

MINUTES Council Meeting

Monday, 19 July 2021 commencing at 6:00 PM

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

VENUE:

Livestream from Bendigo Town Hall

NEXT MEETING:

Monday 16 August 2021 Livestream

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

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

Council Vision

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

Council Values

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

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

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

Goals

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

ORDER OF BUSINESS

1. Acknowledgement of Country	5
2. Traditional Language Statement	5
3. Opening Statement	5
4. Moment of Silent Reflection	5
5. Attendance and Apologies	5
6. Leave of Absence	5
7. Declarations of Conflict of Interest	6
8. 150th Anniversary of the Proclamation of City of Sandhurst	7
8.1. 150th Anniversary of the Proclamation of City of Sandhurst	9
9. Suspension of Standing Orders	18
10. Plaque Unveiling to Commemorate 150th Anniversary of the Proclamation of the	
City of Sandhurst	18
11. Community Recognition Section	18
12. Public Question Time	19
13. Resumption of Standing Orders	19
14. Cr Williams' Report	20
15. Confirmation of Previous Minutes	21
15.1. Confirmation of Minutes	21
16. Petitions and Joint Letters	29
17. Presentation and Managing Growth	30
17.1. 71 Lily Street, BENDIGO 3550 - Use of Land for a Medical Centre (Allied Health). Alterations and Additions to Buildings, Parking Reduction and Signage	, 30
17.2. Road Discontinuance –Alexandra Street Eaglehawk	51
18. Wellbeing and Fairness	57
18.1. Greater Bendigo Positive Ageing Advisory Committee -Member Appointments	57
18.2. Closed Circuit Television in Public Places Policy	62
19. Strengthening the Economy	76
20. Environmental Sustainability	76
21. Embracing Our Culture and Heritage	76
22. Lead and Govern For All	77
22.1. Delegations and Authorisations Policy	77
22.2. Instruments of Delegations	88
22.3. Audit and Risk Committee Independent Member Remuneration Review	92
22.4. Contracts Awarded Under Delegation Report July 2021	97
23. Urgent Business	99

24. Notices of Motion	99
25. Councillors' Reports	99
26. Mayor's Report	104
27. Chief Executive Officer's Report	105
28. Confidential (Section 66) Reports	106

- 1. ACKNOWLEDGEMENT OF COUNTRY
- 2. TRADITIONAL LANGUAGE STATEMENT
- 3. OPENING STATEMENT
- 4. MOMENT OF SILENT REFLECTION
- 5. ATTENDANCE AND APOLOGIES

Cr Dr Jennifer Alden

Cr Matthew Evans

Cr David Fagg

Cr Andrea Metcalf

Cr Margaret O'Rourke

Cr Greg Penna

Cr Julie Sloan

Cr Vaughan Williams

Craig Niemann, Chief Executive Officer

Andrew Cooney, A/Director Strategy and Growth

Brian Westley, Director Presentation and Assets

Jenn Spelling, A/Director Corporate Performance

Ross Douglas, Manager Planning

Greg Painter, A/Manager Governance

APOLOGY

Cr Rod Fyffe OAM Vicky Mason, Director, Health and Wellbeing

6. LEAVE OF ABSENCE

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

MOTION

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

RESOLUTION

Moved: Cr Margaret O'Rourke Seconded: Cr David Fagg

That the recommendation be adopted.

CARRIED

7. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

Nil

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

Mayor, Cr Dr Jennifer Alden:

- I am pleased to introduce the first item on our agenda.
- Tonight we acknowledge the 150th anniversary of the proclamation of the City of Sandhurst.
- This Wednesday will be the exact anniversary but given we are meeting tonight, we are celebrating two days early.
- To mark the occasion, I am pleased to announce a permanent collection of Mayoress portraits will be displayed in our Council chamber.
- It took until 1960 before the first woman, Christine Elizabeth Wiseman, was elected to Council, so the Mayoress role became a key way women could be involved in municipal affairs early on.
- Between 1851 and 1855, the goldfields districts were administered by the Government under the control of the Roads Board.
- A public meeting in 1855 recommended self-government and the Municipal District of Sandhurst was created, and the first Council comprising seven male Councillors was elected in 1856.
- As the population of Sandhurst grew, the number of Councillors expanded to nine and it became the Borough of Sandhurst in 1863 and a City in 1871 when its annual rate revenue exceeded £20,000 pounds.
- It formally became the City of Bendigo in 1891, as voted by ratepayers. It is perhaps
 one of the few places in the world to have its name chosen by a poll of residents and
 ratepayers.
- It was a tradition in both the City of Sandhurst and Bendigo to frame a Mayoress portrait. So in honour of this 150th anniversary, the City would like to pay overdue recognition to the contribution of successive Mayoresses to the life of the City.
- It was a critical but unsung role, with the title given to the wife or partner of the Mayor
 of the day. Mayoresses were generally involved in charity work, supporting the Mayor
 at civic functions and receptions, and deputising for their husbands as needed.
- The nine portraits currently on display are:
 - Annie Michelsen, wife of Cr John Michelsen and Mayoress three times across the 20s, 30s and 40s
 - Christina Bennett, wife of Cr George Bennett and Mayoress in 1933/34
 - Harriet Staples, wife of Cr Albert Staples and Mayoress twice in 1934/35 and 1939/40
 - Jemima Bolton, wife of Cr William Bolton and Mayoress in 1936/37
 - Hilda Pethard, wife of Cr George Pethard Jnr and Mayoress three times across the 40s and 50s
 - Anne Galvin, wife of Cr William 'Bill' Galvin and Mayoress in 1944/45
 - Laura Truscott, wife of Cr Anthony Truscott Jnr and Mayoress in 1945/46
 - Elizabeth Granger, wife of Cr Ernest Granger and Mayoress in 1948/49
 - And Margaret Snell, wife of Cr Bill Snell and Mayoress twice in 1955/56 and from 1958 to 1960. She was the first Mayoress in Australia to wear the gold Mayoress medallion, donated by Sir George Lansell (son of mining magnate George Lansell) in 1956
- It is intended that the mayoress portraits will change over time.

- The role of Mayoress began to fade out as more and more woman were finally elected to Councils and to positions of Mayor or Shire President, and following the election of Megan Weston as the first mayor of the City of Greater Bendigo in 1996 following Council amalgamations.
- Since amalgamation, there have been six female mayors and countless great female leaders in Greater Bendigo at various levels of government and in leading local organisations, agencies and community groups.
- In honour of this occasion, I am also pleased to unveil a plaque to acknowledge the 150th anniversary, which will be hung in the Town Hall.
- [UNVEIL PLAQUE]
- We had planned to invite media to the Town Hall today to see the portraits and other
 items to be displayed, including the City of Greater Bendigo's Mayoral Chain and the
 Mayoral chains and Presidential medallions from each of the municipalities that came
 together to make up Greater Bendigo (Bendigo, Huntly, Strathfieldsaye, Eaglehawk,
 McIvor and Marong), a letter from the Chief Secretary advising of the proclamation
 of the City of Sandhurst and a copy of the minute book of the Council at the time.
- We hope to provide media with an opportunity to view these items later this week, subject to restrictions.
- I would also like to acknowledge that in celebrating this milestone, European settlement and the gold rush caused profound disruption and displacement of our Traditional Owners. We recognise the struggle, resilience and strength of Dja Dja Wurrung and Taungurung Peoples and grateful for the opportunities to celebrate their rich heritage.
- Thank you.

