

COUNCIL MEETING MINUTES



6:00 pm on Wednesday, April 20 2022

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

COMMUNITY VISION 2021–2031

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

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

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- 1. ACKNOWLEDGEMENT OF COUNTRY**
- 2. TRADITIONAL LANGUAGE STATEMENT**
- 3. OPENING STATEMENT**
- 4. MOMENT OF SILENT REFLECTION**

5. ATTENDANCE AND APOLOGIES

Attendees:

Mayor Cr Andrea Metcalf
Deputy Mayor Cr Matthew Evans
Cr Jennifer Alden
Cr David Fagg
Cr Rod Fyffe OAM
Cr Greg Penna
Cr Julie Sloan
Cr Vaughan Williams
Mr Craig Niemann, Chief Executive Officer
Mrs Jessica Clarke-Hong, Acting Director Corporate Performance
Mr Steve Hamilton, Director Strategy and Growth
Mrs Vicky Mason, Director Health and Wellbeing
Mr Brian Westley, Director Presentation and Assets
Mr Geoff Fallon, Acting Manager Governance

Apologies:

Cr Margaret O'Rourke
Mr Andrew Cooney, Director Corporate Performance

MOTION - Resolution No. 2022/04.1

Moved: Cr Alden
Seconded: Cr Evans

That the apology from Cr O'Rourke be accepted.

CARRIED

6. LEAVE OF ABSENCE

Nil

7. SUSPENSION OF STANDING ORDERS

Nil

RESOLUTION - Resolution No. 2022/04.2

Moved: Cr Fyffe
Seconded: Cr Penna

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

CARRIED

8. COMMUNITY RECOGNITION

- To our community section tonight and I would like to start by acknowledging the wonderful efforts of many to make the 150th Bendigo Easter Fair the great success that it was!
- The overwhelming feedback is that everyone absolutely loved the return of this fantastic community event and bumper crowds generated an amazing buzz across town.
- There was so much work done by so many people for the benefit of our community and visitors, which is so typical of who we are here in Bendigo.
- It was such a shame that rain brought an early end to the main festivities, meaning we couldn't hold the gala parade as planned but I am sure our farming communities have welcomed the lovely, consistent falls!
- The weather is one thing we simply cannot control but I thank the community for its understanding and the general way that people turned out in the tens of thousands to enjoy what was otherwise a fantastic 150th Bendigo Easter Fair.
- Congratulations to all City staff, the Bendigo Easter Fair Society, the Bendigo Chinese Association, our dedicated volunteers, and all stall holders and organisers of a range of community events and displays – thank you all for your incredible efforts and the contribution you made to this milestone event.
- Overall, the Easter weekend was a wonderful celebration for our community and again reinforced that Bendigo is absolutely back when it comes to events.
- This assertion is also backed up by last week's big announcement that Bendigo will be a co-host of the Victoria 2026 Commonwealth Games, together with Ballarat, Geelong and Gippsland.
- We will be hosting netball, cycling, T20 cricket, squash lawn bowls and para lawn bowls, weightlifting and para powerlifting.
- This is an amazing opportunity and one that we have been advocating for, as we believe this is an ideal model to share the benefits of hosting an event of this scale – particularly the investment that is to come in upgrading local facilities and the development of an athletes' village that will transition to future housing for Bendigo.
- There is so much planning to come, but we are very much looking forward to being a part of history when Victoria hosts this very unique Commonwealth Games.
- I would also like to take this opportunity to acknowledge some key achievements by members of our community, starting with Bendigo midwife Sarah Watts being named as a finalist in the HESTA Nursing and Midwifery awards.
- Sarah has been recognised for providing birthing support and improving the safety and sustainability of maternity services across the region.
- Winners will be announced on May 19 and we wish Sarah the best of luck and thank her for her great support of families and newborns in our region.
- To some sporting success now, and AFLW Carlton captain and Bendigo export, Kerryn Harrington, has been named in her third AFLW All-Australian team.
- And in cycling, the Bendigo District Cycling Club won a combined 20 medals at the recent National and Oceania track championships in Brisbane.
- I would also like to acknowledge the contribution of out-going Bendigo Spirit coach Tracy York.
- After three seasons, Tracy has made the decision to step aside and spend more time with her family.

- She led the team through two COVID-impacted seasons and the Spirit only narrowly missed the finals this year.
- Thank you to Tracey for her contribution to the team and we wish her well in the future.
- And in closing tonight, Council sends its condolences to the DeAraugo family following the sudden passing of Sue DeAraugo.
- Sue was a great community leader and philanthropist, serving on the board of the Bendigo Health Foundation and Bendigo Spirit, and also lent her support to the Otis Foundation, Bendigo Foodshare and Righteous Pups.
- Sue was a passionate and generous Bendigonian who simply wanted to help, and she will be dearly missed in many pockets of our community.
- And that brings tonight's community section to a close.

9. PUBLIC QUESTION TIME

There were nil questions lodged online or from the Gallery.

10. RESUMPTION OF STANDING ORDERS

RESOLUTION - Resolution No. 2022/04.3

Moved: Cr Fyffe

Seconded: Cr Penna

That Standing Orders be resumed.

CARRIED

11. CR EVANS' REPORT

Cr Evans presented his report as outlined below:

INTRODUCTION

The past month has really demonstrated the 'great' in Greater Bendigo.

