

MINUTES

Council Meeting

Monday, 19 April 2021 commencing at 6:00 PM

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

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

VENUE:

www.bendigo.vic.gov.au/councilmeeting

Reception Room, Town Hall

Limited Public Gallery in accordance with DHHS guidelines

Please visit the City's website for details on Friday, 16 April 2021 for registration details.

NEXT MEETING:

Monday 17 May 2021

Livestream

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

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

Council Vision

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

Council Values

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

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

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

Goals

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

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1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Cr Jennifer Alden
Cr Matthew Evans
Cr David Fagg
Cr Rod Fyffe OAM
Cr Andrea Metcalf
Cr Margaret O'Rourke
Cr Greg Penna
Cr Julie Sloan
Cr Vaughan Williams
Craig Niemann, Chief Executive Officer
Andrew Cooney, Director Corporate Performance
Bernie O'Sullivan, Director Strategy and Growth
Vicky Mason, Director, Health and Wellbeing
Brian Westley, Director Presentation and Assets
Jessica Clarke-Hong Manager Governance

APOLOGIES

Nil

6. SUSPENSION OF STANDING ORDERS

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

RESOLUTION

Moved: Cr Rod Fyffe
Seconded: Cr David Fagg

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

CARRIED

7. COMMUNITY RECOGNITION

"Welcome Councillors, CEO, Executive, good evening listeners and a special welcome to our public gallery.

For the first time in more than a year we are joined by a public gallery here in the chamber. It represents another step in our COVID-19 recovery and it is wonderful to welcome you back.

We are still broadcasting tonight's meeting via Phoenix FM and livestreaming via the City of Greater Bendigo website, so if you're not wanting to venture out – these options to tune-in remain available to you.

To tonight's community section...

First up, we would like to congratulate former councillor Matt Emond and his partner, Federal Member for Bendigo, Lisa Chesters, on the safe arrival of their son Charlie Peter Emond, who was born on April 9 at Bendigo Hospital.

Charlie was named after this great, great grandfather, Charlie Krausgrill, who was an active member of the Eaglehawk and wider Bendigo community.

We wish Matt, Lisa, big sister Daisy and Charlie all the very best as they settle into life as a family of four.

Also tonight, we would like to acknowledge the service and contribution of Director Strategy and Growth Bernie O'Sullivan, who will leave the City this Friday to take on the role of CEO at Macedon Ranges Shire Council.

During his time with the City, Bernie has led a talented directorate that has made a significant impact on the development and liveability of Greater Bendigo.

Achievements include securing Qantas flights for Bendigo and the region, attraction of major exhibitions to the Bendigo Art Gallery, delivery of new major events such as White Night and the Lost Trades Fair, relocation of the Arena Theatre Company to Bendigo, activation of our performing arts spaces, becoming a UNESCO City of Gastronomy and significant strategic work to position Greater Bendigo for the future.

Bernie, we wish you well for this exciting next chapter and we're pleased you'll be just down the road and continue to be our colleague in Local Government and an advocate for our region.

I now invite other Councillors to wish Bernie well, which will then bring to an end our community section for this month".

8. PUBLIC QUESTION TIME

9. RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

RESOLUTION

Moved: Cr Rod Fyffe

Seconded: Cr Greg Penna

That Standing Orders be resumed.

CARRIED

10. CR O'ROURKE'S REPORT

"March and April are glorious months in Greater Bendigo and this year hasn't disappointed, our weather has been extraordinary – lovely autumn days.

Easter – Art Show, Egg-plore Bendigo was wonderful to see people visiting, and accommodation with NO VACANCY for many days and people attending the various events.

Little ones to bigger ones there was a bit of something for everyone.

but I preference this in saying no way does it mean we are through the difficult times for businesses coming out of the pandemic. We still have a long way to go.....

Mary Quant exhibition is going off and next month we will have the writer's festival there is much to look forward to.

Events is what Greater Bendigo does well; and we have missed them BOY have we missed them.... and now the great announcement that WHITE NIGHT will be back on 2nd October....

I see how hard the events team work to make these activities occur, it is also a very competitive environment against Melbourne and the other regional cities; and also interstate.

I want to publicly thank Terry Karamaloudis and his team for the events and lengths they go to get an array of activities. It's not just because we have a beautiful city (a big part - of course) it's because we have capable, stable governance of how our Council operates. Time and again before the pandemic hit event organisers would speak with me about how professional and capable the city staff were to deal with; it actually changed their mind about where to hold their event. Lost Trades Fair is an example the organisers raised to me why they came to Bendigo and not other locations! I know this firsthand when people do not have faith in the capability.... they walk, go elsewhere! That goes for a whole range of things in our city about how people invest, whether it be public or private investment.

It all goes to the heart of what makes a community tick! We are connected in so many ways – we have a level of engagement in our community that is frankly not seen in other regional cities.

We are the envy of many other centres; for the way our leaders can come together and solve a problem and create an opportunity.

Look what happened with Easter – Moomba was initially cancelled – We weren't, we were OPEN FOR BUSINESS!! We found a way!

“Through the pandemic we were the first of the regional cities to start our LOVE YOUR LOCAL campaign (what we have come to see are many versions now of buy local!) Whilst Mayor I had phone calls/emails from many communities Councils and business groups asking how we went about it and what could they learn from us.

We are an optimistic community – and I know for some that ‘brasses’ them up that word but really that is what we are..... a glass half full!

We punch above our weight and our community never ceases to amaze me in what they do and how they ‘get on with things’

As Councillors we are now getting into the full swing of being invited back to the community for lots of events and it’s wonderful to see how optimistic people are about what they are doing! They want to meet our new councillors, and happy to see us returning ones! The welcomes have been brilliant!

Eppalock Ward we have done several walking tours and visits to look at projects on the drawing board and underway in Heathcote, Redesdale, Strathfieldsaye and we have a list to get through! It’s exciting; to be back working with our community again face to face!

People have found a way; through the depths of the pandemic they have looked at their business models and changed things; and taking the best of what they have learned. I have spoken to hoteliers, moteliers and small businesses and yes some have done it very tough but many couldn’t get job keeper because they hadn’t dropped below the threshold; but have had to find better ways of working. Many are continuing to do what they have learnt through this time. A large number were still open doing take aways and other ways of doing business.

No, it’s not the same for all; but many have embraced what was thrust upon them and tried to think outside the square and I admire their resilience and tenacity; the feedback I have been receiving is they are looking forward to the City supporting them with activities and events and keeping visitors and locals engaged and returning.

Again, it’s been a month with so many things to mention; our recent Citizenship Ceremony which are the most joyous of occasions; great to see these are starting to become more regular again. We take what we have for granted and the many stories of our newest citizens backgrounds are incredible. Lovely that they choose Bendigo to be where they live and to become Australian Citizens!

We have a full agenda tonight so I will leave it here, but I can’t close out without acknowledging Director Bernie O’Sullivan; and to say congratulations on your appointment to Macedon Shire Ranges.

In your almost 5 years at the City Bernie you have made your mark for the better! A huge portfolio a real mixed bag and you have been very much at the forefront of setting Greater Bendigo up for investment; for modernising our planning scheme and creating the foundations for your directorate to move forward on....

There are many examples, too many to mention here; and I had the opportunity to work closely with you when you acted as CEO for an extended time, I knew we wouldn’t keep you for long!

When I talk about batting above our weight, I draw the example of QANTASLINK and the fact that we have the flights of Sydney to Bendigo! Just think about that; Sydney people coming direct to a city of 120,000 people. Who would have thought! Ten years ago; I am first to admit I thought the City was dreaming! Now look at us; as our recovery continues, we see more flights coming back on board! It speaks volumes of the opportunity and the optimism Qantas have in Bendigo! We know if there wasn’t faith it wouldn’t be happening.

Bernie was a part of the negotiations we held in the beginning with the CEO and myself and your tenacity with your team to work with a National and Global Carrier was 2nd to none! Your relationships Bernie are strong; good country stock coming through – there are so many examples and Macedon Ranges will be in good hands under your watch!

“This appointment also speaks to the capability of the people we have here; now 4 Directors have gone on to be CEOs of significant size councils Darren Fuzzard, Craig Lloyd, Kerry Ellis and now Bernie O’Sullivan – Greater Bendigo is highly regarded and looked up to in the sector – well done to the CEO Craig Niemann on your leadership style and mentoring. On Friday I spoke with a CEO of a substantial business in Ballarat in the private sector, who said that the City of Greater Bendigo is rated at the top of its game in its Executive and the professional way it handles itself. I was proud to listen to this conversation at a business gathering.

Oh well Councillors we will have another Director to break in! and we look forward to seeing who that might be in time..... Again, congratulations Bernie, thank you for all your efforts and thanks to Mayor Alden for her earlier acknowledgement – that concludes my Councillor report”.

11. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

Cr Penna declared a general conflict of interest in the Presentation and Managing Growth Report No. 15.2 (101 Carneys Road, Eppalock - Use and Development of a Second Dwelling, including Removal of Native Vegetation) as he has a long-standing friendship with the owners of the property.

12. CONFIRMATION OF PREVIOUS MINUTES

12.1. Confirmation of Previous Minutes

The following items were considered at the Council Meeting held on Monday 15 March 2021 at 6:00pm:

Monday 15 March 2021

Report No.	Item	Recommendation
14.1	City of Greater Bendigo Submission on Infrastructure Victoria's Draft 30-Year Infrastructure Strategy	That Council endorse the City's submission to Infrastructure Victoria's Draft 30-Year Infrastructure Strategy for Victoria that was submitted by the consultation deadline of 26 February 2021.
16.1	Bendigo Airport Lease of Lot M6	That Council: 1. Acting under section 190 and section 223 of the Local Government Act 1989 (the Act): a) resolves that the statutory procedures be commenced to consider a proposal to lease the land comprising approximately 216 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot M6 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar (Lease Proposal); b) directs that under section 223 of the Act public notice of the Lease Proposal be given in the Bendigo Advertiser and on Council's website; c) authorises the Manager Business Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to the Lease Proposal; d) directs that any submissions received under section 223 of the Act about the Lease Proposal will be considered by the Council at its April

Report No.	Item	Recommendation
		ordinary meeting to be held at the Bendigo Town Hall. 2. Directs that a further report to Council in respect of the Lease Proposal include an assessment of all submissions received and of any submissions heard pursuant to section 223 of the Act.
19.1	Q2 - Finance and Capital Management Report	That Council: 1. Receive the report comparing budgeted and actual revenues and expenses to 31 December 2020, in accordance with the requirements of the Local Government Act 2020. 2. Approve the loan borrowings of \$3M in line with Council's 2020/2021 Adopted Budget and authorise the CEO, Director Corporate Performance and Manager Financial Strategy to: a. negotiate the loan b. approve the successful tender; and c. execute the loan documentation.
19.2	Q2 - Community Plan 2017-2021 Highlights	That Council acknowledge the progress of implementing Annual Plan initiatives for 2020/2021 and receive the Annual Plan quarterly summary report.
19.3	Contracts Awarded Under Delegation Report - March 2021	That Council note the contracts that have been awarded under delegation for the period as outlined in this report.
25.1	S.66 Confidential Report	Confidential Report in accordance with Section 66(2)(a) of the Local Government Act 2020 relating to Council business information

RECOMMENDATION

That the Minutes of the Council Meeting held on Monday 15 March 2021, as circulated, be taken as read and confirmed.

RESOLUTION

Moved: Cr David Fagg

Seconded: Cr Andrea Metcalf

That the recommendation be adopted.

CARRIED

13. CITY OF GREATER BENDIGO BUDGET 2021/2022

13.1. City of Greater Bendigo Proposed Budget 2021/2022 and Draft Revenue and Rating Plan

Author	Nathan Morsillo, Manager Financial Strategy
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to provide Council with the City of Greater Bendigo's proposed Budget for the 2021/2022 – 2024/2025 financial years (proposed Budget) and the Draft Revenue and Rating Plan for consideration. The report includes a recommendation that Council adopts the proposed Budget and Draft Revenue and Rating plan and invites the community to provide feedback and submissions to the documents.

Summary

Following an extensive period of development which has included seven workshops with Councillors, the preparation of the proposed Budget for the 2021/2022 – 2024/2025 financial years and Draft Revenue and Rating Plan is complete and available for release to the community. Annual actions for 2021/2022 are included as part of this consolidated document.

Council encourages input, comments and submissions to these documents. This can be provided via the *Let's Talk Greater Bendigo* website.

The City's budget proposes to raise total income of \$223M, which includes \$132.9M in general rates and service charges. The Draft Revenue and Rating Plan increases the vacant land differential from 125% to 200% of the general rate and decreases the farm differential from 85% to 75% of the general rate.

This Budget is, for the purposes of Section 94 of the Local Government Act 2020, the draft budget to be presented to the Council for adoption prior to 30 June 2021.

RECOMMENDATION

That Council adopt the proposed Budget in-principle and:

- In accordance with the Local Government Act 2020 and the City's Community Engagement Policy make the proposed Budget available for public comment
- Display the proposed Budget on the City's website and Let's Talk Greater Bendigo website
- Note the fees, charges, borrowings and capital works discussed as part of this report and attachments
- Receive comment/submissions on the proposed Budget until close of business on 18 May 2021.
- Appoint a committee of the Council to hear and consider any submissions received on the proposed Budget tentatively scheduled for 5.30pm on Thursday, 20 May 2021.
- Endorse the Draft Revenue and Rating Plan (Appendix D in the proposed Budget) and in accordance with the City's Community Engagement Policy seek the community's input to the Draft Revenue and Rating Plan.

RESOLUTION

Moved: Cr Jennifer Alden

Seconded: Cr Matthew Evans

That the recommendation be adopted.

CARRIED

Policy Context

Community Engagement Policy

The City is committed to ensuring that the Community is as well informed as they can be on major issues, plans and projects. Where the Community can influence part or all of a decision, that they are provided the necessary information to form an opinion and opportunity to provide input through a community engagement process.

Imagine Greater Bendigo

The City of Greater Bendigo is in the process of developing Imagine Greater Bendigo, a long-term planning project where residents are asked to imagine Greater Bendigo in 30 years' time. This will help Council to prepare a Community Vision, Council Plan, Financial Plan, and Asset Plan to guide Council's future work.

City of Greater Bendigo Community Plan 2017-2021:

Strategic Goal Lead and govern for all

Objective: Be innovative and financially responsible

Legislative Requirements

In accordance with the *Local Government Act 2020*, Council must:

Prepare and adopt a budget for each financial year and the subsequent 3 financial years by 30 June (Section 94).

Declare the amount it intends to raise by general rates (Section 94).

Comply with guidelines established under Sec 161; *Ministerial Guidelines for Differential Rating*.

In accordance with the City's adopted Community Engagement Policy, after Council has prepared its budget, the Council will advertise that the proposed Budget has been prepared and invite the community to provide comments/submissions to the proposed Budget.

The proposed Budget will be available on the City's website for 28 days.

Note that printed copies will be available for collection at Council offices.

Background Information

The City of Greater Bendigo is in the process of developing *Imagine Greater Bendigo*, a long-term planning project where residents are asked to imagine Greater Bendigo in 30 years' time. This is a requirement of the new Local Government Act and will help Council prepare a Community Vision, Council Plan, Financial Plan, Municipal Public Health and Wellbeing Plan and an Asset Plan. This Budget supports the six key goals outlined in the existing Greater Bendigo Community Plan 2017-2021.

Report

The proposed Budget seeks to build on existing initiatives to support Greater Bendigo's recovery from COVID-19 prioritising significant long-term infrastructure projects to enhance the liveability of our community. This includes allocating funds to initiatives to attract additional major events, increased tourism destination marketing and funds for new business innovation grants.

This proposed Budget has been prepared using available information to inform assumptions and forecasts. Council's proposed Budget has also been prepared ahead of the release of the Federal and State Government budgets, the release date for which is yet to be set.

As with previous years a degree of flexibility will be adopted with the implementation of the 2021/22 proposed Budget, particularly to incorporate funding that may be made available from the Federal and State Governments later in the year. Council will continue to provide regular quarterly updates for the community of the progress of implementing the budget during the year.

Key external and economic influences include:

- The impacts of the COVID-19 pandemic on the City, businesses and community.
- Managing a growing city, aging infrastructure and community needs.
- The increasingly complex regulatory environment requiring the City to meet expanding legislative standards and reporting.
- The Victorian State Government rate cap increase in 2021/2022 has been set by the Minister at 1.5%.

- The Fire Service Property Levy will continue to be collected by Council on behalf of the State Government in line with the *Fire Services Property Levy Act 2012*
- Significant increase to the landfill levy administered by Environmental Protection Agency (EPA).

The City is in the process of developing *Imagine Greater Bendigo*, whilst this work is underway this proposed Budget continues to deliver on the Community Plan 2017-2021, internal influences have also included:

- A commitment to maintain service standards in a growing municipality.
- Principles set by Councillors in guiding the development of the Budget.
- Ongoing focus on greater efficiency.
- The need to replace and upgrade ageing infrastructure.
- Investment in developing the City's workforce capability.
- COGB's Enterprise Agreement, which will be renegotiated in 2021/2022.

2021-2022 proposed Budget

The proposed Budget has been prepared in accordance with relevant statutory requirements, including the *Local Government Act 2020* (the Act) and *Local Government (Planning and Reporting) Regulations 2014* (the Regulations).

The key features of the proposed Budget are:

- Capital works of \$56M
 - During 2021/2022, Council will continue to deliver on capital projects which improve the liveability of the City.
 - These include continuing construction of the new pavilion at Kennington Recreation Reserve (Harry Trott Oval), construction of the Bendigo Botanic Gardens central hub and funding for a key piece of the Rosalind Park Masterplan – the redevelopment of the municipal baths area.
 - Investment in maintaining the City's existing infrastructure will continue in 2021/2022 with \$15M allocated to the Sealed and Unsealed Road Network; \$2.9M on Drainage and \$3M in footpaths and shared paths across the municipality.
- An amount of \$132.9M to be raised by general rates and service charges as follows:
 - General Rates \$108.4M
 - Service charges \$ 22.9M
 - Supplementary Rates* \$ 1.6M (estimated to be raised during the year)

** Supplementary rates are a result of Supplementary Valuations. A Supplementary Valuation occurs when there is a change to a property that will affect the Valuation such as construction of a dwelling or shed, installation of a swimming pool or a demolition*

- An increase in budgeted income from Rates and Charges of \$6M, comprising a rate cap of 1.5% on residential rates, an increase in the general waste and landfill charge per rates notice of between \$27 and \$54 (dependent on bin size and location), and increase in organics and recycling waste charges of \$1.40.

- A General Rate and nine (9) differential rates to be declared, in line with the Draft Revenue and Rating Plan
- A full year's funding of the Commonwealth Financial Assistance Grant of \$14M is included in line with the timing of payments in previous years.
- Repayment of debt of \$11M, with a proposed upper limit to new borrowings of \$19.4M. These borrowings support long term strategic land purchases assisting the development of industrial and residential land in the municipality (\$9M); key open space and sporting capital works projects (\$6.1M); and other capital works (\$4.3M). This will result in total forecast borrowings of \$43.5M as at 30 June 2022.

The Budget includes the following initiatives to support the community and our businesses through the COVID-19 recovery period:

Community

- Deferrals remain available on rates payments for individuals experiencing financial hardship as a result of the COVID pandemic, including waivers of interest for those eligible
- A freeze on fees and charges on a variety of facilities and services
- Commercial rent charge waivers available for commercial or arts & culture tenants experiencing financial hardship through to December 31, 2021
- Community Grants program – including Community Group essentials grants supporting recovery

Business

- Waiver of any interest or late payment penalties for businesses experiencing financial hardship
- A waiver of various fees under the Local Law such as A-frame, goods for display permit fees for businesses experiencing financial hardship
- Reductions in food, health and accommodation registration fees for businesses experiencing financial hardship
- Increased funding to attract a range of sport and leisure, food and wine, arts and culture and business events
- Additional regional destination marketing support, including City of Gastronomy initiatives and marketing promoting local food, wine and other beverages
- Support to attract new exhibitions to Bendigo Art Gallery over the next financial year
- Business and Community group grants program

Advocacy

- Advocate to State and Federal Governments for stimulus funding for local infrastructure projects and support for residents and businesses
- Partner with State and Federal Governments to identify ways for our community to access new and existing funding programs
- Continue to provide coordination and assistance for regional relief and recovery efforts

Draft Revenue and Rating Plan

A requirement of the new Local Government Act 2020 is that all Victorian local governments adopt a Revenue and Rating Plan by 30 June 2021. The Rating Strategy along with the 2018 Pricing Policy have been reviewed to ensure compliance with the Act, with the intention of ensuring the fair and equitable distribution of the rating burden.

The review has included:

- Benchmarking our rating structure against other similar councils.
- A review of the capacity of each class of ratepayer to pay rates.
- Review of the City's current Community Plan and other key strategies and plans.
- Review of the City's current Pricing Policy and Rating Strategy against legislative requirements.

Based on the analysis Council is proposing to increase the vacant land differential from 125% to 200% of the general rate and decrease the farm differential from 85% to 75% of the general rate. The change to the vacant land differential is to provide a greater incentive to develop vacant residential land. The decrease to the farm differential is based on the evidence that farm property valuations are increasing due to mining activity and strategic farm purchases which do not translate to capacity to pay. Council is seeking the Community's input on these changes.

Other Rating and Charges information

Within the proposed 2021/2022 budget:

- A General Rate and nine (9) differential rates will be struck, noting that the final differential rates may change when final revaluation figures are received from the Valuer General Victoria.
- A nil rate in the dollar will be levied for the properties eligible to be rated under the provisions of the Cultural and Recreational Lands Act (1963).
- Service charges under Section 162 of the Act will be declared as detailed on page 31 of the proposed Budget document.
- A discount of 1.5% on current year rates and charges will be granted, if full payment (including any arrears and interest) is received on or before 30 September 2021.
- The fees and charges for 2021/2022 detailed in the appendix of attached Budget document, noting that certain fees may be waived or amended in line with the City's Revenue & Debt Collection policy to support Relief & Recovery efforts over the coming year.

Priority / Importance

The Council must adopt its Budget by 30 June 2021 and forward a copy to the Minister for Local Government within 28 days of adoption.

The Council must adopt a Revenue and Rating Plan by 30 June 2021.

Consultation/Communication

Internal Consultation

The proposed Budget has been prepared on behalf of the Council by the Financial Strategy Unit. There has been extensive input from Councillors, the Executive Management Team and all Service Unit Managers.

The Draft Revenue and Rating Plan has been developed in consultation with Council.

External Consultation

The new Local Government Act 2020 requires that, where a Council has adopted a Community Engagement Policy the Council will engage the community in a consultation process in line with the adopted policy.

The Council has adopted its Community Engagement Policy and as such will provide the community with the opportunity to engage on the proposed budget in line with the Community Engagement Policy.

The proposed Budget will be available for feedback and submissions on the Council's website and engagement platform *Let's Talk Greater Bendigo* until 5pm 18 May 2021.

Notification of the availability of the proposed Budget will be given in the Bendigo Advertiser in April 2021. During the public engagement process, copies of the draft budget will be available from Customer Services and it will be published on the City's website at www.bendigo.vic.gov.au.

A hearing of submissions is currently planned from 5.30pm on Thursday 20 May 2021. Council will then consider the feedback received and prepare a final Budget which will be presented to a future Council meeting, currently scheduled for 21 June 2021.

Resource Implications

The proposed Budget has been developed in conjunction with the City's draft Financial Plan. The proposed Budget considers the long-term resource implications and the City's ongoing financial sustainability.

Attachments

- Proposed City of Greater Bendigo Proposed Budget 2021/2022
- Draft Revenue and Rating Plan

14. PETITIONS AND JOINT LETTERS

14.1. Petition: Request for the Bendigo Livestock Exchange to Provide Shelter Over Pens For Livestock

Author	Ben Devanny, Manager Business Services
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Purpose

Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA), further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officer reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories

Summary

The following petition has been received from Melbourne Sheep Save requesting the Bendigo Livestock Exchange to Provide Shelter Over Pens for Livestock, as outlined below:

"We, the undersigned, call on the council of the City of Greater Bendigo to recognize and acknowledge Agriculture Victoria's Sheep Shelter guidelines and abide by the recommendation that specifies the necessity for shelter during all weather conditions.

We request that council engage an independent auditor to complete a compliance assessment report for the Bendigo Livestock Exchange. This report should focus on animal welfare concerns, workplace health and safety (WHS) and environmental impacts caused by the facility.

Council should raise the animal welfare standard at the Bendigo Livestock Exchange to, at a minimum, match the other major Victorian Livestock Exchanges. Adequate shelter should be constructed to protect the animals from the extremes of the Victorian weather".

Online petition (names) - 2,485

RECOMMENDATION

That Council receive the petition and advise the lead petitioner of the response as outlined in this report.

RESOLUTION

Moved: Cr Julie Sloan

Seconded: Cr Andrea Metcalf

That the recommendation be adopted.

CARRIED

Policy Context

City of Greater Bendigo Community Plan 2017-2021:

Community Plan's Goal 3 - Strengthening the Economy

- Objective 3.1 – support our local businesses and industry to be strong, vibrant and to grow and develop.
- Objective 3.3 – ensure Greater Bendigo is a welcoming place for new businesses and industries and supports creativity and innovation and visitor attraction

Report

The City of Greater Bendigo approaches animal welfare very seriously and proactively at the Bendigo Livestock Exchange. The Livestock Exchange is annually audited by AUSMEAT to ensure that it complies with the National Sleyard Quality Assurance program.

This is an optional compliance program, which Bendigo Livestock Exchange has maintained for well over a decade.

As part of this program, the Bendigo Livestock Exchange's operations are assessed and independently verified that it complies with all relevant Standards pertaining to the operation of Sleyards.

Bendigo Livestock Exchange follows the national standards for Sleyards in relation to Animal Welfare Standards.

The interpretation of the standards governing Sleyards are as follows:

- Standards — The requirements that must be met under law for livestock welfare purposes. The standards are intended to be clear, essential and verifiable statements. Standards use the word 'must'.

- Guidelines — The recommended practices to achieve desirable animal welfare outcomes. Guidelines use the word 'should' and are to complement the standards. Non-compliance with one or more guidelines does not constitute an offence under law, however the Livestock Exchange takes a proactive approach to implementing guidelines wherever possible.

Under this document, the applicable Guideline states:

G3.9 The provision of shade or cooling systems in hot climates and shelter from excessive cold for animals in holding facilities is desirable, recognising practical and economic limitations.

As this is a Guideline, rather than a Standard, it is not a mandatory requirement and would not be enforceable by Agriculture Victoria. It does also note the practical and economic limitations associated with providing shelter in very hot or cold climatic conditions.

City officers are currently undertaking a review of the Livestock Exchange, which includes consideration of a roof at the Livestock Exchange. Feedback from stakeholders as part of the review highlighted the benefit of prioritising the planning and advocacy for installation of a roof structure, noting the scale of the project for a selling centre such as Bendigo.

Over the next 12 months, the City will be scoping the feasibility, staging and costings of a roof structure at the Livestock Exchange and is currently researching lessons learnt from other saleyard locations, and other possible ancillary benefits a roof structure could provide, such as energy and water capture. Council will then consider next steps when this feasibility work is completed.

Consultation/Communication

External Consultation:

The review currently underway has sought feedback from a number of users of the Bendigo Livestock Exchange.

14.2. Petition: Maternal and Child Health Services for Elmore and Surrounds

[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA). Further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officers' reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories].

RECOMMENDATION

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

RESOLUTION

Moved: Cr Andrea Metcalf
Seconded: Cr David Fagg

That the recommendation be adopted.

CARRIED

Report

The following petition has been received from residents of Elmore and its surrounds requesting that the Maternal and Child Health Service at Elmore be reinstated, as outlined below:

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

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

Signatures - 379

Attachments

1. Petition

Attachment 1 - ECM_4549569_v1_Petition from Elmore Medical Practice requesting reinstatement of MCH Service for Elmore and Surrounds_Redacted



Elmore Medical Practice

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

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

Dr Patrick Nzegwu
Provider No. 4389941X

Dr. Michelle Medenilla
Provider No. 4709742T

Dr Mustafa Shefaju
Provider No. 5294128Y

1st March 2021

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

Att: Coordinator Early Years Services

Dear Councillor,

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

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

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

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

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

I look forward to your response on this urgent matter.

Yours faithfully,

Kathy Tuohy
Practice Manager / Site Coordinator / Recruiting Manager

Elmore Primary Health Services / Elmore Medical Practice

46-48 Jeffrey Street, Elmore VIC 3558

p. 03 5432 6001 | f. 03 5432 6101 | m. 0409 926 001 |

e. kathytuohy@bchs.com.au

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

Contact Person: Kathy Tuohey

Elmore Primary Health

Address: 46-48 Jeffrey Street, Elmore

Email: kathytuohey@bchs.com.au

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Name (Please Print)	Address (Please Print)	Signature
T. McDOWELL	[REDACTED]	[REDACTED]
Ed Healey	[REDACTED] Elmore	[REDACTED]
d. WILSON	[REDACTED] ELMORE	[REDACTED]
Diane Chandler	[REDACTED] Elmore	[REDACTED]
Darius GERRISH	[REDACTED] ELMORE	[REDACTED]
S. Jean Burke	[REDACTED] Elmore	[REDACTED]
Ben Mullane	[REDACTED] Elmore	[REDACTED]
John Williams	[REDACTED] Elmore	[REDACTED]
Sandra Jaffer	[REDACTED] Elmore 3558	[REDACTED]
R Rogers	[REDACTED] Eaglehawk	[REDACTED]
P. LYNN	[REDACTED] EPPING	[REDACTED]
K Hill	[REDACTED] EAGLEHAWK	[REDACTED]
G. Willis	[REDACTED] Rochester	[REDACTED]
N Hedge	[REDACTED] ECHUCA	[REDACTED]
J Hooke	[REDACTED] MANNING GULLY	[REDACTED]
Belle Toll	[REDACTED] ECHUCA	[REDACTED]
D. BENTLEY	[REDACTED] ECHUCA	[REDACTED]
TOBY NABER	[REDACTED]	[REDACTED]
RAY McEMBERT	[REDACTED]	[REDACTED]

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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Elmore Primary Health

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Name (Please Print)	Address (Please Print)	Signature
Ray Hanson	Ballendella	
RUSSELL SHAWCROSS	LOCKINGTON 3563	
John Neekle	Rochester	
Tim Quinlan	Rochester	
Max Williams	Elmore	
NIGEL DOBEL	ELMORE	
JOHN STUART	ECHEUCA WEST	
MARIE SHARKEY	Banaham 3557	
MARK BROWNE	ELMORE	
GERARD BROWNE	ROCHESTER	
GREHAM MERCEY	ELMORE	
Russell Chatman	ELMORE	
LEIGH POLKINGHORN	TATUM	
STEVE ARBUCKLE	BENDIGO.	
PETER MCGUIRE	Kennington Vic	
TREVOR LAMB	EPSOM	
Charlie Williams	Elmore	
JOHN BLAIR	ECHEUCA	

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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

Petition

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Name (Please Print)	Address (Please Print)	Signature
Lynn Brynne	Elmore 3558	
Christine Long	South Australia 5089	
Lorraine Treweek	Elmore.	
Kathy Bonnell	Elmore	
Don Sheehy	Asedale	
Don Sheehy WATSON	Bagshot North	
Yang Dutton		
Don Cernino	Leicester	
Lyn Alvar	Garrong	
Rohan Jenner	Elmore	
P.P. Kenshaw	Elmore 3558	
D. Macdonald		
A. TREWICK	Elmore	
F. Dossell	Elmore	
L. Lonsdale	Elmore	
Gina Spaggiari	Elmore	
John		
STEVE FORBES		
Michelle Simmie	Elmore	

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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Name (Please Print)	Address (Please Print)	Signature
Annie Hays	[REDACTED] Corop	[REDACTED]
MARY ELGASSER	[REDACTED] Elmore	[REDACTED]
GWYN EAMES	[REDACTED] Elmore	[REDACTED]
ANNA ANTONIACI	[REDACTED] Elmore	[REDACTED]
Barb Holmberg	[REDACTED] Elmore	[REDACTED]
MURREEN COMER	[REDACTED] "	[REDACTED]
MARY DICK	[REDACTED] Runnymede	[REDACTED]
Annette Holmes	[REDACTED] Elmore 3558	[REDACTED]
MARY CARTER	[REDACTED] GOORNONG 3557	[REDACTED]
FRED WOOD	[REDACTED] Elmore	[REDACTED]
Nikolmberg	[REDACTED] Elmore	[REDACTED]
KELLY MORLEY	[REDACTED] Lockington	[REDACTED]
KULIN LOCKE	[REDACTED] Rochester	[REDACTED]
LLOYD GARRAM	[REDACTED]	[REDACTED]
STEVE HEARE	[REDACTED] Elmore	[REDACTED]
Kevin Doyle	[REDACTED] Hunter	[REDACTED]
DAVID TREWICK	[REDACTED] Elmore	[REDACTED]
STUART HILL	[REDACTED] Corop	[REDACTED]
Jennifer Woodfield	[REDACTED] Lockington	[REDACTED]

Petition

Contact Person: Kathy Tuohey
 Elmore Primary Health
 Address: 46-48 Jeffrey Street, Elmore
 Email: kathytuohey@bchs.com.au

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Name (Please Print)	Address (Please Print)	Signature
Melissa GARRATT	GOORNONG -	
Mary McIntyre	Ascot - works Elmore	
Pam Oliver	Elmore	
Nicole Judd	Moama - works Elmore	
Beth Sobell	Elmore	
Isobel James	Elmore	
Ben Foxley	Rochester	
P. Beatty	Elmore	
Veronica Martin	Elmore - Mother	
ALAN FRASER	ELMORE	
Carol Reed	Lackass Flat	
IRENE NIHL		
Michelle Carron	Elmore Rochester	
Carol Fraser	Elmore	
JULIE DENTON	ELMORE	
ARMY CURTAIN	ELMORE VIC	
Jill Carron	Elmore	
LINDA M'HEAR	ELMORE	
Louise Stoney	Diggers	

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

Contact Person: Kathy Tuohey

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Name (Please Print)	Address (Please Print)	Signature
NANCY NIVEN	[REDACTED] Elmore	[REDACTED]
Dorothy Henshke	[REDACTED] Elmore	[REDACTED]
Diane Hoare	[REDACTED] Elmore	[REDACTED]
Amy Hayes	[REDACTED] Ashok 3551	[REDACTED]
MARY RYAN	[REDACTED] Rochester 3501	[REDACTED]
Kathy O'Keeffe	[REDACTED] Castlemaine	[REDACTED]
B. McEwen	[REDACTED] Elmore	[REDACTED]
B. Weeks	[REDACTED] Colbinabbin.	[REDACTED]
R. Ashworth	[REDACTED] ELMORE	[REDACTED]
n. m. amy	[REDACTED] Elmore	[REDACTED]
P. BRYANT	[REDACTED] ELMORE	[REDACTED]
M. Shafqia	[REDACTED] Elmore	[REDACTED]
J. Nzefer	[REDACTED] Elmore	[REDACTED]
Sonia McCann	[REDACTED] FLORA HILL	[REDACTED]
Christine McCormick	[REDACTED] ELMORE	[REDACTED]
GLENYS AVARD	[REDACTED] COLBINABBIN 3554	[REDACTED]
MICHELE BIBBY	[REDACTED] LOCKINGTON	[REDACTED]
Leanne Walker	[REDACTED] ELMORE	[REDACTED]
Mary Hoare	[REDACTED] Elmore	[REDACTED]

GP
GP

Petition

Sent

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

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Name (Please Print)	Address (Please Print)	Signature
Jodie Belz	[Redacted]	[Redacted]
Sara Safstrom	[Redacted] MountCarmel	[Redacted]
Jaclyn Sanford	[Redacted]	[Redacted]
Ramie Cienda	[Redacted] Rochester	[Redacted]
Megan freiter	[Redacted] Elmore	[Redacted]
Shae McDougal	[Redacted] Elmore	[Redacted]
Michelle Simmie	[Redacted] Elmore	[Redacted]
Jos Sullivan	[Redacted] Strong	[Redacted]
Heather Acocks	[Redacted] Rochester	[Redacted]
Kylie Taylor	[Redacted] Elmore	[Redacted]
Jess MacCallum	[Redacted] KAMAROOKA	[Redacted]
Bree McLeod	[Redacted]	[Redacted]
Nicole O'Sullivan	[Redacted] Elmore	[Redacted]
Chloe Whitfield	[Redacted] Hunter 3558	[Redacted]
Kylie Gardan	[Redacted] Elmore 3558	[Redacted]
Nachelle Gunkle	[Redacted] Elmore 3558	[Redacted]
Rebecca Henke	[Redacted] Elmore VIC 3558	[Redacted]
Tara Milson	[Redacted] Cleornong	[Redacted]
Elie Hays	[Redacted] Elmore	[Redacted]
Sharon Robson	[Redacted] Lockington	[Redacted]

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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Name {Please Print}	Address {Please Print}	Signature
LISA GISSON	[REDACTED]	[REDACTED]
Kris Robinson	[REDACTED]	[REDACTED]
Nathan Kavanagh	[REDACTED] Echuca	[REDACTED]
Brett Brashaw	[REDACTED] Bonawick E	[REDACTED]
JACOB KAVANAGH	[REDACTED] BARMAN	[REDACTED]
Susan Scholke	[REDACTED] Embleton	[REDACTED]
Kevin Hays	[REDACTED] EMPRE	[REDACTED]
Brendan Pether	[REDACTED] Diamond	[REDACTED]
Lisa Day	[REDACTED] Ramsey.	[REDACTED]
Andrew Alford	[REDACTED] Lancashire	[REDACTED]
Gavin Rogers	[REDACTED] Gator 3552	[REDACTED]
Mark Allen	[REDACTED] Carp, 3559	[REDACTED]
Kaylene Pinner	[REDACTED] Wendore 3510	[REDACTED]
Clay Nelson	[REDACTED] Elmore 3558	[REDACTED]
Daryl Dobell	[REDACTED] Elmore 3555	[REDACTED]
Nigel Dwyer	[REDACTED] Elmore 3558	[REDACTED]
Benny Whiffles	[REDACTED] Elmore 3558	[REDACTED]
Donna Carnegie	[REDACTED] Tennyson 3572	[REDACTED]
Hamish McCormick	[REDACTED] Elmore 3558	[REDACTED]

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

Catherine Gladman [REDACTED] Windsor 3181 [REDACTED]
 Jona Power [REDACTED] Driveter [REDACTED]
 Ian Fraumber [REDACTED] Rochester
 Raaman EBERY [REDACTED] Elmore
 Paul Mohall [REDACTED] Elmore
 Sarah Taylor [REDACTED] Elmore
 Carmel Hay [REDACTED] Elmore
 C WARREN [REDACTED] Elmore
 W TROUWING [REDACTED]
 Bella Adams [REDACTED] Elmore
 Jay Worne [REDACTED] Elmore
 PHIL MACE [REDACTED]
 Carolyn Trohey [REDACTED] Toolleen
 Alicia Jenner [REDACTED]
 LEON SCADDEN [REDACTED] Elmore
 Nathalie Brown [REDACTED] Elmore
 FRAN O'SULLIVAN [REDACTED] ELMORE
 Helen Kneebone [REDACTED] Elmore
 Jodie Taylor [REDACTED] Elmore
 MICHELLE COTCHIN [REDACTED] ELMORE
 TISH SERPELL [REDACTED] Bamfurn
 Shae McDougal [REDACTED] Elmore

Petition

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Name (Please Print)	Address (Please Print)	Signature
Denise Nihill	[REDACTED] Elmore	
Celia Nihill	[REDACTED] CARNEGIE	
Barry Nankervis	[REDACTED] Golden Square	
Susie Nankervis	[REDACTED] Golden Square	
Andrea Moore	[REDACTED] Longlea	
MEUSA WEEKLEY	[REDACTED] REDCLIFFS VIC 3804	
Butcher + Kate	[REDACTED] Elmore	
Dominic CARBON	[REDACTED] Elmore	
CATHERINE WATSON	[REDACTED] Lockington	
DOUG ROULSTON	[REDACTED] Elmore	
LAURIE CRISP	[REDACTED] Elmore	
Dascal Walters	[REDACTED] Rochester	
Renee Angus	[REDACTED] Elmore	
DON CRICELLI	[REDACTED] Elmore	
Mitch Cricelli	[REDACTED] Elmore	
JACK HAYES	[REDACTED] Elmore	
Bryce Niven	[REDACTED] Elmore	
Joe Harney	[REDACTED] Elmore	
Tom Harney	[REDACTED] Elmore	

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

Contact Person: Kathy Tuohey

Elmore Primary Health

Address: 46-48 Jeffrey Street, Elmore

Email: kathytuohey@bchs.com.au

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

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

Name (Please Print)	Address (Please Print)	Signature
David Kyle	[REDACTED] Goornong	[REDACTED]
Sue Locke	[REDACTED]	[REDACTED]
Fiona Cdeno	[REDACTED] Rochester	[REDACTED]
Kerryn Giorgianni	[REDACTED] Bamawm	[REDACTED]
ANDREW JAMES	[REDACTED] ROCHESTER	[REDACTED]
M. SHARKEY	[REDACTED] Darnley	[REDACTED]
D. Kennedy	[REDACTED] Toolleen	[REDACTED]
H Grogan	[REDACTED] Elmore	[REDACTED]
J Weeks	[REDACTED] ELmore	[REDACTED]
J. PALMER	[REDACTED] ELmore	[REDACTED]
J Woods	[REDACTED] Elm ore	[REDACTED]
A Todd	[REDACTED] Elmore	[REDACTED]
W. cotchin	[REDACTED] Elmore	[REDACTED]
A. Richardson	[REDACTED] Elmore	[REDACTED]
P Jones	[REDACTED] Caunt	[REDACTED]
S. Perrie - Johni	[REDACTED] Elm	[REDACTED]
J YOUNG	COOLBARRIN	[REDACTED]
J. Phelan	[REDACTED]	[REDACTED]
T. McCahon	[REDACTED] Huntly	[REDACTED]

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

Petition

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Name (Please Print)	Address (Please Print)	Signature
Nadelle	[REDACTED] Elmore	[REDACTED]
Aaron Taylor	[REDACTED] Elmore	
Lesley Hanna	[REDACTED] Elmore	
Corina Messelt	[REDACTED] Elmore	
Monique McHugh	[REDACTED] Elmore	
Jodie Taylor	[REDACTED] Elmore	
Honnie Longdale	[REDACTED] Elmore	
Mary Osban	[REDACTED] Elmore	
Nathan Lawler	[REDACTED] Elmore	
Pip Rynshaw	[REDACTED] Elmore	
Michelle Simmie	[REDACTED] Elmore	
Helen Tuohey	Moama	
Samantha Stanford	Rochester	
Ike Maroney	Rochester	

Petition

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Name (Please Print)	Address (Please Print)	Signature
Daisy Acock	[REDACTED]	
Marcia Linton	[REDACTED]	
Sandra Holdahan	[REDACTED] Bagshot	
Leonie Gardan	[REDACTED] Elmore	
Adrian Burns	[REDACTED] ROCHESTER	
Sarah Ormston	Goornong, Vic	
Jodie Belz	[REDACTED]	
Kristiana	[REDACTED] Elmore	
Nadette Ginter	[REDACTED] elmore	
Megan Fiedler	[REDACTED] Elmore	
Nicole Sullivan	[REDACTED] Elmore	
Ron McKenna	ELMORE	
Aileen O'Sullivan	Goornong Vic	
DB Fullerton	ROCHESTER	
SCAPON	ELMORE	

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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Name (Please Print)	Address (Please Print)	Signature
G. BARNON	[REDACTED]	[REDACTED]
Jacki Brown	[REDACTED] Colbinabbin	[REDACTED]
Ivan & Good	[REDACTED] ELMORE	[REDACTED]
A. Melomay	[REDACTED] Elmore	[REDACTED]
4 Newport	[REDACTED] ELMORE	[REDACTED]
W. Bowne	[REDACTED] Rochester	[REDACTED]
G. HARRIS	[REDACTED] ELMORE	[REDACTED]
Anna Rens	[REDACTED] FOSTERVILLE RD	[REDACTED]
D. Mohr	[REDACTED] Elmore	[REDACTED]
Lucinda Webb	[REDACTED] G Square	[REDACTED]
Joan Harry	[REDACTED] Tenniysa	[REDACTED]
KEVIN O'HARA	[REDACTED] DINGEE 3571	[REDACTED]
Colleen O'Hara	[REDACTED] Dingee 3571	[REDACTED]

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

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[illegible]

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

Contact Person: Kathy Tuohey

Elmore Primary Health

Address: 46-48 Jeffrey Street, Elmore

Email: kathytuohey@bchs.com.au

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

Petition

Maternal and Child Health Services for Elmore and surrounds Residents.

Contact Person: Kathy Tuohey

Elmore Primary Health

Address: 46-48 Jeffrey Street, Elmore

Email: kathytuohey@bchs.com.au

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

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

ner

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

Sandra Houlahan

14.3. Petition: Request for Skate Park in Quarry Hill

[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA). Further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officers' reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories].

RECOMMENDATION

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

RESOLUTION

Moved: Cr Rod Fyffe

Seconded: Cr Vaughan Williams

That the recommendation be adopted.

CARRIED

Report

A petition has been received from residents and ratepayers in the Quarry Hill area for a skate park to be established in the Quarry Hill Recreation Reserve, as outlined below:

"It would be great to have a skatepark in Quarry Hill Recreation Reserve".

Signatures - 80

E-petition - 69

Total 149

Attachments

Petition

Attachment 1 - Quarry Hill Skate Park



The Quarry Hill Recreation Reserve is good, but there is so much space and it would be great to have a skatepark there. Even a small space for people to enjoy skating and scooting would be awesome!

Everyone who has signed this petition and who lives in Bendigo agrees and asks the City of Greater Bendigo Council to make it happen.

#	Name	Comment	Created On
69	 Carly Robinson	-	March 27, 2021, 11:08 AM
68	 Narelle Rigopoulos	It would be so beneficial to include a skate park - it would be extremely utilised in our community	March 27, 2021, 8:23 AM
67	 Kylie Kent	Let the kids skate! Build it and they will come. Awesome Idea Salva, love your work!	March 27, 2021, 3:34 AM
66	 Harrison Godfrey	-	March 27, 2021, 2:50 AM
65	 Tim j	-	March 27, 2021, 1:51 AM
64	 Shonia Cunningham	-	March 26, 2021, 10:08 PM
63	 Gemma French	-	March 26, 2021, 7:41 PM
62	 Kasslea Shaw	-	March 26, 2021, 7:35 PM
61	 Rachele Bertuch	Salva well done!! Fingers Crossed this comes to fruition.	March 26, 2021, 1:35 PM
60	 Trina White	Fantastic idea Salva, a great initiative for the youth of the city.	March 26, 2021, 1:24 PM

59	 Alicia Villiers	What a great initiative. A wonderful way for the youth in the community to connect. while learning that persistence pays off.	March 26, 2021, 11:58 AM
58	 Abi Trewartha	-	March 26, 2021, 10:53 AM
57	 Ren Doyle	Skateparks help keep youth active and creative.	March 26, 2021, 10:44 AM
56	 Amberlie Read	My boys would love this also	March 26, 2021, 10:02 AM
55	 Abb	"I don't skate but I will" (I probably wont)	March 5, 2021, 6:49 AM
54	 Jenna Smith	You're welcome Salva	March 5, 2021, 6:45 AM
53	 Therese Worme	This is close to where we are in Kennington/FloraHill & my children will be so excited to see this move forward.	March 4, 2021, 9:54 PM
52	 Lauren King	-	March 4, 2021, 8:51 AM
51	 Shaun White	Eaglehawk skate park is too far to drive the kids, there's nothing this side of town	March 4, 2021, 7:37 AM
50	 Sienna White	I'd like a skatepark too!	March 4, 2021, 7:36 AM

49	 Danielle White	Great idea Salval	March 4, 2021, 7:35 AM
48	 Barb Twigg	Excellent concept for energetic young people .	March 2, 2021, 10:35 PM
47	 Sharon	-	March 2, 2021, 8:14 AM
46	 Marshall Vincent	-	March 2, 2021, 6:52 AM
45	 Shaugh McIntosh	-	March 2, 2021, 5:35 AM
44	 Jordan Wanefalea	Would be an awesome opportunity!	March 2, 2021, 4:59 AM
43	 Justin	-	March 2, 2021, 12:08 AM
42	 Joshua Parris	-	March 1, 2021, 10:04 PM
41	 Robyn Bruno Spandonide	-	March 1, 2021, 9:59 PM
40	 Kate McInnes	I don't live in the area but my kids attend classes near by and would love a skate park here	March 1, 2021, 9:07 PM

39	 Michelle Pollard	Good luck! I hope you get the skate park built.	March 1, 2021, 9:02 PM
38	 Johan rivas	Great initiative and good project for all our young pepople in our community.	March 1, 2021, 9:00 PM
37	 Dominika Balwin	Let's make sure we have a great space for activities like skating!	March 1, 2021, 8:59 PM
36	 Nicole	Please give this area a skate park, so many people would enjoy it :)	March 1, 2021, 8:58 PM
35	 Tania	-	March 1, 2021, 9:28 AM
34	 Ewan Johnston	it would be awesome to have a skate park	March 1, 2021, 5:40 AM
33	 Aleida McIntosh	Great initiative Salva!	March 1, 2021, 5:23 AM
32	 Dylan John Cahill	-	March 1, 2021, 2:37 AM
31	 Shane Robinson	-	March 1, 2021, 1:35 AM
30	 Rachel Bramley	It's a win win for all...	March 1, 2021, 12:41 AM

29	 Nicole Day	More needs to be spent on kids and young people in the community. A skate park is a great idea.	February 28, 2021, 11:55 PM
28	 Chloe	-	February 28, 2021, 11:53 PM
27	 Amanda Wigmore	-	February 28, 2021, 11:43 PM
26	 William	-	February 28, 2021, 11:23 PM
25	 Kade	-	February 28, 2021, 11:22 PM
24	 Marsha	Way to go Salva! This is fantastic	February 28, 2021, 11:21 PM
23	 Alex Sellings	-	February 28, 2021, 11:17 PM
22	 Lorraine Morton	-	February 28, 2021, 11:11 PM
21	 Hilary M	-	February 28, 2021, 11:08 PM
20	 Owen Morton	-	February 28, 2021, 11:08 PM

19	 Colin Walls	-	February 28, 2021, 10:07 PM
18	 Cameron Knott	Nice one Salva I agree that the local QH kids (and adults) would benefit from a friendly, local and accessible skate park.	February 28, 2021, 7:42 PM
17	 Bryony Nally-Dean	What a great idea! We need more outdoor activities for our young ones and this would be perfect!	February 28, 2021, 2:50 PM
16	 Amy Bell	Def needed, great work on getting the petitions going. Happy to help progress this	February 28, 2021, 11:46 AM
15	 Jen	Great to have something on this side of town for kids to use. Long overdue.	February 28, 2021, 10:44 AM
14	 Andy Vincent	That would be a great addition to the quarry Hill neighbourhood. The old church on the hill community would gladly support this venture.	February 28, 2021, 9:31 AM
13	 Matilda Wridgway	-	February 28, 2021, 9:14 AM
12	 Daniel Wridgway	-	February 28, 2021, 9:13 AM
11	 Chris brown	-	February 28, 2021, 9:05 AM
10	 James R Logan	-	February 28, 2021, 8:49 AM

9	 Ian Logan	DEFENATELY	February 28, 2021, 8:49 AM
8	 Jackson Logan	Give the kids somewhere to have fun and progress their skills in an appropriate facility.	February 28, 2021, 8:41 AM
7	 Teigs Perry	-	February 28, 2021, 8:18 AM
6	 Sophie Fisher	-	February 28, 2021, 8:17 AM
5	 Enya OCallaghan	-	February 28, 2021, 8:15 AM
4	 Adam Cornell	-	February 28, 2021, 8:12 AM
3	 Jeremy	-	February 28, 2021, 8:03 AM
2	 Miciah Frost	-	February 28, 2021, 6:11 AM
1	 Salva McIntosh	-	February 28, 2021, 4:15 AM

Petition For Skatepark In Quarry Hill

It would be great to have a skatepark in Quarry Hill Recreation Reserve.

All the people who have signed below agree..

Name	Age	Postcode
Levi	8	3550
Harry J	10	3550
Hudson	8	3550
Emmet	10	3550
Rowan	10	3550
Shabi	11	3550
Laidie	8	3550
Giana	8	3550
Kobir	10	3550
Francesco	10	3550
Charlie L	10	3550
Fletcher W	10	3550
Brae	10	3555
Ross T	33	3555
Clava	8	3550
M. TZAROS	ADULT	3550
SCARLETTOS	8	3550

Petition For Skatepark In Quarry Hill

It would be great to have a skatepark in Quarry Hill Recreation Reserve.

All the people who have signed below agree.

Name	Age	Postcode
Oliver	11	3550
Vinnie	6	3550
Lincoln	8	3550
Finn	11	3550
Abi	12	3550
Billy	12	3550
Oliver	11	3550
Tyler C	11	3550
Oliver	11	3550
Abby S	10	3550
Ella B	10	3550
Dylan L	10	3550
Harry	10	3550
William J	10	3550
Summer H	10	3550
Iris M	11	3550
Marsha Wigg	28	3550

2

Petition For Skatepark In Quarry Hill

It would be great to have a skatepark in Quarry Hill Recreation Reserve.

All the people who have signed below agree.

Name	Age	Postcode
Ewan J	13	3550
Toby J	7	3550
Olivia Johnston	9	3550
Elvira McIntosh	74	3550
Ed	10	3550
Ted	11	3550
Ryan	11	3550
George	10	3550
Jordan	11	3550
Callum	10	3551
Lachlan V	11	3550
Phil R	10	3550
Donty V	9	35 3550
Caolan	10	3550
Watt G	11	3550
Angus O	10	3550
Jack MG	10	3550

Petition For Skatepark In Quarry Hill

It would be great to have a skatepark in Quarry Hill Recreation Reserve.

All the people who have signed below agree.

Name	Age	Postcode
Logan N	10	3550
Jonny McD	9	3550
Tim Murphy	45	3550
Jalal H.B	10	3506
Lucy	39	3550
Riley	11	3550
Jarvin	11	3550
Aiden	10	3550
Logan C	10	3550
Jack W	10	3550
Kade S	10	3550
Blair V	11	3550
Annie	10	3550
Jacob	9	3551
Lula	10	3550
Mollie	9	3550
Fred	8	3550

Petition For Skatepark In Quarry Hill

It would be great to have a skatepark in Quarry Hill Recreation Reserve.

All the people who have signed below agree.

Name	Age	Postcode
Brooke Wilsen	Adult	3550
Rachele Bertuch	Adult	3555
Jediah Shue	Adult	3551
Isaiah Vincent	Adult	3550
Lilya Stevenson	Adult	3550
Jamir Dearr.cott	Kid	3550
Jessebrook	13	3661
Sue Brown	70+	3555
JANET FILBEY	80	3550
NOMA WRIGHT	Adult	3550
Sydney Rich	Adult	3551
Mick Kennedey	Adult	3550
Tania Rusbridge	Adult	3550

14.4. Petition: Sprinkler Timing at Lake Neangar

[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA). Further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officers' reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories].

RECOMMENDATION

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

RESOLUTION

Moved: Cr Andrea Metcalf

Seconded: Cr Julie Sloan

That the recommendation be adopted.

CARRIED

Report

The following petition has been received from residents and ratepayers regarding the watering sprinkler timing at Lake Neangar, as outlined below:

"We the undersigned residents and ratepayers of Greater Bendigo City Council formally request Council to investigate with Parks & Gardens why after many phone requests no results have been made to the timing of watering around Lake Neangar.

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

To have the sprinklers turned off by 5.00 AM.

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

We do not like to get drenched.

This situation is unsafe and needs to be rectified".

Signatures - 63

Officer Comment:

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

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

Attachments

Petition

Attachment 1 - Petition received to have sprinklers turned off by 5am at Lake Neangar

Petition to the Bendigo council:

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

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

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

To have the sprinklers turned off by 5.00 AM.

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

We do not like to get drenched.

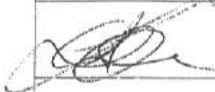
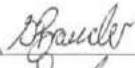
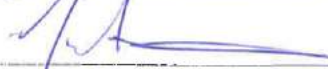
This situation is unsafe and needs to be rectified

Name: Pom. Dik .

Bruno Dik .

Stephen Kirkpatrick .

Lyn Rick B Brown .

CHRIS MARTIN	
Felicity Vally	Kevin Farnett
Sharon Stedman	John Morgan
Simone Ward	Pamela Ruppall
David Ward	Wayne Wright
	Pam [Signature]
AOL - Phil	Ann Peters
	G. Sear
J. Calmley	Ch. Lucas
	
Michael [Signature]	Heidi Davey
K. [Signature]	Jo Madden
B. [Signature]	Brad Madden
	
	
	

15. PRESENTATION AND MANAGING GROWTH

15.1. 98-104 Williamson Street, Bendigo 3550 - Use and Development of a Residential Hotel, Display of Signs and the Sale and Consumption of Alcohol

Author	Shannon Rosewarne, Senior Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details:	Use and development of a residential hotel, display of signs and the sale and consumption of alcohol.
Application No:	DU/274/2020
Applicant:	Amber Property Group
Land:	98-104 Williamson Street, BENDIGO 3550
Zoning:	Commercial 1 Zone Adjoins Road Zone 2
Overlays:	Heritage Overlay (HO9 and HO301) Design and Development Overlay 5 Parking Overlay 1
No. of objections:	7
Consultation meeting:	A consultation meeting was not held, however amended plans were circulated to the objectors for comment with a right of reply provided.
Key considerations:	• Whether the site is suitable for the intended use; • Whether the proposal is consistent with State and local planning policy; • Whether the built form and design response address the objectives of the Planning Scheme with regard to the Heritage Overlay and Design and Development Overlay; • Whether the proposed car parking provision is satisfactory.
Conclusion:	The application is recommended for approval on the basis that it represents an acceptable outcome with regards to the requirements of the Greater Bendigo

	Planning Scheme and will provide an overall net community benefit.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for use and development of a residential hotel, display of signs and the sale and consumption of alcohol at 98-104 Williamson Street, BENDIGO 3550 subject to the conditions at the end of this report.

RESOLUTION

Moved: Cr Margaret O'Rourke
Seconded: Cr Rod Fyffe

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021 :

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

Attachments

1. Planning Assessment Report.

Attachment 1 - 98-104 Williamson Street Planning Assessment Report

PLANNING ASSESSMENT

Background Information

The application was originally lodged on 1 May 2020. Following public notice of the application, amended plans were received which were circulated to the objectors and Heritage Victoria for comment. The application was subsequently formally amended on 9 March 2021 under section 57A of the *Planning and Environment Act 1988* to substitute the plans.

Report

Subject Site and Surrounds

The subject site is known as 98-104 Williamson Street and is located on the corner of Williamson Street and Mollison Street. The site forms part of the Bush's Store complex which is listed on the Victorian Heritage Register. The complex comprises a group of one and two storey red brick buildings, which are referred to as Backhaus Shop, Original Shop, Tea Loft and Chaff House, Stables, Oil Store and Shed in the Heritage Victoria registration.

The subject site is irregular in shape and has an area of approximately 1,987 square metres with a frontage of approximately 59 metres to Williamson Street and 40.22 metres to Mollison Street. It contains a canopy which forms part of the Oil Store building but is otherwise vacant. The site currently has two crossovers onto Williamson Street and two crossovers onto Mollison Street. On street parking is located within both road reserves, in addition to footpaths and street trees.

The surrounding context contains a mix of commercial buildings including single and double storey red brick, Victorian era buildings, more recently constructed single storey commercial developments and some larger buildings including the red brick St Paul's Cathedral fronting Myers Street, and multi storey mixed use contemporary developments on the corner of Mollison and Mitchell Streets and at 103 Mitchell Street, although the built form in the wider area is predominantly 1-2 storeys in scale.

The northern side of Williamson Street, opposite the subject site, is generally characterised by single storey red brick heritage buildings. On the southern side of the street, on the corner of Myers and Williamson Streets (12-14 Myers Street) is a single storey red brick building which forms part of the Bush's complex currently used as a restaurant. Adjacent to the site, 122 Mollison Street contains a number of buildings which also form part of the Bush's complex including a single storey red brick shop fronting Williamson Street with a larger two storey brick building at the rear, and two double storey buildings adjacent to Bush's Lane, one of which is the former Oil Store building.

The Mollison Street streetscape contains more of a mix of building styles constructed during different periods, however is also predominantly single storey in scale with the exception of the Oil Store and the mixed use development on the corner of Mollison and Mitchell Streets.



Figure 1: Location map showing subject site. Objectors properties marked with a star. (Note some objectors own more than one property and other objectors are not located within close proximity to the site and are not shown.)



Figure 2: Aerial photograph showing the subject site and surrounds

Proposal

The application seeks approval for the construction of a six (6) storey residential hotel building.

The proposal includes the following key elements:

- 10,673 square metres of floor area;
- Provision of 105 hotel rooms;
- An ancillary multi-purpose function space on the first floor;
- An ancillary restaurant on the ground floor;
- 80 car spaces on the site, provided within 2 basement levels;
- A porte cochere for drop off/pick up, providing for an additional 2 short term car spaces;
- 23 bicycle parking spaces, 11 of which will be within the basement levels and 12 proposed within the Mollison Street naturestrip;
- Associated service and storage areas;
- Retention and reuse of the existing heritage building (former Oil Store canopy) on the site as part of an outdoor dining area.

The height of the building varies; however the proposed maximum building height of 23.15 metres is concentrated at the south east corner of the site, providing for 6 storeys at the building's peak, with the height and massing of the building transitioned lower towards its south west and north west boundaries on the Mollison and Williamson Street facades.

The design of the building is contemporary and the proposed materials include clear glazing and light grey spandrel glazing within powder coated aluminium framing, Rekli finish (custom designed and textured concrete panels) in red brickwork, Rekli finish in light grey brickwork in stack bond and soldier finishes, dark grey metal cladding, perforated steel, aluminium and timber look cladding and battens.

A 2 metre wide canopy is proposed along the Williamson Street and Mollison Street facades.

The main entrance to the hotel will be via Williamson Street, with the restaurant also having entrances from Williamson and Mollison Streets. Vehicle access to the site is proposed via two access points on Williamson Street with an entry only (one-way) at the southern end and a two-way access at the northern end, which will provide egress from the porte cochere and ingress and egress for the basement carparking.

Indicative sizes and locations for proposed internally illuminated signs have been shown on the plans submitted. The specific detail of the signs is proposed to be provided at a later date when the operator of the hotel is confirmed, as a condition of permit.

The proposed hours of operation for the restaurant and function spaces are from 7.00am to 1.00am, 7 days a week and a maximum number of 200 patrons for each of these spaces is proposed.