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

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

Purpose

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

Summary

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

RECOMMENDATION

That Council:

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

RESOLUTION

Moved: Cr Jennifer Alden Seconded: Cr Andrea Metcalf

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

Goal 6 Embracing our culture and heritage

Report

History of Municipal Governance in Greater Bendigo

Municipal history of Sandhurst

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

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

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

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

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

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

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

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

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

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

Borough of Eaglehawk 29 July 1862

Shires of Marong and McIvor December 1864

Shire of Huntly July 1866

Shire of Strathfieldsaye September 1866.

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

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

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

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

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

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

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

Women in local government

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

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

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

Cr Wiseman served on the Council until 1964.

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

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

Eaglehawk Willi Alyda Carney* 1977

Greater Bendigo Megan Weston* & Ann Jones 1996

Huntly Dawn May Johnson* 1986
Marong Elaine Valda Knight * 1972

McIvor Marisa Leahy 1986 Strathfieldsaye Marilyn Wallis* 1981

^{*} Also served as Mayor or Shire President

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

The role of the Mayoress of the City

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

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

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

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

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

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

Change of city name

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

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

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

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

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

City of Greater Bendigo Established

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

Traditional Owner history of Greater Bendigo

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

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

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

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

Sources:-

Mayors of Bendigo, 1856-2001, Betty May Jackman

First Women Elected To Victorian Councils, ALGWA, 1992

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

Minute Book, City of Bendigo, 1871

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

Consultation/Communication

N/A

Resource Implications

N/A

Attachments

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

Attachment 1 - Gazettal



VICTORIA

GOVERNMENT GAZETTE.

Bublished by Authority.

No. 51.]

FRIDAY, JULY 21.

[1871.

LEGISLATIVE ASSEMBLY.

Legislative Assembly Chamber, Melbourne, 21st July 1871.

GENERAL ELECTORAL LISTS, 1871 GENERAL BLECTORAL LISTS, 1871.

I'll is hereby notified for sceneral information that, by The
Electoral Act 1853, the day fixed for the completion of the
General Lists is the 1st September in each year.

All persons taking out Melectors Rights on or before the lab
September nax, will therefore be entitled to have their names
placed upon the General Lists for 1871.

No person whose sums is on a roll of rabspaying electors for
any province or district, is entitled to an Elector's Hight. Frie
esc. U, Act 252, and esc. 21, Act 584.

C. GAVAN DUFFY, Chief Secretar

Obief Secretary's Office, Melbourne, 19th July 1871.

ADDITIONAL MONEY ORDER OFFICE.
is hereby notified that on and after Taesday the 1st August
1871, Money Orders may be obtained and made payable at EAST BRIGHTON.

W. TUENER, Deputy Postmaster-General

ADDITIONAL POST OFFICE SAVINGS BANK.

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

INVESTMENT OF OPERIOR AT INVESTMENT IN THE PROPERTY IN THE WAY WITH THE PROPERTY OF THE PROPER med place has been appointed with the Post Office Savings

W. TURNER, Deputy Postmaster-General.

General Post Office, Melbourne, 19th July 1871.

MINING ON RESERVES, ETC.

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WILLIAM MCLELIAN, Minister of Mine

INTRODUCTION OF BRANCHES OF RUEAL INDUSTRY AND USEFUL FOREIGN TREES. THE Georgeon, with the advise of the Executive Council has been pleased to appoint the undermentioned genetics, via.

HD Georgian, the undermentioned she been pleased to appoint the undermentioned state that the thonorable S. Id. Bindon, Chairman, The Honorable S. Id. Bindon, Chairman, The Honorable E. Hope, M.D., M.L.O., R. RAMEAT, ESQ., M.P., The Honorable E. Hope, M.P., The Hope, M.P., W. WYITZ, ESQ., M.P., W. WYITZ, ESQ., M.P., T. M. B. PRILLIPPE, ESQ., C.M.G., F.R.S., ETC., THOMAS BLACK, ESQ., M.D., TRE REV. J. I. BLEMBLER, ESQ., C.M.G., F.R.S., ETC., THOMAS BLACK, ESQ., M.D., TAUL DE CASTELLA, ESQ., C. HODGELESON, ESQ., E. B. SMYTH, ESQ., JOHN HOOD, ESQ., OTHER COmmission to consider and report how far it is classified to introduce into this country branches of in classical to introduce into this country branches of included to introduce into this country branches and continued Europe; to specify w

further consider and report on the best m

Chiel Secretary's Office, Melbourne, 18th July 1871.

LICENSING JUSTICE.

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

HOWARD SPENSLEY, Solicitor-Gener

COMMISSIONER UNDER THE "LAND TRANSPER

ACE.

HE Governor, with the active of the Executive Council, thus been pleased to appoint

WILLIAM DYFON THIPP, Esq. Aveca, the a Perpetual Commissioner for taking Acknowledgments of provisions and instruments Signed by Married Women under provisions of Tax Paragler of Land Stutter.

For and in the absence of the Attorney-Ger clown Law Offices, 1800 July 1871.

ELECTORAL REGISTRARS.

Chief Secretary's Office, Melbourne.

VICTORIAN ARTILLERY CORPS.

Brigade Office, Local Forces, Melbourne, 15th June 1871.

PETTY SESSIONS APPOINTED.

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

appointed
FOSTER (STOCKYARD CREEK)

slace at which Courts of Petry Sessions shall be holden.
HOWARD SPENSLEY,
Solicitor-General.

ALTERED CIRCUIT COURT DISTRICT.

J. H. KAY, Clerk of the Executive Con

OCCUPATION UNDER LICENSES.

Executive Council Chamber, Melbourne, the

POLLING-PLACES FOR THE ELECTORAL DISTRICT

Council Chamber, Melbo of July 1871.

Mr. Grans

Mr. Spaneley

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of The Bleeforal Let 1885, His Excellency the Go

the advice of the Excellency the Go

THE LAUNCHIMS PLACS ON HODDLE'S CREEK,

MOMANON'S CHREEK,

Olling-places for the Brushy Greek division of the El

rict of Evelyn; and with the advice aforesaid doth

int

HODDLE'S CREEK
to be a Politing-place for the said division of the said District.
And the Honorable Charles Garan Duffy, Her Majesty's
Ohief Secretary for Victoria, shall give the accessary directions
herein accordingly.

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

THE CITY OF OF SANDHURST.

PROCLAMATION

Page 15 of 106

RDWARD B. HOLT.

JOHN SHIELS, pro I

CANTERBURY.

COMMON ALTERED.

PROCLAMATION
ney the Right Honorable JOHN
CANTERBURY, of the City of C

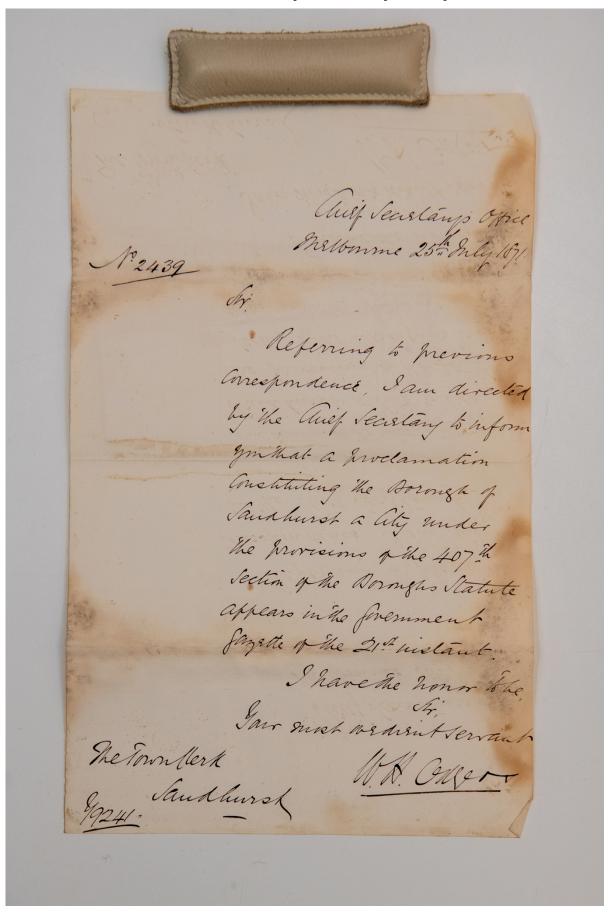
CANTERI
By His Excellency's Command,
J. M. GRANT,
Commissioner of Crown Lands and S
GOD SAYE THE QUEEN!