There's a lot going on at the moment and it really is great to see all parts of our community busy and engaged. My fellow councillors and I have had a busy month with several engagements, meetings, and briefings.

150th BENDIGO EASTER FAIR

Unfortunately, the weather did draw the 150th Bendigo Easter Fair to an abrupt end, but what a weekend in Bendigo it was!

It was wonderful to see so many families and friends out and about, enjoying the carnival atmosphere with heaps of activities and events on offer. The amount of positive feedback I have received from the weekend was wonderful to hear.

Personally, I enjoyed the Awakening of the Dragon, the Zhu Fu Tribute to the Bendigo Easter Fair Society and Bendigo Health at the Tom Flood Sports Centre which featured Sun Loong, and guest judging in the Teddy Bear's picnic.

I would like to pay tribute to everyone who organised, volunteered, hosted an event or a stall, and who sponsored the Bendigo Easter Fair. Without you, this event could not have been possible. Everyone played their part to making this event incredibly special.

In particular, I would like to acknowledge the hard-working staff from the City of Greater Bendigo, as representatives from the Bendigo Easter Fair Society, the Bendigo Chinese Association, and everyone who was part of the organising of this event.

Thank you to everyone in the community who supported this iconic event. I trust that you had an enjoyable experience and that it was an opportunity to spend time with friends, family and loved ones.

I am certainly looking forward to the 151st Bendigo Easter Fair next year!

FUNDS SECURED FOR THE BENDIGO AIRPORT

There was also some special news which came out, where the City has signed a contract with the Australian Government for the remaining \$4.5M needed to progress the Bendigo Airport terminal expansion and business park!

This project will be huge for our City and region and will have a strong and positive impact on our economy.

The redevelopment will expand the terminal's existing footprint and include a new departure lounge, provision for security and screening area, waiting lounge, baggage claim, restroom facilities, new administration building, and equipment shed.

The business park will include 21 lots connected to drainage, sewer and water services, roadworks, and a new car park, with improved lighting and landscaping.

Importantly, this project will create local jobs during construction and ongoing.

I congratulate the hard-working City staff and those who have worked hard over many years to secure the funds needed for this project.

Now that the funds are secure, it's time to deliver good and strong outcomes for Greater Bendigo!

RILEY STREET NATURAL RESERVE PLANTING DAY

When willing community organisations partner with the City, we often see some good and strong outcomes delivered. A good example of this is the partnership between the Friends of Riley Street Nature Reserve in East Bendigo with the City.

I was delighted to join fellow Councillors Councillor Jennifer Alden, Cr Penna, and Cr Julie Sloan, as well as members of the Riley Street Nature Reserve, City staff from the Parks and Open Space Team, and many community members, including the keen young kids, all to for a tree planting day. I know Mayor Cr Andrea Metcalf was in attendance as well.

Along with the community, I look forward to seeing the natural transformation of this space. No doubt many will come back in years to come with their friends and family and say that they planted those trees.

It's important to invest time and care into to spaces such as these so that we may pass this on to future generations.

COMMONWEALTH GAMES ANNOUNCEMENT

There was also an amazing announcement that Bendigo will be co-hosting the 2026 Commonwealth Games!

Sports to be held in Bendigo include netball, squash, cricket, cycling, lawn bowls and weightlifting.

Bendigo will be one of four regional hubs, which also includes Geelong, Ballarat, and Gippsland, with each hub to have its own athlete village.

This is a wonderful announcement for Greater Bendigo which will see big-ticket sporting events coming to our city and region! This will provide a significant boost to our local economy through visitation and tourism opportunities which will support local businesses and workers.

ANZAC CEREMONY

Looking toward future activities and events, I am particularly looking forward to attending several ceremonies on ANZAC Day, particularly within the Eppalock Ward with Cr O'Rourke and Cr Penna.

I would like to acknowledge, thank, and pay tribute to all defence personnel who are veterans or who are on active service, as well as their family, friends and loved ones.

I encourage all members of our community to reflect on the ultimate sacrifice. I also encourage you to support the ANZAC appeal by purchasing a badge or other items with the proceeds.

Lest We Forget.

CONCLUSION

To conclude, I would like to state how much I am enjoying fulfilling the duties as your Councillor and your Deputy Mayor.

Many ask me (as I am sure other councillors get asked) "How are you enjoying your role on Council?" I often say "there are certainly peaks and troughs. The sheer amount of reading is the most challenging aspect of the role, but the most enjoyable is getting out, meeting people, and seeing different parts of our community thriving."

I look forward to continuing to catch up with everyone. Please feel free to get in touch with me and other councillors if you would like to discuss local issues.

Stay classy Greater Bendigo and see you in the community.

EVENTS & ENGAGEMENTS ATTENDED

- Agnico Eagle/ Fosterville Gold Mine Dinner at Fortuna Villa.
- Announcement by Hon Mary-Anne Thomas MP at Apiam Animal Lab, East Bendigo.
- Trans Day of Visibility Flag Raising Ceremony at the Library Gardens, Bendigo.
- Cultural Diversity & Inclusion Plan Steering Committee Meeting (online).
- Drop-in community information session for the proposed Fosterville Solar Farm at the Axedale Tavern.
- The Ukraine Rally in Rosalind Park.