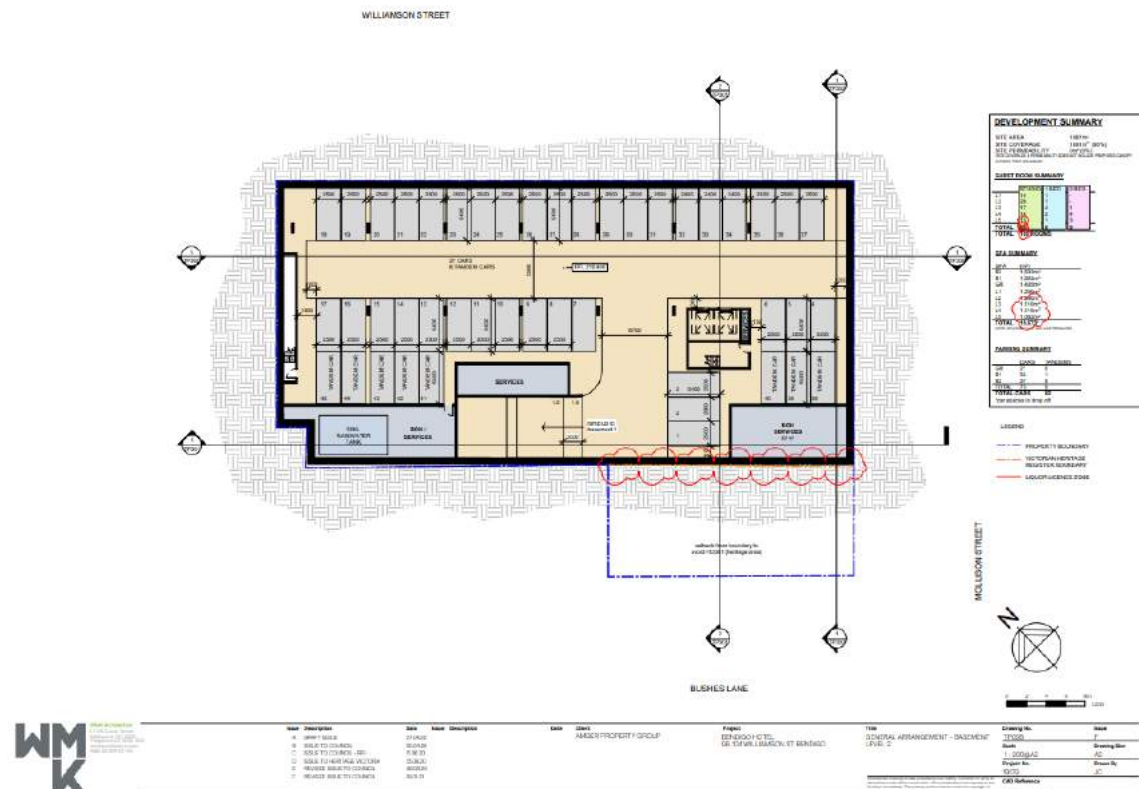


Figure 3: Proposed Level 2 Basement layout

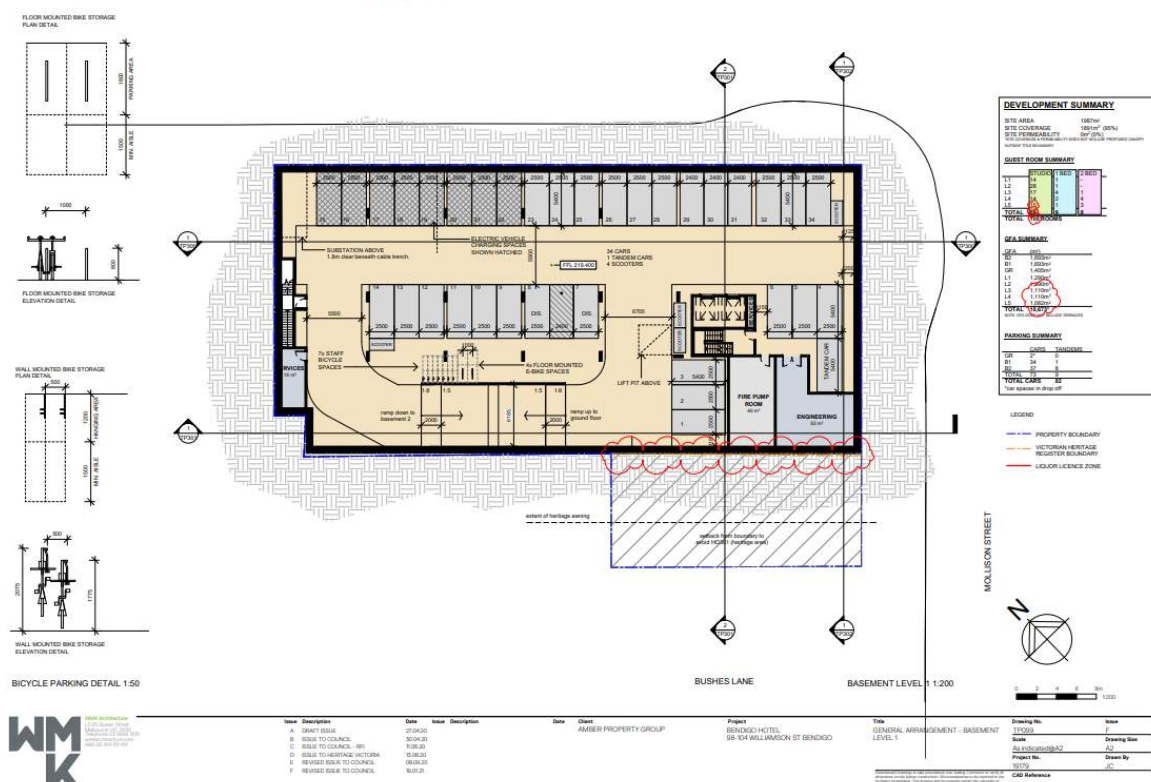


Figure 4: Proposed Level 1 Basement layout

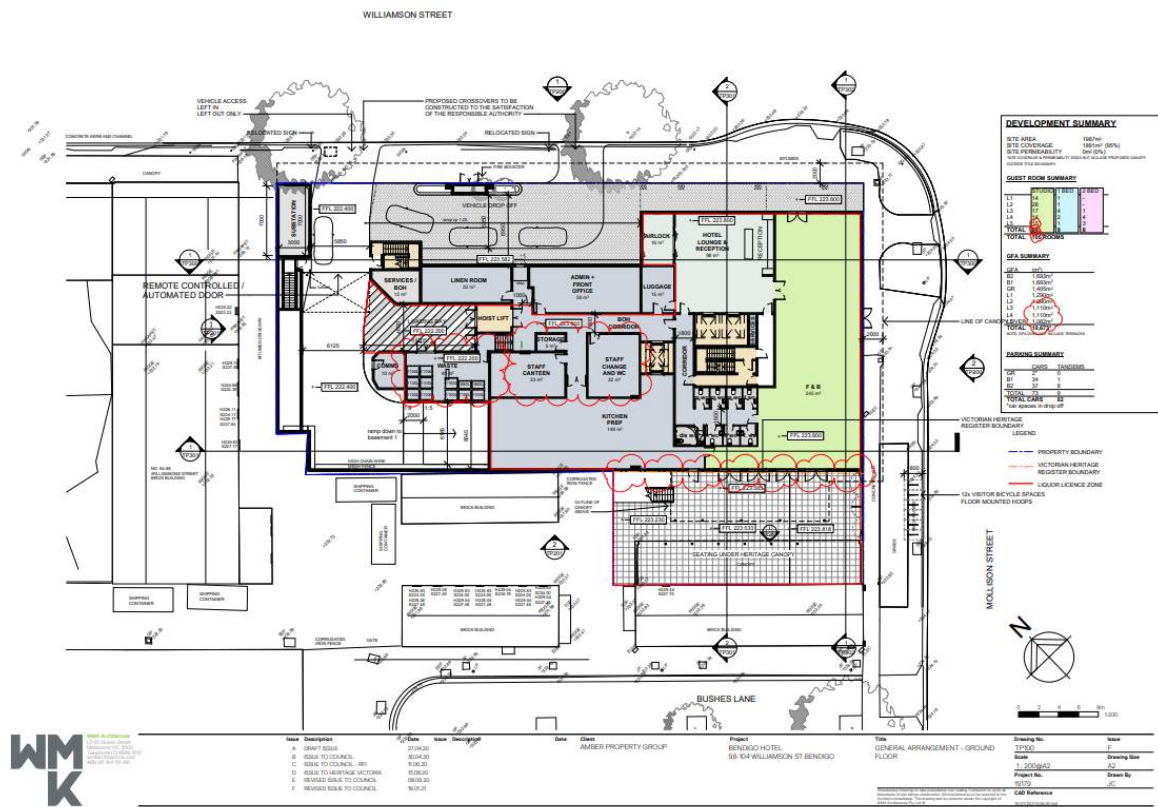


Figure 5: Proposed ground floor layout

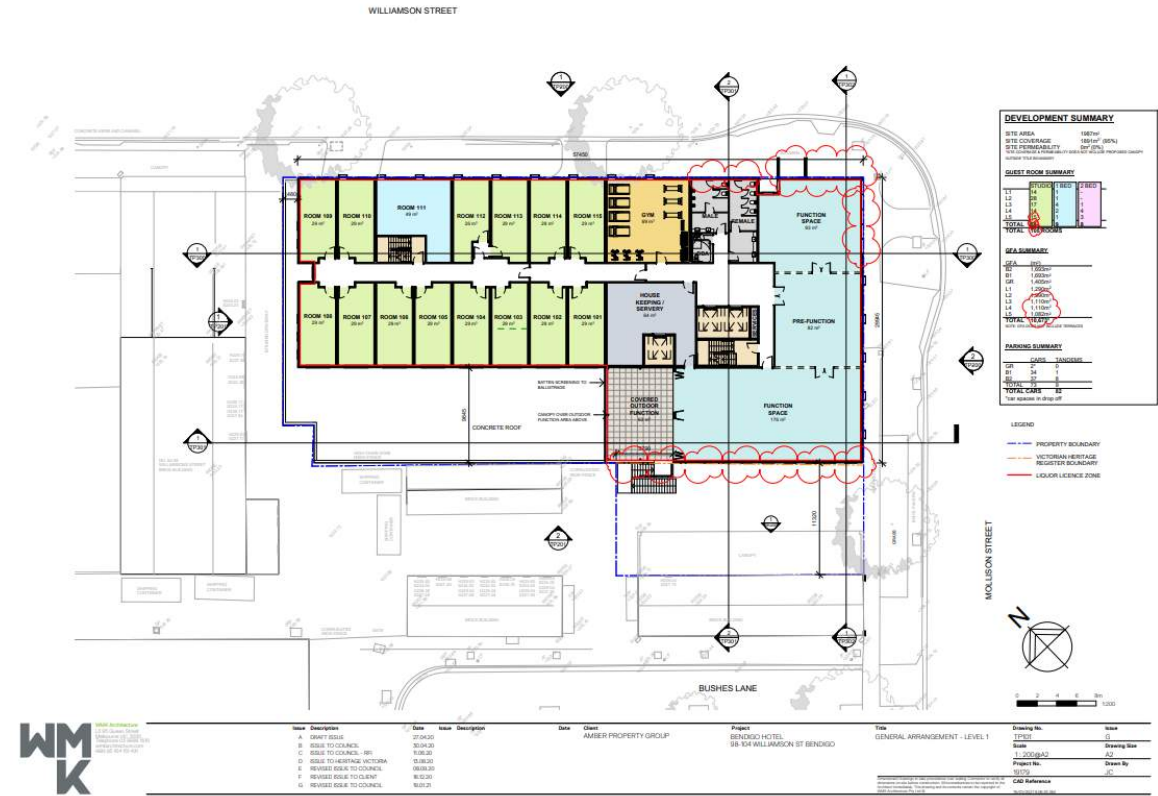


Figure 6: Proposed first floor layout

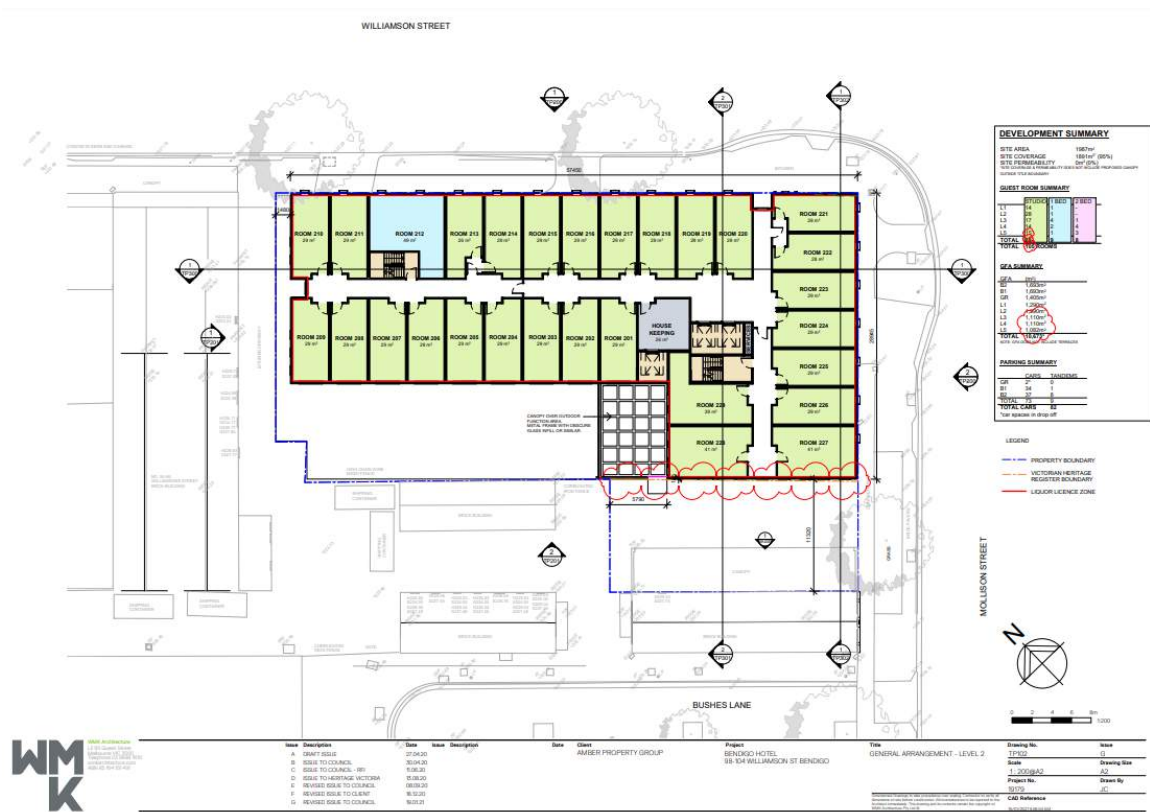


Figure 7: Proposed Level 2 layout

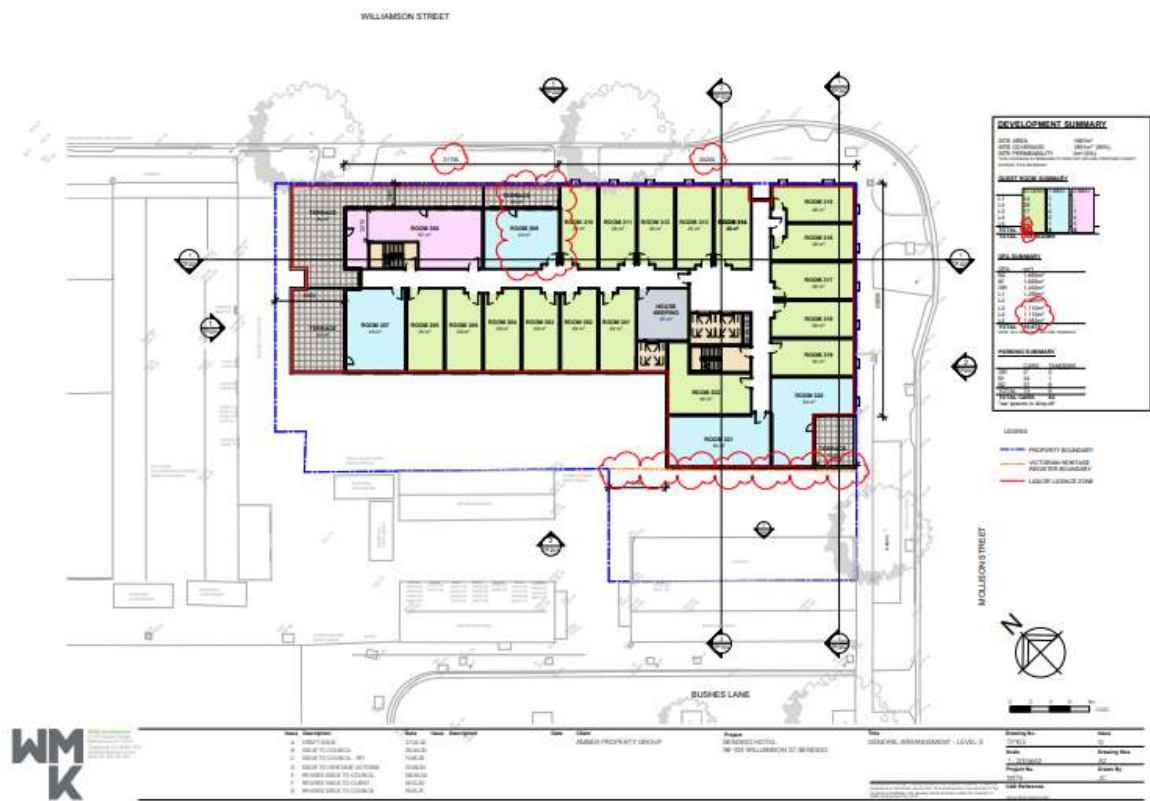


Figure 8: Proposed Level 3 layout

Note : Approval is sought for the size, general location, and type of sign (including illumination to be determined) with the specific content of these signs to be developed with the future hotel operator at a later date.



Figure 11: Streetscape perspective of Mollison Street elevation



Figure 12: Streetscape perspective of Williamson Street elevation

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.03-1S Activity centres
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.02-1S Energy and resource efficiency
- Clause 15.03-1S Heritage conservation
- Clause 17.02-1S Business
- Clause 17.01-1R Diversified economy - Loddon Mallee South
- Clause 17.04-1S Facilitating tourism
- Clause 18.02-4S Car parking

Municipal Strategic Statement

- Clause 21.07 Economic development
- Clause 21.08 Environment

Local Planning Policies

- Clause 22.06 Heritage Policy
- Clause 22.10 Environmentally Sustainable Development Policy
- Clause 22.27 Licensed Premises Policy
- Clause 22.29 Advertising and Signage Policy

Other Provisions

- Clause 34.04 Commercial 1 Zone
- Clause 43.01 Heritage Overlay
- Clause 43.02 Design and Development Overlay
- Clause 45.09 Parking Overlay
- Clause 52.06 Car parking
- Clause 52.27 Licensed premises
- Clause 53.18 Urban stormwater
- Clause 65 Decision guidelines
- Clause 66 Referrals
- Clause 71.01-3 Integrated decision making

Planning Permit Triggers

The need for a planning permit is triggered by:

- Clause 34.04-1 of the Commercial 1 Zone which states a permit is required to use of land for a residential hotel
- Clause 34.04-4 of the Commercial 1 Zone which states a permit is required for buildings and works
- Clause 43.01-1 of the Heritage Overlay which states a permit is required for buildings and works and signage
- Clause 43.02-2 of the Design and Development Overlay which states a permit is required for buildings and works

- Clause 52.05-11 of the Sign provisions which state a permit is required for internally illuminated signs exceeding 1.5sqm in Category 1 areas
- Clause 52.27 of the Licensed Premises provisions which state a permit is required to use land for the sale, service and consumption of alcohol

A permit is not required for the development under Heritage Overlay 301, as the site is listed on the Victorian Heritage Register (VHR). Heritage Victoria is therefore responsible for assessing the proposal through a separate application and Council can only assess the heritage impacts of the proposal as they relate to HO9. Heritage Victoria issued a permit for a hotel development on 28 October 2020 subject to conditions.

Consultation/Communication

Referrals

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

Referral	Comment
Coliban Water	No objection subject to conditions relating to provision of reticulated water and sewerage services.
Country Fire Authority	No response received.
Department of Transport	No response received.

Referral	Comment
Heritage Victoria	No objection, however Heritage Victoria advised that it had concerns about the development impacting on the registered listed place. It stated: <i>This hotel building, if approved, would result in a profound change to the general setting of the 'Former Bush's Store' complex. This is due to the scale and bulk of built form in this proposal. We would like to see some changes to the built form outside of the VHR place which reduces height and bulk in response to the significance of the 'Former Bush's Store' complex of buildings which surrounds the north-east and south-west boundaries of the proposal.</i> <i>Heritage Victoria notes that the Design and Development Overlay that applies to this property, DDO5, specifies this site as 'H3 Medium scale'. This has a requirement for a maximum height of 12m. We do not consider that the height of this building as proposed at 21m, represents an appropriate response or provides adequate protection of the State significant heritage values of the adjoining 'Former Bush's Store'.</i> <i>As such it is suggested that the maximum height of 12m be respected for a greater proportion of the building, particularly in the interfaces with the VHR place on the north east and south west boundaries."</i> Heritage Victoria advised that its preference would be for a maximum height of 12m and that should any additional height above this be considered, this should be limited only to the section of the building at the corner of Williamson and Mollison Street with greater set back from the VHR place of 'Former Bush's Store'. It is noted that Heritage Victoria has issued a permit for the site subject to conditions which require revised plans showing a reduction in the overall height of any built form on the registered land to be at or below 12m. Heritage Victoria recommended that a condition requiring engineering documentation, including investigation and analysis of the existing footings of these two buildings, including any underpinning required, be included on a permit, if issued, in addition to a requirement for interpretation of the subject site as the location of the Bush family home, which could include a small interpretation sign on the Williamson Street elevation of the building.

Referral	Comment
	Conditions of permit can be included as requested in addition to a requirement for a comprehensive Construction Management Plan. Following discussions with the applicant regarding these concerns, amended plans were submitted. The revised plans were referred to Heritage Victoria for comment, who advised that its concerns regarding the overall height of the building still stand.
Traffic & Design	No objection, subject to conditions requiring the car park and access to be designed in accordance with the Infrastructure Design Manual and relevant Australian Standards. It was advised that: • Vehicle access to and from the property must be “left in” and “left out” • The bus stop adjacent to the site in Williamson Street may need to be relocated. • Garbage and recycling must be collected by a private service. • All loading and unloading of goods must be conducted wholly on the site. Loading and unloading within the road reserve is not permitted. Appropriate conditions will be included within the permit.
Drainage	No objection subject to conditions requiring detailed drainage plans and construction of works.

Referral	Comment
Heritage Advisor	Initial advice was that the proposal is generally acceptable, however there were concerns around the height in this setting. It is was recommended to investigate the possibility of recessing upper floor(s) and better concealing plant and equipment areas within the development to reduce the appearance of height. The plans were subsequently amended, and the following comments were provided. <i>The more stepped approach to the Williamson Street elevation is an improvement and reduces the bulk for a better mediation between the height of the proposed corner treatment and the one-two storey heritage Bush's Stores buildings. The wrapped glazing at the Williamson/Mollison corner provides a vertical break, although the narrower raised canopy over the entry is less effective in this incarnation, with the wider design shown on previous versions having a less vertical emphasis. The overall height at the corner is still not ideal for the context but has less impact in this form.</i> <i>There are still questions around the staggered windows in the lower section, towards Myers Street, but this is a tweak rather than a re-design.</i> <i>On the whole, it seems that the designers have responded to feedback to reduce the visual bulk of the design and to respond better to context and the amended plans reflect this. The proposal is acceptable, subject to the reservations mentioned above.</i>
Environmental Health	No objection. Recommended a number of notes be included on the permit in relation to: • Registration with the City of Greater Bendigo under the Public Health and Wellbeing Act 2008 for Prescribed Accommodation. • Registration of food premises with City of Greater Bendigo under the Food Act 1984. • Provision of a grease trap as required by Coliban Water to ensure compliance with the Food Standards Code. • Prohibition of smoking in outdoor dining areas where food is served and display of appropriate signage.

Referral	Comment
Regional Sustainable Development	The proposal is supported. While height is important, it is not in itself determinant. The merits of the proposal outweigh the concerns about height. The proposal is an 'acceptable outcome' and in fact taken on balance it is a desirable outcome.
ESD Officer	The proposal includes 30kW roof top solar, reference to high performance glazing and aspires to a 5-star Green Star Design & As Built rating including 10% better than the minimum energy efficiency of the NCC 2019. It is recommended the building be certified 5 star Green Star Design & As Built standard ensuring commitments of the Sustainability Management Plan (SMP), or alternatively require the SMP to detail the performance standards proposed to achieve best practice. (This would reduce the need for conditioned requirements for additional information to be submitted during the construction process outside of the planning process to achieve a 5 Star Green Star Building.) The applicant has advised their preference is to amend the SMP and include sustainability initiatives to be detailed on the final plans. Appropriate conditions will be included on the permit in this regard.
Parks	No response received, however a note will be included on the permit advising the applicant to obtain approval from the City's Parks Unit for any works affecting existing street trees.

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, seven (7) objections were received, with the grounds of objection being:

Building massing, scale and height

- Proposal is not sympathetic to the scale, bulk and character of any buildings in the vicinity of the site and the height exceeds the current controls.
- The visual impacts of the proposed building massing at its hard edge on both Mollison and Williamson Streets will be overpowering. It will dwarf and diminish the existing heritage buildings adjoining in Bush's Lane and the adjacent Bush's produce building.
- The building will create a confronting visual impact and a disconnect on the corner of Williamson Street and Mollison Street.

- The attempt to reduce the scale and create a transition down to buildings in Williamson Street and Mollison Street are token gestures with only minimal recesses.
- The verandah at ground level does not contribute any relief to the massing and scale and its design reference is tenuous.
- Concern about the size and height of the building and its impact on adjacent heritage buildings and the predominantly single storey character of the area.
- Proposed development is monolithic and totally out of scale with surrounding development. Height should be limited to maintain the dominance of St Paul's Cathedral as the focal point.
- Concern that the proposed development will overshadow St Paul's Cathedral.
- No winter sun to north east facing windows of adjoining heritage buildings directly to the south west of proposed development.
- The development should be limited to a maximum of 4 floors above ground, although a 2 storey limit would suit the site better.
- The building will be 23.15 metres in height which is substantially more than the 12 metre preference in the planning scheme.
- Concern about the relationship of the proposed development to others in the street as the buildings fronting Williamson Street opposite to the subject site are all single storey and under 6 metres in height.
- Applicant is relying on the City Centre Plan (2020) which states the preferred height is 20 metres but this is not an Incorporated Document in the planning scheme and has not undergone a planning scheme amendment process and should not be given significant weight.
- Concerns about the overshadowing to the retail space at 113-133 Mollison Street. The shadow cast by the building after 1pm will be detrimental to the use of these spaces. If the building was 12 metres high this impact would likely be negated.
- The shadow diagrams show the building at 122 Mollison Street within HO301 and Bush's Lane will be completely overshadowed from 10am – 2pm. The majority of the footpath along Mollison Street will be significantly impacted by overshadowing.
- The DDO5 objectives require that streets and other public spaces are protected from overshadowing from new development but the proposal does not achieve this outcome.

Design issues

- The proposal presents a predominantly brick building with very little articulation. The excessive amount of brickwork and the lack of articulation adds to the bulk and scale.
- The proposal has minimal fenestration and very little articulation and this does not contribute to reducing bulk and scale.
- The proposal is an opportunity for a modern design with a balanced palette of materials but the proposal misses this. Finer grain and texture has not been expressed and further redesign should be considered.
- The upper half of the building has three storey high window openings, some of them protruding, which create strong vertical lines dominating the whole façade and

overwhelming the more attractive lower half of the building which is more in keeping with the local architecture.

- Proposal is not consistent with the DDO5 which states that this is a 12m height area. The development will have a height in excess of 20m. The bulk and scale of the building do not relate to its surroundings and will result in shadowing and a change to the character and streetscape.
- The design does not consider that the site falls away along Williamson Street and does accurately show RL levels.
- Concern about the interface with the existing low rise scale character.
- Development does not provide for interaction with the streetscape and does not provide for retail or public space at ground level.
- The proposed building will dominate and will result in adverse visual bulk to the streetscape.
- The development is not excellence in architecture.
- The development should provide the required disabled rooms, accessibility, facilities and car spaces.

Heritage impacts

- Concern about the impact of the size and height of the building on St Paul's Cathedral including the bell tower. The bell tower is a unique part of the city skyline and the proposed building will obstruct and dominate views to this heritage building, which is currently the most prominent structure in the area.
- The design is not sympathetic to the buildings on the block.
- Concern about deep excavation so close to heritage buildings and the impacts of vibrations during construction. A condition survey should be undertaken to assess the effects of the works should be undertaken and an appropriate management plan to eliminate or reduce the risk should be required.
- Concern about the potential impacts to heritage listed buildings in the area, including St Paul's Cathedral, during construction. The applicant should make commitments to monitor and rectify any damage caused by construction.
- The scale and the bulk will have significant impacts on heritage listed buildings.
- The design offers minimal setback from the site boundary and where setbacks are provided they are only for a small portion of the façade and along upper levels. Along Williamson Street the building will be approximately 22.5 metres in height or greater for about 88% of the length of the frontage. This will result in the proposed building visually overpowering the sites on the opposite side of Williamson Street which are within a Heritage Overlay.
- The design of the Mollison Street façade offers little relief for the Victorian Heritage protected buildings within HO301. The third level is set back however this does not extend for the entire length of the building with the full height of the building extending along the entire western edge of the building. This will dominate the landscape and does not respect the significance of the buildings on the site adjoining to the west which are covered by HO301.

- The proposed building is not considerate of surrounding buildings within the HO and protected by Heritage Victoria.
- The building is significantly larger than the neighbouring contributory building and may be perceived as dominant. This is not consistent with Heritage Victoria guidelines which seek to ensure that development does not adversely affect the significance of a heritage place, developments should adopt a façade height consistent with adjoining heritage buildings.
- Proposed upper level setbacks are inconsistent with Heritage Victoria guidelines and the development will have a detrimental impact on adjoining heritage buildings and the setting of St Paul's Anglican Church.

Car parking and bicycle facilities

- Concerns that the proposal does not include sufficient onsite parking for all hotel guests and patrons taking into account the bar, restaurant and function centre in addition to the accommodation. Local businesses will be affected by loss of street parking.
- Concern that the use is incorrectly described as a residential hotel, as there is no specific car parking requirement for this use. The use should be classed as a motel where 1 space per room is required.
- The proposal does not meet the car parking requirements of the planning scheme.
- Overnight guests will not travel to the site by bike and few by train and bicycle spaces within the basement are not likely to be used by cyclists.
- Concerns about the car parking demand assessment and comparison site surveyed.
- Concern about impact of parking on the precinct, in particular ground water tables beneath Bendigo may preclude the possibility of constructing underground parking and could impact other buildings in the vicinity. A hydrology report should be required.
- Additional pressure will be placed on on-street parking within the precinct.
- Insufficient disabled car spaces provided.

Revised plans were subsequently circulated to the objectors for comment, however none of the objections was withdrawn. The objections are discussed below.

Planning Assessment

Planning policy

The site is located centrally within the Bendigo city centre. It is well served by public transport and is highly accessible on foot. The site forms part of a commercial precinct where the planning scheme encourages enhanced commercial and retail activity.

Clause 11.01-1R (Settlement – Loddon Mallee South) recognises Bendigo as the regional city and major population and economic growth hub for the region, offering a range of employment and services. One of the strategies within this clause is to facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.

Clause 11.03-1S (Activity centres) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies to implement this objective include, amongst other things:

- Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.
- Undertake strategic planning for the use and development of land in and around activity centres.
- Give clear direction on preferred locations for investment.
- Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
- Improve access by walking, cycling and public transport to services and facilities.
- Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
- Encourage economic activity and business synergies.
- Improve the social, economic and environmental performance and amenity of activity centres.

The proposal is supported by the objective of Clause 17.02-1S (Business) which seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services, and by State and local planning policies relating to facilities which support tourism.

Clause 17.04-1S (Facilitating tourism) seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Strategies to achieve this objective include:

- Encouraging the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Ensuring that tourism facilities have access to suitable transport.
- Promoting tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Encouraging investment that meets demand and supports growth in tourism.

Clause 17.01-1R (Diversified economy - Loddon Mallee South) seeks, amongst other things, to support and develop emerging and potential growth sectors such as tourism. At the local level, the Municipal Planning Strategy seeks to develop Greater Bendigo's tourism potential as Australia's leading cultural heritage destination, as stated in Clause 21.07-7 (Tourism). Strategies include identifying strategic sites for tourism related uses such as hotels, conference and dining facilities.

With regard to strategic planning for the Bendigo city centre, Clause 21.07 (Economic development) identifies the Bendigo City Centre activity centre as the largest of all the activity centres within the municipality and describes it as: *the most important retail and commercial centre for northern and central Victoria. It is Greater Bendigo's primary employment area, providing a full City centre Bendigo City Centre range of higher order commercial, retail, visitor, social, civic, cultural, tourist and entertainment activities.*

The *Bendigo CBD Plan (2005)* is a background document within the Planning Scheme which is referenced in this clause. This document contains a vision and objectives for each of the identified precincts.

Last year Council adopted the *Bendigo City Centre Plan (2020)* which notes that *“Two elements that are missing from our tourism offering are larger scale conferencing facilities and hotel accommodation. With the recent addition of direct flights between Bendigo and Sydney, and the growth in tourist numbers forecast, the demand for visitor accommodation is growing. Major hotel groups are investigating sites that could be developed in the next few years. This would complement our cultural facilities and support retail and entertainment activity in the City Centre.”*

Under the City Centre Plan, the site is within a 20 metre preferred height area, where building to the boundary is encouraged in addition to weather protection. The Plan’s preferred heights are not absolute, as it also states that *“the determination of the appropriate building height for an individual building must first and foremost take site context into consideration. Any such consideration will explore constraints and opportunities related to the site location, heritage and the characteristics of existing buildings and public spaces.”*

Council has resolved to prepare a planning scheme amendment to implement the City Centre Plan within the planning scheme, however this amendment is still under preparation therefore this strategic document is not yet referenced in the planning scheme. As such, whilst it provides an up to date vision and strategic plan for the city centre, this document does not carry the same weight from a statutory planning perspective, as it otherwise would if had gone through a planning scheme amendment process.

Clause 15.01-S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Clause 15.01-2S (Building design) aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

The site forms part of a heritage precinct within the city centre. The economic development and urban design objectives and the vision for the precinct must be balanced against the heritage significance of the site and the wider precinct.

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

The City’s Heritage Policy at Clause 22.06 is also of relevance and its objectives include ensuring that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts. A detailed assessment of the impacts of the proposed development on the significance of the heritage place is provided below in this report.

The application has responded to Clause 15.02-1S (Energy and resource efficiency) and the City's Environmentally Sustainable Development Policy at Clause 22.10 of the planning scheme. A Sustainability Management Plan has been prepared for the application which demonstrates that the development can achieve best practice. The plan is generally satisfactory; however, some further detail is required to be provided and shown on the final plans and a Green Travel Plan will be required to be submitted as a condition of permit.

The Clause 22.27 (Licensed Premises Policy) aims to manage licensed premises within the City of Greater Bendigo, including location, patron capacity and hours of operation to protect the amenity of surrounding areas and to reduce the incidence of anti-social behaviour and the subsequent impact on the amenity of the area. The application generally meets the requirements of this policy, although the hours of operation sought for the proposed licensed venues exceed those generally supported under the policy. Given the location in a commercial area within the city centre and the nature of the use, the proposed hours are not likely to result in adverse amenity impacts.

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

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

Zone

The subject site is zoned Commercial 1 Zone. In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of the zone include creating vibrant mixed use commercial centres for retail, office, business, entertainment and community use and providing for residential uses at densities complementary to the role and scale of the commercial centre.

Residential hotel, which comes under the broader heading of 'Accommodation', is a section 2 – permit required use within the Commercial 1 Zone. Residential hotel is defined within the planning scheme as: *Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*

The application has been assessed against the relevant decision guidelines for use and buildings and works.

The proposal makes provision for a significant number of car spaces on the site in addition to bicycle spaces within the basement levels. The proposed car park layout is functional and this will be accessed via an entrance off Williamson Street with a ramp providing vehicle access between the levels. Objectors have raised concerns about groundwater impacts, however this matter will be addressed through a requirement for the submission of detailed engineering plans. Further to this, detailed drainage plans will also be required as a condition of permit.

The plans also provide for suitable service areas for back of house functions including offices, staff amenities, waste bins, storage, loading areas and kitchen preparation facilities on the ground floor level. A private waste collection is proposed and a waste management plan has been submitted as part of the application, which is generally satisfactory but will be required to be updated to include and reflect the final plans as a condition of permit.

Objectors have raised concerns about the proposal not providing for activation of the street through retail or public space at ground level, however the plans show that the main entrance and reception area has been designed to front part of the building's Williamson Street frontage and the proposed restaurant to feature at ground level on the Mollison Street frontage, with an outdoor dining area to occupy the space to the south of the building, incorporating the existing Oil Store canopy. As such, the ground floor level of the building will provide for an appropriate level of street activity.

While the proposed porte cochere limits the level of activation to Williamson Street, this feature of the site is desirable for a hotel use of this scale, will enable a valet service to be provided and will assist with the efficient movement of guests and vehicles through the site. Feature artwork is proposed in this location to add interest to the streetscape. The proposed canopy over part of the footpath will provide another element of interest within the streetscape at ground floor level and will assist in further articulating the building and provide for weather protection for pedestrians.

Limited landscaping of the site is proposed due to the proposed site coverage, although a planter box is proposed adjacent to the porte cochere. A landscaping plan with more detail of plantings for this area will be required as a condition of permit.

There are no limitations on the height of the building under the zone. The proposed materials and finishes are acceptable and the site layout will be functional and provide for a suitable level of street activation at ground floor level. Overall, the proposal will make a positive contribution to the streetscape and is considered to be an appropriate land use for the site, taking into account the purposes of the zone.

Heritage impacts

The site is located in HO9 (Myers Street Precinct). The precinct has a residential base with continuity of period and later forms of housing. It is contained by the railway line, with visual focus directed to the Gravel Hill School and St Paul's Cathedral. The cathedral block is connected to the precinct by the related period of the Albert Bush complex, offering ecclesiastical elements to the otherwise mainly residential precinct. The Albert Bush complex and St Paul's Cathedral are on the Victorian Heritage Register. Part of the Bush complex buildings are located on the site.

The City's Heritage Advisor has assessed the proposal against the City's Heritage Policy, Heritage Design Guidelines and the Heritage Overlay as follows.

Alterations to existing structure

The existing lean-to structure on the site is part of the Victorian Heritage Register (VHR) listing. An opening was originally proposed in this structure on the Mollison Street wall, which was not supported. This opening has subsequently been removed from the amended plans, which is a positive outcome.

Setback

The general zero front setback across the street frontages is consistent with the streetscape and is generally supported. The proposed design is slightly setback from the heritage structure on the site to allow it some breathing space. This approach is also supported. Part of the proposal abuts a brick structure on the neighbouring VHR listed property, with extensive excavation proposed along this boundary. Works would need to ensure that there was no damage to existing structures, which may have little or no footings. There are some concerns around building so close to the existing building and the potential implications for the long-term maintenance of the adjoining heritage buildings. This concern remains with sub floors and ground floor levels.

Rhythm and orientation to the street

The proposal has appropriate orientation to the street frontages. At ground level, the vehicle drop-off area creates a break in the rhythm of the streetscape. This is added to by the slight setback continuing across the Williamson Street frontage. Although the site is currently vacant, leaving an existing gap in the streetscape, the typical response in this part of the precinct is to build to the boundary. This is somewhat offset by the use of columns along the boundary to create an appearance of consistent built form, and the continuous awning over the footpath.

Form and massing

The proposal uses simple parapet walled forms with a steady increase in massing towards the corner. Corners were often important in the period of significance for the precinct, so this approach is generally supported. The simple forms are suggestive of scaled up versions of the parapet walled structures around the edges of the Albert Bush complex. In assessing the amended plans, the more stepped approach to the Williamson Street elevation is an improvement and reduces the bulk for a better mediation between the height of the proposed corner treatment and the one-two storey heritage Bush's Stores buildings. The wrapped glazing at the Williamson/Mollison corner provides a vertical break, although the narrower raised canopy over the entry is less effective in this incarnation, with the wider design shown on previous versions having a less vertical emphasis.

Height and scale

The accumulation of massing at the corner provides some buffer from the lower level development in the context, however it has to be acknowledged that most development in the area is 1-2 storeys and that this proposal, at 6 storeys plus, is somewhat incongruous. The other corners of the Mollison/Williamson Streets intersection, for instance, are occupied by single storey buildings. The tower of St Paul's cathedral does rise higher than this, but there is some concern that placing another taller structure so close by will reduce the importance of the Cathedral in context. Sightlines should be maintained to the tower where possible to allow it to retain its prominence and connection

with the wider precinct. There is scope for a higher form on this site, however the overall height at the corner as shown on the amended plans is still not ideal for the context but has less impact in this form than the original proposal.

Materials and finishes

The materials palette responds well to the predominantly red brick Bush's complex and the cathedral. The use of darker accents and a lighter palette within the site allows a contemporary appearance. This is generally supported.

Window and door openings

The placement, orientation and scale of window openings is generally suitable to the context, however there are still questions around the staggered windows in the lower section, towards Myers Street and this element could be amended without significant re-design.

Architectural detailing

Detailing is clearly identifiable as contemporary but is not out of place in a heritage precinct.

Car parking

Access to the basement carpark is appropriately sited. The vehicle drop-off area is sited to minimise its impact. This is generally supported.

Landscaping

The integration of planter boxes into the scheme at ground level is supported although they will do little to soften the appearance of the development. It is noted that the revised plans show that the length of the planter boxes on Williamson Street has been reduced.

Signage

The simple signage is generally appropriate, although internally illuminated signage is generally not supported in heritage precincts. External illumination, e.g. spotlights, may be appropriate. (Signage is discussed in further detail below.)

Heritage Victoria has raised concerns about the scale and bulk of the building and its impact on the heritage place, and despite the changes to the plans, the City's Heritage Advisor has advised that reservations about the overall height of the building remain but has acknowledged that a higher form on this site is possible.

The overall height of the proposed development will sit lower than the highest point of St Paul's Cathedral and will maintain sightlines to the cathedral's tower where possible. The changes made to the plans further reduce the building bulk and height of the development at the interface with the heritage buildings within the Bush's Complex, with the massing of the building essentially redistributed.

The revised design gives the impression of 3 storeys for at least half the site's frontage to Williamson Street, with the storeys above level 3 recessed further back from the street. The development will be three levels high at the site's north western interface and its south western interface on Mollison Street. The existing right of way adjoining the subject site along its north western boundary, which provides access for the adjoining lot to Bush's Lane, also provides a degree of physical separation between the significant lower scale heritage buildings to the north west.

The staggering of the building height across the site on both the street elevations provides for a transition in the height towards the street corner. The variation in the finish of the materials serves to break up the bulk of the building and whilst also integrating the development with the predominantly red brick buildings in the immediate surrounds.

Taking into account the State and local heritage policies and the objectives and design guidelines of the Heritage Overlay, it is considered that the proposal provides for an acceptable response to the site's heritage context.

Objectors have raised concerns about impacts to adjoining and nearby heritage buildings during the construction phase as a result of excavation works and groundwater impacts. The applicant has advised that it is expected that standard excavation practices will be undertaken for the basement works and that they are committed to carrying out dilapidation reports of surrounding buildings and monitoring vibrations during the excavation process via a Construction Management Plan (CMP). The applicant has advised that they have undertaken preliminary investigations and have not identified ground water levels as being an issue on the site, and that the basement design and construction will include the allowance for a hydrostatic design.

Whilst objectors are concerned about the development altering groundwater levels in the area, there are no environmental planning controls, such as an Environmental Significance Overlay, affecting the site relating to groundwater. It is expected that the developer will be required to address this as required as part of the building permit approval for the site.

As noted previously, conditions of permit can require detailed engineering plans of the proposed excavation works, a CMP and dilapidation reports to be prepared.



Issue	Description	Date	Issue	Description	Date	Client	Project	Title	Drawing No.	Issue
A	REVISED FOR COUNCIL	18/03/21				AMBER PROPERTY GROUP	BENDIGO HOTEL 95-104 WILLIAMSON ST BENDIGO	ARTIST IMPRESSION	1/01/21	A
									Scale	Drawing Size
									1:50	A3
									Project No.	Drawn By
									10000	JC
									CAD Reference	

Figure 13: Perspective image of the proposed development in relation to adjoining buildings when viewed from the Williamson Street and Myers Street intersection.

Design and Development Overlay

The site is affected by Design and Development Overlay – Schedule 5 which relates to the Bendigo Central Business District area. The objectives of the overlay are:

- To allow for increased development densities while ensuring that the heights of new buildings fit reasonably with Bendigo's character and protect the amenity of public spaces.
- To ensure the heights of new buildings are generally consistent with the 'low rise' character of the CBD while responding to substantial heritage buildings in some locations.
- To protect streets and other public spaces from overshadowing by new development.
- To ensure that the built form of new development contributes to the CBD's physical environment by controlling building front and side setbacks.
- To promote active frontages to streets, walkways and public spaces.
- To ensure street spaces are safe, welcoming and provide weather protection for footpaths in the areas of highest pedestrian activity.

The overlay sets out a number of requirements to be met in relation to building height, building frontage and setbacks and weather protection.

Building height

Map 1 within DDO5 sets out the preferred heights for sites within the overlay. The site falls within area H3 where the preferred height is 12 metres (Medium scale). The overlay requires that any building above 3 storeys should set back upper levels to avoid overshadowing of public streets, laneways, parks or other open spaces at winter solstice.

The overall height of the proposed development at 23.15 metres exceeds the preferred height as outlined above. Objectors have raised concerns that the height of the proposed hotel substantially exceeds the preferred building height under the DDO5 and that whilst the Bendigo City Centre Plan (2020) seeks heights of 20 metres in this location, this should not be given weight as this document is a not seriously entertained planning document. This is because the Plan has not been subject to a planning scheme amendment process to date. As noted previously, it is agreed that the Bendigo City Centre Plan (2020) ought not be given the same weight as the strategic planning documents currently referenced in the Scheme for the reason given above.

It should be noted that the requirements set out within this Schedule to the overlay are not mandatory and there is discretion to vary the height. The Design and Development Overlay states that a permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise. DDO5 does not specify that a permit cannot be granted when requirements are not met.

In particular, DDO5 states that a permit may be granted to vary the preferred maximum building height where it can be demonstrated that the variation:

- Meets the design objectives of this schedule;
- Protects heritage places on the site or in proximity to the site; and

- Achieves the visions and objectives of the Bendigo CBD Plan 2005.

This approach is not dissimilar to the Bendigo City Centre Plan in any case, where site context must be taken into account in determining an appropriate height for a site.

An assessment of the heritage impacts of the proposed development is provided above and as noted above, the proposal provides for an acceptable design response to the site's heritage context and provides for appropriate interface treatments and separation from adjoining significant lower scale heritage buildings to ensure the significance of the precinct is maintained. Appropriate construction methods will need to be implemented during the construction phase to ensure adjoining buildings are protected.

With regard to the Bendigo CBD Plan, the site is located partly within Precinct A (Specialty Retail Core) and partly within Precinct I (Mixed Use). Relevant objectives for these precincts include:

Precinct A

- Attracting the right mix of retail uses to the CBD to strengthen its retailing niche in the Bendigo market.
- Encouraging office, residential and tourist accommodation to upper levels of buildings.
- Ensuring that street level uses provide interest and activity for pedestrians throughout the Precinct.

Precinct I

- Encouraging higher density residential development in the area.
- Encouraging a range of small scale uses that complement other the CBD activities, and that do not cause amenity impacts on adjoining residential uses.

The proposal is generally consistent with the vision, objectives and key themes of the Bendigo CBD plan in that the proposal will reinforce the Bendigo city centre as the centre of activity, it responds to the surrounding heritage precinct, provides for accessibility and a sense of place and a high-quality design. The CBD plan supports the provision of tourist accommodation within the city centre and encourages higher density development which provides for activity at street level.

The proposal is generally consistent with the design objectives of the overlay. The development provides for a higher density development with appropriate street setbacks. The design provides for weather protection and street activation at the pedestrian level.

The height and massing of the building transitions so that it is concentrated to hold the corner of the site. The height and bulk of the development has been minimised at the interface with the adjacent lower scale heritage buildings. The overall height of the development will not exceed the maximum height of the substantial cathedral nearby. Whilst the development will result in overshadowing to Mollison Street and Bush's Lane, this is unavoidable for a development of three or more storeys given the orientation of the site. The development will not adversely impact the development potential of adjoining or nearby sites.

Given the above considerations, a variation to the preferred maximum height under the DDO5 is supported.

Building frontages and setbacks

The site is located within area S1 on Map 2 within DDO5. In this area, buildings should be designed with no front or side setback. At ground level, buildings should be built to front boundary with no side set back unless a setback is required to protect the heritage place on the site or adjoining site. At first floor level and above, developments should provide articulation and modelling of the facade which demonstrates a sympathetic and considered response to the scale, form and detailing of other buildings in the precinct, but particularly those adjoining and in immediate visual connection to the subject site.

The development will have a zero setback to the whole of the Mollison Street boundary at ground level.

The development will have a minimum setback of approximately 2.7 metres at ground level to its front wall on Williamson Street, extending to approximately 7.9 metres to allow for the porte cochere area while Levels 1 and 2 will be built to the Williamson Street boundary. Levels 3 and above will be recessed in by 2.4 metres from this boundary for a length of 21.75 metres of the building's Williamson Street frontage.

The development will be offset 11.3 metres from the south western boundary, with the exception of a covered seating area which will be located within this space, to provide for separation from the Oil Store building. The ground floor level of the development will be built to the north western boundary, with the first and second floors offset 1.48 metres from this boundary, increasing to 6.98 metres from the third level.

Weather protection

The site is located within an area where new development is required to be designed to provide weather protection, such as verandahs or canopies. The proposal provides for 2 metre wide canopies along the site's frontages to Williamson Street and Mollison Street above the ground level of the development, which will provide for an appropriate level of weather protection for pedestrians and satisfy this requirement.

The proposal will provide for a high level of amenity and achieves a high standard of urban design. Further to this, it has demonstrated that it will implement sustainable development principles through the submission of a Sustainability Management Plan as part of the application. Sustainability measures will include:

- A 55,000 litre rainwater tank.
- 30kWp rooftop solar photovoltaic system
- Rainwater harvesting system for toilet flushing.
- Electric vehicle charging facilities.
- Provision of E-bikes for use by guests.
- High performance glazing and energy efficient building services, appliances and fixtures.

A condition of permit will require the Sustainability Management Plan to be amended outlining the specifics of the initiatives to be implemented and these measures to be shown on the final plans submitted for endorsement.

Car parking and bicycle facilities

There is no specified car parking rate for Residential Hotel within the provisions of Clause 52.06 (Car parking). As such, parking must be provided to the satisfaction of Council, as the Responsible Authority. The Parking Overlay is not applicable to the proposed hotel use, as this is not a listed use within the Schedule.

The proposal provides for a total of 82 car spaces, which comprises 80 spaces within two levels of basement parking and 2 short term spaces within the porte cochere at ground level. Car parking will be made available for guests and staff and any tandem spaces allocated to guests will be managed through by a valet service to ensure these car spaces are able to be used efficiently.

Concerns have been raised by objectors regarding the adequacy of parking provision, the impacts on on-street parking availability and the accuracy of the description of the proposal as a residential hotel, rather than a motel, to which a parking rate of 1 space per room is required. Some objectors were concerned that the empirical assessment undertaken was not comparable to the proposed use as the site surveyed did not contain the same type of facilities.

Concerns were also raised about a lack of disabled parking spaces within the development, however this requirement is governed by the Building Regulations, rather than the Planning Scheme. A condition of permit will require disabled spaces to be provided in accordance with the relevant Building Regulations and Australian Standards.

As noted above, the proposal is properly classified as a residential hotel, rather than a motel. The definition of motel does not include conference facilities and only refers to provisions of rooms and parking.

A Traffic Report has been submitted as part of the application which estimated a demand for 64 car spaces for the hotel, based on a rate of 0.6 spaces per room. This rate was derived from an empirical survey undertaken for a similar use, although it is noted that another recent hotel development application in the Bendigo city centre applied a rate of 0.8 spaces per room.

In assessing the adequacy of parking provision for the proposed hotel, it is noted that some staff and guests may use alternative modes of transport to access the site. The proposal makes provision for cyclists with a total of 23 bicycle spaces and staff change room facilities, although it is noted that staff showers will be required to be provided in accordance with Clause 52.34-5 (Bicycle facilities) and this can be included as a condition of permit. The site is also within walking distance of the Bendigo Railway Station and bus interchange.

The application notes that while the conference facilities and restaurant will each have capacity for 200 patrons, these are unlikely to reach full capacity every day of the week and some patrons attending these facilities may already be guests at the hotel.

The definition of hotel includes conference facilities, as such the demand generated by this component of the use need not be assessed separately. The restaurant, however, has not been assessed as a separate use from the hotel within the Traffic Report. The Parking Overlay specifies that a parking rate of 0.1 space per seat be applied to restaurants. The restaurant would therefore generate a demand of 20 spaces based on a maximum capacity of 200 patrons. The restaurant is likely to generate additional demand beyond only hotel guests. The proposal provides for the required 20 spaces on the site in any case, if the restaurant were assessed as a separate use, therefore meeting the statutory requirement, leaving 62 spaces for the hotel.

On street parking exists throughout the city centre and there is typically higher demand for unrestricted long stay parking during normal business. Surveys conducted as part of the City's Parking Futures Action Plan (2020) showed that occupancy in paid parking areas across the city centre vary between 49 and 66 percent. It is likely that the parking provided on the site will be used by hotel guests and staff, and restaurant patrons not staying at the hotel will likely use on street parking. There is generally sufficient on street parking within the vicinity of the site to cater for the demand generated by a restaurant use during peak evening periods.

Taking into account the above considerations, the proposed provision of 82 spaces on the site, in conjunction with the proposed bicycle facilities, is satisfactory. As noted previously, a Green Travel Plan will also be required as a condition of permit to encourage alternative transport modes, other than private cars.

Liquor licence

A liquor licence is sought as part of the proposal, to enable to the sale, service and consumption of alcohol on the premises. The application has been assessed against the City's Licensed Premises Policy at Clause 22.27 and the decision guidelines of Clause 52.27 (Licensed Premises).

The application states that the ground floor restaurant and first floor conference/function facilities will each have a maximum of 200 patrons respectively. The proposed hours of operation for the bar, restaurant and function room facilities will be from 7.00am to 1.00am, seven days a week, except on Good Friday and Anzac Day when the hours are proposed to be 12.00 noon to 1.00am. The hours of service for the hotel rooms will be unrestricted.

The City's policy states that hours of operation outside of the city's entertainment precinct should be limited to 10.00am to 1.00am (except for Good Friday and Anzac Day, and Sundays which should be limited to 10.00am to 11.00pm.)

The site is appropriately located within a commercial area and the proposed hours of operation and nature of the use are not likely to result in unreasonable amenity impacts on the surrounding area. It is not considered necessary to limit the hours to 10.00am or 11.00pm in this location.

The application notes that the proposed use will form part of an existing cluster of licensed premises in the city centre but no cumulative impacts are envisaged as a result of this. An Alcohol Management Plan has been prepared as part of the application outlining operational measures to minimise amenity impacts and manage patrons. The plan states that the venue's intended licensee is committed to becoming a signatory to the Bendigo Liquor Accord.

There are no concerns with car parking provision on the site or being available within the surrounding area during the peak periods for the licensed premises which will be outside normal business hours.

The proposed floor plans show the red line area indicating the proposed licensed area. A minor amendment to the plans is required to include the terrace associated with room 320 on Level 3.

Signage

The proposed signage will be internally illuminated and will comprise a series of 8 signs displayed on the building. The largest of the signs proposed to be 10.88 square metres in size, having dimensions of 6.4 metres by 1.7 metres.

While the City's Heritage Advisor does not support internally illuminated signage in heritage areas, the City's Advertising and Signage policy does not specifically discourage this type of signage. The policy encourages advertising that respects sensitive areas and the heritage significance of buildings, and signs that complement character, is in proportion to the building and which avoids bright or fluorescent block colouring.

In this case, the proposed signage will not significantly detract from the heritage significance of the precinct or the architectural style of the building. The scale of the signage is relatively small in relation to the size of the building and the signage is well spaced to avoid resulting in visual clutter. Given the scale of the signage, the location of the site within a commercial area and the contemporary design of the building, together with the need to advertise the hotel, it is considered that the small number of internally illuminated signs at the sizes proposed will be acceptable.

Full details of the signs including business name and colour scheme will be required as a condition of permit.

Conclusion

The heritage context of the subject site is an important consideration, however this must be balanced against a number of other competing planning considerations within the Planning Scheme, as outlined in this report.

On balance, the proposal integrates the relevant planning considerations and provides for an acceptable planning outcome.

A variation to the preferred building height for new development as set out in DDO5 is supported as the proposed design response is acceptable and will achieve a density and land use that both the Bendigo CBD Plan and recently adopted Bendigo City Plan support within the city centre. The proposal achieves a high standard of urban design and sustainability whilst responding to the site's heritage context.

Overall, the proposal will result in a net community benefit and positive economic and social impacts for the city. There is sufficient availability within the surrounding streets to cater for any shortfall in car parking when the licensed premises are likely to reach capacity, with the site well located for patrons and staff to also utilise alternative transport modes such as cycling and public transport.

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.

Proposed Notice of Decision Conditions

1. MODIFIED PLAN REQUIRED

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Windows vertically aligned on the Williamson Street and Mollison Street facades
- (b) Inclusion of the terrace for room 320 within the red line licensed area
- (c) Full details of the proposed signage including wording, sizes and colours and location
- (d) End of trip facilities including staff showers as per the requirements of Clause 52.34-5
- (e) Location of interpretive sign required by condition 26
- (f) Plans of the proposed artwork on the Williamson Street elevation

2. NO LAYOUT ALTERATION

The use and/or development as shown on the endorsed plans and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority. This does not apply to any permit exemptions for buildings and works specified in clauses 62.02-1 and 62.02-2 of the Greater Bendigo Planning Scheme unless specifically noted as a permit condition.

3. CONSOLIDATION OF LOTS

All lots comprising the subject land must be consolidated into one lot prior to the commencement of the development.

4. SUSTAINABILITY MANAGEMENT PLAN

- (a) Before the use and development commences, an amended Sustainability Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the SMP will be endorsed and will then form part of the permit. The SMP must be generally in accordance with the plans dated May 2020 but modified to:
 - i. Provide the supporting documentation requested as conditional requirements in Section 5.1 of the SMP to deliver a 5 Star Green Star Design and as Built Performance standard building (not certified).
 - ii. Where appropriate documents the relevant commitments on plan.
- (b) All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the responsible authority. No alterations to the SMP may occur without the prior written consent of the responsible authority.
- (c) Prior to the occupation of the development, a report must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan.

5. GREEN TRAVEL PLAN

Prior to occupation of the development a Green Travel Plan (GTP) must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by staff and visitors to the site. The plan must address, but is not necessarily limited to the following:

- (a) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (b) Provision of end of trip facilities, including provision of showers in accordance with the requirements of Clause 52.34-5, and an area to store items (eg locker or similar)
- (c) Possible staff incentives (e.g. provision of subsidised Myki cards);
- (d) Provision of Public Transport maps, timetables and/or real time information of nearby services;
- (e) Reference to 'Walk, Cycle Greater Bendigo' as a key strategy
- (f) Include targets for cycling and public transport usage, in particular for staff purposes
- (g) Details on how the GTP will be communicated to staff and patrons so as to encourage the uptake of the GTP's objectives to increase modal share of non-car transportation
- (h) Details of GTP funding and management responsibilities, including ongoing monitoring and review for effectiveness with a view to continuous improvement; and
- (i) Include provisions to be updated not less than every 5 years.

When approved, the GTP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. A report which monitors and reviews the GTP (requirement (h)) must be submitted to the COGB on an annual basis for appropriate auditing.

6. CONSTRUCTION MANAGEMENT PLAN

Before the development starts, a detailed construction management plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The construction management plan must include at a minimum the following items:

- (a) Proposed operating hours, noise and vibration monitoring and controls.
- (b) Dust management.
- (c) Traffic management including loading and unloading provision for construction materials.
- (d) Proposed parking provision during the construction phase and how this will be managed.
- (e) Details of notification process for noisier related activities such as excavation to affected neighbours. This should include giving as much notice as possible.
- (f) Details of the extent of periods of noise activities and how they will be undertaken to minimise impact on nearby neighbours.
- (g) Appointment of principal contact person on-site for community enquiries.

7. WASTE MANAGEMENT PLAN

- (a) Before the use starts, a revised Waste Management Plan generally in accordance with the plan dated April 2020 must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit. The plan must be updated to include and reflect the final layout plans.
- (b) The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

8. ENGINEERING DOCUMENTATION

Letters from a suitably qualified structural engineer and a hydrogeologist must be provided to the Responsible Authority within one month of completion of the works affirming that:

- (a) Engineering documentation by a suitably qualified structural engineer and a hydrogeologist has been prepared which includes the methodology for protection of existing buildings and footings during the course of the construction works, particularly for the basement levels, including investigation and analysis of the existing footings and the methodology for any underpinning required; and
- (b) The development has been constructed in accordance with the above engineering documentation and methodologies and any recommendations of the structural engineer and hydrogeologist have been implemented.

9. DETAILED DRAINAGE PLANS

Prior to the commencement of the development, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include

- (a) Underground drainage
- (b) A point of discharge
- (c) Stormwater detention

- (d) Stormwater quality
- (e) Details of how the disposal of any contaminated/saline groundwater will be managed.

10. CONSTRUCTION OF WORKS

Road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual and plans and specifications approved by the Responsible Authority and must include:

- (a) underground drainage

11. LANDSCAPE PLAN

Before the development starts, a landscape plan for any planter boxes to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:

- (a) Details of surface finishes of paved areas
- (b) Planting schedule of all proposed trees including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant

All species selected must be to the satisfaction of the responsible authority.

12. 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.

13. LANDSCAPING WORKS

Before the use/occupation 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.

14. COLIBAN WATER

- (a) The owner is required to provide reticulated water and sewerage services to the development and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided and where necessary existing services will require amending in accordance with Coliban Water's specifications.
- (b) All Coliban Water assets within the development site, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation. Coliban Water Easements are required to be a minimum of 2.5m and if a shared easement, the width shall be a minimum 3.0m.
- (c) If an in-line booster pump system is not approved, on-site balance tanks will be required to provide adequate fire service flows.
- (d) The existing sewer will be required to be upsized to DN150.

15. COUNCIL 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. Any public assets damaged in the course of construction must be fully reinstated to the satisfaction of the responsible authority at the expense of the permit holder.

16. DILAPIDATION REPORTS

Before the development starts, the owner or developer must submit to the responsible authority dilapidation reports including photographs for surrounding buildings nominated by the responsible authority. Any buildings damaged in the course of the construction of the development approved by this permit must be fully reinstated to the satisfaction of the responsible authority at the expense of the permit holder.

17. ACCESS

- (a) Vehicle access to and from the property must be “left in” and “left out” only.
- (b) All vehicles must enter and exit the site in a forward direction.

The driveways between the property boundary and the kerb must be constructed in accordance with the Infrastructure Design Manual to the satisfaction of the responsible authority.

18. VEHICLE CROSSING REMOVAL

All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel and footpath to the satisfaction of the responsible authority.