"THE COMPANIES STATUTE 1864"
REBY certify that "The Melbourne and Champiesed Mining Company (limited)" has been this day
me, and notify that the said company is incorp

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Page 16 of 106

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



9. 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 David Fagg

Seconded: Cr Andrea Metcalf

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

CARRIED

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

This event was combined with the previous item 8.1.

11. COMMUNITY RECOGNITION SECTION

Mayor, Cr Dr Jennifer Alden:

- We will now move to the community section for tonight.
- Congratulations to Lucas Herbert, who has broken into the world top 50 in golf after winning the Irish Open and a strong finish at the Scottish Open.
- The win booked Lucas a spot at Royal St George's in the UK, where he competed in the British Open over the weekend. It wasn't the finish he would have hoped for but it was his seventh major appearance and second time at the Open, and be wish him the very best as he continues to compete on the world circuit.
- It was disappointing to wrap up the Awaken light spectacular in Rosalind Park a few days early, due to lockdown, but it was a great success and a booked-out event.
- Thank you to everyone in our community that came along and also made the most
 of the opportunity to dine out and support our local eateries. The feedback was very
 positive overall and it was great to see so many people share their experience on
 social media.
- Congratulations and thank you to the City's staff that worked hard to stage this amazing free event.

Page 18 of 106

- On July 11 we said farewell to the Mary Quant exhibition at Bendigo Art Gallery, which brought great crowds to Bendigo and the region. It was another successful exhibition for the Gallery and I commend staff on their resilience as they adjusted to a lock down and changed restrictions over the course of the exhibition period.
- Last Wednesday night I had the pleasure of attending the Victorian Top Tourism Town announcement where Bendigo won bronze in Victoria's Top Tourism Town category for places with a population over 5,000 people.
- Thank you to all our tourism operators and the sectors that support tourism, such as accommodation, hospitality and retail, for providing such a memorable experience for visitors to our region.
- It was wonderful opportunity to celebrate an industry that has definitely had it very tough over the past 18 months and acknowledge the important role the tourism economy plays in regional communities.
- And finally tonight, the Olympics is nearly here and I would again like to wish our local Olympians well – swimmer Jenna Strauch and basketballers Tessa Lavey, Leilani Mitchell and Tess Madgen.
- We hope you stay safe and well while competing in Tokyo. We are already proud of you for making the team and will be cheering you on.
- We also wish cyclist Jack Haig a speedy recovery, he was to make his Olympic debut and compete in the men's road race but he sustained a fractured collarbone in the Tour de France which has sadly meant he will miss the Games.
- And that ends this month's community section.

12. PUBLIC QUESTION TIME

13. RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

RESOLUTION

Moved: Cr Andrea Metcalf Seconded: Cr Julie Sloan

That Standing Orders be resumed.

<u>CARRIED</u>

14. CR WILLIAMS' REPORT

Cr Williams' report will be held over to allow the opportunity for it to be presented face-to-face.

15. CONFIRMATION OF PREVIOUS MINUTES

15.1. Confirmation of Minutes

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

RECOMMENDATION

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

RESOLUTION

Moved: Cr David Fagg Seconded: Cr Julie Sloan

That the recommendation be adopted.

CARRIED

Report

Thursday 24 June 2021:

Report No.	Item	Recommendation
13.1	Adoption of 2021/2022 Budget	That the Greater Bendigo City Council, having considered the submissions to the 2021/2022 Proposed Budget:
		1. Adopt the Budget annexed to this resolution, in accordance with the Local Government Act 2020 and relevant regulations.
		2. Acknowledges the contribution of submitters to the budget consultation process, and thank them for their contribution.
		3. Authorises officers to provide a formal response to each submitter.
		4. Note that for the Revenue and Rating Plan, it was determined for 2021-22:

Report No.	Item	Recommendation
		The farm land differential rate would decrease from 85% to 75% of the general rate.
		The vacant land differential rate would remain at 125% of the general rate (no change in 2021-22), with the previously drafted increase to be incorporated in 2022/2023.
		5. Note that the budget in May 2021 utilised preliminary valuations. Final valuations have now been received from the Valuer General, and minor adjustments have been made to differential rates to ensure compliance with the Fair Go Rates System and with the City's Rating & Revenue Plan.
		6. Implements rates and service charges as detailed in the Budget, Rating & Revenue Plan and the following report.
		7. Grants an early full rate payment discount of 1.5% on current year rates and charges, if full payment (including any arrears and interest) is received on or before 30 September 2021.
		8. Note that the Community Plan 2017-2021 was used to develop this budget and that a new Community Vision and Council Plan is currently in development. Annual Actions for 2021/2022, in advance of that process being finalised, are included within the same document.
		9. Approve new loan borrowings of up to \$19.4M in line with Budget and authorise the CEO, Director Corporate Performance or Manager Financial Strategy to:
		negotiate the loan
		approve the successful tender (any two of above officers); and
		execute the loan documentation (any two of above officers).

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

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

Report No.	Item	Recommendation
		achieved by the objective of Schedule 2 to the Mixed Use Zone and the design objectives of Schedule 28 to the Design and Development Overlay.
		4. The proposal does not support the strategic vision for Strathfieldsaye as set out in the Strathfieldsaye Township Plan 2009 (revised March 2012) and Strathfieldsaye Urban Design Framework, February 2017.
		5. The proposal does not appropriately address the design objectives and decision guidelines of Schedule 28 to Clause 43.02 Design and Development Overlay.
15.3	Bendigo City Centre Heritage	That Council:
	Study - Adoption of Amendment C235gben	 Adopt Amendment C235 to the Greater Bendigo Planning Scheme with the following changes:
		a. Remove HO931 (former Bendigo Timber Company building) at 106 Williamson Street, Bendigo (HO931) from the amendment now that a Notice of Decision to Grant a Planning Permit for a hotel has been issued.
		b. For the former Butts Hotel at 114 Williamson Street, Bendigo (HO932)
		 Replace the Statement of Significance with the Panel preferred version and update the citation
		ii. Amend Map 19HO so that the Heritage Overlay covers the building footprint only (to exclude the curtilage to the northwest)
		c. For the stables at the rear of the St Andrews Church at 96 Mollison Street, Bendigo (HO926)

Report No.	Item	Recommendation
		i. Amend Map 19HO so that the Heritage Overlay covers the building footprint plus a five metre curtilage (previously the entire property parcel was included)
		ii. Amend the Schedule to Clause 43.01 to allow prohibited uses.
		Adopt the updated Bendigo City Centre Heritage Study (incorporating the revised citations listed above).
		Submit the adopted Amendment to the Minister for Planning for approval.
16.1	Heathcote Civic Precinct	That Council:
	(Community Hub) Project	Thank McIvor Cottage Industries Co-operative and all other groups for their participation in and contributions to the most recent round of community consultation.
		Endorse staff undertaking further consultation as the basis for the next stage of project design development
		Receive a further report on project progress in early 2022.
16.2	Huntly Camping Ground	That Council work with Haven Home Safe to relocate the current campers, continue to ensure the park is well maintained then review the status of the park in early 2022.
16.3	Reducing Harm from Gambling Policy	That Council support the release of the Draft Reducing Harm from Gambling Policy for community consultation as per the prepared Community Engagement Plan.
16.4	International Relations Policy 2021	That Council adopt the reviewed International Relations Policy 2021 subject to the Policy's principle 5.1 to be amended as follows:
		5.1. Mutual benefit and goodwill - The City's International Relationships where possible should be able to demonstrate either mutual benefit or

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

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

16. PETITIONS AND JOINT LETTERS

Nil

17. PRESENTATION AND MANAGING GROWTH

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

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

Summary/Purpose

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

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

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for Use of land for a medical centre (allied health), alterations and additions to buildings, parking reduction and signage at 71 Lily Street, BENDIGO 3550 subject to the conditions at the end of this report.

