 20 places originally identified in the Stage 1 Survey (2017/18) do not qualify for a variety of reasons as listed below other than not meeting the threshold for local significance. A further two places were identified during the site survey undertaken by Trethowan but the historical link to the mining industry had not been established.

3.3.1 Demolished Dwellings

A total of three dwellings have been demolished since the completion of the Stage 1 Survey:

- 6 Burrowes Street, Golden Square
- 55 Cunneen Street, Long Gully
- 72 Sparrowhawk Road, West Bendigo

3.3.2 In Existing Heritage Overlay

A total of nine dwellings were determined to already fall under the protection of an existing Heritage Overlay:

- 33 Belle Vue Road, Golden Square (individual Heritage Overlay that is yet to be formally adopted in Bendigo Planning Scheme)
- 44 Belle Vue Road, Golden Square (HO431)
- 58 Belle Vue Road, Golden Square (HO432)
- 52 Breen Street, Golden Square (HO585)
- 14 Eaglehawk Road, Ironbark (HO1)
- 235 Eaglehawk Road, Long Gully (HO540)
- 237 Eaglehawk Road, Long Gully (HO541)
- 257 Eaglehawk Road, Long Gully (HO542)
- 35 Havilah Road, Long Gully (HO841/HO999)

3.3.3 Require Further Historical Research

A total of two places were identified during the site survey conducted by Trethowan and are considered to potentially meet the threshold for inclusion in a Heritage Overlay. However, further historical research is required to determine whether these places are directly associated with mining:

- 5 Pascoe Street, Long Gully
- 28 Wilson Street, Long Gully

3.3.4 No Connection to Gold Mining

Historical investigation reveals no immediate connection to the gold mining industry for the following two dwellings:

- 51 Belle Vue Road, Golden Square
- 3 William Street, Long Gully

3.3.5 Moved to Current Site from Another Location

Historical investigation suggests that the following four dwellings have likely been moved to their current sites from another location:

- 48 Belle Vue Road, Golden Square
- 56 Belle Vue Road, Golden Square
- 2 Cunneen Street, Long Gully
- 3a Yaloke Street, Golden Square

3.3.6 Unable to be Surveyed

A total of two dwellings identified by the Stage 1 Survey were not publicly accessible to enable a proper assessment during the survey:

- 32 MacCullagh Street, Golden Gully
- 42 Old High Street, Golden Square



3.4 Statutory Controls

3.4.1 External Paint Controls / Internal Alterations / Victorian Heritage Register / Prohibited Uses / Aboriginal Heritage Place / Outbuildings and Fences

No additional controls are recommended for the four serial listing Heritage Overlays in relation to the following:

- External Paint Controls
- Internal Alterations
- Victorian Heritage Register
- Prohibited Uses
- Aboriginal Heritage Place
- Outbuildings and Fences

3.4.2 Tree Controls

Tree controls are recommended for selected mature exotic trees that enhance the setting of the places, as these plantings are typical of nineteenth century garden landscapes and add to the heritage character of the place. An arborist report is recommended to identify the species and age of the trees. The trees of interest are identified in the Schedule to the Heritage Overlay. It is noted that HO999 has existing tree controls.

4 Recommendations

4.1 Introduction

This section provides the key recommendations of the Stage 2 Study. These are:

1. Adoption of the Stage 2 Study by the City of Greater Bendigo
2. Implementation of the recommendations of the Stage 2 Study by the City of Greater Bendigo by preparing a planning scheme amendment to the Greater Bendigo Planning Scheme that will:
    - Amend the existing serial listing Heritage Overlay for HO999 – Miners' Cottages to add new Contributory graded properties to the listing.
    - Adopt the three new serial listing Heritage Overlays.
    - Add the individual places assessed as being of local significance identified within the citations for each serial listing Heritage Overlay.

4.2 Future work

A future study should review HO999 to ascertain whether there are any properties in the original Miners' Cottage serial listing that would be more accurately classified and better protected within one of the new serial listings.

The Statement of Significance for HO999 could also be rewritten to the current standard of What, Why and How the listing is significant with a more concise statement of What is Significant. An example of a more concise statement outlining What is Significant for HO999 is provided in Appendix B.

4.3 Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo (Ironbark Miners' Cottages). Revised HO999

Prepared by: Trethowan Architecture

Address

15 Adelaide Gully Rd, Golden Gully; 2, 83 Allingham St, Golden Square, 55 Arnold St, Bendigo, 382 Barnard St, Ironbark; 68, 78 Bennett St, Long Gully; 54 Breen St, Quarry Hill; 6 Broom St, Bendigo; 2 Burn St, Golden Square; 10 Cunneen St, Long Gully; 1 Daly St, Long Gully; 15 Gibson St, North Bendigo; 19 Grant St, Long Gully; 12 Gundry St, Long Gully; 614, 615 Hargreaves St, Golden Square; 5 Havilah Rd, Long Gully; 27 Holdsworth Rd, Long Gully; 71 Jackson St, Long Gully; 19 Joseph St, Bendigo; 140, 180, 196, 255, 261, 269, 266 King St, Bendigo; 12A Kirby St, Bendigo; 10, 23, 26, 35A, 36 Macdougall Rd, Golden Square; 48, 136, 193 Mackenzie St West, Golden Square; 63 Nettle St, Ironbark; 1A, 3 Pascoe St, Long Gully; 11 Philpot St, Long Gully; 3 Pitt St, Bendigo; 266 Queen St, Bendigo; 8 Rose St, Golden Square; 4 Sheridan St, Long Gully; 49, 76 Specimen Hill Rd, Golden Square; 15 Stone St, Long Gully; 15, 141 Thistle St, Golden Square; 89, 90, 97, 99 Upper California Gully Rd, Long Gully; 9, 31 Wade Ln, Golden Square; 2 William St, Long Gully; 270 Woodward Rd, Golden Square; 22 Davey Close, Flora Hill.

Name: Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo	**Survey Date:** March 2021
Place Type: Residential	**Architects:** Unknown
Grading: Significant (Serial Listing)	**Builders:** Unknown
Extent of Overlay: To the property boundaries	**Construction Range:** 1860-1900



4.3.1 Historical Context

The following historical background is extracted and adapted from *Ironbark Heritage Study* (2010) Volume 1.

The Bendigo Goldfields

The majority of the Bendigo goldfields evolved geologically in the 38 north-south anticline lines of reef that lay from Bendigo East to Kangaroo Flat. Gullies and dry creeks cut across the ridges in a west to easterly direction, flowing into the Bendigo Creek, which flows across the gravel plains of Epsom, a former shallow sea in the north, and thence into the Campaspe River, a tributary of the Murray River. The area was covered by dense Box-Ironbark forests and woodlands and was the traditional lands of the indigenous Dja Dja Wurrung people who had managed the lands according to traditional knowledge and culture for many thousands of years. Following the annexation of the land by the British Crown, the Crown granted a pastoral lease for grazing stock to pastoralists Stewart and Gibson in 1848.[1] Following the discovery of gold in the area in 1851, thousands of gold diggers rushed to the area from all corners of the world. The Government managed access to land by these new kinds of colonists through the issue of mining leases. Mining leases, pastoral leases and Indigenous native title rights are now acknowledged to co-exist over Crown Land, but at the time the Indigenous Australians were pushed to the margins of society and their rights were not recognised.

The Bendigo gold fields, commenced in 1851, continued over the next 153 years through times of boom, decline, revival and stagnation. The last underground historic mine closed in 1954 with continued production locally. The Bendigo Goldfields is Australia's second largest in terms of historical production after Western Australia's Golden Mile (Boulder, Kalgoorlie).[2] It produced the largest amount of gold of any field in Eastern Australia and retains the largest evidence of its mining past within the inner city area. The history of mining shaped and created Bendigo. It left a chaotic industrial landscape which was in a state of perpetual flux with seemingly random, scattered, small and often very isolated settlements of people across a wide area.[3]

In 1854 the character of the city of Bendigo (Sandhurst) changed from a collection of irregular diggings on Crown Land to a central town when the area that is now central Bendigo was surveyed by government surveyor, Richard Larritt. A government camp was established and the geometric grid layout of the town was laid out, streets surveyed and land auctioned for sale under Torrens Title. The primary factor governing settlement in the broader area, however, was mining. It was to the outer gullies and creeks within the watershed of Bendigo Creek where the alluvial miners first worked.[4] By mid 1852 more than 4,000 diggers were arriving each week, until over 40,000 miners had arrived in the space of a few years. Tent settlements were established in 1851-2 by 'diggers' intent on finding the available alluvial gold.[5] By 1861 the entire Sandhurst mining district had 41,000 people spread through a score of small mining settlements. But the majority of the goldfields remained temporary and transitional in nature with haphazard settlements and roads. Other times, lack of water drove the miners on, leaving behind Crown Land that had been dug up, trees cleared, dry gullies clogged up and a wasteland created.[6] It left a legacy of large tracts of Crown Land former mine sites that encircle the city and penetrate deep within it. It is these Crown Lands and National parks in which the Dja Dja Wurrung native title interests are now recognized.

By the end of the 1850s miners were experimenting with steam powered mills as well as crushers and open cut mining. More extensively than elsewhere, Bendigo miners used puddling machines. By mid 1854 there were 1,500 machines. Attention was also turning to the mining of quartz reefs and steam powered machinery for mining was being set up as early as 1855. Supporting the miners were small foundries and accompanying this phase of mining came the building of more substantial buildings. Towards the end of the 1860s the dominance of the alluvial miner was drawing to a close and by 1868 there were 4,000 alluvial miners and 3,000 quartz reef miners in Bendigo. The success of the deep shafts had grown on Hustlers Reef and Victoria Reef with associated small crushing works. The reef miners turned to steam driven crushing machines, larger mining companies were employing bigger work forces.

In the early 1860s Bendigo's mining boom was marked by the formation of hundreds of companies. As technology and mine administration improved, so did the confidence of investors. Larger steam

[1] Ravenswood Homestead, Heritage Victoria, http://vhd.heritage.vic.gov.au/places/heritage/967
[2] Bendigo Mining for a summary of the history of mining to the present see website for Bendigo Mining http://www.bmnl.com.au/safety_environment/community_relations/gold_mining/bendigo_goldfield_history.htm
[3] Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History 1993
[4] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[5] Ballinger, Robyn, *Ironbark Hill Precinct Report,* City of Greater Bendigo, October 2005
[6] Ibid

plants and winding engines were installed so the mines could be worked at greater depth and also control ground water inflow. Another mining boom was in full swing in 1871 and boosted the establishment of foundries and engineering works. In a two-year period, over one thousand new mining companies were floated with thousands of small mining leases. A frenzy of buying and selling shares occurred at the Beehive Mining Exchange. The boom soon burst, but some mines continued to operate by digging deeper into the reefs. In the early 1870s companies built up a paid work force and mining became the staple form of male employment in Bendigo. With capitalized works, the floating population of diggers diminished. Company mining altered the social structure of Bendigo. It established a new class of investors. Mining had created distinctly working class areas in town that housed the waged miners, which was separated from the wealthy socially as well as geographically.[7]

The boom of the late 1860s and early 1870s was over by 1873 but until the early 1890s mining remained central to the Bendigo economy. The town was untidy, disordered, brash and with conflicting land uses right in the heart of the city.[8] The early ethnic mining groups were overlaid by new social divisions of wealth and power.[9] A wider range of housing appeared during the 1870-80s. On some hills an elite suburbia emerged. The pattern of segregation was often a product of topography, between high and low land. The elite found on hill tops and the cottages in low lying gullies. Public streets were planted with trees. There were a few well known mine investors and owners, who built alongside their mines such as Lazarus and Lansell.

At the beginning of the 20th century mines were still a major employer in Bendigo but the self-image of Bendigo was changing to one of a garden city with a fine climate.[10] By the 1890s architects who had reaped lucrative public contracts in the 1870s and 1880s turned to working for private clients bringing their own international style to Bendigo.

Mining declined from the early years of the twentieth century. In 1917 the majority of surviving mines were amalgamated with operations ceasing in 1923. Gold mining revived in 1930s when as many as 1,500 men worked in the alluvial mining and cyaniding. The old tailings and battery sands were re-worked by about thirty cyanide plants, employing 300 men.[11] Bendigo Mines Ltd began an extensive mining program on the Nell Gwynne, Napoleon and Carshalton lines of reef. Mines such as Royal George, Moonta and Central Nell Gwynne operated throughout this period but with little success. In contrast, the Central Deborah Mine started production in 1939 and continued until 1954.[12]

Miners Residence Areas

All miners who built their homes on mining land were holders of a Miner's Right. This right entitled them to take out a lease for a Residence Area on mining land and build a home, often originally on quarter acre blocks. The Miner's Right was an exclusive right that authorized certain rights and privileges and entitlements of the holder in the 'waste land' over which the British Crown claimed ownership. The Miner's Right only applied to auriferous land or 'waste land' that had been reserved by the British Crown as public land for its potential to yield gold. The holder of a Miner's Right did not need to be an applicant or holder of a lease for a mining tenement, that is, be an owner of a license for gold mining production. The Miner's Right was unique in the world because it entrenched legal rights for working miners to build a house on auriferous land. The miner's right of the Californian goldfields was not a legal document such as this.

All miners' houses were built by holders of a Miner's Right on auriferous land, that is land that was reserved as goldfields' commons by the colonial government to protect the economic resources of the Crown. Gold belonged to the Crown. The goldfields' commons introduced an ancient land management system from England. Bendigo had the largest goldfields commons in Victoria, covering 318.569 square kilometres that was potentially available for housing.

There were other types of commons such as town commons and farmer's commons among others. The goldfields' commons were specifically located on auriferous land and were controlled by the

[7] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[8] Ibid p 30
[9] Ibid p. 34
[10] Ibid p.48
[11] Cusack, F. *Bendigo a history*, revised edition, 2002, Lerk & McClure, 2002, p.244
[12] Eaglehawk and Bendigo Heritage Study Significant Mining Areas and Sites Repo, Vol 3 pp.123-235

Courts of Mines and Warden's Courts (and after 1898 by the Department of Mines), that sat in each of the six or eight declared mining district jurisdictions. The Mine Wardens and Mining Board members were elected by the miners from the Bendigo Mining district. They judicated over the series of Mines and Residence Area Acts according to local circumstances and conditions.

These auriferous lands served to accommodate thousands of newly arrived migrant miners and their families during the 1870s quartz boom outside township surveyed areas.

The management of the Mines and Residence Area Acts did not extend to investment into public health, sanitation, rehabilitation of contaminated mines sites or road services. The mining areas were outside the jurisdiction of local municipal and borough councils. Closure of the gold mines meant the land was abandoned and became waste lands. Many miners relocated their houses elsewhere.

The opening up of licenses on auriferous lands through the 1890s Mines Act allowed other industries to operate on Crown Land, near an available work force that was housed under the Miner's Right license. The Warden's Courts encouraged the purchase and conversion of Residence Areas to freehold title since the 1856 Mines Act, but particularly after the Mines Act 1892. Disposal of land for private sale was sporadic, unregulated and haphazard. It meant irregular shaped freehold titles were located in the midst of mining areas, often for over a century. The lots remained un-serviced and without formal roads until gradually incremental infill development and land sales transformed some areas during the 20th and 21st centuries.

4.3.2 History of 'Ironbark' Miners' Cottages

Within the inner city, Ironbark and Long Gully areas contain some of the highest proportion of former mines sites than any other inner suburban area. The five residential areas recreated by the lines of deep quartz mines comprises the following: Lazarus Street and Moonta area, Happy Valley Road settlement, the commercial centre of Eaglehawk Road, Ironbark Hill and Roeder Street, Bannerman Street and Paddy's Gully or Ironbark Ranges. Small class miners' cottages located on former Miners Residence Areas, were built beside the mines, located along the upper contours of the hills overlooking the polluted creeks, sludge dams and pyrite works. Many of the original Crown Land grants and miners cottages have survived. These large parcels of land throughout the area show evidence of the way in which the miners lived, the rambling food production gardens and large mature trees that date to the early gold rush days.

The development of new forms of land uses and buildings in Long Gully and Ironbark were influenced by the rapid migration of large communities of Cornish miners and their families and to a lesser extent, communities of German and Chinese miners within a very short period of time from the late 1850s to late 1870s. The cheap rents afforded by the Miners Residency Areas system of home ownership, the large families of the miners and availability of work in nearby company mines until the 1950s encouraged intergenerational stability and expansion into the 20th century.

Although the simple gable roofed miners' cottages are readily associated with the Ironbark area, they are found across the city in the various mining areas. In general terms Ironbark cottages are:

- Associated with settlement under the Miner's Rights 1855 and the Mines Act 1856
- Representative of the earliest phase of settlement in the Bendigo goldfields
- Closely aligned with the various phases of Bendigo's gold mining industry from the 1860s

4.3.3 Description and Integrity

All Miners' Cottages

Despite the variety of built form associated with miners' cottages, there are a number of similarities across the miners' cottages constructed in Bendigo through the nineteenth century. They are all located within former mining settlements and communities, tied to the geology of the place and former gold mines, associated with peak periods of activity of these mining areas. Very few of the houses are perfectly intact to the period of original construction due to changes in the Mines Acts, mining cycles and the freedom to make improvements over the long period of time. Miners cottages are often surrounded by unrelated buildings and do not always form cohesive visual precincts. The

original quarter acre blocks of the Miner's Residency areas have often been subdivided and sometimes cottages were relocated. However they are recognisably of common typological form and materiality, relating to the specific periods of historical association.

'Ironbark' Miners Cottages

So-called 'Ironbark' miners' cottages (*Evolution of Housing* 2020) generally began as small one or two bedroom huts with simple gable end roof forms. These cottages were often of weatherboard with few or simple decorative features, with common variations including mud brick or stone walling made by German or Cornish miners respectively. Chimneys were often external. Common alterations or additions include rear gable additions, front verandahs, rear skillions or later decorative detailing. Other building materials could include handmade red brick, local stone, mine slag or mud pisè bricks.

Representative examples within the listing include the weatherboard houses such as 2 and 83 Allingham Street, Golden Square. Both demonstrate a side gable roof with ridgeline to the street, simple symmetrical massing and façade, with external brick chimneys. The cottage at 2 Allingham Street has an interwar verandah added, and the chimney at No.83 has been rebuilt, however both present typical features of the modest 'Ironbark' typology. No.83 is notable also for its lack of alignment to the street. The house at 99 Upper California Road, Long Gully demonstrates the typical modest scale, symmetry, and side-gable roofline of the type, but is composed of stone and brick and timber, with stone base. It has been overpainted, had the chimney removed and a new verandah added, with an open carport to the side. It is well set back from the street. The three demonstrate well key features of the type, as well as the average scale of addition or alteration.



Figure 9. 2 Allingham Street, Golden Square.
Source: Trethowan Architecture.



Figure 10. 83 Allingham Street, Golden Square.
Source: Trethowan Architecture.



Figure 11. 99 Upper California Road, Long Gully.
Source: Trethowan Architecture.

4.3.4 Comparative Analysis

The Victorian vernacular miners' cottages to be added to the serial listing can be compared firstly with other cottages of the type in the existing HO999. Other Heritage Overlays that provided useful comparators to the serial listing overall included *Calder Highway Precinct* (HO26) and *Ironbark Precinct* (HO27).



Figure 12. 25 Lazarus Street, West Bendigo
(Source: City of Greater Bendigo)



Figure 13. 19 Lazarus Street, West Bendigo
(Source: Realestate.com)

The house at 25 Lazarus Street, West Bendigo (HO999) has retained its original gable end form with external chimney. Its materiality comprises rockwork, weatherboard and metal roofing. There are some additions of a later verandah with Edwardian detailing, but the original is strongly recognisable in the form and materiality of the property. The house at 19 Lazarus Street (HO999) has been rendered, painted and alterations made to the verandah and a rear addition and twentieth century fence added. However, the original miner's cottage form is strongly evident including external chimneys, roof form, simple symmetry of the door and windows, and early outbuildings. The houses within HO999 demonstrate a similar typology with mix of external chimneys, brick, stone, rockwork or weatherboard with symmetrical facades, modest form, side gables with sheet roofing and ridgelines parallel to the street. They also compare favourable in terms of degree and range of alteration and additions.

As a grouping, the miners cottages can be compared to those in around Victorian era precincts such as those at Golden Square (HO24), Victoria Hill Mining & Residential Area (HO26) Calder Highway, and Bannerman Street (HO841). The house at 26 Bannerman Street for example is graded contributory within HO999 and is surrounded by HO841. It demonstrates comparable modest form with side gable, ridge to street, external chimney, with a later more elaborate Victorian style verandah and fence added. The house at 29 Bannerman is similarly graded contributory within HO999, with typical weatherboard construction, simple side gable roof, external brick chimney and addition of a verandah, enhanced by the alignment against the later street. The house at 16 Hill Street, contributory within HO999, demonstrates characteristics of the later development of these early miners cottages, with a late Victorian/early Edwardian gabled addition to the front, illustrating the inclusion of some later housing forms within the existing Serial Listing.



Figure 14. 26 Bannerman Street, Bendigo. Source: Google Maps.



Figure 15. 29 Bannerman Street, Bendigo. Source: Google Maps.



Figure 16. 16 Hill Street, Bendigo. Bendigo. Source: Google Maps.

4.3.5 Assessment Against Criteria

Criteria referred to in *Planning Practice Note 1: Applying the Heritage Overlay*, Department of Environment, Land, Water and Planning, revised August 2018, modified for the local context. The existing criteria for assessment for HO999 has been adopted and has been followed.

Criterion A: Importance to the course or pattern of the City of Greater Bendigo's cultural or natural history (historical significance)

The miners' cottages of the Long Gully, Victoria Hill and Ironbark Hill and other former mining areas such as New Chum and Golden Gully are historically significant as the homes of the working class miners who serviced some of the wealthiest and deep quartz mines of Bendigo and Eastern Australia as both waged miners and Tribute miners.

The miners' cottages are representative of the diverse range of miners' cottages including examples of the typical Cornish vernacular long house built by early emigrant Cornish, who formed a significant ethnic group of miners in the area. They demonstrate the way in which design, fabric and decorative embellishments reflected the evolving status of the owners as immigrant miners.

The miners' cottages provide an important historic insight into the domestic lives and typical homes of Cornish and German miners, among other migrants, some of whom worked in the related trades as blacksmiths, engine drivers, carriers and mine engineers.

Criterion B: Possession of uncommon, rare, or endangered aspects of the City of Greater Bendigo's cultural or natural history (rarity).

The miners' cottages of the Long Gully, Victoria Hill, Ironbark Hill, Golden Gully and other former mining areas are associated with one of the unique features of the Victorian goldfields-the miners' Residence Area, which allowed the development of unregulated settlement on Crown land amongst mining sites. Many cottages are still intact and provide a rare record of the home occupiers such as in the Ironbark Hill area during the period, 1866-1882, listing their occupations as miners or associated jobs such as carter, engine driver, blacksmith and mine manager.

The miners' cottages and their large gardens in Moonta area are self-made community housing that resulted from adverse possession of Crown land at the time of the 1890s depression. In Victoria the cottages belong to a group of increasingly rare structures that show a combined use of timber weatherboards and pise, rammed earth construction techniques, the mud coming from the nearby creek. Groups of mud adobe and pise rammed earth dwellings associated with the German community were once a common feature on the Bendigo goldfields and in the former Long Gully Creek area but are now becoming increasingly rare.

The miners' cottages form an important visual element in the cultural landscape of Ironbark and Long Gully. They clearly tell the story of the early alluvial, puddling and deep quartz company mining and workings of the tailings in Bendigo from the 1850s through to early 1950s.

Criterion C: Potential to yield information that will contribute to an understanding of the City of Greater Bendigo's cultural or natural history (research potential).

The miners' cottages in the Long Gully, Victoria Hill, Ironbark Hill, Golden Gully and other former mining areas are associated with extensive archival materials. These include the Quarterly Reports of the Mining Surveyors and Registrars, 1863-91; detailed social demographic information since 1861 particularly in Bendigo and Ballarat goldfields; scholarly research and publications as well as contemporary journals and diaries.

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

The miners' cottages of the Long Gully, Victoria Hill, Ironbark Hill, Golden Gully and other and other former mining areas are an excellent representative example of the early gabled ended miner's cottage type, particularly associated with German and Cornish miners of Long Gully and Ironbark Hill.

The miners' cottages at numbers 19, 21, 25 and 24 Lazarus Street are excellent representative examples of miner's cottages particularly associated with the influence of the German community, who worked nearby on the gold mining works along Long Gully, Derwent and Sparrowhawk Gullies, where they built most of their building from locally made mud bricks and pise. All miners' cottages in the Moonta precinct are significant features and are an excellent architectural record of some of the earliest types and designs of miners' cottage. The two former weatherboard and timber cottages at 7 and 9 Harvey Street are significant as highly intact mid 19th century miners 'cottages erected on Miners Residency Areas, which were retained on Crown land until the 21st century.

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

The miners' cottages display a level of intactness and authenticity in terms of their architectural character, form and scale that demonstrates the principle characteristics of cottages, built by unemployed miners and sustenance workers, during the depression years of 1890s and 1930s.

The miners' cottages of the Long Gully, Victoria Hill, Ironbark Hill, Golden Gully and other former mining areas have aesthetic significance as they illustrate the rich diversity of a working class miners' cottages, a key feature of the Victorian 19th century goldfields. The size, shape and design of miners' cottages provide a historical and architectural record of a vernacular class of buildings.

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

N/A



Criterion G: Strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

N/A

Criterion H: Special association with the life or works of a person, or group of persons, of importance in the City of Greater Bendigo's history (associative significance).

N/A

4.3.6 Statement of Significance

What is Significant?

The Australian goldrushes were part of a series of rushes which occurred around the periphery of the Pacific and Indian Ocean from the mid-nineteenth century that transformed the international banking system and bankrolled colonial expansion, world trade, shipping and manufacturing. The central goldfields of Victoria became a key colony of the British Empire because of the wealth derived from gold. The pattern of globalization and immigration marked across the colonial landscape of Victoria is most evident by the distribution of the small domestic miners' cottages. The miner's cottage belongs to a vernacular typology that despite regional differences can be linked to specific gold mining reefs, quartz and alluvial goldfields as well as different migrant groups, who incorporated their traditional building technologies in the construction of their homes.

The evolution of the central Victorian goldfields is inextricably linked to the way in which Britain had annexed territory in Australia as terra nullius, the subsequent dispossession of the Indigenous population and the manner in which the colonial government managed access to Crown Land through the issue of a range of leases. It heralded a new grammar of law, mapping of spaces by which land property rights were expressed, gold licensing system was implemented and the 'Miners Rights' introduced. The rights afforded to miners under the "Miners Rights' and successive related Acts were the single most influential government measure that changed the face of the central Victorian landscape. The provision of cheap public land on which to build created levels of working class home ownership in mining areas that was unmatched elsewhere in the world. It led to the construction of thousands of miners cottages.

These factors in conjunction with the simultaneous juxtaposition of the gold rush coming at the time of immense social upheaval in Europe led to an unprecedented long distance migration of family groups. The most defining characteristic element of the central Victorian goldfields is the highly domesticated nature of the mining cultural landscape. The miner's cottage became a major feature of the built landscape of Central Victoria. The greatest agent for determining the incidence of these miners' cottages is geology and landscape.

Each gold rush area led to different responses to the establishment of shelter and construction of miner's cottages.

The miners' cottages located in Long Gully and Ironbark are associated with some of the earliest quartz mines in Bendigo. They were built by both German and Cornish miners, many of them are exceedingly small in scale.

Many of the German influenced cottages have pise or mud brick components, while the Cornish cottages were often made of random stone walls or incorporate stone walling. Often the cottages are a composite structure, a mixture of timber, stone, brick and pise and have been continually adapted with minor changes over the years.

They have a high level of integrity although many massive chimneys have been removed and extensions added in later years. The majority of cottages appear to have been erected in the mid-1860s and 1870s on Miners Residency Areas by miners themselves. They were built on Crown Land beside company mines prior to the survey of roads and seldom have a formal alignment with later street patterns. Additions that incorporate fashionable contemporary architectural detailing are small in scale and characteristically correspond to periods of prosperity, when mining work was stable. The cottages cluster around the upper contours of the slopes near

gullies and water supplies and have a relationship to each other that reflects social and family ties.

How is it Significant?

The collection of miners' cottages of the Long Gully, Ironbark, Victoria Hill and Ironbark Hill former mining areas have historic, architectural, aesthetic, scientific and social significance at a local level to the City of Bendigo. (Criteria A, B, C, D, E)

Why is it Significant?

Criterion A: Importance to the course, or pattern, of Victoria's cultural history

1) The miners' cottages of the Long Gully, Victoria Hill and Ironbark Hill former mining areas are historically significant as the homes of the working class miners who serviced some of the wealthiest and deep quartz mines of Bendigo and Eastern Australia as both waged miners and Tribute miners.

2) The miners' cottages are representative of the diverse range of miners' cottages including examples of the typical Cornish vernacular long house built by early emigrant Cornish, who formed a significant ethnic group of miners in the area. They demonstrate the way in which design, fabric and decorative embellishments reflected the evolving status of the owners as immigrant miners.

3) The miners' cottages provide an important historic insight into the domestic lives and typical homes of Cornish and German miners, some of whom worked in the related trades as blacksmiths, engine drivers, carriers and mine engineers.

Criterion B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

4) The miners' cottages of the Long Gully, Victoria Hill and Ironbark Hill former mining areas are associated with one of the unique features of the Victorian goldfields- the Miners Residency Area, which allowed the development of unregulated settlement on Crown land amongst mining sites. Many cottages are still intact, and provide a rare record of the home occupiers in the Ironbark Hill area during the period, 1866-1882, listing their occupations as miners or associated jobs such as carter, engine driver, blacksmith and mine manager.

5) The miners' cottages and their large gardens in Moonta area are self-made community housing that resulted from adverse possession of Crown Land at the time of the 1890s depression. The cottages belong to a group of increasingly rare structures that show a combined use of timber weatherboards and pise, rammed earth construction techniques, the mud coming from the nearby creek. Groups of mud adobe and pise rammed earth dwellings associated with the German community were once a common feature on the Bendigo goldfields and in the former Long Gully Creek area, but are now becoming increasingly rare.

6) The miners' cottages form an important visual element in the cultural landscape of Ironbark and Long Gully. They clearly tells the story of the early alluvial, puddling and deep quartz company mining and workings of the tailings in Bendigo from the 1850s through to early 1950s.

Criterion C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

7) The miners' cottages the Long Gully, Victoria Hill and Ironbark Hill former mining areas are associated with extensive archival materials, including but not restricted to the Quarterly Reports of the Mining Surveyors and Registrars, 1863-91, detailed social demographic information since 1861 particularly in Bendigo and Ballarat goldfields, scholarly research and publications as well as contemporary journals and diaries.

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural places or environments.

Criterion E: importance in exhibiting aesthetic characteristics and/or in exhibiting richness, diversity or unusual integration of features.

8) The miners' cottages of the Long Gully, Victoria Hill and Ironbark Hill former mining areas are an excellent representative example of the miner's cottage, particularly associated with German and Cornish miners of Long Gully and Ironbark Hill.



9) The miners' cottages at numbers 19, 21, 25 and 24 Lazarus Street are excellent representative examples of miner's cottages particularly associated with the influence of the German community, who worked nearby on the gold mining works along Long Gully, Derwent and Sparrowhawk Gullies, where they built most of their building from locally made mud bricks and pise. All miners' cottages in the Moonta precinct are significant features and are an excellent architectural record of some of the earliest types and designs of miners' cottage.

The two former weatherboard and timber cottages at 7 and 9 Harvey Street are significant as highly intact mid 19th century miners cottages erected on Miners Residency Areas, which were retained on Crown Land until the 21st century.

10) The miners' cottages display a level of intactness and authenticity in terms of their architectural character, form and scale that demonstrates the principle characteristics of cottages, built by unemployed miners and sustenance workers, during the Depression years of 1890s and 1930s.

11) The miners' cottages of the Long Gully, Victoria Hill and Ironbark Hill former mining areas have aesthetic significance as they illustrates the rich diversity of a working class miners cottages, a key feature of the Victorian 19th century goldfields. The size, shape and design of miners' cottages provide a historical and architectural record of a vernacular class of buildings.

4.3.7 Gradings and Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Greater Bendigo Planning Scheme as a serial listing.