19. CAR PARK CONSTRUCTION

Before the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:

- (a) Properly formed to such levels that they can be used in accordance with the plans;
- (b) Surfaced with an all-weather-seal coat;
- (c) Drained;
- (d) Line marked to indicate each car space and all access lanes;
- (e) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority;
- (f) Provided with public lighting in accordance with AS/NZ 1158.0-2005/Amdt 2-2-1- minimum lighting category P11/P12 and the fittings must minimise light spilling onto neighbouring land (including road reserves) in accordance with AS/NZ 4282-1997.
- (g) Accessible parking bays, where required by the BCA, must be provided and must be signed and line marked.

The car parking and access areas must comply with the Australian and New Zealand Standards unless otherwise agreed in writing with the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

20. PEDESTRIAN SIGHT LINES

The development must ensure minimum sight lines 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.

21. LOADING AND UNLOADING

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

22. VALET PARKING

A valet parking system must be implemented by the operator of the hotel for the tandem car spaces which are to be utilised by guests, to the satisfaction of the responsible authority.

23. SIGNS NOT TO BE ALTERED

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

24. NO FLASHING LIGHT IN SIGNS

Flashing or intermittent light must not be used in the sign(s) permitted by this permit.

25. MAINTENANCE OF SIGN

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

26. INTERPRETIVE SIGN

Prior to the occupation of the development, an interpretive sign must be installed on the Williamson Street elevation of the building identifying the site as the location of the Bush family home. Prior to the installation of the sign, plans must be prepared to the satisfaction of the responsible authority and submitted for approval.

27. MAXIMUM NUMBER OF PATRONS (RESTAURANT)

No more than 200 patrons may be present on the restaurant premises at any one time without the written consent of the responsible authority.

28. MAXIMUM NUMBER OF PATRONS (CONFERENCE FACILITIES)

No more than 200 patrons may be present within the conference facilities at any one time without the written consent of the responsible authority.

29. LIQUOR LICENCE DOCUMENT

The applicant must provide (for Council records) an original copy of any new liquor licence within 1 month of issued by Liquor Licensing Victoria.

30. SERVICE OF ALCOHOL

Except with the prior written consent of the responsible authority, the serving of liquor permitted by this permit may only occur between the following times:

- *Good Friday and Anzac Day between 12 noon and 1.00 am.*
- *On any other day between 7.00 am and 1.00am.*

31. ALCOHOL MANAGEMENT PLAN

The Alcohol Management Plan dated June 2020 prepared for the subject site is endorsed and forms part of this permit. The plan must be implemented to the satisfaction of the responsible authority.

32. NOISE LEVELS

The permissible noise levels for entertainment noise as specified in the State Environment Protection Policy – Control of Music Noise from Public Premises No. N-2.

33. GENERAL EXTERIOR TREATMENT

With the exception of the ground floor artwork(s) which may change from time to time, the exterior treatment of the building(s) permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the responsible authority.

34. PLANT, EQUIPMENT OR FEATURES ON ROOF

No plant, equipment, services or architectural feature other than those shown on the endorse plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.

35. REFRIGERATION AND AIR CONDITIONING EQUIPMENT

Any equipment required for refrigeration, air-conditioning, heating and the like must be suitably insulated for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

36. 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.

37. NO MUD ON ROADS

In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.

38. DEPARTMENT OF TRANSPORT

Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application (General Arrangement – Ground Floor Plan TP100 Issue Revision F dated 19/01/2021 prepared by WMK Architecture) but modified to show:

- (a) Bus stop upgraded to generally comply with attached standard drawings (STD_S0062, STD_S0063, STD_S066 and STD_S0068) and include:
 - i. New 150mm high barrier kerb for the whole length between the two new crossovers;
 - ii. New Bus Stop Zone signage including the bus stop Flag Pole Sleeve, to be setback a minimum 1 metre from any driveway;
 - iii. Concrete bus stop hard stand including post, flag and tactile ground surface indicators (cut into the ground and based upon standard drawings STD_0064, STD_S0062 and Bus Stop Guidelines Feb 2006)
 - iv. Bus stop hard stand gradient to be between 1:100 to 1:40.
- (b) All buildings and works in compliance with the requirements in the *Disability Discrimination Act 1992*;

39. DEPARTMENT OF TRANSPORT

As part of the access works on Williamson Street, the bus stop and any associated infrastructure must be upgraded and relocated as necessary, at no cost to and to the satisfaction of the Head, Transport for Victoria and compliant with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport 2002.

40. DEPARTMENT OF TRANSPORT

Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

41. DEPARTMENT OF TRANSPORT

The permit holder must notify Public Transport Victoria @ Department of Transport (PTV) a minimum of 8 weeks prior to any bus stop works / or temporary relocation works approved under this permit. The permit holder must notify PTV by either calling 1800 800 007 or email customerservice@transport.vic.gov.au

42. DEPARTMENT OF TRANSPORT

The permit holder must take all reasonable steps to ensure that disruption to bus operation along Williamson Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to PTV eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@transport.vic.gov.au

43. COMPLETION AND COMMENCEMENT

This permit will expire if the development permitted by this permit is not completed, and the use permitted by this permit is not commenced, within 5 (five) years from the date hereof or if the use is thereafter discontinued for a period of 2 (two) years. The time within which the development must be completed and the use must commence may, on written request made before or within 12 months after the expiry of the permit, be extended by the Responsible Authority.

Environmental Health Unit Notes

The food premises must be constructed and maintained in accordance with the Food Act 1984 and the Food Standards Code. It is strongly recommended that a plan of the proposed food premises be submitted to Safe and Healthy Environments for assessment prior to the commencement of construction and/or fit out. Information on the construction and fit-out of a food premises can be downloaded from City of Greater Bendigo webpage <http://www.bendigo.vic.gov.au/Services/Food-businesses> or by contacting Safe and Healthy Environments on (03) 5434 6075.

The food premises must be registered with City of Greater Bendigo under the provisions of the Food Act 1984. The business shall not commence trade until an Environmental Health Officer has conducted the final inspection of the premises and registration under the Food Act 1984 has been granted.

Coliban Water must be contacted to determine whether the premise requires a grease trap. Safe and Healthy Environments must be consulted in regards to the appropriate location of a Grease Trap to ensure compliance with the Food Standards Code.

Smoking is prohibited in outdoor dining areas where food is served at hospitality and food venues in Victoria from 1 August 2017. Venues must display appropriate 'No smoking' signs in these areas to raise awareness of the no smoking status.

Engineering Notes

CONSENT FOR WORKS ON ROAD RESERVES

The applicant must comply with:

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

with respect to any requirements to notify the coordinating authority and/or seek consent from the coordinating authority to undertake "works" (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this 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. 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.

Any existing street tree that may require removal to accommodate the proposed vehicle crossing requires a Works Within Road Reserve Permit, obtained from City of Greater Bendigo's Engineering Department, prior to commencing any tree related works. Offset fees will apply from City of Greater Bendigo's Parks & Natural Reserves Unit for any tree removal.

Coliban Water Notes

- Trade Waste requirements will apply to this development.
- Backflow prevention requirements will apply.
- Coliban Water does not guarantee fire service flows and pressures.
- Coliban Water is only required to provide adequate customer pressures and flows to the customer's water meter. Fire services would be required to connect into the

DN225 in Mollison Street. In order to approve the installation of a new in-line booster pump, Coliban Water needs to be provided with more detail around the basis of design for the pump system (configuration and design flow). Coliban Water can then undertake a hydraulic analysis of the pump to determine if there are any detrimental impacts to Coliban Water's network.

- Sewer connection will need to comply with the WSA Code and Coliban Water's Addendum to the WSA Code.
- Coliban Water may not allow a "Build-over Agreement".

15.2. 101 Carneys Road, Eppalock 3551 - Use and Development of a Second Dwelling, Including Removal of Native Vegetation

Author	David Burrow, Statutory Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details:	Use and development of a second dwelling, including removal of native vegetation
Application No:	DR/645/2020
Applicant:	A Hall
Land:	101 Carneys Road, EPPALOCK 3551
Zoning:	Rural Living Zone
Overlays:	Bushfire Management Overlay Vegetation Protection Overlay – Schedule 2
No. of objections:	Nil
Consultation meeting:	N/A
Key considerations:	• Land use compatibility • Bushfire planning • Native vegetation removal
Conclusion:	The proposal is not supported as it is considered an overdevelopment of the subject land and will result in the loss of an excessive amount of native vegetation.

Cr Penna declared a general conflict of interest in the Presentation and Managing Growth Report No. 15.2 (101 Carneys Road, Eppalock - Use and Development of a Second Dwelling, including Removal of Native Vegetation) as he has a long-standing friendship with the owners of the property.

Cr Penna left the meeting.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a second dwelling, including the removal of native vegetation, at 101 Carneys Road, EPPALOCK 3551 on the following grounds:

- The proposal does not align with the purposes of the Rural Living Zone, as the proposal does not protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- The proposal does not align with the objective of the Vegetation Protection Overlay – Schedule 2, as the proposal does not protect remnant vegetation and habitat, including understorey.

RESOLUTION

Moved: Cr Matthew Evans

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Cr Penna returned to the meeting.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

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

Attachments

1. Planning Assessment Report

Attachment 1 - Carneys Road Planning Assessment Report

PLANNING ASSESSMENT

Background Information

The removal of some native vegetation has already occurred. City of Greater Bendigo issued a notice of contravention, dated 24 June 2020. The notice required the owner to “undertake a vegetation assessment of the native trees removed from the land and submit to the City of Greater Bendigo for information.” The notice of contravention appears to anticipate an “application to construct (a) second dwelling on the land.” This assessment is to consider the previously anticipated application.

Report

Subject Site and Surrounds

The subject land is identified as 101 Carneys Road, Eppalock with the site located wholly within the Rural Living Zone, Bushfire Management Overlay, and Vegetation Protection Overlay – Schedule 2. The subject land has a total area of 8.15 hectares, and incorporates an existing dwelling, shed and dam and is otherwise covered in vegetation.



Figure 1: Location map showing subject site.

Proposal

The proposal is for the use and development of a second dwelling and the removal of native vegetation. The proposed second dwelling is dimensioned 7 metres by 6 metres with a total area of 42 square metres, encompassing one bedroom, kitchen, bathroom and a laundry.

The proposal, if approved, would result in two dwellings on the subject land with two separate access tracks from Carneys Road.

The native vegetation removal amounts to 0.357 hectares. However, only the removal in 'patch 1' for the driveway require a planning permit. The vegetation removal required for the proposed second dwelling, referred to within the Native Vegetation Removal Report as 'patch 2' are exempt, pursuant to Clause 52.12-5 *Exemptions to create defensible space for a dwelling under Clause 44.06 of the planning scheme*. However, this exemption is 'prospective' only, in that Council as the responsible authority must first be satisfied that the siting of the dwelling is appropriate, having regard to the constraints of the site and the relevant planning controls.

Furthermore, the Country Fire Authority (CFA) in their referral response to this application indicate that the defensible area required for the proposal should be 43 metres, not 30 metres as proposed. Therefore, further removals would be required if this application is permitted, all of which would become exempt if Council was of a mind to grant a permit to use the land for a second dwelling in this location. 'Patch 1' contains a total area of 0.011 hectares.

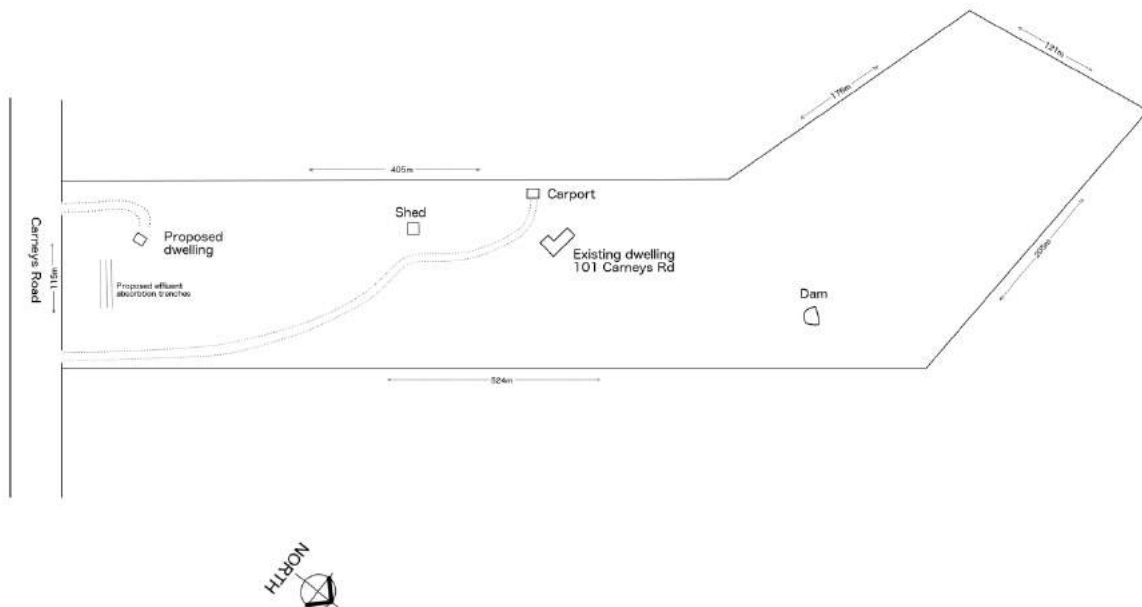
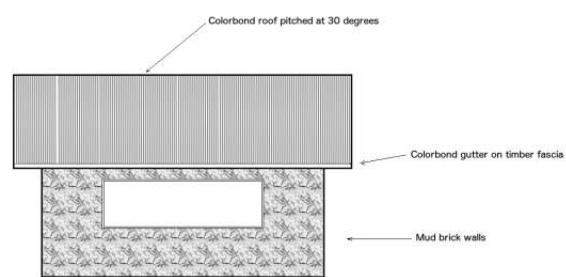


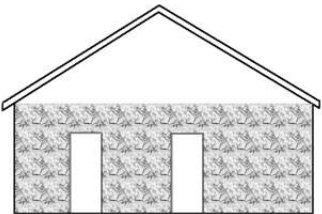
Figure 2: Site Plan, Floor Plan and Elevations for the proposed dwelling.



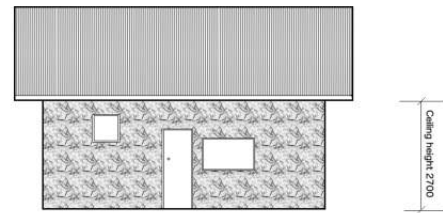
Figure 3: Floor Plan



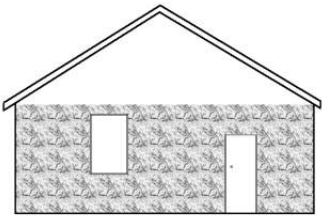
North evevation



East elevation



South elevation



West elevation

Figure 4: Elevations for the proposed dwelling.

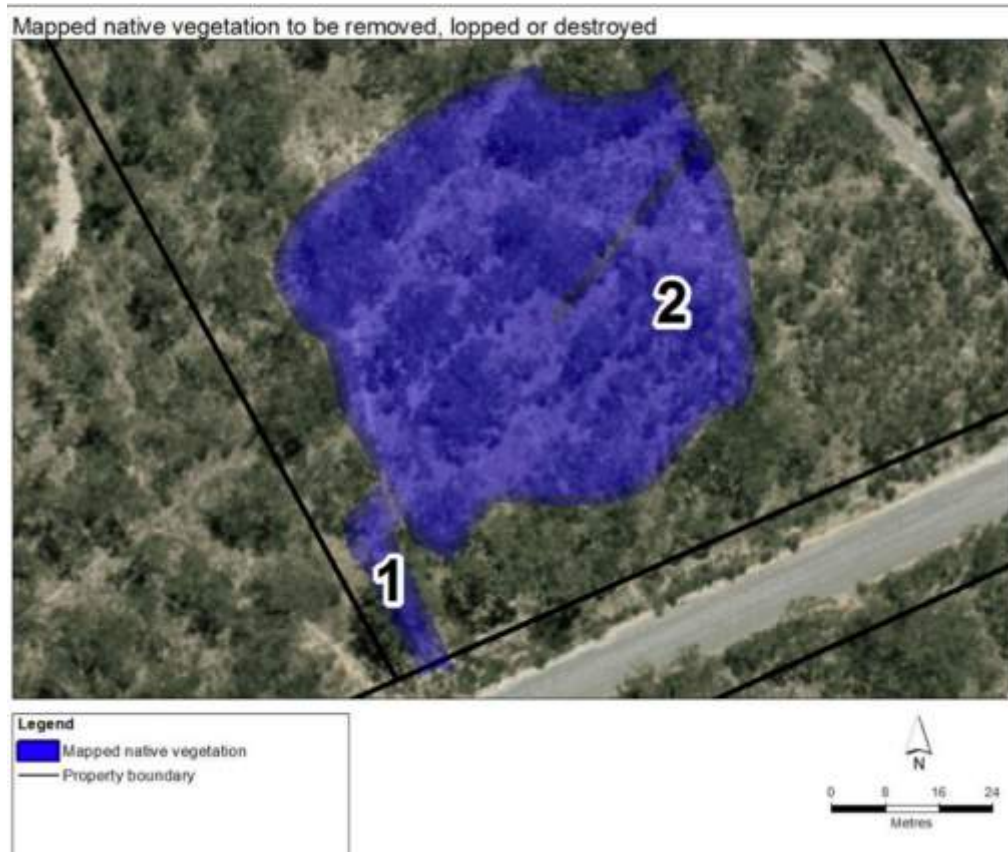


Figure 5: Excerpt from Native Vegetation Removals report showing the areas of vegetation to be removed.

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- 11.01-1S Settlement
- 12.01-1S Protection of biodiversity
- 12.01-2S Native vegetation management
- 13.02-1S Bushfire planning
- 13.07-1S Land use compatibility
- 14.01-2S Protection of agricultural land
- 15.01-5S Design for rural areas
- 16.01-3S Rural residential development

Municipal Strategic Statement

- 21.02 Key issues and influences
- 21.08 Environment

Local Planning Policies

- 22.03 Rural dwellings policy

Other Provisions

- 35.03 Rural Living Zone
- 42.02 Vegetation Protection Overlay
- 44.06 Bushfire Management Overlay
- 52.17 Native Vegetation

Consultation/CommunicationReferrals

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

Referral	Comment
Powercor	No objection subject to conditions
Country Fire Authority	No objection subject to conditions
Department of Environment, Land, Water and Planning	Unable to assess an application for retrospective native vegetation removal and recommends that Council pursue offsets and any other remediation for the removal by way of enforcement.
Traffic	No objection subject to conditions

Public Notification

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

As a result of advertising, no objections were received.

Planning AssessmentIntroduction

The proposal is for the use and development of the subject land for a second dwelling at 101 Carneys Road, Eppalock, the site being located wholly within the Rural Living Zone, Bushfire Management Overlay, and Vegetation Protection Overlay – Schedule 2. The subject land has a total area of 8.15 hectares and incorporates an existing dwelling, outbuilding and dam. The proposed second dwelling would be dimension 7 metres by 6 metres and located in a separate area of the subject land to the existing dwelling and would require a separate access track. Some of the vegetation has already been removed from the site and a notice of contravention has been sent, dated 24 June 2020.

When considering retrospective matters, an application must be assessed as though the proposal were not retrospective. This can be complicated in matters where the action is not easily negated (such as removal of trees, or demolition of heritage structures as examples.) An enforcement path is generally preferred in such circumstances. However, in this case a planning application has been made and the City is obliged to consider the application.

The application was referred to the Department of Environment, Land, Water and Planning, however the Department has indicated that they cannot assess the removal of vegetation retrospectively. This report therefore considers the application based on;

- a) The compatibility of the subject land and locality for a second dwelling based on the relevant zone and overlays;
- b) The proposal's ability to mitigate bushfire risk; and
- c) Whether the removal of vegetation within the subject land could be supported based on the three-step approach of avoid, minimise and offset as outlined within the *Guidelines for the removal, destruction or lopping of native vegetation*.

Land use compatibility

The purposes of the Rural Living Zone are;

- *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.*

The objectives of Schedule 2 to Clause 42.02 Vegetation Protection Overlay are;

- *To protect remnant native vegetation and habitat, including understorey, and facilitate natural revegetation.*
- *To promote the maintenance of ecological processes and genetic diversity.*
- *To encourage maintenance and development of linkages between existing remnant vegetation.*
- *To recognise the catchment-wide land and water management benefits resulting from vegetation retention.*
- *To maintain and enhance Bendigo's scenic and recreational landscape assets.*

The proposal is for the use and development of land for a second dwelling within the Rural Living Zone and Vegetation Protection Overlay – Schedule 2. The use of the land for one dwelling on a lot greater than 8 hectares does not require a planning permit. However, any dwelling in addition to one dwelling on an allotment within the Rural Living Zone requires a planning permit.

The subject land has a total area of 8.15 hectares. Therefore, it is considered that in this instance the Rural Living Zone does not encourage any further dwellings within the subject land, unless the impact of such an additional dwelling can be accommodated with negligible disruption to any agriculture or biodiversity.

The presence of the Vegetation Protection Overlay and a review of the aerial image shows that a key attribute to the subject land and locality is its native vegetation. Some removal of native vegetation for the provision of one dwelling has been permitted on the subject land and adjoining allotments. However, in this instance the proposal is seeking an additional dwelling, which will incur an additional removal of native vegetation. This appears to be at odds with the purposes of the zone and Vegetation Protection Overlay to; protect and enhance the natural resources, biodiversity and landscape of the area.

Before deciding on an application to use or construct a building within the Rural Living Zone the responsible authority must consider;

- *The capability of the land to accommodate the proposed use or development...*
- *The impact of the use or development on the flora, fauna and landscape features of the locality...*
- *The impact of the siting design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimize any adverse impacts.*

It is acknowledged that the height, bulk, colour and materials of the proposal are relatively smaller than other existing dwellings within the locality. The proposal represents a footprint of 42 square metres, accommodating one bedroom and associated facilities. However, it is sited over 100 metres from the closest building on the subject land and over 200 metres from the existing dwelling.

Furthermore, the proposed second dwelling is located closer to Carneys Road than the existing dwelling. To exacerbate this, the proposal includes the creation of a separate access, which requires the removal of vegetation and making the second dwelling increasingly separate from the existing main dwelling within the subject land. The applicant has been advised that if the second dwelling were to be located in closer proximity to the existing dwelling where it could share its 'defendable space,' use the existing access and be less conspicuous from Carneys Road then perhaps the proposal could be considered more favourably. However, in its current site the proposal is considered to;

- Be isolated from the existing dwelling;
- Be intermittently visible from Carneys road; and
- Require the removal of substantial amounts of native vegetation.

Subsequently, the land use of a second dwelling in this site on the subject land is not considered worthy of support.

Bushfire planning

The subject land is wholly located within the Bushfire Management Overlay. The application was referred to the Country Fire Authority (CFA). The CFA did not object to the proposal subject to amended plans which, in particular, would require an increase in defendable space to a distance of 43 metres instead of 30 metres. This would in turn extend the exemptions for the removal of native vegetation for bushfire protection. The defendable area would likely come to within 10 metres of the southern and western allotment boundaries, likely making the proposal even more visible from Carneys Road.

Therefore, it is acknowledged that bushfire protection measures can be employed to the satisfaction of the CFA. However, it is now evident that the bushfire mitigation measures would require even more 'defendable space' which may require the further removal of native vegetation.

It is important to note that the exemptions for the removal of native vegetation for fire protection are 'prospective' only. The exemptions only apply in such case that the responsible authority is satisfied that the end outcome is appropriate having regard to all relevant planning controls. This is well summarised by the Victorian Civil and Administrative Tribunal in *Savicky v Mornington Peninsula Shire Council* [2014] VCAT 1373:

"While the proposed vegetation removal for the creation of defendable space can qualify for an exemption from any planning permissions required under the scheme, all parties agree that it would be wrong not to consider the consequences of the vegetation removal. The exemption is prospective. It only applies if a permit is granted and that permit contains a condition directing or allowing the creation of the defendable space. In being prospective to the granting a permission that will exempt the vegetation removal from planning permission, a responsible authority, or a Tribunal on review, will need to consider the merits of the proposal and decide whether it will result in an acceptable planning outcome. This will require a consideration of relevant planning policies and / or controls that may apply to the management of that vegetation along with the need to manage the bushfire risk."



Figure 6: Excerpt from Ecological Assessment showing the areas of vegetation proposed to be removed (retrospective), prior to CFA conditions.

The removal of native vegetation

The proposal includes the removal of native vegetation to facilitate the proposed second dwelling and access. The removal of vegetation for the associated access would *not* qualify for the exemption and triggers the requirement for a planning permit, pursuant to Clause 42.02 and 52.17 of the Greater Bendigo Planning Scheme. The vegetation protection objectives of Schedule 2 to Clause 42.02 Vegetation Protection Overlay have been listed previously within this report. The purpose of Clause 52.17 Native Vegetation is as follows:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

The 'three-step approach,' seeks to avoid the removal of native vegetation, and if unable to avoid the removal of native vegetation, to minimize and impact caused by such removals. It also requires that any removal of native vegetation be compensated through the conservation of native vegetation elsewhere, known as offsets.

If the second dwelling is approved the removal of native vegetation for the proposed second dwelling and its defendable area will be exempt, pursuant to Clause 52.12. However, the removal of vegetation required for the proposed driveway is not exempt and must be assessed, pursuant to Clauses 42.02 and 52.17.

The removal of native vegetation for the proposed accessway will meet the purpose of Clause 52.17 Native Vegetation due to the short distance of the proposed driveway from Carneys Road.

Ultimately, the most impactful removal of vegetation for this proposal is caused by the proposed second dwelling and not the driveway. However, if approved, the proposed second dwelling would suggest that the continued removal of native vegetation using the exemptions under Clause 52.12 of the planning scheme for multiple dwellings on a lot within the Rural Living Zone is permissible, rather than limiting such exemptions to those which facilitate one dwelling per allotment.

Therefore, those removals which have been assessed for the driveway would meet the purpose of Clause 52.17. However, the use of a second dwelling in the proposed location is considered to result in an excessive loss of native vegetation.

Conclusion

This application seeks approval for both a second dwelling on a Rural Living Zone lot and associated vegetation removal. There has been previous unauthorized clearing at the site. This application must be assessed afresh as though the clearing had not occurred.

Key matters to consider can be summarised as:

- The appropriateness of using the land for a second dwelling, considering the land's zoning as Rural Living
- Whether the extent of native vegetation proposed for removal is appropriate (noting that the exemptions for native vegetation removal for bushfire protection are 'prospective' only)

Such a proposal must be sited and designed to minimise its impact on biodiversity. In this instance the proposal's siting will result in an undue loss of native vegetation and does not constitute an acceptable outcome within the Rural Living Zone and Vegetation Protection Overlay – Schedule 2. The subject land's location within a Bushfire Management Overlay further exacerbates concerns regarding the loss of vegetation and calls into question the appropriateness of providing for additional dwellings. The zone specifically intends to maintain low densities of development, having as one of its purposes *“to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area”*. The proposal is not considered to accord with this stated purpose of the zone.

Subsequently, the recommendation is to refuse to grant a permit on the following grounds:

1. The proposal does not align with the purposes of the Rural Living Zone, as the proposal does not protect and enhance the natural resources, biodiversity and landscape.
2. The proposal does not align with the objective of the Vegetation Protection Overlay – Schedule 2, as the proposal does not protect remnant vegetation and habitat, including understorey.

Options

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

15.3. 75 Bridge Street & 79 Arnold Street, Bendigo 3550 - Use and Development of a Service Station and Take Away Food and Drink Premises, Display of Illuminated Signage and Alterations of Access to a Road Zone Category 1

Author	Shannon Rosewarne, Senior Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details:	Use and development of a service station and take away food and drink premises, display of illuminated signage and alterations of access to a Road Zone Category 1.
Application No:	DU/830/2020
Applicant:	Mermac Properties Pty Ltd
Land:	75 Bridge Street & 79 Arnold Street, BENDIGO 3550
Zoning:	Commercial 1 Zone Adjoins Road Zone 1
Overlays:	Design and Development Overlay 21 Design and Development Overlay 25 Land Subject to Inundation Overlay 1 Environmental Audit Overlay Parking Overlay 2
No. of objections:	14
Consultation meeting:	A consultation meeting was not held.
Key considerations:	- Whether the proposal is consistent with strategic planning for the Bendigo City Centre, Bendigo Hospital Precinct and the Bridge Street Activity Area. - Whether the proposal produces an acceptable urban design and built form outcome. - Whether the proposal will result in unacceptable amenity impacts. - Whether the proposal will result in unacceptable traffic impacts.
Conclusion:	The applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) against the City's failure to determine the application within the statutory timeframe. This report recommends Council establish the position of

	not supporting the proposal at the VCAT hearing scheduled for 26 and 27 August 2021. The proposal represents an unacceptable planning outcome with regards to State planning policy, the strategic planning in place for the Bendigo City Centre and Bendigo Hospital Precinct, and the Design and Development Overlay 21.

RECOMMENDATION

The Council advise VCAT and the Permit Applicant that it does not support the granting of a permit for use and development of a service station and take away food and drink premises, display of illuminated signage and alterations of access to a road zone category 1 at 75 Bridge Street & 79 Arnold Street, BENDIGO 3550 on the following grounds:

1. The proposed development does not implement the policy objectives and strategies contained within Clause 11.01-1R (Settlement – Loddon Mallee South), Clause 11.03-1S (Activity Centres), Clause 15.01-1S (Urban design) and Clause 15.01-2S (Building design) as the proposal does not properly consider the strategic context of the site, is an underdevelopment of the site and will not enhance the amenity of the precinct.
2. The proposed development does not deliver the vision or implement the strategic objectives expressed for the Bridge Street Activity Area within Clause 21.07-4 of the Municipal Planning Strategy and the Bendigo Hospital Precinct Structure Plan.
3. The proposal is inconsistent with the objectives, preferred building heights, setbacks and design outcomes of the Design and Development Overlay (Schedule 21) and fails to satisfy the decision guidelines.
4. The proposal is an underdevelopment of the site.
5. The proposed pylon sign and sign projecting above the roofline of the building are inconsistent with Clause 22.29 (Advertising and signage policy) and are not supported as they are not in proportion and scale with the surrounding building height and form and will adversely impact on the streetscape.

RESOLUTION

Moved: Cr Andrea Metcalf
Seconded: Cr David Fagg

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

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

Attachments

1. Planning Assessment Report

Attachment 1 - Bridge Street Planning Assessment Report

PLANNING ASSESSMENT

Report

Subject Site and Surrounds

The site is located on the southwest corner of the intersection of Bridge and Arnold Streets, with frontage also to Uley Street on its western boundary. It comprises two properties known as 75 Bridge Street and 79 Arnold Street, contained within three titles. The whole of the site is currently vacant.

The site has an area of approximately 2,239 square metres and is irregular in shape. No. 75 Bridge Street contains a 2.28 metre wide Coliban Water easement. This lot previously contained a mechanic and service station, whilst 79 Arnold Street was formerly occupied by a dwelling.

The adjoining site to the south contains a two storey commercial building with car parking at the rear and side. The surrounding area within Bridge Street, south of Arnold Street comprises a range of commercial uses including offices, retail, a hotel, and funeral services as well as single storey dwellings. Land on the opposite side of Arnold Street is also zoned Commercial 1 Zone.

In terms of the existing built form, the character of the existing development in the immediate surrounds is varied and comprises a mix of buildings ranging from older single storey dwellings and commercial developments, to larger scale recently constructed commercial developments of between one and three storeys.

The area north west of Uley Street contains dwellings and townhouses with much of it zoned Residential Growth Zone, except for townhouses fronting Arnold Street which are zoned Commercial 1 Zone. The Bendigo Hospital is located approximately 150 metres west of the site. The land opposite the site on the northern side of Arnold Street is zoned Commercial 1 Zone.



Figure 1: Location map showing subject site. Objectors' properties marked with a star. (Note some objectors not shown as they are not located close to the site.)

Proposal

The proposal is for the use and development of a service station and a takeaway food premises and the display of signage.

The proposal comprises:

- A building which would comprise a 7-eleven store with an area of 204sqm and a takeaway food premises with an area of 108sqm;
- A fuel canopy with bowsers with hardstand area;
- Vehicle access via new crossovers on Arnold Street, Bridge Street and Uley Street;
- Car spaces (14);
- Bicycle spaces;
- Service/loading bays;
- Bin storage.

The proposed building would be setback approximately 37.95 metres to Bridge Street, 2.83 metres Arnold Street and to 2.5m to Uley Street. The proposed fuel canopy would be positioned centrally within the site. Landscaping is proposed along each of the street frontages and along part of the southern boundary.

The proposed building would be single storey and constructed to a height of 4.71 metres, with the exception of a tower feature containing an illuminated sign which has a height of 8 metres. The proposed fuel canopy would have a height of 5.5 metres.

The building would be constructed of concrete with a painted finished and a glazed shopfront facing Bridge Street, which would partially extend to its Arnold Street facade.

Proposed signage includes a 10 metre high, standalone illuminated pylon sign to be located in the north east corner of the site, illuminated signage to the fascia of the building and fuel canopy, with a sign to project beyond the main roofline of the building. A decorative timber look screen is proposed to part of the western (rear) elevation.

The use is proposed to operate 24 hours a day, 7 days a week.

[illegible]

Architectural elevation drawing of the East Elevation of a 7-Eleven building. The drawing shows a long, low-profile building with a flat roof and a series of windows. A large canopy extends over the entrance area. To the right, a tall, illuminated pylon sign displays the 7-Eleven logo. The drawing includes various annotations such as 'TIMBER LOOK REFUSE & MECHANICAL PLANT ENCLOSURE', 'CANOPY', '8m BUILDING TOWER INTERNALLY ILLUMINATED SIGNAGE', '10m STANDALONE ILLUMINATED PYLON SIGN', 'TITLE BOUNDARY', 'EASEMENT', 'INDICATIVE LOW LEVEL LANDSCAPING', 'FUEL VENT PIPES', 'PAINTED CONCRETE', 'FOOD TENANCY BEYOND', and 'ILLUMINATED SECONDARY SIGNAGE'. The drawing is labeled 'EAST ELEVATION 01' and '1:200'.

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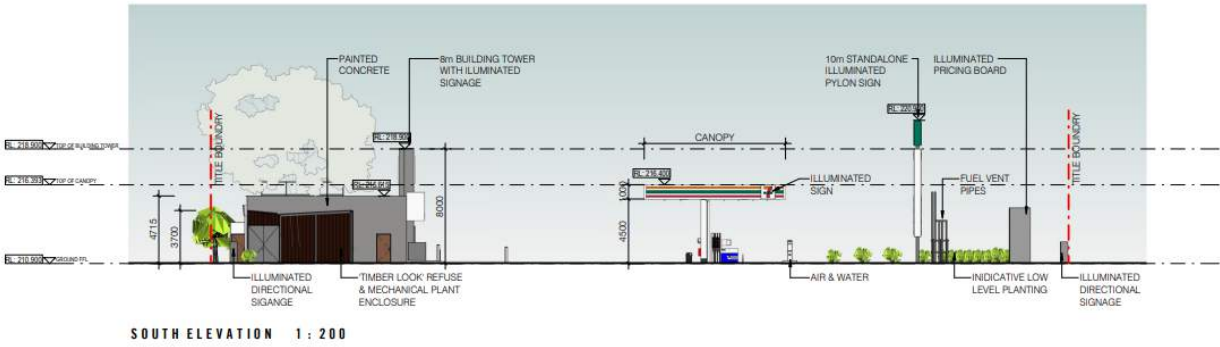


Figure 5: Southern elevation

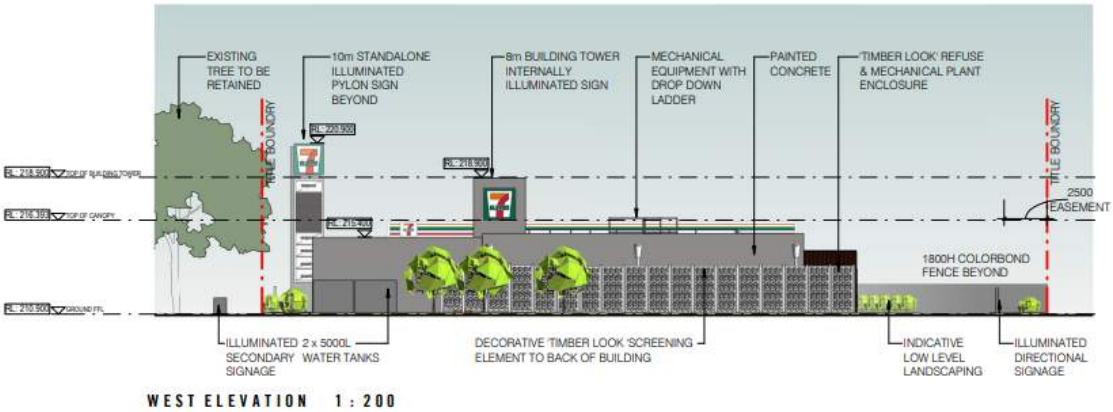


Figure 6: Western elevation

Planning Controls - Greater Bendigo Planning Scheme

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.03-1S Activity centres
- Clause 13.03-1S Floodplain management
- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 17.02-1S Business
- Clause 18.02-4S Car parking

- Clause 21.04 Strategic directions
- Clause 21.07 Economic development

Local Planning Policies

- Clause 22.10 Environmentally Sustainable Development Policy
- Clause 22.29 Advertising and Signage Policy

Other Provisions

- Clause 34.01 Commercial 1 Zone
- Clause 43.02 Design and Development Overlay
- Clause 44.04 Land Subject to Inundation Overlay
- Clause 45.09 Parking Overlay
- Clause 52.05 Signs
- Clause 52.06 Car parking
- Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34 Bicycle facilities
- Clause 65.01 Decision guidelines
- Clause 66 Referrals
- Clause 71.03 Operation of zones
- Clause 72.08 Background documents

Permit Triggers

The need for a planning permit is triggered by:

- Clause 34.01-1 of the Commercial 1 Zone which states a permit is required to use land for a service station.
- Clause 34.01-4 of the Commercial 1 Zone which states a permit is required to construct a building or carry out works
- Clause 43.02-2 of the Design and Development Overlay which states a permit is required to construct a building or carry out works
- Clause 44.04-2 of the Land Subject to Inundation Overlay which states a permit is required to construct a building or carry out works
- Clause 52.05-1 of the Sign provisions which states a permit is required to display internally illuminated signs and business identification signage exceeding 8 square metres
- Clause 52.29 which states a permit is required to create or alter an access to a road in a Road Zone Category 1.

Under the zone, a takeaway food premise is a Section 1 use and does not require a permit.

A planning permit is not triggered under Schedule 25 of the Design and Development Overlay as the development will not exceed a height of 235.9 metres AHD.

An Environmental Audit is not required for the proposal pursuant to the Environmental Audit Overlay affecting the site, as it is not classed as a sensitive use.

Consultation/Communication

Referrals

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

Referral	Comment
Department of Transport	No objection subject to conditions specifying: • Bridge Street must be entry only and Arnold Street must be egress only. • Requirements for signage; and • Preparation of functional layout plans showing the required works with swept path analysis. Two on street car spaces will require removal to facilitate safe and efficient access movements.
North Central Catchment Management Authority	No objection, subject to a condition of permit requiring that the proposed service station building and take away food and drink premises must have a finished floor level 300 millimetres above the 1% AEP flood level of 210.1 metres AHD, i.e. no lower than 210.4 metres AHD.
Traffic Engineer	No objection subject to standard conditions relating to construction of driveways in accordance with the Infrastructure Design Manual, provision for accessible parking bay/s in accordance with the relevant standards and recommendations regarding minimising impacts of signage on motorists in regard to lighting and sightlines. The proposed vehicle access on Uley Street is considered not necessary and not supported.
Drainage Engineer	No objection subject to conditions relating to detailed drainage plans, construction of works for underground drainage, stormwater quality and removal of redundant crossovers and kerbing to be reinstated, a condition report of public assets prior to commencement of works and a note relating to consent for works within road reserves.
Environmental Health Unit	No objection. Noted that a registration with the City of Greater Bendigo under the Food Act 1984 will be required.

Referral	Comment
Regional Sustainable Development Unit	The application is not supported as the proposal is not consistent with the adopted planning vision for the Bridge Street Activity Area as set out within the Hospital Precinct Structure Plan and Bendigo City Centre Plan, and the objectives and requirements of the Design and Development Overlay 21. It was recommended that the application be refused on the grounds of inconsistency with the City's adopted strategic plans for the location, and with associated planning controls, most notably DDO21. These comments are outlined in further detail below.
ESD Officer	No objection. Recommended: • BESS report be published as final report as a condition of permit. • Applicant be requested to commit to include renewable energy into the proposal and a condition on the permit reflect this being provided via amended plans if a planning permit issues. • Potential to include solar PV installing on proposed roof structures and meet the objectives and strategies within Clause 15.02-1S by using renewable energy technology to reduce the Greenhouse Gas emissions from the energy used by the proposed development. This would also assist with reducing the ongoing operational costs for future tenants. • A Construction Waste Management Plan form a condition of the planning permit committing to a minimum 80% of all civil and built form construction waste will be recycled or reused.

Public Notification

The application was advertised by way of notices displayed on the site for 14 days and letters to adjoining and nearby owners and occupiers.

As a result of advertising, 14 objections were received, with the grounds of objection being:

- The proposal does not comply with the Council's plan to have this area as a medical precinct linked to the Bendigo Hospital.
- A service station will have long term implications from an environmental perspective as it will not only increase pollution in the long term but encourage more cars into the area over a long period of time.

- The CBD population has decreased because many residential properties have now been taken up by businesses. The Plan for Bridge Street is to promote the construction of buildings that will encourage medical and health organisations to establish themselves in this area rather than reducing residential living areas in the CBD.
- The proposed 7 Eleven petrol station and convenience store is in direct contravention to the Council proposals for the development of Bridge Street as stated in the following Council documents:
 - C223 Council Panel Submission Part A dated 11/7/2017
 - Bendigo City Centre Plan – Precinct 6
 - A future vision of Bridge Street (25 to 30 years)
- Council's proposal for Bridge Street and Arnold Street included a tree lined Bridge Street with cafes and multi-level shops, dwellings and medical practices.
- Concerns about existing hoon activity and potential for increase in this activity due to proposed 24 hour operations.
- The proposal is not appropriate for the location.
- There is already a facility for the purchase of fuel and refreshments in a street nearby. Why do we need more storage of explosive material so close to the new hospital?
- Concern about adverse amenity impacts, including increased air pollution, bright lighting and increased noise at night, particularly if patrons gather to socialise at the site, as this will impact on nearby residents' sleep.
- Bridge Street is already a very busy road and doesn't need any further complicated traffic arrangements.
- The amount of cars turning into and out of this parcel of land would be detrimental to the flow of traffic and cause an accident.
- Concerns about traffic as the site is within a built-up area and the proposal will slow down traffic and cause congestion at the end of Bridge Street heading into the roundabout, and will cause hooning at the roundabout.
- The location is a terrible position which will lead to multiple accidents and congestion. The proposal should not be on a corner block where a roundabout is.
- The intersection is already busy. Anything that would divert more traffic onto Bridge Street is unwise.
- The intersection is right next to Bendigo Hospital, and as such sees many ambulances head through this intersection. Anything that makes this more complex to navigate so close to a hospital will negatively impact patient health.

- Concerns about using Uley Street to enter and exit the proposed service station as there will be increased traffic along the street and vehicles will take a short cut from Barnard Street and Water Streets, instead of going through to Bridge Street. The carriageway is only 5.5m wide at the entry/exit point, this isn't wide enough for traffic getting into 83-87 Arnold Street unit complex, along with the expected extra traffic using Uley Street to access the proposed service station. This entry/exit location should not be included in the final plans. If it were closed off it will allow for extra parking bays.
- The intersection struggles in peak hour with the current traffic flow. At times the traffic can extend from the Barnard/Arnold Street intersection beyond the Arnold/Bridge Street intersection. The roundabout is already too small for the type of vehicles travelling through this area.
- Concerns about the 8m internally illuminated sign and the need to illuminate the sign on both sides as it will be visible from the unit complex at 83-87 Arnold Street.
- There are two other service stations within two blocks of this site. Why not somewhere more towards North Bendigo to service the people going to/from nearby schools, showgrounds, and sporting precinct.
- There are 2 service stations within 500m of this site. Why don't the developers buy one of these and do it up? Why dig up the land and contaminate it for decades to come.
- Concern about safety of existing road network and capacity of roundabout and the impact of the likely increase in traffic from the proposal.
- Concern about pedestrian safety.
- Concern about amenity impacts including noise, traffic and anti-social behaviour arising from 24-hour operation on the adjoining land use in Bridge Street which contains accommodation.
- Concern about access onto Uley Street. This street is narrow at 5.5m wide and one side is usually occupied for on street parking, leaving one lane for through traffic. Also due to the bend in the street, drivers cannot see oncoming traffic making it dangerous. Uley St provides access to the ambulance service, other businesses and residents and these will be impacted by increased traffic using the street.
- Concern about the potential for traffic accessing the site via Uley Street to increase traffic flow onto Water Street and Barnard Street.
- Concerns about traffic safety impacts of tankers blocking the Bridge Street entry point and affecting traffic flow on Bridge Street.
- Hours of operation not appropriate for the location and will impact on nearby residents and businesses.
- While Bridge Street is an arterial road it is a small road that links major thoroughfares. The streetscape and feel of the street is that of a minor CBD road. A petrol station will encourage trucks onto Bridge and Arnold Streets, where the current roundabout is not capable of supporting such traffic movements.
- Petrol stations should be kept out of the CBD and the land should be used for more valued services for the community.

- Concern that public notice of the application was not undertaken.

The objections are discussed below.

Planning Assessment

Planning Policy

The site is located within the Bendigo city centre at the intersection of two arterial roads. The site is within an area zoned for commercial uses within a Specialised Activity Centre (the Bendigo Hospital Precinct).

Part of the site has been identified as contaminated due to former land uses, however this does not preclude the proposal from proceeding. An environmental audit is not required in this case as the proposal is not a sensitive land use. Part of the site is also subject to flooding; however this risk can be mitigated by requiring the development to be constructed in accordance with appropriate permit conditions relating to floor levels.

Clause 11.01-1R (Settlement – Loddon Mallee South) recognises Bendigo as the regional city and major population and economic growth hub for the region, offering a range of employment and services. One of the strategies within this clause is to facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.

Clause 11.03-1S (Activity centres) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies to implement this objective include, amongst other things:

- Undertaking strategic planning for the use and development of land in and around activity centres.
- Giving clear direction on preferred locations for investment.
- Improving the social, economic and environmental performance and amenity of activity centres.

The proposal is supported by the objective of Clause 17.02-1S (Business) which seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

With regard to strategic planning for this precinct, Clause 21.07-4 of the Municipal Planning Strategy notes that the "Hospital Precinct Structure Plan (September 2014) provides a vision and strategic direction for the precinct around the hospital, key elements of which include revitalising the Bridge Street Activity Area as a vibrant living and working destination and establishing a health precinct providing health care, patient and family support services and health-related education and training in the immediate vicinity of the hospital."

In terms of the significance of the site within the Structure Plan, the site is identified as a prominent landmark site. The Plan envisages multi storey mixed use buildings (service/specialty retail/office) within this location, with mixed use offices/residential abutting Uley Street. The plan also states that chamfered buildings should address the prominent street corner and buildings should be built with a zero setback to the street.



Figure 8. Extract from the Hospital Precinct Structure Plan

The site also forms part of the Bendigo City Centre Plan (2020), which has been adopted by Council but is not yet referenced in the planning scheme. Under this plan, the site is located in an area where the preferred maximum building height is 16 metres and building to the boundary is preferred.

Clause 15.01-1S (Urban design) and Clause 15.01-2S (Building design) are also of relevance with strategies including:

- Ensuring development responds and contributes to the strategic and cultural context of its location
- Ensuring the form, scale, and appearance of development enhances the function and amenity of the public realm
- Promoting good urban design along and abutting transport corridors.

The application has responded to the application requirements of Clause 22.10 (Environmentally Sustainable Development Policy) through the preparation of a Sustainability Management Plan for the proposal which is generally satisfactory.

The application has been considered against Clause 22.29 (Advertising and Signage policy) with an assessment of the proposed signage provided later in this report.

The main concern with this proposal is that whilst the site is appropriately zoned for the proposed use and has locational advantages, from a strategic planning perspective the proposal is not consistent with the vision set out for the Bridge Street Activity Area identified within the Hospital Precinct Structure Plan (2014) and Bendigo City Centre Plan (2020). This issue has also been raised by objectors.

The strategic vision for this site and Bridge Street more generally, is for a more intensive and higher scale development, as noted above. The proposal represents a significant underdevelopment of the site that will unacceptably compromise the achievement of the overall objectives for development within the Bridge Street Activity Area. In particular, it will compromise achievement of the future preferred built form character of the precinct.

The City's Regional Sustainable Development Unit has noted that approval of the application will set a standard of development that does match the vision planned for the precinct and does not set a reasonable benchmark for other development in the precinct. It further advised that an interim development argument should not be accepted. With an estimated development cost of \$2.2 million, the proposal is a substantial investment, will require significant earthworks to redevelop the site and the development is not likely to have a short lifespan.

Zone

The subject site is zoned Commercial 1 Zone. In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of the zone include creating vibrant mixed use commercial centres for retail, office, business, entertainment and community use and providing for residential uses at densities complementary to the role and scale of the commercial centre.

The application has been assessed against the relevant decision guidelines for use and buildings and works. It is acknowledged that the site layout is functional with regard to vehicle movements and provides for an appropriate level of parking and adequate service areas for bin storage and waste removal. The level of traffic generated by the use would be acceptable considering the capacity of the adjoining streets, although it is noted that an access onto Uley Street may not be necessary and has potential to increase traffic on this local street. This is discussed further later in this report.

Whilst objectors have raised concerns about environmental impacts of a service station on the site and the need for another service station in the area, it is a legitimate use within the Commercial 1 Zone and the planning scheme does not require the responsible authority to consider the need for or supply of a commercial use or development.

Objectors have expressed concern about the proposed hours of operation and the potential for adverse amenity impacts on nearby residents including noise, traffic and anti-social behavior of patrons. Given the commercial zoning of the site, a higher level of activity on the site should be anticipated than what would be reasonably expected in a residential area, however if the application was approved, conditions of permit could be imposed to limit the hours of operation.

With regard to streetscape considerations, landscaping has been proposed along three of the site's boundaries, however there are concerns that the proposed development does not provide for an active frontage due to the significant setback of the building from Bridge Street and the expanse of hard stand areas.

The decision guidelines of the zone require consideration of local and State planning policies. In the absence of any relevant policy, the proposed site layout may otherwise be considered acceptable, but as noted previously Clause 21.07-4 of the planning scheme refers to the Hospital Precinct Structure Plan which provides specific direction on built form for Bridge Street. The Structure Plan is referenced in the planning scheme as a background document. The design of the development has not addressed the strategies for the design of new development contained within the Structure Plan.

Design and Development Overlay

Schedule 21 to the Design and Development Overlay applies to the site. This overlay relates to the Bridge Street Activity Area and the objectives are:

- To establish a main street environment and character along Bridge Street between Bendigo's City Centre and the Bendigo Hospital Campus.
- To create a high quality activity area to provide goods and services to support and complement the hospital, and to support the convenience needs of the local residential and working population.
- To encourage more intensive and well-designed mixed use forms of development.
- To avoid the underdevelopment of land in the Bridge Street Activity Area.
- To ensure that building design meets contemporary needs, is of a high architectural and urban design standard, and is suitably scaled, designed and adaptable to accommodate a range of mixed uses.
- To achieve appropriately designed development that is consistent with the building heights, setbacks and design outcomes of this schedule.
- To enable varying building heights and forms to avoid the effect of a continuous wall of buildings along Bridge Street.
- To maintain the amenity of adjacent residential areas.
- To ensure new development is complementary to heritage buildings and precincts.
- To ensure development contributes to the amenity, safety and pedestrian use of adjoining public space.

The overlay sets out a number of requirements to be met in relation to building height, floor heights, building frontage and setbacks, active frontages, weather protection, car parking, access and general design.

Map 1 within DDO21 sets out the preferred heights for sites within the overlay. Much of the site is within H3, with a smaller part of the site designated as H2. The preferred height within H3 is 12-16 metres to facilitate 3-4 storey mixed use developments to define the edges of the majority of the Bridge Street corridor. Within Area H2, buildings of between 9-12 metres are preferred to facilitate 2-3 storey mixed use and higher residential development in secondary areas interfacing with residential uses including the western edge of Arnold Street, in the Uley Street area and on Joseph Street.

The proposed development is not within the range of preferred heights for this site. The development will be low scale, a single storey development achieving a height of only 5.5 metres.

The overlay requires buildings to be built to the street edge with no setback and to present an active interface. Provision of weather protection is required to the Bridge and Arnold Street footpaths. The proposal seeks to set back the building and locate it at the rear of the site with a fuel canopy and bowsters in front. Weather protection is provided only internally within the site (bowser canopy). An insubstantial canopy is proposed for part of the primary building façade. The proposal is therefore inconsistent with the setback, active frontage and weather protection requirements of the overlay.

With regard to vehicle access and car parking, the overlay states that access points to Bridge Street should be avoided and provided via side streets, rear lanes or shared accessways. Loading and service vehicle access should be located and designed to avoid conflict with pedestrians and other vehicles and to minimise visibility from the street. Car parking should not be visually prominent and must be located at the rear of a site, or in a basement or undercroft section of a development.

The proposal includes three access points, including one on Bridge Street. The proposed crossovers are expansive and will substantially interrupt pedestrian access along the footpath. This is incompatible with the intended pedestrian-oriented street environment envisaged for Bridge Street in particular, noting that a full-width footpath (building to back of kerb) is to be constructed in the future. Much of the site would be hardstand area which will be visually prominent within Bridge Street.

The application has been considered against the decision guidelines of the overlay. The proposal, which is typical of a service station and convenience premise design, cannot be regarded as excellence in architecture and urban design. Whilst the proposal may not impact on the development potential of nearby sites, it will not necessarily enhance public and private amenity as sought by the objectives of this overlay.

Overall, the proposal is not consistent with the design objectives of DDO21. This site has been identified as an important street corner and the proposed form and detail of the development has not been designed to reinforce the corner. The proposal does not achieve the preferred character for Bridge Street which is for an intensive, well-designed mixed-use form of development. The proposal fails to achieve the desired scale of development, setbacks and design outcomes with regard to access, parking and weather protection for this site, as outlined within the requirements of the overlay.

Traffic impacts

A number of the objections received raise concerns about traffic impacts, which have been outlined above. Bridge Street and Arnold Street are both zoned Road Zone 1 and are divided carriageways with two lanes of traffic in each direction. Uley Street is a local road with one lane of traffic in each direction.

A Traffic Report was undertaken for the proposal. The report states that *“the traffic generated by the proposal is expected to be almost totally diverted from passing traffic and is not expected to represent a new trip on the road network during the commuter peak hours.”* During peak periods up to 56 vehicle movements are anticipated to and from the site. The assessment has not identified any concerns with the passing flows of traffic or operating conditions of nearby intersections.

The Department of Transport did not object to the application but specified that the Bridge Street access must be entry only and the Arnold Street access must be egress only.

Two on street car spaces will require removal to facilitate safe and efficient access movements.

The report states that the proposed Uley Street access will cater for local traffic and provide for a secondary exit point. The report estimates a low level of traffic utilising this access. The City’s Traffic Engineer advised that this access point is unnecessary and has recommended it be deleted from the plans. Uley Street is a lower order street and the proposal has potential to increase traffic on this street. In the event the application is approved, it would be desirable to minimise amenity impacts on nearby residents by deleting this proposed access point.

Overall, there does not appear to be any justifiable reason to refuse the application based on traffic grounds, provided the access points to the site are designed and controlled with signage to meet Department of Transport’s requirements.

Car parking and bicycle facilities

Under Clause 52.06 (Car parking) there is no specified rate for a service station, as such parking provision must be to the satisfaction of the responsible authority.

The parking rate for takeaway food premises under the Parking Overlay – Schedule 2 that applies to the site is 2.5 spaces to each 100 square metres of leasable floor area. As such, the parking requirement for the proposed takeaway food premises is 2 spaces.

The proposal provides for a total of 14 spaces, of which 1 space will be a disabled space and 4 spaces are allocated to staff parking, in addition to the spaces at the fuel bowers. Given the nature of the use and the scale of the development, the proposed parking provision is considered satisfactory for the likely demand.

Under Clause 52.34 there is a requirement to provide for 4 bicycle spaces for the site. The proposal satisfies this requirement.

Flood impacts

A small part of the site is affected by the Land Subject to Inundation Overlay – Schedule 1. The flood risk for the site can be appropriately mitigated through permit conditions required by North Central Catchment Management Authority in relation to minimum floor level heights for the proposed building.

Signage

The proposal seeks approval for a 10 metre high illuminated pylon sign in addition to signage on the fascia of the building and canopy, and associated directional signage. The site falls within Category 1 – Commercial Areas of the Sign provisions at Clause 52.05, where there is minimum limitation on signage.

The objectives of the City's Advertising and Signage policy recognise the need for businesses to advertise, but also encourage the placement, style and scale of advertising to complement the character, area and individual place.

The character of Bridge Street is commercial in nature, however there are very few examples of standalone signage structures within the street. Both the proposed 10 metre high pylon sign and the sign proposed above the building will be prominent features on this site, which may be suitable for a highway or larger arterial road environment, however are over-scaled and inappropriate for this location and will not complement the existing or preferred built form and character for this area.

The City's policy discourages standalone pole signage that is not in proportion and scale with the surrounding building height and form, as well as illuminated signs in or near residential areas and signs affixed on parapets. The policy also encourages signs that are illuminated to automatically turn off overnight or during closed hours when adjoining residential areas.

The proposed signage within the fascia of the building and canopy are generally acceptable, however the proposed pylon sign and sign protruding beyond the roofline of the building are out of character with the streetscape and are not supported.

Amenity considerations

Noise

Objectors have raised concerns about noise. An acoustic report has been submitted as part of the application. The report considered the likely impacts of noise from plant and equipment, fuel deliveries and traffic movements. The report stated that traffic noise is not expected to be unreasonable and not dissimilar to the traffic noise already experienced given the site's context on arterial roads.

The report concluded that the proposal will not result in adverse noise impacts and permit conditions could require compliance with EPA Publication 1411: Noise from Industry in Regional Victoria (NIRV), including all plant and refrigeration for the service station and food premises to be designed, screened or enclosed to ensure compliance.

Lighting

Concerns have also been raised about bright lighting associated with the development. Given the proposed hours of operation, lighting of the site would be required. If approved, conditions of permit could be included to require light spill to be baffled to minimise amenity impacts.

Air emissions

As noted previously, the zone allows for service stations, so air emissions associated with this type of use would be within the accepted range for an urban area. EPA regulations would apply to the control of emissions.

Potential for contamination

Whilst concern has been raised that the proposed use will result in contamination of the land, part of the site is already subject to an Environmental Audit Overlay due to previous land uses and as noted previously, a service station is a legitimate use within the Commercial 1 Zone.

Public notice process

The applicant has advised that the public notice of the application was carried out in accordance with the Statutory Planning Unit's instructions.

Conclusion

The applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) against the City's failure to determine the application within the statutory timeframe. This report recommends that Council establish the position of not supporting the proposal at the VCAT hearing scheduled for 26 and 27 August 2021.

Had the application not been appealed and Council were to make a determination on it, the officer recommendation would have been to refuse the application on the basis that it represents an unacceptable planning outcome.

Clause 71.03-2 of the scheme notes that because a use is in Section 2, this does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes.

Whilst a service station is a permitted use within the Commercial 1 Zone and the site is located at the intersection of two arterial roads in Bendigo, the proposal is not supported from a strategic planning perspective in light of the Hospital Precinct Structure Plan and fails to meet the objectives and requirements of Schedule 21 to the Design and Development Overlay. The proposal is considered an underdevelopment of the site. Given these matters, the proposal is not consistent with the orderly planning of the area.

The site forms part of a commercial precinct where more intensive development which can support mixed uses and where a high architectural and urban design standard is encouraged.

Options

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to advise VCAT and the permit applicant that, had it been making the decision on the application, that it would have: granted a permit, granted a permit with conditions, or refused to grant a permit.

15.4. 8 Dale Street, Kennington 3550 - Five Lot Subdivision

Author	Adele Hayes, Statutory Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details:	Five lot subdivision.
Application No:	DS/160/2020
Applicant:	Dickson Hearn Pty Ltd
Land:	8 Dale Street, KENNINGTON 3550
Zoning:	General Residential Zone
Overlays:	Nil
No. of objections:	Nil
Consultation meeting:	N/A
Key considerations:	Whether the proposed subdivision is in accordance with the requirements of the planning scheme relating to residential subdivision. Whether the proposed subdivision would result in an acceptable/orderly planning outcome.
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 would entrench an undesirable and unordered planning outcome, and a development that the City would not approve under the current Planning Scheme.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for a five lot subdivision at 8 Dale Street, KENNINGTON 3550 on the following grounds:

- The proposal is not consistent with planning policy and would entrench an undesirable and unordered planning outcome.
- The proposal would result in an unacceptable amenity outcome for future residents.

RESOLUTION

Moved: Cr Andrea Metcalf

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

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

Attachments

1. Planning Assessment Report

Attachment 1 - Dale Street Planning Assessment Report

PLANNING ASSESSMENT

Background Information

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

The site currently contains a single storey brick dwelling which is located centrally to the property, along with a garage and carport. A block of four single-storey, 1 bedroom units, along with 4 carports, is located to the rear of the dwelling.

It was advised that these concerns largely relate to the fact that if approved, the subdivision would entrench an undesirable and unordered planning outcome and embed a development that the City could not support today under the current Planning Scheme. The applicant was advised that based on these concerns, it would be unlikely that the proposal could be supported in its current form and that consideration should be given to other options such as potentially subdividing the 4 units off from the primary dwelling (2 lot subdivision), or potentially demolishing the units and putting a new development proposal forward to be constructed to the rear of the existing dwelling.

The applicant provided additional justification in support of the application in the form of details of the internal refurbishment works proposed to the units; examples of comparable applications (one Bendigo example and other examples located in Adelaide), the presence of unit developments within the surrounding area etc. The justification is considered to be insufficient to support the proposed subdivision, as discussed below.

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

Report

Subject Site and Surrounds

The site comprises of two lots which are formally referred to as Lots 1 and 2 on TP 633545. The site is located on the south-western side of Dale Street and is irregular in shape with an area of 1,300sqm. The site has a north-eastern frontage of 22.86m to Dale Street and a depth ranging from 28.77m – 43.31m.

The site currently contains a single storey brick dwelling which is located centrally to the property, along with a garage and carport. A block of four single-storey, 1 bedroom units, along with 4 carports, is located to the rear of the dwelling. The block of units dates back to the early 1970s. Vehicle access to/from the site is via two existing crossovers along the north-west and south-east boundaries of the site. Vegetation is located within the front and rear yards and driveways.

The site is located within the General Residential Zone and is not affected by any overlays. Surrounding land is also located within the General Residential Zone and is used and developed for residential purposes.



Figure 1: Aerial map showing subject site.



Figure 2: Existing Units as viewed from driveway/proposed common property



Figure 4: Floor plan of existing dwelling and units. (It is noted that this plan was not provided as part of the application material, but has been obtained from realestate.com to assist in the assessment of the application).