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

Page 31 of 106

Attachment 1 - 71 Lily Street Planning Assessment

PLANNING ASSESSMENT REPORT

Report

Subject Site and Surrounds

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



Figure 1: Photos of the existing dwelling



Figure 2: Southern side and rear of the dwelling.



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



Figure 4: Outbuildings (demolished).



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

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

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



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

The adjoining land uses are:

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

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

Proposal

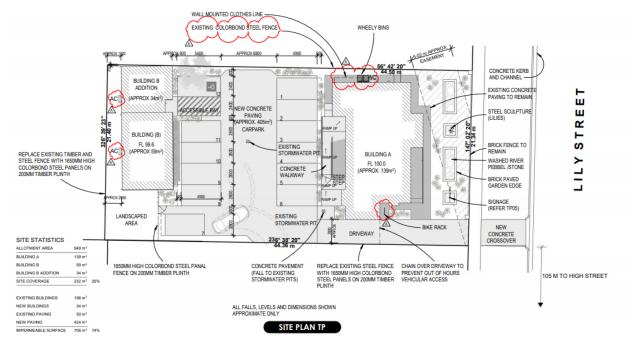


Figure 7: Site layout.

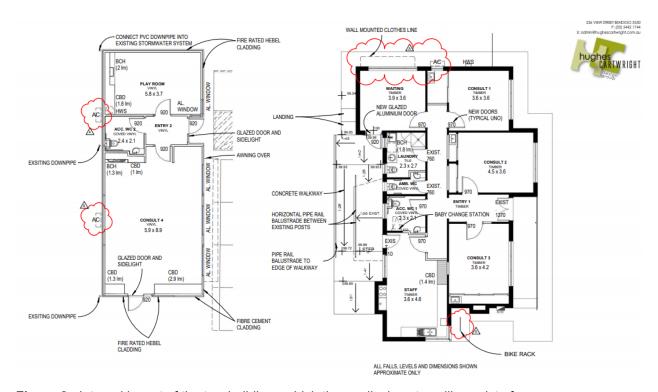


Figure 8: Internal layout of the two buildings which the medical centre will consist of.

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

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

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

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

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

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

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

Monday: Friday: 8 am to 6 pm; and

Saturday: 8 am to 5 pm

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

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

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

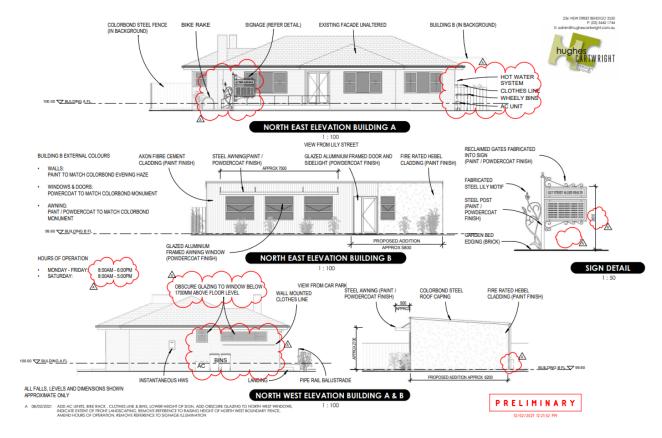


Figure 9: Elevations showing building alterations and signage detail.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit required?

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

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

State Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.03-1S Activity centres
- Clause 11.03-6S Regional and local places
- Clause 13.05-1S Noise abatement
- Clause 13.071S Land use compatibility
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1 Heritage conservation
- Clause 17.01-S Diversified economy
- Clause 17.02-1S Business

Clause 19.02-1S - Health facilities

Municipal Strategic Statement

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

Local Planning Policies

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

Other Provisions

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

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

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

Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers. As a result of advertising, 9 objections were received, with the grounds of objection being:

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

The planning merits and related objector concerns are discussed below.

Planning Assessment

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

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

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

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

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

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

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

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

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

Strategies to meet the objective include:

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

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

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

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

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

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

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

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

The General Residential Zone has purposes to:

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

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

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

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

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

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

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

Does the proposal pose unreasonable amenity impacts for neighbours?

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

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

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

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

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

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

Will the proposal cause unreasonable car parking and traffic issues?

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

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

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

The Planning Scheme rate for this use is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design Standard 2 under Clause 52.06-9 which stipulates a minimum aisle width of 6.4 metres for 2.6-metre-wide parking spaces. The proposed aisle width exceeds this being 6.8 metres, this additional aisle width and extension of the aisle past the last space provides more than adequate room for vehicles to exit the car park in a forward direction.

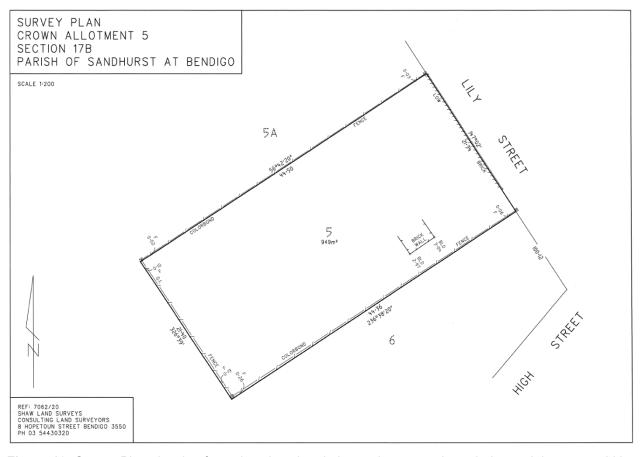


Figure 10: Survey Plan showing fence locations in relation to the correct boundaries and the exact width of the driveway in relation to the southern wall of the dwelling.

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

The location of the site is far enough away from High Street (and the service station, WIN TV office and Hungry Jacks) as well as St John of God Hospital to not experience any on street parking overflow from those activities (though an objector raised an issue that some cars park in the street after going through drive-thru to Hungry Jacks).

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

Is the Hospital Precinct Structure Plan relevant to the application?

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

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

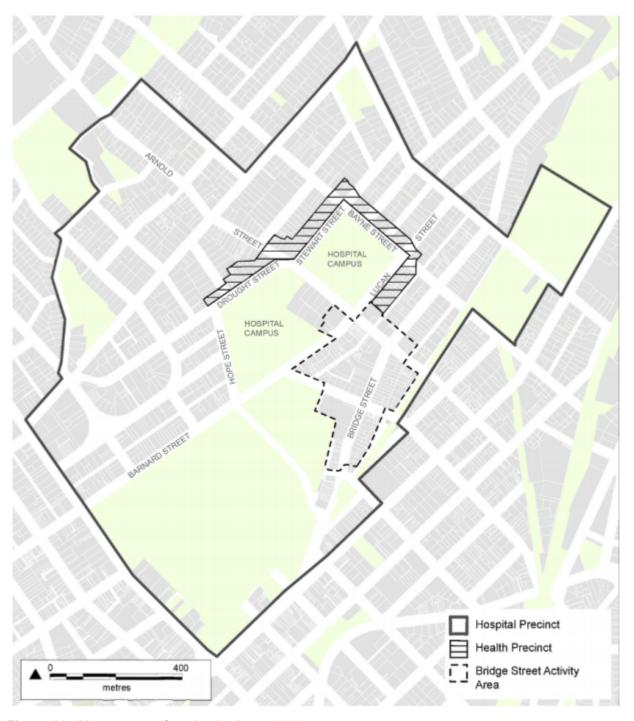


Figure 11: Map one as referred to in clause 22.30.