- Welcome to Eaglehawk Community House event.
- Meeting with the Mayor Cr Andrea Metcalf, Youth Mayor Victoria Tangey, and Youth Deputy Mayor Ryan Peterson (online).
- Bendigo Senior Secondary College ANZAC Ceremony at the Ulumbarra Theatre.
- Planting Day with the Friends of Riley Street Natural Reserve and community on-site.
- The Wong Loong Blessing of the Dragons at the Golden Dragon Museum.
- Received a briefing on the North Central Victorian Goldfields Ground Release Project.
- The Launch of the 150th Bendigo Easter Fair at the Conservatory in Rosalind Park.
- The Preview Evening of The Rotary Easter Art Show.
- Tribute – Zhu Fu – to the Bendigo Easter Fair Society and Bendigo Health at the Tom Flood Sports Centre.
- Celebration Iftar Ramadan, Dinner and Gathering of the Muslim Community at the Strathdale Community Centre.
- Judging of the Teddy Bear's Picnic during the 150th Bendigo Easter Fair.
- The Awakening of the Dragon at the Dai Gum San Precinct.
- Visit by Minister Lilly D'Ambrosio to the Bendigo Woollen Mills with the Bendigo Sustainability Group for the funding of the Community Power Hub Loddon Malle Project.
- Several meetings, briefings, and other catch ups.

12. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

There were nil conflicts of interest declared. Mayor Cr Andrea Metcalf acknowledged her position on the Board of BHA and noted that this does not create a Conflict of Interest.

13. CONFIRMATION OF PREVIOUS MINUTES RECOMMENDED MOTION

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

Previous minute location:

[Council Meeting Minutes 28 March 2022](#)

RESOLUTION - Resolution No. 2022/04.4

Moved: Cr Sloan

Seconded: Cr Fagg

That the recommended motion be adopted.

CARRIED

14. BUDGET/ANNUAL REPORT

14.1. City of Greater Bendigo Draft Budget 2022/2023

Author:	Kate Fox, Coordinator Management Accounting & Analysis
Responsible Director:	Jessica Clarke-Hong, A/Director Corporate Performance

Purpose

The purpose of this report is to provide Council with the City of Greater Bendigo's draft Budget 2022/2023. The report includes a recommendation that Council endorses the draft Budget and invites the community to provide feedback.

Note that the full draft Budget document will be made available to the public on the night of the Ordinary Council meeting and will be available for feedback through to the 4 May 2022.

Recommended Motion

That Council endorse the draft Budget in-principle and:

1. In accordance with the Local Government Act 2020 and the City's Community Engagement Policy make the draft Budget available for feedback.
2. Display the draft Budget on the City's website and Let's Talk Greater Bendigo website, and receive feedback on the draft Budget until close of business on 4 May 2022.

RESOLUTION - Resolution No. 2022/04.5

Moved: Cr Metcalf
Seconded: Cr Fagg

That Council endorse the draft Budget in-principle and:

1. In accordance with the Local Government Act 2020 and the City's Community Engagement Policy make the draft Budget available for feedback.
2. Display the draft Budget on the City's website and Let's Talk Greater Bendigo website, and receive feedback on the draft Budget until close of business on 16 May 2022.

CARRIED

The Greater Bendigo City Council's proposed 2022/2023 Budget can be located on the Let's Talk Greater Bendigo platform at <https://letstalkgreaterbendigo.com.au/2022-2023-budget>.

Executive Summary

The City of Greater Bendigo Draft Budget 2022/2023 (the draft Budget) has been developed using input received from community priorities in November 2021, Councillor budget submissions and Officer budget submissions.

Several workshops have been held with Councillors to prioritise the initiatives, allocate funding and develop the draft Budget.

The full draft Budget document will be made available to the public on the night of the Ordinary Council meeting and will be available for feedback through to the 4 May 2022. The final budget will be adopted at a future public Council meeting following this feedback.

Council encourages feedback to the draft budget. This can be provided via the *Let's Talk Greater Bendigo* website.

Background

The draft Budget is presented in line with the City's 10-year Financial Plan, which supports the Community's vision and Council Plan (Mir wimbul) 2021-2025 and other key strategies, including the Climate Change and Environment Strategy and Healthy Greater Bendigo 2021-2025. This draft Budget supports the seven outcomes outlined in the Council Plan.

Outcome 1: Lead and govern for all

Outcome 2: Healthy, liveable spaces and places

Outcome 3: Strong, inclusive, and sustainable economy

Outcome 4: Aboriginal reconciliation

Outcome 5: A climate resilient and healthy landscape

Outcome 6: A vibrant, creative community

Outcome 7: A safe, welcoming, and fair community

Report

The draft Budget supports City services promoting a sustainable, healthy, and connected environment for our growing community. For the first time, community priorities were invited early in the budget process to help inform Councillors and the draft Budget.

Council's draft Budget has been prepared ahead of the release of the Federal and State Government budgets. As with previous years a degree of flexibility will be adopted with the implementation of the 2022/2023 draft Budget, including incorporating funding which may be available from the Federal and State Governments. Council will continue to provide regular quarterly updates for the community of the progress of implementing the budget during the year.

Key external and economic influences include:

- Managing a growing city, aging infrastructure and community needs.
- The increasingly complex regulatory environment requiring the City to meet expanding legislative standards and reporting.