Planning Controls - Greater Bendigo Planning Scheme

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

Purpose and Vision

- Clause 01 Purposes of the Planning Scheme

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 15.01-3S Subdivision design

Municipal Strategic Statement

- Clause 21.01 Key Issues and Influences

Local Planning Policies

- Clause 22.24 Strathdale/Kennington Residential Character Policy

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 71.02 Operation of the Planning Policy Framework

Consultation/Communication

Referrals

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

Referral	Comment
Powercor	No objection subject to standard conditions.
Coliban Water	No objection subject to standard conditions.
Downer	No objection, did not request any conditions.
Traffic & Design	No objection, subject to a note regarding garbage collection.
Drainage	No objection subject to conditions requiring detailed drainage plans

Public Notification

The application was exempt from advertising pursuant to Clause 32.08-12 of the Planning Scheme as the application is to subdivide land into lots each containing an existing dwelling.

Planning Assessment

The key considerations in relation to this application are:

- Whether the proposed subdivision is in accordance with the requirements of the planning scheme relating to residential subdivision.
- Whether the proposed subdivision would result in an acceptable/orderly planning outcome.

It is evident that there is clear planning policy support to increase the number of residential lots in areas which are strategically located within the urban growth boundary and in proximity to facilities and services. The circumstances of this application are quite different to a standard planning application for a residential subdivision, given that the dwellings are already established on the site. As such, the assessment will not be centered on whether there is planning policy support in a broader sense for a residential subdivision in this location, but rather whether the proposed subdivision is in accordance with the requirements of the Planning Scheme having regard to issues such as amenity and orderly planning.

The provisions of Clause 56 Residential Subdivision do not apply to this application given that the application is to subdivide land into lots each containing an existing dwelling or car parking space. As such, consideration has not been given to the objectives and standards outlined within this Clause.

The applicant has expressed concerns as to why such a “straightforward” subdivision could not be supported. Whilst at first glance this may seem like a straightforward application, this is not the case.

The obvious question to consider is given that the units are already there, what difference does it make if the land is subdivided? In answering this question, one must acknowledge that planning applications are required to be assessed on their merits on a case by case basis, and against the current planning policy framework. Clause 65 of all planning schemes in Victoria 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.”

The terms ‘fair and reasonable’ and ‘orderly and proper planning’ are often used as a test to determine whether approval of an application should be given. In broad terms, it requires the consideration of whether an application is consistent with the objectives that are set out in the planning scheme. In this case, there are a number of principles at issue regarding orderly and proper planning outcomes, amenity impacts for future residents and the aspirations of the scheme having regard to well-designed residential development.

It is important to note that whether or not the subdivision is supported does not impact on the ability of the dwelling or units to continue to be used for residential purposes. It is recognised, however, that the desire to subdivide relates to the ability for each of the dwellings to be in separate ownership. Subdivision of land – and in particular the subdivision of buildings – is generally a long-term decision. Once subdivided and separately owned, it can be very complex to undo the situation as it would require the united will and consent of all individual owners. The building in question was constructed some 50 years ago and no longer meets today’s standards for residential amenity in many ways, as will be further explained. Whilst the units would undoubtedly serve as a low-cost purchasing opportunity for some members of the community, low cost housing should not be provided at the expense of basic amenity for residents. That is precisely the reason that modern planning schemes set minimum standards for residential development.

It is considered that approving the subdivision would entrench an undesirable and unordered planning outcome and a development that the City would not approve under the current Planning Scheme for the following reasons:

Clause 55 – Residential Amenity

As part of the application process it was requested that the applicant provide an assessment against Clause 55 Two or More Dwellings on a Lot, in order to demonstrate the adequacy of the proposal when considered against the residential amenity standards of today. It was advised that this would likely require additional details to be provided on a plan in order to illustrate compliance (location of habitable room windows, private open space etc.). Insufficient details have been provided in order to fully assess the application against the provisions of this Clause.

With the information available the proposal has been assessed as not complying with the following objectives and standards of Clause 55:

- **Clause 55.03-3 Site coverage** – with lots site coverage for lots 1-4 ranging from 63% - 79%
- **Clause 55.03-10 Parking location** – with habitable room windows to Units 1, 2 and 3 having a 0 metre setback to the common property, as opposed to the desired 1.5 metre setback.
- **Clause 55.04-7 Internal views objective** – with overlooking from the other units occurring into the private open space to the front of Units 2, 3 and 4.
- **Clause 55.05-4 Private open space objective** – noting that Units 1, 2 and 3 fail to provide 40sqm of private open space, and Units 1, 2, 3 and 4 all fail to provide the 25sqm of secluded private open space to the side or rear of the dwelling, with a minimum dimension of 3m. (It could be said that none of the units contain any secluded private open space at all. The only area of seclusion is a 1.5m wide strip of land to the rear of each unit.) Some areas of open space are detached from each dwelling, being separated by a strip of common property.

Lot	Open Space
1	16 sqm
2	24 sqm
3	30 sqm
4	50 sqm
5	In excess of 40sqm

It is noted that the areas indicated on the plan as private open space fronting Units 2, 3 and 4 currently comprise of a retaining wall and a raised garden area to the existing dwelling. The applicant has advised that these areas would be lowered to the same level as the units, however this would not alter the fact that the spaces are deficient in area, are detached from the dwellings they serve, and offer no seclusion or privacy. The open space areas are highly unlikely to be used by residents for recreational purposes.



Figure 5: Area of proposed POS to front of units.

It is evident that the on-site amenity falls well below the minimum standards outlined in this Clause.

Building regulations

It is an unorderly planning outcome to approve any proposal which could not meet the requirements of the *Building Regulations 2018*. The concern in this regard is in relation to the ability of the dwellings to meet fire rating standards given that the proposal would result in the dwellings having party walls on certain boundaries.

With this in mind, it was requested that the applicant provide a statement from a registered Building Surveyor stating that if a planning permit was issued, that the proposal could conform with the *Building Regulations 2018*.

It was advised that this information was required to be provided at application stage in order to assist in the assessment of the proposal, however the applicant stated that this could become a conditional requirement. The City's Planners do not agree with this statement, as it could result in the City issuing a 'clayton's' permit. Conditions should carry a sufficient level of certainty that they can be achieved. As such, it is unknown as to whether the proposal could comply with Part 231 - Subdivision of existing buildings of the Building Regulations, as the applicant has declined to provide this information.

Supporting justification

The applicant has relied on other examples of existing units being subdivided in order to support the application. These examples extended across Melbourne, Ballarat, Adelaide and Bendigo.

As outlined above, planning permit applications are required to be assessed on their merits on a case by case basis and against the current planning policy framework. Whilst the City cannot comment on applications located elsewhere in Australia where the specific circumstances and policy framework are unknown, it is important to make note of the Bendigo example provided.

The applicant provided a copy of the planning permit and endorsed plans (DS/148/2014) for 22 Norfolk Street, North Bendigo, stating that in this instance the City approved a subdivision of 6 existing units and associated carparks, along with 3 new units. It is important to note that the units initially formed part of a Strata plan of subdivision. In essence the units were already subdivided. It is a different set of circumstances to this current application and cannot be relied upon for justification.

Conclusion

The application proposes a 5 lot subdivision which has been assessed as contrary to planning policy. Whilst it is acknowledged that the dwellings are already in existence and can continue to be utilised for residential purposes in their current form, this is not sufficient reasoning to approve a subdivision which would entrench an undesirable and unorderly planning outcome that is not consistent with the relevant planning policy framework.

The structure is around 50 years old and the residences contained within no longer meet today's standards. A planning permit is required to subdivide existing buildings precisely to ensure that a subdivision is appropriate and orderly. Refusal of the application will –

in time – encourage a more appropriate development to potentially occur on the site that will be able to meet today's expectations of residential amenity. As stated earlier, low cost housing options should not imply or result in poor amenity outcomes for residents.

The lack of detail around fire standards, whilst a Building matter, could also result in an inoperable permit being issued if Council were to approve the application.

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

Options

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

15.5. Amendment C256gben Planning Scheme Review Implementation Part 1 Adoption Request

Author	Rebecca Fisher, Amendments Planner Emma Bryant, Amendments and Heritage Coordinator
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Purpose

This Amendment proposes the biggest update ever undertaken to the Greater Bendigo Planning Scheme by implementing the recommendations of the Greater Bendigo Planning Scheme Review 2019, and by reformatting the Scheme to comply with the new Planning Policy Framework, introduced by the Minister for Planning through Amendment VC148. This Amendment will be one of the first in the State to combine these two elements.

Summary

Amendment details:	This Amendment replaces the existing Municipal Strategic Statement and Local Planning Policies with a Municipal Planning Strategy and local policies within the Victorian Planning Policy Framework. It also introduces into the Scheme the policy recommendations from documents previously adopted by Council including: Rural Areas Strategy 2009; Greater Bendigo Public Space Plan May 2019 and Walk, Cycle Greater Bendigo Strategy 2019, and strategic directions from other Council plans and strategies resulting in a more integrated and holistic document. This amendment also adds into the Scheme, at clause 72.04 Further strategic work, the four-year strategic work and planning scheme amendment program.
Proponent:	City of Greater Bendigo
No. of submissions:	9 including 1 late submission (4 of which requested changes)
Key issues:	• The translation of our Neighbourhood Character policies and whether the proposed treatment is appropriate. • Modification to wording of Clause 15.02-1L Environmentally sustainable design.

	• The suggested inclusion of a new local policy at Clause 14.02-1L Catchment planning and management. • Modification to Clause 16.01-3L Rural residential development re treatment of wastewater. • Minor corrections to policy and plans.

RECOMMENDATION

That Council:

- Accept the late submission.
- Adopt the recommendations detailed for each of the submissions in this report.
- Adopt Greater Bendigo Planning Scheme Amendment C256 with the recommended minor changes.
- Forward the adopted Amendment to the Minister for Planning for approval.

RESOLUTION

Moved: Cr Andrea Metcalf

Seconded: Cr Rod Fyffe

That the recommendation be adopted.

CARRIED

Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

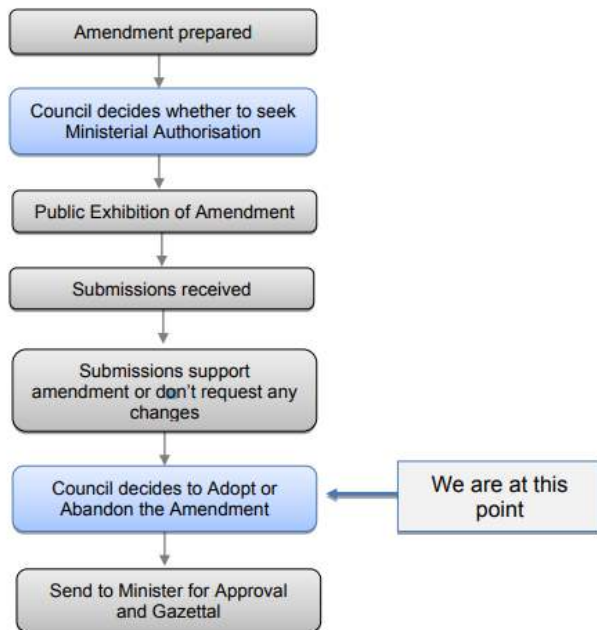
Major initiative: Continue to enhance Council's ability to balance development and growth while protecting our heritage, through strengthened planning strategy and policy including completing the review of the planning scheme.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background Information

The key steps in the Amendment process are summarised below:



The *Greater Bendigo Planning Scheme Review* was adopted by Council on 20 March 2019 as required by Section 12B of the *Planning and Environment Act 1987*. The Review found that although the Planning Scheme is operating well, it had several fundamental policy gaps that were affecting the Council's ability to sufficiently guide development of the municipality.

These policy gaps included:

- Lack of policy and strategic direction for rural areas of the municipality;
- Lack of a settlement network and hierarchy to appropriately guide future development in a coordinated and efficient way;
- Lack of policy and strategic direction for environmental management;
- Lack of infrastructure planning.

The proposed Planning Scheme changes to implement the Review are extensive, as although a lot of strategic work has been undertaken over the last 10 years, there has not been a full refresh of the Scheme since it was first written in 2000.

The major recommendations of the Review for the Planning Scheme were:

- Integrate the vision and goals of the *Community Plan 2017-2021*, the *Municipal Public Health and Wellbeing Plan 2017-2021* and *One Planet Living* into the Greater Bendigo Planning Scheme.
- Include a local policy response to the recent State Government planning reforms.
- Undertake future strategic work recommended in the review of Planning Panel reports and actions to address the issues identified in the VCAT cases review.

- Adopt the *Policy Neutral Review of the Greater Bendigo Planning Scheme Local Planning Policy Framework*, April 2018 as the base version for the local policy rewrite in the subsequent Planning Scheme Amendment.
- Adopt the recommendations of the Greater Bendigo Planning Scheme audit.
- Develop comprehensive strategic framework plans for both urban and rural Greater Bendigo to provide the 'big picture' or vision of the municipality.
- Adopt recommendations for further strategic work prioritised using the strategic work matrix, which identified need, risks, benefits, costs and timeframes.
- Include further strategic work in the Planning Scheme.

The Amendment also introduces the new planning scheme structure introduced by the State Government through Amendment VC148. The main changes to format include a Municipal Planning Strategy (MPS) instead of a Municipal Strategic Statement (MSS), and an integrated State, regional and local policy format to ensure better alignment and make it easier to understand the full policy positions. The MPS provides the foundation for the Scheme and describes the municipality's location, regional context, assets and strengths, opportunities and challenges.

As a result of this reformatting, the revised Planning Scheme has been refined and modernised with its length reduced from approximately 77,000 words to 20,000 words through removing duplications and superfluous content that doesn't support planning decisions. It also now includes modern and consistent strategic framework and policy plans. This reformatting will make the Scheme much easier for the community to use and lead to more efficient and consistent decision making.

It is critically important going forward that any future amendment is consistent with this new structure and drafting standards to maintain the quality of the Scheme. Also, any proposed amendment should justify how it supports the MPS and the PPF, how it resolves any policy conflicts, and how it will assist the community to make planning permit applications and the responsible authority to make decisions.

The final Planning Scheme Amendment that is presented for authorisation includes:

- A new MPS of 5,000 words with a context, vision, strategic directions and strategic plans.
- A new Planning Policy Framework (PPF) including updated plans and new local policy.
- An updated Heritage Overlay schedule and a new Gaming particular provision schedule.
- A further strategic work program in clause 74.02.

The new PPF includes streamlined versions of all the previous local policy in the Scheme with the following changes:

- New policy from the recently adopted *Public Space Plan* and the *Walking and Cycling Strategy*.
- New strategic directions from other Council strategies and plans including: *Public Health and Wellbeing Plan*, *Bendigo Brand Toolkit*, *Creative Greater Bendigo*, *Greater Bendigo Community Plan*, *Greater Bendigo Health and Wellbeing Plan*, *Water Sensitive Bendigo*, *Rural Communities Strategy*, *Plan Greater Bendigo Action Plan*.

- Strengthening of the Rural Subdivision and Rural Dwellings policies to better support protection of the agricultural base, as recommended in the *Rural Areas Strategy* 2009 and the Review.
- A streamlined Neighbourhood Character Policy of approximately 40 pages instead of the previous 120 pages, that removes duplication and information that doesn't assist planning decisions.
- Gaming Policy relocated to the Particular Provisions section, as required.

Because of the large amount of work required to implement the Planning Scheme Review and modernise the Planning Scheme, the changes have been divided into three separate planning scheme amendments. This first amendment will resolve the strategic policy section of the Scheme. The second amendment makes the recommended changes to the zone and overlay schedules and corrects mapping errors, collected over the last three years.

The third amendment is a heritage focussed amendment that makes further changes to the Heritage Overlay schedule, as required by the new format, updates the Heritage Design Guidelines to include guidance for signs in heritage areas, corrects heritage mapping errors identified over the last three years, and introduce a heritage overlay to some individual properties where recent statements of significance have been prepared.

The benefit of this approach is that each amendment is focussed on a particular aspect and is more manageable. It is also more efficient timing wise as the Department of Environment, Land, Water and Planning have recently made formatting changes to the zone and overlay schedules, which were required to be finalised before the second amendment could be submitted for authorisation.

Previous Council Decisions

16 September 2009 - Council resolved to adopt the *Rural Areas Strategy*

18 July 2018 - Council resolved to adopt the *Greater Bendigo Public Space Plan*

20 March 2019 – Council resolved to adopt the *Greater Bendigo Planning Scheme Review*.

19 June 2019 – Council resolved to readopt the Greater Bendigo Public Space Plan May 2019, to ensure that changes arising from the Implementation Framework process were reflected.

18 September 2019 - Council resolved to adopt the *Walk, Cycle Greater Bendigo Strategy*.

6 May 2020 – Council resolved to seek authorisation to prepare and exhibit amendment C256gben Planning Scheme Review Implementation Part 1.

Report

Section 4B of the *Planning and Environment Act 1987* allows for a planning scheme amendment to be initiated by a municipal Council, or a Council can respond to a request for an Amendment by any person or body.

An Explanatory Report is attached (see Attachment 1) and details the purpose and effect of the Amendment and provides strategic justification of the Amendment as required.

Land affected by the Amendment

As the Amendment makes changes to local policy and to formatting for most clauses, it applies to all land in the City of Greater Bendigo.

What the Amendment does

The Amendment proposes to implement the recommendations of the *Greater Bendigo Planning Scheme Review 2019* and the strategic directions from the *Rural Areas Strategy 2009*; *Greater Bendigo Public Space Plan* June 2019 and *Walk, Cycle Greater Bendigo Strategy 2019* by undertaking the following:

- Introduce a new Municipal Planning Strategy (MPS) at Clause 02.
- Introduce new and revised local policy content into the Planning Policy Framework (PPF) at Clauses 11 (Settlement), 12 (Environment and Landscape Values), 13 (Environmental Risks and Amenity), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure).
- Replace the Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained in the local planning policy at Clause 22.01 (Heritage) of the Local Planning Policy Framework.
- Replace the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained in the local policy at Clause 22.28 (Gaming) of the Local Planning Policy Framework.
- Replace the Schedule to Clause 72.08 (Background Documents) to include documents used to inform the creation of the MPS and local policies in the PPF. These documents include those currently described in the Scheme as Reference documents, and the new documents adopted by Council discussed above.
- Introduce a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives and strategies and the controls on the use and development land in the Planning Scheme.
- Introduce a new Schedule to Clause 74.02 (Further Strategic Work) that consolidates all future strategic work for the next five years identified in the existing Planning Scheme and in the Planning Scheme Review.

Consultation/Communication

Preparation of Amendment

Extensive consultation occurred with the community, internal City units and external referral agencies during the Planning Scheme Review, including surveys, website information, media releases, public information sessions and workshops.

After adoption of the Review, the draft planning scheme changes were circulated to relevant internal units and external referral agencies for comment and further workshops were held to ensure that all current adopted policy is included and that the controls will assist with clear decision making.

The new draft MPS and PPF were reviewed by the Department of Environment, Land, Water and Planning (DELWP) Smart Planning Team and Regional Office to ensure it

meets the drafting requirements for the new planning scheme structure. Discussions with DELWP resulted in agreement on most issues and outstanding issues were settled via the authorisation process, prior to the commencement of exhibition.

The planning scheme documents were publicly exhibited for a minimum of a month, as required under the *Planning and Environment Act 1987*. The City is required to give notice of amendments to all owners and occupiers who may be materially affected by an amendment, together with prescribed Ministers and public authorities.

Exhibition Procedures

The Amendment was exhibited for one month from 12 November 2020 to 18 December 2020.

Notice was provided in the following manner:

- Notices to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act*.
- Notices to all authorities materially affected under Section 19(1)(a) of the Act.
- Public notice of the Amendment in the Bendigo Advertiser on 11 November 2020 and 14 November 2020.
- Publication of the notice of the Amendment in the Government Gazette on 12 November 2020.
- Shared on the City of Greater Bendigo Facebook page.
- Access on-line via the City of Greater Bendigo and DELWP websites.

Submissions

Nine submissions (see Attachment 2) were received during the exhibition period (including one late submission).

Submitter 1: Civil Aviation Safety Authority (CASA)	
Supports/Requests a change	Officer Response & Recommendation
Supports.	No change to the amendment.
Submitter 2: Goulburn Broken Catchment Management Authority	
Supports/Requests a change	Officer Response & Recommendation
Did not review.	No change to the amendment.
Submitter 3: Department of Transport	
Supports/Requests a change	Officer Response & Recommendation
Supports.	No change to the amendment.
Submitter 4: Council Alliance for a Sustainable Built Environment (CASBE)	
Supports/Requests a change	Officer Response & Recommendation
Requests a change to:	Change the amendment as requested.

Reword the strategy, removing reference to 'minimising environmental impacts' to clarify the strategy, enabling the focus to remain on achieving 'Best Practice'.	
Update Sunset Clause wording back to 'equivalent' from 'comparable' as per existing Clause 22.10	
Submitter 5: Environment Protection Authority (EPA)	
Supports/Requests a change	Officer Response & Recommendation
Supports.	No change to the amendment.
Submitter 6: Goulburn-Murray Water (GMW)	
Supports/Requests a change	Officer Response & Recommendation
Supports.	No change to the amendment.
Submitter 7	
Supports/Requests a change	Officer Response & Recommendation
Requests a change to:	Partially change the amendment, as requested. Submitter confirmed satisfied with outcome.
Update <i>Greater Bendigo Neighbourhood Character Precinct Plan</i> and <i>Strathdale/Kennington Neighbourhood Character Precinct Plan</i> to remove the closed Johnston Road and show the newly created road reserve located further south along Edwards Road	Both plans updated.
Update <i>Greater Bendigo Neighbourhood Character Precinct Plan</i> and <i>Strathdale/Kennington Neighbourhood Character Precinct Plan</i> to remove the watercourse layer.	<i>Strathdale/Kennington Neighbourhood Character Precinct Plan</i> updated. No change to the <i>Greater Bendigo Neighbourhood Character Precinct Plan</i> , given the scale of that plan and the importance of the watercourses at other points around the City.
Submitter 8: Coliban Water	
Supports/Requests a change	Officer Response & Recommendation
Supports.	Partially change the amendment, as requested. Submitter confirmed satisfied with outcome.
Requests a change to:	
<i>Rural Strategic Framework Plan</i> incorrectly shows boundaries of the Lake Eppalock Special Water Supply Catchment.	Plan updated.

<i>Urban Strategic Framework Plan</i> incorrectly shows boundaries of the Bendigo Water Reclamation Plant.	Plan updated.
Legend on both above mentioned plans to refer to “Infrastructure with potential offsite impacts” (insert word “potential”).	Both plans updated.
Update wording in Clause 02.03-2 and 02.03-4 to emphasise importance of Lake Eppalock Special Water Supply Catchment.	Updated as requested.
Insert a new Clause 14.02-1L	No change agreed to. The suggested content would be a duplication of content within other sections of the Scheme, including proposed Clause 14.01-1L, Clauses 13.04-2S, 13.04-3S and Environmental Significance Overlay Schedule 3.
Update wording in Clause 16.01-3L	Alternate wording proposed and agreed on.
Submitter 9: (Late submission)	
Supports/Requests a change	Officer Response & Recommendation
Requests a change to:	No change to amendment. Submitter advised and satisfied with outcome.
Neighbourhood Character Policies at Clause 15.05-5L should be reviewed and replaced, where required, by Neighbourhood Character or Design and Development Overlays	Review has been added to Clause 74.02 Further strategic work, as is beyond the scope of the existing amendment.
In the interim, Neighbourhood Character policies should be reviewed to remove duplication and the number of policies.	Policies have been reviewed in preparing the amendment, removing repetition and superfluous information, reducing from approximately 120 pages to 40 pages. The number of individual policies is required to meet the format set by DELWP.

In addition to the changes outlined above, the following minor corrections are also recommended, after further internal review of the exhibited documents:

- Clause 02.03-1 Settlement updated to clarify that development in bushfire and flood prone areas should be avoided, unless the risk can be managed.
- Clause 02.03-9 Infrastructure updated to include a direction for the preparation of a Development Contribution Plan (DCP) in new growth areas.
- All plans showing Urban Growth Boundary (UGB) updated, as minor change to UGB by amendment C232gben gazetted in December 2020.

- Urban Strategic Framework Plan and Bendigo Urban Area Residential Framework Plan updated to include Urban Growth Zone land in Huntly in the Residential Growth Area.
- Bendigo Urban Area Residential Framework Plan updated to correct boundary of Maiden Gully North East Residential Growth Area.
- Update Clause 72.08s Background documents to include additional background documents included in the scheme by gazettal of amendment C232gben in December 2020.

Copies of the policy documents with the proposed updates are provided as Attachment 3.

Conclusion

This Amendment is the result of a long and thorough process to review and modernise the Greater Bendigo Planning Scheme into the new State format.

It is introducing a significantly improved Planning Scheme that will be easier for the community to use and will better support the Council's vision of becoming the world's most liveable community.

It is recommended that Council adopt the recommendations detailed for each of the submissions in this report and request the Minister for Planning to approve the amendment.

Options

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.

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.

Resource Implications

The Amendment will not lead to increased permit applications and will make planning decisions simpler and more efficient.

Officer time will be required to prepare the necessary Amendment documentation for approval and to liaise with the Minister for Planning.

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

Attachments

1. Explanatory report.
2. Policy documents with proposed changes in response to submissions.

Attachment 1 - C256gben Attachment 1 Explanatory Report

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME AMENDMENT C256gben 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 amendment applies to all land in the City of Greater Bendigo.

What the amendment does

The amendment proposes to implement the findings of *Greater Bendigo Planning Scheme Review 2019* and to update the Greater Bendigo Planning Scheme to be consistent with the new structure of planning schemes introduced by Amendment VC148.

The amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Greater Bendigo Planning Scheme with a Municipal Planning Strategy (MPS) at Clause 02 and local policies within the Planning Policy Framework at Clauses 11 to 19.

Specifically, the amendment proposes to:

- Insert a new Municipal Planning Strategy (MPS) at Clauses 02, 02.01, 02.02, 02.03 and 02.04.
- Insert new and revised local policy content from the MSS and Local Planning Policies into the Planning Policy Framework (PPF) as follows:

Settlement

- Clause 11.01-1L Settlement
- Clause 11.01-1L 10 minute neighbourhoods
- Clause 11.02-2L Structure planning
- Clause 11.03-1L Activity centres
- Clause 11.03-6L Bendigo City Centre
- Clause 11.03-6L Bendigo Hospital Precinct

Environmental and Landscape Values

- Clause 12.01-1L Protection of biodiversity
- Clause 12.05-2L Urban forest interface

Environmental Risks and Amenity

- Clause 13.03-1L Floodplain management
- Clause 13.07-1L Licenced premises

Natural Resource Management

- Clause 14.01-1L Protection of agricultural land
- Clause 14.01-2L Intensive animal production, pig farms and poultry farms
- Clause 14.01-2L Domestic animal husbandry, racing dog husbandry and animal training

Built Environment and Heritage

- Clause 15.01-1L Landscaping
- Clause 15.01-1L Urban design in industrial areas
- Clause 15.01-1L Signs
- Clause 15.01-3L Historic and distinctive landscapes
- Clause 15.01-5L Neighbourhood character
- Clause 15.01-5L Neighbourhood character – Central Bendigo
- Clause 15.01-5L Neighbourhood character – East Bendigo

- Clause 15.01-5L Neighbourhood character - Eaglehawk
- Clause 15.01-5L Neighbourhood character – Flora Hill
- Clause 15.01-5L Neighbourhood character – Golden Square
- Clause 15.01-5L Neighbourhood character - Heathcote
- Clause 15.01-5L Neighbourhood character – Ironbark/Long Gully
- Clause 15.01-5L Neighbourhood character – Kangaroo Flat
- Clause 15.01-5L Neighbourhood character – North Bendigo
- Clause 15.01-5L Neighbourhood character – Quarry Hill
- Clause 15.01-5L Neighbourhood character – Spring Gully
- Clause 15.01-5L Neighbourhood character – Strathdale/Kennington
- Clause 15.01-5L Neighbourhood character – West Bendigo
- Clause 15.01-5L Neighbourhood character – White Hills
- Clause 15.01-5L Neighbourhood character - Huntly
- Clause 15.02-1L Environmentally sustainable development
- Clause 15.03-1L Post contact heritage conservation

Housing

- Clause 16.01-3L Rural residential development

Economic Development

- Clause 17.01-1L Diversified economy
- Clause 17.02-1L Business
- Clause 17.03-1L Industrial land supply
- Clause 17.04-1L Tourism

Transport

- Clause 18.01-1L Land use and transport planning
- Clause 18.02-1L Sustainable personal transport
- Clause 18.02-2L Public transport
- Clause 18.02-3L Highways and boulevards
- Clause 18.02-3L Calder Freeway and Calder Highway environs
- Clause 18.02-4L Car parking
- Clause 18.04-1L Bendigo Airport
- Clause 18.05-1L Freight links

Infrastructure

- Clause 19.02-4L Social and cultural infrastructure
 - Clause 19.02-6L Open space and public land
 - Clause 19.02-6L Design of public open space
 - Clause 19.03-2L Infrastructure planning, design and provision
 - Clause 19.03-3L Integrated water management
- Delete Clause 20 of the Local Planning Policy Framework (LPPF).
 - Delete Clauses 21, 21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09 and 21.10 of the Municipal Strategic Statement (MSS).
 - Delete Clauses 22, 22.01, 22.02, 22.03, 22.04, 22.05, 22.06, 22.07, 22.08, 22.09, 22.10, 22.11, 22.12, 22.13, 22.14, 22.15, 22.16, 22.17, 22.18, 22.19, 22.20, 22.21, 22.23, 22.24, 22.25, 22.26, 22.27, 22.28, 22.29 and 22.30 of the Local Planning Policies (LPP).
 - Delete Clauses 23, 23.01, 23.02 and 23.03 of the Operation of the LPPF (Transitional).
 - Amend the Schedule to Clause 43.01 **Heritage Overlay** to insert the application requirements previously contained in Clause 22.06 **Heritage** of the Local Planning Policies and make minor administrative changes.
 - Delete the existing Schedule to Clause 52.28 **Gaming**.
 - Insert a new Schedule to Clause 52.28 **Gaming** consistent with the *Ministerial Direction – Form and Content* and with policy content previously contained in Clause 22.28 **Gaming** of the Local Planning Policies.
 - Amend the Schedule to Clause 72.08 **Background Documents** to insert a new list of background documents used to inform the MPS and local policies in the PPF (see Appendix 1), including new documents adopted by the council since the last planning scheme review.
 - Insert a new Schedule to Clause 74.01 **Application of Zones, Overlays and Provisions** to provide an explanation of the relationship between the MPS, the objectives and strategies in Clauses 10 to 19 and the controls on the use and development of land in the planning scheme.

- Insert a new Schedule to Clause 74.02 **Further Strategic Work** that consolidates all relevant further strategic work from Clause 21 of the MSS, implementation actions identified in the *Greater Bendigo Planning Scheme Review Report* (2019) and other strategic work prepared by the council.

The amendment also proposes to implement the planning policy recommendations contained in the following documents (see Appendix 2 for further details):

- *2013-2019 North Central Regional Catchment Strategy* (North Central Catchment Management Authority, 2013)
- *2014-2022 North Central Waterway Strategy* (North Central Catchment Management Authority, 2014)
- *Axedale Community Plan 2018-2022* (City of Greater Bendigo, 2017)
- *Bendigo Region Destination Management Plan* (Urban Enterprises, November 2015) adopted 20 January 2016.
- *City of Greater Bendigo Annual Report 2018-2019* (City of Greater Bendigo, October 2019) adopted 16 October 2019.
- *City of Greater Bendigo Archaeological Mapping Project* (DIG International Pty Ltd, 2007)
- *City of Greater Bendigo Community Plan 2017-2021* (City of Greater Bendigo, June 2017) adopted 21 June 2017.
- *City of Greater Bendigo (Marong District) Heritage Study, Stage 1 Report* (Andrew Ward, 1994)
- *City of Greater Bendigo (Marong) Heritage Study* (Andrew Ward and associates, TBA Planners and Peter Milnet, 1999)
- *City of Greater Bendigo Rural Communities Strategy* (City of Greater Bendigo, August 2016) adopted 31 August 2016.
- *Code of Practice for the Operation of Boarding Establishments* (Department of Economic Development, Jobs, Transport and Resources, August 2018)
- *Code of Practice for the Keeping of Racing Greyhounds* (Department of Economic Development, Jobs, Transport and Resources, April 2018)
- *Code of Practice for the Operation of Dog Training Establishments* (Department of Economic Development, Jobs, Transport and Resources, August 2018)
- *Greater Bendigo Health and Wellbeing Plan 2017-2021* (City of Greater Bendigo, October 2017) adopted 18 October 2017.
- *Greater Bendigo Housing Strategy* (City of Greater Bendigo, January 2018) adopted 24 January 2018.
- *Greater Bendigo Public Space Plan* (City of Greater Bendigo, June 2019) adopted 19 June 2019.
- *Greater CREATIVE Bendigo* (City of Greater Bendigo, November 2018) adopted 21 November 2018.
- *North Central Biolinks Principles and Approaches* (RMCG, December 2009)
- *Plan Greater Bendigo Action Plan* (City of Greater Bendigo et. al., January 2018) adopted 20 January 2018.
- *Rural Areas Strategy* (City of Greater Bendigo, September 2009) adopted 16 January 2009.
- *Vision and Transition Strategy for a Water Sensitive Bendigo* (Cooperative Research Centre for Water Sensitive Cities Ltd, July 2018)
- *Walk, Cycle Greater Bendigo* (City of Greater Bendigo, September 2019) adopted 18 September 2019.

Why is the amendment required?

The amendment is required to implement changes to the Greater Bendigo Planning Scheme to integrate local policy content into the Planning Policy Framework and provide a contemporary land use and development framework that reflects the findings of the *Greater Bendigo Planning Scheme Review, 2019* and other recently completed strategic planning strategies.

Planning Policy Framework

Amendment VC148 was introduced as part of the Victorian Government's Smart Planning Program to simplify and modernise Victoria's planning policy and rules to make planning schemes more efficient, accessible and transparent. The amendment implemented changes to the Victoria Planning Provisions (VPP) and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation on 31 July 2018. More specifically, the amendment:

- Introduced a new Planning Policy Framework (PPF).
- Enabled the future introduction of a Municipal Planning Strategy (MPS).
- Introduced a new state, regional and local integrated policy structure.
- Modified the schedules to some existing zones, overlays and provisions to accommodate additional local content.
- Created new operational provisions.

The PPF is the policy content of a planning scheme containing State policy (which includes regional policy) and local policy in a thematically integrated form. The PPF is complemented by an MPS at Clause 02 of the planning scheme. The MPS is a succinct expression of the context and overarching strategic policy directions of the planning authority.

The MPS provides:

- The foundation for the planning scheme's policy based on a municipality's location, regional context, assets and strengths, opportunities and challenges.
- An understanding of the matters that are important to the municipality from a planning perspective.
- The context for the local and relevant state policies in Clauses 10-19.
- An outline of what planning outcomes the municipality seeks to achieve, which are then implemented through controls and policy within the planning scheme.

The amendment adopts the new policy format to ensure the better alignment and integration of local planning policy with state planning policy.

Significant duplication has been removed, existing objectives and strategies clarified, statistical data updated, and administrative corrections made to improve the operation of local planning policy. All plans in the MPS and PPF have also been updated to use current information where available and have a consistent format. Content is also proposed to be moved into local schedules to overlays and particular and operational provisions, as appropriate.

New local policy content has been drafted in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* to ensure policy content is:

- Within the scope of the *Planning and Environment Act 1987* and strategically justified.
- Clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning.
- Drafted to be clear and unambiguous.

Greater Bendigo Planning Scheme Review

The Greater Bendigo Planning Scheme Review (the Review) was finalised and adopted by council in March 2019 as required by Section 12B of the *Planning and Environment Act 1987*. Periodic reviews ensure planning schemes provide the necessary framework to achieve a council's land use vision for the municipality. During the review period, the State government introduced planning scheme

structural reforms through Amendment VC148, and the Council decided to incorporate the structural changes in the Review.

The Review has found that although the Greater Bendigo Planning Scheme is operating well, it has several fundamental policy gaps which are impinging upon the city's ability to sufficiently guide the development of the municipality.

These policy gaps include:

- Lack of policy and strategic direction for rural areas of the municipality.
- Lack of a settlement network and hierarchy to appropriately guide future development in a coordinated and efficient way.
- Lack of policy and strategic direction for environmental management.
- Lack of infrastructure planning.

As a consequence, there is a large amount of future strategic work recommended as part of the Review.

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

The amendment implements the following objectives of planning in Victoria, set out in section 4(1) of the *Planning and Environment Act 1987*:

- a. To provide for the fair, orderly, economic and suitable use, and development of the land.*
- b. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- c. To ensure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- e. To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*
- f. To facilitate development in accordance with the objectives of planning in Victoria.*

The amendment proposes to update the Greater Bendigo Planning Scheme with current and improved policy content in the MPS, PPF and proposed local schedules that reflects the key strategic directions for the municipality. This will in turn provide certainty for the users of the planning system by ensuring the orderly use and development of the municipality, consistent with the objectives of planning in Victoria.

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

Environmental

The amendment is expected to have positive environmental effects through the provision of clear guidelines to achieve environmental resilience and sustainable future land use and development outcomes in the municipality. The new and revised provisions will make a positive contribution to Greater Bendigo's natural and built environment by:

- Guiding growth to locations where existing infrastructure can be leveraged resulting in a lower environmental impact.
- Protecting agricultural areas.

- Strengthening rivers, creeks and open space corridors by enhancing biodiversity, habitat and overall ecological value.
- Enhancing the sense of Bendigo being a city in a forest by protecting urban – forest interfaces
- Establishing a standard for infrastructure design.
- Facilitating more sustainable transportation choices such as walking and cycling.
- Developing the open space network strategically.

Social and Economic

The amendment is expected to have a positive social and economic impact for the municipality by:

- Implementing the shared vision for Greater Bendigo to be an environmentally sustainable, healthy and desirable place in which to live.
- Providing the framework for the Council deliver the adequate provision of infrastructure and services for the growing municipality.
- Providing the framework for decision making, which the Council will use to strategically accommodate growth in the municipality.
- Enhancing commercial and community opportunities in identified growth areas, activity centres and rural townships.
- Improving the quality of built form, the attractiveness of streetscapes and overall safety and amenity in the public realm.

Does the amendment address relevant bushfire risk?

The existing local bushfire provisions at *Clause 21.05-9 Managing Risk* in the planning scheme are proposed to be removed as they have been superseded by the updated requirements of *Clause 13.02-1S Bushfire Planning* and *Clause 71.02-3 Integrated decision making*. Removing the local provisions will mean that there will be no confusion by decision makers about the bushfire controls that apply and that proposals must meet the objective of Clause 13.02-1S which is *to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life* and Clause 71.02-3 which explicitly requires the protection of human life to be the priority policy consideration in decision making where a proposal has, or could have, a bushfire risk.

Greater Bendigo has a significant level of bushfire risk, due to large amounts of native vegetation scattered throughout the municipality and around the urban areas, and a steadily increasing population; the new provisions have been drafted taking this into consideration.

Strategies in *Clauses 12.01-1L Protection of biodiversity* and *12.05-2L Urban forest interface* have had extra requirements inserted to ensure that any retention and enhancement of native vegetation considers how that vegetation can be managed so to ensure no increase to bushfire risks and risk to human life. Development must be designed in a way that allows for vegetation to be managed in a way which prevents bushfire from entering the settlement. This may mean avoiding development in locations where biodiversity values are prioritised.

The CFA was consulted during the development of the *Greater Bendigo Planning Scheme Review 2019* and the preparation of this amendment. The CFA describes the planning scheme as "an important strategic document to reduce the risk posed from bushfire on communities". It noted the importance of "setting a strong context at the MSS level that minimising bushfire risk is the highest priority" and suggested that growth strategies must be directed away from bushland areas and into lower risk locations. The newly introduced MPS, which replaces the old format MSS, states that

bushfire is a key environmental risk for Great Bendigo and Clause 02.03-2 of the MPS provides strategic direction for settlement, stating that development should be avoided in bushfire prone areas.

The City recognises the need for further strategic work to be undertaken around bushfire planning and a key recommendation of the Planning Scheme Review is that a bushfire risk assessment be undertaken as a high priority as part of a municipal settlement strategy, and a review of Clause 12.05-2L *Urban forest interface* be undertaken as part of an environmental significance study. This is reflected in Clause 74.02 *Further strategic work*.

The strengthened focus on biodiversity and the urban forest interface in the new planning scheme mostly comes from the *Greater Bendigo Public Space Plan* (City of Greater Bendigo, June 2019), which addresses the City's bushland, as well as native/indigenous vegetation, in a number of its themes and associated strategies. The approach overall is purposefully balanced, holistic and objective.

The CFA was consulted on a number of occasions during the development of the *Greater Bendigo Public Space Plan*, both during preparation of the Plan and on the draft Plan. It supported the Plan in principle, whilst strongly emphasising that the primacy of life and property from bushfire must be the priority consideration at all times. This accords with objective of Clause 13.02-1S, as outlined above. In response to the CFA's concern that public open space must not create a "wick" from rural bushlands into inner parts of the city, policy guidelines relating to consideration of bushfire risk have been included in Clauses 12.01-1L *Protection of biodiversity* and 12.05-2L *Urban forest*.

The amendment was referred to CFA as part of the exhibition process and no further feedback was received.

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

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987* with new and updated policy being consistent with the provided templates.

The amendment has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendment* made under Section 12 of the *Planning and Environment Act 1987*. The amendment has been assessed against environmental, economic and social effects as well as bushfire risk and the objectives of planning in Victoria and is deemed to comply with the Ministers Direction. Details of these assessments are outlined within the relevant sections of this Explanatory Report.

The amendment meets the requirements of *Ministerial Direction No. 19 Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health* which requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The EPA provided early comments in the consultation stage of the Planning Scheme Review, with additional advice provided subsequent to the release of the draft Review. When provided with the proposed policies and provisions of the MPS and PPF, the EPA advised that were "satisfied with the draft proposed policies as provided and has no further comments in addition to the previous advice provided".

The amendment was referred to the EPA as part of the exhibition process. The EPA acknowledged the previous consultation that had been undertaken in preparing the Planning Scheme Review and advised they support the proposed amendment to translate the Greater Bendigo Planning Scheme into the new Planning Policy Framework.

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

The amendment supports the PPF by including place based and Greater Bendigo specific policies that build on and support the State and Regional policies in the PPF.

Any competing policies in the existing MSS and Local Policies have been removed through the process of translating to the PPF format.

Local planning policy that has been included in the PPF responds to a demonstrated need, is linked to a strategic direction in the MPS and is designed to assist the responsible authority in making a decision and a proponent in understanding whether a proposal is likely to be supported or not.

Clause	What is included
02 Municipal Planning Strategy	
02.01 Context	- Details the key physical and demographic features of the municipality. - Provides an overview of the historical development of the area. - Outlines the role of Greater Bendigo in the region from an economic perspective.
02.02 Vision	Updates the Council's vision based on the <i>City of Greater Bendigo Community Plan 2017 – 2021</i> (City of Greater Bendigo, June 2017) and the <i>Plan Greater Bendigo Action Plan</i> (City of Greater Bendigo et. al., January 2018).
02.03 Strategic directions	Includes the context and general strategic directions for each of the nine themes in the PPF.
02.04 Strategic framework plans	Includes the Urban Area Strategic Framework Plan, Rural Area Strategic Framework Plan and Activity Centre Hierarchy Plan.
10 Planning Policy Framework	
11 Settlement	- Clarifies the settlement strategy for Greater Bendigo. - Sets out the process for structure planning. - Outlines the activity centre hierarchy and how it will be managed. - Provides guidance for local places including the Bendigo City Centre and Bendigo Hospital Precinct.
12 Environmental and landscape values	Strengthens the protection of biodiversity by including specific policy for Bendigo and place based policy.
13 Environmental Risks and Amenity	- Simplifies the existing floodplain management policy. - Simplifies the existing Licenced Premises policy.
14 Natural resource management	- Strengthens the protection of agricultural land policy, including introducing clearer and stronger policy to discourage subdivision and development of dwellings that are not associated with an agricultural use of the land. - Updates policy on intensive animal production, pig farms and poultry farms to reflect changes introduced through Amendment VC150 – Planning for sustainable animal industries. - Updates policy on domestic animal husbandry, racing dog husbandry and animal training to reflect changes introduced through Amendment VC150 – Planning for sustainable animal industries.
15 Built environment and heritage	- Relocates the policy for design of tall buildings to the appropriate location. - Introduces policy to guide landscaping based on the <i>Greater Bendigo Public Space Plan</i> (City of Greater Bendigo, 2019) - Relocates the policy for urban design in industrial areas to the appropriate location. - Introduces a new policy for canopy trees and shelter to create more pedestrian friendly and attractive environments in activity centres and other built up areas based on the <i>Greater Bendigo Public Space Plan</i> (City of Greater Bendigo, June 2019) - Simplifies the existing signs policy.

Clause	What is included
	• Simplifies the existing neighbourhood character policies and removes potential conflicts with the requirements of the residential zones and Clause 54, 55 and 56. • Introduces a new policy for historic and distinctive streetscapes to protect the prominent street patterns in the city's urban structure based on the <i>Greater Bendigo Public Space Plan</i> (City of Greater Bendigo, June 2019). • Updates the format of the existing environmentally sustainable development policy to align with other councils. • Simplifies the existing post contact heritage conservation policies and deletes the application requirements which have been moved to the Schedule to Clause 43.01.
16 Housing	• Simplifies the existing rural residential development policy and incorporates new policy from the <i>Rural Areas Strategy</i> (City of Greater Bendigo, 2009) to ensure surrounding character is considered.
17 Economic development	• Relocates existing policy relating to a diversified economy and business to the appropriate area. • Restructures industrial policy to read more coherently. • Introduces stronger tourism policy for Greater Bendigo based on <i>Greater Creative Bendigo</i> (City of Greater Bendigo, November 2018)
18 Transport	• Introduces policy to support active transport and sustainable personal transport based on the <i>Greater Bendigo Public Space Plan</i> (City of Greater Bendigo, June 2019), <i>Walk, Cycle Greater Bendigo</i> (City of Greater Bendigo, September 2019) and the <i>Connecting Bendigo: Integrated Transport and Land Use Strategy</i> (City of Greater Bendigo, August 2015) • Introduces the Bendigo Walking and Cycling Network Plan. • Clarifies the existing highways and boulevards policy and includes a map making it clear where the policy applies. • Clarifies where the car parking policy applies. • Simplifies the existing policy for the Bendigo Airport. • Introduces the Greater Bendigo Main Freight Routes Plan.
19 Infrastructure	• Strengthens policy for the development of social, cultural, arts and recreation infrastructure. • Replaces the existing public open space policy with new policy based on the <i>Greater Bendigo Public Space Plan</i> (City of Greater Bendigo, June 2019). • Introduces the Public Open Space Network – Bendigo Urban Area Plan. • Introduces the consideration of the <i>Infrastructure Design Manual</i> as policy. • Strengthens the policy for integrated water management based on the <i>Vision and Transition Strategy for a Water Sensitive Bendigo</i> (Cooperative Research Centre for Water Sensitive Cities Ltd, July 2018).

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

This amendment translates the existing Local Planning Policy Framework into the new MPS and PPF format.

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

This amendment inserts a new MPS into the planning scheme, to replace the existing Municipal Strategic Statement.

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

The amendment inserts local policy consistent with Amendment VC148 and the *Ministerial Direction - The Form and Content of Planning Schemes*.

Where appropriate, local policy content has been relocated to local schedules. Specifically, the decision guidelines in the local heritage policy (currently at Clause 22.06) has been placed in the Schedule to Clause 43.01 (Heritage Overlay) and the relevant local policy content relating to gaming (currently at Clause 22.28) has been placed in the Schedule to Clause 52.28 (Gaming).

Where local schedules have been amended, the form of the schedule has been modified to meet the requirements of the Ministerial Direction.

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

The views of relevant agencies were sought and assisted in the formation of the *Greater Bendigo Planning Scheme Review, 2019* which underpins the comprehensive update of local policy content. In addition, policy specific consultation was undertaken with relevant agencies during the drafting of the MPS and PPF and changes were made to address the views of the relevant agencies, where appropriate.

The agencies consulted in the development of the Review and updated policy include the Department of Transport, Environment Protection Authority, North Central Catchment Management Authority, Coliban Water, Goulburn Murray Water, Loddon Mallee Waste and Resource Recycling Group, the Country Fire Authority, Department of Environment, Land, Water and Planning, Regional Roads Victoria, Transport for Victoria, Victorian Planning Authority, Parks Victoria, Bendigo Hospital, Victoria Police and Bendigo Airport.

All relevant agencies and stakeholders were again consulted during the exhibition period, along with some additional agencies, with feedback addressed in preparing the amendment for adoption.

Responses were received from Civil Aviation Safety Authority, Goulburn-Broken Catchment Management Authority, the Department of Transport, Council Alliance for a Sustainable Built Environment, Environment Protection Authority, Goulburn Murray Water and Coliban Water.

Of the changes requested in agency submissions, only Coliban Water's was not supported in full, as some changes requested would have resulted in duplication across the scheme. Discussions were held with Coliban Water and agreement was reached on alternative changes to the MPS, to strengthen policy around the importance of the Lake Eppalock Special Water Supply Catchment.

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

The amendment will not have a significant impact on the transport system as no new large development is proposed and therefore is not required to address the relevant requirements 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 amendment is not expected to impose additional resource or administrative costs on the responsible authority.

Introducing revised local policy content in the form of the MPS and PPF is expected to create a clearer more navigable policy framework where State and local policy build on each other to allow policy to achieve its intended outcome.

After an initial familiarisation phase this should have the effect of reducing the burden on the responsible authority of creating and administering local policy content in the scheme.

Ultimately the amendment will provide a clear set of guidelines that provide a greater level of certainty to the community and other stakeholder to land use and development in the municipality

Where you may inspect this amendment

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

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

APPENDIX 1 - List of background documents to be included in Schedule to Clause 72.08

Name of background document
<i>2013-2019 North Central Regional Catchment Strategy</i> (North Central Catchment Management Authority, 2013)
<i>2014-2022 North Central Waterway Strategy</i> (North Central Catchment Management Authority, 2014)
<i>A Land Capability Study of the City of Greater Bendigo, Huntly District</i> (Bluml, M et al., November 1995)
<i>A Land Capability Study of the City of Greater Bendigo, Strathfieldsaye District</i> (Bluml, M et al., October 1995)
<i>A Land Capability Study of the Rural City of Marong</i> (Bryant, E & Lorimer, M, April 1993)
<i>All Saints' Anglican Church, School and Master's Residence Conservation Management Plan</i> (City of Greater Bendigo, August 2012)
<i>Axedale Community Plan 2018-2022</i> (City of Greater Bendigo, 2017)
<i>Axedale Township Structure Plan</i> (Greater Bendigo City Council, March 2009)
<i>Bendigo Aerodrome Master Plan 2007-2022</i> (Airport Plus Pty Ltd, July 2007)
<i>Bendigo Airport Australian Noise Exposure Forecast for 2032</i> (ANEF 2032) (Kneebush Planning, November 2012)
<i>Bendigo Airport Strategic Plan</i> (City of Greater Bendigo, June 2009)
<i>Bendigo and Eaglehawk Heritage Study</i> (City of Greater Bendigo, 1993)
<i>Bendigo CBD Parking Precinct Plan</i> (City of Greater Bendigo, 2009)
<i>Bendigo CBD Parking Strategy</i> (GTA Consultants, October 2008)
<i>Bendigo CBD Plan: New Visions, New Opportunities</i> (Planisphere, December 2005)
<i>Bendigo Highway Entrances and Boulevard Study</i> (TBA Planners et al, 1994)
<i>Bendigo Hospital Campus (Lucan Street Site) Citation</i> (City of Greater Bendigo, November 2010)
<i>Bendigo Industrial Land Strategy</i> (GHD, June 2002)
<i>Bendigo Liquor Accord</i> (Victorian Commission for Gaming and Liquor Regulation, September 2019)
<i>Bendigo Region Destination Management Plan</i> (Urban Enterprises, November 2015)
<i>Bendigo Urban Flood Study</i> (Water Technology, November 2013)
<i>Big Hill Enterprise Park Landscape Development Report</i> (Spiire, 2014)
<i>Certificate of Environmental Audit, part 47 Lansell Street, East Bendigo</i> (Golder Associates Pty Ltd, January 2016)
<i>City of Greater Bendigo Annual Report 2018-2019</i> (City of Greater Bendigo, October 2019)
<i>City of Greater Bendigo Community Plan 2017-2021</i> (City of Greater Bendigo, June 2017)
<i>City of Greater Bendigo Domestic Wastewater Management Strategy 2014-15</i> (City of Greater Bendigo, 2014)
<i>City of Greater Bendigo Gaming Policy Framework "Accessible but not convenient"</i> (Coombes Consulting Group, October 2007)
<i>City of Greater Bendigo Good Design Guide for Industry</i> (City of Greater Bendigo, 1997)
<i>City of Greater Bendigo Heritage Study Stage 2: Former Shires of Mclvor and Strathfieldsaye, Volume 1 Key Findings and Recommendations</i> (City of Greater Bendigo 2009)
<i>City of Greater Bendigo Heritage Study Stage 2: Former Shires of Mclvor and Strathfieldsaye, Volume 2 Heritage Place and Precinct Citations</i> (City of Greater Bendigo, 2009)
<i>City of Greater Bendigo (Marong District) Heritage Study, Stage 1 Report</i> (Andrew Ward, 1994)
<i>City of Greater Bendigo (Marong) Heritage Study</i> (Andrew Ward and associates, TBA Planners and Peter Milnet, 1999)
<i>City of Greater Bendigo Residential Character Study</i> (Planisphere, 2001)
<i>City of Greater Bendigo Rural Communities Strategy</i> (City of Greater Bendigo, August 2016)
<i>Code of Practice for the Operation of Boarding Establishments</i> (Department of Economic Development, Jobs, Transport and Resources, August 2018)
<i>Code of Practice for the Keeping of Racing Greyhounds</i> (Department of Economic Development, Jobs, Transport and Resources, April 2018)

<i>Code of Practice for the Operation of Dog Training Establishments</i> (Department of Economic Development, Jobs, Transport and Resources, August 2018)
<i>Commercial Land and Activity Centre Strategy</i> (City of Greater Bendigo, November 2015 (updated January 2017))
<i>Connecting Greater Bendigo Integrated Transport and Land Use Strategy</i> (ITLUS) (City of Greater Bendigo, August 2015)
<i>Eaglehawk Structure Plan</i> (Hansen Partnership, July 2013)
<i>East Bendigo Local Structure Plan</i> (Maunsell Australia, July 2006 (Amended 2013))
<i>Forest Park Master Plan</i> (Roberts Day, December 2013)
<i>Fortuna Villa Environmental Audit Report</i> (Coffey Environments, October 2012)
<i>Greater Bendigo Environment Strategy 2016-2021</i> (City of Greater Bendigo, 2016)
<i>Greater Bendigo Health and Wellbeing Plan 2017-2021</i> (City of Greater Bendigo, October 2017)
<i>Greater Bendigo Heritage Policy Citations Review, Revision 2</i> (City of Greater Bendigo, 2011)
<i>Greater Bendigo Housing Strategy</i> (City of Greater Bendigo, January 2018)
<i>Greater Bendigo Public Space Plan</i> (City of Greater Bendigo, June 2019)
<i>Greater Bendigo Residential Strategy</i> (City of Greater Bendigo, October 2014 (amended March 2016))
<i>Greater Bendigo Thematic Environmental History</i> (City of Greater Bendigo, 2013)
<i>Greater CREATIVE Bendigo</i> (City of Greater Bendigo, November 2018)
<i>Heathcote-Strathfieldsaye Heritage Study Thematic Environmental History</i> (City of Greater Bendigo, 2002)
<i>Heritage Assessment, Former City of Bendigo Abattoir</i> (Anthemion Consultancies, August 2014)
<i>Hospital Precinct Structure Plan</i> (City of Greater Bendigo, September 2014)
<i>Huntly Township Plan</i> (Parsons Brinckerhoff, February 2009)
<i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, March 2020)
<i>Ironbark Heritage Study 2010: volume 1</i> (City of Greater Bendigo, 2010)
<i>Ironbark Heritage Study 2010: volume 2 citations</i> (City of Greater Bendigo, revised July 2011)
<i>Jackass Flat Local Structure Plan</i> (Hansen Partnership, April 2007 (amended October 2009))
<i>Kangaroo Flat South Regional Centre Structure Plan</i> (Hansen Partnership, May 2006)
<i>Land Capability Mapping and Assessment Tools for Wastewater Management</i> (City of Greater Bendigo, 2015)
<i>Maiden Gully Structure Plan</i> (TBA Planners and Planning Australia Consultants, October 1996)
<i>Nanga Gnull 40 Harley Street, Strathdale Heritage Citation</i> (Built Heritage, Amended September 2018)
<i>North Central Biolinks Principles and Approaches</i> (RMCG, December 2009)
<i>North Central Native Vegetation Plan</i> (North Central Catchment Management Authority, 2005)
<i>Northern Corridor and Huntly Local Structure Plan</i> (Conceptz et. al., February 2005)
<i>Plan Greater Bendigo Action Plan</i> (City of Greater Bendigo et. al., January 2018)
<i>Review of Demand and Supply for Industrial Land in Greater Bendigo</i> (SGS Economics and Planning, February 2012)
<i>Rural Areas Strategy</i> (City of Greater Bendigo, September 2009)
<i>Site Environmental Management Plan, Former VicRoads Depot Buildings, 47 Lansell Street, Bendigo East</i> (Beveridge Williams, January 2016)
<i>Statement of Environmental Audit 47 Lansell Street Bendigo East</i> (Golder Associates, December 2005)
<i>Strategic Directions Rural Roadside Conservation</i> (City of Greater Bendigo, 2011)
<i>Strathfieldsaye Township Plan</i> (Centrum Town Planning, Amended March 2012)
<i>Strathfieldsaye Urban Design Framework</i> (City of Greater Bendigo, February 2017)
<i>Urban Stormwater Best Practice Environmental Management Guidelines</i> (CSIRO, May 2006)
<i>Vision and Transition Strategy for a Water Sensitive Bendigo</i> (Cooperative Research Centre for Water Sensitive Cities Ltd, July 2018)

<i>Walk, Cycle Greater Bendigo</i> (City of Greater Bendigo, September 2019)
<i>White Hills & East Bendigo Heritage Study</i> (City of Greater Bendigo, June 2014, (revised September 2015))
<i>White Hills and East Bendigo Heritage Study Stage 2</i> (City of Greater Bendigo, April 2016 (revised December 2017))

APPENDIX 2 - New strategic work being introduced

2013-2019 North Central Regional Catchment Strategy (North Central Catchment Management Authority, 2013) provides long-term vision for Natural Resource Management (NRM) within the North Central Catchment Management Authority region. The RCS sets regional priorities for the management of natural assets, sets overall direction for investment and coordination of effort by landholders, partner organisations and the wider community. It provides a framework that supports and encourages participation in protecting and enhancing our environment. The strategy is being included into the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 12.01-1L Protection of biodiversity.

2014-2022 North Central Waterway Strategy (North Central Catchment Management Authority, 2014) provides a single, regional planning document for waterway management and a high level regional works program to guide investment. The Strategy is an important framework for the North Central CMA in partnership with other agencies, Traditional Owners and the community to manage our waterways over the next eight years and builds upon the 2013-19 North Central Regional Catchment Strategy. The strategy is being included into the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 12.01-1L Protection of biodiversity.

Axedale Community Plan 2018-2022 (City of Greater Bendigo, 2017) is the third community plan for Axedale. Priorities for the community include: advocacy for better public transport; maintaining the attraction and safety of the main town area; facilitating opportunities for community members to come together in good-quality flexible spaces; organising larger community events that encourage newcomers; and the need to be well prepared before, during and after an emergency and to ensure there is community-wide awareness of the needs of vulnerable community members in times of an emergency. The plan replaces a previous version, being the Axedale and District +25 Community Plan, 2007 and provides context for Schedule 2 to Clause 42.03 Significant Landscape Overlay, Campaspe River Valley Environs.

Bendigo Region Destination Management Plan (Urban Enterprises, November 2015) was adopted 20 January 2016. The plan provides a strategic approach to growing tourism in the Bendigo Region over the next five years. The key outcomes of the plan include a set of strategic objectives which respond to the key issues and opportunities identified, 16 priority projects, a suite of destination development opportunities and a range of initiatives to strengthen governance and collaboration across the region. The plan is being included into the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 17.04-1L Tourism.

City of Greater Bendigo Annual Report 2018-2019 (City of Greater Bendigo, October 2019) was adopted 16 October 2019. The report is the primary method for the Greater Bendigo City Council to advise the City of Greater Bendigo community and other stakeholders of Council's operations and performance during the financial year. The report is being included into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.01 Context.

City of Greater Bendigo Community Plan 2017-2021 (City of Greater Bendigo, June 2017) was adopted 21 June 2017. The plan was the new Council's first major statement to the community, and it outlines a commitment to six key goals (strategic objectives) being: Lead and govern for all; Wellbeing and fairness; Strengthening the economy; Presentation and managing growth; Environmental sustainability; and Embracing our culture and heritage. The Council will use these principles as a basis for decision-making. The plan is being included into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clauses 02.02 Vision and 02.03-9 Infrastructure and the PPF, specifically Clause 19.02-4L Social and cultural infrastructure.

City of Greater Bendigo (Marong District) Heritage Study, Stage 1 Report (Andrew Ward, 1994). This report forms the principal output of Stage 1 of the City of Greater Bendigo Heritage Study of the former Rural City of Marong. The report identified 284 sites of potential cultural value, one potential urban conservation area and four landscapes of potential cultural value. The study is being included into the

Greater Bendigo Planning Scheme as a background document and provides information on places within the Schedule to Clause 43.01 Heritage Overlay.

City of Greater Bendigo (Marong) Heritage Study (Andrew Ward and associates, TBA Planners and Peter Milnet, 1999). This report is the Stage 2 heritage study of the former Rural City of Marong and provides an outline of the key heritage issues, opportunities and recommended actions for the study area including a detailed listing of sites assessed and recommendations for registration and protection of these sites and places. The study is being included into the Greater Bendigo Planning Scheme as a background document and provides information on specific places within the Schedule to Clause 43.01 Heritage Overlay.

City of Greater Bendigo Rural Communities Strategy (City of Greater Bendigo, August 2016) was adopted 31 August 2016. The strategy is designed to provide improved knowledge and understanding within Greater Bendigo's rural communities, better recognition of how Council's adopted strategies and policies apply to our rural communities, priorities for managing and supporting transition, growth and community development in our rural communities, actions and initiatives that our rural communities can undertake to respond to change and capitalise on opportunities and a suite of actions that the City of Greater Bendigo will undertake when working with and on behalf of our rural communities. The strategy is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.03-2 Environment and landscape values and Clause 02.03-4 Natural resource management.

Code of Practice for the Operation of Boarding Establishments (Department of Economic Development, Jobs, Transport and Resources, August 2018). The purpose of the Code is to specify the minimum standards of accommodation, management and care which are appropriate to the physical and behavioural needs of dogs and cats housed in boarding establishments. The Code and its provisions are to be observed by owners and operators of boarding establishments and by people who work in them. The Code is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 14.01-2L Domestic animal husbandry, racing dog husbandry and animal training.