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

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

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

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

Other issues raised by the objections.

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

Inadequate notification period.

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

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

Works which have occurred on site to date.

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

Clause 62.02-2 of the Scheme states:

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

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

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

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

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

- Removal of the tree located in the front yard.
 The tree (which can be seen in Figure 1) is to be removed. The removal of this tree does not require Planning Approval.
- Inappropriate disposal of medical waste.
 The applicant has confirmed that the nature of the proposed use and the allied health practitioners are not the type which produce any medical waste (which would be the case for example at a General Practice). The waste will be domestic type waste stored in the existing garbage bins allocated to the property and collected as part of the City's domestic garbage, organics and recycling services.

Conclusion

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

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

Options

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

Proposed Notice of Decision Conditions

NO ALTERATION TO LAYOUT

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

PRACTITIONER NUMBERS

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

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

HOURS OF OPERATION

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

(a) Monday: Friday: 8 am to 6 pm; and

(b) Saturday: 8 am to 5 pm

4. STORMWATER DRAINAGE

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

CAR PARK CONSTRUCTION

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

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

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

6. LANDSCAPING PLAN REQUIRED

Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and 2 copies must be provided. The plan must show:

- (a) A survey (*including botanical names*) of all existing vegetation to be retained and/or removed
- (b) Details of surface finishes of pathways and driveways
- (c) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

7. LANDSCAPING WORKS

Before the commencement of the use allowed by the permit or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

8. LANDSCAPING MAINTENANCE

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

9. LOADING AND UNLOADING

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

10. BAFFLED LIGHTING

Outdoor lighting, (if provided), must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.

11. CONSTRUCTION PHASE

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

12. SIGNS NOT BE ALTERED

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

13. NO EXTERNAL LIGHT ILLUMINATION

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

14. MAINTENANCE OF SIGN

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

15. COMPLETION OF DEVELOPMENT

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

16. EXPIRY OF USE

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

Page 49 of 106

Permit Note - Noise Emissions

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

Page 50 of 106

17.2. Road Discontinuance – Alexandra Street Eaglehawk

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

Purpose

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

Summary

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

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

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

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

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

RECOMMENDATION

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

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

Council Policy Reference: Asset Management Policy https://www.bendigo.vic.gov.au/About/Document-Library/asset-management-policy

Background Information

Previous Council Decision(s) Date(s):

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

Page 52 of 106

Background Information:

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

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

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

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

Specifically, Council is required to:

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

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

Report

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

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

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

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

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

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

Priority/Importance:

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

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

Options/Alternatives:

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

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

Timelines:

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

Risk Analysis:

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

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

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

Consultation/Communication

Internal Consultation:

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

External Consultation:

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

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

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

Resource Implications

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

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

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

Attachments

Proposed Public Notice

Page 55 of 106

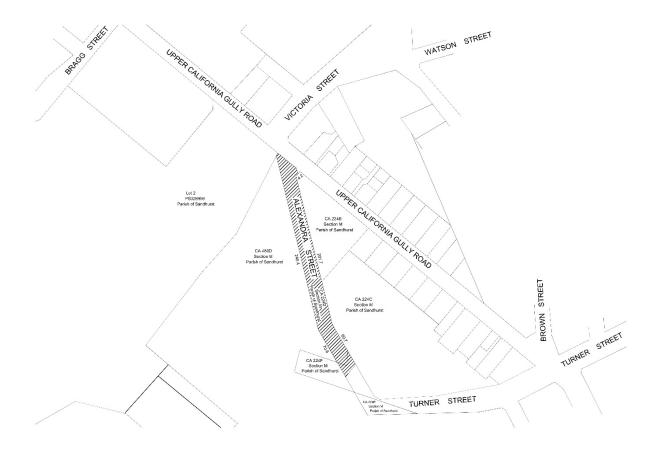
Attachment 1 - City of Greater Bendigo -Public Notice with Plan - Alexandra Street

City of Greater Bendigo Proposed Road Discontinuation Alexandra Street Eaglehawk

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

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

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



Submissions should be sent to:-Manager - Engineering, City of Greater Bendigo, P.O. Box 733 Bendigo, 3552

Craig William Niemann
CHIEF EXECUTIVE OFFICER

18. WELLBEING AND FAIRNESS

18.1. Greater Bendigo Positive Ageing Advisory Committee - Member Appointments

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

Purpose

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

Summary

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

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

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

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

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

RECOMMENDATION

That Council:

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

RESOLUTION

Moved: Cr Greg Penna

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 2 Wellbeing and Fairness

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

Objective 2.4.3 Supporting positive ageing.

Background Information

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

The Committee's objectives are:

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

Committee meetings are held every six to eight weeks.

Previous Council Decision(s) Date(s):

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

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

Report

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

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

Composition of the Committee shall be at least:

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

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

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

The Councillor Representatives are Rod Fyffe and Greg Penna.

Page 58 of 106

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

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

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

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

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

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

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

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

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

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

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

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

Consultation/Communication

N/A

Resource Implications

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

Attachments

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

Page 60 of 106

Wellbeing and Fairness – Reports

Council Meeting - Monday, 19 July 2021

ATTACHMENT 1: Current Positive Ageing Advisory Committee membership

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

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

18.2. Closed Circuit Television in Public Places Policy

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

Purpose

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

Summary

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

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

The CCTV network was established to:

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

RECOMMENDATION

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

RESOLUTION

Moved: Cr Andrea Metcalf Seconded: Cr Greg Penna

That the recommendation be adopted.

CARRIED

Policy Context

City of Greater Bendigo Community Plan 2017-2021:

Goal 2 Wellbeing and Fairness

Objective 2.5 Create safe and resilient communities

Strengthen community safety

Strengthen community resilience

Maintain the attractiveness and cleanliness of public places

City of Greater Bendigo Health and Wellbeing Strategy 2016-2021

Goal 2 Safe and Secure

Objective Increase Community Safety

Community Safety Framework and Strategic Plan 2017-2021

Priority Action Areas:

Creating and maintaining safe physical environments

Supporting community strengthening and capacity building activities

Background Information

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

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

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

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

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

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

Report

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

Page 63 of 106

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

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

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

Key consideration was given to the following areas:

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

Priority/Importance:

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

Risk Analysis:

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

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

Consultation/Communication

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

External Consultation:

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

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

Resource Implications

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

Attachments

Closed Circuit in Public Places Policy

Attachment 1 - Closed Circuit in Public Places Policy

CLOSED CIRCUIT TELEVISION IN PUBLIC PLACES POLICY

Council
Council
Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie 15 March 2016 (Effective from 1 July 2016))
Four years
Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie 15 March 2016 (Effective from 1 July 2016))
Manager, Community Partnerships
Community Partnerships
Health and Wellbeing
Local Government Act 2020 Surveillance Devices Act 2004; Privacy Act 1988; Charter of Human Rights and Responsibilities Act 2006; Freedom of Information Act 1982; and Privacy and Data Protection Act 2014.
4446259

1. PURPOSE

The purpose of this policy is to:

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

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

2. BACKGROUND

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

3. SCOPE

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

4. **DEFINITIONS**

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

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

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

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

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

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

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

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

Municipal Community means:

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

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

VAGO means the Victorian Auditor-General Office.