Number	Street	Suburb	Grading
15	Adelaide Gully Rd	Golden Gully	Contributory
2	Allingham St	Golden Square	Contributory
83	Allingham St	Golden Square	Contributory
55	Arnold St	Bendigo	Contributory
382	Barnard St	Ironbark	Contributory
78	Bennett St	Long Gully	Contributory
68	Bennett St	Long Gully	Contributory
54	Breen St	Quarry Hill	Contributory
6	Broom St	Bendigo	Contributory
2	Burn St	Golden Square	Contributory
10	Cunneen St	Long Gully	Contributory
1	Daly St	Long Gully	Significant
5	Dean St	Long Gully	Contributory
15	Gibson St	North Bendigo	Contributory

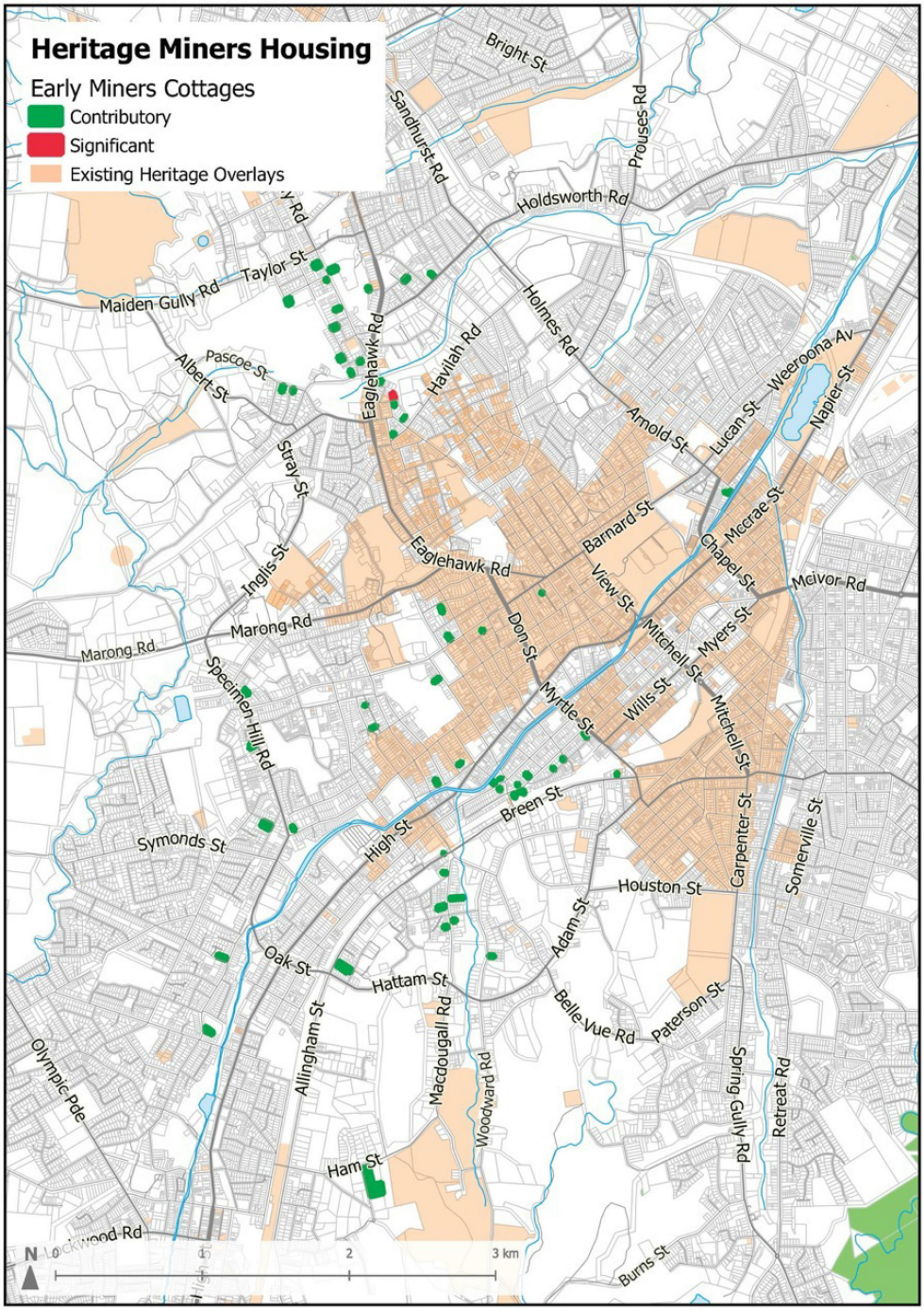
19	Grant St	Long Gully	Contributory
12	Gundry St	Long Gully	Contributory
614	Hargreaves St	Golden Square	Contributory
615	Hargreaves St	Golden Square	Contributory
5	Havilah Rd	Long Gully	Contributory
27	Holdsworth Rd	Long Gully	Contributory
71	Jackson St	Long Gully	Contributory
19	Joseph St	Bendigo	Contributory
140	King St	Bendigo	Contributory
180	King St	Bendigo	Contributory
196	King St	Bendigo	Contributory
255	King St	Bendigo	Contributory
261	King St	Bendigo	Contributory
269	King St	Bendigo	Contributory
266	King St	Bendigo	Contributory
12A	Kirby St	Golden Square	Contributory
36	Macdougall Rd	Golden Square	Contributory
35A	Macdougall Rd	Golden Square	Contributory
10	Macdougall Rd	Golden Square	Contributory
23	Macdougall Rd	Golden Square	Contributory
26	Macdougall Rd	Golden Square	Contributory
48	Mackenzie St West	Golden Square	Contributory
136	Mackenzie St West	Golden Square	Contributory
193	Mackenzie St West	Golden Square	Contributory
63	Nettle St	Ironbark	Contributory
3	Pascoe St	Long Gully	Contributory
1A	Pascoe St	Long Gully	Contributory

11	Philpot St	Long Gully	Contributory
3	Pitt St	Bendigo	Contributory
266	Queen St	Bendigo	Contributory
8	Rose St	Golden Square	Contributory
4	Sheridan St	Long Gully	Contributory
49	Specimen Hill Rd	Golden Square	Contributory
76	Specimen Hill Rd	Golden Square	Contributory
15	Stone St	Long Gully	Contributory
141	Thistle St	Golden Square	Contributory
15	Thistle St	Golden Square	Contributory
90	Upper California Gully Rd	Long Gully	Contributory
99	Upper California Gully Rd	Long Gully	Contributory
89	Upper California Gully Rd	Long Gully	Contributory
97	Upper California Gully Rd	Long Gully	Contributory
31	Wade Lane	Golden Square	Contributory
9	Wade Lane	Golden Square	Contributory
2	William St	Long Gully	Contributory
270	Woodward Rd	Golden Square	Contributory

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Greater Bendigo Planning Scheme:

External Paint Colours Is a permit required to paint an already painted surface?	NO
Internal Alteration Controls Is a permit required for internal alterations?	NO
Tree Controls Is a permit required to remove a tree?	YES Mature conifer at 140 King Street and 19 Grant Street; Mature peppercorn at 614 Hargreaves St.
Victorian Heritage Register Is the place included on the Victorian Heritage Register?	NO
Outbuildings and fences exemptions Are there outbuildings and fences which are not exempt from notice and review?	NO
Prohibited uses may be permitted Can a permit be granted to use the place for a use which would otherwise be prohibited?	NO
Aboriginal Heritage Place Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	NO

4.3.8 Map


Heritage Miners Housing
Early Miners Cottages
Contributory
Significant
Existing Heritage Overlays
Bright St
Sandhurst Rd
Prouses Rd
Holdsworth Rd
Taylor St
Maiden Gully Rd
Pascoe St
Albert St
Eaglehawk Rd
Havilah Rd
Holmes Rd
Arnold St
Lucan St
Weeroona Av
Napier St
Stray St
Inglis St
Barnard St
Mccrae St
Chapel St
Meivor Rd
View St
Mitchell St
Myers St
Don St
Marong Rd
Specimen Hill Rd
Myrtle St
Wills St
Breen St
Symonds St
High St
Houston St
Carpenter St
Somerville St
Adam St
Oak St
Hattam St
Belle Vue Rd
Paterson St
Olympic Pde
Allingham St
Macdougall Rd
Woodward Rd
Spring Gully Rd
Retreat Rd
Ham St
Burns St
N
0
1
2
3 km

4.3.9 References

- *Eaglehawk and Bendigo Heritage Study, 1993,* Graeme Butler & Assoc.
- *Former Shire of Marong Heritage Studies, 1994 and 1999*, Andrew Ward & Assoc; and reviewed by the Heritage Policy Citations Review, 2011, Lovell Chen
- *Former Shires of McIvor and Strathfieldsaye, Heathcote-Strathfieldsaye Heritage Study: Stage 1, 2002*, Earthtech
- *Former Shires of McIvor and Strathfieldsaye Heritage Study: Stage 2, 2010*, Context Pty Ltd.
- *Ironbark Heritage Study, 2011*, Mandy Jean
- *Greater Bendigo Thematic Environmental History*, Overview Report and Aboriginal History, Lovell Chen, 2013
- *White Hills and East Bendigo Heritage Study Stage 1, Bendigo Hospital Area, 2014*, Lovell Chen
- *White Hills and East Bendigo Heritage Study Stage 2, Ascot, Bendigo, East and North Bendigo Epsom and White Hills, 2016*, 2 vols, Context Pty Ltd:
- *The Miners' Cottage Gap Study', 2017/18*, Minerva Heritage
- *Golden Square Heritage Study Stage 1 Chronological and Thematic History, 2019,* Dr. Robyn Ballinger
- *City of Greater Bendigo Heritage Gap Analysis, 2019* Landmark Heritage Pty Ltd with David Helms
- *Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing, 2020*, Amanda Jean and Charles Fahey

4.4 Quartz Gold Boom Miners' Houses

Prepared by: Trethowan Architecture

Address

1 Abel St, Golden Square; 3, 8, 69 Allingham St, Golden Square; 64 Bennett St, Long Gully; 6 Cunneen St, Long Gully; 2 Daly St, Long Gully; 4, 14B Daniel St, Long Gully; 247, 255, 263 Eaglehawk Rd, Long Gully; North Bendigo; 9 Grant St, Long Gully; 14 Gundry St, Long Gully; 31 Holdsworth Rd, Long Gully; 2 Hollow St, Golden Square; 15 Jackson St, Long Gully; 189, 200 King St, Bendigo; 8 Laurel St, Golden Square; 16, 25, 45, 20, 41 Macdougall Rd, Golden Square; 14, 16, 44, 64, 65, 67 Mackenzie St West, Golden Square; 30 Maple St, Golden Square; 26 Oak St, Golden Square; Long Gully; 36, 94 Sparrowhawk Rd; 4 Thistle St, Bendigo; 95 Upper California Gully Rd, Long Gully; 6, 7, 12, 20 Walker St, Long Gully; 344 Woodward Rd, Golden Square.

Name: Quartz Gold Boom Miners' Houses	**Survey Date:** March 2021
Place Type: Residential	**Architect:** Unknown
Grading: Significant (Serial Listing)	**Builder:** Unknown
Extent of Overlay: See precinct map	**Construction Date:** 1870-80s



4.4.1 Historical Context

The following historical background is extracted and adapted from *Ironbark Heritage Study* (2010) Volume 1 and the *Evolution of Housing on the Bendigo Goldfields* (2020).

The Bendigo Goldfields

The majority of the Bendigo goldfields evolved geologically in the 38 north-south anticline lines of reef that lay from Bendigo East to Kangaroo Flat. Gullies and dry creeks cut across the ridges in a

west to easterly direction, flowing into the Bendigo Creek, which flows across the gravel plains of Epsom, a former shallow sea in the north, and thence into the Campaspe River, a tributary of the Murray River. The area was covered by dense Box-Ironbark forests and woodlands and was the traditional lands of the indigenous Dja Dja Wurrung people who had managed the lands according to traditional knowledge and culture for many thousands of years. Following the annexation of the land by the British Crown, the Crown granted a pastoral lease for grazing stock to pastoralists Stewart and Gibson in 1848.[13] Following the discovery of gold in the area in 1851, thousands of gold diggers rushed to the area from all corners of the world. The Government managed access to land by these new kinds of colonists through the issue of mining leases. Mining leases, pastoral leases and Indigenous native title rights are now acknowledged to co-exist over Crown Land, but at the time the Indigenous Australians were pushed to the margins of society and their rights were not recognised.

The Bendigo gold fields, commenced in 1851, continued over the next 153 years through times of boom, decline, revival and stagnation. The last underground historic mine closed in 1954 with continued production locally. The Bendigo Goldfields is Australia's second largest in terms of historical production after Western Australia's Golden Mile (Boulder, Kalgoorlie).[14] It produced the largest amount of gold of any field in Eastern Australia and retains the largest evidence of its mining past within the inner city area. The history of mining shaped and created Bendigo. It left a chaotic industrial landscape which was in a state of perpetual flux with seemingly random, scattered, small and often very isolated settlements of people across a wide area.[15]

In 1854 the character of the city of Bendigo (Sandhurst) changed from a collection of irregular diggings on Crown Land to a central town when the area that is now central Bendigo was surveyed by government surveyor, Richard Larritt. A government camp was established and the geometric grid layout of the town was laid out, streets surveyed and land auctioned for sale under Torrens Title. The primary factor governing settlement in the broader area, however, was mining. It was to the outer gullies and creeks within the watershed of Bendigo Creek that the alluvial miners were first drawn.[16] By mid 1852 more than 4,000 diggers were arriving each week, until over 40,000 miners had arrived in the space of a few years. Tent settlements were established in 1851-2 by 'diggers' intent on finding the available alluvial gold.[17] By 1861 the entire Sandhurst mining district had 41,000 people spread through a score of small mining settlements. But the majority of the goldfields remained temporary and transitional in nature with haphazard settlements and roads. Other times, lack of water drove the miners on, leaving behind Crown Land that had been dug up, trees cleared, dry gullies clogged up and a wasteland created.[18] It left a legacy of large tracts of Crown Land former mine sites that encircle the city and penetrate deep within it. It is these Crown Lands and National parks in which the Dja Dja Wurrung native title interests are now recognized.

By the end of 1850s miners were experimenting with steam powered mills as well as crushers and open cut mining. More extensively than elsewhere, Bendigo miners used puddling machines. By mid 1854 there were 1,500 machines. Attention was also turning to the mining of quartz reefs and steam powered machinery for mining was being set up as early as 1855. Supporting the miners were small foundries and accompanying this phase of mining came the building of more substantial buildings. Towards the end of the 1860s the dominance of the alluvial miner was drawing to a close and by 1868 there were 4,000 alluvial miners and 3,000 quartz reef miners in Bendigo. The success of the deep shafts had grown on Hustlers Reef and Victoria Reef with associated small crushing works. The reef miners turned to steam driven crushing machines, larger mining companies were employing bigger work forces.

In the early 1860s, Bendigo's mining boom was marked by the formation of hundreds of companies. As technology and mine administration improved, so too did the confidence of investors. Larger steam plants and winding engines were installed so the mines could be worked at greater depth and also control ground water inflow. Another mining boom was in full swing in 1871 and boosted the establishment of foundries and engineering works. In a two-year period, over one thousand

[13] Ravenswood Homestead, Heritage Victoria, http://vhd.heritage.vic.gov.au/places/heritage/967
[14] Bendigo Mining for a summary of the history of mining to the present see website for Bendigo Mining http://www.bmnl.com.au/safety_environment/community_relations/gold_mining/bendigo_goldfield_history.htm
[15] Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History 1993
[16] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[17] Ballinger, Robyn, *Ironbark Hill Precinct Report,* City of Greater Bendigo, October 2005
[18] Ibid

new mining companies were floated with thousands of small mining leases. A frenzy of buying and selling shares occurred at the Beehive Mining Exchange. The boom soon burst, but some mines continued to operate by digging deeper into the reefs. The large paid work force built up by mining companies in the 1870s becamea regular form of male employment in Bendigo. With capitalized works, the floating population of diggers diminished. Company mining thus altered the social structure of Bendigo by established a new class of investors as well as regular employees. Mining had created distinctly working class areas in town that housed the waged miners, which was separated from the wealthy socially as well as geographically.[19]

The boom of the late 1860s and early 1870s was over by 1873 but until the early 1890s mining remained central to the Bendigo economy. The town was untidy, disordered, brash and with conflicting land uses right in the heart of the city.[20] The early ethnic mining groups were overlaid by new social divisions of wealth and power.[21] A wider range of housing appeared during the 1870-80s. On some hills an elite suburbia emerged. The pattern of segregation was often a product of topography, between high and low land. The elite found on hill tops and the cottages in low lying gullies. Public streets were planted with trees. There were a few well known mine investors and owners, who built alongside their mines such as Lazarus and Lansell.

At the beginning of the 20th century mines were still a major employer in Bendigo but the self-image of Bendigo was changing to one of a garden city with a fine climate.[22] By the 1890s architects who had reaped lucrative public contracts in the 1870s and 1880s turned to working for private clients bringing their own international style to Bendigo.

Mining declined from the early years of the twentieth century. In 1917 the majority of surviving mines were amalgamated with operations ceasing in 1923. Gold mining revived in 1930s when as many as 1,500 men worked in the alluvial mining and cyaniding. The old tailings and battery sands were re-worked by about thirty cyanide plants, employing 300 men.[23] Bendigo Mines Ltd began an extensive mining program on the Nell Gwynne, Napoleon and Carshalton lines of reef. Mines such as Royal George, Moonta and Central Nell Gwynne operated throughout this period but with little success. In contrast, the Central Deborah Mine started production in 1939 and continued until 1954.[24]

Miners Residence Areas

All miners who built their homes on mining land were holders of a Miner's Right. This right entitled them to take out a lease for a Residence Area on mining land and build a home. The Miner's Right was an exclusive right that authorized certain rights and privileges and entitlements of the holder in the 'waste land' over which the British Crown claimed ownership. The Miner's Right only applied to auriferous land or 'waste land' that had been reserved by the British Crown as public land for its potential to yield gold. The holder of a Miner's Right did not need to be an applicant or holder of a lease for a mining tenement, that is, be an owner of a license for gold mining production. The Miner's Right was unique in the world. The miner's right of the Californian goldfields was not a legal document such as this.

These miners' houses were built by holders of a Miner's Right on auriferous land, that is land that was reserved as goldfields' commons by the colonial government to protect the economic resources of the Crown. Gold belonged to the Crown. The holder of a Miner's Right license was entitled to erect a house, collect timber, graze animals and mine for gold on their quarter acre block of auriferous land. The goldfields' commons introduced an ancient land management system from England. Bendigo had the largest goldfields commons in Victoria, covering 318.569 square kilometres that was potentially available for housing.

There were other types of commons such as town commons and farmer's commons among others. The goldfields' commons were specifically located on auriferous land and were controlled by the Courts of Mines and Warden's Courts (and after 1898 by the Department of Mines), that sat in each of the six or eight declared mining district jurisdictions. The Mine Wardens and Mining Board

[19] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[20] Ibid p 30
[21] Ibid p. 34
[22] Ibid p.48
[23] Cusack, F. *Bendigo a history*, revised edition, 2002, Lerk & McClure, 2002, p.244
[24] Eaglehawk and Bendigo Heritage Study Significant Mining Areas and Sites Repo, Vol 3 pp.123-235

members were elected by the miners from the Bendigo Mining district. They judicated over the series of Mines and Residence Area Acts according to local circumstances and conditions.

These auriferous lands served to accommodate thousands of newly arrived migrant miners and their families during the 1870s quartz boom outside township surveyed areas.

The management of the Mines and Residence Area Acts did not extend to investment into public health, sanitation, rehabilitation of contaminated mines sites or road services. The mining areas were outside the jurisdiction of local municipal and borough councils. Closure of the gold mines meant the land was abandoned and became waste lands. Many miners relocated their houses elsewhere.

The opening up of licenses on auriferous lands through the 1890s Mines Act allowed other industries to operate on Crown Land, near an available work force that was housed under the Miner's Right license. The Warden's Courts encouraged the purchase and conversion of Residence Areas to freehold title since the 1856 Mines Act, but particularly after the Mines Act 1892. Disposal of land for private sale was sporadic, unregulated and haphazard. It meant irregular shaped freehold titles were located in the midst of mining areas, often for over a century. The lots remained un-serviced and without formal roads until gradually incremental infill development and land sales transformed some areas during the 20th and 21st centuries.

4.4.2 History of Quartz Gold Boom Miners' Houses

The 1870s quartz mining boom in the Greater Bendigo area generated a huge influx of gold miners and their families seeking waged work in the gold quartz mines. The quartz mining attracted a large construction and building industry in Bendigo. Mass production of dimensioned timber products allowed quick cheap prefabricated relocatable timber houses for the migrant waged miners and their families. The modest hip roof timber, simple house built with commercially sawn timber that could be erected quickly on Crown land was the means by which miners arriving in Bendigo with their families could be rapidly housed.

The use of timber frame construction technology was new at the time and is associated with mass social housing on the Victorian goldfields. It allowed the miner to easily relocate his house to different gold fields and mining areas. The typical design consisted of a modest square shaped house consisting of either two or four rooms, with hip roof, corrugated roof, timber frame, exterior and interior lining boards. The houses were erected on mining land and are associated with the Mines Act, 1865. The threat of being moved off the land by expanding mining operations was removed by the Residence Areas Act, 1881. This made it more likely, depending on the fortunes of the owners, to erect additions, alterations and decorative external details. Competitive sale by public auction was also removed. The Amendment in 1884 removed competitive aspects of auction and controlled annual licences fees of the Residence Areas on auriferous land.

These generally small 1870s and 1880s miners' houses often formed scattered clusters of settlement grouped around the company mines. The houses were built prior to the survey of roads and there was no formal alignment with later street patterns. The houses form small settlements around the main mine shafts and battery buildings. Additions to the houses were undertaken depending on the success of the mine and could incorporate fashionable contemporary architectural detailing. Generally, this type of miners' house is small in scale and characteristically correspond to periods of prosperity, such as the great quartz boom of 1870s, when waged mining work was stable.

By the 1880s the housing stock could be easily relocated to another Residence Area without paying a penalty. By then, the holder of the Miner's Right could have several Residence Areas and lease out the properties. And improvements could be inherited by family members. This allowed entry of non-miners, other industrial or manufacturing workers to be housed in former miners' houses. The holder of the Miner's Right could become a speculative landlord. It was common to find large groups of houses headed by widows subsisting on cheap rents, renting out rooms and operating home-based businesses.

The small hipped-roof cottages readily associated with the Quartz Gold Boom typology are associated with numerous mining areas across the city. In general terms Quartz Gold Boom houses are:

- Associated with the Mines Act 1865, Residence Area Act 1881 and 1888 Amendment
- Associated with the quartz mining boom that of the 1870s-1880s

4.4.3 Description and Integrity

All Miners' Housing

Despite the variety of built form associated with miners' cottages, there are a number of similarities across the miners' cottages constructed in Bendigo through the nineteenth century. They are all located within former mining settlements and communities, tied to the geology of the place and former gold mines, associated with peak periods of activity of these mining areas. Very few of the houses are perfectly intact to the period of original construction due to changes in the Mines Acts, mining cycles and the freedom to make improvements over the long period of time. Miners' cottages are often surrounded by unrelated buildings and do not always form cohesive visual precincts. The original quarter acre blocks of the Miner's Residency areas have often been subdivided and sometimes cottages were relocated. However, they are recognisably of common typological form and materiality, relating to the specific periods of historical association.

Built form – Quartz Gold Boom Miners' Houses

Generally beginning as square plan houses with two to four rooms, with verandahs, they are typically of modest proportions, constructed with commercially sawn weatherboards, with hip roofs of corrugated metal and some fashionable contemporary architectural detailing. Chimneys were by the 1870s-80s generally internal and common later additions were to the rear or side, with later decorative embellishments or new verandahs the most frequent alterations. The houses at 41 MacDougall Road and 30 Maple Street are representative of this general form and materiality, comprising hipped roofs, weatherboard and timber frame construction, brick chimneys, continuing emphasis on symmetrical façade with simple central door and flanking window composition, and typical alterations such as the addition of verandah or detailing.



Figure 17. 41 MacDougall Road, Golden Square.



Figure 18. 30 Maple Street, Golden Square.

4.4.4 Comparative Analysis

The miners houses can be compared to other Victorian era precincts such as those at Golden Square (HO24), Victoria Hill Mining & Residential Area (HO26) Calder Highway, and Bannerman Street (HO841). The house at 71 Marong Road, Golden Square (HO26) is a simple hipped roof form, with weatherboard walls and metal sheet roof, brick chimneys and lacework verandah, and is a Victorian miners house of a similar aesthetic quality and alteration to many of the houses in the serial listing. The house at 2 Harry Street, within HO841 Bannerman Street is similar again with timber frame weatherboard construction, internal chimney, verandah and symmetrical façade with central door flanked by two single sash windows. The house at 20 Bannerman Street is contributory within HO841 and demonstrates a comparable layering of historical periods as some of the subject

properties, for example the combination of external chimneys, with the larger scale and hipped roof, with the addition of an interwar verandah to the earlier Victorian form. Another comparable house recently added to the HO is 27 (now 27B) Pallet Street. The house demonstrates a similar architectural form and materiality. The house had a post-war verandah when it was added to the HO but has since been renovated and restored. While individually significant due to its individual historical associations, it is comparable in terms of its representative value. The house was added to the HO as:

> *a representative architectural example of an intact 19th century wealthy miner's villa, an example of an Australian vernacular architecture that represents the building techniques and social mores of Cornish miner immigrants, typically engine driver, mine engineer or mine manager status. The subject land was developed under a Miner' Right and Residence Area in one of the earliest and most important gold mining landscapes of Bendigo between New Chum and Sheepshead lines of Reef.*



Figure 19. 71 Marong Road, Golden Square. Source: Google Maps 2021.



Figure 20. 2 Harry Street, Bendigo. Source: Google Maps 2021.



Figure 21. 20 Bannerman Street, Bendigo. Source: Google Maps 2021.



Figure 22. 27B Pallet Street, Golden Square. Source: Realestate.com.au

4.4.5 Assessment Against Criteria

Criteria referred to in Planning Practice Note 1: Applying the Heritage Overlay, Department of Environment, Land, Water and Planning, revised August 2018, modified for the local context.

Criterion A: Importance to the course or pattern of the City of Greater Bendigo's cultural or natural history (historical significance)

The Quartz Gold miners' houses are historically significant as the homes of the waged miners associated with the influx of thousands of miners and their families to participate in the great quartz reef gold mining boom period in Bendigo from the late 1860s to the mid 1870s. The Greater Bendigo area was one of the richest gold mining areas at the time in Australia. The miners' houses provide an important historic insight into the domestic lives and typical homes of miners, some of whom worked in the related trades as blacksmiths, engine drivers, carriers and mine engineers. They are associated with the development of the construction industry in

Bendigo and widespread use of timber frame construction technology used to solve the many issues of mass social housing on the Victorian goldfields.

The miners' houses are historically significant for their association with the Mines Act, 1865, and the Residence Areas Act 1881 and the Amendment in 1884 that removed competitive aspects of auction and controlled annual licences fees of the Residence Areas on auriferous land.

Criterion B: Possession of uncommon, rare, or endangered aspects of the City of Greater Bendigo's cultural or natural history (rarity).

N/A

Criterion C: Potential to yield information that will contribute to an understanding of the City of Greater Bendigo's cultural or natural history (research potential).

N/A

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

The timber frame weatherboard Quartz Gold miners' houses are significant representative examples of the introduction of mass produced dimensioned prefabricated timber construction technology which allowed standardized dimensions, cheap relocatable housing to be built quickly and also disassembled.

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

The miners' houses associated with the quartz gold mining boom have aesthetic and representative commonalities, often small or modest, square shaped houses of two to four rooms that may have been added to later. They are generally constructed of weatherboard and timber, with simple hipped metal sheet roofs. This generic type of prefabricated house is associated with mass housing on the Victorian goldfields. By the late 1870s and 1880s houses became more standardized and were constructed by carpenters rather than miners themselves.

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

N/A

Criterion G: Strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

N/A

Criterion H: Special association with the life or works of a person, or group of persons, of importance in the City of Greater Bendigo's history (associative significance).

N/A

4.4.6 Statement of Significance

What is significant?

The timber weatherboard miners' houses associated with the quartz gold mining boom in Greater Bendigo, erected c.1870s-1880s in miners Residence Areas, are significant.

Mature exotic trees contribute to the setting of the place at 26 Oak Street and 9 Grant Street.

Original nineteenth century attached, or detached outbuildings may also contribute to the place's historical significance.

Alterations and additions after 1901 are not significant.

How is it Significant?

The collection of Quartz Gold miners' houses associated with the Miner's Right 1855, Mines Acts, 1865, 1881 and 1884 Amendment on former goldfields' commons, auriferous or mining lands in the greater Bendigo area have historic, aesthetic and representative significance at a local level to the City of Bendigo. (Criteria A, D and E)

Why is it Significant?

The Quartz Gold miners' houses are historically significant as the homes of the waged miners associated with the influx of thousands of miners and their families to participate in the great quartz reef gold mining boom period in Bendigo from the late 1860s to the mid-1870s. The Greater Bendigo area was one of the richest gold mining areas at the time in Australia. The miners' houses provide an important historic insight into the domestic lives and typical homes of miners, some of whom worked in the related trades as blacksmiths, engine drivers, carriers and mine engineers. They are associated with the development of the construction industry in Bendigo and widespread use of standardized timber construction to solve the many issues of mass social housing on the Victorian goldfields.

The miners' houses are historically significant for their association with the Mines Act, 1865, and the Residence Areas Act 1881 and the Amendment in 1884 that removed competitive aspects of auction and controlled annual licences fees of the Residence Areas on auriferous land. (Criterion A)

The timber frame weatherboard miners' houses are significant representative examples of the introduction of mass produced dimensioned prefabricated timber construction technology which allowed standardized dimensions, cheap relocatable housing to be built quickly and also disassembled. (Criterion D)

The miners' houses associated with the quartz gold mining boom have aesthetic and representative significance for the use of timber construction technology to solve the problem of housing on the goldfields. The examples of this generic type of prefabricated house is associated with mass housing on the Victorian goldfields. By the late 1870s and 1880s houses became more standardized and were constructed by carpenters to standard patterns and design. (Criterion E)

4.4.7 Gradings and Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Greater Bendigo Planning Scheme as a serial listing.

Number	Street	Suburb	Grading
1	Abel St	Golden Square	Contributory
3	Allingham St	Golden Square	Contributory
8	Allingham St	Golden Square	Contributory
69	Allingham St	Golden Square	Contributory
64	Bennett St	Long Gully	Contributory
6	Cunneen St	Long Gully	Contributory
2	Daly St	Long Gully	Contributory
4	Daniel St	Long Gully	Contributory
14B	Daniel St	Long Gully	Contributory
247	Eaglehawk Rd	Long Gully	Contributory

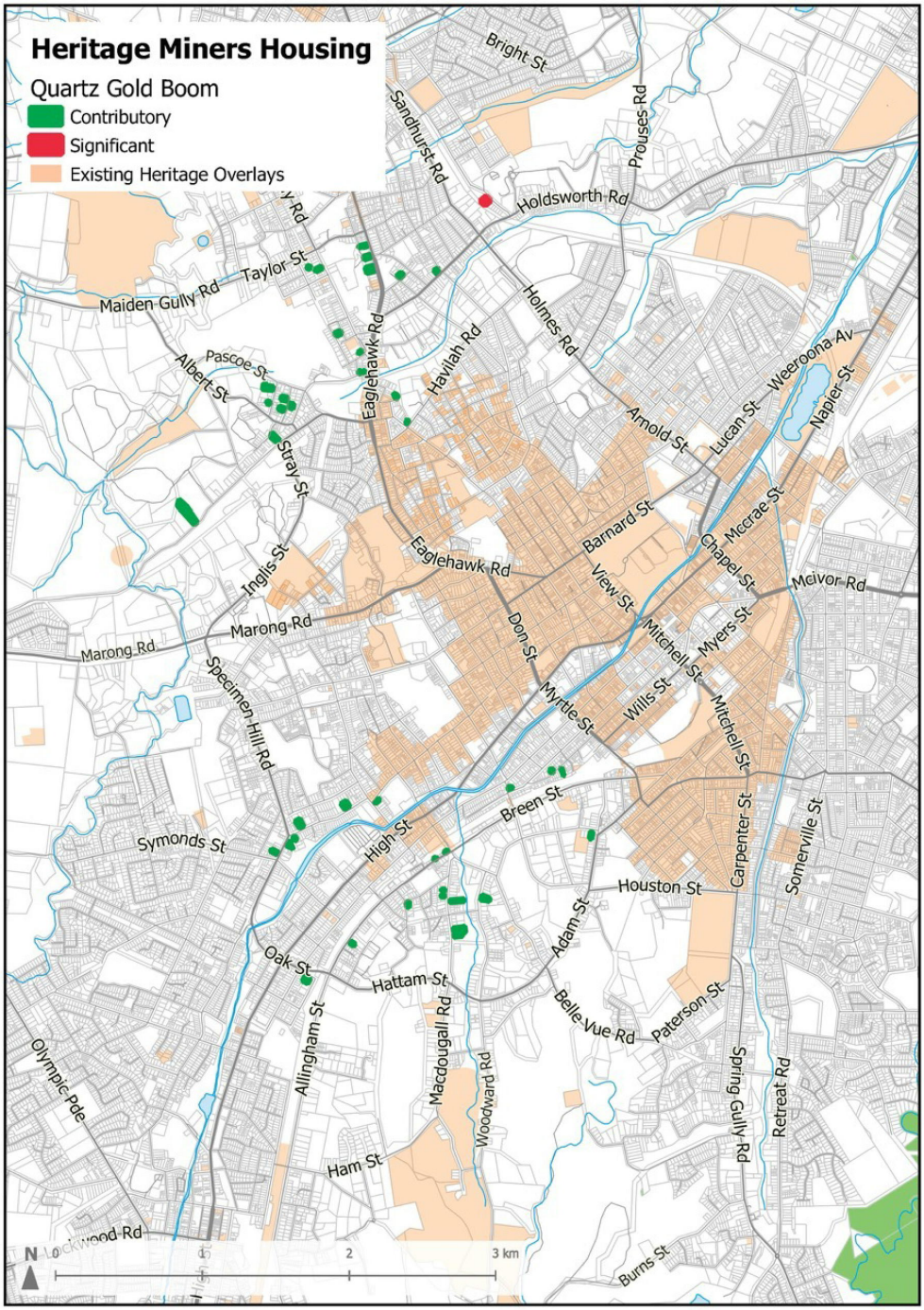
255	Eaglehawk Rd	Long Gully	Contributory
263	Eaglehawk Rd	Long Gully	Contributory
9	Grant St	Long Gully	Contributory
14	Gundry St	Long Gully	Contributory
31	Holdsworth Rd	Long Gully	Contributory
2	Hollow St	Golden Square	Contributory
15	Jackson St	Long Gully	Contributory
200	King St	Bendigo	Contributory
189	King St	Bendigo	Contributory
8	Laurel St	Golden Square	Contributory
16	Macdougall Rd	Golden Square	Contributory
25	Macdougall Rd	Golden Square	Contributory
45	Macdougall Rd	Golden Square	Contributory
20	Macdougall Rd	Golden Square	Contributory
41	Macdougall Rd	Golden Square	Contributory
64	Mackenzie St West	Golden Square	Contributory
67	Mackenzie St West	Golden Square	Contributory
14	Mackenzie St West	Golden Square	Contributory
16	Mackenzie St West	Golden Square	Contributory
44	Mackenzie St West	Golden Square	Contributory
65	Mackenzie St West	Golden Square	Contributory
30	Maple St	Golden Square	Contributory
26	Oak St	Golden Square	Contributory
36	Sparrowhawk Rd	Long Gully	Contributory
94	Sparrowhawk Rd	West Bendigo	Contributory
4	Thistle St	Bendigo	Contributory

95	Upper California Gully Rd	Long Gully	Contributory
6	Walker St	Long Gully	Contributory
7	Walker St	Long Gully	Contributory
12	Walker St	Long Gully	Contributory
20	Wallan St	Long Gully	Contributory
344	Woodward Rd	Golden Square	Contributory

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Greater Bendigo Planning Scheme:

External Paint Colours Is a permit required to paint an already painted surface?	NO
Internal Alteration Controls Is a permit required for internal alterations?	NO
Tree Controls Is a permit required to remove a tree?	YES Mature peppercorns at 26 Oak Street and 9 Grant Street
Victorian Heritage Register Is the place included on the Victorian Heritage Register?	NO
Outbuildings and fences exemptions Are there outbuildings and fences which are not exempt from notice and review?	NO
Prohibited uses may be permitted Can a permit be granted to use the place for a use which would otherwise be prohibited?	NO
Aboriginal Heritage Place Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	NO

4.4.8 Map


Heritage Miners Housing
Quartz Gold Boom
Contributory
Significant
Existing Heritage Overlays
Bright St
Sandhurst Rd
Prouses Rd
Holdsworth Rd
Taylor St
Maiden Gully Rd
Holmes Rd
Pascoe St
Albert St
Eaglehawk Rd
Havilah Rd
Weeroona Av
Napier St
Arnold St
Lucan St
Stray St
Barnard St
Mccrae St
Chapel St
Inglis St
Eaglehawk Rd
View St
Meivor Rd
Marong Rd
Marong Rd
Don St
Mitchell St
Myers St
Specimen Hill Rd
Myrtle St
Wills St
Mitchell St
Breen St
Symonds St
High St
Carpenter St
Somerville St
Houston St
Adam St
Oak St
Hattam St
Belle Vue Rd
Paterson St
Olympic Pde
Allingham St
Macdougall Rd
Woodward Rd
Spring Gully Rd
Retreat Rd
Ham St
Burns St
N
0
1
2
3 km

4.4.9 References

- *Eaglehawk and Bendigo Heritage Study, 1993,* Graeme Butler & Assoc.
- *Former Shire of Marong Heritage Studies,* 1994 and 1999, Andrew Ward & Assoc; and reviewed by the *Heritage Policy Citations Review*, 2011, Lovell Chen
- *Former Shires of McIvor and Strathfieldsaye, Heathcote-Strathfieldsaye Heritage Study*: *Stage 1*, 2002, Earthtech
- *Former Shires of McIvor and Strathfieldsaye Heritage Study: Stage 2*, 2010, Context Pty Ltd.
- *Ironbark Heritage Study*, 2011, Mandy Jean
- *Greater Bendigo Thematic Environmental History, Overview Report and Aboriginal History,* Lovell Chen, 2013
- *White Hills and East Bendigo Heritage Study Stage 1*, Bendigo Hospital Area, 2014, Lovell Chen
- *White Hills and East Bendigo Heritage Study Stage 2*, Ascot, Bendigo, East and North Bendigo Epsom and White Hills, 2016, 2 vols, Context Pty Ltd:
- *The Miners' Cottage Gap Study'*, 2017/18, Minerva Heritage
- *Golden Square Heritage Study Stage 1 Chronological and Thematic History*, 2019, Dr. Robyn Ballinger
- *City of Greater Bendigo Heritage Gap Analysis*, 2019 Landmark Heritage Pty Ltd with David Helms
- *Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing*, 2020, Amanda Jean and Charles Fahey

4.5 Workers and Mine Speculators' Houses

Prepared by: Trethowan Architecture

Address

6 Allingham St, Golden Square; 390 Barnard St, Ironbark; 67, 72 Bennett St, Long Gully; 75, 90, 95 Booth St, Golden Square; 46, 56 Breen St, Quarry Hill; 106 Chum St, Golden Square; 22 Davey Close, Flora Hill; 205, 208, 267 Eaglehawk Rd Long Gully; 5 Grant St Long Gully; 15 Holdsworth Rd Long Gully; 57, 59, 63, 67 Jackson St Long Gully; 176, 187, 144, 145, 185, 192, 194, 207, 219, 222, 194A King St, Bendigo; 64, 70 Lily St Bendigo; 4, 5, 15, 21, 22, 29, 34 Macdougall Rd Golden Square; 14, 20 Maple St Golden Square; 58, 62, 66 Old High St Golden Square; 40, 64 Sparrowhawk Rd West Bendigo; 17 Wade Lane Golden Square; 26 Wallan St, Long Gully.