Code of Practice for the Keeping of Racing Greyhounds (Department of Economic Development, Jobs, Transport and Resources, April 2018). The purpose of this Code is to specify minimum standards for staffing, accommodation, management, breeding and care required to meet the physical and behavioural needs of a racing greyhound throughout its lifecycle. The Code is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 14.01-2L Domestic animal husbandry, racing dog husbandry and animal training.

Code of Practice for the Operation of Dog Training Establishments (Department of Economic Development, Jobs, Transport and Resources, August 2018) The purpose of the Code is to specify the minimum standards of accommodation, management and care which are appropriate to the physical and behavioural needs of dogs being trained in dog training establishments. The Code and its provisions are to be observed by all proprietors of dog training establishments, including those establishments that conduct training at the residence of a client, and by people who work in them. The Code is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 14.01-2L Domestic animal husbandry, racing dog husbandry and animal training.

Greater Bendigo Health and Wellbeing Plan 2017-2021 (City of Greater Bendigo, October 2017) was adopted 18 October 2017. The plan will guide Council and its partners in working to improve the health and wellbeing of our community over the next four years. The plan is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.03-9 Infrastructure and the PPF, specifically Clauses 11.03-1L Activity centres and 19.02-4L Social and cultural infrastructure.

Greater Bendigo Housing Strategy (City of Greater Bendigo, January 2018) was adopted 24 January 2018. The strategy builds upon the recommendations of the Greater Bendigo Residential Strategy (2014) and sets the high level strategic direction in relation to the location, type and form of housing to

meet the changing needs of the community. The strategy is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.03-1 Settlement and the PPF, specifically Clause 11.01-1L 10 minute neighbourhoods.

Greater Bendigo Public Space Plan (City of Greater Bendigo, June 2019) was adopted 19 June 2019. The plan has been developed as a long term strategy to serve the current and future generations. It contains strategies and actions relating to the public space of Greater Bendigo, including parks, gardens, creek corridors, bushland and sporting reserves as well as its streets, road reserves and urban spaces. The plan is being introduced into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clauses 02.03-2 Environment and landscape values and 02.03-9 Infrastructure and the PPF, specifically Clauses 12.01-1L Protection of biodiversity, 12.05-2L Urban forest interface, 15.01-1L Landscaping, 15.01-3L Historic and distinctive landscapes, 18.01-1L Land use and transport planning, 18.02-1L Sustainable personal transport, 18.02-2L Public transport, 18.02-3L Highways and boulevards and 19.02-6L Open space and public land and Design of public open space.

Greater CREATIVE Bendigo (City of Greater Bendigo, November 2018) was adopted 21 November 2018. Greater CREATIVE Bendigo takes the place of the former Arts and Culture Strategy and is deliberately broad and ambitious in its approach. This document details what the City will prioritise over the next four years, while setting a longer term vision of how the City and community can work together to realise a future with creativity at its core. The strategy is being introduced to the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.03-9 Infrastructure and the PPF, specifically Clause 17.04-1L Tourism.

North Central Biolinks Principles and Approaches (RMCG, December 2009). This study was undertaken to identify potential sites for habitat corridors or biolinks within City of Greater Bendigo and the Shire of Campaspe. The study is being introduced to the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clause 12.01-1L Protection of biodiversity.

Plan Greater Bendigo Action Plan (City of Greater Bendigo et. al., January 2018) was adopted 20 January 2018. The plan presents a consolidated list of the top infrastructure projects for Greater Bendigo and the region more broadly. This builds on the existing work and strategies already prepared by Council, State Government, as well as considering privately led initiatives. The plan is being introduced to the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clauses 02.02 Vision.

Rural Areas Strategy (City of Greater Bendigo, September 2009) was adopted 16 January 2009. This strategy outlines the challenges, changes and planning issues throughout the municipality and provides the strategic direction for future planning, current and future use and development of agricultural land within the City of Greater Bendigo. The strategy is being introduced to the Greater Bendigo Planning Scheme as a background document and has been used to shape the PPF, specifically Clauses 14.01-1L Protection of agricultural land and 16.01-3L Rural residential development.

Vision and Transition Strategy for a Water Sensitive Bendigo (Cooperative Research Centre for Water Sensitive Cities Ltd, July 2018) This strategy defines a vision of a water sensitive future for Bendigo, Victoria, and outlines the broad steps Bendigo should take to enable a transition towards this future. The strategy is being introduced to the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.03-9 Infrastructure and the PPF, specifically Clause 19.03-3L Integrated water management.

Walk, Cycle Greater Bendigo (City of Greater Bendigo, September 2019) was adopted on 18 September 2019. This strategy builds on the City's Cycling Strategy (2006), the Integrated Transport and Land Use Strategy (2014) and related strategies. It outlines a strategic framework to provide the conditions and support to enable more people to walk and cycle more often. The strategy is being included into the Greater Bendigo Planning Scheme as a background document and has been used to shape the MPS, specifically Clause 02.03-8 Transport and the PPF, specifically Clause 11.01-1L 10 minute

neighbourhoods, Clause 18.01-1L Land use and transport planning, Clause 18.02-1L Sustainable personal transport and Clause 18.02-2L Public transport.

Attachment 2 - C256gben Attachment 3 Policy Documents**GREATER BENDIGO PLANNING SCHEME****02.03**

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Proposed C256gben

02.03-1

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Proposed C256gben

STRATEGIC DIRECTIONS**Settlement**

Greater Bendigo has experienced strong population growth. This growth is supported by State Government strategies and is forecast to continue.

The population is projected to increase by over 2000 per year over the next 20 years. An additional 1000 new dwellings per year will be required to accommodate this growth.

About 85 per cent of the population lives within the Bendigo Urban Growth Boundary, which is about 5 per cent of the total municipal area. The remaining 15 per cent of the population lives within rural townships and areas.

Within the urban area and around rural townships, the council promotes the development of 10 minute neighbourhoods.

Settlement in Bendigo is structured around a hierarchy of activity centres within the Bendigo Urban Growth Boundary, shown on the Urban Strategic Framework Plan in Clause 02.04, and identified rural townships. There are a number of other smaller rural townships dispersed throughout the municipality.

The strategic directions for settlement are:

- Avoid development in bushfire and flood prone areas, unless risk can be managed.
- Protect agricultural land and high value environmental areas from development.
- Contain most of Greater Bendigo's growth within the Bendigo Urban Growth Boundary.
- Facilitate 10 minute neighbourhoods that:
 - Enable people to spend less income on the combined cost of housing and transport.
 - Minimise environmental impacts associated with transport.
 - Promote a healthy lifestyle through active transport choices.
 - Increase neighbourhood safety through activation of the public realm.
 - Increase community interaction.
 - Support the local economy.
- Focus residential and commercial development outside the Bendigo Urban Growth Boundary in rural townships that are well serviced by infrastructure as shown on Rural Strategic Framework Plan in Clause 02.04.
- Protect forest values by providing a buffer between urban development and the public and private forests.
- Support development of the identified hierarchy of activity centres within the Bendigo Urban Growth Boundary shown on the Urban Area Activity Centre Hierarchy Framework Plan in Clause 02.04.
- Discourage rezoning proposals of land for urban purposes outside the Urban Growth Boundary unless in an area marked Future Urban Investigation Area on the Urban Strategic Framework Plan in Clause 2.04.
- Promote Bendigo City Centre as the highest order retail and commercial centre servicing northern and central Victoria recognising it is Greater Bendigo's primary employment area, providing a full range of higher order commercial, retail, visitor, social, civic, cultural, tourist and entertainment activities.

GREATER BENDIGO PLANNING SCHEME

- Build up the specialised activity centres of La Trobe University, Bendigo Hospital, St John of God Hospital and Bendigo Airport.
- Support rehabilitation of former mining land for development, including residential development.

02.03-2

Proposed C256gben

Environment and landscape values

The key environment and landscape values for Greater Bendigo are:

- Biodiversity.
- Native vegetation.
- Waterbodies.
- Significant landscapes.

Environment and landscape features in Greater Bendigo include:

- Extensive Box Ironbark and Whipstick forest areas across Greater Bendigo in national, state and regional parks and other conservation reserves.
- Tracts of privately owned-forested land that adjoin and link parks and conservation reserves.
- Areas of native vegetation on roadsides, waterways and gullies that create habitat and wildlife corridors surrounding Bendigo.
- Large old trees and an undisturbed ground layer.
- Distinctive fauna including birds, mammals, reptiles, frogs and invertebrates including the Swift Parrot, Grey-crowned Babbler and the Brush-tailed Phascogale.
- 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.
- The many streams and watercourses across the municipality that maintain clean water, soil stability, and habitat flora and fauna, and that feed Greater Bendigo's water supply sources.
- Lake Eppalock is a vital environmental resource and also provides an increasing proportion of Bendigo's domestic water supply.
- Groundwater recharge areas across the municipality, which are an important source of water that requires careful management.

The strategic directions for environment and landscape values are:

- Enhance the sense of the Bendigo urban area being 'A City in Forest' that is created by extensive forest areas and roadside vegetation.
- Develop biolinks and habitat corridors to connect areas of environmental significance.
- Protect and restore biodiversity and create new natural habitats.
- Improve the health of streams and watercourses and land adjacent to develop their role as important community assets.
- Protect gullies as an important part of the waterway network in providing habitat for flora and fauna.
- Protect significant landscapes such as Big Hill, Mount Camel Range and Coliban and Campaspe Rivers.

GREATER BENDIGO PLANNING SCHEME

02.03-3

Environmental risks and amenity

Proposed C256gben

The key environmental risks for Greater Bendigo are:

- Climate change.
- Bushfire.
- Flooding.
- Soil degradation.
- Land use compatibility.

Natural environmental risks

Greater Bendigo has committed to reaching net zero emissions by 2050, to contribute towards keeping global temperature rise to under two degrees Celsius. Responding to climate change includes:

- Taking a precautionary approach to managing climate change risks.
- Responding rapidly to enable climate change impacts to be minimised.
- Adapting to climate change that is already occurring.

Having a valuable network of public and private forests throughout the municipality also means that most of the municipality is bushfire prone. The extent of rural living uses throughout the rural areas and on the edges of the urban areas increases this vulnerability.

Bendigo Creek and its tributaries, and the McIvor Creek in Heathcote, have a long history of flooding that has historically caused damage to infrastructure and buildings. Some flooding is the result of old drainage systems that do not have sufficient capacity during large storm events, which are increasing in frequency.

Many of the soils in the municipality, particularly the granite and sedimentary slopes, are prone to erosion and salinity and need to be carefully managed.

Former mine sites have left a legacy of contaminated land across Bendigo. It is a challenge to remediate this land to be suitable for other uses, particularly residential development.

The strategic directions for natural environmental risks are:

- Contribute towards keeping global temperature rise to under two degrees Celsius by efficient use of land and other resources, reducing dependency on fossil fuels and supporting environmentally sustainable development.
- Respond to impacts of climate change on agricultural and urban areas through flexible application of planning tools and policies as change occurs.
- Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Manage flooding risks that have the potential to cause harm to people and property and damage environmental values.
- Reduce erosion causing activities and support development that improves soil quality and condition on agricultural and rural land.
- Minimise processes that contribute to salinity which occurs across the whole municipality.
- Ensure new development manages the risks from legacy mining contamination.

GREATER BENDIGO PLANNING SCHEME

Land use compatibility

The interface between urban development and forested areas, waste management facilities and active gold mines in the municipality need to be managed to safeguard community amenity, protect forest values and support key services and industries. There is further work to do in putting in place explicit buffers to manage these interfaces.

Licensed venues can have considerable social impact on communities and the amenity of areas surrounding venues and need to be appropriately managed. Problem gambling affects a small proportion of gamblers. By locating gaming venues appropriately, the incidence of "convenience gaming" should decrease.

The strategic directions for land use compatibility are:

- Manage the interface between urban development and incompatible uses including waste management facilities, gold mines and other uses with off-site amenity impacts to support land use compatibility.
- Minimise land use compatibility issues through separating waste management facilities, gold mines, and other uses with off-site amenity impacts.
- Protect critical infrastructure from incompatible adjoining uses.
- Direct licenced venues and gaming facilities to locations that minimise their impact on the amenity of surrounding areas and the wellbeing of community members affected by problem drinking and gambling.

02.03-4

Proposed C256gben

Natural resource management

The key natural resource management issues for Greater Bendigo are:

- The protection of agricultural land and sustainable agricultural land use.
- Protection of water assets.
- Resource exploration and extraction.

Greater Bendigo's rural areas support a diverse agricultural base, which has traditionally been based on grazing in the southern areas of the municipality and mixed grazing and cropping in the northern half. The most productive agricultural land in the municipality is in the Campaspe River, Axe Creek, Bendigo Creek, and Bullock Creek areas. Rural Bendigo generates nearly \$200 million of agricultural product each year.

Investment in grape production over the last three decades, particularly in the Heathcote region, has consolidated Greater Bendigo as a major wine region. Many other niche farming activities, especially associated with paddock to plate enterprise, have developed in recent years and are supported as a growth area.

There is continued growth in more intensive animal production such as poultry and pigs. Growth is also occurring in agricultural businesses that rely on irrigation and animal keeping and animal training facilities (including stables).

Major agricultural processing plants to the west of urban Bendigo and in Castlemaine (in the neighbouring Mount Alexander Shire) form a cluster of intensive rural industry and associated manufacturing.

There are areas where agricultural activities are potentially compromised by a fragmented subdivision pattern and isolated dwellings in rural areas have the potential to disrupt agricultural activities. Ongoing agricultural production depends, in part, upon maintaining a mass of productive land, which excludes concentrations of residential type uses that have the potential to restrict normal agricultural practices.

There are significant groundwater assets across the municipality. Both surface and groundwater require protection from high nutrient loads and from the impacts of dry land salinity and erosion.

GREATER BENDIGO PLANNING SCHEME

Securing long term water supplies for the towns is key for future growth and development.

Mining is still a major industry for Greater Bendigo, with the current expansion of goldmines at Fosterville and Costerfield, and for this to be ongoing, these resources need to be protected from incompatible land uses. It is also critical that these industries are developed in an environmentally and socially responsible way.

The protection of future extractive resources, particularly potential clay and stone resources is significant to local industry. Potential sites need to be managed to protect their use, and to prevent pressures from other land uses, including residential development.

The strategic directions for natural resource management are:

- Protect agricultural land as a valuable and finite resource from fragmentation and encroachment by competing uses.
- Support the sustainable growth of agriculture by:
 - Assisting the sector to adapt to the impacts of climate change.
 - Continuing to invest in infrastructure, processing and value adding businesses.
 - Protecting from incompatible uses.
 - Broadening the range of agricultural businesses.
- Avoid subdivision of agricultural land to maintain it as a food and fibre resource to meet population growth demand.
- Manage competing land uses in order to facilitate the growth of agricultural uses while maintaining the amenity of more sensitive uses, particularly in the areas of a concentration of intensive animal industries as shown in the Rural Strategic Framework Plan in Clause 02.04.
- Protect and restore the Lake Eppalock Special Water Supply Catchment, as shown in the Rural Strategic Framework Plan in Clause 02.04, from urban encroachment and support innovation to ensure long term water supplies are secure.
- Protect existing and potential sites to enable resource exploration and extraction.

02.03-5

Proposed C256gben

Built environment and heritage

The key built environment and heritage issues for Greater Bendigo are:

- Creating healthy environments.
- Protecting neighbourhood character and heritage assets while encouraging infill development.
- Supporting environmentally sustainable development.

Built environment

Greater Bendigo has one of Australia's highest obesity rates and lowest levels of regular participation in active recreation. In many parts of Greater Bendigo, the built environment does not encourage active lifestyles due to a lack of well-connected walking and cycling paths and the provision of neighbourhood services.

Many residents of Greater Bendigo highly value the existing neighbourhood character. Balancing the creation of a healthier city through more dense development with the desire to protect existing neighbourhood character is a key challenge for the council.

Council is committed to environmentally sustainable development and its principles, that aim to improve the health, comfort and affordability of buildings for occupants and reduce negative impacts on the environment. This includes energy conservation, water conservation, protecting human health, and protecting and enhancing the built, natural and cultural environments.

The strategic directions for built environment are:

GREATER BENDIGO PLANNING SCHEME

- Balance the protection of neighbourhood character with the development of a more environmentally sustainable urban area based upon the principles of 10 minute neighbourhoods.
- Facilitate a built environment that allows for active transport and healthy lifestyle choices.
- Facilitate environmentally sustainable development to create a compact and sustainable urban form at the planning stage.
- Facilitate a safe, pleasant, comfortable and visually appealing urban environment.

Heritage

Greater Bendigo is set apart due to its extensive Victorian and Edwardian era heritage places - a legacy of its wealthy gold mining history. The municipality has many buildings, structures, archaeological sites, gardens and vegetation with international, state and local heritage significance, reflecting the major role Bendigo played in one of the biggest gold rushes and migrations in the world.

Further work is required to fully identify and protect some places of post contact heritage significance.

Important Aboriginal cultural heritage values exist in the City of Greater Bendigo. Further work is required to properly identify and protect these features and values in the planning scheme.

The strategic directions for heritage are:

- 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.
- Protect sites of heritage and cultural significance to the Jaara and Taungurung people.

02.03-6

Proposed C256gben

Housing

The key housing issues for Greater Bendigo are:

- The location of residential development.
- Housing diversity.
- Housing affordability.
- The management of rural residential development.

Greater Bendigo offers a wide range of housing options with its compact urban centre, well established suburbs, greenfield development areas, large and small rural townships, rural living in the township hinterlands, and more remote dwellings that support agricultural use on Farming Zone land.

There is currently a mismatch between household structure and the type of dwellings available and being built. The Australian Bureau of Statistics Census indicates that one and two person households make up more than half of all households, however, the current stock of housing is dominated by large family houses and in recent years almost all new houses have had three or more bedrooms. This is contributing to both housing affordability issues and unnecessary use of resources by limiting the offer of small dwellings.

GREATER BENDIGO PLANNING SCHEME

Rural residential development requires careful management in Greater Bendigo in order to avoid the loss of agricultural land, adverse impacts on the biodiversity values, isolation of people from services and costs and poor standards of infrastructure such as roads and drainage. There is a large supply of land zoned Rural Living Zone in the Strathfieldsaye and Heathcote areas which provides opportunities for rural residential development for many years.

The strategic directions for housing are:

- Facilitate a wide diversity of housing typologies to suit all household types, needs and incomes and make best use of land and environmental resources.
- 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.
- Avoid rezoning of additional land to Rural Living Zone while there is an adequate supply of rural living land around the south east side of Bendigo and near Heathcote.

02.03-7

Proposed C256gben

Economic development

Greater Bendigo has the highest annual growth rate in gross regional product among Victoria's major regional cities, and the city's economy has outperformed the rest of Victoria in several key sectors. It is the key regional city and economic growth hub for the Loddon Mallee South Region.

As well as its significant retail and industrial base, other important elements of the economy include tourism, education, finance, agriculture, and earth and energy resources industries (mining). In recent years Bendigo has become a hub for many non-retail anchors including health facilities, tertiary education, regional sporting facilities, and arts and cultural facilities.

Significant demand for commercial floor space is expected until 2035. Where this should be located has been identified on the Urban Strategic Framework Plan, Rural Strategic Framework Plan and Urban Area Activity Centre Hierarchy Plan in Clause 02.04.

Traditionally industry in Greater Bendigo has been located within the Bendigo urban area and focussed on manufacturing and engineering. These sectors remain important to the economy. New industries such as food manufacturing and information technologies have recently experienced growth. The Bendigo Livestock Exchange plays an important role in supporting the agricultural sector regionally. At present there is inadequate industrial land to meet the expected long term demand.

Many of the areas set aside for industrial use, particularly in the Bendigo urban area, are not suitable to the needs of modern industry due to small lot sizes and adjoining incompatible land uses, as shown on the Urban Strategic Framework Plan in Clause 02.04.

Greater Bendigo is an important visitor destination in the centre of Victoria's Goldfields region, recognised for its significant heritage value, as a City of Gastronomy, its contemporary and cultural offerings and as Victoria's regional events capital. Greater Bendigo's tourism industry is supported by a mild climate, heritage buildings, parks and gardens, impressive streetscapes, well established wineries and national, state and regional parks.

The Bendigo Library, the Bendigo Art Gallery, Ulumbarra Theatre, and the major performing arts venue The Capital Theatre provide Bendigo with non-retail anchors that are driving visitation and contributing to the lifestyle and opportunities that are available to residents and visitors alike.

The strategic directions for economic development are:

- Develop and expand employment generating industries.
- Make well located affordable employment land available.
- Direct commercial growth to activity centres.
- Plan for the future growth of the industrial sector by providing zoned land in appropriate locations and lot configurations.

GREATER BENDIGO PLANNING SCHEME

02.03-8

Proposed C256gben

Transport

Greater Bendigo is a significant transport and freight hub with well-developed road and public transport networks linking Bendigo with Melbourne and large regional towns in central and northern Victoria. Bendigo Airport, which has recently been upgraded to accommodate Qantas flights, is an important infrastructure asset for the region.

Major transport infrastructure investments in recent years include the duplication of the Calder Highway to Melbourne, and enhancements to the Bendigo railway line. The Bendigo Metro Rail is currently being developed and will reinforce the role of Bendigo as a major public transport hub.

An 'inner' and 'outer' box road network provides a system of road bypasses of the inner urban area of Bendigo, allowing vehicles to pass through the urban area with greater safety and efficiency.

As Greater Bendigo grows, an outer arterial distributor road may be required.

Most people in Greater Bendigo are car dependent with most households having two or more motor vehicles, and only a very small proportion of journeys to work by walking, cycling, or public transport. If the current pattern of car use continues, traffic volumes are likely to grow by up to 50 per cent by 2035.

Bendigo is an active 'hub' for freight activity. As Bendigo becomes an even more important economic centre of regional Victoria, it will further develop as the origin and destination for many freight movements.

More work is required to understand the freight industry, how it is using the road network, and potentially the rail network and how its efficiencies and productivity could be improved.

The strategic directions for transport are:

- Maximise access to goods, services and facilities for all people throughout the municipality by supporting a compact Greater Bendigo and 10 minute neighbourhoods.
- Move away from private motor vehicles as the dominant form of transport and prioritising active transport.
- Improve connections between walking and cycling paths, open spaces, activity centres and the city centre to enable safer and more comfortable travel through the municipality by walking or cycling.
- Support improved public transport to encourage greater use:
 - Within the urban growth boundary.
 - Between Melbourne, Echuca, and Swan Hill.
 - Connecting rural towns and communities.
- Support the expansion of Bendigo Metro Rail including new railway stations at Huntly, Lansell Square, Maiden Gully and Marong, and the reopening of the Golden Square railway station.
- Optimise the performance of the road network by shifting from providing for the movement of the maximum number of vehicles to providing for the movement of the maximum number of people and goods.

02.03-9

Proposed C256gben

Infrastructure

Community infrastructure

The timely and coordinated development of the municipality's physical and social infrastructure networks is essential to manage population growth and to foster economic development and community wellbeing.

GREATER BENDIGO PLANNING SCHEME

The education sector has grown in the municipality with recent expansions to La Trobe University, Monash University, TAFE and primary and secondary schools. Education is an important driver for the economy by attracting students and new residents and skilling the younger generations to support the economy into the future.

Within Greater Bendigo there are high quality community and arts facilities available, particularly in the Bendigo City Centre, such as the View Street Precinct and the Dai Gum Precinct. There is a demand for the range of creative and cultural industry, community arts and multicultural spaces to be expanded to cater for a wider cross section of the community, including local Aboriginal and Torres Strait Islanders, culturally and linguistically diverse people, rural communities and creative and cultural industry professionals.

Recreation and sporting facilities and activities are pursued at a wide range of venues including the Queen Elizabeth Oval, Bendigo Race course, Faith Leech Aquatic Centre, Lake Eppalock, Lake Weeroona, and various tennis courts, swimming pools and golf courses. It is important that recreational uses be developed to continue to serve residents well and to attract major regional and state events.

The strategic directions for community infrastructure are:

- Strengthen the availability and variety of educational, social, cultural and health infrastructure and promote an equitable distribution of facilities across the municipality.
- Facilitate opportunities for community gathering and social interaction.
- Provide opportunities for local community building by locating community infrastructure services in small towns where possible and feasible.

Open space

Twenty three per cent of the land in the municipality is open space reserve, either under Crown or council ownership, as shown on the Urban Strategic Framework Plan and the Rural Strategic Framework Plan in Clause 02.04. Bushland trails, such as the O'Keefe, Bendigo and Great Dividing trails, provide important linkages between these open spaces, for human access as well as wildlife corridors. Other public open spaces not identified on these plans remain important and have a current or longer term role or purpose as public open space.

Watercourse reserves, particularly along the Coliban and Campaspe Rivers, provide access for fishing and passive recreation. A major water resource is Lake Eppalock, which provides for active and passive recreation. The lake may have potential for greater recreational activity in the long term if it can be demonstrated it will not impact on urban water supply quality.

The strategic directions for open space are:

- Retain the existing amount of public space, but strategically consolidate it to improve its quality and achieve a network of public open space links between key destinations like schools and activity centres and open spaces.
- Support the various functions and values of the public space network, including space for natural areas and wildlife, biodiversity, managing water quality, active recreation and transport, cultural heritage and indigenous connections.
- Design public spaces to mitigate climate change impacts, including providing more trees and shade.
- Support recreational activities at Lake Eppalock where it can be demonstrated that water quality will not be negatively impacted.
- Maintain the special significance of the city's major urban area parklands shown on the Urban Strategic Framework Plan and the Rural Strategic Framework Plan in Clause 02.04.
 - Rosalind Park.
 - Lake Weeroona.

GREATER BENDIGO PLANNING SCHEME

- Bendigo Botanic Gardens White Hills.
- Canterbury Gardens, Lake Neangar and Lake Tom Thumb.
- Strathdale Park and Kennington Reservoir.
- Crusoe Reservoir and No. 7 Reservoir.

Development infrastructure

Greater Bendigo works in partnership with multiple infrastructure providers of power, gas, water, sewerage, phone, internet, waste and resource recovery and road to upgrade or provide new infrastructure in line with the further development of the municipality.

Innovative approaches to infrastructure delivery are increasingly being implemented in Greater Bendigo, such as implementation of urban water systems that are multifunctional and provide a range of benefits that deliver the Greater Bendigo community's ecological, liveability and resource efficiency aspirations.

Greater Bendigo has over 10,000 households that manage domestic wastewater onsite as reticulated sewerage is not available. It is important to manage wastewater disposal on unsewered land sustainably and with minimal environmental impact.

The strategic directions for development infrastructure are:

- Provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.
- Manage water supply, water resources, wastewater, drainage and stormwater sustainably through an integrated water management approach.
- Incorporate water sensitive urban design into residential and commercial development.
- Prepare Development Contribution Plans (DCP) for new growth areas.

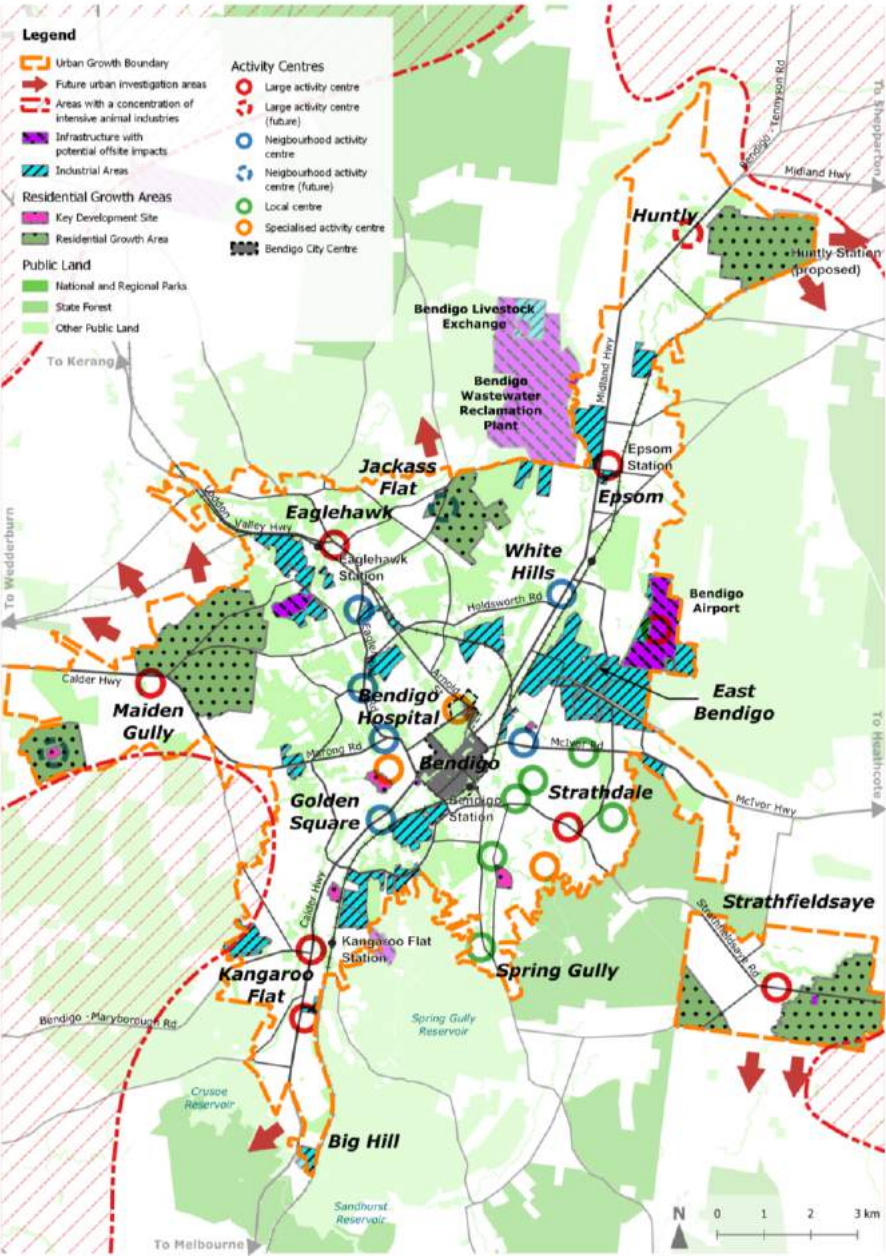
GREATER BENDIGO PLANNING SCHEME

02.04 STRATEGIC FRAMEWORK PLANS

Proposed G256gben

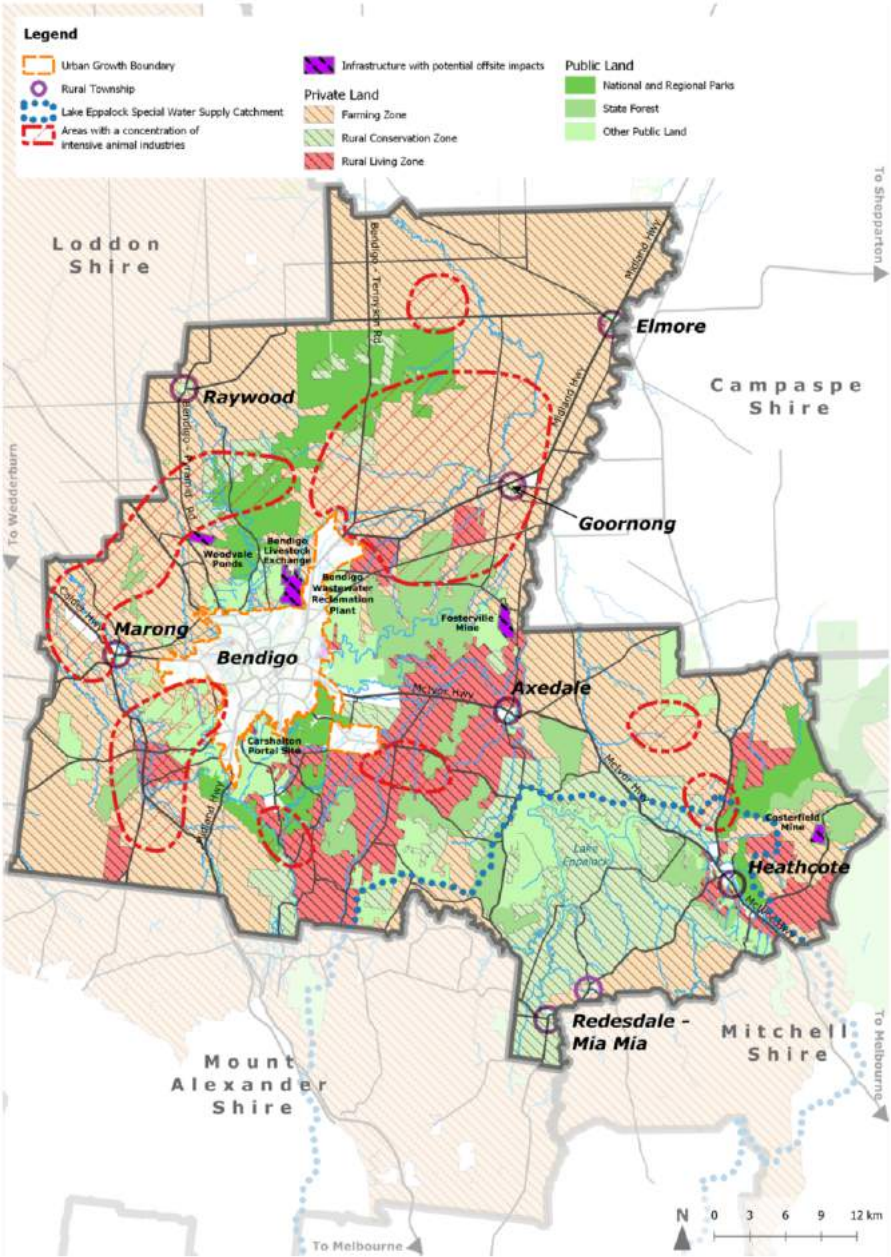
The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

Urban Strategic Framework Plan



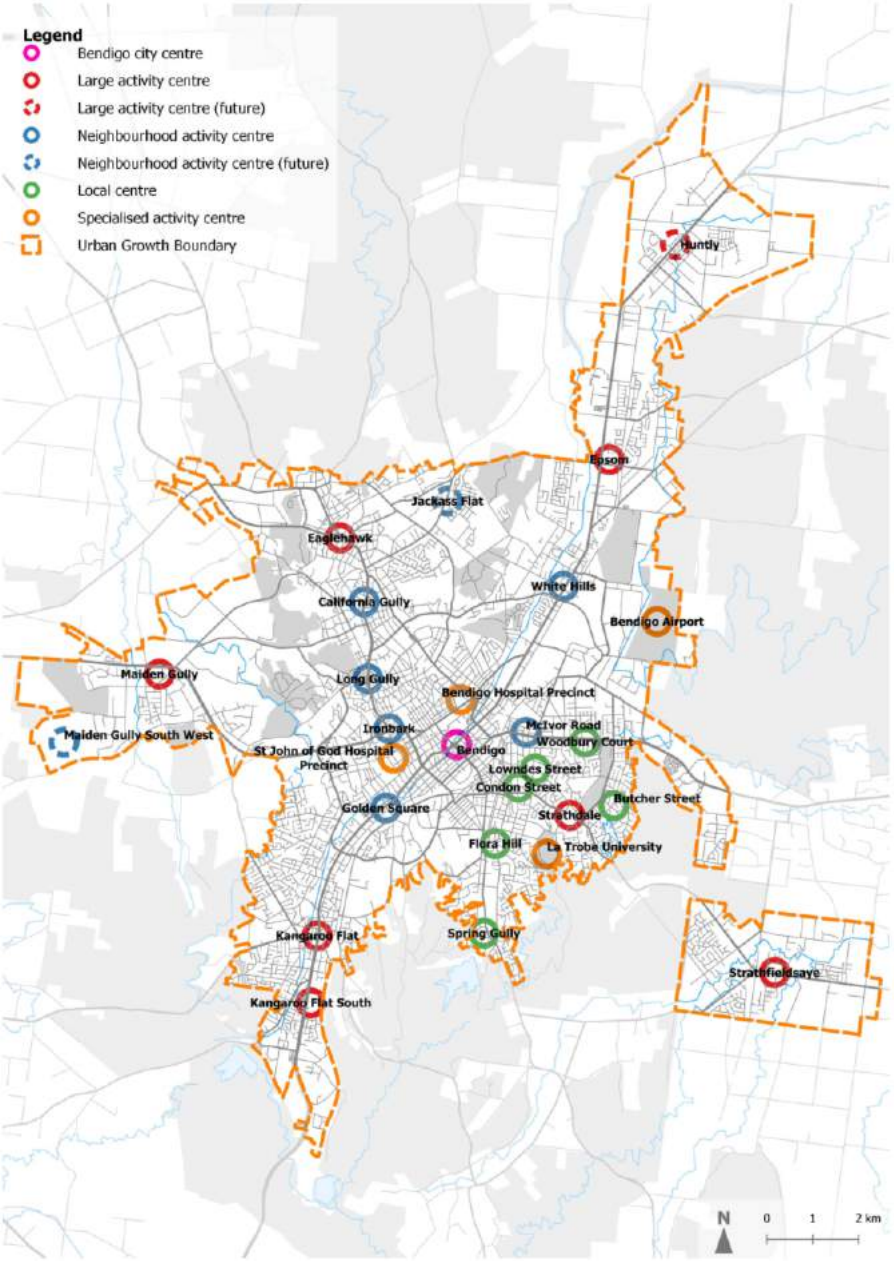
GREATER BENDIGO PLANNING SCHEME

Rural Strategic Framework Plan



GREATER BENDIGO PLANNING SCHEME

Urban Activity Centre Hierarchy Framework Plan



GREATER BENDIGO PLANNING SCHEME

11.01-1L Settlement - Greater Bendigo

Proposed C256gben

Policy application

This policy applies to land identified for residential growth on the Bendigo Urban Area Residential Framework Plan that forms part of this clause and the rural townships of Heathcote, Elmore, Goornong, Marong, Redesdale-Mia Mia and Axedale.

Objective

To manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to identified locations.

Strategies

Direct growth to areas within the Bendigo Urban Growth Boundary, the Bendigo City Centre and other major activity centres, and along main transit corridors.

Direct new residential development into identified residential growth areas within the Bendigo Urban Growth Boundary shown on the Bendigo Urban Area Residential Framework Plan.

Support compact development within the urban growth boundary by directing new residential development into planned 10 minute neighbourhoods, around large activity centres and neighbourhood activity centres, and on identified key development sites, once development constraints have been addressed, as shown on the Bendigo Urban Area Residential Framework Plan and listed below:

- Golden Square Chum Street mine site.
- Flora Hill La Trobe University.
- Kangaroo Flat Coliban Water site.
- East Bendigo VicRoads site.
- Maiden Gully South West Neighbourhood Activity Centre.

Support new innovative forms of housing, residential development and community focused neighbourhoods at key development sites.

Avoid rezoning land for residential use outside the Bendigo Urban Growth Boundary unless it abuts the urban growth boundary and all of the following can be met:

- It meets a shortfall in the supply of residential development.
- The land is identified on the Urban Strategic Framework Plan in Clause 02.04 as a future urban investigation area.
- The development of the land will support the 10 minute neighbourhood principles in Clause 02.03-1.

Support residential development in the following rural townships:

- Heathcote.
- Elmore.
- Goornong.
- Marong.
- Redesdale – Mia Mia.
- Axedale.

Avoid rezoning land for sensitive uses within buffer distances of infrastructure with offsite impacts shown on the Urban Strategic Framework Plan in Clause 02.04.

GREATER BENDIGO PLANNING SCHEME

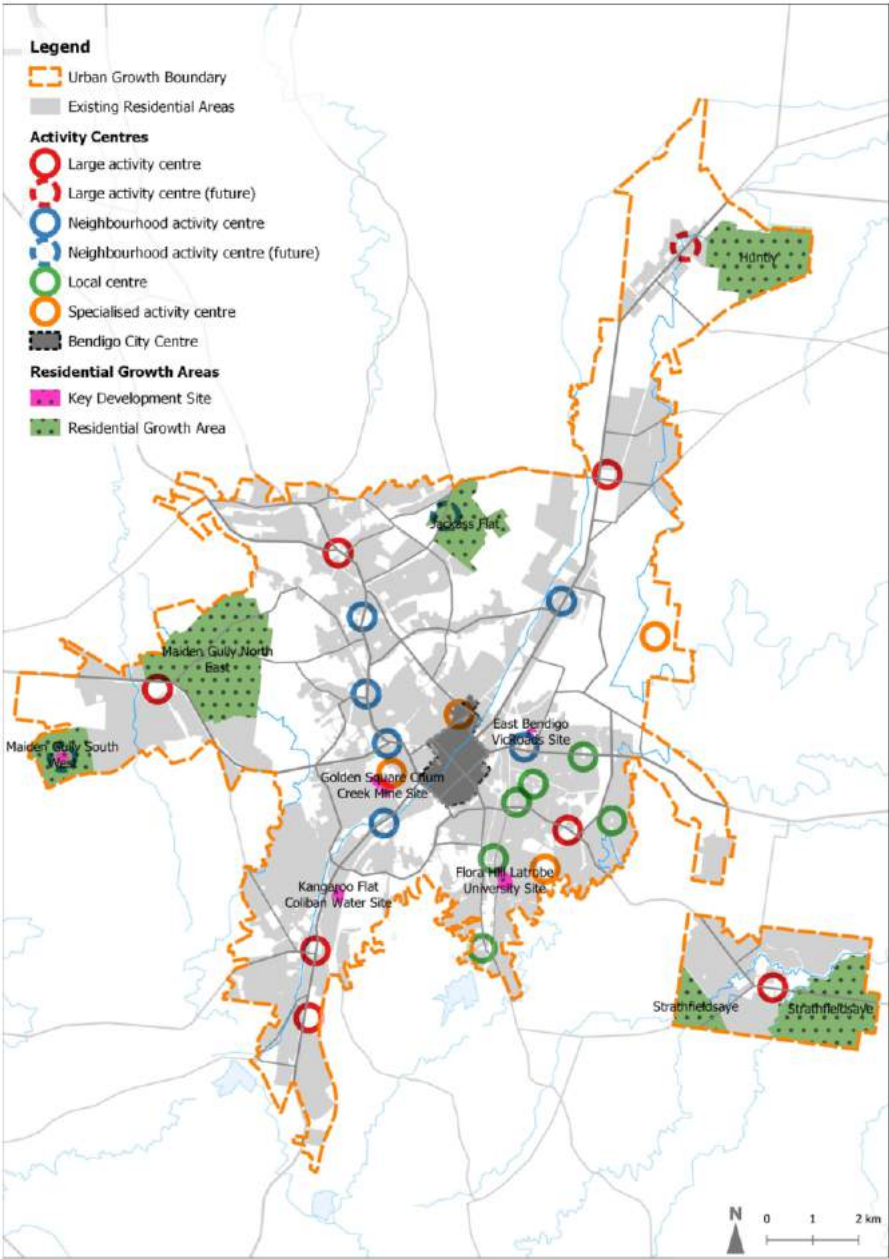
Policy guidelines

Consider as relevant:

- For land rezoning requests for residential, industrial and commercial purposes outside the urban growth boundary:
 - Land supply at a local and municipal level.
 - Whether the site is within walking distance of a proposed or existing railway station (800 metre walking distance) or bus stop (400 metre walking distance).
 - Proximity to and potential impacts on the arterial road network and connections to the public transport system.
 - Accessibility for pedestrians and cyclists within and external to the site.
 - Potential impact of bushfire, including whether the rezoning would require prescribed burning to be undertaken on Crown land in the vicinity.
 - The ecological sustainability of the proposed rezoning.
 - The quality of environmental and agricultural assets on the site and whether these should be protected.

GREATER BENDIGO PLANNING SCHEME

Bendigo Urban Area Residential Framework Plan



11.01-1L
Proposed C256gben

10 minute neighbourhoods - Greater Bendigo

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.

GREATER BENDIGO PLANNING SCHEME

Strategies

Manage growth in accordance with the 10 minute neighbourhood principles identified in Clause 02.03-1 to create identifiable communities where people can access many of their daily needs within a 10 minute walk or cycle trip from where they live.

Support residential development that is within 10 minutes walking or cycling distance from activity centres, or other community and commercial facilities.

Support proposals for uses such as convenience shops, food and drink premises, child care centres, schools, home offices and other uses that are consistent with 10 minute neighbourhood principles in residential areas.

Policy documents

Consider as relevant:

- *Greater Bendigo Housing Strategy* (City of Greater Bendigo, January 2018)
- *Walk, Cycle Greater Bendigo* (City of Greater Bendigo, September 2019)

GREATER BENDIGO PLANNING SCHEME

11.03-6L Bendigo City Centre

Proposed C256gben

Policy application

This policy applies to the Bendigo City Centre shown on the Bendigo City Centre Plan that forms part of this clause.

Strategies

Facilitate development that enhances the role of the Bendigo City Centre as the focus for higher order commercial, retail, visitor, social, civic, cultural and tourist activities.

Strengthen the links between the anchor elements of the Bendigo City Centre (railway station, hospital, the art gallery, library, retail core) through:

- Housing infill.
- Public domain improvements, such as improved walking and cycling infrastructure.
- Encouragement of urban manufacturing.
- Retailing that supports the art gallery in View Street.
- Strategic investment in community facilities.

Facilitate the adaption and re-use of existing buildings for residential use particularly at upper levels.

Ensure new development is physically and visually integrated with surrounding development.

Support the development of active frontages at street level.

Support developments that provide intensive, high quality and complementary forms of mixed use retail, commercial and residential development along the High Street Boulevard and Short Street, Bendigo.

Facilitate the head offices of private companies, government departments and statutory authorities to locate in the Bendigo City Centre to reinforce its role as the regional centre.

Consolidate commercial sites within the Bendigo City Centre to facilitate large commercial developments.

Direct knowledge intensive business service employment in the Bendigo City Centre to maximise co-location opportunities.

GREATER BENDIGO PLANNING SCHEME

Bendigo City Centre Plan



11.03-6L
Proposed C256gben

Bendigo Hospital Precinct

Policy application

This policy applies to the Bendigo Hospital Precinct as shown on the Bendigo Hospital Precinct Plan that forms part of this clause.

GREATER BENDIGO PLANNING SCHEME

Objective

To support community health and wellbeing through ongoing development of medical and complementary uses in the Bendigo Hospital Precinct to develop a hub of medical services.

General strategies

Support the development of the Bendigo Hospital and associated institutions, including the Monash University and La Trobe University health schools.

Direct medical centres including large scale medical centres (with three or more practitioners), and high frequency medical centres (that have thirty minute or less intervals between appointments) to the Health Precinct and Bridge Street Activity Area.

Avoid locating medical centres in the residential areas outside the Health Precinct and Bridge Street Activity Area unless:

- The presence and operation of the medical centre will not be detrimental to residential character and amenity, the function of the road network, local area parking availability and to community safety.
- The medical centre is a small scale practice (with one or two practitioners) with limited potential for future expansion.
- The medical centre will utilise a converted existing building.
- The medical centre will occupy only the ground floor of the building.
- The car parking provision requirements under Clause 52.06 are met.
- Car parking areas are located at the rear of the site.
- Hours of operation are restricted to normal business hours.
- Existing visually prominent or otherwise significant trees on the site are to be protected.

Create small scale local open spaces and improve connections between public spaces and design for safety and amenity of these including lighting, rest points, urban art and tree planting.

Establish a park like setting throughout the Bendigo Hospital Precinct by greening public spaces, including streets, to support wellness and complement the hospital function.

Health Precinct strategies

Support redevelopment of sites addressing Drought Street due to the high profile and high activity location opposite the main hospital building and the Emergency Department.

Support medical centres that reuse buildings of heritage significance and structural integrity.

Require existing buildings affected by the Heritage Overlay to be retained for adaptive re-use.

Support purpose built medical centres that are designed to integrate sympathetically with adjacent and nearby building types in sites that do not have heritage significance.

Support the redevelopment of surface car parks for healthcare uses including medical centres.

Bridge Street Activity Area strategies

Facilitate an intensive, diverse and complementary mix of retail, commercial and residential development.

Facilitate mixed use development that includes health care uses and medical centres.

Support purpose built medical centres.

Medical centres strategies

Protect front setbacks and landscaping by locating car parking and providing vehicle access at the rear or side of the site.

GREATER BENDIGO PLANNING SCHEME

Encourage the scale and appearance of medical centres to integrate with the site characteristics and the character of surrounding land uses, buildings and the streetscape.

Provide a dedicated, safe and direct pedestrian access from the street that is separate from vehicle access.

Accommodate lighting and landscape design within the front setback.

Residential development strategies

Facilitate higher density housing in the Bridge Street Activity Area.

Support sympathetic residential infill in other locations.

Maintain Arnold Street north of Drought Street as a predominantly low rise residential corridor with a small local commercial centre.

Maintain residential uses along Barnard Street between View and Water Streets.

Support residential development above ground level as part of mixed use developments, especially on sites addressing Bridge Street.

Support residential development as part of mixed use development or dedicated medium to high density housing along Water Street between Bridge Street and Uley Street except on 51 Bridge Street and 2/124 Water Street.

Support mixed use development on 51 Bridge Street and 2/124 Water Street.

Support residential uses and medical centres in converted residential buildings along Lucan Street between Water and Bayne Streets.

Maintain low rise development along Barnard and Lucan Streets, except at the intersection with Arnold Street, and shallow setbacks with front fencing and landscaping.

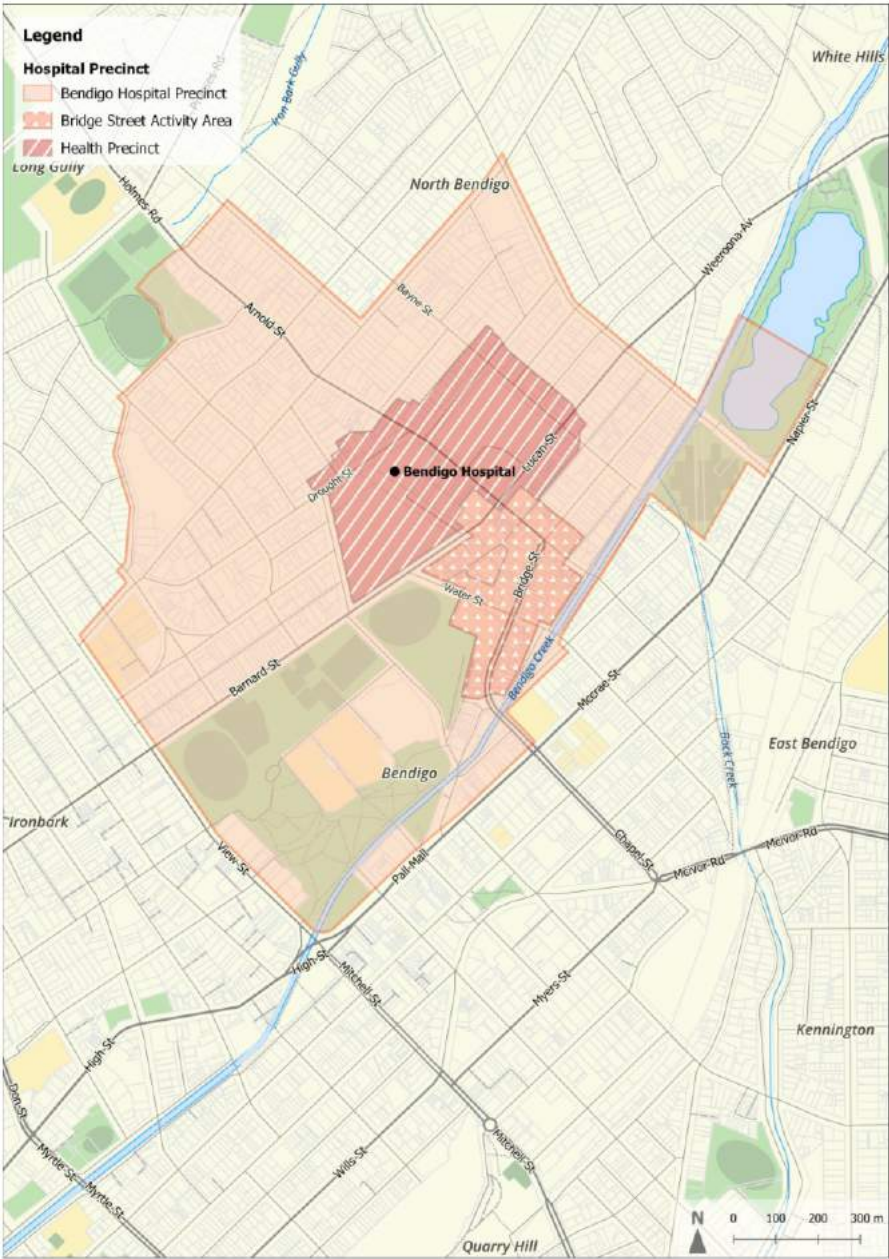
Policy document

Consider as relevant:

- *Hospital Precinct Structure Plan* (City of Greater Bendigo, September 2014)

GREATER BENDIGO PLANNING SCHEME

Bendigo Hospital Precinct Plan



11.03-6L
Proposed C256gben

Strathfieldsaye Local Area Plan

Policy Application

This policy applies to the area of Strathfieldsaye shown on the Strathfieldsaye Local Area Plan that forms part of this clause.

GREATER BENDIGO PLANNING SCHEME

Town centre objective

To support an economic viability and create a compact and lively town centre for a future population of approximately 15,000 people, by consolidating retail to the north side of Wellington Street, providing a wide range of commercial, employment and business options and supporting a town square with a major gathering community space and.

Town centre strategies

Ensure that any proposed use and development is generally in accordance with the Strathfieldsaye Local Area Plan.

Strengthen retail and civic gathering places, and facilitate a wide range of employment, businesses and services in the Town Centre.

Locate combined medium density housing and retail/office developments in the Town Centre Precinct with retail and office uses at street level and residential on upper floors particularly where adjoining a residential neighbourhood.

Support in the Transitional Town Centre a mix of medium density residential and office 'shop top' combination in the Mixed Use Zone area, and residential uses where adjoining the Transitional Residential Precinct.

Consider medical centres in the Transitional Residential Precinct areas closer to the Town Centre.

Neighbourhood character objective

To create a strong sense of place by protecting the town's semi rural and natural bushland neighbourhood character of native vegetation, minimal front fences and spacious setbacks.

Neighbourhood character strategies

Support development that reinforces the desired character of the seven precincts, as shown on the Strathfieldsaye Local Area Plan, and described in the *Strathfieldsaye Urban Design Framework* and *Strathfieldsaye Township Plan*:

- **Town Centre:** a lively and compact town centre that provides a wide range of commercial, employment and residential options that services the local community, in a native vegetated setting.
- **Transitional Town Centre:** a transitional area between the Town Centre precinct and the Transitional Residential Precinct. This precinct encourages medium density residential and mixed use activities that is framed by large native trees and native vegetation.
- **Transitional Residential:** a transition area between the medium density residential and mixed use activity of the Transitional Town Centre Precinct and the lower scale general residential areas, framed by large trees and native vegetation.
- **Town Entrances:** a low scale residential development in a bushland and spacious setting, where large native trees dominate the streetscape, and that clearly identifies the town entrances.
- **General Residential:** a largely conventional residential area with a mix of allotment sizes, typically includes concrete kerbing but retains a spacious character through a lack of front fences, low scale buildings, retained and planted native vegetation, and generous setbacks.
- **Large Lot Residential/Low Density Residential:** large semi-rural lots, often with native vegetation cover, low scale buildings and no reticulated sewerage.
- **New Development Areas:** new development areas East and West covered by Development Plan Overlay Schedule 26.

Support development that meets the following criteria:

- A mixture of materials including timber and earthy coloured render.

GREATER BENDIGO PLANNING SCHEME

- Car parking facilities set back at least 1 metre behind the facades of buildings and dwellings.
- Setback of buildings and no front fences in residential areas to maintain and strengthen the spacious setting of Strathfieldsaye, and to allow the planting of native vegetation.

In the Transitional Residential Precinct, dwellings should be set back 4-6 metres from the front boundary, new lots must have a frontage facing on to existing roads and where a lot is on a corner it should have two frontages, and if front fencing is required it should be a minimum 75 per cent transparency and not exceed 1.2 metres in height.

In the General Residential Precinct, dwellings should be setback from front and side boundaries and not protrude above tree canopy, vegetation should be retained or replanted where possible, and there should be no front fencing and farm style side fences where possible.

In the Large Lot Residential/Low Density Residential Precinct, dwellings should be low scale and follow the contours of the site where possible, have substantial setbacks from front and side boundaries, site building coverage not greater than 50% to allow for vegetation, native vegetation should be retained where possible or replanted, and there should be no front fencing and farm style side and rear fences.

Housing diversity objective

To provide for a range of dwelling types and lot densities for a mix of household types in an environmentally sustainable way.

Housing diversity strategies

Support development that provides smaller lots and higher densities in the Town Centre, Transitional Town Centre and Transitional Residential precincts.

Integrate medium to high density housing into the street system and avoid gated communities.

In the General Residential Precinct, lots should be between 300-1500 square metres with larger lots fronting Sullivans Road and Ryalls Lane, and in the area north east of Strathfieldsaye Road, north west of Ryalls Lane and south of the Greater Bendigo National Park.

In the Large Lot Residential/Low Density Residential Precinct, lots should be between 4,000 square metres and 2 hectares to accommodate flooding, vegetation and effluent disposal requirements. However, if reticulated sewerage can be provided then smaller lots can be considered.

Design objective

To facilitate good design of buildings and public spaces to improve community safety and adapt to changes in climate efficiently.

Design strategies

Create active interfaces by fronting residential development to open space, waterways, walking and cycling links and roads.

Support environmentally sustainable design by using passive solar design techniques in subdivisions and buildings.

Create high quality, well connected and safe public spaces including a safe and attractive network of shared paths and along waterways, as shown on the Strathfieldsaye Local Area Plan.

Minimise vehicle access from Wellington Street and Strathfieldsaye Road to assist traffic flow and provide space for native vegetation.

Create a new road between Taylors Lane and Tannery Lane to provide a safer connection.

Environment protection objective

To protect and enhance native vegetation and waterways.

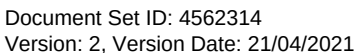
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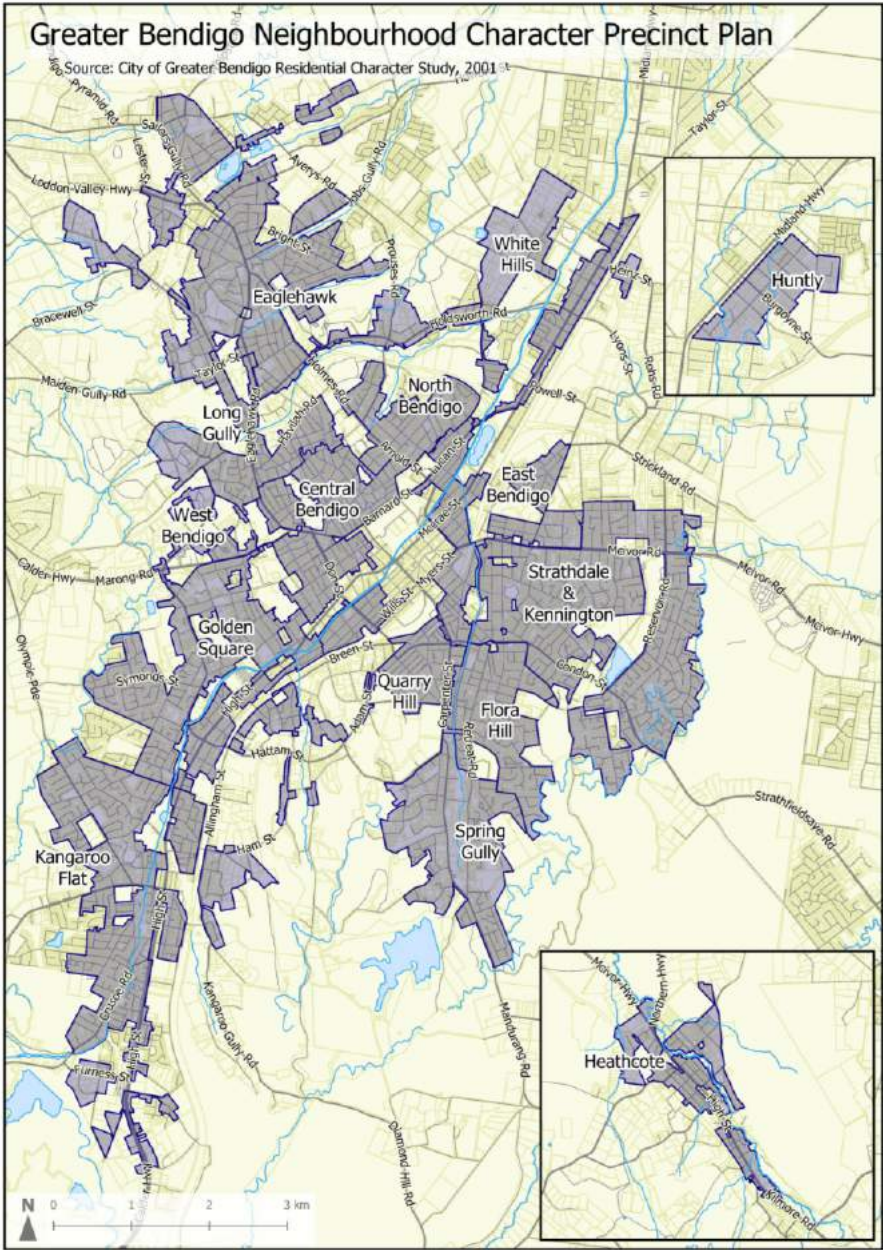
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GREATER BENDIGO PLANNING SCHEME

Greater Bendigo Neighbourhood Character Precinct Plan



15.01-5L Central Bendigo Neighbourhood Character

Proposed C256gben

Policy application

This policy applies to applications for development in the areas shown on the Central Bendigo Neighbourhood Character Precinct Plan that forms part of this clause.

Strathdale/Kennington Neighbourhood Character Precinct Plan



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GREATER BENDIGO PLANNING SCHEME

15.02-1L Environmentally sustainable development - Greater Bendigo

Proposed C256gben

Policy application

This policy applies to residential and non-residential development, excluding subdivision, in accordance with the thresholds detailed in this policy.

Objective

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Strategies

Achieve Best Practice environmentally sustainable development that:

- Is relevant to the type and scale of the development.
- Responds to site opportunities and constraints.
- Utilises a combination of locally available techniques, methodologies and systems that have been demonstrated to achieve optimum ESD outcomes; and
- Encompass the full life of the build.

Energy performance

Reduce both energy use and energy peak demand through design measures such as:

- Building orientation.
- Shading to glazed surfaces.
- Optimising glazing to exposed surfaces.
- Inclusion of or space allocation for renewable technologies.

Integrated water management

Reduce total operating potable water use through appropriate design measures such as water efficient fixtures, appliances, equipment, irrigation and landscaping.

Encourage the appropriate use of alternative water sources (including greywater, rainwater and stormwater).

Incorporate best practice water sensitive urban design to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies.

Indoor environment quality

Achieve a healthy indoor environment quality, including thermal comfort and access to fresh air and daylight, prioritising passive design over mechanical heating, ventilation, cooling and lighting.

Reduce indoor air pollutants by encouraging use of low-toxicity materials.

Minimise noise levels and noise transfer within and between buildings and associated external areas.

Transport

Design development to promote the use of walking, cycling and public transport, in that order; and minimise car dependency.

Promote the use of low emissions vehicle technologies and supporting infrastructure.

Waste management

Promote waste avoidance, reuse and recycling during the design, construction and operation stages of development.