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

5. PRINCIPLES

The following principles underpin this policy;

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

6. POLICY

6.1 Implementation

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

6.2 Project specifications

6.2.2 Location of Monitors

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

6.2.3 Authorised Operators

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

6.2.4 Training

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

6.2.5 Signage

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

The signs will:

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

6.2.6 Collection and Security of CCTV Data

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

6.2.7 CCTV Operation Centre

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

Page 71 of 106

6.2.8 Request to Access CCTV Footage

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

6.2.9 Inappropriate Use and Complaint Management

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

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

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

Victorian Ombudsman Level 2, 570 Bourke Street Melbourne VIC 3000 Telephone: 03 9613 6222

Website: www.ombudsman.vic.gov.au
Email: complaints@ombudsman.vic.gov.au

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

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

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

Office of the Victorian Information Commissioner PO Box 24274 Melbourne VIC 3001

Email: enquiries@ovic.vic.gov.au

6.3 Governance evaluation and monitoring

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

7 ROLES AND RESPONSIBILITIES

7.1 Information Technology

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

7.2 Community Partnerships

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

7.3 Governance

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

8 RELATED DOCUMENTS

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

These include:

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

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

9 HUMAN RIGHTS COMPATIBILITY

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

10 ADMINISTRATIVE UPDATES

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

11 DOCUMENT HISTORY

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

19. STRENGTHENING THE ECONOMY

Nil

20. ENVIRONMENTAL SUSTAINABILITY

Nil

21. EMBRACING OUR CULTURE AND HERITAGE

Nil

22. LEAD AND GOVERN FOR ALL

22.1. Delegations and Authorisations Policy

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

Purpose

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

Summary

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

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

RECOMMENDATION

That Council approve the draft Delegations and Authorisations Policy.

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 1 (Lead and govern for all).

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

Background Information

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

Page 77 of 106

Report

Corporate Governance Audit

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

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

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

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

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

Delegation

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

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

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

Appointment of Authorised Officers

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

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

Priority/Importance:

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

Risk Analysis:

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

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

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

Consultation/Communication

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

Resource Implications

Nil

Attachments

1. Delegations and Authorisations Policy

Page 79 of 106

Attachment 1 -

DELEGATIONS AND AUTHORISATIONS POLICY

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

1. PURPOSE

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

2. BACKGROUND

2.1. What is a delegation?

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

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

2.2. How is authority delegated?

Page 80 of 106

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

2.3. What is an Authorised Officer?

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

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

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

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

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

3. SCOPE

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

4. **DEFINITIONS**

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

City means the Greater Bendigo City Council organisation.

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

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

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

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

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

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

5. POLICY

Authorisations

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

Delegations

5.5. <u>Instrument of Delegation</u>

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

5.6. Exercising delegated authority

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

(a) Decision making

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

(b) Delegate scope

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

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

Page 82 of 106

(d) Delegate accountability

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

(e) Conflicts of interest

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

(f) No retrospectivity

A delegation cannot be exercised retrospectively.

(g) Signing documents

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

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

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

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

(h) Tiered delegation

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

(i) Assistance from non-delegates

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

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

5.7. Referral to Council

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

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

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

5.8. Recording

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

5.9. Review of delegations

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

6. ROLES AND RESPONSIBILITIES

6.1 Delegates

Delegates are responsible for:

Page 84 of 106

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

6.2 Authorised officers

Authorised Officers are responsible for:

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

6.3 People managers

People managers are responsible for:

- (a) Ensuring that new and existing staff with any delegated or authorised authority read and understand the relevant instruments (as they relate to that staff member's position) and this policy.
 - In the case of new staff, this must be done as soon as possible after the staff member commences.
- (b) ensuring that a suitable delegation or authorisation exists for officers under their supervision;
- (c) requesting the Governance Unit make or amend such delegations or authorisations as required;
- (d) ensuring that delegates and Authorised Officers under their supervision exercise powers, duties and functions in accordance with this policy;

6.4 Governance

The Governance Unit is responsible for:

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

7. RELATED DOCUMENTS

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

These include:

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

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

8. HUMAN RIGHTS COMPATIBILITY

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

9. ADMINISTRATIVE UPDATES

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

10. DOCUMENT HISTORY

Date Approved	Responsibl e Officer	Unit	Change Type	Version	Next Review Date
July 2021	RM	Governance	Development	1	July 2025

Council Meeting -	 Monday, 	19 July	202
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Lead and Govern For All – Reports

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22.2. Instruments of Delegations

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

Purpose

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

Summary

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

The suite of instruments of Council delegations are:

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

RECOMMENDATION

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

Page 88 of 106

RESOLUTION

Moved: Cr Andrea Metcalf

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

- Adherence to legislative obligations under LGA 2020.
- Goal 1 (Lead and Govern for all) in the Community Plan 2017 2021. Effective delegation plays a key role in enabling responsive, transparent and accountable decision making across the organisation.

Background Information

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

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

Council currently delegates:

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

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

Previous Council Decision Dates:

19 August 2020 - Council review of delegations

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

Report

S5 Instrument of Delegation from Council to the CEO

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

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

S6 Instrument of Delegation from Council to Members of Council Staff

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

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

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

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

<u>S18 Instrument of Sub-delegation from Council to Members of Council Staff - Environment Protection Act 2017</u>

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

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

Page 90 of 106

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

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

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

Consultation/Communication

Internal Consultation:

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

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

Consultation was undertaken with Community Partnerships regarding the BMFC.

Resource Implications

Nil

Attachments (separate document)

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

22.3. Audit and Risk Committee Independent Member Remuneration Review

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

Purpose

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

Summary

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

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

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

RECOMMENDATION

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

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 # 1 Lead and Govern for all

Background Information

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

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

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

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

Report

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

Comparative remuneration from other Councils:

Council	Chair (Exc GST) per annum	Independent Members (ex GST) per annum	
Campaspe Shire Council	\$3,511	\$3,511	
East Gippsland Shire Council	\$4,435	\$2,851	
Greater Geelong City Council	\$12,500	\$10,000	
Greater Shepparton City Council	\$5,480	\$4,335	
Loddon Shire Council	\$2,425	\$1,940	
Mildura Rural City Council	\$8,423	\$5,679	
Mount Alexander Shire Council	\$2,600	\$1,600	
Surf Coast Shire Council	\$3,200	\$2,200	
Wangaratta Rural City Council	\$3,000	\$2,500	
Hepburn Shire Council	\$1,640	\$1,340	
Swan Hill Rural City Council	\$3,400	\$2,000	
City of Ballarat	\$3,200	\$3,200	
Greater Shepparton City Council	\$4,384	\$3,456	

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

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

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

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

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

Priority/Importance:

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

Options/Alternatives:

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

Timelines:

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

Risk Analysis:

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

Consultation/Communication

Internal Consultation:

Nil

External Consultation:

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

Resource Implications

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

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

Attachments

Nil

22.4. Contracts Awarded Under Delegation Report July 2021

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

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

• Goal 1 Lead and govern for all

RECOMMENDATION

That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.