Name: Workers and Mine Speculators' Cottages	**Survey Date:** March 2021
Place Type: Residential	**Architects:** Unknown
Grading: Significant (Serial Listing)	**Builders:** Unknown
Extent of Overlay: See precinct map	**Construction Range:** 1890s



4.5.1 Historical Context

The following historical background is extracted and adapted from *Ironbark Heritage Study* (2010) Volume 1 and the *Evolution of Housing on the Bendigo Goldfields* (2020).

The Bendigo Goldfields

The majority of the Bendigo goldfields evolved geologically in the 38 north-south anticline lines of reef that lay from Bendigo East to Kangaroo Flat. Gullies and dry creeks cut across the ridges in a west to easterly direction, flowing into the Bendigo Creek, which flows across the gravel plains of Epsom, a former shallow sea in the north, and thence into the Campaspe River, a tributary of the Murray River. The area was covered by dense Box-Ironbark forests and woodlands and was the traditional lands of the indigenous Dja Dja Wurrung people who had managed the lands according to traditional knowledge and culture for many thousands of years. Following the annexation of the land by the British Crown, the Crown granted a pastoral lease for grazing stock to pastoralists

Stewart and Gibson in 1848.[25] Following the discovery of gold in the area in 1851, thousands of gold diggers rushed to the area from all corners of the world. The Government managed access to land by these new kinds of colonists through the issue of mining leases. Mining leases, pastoral leases and Indigenous native title rights are now acknowledged to co-exist over Crown Land, but at the time the Indigenous Australians were pushed to the margins of society and their rights were not recognised.

The Bendigo gold fields, commenced in 1851, continued over the next 153 years through times of boom, decline, revival and stagnation. The last underground historic mine closed in 1954 with continued production locally. The Bendigo Goldfields is Australia's second largest in terms of historical production after Western Australia's Golden Mile (Boulder, Kalgoorlie).[26] It produced the largest amount of gold of any field in Eastern Australia and retains the largest evidence of its mining past within the inner city area. The history of mining shaped and created Bendigo. It left a chaotic industrial landscape which was in a state of perpetual flux with seemingly random, scattered, small and often very isolated settlements of people across a wide area.[27]

In 1854 the character of the city of Bendigo (Sandhurst) changed from a collection of irregular diggings on Crown Land to a central town when the area that is now central Bendigo was surveyed by government surveyor, Richard Larritt. A government camp was established and the geometric grid layout of the town was laid out, streets surveyed and land auctioned for sale under Torrens Title. The primary factor governing settlement in the broader area, however, was mining. It was to the outer gullies and creeks within the watershed of Bendigo Creek where the alluvial miners first worked.[28] By mid 1852 more than 4,000 diggers were arriving each week, until over 40,000 miners had arrived in the space of a few years. Tent settlements were established in 1851-2 by 'diggers' intent on finding the available alluvial gold.[29] By 1861 the entire Sandhurst mining district had 41,000 people spread through a score of small mining settlements. But the majority of the goldfields remained temporary and transitional in nature with haphazard settlements and roads. Other times, lack of water drove the miners on, leaving behind Crown Land that had been dug up, trees cleared, dry gullies clogged up and a wasteland created.[30] It left a legacy of large tracts of Crown Land former mine sites that encircle the city and penetrate deep within it. It is these Crown Lands and National parks in which the Dja Dja Wurrung native title interests are now recognized.

By the end of 1850s miners were experimenting with steam powered mills as well as crushers and open cut mining. More extensively than elsewhere, Bendigo miners used puddling machines. By mid 1854 there were 1,500 machines. Attention was also turning to the mining of quartz reefs and steam powered machinery for mining was being set up as early as 1855. Supporting the miners were small foundries and accompanying this phase of mining came the building of more substantial buildings. Towards the end of the 1860s the dominance of the alluvial miner was drawing to a close and by 1868 there were 4,000 alluvial miners and 3,000 quartz reef miners in Bendigo. The success of the deep shafts had grown on Hustlers Reef and Victoria Reef with associated small crushing works. The reef miners turned to steam driven crushing machines, larger mining companies were employing bigger work forces.

In the early 1860s Bendigo's mining boom was marked by the formation of hundreds of companies. As technology and mine administration improved, so did the confidence of investors. Larger steam plants and winding engines were installed so the mines could be worked at greater depth and also control ground water inflow. Another mining boom was in full swing in 1871 and boosted the establishment of foundries and engineering works. In a two-year period, over one thousand new mining companies were floated with thousands of small mining leases. A frenzy of buying and selling shares occurred at the Beehive Mining Exchange. The boom soon burst, but some mines continued to operate by digging deeper into the reefs. In the early 1870s companies built up a paid work force and mining became the staple form of male employment in Bendigo. With capitalized works, the floating population of diggers diminished. Company mining altered the social structure of Bendigo. It established a new class of investors. Mining had created distinctly working class

[25] Ravenswood Homestead, Heritage Victoria, http://vhd.heritage.vic.gov.au/places/heritage/967
[26] Bendigo Mining for a summary of the history of mining to the present see website for Bendigo Mining http://www.bmnl.com.au/safety_environment/community_relations/gold_mining/bendigo_goldfield_history.htm
[27] Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History 1993
[28] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[29] Ballinger, Robyn, *Ironbark Hill Precinct Report,* City of Greater Bendigo, October 2005
[30] Ibid

areas in town that housed the waged miners, which was separated from the wealthy socially as well as geographically.[31]

The boom of the late 1860s and early 1870s was over by 1873 but until the early 1890s mining remained central to the Bendigo economy. The town was untidy, disordered, brash and with conflicting land uses right in the heart of the city.[32] The early ethnic mining groups were overlaid by new social divisions of wealth and power.[33] A wider range of housing appeared during the 1870-80s. On some hills an elite suburbia emerged. The pattern of segregation was often a product of topography, between high and low land. The elite found on hill tops and the cottages in low lying gullies. Public streets were planted with trees. There were a few well known mine investors and owners, who built alongside their mines such as Lazarus and Lansell.

At the beginning of the 20th century mines were still a major employer in Bendigo but the self-image of Bendigo was changing to one of a garden city with a fine climate.[34] By the 1890s architects who had reaped lucrative public contracts in the 1870s and 1880s turned to working for private clients bringing their own international style to Bendigo.

Mining declined from the early years of the twentieth century. In 1917 the majority of surviving mines were amalgamated with operations ceasing in 1923. Gold mining revived in 1930s when as many as 1,500 men worked in the alluvial mining and cyaniding. The old tailings and battery sands were re-worked by about thirty cyanide plants, employing 300 men.[35] Bendigo Mines Ltd began an extensive mining program on the Nell Gwynne, Napoleon and Carshalton lines of reef. Mines such as Royal George, Moonta and Central Nell Gwynne operated throughout this period but with little success. In contrast, the Central Deborah Mine started production in 1939 and continued until 1954.[36]

Miners Residence Areas

All miners who built their homes on mining land were holders of a Miner's Right. This right entitled them to take out a lease for a Residence Area on mining land and build a home. The Miner's Right was an exclusive right that authorized certain rights and privileges and entitlements of the holder in the 'waste land' over which the British Crown claimed ownership. The Miner's Right only applied to auriferous land or 'waste land' that had been reserved by the British Crown as public land for its potential to yield gold. The holder of a Miner's Right did not need to be an applicant or holder of a lease for a mining tenement, that is, be an owner of a license for gold mining production. The Miner's Right was unique in the world. The miner's right of the Californian goldfields was not a legal document such as this.

All miners' houses were built by holders of a Miner's Right on auriferous land, that is land that was reserved as goldfields' commons by the colonial government to protect the economic resources of the Crown. Gold belonged to the Crown. The goldfields' commons introduced an ancient land management system from England. Bendigo had the largest goldfields commons in Victoria, covering 318.569 square kilometres that was potentially available for housing.

There were other types of commons such as town commons and farmer's commons among others. The goldfields' commons were specifically located on auriferous land and were controlled by the Courts of Mines and Warden's Courts (and after 1898 by the Department of Mines), that sat in each of the six or eight declared mining district jurisdictions. The Mine Wardens and Mining Board members were elected by the miners from the Bendigo Mining district. They judicated over the series of Mines and Residence Area Acts according to local circumstances and conditions.

These auriferous lands served to accommodate thousands of newly arrived migrant miners and their families during the 1870s quartz boom outside township surveyed areas.

The management of the Mines and Residence Area Acts did not extend to investment into public health, sanitation, rehabilitation of contaminated mines sites or road services. The mining areas were outside the jurisdiction of local municipal and borough councils. Closure of the gold mines

[31] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[32] Ibid p 30
[33] Ibid p. 34
[34] Ibid p.48
[35] Cusack, F. *Bendigo a history*, revised edition, 2002, Lerk & McClure, 2002, p.244
[36] Eaglehawk and Bendigo Heritage Study Significant Mining Areas and Sites Repo, Vol 3 pp.123-235

meant the land was abandoned and became waste lands. Many miners relocated their houses elsewhere.

The opening up of licenses on auriferous lands through the 1890s Mines Act allowed other industries to operate on Crown Land, near an available work force that was housed under the Miner's Right license. The Warden's Courts encouraged the purchase and conversion of Residence Areas to freehold title since the 1856 Mines Act, but particularly after the Mines Act 1892. Disposal of land for private sale was sporadic, unregulated and haphazard. It meant irregular shaped freehold titles were located in the midst of mining areas, often for over a century. The lots remained un-serviced and without formal roads until gradually incremental infill development and land sales transformed some areas during the 20th and 21st centuries.

4.5.2 History of Workers and Mine Speculators' Houses

A revival in the quartz mining operations during the 1890s led to a mining boom in Bendigo. The associated Mines Act, 1890, and Mines Act, 1892, had an important impact on the development of housing across the goldfields' commons, mining land of the greater Bendigo area. In 1891 there were 2,400 Residence Areas with associated miners' houses. The Mines Act,1892, which upheld the right of the Crown to ownership of minerals on all lands, meant that sale of Crown land for private ownership was now actively encouraged. It could be alienated without the Crown losing ownership of the minerals beneath the soil. In addition, the Act negated the power of mining officials to cancel Residence Areas for the purpose of mining operations.

The 1890 and 1897 Mines Acts permitted residency areas to be leased by non-miners, in effect opening up abandoned or unused mining land to development. Conversion of the land to freehold title was encouraged. Certainty of tenure, cheap land and growth of the middle class led to a boom in housing construction at a time when the rest of Victoria was experiencing economic depression. The strong local building construction industry, presence of a large number of prominent émigré architectural firms, production of pattern books and activity of building societies such as the early Bendigo Building Society/Bank which provided mortgages for prospective property owners, all led to a renewed optimism in house construction with the popularity of decorative styles. Many houses now had five to six or even eight rooms. The designs were more elaborate with intricate decorative detailing, and complex roof forms and large gardens.

The more sophisticated occupational structure that emerged with a mature mining community required the services of a range of unskilled workers and tradesmen. The late expansion of the Residence Area on auriferous land included non-miners, that is manual and skilled workers and women holders of crown land. The Mines Act, 1897, considerably reduced annual fees of the Residence Areas and the Mines Act, 1910, permitted the transfer of Residence Areas to widows whose husbands had died intestate and without probate, to continue occupation and furthermore permit inheritance of these places. The consequence of these acts ensured the continued availability of cheap housing for workers. It also provided full security of land occupation resulting in increased investment in house construction and gradual conversion to freehold title. The evolution of the insecure miner's right to a more permanent miner's residence area, which by the mid-1880s provided all the benefits of freehold, led to the construction of grander bigger homes by the 1890s.

The larger decorative cottages readily associated with the Worker and Mine Speculators' typology are associated with numerous mining areas across the city. In general terms Workers and Mine Speculator houses are:

- Associated with the Mines Act 1890, Mines Act 1892, Mines Act 1897 and Mines Act 1910
- Closely aligned with the late expansion of the Residence Area that opened auriferous land for habitation to non-miners, manual and skilled workers and women holders of Crown land leases in the 1890s

4.5.3 Description and Integrity

All Miners' Housing

Despite the variety of built form associated with miners' houses there are a number of similarities across the miners' houses constructed in Bendigo through the nineteenth century. They are all located within former mining settlements and communities, tied to the geology of the place and former gold mines, associated with peak periods of activity of these mining areas. Very few of the houses are perfectly intact to the period of original construction due to chances in the Mines Acts, mining cycles and the freedom to make improvements over the long period of time. Miners cottages are often surrounded by unrelated buildings and do not always form cohesive visual precincts. The original quarter acre blocks of the Miner's Residency areas have often been subdivided and sometimes cottages were relocated. However they are recognisably of common typological form and materiality, relating to the specific periods of historical association.

Workers and Mine Speculators' Houses

These houses were often larger houses of 5-8 rooms sometimes set in large gardens. Materials continued to be chiefly weatherboard walls and corrugated metal roofs with internal chimneys, but with more complex roof forms comprising combinations of hip or gable forms, more ornate verandahs and decorative detailing such as timber verandah details, corbel courses, friezes or polychrome brick chimney crowns. Rear additions or extensions were common, whether in skillion or hipped roof forms. The house at 176 King Street demonstrates a typical hipped roof form with a decorative front gable attached, polychrome brick chimneys, and decorative verandah. The house at 72 Bennett Street assumes an L-shaped plan with projecting gable, but with a late Victorian style return or corner verandah, bichrome brick chimney, and decorative timber gable ends. The house at 29 MacDougall Road has less common external brick chimney retained but with more elaborate Victorian period detailing added, perhaps after the original construction, to the front façade.



Figure 23. 176 King Street, Bendigo



Figure 24. 72 Bennett Street, Bendigo



Figure 25. 29 MacDougall Road, Golden Square

4.5.4 Comparative Analysis

As a grouping, the workers and mine speculators' houses can be compared to those in other Victorian era precincts such as those at Golden Square (HO24), Victoria Hill Mining & Residential Area (HO26) Calder Highway, and Bannerman Street (HO841). The house at 91 Marong Road, Bendigo for example is graded contributory within HO26. It demonstrates similar combination of more complex roof forms including decorative front gable, timber frieze, ornate verandah, but continues to express the simplicity and relatively scale of a miners cottage. The house at 5 Beech Street is contributory within HO24 and demonstrates typical mining cottage form with L-shaped plan and projecting gable with decorative gable end, Edwardian style decorations such as the timber window hood and verandah posts, with less typical external chimneys. Comparable to many of the miners' houses, the house at 5 Beech Street appears to have been constructed in phases over distinct historical periods.



Figure 26. 91 Marong Road, Bendigo. Source: Google Maps 2021.



Figure 27. 5 Beech Street, Bendigo. Google Maps 2021.

4.5.5 Assessment Against Criteria

Criteria referred to in Planning Practice Note 1: Applying the Heritage Overlay, Department of Environment, Land, Water and Planning, revised August 2018, modified for the local context.

Criterion A: Importance to the course or pattern of the City of Greater Bendigo's cultural or natural history (historical significance)

The miners' houses on former mines lands in the Bendigo area are historically significant during a transition period of the 1890s when former miner's residency areas were opened up to other occupations. Newly built houses demonstrate the way in which design, fabric and decorative embellishments reflected the evolving status of the owners in a mature mining era.

The miners' houses have historic significance associated with the Mines Act, 1890, Mines Act, 1892, Mines Act, 1897, and the Mines Act, 1910, which ensured the availablity of cheap housing for workers. It also provided full security of land occupation resulting in increased investment in larger more opulent house construction and the gradual conversion of many of the former mining lands to freehold title.

Criterion B: Possession of uncommon, rare, or endangered aspects of the City of Greater Bendigo's cultural or natural history (rarity).

N/A

Criterion C: Potential to yield information that will contribute to an understanding of the City of Greater Bendigo's cultural or natural history (research potential).
N/A

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

The later miners' houses located on the former Bendigo goldfields' commons, auriferous or mining lands, in the greater Bendigo area have representative significance as they provide a remarkable record of the development of mass social housing on a large scale during the 19th century. The Mines Acts of 1890, 1897 and 1910 introduced a complexity to the Residency Areas that resulted in different attributes to the miners' houses. The diversification of the mining policy with regard to disposal of wasteland, abandoned mining lands, permitted new opportunities for the private individual in outer areas of Bendigo that enabled a transition to working class and middleclass suburbs, and also created a rare mix of housing types.

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

The later miners' houses located on the former Bendigo goldfields' commons, auriferous or mining lands, in the greater Bendigo area have representative and aesthetic significance as they provide a record of the development of mass social housing on a large scale during the 19th century. The legacy of different housing designs and features have aesthetic significance in demonstrating the rich diversity of working-class miners' housing, a key feature of the Victorian 19th century goldfields. These later periods of the Victorian miners houses demonstrate larger size than their earlier counterparts, sometimes with L-shaped plans and projecting gables, greater decorative elaboration to verandahs, gable ends, chimneys or windows.

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

N/A

Criterion G: Strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

N/A

Criterion H: Special association with the life or works of a person, or group of persons, of importance in the City of Greater Bendigo's history (associative significance).

N/A

4.5.6 Statement of Significance

What is significant?

The houses associated with the expansion of miners Residential Areas under the Mines Acts of 1890, 1897 and 1910, are significant.

Original nineteenth century attached or detached outbuildings may also contribute to the place's historical significance.

Post-war alterations and additions are not significant.

How is it Significant?

The collection of miners' houses associated with the Mines Acts,1890,1892, 1897 and 1910, on former goldfields' commons, auriferous or mining lands in the greater Bendigo area have historic, representative and aesthetic significance as well as potential to yield further knowledge at a local level to the City of Bendigo. (Criteria A, D and E).

Why is it Significant?

The miners' houses on former mines lands in the Bendigo area are historically significant during a transition period of the 1890s when former miner's residency areas were opened up to other occupations. Newly built houses demonstrate the way in which design, fabric and decorative embellishments reflected the evolving status of the owners in a mature mining era.

The miners' houses have historic significance associated with the Mines Act, 1890, Mines Act, 1892, Mines Act, 1897, and the Mines Act, 1910, which ensured the availablity of cheap housing

for workers. It also provided full security of land occupation resulting in increased investment in larger more opulent house construction and the gradual conversion of many of the former mining lands to freehold title. (Criterion A)

The later miners' houses located on the former Bendigo goldfields' commons, auriferous or mining lands, in the greater Bendigo area have representative significance as they provide a remarkable record of the development of mass social housing on a large scale during the 19th century. The Mines Acts of 1890, 1897 and 1910 introduced a complexity to the Residency Areas that resulted in different attributes to the miners' houses. The diversification of the mining policy with regard to disposal of wasteland, abandoned mining lands, permitted new opportunities for the private individual in areas of Bendigo that enabled a transition to working class and middleclass suburbs, and also created a rare mix of housing types. (Criterion D)

The later miners' houses located on the former Bendigo goldfields' commons, auriferous or mining lands, in the greater Bendigo area have representative and aesthetic significance as they provide a remarkable record of the development of mass social housing on a large scale during the 19th century. The legacy of different housing designs and features have aesthetic significance in demonstrating the rich diversity of working-class miners' housing, a key feature of the Victorian 19th century goldfields. While many of the period continued the tradition of the square hipped roof cottage, they were often larger and assumed greater elaborate detailing, and.or L-shaped plans with projecting gables, decorative gable ends, chimneys, doors or windows. (Criterion E)

4.5.7 Gradings and Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Greater Bendigo Planning Scheme as a serial listing.

Number	Street	Suburb	Grading
6	Allingham St	Golden Square	Contributory
390	Barnard St	Ironbark	Contributory
67	Bennett St	Long Gully	Contributory
72	Bennett St	Long Gully	Contributory
90	Booth St	Golden Square	Contributory
75	Booth St	Golden Square	Contributory
95	Booth St	Golden Square	Contributory
46	Breen St	Quarry Hill	Contributory
56	Breen St	Quarry Hill	Contributory
106	Chum St	Golden Square	Contributory
22	Davey Close	Flora Hill	Contributory
205	Eaglehawk Rd	Long Gully	Contributory
208	Eaglehawk Rd	Long Gully	Contributory
267	Eaglehawk Rd	Long Gully	Contributory
5	Grant St	Long Gully	Contributory

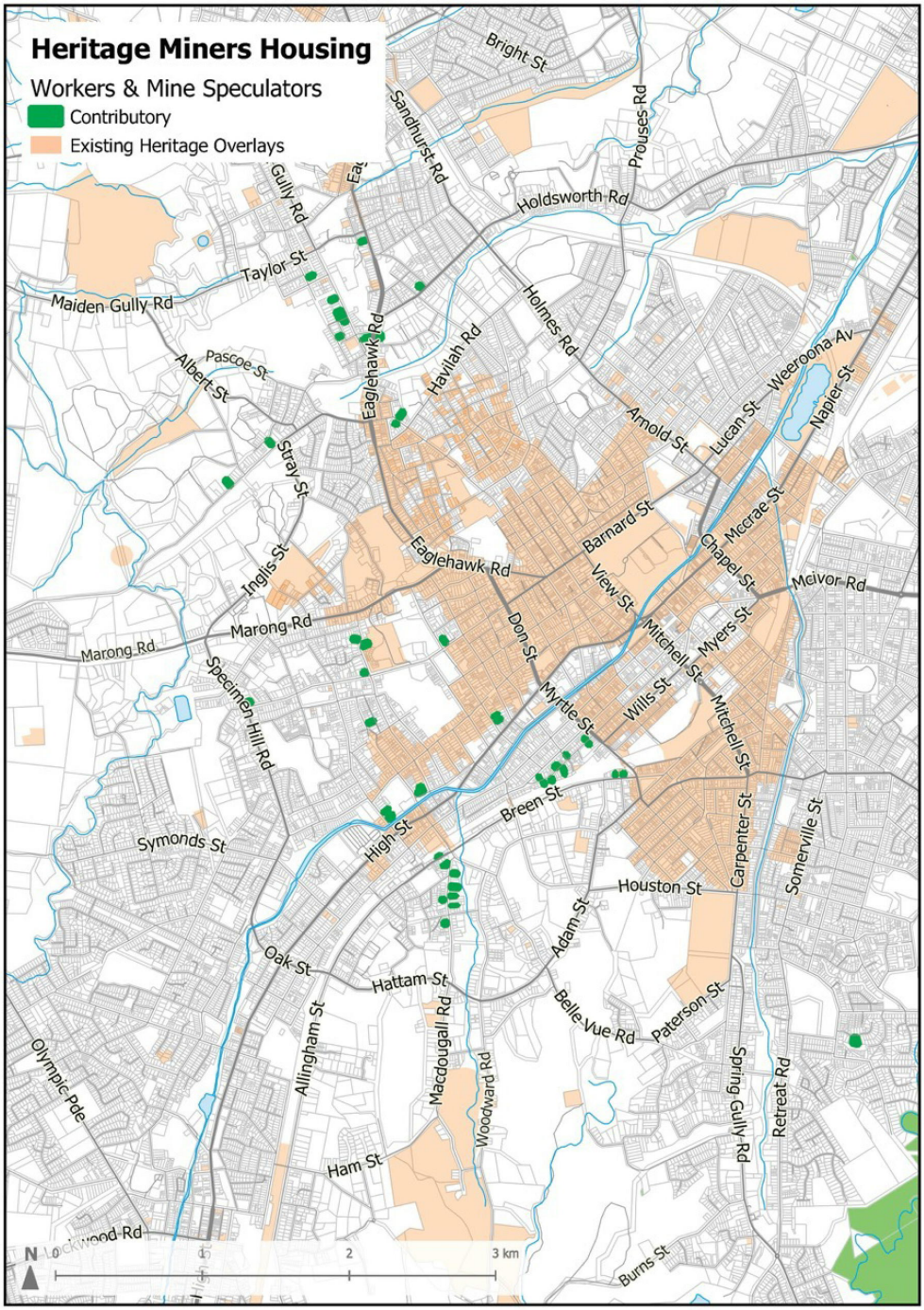
15	Holdsworth Rd	Long Gully	Contributory
67	Jackson St	Long Gully	Contributory
57	Jackson St	Long Gully	Contributory
59	Jackson St	Long Gully	Contributory
63	Jackson St	Long Gully	Contributory
176	King St	Bendigo	Contributory
187	King St	Bendigo	Contributory
144	King St	Bendigo	Contributory
145	King St	Bendigo	Contributory
185	King St	Bendigo	Contributory
192	King St	Bendigo	Contributory
194	King St	Bendigo	Contributory
207	King St	Bendigo	Contributory
219	King St	Bendigo	Contributory
222	King St	Bendigo	Contributory
194A	King St	Bendigo	Contributory
64	Lily St	Bendigo	Contributory
70	Lily St	Bendigo	Contributory
4	Macdougall Rd	Golden Square	Contributory
5	Macdougall Rd	Golden Square	Contributory
15	Macdougall Rd	Golden Square	Contributory
21	Macdougall Rd	Golden Square	Contributory
22	Macdougall Rd	Golden Square	Contributory
29	Macdougall Rd	Golden Square	Contributory
34	Macdougall Rd	Golden Square	Contributory
14	Maple St	Golden Square	Contributory
20	Maple St	Golden Square	Contributory
66	Old High St	Golden Square	Contributory

58	Old High St	Golden Square	Contributory
62	Old High St	Golden Square	Contributory
40	Sparrowhawk Rd	Long Gully	Contributory
64	Sparrowhawk Rd	West Bendigo	Contributory
17	Wade Lane	Golden Square	Contributory
26	Wallan St	Long Gully	Contributory

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Greater Bendigo Planning Scheme:

External Paint Colours Is a permit required to paint an already painted surface?	NO
Internal Alteration Controls Is a permit required for internal alterations?	NO
Tree Controls Is a permit required to remove a tree?	NO
Victorian Heritage Register Is the place included on the Victorian Heritage Register?	NO
Outbuildings and fences exemptions Are there outbuildings and fences which are not exempt from notice and review?	NO
Prohibited uses may be permitted Can a permit be granted to use the place for a use which would otherwise be prohibited?	NO
Aboriginal Heritage Place Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	NO

4.5.8 Map


Heritage Miners Housing
Workers & Mine Speculators
Contributory
Existing Heritage Overlays
Bright St
Sandhurst Rd
Prouses Rd
Holdsworth Rd
Gully Rd
Taylor St
Maiden Gully Rd
Pascoe St
Albert St
Eaglehawk Rd
Havilah Rd
Holmes Rd
Arnold St
Lucan St
Weeroona Av
Napier St
Stray St
Inglis St
Barnard St
Mccrae St
Chapel St
Meivor Rd
View St
Don St
Mitchell St
Myers St
Marong Rd
Specimen Hill Rd
Myrtle St
Wills St
Breen St
High St
Symonds St
Houston St
Carpenter St
Somerville St
Adam St
Oak St
Hattam St
Belle Vue Rd
Paterson St
Olympic Pde
Allingham St
Macdougall Rd
Woodward Rd
Spring Gully Rd
Retreat Rd
Ham St
Burns St
N
0
1
2
3 km

4.5.9 References

- *Eaglehawk and Bendigo Heritage Study, 1993,* Graeme Butler & Assoc.
- *Former Shire of Marong Heritage Studies, 1994 and 1999,* Andrew Ward & Assoc; *and reviewed by the Heritage Policy Citations Review, 2011,* Lovell Chen
- *Former Shires of McIvor and Strathfieldsaye, Heathcote-Strathfieldsaye Heritage Study: Stage 1, 2002,* Earthtech
- *Former Shires of McIvor and Strathfieldsaye Heritage Study: Stage 2, 2010,* Context Pty Ltd.
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- *Greater Bendigo Thematic Environmental History, Overview Report and Aboriginal History,* Lovell Chen, 2013
- *White Hills and East Bendigo Heritage Study Stage 1, Bendigo Hospital Area, 2014,* Lovell Chen
- *White Hills and East Bendigo Heritage Study Stage 2, Ascot, Bendigo, East and North Bendigo Epsom and White Hills, 2016, 2 vols,* Context Pty Ltd
- *The Miners' Cottage Gap Study', 2017/18,* Minerva Heritage
- *Golden Square Heritage Study Stage 1 Chronological and Thematic History, 2019,* Dr. Robyn Ballinger
- *City of Greater Bendigo Heritage Gap Analysis, 2019* Landmark Heritage Pty Ltd with David Helms
- *Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing, 2020,* Amanda Jean and Charles Fahey

4.6 Quartz Reefers' Houses

Prepared by: Trethowan Architecture

Address

83 Adam St, Quarry Hill; 64 Breen St, Quarry Hill; 245 Eaglehawk Rd, Long Gully; 100 Holmes Rd, North Bendigo; 15 Joseph St, Bendigo; 118 Macdougall Rd, Golden Gully, 12 Mackenzie St West.

Name: Quartz Reefers' Houses	**Survey Date:** March 2021
Place Type: Residential	**Architects:** unknown
Grading: Significant	**Builders:** unknown
Extent of Overlay: See precinct map	**Construction Range:** 1850-1900



4.6.1 Historical Context

The following historical background is extracted and adapted from *Ironbark Heritage Study* (2010) Volume 1 and the *Evolution of Housing on the Bendigo Goldfields* (2020).