- The Victorian State Government rate cap increase in 2022/2023 has been set by the Minister at 1.75%.
- The Fire Service Property Levy will continue to be collected by Council on behalf of the State Government in line with the Fire Services Property Levy Act 2012
- A further increase to the landfill levy administered by Environmental Protection Agency (EPA).
- Continuing to support events and initiatives for the community and our businesses

Council adopted the City's 10-year Financial Plan, which supports the Community's vision and Council Plan (Mir wimbul) 2021-2025, the budget has been developed in line with these plans. Other internal influences have also included:

- A commitment to maintain service standards in a growing municipality.
- Principles set by Councillors in guiding the development of the Budget.
- Continuing to support events and initiatives for those in the community and businesses most impacted by the COVID pandemic.
- Ongoing focus on greater efficiency.
- The need to replace and upgrade ageing infrastructure.
- Investment in developing the City's workforce capability.
- The City's Enterprise Agreement, which has been renegotiated in 2021/2022.

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

The full draft Budget document will be made available to the public on the night of the Ordinary Council meeting and will be available for feedback through to the 4 May 2022. The final budget will be adopted at a future public Council meeting following this feedback.

Priority/Importance

In accordance with the Local Government Act 2020 the Council must adopt its Budget by 30 June and forward a copy to the Minister for Local Government within 28 days of adoption.

Options considered

The Council is required by legislation to adopt a Budget by 30 June.

Timelines

Date	Description
Wednesday, 20 April 2022	Ordinary Council Meeting to consider Draft Budget
Thursday, 21 April to Wednesday, 4 May 2022	Draft Budget open to Community for Feedback
Monday, 27 June	Ordinary Council Meeting to consider adoption of final Budget

Communications/Engagement

Internal Consultation

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

External Consultation

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

The Council has adopted its Community Engagement Policy and as such provided the community with the opportunity to engage on priorities for the budget in November 2021. The draft Budget will be available for feedback on the Council's website and engagement platform, Let's Talk Greater Bendigo until 5pm 4 May 2022.

During the public engagement process the draft budget will be published on the City's website at www.bendigo.vic.gov.au.

Financial Sustainability

The draft Budget has been developed in line with the City's Financial Plan (<https://www.bendigo.vic.gov.au/About/Budget/Financial-Plan>). The draft Budget considers resource implications and the City's ongoing financial sustainability.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Other Reference(s)

Local Government Act 2020

Conflict of Interest

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

Attachments

Nil

15. PETITIONS AND JOINT LETTERS

16. LEAD AND GOVERN FOR ALL

16.1. Contracts Awarded under Delegation Council Report April 2022

Author:	Kylie Turner, Procurement Officer
Responsible Director:	Jessica Clarke-Hong, A/Director Corporate Performance

Purpose

To inform Council of contracts signed under Delegation

Recommended Motion

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

RESOLUTION - Resolution No. 2022/04.6

Moved: Cr Sloan

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

1. Contracts Awarded under Delegation Council Report April 2022 [**16.1.1** - 1 page]

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000610	Wolstencroft Play Space	CPE Landscaping	Craig Niemann	14/01/2022	\$535,954.94	15/06/2022	\$761,518.00
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Contract Term & Options	Budget
CT000613	Provision of Physical Audits for Construction and Demolition; Commercial and Industrial and Domestic Three Stream Kerbside Waste Services	J.J. Richards & Sons Trading As EnviroCom Australia	Brooke Pearce (Acting Director Presentation and Assets)	7/03/2022	\$60,952.29	June 2022	\$60,952.29
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000608	Howard Street Bridge Widening and CFRP Strengthening	Marine Civil & Maintenance Pty Ltd	Andrew Cooney (Acting CEO)	2/03/2022	\$1,594,808.64	1/08/2022	\$1,795,000.00

16.2. Update to Instruments of Delegation

Author:	Rebecca Maple, Legal Services Support Officer
Responsible Director:	Jessica Clarke-Hong, A/Director Corporate Performance

Purpose

The purpose of this report is to seek Council adoption of an updated Instrument of Delegation (S6) from Council to members of Council staff.

Recommended Motion

That Council approve the attached S6 Instrument of Delegation from Council to members of Council staff which will come into force immediately upon the common seal of Council being affixed to the instrument.

RESOLUTION - Resolution No. 2022/04.7

Moved: Cr Sloan

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Executive Summary

The S6 instrument delegates certain powers directly from Council to members of Council staff and has been updated to reflect legislative and organisational changes. The updated instrument requires approval from Council.

Background

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 and reviewed and approved by Council on 19 July 2021;

- 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 15 November 2021; and
- S18 Instrument of Sub-Delegation from Council to Members of Council Staff under the *Environment Protection Act 2017* authorised by Resolution of Council on 19 July 2021.

Previous Council decision dates: 19 August 2020, 19 July 2021, 15 November 2021

Report

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.

Some of the changes to the S6 include:

- Insertions and amendments pursuant to the *Food Amendment Act 2020*.
- Changes pursuant to the *Planning and Environment Amendment Act 2021*.
- Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA of the *Residential Tenancies Act 1997* (RT Act) have been removed from the S6 and inserted in the S7. This is because the specific power of delegation provided under the RT Act only applies to Part 14 and regulations under this part. Therefore, the delegation of other powers and functions under the RT Act comes from the LGA 2020.
- Section 96 of the *Road Management Act 2004* has been inserted to enable a delegate to authorise a person for the purpose of instituting legal proceedings.
- The *Residential Tenancies Regulations 2021* have been removed from the S6. Maddocks advise that upon review, it was determined that the power to approve any other toilet system is not a power under the *Residential Tenancies Regulations 2021* but rather a power under other legislation, such as the *Environment Protection Regulations 2021*.