RESOLUTION

Moved: Cr Andrea Metcalf

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Attachments

1. Contracts Awarded

Page 97 of 106

Attachment 1 - Contracts Awarded Under Contract Council Report July 2021

	Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget	
CT000545	Wolstencroft Reserve Playspace	Nature Play Solutions Pty Ltd	Brian Westley	15/03/2021	\$236,436.00	15/06/2021	Capex 82139	
СТ000562	Bendigo Airport Airside Upgrade	ACE Infrastructure Pty Ltd	Craig Niemann	29/04/2021	\$775,467.09	1/07/2021	Capex 82963	
CT000572	1,	Bendigo Truck Repairs & Spares Pty Ltd	Brian Westley	8/06/2021	\$461,809.96	26/04/2022	Capex 80892	
CT000566	Central Deborah Gold Mine Points & Cross & Crossing Renewal	Coleman Rail Pty Ltd	Craig Niemann	7/06/2021	\$562,038.35	30/06/2021	Capex 80865	
			Service Cor	ntracts				
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Contract Term & Options	Budget	
CT000564	Construction Quality Assurance (CQA) Supervisor for the Eaglehawk Rehabilitation Stage 1 and 1A Works	ADE Consulting Group Pty Ltd	Brian Westley	7/05/2021	\$156,480.00	Contract Term ends - 1/02/2023 No Extension Option offered	Capex 52701	

23. URGENT BUSINESS

24. NOTICES OF MOTION

25. COUNCILLORS' REPORTS

Cr Fagg reported as follows:

"As we meet and report on events and issues, I am very conscious that the current Covid-19 lockdown is having a huge impact on our whole community – businesses of many kinds, school-children, families, sporting clubs of all kinds, and important large events that have had to be cancelled. Although difficult, it is also heartening to see how people are supporting others where they can. I am sure we all have seen examples of this behaviour. One heartening example concerned the caterer for the Australian Sheep and Wool show, which had to be cancelled. Faced with a huge amount of food that would go to waste, the Bendigo community had by Saturday, bought up all their meals. Fantastic stuff.

Events

Refugee Week lunch in the new Bendigo Beehive building. Thanks to Loddon Campaspe Multicultural Services, and the Neighbourhood Collective, for organising this excellent event Spoke at a panel on faith and work at Holy Trinity Anglican Church, in Flora Hill Facilitated a road safety meeting regarding Creeth St in Long Gully with Regional Roads Victoria and City staff – I thank those local residents who came and contributed. NAIDOC week civic reception – it was great to see our First Nations people's pride for their country and culture. Visited several local manufacturing businesses: impressed by their enthusiasm for their work and for our city. These included Fleetwood in Long Gully, who manufacture modular buildings, and Australia Turntable Company in Kangaroo Flat. I just want to briefly point to the development of the Council Plan, which will guide our decision making and priorities over the next new few years. Councillors have been working on this for the last couple of months, assisted by council staff. It is a large and comprehensive document, and is informed by community input, especially the Deliberative Panel, where residents met over a weekend to thrash out an agreed vision and values for our city. As a resident, if you feel you have an important priority for our community, please get in touch so it can be reflected in the final council plan".

Cr Metcalf reported on two special events, the first wishing to thank the NAIDOC Committee for the wonderful events organised to celebrate this week; particular mention of the soccer match between Eaglehawk and Strathdale which was supported by many and it was a terrific game. Secondly, to congratulate Bruce and Dianne Anderson on becoming Life Members of the Elmore Progress Association, as in Bruce's words, when you grow up in a community, you like to give back - and give back they have over many years - well done!

Cr O'Rourke reiterated the difficulties with the fifth lockdown with COVID and also highlighted the work of the Heathcote Dementia Alliance / Heathcote Dementia Village and the progress in working towards bringing this proposal to fruition. Cr O'Rourke was also pleased to be able to attend a Heathcote Township meeting with Cr Evans in person (just prior to the lockdown). Congratulations was also extended to Terry Karamaloudis and the Events and Tourism teams in putting on the Tourism Awards event last week and proud to receive a bronze award.

Page 99 of 106

Cr Evans reported as follows:

"Well, it's a lockdown. Again.

Victoria is experiencing Lockdown 5.0. All lockdowns are incredibly tough. Though they are necessary last resort when outbreaks are out of control, lockdowns place an enormous strain on people and communities.

We are by no means out of the woods. Our economic recovery from this pandemic is not yet secure. It depends on people getting the vaccine and a certain percentage of our population to be fully vaccinated.

Moving forward, our focus must be to do what we can to secure our economic recovery, secure an environment with certainty to the people, and start shaping a new normal in a post-COVID world.

The day-to-day struggle is very real. We have to deal with what is in front of us right now. We must also have an eye on the future.

In the meantime, and as I often say, it's important that we support our local businesses and community organisations. Where we can, we must support those currently being able to operate. When the lockdown ends, we must support those who will reopen.

Coming out of the previous lockdown, councillors have been busy, out in the community.

BIG-TICKET EVENTS

Many will know that I have been pushing for more big-ticket events in Greater Bendigo, such as top level sport for premiership points.

When all 18 AFL clubs were relocated to Victoria, there was an opportunity to have an AFL game on the QEO. Unfortunately, it would seem this current lockdown will quash any chance of this happening this time. This also includes any possibility of hosting the Super Netball at the Bendigo Stadium.

It has been pleasing to know that there is strong support from the community for the AFL and other codes to come to Greater Bendigo and play for premiership points one day. We know there is a lot of work that must be done, particularly investing in our facilities to attract games.

A conversation must take place about where we want to develop a major events precinct for Greater Bendigo's which will attract large-scale events in the future, whether that's sporting events, state/national conferences, or music festivals.

Is the QEO the location? Perhaps it should be the Bendigo Showgrounds? Where else could it be? This is the discussion we must have and must get on with the necessary work required to fulfil this long term vision.

Page 100 of 106

"TOP TOURISM TOWN

Over the past month, one of the most insulting events took place, and never have I been so humiliated during my time as a councillor.

That's right: Ballarat were crowned the Victorian Top Tourism Town for 2021. If that wasn't bad enough, they received the award at the Awards event at the Bendigo Art Gallery! Que the outrage!

Look, all jokes aside, it was such a wonderful event hosted by the City of Greater Bendigo which celebrated several regional towns from across our great state. Many regional communities depend on the visitor economy, and COVID has smashed the tourism sector.

I congratulate all of the towns who received awards and were nominated. Bendigo was recognised winning Bronze for the Top Tourism Town. It was great to see Heathcote nominated in the Top Tourism Small Town category too, recognition of Heathcote's strengthening reputation.

I am proud of all the city staff and local business for their hard work towards making our region a wonderful destination for anyone to come at visit. These awards are recognition of their hard work.

CONCLUSION

In finishing up, I know our community is feeling a mixture of emotions right now.

It is important that we support each other and maintain our individual and collective wellbeing, especially in times like these.

We must support our local businesses, services, workers, and volunteers who are operating.

Make the most of the two-hour daily exercise limit, take mini-breaks from work and study, and stay connected with your friends, and family and colleagues online.

Remember, if you're showing symptoms, get tested. And if you are eligible to get vaccinated, get vaccinated.

We get locked down, but we get up again.

Stay classy Greater Bendigo and see you in the community. Hopefully very soon.

EVENTS ATTENDED

- The NAIDOC Week 2021 Flag Raising Ceremony and Civic Reception at the Bendigo Town Hall.
- Visited the Knuldoorong Art Exhibition 2021 at Dudley House.
- Community Presentations to Council at the Bendigo Town Hall.
- Featured in the Bendigo Times, talking about big-ticket sporting events in Greater Bendigo, particularly the football.
- The Cultural Diversity and Inclusion Plan Stakeholder Workshop at the Bendigo Tennis Centre
- The Loddon Mallee Region 'Move It' Project Awareness Campaign Launch at the Gurri Wanyarra Wellbeing Centre.
- The NAIDOC Week Celebration Soccer Match between Eaglehawk and Strathfieldsaye at Truscott Reserve.