The Bendigo Goldfields

The majority of the Bendigo goldfields evolved geologically in the 38 north-south anticline lines of reef that lay from Bendigo East to Kangaroo Flat. Gullies and dry creeks cut across the ridges in a west to easterly direction, flowing into the Bendigo Creek, which flows across the gravel plains of Epsom, a former shallow sea in the north, and thence into the Campaspe River, a tributary of the Murray River. The area was covered by dense Box-Ironbark forests and woodlands and was the traditional lands of the indigenous Dja Dja Wurrung people who had managed the lands according to traditional knowledge and culture for many thousands of years. Following the annexation of the

land by the British Crown, the Crown granted a pastoral lease for grazing stock to pastoralists Stewart and Gibson in 1848.[37] Following the discovery of gold in the area in 1851, thousands of gold diggers rushed to the area from all corners of the world. The Government managed access to land by these new kinds of colonists through the issue of mining leases. Mining leases, pastoral leases and Indigenous native title rights are now acknowledged to co-exist over Crown Land, but at the time the Indigenous Australians were pushed to the margins of society and their rights were not recognised.

The Bendigo gold fields, commenced in 1851, continued over the next 153 years through times of boom, decline, revival and stagnation. The last underground historic mine closed in 1954 with continued production locally. The Bendigo Goldfields is Australia's second largest in terms of historical production after Western Australia's Golden Mile (Boulder, Kalgoorlie).[38] It produced the largest amount of gold of any field in Eastern Australia and retains the largest evidence of its mining past within the inner city area. The history of mining shaped and created Bendigo. It left a chaotic industrial landscape which was in a state of perpetual flux with seemingly random, scattered, small and often very isolated settlements of people across a wide area.[39]

In 1854 the character of the city of Bendigo (Sandhurst) changed from a collection of irregular diggings on Crown Land to a central town when the area that is now central Bendigo was surveyed by government surveyor, Richard Larritt. A government camp was established and the geometric grid layout of the town was laid out, streets surveyed and land auctioned for sale under Torrens Title. The primary factor governing settlement in the broader area, however, was mining. It was to the outer gullies and creeks within the watershed of Bendigo Creek where the alluvial miners first worked.[40] By mid 1852 more than 4,000 diggers were arriving each week, until over 40,000 miners had arrived in the space of a few years. Tent settlements were established in 1851-2 by 'diggers' intent on finding the available alluvial gold.[41] By 1861 the entire Sandhurst mining district had 41,000 people spread through a score of small mining settlements. But the majority of the goldfields remained temporary and transitional in nature with haphazard settlements and roads. Other times, lack of water drove the miners on, leaving behind Crown Land that had been dug up, trees cleared, dry gullies clogged up and a wasteland created.[42] It left a legacy of large tracts of Crown Land former mine sites that encircle the city and penetrate deep within it. It is these Crown Lands and National parks in which the Dja Dja Wurrung native title interests are now recognized.

By the end of 1850s miners were experimenting with steam powered mills as well as crushers and open cut mining. More extensively than elsewhere, Bendigo miners used puddling machines. By mid 1854 there were 1,500 machines. Attention was also turning to the mining of quartz reefs and steam powered machinery for mining was being set up as early as 1855. Supporting the miners were small foundries and accompanying this phase of mining came the building of more substantial buildings. Towards the end of the 1860s the dominance of the alluvial miner was drawing to a close and by 1868 there were 4,000 alluvial miners and 3,000 quartz reef miners in Bendigo. The success of the deep shafts had grown on Hustlers Reef and Victoria Reef with associated small crushing works. The reef miners turned to steam driven crushing machines, larger mining companies were employing bigger work forces.

In the early 1860s Bendigo's mining boom was marked by the formation of hundreds of companies. As technology and mine administration improved, so did the confidence of investors. Larger steam plants and winding engines were installed so the mines could be worked at greater depth and also control ground water inflow. Another mining boom was in full swing in 1871 and boosted the establishment of foundries and engineering works. In a two-year period, over one thousand new mining companies were floated with thousands of small mining leases. A frenzy of buying and selling shares occurred at the Beehive Mining Exchange. The boom soon burst, but some mines continued to operate by digging deeper into the reefs. In the early 1870s companies built up a paid work force and mining became the staple form of male employment in Bendigo. With capitalized works, the floating population of diggers diminished. Company mining altered the social structure

[37] Ravenswood Homestead, Heritage Victoria, http://vhd.heritage.vic.gov.au/places/heritage/967
[38] Bendigo Mining for a summary of the history of mining to the present see website for Bendigo Mining http://www.bmnl.com.au/safety_environment/community_relations/gold_mining/bendigo_goldfield_history.htm
[39] Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History 1993
[40] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[41] Ballinger, Robyn, *Ironbark Hill Precinct Report,* City of Greater Bendigo, October 2005
[42] Ibid



of Bendigo. It established a new class of investors. Mining had created distinctly working class areas in town that housed the waged miners, which was separated from the wealthy socially as well as geographically.[43]

The boom of the late 1860s and early 1870s was over by 1873 but until the early 1890s mining remained central to the Bendigo economy. The town was untidy, disordered, brash and with conflicting land uses right in the heart of the city.[44] The early ethnic mining groups were overlaid by new social divisions of wealth and power.[45] A wider range of housing appeared during the 1870-80s. On some hills an elite suburbia emerged. The pattern of segregation was often a product of topography, between high and low land. The elite found on hill tops and the cottages in low lying gullies. Public streets were planted with trees. There were a few well known mine investors and owners, who built alongside their mines such as Lazarus and Lansell.

At the beginning of the 20th century mines were still a major employer in Bendigo but the self-image of Bendigo was changing to one of a garden city with a fine climate.[46] By the 1890s architects who had reaped lucrative public contracts in the 1870s and 1880s turned to working for private clients bringing their own international style to Bendigo.

Mining declined from the early years of the twentieth century. In 1917 the majority of surviving mines were amalgamated with operations ceasing in 1923. Gold mining revived in 1930s when as many as 1,500 men worked in the alluvial mining and cyaniding. The old tailings and battery sands were re-worked by about thirty cyanide plants, employing 300 men.[47] Bendigo Mines Ltd began an extensive mining program on the Nell Gwynne, Napoleon and Carshalton lines of reef. Mines such as Royal George, Moonta and Central Nell Gwynne operated throughout this period but with little success. In contrast, the Central Deborah Mine started production in 1939 and continued until 1954.[48]

Miners Residence Areas

All miners who built their homes on mining land were holders of a Miner's Right. This right entitled them to take out a lease for a Residence Area on mining land and build a home. The Miner's Right was an exclusive right that authorized certain rights and privileges and entitlements of the holder in the 'waste land' over which the British Crown claimed ownership. The Miner's Right only applied to auriferous land or 'waste land' that had been reserved by the British Crown as public land for its potential to yield gold. The holder of a Miner's Right did not need to be an applicant or holder of a lease for a mining tenement, that is, be an owner of a license for gold mining production. The Miner's Right was unique in the world. The miner's right of the Californian goldfields was not a legal document such as this.

All miners' houses were built by holders of a Miner's Right on auriferous land, that is land that was reserved as goldfields' commons by the colonial government to protect the economic resources of the Crown. Gold belonged to the Crown. The goldfields' commons introduced an ancient land management system from England. Bendigo had the largest goldfields commons in Victoria, covering 318.569 square kilometres that was potentially available for housing.

There were other types of commons such as town commons and farmer's commons among others. The goldfields' commons were specifically located on auriferous land and were controlled by the Courts of Mines and Warden's Courts (and after 1898 by the Department of Mines), that sat in each of the six or eight declared mining district jurisdictions. The Mine Wardens and Mining Board members were elected by the miners from the Bendigo Mining district. They judicated over the series of Mines and Residence Area Acts according to local circumstances and conditions.

These auriferous lands served to accommodate thousands of newly arrived migrant miners and their families during the 1870s quartz boom outside township surveyed areas.

The management of the Mines and Residence Area Acts did not extend to investment into public health, sanitation, rehabilitation of contaminated mines sites or road services. The mining areas

[43] Butler, et al, Eaglehawk and Bendigo Heritage Study, Vol 2, Thematic History
[44] Ibid p 30
[45] Ibid p. 34
[46] Ibid p.48
[47] Cusack, F. *Bendigo a history*, revised edition, 2002, Lerk & McClure, 2002, p.244
[48] Eaglehawk and Bendigo Heritage Study Significant Mining Areas and Sites Repo, Vol 3 pp.123-235

were outside the jurisdiction of local municipal and borough councils. Closure of the gold mines meant the land was abandoned and became waste lands. Many miners relocated their houses elsewhere.

The opening up of licenses on auriferous lands through the 1890s Mines Act allowed other industries to operate on Crown Land, near an available work force that was housed under the Miner's Right license. The Warden's Courts encouraged the purchase and conversion of Residence Areas to freehold title since the 1856 Mines Act, but particularly after the Mines Act 1892. Disposal of land for private sale was sporadic, unregulated and haphazard. It meant irregular shaped freehold titles were located in the midst of mining areas, often for over a century. The lots remained un-serviced and without formal roads until gradually incremental infill development and land sales transformed some areas during the 20th and 21st centuries.

4.6.2 History of Quartz Reefers' Houses

The colonial regency styled 19th century miners' houses built by aspiring speculators and mine owners, the first mining tenement leasee, is a characteristic of the greater Bendigo area. Many of these reefers and investors built their homes near their mining tenements and mines. They took advantage of the Mines Act 1865 to convert their Miner's Rights into freehold properties. Their homes were usually built of brick or stone and are spread across the quartz mining district. The first mining tenement leasee is a most interesting feature of the Greater Bendigo goldfields. Their houses usually became the centre of smaller concentrations of miners' houses, like small settlements they grouped around the mine owner's homes, mining plant – head frames, engine houses and battery houses. The dispersed nature of the industry encouraged scattered clusters of this type of unit across the mining lands.

After mining ceased or was abandoned, the environs of the small mining communities usually became the site of noxious industries, decaying machinery, open shafts, contaminated dust blown mullock heaps and tailings. Many working miners relocated their houses, while in contrast some of the mine owners retained their homes, which slowly lost rateable value. Sometimes they became surrounded by abandoned mining land, wasteland, that became overgrown.

Quartz reefers' houses remained in isolated pockets, often in landscapes that were rehabilitated during the mid 20th century when former mining land was reclaimed for state social housing programs. A fine example is the house of Robert Lisle, a substantial house built by an early quartz reefer. In 1864 Lisle, whose house is located at 44 Belle Vue Road (HO431) was listed on the Sandhurst rate books as the rate payer of the Union Company's properties at Sheepshead Gully.

Development of these houses on Crown land emerged under an unprecedented colonial gold mining licence system and the development of Victorian mining law, which spread throughout Australia and the British colonies. In conjunction with the Miner's Rights, Residency Areas and Mines Acts of 1855 to 1910 the development of judicature in Australian and mining legislation was unique in the world. It influenced the mining landscape of Greater Bendigo, mining work practices and introduced the possibility of small scale, private mining operations and housing on Crown Land.

The grander, more decorative houses associated with the Quartz Reefers's typology are associated with numerous quartz mining areas across the city. In general terms Quartz Reefer houses are:

- Associated with the Miner's Rights 1855, and Mines Act 1865
- Demonstrative of the characteristic of greater Bendigo and the reefers, investors and more successful miners who built their homes near their mining tenements and mines across the quartz mining district and were able to convert their leases into freehold

4.6.3 Description and Integrity

Built form – Quartz Reefers' Houses

These houses could be small or large but tend to be grander in style and more decorative. In scale and decoration they stand out from the more common small scale, modest and simple miners cottages. They commonly could include Colonial regency style characteristics, encircling

verandahs, be well articulated or architecturally designed. Comprised of brick or stone, they commonly have more complex roof forms and could be built in well defined phases concurrent with the growth in wealth of the owners. The houses at 83 Adam Street, 118 Macdougall Road and 12 Mackenzie St West are built of stone, with quoining to doors and windows and corner walls. The house at 245 Eaglehawk Road, Long Gully is a high set stone and brick Colonial Revival style house with grand central entry stair. The chimneys at 83 Adam Street, and 64 Breen Street are polychrome brick with corbelled crowns. The houses at 64 Breen Street, 100 Holms Rd and 15 Joseph Street are polychrome brick. The chimneys at 15 Jospeh Street are Italianate brick and render. All the houses have front verandahs with ornate detailing, in iron or timber.



83 Adam St, Quarry Hill. Source: Trethowan Architecture.



Figure 28. 245 Eaglehawk Road, Long Gully. Source: Trethowan Architecture.



12 Mackenzie St West. Source: Trethowan Architecture.



15 Joseph St, Bendigo. Source: Trethowan Architecture.

4.6.4 Comparative Analysis

The houses can be compared to other stone and brick houses with quoin detailing and elaborate polychrome or brick and render chimneys, decorative gables and verandahs on the City of Greater Bendigo Heritage Overlay. Known mine owner or mining company houses include individually significant houses such as the house at 44 Bellevue Road, which is a Colonial Revival style brick and render house with Italianate chimneys and distinctive iron verandah. The subject properties compare favourably with other stone and brick houses within precincts. The house at 7 Bannerman Street for example is rendered brick and is graded contributory within HO841. It has an interwar porch added and a side addition, but still demonstrated the miners cottage form and scale, with more Colonial Revival massing and windows. The stone house at 257 Eaglehawk Road (HO542) is individually significant but is in a ruinous state. Of double-fronted, rubble stone construction, this house has dressed corner stones, a simple hipped corrugated iron-clad roof, two symmetrically-placed corniced chimneys and a concave-roof verandah. The verandah (ruinous) structure is timber, with corniced stop-chamfered posts, a simple timber fascia and remnant timber balustrading. The houses at 84 Adam St, 118 Macdougall Rd and 12 Mackenzie Street demonstrate similar attention to corner detailing, with the former two also demonstrating the use of stone. The house at 237 Eaglehawk Road (HO541) is individually significant and combines stone and brick, with a high set Colonial Revival style with tall hipped roof, central staircase and two chimneys. It is

comparable in terms of form, grand entry stair and setting to 245 Eaglehawk Road, though larger in scale with more elaborate detailing. The house at 79 Eaglehawk Road (HO488) is comparable in terms of scale and quoined brickwork to 64 Breen Street, but has an original concave verandah with iron lacework. In terms of quality and scale the subject houses clearly sit above the contributory graded houses such as 7 Bannerman Street typically found in precincts, and more comparable in some elements of form, materiality or detailing to these individually significant places.



Figure 29. 7 Bannerman Street, Bendigo. Source: City of Greater Bendigo.



Figure 30. 79 Eaglehawk Road, Bendigo. Source: Heritage Victoria.



Figure 31. 257 Eaglehawk Road, Bendigo. Source: Trethowan Architecture.



Figure 32. 237 Eaglehawk Road, Bendigo. Source: Heritage Victoria.

4.6.5 Assessment Against Criteria

Criteria referred to in Planning Practice Note 1: Applying the Heritage Overlay, Department of Environment, Land, Water and Planning, revised August 2018, modified for the local context.

Criterion A: Importance to the course or pattern of the City of Greater Bendigo's cultural or natural history (historical significance)

The colonial regency styled 19th century miners' houses built by aspiring speculators and quartz reefers have historic significance as they are associated with the first mining tenement leases. It is a characteristic of the greater Bendigo area that many of these reefers and investors built their homes near their mining tenements and mines. They took advantage of the Mines Act 1865 to convert their Miner's Rights into freehold properties. Their homes were usually built of brick or stone and are spread across the quartz mining district, while later houses might be built in polychrome brick, with Italianate or Victorian Boom style elements expressive of the relative prosperity of the occupants. The mine owners' or speculators' houses on former mines lands in the Bendigo area are historically significant as a record of the many mine owners that contributed to the wealth and reputation of Bendigo as the leading deep quartz mining area in Australia during the 19th century.

Criterion B: Possession of uncommon, rare, or endangered aspects of the City of Greater Bendigo's cultural or natural history (rarity).

N/A

Criterion C: Potential to yield information that will contribute to an understanding of the City of Greater Bendigo's cultural or natural history (research potential).

N/A

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

The mine owners' or speculators' houses on former mines lands in the Bendigo area are an excellent representative example of one of the many different types of miners' houses. The mine owners' or speculators' houses are representative of a particular mining structure in the Bendigo goldfields. They demonstrate a way of life, where design, fabric and decorative embellishments reflected the evolving status of the owners.

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

They have aesthetic significance as they illustrate the rich diversity of housing types of the Victorian 19th century goldfields. They have high aesthetically significance as a special type of housing that can be found on former mine land that is associated with the early conversion to freehold title under the 1865 Mines Act. Examples of these 19th century houses can date from the late 1850s to the 1900. They are marked by their difference from other miners' houses with regard to scale, grander, or architect designs. Other homes are associated with wealthy early speculators who were often the original mining leases of mining tenements. Later they became successful miners, who purchased and built on their original mining leases. The mining tenements are usually small scale and located on the outskirts of Bendigo.

Early quartz reefers' houses are usually small in scale, brick or stone construction, often well-articulated in form, with large hip roofs and sweeping encircling verandahs. The siting of these houses is orientated towards the associated mining operations and mine sites and not the road. Later houses may be built in stone or bichrome brick, with Colonial Revival, Italianate or Victorian Boom style elements. Such early quartz reefers' houses are usually small in scale, brick or stone construction, often well-articulated in form, with large hip roofs and sweeping encircling verandahs. The siting of these houses is orientated towards the associated mining operations and mine sites and not the road.

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

N/A

Criterion G: Strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

N/A

Criterion H: Special association with the life or works of a person, or group of persons, of importance in the City of Greater Bendigo's history (associative significance).

N/A

4.6.6 Statement of Significance

What is significant?

The substantial 19th century houses associated with the more prosperous miners or mine owners and speculators on mining Residency Areas, are significant.

Mature exotic trees contribute to the setting of the place at 12 Mackenzie Street West.

Original nineteenth century attached, or detached outbuildings may contribute to the historical significance of the place.

Post-war alterations and additions are not significant.

How is it Significant?
The collection of quartz reefer and mine speculators houses have historic and aesthetic significance and representative heritage value to the City of Bendigo. (Criteria A, D and E).

Why is it Significant?
The houses built by aspiring mine speculators and quartz reefers houses have historic significance as they are associated with the first mining tenement leases. It is a characteristic of the greater Bendigo area that many of these reefers and investors built their homes near their mining tenements and mines. They took advantage of the Mines Act 1865 to convert their Miner's Rights into freehold properties. Their homes were usually built of brick or stone and are spread across the quartz mining district. The mine owners' or speculators' houses on former mines lands in the Bendigo area are historically significant as a record of the many mine owners or speculators that contributed to the wealth and reputation of Bendigo as the leading deep quartz mining area in Australia during the 19th century. (Criterion A)

The mine owners' or speculators' houses on former mines lands in the Bendigo area are an excellent representative example of one of the many different types of miners' houses. The mine owners' or speculators' houses are representative of a particular mining structure in the Bendigo goldfields. They demonstrate a way of life, where design, fabric and decorative embellishments reflected the evolving status of the owners. (Criterion D)

They have aesthetic significance as they illustrate the rich diversity of housing types of the Victorian 19th century goldfields. They have high aesthetically significance as a special type of housing that can be found on former mine land that is associated with the early conversion to freehold title under the 1865 Mines Act. Examples of these 19th century houses can date from the late 1850s to the 1900. They are marked by their difference from other miners' houses with regard to scale, grander, and architect designs. Other homes are associated with wealthy early speculators who were often the original mining leases of mining tenements. Later they became successful mine owners, who purchased and built on their original mining leases. The mining tenements are usually small scale and located on the outskirts of Bendigo.

They have high aesthetic significance as early examples of miners' houses often designed in the Colonial Regency architectural style or later Victorian Boom style. Early quartz reefers' houses are usually small in scale, brick or stone construction, often well-articulated in form, with large hip roofs and sweeping encircling verandahs. The siting of these houses is orientated towards the associated mining operations and mine sites and not the road. Later houses may be built in polychrome brick, with Italianate or Victorian Boom style elements. (Criterion E)

4.6.7 Gradings and Recommendations

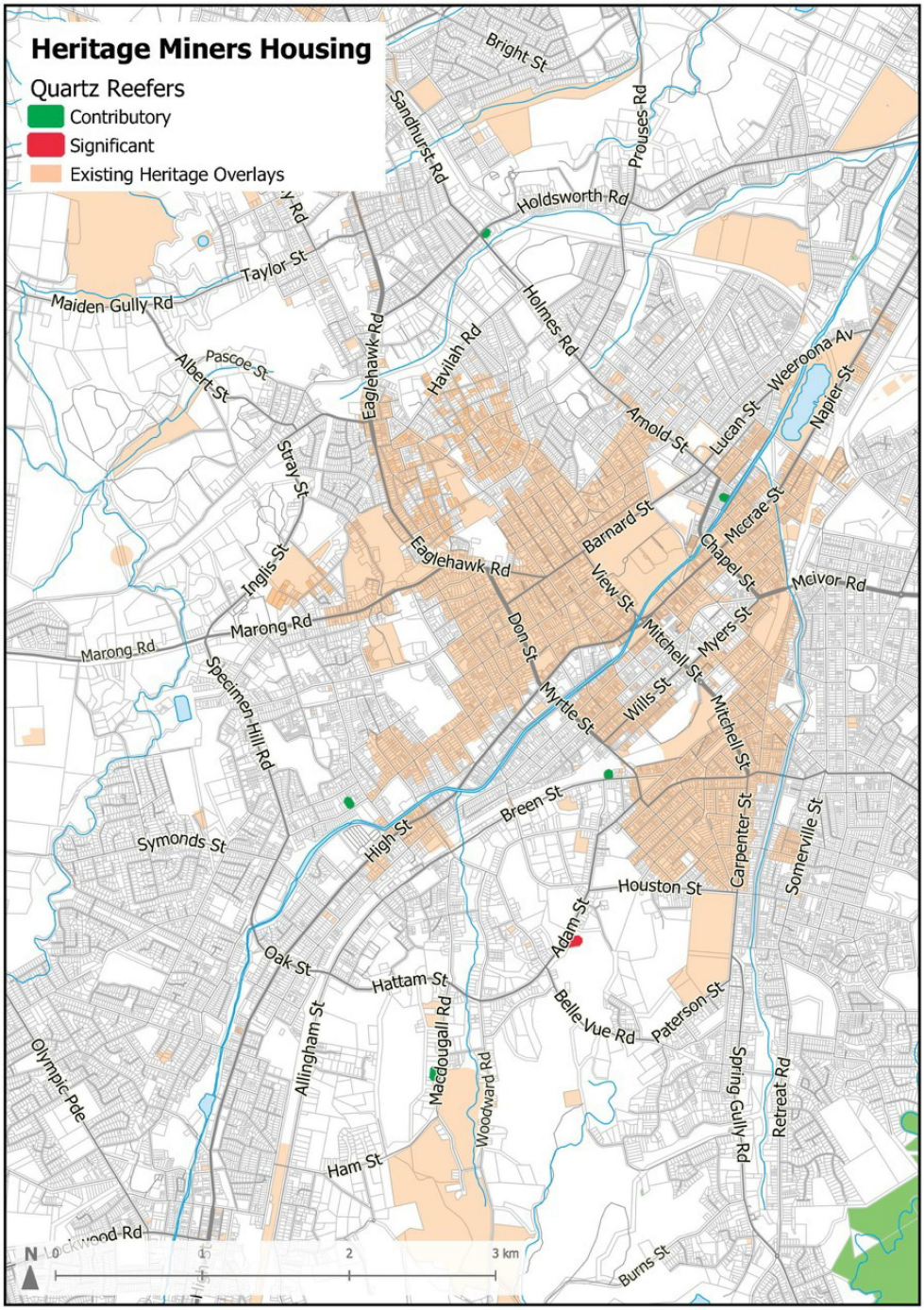
Recommended for inclusion in the Schedule to the Heritage Overlay of the Greater Bendigo Planning Scheme as a serial listing.

Number	Street	Suburb	Grading
83	Adam St	Quarry Hill	Significant
64	Breen St	Quarry Hill	Contributory
245	Eaglehawk Road	Long Gully	Contributory
100	Holmes Rd	North Bendigo	Contributory
15	Joseph St	Bendigo	Contributory
118	Macdougall Rd	Golden Gully	Contributory
12	Mackenzie St West	Golden Square	Contributory

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Greater Bendigo Planning Scheme:

External Paint Colours Is a permit required to paint an already painted surface?	NO
Internal Alteration Controls Is a permit required for internal alterations?	NO
Tree Controls Is a permit required to remove a tree?	YES – Mature exotics at 12 Mackenzie Street W.
Victorian Heritage Register Is the place included on the Victorian Heritage Register?	NO
Outbuildings and fences exemptions Are there outbuildings and fences which are not exempt from notice and review?	NO
Prohibited uses may be permitted Can a permit be granted to use the place for a use which would otherwise be prohibited?	NO
Aboriginal Heritage Place Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?	NO

4.6.8 Map


Heritage Miners Housing
Quartz Reefers
Contributory
Significant
Existing Heritage Overlays
Bright St
Sandhurst Rd
Prouses Rd
Holdsworth Rd
Taylor St
Maiden Gully Rd
Pascoe St
Albert St
Eaglehawk Rd
Havilah Rd
Holmes Rd
Weeroona Av
Napier St
Arnold St
Lucan St
Stray St
Barnard St
Mccrae St
Chapel St
Inglis St
Eaglehawk Rd
View St
Meivor Rd
Marong Rd
Marong Rd
Don St
Mitchell St
Myers St
Specimen Hill Rd
Myrtle St
Wills St
Mitchell St
Breen St
Symonds St
High St
Carpenter St
Somerville St
Houston St
Adam St
Oak St
Hattam St
Belle Vue Rd
Paterson St
Olympic Pde
Allingham St
Macdougall Rd
Woodward Rd
Spring Gully Rd
Retreat Rd
Ham St
Burns St
N
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3 km

4.6.9 References

- *Eaglehawk and Bendigo Heritage Study, 1993,* Graeme Butler & Assoc.
- *Former Shire of Marong Heritage Studies, 1994 and 1999,* Andrew Ward & Assoc; and reviewed by the *Heritage Policy Citations Review, 2011,* Lovell Chen
- *Former Shires of McIvor and Strathfieldsaye, Heathcote-Strathfieldsaye Heritage Study: Stage 1, 2002,* Earthtech
- *Former Shires of McIvor and Strathfieldsaye Heritage Study: Stage 2, 2010,* Context Pty Ltd.
- *Ironbark Heritage Study, 2011,* Mandy Jean
- *Greater Bendigo Thematic Environmental History, Overview Report and Aboriginal History, 2013,* Lovell Chen
- *White Hills and East Bendigo Heritage Study Stage 1, Bendigo Hospital Area, 2014,* Lovell Chen
- *White Hills and East Bendigo Heritage Study Stage 2, Ascot, Bendigo, East and North Bendigo Epsom and White Hills, 2016, 2 vols,* Context Pty Ltd
- *The Miners' Cottage Gap Study', 2017/18,* Minerva Heritage
- *Golden Square Heritage Study Stage 1 Chronological and Thematic History, 2019,* Dr. Robyn Ballinger
- *City of Greater Bendigo Heritage Gap Analysis, 2019* Landmark Heritage Pty Ltd with David Helms
- *Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listing, 2020,* Amanda Jean and Charles Fahey

Appendix A Summary of Contributory and Significant Graded Properties

Submission 1

8th May 2023

City of Greater Bendigo
Strategic Planning

psamendments@bendigo.vic.gov.au

To whom it may concern.

PROPOSED PLANNING SCHEME AMENDMENT C275 19 GRANT STREET, LONG GULLY

Submitters Name	[redacted]
Submitters Postal Address	[redacted]
Contact email	[redacted]
Contact phone number	[redacted]
Position in relation to the proposed amendment	**Opposed**

As owners of the property at 19 Grant Street, Long Gully, we oppose the proposed planning scheme amendment listed above for the following primary reasons:

The building is structurally unsound as confirmed by a structural engineer's expert witness report, previously submitted to council, but also included in this submission. It is beyond saving.

This report number 1824 prepared by Tom Casamento of TMC & Associates10th April 2022, highlights numerous concerns about the buildings integrity and salvageability. An extract of the conclusion is provided below.

190 **9. Conclusion**

191 9.1. The building cannot be salveaged for re-occupation.

192 9.2. Salvageability of the building is not possible due to the need to
193 conform and satisfy current Codes and Standards.

194 9.3. Due to structurally unacceptable existing foundations, new
195 foundations will need to be constructed, however this cannot be
196 undertake without demolishing existing unstable brickwork.

The building would need to be completely pulled down, new footings poured new materials used to comply with the current building codes and standards and to bring it up to a habitable standard, taking away the heritage appeal council is aiming to preserve.

Submission 1

Our consultant building surveyor has advised a building permit would not be possible without bringing the building up to current standards, particularly as demolition of the entire building would be required to introduce new footings and completely rebuilt.

We are advised the new building work must comply with the current Building Act and Building Regulations.

The building is in such poor condition that it is uninsurable as confirmed by our insurers.

We attach as Appendix B, copies of photographs taken 08.05.2023 depicting the current condition of the building.

Based on our reasons outlined in this submission, we respectively request the council remove our property from the interim planning overlay and the proposed permanent amendment C275 to the planning scheme.

Yours faithfully

[redacted]

Attachments
Appendix A: TMC Structural Report
Appendix B: Current photographs at 08.05.2023

Appendix A – TMC Structural Report

Submission 1

T.M.C. & ASSOCIATES

CONSULTING STRUCTURAL ENGINEERS

69 Linacre Dve, Bundoora 3083
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EXPERT WITNESS REPORT

STRUCTURAL REPORT ON PROPERTY AT 19 GRANT ST, LONG GULLY



PREPARED BY : [redacted]

CLIENT : [redacted]

INSTRUCTED BY : [redacted]

DATE OF REPORT : **10th April 2022**

REPORT No. : **1824**

Submission 1

T.M.C. & ASSOCIATES
CONSULTING STRUCTURAL ENGINEERS
69 Linacre Dve, Bundoora 3083
Mobile: 0416 156 711
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Submission 1

STRUCTURAL REPORT ON PROPERTY AT 19 GRANT ST, LONG GULLY

1. Introduction

At the request of the Owner, [redacted] I inspected the property on 20th Jan 2022.

2. Brief

2.1. The reason for my inspection was to:

2.1.1 Assess the structural condition of the existing residential home.

2.1.2 Assess whether the building can be structurally salveaged.

2.2. I have been requested to prepare a VCAT Compliant Expert Witness Report in conformance with VCAT 'Practice Note PNVCAT2.

2.3. Any opinions based on observations and evidence are a professional opinion.

3. The Property

The building is situated on a large allotment, and is in the vicinity of 130 years old. The land slopes from back to front i.e. west to east.

The original building was of solid brick construction, which has been extended over the years at the rear and south, in timber and weatherboard construction . The floor is of timber, with a corrugated iron roof. The building is generally founded on rock, rock rubble, and stumps.

The front door is assumed to face east for the purposes of this report.

4. Photographs

While at the site I took a number of photographs. These are included as Attachment 'C' of this report and are numbered and briefly described.

Submission 1

5. Documents

The following document was provided to me to assist in the preparation of this report.

5.1. Letter from *City of Bendigo* to the Owner dated 17th Sept 2021. .

6. Observations

6.1. At the time of my inspection, the solid brick section of the building (including the extensions) were in very poor structural condition, uninhabited, and a potential risk to the health and safety of persons entering into the building.

External

6.2. Front pillars of the porch were cracked and leaning (tilt). Photos 3, 4, 21, 22, 23, 24, 25, 26.

6.3. Sections of brickwork to the front wall had collapsed. Photos 5, 6, 7, 8, 9.

6.4. Brickwall to the front was severely cracked and dislodged in a number of areas. Photos 13, 14, 15, 16.

6.5. The brick mortar was completely friable, or non-existent in many areas, particularly to the sub-floor. Photos 10, 11, 17.

6.6. The front wall was leaning, step cracked, lipping, and detaching from the window frames and front door. Photos 18, 19, 20.

6.7. The window sills were cracked. Photo 12.

6.8. The foundations supporting the building were generally of rock and rock rubble, commensurate with typical construction undertaken in that era. Photo P1 in Attachment 'C'.

6.9. The brick and rubble supports to the floor and walls of the solid brick section of the building had collapsed in many areas, and support was structurally severely compromised. Photos 28 to 42 inclusive.

6.10. The chimney to the east along the north wall had collapsed. Refer to photo 50, 51, 52, 53.

6.11. North facing brickwall was cracked, and dislodging. Photos 54, 55, 56, 57.

6.12. The weatherboard sections of the building to the west and south were severely weathered with evidence of rot. Photos 58 to 67 inclusive.

6.13. The corrugated iron roof was rusted and leaking with flashings detaching throughout. Photos 68 to 71.

Submission 1

Internal

6.14. Severe mould was evident through the internal rooms of the building, which created a health hazard to any persons entering the building.

Lounge room:

6.15. Collapsed Ceiling. Photo 72.

6.16. Hole through the north wall. Photo 73.

6.17. Collapsed chimneys: Photo 74, 75.

6.18. Damaged, mouldy plasterwork throughout. Photo 76.

6.19. Misaligned front door. Photo 77.

Study:

6.20. Damaged plaster walls. Photos 78, 79.

6.21. Friable mortar to brickwork (south wall) Photo 80.

Bedroom 1:

6.22. Collapsing ceiling. Photos 81, 82.

Kitchen:

6.23. Mould to ceiling walls and floor. Broken windows through room. Photo 83.

6.24. Leaking & mouldy ceilings and mouldy walls. Photos 84, 85.

Laundry:

6.25. Mouldy ceilings & walls. Photos 86, 87.

Bathroom:

6.26. Dilapidated mouldy ceilings & walls. 88, 89, 90, 91.

7. Discussion

7.1. The entire building is structurally in a dilapidated condition and cannot be salveaged nor rectified to conform with current Structural Codes and Regulations, particularly the solid brick sections of the home namely, the Lounge, Dining, Study, Bedroom 2 and front Porch.