GREATER BENDIGO PLANNING SCHEME

Encourage use of durable and reusable building materials.

Ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

Urban ecology

Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.

Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.

Encourage the provision of space for productive gardens, particularly in larger residential developments.

Policy guidelines

Consider as relevant the following:

Residential

- A sustainable design assessment (including an assessment using BESS, STORM or other methods) for:
 - 3 – 9 dwellings.
 - Development of a building for accommodation other than dwellings with a gross floor area of between 1000 square metres and 2499 square metres.
- A sustainable design assessment (including an assessment using BESS, STORM, Green Star, Music or other methods) and a green travel plan for:
 - 10 or more dwellings.
 - Development of a building for accommodation other than dwellings with a gross floor area of more than 2499 square metres.

Non-residential

- A sustainable design assessment (including an assessment using BESS, STORM, MUSIC or other methods) for:
 - A non residential building with a gross floor area of 500 square metres to 1000 square metres.
- A sustainable design assessment (including an assessment using BESS, Green Start, STORM, MUSIC or other methods) and a green travel plan for:
 - A non residential building with a gross floor area of more than 1000 square metres.

Mixed use development

- Applicable requirements for the residential and non-residential components of the development.

General

- Consider as relevant the following tools to support a Sustainable Design Assessment or Sustainability Management Plan:
 - *Sustainable Design Assessment in the Planning Process* (IMAP, 2015).
 - *Built Environment Sustainability Scorecard 'BESS'* (Council Alliance for a Sustainable Built Environment 'CASBE').
 - *Green Star* (Green Building Council of Australia).

GREATER BENDIGO PLANNING SCHEME

- *Model for Urban Stormwater Improvement Conceptualisation 'MUSIC'* (Melbourne Water).
- *Nationwide House Energy Rating Scheme 'NatHERS'* (Department of Climate Change and Energy Efficiency).
- *Stormwater Treatment Objective - Relative Measure 'STORM'* (Melbourne Water).
- *Urban Stormwater Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- *Waste Management and Recycling in Multi-Unit Developments - Better Practice Guide* (Sustainability Victoria, 2018).
- In determining an application, the responsible authority will consider as appropriate:
 - Whether an ESD plan or framework has previously been approved by the responsible authority.

Policy document

Consider as relevant:

- *Greater Bendigo Environment Strategy 2016-2021* (City of Greater Bendigo, 2016)

Commencement

This policy does not apply to applications received by the responsible authority before 18 October 2019.

Expiry

This policy will expire when it is superseded by an equivalent provision of the Victoria Planning Provisions.

GREATER BENDIGO PLANNING SCHEME

16.01-3L Rural residential development - Greater Bendigo

Proposed C256gben

Policy application

This policy applies to an application to construct a dwelling in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

Strategies

Consolidate existing areas of rural residential development by supporting infill subdivision and development and improvement to infrastructure.

Ensure that domestic wastewater management systems are located and designed to adequately absorb the waste produced.

Design the dwelling to fit in with the surrounding rural living or rural residential character or preferred character of the area.

Protect and enhance land with significant environmental values.

Policy guidelines

Consider as relevant:

- Whether the dwelling and associated buildings fit into the character of the surrounding area.
- Whether the dwelling is serviced by a domestic wastewater management system, where connection to reticulated sewerage is not required by the responsible authority, that is:
 - Suitable to the soil type and topography of the land.
 - Sited and located away from environmentally sensitive features.
 - Located to avoid and minimise the removal of vegetation.
 - Able to treat and retain all wastewater within the lot boundary, including consideration of other potential land use structures such as playgrounds and sheds.
- Whether native vegetation removal is minimised, and landscaping is proposed to protect and enhance the natural environment.

Policy documents

Consider as relevant:

- *Rural Areas Strategy* (City of Greater Bendigo, September 2009)
- *A Land Capability Study of the City of Greater Huntly District* (Bluml, M et al., November 1995)
- *A Land Capability Study of the Rural City of Marong* (Bryant, E & Lorimer, M, April 1993)
- *A Land Capability Study of the City of Greater Bendigo, Strathfieldsaye District* (Bluml, M, et al., October 1995)
- *City of Greater Bendigo Domestic Wastewater Management Strategy 2014-15* (City of Greater Bendigo, 2014)
- *Land Capability Mapping and Assessment Tools for Wastewater Management* (City of Greater Bendigo, 2015)

16.01-4S

09/10/2020
VC169

Community care accommodation**Objective**

To facilitate the establishment of community care accommodation and support their location being kept confidential.

GREATER BENDIGO PLANNING SCHEME

Proposed C256gben

SCHEDULE TO CLAUSE 52.28 GAMING**1.0****Objectives**

Proposed C256gben

To discourage new gaming machines in disadvantaged areas.

To ensure the location of gaming machines and design and operation of facilities containing gaming machines minimise opportunities for convenience gaming and the incidence of problem gambling.

To ensure that gaming machines are located where the community has a choice of non-gaming entertainment and recreation activities within the venue or in the local area.

To protect the amenity of existing uses surrounding gaming venues.

To ensure gaming machines, are located to meet local needs and minimise any potential harm to the community.

2.0**Prohibition of a gaming machine in a shopping complex**

Proposed C256gben

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

Table 1

Name of shopping complex and locality	Land description
Bendigo Marketplace, Mitchell Street, Bendigo	116-120 Mitchell Street, Bendigo Crown Allotment 14, Section 125C, Parish of Sandhurst
Lansell Plaza Shopping Centre, High Street, Kangaroo Flat	267-283 High Street, Kangaroo Flat Plan of Consolidation 162582
Strath Village Shopping Centre, Condon Street, Kennington	134 Condon Street, Kennington All the land in Strata Plan 34327
Strathfieldsaye IGA Complex, Wellington Street, Strathfieldsaye	933-941 Wellington Street, Strathfieldsaye Plan of Consolidation 367011L

3.0**Prohibition of a gaming machine in a strip shopping centre**

Proposed C256gben

A gaming machine as specified in Clause 52.28-5 is prohibited in a strip shopping centre specified in Table 2 below.

Table 2

Name of strip shopping centre and locality	Land description
Ironbark	Land shown in red on Map 1
Long Gully	Land shown in red on Map 2
Kangaroo Flat	Land shown in red on Map 3
Golden Square	Land shown in red on Map 4
Eaglehawk	Land shown in red on Map 5

GREATER BENDIGO PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Strathfieldsaye	Land shown in red on Map 6
Heathcote	Land shown in red on Map 7
Bendigo	Land shown in red on Map 8
Strathdale	Land shown in red on Map 9
Kennington	Land shown in red on Map 10

Map 1 to the Schedule to Clause 52.28



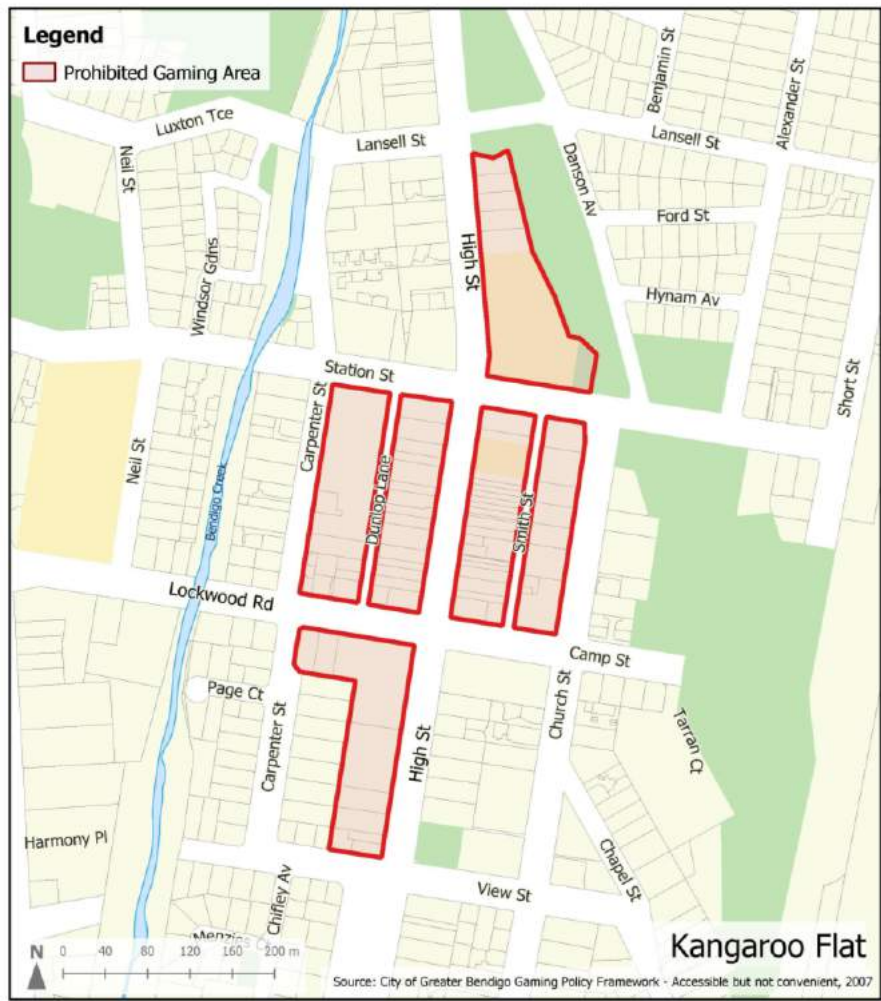
GREATER BENDIGO PLANNING SCHEME

Map 2 to the Schedule to Clause 52.28



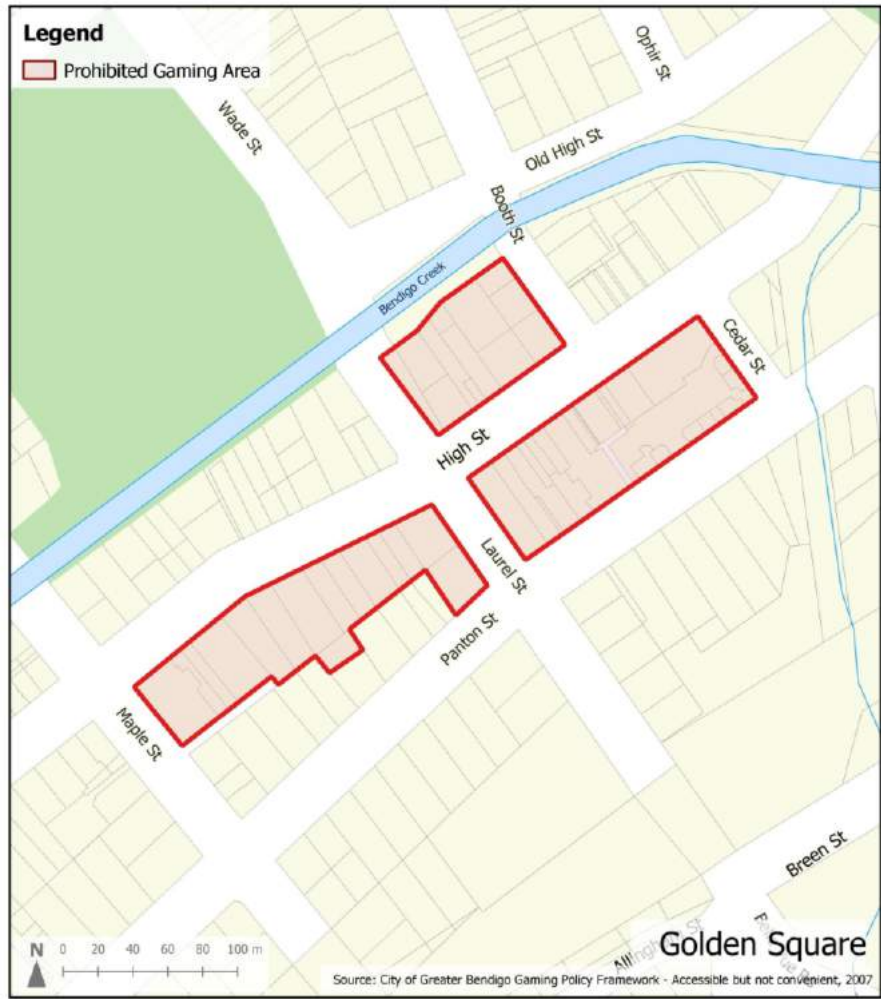
GREATER BENDIGO PLANNING SCHEME

Map 3 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 4 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 5 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 6 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 7 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 8 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 9 to the Schedule to Clause 52.28



GREATER BENDIGO PLANNING SCHEME

Map 10 to the Schedule to Clause 52.28



4.0

Proposed C256gben

Locations for gaming machines

Gaming venues and machines should be located:

- In venues that:
 - Have a range of entertainment and leisure options.
 - Offer social and recreational opportunities other than gaming as the primary purpose of the venue.
- In areas other than those identified in the *Greater Bendigo Discouraged Gaming Areas Incorporated Document*.
- In areas where at least one of the following criteria is met:
 - The total density of gaming machines in the suburb and its adjoining suburbs is less than the regional Victorian average.
 - The area is identified as a future residential growth area in Clause 11.01-1L.

GREATER BENDIGO PLANNING SCHEME

- The area is proximate to a higher order activity centre as listed in Table 1.
- Where there is a reasonable choice of alternative non-gaming entertainment and recreation facilities, including facilities proposed within 12 months. Alternative non-gaming entertainment and recreation facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.
- In areas that are not:
 - Above average socio-economic disadvantage as defined by the Socio Economic Index For Areas (SEIFA) index of relative disadvantage and shown on the Greater Bendigo Discouraged Gaming Areas Plan.
 - Pedestrian thoroughfares as this can lead to "convenience gaming" because the location of electronic gaming machines increases the likelihood of spontaneous decisions to play.
 - In a rural township unless there is an alternative club or hotel without gaming machines in the township.
- On sites where large numbers of pedestrians are unlikely to pass in the course of their daily activities, to avoid increasing the likelihood of spontaneous decisions to play gaming machines.
- On sites that meet at least one of the following criteria:
 - The site is towards the periphery of an activity centre, outside of the main shopping, transport, community and civic functions of the centre, or within walking distance of the edge of an activity centre,
 - The location could reasonably be perceived as a destination in its own right separate from high concentrations of people undertaking daily activities, or
 - At a sports or recreation club with a land holding of more than 2 hectares.

5.0

reference
Proposed C256gben

Venues for gaming machines

Gaming machines should be located:

- In venues that do not operate 24 hours per day.
- In venues that have a gaming floor area of 25 per cent or less of the total floor area of the venue.
- To avoid any detrimental affect to the amenity of the surrounding area as a result of the design, location or operating hours of the venue in which they are located.

6.0

reference
Proposed C256gben

Application requirements

The following application requirements apply to an application for a permit under Clause 52.28, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A social and economic assessment prepared by a suitably qualified person that provides a robust assessment of the social and economic benefits and dis-benefits of the proposed gaming machines. The assessment should address the following:
 - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
 - Details of the relative socio-economic disadvantage of the suburb or town and the broader 5 kilometre catchment of the venue in comparison to the regional Victorian average as defined in the SEIFA index of relative disadvantage.
 - Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities at the venue and within a 5 kilometre radius.

GREATER BENDIGO PLANNING SCHEME

- If it is proposed to move gaming machines from one part of the municipality to another, details of the relative social and economic differences between the two parts. An explanation as to why the gaming machines are being transferred is to be provided and the likely social and economic impact of the proposal on those venues and the local area.
- Details about the existing and proposed distribution of gaming machines in the municipality.
- Details of the design and layout of the premises including all proposed and existing signage and evidence of compliance with any relevant gaming regulations concerning premises layout, design and operation.
- The distance to shopping complexes and strip shopping centres, community facilities, counselling services and public transport.
- Pedestrian counts outside the proposed venue on different days and at a variety of times.

If the applicant contends that gaming expenditure is likely to be transferred from other venues, the applicant is to provide:

- Particulars as to how the level of transfer has been calculated (including, but not limited to, comparison per machine expenditure at the venue prior to and then after the additional machines, current usage levels of machines at the venue, projected usage level of machines at the venue after the additional machines).
- The amount of transfer expenditure anticipated.

7.0

reference
Proposed C256gben

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 52.28, in addition to those specified in Clause 52.28 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is a net community benefit to be derived from the application.
- Whether the proposal is likely to increase the social disadvantage of an area.
- Whether the location of the gaming machines or gaming premises will facilitate or discourage convenience gaming.
- Whether the venue is accessible by a variety of transport modes.
- Whether residents will have a choice of gaming and non-gaming entertainment and recreation venues in the local area.

GREATER BENDIGO PLANNING SCHEME

31/07/2018
VC148

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0

Proposed C256gben

Background documents

Name of background document	Amendment number - clause reference
2013-2019 North Central Regional Catchment Strategy (North Central Catchment Management Authority, 2013)	C256gben Clause 12.01-1L
2014-2022 North Central Waterway Strategy (North Central Catchment Management Authority, 2014)	C256gben Clause 12.01-1L
A Land Capability Study of the City of Greater Bendigo, Huntly District (Blumf, M et al., November 1995)	Clause 14.01-1L Clause 14.01-2L Clause 16.01-3L
A Land Capability Study of the City of Greater Bendigo, Strathfieldsaye District (Blumf, M et al., October 1995)	Clause 14.01-1L Clause 14.01-2L Clause 16.01-3L
A Land Capability Study of the Rural City of Marong (Bryant, E & Lorimer, M, April 1993)	Clause 14.01-1L Clause 14.01-2L Clause 16.01-3L
All Saints' Anglican Church, School and Master's Residence Conservation Management Plan (City of Greater Bendigo, August 2012)	Clause 15.03-1L
Axedale Community Plan 2018-2022 (City of Greater Bendigo, 2017)	C256gben Clause 42.03s02
Axedale Township Structure Plan (Greater Bendigo City Council, March 2009)	Clause 42.03s02 Clause 43.02s09
Bendigo Aerodrome Master Plan 2007-2022 (Airport Plus Pty Ltd, July 2007)	Clause 18.04-1L
Bendigo Airport Australian Noise Exposure Forecast for 2032 (ANEF 2032) (Kneebush Planning, November 2012)	Clause 18.04-1L
Bendigo Airport Strategic Plan (City of Greater Bendigo, June 2009)	Clause 18.04-1L
Bendigo and Eaglehawk Heritage Study (City of Greater Bendigo, 1993)	Clause 15.03-1L
Bendigo CBD Parking Precinct Plan (City of Greater Bendigo, 2009)	Clause 45.09s01
Bendigo CBD Parking Strategy (GTA Consultants, October 2008)	Clause 45.09s01
Bendigo CBD Plan: New Visions, New Opportunities (Planisphere, December 2005)	Clause 43.02s05 Clause 43.04s20
Bendigo Highway Entrances and Boulevard Study (TBA Planners et al, 1994)	Clause 18.02-3L
Bendigo Hospital Campus (Lucan Street Site) Citation (City of Greater Bendigo, November 2010)	Clause 15.03-1L
Bendigo Industrial Land Strategy (GHD, June 2002)	Clause 17.03-1L
Bendigo Liquor Accord (Victorian Commission for Gaming and Liquor Regulation, September 2019)	Clause 13.07-1L
Bendigo Region Destination Management Plan (Urban Enterprises, November 2015)	C256gben Clause 17.04-1L
Bendigo Urban Flood Study (Water Technology, November 2013)	Clause 13.03.1L Clause 44.04s01 Clause 44.04s02

GREATER BENDIGO PLANNING SCHEME

Name of background document	Amendment number - clause reference
Big Hill Enterprise Park Landscape Development Report (Spiire, 2014)	Clause 43.02s19
Certificate of Environmental Audit, part 47 Lansell Street, East Bendigo (Golder Associates Pty Ltd, January 2016)	Clause 43.04s16
City of Greater Bendigo Annual Report 2018-2019 (City of Greater Bendigo, October 2019)	C256gben Clause 02.01
City of Greater Bendigo Community Plan 2017-2021 (City of Greater Bendigo, June 2017)	C256gben Clause 02.02 Clause 02.03-9 Clause 19.02-4L
City of Greater Bendigo Domestic Wastewater Management Strategy, 2014-15 (City of Greater Bendigo, 2014)	Clause 16.01-3L Clause 19.03-3L Clause 42.01s02 Clause 42.01s03
City of Greater Bendigo Gaming Policy Framework "Accessible but not convenient" (Coombes Consulting Group, October 2007)	Clause 52.28s
City of Greater Bendigo Good Design Guide for Industry (City of Greater Bendigo, 1997)	Clause 15.01-1L
City of Greater Bendigo Heritage Study Stage 2: Former Shires of Mclvor and Strathfieldsaye, Volume 1 Key Findings and Recommendations(City of Greater Bendigo 2009)	Clause 15.03-1L
City of Greater Bendigo Heritage Study Stage 2: Former Shires of Mclvor and Strathfieldsaye, Volume 2 Heritage Place and Precinct Citations (City of Greater Bendigo, 2009)	Clause 15.03-1L
City of Greater Bendigo (Marong District) Heritage Study, Stage 1 Report (Andrew Ward, 1994)	C256gben Clause 15.03-1L
City of Greater Bendigo (Marong) Heritage Study (Andrew Ward and associates, TBA Planners and Peter Milnet, 1999)	C256gben Clause 15.03-1L
City of Greater Bendigo Residential Character Study (Planisphere, 2001)	Clause 15.01-5L
City of Greater Bendigo Rural Communities Strategy (City of Greater Bendigo, August 2016)	C256gben Clause 02.03-2 Clause 02.03-4
Code of Practice for the Operation of Boarding Establishments (Department of Economic Development, Jobs, Transport and Resources, August 2018)	C256gben Clause 14.01-2L
Code of Practice for the Keeping of Racing Greyhounds (Department of Economic Development, Jobs, Transport and Resources, April 2018)	C256gben Clause 14.01-2L
Code of Practice for the Operation of Dog Training Establishments (Department of Economic Development, Jobs, Transport and Resources, August 2018)	C256gben Clause 14.01-2L
Commercial Land and Activity Centre Strategy (City of Greater Bendigo, November 2015 (updated January 2017))	Clause 11.03-1L Clause 17.02-1L Clause 43.02s04 Clause 42.02s08
Connecting Greater Bendigo Integrated Transport and Land Use Strategy(ITLUS) (City of Greater Bendigo, August 2015)	Clause 18.01-1L Clause 18.02-1L Clause 18.02-2L Clause 18.02-3L
Eaglehawk Structure Plan (Hansen Partnership, July 2013)	Clause 43.02s23

GREATER BENDIGO PLANNING SCHEME

Name of background document	Amendment number - clause reference
East Bendigo Local Structure Plan (Maunsell Australia, July 2006 (Amended 2013))	Clause 17.03-1L
Forest Park Master Plan (Roberts Day, December 2013)	Clause 43.04s28
Fortuna Villa Environmental Audit Report (Coffey Environments, October 2012)	Clause 37.02s01
Greater Bendigo Environment Strategy 2016-2021 (City of Greater Bendigo, 2016)	Clause 15.02-1L
Greater Bendigo Health and Wellbeing Plan 2017-2021 (City of Greater Bendigo, October 2017)	C256gben Clause 02.03-9 Clause 11.03-1L Clause 19.02-4L
Greater Bendigo Heritage Policy Citations Review, Revision 2 (City of Greater Bendigo, 2011)	Clause 15.03-1L
Greater Bendigo Housing Strategy (City of Greater Bendigo, January 2018)	C256gben Clause 02.03-1 Clause 11.01-1L
Greater Bendigo Public Space Plan (City of Greater Bendigo, June 2019)	C256gben Clause 02.03-2 Clause 02.03-9 Clause 12.01-1L Clause 12.05-2L Clause 15.01-1L Clause 15.01-3L Clause 15.03-1L Clause 18.01-1L Clause 18.02-1L Clause 18.02-2L Clause 18.02-3L Clause 19.02-6L
Greater Bendigo Residential Strategy (City of Greater Bendigo, October 2014 (amended March 2016))	Clause 11.01-1L
Greater Bendigo Thematic Environmental History (City of Greater Bendigo, 2013)	Clause 15.03-1L
Greater CREATIVE Bendigo (City of Greater Bendigo, November 2018)	C256gben Clause 02.03-9 Clause 17.04-1L
Heathcote-Strathfieldsaye Heritage Study Thematic Environmental History (City of Greater Bendigo, 2002)	Clause 15.03-1L
Heritage Assessment, Former City of Bendigo Abattoir (Anthemion Consultancies, August 2014)	Clause 43.04s16
Hospital Precinct Structure Plan (City of Greater Bendigo, September 2014)	Clause 11.03-6L Clause 43.02s21 Clause 43.02s22 Clause 45.09s2
Huntly Township Plan (Parsons Brinckerhoff, February 2009)	Clause 43.04s25
Infrastructure Design Manual (Local Government Infrastructure Design Association, March 2020)	GC112 Clause 19.03-2L
Ironbark Heritage Study 2010: volume 1 (City of Greater Bendigo, 2010)	Clause 15.03-1L
Ironbark Heritage Study 2010: volume 2 citations (City of Greater Bendigo, revised July 2011)	Clause 15.03-1L

GREATER BENDIGO PLANNING SCHEME

Name of background document	Amendment number - clause reference
Jackass Flat Local Structure Plan (Hansen Partnership, April 2007 (amended October 2009))	Clause 43.04s21
Kangaroo Flat South Regional Centre Structure Plan (Hansen Partnership, May 2006)	Clause 43.04s17
Land Capability Mapping and Assessment Tools for Wastewater Management (City of Greater Bendigo, 2015)	Clause 14.01-1L Clause 16.01-3L Clause 19.03-3L
Maiden Gully Structure Plan (TBA Planners and Planning Australia Consultants, October 1996)	Clause 43.02s10
Nanga Gnulle 40 Harley Street, Strathdale Heritage Citation (Built Heritage, Amended September 2018)	Clause 15.03-1L Clause 43.01s
North Central Biolinks Principles and Approaches (RMCG, December 2009)	C256gben Clause 12.01-1L
North Central Native Vegetation Plan (North Central Catchment Management Authority, 2005)	Clause 12.01-1L
Northern Corridor and Huntly Local Structure Plan (Conceptz et. al., February 2005)	Clause 43.02s04 Clause 43.02s08
Plan Greater Bendigo Action Plan (City of Greater Bendigo et. al., January 2018)	C256gben Clause 02.02
Review of Demand and Supply for Industrial Land in Greater Bendigo (SGS Economics and Planning, February 2012)	Clause 17.03-1L
Rural Areas Strategy (City of Greater Bendigo, September 2009)	C256gben Clause 14.01-1L Clause 16.01-3L
Site Environmental Management Plan, Former VicRoads Depot Buildings, 47 Lansell Street, Bendigo East (Beveridge Williams, January 2016)	Clause 43.04s16
Statement of Environmental Audit 47 Lansell Street Bendigo East (Golder Associates, December 2005)	Clause 43.04s16
Strategic Directions Rural Roadside Conservation (City of Greater Bendigo, 2011)	Clause 12.01-1L
Strathfieldsaye Township Plan (Centrum Town Planning, Amended March 2012)	C232gben Clause 11.03-6L Clause 43.04s26
Strathfieldsaye Urban Design Framework (City of Greater Bendigo, February 2017)	C232gben Clause 11.03-6L Clause 43.02s27 Clause 43.02s28 Clause 43.02s29
Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, May 2006)	Clause 43.04s29
Vision and Transition Strategy for a Water Sensitive Bendigo (Cooperative Research Centre for Water Sensitive Cities Ltd, July 2018)	C256gben Clause 02.03-9 Clause 19.03-3L
Walk, Cycle Greater Bendigo (City of Greater Bendigo, September 2019)	C256gben Clause 02.03-8 Clause 11.01-1L Clause 18.01-1L Clause 18.02-1L Clause 18.02-2L

GREATER BENDIGO PLANNING SCHEME

Name of background document	Amendment number - clause reference
White Hills & East Bendigo Heritage Study (City of Greater Bendigo, June 2014, (revised September 2015))	Clause 15.03-1L
White Hills and East Bendigo Heritage Study Stage 2 (City of Greater Bendigo, April 2016 (revised December 2017))	Clause 15.03-1L

GREATER BENDIGO PLANNING SCHEME

relates
Proposed C256gben

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0

Further strategic work

relates
Proposed C256gben

Review, prepare and implement as appropriate:

- The Industrial Land Strategy and Good Design Guide for Industry.
- The City Centre Plan and Parking Strategy.
- A municipal settlement strategy – urban settlement plan including:
 - A bushfire risk assessment.
 - A review of residential and mixed use zones.
 - An investigation of future growth areas.
- A municipal settlement strategy – rural settlement plan including:
 - A review of the Rural Areas Study 2009.
 - Protection for productive farm land and activities including intensive animal industries.
 - Identifying the role of rural townships, small townships and rural living areas.
 - Providing policy guidance for rural industry.
 - Identifying and protecting significant landscapes.
- An environmental significance study including:
 - A review of existing provisions.
 - A native vegetation protection strategy.
 - Urban forest interface and biolink protections.
- A Greater Bendigo greening strategy including:
 - Identification of significant urban trees.
 - An analysis of heat island effect.
 - Landscape and subdivision design guidelines.
 - An urban forest strategy.
- A climate change adaptation strategy.
- Structure plans and development contributions plans for major new greenfield areas:
 - Marong Township.
 - Maiden Gully North East.
- A development contributions plan for Huntly West growth area.
- A future growth plan and development contributions plan for Huntly.
- Public open space projects including:
 - Open Space Contributions policy and schedule.
 - Streetscape protection policy.
 - Zoning and overlay review.
- A Bendigo Creek plan.

GREATER BENDIGO PLANNING SCHEME

- A review of neighbourhood character overlays and policies and design and development overlays.
- Implement flood studies for:
 - Heathcote.
 - Marong.
 - Redesdale.
 - Lockwood
 - Flood mitigation for urban Bendigo.
- A review of the Highway Entrances & Boulevards Study 1994.
- A municipal wide heritage strategy.
- Heritage studies for:
 - The Bendigo City Centre.
 - Golden Square.
 - The former Huntly Shire.
 - Significant trees.
 - Bendigo/Quarry Hill.
 - The urban area that was formerly in Strathfieldsaye Shire.
 - Post War.
 - Eaglehawk/Sailors Gully.
 - Marong.
- Buffers controls for:
 - Eaglehawk Landfill.
 - Bendigo Water Reclamation Plant.
- A review to identify contaminated land including closed landfills.
- Commercial design guidelines, including for shopping centres.
- Residential infill urban design guidelines.
- Urban design frameworks for:
 - Ironbark.
 - Marong.
 - Maiden Gully.
 - Epsom.
 - Kangaroo Flat.
 - Golden Square.
 - Heathcote.
 - Elmore.
 - The University Precinct (including Kennington).

GREATER BENDIGO PLANNING SCHEME

- Structure plans for 10 minute neighbourhoods, in order to apply appropriate residential zones and schedules and overlays and schedules:
 - Golden Square.
 - Epsom.
 - Kangaroo Flat.
 - Strathdale and Kennington.
 - Kangaroo Flat South.
 - Eaglehawk.
 - Huntly.
 - Maiden Gully.
 - Bendigo.
 - Strathfieldsaye.
- A structure plan for East Bendigo and Junortoun.
- Structure plans for rural townships:
 - Heathcote.
 - Elmore.
 - Goornong.
 - Redesdale.
 - Structure plan for Lake Eppalock.
- Residential rezonings, as appropriate, in accordance with the housing strategy.
- An affordable housing plan.
- Freight corridor and precinct plans to protect key freight routes, identify heavy vehicle and trailer exchange facilities, and a freight terminal hub.
- Water sensitive urban design guidelines.
- A review of planning controls for the Bendigo Airport.
- A Greater Bendigo development contributions plan framework.
- Prepare a design and development overlay to replace Clause 18.03-2L Calder Freeway and Calder Highway environs.

15.6. Planning Scheme Amendment C268 - 5-7 Shakespeare Street, Spring Gully, for Consideration of Submissions and Refer to Panel

Author	Jessica Ladlow, Heritage and Amendments Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

Purpose

To apply a Heritage Overlay to part of the land at 5-7 Shakespeare Street, Spring Gully.

Summary

Amendment details:	Apply Heritage Overlay 936 (HO936) to part of the land containing the 'Quartz Gold Boom Miner's House' at 5-7 Shakespeare Street, Spring Gully.
Proponent:	City of Greater Bendigo
No. of submissions:	12 (1 in support, 11 in opposition)
Key issues:	• Whether the property has aesthetic, historic or representative significance. • The condition of the property. • Whether this dwelling was relocated to the subject site.

RECOMMENDATION

That Council:

1. Adopts the recommendations detailed for each of the submissions in this report; and
2. Requests the Minister for Planning to appoint an Independent Panel to consider the outstanding submissions.

RESOLUTION

Moved: Cr Margaret O'Rourke

Seconded: Cr David Fagg

That the recommendation be adopted.

THE MOTION WAS LOST

(refer to page 271 of the Minutes)

ALTERNATE MOTION

Moved: Cr Andrea Metcalf

Seconded: Cr Matthew Evans

That Council agree to abandon amendment C268 (5-7 Shakespeare Street, Spring Gully) and that the Minister for Planning is requested to remove the interim heritage control, which would allow the demolition of the building without the need for a planning permit.

CARRIED

Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

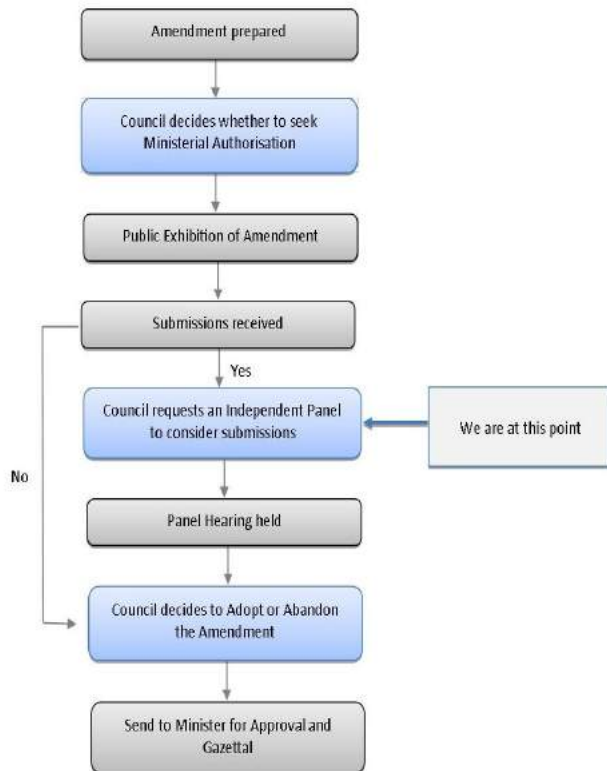
- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background Information

The key steps in the Amendment process are summarised below:



A survey was undertaken in 2017 throughout urban Bendigo by Minerva Heritage for the City that identified that the dwelling at 5-7 Shakespeare St, Spring Gully was a probable miners' house and had potential heritage significance. The survey noted that the property was in an intact state and reasonable condition, and there were no other similar dwellings included in the survey in Spring Gully. The City then confirmed through research that the land had been a miner's right. A subsequent report was commissioned by the City and undertaken by Amanda Jean and Charles Fahey, called 'The Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listings', 2020. This report identified the different types of 19th century miners housing, which were built on mining land in the City of Greater Bendigo. The house at 5-7 Shakespeare Street is one of these typologies.

A demolition enquiry was received for the property on 25 February 2020 from a consultant acting on behalf of a prospective purchaser. A report was prepared in response to the demolition enquiry, dated 17 March 2020. The City's Heritage Advisor detailed in the report and letter to the enquirer that the dwelling on the site was historically significant, and that demolition was not supported and that if an application to demolish was received, the City would be likely to seek interim heritage controls.

On learning that the site was for sale, the heritage advisor contacted the real estate agent to advise that the City would not support the demolition of the dwelling. The current owners say that this information was not relayed to them, nor did they initiate their own demolition enquiries prior to purchasing the property.

The current owners of 5-7 Shakespeare Street purchased the property on 30 April 2020.

The building at 5-7 Shakespeare Street, Spring Gully, accords with the building typology of a 19th century Miner's House, which consists of two rooms under a hipped roof, with a further sequence of rooms beyond this under a skillion roof. The dwelling retains its original chimney and appears otherwise to be largely intact. Although some general maintenance is required, there is no obvious sign of structural deterioration.

The City of Greater Bendigo received a request under Section 29A of the Building Act 1993 for Report and Consent on the proposed demolition of 5-7 Shakespeare Street, Spring Gully, from the property owners on 27 August 2020. The Heritage Advisor advised the applicant and the property owner on 8 September 2020 that she would recommend that the City seek interim and permanent heritage controls for the dwelling and suggested that they withdraw the application and work with the City on development options.

The application was not withdrawn, and the City had 15 business days to decide on the application for demolition. The application can only be refused if there is a heritage or neighbourhood character overlay on the building or if the Director of Strategy and Growth requests an interim Heritage Overlay. Under delegation, the Director of Strategy and Growth wrote to the Minister for Planning on 17 September 2020 requesting that interim heritage controls be placed on the part of the parcel of land at 5-7 Shakespeare Street that contains a Victorian-era dwelling. The application for an interim Heritage Overlay was approved by the Minister for Planning on 21 January 2021, for a 12 month duration.

A planning permit is now required under the interim Heritage Overlay for partial or total demolition, relocation or removal of the dwelling and for any alterations. Notice of the interim Heritage Overlay was provided to the current owner.

When applying for an interim Heritage Overlay, the Minister for Planning requests that a permanent Heritage Overlay be exhibited as soon as possible to afford the opportunity for natural justice to the owners.

Prior to requesting authorisation for the permanent Heritage Overlay, the City commissioned some further research to confirm the historical importance of the dwelling to Spring Gully and the City. The report by Robyn Ballinger determined that the subject land was occupied by the McInerney family in circa 1873 and on 6 January 1898, the family took out a Miner's Right and registered the holding as a Residence Area. During this period, Matthew fenced the land and built a four-room weatherboard and slab house on the property. In the period 1872-81, the site was described in the City's rate books as a hut and garden. By c1902, another house (subject residence) had been built on the subject land for miner John W McInerney (son of Matthew and Catherine) and his wife Sarah (nee Mannix), who were married in 1902. It seems that the one-acre subject allotment was occupied by brothers, Matthew and John W McInerney (sons of Catherine and Matthew McInerney), until Matthew's death in 1915, with Matthew McInerney living in a hut/house, and John W and Sarah McInerney, in a more substantial house (the subject residence). These dates and events are supported by a local history that lists early Spring Gully residents, noting that Mr and Mrs Matthew McInerney and Mr and Mrs John William McInerney lived in homes next to each other in what is now Shakespeare Street. The hut was demolished in the 1920s. By 1890, the property was described as a 'garden and dwelling', and by 1906 as a house.

The proposed heritage controls will replace the interim Heritage Overlay applied by the Minister for Planning and introduce this site permanently into the Schedule to the Heritage Overlay through the application of Heritage Overlay (HO936) to the site in part. Specifically, the HO936 would be applied to the part of the site along the eastern section of the site. The heritage curtilage would extend from the sites front (eastern) boundary, to the side boundaries (northern and southern) and 6m beyond the rear (western) elevation of the dwelling.

Previous Council Decisions

21 October 2020: Council resolved to request the Minister for Planning to authorise and exhibit proposed Amendment C268gben.

Report

An Explanatory Report is attached and details the purpose, effect of the Amendment and provides the strategic justification for the Amendment as required. Key issues identified in the Explanatory Report are summarised below.

What the Amendment does

The Amendment proposes to:

- Amend Planning Scheme Map No. 23HO to apply the new HO936 to part of 5-7 Shakespeare Street, Spring Gully on a permanent basis.
- Insert HO936 permanently, which includes the 'Statement of Significance' for '5-7 Shakespeare Street, Spring Gully – Miner's House'.
- Amend the Schedule to Clause 72.04 Incorporated Documents to insert the Statement of Significance: 5-7 Shakespeare Street, Spring Gully – Miner's House (HO936).

Land affected by the Amendment



Figure 2: 5-7 Shakespeare Street, Spring Gully and the extent of the proposed Heritage Overlay to be applied to the site (as denoted by the dashed red line).



Figure 3: Proposed Heritage Overlay Extent

The land affected by the amendment is part of 5-7 Shakespeare Street, Spring Gully. The overall site area is 4527 square metres, and the portion of the land to be protected by heritage controls has an area of approx. 1500 square metres. This part of the site contains the original miners' house, incorporated within an appropriate curtilage.

The site is zoned General Residential (GRZ) and it is covered by a Significant Landscape Overlay (SLO1) and a Bushfire Management Overlay (BMO1). The site's frontage is bounded by Shakespeare Street to the east and Kendall Street bounds the northern and western sections of the site.

Exhibition Procedures

The Amendment was exhibited for one month from 14 January to 17 February 2021.

Notice was provided in the following manner:

- Four individual notices to owners and occupiers of land materially affected by the Amendment. Including the owners of the site, as well as 3 and 9 Shakespeare Street.
- Notices to prescribed Ministers under Section 19(1)(c) of the Planning and Environment Act.
- Notices to all authorities affected.
- Public notice of the Amendment in the Bendigo Advertiser on 13 January 2021.
- Publication of the notice of the Amendment in the Government Gazette on 14 January 2021.
- Access on-line.

Submissions

12 submissions were received. There were 11 opposing submissions and 1 supporting submission, which are discussed in the following table.

Submitter 1	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
States that the property does not have aesthetic, historic or representative significance. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about how the heritage significance of the place is considered. The Heritage Overlay is proposed to be applied to the site in part, which would still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair.
Submitter 2	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance. Considers the dwelling a 'rundown and dilapidated eyesore' which should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair.
Submitter 3	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance,	Refer to discussion below about the heritage significance of the place, its

and alterations and additions have occurred. Considers the dwelling a 'rundown and dilapidated eyesore' which should be demolished and replaced with a contemporary dwelling.	visibility and the dwellings that have existed on the subject site While there have been minor alterations and additions to the side and rear sections of the dwelling since its construction, the dwelling still retains the legibility and integrity of its original form. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
Suggests the original dwelling on the site burnt down, and the dwelling that currently exists was relocated.	Refer to the discussion below about the originality of the existing dwelling.
The dwelling is not on a hill and highly visible as was described.	Noted. It is visible from Spring Gully Road as it is on a rise, and Shakespeare Street.
Believes adequate notice to surrounding properties was not provided.	The City believes it has met its obligations pursuant to Section 19 (1)(b) of the Planning and Environment Act (1987), where the planning authority must give notice to the owners and occupiers of land that it believes may be materially affected by the amendment. Refer to the further discussion regarding the planning panel process below.
Submitter 4:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel.
The property does not have aesthetic, historic or representative significance, and 'many alterations' have reportedly been undertaken. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place and the original dwelling on the subject site. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
The original dwelling on the site no longer exists and was replaced by the current dwelling.	Refer to the discussion below about the originality of the existing dwelling.
Submitter 5:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel

The property does not have aesthetic, historic or representative significance, and alterations and additions have occurred. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place and the original dwelling on the subject site. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
The original dwelling on the site no longer exists and was replaced by the current dwelling.	Refer to the discussion below about the originality of the existing dwelling.
Numerous mud brick dwellings in Spring Gully have been demolished over the years, which are considered to be the veritable examples of heritage buildings in the area.	Although the nonextant mud brick dwellings may have predated the Victorian dwelling that currently exists on the subject site, it is one of the few Victorian places remaining in Spring Gully making it significant to the area, particularly due to its association with mining.
Submitter 6:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance, and alterations and additions have occurred. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place and the original dwelling on the subject site. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
The original dwelling on the site no longer exists and was replaced by the current dwelling.	Refer to the discussion below about the originality of the existing dwelling.
Numerous miners' houses dwellings in Spring Gully have been demolished over the years. A dwelling at 8 Drechsler Street, Flora Hill, which has a similar typology to the dwelling on the subject site, was recently demolished.	The miners house that currently exists on the subject site is one of the few Victorian places remaining in Spring Gully making it significant to the area, particularly due to its association with mining. The example of 8 Drechsler Street is not a relevant to the heritage consideration of the dwelling on the subject site, as 8 Drechsler Street was found to have no known association with mining history.
Submitter 7:	

Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance, and alterations and additions have occurred. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place and the original dwelling on the subject site. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
The original dwelling on the site no longer exists and was replaced by the current dwelling.	Refer to the discussion below about the originality of the existing dwelling.
Submitter 8:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance, and alterations and additions have occurred. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place and the original dwelling on the subject site. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
The style is not rare and 'there are many better quality examples of similar houses in the area and in Bendigo (including Spring Gully, Quarry Hill and Eaglehawk)'.	While there have been minor alterations and additions to the side and rear sections of the dwelling since its construction, the dwelling still retains the legibility and integrity of its original form. The miners house that currently exists on the subject site is one of the few Victorian style places remaining in Spring Gully making it significant to the area, particularly due to its association with mining.
A dwelling at 8 Drechsler Street, Flora Hill, which has a similar typology to the dwelling on the subject site, was recently demolished.	The miners house that currently exists on the subject site is one of the few Victorian places remaining in Spring Gully making it significant to the area, particularly due to its association with mining. The example of 8 Drechsler Street is not a relevant to the heritage consideration of the dwelling on the subject site, as 8

	Drechsler Street was found to have no known association with mining history.
Submitter 9:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance, and alterations and additions have occurred. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place and the original dwelling on the subject site. The Heritage Overlay is proposed to be applied to the site in part, which would therefore still provide an opportunity for potential development of the remainder of the site for a contemporary dwelling. The existing house is not beyond repair
The style is not rare and 'there are many better quality examples of similar houses in the area and in Bendigo (including Spring Gully, Quarry Hill and Eaglehawk)'.	The miners house that currently exists on the subject site is one of the few Victorian style places remaining in Spring Gully making it significant to the area, particularly due to its association with mining.
A dwelling at 8 Drechsler Street, Flora Hill, which has a similar typology to the dwelling on the subject site, was recently demolished.	The example of 8 Drechsler Street is not a relevant to the heritage consideration of the dwelling on the subject site, as 8 Drechsler Street was found to have no known association with mining history.
The house is purportedly 'internally uninhabitable in some parts' raises issues with the structural integrity 'including stump's that were uneven and rotting, termite and white ant damage'. The submitter claims that 'to renovate would require a complete dismantle/demolition and rebuild to achieve current building regulations.'	The City's Municipal Building Surveyor undertook an internal and external site inspection in response to this submission. Refer to the below sections which discuss the condition of the dwelling and the alterations to the dwelling, including the Building Surveyor's findings.
Believes adequate notice to surrounding properties was not provided and the amendment has not gone through a public process.	The City believes it has met its obligations pursuant to Section 19 (1)(b) of the Planning and Environment Act (1987), where the planning authority must give notice to the owners and occupiers of land that it believes may be materially affected by the amendment. This is discussed in further detail in the Planning Panel process, below.
Submitter 10:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel

The property does not meet the criteria to be of aesthetic, historic or representative significance. The citation information is not accurate, and the date of construction is later than indicated. The submission suggests that the 'house was not constructed in the period from the late 1860s to mid-1870s and does not have the asserted connection with mining history' based on information from the rate books. The submission questions the existence of mining activity in Spring Gully.	Refer to discussion below about the heritage significance and condition of the place, as well as the originality of the existing dwelling on the site. With regards to information sourced from the rate books, it is considered that the incorrect property has been referred to by the submitter. The property referred to in their submissions increased in value massively in 1920s but was subdivided after that and greatly reduced in value. The correct property for 5-7 Shakespeare Street, Spring Gully, doesn't substantially change value in the rate books. Furthermore, in response to submissions, the City commissioned the heritage consultant who undertook the original research on the site that informed the heritage citation, to further investigate the site. She was able to complete additional research that was more comprehensive as she could physically visit the research facilities due to the lifting of COVID restrictions. An 1873 map details mining claims and lines of reef in Spring Gully, located in proximity to the subject site.
There have been many alterations and additions to building which lessens its significance. Including that the remaining chimney is not original to the building.	While there have been minor alterations and additions to the side and rear sections of the dwelling since its construction, the dwelling still retains the legibility and integrity of its original form. Photo 5.2 included in the submission shows that the skillion at the back was there in circa 1949-mid 1950, and the chimney that is there now as also extant. Therefore, it is considered the chimney is earlier than initially thought. There is no evidence that the chimney is not original.
The house has not been previously identified in heritage studies that are publicly available.	There have been no comprehensive heritage studies undertaken in Spring Gully.
A dwelling at 8 Drechsler Street, Flora Hill, and 19 Shakespeare St, which has a similar typology to the dwelling on the subject site, were permitted to be demolished.	The miners house that currently exists on the subject site is one of the few Victorian places remaining in Spring Gully making it significant to the area, particularly due to its association with mining. The

	example of 8 Drechsler Street is not a relevant to the heritage consideration of the dwelling on the subject site, as 8 Drechsler Street was found to have no known association with mining history. The house at 19 Shakespeare Street, Spring Gully, was demolished in 2015, prior to the recent studies having been undertaken.
The Planning Practice Note 1 – Applying the Heritage Overlay requires a comparative analysis, which was not undertaken in any of the material included as part of the Amendment.	A comparative analysis was undertaken in the citation (refer p. 4 of the citation).
The retention of the dwelling creates a risk to occupants and neighbours with regards to bushfires.	The retention of the dwelling does not create an increased risk for bushfire.
The submission states that the 'curtilage is manifestly excessive, punitive and far beyond what we understand is usually imposed'.	Noted. The curtilage is to protect the setting and doesn't mean that development cannot occur within the curtilage. The extent of the curtilage could potentially be reduced; however, it is recommended that this matter be referred to the Independent Panel for consideration and a recommendation.
The dwelling is not on a hill and highly visible as was described.	Noted. It is visible from Spring Gully Road as it is on a rise, and Shakespeare Street.
Submitter 11:	
Supports/Objects	Officer Response & Recommendation
Objects	Refer to Panel
The property does not have aesthetic, historic or representative significance, and alterations and additions have occurred. Due to the poor condition of the house, it should be demolished and replaced with a contemporary dwelling.	Refer to discussion below about the heritage significance of the place, the condition and the original dwelling on the subject site.
The style is not rare and 'there are many better examples of similar houses in the area of Spring Gully, Quarry Hill and Bendigo.'	While there have been minor alterations and additions to the side and rear sections of the dwelling since its construction, the dwelling still retains the legibility and integrity of its original form. The miners house that currently exists on the subject site is one of the few Victorian places remaining in Spring Gully making it significant to the area, particularly due to its association with mining.

A dwelling at 8 Drechsler Street, Flora Hill, which has a similar typology to the dwelling on the subject site, was recently demolished.	The miners house that currently exists on the subject site is one of the few Victorian places remaining in Spring Gully making it significant to the area, particularly due to its association with mining. The example of 8 Drechsler Street is not a relevant to the heritage consideration of the dwelling on the subject site, as 8 Drechsler Street was found to have no known association with mining history.
Submitter 12: Department of Environment, Land, Water and Planning	
Supports/Objects	Officer Response & Recommendation
Supports	Noted

Heritage significance of the property

The property consists of a weatherboard house and a collection of outbuildings. No heritage significance is attached to the outbuildings. There are no other examples of a Spring Gully miners' house in the Heritage Overlay, making this a rare extant example.

All of the submissions opposing the proposed amendment state the property does not have heritage significance. Eight of the submitters did not provide any specific information, feedback or comments relating to the heritage significance criteria or to support their views. Six of the submissions claim that the building that currently exists on the site is a relocated building and not the original building to exist on the site.

In order to be considered for the application of a Heritage Overlay, the property has been assessed against the eight recognised heritage criteria (Criterion A to Criterion H) to determine its significance. The miners house on the subject site is considered to meet three of the eight criteria (specifically, Criterion A, Criterion D and Criterion E). For a full description of the relevant significance of the site in accordance with the criteria, please refer to the citation attached to this report.

The miners' house was once a common site throughout the goldfields, with minor regional variations often driven by the background of the migrant workforce in a given area. They all were constructed originally on crown land on a miner's residency area, and their style reflected the successive Mining Acts. The houses provide an important historic insight into the domestic lives and typical homes of miners, and their descendants, in accordance with Criterion A, which assesses historic significance.

Miner's houses have been protected elsewhere in the heritage overlay from a variety of periods, for example in HO11 Rowan Street Precinct. These houses are similar in size, scale and detailing and show the signs of continued occupation and alteration over time. The occupation of Golden Square, Bendigo and Ironbark reflects more dense mining activity than was found in Spring Gully. In contrast, Spring Gully mining activity was less concentrated and tailed off before the mines on the richer lines of reef.

There are no other examples of a Spring Gully miners' cottage in the Heritage Overlay, making this one rare, meeting Criteria D and E for aesthetic and representative significance.

The mud brick dwellings mentioned by N. Wastell no longer exist and most of the later cottages, such as that which currently exists at 5-7 Shakespeare Street, Spring Gully, have also been lost. Part of the significance of this property is that the periodic 'refreshing' of the area has left so few examples of the earlier dwellings.

Alterations to the property

The level of alteration is in keeping with the miners' house typology, where owners would alter and extend the house rather than knock it down and build a new one. This practice has been identified in the citation for existing HO999 (miners' cottages) as typical treatment for these buildings and does not detract from the significance of the property. A Heritage Overlay would not prevent owners from carrying out maintenance or undertaking alterations and additions to the property as with other Victorian houses in Bendigo, which would improve the 'rundown' aspect.

Originality of the existing dwelling on the site

The historical records do support an earlier dwelling on the site, a hut, which had been demolished in the 1920's. As noted in the citation, by c1902, it appears another house was built on the subject land for John W McInerney and his wife Sarah (nee Mannix), who were married in 1902. It seems that the one-acre subject allotment was occupied by brothers, Matthew and John W McInerney (sons of Catherine and Matthew McInerney), until their father's death in 1915, with Matthew McInerney living in a hut/house, and John W and Sarah McInerney in a more substantial house (the subject residence).

Visibility of the dwelling

The citation does not describe the house as being in a highly visible location. It is prominent when approaching along Spring Gully Road in one direction, given its siting just off the road and in a slightly elevated position, but this has not been considered to have bearing on its heritage significance.

Condition of the property

The City's Heritage Advisor externally inspected the property on site, and outlines that there were no obvious signs of issues relating to the structural integrity of the building. As detailed in the citation 'the cottage has a hipped roof over the two front rooms and the remainder of the house under a skillion roof, suggestive of several periods of development. A verandah runs the full width of the front elevation, with turned posts, however the verandah decking has been removed. The original windows and door frame with toplight remain in place, but other windows have been added and altered in the skillion section of the house. A large air conditioning unit has been installed on the rear of the hipped roof, but this is largely concealed from the front of the house. A single chimney remains, although aerial photography from 1934 suggests that there were at least three chimneys at one point.' The citation therefore doesn't suggest that the property is in poor condition, nor has there been any evidence produced to support the building is in structural or other disrepair.

In response to the concerns raised about the state of the building, the City's Municipal Building Surveyor inspected the property on 15 March 2021. The Building Surveyor noted that the old structure is straight and not in danger of collapse, although a substantial amount of the original building's fabric had been modified, including some windows, cladding, roof, verandah and framing. However, it was noted that the floorboards appeared original.

Application of a Heritage Overlay

A Heritage Overlay means a planning permit is required to make external changes to the building and associated place. This includes extensions, changes to the appearance, front fences and part or complete demolition. It does not mean the property must remain in its current or original condition. It is not recommended to include internal alteration controls as part of the application of the Heritage Overlay.

Conclusion

The property at 5-7 Shakespeare Street, Spring Gully is a rare surviving example of a later miner's dwelling. It is considered that this place is of historic, aesthetic and representative significance to the area.

It is recommended that Council resolve to request the Minister for Planning to appoint an Independent Panel to consider the outstanding submissions.

Options

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.

Consultation/Communication

The Amendment was exhibited for one month from 14 January to 17 February 2021 and there were 11 opposing submissions and 1 supporting submission. Please refer to the table above.

Planning Panel Process

12 submissions were received, of which 11 are unresolved. It is recommended that the Amendment be referred to the Minister for Planning to appoint a Planning Panel to hear submissions. The independent Panel will consider all written submissions and provide an opportunity to submitters to present their views at a public hearing. The Panel will prepare a written report containing recommendations for the amendment.

The proposed dates for the panel hearing were pre-set and exhibited with the detail of the amendment. The directions hearing is planned for the week of 19 April 2021, whilst the hearing is proposed to commence the week of 17 May 2021. The short time frame was selected to resolve the matter quickly for the owner.

Resource Implications

Officer time will be required to prepare the Amendment documentation for Panel and liaise with the Minister for Planning.

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment. So far, the City has incurred costs for undertaking research for the Amendment - \$862 and advertising - \$404.

Additional estimated costs for the next stages of the Amendment include \$5-10,000 in association with holding a Panel.

Attachments

1. Explanatory Report
2. Statement of Significance

Attachment 1 - Greater Bendigo C268gben Explanatory Report Exhibition

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME AMENDMENT C268gben EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment

The land affected by the amendment is part of 5-7 Shakespeare Street, Spring Gully. The overall site area is 4527 square metres, and the portion of the land to be protected by heritage controls has an area of approx. 1500 square metres. This part of the site contains the original Victorian-era dwelling, incorporated within an appropriate curtilage.

The site is zoned General Residential (GRZ) and it is covered by a Significant Landscape Overlay (SLO1) and a Bushfire Management Overlay (BMO1). The site's frontage is bounded by Shakespeare Street to the east and Kendall Street bounds the northern and western sections of the site. The southern boundary adjoins 4 parcels of land at 4 Kendall Street, 5 and 15 Noel Place and 9 Shakespeare Street, Spring Gully.

What the amendment does

The amendment proposes to apply a new permanent individual Heritage Overlay (HO936) to part of the property at 5-7 Shakespeare Street, Spring Gully.

The building on the site has been identified as a 'Quartz Gold Boom' Miners' House and the permanent heritage controls for 5-7 Shakespeare Street, Spring Gully would introduce a new individual place to the Schedule to the Heritage Overlay (Clause 43.01). The new Heritage Overlay would be referred to as the 'Miner's House' and would be introduced under the application of a Heritage Overlay (HO936).

Specifically, the amendment:

- Amends Planning Scheme Map No. 23HO to apply the new HO936 to part of 5-7 Shakespeare Street, Spring Gully on a permanent basis.
- Insert HO936 permanently, which includes the 'Statement of Significance' for '5-7 Shakespeare Street, Spring Gully – Miner's House'.
- Amends the Schedule to Clause 72.04 Incorporated Documents to insert the Statement of Significance: 5-7 Shakespeare Street, Spring Gully – Miner's House (HO936).

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to apply permanent heritage controls on part 5-7 Shakespeare Street, Spring Gully, to protect the original dwelling on the site. A heritage assessment was undertaken to support the application of the Heritage Overlay, as contained in the report *5-7 Shakespeare Street, Spring Gully Citation* (Kylie Howe, Heritage Advisor for the City of Greater Bendigo, October 2020). The dwelling is associated with the 'Quartz Gold Boom' Miner's Housing and has aesthetic and representative significance for the early use of timber frame construction technology, which was new at the time. The dwelling on the subject site is in a highly visible location on a hill, and this type of timber frame weatherboard miners' houses is a significant representative example 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.

A Stage 1 Heritage Study report by Amanda Jean and Charles Fahey called 'The Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listings', 2020 identified the different types of 19th century miners housing, which were built on mining land in the City of Greater Bendigo. The building at 5-7 Shakespeare Street, Spring Gully, accords with the building typology of a 19th century Miner's House, which consists of two rooms under a hipped roof, with a further sequence of rooms beyond this under a skillion roof. The dwelling retains its original chimney and appears otherwise to be largely intact. Although some general maintenance is required, there is no obvious sign of structural deterioration.

The house provides an important historic insight into the domestic lives and typical homes of miners, and their descendants. The McInerney family, were among the early arrivals to the Spring Gully area and in c1873, Matthew and Catherine McInerney took up the subject land, a one-acre allotment of Crown land addressed at Spring Gully Road. It appears that the McInerney's informally occupied the land until Catherine took out a Miner's Right and registered the holding as a Residence Area on 6 January 1898. She held the Residence Area in her own name until her death in 1913 (PROV 1913). During this period, Matthew fenced the land and built a four-room weatherboard and slab house on the property.

The proposed heritage controls will replace the interim Heritage Overlay and introduce this site permanently into the Schedule to the Heritage Overlay through the application of Heritage Overlay (HO936) to the site in part. Specifically, the HO936 would be applied to the part of the site along the eastern section of the site. The heritage curtilage would extend from the sites front (eastern) boundary, to the side boundaries (northern and southern) and 6m beyond the rear (western) elevation of the dwelling.

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

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

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

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

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

The amendment will not have any adverse effects on the environment. Protection of heritage places will retain existing urban infrastructure and resources and contribute to the richness and diversity of the built environment. The conservation of heritage places also promotes sustainable development through the conservation 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 will have positive social effects as it seeks to

protect and enhance the cultural heritage of Greater Bendigo for future generations; it will also 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.

The application of the Heritage Overlay may have an economic impact by constraining development of the site, however it should be noted that the Heritage Overlay would only be applied to the site in part to protect the Victorian-era dwelling, lessening these potential impacts. However, the need to obtain planning permits for works is mitigated by the *Greater Bendigo Incorporated Plan – Permit Exemptions*, which removes the requirement for a planning permit for minor development/works. New places included within the Heritage Overlay will also become eligible for the City's Heritage Restoration Loan Scheme.

Does the amendment address relevant bushfire risk?

While the site is located within Schedule 1 to the Bushfire Management Overlay (BMO1), the amendment would not result in increased development potential, nor change of use of land, which can both affect bushfire risk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The views of relevant agencies will be obtained during the notice process for permanent heritage protection.

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

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

Resource and administrative costs

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

This amendment will have minimal impact on Council's resource and administrative costs regarding future planning permit applications.

There is a small cost impost in relation to the payment of standard amendment request fees.

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, on the during office hours at the following places:

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

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

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. The date for submissions about the Amendment to be received is Monday, 15 February 2021.

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: 19 April 2021
- Panel hearing: 17 May 2021

Attachment 3 - Amendment C268gben 5-7 Shakespeare Street Citation Updated**5-7 Shakespeare Street, Spring Gully**

Address	5-7 Shakespeare Street Spring Gully		
Designer/s	Unknown	Dates	c.1902
Significance	Local	Builder/s	Unknown
Recommendation	Recommended for inclusion in the Heritage Overlay	Survey Date	13 October 2020

**Contextual history**

Spring Gully, like many other areas of Bendigo, was the focus of alluvial goldmining activity from the early 1850s, with 171 miners at work in 1857 (Jean and Fahey 2020:21). Many of these miners established homes under the 1855 Miner's Right, which allowed mining and the construction of a residence on the same piece of land. With the transition to quartz mining in the 1860s and its subsequent boom in the 1870s, additional houses were constructed under the Mines Act 1865. Both the Miner's Right and Mines Act 1865 allowed the holder of a Miner's Right to reside on up to one acre on a goldfields area. In 1881, the Miner's Residence Area Bill was legislated, providing further surety of home ownership for mining families (Jean and Fahey 2020:20, 23). Those occupying a Residence Area had all the responsibilities and rights of an owner and rights of residence could be transferred or cancelled (ARDC).

Founded on goldmining, the small township of Spring Gully, with a population of 342 by 1911, was established near the Spring Gully Reservoir. Spring Gully primary school was opened in 1906, and a hall, a store and a hotel served as the focus of the community (Victorian Places 2015).