Priority/Importance

Instruments of delegation should be reviewed regularly to consider:

- internal restructures and changes in position titles; and
- legislative changes.

Options considered

N/A

Timelines

The City's delegations are reviewed and up-dated bi-annually following the release of up-dated instrument templates by Maddocks in January and July on the conclusion of parliamentary sittings.

Communications/Engagement

A period of consultation was undertaken across the organisation. The draft instrument was circulated to managers for review and amended to incorporate internal restructures, changes in position titles and other information provided by work units. With the feedback received, the instruments were revised prior to a final draft being developed. The suite of instruments was then considered by the Executive Management Team.

Financial Sustainability

The suite of instruments of delegation is based on the Maddocks' local government delegation service. Impact on the budget is negligible. The subscription to the Maddocks' service costs \$4,000 per year, which includes access to all materials relating to delegations and authorisations and bi-annual updates to ensure the instruments accurately reflect changes and additions to legislation.

Risk Assessment

Regular review of the instruments of delegation ensures that decisions are made with appropriate authority. Decisions made without proper authority can put the City at risk, both legally and financially.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Other Reference(s)

Legislative obligations under the LGA 2020
[Delegations and Authorisations Policy](#)

Conflict of Interest

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

Attachments

1. S6 Instrument of Delegation — Members of Staff [**16.2.1** - 122 pages]



S6 Instrument of Delegation — Members of Staff

Greater Bendigo City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
 - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 20 April 2022; and
 - 2.2 the delegation:
 - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2.2 remains in force until varied or revoked;
 - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
 - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy,adopted by Council;

- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

APPROVED under the COMMON SEAL)
of the GREATER BENDIGO CITY COUNCIL)
in the presence of:)

.....
Chief Executive Officer

.....
Full name

.....
Date

.....
Usual address

SCHEDULE

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog.	• Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services	Council may delegate this power to a Council authorised officer.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	If s 19(1) applies.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	If s 19(1) applies.
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	If s 19(1) applies. Only in relation to temporary food premises or mobile food premises.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	If s 19(1) applies.
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	If s 19(1) applies.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	If s 19(1) applies.
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.
s 19CB(4)(b)	Power to request copy of records.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19E(1)(d)	Power to request a copy of the food safety program.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 19EA(3)	Function of receiving copy of revised food safety program	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician • Administration Systems and Support Officer	Where Council is the registration authority.
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19IA(2)	Duty to give written notice to the proprietor of the premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority. Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19N(2)	Function of receiving notice from the auditor.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician • Administration Systems and Support Officer	Where Council is the registration authority.
s 19NA(1)	Power to request food safety audit reports.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Except for an assessment required by a declaration under s 19C or an inspection under s 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to register or renew the registration of a food premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority. Refusal to grant/or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)).
s 36A	Power to accept an application for registration or notification using online portal.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36B	Duty to pay the charge for use of online portal.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1).	• Not delegated	Where Council is the registration authority. Fees are determined in the Council's annual budget process.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38A(4)	Power to request a copy of a completed food safety program template.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b).	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d).	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(3)	Power to request copies of any audit reports.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38E(2)	Power to register the food premises on a conditional basis.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5).
s 38E(4)	Duty to register the food premises when conditions are satisfied.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c).



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39A(6)	Duty to comply with a direction of the Secretary.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act</i> 2008.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40D(1)	Power to suspend or revoke the registration of food premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 40E	Duty to comply with a direction of the Secretary.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40F	Power to cancel registration of food premises.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority
s 43	Duty to comply with direction of the Secretary.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services • Environmental Health Officer • Environmental Health Technician	Where Council is the registration authority.
s 45AC	Power to bring proceedings	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services	



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged.	• Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services	Where Council is the registration authority.

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers.	• Not delegated	Must first obtain Executive Director's written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	• CEO	The only member of staff who can be a delegate is the CEO