Foundations:

7.2. There has been substantial differential movement of the

inadequate foundations of solid brick section of the building. The foundations to the external walls of the building comprise a mixture of rock and rock rubble, typical of buildings constructed well over 100 years ago. Reference is made to photos P1 & P2 shown below:



Photo P1



Photo P2

7.3. The inadequate foundation support around the external walls has resulted in differential movement causing the superstructure (floor, walls, ceiling and roof) to subside (settlement and rotation). The east and north walls have subsided, evidenced in brickwork distress, and structural connections separating.

7.4. There is a combination of timber and concrete stumps, and unbonded brickwork piers supported directly on the ground. The installation of these supports were more recent than the original build.

Brickwork:

7.5. There is severe deterioration of the brickwork. The lime mortar is now friable (dust like), and has lost its bonding strength which has resulted in a loss of structural integrity, and can no longer adequately support design dead, live and wind loads. During my inspection, mortar was simply scrapped off by hand and a screw driver easily penetrated the mortar. There were many areas, especially in the sub-floor, where no mortar was now existing i.e. the bricks were unbonded. Refer to various photos in Attachment 'A', and P1 and P2 above.

7.6. The brickwork is extensive cracked and distressed particularly along the east side (front) and north side. The upper section chimney at the west end of the north wall had collapsed. It is my understanding that this chimney collapsed during an earthquake event on the 22nd Sept 2021.

7.7. It needs to be noted that no articulation joints (AJs) were used in solid brick construction in that era, consequently the structure is 'rigid' and not being able to tolerate much movement, i.e. the building is inflexible.

Internal Walls & Ceiling:

7.8. A section of the ceiling in the Lounge Room has collapsed.

7.9. The walls, door frames and window frames have distorted due to foundation movement. The external frames have separated from the external brickwork.

7.10. The significant movement has also occurred to the floor which has caused internal doors to become misaligned. The north wall has moved significantly, allowing a gap to form in the wall.

7.11. Unrelated to structural issues, there is a substantial risk to the health and safety of persons entering the building due to extensive mould throughout, and falling ceiling pieces.

Front Piers and Porch

7.12. The four front pillars have a substantial lean (tilt) which are now considered unstable and could potentially collapse. This would then cause a collapse of the front Porch roof structure they are supporting .

7.13. Due to the pier movement, the connections of the rafters to the front brick wall are now structurally compromised.

Roof

The existing corrugated iron roof has rusted out, and flashing detaching causing leaks internally.

8. Salvageability Potential & Code Requirements

8.1. In my opinion, salvageability of the building is not possible due to Structural Code requirements. Any rectification will need to conform and satisfy current Codes and Standards. Consequently, the building cannot be salveaged for re-occupation.

8.2. Rectification would need to satisfy the following Codes:

- AS1170.1 – Dead and Live Load Code
- AS1170.2 – Wind Actions
- AS2870-2011 – Residential Slabs & Footings
- AS3700 – Masonry Structures
- AS1684 – Light Timber Framing Code
- AS1720.1 – Timber Structures Code
- National Construction Code
- Building Code of Australia

8.3. The Codes that cannot be satisfied for any potential salvageability [inter alia] are AS2870-2011 and AS3700.

8.3.1 New footings will need to be installed under the existing brick walls. This cannot be undertaken due to the fragile structural state of the brickwork. The brick walls will undoubtedly need to be removed to allow new footings to be installed. Underpinning is not possible due to the fragile state of the existing brickwork.

8.3.2 The brick walls are:

- Unstable
- Existing lime mortar is friable and unable to be re-pointed.
- Some brickwork to the sub-floor has no mortar installed.
- Walls are leaning

Submission 1

- Significant amount of brickwork has already collapsed

9. Conclusion

9.1. The building cannot be salveaged for re-occupation.

9.2. Salvageability of the building is not possible due to the need to conform and satisfy current Codes and Standards.

9.3. Due to structurally unacceptable existing foundations, new foundations will need to be constructed, however this cannot be undertake without demolishing existing unstable brickwork.

10. Expert's Statement:

In contemplation that this report may be presented for Litigation purposes, I state that:

10.1. I have read the VCAT 'Practice Note PNVCAT2 – Expert Evidence", and I agree to abide by it.

10.2. The details of my address, qualifications and experience are set out in the Curriculum Vitae included as Attachment 'D'.

10.3. My area of expertise is in residential, commercial and industrial design and construction, with wide experience in most structural engineering aspects of building construction, inspections of buildings to assess defects and incomplete work and general liability on construction problems.

10.4. I have made all the enquiries which I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld.

This report is prepared and signed by:



10th Apr 2022

BEng (Civil) DipCE MIEAust CPEng NER APEC Eng IntPE(Aus)
Registered Registered Professional Engineer: PE2634
MACSEV MFFSV MBDPS MFESA MASBC

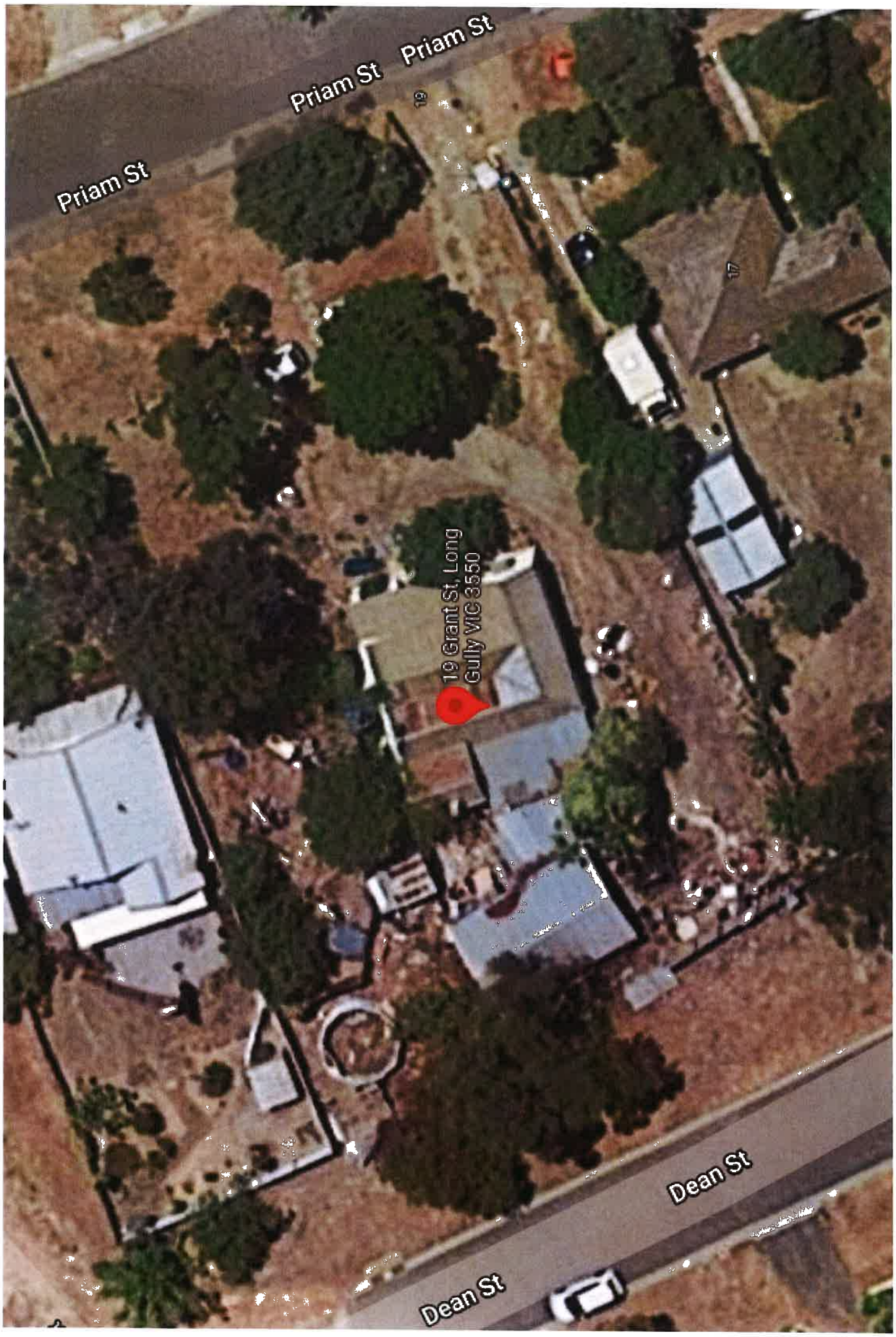
Submission 1

[redacted]

ATTACHMENT 'A'

AERIAL PHOTOGRAPH

Submission 1



AERIAL PHOTO

Submission 1

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ATTACHMENT 'B'

LAYOUT PLAN

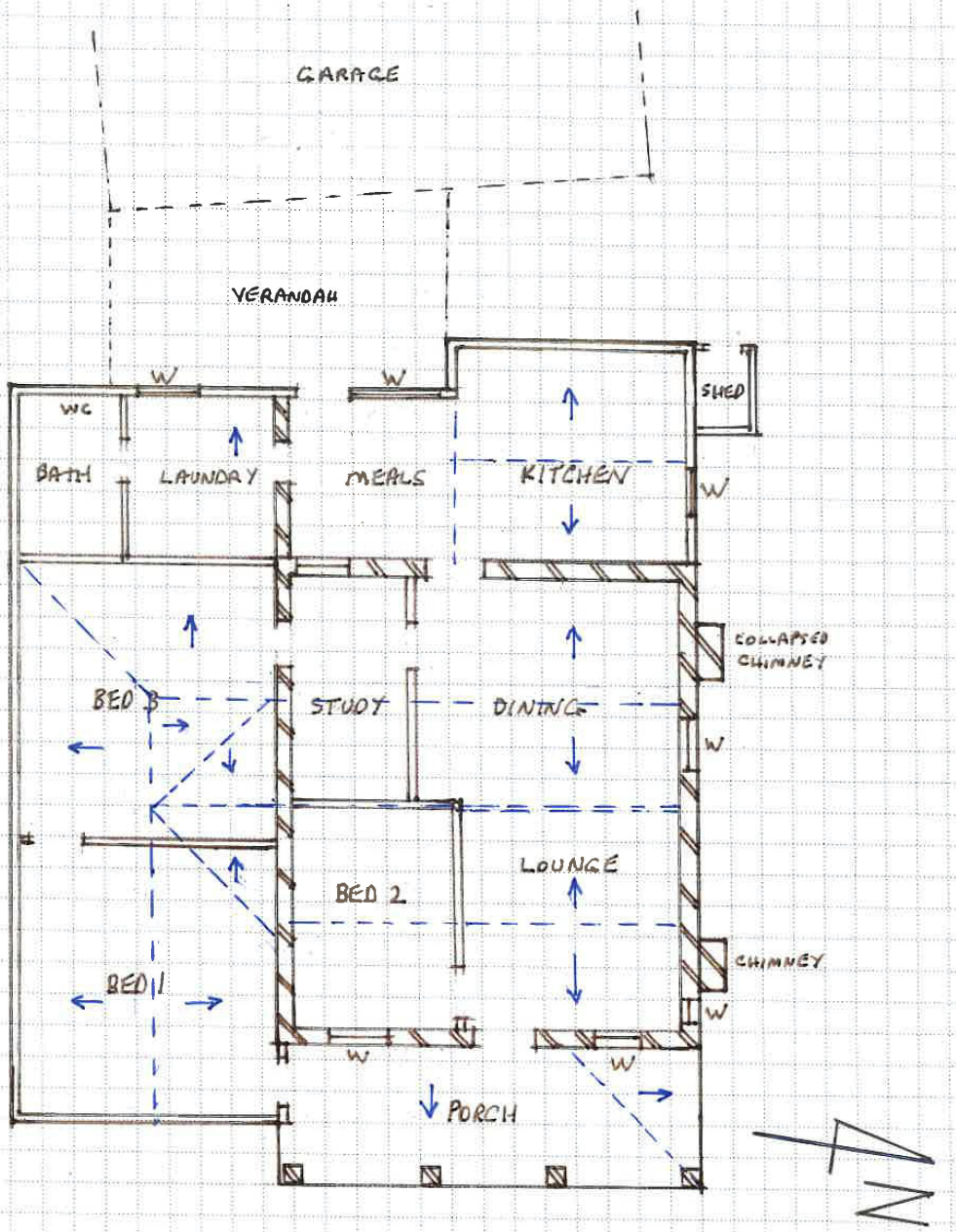
Submission 1

T.M.C. & ASSOCIATES
CONSULTING STRUCTURAL ENGINEERS

PROJECT No.	SHEET
1824	S1

CLIENT [redacted]

PROJECT 19 GRANT ST LONG GULLY



LAYOUT PLAN

Submission 1

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ATTACHMENT 'C'

PHOTOGRAPHS

Submission 1

P1



EXISTING ROCK, RUBBLE & BRICK FOUNDATIONS

Submission 1

P2



EXISTING ROCK, RUBBLE & BRICK FOUNDATIONS

Submission 1

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EXTERNAL

Front Elevation



Photograph 1. Front Elevation



Photograph 2. Front Elevation

Front Wall



Photograph 3. Cracked front pillar



Photograph 4. Leaning front pier

Submission 1



Photograph 5. Collapsed brickwork to front wall



Photograph 6. Collapsed brickwork to front wall



Photograph 7. Severe brickwork cracking and misalignment



Photograph 8. Brickwork step cracking

Submission 1



Photograph 9. Dislodged brickwork to front wall



Photograph 10. Brick mortar completely friable

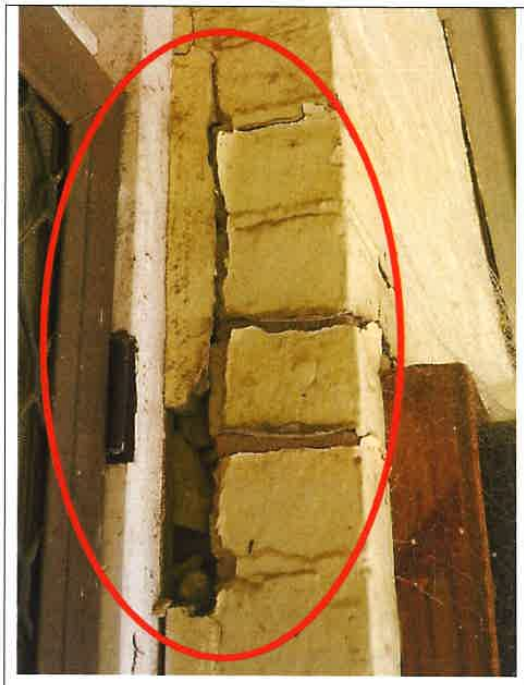


Photograph 11. Internal brickwork skin collapsing. No mortar bonding of brickwork



Photograph 12. Cracked window sill

Submission 1



Photograph 13. Dislodged brickwork from door frame



Photograph 14. Cracked brickwork



Photograph 15. Dislodged brickwork

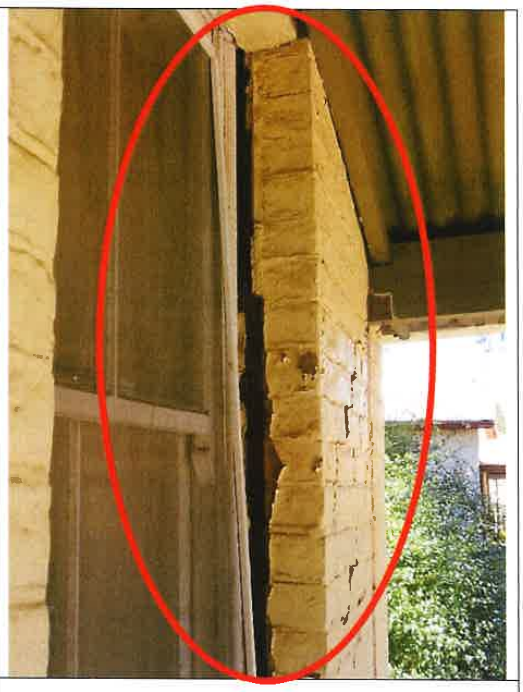


Photograph 16. Dislodged brickwork

Submission 1



Photograph 17. Dislodged brickwork. Friable mortar



Photograph 18. Substantial movement between and window frame



Photograph 19. Detachment of brickwork and window framing



Photograph 20. Substantial separation of lintel and wall. Major brickwork cracking

Submission 1



Photograph 21. Substantial lean of wall. (4.1°)



Photograph 22. Front pillars are vertically tilted out of alignment



Photograph 23. Front pillars are vertically tilted out of alignment



Photograph 24. Front pillars are vertically tilted out of alignment

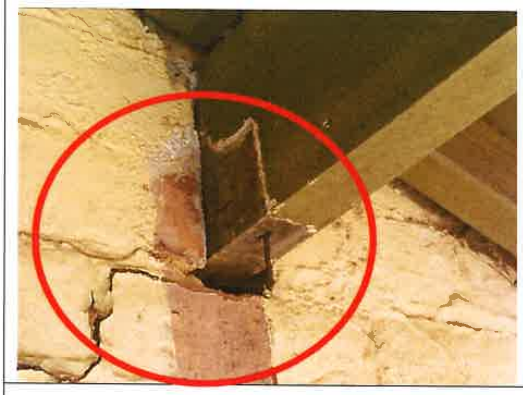
Submission 1



Photograph 25. Front pillars are vertically tilted out of alignment



Photograph 26. Front pillars are vertically tilted out of alignment



Photograph 27. Verandah roof beams structurally inadequately supported on brickwork

Sub-floor



Photograph 28. Dilapidated rock and rubble foundations



Photograph 29. Dilapidated rock and rubble foundations



Photograph 30. Dilapidated rock and rubble foundations



Photograph 31. Dilapidated sub-floor



Photograph 32. Unbonded brickwork/blockwork support for flooring



Photograph 33. Collapsed brickwork support for flooring and walls

Submission 1



Photograph 34. Collapsed brickwork support for flooring and walls



Photograph 35. Structurally unacceptable foundation support for walls and flooring



Photograph 36. Structurally unacceptable foundation support for walls and flooring



Photograph 37. Collapsed brickwork support for flooring and walls

Submission 1



Photograph 38. Collapsed brickwork support for flooring and walls

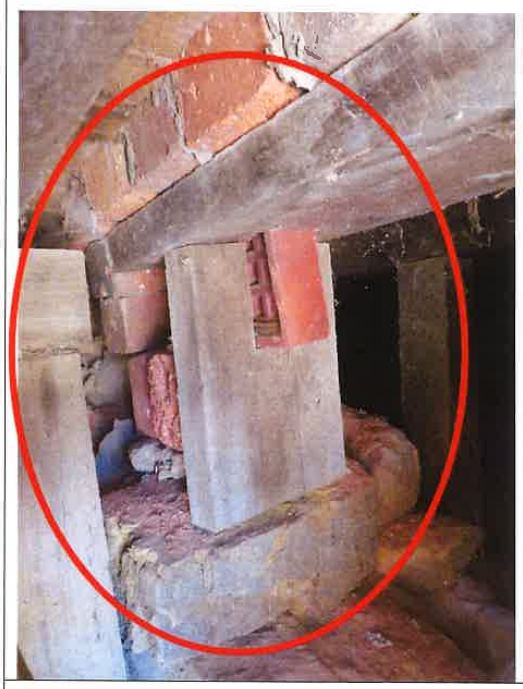


Photograph 39. Structurally unacceptable foundation support for walls and flooring



Photograph 40. Structurally unacceptable foundation support for walls and flooring

Submission 1



Photograph 41. Structurally unacceptable foundation support for walls and flooring



Photograph 42. Structurally unacceptable foundation support for walls and flooring

North Elevation



Photograph 43. Collapsed north-east corner of brickwall



Photograph 44. Collapsed north-east corner of brickwall

Submission 1



Photograph 45. Collapsed north-east corner of brickwall



Photograph 46. Dislodged brickwork

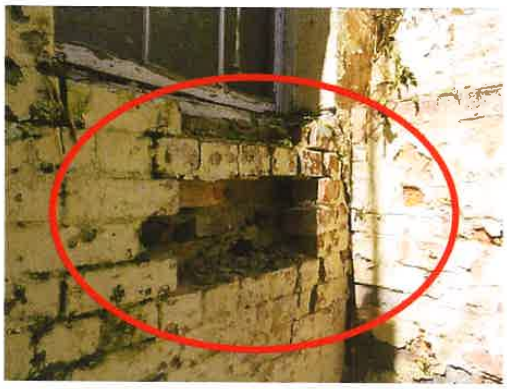


Photograph 47. Eroded chimney foundation support

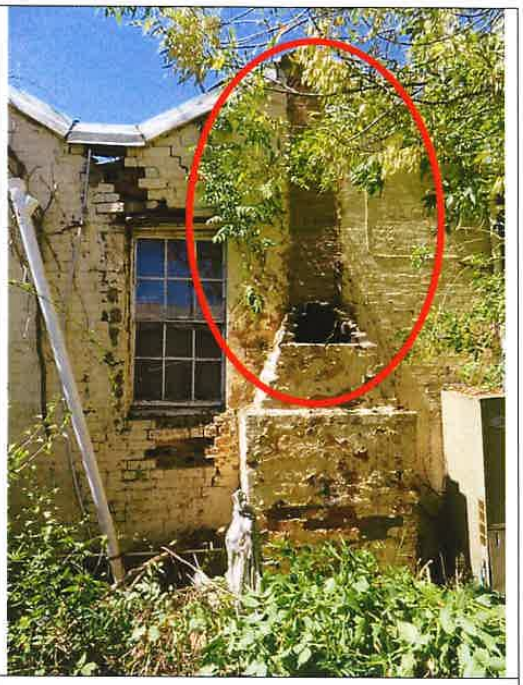


Photograph 48. Dislodged and collapsing brickwork

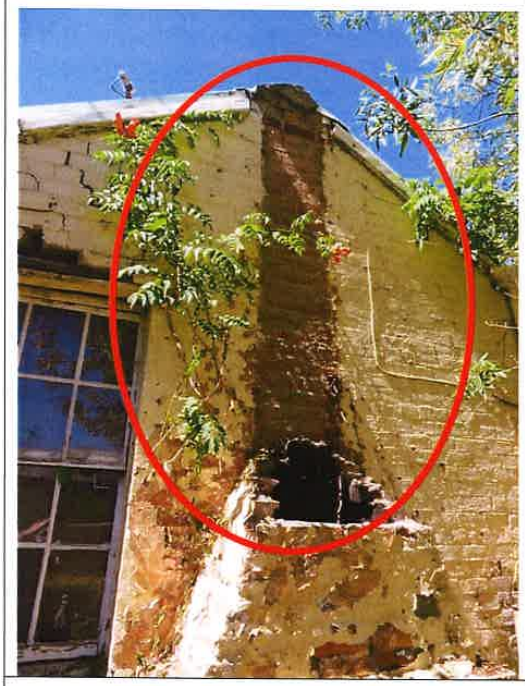
Submission 1



Photograph 49. Dislodged and collapsing brickwork



Photograph 50. Collapsed chimney

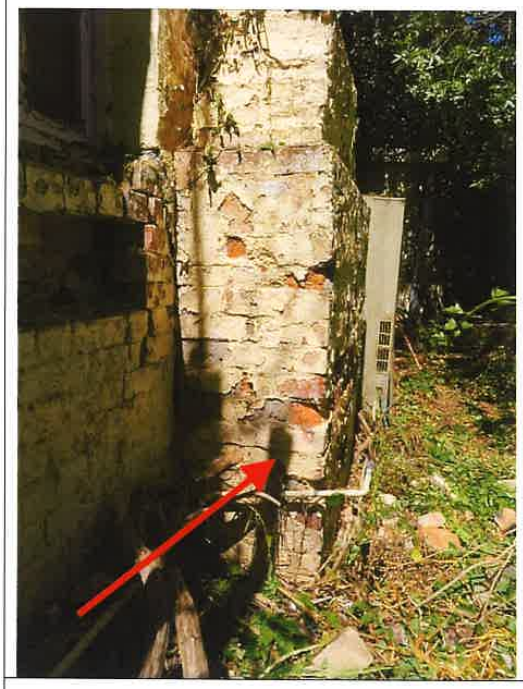


Photograph 51. Collapsed chimney



Photograph 52. Collapsed chimney

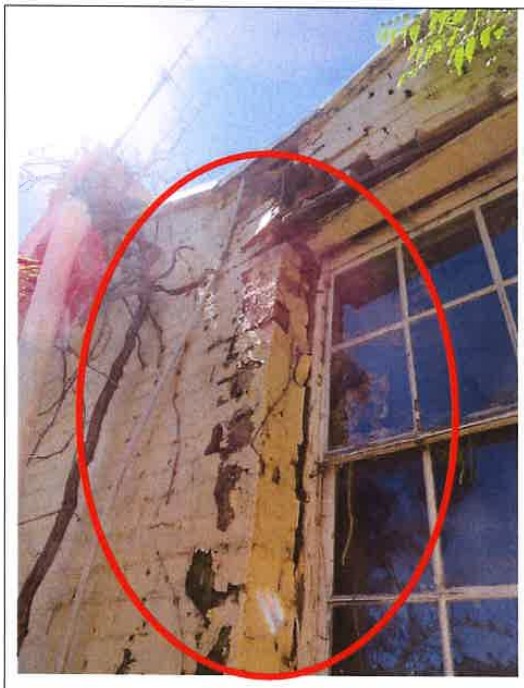
Submission 1



Photograph 53. Dilapidated and collapsing base of chimney



Photograph 54. Collapsing north wall

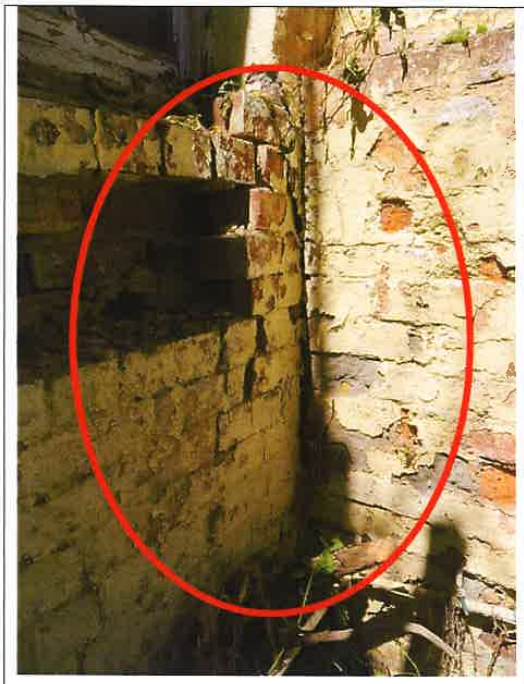


Photograph 55. Cracked and dislodging brickwork



Photograph 56. Cracked and dislodging brickwork

Submission 1



Photograph 57. Cracked and dislodging brickwork

West Wall (Rear)



Photograph 58. Dilapidated attached shed at north-west corner



Photograph 59. Rear dilapidated weatherboard wall

Submission 1



Photograph 60. Rear weatherboard wall



Photograph 61. Rear dilapidated weatherboard wall

South Wall



Photograph 62. South wall - weatherboard



Photograph 63. South wall - weatherboard

Submission 1



Photograph 64. South wall - weatherboard



Photograph 65. South wall - weatherboard



Photograph 66.South-east corner of building



Photograph 67. Weathered rotting weatherboards

Submission 1

Roof



Photograph 68. Rusted corrugated roof.



Photograph 69. Rusted corrugated roof.



Photograph 70. Rusted corrugated roof



Photograph 71. Rusted corrugated roof

Submission 1

INTERNAL

Lounge



Photograph 72. Collapsing ceiling



Photograph 73. Hole through north exterior wall



Photograph 74. Collapsed chimney



Photograph 75. Collapsed chimney

Submission 1

		
Photograph 76. Damaged mouldy plaster wall below window		

		
Photograph 77. Misaligned front wall		

Submission 1

Study



Photograph 78. Damaged plaster walls



Photograph 79. Damaged plaster walls and misaligned door frames



Photograph 80. Friable mortar to brickwork.

Bedroom 1



Photograph 81. Collapsing ceiling



Photograph 82. Collapsing ceiling

Kitchen



Photograph 83. Mould to ceiling walls and floor. Broken windows through room



Photograph 84. Leaking mouldy ceilings



Photograph 85. Mould to ceiling and walls. Misaligned door frame.

Laundry



Photograph 86. Mould to ceiling and walls. Misaligned door frame.



Photograph 87. Mould in ceiling

Bathroom



Photograph 88. Dilapidated mouldy walls and ceiling.



Photograph 89. Dilapidated mouldy walls and ceiling.

Submission 1



Photograph 90. Dilapidated mouldy walls and ceiling.



Photograph 91. Dilapidated mouldy walls and ceiling.

Submission 1

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ATTACHMENT 'D'

CURRICULUM VITAE

Submission 1

T.M.C. & ASSOCIATES

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Tom Casamento

Director, TMC & Associates

CURRICULUM VITAE

NAME: **Tom Casamento**

ADDRESS: Business: 69 Linacre Dve
Bundoora VIC 3083

Telephone: ☎ 0416 156 711 Email: *info@tmcengineers.com.au*

OCCUPATION: Consulting Forensic Structural Engineer & Building Consultant

QUALIFICATIONS:
MEMBERSHIPS

Bachelor of Engineering (Civil)
Diploma of Civil Engineering
Corporate Member, Institution of Engineers, Australia
Chartered Professional Engineer CP(Eng)
National Engineers Register – NER
Asia-Pacific Economic Co-operation Engineer (Aust)
Registered Professional Engineer – PE2634
Member Association Consulting Structural Engineers of Victoria
Associate Member Foundation & Footings Society of Victoria
Member Building Disputes Practitioners Society
Member Forensic Engineers Society of Australia
Member Australian Society of Building Consultants

EXPERIENCE:

52 years experience in Residential, Commercial and Industrial design and construction.

Extensive experience in the structural design of concrete, steel and timber structures, foundation investigation and design, project management, preparation of tender and contract documents, bridge & road design and construction, contract administration, architectural design and town planning, quantity surveying, quality management and financial management of projects.

Forensic Investigation of Building Distress, inspection of buildings to assess defects and incomplete work. Substantial experience as an Expert Witness in VCAT, Building Appeals Board, DBDRV, and Court Proceedings for over 19 years.

Wide experience in most engineering aspects of building and construction, as well as general liability on construction problems and issues.

Appendix B – Current Photographs













Photographs Taken 08.05.2023 showing current condition of building

Submission 2

Frank Casimir

Subject: FW: Miners' Housing Serial Listings

.

From: National Trust Bendigo Branch <nattrustbendigo@gmail.com>
Sent: Monday, May 8, 2023 3:02 PM
To: Strategic Planning Admin <strategic.planning@Bendigo.vic.gov.au>
Subject: Miners' Housing Serial Listings

Planning Scheme Amendment C275
Response from the Bendigo & Region Branch
National Trust of Australia (Victoria)

Dear Council
The Bendigo & Region Branch of the National Trust supports the amendment C275 and looks forward to participating in the process to substantiate and expand the listings of Miners' Housing throughout Greater Bendigo. The National Trust is the peak body in Victoria that advocates for the preservation of our built heritage and natural environment.

As demonstrated in the 2011 Ironbark Heritage Study, miners' housing tells a very important story of the social and architectural history of residential dwellings in Greater Bendigo. During that study public forums were held where the study was fully explained overcoming many misunderstandings of what a heritage overlay does. Owners of mining cottages embraced the Ironbark Study and the amendment that followed and learnt a great deal about the people who previously lived in their homes and how they built them.
In the case of this amendment, it has been disappointing that such public discussions have not been held, or that the branch was not aware of them.

The branch encourages council to adopt the following requests.

1. In regard to the recommendations for the schedule to the heritage overlay, the branch requests the council to include External Paint Colour controls using those colours recommended in the CoGB Heritage Design Guidelines. This has been an important document previously written and adopted by council and therefore needs to apply to all properties under a heritage overlay.
2. To have controls on the removal of early garden plantings, and elements such as garden beds, edgings, rockeries etc, and any trees over 50 years old. These trees, plantings and elements are important to retain the character of these properties.
3. To have controls to protect outbuildings and fences where they exist as they too contribute to the story of how people lived. Many properties of the era had stables, workshops and some had mudbrick outbuildings. Fences provide a valuable contribution to the streetscapes.

The branch sees that incorporating a heritage overlay on a property includes three steps.

1. The process of undertaking research through studies and the writing up of citations on individual properties and incorporating them into an amendment through a public process which is currently occuring with C275.
2. Once the properties have been incorporated into the Greater Bendigo Planning Scheme with a heritage overlay, the council needs to monitor the condition of those properties.
3. If council finds that the property is not secure or falling into disrepair and becomes a safety hazard (this is commonly known as demolition by neglect) then it needs to take action to protect it by enforcement of the heritage overlay.

Submission 2

The branch has previously contacted council about the 'demolition by neglect' issue and requests an update of discussions between council and the State Government on this issue. On the one hand the council spends a great deal of money undertaking heritage studies and amendments, yet it is not prepared to follow through with enforcement. This is a good time to discuss such action as the work involved in C275 needs to be valued and have a long term positive outcome.

The final point relates to the 2017 Miners' Cottage Gap Study which involved over 600 properties put forward for protection. This amendment does not include recommendations that are in the areas of Eaglehawk, California Gully, Maiden Gully, Myers Flat, Sailors Gully, Kangaroo Flat and Spring Gully. A survey for the rest of Greater Bendigo has not been undertaken. When will these areas be considered?
Two properties come to mind. Like Bendigo has its first built house, Specimen Cottage which is protected, Eaglehawk also has a first built house at 92 Victoria St which is not protected and dates back to the 1850's. Kangaroo Flat also has a cottage at 14 Lockwood Rd which has had many roles both as a business and residence dating back to the 19th century. Have these properties been considered as they do not have individual protection.