Place history

The subject property at today's 5-7 Shakespeare Street (Allotment 478B, Section H, Parish of Sandhurst) was first addressed as Spring Gully Road. Shakespeare Street was not established until the 1950s ('Australian Electoral Rolls: Subdivision of Bendigo 1954' in Ancestry 2020).

Ellen McInerney (nee Dooley) and her family, from County Clare in Ireland, arrived in the colony of Victoria in the early 1850s, after the death of her husband John in Ireland in 1850. The family settled in Bendigo. In 1862, one of her sons, Matthew (1825-1915), married Catherine Hartigan (1830s-1913), who had also migrated from County Clare in the late 1850s (David Mulqueen 2021; PROV 1913; Bendigo Independent 21 April 1913:7; 'McInerney Family Tree', BFHC 2021). In 1863, another son, James McInerney (1837-1915), married Mary Custy, who was also from County Clare (Bendigo Advertiser 5 September 1918:6; BFHC 2021).

Both McInerney couples acquired land in the Spring Gully Road area in the 1860s and lived there until their deaths: Catherine in 1913 and Matthew in 1915; and James in 1910 and Mary in 1918. Matthew and Catherine had seven children, and James and Mary had eleven. The McInerney surname, therefore, combined with the intergenerational Christian names of James, Patrick and Matthew, appear often and in close proximity in the Spring Gully Road area of the Strathfieldsaye Shire rate books of the time. The ad hoc nature of the rate book entries also reflects the rapidly changing landscape of the goldfields' at the time.

However, from available evidence, it is possible to conclude the following:

- The subject property, including a hut, was first occupied by Matthew and Catherine McInerney in c1868 as a Residence Area under a Miner's Right.
- After Matthew's death in 1915, the property was occupied by Matthew and Catherine's son, also named Matthew.
- In c1902, it appears another house was built on the subject land for John W McInerney and his wife Sarah (nee Mannix), who were married in 1902. It seems that the one-acre subject allotment was occupied by brothers, Matthew and John W McInerney (sons of Catherine and Matthew McInerney), until their father's death in 1915, with Matthew McInerney living in a hut/house, and John W and Sarah McInerney in a more substantial house (the subject residence). This is supported by a local history that lists early Spring Gully residents, noting that Mr and Mrs Matthew McInerney and Mr and Mrs John William McInerney lived in homes next to each other in what is now Shakespeare Street (Hattam nd:33).
- In 1939, John W McInerney became the freehold owner of the subject property under the Land (Residence Areas) Act 1935.

James and Mary McNerney, 3 Shakespeare Street

A brief history of the property at 3 Shakespeare Street has been included to clarify that the correct property, 5-7 Shakespeare Street, has been identified.

James and Mary McNerney settled in Spring Gully Road c1867 where they bought up their children: Patrick, born in 1864; Maryanne, born in 1865; John, born in 1867; Michael, born in 1869 (died 1870); James, born in 1871; Margaret, born in 1873; Ellen, born in 1875; Michael, born in 1878; Bridget, born in 1879; Agnes, born in 1881; and William, born in 1884 (BFHC 2021).

The Strathfieldsaye Shire rate books confirm that miner James McNerney (spelt various ways in the early rate books) occupied a bark hut in Spring Gully from 1867, in which year the NAV was £4. Because of the details listed on the allotment (Allotment 264E, Section H, Parish of Sandhurst) on the Sandhurst Parish Plan, it is likely that the hut was built on a Residence Area, taken out by the McNerneys as part of a Miner's Right. In 1883, the property was described as a house instead of a hut, and from 1886 to 1909, the NAV of the property was £5 (RB 1867-1909). After the death of James McNerney in 1910, from 1915 to 1939 the property was occupied by miner Patrick McNerney, likely James and Mary's eldest son (RB 1915-1939). This allotment is believed to be today's 3 Shakespeare Street.

With the passing of the Land (Residence Areas) Act 1935, the right of occupation of Residence Areas was broadened to include all Crown lands, not only those in mining areas, and administration was placed under the Land Act rather than the Mines Act. Section 12 of the Land (Residence Areas) Act 1935 (Section 171 Land Act 1958) allowed people occupying residence areas on auriferous land to purchase that land. Conditions were that the holder had been in possession for at least two and a half years, that a habitable dwelling had been erected and that there was no objection to the alienation of the land. Payment could be made in up to forty half-yearly instalments (ARDC).

Under this Act, Matthew Leo McNerney, nephew of James McNerney, became the owner of the property, today's 3 Shakespeare Street, in 1955 (John McNerney 2021; Sandhurst Parish Plan 1970).

Matthew and Catherine McNerney, 5-7 Shakespeare Street

In 1868, miner Matthew McNerney is listed as the occupier of a hut in Spring Gully West with a NAV of £4 (RB 1868). It is likely that the hut was located on the one-acre allotment of Crown land, the subject land, taken up by Matthew and Catherine McNerney and addressed at Spring Gully Road. It appears that the McNerneys informally occupied the land until Catherine took out a Miner's Right and registered the holding as a Residence Area on 6 January 1898. She held the Residence Area in her own name until her death in 1913 (PROV 1913). During this period, Matthew fenced the land and built a four-room weatherboard and slab house on the property, in which the couple brought up their seven children: Margaret, born in 1864; Michael, born in 1866; Ellen, born in 1868; Kate born in 1870; Matthew born in 1872; John, born in 1874; and James Henry, born in 1878 (PROV 1913; BFHC 2021).

The City of Bendigo rate books confirm that Matthew McNerney (spelt various ways in the early rate books) occupied a hut and garden in Spring Gully, with a net annual value (NAV) of £4-£6 in the period 1868-81. By 1890, the property was described as a 'garden and dwelling', and by 1906 as a house; in both years the NAV was listed as £5 (RB 1872-1906). Matthew's McNerney's occupation is noted as 'miner' in the rate books from 1868 until 1910, in which year he is described as a 'pensioner' (RB 1868-

1910). Through comparing the order of rate book entries with the land holders shown on the Sandhurst Parish Plan, this property is believed to be the subject property.

Catherine McInerney died in 1913 when her clothes caught alight while she was attending to the kitchen fire at her residence (Argus 21 April 1913:8). On her death, the property was described in probate papers as a 'landed property held under Miners Right Book 2145 No 217 containing one acre at Spring Gully Road Bendigo upon which is erected a 4 roomed slab and weatherboard house', with a capital value of £45 (PROV 1913). Matthew McInerney died in 1915 (Bendigo Advertiser 29 January 1915:3). On his death, Matthew, the son of Catherine and Matthew McInerney, continued to occupy the property until c1917 (RB 1917). In 1919-20, Sarah McInerney was the occupier, in which year the NAV of the property is blank (RB 1919-20). From 1921, the property is not listed at all, likely indicating that the original c1868 hut/house was demolished in the period 1919-21 (RB 1921-30).

John and Sarah McInerney, 5-7 Shakespeare Street

The subject house at 5-7 Shakespeare Street, named 'Burwood', was the home of John W (Jack) and Sarah McInerney (nee Mannix) (1877-1945) (Ruth Mulqueen 2021). The couple were married in 1902 ('Birth, death and marriages', Ancestry 2021).

The first listing in the Strathfieldsaye Shire rate books for John W McInerney in the Spring Gully area is in 1902 for a house at Spring Gully with a NAV of £10, which rises to £12 in the period 1915-1927, then to £16 from 1929 to 1939. John McInerney's occupation is listed as 'miner' from 1902 until 1910, when his occupation is noted as 'pensioner' (RB 1902-1939).

Sarah and John McInerney's occupation of the site is evidenced by listings in post office directories in 1911, when Sarah McInerney is noted as living in Spring Gully Road, and in the period 1915-1930, when John William McInerney is noted as the occupier of a residence in Spring Gully Road. The examination of the names of the owners of neighbouring properties, and comparison of these names with allotments shown on the Sandhurst Parish Plan and in the Strathfieldsaye Shire rate books, chiefly Mannix (allotment 478A), McInerney (Patrick) (allotment 264E), and Boucher (allotment 264F), indicates that the subject property was occupied by John William and Sarah McInerney in this period (S&Mc 1915-1930; Sandhurst Parish Plan 1970; RB 1915-1930).

In addition, a photo published in Table Talk in 1928 sent in by Mona (Monica) McInerney, Sarah and John's daughter, of 'Burwood' in Spring Gully Road, indicates that the family was living at the subject property in that year (Table Talk 5 January 1928:8).

With the passing of the Land (Residence Areas) Act 1935 the right of occupation of Residence Areas was broadened to include all Crown lands, not only those in mining areas, and administration was placed under the Land Act rather than the Mines Act. Section 12 of the Land (Residence Areas) Act 1935 (Section 171 Land Act 1958) allowed people occupying residence areas on auriferous land to purchase that land. Conditions were that the holder had been in possession for at least two and a half years, that a habitable dwelling had been erected and that there was no objection to the alienation of the land. Payment could be made in up to forty half-yearly instalments (ARDC).

The fraction 638/12 noted on the subject allotment on the Sandhurst Parish Plan indicates the land was acquired freehold under Section 12 of the Land (Residence Areas) Act 1935. Under this Act, miner

John William (Jack) McNerney became the owner of the property in 1939 (see Figures 1 and 2). After John's death in 1944, in 1945 the property passed into the ownership of Sarah McNerney. After Sarah's death in the same year, her son, Matthew Leo McNerney, railway employee, became the owner in 1945. The property was sold to Keith Kane in 1946 (CT:V6353 F485). As noted above, Matthew Leo McNerney was also the freehold owner of 3 Shakespeare Street from 1955.



Figure 1. Photo of 'Burwood' in the 1940s with Sarah and John William (Jack) McNerney and family: from left to right, granddaughter Irene; Sarah (nee Mannix); eldest son John William junior (Jack); John William senior (Jack); and at front, granddaughters Jill and Ruth. (Source: David Mulqueen 2021)

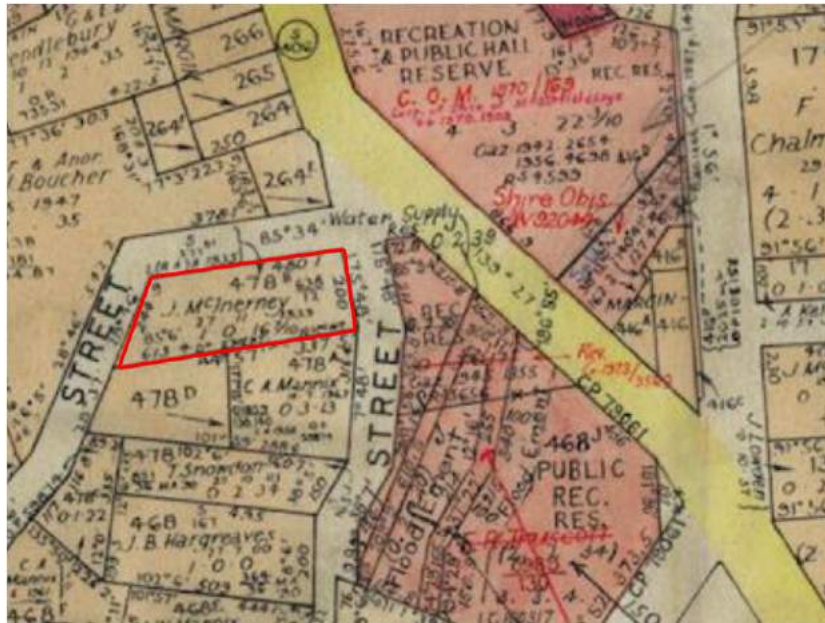


Figure 2. Showing the subject property, outlined in red, of approximately one acre, owned by J McInerney by 1939. The fraction 638/12 noted on the allotment indicates that the land was acquired freehold under Section 12 of the 1935 Land Act: Conversion of Residence Area Rights. (Source: Sandhurst Parish Plan 1970)

Description and Integrity

The property consists of a weatherboard cottage and a collection of outbuildings. No heritage significance is attached to the outbuildings.

The cottage has a hipped roof over the two front rooms and the remainder of the house is under a skillion roof. A verandah runs the full width of the front elevation, with turned posts, however the verandah decking has been removed and replaced with concrete. The original windows and door frame with toplight remain in place, but other windows have been added and altered in the skillion section of the house, suggestive of multiple periods of development. A large air conditioning unit has been installed on the rear of the hipped roof, but this is largely concealed from the front of the house. A single chimney remains, although aerial photography from 1934 (below) suggests that there were at least three chimneys at one point.



Figure 3. Extract from 1934 Bendigo Mines Limited aerial photography.

The footprint appears to approximately match the 1934 photograph, although the roof has possibly been altered, as has the rear of the house. There are several interwar or early postwar timber framed windows and louvre windows beyond the front rooms. The alterations are consistent with periodic updates to a miner's house as needs of the occupants changed over time and do not detract from its significance.

Comparative Analysis

The miners' house was once a common sight throughout the goldfields, with minor regional variations often driven by the background of the migrant workforce in a given area. Many of these in the Ironbark, Victoria Hill and Long Gully area have been captured by HO999 *Miners Cottage Serial Listing*. These cottages are similar in their integrity, with many reflective of the changes made by working class families over time. They typically pre-date the house at 5-7 Shakespeare Street and have a more simple, primitive construction technique than what is shown here, reflective of the impact of successive Mining Acts on the occupation of Miners' Residency Areas.

There are also a collection of small mining related cottages from a variety of periods in HO11 *Rowan Street Precinct*. These cottages are similar in size and again show the signs of continued occupation and alteration over time. The occupation of Golden Square, Bendigo and Ironbark reflects more dense mining activity than was found in Spring Gully, over a longer period of time. In the Rowan Street Precinct, there are many rows of similar housing, with the same scale and detailing to be seen. In contrast, Spring Gully mining activity was less concentrated and tapered off before the mining of the richer lines of reef seen in the area of the Rowan Street Precinct.

There are no examples of Spring Gully miners' housing in the Heritage Overlay.

Assessment against criteria

The following analysis is based on Victorian Government Planning Practice Note 1: Applying the Heritage Overlay (August 2018).

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

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

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

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

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

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

Criterion 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).*

Statement of Significance

What is significant?

The house at 5-7 Shakespeare Street, Spring Gully, is significant, with the surrounding area as indicated in the map below.

How is it significant?

5-7 Shakespeare Street Spring Gully has historic, aesthetic, representative significance to the City of Greater Bendigo. (Criteria A, D and E)

Why is it significant?

The miners' house at 5-7 Shakespeare Street is historically significant as an example miners housing in Spring Gully. Spring Gully was founded as a gold mining settlement but few examples of miners' housing remain. The Greater Bendigo area was one of the richest gold mining areas at the time in Australia. The house provides an important historic insight into the domestic lives and typical homes of miners, and their descendants. The McInerney family were among the early arrivals to the Spring Gully area and remained in the Shakespeare Street residence until the mid-twentieth century. (Criterion A)

5-7 Shakespeare Street is associated with the quartz gold mining boom and has aesthetic and representative significance as an example of timber frame construction from a time when construction techniques were becoming standardised. The examples of this generic type of house is associated with mass housing on the Victorian goldfields. 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. The house at 5-7 Shakespeare Street demonstrates how these standardised houses were altered over time to accommodate changing needs of miners and their successors, while retaining the original form of the house. (Criterion D, Criterion E)

Additional Controls

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

References

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16. WELLBEING AND FAIRNESS

16.1. Bendigo Maubisse Friendship Committee: Governance in Transition

Author	Rebecca Lee, Community Partnerships Officer – International Relations
Responsible Director	Vicky Mason, Director Health and Wellbeing

Purpose

The purpose of this report is to seek Council endorsement and support for the Bendigo Maubisse Friendship Committee (BMFC) to transition to an independent incorporated association and outline how Council will work with the group in the future.

Summary

Since the 19th August 2020 the BMFC has been operating as a Delegated Committee of Council under Section 63 of Local Government Act 2020. On that date an instrument of delegation was approved by Council for a period of 12 months on the understanding that the Committee would use that time to transition to an incorporated entity.

As part of the planned separation Council agreed to establish a Memorandum of Understanding (MOU) outlining the BMFC's ongoing relationship with City of Greater Bendigo. This has subsequently been developed.

As part of the separation the BMFC sought some additional financial support to meet early expenses including relevant insurances.

RECOMMENDATION

That Council:

1. Approve the Bendigo Maubisse Friendship Committee to transition to an incorporated association.
2. Approve a one-off special grant of \$25,000 to support the group to establish themselves over the next 12 – 24 months.
3. Endorse the attached Memorandum of Understanding to demonstrate Council's support and linkages with the group.

RESOLUTION

Moved: Cr Margaret O'Rourke

Seconded: Cr David Fagg

That the recommendation be adopted.

CARRIED

Policy Context

In 2016 the City of Greater Bendigo committed to partner with City of Ballarat and cooperate on initiatives to strengthen professional knowledge and skills of Timorese counterparts in the District of Ainaro. At least 14 other Councils across Victoria have entered into these agreements. The agreement was not legally binding.

This agreement included activities such as: sharing advice, experience and mentoring; study or working visits in both directions; providing technical advice; regular networking, collaboration and exchange; and projects aimed at developing trading skills, business opportunities and economic independence.

At a minimum, Victorian councils are expected to give fair consideration to any request for support by their Timorese partner or by the Victorian Government, noting such requests generally relate to in-kind provision of training or related activities. To date, the City of Greater Bendigo has had very few requests for support, however the BMFC have been a significant conduit for communication and has provided a great deal of support relating to education, health, arts and culture, local community and lifestyle outcomes.

State Legislation:

- State Government Victoria Policy: Partners in Government: Victoria and Timor-Leste
- Adherence to Council's legislative obligations under the Local Government Act 2020 (Vic).

Community Plan (2017-21):

- Goal 1: Lead and govern for all
- Goal 2: Wellbeing and Fairness Health and Wellbeing Plan 2017-2021
- Strengthen community participation and belonging
- Increase social connection and reduce loneliness

Community Volunteering Strategy 2019-2023:

- Goal 1: Develop a culture of volunteerism in the community
- Goal 4: Improved and increased capability of volunteer leaders, community organisations and groups.

International Relations Policy 2014 (currently under review)

The previous International Relations Policy 2014 provides an overarching framework for the City's engagement in the international arena. The International Relations Policy 2021 will soon be tabled with Councillors for review.

Background Information

The Bendigo Maubisse Friendship Committee (BMFC) was a Special Committee of Council operating through an Instrument of Delegation under section 86 of the 1989 Act from 2006. Terms of Reference are outlined in Attachment 1.

Since that time the BMFC has worked with the Greater Bendigo community in undertaking significant community development activities across the subdistrict of Maubisse. In recent years there has been increased capacity building, with a shift from building and public infrastructure projects to skills training and education initiatives such as the committee's highly successful scholarship project, and a sewing program that has produced local entrepreneurship.

Report

The Local Government Act 2020 changed the governance requirements for Section 86 committees and prompted the BMFC to review its goals, sustainability and governance model in recognition of the changing nature of needs in Timor-Leste and the role of the City in continuing to significantly support those needs.

At the meeting of Council held 19th August 2020, Council approved an instrument of delegation for a period of 12 months on the understanding that the BMFC would use that time to transition to an incorporated entity.

The BMFC has been making steady progress on the transition, establishing a governance transition subcommittee and voting unanimously to incorporate at its December 2020 meeting. It has been known for some time that the BMFC must transition to a new model of governance. However, as the decision was very much dependent upon changes within the new Local Government Act, which was not ratified until 24 March 2020, the decision had been delayed. Time spent adjusting to impacts of COVID-19 has also contributed to the delay, although the committee has used the interim period positively to develop and finalise its strategic plan (Attachment 2). The Bendigo-Maubisse Friendship Committee Strategy: 2020-2024 was presented to and endorsed by Council in a briefing on 27th July 2020.

The BMFC now requires formal approval from Council to transition to an incorporated entity, effective from the day approval is granted. This will release the Committee from the highly controlled requirements of the Act and enable it to operate independently of Council.

After a great deal of consideration, the BMFC have also proposed an MOU (Attachment 4) outlining the BMFC's ongoing relationship with the City of Greater Bendigo. While support will significantly reduce as the Committee transitions to an incorporated association, the BMFC committee did request additional financial support.

In preparing the recommendation the following options were considered.

Option 1

Council approves the transition of the BMFC to an incorporated association but doesn't sign the MOU or provide any financial support.

Implication - Without some support from Council the BMFC may cease to operate which, given its long term relationship with Council, may lead to reputational damage to Council.

Option 2

Council

approves the transition of the BMFC to an incorporated association, signs the MOU but doesn't provide any financial support.

Implication

– Having an MOU with BMFC will allow partnering with Council to engage the community in actions to support Timor-Leste however without some financial support from Council the BMFC may cease to operate which, given its long-term relationship with Council, may lead to reputational damage to Council.

Option 3

Council approves the transition of the BMFC to an incorporated association, signs the MOU but provides a grant of \$25,000 to support the committee to establish as an independent organisation.

Implication – Providing these levels of support to BMFC will assist the committee to smoothly transition to becoming an independent organisation whilst continuing to partner with Council. The provision of a one-off grant of \$25,000 is aligned with financial support provided to other community groups.

Timelines:

The BMFC must complete its transition to an incorporated body by 19th August 2021.

Risk Analysis:

Without formal approval to incorporate, the BMFC's ability to make decisions about its new model is restricted and the process of incorporation may be delayed. A significant delay may result in a request for Council to extend the current Instrument of Delegation and associated additional resourcing.

If Council chooses not to approve signing of the MOU and the BMFC is unable to continue operations, there may be reputational damage.

Given the historical relationship, Council's reputation will be reflected in the work of the BMFC. An ongoing connection to the committee will help to mitigate the risk of Council being unaware of the activities of the group and allow some influence over decisions and directions in the future.

Consultation/Communication

The BMFC conducts monthly meetings, chaired and attended by Mayor Cr Jen Alden and Cr Marg O'Rourke as the Councillor Representatives. The meetings are open to the public and have been held on the first Friday of every month.

The BMFC also produces a regular newsletter that is disseminated electronically and maintains an active webpage on the City of Greater Bendigo website.

The decision to incorporate was discussed by the Committee over many months, and all members were given more than 21 days of notice prior to a motion to incorporate being announced. The final decision to incorporate was unanimous.

Resource Implications

Council has funded the BMFC since the 2006/07 financial year with an initial establishment grant of \$65,000 and \$50,000 for each subsequent year, totalling \$715,000. Council included a budget allocation of \$20,000 for a 12-month continuation of the Community Partnerships Officer in the 2020/21 budget.

An additional request for Council to consider a budget proposal for the 2021/22 financial year to help the transition to a separate community organisation was made by the BMFC. Officers have reviewed this request and make the following recommendation.

\$25,000	One off grant to be paid to the BMFC before the end of June 2021 from the current community grants budget.
In kind (approx. value - <\$1000 per annum)	Council Officer to attend monthly meetings and act as conduit between the Committee and the City of Greater Bendigo. ** Not to provide Secretariat support – but as a participant and to communicate between the two entities
In kind (approx. value - <\$400 per annum)	Continued provision of a monthly meeting space for 12 months
Total investment	2020/2021 \$25,000 one off grant 2021/2022 < \$1,400 (officer time and room costs) 2022 ongoing < \$1,000 (officer time)

Attachments

1. Current Terms of Reference
2. Bendigo-Maubisse Friendship Committee Strategy: 2020-2024
3. Signed Municipal Cooperation Agreement
4. Draft Memorandum of Understanding

15.6 Planning Scheme Amendment C268 – 5-7 Shakespeare Street, Spring Gully for Consideration of Submissions and Refer to Panel

The Chief Executive Officer referred back to the Presentation and Managing Growth Report No. 15.6 (Planning Scheme Amendment C268 – 5-7 Shakespeare Street, Spring Gully for Consideration of Submissions and Refer to Panel – page 236), advising that some clarity was required as to the next steps in the process which would be to abandon the amendment. In this regard an alternate motion as outlined below would be required:

ALTERNATE MOTION:

That Council agree to abandon amendment C268 (5-7 Shakespeare Street, Spring Gully) and that the Minister for Planning is requested to remove the interim heritage control, which would allow the demolition of the building without the need for a planning permit.

Moved: Cr Andrea Metcalf

Seconded: Cr Matthew Evans

That Council agree to abandon amendment C268 (5-7 Shakespeare Street, Spring Gully) and that the Minister for Planning is requested to remove the interim heritage control, which would allow the demolition of the building without the need for a planning permit.

CARRIED

Attachment 1 - BMFC Report A2 Terms of Reference



Bendigo Maubisse Friendship Committee Terms of Reference

1. Introduction

The City of Greater Bendigo's (**Council**) relationship with Timor Leste first commenced in late 2006 when it established the Bendigo Maubisse Friendship Committee (**BMFC**).

The BMFC works on a community to community basis to undertake a range of projects to assist the people of Maubisse in the District of Ainaro in Timor Leste.

Since 2006 the BMFC has functioned as a special committee of Council, established under section 86 of the *Local Government Act 1989* (Vic) and exercising the powers delegated to it by Council. With the enactment of the *Local Government Act 2020* (Vic) (**LGA**) the Committee has automatically become a delegated committee of Council established under section 63 of the new Act.

The BMFC, in essence operates as an extension of Council. It is responsible to Council and is subject to many of the same stringent governance and administrative requirements as Council.

Current and former Mayors and Councillors have had a strong involvement with BMFC over many years and have been a part of visiting delegations and formal members of BMFC.

The work undertaken by the BMFC since 2006 has involved more than 500 volunteer community members from the Greater Bendigo, and more than 50 travelling work teams that have visited Maubisse to make a real impact in the community and broader Timor Leste.

2. Purpose

The BMFC and Council have a vision for an enduring friendship between the people of the municipal subdistrict of Maubisse and the Greater Bendigo municipality that ensures a strong future for the people of Maubisse.

To realise this vision the BMFC will work with Council, City of Ballarat and other partners to help build Maubisse's capacity to achieve economic, social and environmental sustainability.

That mission is based on the values of mutual respect, cooperation and local decision-making, and involves sharing stories, culture, insights, expertise and resources.

The BMFC has four core goals:

- Goal 1 – Communities and Friendship: Strengthen the communities of Greater Bendigo and Maubisse by contributing to the development of the friendship relationship at multiple levels.

- Goal 2 - People and Organisations: Support the people of Maubisse in their own development and that of their local government and community organisations.
- Goal 3 – Projects and Partnerships: Support community development programs and projects in Maubisse as identified in agreement with our Maubisse friends and in collaboration with our partners.
- Goal 4 - Capabilities and Resources: Maintain and develop the capabilities and resources of the BMFC and individual members and supporters, for supporting achievement of Goals 1 to 3.

3. BMFC membership

The BMFC shall comprise a minimum of 16 representatives and be appointed by Council resolution following an expression of interest process. The specific process for appointment will be determined by Council at its discretion.

Composition shall be at least:

- 14 community members;
- 2 City of Greater Bendigo Councillors;
- 1 officer of the City of Greater Bendigo

Committee members will be appointed for a 1 year term to coincide with the term of the Delegation by Council and may renominate to join the new governance model when it is established 2021.

On resignation of a Committee member, the Chief Executive Officer may fill any vacancy on the Committee through an expression of interest process.

4. Chairperson

Meetings of the BMFC will be chaired by a member of the BMFC who is a Councillor of the Council.

5. Expression of Interest

Expressions of interest for BMFC membership will be sought through a public call seeking a diversity of skill sets and experience. BMFC membership must include responses to a set of key selection criteria/questions.

All expressions of interest received for BMFC membership will be considered by a selection panel. The role of the selection panel shall be to assess all expressions of interest received, develop a shortlist for interview if required and, following interview, make recommendations to Council as to the preferred Committee membership.

The new BMFC members will be formally appointed by Council.

Members will serve in a voluntary capacity.

6. Roles and Responsibilities

BMFC must only exercise those powers, duties and functions of Council that are delegated to BMFC by Council from time to time.

BMFC members must comply at all times with:

1. any provision of the LGA which applies to a delegated committee of Council;
2. Council's Governance Rules made under section 60 of the LGA; and
3. these Terms of Reference.

To the extent of any inconsistency between the terms of the documents above, the terms of the LGA will prevail, followed by Council's Governance Rules.

In addition, members will be expected to undertake the following roles and responsibilities:

- Contribute to the implementation of the Bendigo Maubisse Friendship Committee Strategic Plan 2020-2024 (Strategic Plan);
- Support the BMFC and act as an advocate for its purpose and outcomes;
- Attend meetings prepared and ready to contribute;
- Provide advice and guidance on the evaluation and monitoring of the Strategic Plan;
- Bring expertise, knowledge and community experience to the table;
- Identify key stakeholders to participate in the work of BMFC;
- Consider and raise issues, proposals and ideas; and
- Communicate any issues or concerns that may present a risk to the BMFC or City of Greater Bendigo.

7. Conduct of Meetings

BMFC meetings will be conducted as follows:

- Must be held at a time and place determined by the BMFC and public notice by way of advertisement must be given of such a meeting.
- Until approved by the Council a decision of BMFC which does not relate to a matter delegated to it cannot be given effect to. BMFC has no authority to bind Council or act or purport to act on Council's behalf with respect to matters not within the scope of its delegated authority.
- Meetings of BMFC must be open to members of the public unless it resolves to close the meetings to discuss a matter specified in accordance with the LGA
- If a meeting of BMFC is to be closed to members of the public the reason must be recorded in the minutes of the meeting.
- BMFC meetings must be conducted in accordance with Council's Governance Rules.

Voting:

- Each member of BMFC present at a meeting of the BMFC who is entitled to vote is entitled to one vote. Voting must be by a show of hands.
- Voting at a meeting that is open to members of the public must not be in secret.

- A question before a BMFC is determined in the affirmative by a majority of the members present at a meeting at the time the vote is taken voting in favour of the question.
- If the number of votes in favour of the question is half the number of members of the BMFC present at the meeting at the time the vote is taken, the Chairperson has a second vote.

Conduct of meetings:

Except as provided in the LGA and the Governance Rules, the conduct of meetings of BMFC is in the BMFC's discretion.

A quorum at a meeting of BMFC must be at least a majority of the members and must include at least one Councillor.

Resolutions made at a meeting of BMFC must clearly state the intention and effect of the resolution.

The Chairperson shall call a special meeting forthwith upon receiving from any of three (3) members of the BMFC of which he or she may be one, a written request that such a meeting be called. The request shall contain a statement of the purpose of the meeting. The meeting will be held on such date and at a time fixed by the Chairperson, being not sooner than seven (7) days nor later than twenty-one (21) days after the date on which the Chairperson receives the request. The Chairperson shall arrange for notice of the meeting to be given to all BMFC members and to members of the public.

Minutes of meetings:

The Chairperson of a BMFC must arrange for minutes of each meeting to be kept.

The Chairperson must submit the minutes of a BMFC meeting to the next meeting for confirmation.

The minutes of a meeting of BMFC must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and, in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision-making process.

8. Policy

The BMFC must observe and comply with any guidelines or policies of Council or those that Council may adopt from time to time, including the *Public Transparency Policy*.

9. Reporting

The BMFC must report to Council annually.

The BMFC must provide, in respect of each financial year, a half yearly report and an annual report to the Chief Executive Officer of Council containing a report of its operation during the financial year and audited financial statements for the financial year.

10. Finances

The BMFC is expected to comply with sound financial management practices, including:

- Preparation and adoption of an annual budget before the start of the relevant financial year;
- Quarterly financial reporting to the BMFC showing a comparison of actual to budget for expenditure and income items;
- Annual financial statements prepared within one month after the end of the financial year;
- Annual financial statements must be adopted by the BMFC and sent to Council;
- All cheques/EFT payments must be signed/approved by at least two BMFC members; (most payments are now made electronically particularly transfers to Alola Dili);
- All receipts to be banked within three working days;
- Accurate records for all income and expenditure items capable of being audited at any time;
- All GST charged and paid must be recorded;
- Withholding Tax must be recorded in the Expenditure report; and
- An income and expenditure report is to be submitted quarterly to the Financial Strategy Unit of City of Greater Bendigo so that returns may be sent to the Australian Taxation Office.

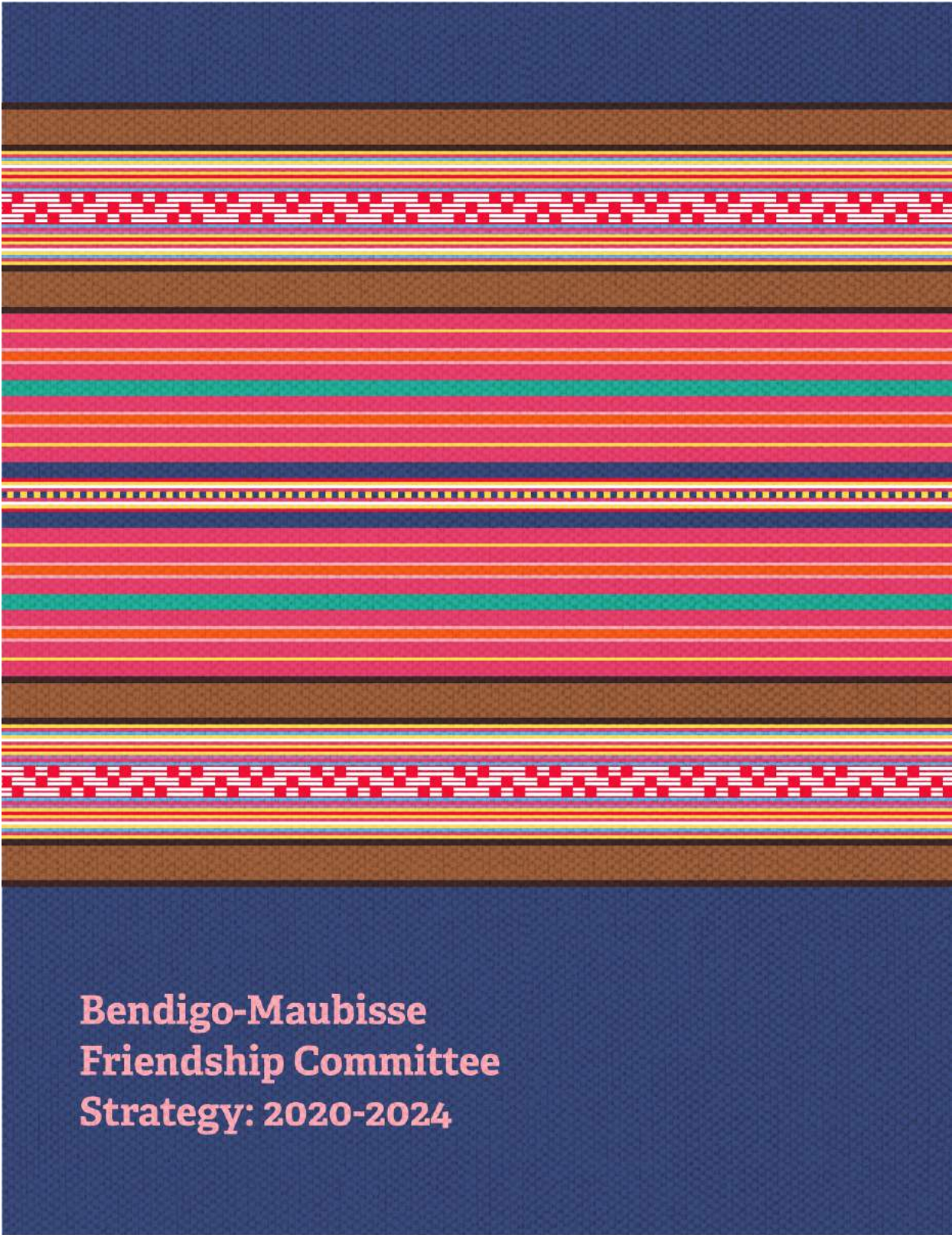
11. Conflict of Interest

Members acknowledge that they are obliged to comply with the material and general conflict of interest provisions set out in the LGA. Sections 127 and 128 in particular.

12. Guests

To be invited through the Chair. A guest of the BMFC will have no voting rights in any meeting the guest attends.

Attachment 2 - BMFC Report A3 Strategy 2020-24



**Bendigo-Maubisse
Friendship Committee
Strategy: 2020-2024**





A Message from the Mayor

I am pleased to present the Bendigo Maubisse Friendship Committee Strategy 2020-2024.

The Committee looks forward to this strategy guiding its continued work, particularly as it adjusts to the long-term impacts of COVID-19.

How Greater Bendigo supports the Maubisse community will change in the immediate future. Ordinarily the committee prepares for at least one project team to visit the region each year to continue its important work in person, however it is not known when this will be able to happen again.

Despite this, the committee remains dedicated to the friendship that has developed between the people of

Maubisse and Greater Bendigo and wants to ensure a strong future for the Timorese community.

Over many years strong relationships have been formed between the two communities, which has built a great foundation of trust for future cooperation.

This strategy outlines an action plan that will guide the work of the committee over the next four years. Successful implementation of the action plan will see the Maubisse community further develop its own Local Government decision making skills, delivery of programs and projects in Maubisse, and continued engagement with the Greater Bendigo community.

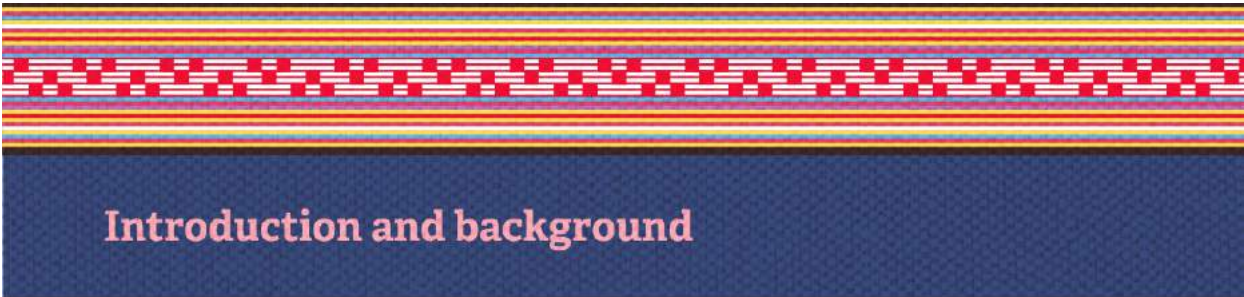
The committee welcomes your support to ensure it can develop the capabilities and resources of Maubisse and its people into the future.

Mayor Cr Margaret O'Rourke



Acknowledgment of Country

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country and acknowledges 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 the Dja Dja Wurrung and Taungurung people. We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing, and our hope that we may walk forward together in harmony and in the spirit of healing.



Introduction and background

ABOUT THIS STRATEGY

The Bendigo-Maubisse Friendship Committee Strategy: 2020 – 2024 (the strategy) has been developed to enable ongoing sustainability of important work carried out by the Bendigo-Maubisse Friendship Committee (BMFC) for Maubisse, a Timorese community still very much in need.

It draws from survey data gathered from committee members as well as best practice examples from the Australia Timor-Leste Friendship Network. It also reflects on the committee's recent annual reports and takes into account needs identified by Maubisse community members during recent biennial friendship consultations.

It has been developed for the BMFC, its partners, volunteers and donors, and the City of Greater Bendigo (the City).

The strategy aligns with the City's Community Volunteering Strategy 2019-2023, particularly supporting Goal 1 - Develop a culture of volunteerism in the community and Goal 4 - Improved and increased capability of volunteer leaders, community organisations and groups. More broadly, it aligns with the City's:

- Community Plan 2017-2021: Strategic Goal 2 of Wellbeing and Fairness
- Health and Wellbeing Plan 2017-2021 objectives to 'Strengthen community participation and belonging' and 'Increase social connection and reduce loneliness'
- International Relations Policy
- 2016 Municipal Cooperation Agreement with the Municipality of Ainaro in Timor-Leste

Beyond the City's plans and policy, the strategy aligns with:

- State Government Victoria Policy: *Partners in Government: Victoria and Timor-Leste*
- The United Nation's Sustainable Development Goals as outlined in *The 2030 Agenda for Sustainable Development*



BACKGROUND

Maubisse

Maubisse is located in the central highlands district of Timor-Leste in the Ainaro district. It is located 73 kilometres south of the capital, Dili, and is 1,400 metres above sea level. Maubisse subdistrict has a population in excess of 20,000 and is the main coffee growing area of the country. Similar to most parts of Timor-Leste, the Maubisse community faces many barriers such as unemployment, limited health and education services, and incomplete transport and communication infrastructure. The typical Maubisse resident is a member of a subsistence farming family with limited income and accommodation. There have been improvements in recent years; however there is still limited access to electricity, running water and transport.

BMFC members

All members of the BMFC are volunteers. Those that travel to Maubisse to work as part of project teams or to attend the biennial friendship consultations do so at their own expense by paying for their own airfares and associated travel costs. An enormous contribution has been made

from both the committee and the Bendigo community; over 50 project teams equates to many volunteers who have paid their way and contributed their own time as volunteers.

Municipal Cooperation Agreement: BMFC's role

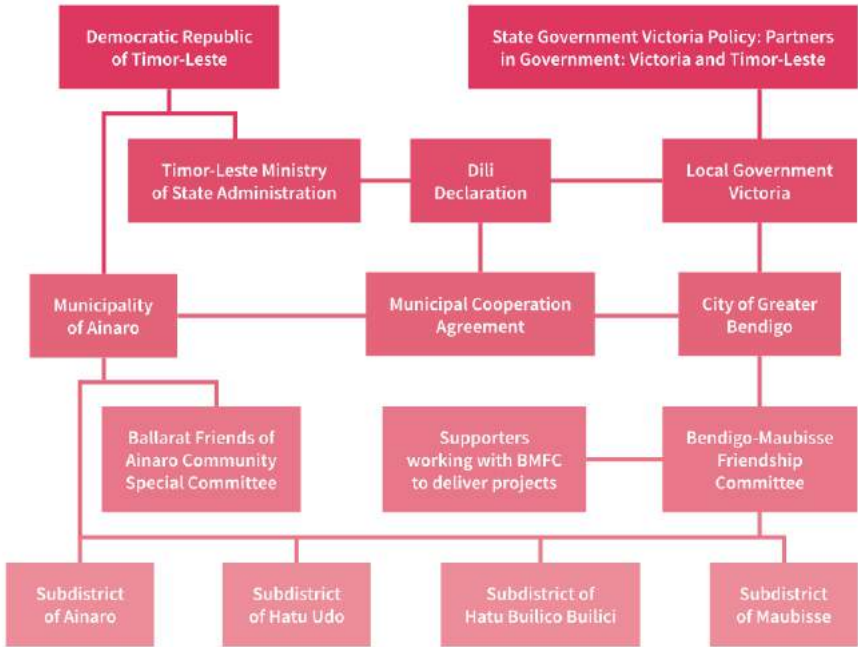
Government has driven the development of formalised municipal partnerships between Local Governments in Victoria and in Timor-Leste, with the aim of supporting decentralisation of government services in Timor-Leste and strengthening public sector skills. The City of Greater Bendigo and the City of Ballarat each hold a municipal cooperation agreement (MCA) with the Municipality of Ainaro, with Bendigo signing its agreement in 2016. Partnerships are built on the foundation of relationships forged by friendship groups and are aimed at complementing these by forming another at municipal level. Partners agree to cooperate on initiatives to strengthen professional knowledge and skills of municipal officers, which can include study or working visits, providing technical advice, and related networking, collaboration and exchange.

In addition to supporting the MCA with the foundation of a strong, long-standing friendship relationship, the role of the BMFC is of conduit - to listen to the needs of Maubisse's government organisations, and of Ainaro's government organisations, and discuss how their counterparts at the City of Greater Bendigo may be able to support them.

City of Greater Bendigo: BMFC legal status

The BMFC was first appointed in 2006 as a Section 86 Committee under the *Local Government Act 1989* by the City of Greater Bendigo and has operated in accordance with delegated authority. The committee has always understood the responsibilities associated with this status and has carried out its duties with the knowledge that it has been a representative of the City of Greater Bendigo. The *Local Government Bill 2020* decrees that committees can no longer operate under the terms of Section 86, therefore the BMFC must comply with a new model of governance in 2020.

BMFC relationships and context: (pictured below)





KEY FOCUS AREAS

Operationally, the BMFC directs its focus to the areas of **education, health, arts and culture, public infrastructure and schools and local community and lifestyle**. Maubisse's community members have final approval of all projects and programs, which are designed for meeting the needs and priorities identified during the biennial friendship consultation and review held in Maubisse by representatives of the community and the BMFC.

Education

The BMFC's scholarship program was established in 2015 at the request of administrators in Maubisse. The intent was to encourage more students to complete their high school diploma (especially girls), and build the capacity of the Maubisse community. Students are funded independently to undertake their studies with the support of donations from Victorian businesses, Rotary clubs, companies, families and individual sponsors. For university students the scholarship program also provides a laptop and funding for thesis studies and fieldwork. University students are studying a range of courses including medicine, nutrition, midwifery, civil engineering, political science, secondary teaching and computer technology. Whilst not all scholarship students take up university study, the program has enabled others to find employment or undertake an apprenticeship.

The program, which is delivered in partnership with the Fundasaun Alola Education Consultancy team, is highly valued by the Maubisse community. Discussions at the July 2019 biennial

friendship consultation in Maubisse confirmed support from all nine chiefs (chiefs) from each of the sucos (villages), with indications that the way families are viewing education is rapidly changing. Where once there was a widespread practice of keeping students at home to assist with household chores and support for the family, the scholarship program has driven an understanding that gaining an education is important for changing the future of the community. Families are now making huge sacrifices accordingly.

Health

The BMFC provides support for Maubisse Hospital with medical and dentistry training and equipment, together with assisting in the delivery of dental services. The BMFC also provides assistance and support for programs related to nutrition, malnutrition and hygiene – in particular, a program for young girls. The scarcity of dental health services and oral hygiene education is a major health issue in Timor-Leste, and the number of dentists and/or dental therapists is very low. Many of the Timorese population do not access dental services, mainly due to the shortage of services and affordability. Therefore, the Maubisse and District Dental Project is a priority. The program is making strong progress based on three key strategies:

1. Improve the standard of dental care at the Maubisse Hospital Dental Clinic and the health outposts
2. Support oral health education in the Maubisse and District Schools
3. Support the professional development of Maubisse dental personnel

Maubisse and infectious diseases

Using data from the INFORM Global Risk Index 2020, CARE International undertook analysis offering a glimpse into which countries will struggle the most health-wise and economically in the long term.

The analysis identified Timor-Leste as the second most at-risk country in Southeast Asia and the Pacific, following Papua New Guinea. By comparison, Australia and Singapore were identified as being equal second-least at risk out of the 28 countries in the region, following New Zealand.

CARE's analysis has found that the world's highest-risk countries have three-times higher exposure to epidemics such as COVID-19, but also have a six-times higher risk in terms of their access to healthcare compared to the world's lower risk countries. In Timor-Leste people are doing what they can to prevent the spread of infectious disease but this can be challenging for those people living in remote areas, such as Maubisse, where at least one-in-five households don't have access to safe water and adequate hygiene is difficult to achieve.

In light of the threats posed by global pandemics such as COVID-19, the support provided by the BMFC is more important than ever to Maubisse's vulnerable community.



Arts and culture

Programs that develop and nurture local skills and talent are continually run by the BMFC, particularly in schools. Through the work of a number of project teams, it has become clear that the children of Maubisse have embraced art. Timor-Leste's education system does not include visual arts in the curriculum, and consequently this initiative fills an educational gap while providing children with valuable opportunities to express themselves. The arts program has provided materials and educational opportunities for students attending Maubisse schools from years 2-12 and began in 2015. Following consultation with the subdistrict and the local schools, the BMFC now aims to hand over the continuation of the program to the Maubisse community. This would necessitate the nomination of a local teacher to care for the materials, initiate and conduct the classes.

Over the years the art program has been extended to engage with local women and men in the conduct of sewing classes, including donation of materials and equipment to provide incentive for ongoing projects. It is likely that a small sewing business involving local women will eventuate.

Public infrastructure and schools

With Timor-Leste's government and subdistrict administration having built capacity to deliver infrastructure projects on their own using local resources, the BMFC no longer sees the need to send work teams to construct and/or refurbish public infrastructure. If it is an agreed priority with the subdistrict administration of Maubisse, the BMFC will consider financial contributions to assist in delivering projects that involve the application of local labour and materials.

The committee's container shipping program continues to provide donated materials, goods and equipment needed to improve the quality of life for the local

Maubisse community, particularly for schools throughout the subdistrict. The average cost of sending a container to Maubisse from Bendigo is in the order of \$6,500. With more than 40 containers sent thus far, a substantial commitment and outlay has been made. Taking into account team participation, human resources needed to load a container, committee time and fundraising, it is estimated that the Bendigo community has to date provided in excess of 650 volunteer hours.

Local community and lifestyle

The BMFC continues to support the provision of knitted clothing in partnership with the Rotary Club of Bendigo Sandhurst. Whilst governance of this project is the responsibility of the Rotary Club, the BMFC ensures transport and provision of containers, and negotiates with the Maubisse Administration regarding the ongoing need and distribution of clothing throughout the nine Maubisse sucos.





A dedicated team in excess of 500 knitters throughout Victoria knit clothing that is distributed to the hospital, the pre-birth mothers' clinic and across the many remote villages of the Maubisse subdistrict. Whilst the cost of containers is provided through the BMFC's budget, the Rotary Club contributes to the financial cost of transporting these materials to Timor-Leste. Feedback is sought annually from the Maubisse community, who continue to provide positive feedback about the importance of this project, and adjustments to the project are made as these are identified.

In consultation with the BMFC, Maubisse's community has expressed a wish to develop regional tourism, a wish that has been echoed by municipal officers of the broader Ainaro region. Where government-to-government assistance is appropriate, the BMFC will refer to City of Greater Bendigo (the City) staff as per the Municipal Cooperation Agreement. There may also be opportunities for the

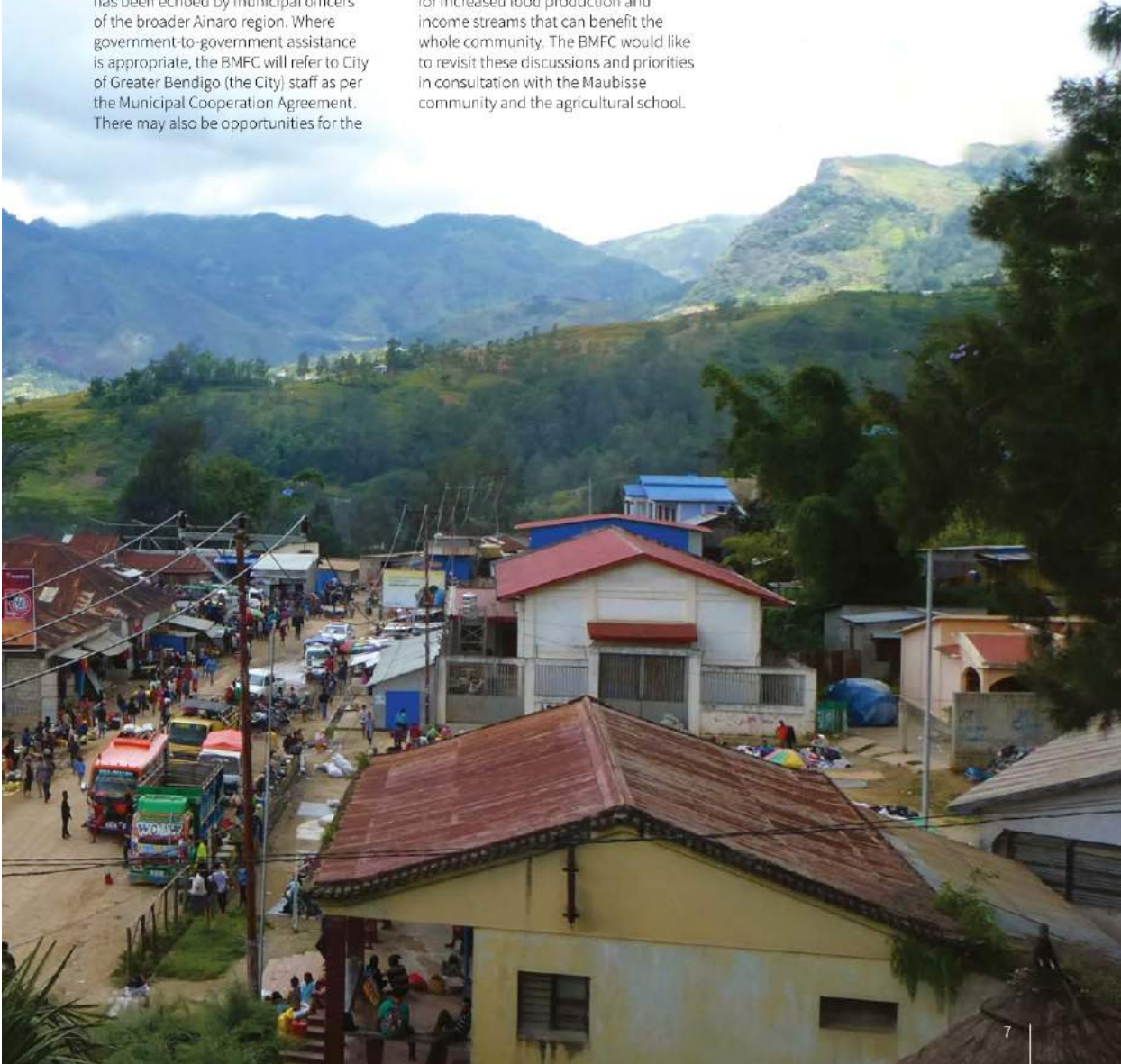
BMFC and the City to collaborate with the Ballarat Friends of Ainaro Community Committee (BFACC) and the City of Ballarat on joint tourism projects, such as a walking trail similar to the Camino de Santiago walking tour. This was a potential initiative discussed at February 2020's joint committee meeting.

The implications of food security and agriculture for nutrition, wellbeing and economic prosperity, and Maubisse's reputation as the 'food bowl' of Timor-Leste offer opportunities for further exploration. Previous project teams have consulted with the agricultural school located in nearby Horaquic, with discussions identifying priorities to improve the school and create avenues for increased food production and income streams that can benefit the whole community. The BMFC would like to revisit these discussions and priorities in consultation with the Maubisse community and the agricultural school.

Strategic focus

To ensure the continued delivery of programs and projects in the key areas described, the strategic focus of the BMFC emphasises:

- Strengthening our communities – both Maubisse and the City of Greater Bendigo
- Capacity building for the people of Maubisse and their Local Government and community organisations
- Delivering programs and projects in agreement with Maubisse's community
- Ensuring ongoing capabilities and resources required for the BMFC's continued operation



Vision

An enduring friendship between the people of the municipal subdistrict of Maubisse and the City of Greater Bendigo that ensures a strong future for the people of Maubisse.

Mission

To realise our Vision we will work with our Local Government and other partners to help build Maubisse's capacity to achieve economic, social and environmental sustainability.

Values

Our Mission is based on values of mutual respect, cooperation and local decision-making, and involves sharing stories, culture, insights, expertise and resources.

Goals

GOAL 1 – COMMUNITIES AND FRIENDSHIP

Strengthen the communities of the City of Greater Bendigo and Maubisse by contributing to the development of the friendship relationship at multiple levels.

GOAL 2 – PEOPLE AND ORGANISATIONS

Support the people of Maubisse in their own development and that of their local government and community organisations.

GOAL 3 – PROJECTS AND PARTNERSHIPS

Support community development programs and projects in Maubisse as identified in agreement with our Maubisse friends and in collaboration with our partners.

GOAL 4 – CAPABILITIES AND RESOURCES

Maintain and develop the capabilities and resources of the BMFC and individual members and supporters to achieve Goals 1 to 3.





Action plan

GOAL 1 – COMMUNITIES AND FRIENDSHIP

Strengthen the communities of the City of Greater Bendigo and Maubisse by contributing to the development of the friendship relationship at multiple levels.

Objective	Action	What success looks like
1.1 Develop the existing relationship at government level: between the Democratic Republic of Timor-Leste and Local Government Victoria	1.1.1 Collaborate with other community groups and local governments on Timor-Leste friendship relationships and cooperation activities, including through the Australia Timor-Leste Friendship Network	At minimum, one BMFC representative attends the network forums held in Victoria
	1.1.2 Support cultural exchanges and visits between Timor-Leste and Australia	Where possible and agreed to, the BMFC supports any delegations between the district of Ainaro and Bendigo
1.2 Develop the existing relationships at municipal level: between the Municipality of Ainaro, the City of Ballarat and the City of Greater Bendigo	1.2.1 Collaborate with the Ballarat Friends of Ainaro Community Committee (BFACC) to develop mutual support mechanisms and to provide advice and assistance to the City of Greater Bendigo and City of Ballarat to meet their obligations under the Municipal Cooperation Agreement	BMFC and BFACC meet at minimum once per year. Communication is facilitated by a joint digital media portal. There is a sharing of expertise and resources, and joint initiatives have increased
	1.2.2 Work with the City of Greater Bendigo Council to maintain the Timor-Leste partnership, including operating appropriate governance and reporting mechanisms	The BMFC maintains a close relationship with the City of Greater Bendigo. The BMFC continues to assist the City in meeting its obligations under the Municipal Cooperation Agreement, and in accordance with the Memorandum of Understanding between the City and the BMFC under the new governance arrangements
1.3 Develop the existing relationships at local level: between the Maubisse community, the Bendigo community, and the BMFC	1.3.1 BMFC members actively engage with City staff and community members through information sessions, fundraising activities and guest speakers to increase participation and knowledge of the purpose of BMFC	Increased participation in and knowledge of BMFC's meetings and activities by City staff and community members
	1.3.2 Collaborate with other community organisations working with the people of Maubisse	The BMFC continues to work closely with local Rotary Clubs, knitters groups, and other community groups as appropriate

GOAL 2 – PEOPLE AND ORGANISATIONS

Support the people of Maubisse in their own development and that of their local government and community organisations.

Objective	Action	What success looks like
2.1 Capacity build at municipal level	2.1.1 Assist the City of Greater Bendigo by advising on priorities and communication mechanisms to enable council to provide targeted professional development support for Ainaro's municipal administration as it moves towards responsible local government.	The BMFC provides clear advice to relevant City of Greater Bendigo staff in a timely manner
	2.1.2 Assist the City of Greater Bendigo by advising on priorities and communication mechanisms to enable council to provide targeted professional development support for the subdistrict of Maubisse's government organisations as they move towards responsible local government.	The BMFC provides clear advice to relevant City of Greater Bendigo staff in a timely manner
2.2 Capacity build at local level	2.2.1 Provide organisational and professional development support for Maubisse's non-government and community organisations to assist them to operate more sustainably	The BMFC shares learning and experience and/or provides links to appropriate support provision where possible and where agreed to
2.3 Capacity build at individual level	2.3.1 Support education and training initiatives of benefit for the people of Maubisse	BMFC's scholarship program continues to provide opportunities for Maubisse's young people. Additional opportunities are identified during biennial consultation when these can be held

GOAL 3 – PROJECTS AND PARTNERSHIPS

Support community development programs and projects in Maubisse as identified in agreement with our Maubisse friends and in collaboration with our partners.

Objective	Action	What success looks like
3.1 Identify community priorities for projects and activities	3.1.1 The BMFC carries out biennial consultations with the community of Maubisse, Ainaro's Municipal Administration and other non-government partner organisations to identify community priorities that the BMFC has the capacity to support	The Maubisse community continues to identify and endorse projects that the BMFC could work on

Objective	Action	What success looks like
3.2 Support projects and activities in the areas identified as priorities	3.2.1 Support programs and projects in Education	- The BMFC scholarship team collaborates annually with the Maubisse Selection Committee and Maubisse Sub-District Administration to identify potential scholarship recipients - The BMFC scholarship project is widely promoted to establish a broad donor base - Scholarship donations and timely transfers of funds are managed in consultation with BMFC Treasurer - The BMFC scholarship team collaborates with Fundasaun Alola Scholarship Team Dili to provide 'in country' oversight and semester payments to all scholarship recipients - Communication channels with all parties for regular monitoring of academic progress of scholarship students are actively cultivated - Scholarship students are interviewed annually to ascertain academic progress, satisfactory accommodation and financial circumstances - Scholarship donors are informed of student progress and provided with academic reports annually - Scholarship project updates are reported at each BMFC meeting
	3.2.2 Support programs and projects in Health	- The BMFC sources supplies of available dental equipment and materials for the Maubisse Referral Hospital Dental Clinic and health outposts - The BMFC accepts donations of toothbrushes and toothpaste to support the School Oral Health Program to reduce the incidence of tooth decay - The BMFC identifies and supports professional development opportunities for the Maubisse Dental Clinic personnel - The BMFC collaborates with the Maubisse Hospital, Timor Leste Dental Program and other key allied health partners to identify oral health needs in the Maubisse district - The BMFC continues to provide 'Days for Girls' kits to the girls and women of Maubisse. These are distributed with the appropriate education by a local Days for Girls facilitator
	3.2.3 Support programs and projects in Arts and Culture	- The BMFC hands over the continuation of the arts program to the Maubisse community. A local teacher is nominated to care for the materials, initiate and conduct the classes - The BMFC provides some arts materials but they are purchased locally where possible - The arts curriculum is translated into Tetum - The BMFC continues to source sewing machines for local women and men, along with fabrics, equipment, and when possible provides classes to continue learning the basics in textiles - A basic business course is provided to enable the women and men to move towards being able to develop small business for the economic benefit of their families and the community

Objective	Action	What success looks like
	3.2.4 Support programs and projects in Public Infrastructure and Schools	- While the BMFC no longer constructs and/or refurbishes public infrastructure due to increased capacity of the Timor-Leste government and subdistrict administration, where appropriate it continues to source and supply donated furniture for fitting out buildings - The BMFC considers financial contributions to assist in delivering projects that involve the application of local labour and materials
	3.2.5 Support programs and projects in Local Community and Lifestyle	- The BMFC collaborates annually with Maubisse Subdistrict Administration to identify the ongoing need for knitting provision - The BMFC liaises with the Rotary Club of Bendigo Sandhurst to establish quantities required and shipping arrangements - The BMFC budgets for container costs - The BMFC collaborates with Knitting Project Director to establish quantities, items required and Maubisse community destinations - Communication channels with all parties are actively cultivated - Project updates are reported at BMFC meetings as required
	3.2.6 Revisit discussions with the subdistrict administration and the community of Maubisse for improving tourism. Explore opportunities to assist with the identification of local sites, requirements to establish successful tourist venues and build the capacity of the Maubisse community to create greater economic prosperity	The BMFC collaborates annually with Maubisse Subdistrict Administration to identify the ongoing need for tourism support
	3.2.7 Revisit discussions with the agricultural school in Horaquic and the community of Maubisse for improving Food Security, nutrition and economic prosperity through sustainable agriculture	The BMFC understands the current locally identified priorities and how it may assist
	3.2.8 Work with Maubisse's government and non-government organisations to help them design, deliver and evaluate programs, projects and activities that address other identified and agreed priorities and that contribute to building community capacity and sustainability	- Additional opportunities to support organisations and their projects are identified during biennial consultation, and are supported where possible and where agreed to - Where government-to-government assistance is appropriate, such as in recent request for tourism resources and/or training, the BMFC follows procedure and refers to City of Greater Bendigo staff as per the Municipal Cooperation Agreement

GOAL 4 – CAPABILITIES AND RESOURCES

Maintain and develop the capabilities and resources of the BMFC and individual members and supporters to achieve Goals 1 to 3.