Page 101 of 106

- "Attended We Will Rock You at the Ulumbarra Theatre (not in an official capacity)
- Attended Awaken at Rosalind Park.
- The Heathcote Township Committee meeting at the Heathcote Bowls Club.
- Spoke with Fiona Parker on ABC Central Victoria talking about big-ticket sporting events in Greater Bendigo, particularly the football.
- The 2021 Victoria Top Tourism Town Awards event hosted by the City of Greater Bendigo at the Bendigo Art Gallery.
- Several meetings, briefings, and workshops".

Cr Sloan reported as follows:

"I am pleased to table my councillor report about joining with our community and reflecting on key events.

Unfortunately, we needed to cancel Whipstick Ward Listening Posts in Elmore and at the Showgrounds due to covid, but there are plenty of opportunities ahead for residents to connect with Whipstick Ward councillors and share their stories as we visit many townships and the CBD in the months ahead. Just a reminder that the online request system is available for anyone seeking information or placing a works request.

The 2021-22 budget has now been adopted and I was pleased that key principles such as assisting those experiencing hardship and providing social and economic support, guided Councillors in the development of the budget. Work continues towards the development of council's strategic plans including our Council Plan and H&WB Plan, and community consultation for the new 4-year Domestic Animal Management Plan has commenced.

Current Covid lockdown reflects the importance of caring for ourselves and each other during difficult times. Please do not hesitate to seek medical and other community supports to assist optimal physical and mental health and wellbeing.

The City provides an online covid-19 service update and information page that includes things you can do to care for your H&WB, how to cope with stress related to coronavirus and talking to your children about coronavirus. Talking to Kids About the Coronavirus (Child Mind Institute – is also available on YouTube)

Our future is a changing landscape as healing from covid impact occurs. Healing country was the theme for this year's NAIDOC Week and I was proud to attend flag-raising events and meet community members during NAIDOC Week to help celebrate Aboriginal culture and connect to healing country through smoking ceremony, song and music.

I attended the lunch of the Knuldoorong Art Exhibition at Dudley House where the artwork was exhibited during NAIDOC Week. The exhibition was another amazing example of Aboriginal story-telling and connection to country through painting, photography, weaving, and sculpture created by talented local Aboriginal artists.

I look forward to an upcoming month where we can connect and celebrate together".

Page 102 of 106

Cr Penna reported on his attendance at the following meetings and events:

- Bendigo Manufacturing Group meeting
- Bendigo Historical Society meeting
- Numerous Councillor Briefings and Community Presentation session
- Chaired Positive Ageing Advisory Committee meeting
- · Chaired Airport Stakeholders meeting
- Imagine Greater Bendigo workshops
- Calder Highway Improvement Committee meeting
- Planning application site inspections

Cr Williams reported on the impact of the fifth COVID lockdown on all Victorians; the increase in the cost of food and the increase in the utilisation of counselling services to help the community cope with the issues associated with the lockdowns. Cr Williams advised this is the reason that he did not support the 1.5% rate increase. Cr Williams was pleased to be able to attend the Affordable Housing Steering Committee meeting and the Airport Stakeholders meeting. Together with Cr Fagg, attended a tour of the Fleetwood Building Solutions company and also the Australian Turntable Company.

Page 103 of 106

26. MAYOR'S REPORT

The Mayor, Cr Dr Jennifer Alden tabled a report on her attendance at the following meetings and events:

- Attended a community lunch for Refugee Week at the Mining Exchange.
- Participated virtually in the Australasian Placemaking Symposium.
- Officially launched the Knuldoorong Art Exhibition at Dudley House.
- Attended the Bendigo & District Aboriginal Co Operative Flag Raising Ceremony for NAIDOC Week.
- Attended the Rotary Club of Bendigo Changeover lunch held at Silks, Bendigo Jockey Club.
- Officiated at the Hockey Victoria 2021 Junior Girls State Championships at the Garden Gully Recreation Reserve.
- Officiated at the NAIDOC Week Flag Raising Ceremony held in the Library Gardens.
- Chaired the Pandemic Relief and Recovery Committee meeting.
- Chaired the Community Presentations to Council session.
- Attended the Rotary Club of Eaglehawk Changeover Dinner held at the Eaglehawk Bowling Club.
- Jointly launch the Loddon Mallee Region 'Move It' Project Awareness Campaign Launch held at Gurri Wanyarra Wellbeing Centre.
- · Attended the Maiden Gully Progress Association general meeting.
- Attended the Djandak: Films creates by a Uncle Brien and Gerry Gill at La Trobe University.
- Attended the Rotary Club of Kangaroo Flat Changeover Dinner held at the Kangaroo Flat Sports Club.
- Participated in media opportunity with Federal Member for Bendigo Lisa Chesters MP and Catherine King MP at the Bendigo Airport.
- Attending meeting with Catherine King MP, Shadow Minister for Infrastructure, Transport and Regional Development and Lisa Chesters MP, Federal Member for Bendigo.
- Welcomed guests to the Victoria Top Tourism Town announcement held at the Bendigo Art Gallery. Bendigo was awarded Bronze.
- Attended the Lions Club of Maiden Gully-Marong Changeover Dinner held at the National Hotel.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

Page 104 of 106

27. CHIEF EXECUTIVE OFFICER'S REPORT

The Chief Executive Officer, Mr Craig Niemann, tabled a report on his attendance at the following meetings and events as outlined:

"During the month, the third Council Community Presentation session was held. These sessions provide community groups and organisations an opportunity to present to Councillors in an informal setting. On this occasion, presentations were made by Bendigo Community Health Service regarding the Community Harmony Program; Bendigo and District RSL; Ironbark Tennis Club who discussed the potential for development area around the Club and a joint presentation was made by Neighbourhood Houses of Greater Bendigo.

I recently attended the campaign launch of the Loddon Mallee Region 'Move It' Project at Gurri Wanyarra Wellbeing Centre. 'Move It' is funded by the Australian Government through Sport Australia with an aim to increase the overall physical health and mental health of older Australians. 10 Councils are members of the Loddon Mallee Region and funding for 10 projects has been granted. The 'Move It Kangaroo Flat' project will offer a series of eight-week walking or exercise programs for two ability levels, with the aim of these continuing on an ongoing basis, together with exercise physiologist assessments and information and education sessions.

Executive Management Teams of City of Greater Bendigo and Coliban Water met during the month to share information on projects being undertaken by respective organisations, discuss strategies and future development within Greater Bendigo.

Today I announced the appointment of Steve Hamilton as Director Strategy and Growth at the City of Greater Bendigo. Steve joins us from Maribyrnong City Council, where he is currently the Director Infrastructure Services. Previously he has worked at Darebin City Council where he was Acting CEO and Director City Futures, and other roles have been in the private sector and with VicTrack. Steve's career has focused on building, leading and managing diverse teams and large-scale businesses across Australia and overseas, and his Local Government experience includes strategic and statutory planning, managing customer-facing services, advocacy to other levels of government, and major project delivery. He also has a great interest in the arts and creative industries.

Thank you to Vicky Mason, who accepted the role of Acting Chief Executive Officer last week while I was on annual leave".

Page 105 of 106

28. CONFIDENTIAL (SECTION 66) REPORTS

RECOMMENDATION

RESOLUTION

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

Moved: Cr Andrea Metcalf Seconded: Cr Margaret O'Rourke	
That the recommendation be adopted.	
	CARRIED
There being no further business, the meeting closed at 7:44pr	n.
Со	nfirmed:

Page 106 of 106

Chair

16 August 2021