And a final question; Is the council listing all submissions on its website? This would encourage discussion which the branch supports very much.

Thank you for your consideration of the branch's submission. Members look forward to your response.

Regards
[redacted]
President Bendigo & Region Branch
National Trust of Australia (Victoria)
[redacted]

Submission 3

Frank Casimir

Subject: FW: Opposition submission

From: [redacted]
Sent: Wednesday, May 3, 2023 10:00 PM
To: Frank Casimir <f.casimir@Bendigo.vic.gov.au>
Subject: Re: Opposition submission

Hi Frank,

I'm very sorry about that. It completely slipped my mind to add that detail.

Our address is 3 Pascoe St, Long Gully.

Thanks.
[redacted]

From: [redacted]
Sent: Monday, May 1, 2023 4:47 PM
To: Strategic Planning Admin <strategic.planning@Bendigo.vic.gov.au>
Subject: Opposition submission

Dear Bridget,

I am writing to express my strong objections regarding the proposed heritage listing of our house. While I recognise the historical significance of our property, I must respectfully disagree with your assessment that it meets the necessary attributes to be classified as a mining cottage. In my opinion, a heritage listing should be based on the physical appearance and characteristics of the property, rather than on its historical background alone.

Furthermore, I am concerned about the financial burden that a heritage listing would impose on us as homeowners. Reverting the facade of our house back to the look of a period home, as would be required under this proposal, would require a significant financial investment that we cannot afford compounded further by high interest rates and inflation that is forecast to continue for quite some time. This decision would jeopardise our ability to maintain and repair the property, which would ultimately lead to its deterioration.

Here is a listings of the features that place is outside the general characteristics of a miner's cottage of that era;

-The house has larger, aluminium framed windows.
-The verandah has been replaced with steel posts and flat roof iron, replacing the (assumedly) once bull-nose verandah.
-The entire verandah and front roof is covered in solar panels.
-The roofing iron on the pitched roof is colorbond monument colour.
-The 2 side chimneys have been removed.
-The front door opening has been made to standard door frame size, moved over 200mm, a modern door installed (2040x820mm, the original door was 1900x720mm) and an aluminium security door added of the same standard door size.

Submission 3

-The cladding is vinyl boards which have warped, started splitting and are producing a chalky residue - which would be replaced with colorbond steel sheets as the most inexpensive option.
-The wooden verandah has been removed and concreted.
-There is an evaporative cooler visible from the front facade.
-Colorbond fencing and a roller gate has replaced the wooden picket fence

Therefore, I insist that our house be removed from the proposed listing. In the event that you are unable to accommodate my request, I would like to propose two alternatives. Firstly, we require a grant of $100,000 to cover the costs of restoring the facade of our house to meet the heritage criteria that you are proposing, in the event this is granted, I will accept the proposal. Alternatively, I suggest that our property only, be listed as a site with historical significance, without any obligation to maintain the facade in a manner that conforms to the heritage criteria. This would allow us to make modifications to the facade that are more practical and affordable for us.

I hope that my objections and alternate proposals will be taken seriously and given the careful consideration they deserve. I am open to further discussion and negotiation on this matter.

Thank you for your attention to this matter.

I have included a photo of our house as it looks now on the 1st of May 2023, as I also fear the photos used for original classification would be from google maps dating to 2007 from memory.

Sincerely,

[redacted]


Submission 3

Submission 4

Frank Casimir

From: Frank Casimir
Sent: Wednesday, 17 May 2023 3:52 PM
To: Frank Casimir
Subject: FW: 200 King St

From: [redacted]
Sent: Wednesday, May 17, 2023 2:30 PM
To: Frank Casimir <f.casimir@Bendigo.vic.gov.au>
Subject: 200 King St

Need some help
Years ago was told house is Victorian
Someone came to look and realised it's not. Now saying miners cottage
It's not It's very frustrating
Could I please get this solved
I can't afford to keep house anymore and thinking of selling. This will make a big difference if it has heritage overlays that simply are not true
If you come have a look you will see for yourself
Thankyou
[redacted]

Submission 54

[redacted]
E: [redacted]
P: [redacted]

Bridget Maplestone & Frank Casimir
Coordinator, Planning, Strategy and Policy
Strategic Planning Department
City of Great Bendigo
PO Box 733.
Bendigo. VIC. 3552
E: strategic.planning@bendigo.vic.gov.au

5 April 2023

[redacted]

Dear Bridget and Frank,

I write to you in response to the letter that I received in the post, dated 26 March 2023 entitled; *'Victorian Miners' Cottage Housing Serial Listing- Stage 2 November 2021 – Greater Bendigo Planning Scheme Amendment C275GBEN- Public Exhibition'*.

As the landowner and carer of the TW Hokin estate please consider this letter as a formal written submission to the council to reject the proposed planning scheme amendment of enlisting the property, *83 Allingham Street Golden Square*, with a Heritage Overlay (HO1000).

[redacted]

Regards,

[redacted]

Submission 6

2nd May 2023

Attention: Frank Casimer

Dear Frank,

In regards to **266 Queen Street Bendigo** being added to the Victorian Miners Cottage Housing serial list with a heritage overlay (H01000), we kindly reject the proposed overlay to this property.

In approx. 1993, permits were acquired through the Bendigo Council and approved to build:

- 4 x two-bedroom units or
- 8 x one-bedroom units.
- 1 x shed – which was built to the rear of the property.

We are waiting on documentation through the Bendigo Council to confirm these permits.

In the past 5 years we have done a substantial amount of work to the property keeping in mind that the house was to be demolished:

- A new front fence – Approved through permits.
- Balcony on the shed – Approved through permits.
- New potable water feed connected to the existing dwelling and to the shed with a full rough in for a studio fit out in the shed.
- Replaced connection to sewer main located at the rear of the property and up graded the drain in from earthenware pipe to DWV PVC pipe – Completed 20 years ago through Wild Plumbing.
- New under slab sewer drainage in shed – completed 20 years ago through Wild Plumbing.
- Full electrical rough in the shed – completed 10 years ago by Dearaugo & Lea electrical.
- Below ground conduits installed for new switch board for the shed and one for a future house – completed 10 years ago by Dearaugo & Lea electrical.
- Pricing for a power upgrade to feed a new house and 3 phase power to the shed – 3 years ago by Eascom Electrical.
- Price to change the power supply from overhead to below ground – 3 years ago by Eascom Electrical.

The house, as it sits, is not suitable for living or restoration as it is inhabitable.

Kind regards,

[redacted]

Submission 7

[redacted]

2-May-2023

City of Greater Bendigo
Amendment C275gben
strategic.planning@bendigo.vic.gov.au

To whom it may concern,

We are writing to request a change to the planning scheme amendment C275gben which proposes to apply the Heritage Overlay (HO1001) to the property located at 26 Oak Street, Golden Square, of which we are the property owners.

Our request is that the Heritage Overlay (HO1001) is not applied to the above-mentioned property.

The primary grounds for this request lie in the understanding that the house was built in the early 20th century, rather than circa 1870s-1880s as the '*Victorian Miners' Housing Serial Listings – Stage 2 Study*' (Stage 2 Study) suggests.

It would not be appropriate for a candidate place from the *2020 Serial Listing Study* to be given a heritage citation and included in the heritage overlay if the information used to determine eligibility was inaccurate or incorrect, and the property was not in fact directly associated with mining in the Quartz Boom period as is suggested.

Having lived at the property for over 30 years, we have been given insights by elderly local residents and elderly relatives (some now deceased) in regard to some history of the house, namely that the house was built around the time between the first and second world wars. One of our great aunts recalled to us many years ago that she remembered the house, and remembered playing with the children who lived there when it was still quite new. Another elderly neighbour has recounted to us that her older brother had married a daughter of the then owners, and he and his bride departed for their honeymoon from the still unfinished house.

According to our elderly neighbour, the reason the house lacks many of the decorative features found in similar style houses is because war caused a shortage of materials at the time the house was built. This lack of decorative features would be difficult to observe during an external inspection undertaken from the street.

Other evidence supporting recollections of the house being built in the 20th century rather than the Quartz Boom period, in relation to information in the Stage 2 Study, includes:

- The size of the block afforded those who held a Miner's Right was 1/4 acre. This block is significantly larger at approximately 2/5 acre.
- Interior lining is old thick plaster there doesn't appear to be timber lining boards.
- The house block is aligned with the street pattern, and the blocks abutting along Panton Street to the east indicate roads were likely surveyed prior to it being built.
- Commonly, houses in the Quartz Boomers period were built around company mines. This property is away from any known mine shafts with no evidence of any in close proximity.
- The chimney is external.

This submission is written in good faith, and we appreciate your time in considering it.

Regards

[redacted]

Submission 8

Frank Casimir

From: Strategic Planning Admin
Sent: Monday, 8 May 2023 9:08 AM
To: Frank Casimir
Subject: FW: 59 Jackson St, Long Gully - Heritage Overlay

Registered in ECM and on Pathway

Marleen Thompson
Senior Administrator Strategic Planning
Office Hours: 8.30am – 5pm, Monday - Thursday

CITY OF GREATER BENDIGO

PO Box 733, Bendigo, VIC 3552
T +61 3 5434 6120
National Relay Service 133677 then quote +61 3 54546120
E m.thompson@Bendigo.vic.gov.au
www.bendigo.vic.gov.au
The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country.

From: [redacted]
Sent: Sunday, May 7, 2023 8:30 PM
To: Strategic Planning Admin <strategic.planning@Bendigo.vic.gov.au>
Subject: 59 Jackson St, Long Gully - Heritage Overlay

Dear Frank,

I am writing in regards to the letter we received in regards to the proposal to apply for a Heritage Overlay to our home.

I first just want to mention that we have only just recently received this letter. It was address to the previous owners - T T Burchell and N A Burchell. We purchased the home off them over 12 months ago, have had rates come to us, and some how this letter went to them (they have mail re-directory on, so was only lucky they put it in our letter box in the last week).

In regards to the Heritage of our property - we purchased the property with plans to renovate and make it modern. We asked at the time if it had a heritage listing on it, because if it had, we wouldnt have purchased it. So far, we have been painting the external of the house (in colours that I dont believe are Heritage colours) and have been making renovations to the internal, removing all of the old features. We wish to continue with our renovations and eventually extend the home, the heritage overlay may change our future plans.

We would like to ask for our home to be reconsidered from being put on the list.

Thank you

[redacted]
59 Jackson St

Submission 9

[redacted]
193 MacKenzie St West
GOLDEN SQUARE VIC 3555
8th May, 2023

Ref: C275

City of Greater Bendigo
Strategy Planning Department
PO Box 733
BENDIGO VIC 3550

VICTORIAN MINERS' COTTAGE HOUSING SERIAL LISTINGS – STAGE 2, NOVEMBER 2021 – GREATER BENDIGO PLANNING SCHEME AMENDMENT C275BEN – PUBLIC EXHIBITION

Dear Sir/Madam,

In response to your proposal to apply and Heritage Overlay (HO1000) to the property you have listed as 193 MacKenzie Street West, Golden Square, I offer the following as my reasons for opposing the proposal.

The first step is to establish the address of the property to which the proposed overlay should apply.

Your correspondence was addressed to my late husband Russell Henry Crole. The title was transferred to my name in February this year in line with the settlement of Russell's estate.

[redacted] purchased the land back in 1996, the property was known as 195A MacKenzie Street West, Golden Square (see attached Contact of Sale). In 1999 we erected a new home at the back of the block and on contacting council they decided to number this new residence as 193 MacKenzie Street West, Golden Square. No mention was made of changing the address reference for the original residence. This is the way the properties have been identified ever since by other statutory authorities i.e. Titles Office, Coliban Water, Land Tax Office. At some point the City of Greater Bendigo decided to renumber the properties to 193 and 193A MacKenzie Street West. We received no advice that this had been done. All council correspondence has been addressed to 193 MacKenzie Street West, Golden Square, which according to council is the cottage property in question and not the address at which we have resided since 1999.

I would really appreciate some clarification of the address. Every document I have completed since 1999 has my address as 193 MacKenzie St West, Golden Square, yet according to council records I live at 193A but all my mail from council goes to 193.

Submission 9

The land currently remains on one title, although a subdivision is currently in process. If the overlay is applied to 193 MacKenzie Street West, will this mean that it is also is over my current residence which was built in 1999?

My belief is the that the building to which you propose to apply the overlay has little or no historical significance for the following reasons:

* The property retains no original external features except the chimneys.
* The property is not habitable due to the deterioration of the timbers both in the foundations and the roofing structure.
  To return the property to a state suitable for habitation would in essence require a total rebuild. The stumps are rotting and sinking, the iron cladding on the roof is rusty and the timbers supporting the roof are rotting and the internal plumbing is rusting.
* The front verandah was replaced prior to us purchasing the property and none of the posts or fret work are original or in keeping with the time of the building having been erected.
* The internal structure of the building has been modified so that it no longer has the traditional four rooms of such a cottage.
* There is only one window which contains original flotation produced glass.
  The cottage was totally derelict when we purchased it, with all but one window broken and wall panelling damaged or destroyed.
* The stumps had been packed, in an attempt to stablise the floor, (again prior to our purchase of the property) but because of the nature of the soil and the age of the stumps there is now a 7-10 cm gap between the floor joists and the stumps making the property unstable.
* An inundation of water in April of last year further damaged the flooring and substructure of the building.

I fully understand the need to preserve buildings of historical significance out of deference to our City's history, however I do not believe that the building in question offers any of this significance. Rather than the adding to the historical record of our great city I believe this building is a detriment to the amenity of the area and that neglect over many years (prior to our purchase) and the subsequent "renovations" has meant that any historical significance is lost.

I am happy to provide any further information you might require to assist you in your deliberations.

Yours faithfully

[redacted]

Submission 10

Frank Casimir

From: [redacted]
Sent: Tuesday, 2 May 2023 11:21 AM
To: Strategic Planning Admin
Subject: Re: Planning Scheme Amendment - Heritage Overlay

On Tue, 2 May 2023 at 11:16 am, [redacted] wrote:

Dear Sir

I wish to submit that I am strongly against applying Heritage Overlay to our property at 1 Abel Street, Golden Square.

Our property is the only property classified as residential and the other two are classified as commercial so our property has no significance in keeping our property in character with the appearance of adjacent buildings and heritage place. The remainder of Abel Street consists of commercial enterprises including a 24-hour gym, a take-away shop, Abbots Supply etc.

We have resided at 1 Abel Street, Golden Square for nearly 50 years!
We have made a number of changes including cladding weatherboards with aluminium siding and now vinyl siding on top of the aluminium. We have replaced all the windows to aluminium windows.

We were thinking of selling our house a few years ago and were told that whoever purchased it would probably pull it down and build units on it, but now they wouldn't be able to do that under the overlay.

My husband has dementia and now resides in a nursing home which I have to pay for so there is no way I can undertake any major restoration on a single pension and will not be accepting any financial assistance to help conserve a Heritage Overlay, that I don't want. I have also been informed that it is difficult to get tradesmen to do work on property that has Heritage Overlay as there are so many restrictions to any work involved.

Will my property lose value if it is listed as Heritage Overlay? If so do my rates come down, or possibly will my rates increase with Heritage Overlay.

We own our property and pay rates but still we are governed by the council on what we can do on our own property, or how it is listed.

Kind regards
[redacted]
1 Abel Street, Golden Square. 3555.

Submission 11

From: [redacted]
Sent: Thu, 4 May 2023 08:56:18 +1000
To: "Strategic Planning Admin" <strategic.planning@Bendigo.vic.gov.au>
Subject: planning amendment C275GBEN - re 7 Walker Street Long Guly

Dear Sir/Madam,

I am writing you concerning our property at 7 Walker Street Long Gully. You have included it in the Stage 2 Planning Amendment C275GBEN. We do not believe that it should be included our house was built in the early 1900 as the building that was at that property burnt down in 1901. Could you please check you records concerning this matter?

Thank you
[redacted]

Submission 12

Frank Casimir

To: Frank Casimir
Subject: FW: Opposing Submission to Amendment C275gben - 55 Arnold Street Bendigo

From: . >
Sent: Sunday, May 21, 2023 11:23 AM
To: Bridget Maplestone <b.maplestone@Bendigo.vic.gov.au>
Subject: Re: 55 Arnold Street, Bendigo - Amendment C275gben

Bridget
Thank you for phone call and alerting me to this matter.
I have not received anything from CGB before your phone call.
C[redacted]r and the house has been consistently lived in by squatters since.
After spending considerable amount of money upgrading power and services to the property the real estate agents could still not reach compliance.
A report was provided from RMG to determine the state of the property.
The house was deemed unsafe from the report and in a state of disrepair.
I have forwarded all correspondence to [redacted] who is handling this matter on my behalf.
He was in Melb last week but is working through all.
Hopefully we can make CGB deadlines provided.

Regards .

Submission 12

From: [redacted]
Sent: Sunday, 4 June 2023 4:18 PM
To: Bridget Maplestone
Cc: [redacted]
Subject: 55 Arnold Street, Bendigo
Attachments: Letter to owner 55 Arnold Street, Bendigo.pdf; 220472- RMG Engineering Report Dec2022.pdf; Request For Further Information.pdf; CoGB Asset Protection Permit Letter.jpg; CoGB Asset Protection Invoice.jpg

Hi Bridget

Further to your below email & in response to the CoGB 'Letter to owner' attached.

As the owners of the property referred to as 55 Arnold Street Bendigo, we formally lodge an objection for its inclusion into the proposed CoGB Amendment C275GBEN (HO1000).

The site at 55 Arnold Street Bendigo;

- Was excluded from the Eaglehawk & Bendigo Heritage Study 1993. The site was located within precinct 7.04 'Bendigo East Civic, residential. There was no heritage identifiable building along Arnold Street between Joseph Street (50 Arnold Street) & Lucan Street (85 Arnold Street) considered to be included in the heritage study. Now 30 years later, after the dwelling has sustained further deterioration & structural instability the CoGB believes it worthy of inclusion in a separate Heritage Overlay, with the obvious purpose of retention.
- We have investigated the reference to the 'Cornish Vernacular Longhouse' & do not see a comparison to the 'Miners Cottage'. The 'Cornish Vernacular Longhouse' incorporated an end of the dwelling for animals, had even roof pitches, the' Miners Cottage' does not contain an area for animals & has an uneven roof pitch. The miners cottage is more rectangular than lineal.
- Other than its age, how is this site specifically significant to warrant inclusion into a heritage overlay & how does it contribute for it to be nominated as 'contributory'. Other than stating that it is Contributory, how is 'Contributory' & to what does it contribute.
- The statement of 'Why it is significant' states "The collection belongs to a group of increasingly rare structures that show a combined use of timber weatherboards and pise, rammed earth construction techniques, the mud coming from the nearby creek." The dwelling at 55 Arnold Street contains masonry party wall & chimney, there is no 'pise' (pise de terre) located within the timber walls to this dwelling that the overlay significance states. It must be construed that this dwelling has less a heritage value to that of others in the amendment document that it attempts to protect.

The site at 55 Arnold Street Bendigo is zoned in a Residential Growth Zone. There is no planning permit requirement for demolition. The RGZ purpose is to:

- To provide housing at increased densities in buildings up to and including five or more storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas

By incorporating heritage controls to a RGZ through the incorporation of a heritage overlay contradicts the purpose of the zone that the site is located.

Is there an intention to change the RGZ in the planning scheme?

Submission 12

An application for the demolition of the dwelling & outbuildings had previously been lodged for the structurally unsafe inhabitable deteriorated dwelling, supported by a structural assessment of the building (see RMG Engineering report attached). Any delays encountered for the issuing of a demolition permit through the failure of the council to permit demolition could result in the complete failure of the masonry wall on the property boundary & potentially threaten life.

- There are no heritage controls to the subject site.
- There is no planning controls to prevent the demolition of the existing dwelling.

There are a number of 'miners cottages' that are in structurally better condition than the dwelling at 55 Arnold Street. The opportunity exists to measure, draw & photograph the dwelling to permit the heritage of Bendigo to be recorded for future reference, without the need to retain structures that are well beyond their ability to provide the shelter that they once intended to do. This would permit the dilapidated structure that would appear to have been adversely affected by intermittent flooding over the last 150 years to make way for a new residential dwelling, providing the desired outcomes of the zone that it is located within, a Residential Growth Zone.

55 Arnold Street does not appear to contribute to the surrounding area, as the dwelling is in isolation, surrounded by developments that continue to meet the requirements of the Bendigo Planning Scheme and the zones that they are located within.

We have outlaid monies & have our architect Ian Jones from [redacted] from BLR [redacted] (see 'Request for Further Information Letter' attached) all waiting on further advice and information to progress the project . . . . in addition to receiving the attached Asset Protection letter and invoice from CoGB requesting payment.

We await council's response to the points highlighted & welcome a meeting to discuss the matter further if needed.

Kind Regards

Client referrals are very important to our business. If you know of any friends, family members or business associates who you think could benefit from our services, please let me know.
We would really appreciate the opportunity to assist them.



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Submission 12

---------- Forwarded message ---------
From: **Bridget Maplestone** <b.maplestone@bendigo.vic.gov.au>
Date: Mon, 29 May 2023 at 2:49 pm
Subject: 55 Arnold Street, Bendigo

Cc: Frank Casimir <f.casimir@bendigo.vic.gov.au>

Hi Justin

Please see attached letter sent out late last week by mail to you in relation to a request for an interim heritage overlay for 55 Arnold Street, Bendigo.

We will take your email as of 21 May as a submission to Amendment C275 which seeks to apply a permanent Heritage Overlay to the property.

Kind regards

Bridget

Bridget Maplestone (she/her)

Coordinator Planning, Strategy and Policy



PO Box 733, Bendigo, VIC 3552
T +61 3 54346396 **M** +61 4 48463767

Submission 12

Your Reference:
7 December 2022

Vic 3550

Attention:

[redacted]

Re: 55 Arnold St Bendigo.

As requested, RMG carried out a site visit to the site on 1st December 2022 to undertake a visual inspection of the existing dwelling at 55 Arnold St.
The dwelling was constructed approximately 100 years ago and is of weatherboard on hardwood stud framing and light weight corrugated steel roofing. The floors are timber joists on (assumed) timber stumps, typical of house construction of the era.

The dwelling is approximately 9m x 9m in plan. There is a small verandah to the front of the property and a small garden which adjoins the Arnold St footpath to the northeast of the site.
A brick party wall on the northwest side of the house abuts a driveway for the neighbouring property. There are several small timber framed outbuildings to the rear.

It was apparent the house has been left unoccupied for some time and on first observations is in an extremely poor condition.

The weatherboard cladding was severely damaged in localised areas exposing the framing behind. Significant rot in the boards was observed.

There was some evidence of termite damage however our inspection was limited by a visual appraisal only and given the extensive damage observed within the weatherboard there would be good chance that more termite damage would be found if linings were removed.

The brick party wall on the neighbour's driveway is constructed of solid brick on what appears to be a brick foundation. The foundations have rotated and settled over the years resulting in several large cracks within the wall and a significant lean of approx. 1:20. The roof has partially pulled away from the wall which has reduced the structural restraint.
Foundations to the rear off the house have failed. At some time, the back wall has been crudely propped to a detached shed to prevent it from further movement and/or collapse. A brick chimney in the rear wall also has a significant lean away from the house due to foundation failure.
Downpipes are not connected to the stormwater system but are discharging on to the ground. This has significantly increased the likely hood of foundation failure as soils would be saturated from time to time reducing soil strength

The flooring has significant falls throughout the house due to the extreme foundation movement. Internal walls and ceiling linings are generally in disrepair.

Submission 12

The structure is in extremely poor condition and in its current form is unstable due to inadequate foundations and/or foundation failure. This is of particular concern for the wall on the site boundary given there is a risk to the adjoining property.

There is also potential loss of a ceiling diaphragm given its separation in parts from the ceiling joists.

Major remedial works would be required to achieve any meaningful increase in structural adequacy for this property

We are of the opinion that the works required to bring the dwelling up to an acceptable standard is substantial and would be impractical given that works would include, but not limited to, temporary bracing; restumping; substantial replacement of the floor and walls and boards; straightening or replacing all the wall studs; new roof framing and ceiling; new foundations to external walls and chimneys, rebuilding of the chimneys and party wall.

All the outbuildings are severely damaged and need to be demolished.

Conclusion.

- RMG have inspected the dwelling and consider it to be structurally compromised.
- The party wall is of particular concern as foundation failure has resulted in a significant lean, cracking and partial loss of restraint from the roof.
- The amount of works required to achieve satisfactory structural adequacy of the dwelling is substantial and we would therefore support the idea of its removal.

If you have any queries, please do not hesitate to contact us.

Yours faithfully,



Reg Building Practitioner PE0004066

STRUCTURAL ENGINEERING SERVICES MANAGER.

Submission 12



Front Verandah



Part Wall on Driveway showing lean and roof separation

Submission 12



Cracking within party wall on driveway



Chimney at rear with significant lean away from the house

Submission 12



Base of chimney and wall ‘brace’



Wall brace and typical significant damage to cladding
Foundation movement is evident

Submission 12



Severe damage typical to out buildings



Typical Internal Linings

Submission 12



Internal View of bathroom

Submission 13

The Greater Bendigo City Council

15 Hopetoun street

Bendigo 3550

[redacted]

[redacted]

Golden Square 3555

15 June 2023

To whom it may concern ,

I am writing on behalf of my mother who owns the property 15 Adelaide Gully Road Golden Gully 3551.

My mother recieved notice of intent to list a dwelling situated on the property as heritage.

My parents purchased this property on the 15th December 1993 from the previous owners of the property and I have supplied Titles of same. The only Dwelling listed is the cream brick house that the previous owners built. My parents have been paying rates for the same house since this time.

There is a 'dwelling ' situated on the site near the drive way on Adelaide Gully Road and as told to my parents and our family, the building was originally in Strathdale and Mr Tucker relocated to his property to save its destruction. The building is derelect , white ants present and dangerous , vandals have damaged parts of the dwelling. There is no account of the dwelling existing in the titles.

I believe a photo of the dwelling was placed in a book 'Bendigo yesterday and Today ' by K Arnold, permission to include this photogragh or any information was not sort by the author copyright 2017 off my parents and as the book itself states 'the author will not accept any liability for the loss, damage or expense incured by reliance placed upon information contained in this book' .

My family and I do not believe the 'dwelling' should be heritage listed as we do not believe it is original to the property. I have also been informed by nephew that there been visitors to my mothers property whom have demanded the 'dwelling' be restored . We do not have the money or intention to do this and I am not sure whom or what authority these visitors possess.

I am happy to discuss this further if the council are in possession of any futher information

[redacted]

With Thanks [redacted]