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions.	• Director Strategy and Growth • Manager Strategic Planning	If authorised by the Minister.
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner •	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner •	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner •	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 8A(5)	Function of receiving notice of the Minister's decision.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner •	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner •	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district.	• Director Strategy and Growth • Manager Strategic Planning	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner •	
s 12B(1)	Duty to review planning scheme.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 12B(2)	Duty to review planning scheme at direction of Minister.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d).	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 17(1)	Duty of giving copy amendment to the planning scheme.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 17(2)	Duty of giving copy s 173 agreement.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner • Subdivision Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 18	Duty to make amendment etc. available in accordance with public availability requirements.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme.	• Chief Executive Officer • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	Power to not give notice is delegated only to Chief Executive Officer and Director.
s 19	Function of receiving notice of preparation of an amendment to a planning scheme.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	Where Council is a planning authority.
s 21(2)	Duty to make submissions available in accordance with public availability requirements.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 21A(4)	Duty to publish notice.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit ~~Coordinator~~ ~~Amendments and Heritage~~ • Senior Strategic Planner • Strategic Planner	
s 22	Duty to consider all submissions.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	Except submissions which request a change to the items in s 22(5)(a) and (b).
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment.	• Manager Strategic Planning • Coordinator in the Strategic Planning Unit	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D).	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Planner • Planner	Includes to instruct legal providers or consultants with the required expertise to represent Council. Planner may only exercise power subject to prior consultation with Coordinator in the Strategic Planning Unit.
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 27(2)	Power to apply for exemption if panel's report not received.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 28(1)	Duty to notify the Minister if abandoning an amendment.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	Note: the power to make a decision to abandon an amendment cannot be delegated.
s 28(2)	Duty to publish notice of the decision on Internet site	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
S 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 30(4)(a)	Duty to say if amendment has lapsed.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 30(4)(b)	Duty to provide information in writing upon request.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 32(2)	Duty to give more notice if required.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 33(1)	Duty to give more notice of changes to an amendment.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 36(2)	Duty to give notice of approval of amendment.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Planner • Planner	
s 38(5)	Duty to give notice of revocation of an amendment.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	
s 40(1)	Function of lodging copy of approved amendment.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
S 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends.	• Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements.	• Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planning Coordinator • Senior Strategic Planner • Strategic Planner	
s 46AW	Function of being consulted by the Minister.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is a responsible public entity.
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy. Power to endorse the draft Statement of Planning Policy.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is a responsible public entity.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit •	Where Council is a responsible public entity.
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.	• Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit	Where Council is a responsible public entity.
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land.	• Director Strategy and Growth • Manager Strategic Planning	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	
s 46GP	Function of receiving a notice under s 46GO.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency.
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ.	• Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general.	• Manager Strategic Planning	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference.	• Manager Strategic Planning	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land.	• Director Strategy and Growth • Manager Strategic Planning	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5).	• Director Strategy and Growth • Manager Strategic Planning	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution. Power to specify the manner in which the payment is to be made.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer	Where Council is the collecting agency.
s 46GV(3)(b)	Power to enter into an agreement with the applicant	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency.
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6).	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency.
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency.
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency.
s 46GY(1)	Duty to keep proper and separate accounts and records.	• Director Strategy and Growth • Manager Strategic Planning • Manager Financial Strategy	Where Council is the collecting agency.
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> .	• Director Strategy and Growth • Manager Financial Strategy • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency.
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(a)	Function of receiving the monetary component.	• Director Strategy and Growth • Manager Strategic Planning	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency.
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.
s 46GZ(2)(b)	Function of receiving the monetary component.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5).	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the development agency specified in the approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land.	• Director Strategy and Growth • Manager Strategic Planning	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4). Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the development agency.
s 46GZ(9)	Function of receiving the fee simple in the land.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the collecting agency.
s 46GZA(1)	Duty to keep proper and separate accounts and records.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> .	• Director Strategy and Growth • Manager Strategic Planning	Where Council is a development agency under an approved infrastructure contributions plan.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	If the VPA is the collecting agency under an approved infrastructure contributions plan. Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b).	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b).	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b).	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is the development agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the collecting agency.
s 46GZE(2)	Function of receiving the unexpended land equalisation amount.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the development agency.
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b).	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b).	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	S 46GZF(3)(a) function of receiving proceeds of sale.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collection agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the development agency.
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5).	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b).	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is a collecting agency or development agency.
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council.	• Director Strategy and Growth • Manager Strategic Planning	Where Council is a collecting agency or development agency.
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2).	• Director Strategy and Growth • Manager Strategic Planning	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Planning Coordinator • Coordinator Development Contributions and Infrastructure Planning	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Manager Engineering	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy.	• Director Strategy and Growth • Manager Statutory Planning	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured.	• Director Strategy and Growth • Manager Statutory Planning	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning	