Objective	Action	What success looks like
4.1 Respond to changes affecting Section 86 Committees introduced by Local Government Act 2020	1.1.1 Collaborate with other community groups and local governments on Timor-Leste friendship relationships and cooperation activities, including through the Australia Timor-Leste Friendship Network	At minimum, one BMFC representative attends the network forums held in Victoria
4.2 Develop a strategic framework	4.2.1 Develop a succession plan	A succession plan inclusive of skills assessment, procedures for recruitment of new members and induction pack is implemented
	4.2.2 Implement the Strategic Plan	Over a three year period, implementation of the Strategic Plan is regularly recorded, monitored and evaluated
	4.2.3 Identify and develop appropriate policies and procedures	Clearly written policies and procedures are accessible from a central document repository
4.3 Improve community engagement	4.3.1 Develop the BMFC's communications capacity and effectiveness	A communications plan is implemented and/or a BMFC member is appointed to the position of Communications Officer
	4.3.2 Assist community members and staff of City of Greater Bendigo to develop their understanding of Timor-Leste and Maubisse, and their capacity to contribute to the activities of the BMFC	The BMFC participates in activities to promote itself. Reports on the BMFC's activities are targeted to recipients' needs and preferences
4.4 Improve financial sustainability	4.4.1 Develop a Financial Plan	Financial Plan is implemented
	4.4.2 Develop and diversify BMFC's fundraising activities	A Fundraising Plan is implemented and financial capacity has increased
	4.4.3 Advocate for funding to assist with fulfilling Municipal Cooperation Agreement (MCA) as described in Action 1.2.2	The BMFC secures contributions from the Victorian State Government who are the champions of the MCA and/or the City of Greater Bendigo who are the holders of the MCA
	4.4.4 Develop philanthropic partnerships	The BMFC identifies and develops ongoing partnerships with benefactors who have capacity to provide significant financial support
4.5 Provide clarification on BMFC's role in the City's Municipal Cooperation Agreement (MCA) with the district of Ainaro	4.5.1 Develop a procedure and line of contact for referring requests under the MCA to relevant staff at the City of Greater Bendigo (the City)	All BMFC members understand which requests constitute those under the MCA, how to refer them to relevant City staff and how the BMFC provides further support

Evaluation framework

Our evaluation framework is critical for demonstrating the breadth of achievements and the importance of work carried out by the BMFC to secure ongoing support from Council, donors and volunteers. It will also inform decision-making and drive improvement of operations.

Implementation of this strategy: Implementation of the strategy will be carried out by the BMFC and staged over three years.

Monitoring of this strategy: Monitoring and evaluation will consist of three key elements;

1. Regular monitoring and recording of the implementation of the Action Plan.
2. Impact evaluation with a focus on changes in Maubisse and in BMFC operations; what is working or not working, unintended consequences, and the appropriateness of the strategy.
3. Outcome evaluation for each goal with a focus on the long term change in:
 - opportunities for the people of Bendigo and Maubisse to strengthen their communities by contributing to the development of the friendship relationship
 - support for the people of Maubisse in their own development and that of their local government and community organisations
 - support of community development programs and projects in Maubisse identified in agreement with Maubisse friends and partners
 - maintenance and development of the capabilities and resources of the BMFC and individual members and supporters to achieve Goals 1 to 3



ACKNOWLEDGMENTS

The Bendigo-Maubisse Friendship Committee acknowledges with great appreciation the support provided by the City of Greater Bendigo over many years.

The Committee also acknowledges with great appreciation the many generous donations of time and/or funds from dedicated volunteers and benefactors for improving the lives of our vulnerable friends in Timor Leste.

REFERENCES

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Attachment 3 - BMFC Report A4 Municipal Cooperation Agreement

MUNICIPAL COOPERATION AGREEMENT

Formalising the desire to develop and strengthen cooperation between Timorese and Victorian Municipalities and their populations, it is agreed to:

1. Consider economic, cultural, social, educational and/or other interchange between local community representative organisations.
2. The Victorian Municipality of Greater Bendigo will cooperate with the Timorese Municipality of Ainaro according to their respective resources and through the following support:
 - Contributing to strengthen professional knowledge and skills of Ainaro municipal officers according to their needs and mainly through sharing advice, professional experience and mentoring;
 - Organising study and working visits by municipal delegations from Timor-Leste to Victoria and from Victoria to Timor-Leste by the public and the private sectors;
 - Providing support with technical advice to assist with implementation of municipal programs and projects under the direction of the Vice-Minister of State Administration;
 - Regular networking, collaboration and interchange of information between municipal officers and interested parties.
3. The Municipalities of Greater Bendigo and Ainaro will be able to effectively communicate and cooperate in all aspects of their activities, which are aimed to provide better services to their local population.
4. The Municipalities of Greater Bendigo and Ainaro will cooperate in projects where the objectives are the development of trading skills, creation of business opportunities and economic independence of Ainaro Population.
5. The Municipalities of Greater Bendigo and Ainaro will undertake procedures to obtain support to assist with implementing this municipal agreement.
6. This protocol may be amended at any time by the mutual consent of the Victorian Municipality and the Vice-Minister of State Administration, Timor-Leste.



MR CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER
CITY OF GREATER BENDIGO



MR TOMAS DO ROSARIO CABRAL
VICE-MINISTER OF STATE ADMINISTRATION





MR CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER
CITY OF GREATER BENDIGO



CR ROD FYFFE
MAYOR
CITY OF GREATER BENDIGO



H.E. TOMAS DO ROSARIO CABRAL
VICE-MINISTER OF STATE ADMINISTRATION



Attachment 4 - Bendigo Maubisse Friendship Committee Proposed Clauses for MoU.

Operative clauses proposed by the BMFC for inclusion in an MOU with City of Greater Bendigo:

- Financial contribution. A one-off grant to the value of \$25,000 to support the Committee to transition to a successful and sustainable incorporated group. To be paid to the group before 30 June 2021.
- Corporate support. Continued provision of a monthly meeting space.
- Council participation. A council officer to attend the BMFC's formal meetings and act as conduit for information between the Committee and the City of Greater Bendigo.

In turn, the BMFC will continue to assist the City of Greater Bendigo as specified in **Goal 2** of *BMFC Strategy: 2020-2024* (Attachment 3):

'Objective 2.1: Capacity build at municipal level'

- **'2.1.1:** Assist the City of Greater Bendigo by advising on priorities and communication mechanisms to enable Council to provide targeted professional development support for Ainaro's municipal administration as it moves towards responsible local government'
- **'2.2.2:** Assist the City of Greater Bendigo by advising on priorities and communication mechanisms to enable Council to provide target professional development support for the subdistrict of Maubisse's government organisations as they move towards responsible local government'

16.2. Bendigo Foodshare Warehouse Fitout Support

Author	Matthew Kerlin Coordinator Strategy and Policy
Responsible Director	Vicky Mason, Director Health and Wellbeing

Purpose

This report is seeking Council's support to commit to funding and providing in-kind support, where appropriate, to Bendigo Foodshare's Garsed Street Warehouse fitout.

Summary

The City have been working with Bendigo Foodshare since 2015 and the development of the Food Hub Feasibility Study to provide them with a long term, sustainable home to address the high levels of food insecurity in our community, with the Active Living Census 2019 revealing that 1 in 10 Greater Bendigo households had gone without food at least once in the past 12 months.

Bendigo Foodshare have recently secured State and philanthropic funding to fit out an expanded warehouse facility at Garsed Street, Bendigo for which they are in the process of finalising a 15-20 year long-term lease.

As the Garsed Street site will now be the focus for Bendigo Foodshare's operations it is intended that resources for the Greater Bendigo Community Food Hub be directed there, and that any further work on the previously proposed City managed site at Belle Vue Road, Golden Square site be halted. This report is seeking to formalise that commitment both financially and confirming that the City will provide in-kind support through strategic advice where appropriate.

RECOMMENDATION

That Council conclude further planning and design of the Food Hub at Belle Vue Road, Golden Square and reallocate \$140,000 from that project to provide a grant to Bendigo Foodshare for development of the Garsed Street site.

RESOLUTION

Moved: Cr David Fagg

Seconded: Cr Andrea Metcalf

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 2 Wellbeing and fairness

2.1 Create a much healthier Greater Bendigo

2.2 Promote positive wellbeing across the Greater Bendigo community

2.3 Promote community connection

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

2.5 Create safe and resilient communities

- Goal 5 Environmental sustainability

5.1 Drawing on the One Planet Living framework to connect the health of the natural environment to the health and prosperity of our community

Strategy Reference

[Greater Bendigo Food Hub Feasibility Study 2015](#)

[Greater Bendigo Health and Wellbeing Plan 2017 - 2021](#)

- Goal 1 Healthy and Well

Promote Healthy lifestyles (healthy eating)

Promote positive mental wellbeing

- Goal 2 Able to participate

Reduce socio-economic disadvantage by increasing access to and affordability of nutritious food

- Goal 5 Liveable

Promote environmental sustainability and resilience to a changing climate

Regional Strategic Plan Reference:

[Loddon Mallee Regional Strategic Plan 2015 - 2018](#)

Strategic Direction 1 Foster our comparative advantages in agriculture, food processing and other regionally significant industries

Strategic Direction 3 Enhance the wellbeing and economic participation of our people

Strategic Direction 4 Protect and enhance the liveability and appeal of our region

Background Information

Investigating feasibility of a Greater Bendigo Food Hub was first identified as a key recommendation in the 2014 Food Security Report, a reflection of the high levels of food insecurity in Greater Bendigo. These high levels of food insecurity were reflected in the 2019 Active Living Census with 9.6% of the population not having enough food to eat at least once in the past 12 months, which increased to 18.6% of the population in some suburbs.

A Greater Bendigo Food Hub Feasibility Study was then developed in 2015 and endorsed by Council in 2016. The 2015 Greater Bendigo Food Hub Feasibility Study outlined the needs and interests within Greater Bendigo that would allow for the establishment of an expandable base for emergency food relief agencies (such as Bendigo Food Share), self-supported by a number of complementary commercial and non-commercial activities. These included:

- Storage and warehousing for more permanent facilities for emergency food relief in Bendigo
- Provision of storage and cool room facilities for local producers
- Cooking and gardening facilities
- Education and training facilities

In 2019 consultants RMCG were appointed to develop a business case for Stage 1 of the Food Hub, which would build upon the work of the Feasibility Study and be developed with comprehensive input from customers, suppliers and competitors. The business case aims to inform the concept design, will be used to support advocacy for the project and will complement future funding bids for capital investment for the construction of the Greater Bendigo Community Food Hub (the Food Hub). The summary business case includes the vision and services for Stage 1 of the Food Hub, details on the infrastructure proposed for Stage 1, benefits of the Food Hub, governance considerations and costs and funding. QS costs informed by the concept plans are required to finalise the business case and are expected to be received shortly.

Y2 Architecture were subsequently appointed to undertake development of concept plans for the proposed Belle Vue Road, Golden Square location in early 2020 using the Stage 1 information of the business case and workshops with key stakeholders (including Bendigo Foodshare and the Bendigo Community Farmers Market) to inform the plans. In December 2020 the City received the finalised Masterplan Report and Concept Drawing Package (Plan, roof plan and elevations) for the Greater Bendigo Community Food Hub.

Previous Council Decision(s) Date(s):

May 2014 – Council adopted the Bendigo Food Security Report

October 2015 – Council resolved to:

1. Release the draft Food Hub Feasibility Study for public review and comment period of 4 weeks.
2. Receive a further report summarising community feedback and seeking Council adoption of a proposed Food Hub model in order to support any Federal and State funding opportunities as required.

May 2016 – Council resolved to:

1. Endorse the Greater Bendigo Food Hub Feasibility Study; and
2. Authorise officers to facilitate site investigations, funding opportunities and creation of a governance structure for a Greater Bendigo Food Hub.

Report

Since the completion of the draft business case, Masterplan Report and Concept Drawing Package Bendigo Foodshare have been able to secure a long-term lease of 20 years for a site in Garsed Street, Bendigo owned by super providers ISPT.

The cost of the fit out required for the Garsed Street site has been estimated at \$1.4M and Bendigo Foodshare have been able to secure \$400K State funding as part of a State Government funding initiative to increase the capacity of food relief storage and distribution services in regional Victoria. This funding has since been boosted by a philanthropic donation of \$300K from Kirkland Lake (Fosterville) Gold, with Bendigo Foodshare still needing to raise an additional \$700K for which they have launched a funding campaign.

Bendigo Foodshare's shift of focus from the Belle Vue Road, Golden Square site to the Garsed Street, Bendigo site has been driven by an urgent need for a larger warehouse facility as they have rapidly outgrown their current warehouse and this has been exacerbated by Covid-19, which has seen an increase in demand for food relief services of up to 40%.

Fitout of the Garsed Street Warehouse will allow Bendigo Foodshare to double their capacity, provide cold and cool storage of food where appropriate and allow them to operate a social supermarket.

The social supermarket will be including a co-op style purchase, packdown and sale of bulk goods as well as giving away donated items and click and collect for the Farmers Market

As the Garsed Street site is smaller than the Belle Vue Road site it is intended to undertake further investigations to gauge what additional community food hub elements from the investigation undertaken so far may be practical to be located at Garsed Street (including the Bendigo Community Farmers Market).

Priority/Importance:

There is a high priority for this funding to be delivered in the short term with Bendigo Foodshare required to expend their State funding by the end of June 2021.

Options/Alternatives:

Council has the option to not provide financial support to Bendigo Foodshare for the fit out of the Garsed Street Warehouse and redirect the funds to other projects.

Timelines:

The City have been supporting Bendigo Foodshare's need for a sustainable home since 2015 and the development of the Greater Bendigo Food Hub Feasibility Study. This has continued with multiple site investigations, development of a business case and concept master plans with funding provided in the 2019/2020 budget.

Progress:

The City has received the finalised Masterplan Report and Concept Drawing Package (Plan, roof plan and elevations) for the Greater Bendigo Community Food Hub, along with the QS costs that are required to complete the business case.

Risk Analysis:

There is a risk that Bendigo Foodshare are unable to raise the necessary \$700,000 to complete the Garsed Street fit-out. This would impact their ability to continue providing food relief services to those in need. There is also a risk that if they are unable to raise the full amount, Council's contribution may not be utilised to fulfil the complete vision of improvements of Bendigo Foodshare in support of their operations.

Consultation/Communication

Internal Consultation:

Internal engagement and specialist advice has been undertaken and received from a number of units across the City, including Active and Healthy Lifestyles, Property Services, Regional Sustainable Development, Engineering and Resource, Recovery & Education.

External Consultation:

Key input for the development of the business case and masterplan/concept plans has been received from Bendigo Foodshare, the Bendigo Community Farmers Market, Mayor Cr Jennifer Alden, and consultants RMCG and Y2. Officers have also worked with the Bendigo Pony Club on potential requirements for an alternative site if the project was to proceed at Belle Vue Road, Golden Square but they have not been consulted regarding this potential change in direction.

Resource Implications

Budget Allocation in the Current Financial Year:

Project 86106: \$231,073

Previous Council Support:

\$0 (noting in-kind staffing support during COVID-19 response)

External Funding Sources:

\$400,000 Victorian Government and \$300,000 Kirkland Lake (Fosterville) Gold

Current Estimate or Tender Price:

\$1.4M

Any known or anticipated variance to budget:

None known

Projected costs for future financial years:

None known

Any ongoing recurrent expenditure required:

None known

\$231,073 was allocated in the 2019/2020 budget for the completion of concept design and commencement of further design works. Local architects Y2 Architecture were appointed to undertake development of concept plans for the proposed Belle Vue Road, Golden Square location in early 2020 and in December 2020 the City received the finalised Masterplan Report and Concept Drawing Package (Plan, roof plan and elevations) for the Greater Bendigo Community Food Hub.

\$186,000 of this original allocation remains, which was originally intended to fund detailed design works as the next stage of the project at Belle Vue Road, Golden Square. With the Garsed Street site now the focus for Bendigo Foodshare this report is recommending allocating \$140,000 of these funds to Bendigo Foodshare to support the fit-out of the warehouse.

It is intended to use a portion of the remaining funding to investigate the potential for which complementary elements of the planned Community Food Hub could be located at Garsed Street, considering the constrained space there (including the Bendigo Community Farmers Market).

There is capacity for the City to also provide in-kind support in the form of strategic advice, where appropriate, however project management cannot be provided in the timeframe required by Bendigo Foodshare due to the City's fully committed program of works.

17. STRENGTHENING THE ECONOMY

Nil

18. ENVIRONMENTAL SUSTAINABILITY

Nil

19. EMBRACING OUR CULTURE AND HERITAGE

Nil

20. LEAD AND GOVERN FOR ALL

20.1. Resolution for State Council Meeting – Municipal Association of Victoria

Author	Peter Hargreaves, Governance Project Coordinator
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to seek Council endorsement for an item of business to be considered at the forthcoming meeting of the State Council of the Municipal Association of Victoria (MAV).

Summary

The MAV State Council meets twice a year, or more if needed, to consider matters or resolutions submitted by members – the 79 Councils which comprise Victoria's municipalities.

Member Councils have been invited to submit resolutions to be considered by State Council at its next meeting to be held on Friday 25 May 2021.

It is recommended Council use the opportunity provided by the State Council forum to draw attention to the steady decline in government contributions and the increasing burden falling on Councils to fund services and programs undertaken jointly by state and local government such as library services.

RECOMMENDATION

That Council submit the following resolution for consideration at the May meeting of the State Council of the MAV:

That this State Council meeting calls on the Victorian Government to increase its contributions to services and programs undertaken jointly with local government in order to redress the historic and growing funding imbalance and to better reflect the true costs incurred and relieve the growing financial hardship caused to Councils.

RESOLUTION

Moved: Cr Rod Fyffe

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1:	Lead and Govern for all
Objective	Be innovative and financially responsible Actively seek more funding opportunities from Federal, State and private investors

Background Information

The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for Victoria's 79 local councils.

The MAV was formed in 1879, and through legislation is recognised as the peak body of local government in Victoria.

The MAV's role includes to:

- Represent and advocate local government interests
- Promote the role of local government
- Build the capacity of councils

The twice yearly State Council meeting provides a forum for the MAV to consider matters of concern to its 79 members. Members have been invited to submit resolutions for consideration at the May meeting.

Report

The steady decline in government contributions for joint services and programs like library services has long been of concern to the Greater Bendigo City Council. As the true cost of service delivery for these program falls from a 50:50 cost sharing and more of the burden falls on Council less funds are available to fund other services required by residents and ratepayers.

The following explanatory statement drafted to accompany the proposed resolution reflects Council's long held view on the issue:

The purpose of this motion is to press the Victorian Government to restore fairness and equity to funding arrangements for important community services and programs which the two tiers of government agreed to provide in partnership but in reality, are increasingly being left to Councils to shoulder the burden.

Cost shifting occurs when governments transfer program or service responsibilities to local government with insufficient funding or provide grants that don't keep pace with the actual delivery costs incurred by councils.

The most obvious example of this cost shifting has occurred with library services – what once began as a 50:50 partnership, filled with optimism and goodwill and has been marked by a progressive withdrawal by successive state governments.

Since 1975 the state's contribution to funding library services has declined from 50% to just 17% - leaving Councils to fund 83% or an additional \$73M per annum.

This cost shifting to local government has not been confined to library services but has spread in unrelenting fashion to services and programs as diverse as pest plant and animal control, flood planning and mitigation works, aspects of statutory and strategic land use planning, municipal emergency resourcing programs and public land management particularly in the maintenance and upkeep of sporting and community facilities on Crown Land reserves.

In 2016 the City of Greater Bendigo estimated the impact of cost shifting particularly for service provision by Federal and State governments was costing the Council about \$4M a year.

Coupled with the introduction of the *Fair Go Rates system*, with increased expenditure and decreased revenue, Councils are increasingly faced with decisions about reducing service levels or cutting service for the community to fund the State Government's share of costs.

It's now time to complete the process of redress and restore equitable funding to all services and programs undertaken jointly or undertaken by Councils on behalf of the state.

Timelines:

Resolutions for the May State Council meeting must be lodged by 23 April.

Consultation/Communication

Nil

Resource Implications

There are no foreseen adverse cost implication arising from supporting this recommendation.

Any redress of the funding arrangements would have a benefit impact on Council's financial position.

Attachments

Nil

20.2. Councillor Allowances

Author	Ryan Millard, Coordinator Legal Services
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to set Councillor allowances.

Summary

Council must complete a review of allowances prior to 30 June 2021.

Greater Bendigo City Council has been declared by the Minister for Local Government to be a Category 3 Council. On that basis:

- Councillors are entitled to allowance with the range of \$13,123 up to a maximum of \$31,444 per annum.
- The Mayor is entitled to an allowance of up to \$100,434 per annum.

Council must consider and set Councillor and Mayoral allowances within the ranges and limits set out above. In line with previous allowance reviews undertaken by Council, it is proposed to recommend to Councillors that Councillor allowances be set at the maximum of \$31,444 (plus 9.5% superannuation) per annum and the Mayoral allowance be set at the maximum of \$100,434 (plus 0.5% superannuation) per annum.

Council must advertise its decision to set allowance for 28 days and accept public submissions on the matter before making a final report.

RECOMMENDATION

That Council:

1. Publicly advertise its intention to set the Mayoral allowance at \$100,434 per annum (plus 9.5% superannuation) and the Councillor allowance at \$31,444 per annum (plus 9.5% superannuation)
2. Seek submissions from the community on the Mayoral and Councillor allowances
3. Note the outcome of the submission process will be included in a final report which will be presented to the ordinary Council meeting on 21 June 2021.

RESOLUTION

Moved: Cr Andrea Metcalf

Seconded: Cr Vaughan Williams

That the recommendation be adopted.

CARRIED

Policy Context

City of Greater Bendigo Community Plan 2017-2021:

Goal 1: Lead and govern for all

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

Background Information

Councillor allowances are determined based on the population size of a municipality into three categories. Councils may set allowances within the range of their category in consultation with their community. Historically, Council has set its allowances at the maximum limit permitted.

Report

The Act provides that the Mayor, Deputy Mayor and Councillors are entitled to receive from the Council an allowance which is to be set in accordance with a determination of the Victorian Independent Remuneration Tribunal. Such determination would be made at the request of the Minister for Local Government.

To date, the Minister has not requested a determination. It is likely a request will be made mid-year and the Tribunal will take at least several months to make a determination.

The Act further provides that until the first determination is made by the Tribunal, the now repealed provisions of the *Local Government Act 1989* (Vic) relating to Councillor allowances continue to apply as though they remain in force. Relevantly, section 74(1) of the 1989 Act requires that Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later. Accordingly, it is necessary for Council to complete a review of allowances prior to 30 June 2021.

Under the 1989 Act, Councillor and Mayoral allowances are set by limits and ranges imposed by the Minister for Local Government via publication in the Victorian Government Gazette.

The most recent gazetted notices regarding Councillor allowances were made by the Minister on 13 November 2019 and 23 December 2019. According to these notices, councils are divided into three categories based on population size. Category 3 councils have the largest population base and therefore the highest range for Councillor allowances.

Greater Bendigo is listed as a Category 3 Council, which is recognised in the highest category for allowances. This is an indication of the complexity of matters considered by Council and the high level of responsibility of Councillors. On that basis:

- Councillors are entitled to an allowance within the range of \$13,123 up to a maximum of \$31,444 per annum.
- The Mayor is entitled to an allowance of up to \$100,434 per annum.

The position of Deputy Mayor is not afforded a separate category of allowance under the 1989 Act as the position was not required by that Act.

Mayoral and Councillor allowances are also subject to the addition of the equivalent of the superannuation guarantee (9.5%). Note that this percentage is scheduled to increase to 10.0% from 1 July 2021.

Council must consider and set Councillor and Mayoral allowances within the ranges and limits set out above. Historically, Council has set its allowances at the maximum limit permitted.

In line with previous allowance reviews undertaken by Council, it is proposed to recommend to Councillors that Councillor allowances be set at the maximum of \$31,444 per annum, plus the legislated superannuation rate (currently 9.5%) and the Mayoral allowance be set at the maximum of \$100,434 per annum, plus the legislated superannuation rate (currently 9.5%).

Councillors should note that section 74(4) of the 1989 Act permits any person to make a submission under section 223 of the Act in relation to a review of Councillor allowances. Council will need to advertise its decision to set allowances for 28 days and accept public submissions on the matter before making a final resolution.

Consultation/Communication

Nil

Resource Implications

Nil

Attachments

Nil

20.3. Councillor Gift Policy

Author	Ryan Millard, Coordinator Legal Services
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to seek Council's approval of a revised Councillor Gift Policy.

Summary

The current Councillor Gift Policy is due for review and Council can now take this opportunity to consider revisions to its Gift Policy to better align with the Staff Gifts, Benefits and Hospitality Policy adopted by the organisation last year and clarify the circumstances in which Councillors should refuse offers of gifts and hospitality.

The City's Legal Services Team have prepared a draft Councillor Gift Policy for Council's consideration, which was revised following feedback provided by Councillors.

The draft policy is aligned conceptually with the Staff Gifts, Benefits and Hospitality Policy and proposes that 'non-token gifts', worth over \$50, must be refused in almost all circumstances.

The draft policy also aims to clarify circumstances in which a Councillor may accept tickets to events and functions. In particular, the policy does not apply to invitations to events and functions that a Councillor is required to attend in an official capacity.

RECOMMENDATION

It is recommended that Council adopts the Councillor Gift Policy.

MOTION

Moved: Cr David Fagg

Seconded: Cr Matthew Evans

It is recommended that Council adopt the Councillor Gift Policy, subject to an amendment to the policy to reflect that the monetary amount for the non-token and token gift threshold be reduced from \$50 to \$20 in line with staff and IBAC gift policies.

CARRIED

Policy Context

Community Plan Reference:

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

Background Information

Nil

Report

Section 138(1) of the *Local Government Act 2020* (Vic) requires that Council adopts a Councillor Gift Policy within 6 months of the commencement of that section, being 24 April 2021. Council has previously adopted a Councillor Gift Policy. However that policy is due for review and Council can now take this opportunity to consider revisions to its Gift Policy to better align with the Staff Gifts, Benefits and Hospitality Policy adopted by the organisation last year and clarify the circumstances in which Councillors should refuse offers of gifts and hospitality.

The City's Legal Services Team have prepared a draft Councillor Gift Policy for Council's consideration, which was revised following feedback provided by Councillors.

Token and Non-Token Gifts

The draft policy is aligned conceptually with the Staff Gifts, Benefits and Hospitality Policy, which distinguishes between token and non-token gifts. In line with Councillor feedback, the draft policy proposes a higher value threshold for what constitutes a 'non-token gift' - \$50 and above compared to \$20 and above in the staff policy. The draft policy adopts a policy position that non-token gifts must be refused in almost all circumstances, which is a stronger position than the current Councillor Gift Policy provides.

Attendance at events

The draft policy also aims to clarify circumstances in which a Councillor may accept tickets to events and functions.

The policy does not apply to invitations to events and functions that a Councillor is required to attend in an official capacity, including where:

1. a Councillor is invited in order to participate in the event or function, such as making a speech or presenting an award;
2. a Councillor is the Council appointed representative of a committee or group involved in or relevant to the event or function; or
3. a majority of Councillors or the Mayor consider that it is appropriate and aligned with community expectations for a Councillor to attend the event or function.

If a Councillor is not required to attend in an official capacity, the offer is to be treated as a gift and may be accepted or must be refused in accordance with the general policy position applying to gifts.

Options/Alternatives:

The draft policy originally presented to Councillors proposed direct alignment with the organisation's Staff Gifts, Benefits and Hospitality Policy by setting the threshold for a 'non-token gift' at more than \$20 (rather than more than \$50). Other alternative options would include a zero tolerance policy or setting a higher threshold for non-token gifts, potentially up to the disclosable gift threshold of \$500 prescribed by the Act. However it should be noted that the new concept of general conflict of interest under the Act means that accepted gifts with a value far less than \$500 would be likely to create conflict of interest issues for Councillors.

Consultation/Communication

Internal Consultation:

A workshop was held with Councillors during the 29 March 2021 Councillor briefing to discuss the key concepts in the policy and seek Councillor feedback.

External Consultation:

Nil.

Resource Implications

Nil.

Attachments

1. Draft Councillor Gift Policy

Attachment 1 - Draft Councillor Gift Policy**COUNCILLOR GIFT POLICY**

Approval Level:	Council
Policy Type:	Council
Approval Date:	
Review cycle:	Every four years
Review Date:	
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>Local Government Act 2020 (Vic)</i>
DOCSETID:	

1. PURPOSE

The purpose of the Councillor Gift Policy is to:

- 1.1 provide a transparent and consistent framework regarding offers of Gifts made to and by Councillors; and
- 1.2 minimise Gift offers made to and accepted by Councillors, in order to protect and promote public confidence in the integrity of the Council.

2. BACKGROUND

- 1.3 Council considers that the proper management of Councillor Gifts is a practical demonstration of Councillors' integrity, impartiality and accountability and contributes to community confidence in the Council's decision making.
- 1.4 This policy is an important step in the proper management of Councillor Gifts and satisfies Council's obligation under the Act to adopt a Councillor gift policy.

3. SCOPE

This policy applies to Councillors.

4. DEFINITIONS

In this policy:

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

Ceremonial Gift means an official Gift provided to the Council or a Councillor as part of the culture and practices of communities and government or as a token of gratitude.

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

Councillor means a person who holds the office of member of the Council.

Gift means:

- (a) free or discounted items or services and any item or service that may be perceived by the public as a gift. Including without limitation high and low value items, consumables and services;
- (b) benefits including preferential treatment, privileged access, upgrades, favours or other advantage offered to a Councillor. Including, without limitation, invitations to sporting, cultural or social events, access to discount or loyalty programs or the promise of a new job; and
- (c) any kind of hospitality.

Councillor Gift Register is the record of Non-Token Gifts whether accepted or declined.

IBAC means the Independent Broad-based Anti-Corruption Commission.

Non-Token Gift means a Gift offered to a Councillor that is, or may be perceived to be, of more than inconsequential value by the recipient or by the wider community. All offers estimated to be worth more than \$50 (either individually or aggregated over the preceding 12-month period) are Non-Token offers and must be refused and recorded on the Councillor Gift Register (whether accepted or declined).

Token Gift means a Gift offered to a Councillor that is of inconsequential or trivial value. The primary determinant of a Token Gift is that it would not be reasonably perceived to influence or raise a conflict of interest. A Gift with an estimated value of equal to or less than \$50 is a Token Gift (unless the same offeror has made several Token Gift offers in the preceding 12-month period, which when aggregated exceed \$50).

5. PRINCIPLES

- 1.5 Councillors will uphold the following principles in applying this policy:

- (a) Impartiality - Councillors have a duty to place the public interest above their private interests when carrying out their duties as a Councillor.
- (b) Integrity - Councillors strive to earn and sustain public trust through providing or responding to offers of Gifts in a manner that is consistent with community expectations.
- (c) Accountability - Councillors ensure they and their fellow Councillors are accountable in accordance with this policy.
- (d) Risk-based approach - Councillors must ensure they consider the reputational and legal risks inherent with Gifts when dealing with offers.

6. POLICY

1.6 Gift assessment

- (a) Councillors must not seek, solicit, demand or request Gifts for themselves or anyone else, in any form.
- (b) When deciding whether to accept an offer of a Gift, Councillors should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.
- (c) Councillors must consider the GIFT test outlined in Figure 1. below when offered a Gift.

Figure 1. GIFT test

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role mean that the person or organisation may benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make or function I am about to discharge?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create or imply an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my fellow Councillors, council staff, family, friends or associates think?

- (d) Councillors are encouraged to seek advice from the Council's Governance Unit if they have doubts about accepting a Gift, Benefit or Hospitality, regardless of the value.

1.7 General considerations regarding the acceptance of Gifts

Councillors must refuse all offers of Gifts which are:

- (a) likely to influence them in the course of their duties;
- (b) likely to raise a material or general conflict of interest for the Councillor either immediately or in the future;
- (c) of money, vouchers, credit or similar;
- (d) made in secret with an express or implied expectation that the Councillor will not publicly disclose the Gift.

1.8 Token Gift offers

Councillors may accept Token Gift offers without declaring the offer on the Councillor Gift Register, unless the offer must be refused in accordance with clause 1.7.

1.9 Non-Token Gift offers

- (a) Councillors must not accept any Non-Token Gift offers.
- (b) All Non-Token Gift offers must be recorded in the Councillor Gift Register.
- (c) It is a Councillor responsibility to notify and provide adequate information to the Governance Unit to enable registration of a Non-Token Gift offer on the Councillor Gift Register.
- (d) Councillors may be offered a Non-Token Gift where there is no opportunity to decline prior to accepting. For example, they may receive a parcel in the post which contains a Gift. At first instance the Councillor should return the Gift to the sender. If that is not possible, the Councillor must notify and deliver the Gift to the Manager Governance for disposal.

1.10 Attendance at events and functions

- (a) This policy does not apply to invitations to and reasonable hospitality provided at events and functions that a Councillor is required to attend in an official capacity, including where:
 - (i) the Councillor is invited to open or speak at the event or function or is otherwise involved in the proceedings;
 - (ii) the Councillor is a Council appointed representative of a committee or group involved in or relevant to the event or function; or

- (iii) a majority of Councillors or the Mayor consider that it is appropriate and aligned with community expectations for the Councillor to attend the event or function.

Invitations to attend events and functions in an official capacity are not considered Gifts under this policy and are not required to be declared on the Councillor Gifts Register.

- (b) if a Councillor is invited to attend a function or event and is not required to do so in an official capacity, determined in accordance with clause 1.10(a), the invitation to attend must be treated as a Token Gift offer or Non-Token Gift offer in accordance with this policy, save that the Councillor is not required to declare Non-Token Gift offers of this kind on the Council Gift Register.
- (c) Councillors should seek advice from Governance staff if they are unsure if their attendance at an event is or would be in an official capacity. However, it is ultimately for the Councillor to determine.

1.11 Councillor Gift Register

- (a) Access to amend the Councillor Gift Register is restricted to relevant persons within the Council.
- (b) The Council's Audit and Risk Committee will receive a report at least annually on the administration and quality control of this policy, processes and Councillor Gift Register.
- (c) The Councillor Gift Register is maintained by the Council's Governance Unit.
- (d) The Councillor Gift Register is made available to the public, including by publication of the Council's website.
- (e) The Councillor Gift Register will include any information the Governance Unit consider from time to time is legal and relevant to disclose including the recipient's name, the date the Gift was offered, a description of the Gift, the reason for the Gift being offered, the estimated value of the Gift and the name of the organisation offering the Gift.

1.12 Ceremonial Gifts

- (a) Ceremonial Gifts are the property of the Council, irrespective of value, and should be accepted by Councillors on behalf of the Council.
- (b) Councillors accepting a Ceremonial Gift on behalf of the Council must:
 - (i) arrange registration of the Gift on the Councillor Gift Register; and

- (ii) discuss with the Governance Unit and other Councillors an appropriate means of displaying, disposing of or storing the Gift.

Note: In the event a consensus is not reached in discussions, the Manager Governance will determine whether and how to display, dispose of or store the Gift.

1.13 Providing Gifts

Councillors must consider the HOST test outlined in Figure 2. below when providing Gifts.

Figure 2. HOST test

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business associates, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the Council? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

1.14 Considerations when providing Gifts

Councillors providing Gifts must ensure that:

- (a) any Gift, Benefit or Hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate Council goals, or promotes and supports the Council's policy objectives and priorities;
- (b) it does not raise an actual, potential or perceived conflict of interest;
- (c) any costs are proportionate to the benefits obtained for the Council, and would be considered reasonable in terms of community expectations;
- (d) costs are contained wherever possible and expenditure complies with principles of financial probity and efficient use of resources.

1.15 Personal celebrations

Gifts provided to Councillors for personal celebrations will not be funded by the Council. This includes anniversaries, birthdays or improving/brightening the spirits of a Councillor. Nothing in this policy will prohibit Councillors or Council staff from personally paying for a Gift for such occasions.

7. ROLES AND RESPONSIBILITIES

1.16 Councillors

Councillors are responsible for ensuring:

- (a) they do not seek, solicit or demand Gifts, Benefits or Hospitality for themselves or anyone else, in any form;
- (b) all offers of Non-Token Gifts are declared; and
- (c) they adhere to this policy.

1.17 Manager Governance

The Manager Governance is responsible for facilitating the implementation and review of this policy, managing the disposal of Gifts under this policy, maintaining the Councillor Gifts Register and reporting to the CEO and Audit and Risk Committee on the receipt of Gifts, Benefits and Hospitality by Councillors.

2. RELATED DOCUMENTS

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

Councillor Code of Conduct
Local Government 2020 (Vic)

8. HUMAN RIGHTS COMPATIBILITY

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

3. 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. 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.

9. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Month, year</i>	<i>Coordinator Legal Services</i>	<i>Governance</i>	<i>Development of policy</i>	<i>1</i>	<i>Month, year</i>

21. URGENT BUSINESS

Nil

22. NOTICES OF MOTION

22.1. Notice of Motion: Use of Land for Industry, Associated Buildings and Works and Reduction in Car Parking (DU/797/2016) at 45 Ingham Road, Axedale

CR GREGORY PENNA –

That the Greater Bendigo City Council advise the Victorian Civil and Administrative Tribunal and other parties that it now supports the grant of a permit for the Use of Land for Industry, Associated Buildings and Works and Reduction of Car Parking (DU/797/2016) at 45 Ingham Road Axedale because new information supporting this application has emerged.

MOTION

Moved: Cr Greg Penna

Seconded: Cr Matthew Evans

That the Greater Bendigo City Council advise the Victorian Civil and Administrative Tribunal and other parties that it now supports the grant of a permit for the Use of Land for Industry, Associated Buildings and Works and Reduction of Car Parking (DU/797/2016) at 45 Ingham Road Axedale because new information supporting this application has emerged.

THE MOTION WAS LOST

Cr Penna called for Division on the voting for the motion.

Those voting in favour of the motion:

Cr Greg Penna, Cr Vaughan Williams

Those opposed to the motion:

Cr Jennifer Alden (Mayor), Cr David Fagg, Cr Rod Fyffe, Cr Andrea Metcalf, Cr Margaret O'Rourke, Cr Julie Sloan

Cr Matthew Evans abstained from voting.

That the City of Greater Bendigo acknowledges that.

1. It is not uncommon that council changes position of planning decision when new and relevant supportive information becomes known and presented.
2. That there is a well known fact that GoGB have a current lack of Industrial Land, with no Industrial 1 land available in this immediate Area.
3. That with respect to the Objectors concerns:
 - a. Using Ingham Rd for parking and loading, has been addressed by all parking and loading is now onsite
 - b. Amenity of noise impact addressed by: Vehicle and workshop activities commencing after 7.30 am
 - c. Amenity of Light Impact addressed by disconnecting, diffusing and moving lights.
 - d. Concerns of setting precedent for other properties to maybe perform similar activities. Purely Speculation.
 - e. Impact of O'Keefe Trail Usage. One must ask why Council would place the O'Keefe Trail track on a public road in first place, but problem could be addressed by negotiating with council an alternative route, say south of Mclvor Highway. This would remove the very dangerous rail trail crossing on the 100kph bend of Mclvor HW close to the Toolleen-Axedale Rd.
 - f. Visual Amenity. Site has been cleared of Excess materials and Landscaping plans drawn up
 - g. Wastewater and sewerage treatment upgrade plans for residence and buildings prepared and awaiting GoGB approval.

New Supportive Information:

- (a) All Referral Authorities are supportive of the application
- (b) EPA support of the application with Conditions now received
- (c) There has been an extensive Acoustic Report prepared in Favour
- (d) Department of Transport have no Objections
- (e) DEDJTR Consent and no Objections
- (f) Obrien's Traffic Extensive Report obtained which supports the application.
- (g) Farming Capability report showing low quality soils with all 24 Hectares only capable to produce only \$5179 income per year
- (h) DELWP no Objections
- (i) Detailed Sewerage work plans drafted awaiting approval from CoGB

NB. It could be argued that The CoGB reviews the Agricultural earning value of this Site and consider rezoning to Industrial which will reduce immediate stresses on the lack of Industrial Land.

Context Rationale:

This motion seeks Council to support CVW&F to continue to Operate from 45 Ingham Rd Axedale as this business has been operating from this site for over now 17 Years.

CVW&F is a Specialised and capable business situated strategically perfect to give engineering and manufacturing expertise and support to the mining, Quarry, Agriculture and General Engineering businesses within close proximity to Axedale and nearby locations.

This business employs over 40 employees including 10 Apprentices and many Subcontractors. Over the past 9 years CVW&F have trained 59 Apprentices and is one of the top employers of Apprentices in this region.

CVW&F is also serviced by the adjacent Mclvor Highway, which is a Major Highway

The Question of VPP 63(11) Continuous use is also a strong point to consider in allowing CVW&F to remain onsite. The owners have documented proof of continuous operation at the site since 2004.

It is noted also that this Industry is not a Prohibited use in a Farming Zone as acknowledged by CoGB Planning. It is also acknowledged that the site was previously used for Industrial purposes pre CVW&F. In the recent Axedale planning strategy it is noted that industrial land supply needs to be investigated for the Axedale area, eg. Axedale-Toolleen Road. It was also suggested by residents that industrial land nearer to the town be investigated.

The Axedale Township Structure Plan was developed to provide direction for future land uses and to give youth of today a future, with the possibility of rezoning this site to industrial which would also support this Axedale Structure Plan.

CVW&F have well over 50 Letters of Support with many businesses relying on them trading to keep their business trading.

CoGB commented re the Amenity of Visual sight of Large Sheds on site. The owners are proposing extensive landscaping on the western side of the sheds to improve this.

This Motion will also correct errors evident in the original 2019 recommendation to Councillors by the Planning Department , Namely.

- (a) CVW&F have over 40 Employees and not 10 Employees as stated in Application prior
- (b) Business has been operating since 2004 on site and not 2016 as stated on prior application. The results in over 15 years on continuous operation by CVW&F at this site at 2019.
- (c) CVW&F have never moved business to Bendigo prior as stated in prior Application.
- (d) That CoGB failed to produce a Traffic or engineers report to substantiate the comment that Ingham Rd is not suitable for the frequency and types of Vehicles currently using it. CVW&F have produced a Traffic Impact Assessment Report which clearly contradicts COGB comments.
- (e) NOTE: The VCAT Zoom meeting of July 2019 was rescheduled because CoGB had not referred the application to the EPA which was one of the main arguments CoGB used to not supporting the application. EPA report has now been received fully supporting this industry.

It is also noted that if this Motion to grant this Planning Permit at Council level is passed then Council is to contact VCAT Administration to inform them of this new Council decision to support this planning permit application. As this application is currently listed

with VCAT the planning permit with conditions would then be issued by VCAT, not the Council.

CR GREGORY PENNA SUBMISSION	OFFICER RESPONSE
That the City of Greater Bendigo acknowledges that.	
1. It is not uncommon that council changes position of planning decision when new and relevant supportive information becomes known and presented	1. It would be uncommon that Council changes its position in a case where the most significant refusal grounds have not been addressed. The <i>Policy</i> setting and <i>Zone</i> have not changed. Had the permit applicant furnished the technical reports they have had prepared for VCAT this <i>may</i> have sought to limit the 'technical' grounds. Addressing technical grounds does not address the Policy and Zone issues.
2. That there is a well-known fact that CoGB have a current lack of Industrial Land, with no Industrial 1 land available in this immediate Area.	2. This does not mean that inappropriately located, zoned and unserviced land should be used for this purpose. This also seems to acknowledge that the Industrial 1 Zone is a more appropriate zone for the use (officers strongly support that sentiment).
3. That with respect to the Objectors concerns:	
a. Using Ingham Rd for parking and loading, has been addressed by all parking and loading is now onsite b. Amenity of noise impact addressed by: Vehicle and workshop activities commencing after 7.30 am c. Amenity of Light Impact addressed by disconnecting, diffusing and moving lights. d. Concerns of setting precedent for other properties to maybe perform similar activities. Purely Speculation.	a. This is best addressed by testing the applicant's evidence at VCAT; and it is noted that the statutory parking rate is not met. b. This is best addressed by testing the applicant's evidence at VCAT. It is noted that the EPA submission to VCAT dated 17 August 2020 is that "it has not undertaken a detail technical review of the assessment". c. Agreed.

CR GREGORY PENNA SUBMISSION	OFFICER RESPONSE
e. Impact of O'Keefe Trail Usage. One must ask why Council would place the O'Keefe Trail track on a public road in first place, but problem could be addressed by negotiating with council an alternative route, say south of Mclvor Highway. This would remove the very dangerous rail trail crossing on the 100kph bend of Mclvor HW close to the Toolleen-Axedale Rd. f. Visual Amenity. Site has been cleared of Excess materials and Landscaping plans drawn up g. Wastewater and sewerage treatment upgrade plans for residence and buildings prepared and awaiting CoGB approval.	d. The appropriateness (or otherwise) of a proposal must be tested through a planning permit process in cases where a planning permit is required. However, it cannot be ignored that the proponent chose to not engage in the application process until their use was 'discovered' then chose not to engage with the City once they had lodged their application. e. This is contrary to clause 32. (2) (e) of the Process of Municipal Government Local Law in that it would result in a commitment of funds exceeding \$5,000. f. The degree to whether this is acceptable or not is open to debate and best settled by VCAT g. Incorrect, the proponent has only supplied information with respect to addressing the failed system for <i>the house</i>, not a system to deal with 40+ employees.
New Supporting Information:	
a. All Referral Authorities are supportive of the application b. EPA support of the application with Conditions <u>now</u> received c. There has been an extensive Acoustic Report prepared in Favour d. Department of Transport have no Objections e. DEDJTR Consent and no Objections f. O'brien's Traffic Extensive Report obtained which supports the application. g. Farming Capability report showing low quality soils with all 24 Hectares only capable to produce only \$5179 income per year h. DELWP no Objections	It is very common for permit applicants who have either chosen not to engage in a planning permit or saving their resources to devote to an appeal to furnish different or superior information to VCAT. The VCAT process (being a 'de-novo' hearing) sitting in the shoes of the original decision maker is best placed to decide to affirm or set aside the decision having regard to this information. With respect to the supporting information: a. Correct, however none of the referral authorities have commented (nor should they) as to the policy merits of the proposal as this is outside of their remit. b. The EPA support is qualified by their written submission which advised "it

CR GREGORY PENNA SUBMISSION	OFFICER RESPONSE
i. Detailed Sewerage work plans drafted awaiting approval from CoGB	has not undertaken a detail technical review of the assessment”. c. As above, the Acoustic Report will be tested at VCAT – the author will give evidence and face cross examination from the City as well as questions from the Tribunal member. d. Correct e. This referral was undertaken as the site is within an extractive industry interest area. f. The Traffic evidence will be tested at VCAT – the author will give evidence and face cross examination from the City as well as questions from the Tribunal member. g. The application was not refused on the basis it was highly productive agricultural land. h. Correct i. Incorrect, the proponent has only supplied information with respect to addressing the failed system for <i>the house</i>, not a system to deal with 40+ employees.
NB. It could be argued that The CoGB reviews the Agricultural earning value of this Site and consider rezoning to Industrial which will reduce immediate stresses on the lack of Industrial Land.	There is no strategic support for a rezoning of the site.
Context Rationale:	
(a) This motion seeks Council to support CVW&F to continue to Operate from 45 Ingham Rd Axedale as this business has been operating from this site for over now 17 Years. (b) CVW&F is a Specialised and capable business situated strategically perfect to give engineering and manufacturing expertise and support to the mining, Quarry, Agriculture and General Engineering businesses within	(a) The length of time the use has operated (and to what degree) is debatable and largely irrelevant. The applicant has made no application to VCAT seeking a declaration that they have existing use rights. (b) It is acknowledged the location is convenient for the proponent; this does not make the land use in this location appropriate. Locating on cheaper Farming Zone land puts this business at a competitive advantage

CR GREGORY PENNA SUBMISSION	OFFICER RESPONSE
proximity to Axedale and nearby locations. (c) This business employs over 40 employees including 10 Apprentices and many Subcontractors. Over the past 9 years CVW&F have trained 59 Apprentices and is one of the top employers of Apprentices in this region. (d) CVW&F is also serviced by the adjacent Mclvor Highway, which is a Major Highway (e) The Question of VPP 63(11) Continuous use is also a strong point to consider in allowing CVW&F to remain onsite. The owners have documented proof of continuous operation at the site since 2004. (f) It is noted also that this Industry is not a Prohibited use in a Farming Zone as acknowledged by CoGB Planning. It is also acknowledged that the site was previously used for Industrial purposes pre CVW&F. In the recent Axedale planning strategy, it is noted that industrial land supply needs to be investigated for the Axedale area, e.g. Axedale-Toolleen Road. It was also suggested by residents that industrial land nearer to the town be investigated. (g) The Axedale Township Structure Plan was developed to provide direction for future land uses and to give youth of today a future, with the possibility of rezoning this site to industrial which would also support this Axedale Structure Plan. (h) CVW&F have well over 50 Letters of Support with many businesses relying on them trading to keep their business trading. (i) CoGB commented re the Amenity of Visual sight of Large Sheds on site.	to other like businesses who have purchased serviced and appropriately zoned/ located land. (c) At no point has there been any suggestion that there are not economic / skill benefits to the use. The question has always been whether the location is appropriate. (d) Officers were surprised by DoT's position to unconditionally support the proposal given there are two approaches to the site for heavy vehicles, one which the City considers is inappropriate for heavy vehicles. (e) The applicant applied for a permit in 2016; which is an acknowledgement they were not acting lawfully. The City wrote to the applicant in December 2019 giving a clear and unambiguous direction that the use cease with express reference to this clause. The applicant is not pursuing this point at VCAT. Even if a use right existed (which the City considers it doesn't) this is not an unfettered right to use the land, nor to construct and use the industrial sheds on the land. (f) Planning has never suggested the use was prohibited. Had it held that view, immediate enforcement action would have been initiated. (g) The Axedale Structure Plan does not support any industrial rezoning in Axedale, nor does the more recent Strategic Planning from the Greater Bendigo Industrial Land Development Strategy (May 2020). (h) The number of supporting submissions do not negate the key issue of appropriateness of industrial uses in a Farming Zone. (i) Landscaping could deal with some of the impacts – it is noted there is nothing stopping the proponent from

CR GREGORY PENNA SUBMISSION	OFFICER RESPONSE
The owners are proposing extensive landscaping on the western side of the sheds to improve this.	undertaking landscaping right now or at any period in the intervening time.
This Motion will also correct errors evident in the original 2019 recommendation to Councillors by the Planning Department, Namely.	
1. CVW&F have over 40 Employees and not 10 Employees as stated in Application prior 2. Business has been operating since 2004 on site and not 2016 as stated on prior application. The results in over 15 years on continuous operation by CVW&F at this site at 2019. 3. CVW&F have never moved business to Bendigo prior as stated in prior Application. 4. That CoGB failed to produce a Traffic or engineers report to substantiate the comment that Ingham Rd is not suitable for the frequency and types of Vehicles currently using it. CVW&F have produced a Traffic Impact Assessment Report which clearly contradicts COGB comments. 5. NOTE: The VCAT Zoom meeting of July 2019 was rescheduled because CoGB had not referred the application to the EPA which was one of the main arguments CoGB used to not supporting the application. EPA report has now been received fully supporting this industry	1. The employee number were as per the proponent's <u>own supporting report submitted with their permit application</u>. At no time did the proponent seek to update this information; and arguably indicates the use was in fact having a greater impact than officers understood at the time with respect to effluent, noise, traffic and parking. 2. The Council report stated that the use came to the notice of officers in 2016. The assessing planner corresponded directly with the proponent on other areas of alleged inaccuracy in the report and these matters were corrected by: • The applicant's own letter (by Best Hooper Lawyers) to all Councillors in the lead up to Council making its decision; and • By the assessing planner, in person, whilst briefing Councillors. 3. As above. 4. In direct correspondence with the proponent it was confirmed that the comments in the report were based on the planner's personal observations. Whether the Traffic Impact Assessment Report satisfies the Council ground of refusal is a matter for VCAT. 5. This is fundamentally incorrect. Amenity impacts were not the 'main' argument for the refusal of the application. The permit applicant's

CR GREGORY PENNA SUBMISSION	OFFICER RESPONSE
	representative in that hearing conceded the question of the status of the EPA was unclear and they had sought advice from the EPA on that question also. It is also noted that the proponent had in fact sought to have the hearing <i>adjourned / deferred</i> in the weeks leading up to the hearing, so the rescheduling of the application was not opposed by the proponent. It is also relevant to note that had the application been referred to the EPA, it is unclear what their position would have been as the proponent had (by that time) stopped engaging with the Statutory Planning Unit, thus there would have been no technical report to refer. The proponent has not been prejudiced by this delay in any way in that they continue to operate without a permit, without any real restriction.

23. COUNCILLORS' REPORTS

Cr Williams reported on his attendance at the following meetings and events:

- With Crs' Metcalf and Sloan, visit the Horsham Livestock Exchange to view its shade roofing which is proposed for the Bendigo Livestock Exchange
- Spirit of Bendigo networking event to promote the Bendigo Spirit Basketball
- Met with former Crs James Williams and Mal Pethybridge at the wonderful Canterbury Park facility
- Tour of the Golden Dragon Museum – a jewel in not only Bendigo's crown, but also Victoria

Cr Sloan presented her report as outlined below:

"It has been a pleasure to participate in community events and activities and talk with residents, community groups, schools and sporting communities. I would like to highlight some events recently attended that illustrate the diverse and meaningful activities occurring across GB. Participating as a councillor is a joy and an honour and continually reflects how better outcomes are achieved when we work collaboratively in partnership together.

Bendigo's Jewish community paid tribute to ancestors who helped build the City and community members lost. I was deeply honoured to attend the Unveiling and Consecration of a Menorah Memorial recognising 70 Jewish people who were buried at White Hills Cemetery without a headstone-many were young children less than 12 months old. A Menorah is a holder for candles used in Jewish worship, and the unveiling of the new menorah remembered those who have come before.

Epsom Huntly Rec Reserve played host to Football Victoria's premier community pre-season tournament, Boys & Girls FC. The tournament has truly held-fast in Bendigo providing a great opportunity for teams to bond before the season and socialise in a fun environment. Many thousands of family and friends attended the weekend carnival. It was fantastic to see the respect and integrity with which the young people played and interacted with each other on the reserve's spectacular sporting ovals. Looking fwd to next year.

Brishti Ganesh Hindu Temple along with Mayor Alden I was honoured to attend the consecration ceremony of the Brishti Ganesh Hindu Temple in the Great Stupa of Universal Compassion Peace Garden. The first Hindu temple in GB is built in the traditional Nepalese style and is a place of peace and welcome. Young Brishti passed away in 2018 from brain cancer and the temple will keep her name alive as it provides a spiritual home for the local Hindu community and a place of peace, welcome and reflection.

Horsham Regional Livestock Exchange visit with Cr Metcalf and Williams enabled us to meet with Horsham Mayor Cr Gulline, facility staff and view the new 23,400 sq.M roof over the saleyard facility. The roof was jointly funded by Federal government Building Better Regions fund and Horsham Rural City Council contribution. The roof installed in Dec 2020 providing shade, shelter and protection for livestock, farmers and staff. The roof promotes animal wellbeing, protects facility users as well as capturing solar and water. Learnings from the visit were assimilated into a report for councillors and will be tabled at a Bendigo Livestock Exchange Stakeholders Advisory Committee meeting in May".

Cr Penna reported on his attendance at the following meetings and events:

- Boxing event at the Bendigo Stadium
- Strathfieldsaye Community Enterprise meeting
- Opening of the Multicultural Black Box Theatre
- Listening Post at Heathcote
- Airport Stakeholders meeting
- Positive Ageing Advisory Committee meeting

Cr Metcalf report on the diverse range of discussions at the recently held Listening Post at Raywood:

- *Moving of speed limit signs*
- *Tour of greywater drainage*
- *Heritage grants*
- *Industrial land*
- *Bringing industries to Bendigo*
- *Roads in rural areas*
- *Climate change initiatives*

Cr Fyffe reported on his attendance at the following meetings and events:

- National Three Wheelers Show and Shine and Annual General Meeting
- Mary Quant Exhibition Opening at the Bendigo Art Gallery
- Great Stupa Bahá'í Star garden
- Library Board Meeting and release of Budget for public comment
- Pleasing to see the number of 'no vacancy' signs at local motels over the past two weeks
- Queen's Prize Rifle Shoot at Wellsford Forest
- Easter Eggs-plore was terrific – grateful thanks to the work of Terry Karamaloudis' team and that of the volunteers – who are at a thank you function this evening; looking forward to next year's 150th celebrations

Cr Fagg reported on his attendance at the following meetings and events:

- *Listening Post at Epsom with the two attendance of two members of the Youth Council*
- *Opening of the Shine Bright Early Years Centre in Maiden Gully*
- *Book launch at Dudley House, "What I did last week" (a COVID Bendigo art project)*
- *Victoria Hill Historical site*
- *Season launch of Eaglehawk Football/Netball Club*
- *Joined Ironbark Gully Friends at working bee*
- *Play in the Garden event at the Gardens for the Future*
- *Housing supply conversations for large housing developments*

Cr Evans reported on his attendance at the following meetings and events:

- Bendigo Interfaith Council Dinner
- Menorah Memorial at White Hills Cemetery
- Great Stupa Brishti Temple
- Launch of the Mary Quant Exhibition at the Bendigo Art Gallery
- Bendigo Writers' Festival and hosting 'VegOut'!
- ANZAC Day this Sunday

24. MAYOR'S REPORT

The Mayor, Cr Jennifer Alden, presented her report as outlined below:

- Launched the Interpreter Services Campaign.
- Chaired the Creative City of Gastronomy Advisory Committee meeting.
- Attended the Bendigo Interfaith Council Dinner.
- Attended and spoke at the media event for the Mary Quant Street Art Activation at the Piazza, Rosalind Park.
- Attended the Marong Neighbourhood House 5 years Community BBQ Event.
- Attended and spoke at the Welcome Event for the Tennis Seniors Victoria National Ranking Tournament.
- Attended the World Games
- Attended and spoke at the Opening of Mary Quant Fashion Revolutionary exhibition at the Bendigo Art Gallery.
- Attended and spoke at the Unveiling and Consecration of a Menorah at the White Hills Cemetery.
- Attended and spoke at the City of Greater Bendigo All Staff Thank You Breakfast.
- Attended and spoke at the Maiden Gully Early Years Hub Grand Opening.
- Attended and officially launched the book 'What I Did Last Week: Volumes 3, 4 ,5'.
- Met with representative from Rural Aid.
- Attended online Regional Cities Victoria meeting.
- Officiated at the Australian Citizenship Ceremony attended by 24 new citizens.
- Attended the Harmony Day community lunch.
- Participated in a meeting with the Victorian Local Government Grants Commission.
- Participated in outside broadcast with ABC Radio held in the Hargreaves Mall.
- Attended and spoke at the Bahá'í Star garden opening at the Great Stupa of Universal Compassion.
- Attended the Official Launch of Bendigo Football Netball League.
- Participated in an online session with Local Government Victoria regarding update on the progress of the implementation of the *Local Government Act 2020* and other legislative reforms that impact the local government sector.
- Met with the Chair and Acting CEO of the Loddon Mallee Waste and Resource Recovery Group.
- Attended the Bendigo Women's Shed first Annual General Meeting.

- Attended and spoke at the Bendigo Sustainable Living Festival.
- Attended the Karen Cane Ball tournament.
- Attended 50th Anniversary of the Heathcote Lions Club Dinner.
- Attended the Bendigo Symphony Orchestra concert at St Paul's Cathedral.
- Attended and spoke at Palm Sunday Vigil for Refugees.
- Attended and spoke at the Launch of the Bendigo and Region Gastronomy Guide.
- Participated in online Mayoral COVID Briefing with Minister for Local Government.
- Attended Preview Evening Rotary Club of Bendigo's Annual Easter Art Show.
- Met with Wendy Lovell MP and Michael O'Brien MP Leader of the Opposition and Shadow Minister for Small Business.
- Met with the Chair of Chair of the ICLEI Oceania Regional Executive.
- Chaired the Loddon Campaspe Councils group meeting.
- Chaired the Sustainable Environment Advisory Committee meeting.
- Attended the Bendigo Maubisse Friendship Committee meeting.
- Attended the 2021 Imagine Greater Bendigo Coordination Working Group meeting.
- Hosted session with author Alison Pouliot - The Allure of Fungi at the Bendigo Bank Theatre, The Capital.
- Attended and spoke at the official opening of the Nepalese Ganesh Temple at The Great Stupa.
- Attended and spoke at the official opening of upgraded lights & scoreboard at Canterbury Park.
- Attended the Connect4Wellbeing event in Heathcote.
- Chaired the Pandemic Relief and Recovery Committee meeting.
- Participated in visit to Golden Dragon Museum.
- Attended the Public Health and Wellbeing Working Group meeting.
- Met with President of the Municipal Association of Victoria.
- Spoke at the Green Caffeen Launch.
- Spoke and cut ribbon at the Grand Opening of the Bendigo Blue Light Youth Club.
- Attended and spoke at the LEAD Loddon Murray - Power to the People Final Presentations.
- Attended the Bendigo Law Association Annual General meeting followed by their 125 Year Celebration.
- Attended and spoke at the Annual Itfar.
- Participated in the 2021/2022 Budget media briefing.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

The Chief Executive Officer, Mr Craig Niemann, presented his report as outlined below:

“It was fantastic to see Bendigo very busy over the Easter long weekend and fantastic that the Eggs-plore Easter activities proved very popular and were well attended by residents and visitors. Planning for the 150th Easter Festival for 2022 has commenced.

The Mayor and I met with Wendy Lovell MP, Member for Northern Victoria, and Michael O'Brien, Leader of the Opposition and Shadow Minister for Small Business. Mr O'Brien was interested in the impacts of COVID-19 locally and how businesses within the municipality are faring. During the meeting we took the opportunity of promoting Bendigo and the region and advocating for funding for Council priority projects.

As a result of easing of restrictions, a thank you and years of service event was held for staff. The event provided the opportunity for the Mayor and I to thank staff for their work during 2020 and congratulate staff who reached milestone years of service of 20 years up to 40 years and thank them for their commitment to the organisation and community.

I attended virtual meetings for Regional Cities Victoria, The Bendigo Trust Board and Loddon Mallee Regional Development Australia Committee.

A \$2M COVID-19 support package for business and the community is a key feature of the City of Greater Bendigo 2021-2022 budget. The package covers five key areas:

- Business Innovation and Collaboration Grants
- COVID-19 Financial Hardship Policy
- Reduced fees and charges
- Event attraction
- Tourism and regional destination marketing

Bernie O'Sullivan has advised of his resignation to take up the Chief Executive Officer role at Macedon Ranges Shire Council. Bernie has made a great contribution to the City of Greater Bendigo over the past 4 ½ years. Bernie finishes with City of Greater Bendigo this Friday”.

26. CONFIDENTIAL (SECTION 66) REPORTS

That Council close the meeting to members of the public pursuant to Section 66(2)(a) of the Local Government Act 2020 to consider four (4) reports relating to Council business information.

MOTION

Moved: Cr Andrea Metcalf

Seconded: Cr Rod Fyffe

That Council close the meeting to members of the public pursuant to Section 66(2)(a) of the Local Government Act 2020 to consider four (4) reports relating to Council business information.

CARRIED

There being no further business, the meeting closed at 9:28 pm.

Confirmed:

17 May 2021

Chair