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
1	Grant Street 19, Long Gully	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following: 1. The building is structurally unsound as confirmed by a structural engineer's report. 2. It is beyond saving.	The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999. A secondary site visit to the property took place in May 2023 to assess the subject building's physical condition and the extent of decay identified in the structural report supplied in the objection. Physical evidence observed on this site visit corroborated with evidence provided in the structural report undertaken by T.M.C & Associates in April 2022. The extent of decay present (in particular, the partial collapse of original brick structural walls and the fragility of remaining brick walls) will require substantial repair works to bring the property into an occupiable state. It is our opinion that repair works of this nature (including the removal and reconstruction of original brick walls) will	We recommend the removal of the property from inclusion in the Heritage Overlay.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			significantly impact the remaining original fabric and diminish the integrity of the building. As such, we recommend the removal of the property from inclusion in the Heritage Overlay.	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
2	National Trust	The submitter supports the amendment (C275) and looks forward to participating in the process to substantiate and expand the listings of Miners' Housing throughout Greater Bendigo. The submitter branch encourages council to adopt the following requests: 1. External Paint controls, using those colours recommended in the CoGB Heritage Design Guidelines, be included. This has been an important document previously written and adopted by council and therefore, needs to apply to all properties under a heritage overlay. 2. To have controls on the removal of early garden plantings, and elements such as garden beds, edgings, rockeries etc, and any trees over 50 years old. These trees, plantings and elements are important to retain the character of these properties.	Support of the project is welcomed. No external paint controls were deemed necessary as no early colour schemes were identified as part of the general survey and there is provision within the planning scheme that a planning permit is required to paint a previously unpainted surface (e.g., face brick, render, stone, concrete, timber shingles). This provision is sufficient to control any adverse impact caused by the application of paint and its chosen colour. The general survey identified those significant trees that warranted protection and recommendations included in the heritage study. No landscaping elements were identified as part of the general survey. Where outbuildings were identified their location was to the rear of the site and close inspection and assessment was not possible during the general survey. It is also possible that other original outbuildings may have been obscured	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		3. To have controls to protect outbuildings and fences where they exist as they too contribute to the story of how people lived. Many properties of the era had stables, workshops and some had mudbrick outbuildings. Fences provide a valuable contribution to the streetscapes.	from view. Although no additional controls were applied regarding outbuildings, a general statement has been added to the Statement of Significance noting that original outbuildings from the nineteenth Century, where they exist, may contribute to the historical significance of the place. These can be assessed by Council on a case-by-case basis as the need arises. No fence controls were necessary as no original or early fences were identified as part of the general survey and there is provision within the planning scheme that a planning permit is required to erect a fence. This provision is sufficient to control any adverse impact caused by an inappropriate fence design.	
3	Pascoe Street 3, Long Gully	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following:	The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999.	We recommend the removal of the property from inclusion in the Heritage Overlay.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		1. The property doesn't display the necessary attributes to be classified as a mining cottage. 2. A heritage listing should be based on the physical appearance and characteristics of the property, rather than on its historical background alone. 3. The owner is concerned about the financial burden that a heritage listing would impose on them as homeowners. 4. The financial burden would jeopardise the ability to maintain and repair the property, which would ultimately lead to its deterioration. 5. Believes the HO will require them to reinstate the facade back to an earlier appearance, which would require a significant financial investment that we cannot afford.	In consideration of the points raised in the objection and on closer inspection of the physical condition of the property, we believe the level of alteration to the property (including the loss of chimneys, original doors and windows) significantly impacts the integrity of the building and its intelligibility as a Miner's Cottage. Therefore, we believe the property no longer meets the thresholds for inclusion on the Heritage Overlay.	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
4	King Street 200, Bendigo	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following: 1. It is not a house from the Victorian era. 2. Affordability of maintaining the property. 3. The HO will devalue the property	The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. There is physical evidence attributing the property to the Victorian era, key characteristics include; hipped roof with corrugated metal cladding, external weatherboard cladding, decorative iron lacework to verandah and symmetrical façade with central door and tripartite windows flanking either side. With respect to the maintenance of the property and the associated costs, all properties require on-going maintenance to protect their amenity and value, whether in the Heritage Overlay or not. The means to maintain is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under *Planning Practice Note 1: 'Applying the Heritage Overlay'*. Any potential personal financial implications such as property values or rates valuations are not relevant	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			considerations in the assessment of appropriate heritage controls. *Planning Practice Note 1: 'Applying the Heritage Overlay'* identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.	
5	Allingham Street 83, Golden Square	The submitter objects to the recommendation to include the property in the Heritage Overlay but no basis on which the objection is made. The submitter advises that the property is protected by a will (by TW Hokin) that is still present and pre-dates the request made by the Bendigo Council of 23 March 2023.	The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999. No information has been received outlining why the submitter objects to the recommendation. The reference to the will is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under *Planning Practice Note 1: 'Applying the Heritage Overlay'*	No changes proposed.
6	Queen Street 266, Bendigo	The submitter objects to the recommendation to include the	The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North	We recommend the removal of the property from inclusion in the Heritage Overlay.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		property in the Heritage Overlay based on the following: 1. Permits were sought in 1993 to demolish the house and redevelop the site. 2. There are alterations noted to the property 3. The house is not suitable for living or restoration as it is inhabitable.	Bendigo and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999. A secondary site visit to the property took place in May 2023 to assess the subject building's physical condition. Physical evidence observed at this date indicated the substantial extent of decay present, including the rotting of large portions of the original timber structure and weatherboard cladding. It is our opinion that the nature of repair works required to bring the property into an occupiable state will significantly damage the remaining original fabric and diminish the integrity of the building. As such, we recommend the removal of the property from inclusion in the Heritage Overlay.	
7	Oak Street 26, Golden Square	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following: 1. Informs the house was built in the 20th century rather than the	The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. There is physical evidence attributing the property to the Victorian era and the	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		Quartz Boom period based on the following information: • The size of the block afforded those who held a Miner's Right was 1/4 acre. This block is significantly larger at approximately 2/5 acre. • Interior lining is old thick plaster there doesn't appear to be timber lining boards. • The house block is aligned with the street pattern, and the blocks abutting along Panton Street to the east indicate roads were likely surveyed prior to it being built. • Commonly, houses in the Quartz Boomers period were built around company mines. This property is away from any known mine shafts with no evidence of any in close proximity. • The chimney is external.	Quartz Gold Boom Miner's House typology through those key characteristics that include; hipped roof with corrugated metal cladding, external weatherboard cladding, verandah and symmetrical façade with central door and double hung windows flanking either side. The establishment of miner's housing was typically on ¼ acre blocks afforded by a Miner's Right however we note the potential for blocks to have been subdivided or altered over time. While the ¼ block matter is of historic interest, the size of the block is not directly relevant to the inclusion of the property in the Heritage Overlay. We note the submitter's information on the interiors but flag that interior alteration controls are applied sparingly and on a selective basis to special interiors of high significance, in keeping with the guidance provided in *Practice Note 1: 'Applying the Heritage Overlay'.*	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			As such, internal alteration controls are not being applied to the property. Whilst the block is aligned to the street pattern and abutting blocks along Panton Street, the positioning of the house itself suggests the original alignment of the house to Oak Street is likely prior to the surveying of Panton St and subdivision of abutting blocks. The study identifies in section 4.4.3 that the location of a property within a former mining settlement and community and this is sufficient evidence for the inclusion of the property in the Heritage Overlay. External chimneys were a typical feature and form an important characteristic of a Quartz Good Boom Miner's House.	
8	Jackson Street 59, Long Gully	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following:	The property is identified as 'contributory' to the Workers and Mine Speculators' Houses serial listing.	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		1. Purchased the property with plans to renovate and make it modern. 2. We asked at the time if it had a heritage listing on it, because if it had, we wouldn't have purchased it. 3. Alterations have been made to the house and include - painting the external of the house (in colours that I don't believe are heritage colours) and have been making renovations to the internal, removing all the old features. 4. Want to continue with the renovations and eventually extend the home, but the heritage overlay may change future plans.	Following a site visit to the property in May 2023 and re-evaluation of the physical condition of the building, we believe the alterations to the property raised in the objection to be of a sympathetic nature, with the extant original fabric and overall form of the building substantiating a level of integrity sufficient to satisfy the threshold for inclusion in the Heritage Overlay. The Heritage Overlay does not prohibit redevelopment or architectural innovation but requires that the identified heritage values are considered as part of the planning permit application process for any development or works.	
9	Mackenzie Street West 193, Golden Square	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following: 1. The current residence was built in 1999	The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999.	We recommend the curtilage of the front property is revised to those boundaries as set out in the recent subdivision plan.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		2. The building has little or no historical significance for the following reasons: • The property retains no original external features except the chimneys. • The property is not habitable due to the deterioration of the timbers both in the foundations and the roofing structure. • To return the property to a state suitable for habitation would in essence require a total rebuild. • The stumps are rotting and sinking, the iron cladding on the roof is rusty and the timbers supporting the roof are rotting and the internal plumbing is rusting. • The front verandah was replaced prior to us purchasing the property and none of the posts or fret work are original or in keeping with the time of the building having been erected.	The recommendation covers the building to the front of the site only. The newer building to the rear is not considered to be of any heritage value. Reconsideration of the curtilage is required. The building to the front of the property was deemed to hold heritage significance as a 'contributory' property to the Ironbark Miners' Cottage serial listing. The extant physical evidence attributing the building to the Ironbark Miners' Cottage typology includes; external chimneys, weatherboard and timber construction, gable roof form with modest cottage proportions, symmetrical front composition featuring central front door and double hung windows flanking either side. Based on this physical evidence the property retains a level of integrity sufficient to satisfy the threshold for inclusion in the Heritage Overlay. With respect to the property being in poor condition, all properties require on-going maintenance to protect their amenity and value, whether in the	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		• The internal structure of the building has been modified so that it no longer has the traditional four rooms of such a cottage. • There is only one window which contains original floation produced glass. • The cottage was totally derelict when we purchased it, with all but one window broken and wall panelling damaged or destroyed. • The stumps had been packed, in an attempt to stabilise the floor, (prior to purchase of the property) but because of the nature of the soil and the age of the stumps there is now a 7-10 cm gap between the floor joists and the stumps making the property unstable. • An inundation of water in April 2022 further damaged the flooring and substructure of the building.	Heritage Overlay or not. The condition of the house is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under *Planning Practice Note 1: 'Applying the Heritage Overlay'*. We note the submitter's information on the interiors but flag that interior alteration controls are applied sparingly and on a selective basis to special interiors of high significance, in keeping with the guidance provided in *Practice Note 1: 'Applying the Heritage Overlay'.* As such, internal alteration controls are not being applied to the property.	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
10	Abel Street 1, Golden Square	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following: 1. The property is the only property classified as residential and the other two are classified as commercial, so the property has no significance or related character with the appearance of adjacent buildings and heritage place. 2. A number of changes have occurred including cladding weatherboards with aluminium siding, vinyl siding on top of the aluminium and aluminium windows. 3. Looking to sell the house a few years ago and were told that whoever purchased it would probably pull it down and build units on it, but now they wouldn't be able to do that under the overlay. 4. Financial burden of undertaking any major restoration and will	The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. The classification of the property is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under *Planning Practice Note 1: 'Applying the Heritage Overlay'*. Following a site visit to the property in May 2023 and re-evaluation of the physical condition of the building, we believe the alterations to the property raised in the objection to be of a reversible nature, with the extant original fabric and overall form of the building substantiating a level of integrity sufficient to satisfy the threshold for inclusion in the Heritage Overlay. Any potential personal financial implications such as property values or rates valuations are not relevant considerations in the assessment of appropriate heritage controls. *Planning*	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
		not be accepting any financial assistance to help conserve a Heritage Overlay, that is not wanted. 5. Difficulty in getting tradesmen to do work on a property that has Heritage Overlay given the restrictions 6. Loss of value and decrease / increase in rates do to the Heritage Overlay. 7. Despite ownership of the property and payment of rates but still governed by Council on what can be done to the property, or how it is listed.	*Practice Note 1: 'Applying the Heritage Overlay'* identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature. The City of Greater Bendigo offers a *Heritage Restoration Loan Scheme* to aid homeowners undertake restoration works to properties identified under local heritage overlays. In relation to the loss of freedom, or the rights of residents, it is noted that Council is required under Section 4 (1)(d) the *Planning and Environment Act 1987* to identify and protect places of architectural and historical interest. On this basis, Council is carrying out this Victorian Miners Cottage Heritage Study. Council resolved to commission the study as a priority project with a considerable financial commitment by Council to identify and protect properties through the application of the Heritage Overlay in the Bendigo Planning Scheme. The Heritage Overlay is a recognised	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			mechanism in the Victorian planning system for protecting valued heritage places. Any potential personal financial implications such as property values or rates valuations are not relevant considerations in the assessment of appropriate heritage controls. *Planning Practice Note 1: 'Applying the Heritage Overlay'* identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature. Please refer to the body of the report for a more detailed discussion of the consideration of property values. Future development opportunities are not a relevant concern to the assessment of heritage significance. *Planning Practice Note 1: 'Applying the Heritage Overlay'* identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			We understand that this may affect individual land parcels in way which were unexpected by a landowner. However, Council has a responsibility to protect valued heritage places and is committed in doing so through carrying out heritage studies and making recommendations. The Heritage Overlay is the most appropriate mechanism for protecting valued heritage places. In addition, the Heritage Overlay does not prohibit redevelopment or works but requires that the identified heritage values are considered as part of the planning permit application process.	
11	Walker Street 7, Long Gully	The submitter objects to the recommendation to include the property in the Heritage Overlay as the house was built in the early 1900 as the building that was at that property burnt down in 1901.	The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. The extant building at the property contains physical evidence attributing it to the Victorian era and the Quartz Gold Boom Miners' House typology, key evidence includes; hipped roof form with corrugated metal cladding, weatherboard and timber frame construction, brick chimneys, symmetrical front façade	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			composition with central door and double hung windows flanking either side. Based on this physical evidence the property satisfied the threshold for inclusion in the Heritage Overlay. Information supplied in the objection and received on site, pertaining to a reported fire at the property in 1901, has been considered but is deemed insufficient to prove that the subject site was the property that burnt down. While the information provided reference to the presumed owner Mr William Pinch, there was no direct connection between him and the site, as William Pinch is reported to have also owned several other properties in the Walker Street area and the fire could have occurred elsewhere. Notwithstanding the fire matter, the property displays sufficient physical evidence that attributes the building to the Victorian era and the Quartz Gold Boom Miners' House typology.	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
12	Arnold St, 55, Bendigo		The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999. A secondary site visit to the property took place in May 2023 to assess the subject building's physical condition and the extent of decay. Physical evidence observed on this site visit corroborated with evidence provided in the structural report undertaken by RMG Consultants in December 2022. The extent of decay present (in particular, deterioration of the timber structure, rotting of weatherboards and settlement of foundations) will require substantial repair works to bring the property into an occupiable state. It is our opinion that repair works of this nature (including the rebuilding of foundations, timber structure, roof framing, chimneys and replacement of weatherboards) will significantly impact the remaining original fabric and diminish the integrity	We recommend the removal of the property from inclusion in the Heritage Overlay.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			of the building. As such, we recommend the removal of the property from inclusion in the Heritage Overlay.	
13	15 Adelaide Gully Road, Golden Gully	The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following: 1. The dwelling identified (there are two on the block) to be placed in the Heritage Overlay is not original to the site, having been relocated from Strathdale. 2. The building is derelict with both white ant and vandal damage. Other matters raised include: A photo is also included in a publication titled 'Bendigo Yesterday and Today' by K Arnold. Permission to access to the property was not sought by the property owners.	The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo, and West Bendigo (Ironbark Miners' Cottages) serial listing. Revised HO999. Apart from the letter and a per-comms reference to a Mr Tucker, the submission provides insufficient evidence to confirm the relocation of the building to the site. However, should this be able to be proven, the Historical Context, and the Description of Integrity sections of the proposed citation (HO999), both acknowledge that cottages were sometimes relocated to new goldfield sites. The act therefore of relocation, in the context of the Heritage Study, is considered to form part of the historical significance of the place. At the time of the survey, which was undertaken from the public realm, the	No changes proposed.

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			building was deemed to hold heritage significance as a 'contributory' property to the Ironbark Miners' Cottage serial listing. The extant physical evidence attributing the building to the Ironbark Miners' Cottage typology includes; external chimneys, weatherboard and timber construction, gable roof form with modest cottage proportions, central front door and double hung windows. Based on this physical evidence the property retains a level of integrity sufficient to satisfy the threshold for inclusion in the Heritage Overlay. With respect to the property being in poor condition, all properties require on-going maintenance to protect their amenity and value, whether in the Heritage Overlay or not. The condition of the house is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under *Planning Practice Note 1: 'Applying the Heritage Overlay'*.	

Victorian Miners Cottage Heritage Study

Submissions Responses

Submission No.	Address	Summary of submission	Response to submission	Recommended Changes
			A copy of the publication was not able to be viewed due to the late submission.	

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C275gben

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment

The proposed amendment affects land at 152properties across the suburbs of Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully, North Bendigo, Quarry Hill and West Bendigo.

Originally when the Amendment was publicly exhibited, the Amendment affected 156 properties. Following receipt of submissions to the Amendment, four properties were recommended to be removed from the Amendment.

The proposed amendment applies to the following housing types in urban Bendigo:

- Early Miners' Cottages
- Quartz Gold Boom Miners' Houses
- Workers' and Mine Speculators' Houses
- Quartz Reefers' Houses.

Please refer to Attachment 1 for details of all affected land.

What the amendment does

The amendment proposes to implement the recommendations of the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, November 2021).

The amendment proposes to:

Overlay Maps – Heritage Overlay

- Apply the Heritage Overlay (HO1000) to the series of 55 Early Miners' Cottages on land in Bendigo, Golden Gully, Golden Square, Ironbark, Long Gully, North Bendigo and Quarry Hill as shown on Planning Scheme Map Nos. 18HO, 19HO and 23HO.
- Apply the Heritage Overlay (HO1001) to the series of 42 Quartz Gold Boom Miners' Houses on land in Bendigo, Golden Square, Long Gully and West Bendigo as shown on Planning Scheme Map Nos. 18HO, 22HO and 23HO.
- Apply the Heritage Overlay (H1002) to the series of 49 Workers' and Mine Speculators' Houses on land in Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully and Quarry Hill as shown on Planning Scheme Map Nos. 18HO, 22HO and 23HO.
- Apply the Heritage Overlay (HO1003) to the series of six Quartz Reefers' Houses on land at 83 Adam Street, Quarry Hill, 64 Breen Street, Quarry Hill, 245 Eaglehawk Road, Long Gully, 15 Joseph Street, Bendigo, 118 MacDougall Road, Golden Gully and 12 Mackenzie Street West, Golden Square as shown on Planning Scheme Map Nos. 18HO, 19HO, 22HO and 23HO. Apply the Heritage Overlay (HO1000) on a permanent basis to land at 19 Grant Street, Long Gully as shown on Planning Scheme Map No. 18HO.
- Delete the Heritage Overlay (HO11) from land at 3 Pitt Street and 6 Broom Street, Bendigo, as shown on Planning Scheme Map 18HO.
- Delete the Heritage Overlay (HO547) from land at 15 Stone Street, Long Gully, as shown on Planning Scheme Map 18HO.

- Delete the interim Heritage 0verlay (HO1004) from land at 19 Grant Street, Long Gully as shown on Planning Scheme Map No 18HO.
- Delete the Heritage Overlay (HO546) from land at 89 Upper California Gully Road, Long Gully, as shown on Planning Scheme Map 18HO.

Overlay Maps – Neighbourhood Character Overlay

- Delete the Neighbourhood Character Overlay, Schedule 1 (NCO1) from land affecting 82 properties in Bendigo, Golden Square, Ironbark and Long Gully as shown on Planning Scheme Map Nos. 18NCO, 22NCO and 23NCO.

Ordinances

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to insert four new heritage places under 'Series' for Early Miners' Cottages (HO1000) in Bendigo, Golden Gully, Golden Square, Ironbark. Long Gully, North Bendigo and Quarry Hill, Quartz Gold Boom Miners' Houses (HO1001) in Bendigo, Golden Square, Long Gully and West Bendigo, Workers' and Mine Speculators' Houses (HO1002) in Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully and Quarry Hill, Quartz Reefers' Houses (HO1003) in Bendigo, Golden Gully, Golden Square, Long Gully and Quarry Hill and delete two existing heritage places at 89 Upper California Gully Road, Long Gully (HO546) and 15 Stone Street, Long Gully (HO547) and references to the statements of significance.
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert four new incorporated documents titled:
    1. Statement of Significance: Series: Early Miners' Cottages, August 2022
    2. Statement of Significance: Series: Quartz Gold Boom Miners' Houses, August 2022
    3. Statement of Significance: Series: Quartz Reefers' Houses, August 2022
    4. Statement of Significance: Series: Workers' and Mine Speculators' Houses, August 2022
- Amend the Schedule to Clause 72.08 (Background Documents) to insert the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, November 2021) as a background document.
- Amend the Schedule to Clause 74.02 to include the following further strategic works that are required as recommended in the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, November 2021):

    A review of HO999 to ascertain whether there are any properties in the original Miners' Cottage serial listing that would be more accurately classified and better protected within one of the new serial listings as recommended in the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, November 2021).
    - Re-write the Statement of Significance for HO999 to the current standard of what, why and how the listing is significant with a more concise statement of what is significant.

Strategic assessment of the amendment

Why is the amendment required?

The planning authority has a long history of identifying and protecting miners' housing, a significant aspect of Bendigo's illustrious gold mining history.

The proposed amendment is required to implement the recommendations of the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, November 2021) to protect miners' housing across the urban Bendigo area.

The council engaged Amanda Jean and Dr Charles Fahey to undertake *The Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listings* (2020). This stage 1 heritage study examined the evolution of mining and housing on the Bendigo Goldfields, identifying four different types of miners' housing:

- Early Miners' Cottages
- Quartz Gold Boom Miners' Houses
- Workers' and Mine Speculators' Houses t
- Quartz Reefers' Houses.

The study recommended that 229 places be assessed for their heritage significance.

The council then engaged Trethowan Architecture to undertake the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (November 2021). The stage 2 heritage study assessed the 229 places identified in the previous study using the HERCON criteria, as recommended in DELWP's Planning Practice Note 1 *Applying the Heritage Overlay* (DELWP, August 2018). The study identified 157 properties of local heritage significance. One of these properties was however omitted from the list when the Amendment was publicly exhibited.

The study recommended that:

- HO999 be amended to included 59 new properties associated with early miners' cottages.
- A Quartz Gold Boom Miners' Houses serial listing be created comprising 42 properties.
- A Workers' and Mine Speculators' Houses serial listing be created comprising 49 properties.
- A Quartz Reefers' Houses serial listing be created comprising six properties.

Council's Heritage Advisor identified that amending HO999 was not appropriate given the existing series listing is over 12 years old. As such, the Heritage Advisor recommended that a new serial listing be created for early miners' cottages. Council's Heritage Advisor also identified two issues with the study: one property originally assessed as part of the Workers' and Mine Speculators' serial listing was not original to Bendigo; and one property originally assessed as part of the Quartz Reefers' Houses serial listing was a former hotel, not a residence. The Heritage Advisor recommended their removal from protection.

It is on this basis that the Heritage Overlay is proposed to be applied, in this Amendment C275gben, to four new serial listings comprising a total of 156 properties as outlined in Appendix 1.

Four properties, specifically 3 Pitt Street and 6 Broom Street, Bendigo; 15 Stone Street and 89 Upper California Gully Road, Long Gully are currently covered by existing Heritage Overlays. It is proposed to delete the Heritage Overlay from these properties because the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (November 2021) recommends that these four properties be individually included inthe schedule to the Heritage Overlay of the Greater Bendigo Planning Scheme as a serial listing. This is to better reflect their significance as miners' houses.

The application of the Heritage Overlay is required in order to protect the heritage values of the places identified, as the Heritage Overlay requires a permit to be granted for building and works, including demolition that could affect the significance of these precincts and individual properties.

The amendment is also required to delete the Neighbourhood Character Overlay, Schedule 1 from 82 properties at various locations where it will overlap with the new Heritage Overlays, consistent with DELWP's *Planning Practice Note 91: Using the Residential Zones* (DELWP, December 2019). The practice note states that the Neighbourhood Character Overlay and Heritage Overlay should not be applied to the same areas. The Heritage Overlay should be used where the objective is to conserve the existing building. The heritage significance of the cottages and houses has determined that the Heritage Overlay is the most appropriate planning provision to apply to the sites.

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

The amendment implements the objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act* 1987 (the Act), particularly the need for planning to:

d) Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

g) Balance the present and future interests of all Victorians.

The amendment implements the objectives by applying the Heritage Overlay to four new heritage places (four serial listings comprising a total of 156 properties) identified in the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (November 2021). The heritage values associated with each place are outlined in the statements of significance proposed to be incorporated into the planning scheme. By updating and strengthening the heritage provisions in the planning scheme, the amendment conserves these heritage places for present and future Victorians.

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

The proposed amendment is not expected to have any adverse effects on the environment. The protection of heritage places helps to retain existing urban infrastructure and contributes to the richness and diversity of the built and natural environment. The conservation of heritage places also promotes sustainable development through the retention of original materials and reduced demand for new construction materials.

Heritage places contribute to the character, amenity and identity of Greater Bendigo and enhance its appeal as a place to live, work and visit. The amendment seeks to protect and enhance the cultural heritage of Greater Bendigo for future generations and will improve community awareness about the importance and value of heritage places.

The identification and protection of heritage places will also attract tourism to the region thereby having a positive economic effect.

Some additional costs may be borne by property owners through the need to obtain a planning permit under the new Heritage Overlays. This, however, will be mitigated by the *Greater Bendigo Incorporated Plan – Permit Exemptions* (City of Greater Bendigo, September 2020), which removes the requirement for a planning permit for minor development/works. New properties included within the Heritage Overlay will also become eligible for the City's Heritage Restoration Loan Scheme.

Does the amendment address relevant bushfire risk?

Given the nature of the amendment and the location of affected properties within the municipality's urban fabric, the amendment is not expected to result in any increase to the risk to life, property, community infrastructure or the natural environment from bushfire. The amendment will be referred to the Country Fire Authority as part of the formal exhibition of the amendment.

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

The proposed amendment has been prepared to ensure that it is consistent with the Ministerial Direction – Form and Content of Planning Schemes under section 7(5) of the Act. The Schedules to Clause 43.01, Clause 72.04 and Clause 72.08 have been prepared in accordance with the requirements of the direction.

The proposed amendment is consistent with Minister's Direction No.11 *Strategic Assessment of Amendments* under section 12(2) of the Act, as discussed in this explanatory report.

The proposed amendment is also consistent with Minister's Direction No.15 The Planning Scheme Amendment Process under section 12(2) of the Act, as discussed in this explanatory report.

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

The proposed amendment supports or implements the following clauses of the Planning Policy Framework:

- Clause 11.01-1S (Settlement) and Clause 11.01-1R (Settlement – Loddon Mallee South), which has the objective of facilitating the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements, in accordance with their relevant regional growth plan. The *Loddon Mallee South Regional Growth Plan* (May 2014) recognises '*heritage assets generate social benefits, such as a sense of identity, direct user benefits through tourism and the benefits stemming from the intrinsic value of preserving these assets for future generations to appreciate and enjoy.*'
- Clause 15.03-1S Heritage conservation, which has the objective of ensuring the conservation of places of heritage significance and includes the strategy: Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Clause 15.03-1L Post contact heritage conservation – Greater Bendigo, which has a general strategy to ensure integration of new development by encouraging design that respects the heritage place through its setting, location, bulk, form, materials and appearance.

The proposed amendment supports the above clauses by protecting four new places (four serial listings comprising a total of 156properties) identified and assessed in a heritage study to be of local heritage significance. The statements of significance provide guidance on the heritage significance of the places to ensure that new development respects identified heritage elements and values.

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

The proposed amendment supports or implements the following clause of the Municipal Planning Strategy:

Clause 02.03-5 Built environment and heritage, in particular the strategic directions to:

- *Protect the city's valuable sites, places and features of natural, archaeological, and cultural heritage significance*
- *Balance the protection of heritage places with support for sensitive and innovative development to accommodate projected population growth.*
- *Support high quality sympathetic contemporary design when undertaking new development in heritage precincts and places.*
- *Encourage the restoration of heritage places and sympathetic development to support contemporary uses of heritage buildings.*

The clause is supported by the application of the Heritage Overlay to protect the local heritage significance of four new places (four serial listings comprising a total of 156 properties).

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

The amendment makes proper use of the Victoria Planning Provisions by applying the Heritage Overlay to properties identified and assessed in a heritage study to be of local heritage significance according to the recognised heritage criteria, consistent with *Planning Practice Note 1: Applying the Heritage Overlay* (DELWP, August 2018).

The statements of significance state that:

- The collection of early miner's cottages is of local historic, rarity, research potential and aesthetic significance to the City of Greater Bendigo.
- The collection of quartz gold miners' houses is of local historic, representative and aesthetic significance to the City of Greater Bendigo.
- The collection of workers' and mine speculators' houses is of local historic, representative and aesthetic significance to the City of Greater Bendigo.
- The collection of quartz reefers' houses is of local historic, representative and aesthetic significance to the City of Greater Bendigo.

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

The proposed amendment will not change any existing referral provisions and is not expected to affect any referral authority. Notice of the amendment will be given to all relevant agencies and referral authorities in accordance with the requirements of the Act as part of the formal exhibition of the amendment.

The proposed amendment has been prepared in consultation with Council's Heritage Advisor. Other relevant authorities and the public will have the opportunity to provide feedback when the amendment is exhibited.

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

The requirements of the *Transport Integration Act* 2010 apply where an amendment is likely to have a significant impact on the transport system.

The proposed amendment applies heritage controls to places of cultural heritage significance. The amendment is not expected to have any impact upon the objectives, strategies and decision-making principles of the *Transport Integration Act* 2010.

Resource and administrative costs

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

The proposed amendment will result in the Heritage Overlay being applied to 155 new properties (2 properties are changing Heritage Overlays). Importantly, 82 of these properties are already covered by Neighbourhood Character Overlay, which is proposed to be removed. Only 73 properties are having a new overlay applied. There may be a slight increase in the number of permit applications resulting from this amendment. However, the responsible authority has the capacity to accommodate any increases. Moreover, applications may be minimised by use of the *Heritage Design Guidelines* (City of Greater Bendigo, September 2020) and *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* (City of Greater Bendigo, September 2020).

Where you may inspect this amendment

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

The amendment is available for public inspection, free of charge, during office hours at the following places (subject to COVID19 regulation):

- City of Greater Bendigo,15 Hopetoun Street, Bendigo

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Panel hearing dates

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

- directions hearing: Week commencing Monday 24 July 2023.
- panel hearing: Week commencing Monday 21 August 2023.

Attachment 1 – Affected Properties and Mapping References

HO Number	Description of Place	Property Addresses	Mapping Reference
HO1000	Early Miners' Cottages	15 Adelaide Gully Road, Golden Gully 2 Allingham Street, Golden Square 83 Allingham Street, Golden Square 382 Barnard Street, Ironbark 68 Bennett Street, Long Gully 78 Bennett Street, Long Gully 54 Breen Street, Quarry Hill 6 Broom Street, Bendigo 2 Burn Street, Golden Square 10 Cunneen Street, Long Gully 1 Daly Street, Long Gully 3-5 Dean Street, Long Gully 15 Gibson Street, North Bendigo 12 Gundry Street, Long Gully 614 Hargreaves Street, Golden Square 615 Hargreaves Street, Golden Square 5 Havilah Road, Long Gully 27 Holdsworth Road, Long Gully 71 Jackson Street, Long Gully 19 Joseph Street, Bendigo 140 King Street, Bendigo 180 King Street, Bendigo 196 King Street, Bendigo 255 King Street, Bendigo 261 King Street, Bendigo 266 King Street, Bendigo 269 King Street, Bendigo 12A Kirby Street, Golden Square 10 MacDougall Road, Golden Square 23 MacDougall Road, Golden Square 26 MacDougall Road, Golden Square 35A MacDougall Road, Golden Square 36 MacDougall Road, Golden Square 1/48 Mackenzie Street West, Golden Square 136 Mackenzie Street West, Golden Square	Greater Bendigo C275gben 001hoMap18 Exhibition Greater Bendigo C275gben 002hoMap18 Exhibition Greater Bendigo C275gben 004hoMap19 Exhibition Greater Bendigo C275gben 005hoMaps18_19_22_23 Exhibition Greater Bendigo C275gben 006hoMaps18_22 Exhibition Greater Bendigo C275gben 007hoMaps22_23 Exhibition Greater Bendigo C275gben 008hoMap22 Exhibition Greater Bendigo C275gben 009hoMap22 Exhibition Greater Bendigo C275gben 010hoMap22 Exhibition Greater Bendigo C275gben 012hoMap22 Exhibition

		193 Mackenzie Street West, Golden Square 63 Nettle Street, Ironbark 1A Pascoe Street, Long Gully 11 Philpot Street, Long Gully 3 Pitt Street, Bendigo 8 Rose Street, Golden Square 4 Sheridan Street, Long Gully 49-51 Specimen Hill Road, Golden Square 76 Specimen Hill Road, Golden Square 15 Stone Street, Long Gully 15 Thistle Street, Golden Square 141 Thistle Street, Golden Square 89 Upper California Gully Road, Long Gully 90 Upper California Gully Road, Long Gully 97 Upper California Gully Road, Long Gully 99 Upper California Gully Road, Long Gully 9 Wade Lane, Golden Square 31 Wade Lane, Golden Square 2 William Street, Long Gully 270 Woodward, Road, Golden Square	
HO1001	Quartz Gold Boom Miners' Houses	1 Abel Street, Golden Square 3 Allingham Street, Golden Square 8 Allingham Street, Golden Square 69 Allingham Street, Golden Square 64 Bennett Street, Long Gully 6 Cunneen Street, Long Gully 2 Daly Street, Long Gully 4 Daniel Street, Long Gully 14B Daniel Street, Long Gully 247 Eaglehawk Road, Long Gully 255 Eaglehawk Rd, Long Gully 263 Eaglehawk Road, Long Gully 9 Grant Street, Long Gully 14 Gundry Street, Long Gully 31 Holdsworth Road, Long Gully 2 Hollow Street, Golden Square 15 Jackson Street, Long Gully	Greater Bendigo C275gben 001hoMap18 Exhibition Greater Bendigo C275gben 002hoMap18 Exhibition Greater Bendigo C275gben 003hoMap18 Exhibition Greater Bendigo C275gben 007hoMaps22_23 Exhibition Greater Bendigo C275gben 008hoMap22 Exhibition Greater Bendigo C275gben 009hoMap22 Exhibition Greater Bendigo C275gben 010hoMap22 Exhibition

		189 King Street, Bendigo 200 King Street, Bendigo 8 Laurel Street, Golden Square 16 MacDougall Road, Golden Square 20 MacDougall Road, Golden Square 25 MacDougall Road, Golden Square 41 MacDougall Road, Golden Square 45 MacDougall Road, Golden Square 14 Mackenzie Street West, Golden Square 16 Mackenzie Street West, Golden Square 44 Mackenzie Street West, Golden Square 64 Mackenzie Street West, Golden Square 65 Mackenzie Street West, Golden Square 67 Mackenzie Street West, Golden Square 30 Maple Street, Golden Square 26 Oak Street, Golden Square 36 Sparrowhawk Road, Long Gully 94 Sparrowhawk Road, West Bendigo 4 Thistle Street, Bendigo 95 Upper California Gully Road, Long Gully 6 Walker Street, Long Gully 7 Walker Street, Long Gully 12 Walker Street, Long Gully 20 Wallan Street, Long Gully 344 Woodward Road, Golden Square	
HO1002	Workers' and Mine Speculators' Houses	6 Allingham Street, Golden Square 390 Barnard, Street, Ironbark 67 Bennett Street, Long Gully 72 Bennett Street, Long Gully 75 Booth Street, Golden Square 90 Booth Street, Golden Square 95 Booth Street, Golden Square 46 Breen Street, Quarry Hill 56 Breen Street, Quarry Hill 106 Chum Street, Golden Square 22-23 Davey Close, Flora Hill 205 Eaglehawk Road, Long Gully	Greater Bendigo C275gben 001hoMap18 Exhibition Greater Bendigo C275gben 002hoMap18 Exhibition Greater Bendigo C275gben 005hoMaps18_19_22_23 Exhibition 007hoMaps 22_23 Greater Bendigo C275gben 006hoMaps18_22 Exhibition

		208 Eaglehawk Road, Long Gully 267 Eaglehawk Road, Long Gully 5 Grant Street, Long Gully 15 Holdsworth Rd, Long Gully 57 Jackson Street, Long Gully 59 Jackson Street, Long Gully 63 Jackson Street, Long Gully 67 Jackson Street, Long Gully 144 King Street, Bendigo 145 King Street, Bendigo 176 King Street, Bendigo 185 King Street, Bendigo 187 King Street, Bendigo 192 King Street, Bendigo 194 King Street, Bendigo 194A King Street, Bendigo 207 King Street, Bendigo 219 King Street, Bendigo 222 King Street, Bendigo 64 Lily Street, Bendigo 70 Lily Street, Bendigo 4 MacDougall Road, Golden Square 5 MacDougall Road, Golden Square 15 MacDougall Road, Golden Square 21 MacDougall Road, Golden Square 22 MacDougall Road, Golden Square 29 MacDougall Road, Golden Square 34 MacDougall Road, Golden Square 14 Maple Street, Golden Square 20 Maple Street, Golden Square 58 Old High Street, Golden Square 62 Old High Street, Golden Square 66 Old High Street, Golden Square 40 Sparrowhawk Road, Long Gully 79 Upper California Gully Road, Long Gully 17 Wade Lane, Golden Square 26 Wallan Street, Long Gully	Greater Bendigo C275gben 007hoMaps22_23 Exhibition Greater Bendigo C275gben 008hoMap22 Exhibition Greater Bendigo C275gben 009hoMap22 Exhibition Greater Bendigo C275gben 013hoMap23 Exhibition
HO1003	Quartz Reefers' Houses	83 Adam Street, Quarry Hill 64 Breen Street, Quarry Hill 245 Eaglehawk Road, Long Gully 15 Joseph Street, Bendigo	Greater Bendigo C275gben 001hoMap18 Exhibition Greater Bendigo C275gben 004hoMap19 Exhibition

		118-120 MacDougall Road, Golden Gully 12 Mackenzie Street West, Golden Square	Greater Bendigo C275gben 007hoMaps22_23 Exhibition Greater Bendigo C275gben 009hoMap22 Exhibition Greater Bendigo C275gben 011hoMap23 Exhibition Greater Bendigo C275gben 012hoMap22 Exhibition
NCO1 (Deletion)	Bendigo Early Settlement Residential Character	1 Abel Street, Golden Square 2 Allingham Street, Golden Square 3 Allingham Street, Golden Square 6 Allingham Street, Golden Square 8 Allingham Street, Golden Square 382 Barnard Street, Ironbark 67 Bennett Street, Long Gully 78 Bennett Street, Long Gully 75 Booth Street, Golden Square 90 Booth Street, Golden Square 95 Booth Street, Golden Square 2 Burn Street, Golden Square 6 Cunneen Street, Long Gully 10 Cunneen Street, Long Gully 1 Daly Street, Long Gully 2 Daly Street, Long Gully 245 Eaglehawk Road, Long Gully 247 Eaglehawk Road, Long Gully 255 Eaglehawk Road, Long Gully 263 Eaglehawk Road, Long Gully 267 Eaglehawk Road, Long Gully 614 Hargreaves Street, Golden Square 615 Hargreaves Street, Golden Square 5 Havilah Road, Long Gully 15 Jackson Street, Long Gully 57 Jackson Street, Long Gully 59 Jackson Street, Long Gully 63 Jackson Street, Long Gully 67 Jackson Street, Long Gully 71 Jackson Street, Long Gully 140 King Street, Bendigo	Greater Bendigo C275gben 014d-ncoMap18 Exhibition Greater Bendigo C275gben 015d-ncoMap18 Exhibition Greater Bendigo C275gben 016d-ncoMaps18_22_23 Exhibition Greater Bendigo C275gben 017d-ncoMaps22_23 Exhibition Greater Bendigo C275gben 018d-ncoMaps22 Exhibition

		145 King Street, Bendigo 176 King Street, Bendigo 180 King Street, Bendigo 185 King Street, Bendigo 187 King Street, Bendigo 189 King Street, Bendigo 192 King Street, Bendigo 194 King Street, Bendigo 194A King Street, Bendigo 196 King Street, Bendigo 200 King Street, Bendigo 207 King Street, Bendigo 219 King Street, Bendigo 222 King Street, Bendigo 8 Laurel Street, Golden Square 64 Lily Street, Bendigo 70 Lily Street, Bendigo 4 MacDougall Road, Golden Square 5 MacDougall Road, Golden Square 10 MacDougall Road, Golden Square 15 MacDougall Road, Golden Square 16 MacDougall Road, Golden Square 20 MacDougall Road, Golden Square 21 MacDougall Road, Golden Square 22 MacDougall Road, Golden Square 23 MacDougall Road, Golden Square 25 MacDougall Road, Golden Square 26 MacDougall Road, Golden Square 29 MacDougall Road, Golden Square 12 Mackenzie Street West, Golden Square 14 Mackenzie Street West, Golden Square 16 Mackenzie Street West, Golden Square 14 Maple Street, Golden Square 20 Maple Street, Golden Square 30 Maple Street, Golden Square 58 Old High Street, Golden Square 62 Old High Street, Golden Square 66 Old High Street, Golden Square 11 Philpot Street, Long Gully 8 Rose Street, Golden Square	

		4 Sheridan Street, Long Gully 15 Thistle Street, Golden Square 141 Thistle Street, Golden Square 79 Upper California Gully Road, Long Gully 89 Upper California Gully Road, Long Gully 95 Upper California Gully Road, Long Gully 97 Upper California Gully Road, Long Gully 99 Upper California Gully Road, Long Gully 20 Wallan Street, Long Gully 26 Wallan Street, Long Gully	

20.2. Public Art Policy for Adoption

Author:	Mandy Field, Creative Industries Officer
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

Following community consultation, to adopt the Public Art Policy.