s 46Q(1)	Duty to keep proper accounts of levies paid.	• Director Strategy and Growth • Manager Strategic Planning	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning	Only applies when levy is paid to Council as a 'development agency'.
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a).	• Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Must be done in accordance with Part 3.
s46Q(4)(e)	Duty to expend that amount on other works etc.	• Director Strategy and Growth • Manager Strategic Planning	With the consent of, and in the manner approved by, the Minister.
s 46QC	Power to recover any amount of levy payable under Part 3B.	• Director Strategy and Growth • Manager Statutory Planning	
s 46QD	Duty to prepare report and give a report to the Minister.	• Director Strategy and Growth • Manager Strategic Planning • Coordinator Development Contributions and Infrastructure Planning	Where Council is a collecting agency or development agency.
s 47	Power to decide that an application for a planning permit does not comply with that Act.	• Manager Statutory Planning • Planning Coordinator	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	• Manager Statutory Planning • Planning Coordinator	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50(4)	Duty to amend application.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 50(5)	Power to refuse to amend application.	• Manager Statutory Planning • Planning Coordinator	
s 50(6)	Duty to make note of amendment to application in register.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 50A(1)	Power to make amendment to application.	• Manager Statutory Planning • Planning Coordinator	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 50A(4)	Duty to note amendment to application in register.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 52(3)	Power to give any further notice of an application where appropriate.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA).	• Manager Statutory Planning • Planning Coordinator • Senior • Planner	
s 54(1)	Power to require the applicant to provide more information.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1A)	Duty to give notice in writing of information required under s 54(1).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 54(1B)	Duty to specify the lapse date for an application.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	• Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 57A(5)	Power to refuse to amend application.	• Manager Statutory Planning • Planning Coordinator	
s 57A(6)	Duty to note amendments to application in register.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 57B(1)	Duty to determine whether and to whom notice should be given.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(2)	Duty to consider certain matters in determining whether notice should be given.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 57C(1)	Duty to give copy of amended application to referral authority.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 58	Duty to consider every application for a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 58A	Power to request advice from the Planning Application Committee.	• Manager Statutory Planning • Planning Coordinator	
s 60	Duty to consider certain matters.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 60(1A)	Duty to consider certain matters.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application.	• Manager Statutory Planning • Planning Coordinator • Senior Planner	Power is subject to the following conditions: (a) Delegates may only approve an application if four (4) or fewer valid objections have been received; (b) Delegates may only refuse an application: (i) where an application has been inactive for a period of 6 months or more and the applicant has failed to provide reasonable justification for a lack of action; or (ii) where an application is for a use or development which is prohibited. The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit.	• Not delegated	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant.	• Manager Statutory Planning • Planning Coordinator • Senior Planner	
s 62(1)	Duty to include certain conditions in deciding to grant a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 62(2)	Power to include other conditions.	• Manager Statutory Planning • Planning Coordinator	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan.	• Manager Statutory Planning • Planning Coordinator	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected).	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75.
s 64(3)	Duty not to issue a permit until after the specified period.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(5)	Duty to give each objector a copy of an exempt decision.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75.
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75A.
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit.
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit.
s 69(1)	Function of receiving application for extension of time of permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 69(1A)	Function of receiving application for extension of time to complete development.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 69(2)	Power to extend time.	• Manager Statutory Planning • Planning Coordinator • Senior Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 70	Duty to make copy permit available in accordance with the public availability requirements.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 71(1)	Power to correct certain mistakes.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	Senior Planner and Planner have delegation only to make corrections following consultation with the Planning Coordinator or Manager Statutory Planning.
s 71(2)	Duty to note corrections in register.	• Manager Statutory Planning • Planning Coordinator	
s 73	Power to decide to grant amendment subject to conditions.	• Manager Statutory Planning • Planning Coordinator	
s 74	Duty to issue amended permit to applicant if no objectors.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority.
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit.
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit.
s 76D	Duty to comply with direction of Minister to issue amended permit.	• Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83	Function of being respondent to an appeal.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	The ability to settle a matter at VCAT (at a Compulsory Conference or Hearing) is limited to the settlement being generally in accordance with a decision of Council or the Delegated Planning Panel.
s 83B	Duty to give or publish notice of application for review.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit.	• Not delegated	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit.	• Manager Statutory Planning • Planning Coordinator	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit.	• Manager Statutory Planning • Planning Coordinator	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days.	• Manager Statutory Planning • Planning Coordinator	
s 84AB	Power to agree to confining a review by the Tribunal.	• Manager Statutory Planning • Planning Coordinator	
s 86	Duty to issue a permit at order of Tribunal within 3 working days.	• Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit.	• Manager Statutory Planning • Planning Coordinator	
s 91(2)	Duty to comply with the directions of VCAT.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs.	• Manager Statutory Planning • Planning Coordinator	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90.	• Manager Statutory Planning • Planning Coordinator	
s 93(2)	Duty to give notice of VCAT order to stop development.	• Manager Statutory Planning • Planning Coordinator	
s 95(3)	Function of referring certain applications to the Minister.	• Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 95(4)	Duty to comply with an order or direction.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land.	• Chief Executive Officer • Directors • Manager Engineering • Manager Parks and Open Space • Manager Property Services • Manager Active and Healthy Lifestyle	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land.	• Chief Executive Officer • Directors • Manager Engineering • Manager Parks and Open Space • Manager Property Services • Manager Active and Healthy Lifestyle	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment.	• Manager Statutory Planning • Planning Coordinator	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96F	Duty to consider the panel's report under s 96E.	• Manager Statutory Planning • Planning Coordinator	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>).	• Not delegated	
s 96H(3)	Power to give notice in compliance with Minister's direction.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 96J	Power to issue permit as directed by the Minister.	• Manager Statutory Planning • Planning Coordinator	
s 96K	Duty to comply with direction of the Minister to give notice of refusal.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
S 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 97C	Power to request Minister to decide the application.	• Chief Executive Officer • Director Strategy and Growth	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister.	• Chief Executive Officer • Director Strategy and Growth • Manager Statutory Planning	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 97L	Duty to include Ministerial decisions in a register kept under s 49.	• Manager Statutory Planning • Planning Coordinator	