Recommended Motion

That Council:

1. Notes this report and the presented Public Art Policy.
2. Adopts the Public Art Policy.

Executive Summary

The Greater Bendigo Public Art Policy 2023 (the policy) is now ready for adoption by Council. To date, it has completed a four-week public exhibition via ‘Let’s Talk’ and undergone an extensive community engagement process.

The previous Public Art Policy 2008 was outdated, a new policy was required to reflect updated internal policies, State and Federal government regulations and to reflect the intentions of Greater CREATIVE Bendigo Strategy and Council Plan, Mir Wimbul 2021-2025.

Since March the Public Art Policy has had minor additions made to the document, to ensure it is inclusive to the community and relevant to the City’s collection.

Background

Council adopted the Greater CREATIVE Bendigo Strategy in 2019, replacing the Arts and Culture Strategy 2008-2011. Through an extensive public engagement process as part of the strategy development, the community identified the need for a new direction in public art policy. The community also identified the need to include a public art plan to drive the strategic outcomes of a dynamic and bold vision for public art in Greater Bendigo.

The policy was developed following a review of relevant Federal, State and local government policy, analysis of existing public art, the undertaking of a public art audit, engagement of the community and key stakeholders and the identification of changes needed within the City, to provide a system to support the creation of public art projects.

The policy sets out the vision, principles, roles, and responsibilities for public art.

Report

The policy aims to provide the City and the Greater Bendigo community a clear direction in the planning, creation and maintenance of public art.

The policy has now completed its community engagement process including four weeks of exhibition on the City's 'Let's Talk platform'.

There was no direct feedback offered through the online platform on the policy. Through the internal and external engagement process, and feedback from the Executive Management Team the following changes / additions were made to the policy:

- Principle 6: Fair and Sustainable Arts Practice - to include protocols for engaging First Nations artists and recognizing Indigenous Cultural Intellectual Property.
- Perpetual Collection – goal expanded to include the broader First Nations community; celebrate Greater Bendigo's diversity and support gender inclusivity.

Timelines

The following articulates the timelines for the Public Art Policy and Action Plan through their finalisation:

- Draft Public Art Policy public exhibition close 29 May 2023
- EMT briefing 30 May 2023
- Councillor Briefing 19 June 2023
- Council meeting (adoption) 26 June 2023
- EMT briefing (Public Art Plan) 1 August 2023
- Councillor Briefing on the Public Art Plan 14 August 2023

Communications/Engagement

External Engagement

The policy has undergone considerable engagement, including the following direct engagement:

- City of Greater Bendigo Let's Talk platform – four weeks public exhibition;
- Local First Nations artist Troy Firebrace (Firebrace Designs);
- The City's Arts and Creative Industries Advisory Committee;
- Targeted stakeholder consultation across local business and creative industries.

Internal Engagement and Coordination

- Two internal working groups (Project Working Group and Project Control Group) comprising a range of City staff with specialised expertise (Bendigo Art, Gallery

Curators, Parks, Strategic Planning, Economic Development, Bendigo Venues and Events, Tourism, Healthy Communities and Creative Communities);
- The City's Youth Council.

Equity Impact Assessment (EIA)

An Equity Impact Assessment has been developed and the recommendations adopted by the Policy. The recommendations are as follows:
- Develop an engagement brief that implements actions to break down the barriers to inclusion and adopts culturally (First Nations) and gender safe environments.
- Add procurement and selection strategies that aim to:
  - Rebalance the imbalances of our collection and storytelling;
  - Adopt practices that consider the impacts of public space on First Nations and
  - other marginalised communities.
- Develop a selection process for our Public Art Advisory Committee that will provide Council with the best outcome for a culturally, socially and economically diverse group of views and voices.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 6 - A vibrant, creative community

Secondary Council Plan Reference(s)

Goal 1 - A culture of creativity
Goal 2 - More activated spaces
Goal 3 - Nurturing and supporting talent and championing inclusion and access for creatives
Goal 5 - Recognise and celebrate our significant national and international heritage

Conflict of Interest

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

Attachments

1. Public Art Policy - 9 June 2023 [**20.2.1** - 14 pages]

CITY OF GREATER BENDIGO

PUBLIC ART POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	30/06/2023
Review cycle:	Every 4 years
Review Date:	30/06/2027
Responsible Officer:	Creative Industries Officer
Owner:	Choose an item.
Responsible Director:	Strategy and Growth
Relevant Legislation/Authority:	Local Government Act 2020
DOCSETID:	Click here to enter text.

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1. PURPOSE

The Greater Bendigo Public Art Policy (the Policy) aims to provide the community of Greater Bendigo, The City of Greater Bendigo (the City) and its partners with clear direction in the planning, creation and maintenance of public art.

The Policy was developed following a review of relevant Federal, State and Local government policy, analysis of existing public art, the undertaking of a public art audit, engagement of the community and key stakeholders and the identification of changes needed within the City to provide a system to support the creation of public art projects.

The Policy sets out the vision, principles, roles and responsibilities for public art.

This *Public Art Policy* (the Policy) is to be read in conjunction with the *Public Art Plan* (the Plan) which was produced alongside this Policy.

The *Public Art Policy* sets out the City's requirements and expectations for public art in Greater Bendigo. The *Public Art Plan* is both an aspirational and practical document. It identifies the opportunities for public art, methods to deliver public art and potential projects.

This Policy:

- establishes an overarching vision.
- identifies key principles to guide new public art projects.
- Identifies what is considered to be public art and its typologies.
- identifies governance changes required to assist in the growth of Greater Bendigo's creative economy.
- identifies who is responsible for managing and delivering public art in Greater Bendigo.
- Identifies public art funding within Council.

- Identifies the Lifespan and Lifespan processes for public art Greater Bendigo
- Identifies the structure and management of the public art collection.

2. BACKGROUND

The existing *Public Art Policy 2008* is being replaced by this *Public Art Policy*. The implementation of a new Policy identifies opportunities for improvement to bring it in line with best practices in public art. A Public Art Plan was produced alongside the Policy, expanding its scope.

The development of a renewed policy and plan is an action of Greater Creative Bendigo Strategy.

3. SCOPE

The Policy applies to the City of Greater Bendigo and all individuals, businesses and organisations who create, install, manage, and maintain public art in Greater Bendigo

4. DEFINITIONS

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 the Councillors collectively.

Public Art Working Group combines various specialist skills from within the City and provides strategic directions and practical guidance to assist in the identification of public art projects and aid in their delivery and implementation.

The ***Public Art Advisory Panel*** is an advisory body comprised of experts from both within the City and external professionals.

Life Span means the time a public artwork remains in the public domain. Its Lifespan could be Temporary or Permanent.

Mediums are the materials from which a public artwork is made, such as metal, wood, plastic and clay.

Typologies mean the shapes and form a public artwork can take. Public art can be a Sculpture, Urban Elements, Creative Lighting, Street Art, Nature Art, Digital Art, Integrated Artworks, Activations, Performance and Soundscape.

4.1 Public Art Definition

Public art is a creative project purposefully created and integrated into the public domain to improve or enhance it beyond its basic, everyday functionality and tell a story or express an idea. The artwork should be visually prominent and physically accessible.

Public art may take many forms and involve many different mediums. It may be temporary or permanent; serious or playful; a single work of art or a collection; the work of one or many; created to stand out or disappear into the landscape; it may be small or large; static or kinetic. Above all, it aims to resonate or generate a response with those who encounter it.

Freedom of creative expression and openness to new, bold and emerging art forms is critical to our society's intellectual and cultural progress and capturing the public's imagination.

While Public Art is commonly and overwhelmingly visual other sensory experiences such as touch, sound, and smell can be equally powerful. Evoking many sensory interactions can help us shape, explore or expand our view of the world, as we form memories of the unique things we encounter.

4.2 Who is considered an Artist?

An artist is a person who is engaged in the arts. An artist expresses old and new ideas, thoughts, and stories through various creative mediums.

An artist must direct a public artwork's artistic intent and concept design.

For some artwork typologies, an artist may not have the skills to undertake detailed design, shop drawings or fabrication. An artist can collaborate with another artist, architect, landscape architect or engineer. Or they may engage someone who specialises in public art documentation and fabrication.

The Artist must be part of the creative team throughout the project's life – either as the artwork's creator or in an oversee role to ensure the artistic intent remains.

The Artist may collaborate or engage different community groups or community members to inform an artwork's theme, form and/or location.

5. PRINCIPLES

5.1 Public Art Vision

Greater Bendigo will embrace public art and recognise its valuable role in the region's identity, economy, the health and wellbeing of its people and its sustainable future.

The region will embrace design excellence, demanding the best in art and design outcomes – to show the world that Greater Bendigo are leaders in creativity and express its stories and culture with pride.

Public art will be seen as a tool that grows the mental and physical wellbeing of its community and those who visit. Greater Bendigo's creative layers will inspire and delight those who experience it but will also challenge and provoke new ideas and conversations. Public art will not only draw people to its public places but will forge new connections and activate underutilised spaces, improving perceptions of safety, visibility, and access.

The City will protect, value and nurture its Public Art Collection and will purposefully resource and grow it with new high-quality artworks that express its culture – past, present and future of Greater Bendigo.

5.2 Public Art Principles

Community and stakeholder engagement and other Council policies and plans inform these eight principles. These principles will underpin future public artworks and their design and procurement methods.

Public Art Principles have several purposes. Firstly, they identify the priorities for Greater Bendigo. Secondly, Principles guide the direction for new artworks not identified in the Public Art Plan's Action Plan.

Principles do not exist independently; they are connected and work together. As each principle works together, it increases the opportunities for more public artworks, improves funding opportunities, and develops the skills, capacity, and quality of our artists.

In summary the eight (8) principles comprise:

Principle 1: Sustainable Public Art, Placemaking and Activations
Principle 2: Design Excellence in Public Art
Principle 3: Express and represent the region's culture visually

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Principle 4: Strong governance for public art
Principle 5: Grow a creative economy
Principle 6: Fair and sustainable arts practice
Principle 7: Upskill and train emerging and practicing artists
Principle 8: Create better opportunities for public art

Principle 1: Sustainable Public Art and Activations.

Sustainability continues to grow in importance in the world we live. The City of Greater Bendigo Council Plan Mir Wimbul's *Outcome 5: A climate resilient and healthy landscape*, shows the City's commitment to sustainability through zero carbon targets and developing a circular economy.

Public art and activation projects can help meet this commitment. Artworks should be guided by good decisions to ensure they have a clear purpose, are constructed or created with materials that are not hazardous, are not considered a disposable item, reduces landfill, has a percentage of materials constructed from reused and recycled content and are well cared for to maximise its lifespan.

Public art and activations can also thematically enhance messaging for a climate-resilient and healthy landscape.

Principle 2: Design Excellence in public art

Design Excellence sets a high standard for design. While typically focused on architecture, landscape architecture and urban design, Design Excellence is just as valid for public art - as the same principles apply, including sustainability, functionality and contribution to public space and public life. These are all aspects expressed in the eight (8) public art principles. This principle sets the expectation for high quality and well considered public artworks, whilst also acknowledging the importance of experimentation and risk taking to inform design innovation.

Principle 3: Express and represent the region's culture visually.

Elevate artists and creative profile by showing the world our stories through innovative public art programs. Express culture through public art in highly visible and physically accessible spaces across the region. Represent and celebrate local Dja Dja Wurrung, Taungurung and First Nations stories and heritage in public places. Excite the imagination of the public and create conversations and social connections.

Principle 4: Strong governance for public art

Leadership in planning and advocating for public art is vital to the Greater Bendigo creative community. It requires a transparent and easy to understand process for delivering public art and working with the City. To manage this process, a dedicated person within the City is of utmost importance. Good governance recognises that there are many ways to source and fund public art – both public and private methods. It also seeks to care, manage, and maintain the *Public Art Collection* in line with industry standards.

Principle 5: Grow a creative economy

The Greater Bendigo creative economy is emerging and needs support to grow into a centre of world-class creative projects and programs. This requires more opportunities for public art to support and attract artists and make art more visually apparent. A strong part of a creative economy is making art visible. It shows that the region values public art and the creative economy and considers it an important part of its

economy as a whole. A creative economy requires a clear vision to inspire a culture of creativity delivered through public art programs, that foster diverse experiences.

Principle 6: Fair and sustainable arts practice

An Artist must create all public artworks or be the key designer in a public art project. To ensure the creative process is well integrated, concept design and site considerations should start early in the design process. All Artists must be paid for their creative work, including Expressions of Interest (EOI) and design competitions.

Protocols for engaging First Nations artists will be consulted when considering works that are sourced from or refers to First Nations objects, knowledge or works. Indigenous Cultural Intellectual Property (ICIP) will be considered, with permission obtained by Traditional Owners and / or local First Nations communities before commissioning, accessioning, removing, relocating or deaccessioning objects, knowledge or artworks.

Principle 7: Upskill emerging & practicing artists

Nurturing a creative economy requires training and education for emerging and practicing artists. These opportunities should allow artists to break into a new art typology, take on a larger scale project or encourage the region's youth to work with mentors and consider public art as a possible career trajectory. Programs should be accessible and inclusive and contribute to a sense of identity and pride in public spaces.

Principle 8: Create better opportunities for public art

Diversity in typologies creates more opportunities for artworks not typically considered 'public art' and can appeal to a broader range of creatives. More artists will be encouraged to participate in creative projects by linking the City's policies and goals, including its health and wellbeing objectives from the Healthy Greater Bendigo Plan, Reconciliation Action Plan, Cultural Diversity and Inclusion Plan, Gender Equity Action Plan, Greater Bendigo Social Justice Framework. For example, the City's classification as a City of Gastronomy in the UNESCO Creative Cities Network presents a significant global opportunity.

6. POLICY

6.1 The Greater Bendigo Public Art Collection

The Greater Bendigo *Public Art Collection* (the Collection) are public artworks located in public spaces and are assets of the City.

The Collection is composed of two parts:

Current Works

The *Current Works (CW)* Collection are public artworks created over the past 25 years. *Current Works* comprise artworks with a *Lifespan* and will be subject to *Lifespan Processes*. *Current Works* activate, educate, and tell stories that enhance the community and visitor connection to Greater Bendigo. The changing and evolving nature of the *Current Works Collection* over time creates activation opportunities. The *Current Works Collection* comprises artworks with a *Lifespan* from 1 day to 25 years.

Perpetual Collection

Perpetual Collection (PC) comprises Greater Bendigo's monuments, statues and memorials. At present, the Perpetual Collection contains historical items, expressing the City's European history. Over time, selected artworks from the Current Works Collection become part of the Perpetual Collection and form part of the region's historic and cultural layers. The goal is to grow the Perpetual Collection to include

artworks that: represent, celebrate and protect local Dja Dja Wurrung and Taungurung history and culture, and the broader First Nations community; explore Bendigo's multi-cultural identity; celebrate its diversity; and support gender inclusivity. These artworks will be protected and require preservation.

The *Public Art Collection* is documented in the *Public Art Register*.

6.2 Public Art Lifespan

For artworks in the *Current Works Collection*, a *Lifespan* is assigned. *Lifespan* describes how long an artwork will remain in the public domain.

Determining the *Lifespan* of an artwork will inform its material selection, engineering requirements, public safety considerations, cost for design and fabrication and a budget for long-term maintenance.

The *Lifespan* of a public artwork is determined by relevant officer for a Council initiated project or in collaboration with an independent *Public Art Curator* or *Artist* for a privately initiated public artwork.

There are two *Lifespan*'s for Public Art.
1.Temporary
2. Permanent

Temporary

Lifespan is between 1 day – 5 years.

A *Temporary* Public Artwork is designed and fabricated to become part of the short-term history of Greater Bendigo.

A *Temporary* artwork can become a *Permanent* public artwork if it meets the *Lifespan* requirements. It could also go on to become part of the City's *Perpetual Collection*. This process will require restoration or upgrades to the artwork to increase its *Lifespan*. A *Temporary* artwork may be used to activate a public space that is in transition, requiring renewal or seeking to solve a problem such as graffiti. They may also be associated with an event or exhibition. Artworks may also be located on a temporary or permanent canvas/art wall or within an *Experimental Precinct*.

Permanent

Lifespan is 5 - 25 years.

A *Permanent* public artwork is designed and fabricated to become part of the long-term history of Greater Bendigo.

For artworks that develop a special connection to Place and evolve to become a valuable part of the community and the region's history, they may become part of the City's *Perpetual Collection*. To reach this stage, its design, materials, and maintenance program throughout the *Lifespan* of the artwork are essential throughout the life of the artwork.

6.3 Lifespan Processes

In this section, the *Lifespan Processes* for a public art project are identified. These include:

- End of Life
- Second Life.
- Deaccessioning and Decommissioning.
- Maintenance Considerations.

6.3.1 End of Life

An artwork that reaches its *End of Life* is not automatically deaccessioned. Reaching *End of Life* triggers the relevant officer to assess the artwork and either extend its *Lifespan* or trigger a *Deaccession* or *Decommission* process. Public artworks are encouraged to have a Second Life in both the Deaccession and Decommission processes.

Extension of Lifespan
When the relevant officer extends a public artwork's *Lifespan*, additional tasks such as maintenance may enable the artwork to survive the extended *Lifespan*. Further information about maintenance considerations is provided in Maintenance in Section 6.3.4.

All existing and new Public Artworks will be assigned a *Lifespan* by the *relevant officer* When the artwork reaches the end of its *Lifespan* it is described as its *End of Life*. This includes both Temporary and *Permanent* public artworks.

6.3.2 Second Life

Public artworks can have a role in the circular economy, and opportunities for adaptive reuse are recommended to be explored. All public artworks are recommended to have a *Second Life*. The goal is to avoid public artworks becoming landfill or letting their stories and memories become lost and forgotten.

A *Second Life* means:

- Returning the artwork to the Artist.
- Gifting the artwork to a community organisation or school.
- Selling the artwork if it is owned by City of Greater Bendigo.
- Relocating and upgrading the artwork for a new public location. This may include protective coatings and strengthening.
- Recycling or reusing the artwork's components and materials.

All *Second Life* approaches are subject to the *Deaccession* and *Decommission Process*.

When a public artwork is *commissioned*, its *Second Life* should already be considered through the following methods:

- Contractual arrangements such as the ability to sell or gift the artwork once it has reached its *End of Life*. Artists may negotiate a royalty when the artwork is sold or gifted.
- Ability to dismantle and relocate an artwork, particularly if its *Lifespan* is shorter and it is intended to move around.
- Changes to the site once it has been removed e.g. such as new works to repair ground plane once the artwork is removed.

6.3.3 Deaccession and Decommission

When a public artwork reaches its '*End of Life*' it may undergo a *deaccession* or *decommissio*n process. There are several reasons why a Council or a private owner may choose to deaccession or decommission an artwork. For instance, the use of a place may have changed, or an artwork may have deteriorated and become unsafe.

This Policy provides two methods to remove an artwork from the public domain.

Deaccession
To remove a public artwork from the *Public Art Collection* and *Dispose* of the artwork.

Decommission
Remove a public artwork from the public domain and put it into storage or lend it to another party.
The artwork remains in the *Public Art Collection*.

For the Policy, *Disposal* means:

Dispose of/Disposal
To sell, gift, repurpose, and recycle the artwork.

Both the *Deaccession* and *Decommission* processes differ slightly, and their process as follows:

Deaccession Process

The *Deaccession* process is managed by the relevant officer once a public artwork is identified as needing *Deaccession*.

1. Prepare a *Deaccession Plan*. This is undertaken by the relevant officer or by an independent *Public Art Curator.* The *Deaccession Plan* establishes criteria for the assessment of the artwork. The criteria will be different for each artwork but, as a minimum, should identify the Artist, its cultural significance, contractual arrangement, ownership and methods for its *Disposal*. It should also consider potential community interest in removing the artwork from the public domain. Initial recommendations are provided in the *Deaccession Plan*.
2. Convene the *Public Art Working Group* and/or the *Public Art Advisory Panel* to review the proposed criteria and recommendations of the *Deaccession Plan*.
3. Once a decision has been reached, the process moves to Step 5.
4. If the process decides to *Decommission* rather than *Dispose,* then proceed to the *Decommission* Process Step 5.
5. Document the artwork for and update the *Public Art Register* to document the process.
6. Allow the Artist (or their estate) the opportunity to document the artwork in line with *Copyright Amendment (Moral Rights) Act 2000* requirements.
7. Undertake *Disposal,* which may include selling, gifting or repurposing parts of the artwork e.g. recycling or used to create a new artwork.
8. Document the artwork in the *Public Art Register* as *Disposed* and include the Disposal method.

Decommission Process

1. The *relevant officer manages the Decommission process* once an artwork is identified as needing decommissioning.
2. Prepare a *Decommission Plan*. The relevant officer or an independent *Public Art Curator* undertakes this. The *Decommission Plan* establishes criteria for assessment. The criteria will be different for each artwork but as a minimum, identify the Artist, cultural significance, contracts, ownership, where it will be stored, for how long and storage requirements. It should also consider potential community interest in the removal of the artwork from the public domain. Initial recommendations are provided in the *Decommission Plan*.
3. Convene the *Public Art Working Group* and/or the *Public Art Advisory Panel* to review the proposed criteria and recommendations of the *Decommission Plan*.
4. Once a decision has been reached, the process moves to Step 5.
5. If the process decides to *Deaccession* rather than *Dispose,* proceed to the *Deaccession* Process Step 5.
6. Update the *Public Art Register* to register the process.
7. Allow the Artist (or their estate) the opportunity to document the artwork in line with Copyright Amendment (Moral Rights) Act 2000 requirements.
8. Undertake to *Decommission* the artwork to its storage location, per the agreed storage requirements.
9. Document the artwork in the Public Art Register as *Decommissioned* and record its location and care requirements. Upload the *Decommission Plan*.

6.3.4 Maintenance

A Maintenance Plan provides the framework for the ongoing care of the work so that it may continue to be an asset for the community. However, all objects in public spaces inevitably require some maintenance. The Artist must give design consideration to minimising maintenance requirements through robust design, the selection of materials and finishes suitable for the site's environmental conditions.

There are several reasons to keep works well maintained:

- To promote longevity of the artwork.
- To ensure that damaged works do not lead to liability exposure or public safety risks.
- To ensure that the Moral Rights of the Artist are upheld. The 2000 Moral Rights Amendment to the Copyright Act sets out three general moral rights that are generally retained by the Artist:
  The right to attribution and right against false attribution.
  The right of integrity – the Artist's right to protect their work from unauthorised alteration or other "derogatory treatment" that may harm the Artist's reputation.
  The right of integrity implies that the commissioner/owner has an obligation to maintain the work in keeping with the original integrity of the work.

To this end, the Maintenance Plan should include:

- Detailed locations of the work on a site plan.
- Material and finish specifications, including product codes.
- Installation and fixing details.
- Drawings and photographic materials to describe the fabrication and installation details.
- The maintenance schedule must provide a breakdown of tasks and the timing for these tasks.
- Contact details of the Artist and fabricator so that they be consulted on the maintenance/repair.

6.4 Public Art Funding

6.4.1 The City of Greater Bendigo Funding of Public Art Projects

Funding for the City's projects is proposed from three sources:

Public Art Budget

Consideration of a dedicated budget per annum for public art, which the relevant officer manages. This budget is for curating and maintaining public artworks not aligned with capital work projects.

Capital Work Projects

Consider 1% of project budget dedicated to public art for community and infrastructure projects over $1m (for new projects or upgrades to existing projects).

Collaboration

Working with other teams within the City could identify different ways to fund public art projects. This Policy encourages opportunities to enhance a landscape or social needs project and adapt into a public art project.

Community Project Funding

The community has the opportunity to obtain funding for public art projects. Public art grants are available to individuals, community groups and businesses where applicable.

The City will support community and private funding applications through the relevant officer, who can provide advice, run grant application workshops, provide updates on funding rounds and work with the community to fund public art projects jointly.

6.4.2 Art in Private Development

Public art can enhance Greater Bendigo's economic, social and cultural standing. This is true for projects led by the City as well as privately initiated public artworks.

Greater Bendigo supports and encourages the private sector to develop public art as part of new developments, major alterations, and additions.

The relevant officer will develop *Guidelines for Public Art in Private Development*. The guidelines will explain the process for working with the City and assist in procuring place-based public art.

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Public art is sometimes inappropriate for private development due to a lack of public space, safety concerns and heritage considerations. Developers are encouraged to collaborate with the relevant officer and identify a suitable location. Until a *Percentage for Public Art in Private Development* policy is adopted, the *Dedication of Artwork Funds* process will be used (refer to 6.4.3).

6.4.2.1 Percentage for Public Art by Private Development

The City will investigate opportunities for a future requirement for a *Percentage for Public Art by Private Development.* This means that a public artwork will be required for new development and for alterations and additions over a particular value. The public artwork's budget will be a percentage of the value of the development works. This could be as a fixed percentage or a sliding scale. The requirement for the artwork would be a condition of approval and be connected to key construction milestones such as Construction Certificate and Occupation Certificate.

6.4.2.2 Public Art as Community Benefit

Greater Bendigo will investigate the opportunity for public art to be considered a 'community benefit'. The public art project's location and typology is to be determined on a project-by-project basis by the relevant officer in conjunction with the *Public Art Working Group* and the *Public Art Advisory Panel* and the Planning Officers.

6.4.3 Dedication of artworks and provision of funding for artworks

The dedication of a public artwork or funds to procure a public artwork may be offered to Greater Bendigo Council. While Council appreciates the generosity of its community, it's important that an artwork or artwork funds are received and utilised appropriately.

The City can choose to accept or reject an artwork or artwork funding if it does not meet the specific criteria:

6.4.3.1 Dedication of an existing artwork

In this situation, an individual, organisation, group or agency offer an existing artwork. The proposed dedication could be part of a *Second Life* process.

Dedication Criteria:

- The artwork must be suitable for the public domain and composed of durable materials.
- The artwork must be safe and not constructed from hazardous materials. It must not facilitate climbing if not appropriate for its intended location.
- The artwork must not be offensive or have a political message.
- Must meet the goals and principles of the *Public Art Policy* and *Plan*.
- Must meet the sustainability objectives of the *Public Art Policy* and *Plan*.
- Costs for a *Public Art Curator* (if required), installation and attribution of the artwork to be provided by the funding party.

6.4.3.2 Public artwork funding

In this situation, an individual, organisation, group or agency offers public art funding.

Funding Criteria:

- The funding is provided without conditions that prohibit the City's ability to meet the objectives of the *Public Art Policy and Plan*.

- The City and the relevant officer select the location of the artwork; however, the funding party can inform that process.
- The funding will include Artist's fees, consultant fees, initial 12 months maintenance budget for the artwork. It will also include the engagement of a *Public Art Curator* if the relevant officer is not available to procure the work.

6.4.3.3 Dedication or Funding Process

The following process is to be used to determine how to manage and use the artwork or funding provided:

- Contact the relevant officer to offer an artwork or funding for an artwork in the public domain. The relevant officer will ask a range of questions which will include:
  - the nature of the artwork, the Artist, its history, ownership of the artwork or the amount of money forming the offer and if there is a particular reason or conditions for offering the money. Examples could include enhancing a public space, as a memorial to a person or event, or telling a story. This will help the relevant officer to identify the best way forward.
- The *Public Art Working Group and the Public Art Advisory Panel* to convene and identify the opportunities and constraints around the offering.
- Should Council agree to proceed, an agreement will be prepared between Greater Bendigo Council and the funding party.
- A *Public Art Project Plan* and *Artist Brief* is prepared and endorsed by the City. The funding party may be invited to view the *Artists Brief* and their scope of work before its issue. Meetings with the funding party may form part of the process. Where the project is culturally sensitive or the artwork represents a person alive or deceased, the family will have a role in informing the *Artist Brief* and participating in the artist selection process.
- Following the completion of the artwork, the artwork attribution will acknowledge the funding party, and the funding party will be invited to an opening ceremony if one is undertaken.

6.4.4 Lifespan Funding

Lifespan funding will be identified each year for the *Public Art Collection*.

In collaboration with relevant departments in the City of Greater Bendigo, will determine the funding requirements.

The creation of new public artworks owned and managed by the City will have an identified maintenance budget for the *Lifespan* of the artwork.

The impact of new artworks on the existing budget for *Public Art Collection* will need to be considered.

7. ROLES AND RESPONSIBILITIES

7.1 Public Art Governance

Public Art governance is how public art is managed and delivered by the City and the private sector. The community and Stakeholder engagement process identified the need for a R*elevant Officer*, who is supported by a *Public Art Working Group* and *Public Art Advisory Panel*.

7.1.1 Resourcing

A R*elevant Officer (or nominated staff member)* will be responsible for the care and management of the *Public Art Collection,* leading the curation of City's public art projects and supporting the growth of the private sector's contribution to public art and activations.

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7.1.2 The Public Art Working Group

The *Public Art Working Group* combines various specialist skills from within the City. It provides strategic directions and practical guidance to assist in identifying public art projects and aid in their delivery and implementation.

The objectives for the *Public Art Working Group* will need to include:

- Identify public art opportunities in the City's infrastructure and capital works projects.
- Identify opportunities to deliver on the community vision and outcomes, Goals and Objectives of the Council plan through the commissioning and production of public art
- Managing internal communication between departments with regard to public art
- Considering updates from the relevant *officer* and the departments responsible for delivering public art on current public art projects. This should also consider internal processes and how they could be improved or streamlined.
- Identify the increasing demand for public art from the private sector and how to respond. This may be used to inform future updates to the Policy and Plan.
- Inform changes to future Policy and Plan updates.

The *Public Art Working Group* meetings will be chaired by the relevant officer.

7.1.3 Public Art Advisory Panel

The *Public Art Advisory Panel* (PAAP) will advise on major public artworks. The PAAP is advisory only and is not the approval body.

Convening the PAAP

The PAAP is convened on a project-by-project basis and the selection of its panel members is based on the artwork typology under assessment. A register of panel members should be established through an Expression of Interest (EOI) process and its members should be available for a two (2) year period. From time to time, specialist expertise beyond the skills of the PAAP members may be required and that expertise can be sourced through a separate EOI or directly sourced. The PAAP is provided with Terms of Reference at the commencement of each project, which outlines the roles and responsibilities of the group relative to the commission.

Role of the PAAP

The PAAP will be required to independently assess the documentation provided by the Applicant/Artist/Curator and meet face-to-face and/or online to discuss the proposal. The PAAP will jointly prepare a succinct recommendation report.

The PAAP will be triggered by specific criteria:

- Artwork over $100,000 in value.
- Artwork located on or within proximity to a heritage item.
- Culturally sensitive artworks.
- Artworks requiring community engagement.
- Projects requiring engineering and possible public safety issue.
- As requested by the assessing officer or the Public Art Officer.

Composition of the PAAP

The composition of the PAAP will be determined for each public art project. It will adopt the recommendations developed in the Equity Impact Assessment to ensure that the PAAP provides a culturally, socially and economically diverse group of views and voices. At a minimum, each project considered by the PAAP should include:

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- The Bendigo Art Gallery.
- Bendigo Venues & Events - Creative Communities
- Council staff member from Open Space and/or Assets.

Additional members:

- Artist advice: experienced local and experienced visiting artists.
- Placemaking advice: professional working in the public realm
- Urban Design advice: Architect and/or Landscape Architect
- First Nations cultural advice: Arts Officer First Nations, and at least two First Nations artists and/or cultural leaders.
- Public Art curatorial advice: curator of public art commissions
- Equity advice: representatives with CALD, LGBTQI and/or Accessibility experience
- Collections management advice: professional working in collections management.

The PAAP can also be called to also advise on other matters that relate to public art and cultural projects:

- Budget allocations for public art.
- Technical and operational expertise for public art.
- Council's staff upskilling on the value of public art.

The City's expertise may be sought from time to time, including Heritage Officers, Sustainability Officers, Landscape and Urban Design.

8. RELATED DOCUMENTS

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

These include:

- Public Art Plan 2023 – 2028
- Greater Bendigo Creative Strategy 2019 -2023
- Graffiti Management Policy 2022 – 2026
- Council Plan Mir Wimbul 2021 - 2025
- City of Greater Bendigo Reconciliation Plan 2021 – 2025
- Greater Bendigo Social Justice Framework 2022 - 2032
- Healthy Greater Bendigo 2021 – 2025 and Action Plan
- Cultural Diversity and Inclusion Plan 2021 - 2025
- Economic Development Strategy 2020 - 2030
- Greater Bendigo Public Space Plan
- Climate Change and Environment Strategy 2021 - 2026

Future documents will be prepared which will include:

- Public Art Curatorial Framework
- Guidelines for Public Art in Private Development
- Public Art Advisory Panel Terms of Reference

9. HUMAN RIGHTS CAPABILITIES

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

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10. ADMINISTRATIVE UPDATES

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

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Month, year	*Insert initials*	*Business Unit*		*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*

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21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

25. CHIEF EXECUTIVE OFFICER'S REPORT

26. CONFIDENTIAL (SECTION 66) REPORTS

Nil