s 97MH	Duty to provide information or assistance to the Planning Application Committee.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee.	• Chief Executive Officer • Directors • Manager Statutory Planning • Planning Coordinator	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance.	• Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate.	• Manager Statutory Planning • Planning Coordinator	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	• Manager Statutory Planning • Planning Coordinator	
s 97Q(4)	Duty to comply with directions of VCAT.	• Manager Statutory Planning • Planning Coordinator	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions.	• Manager Statutory Planning • Planning Coordinator	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances.	• Chief Executive Officer • Director Strategy and Growth	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed.	• Chief Executive Officer • Director Strategy and Growth	
s 101	Function of receiving claim for expenses in conjunction with claim.	• Chief Executive Officer • Director Strategy and Growth	
s 103	Power to reject a claim for compensation in certain circumstances.	• Chief Executive Officer • Director Strategy and Growth	
s 107(1)	Function of receiving claim for compensation.	• Chief Executive Officer • Director Strategy and Growth	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 107(3)	Power to agree to extend time for making claim.	• Chief Executive Officer • Director Strategy and Growth	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes.	• Chief Executive Officer • Director Strategy and Growth	
s 114(1)	Power to apply to the VCAT for an enforcement order.	• Manager Statutory Planning • Planning Coordinator • Compliance Officer	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made.	• Manager Statutory Planning • Planning Coordinator • Compliance Officer	
s 123(1)	Power to carry out work required by enforcement order and recover costs.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Compliance Officer	
s 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1).	• Chief Executive Officer • Director Strategy and Growth	Except Crown Land.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 129	Function of recovering penalties.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 130(5)	Power to allow person served with an infringement notice further time.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Compliance Officer	
s 149A(1)	Power to refer a matter to the VCAT for determination.	• Director Strategy and Growth • Manager Statutory Planning • Manager Property Services	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement.	• Manager Statutory Planning • Planning Coordinator	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	• Manager Statutory Planning • Planning Coordinator	Where Council is the relevant planning authority.
s 171(2)(f)	Power to carry out studies and commission reports.	• Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 171(2)(g)	Power to grant and reserve easements.	• Manager Statutory Planning • Manager Engineering • Planning Coordinator • Conveyancing Services Officer	Delegation for Conveyancing Services Officer to lodge documents.
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan.	• Chief Executive Officer • Director Presentation and Assets • Manager Engineering • Conveyancing Services Officer	Where Council is a development agency specified in an approved infrastructure contributions plan. Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements.
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4).	• Chief Executive Officer • Director Presentation and Assets • Manager Engineering • Conveyancing Services Officer	Where Council is a collecting agency specified in an approved infrastructure contributions plan. Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4).	• Chief Executive Officer • Director Presentation and Assets • Manager Engineering • Conveyancing Services Officer	Where Council is the development agency specified in an approved infrastructure contributions plan. Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements
s 173(1)	Power to enter into agreement covering matters set out in s 174.	• Chief Executive Officer • Director Strategy and Growth	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	Where Council is the relevant responsible authority.
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	• Director Strategy and Growth • Director Presentation and Assets • Manager Engineering • Manager Statutory Planning • Manager Property Services • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Chief Executive Officer • Subdivision Officer • Conveyancing Services Officer	
s 178A(1)	Function of receiving application to amend or end an agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1).	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(5)	Power to propose to amend or end an agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner • Subdivision Officer • Conveyancing Services Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(4)	Function of determining how to give notice under s 178C(2).	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner • Subdivision Officer • Conveyancing Services Officer	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	If no objections are made under s 178D. Must consider matters in s 178B.
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	If no objections are made under s 178D. Must consider matters in s 178B.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	If no objections are made under s 178D. Must consider matters in s 178B.
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	After considering objections, submissions and matters in s 178B.
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	After considering objections, submissions and matters in s 178B.
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	After considering objections, submissions and matters in s 178B.
s 178E(3)(d)	Power to refuse to amend or end the agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	After considering objections, submissions and matters in s 178B.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b).	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d).	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement.	• Director Strategy and Growth • Subdivision Officer • Conveyancing Services Officer	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer	
s 179(2)	Duty to make available a copy of each agreement available in accordance with the public availability requirements.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer	
s 182	Power to enforce an agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 184G(2)	Duty to comply with a direction of the Tribunal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 184G(3)	Duty to give notice as directed by the Tribunal.	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
s 198(1)	Function to receive application for planning certificate	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer	
s 199(1)	Duty to give planning certificate to applicant	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201(1)	Function of receiving application for declaration of underlying zoning	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer	
s 201(3)	Duty to make declaration	• Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council.	• Manager Statutory Planning • Planning Coordinator	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council.	• Manager Statutory Planning • Planning Coordinator	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
-	Power to give written authorisation in accordance with a provision of a planning scheme.	• Manager Statutory Planning • Planning Coordinator	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 522(1)	Power to give a compliance notice to a person.	• Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case).	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer	
s 525(4)	Duty to issue identity card to authorised officers.	• Director Health and Wellbeing	



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 526(5)	Duty to keep record of entry by authorised officer under s 526.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
s 526A(3)	Function of receiving report of inspection.	• Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Environmental Health (North and South) • Coordinator Investigations • Coordinator Local Laws and Animal Services	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case).	• Director Health and Wellbeing • Manager Safe and Healthy Environments	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Obtain consent in circumstances specified in s 11(2).
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	
s 11(9)(b)	Duty to advise Registrar.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Subject to s 11(10A).
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(2)	Power to discontinue road or part of a road.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Power of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(5)	Duty to consider written submissions received within 28 days of notice.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(6)	Function of hearing a person in support of their written submission.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Function of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(7)	Duty to fix day, time and place of meeting under ss (6) and to give notice.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(10)	Duty to notify of decision made.	• Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister.
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette.	• Director Presentation and Assets • Manager Engineering	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate.
s 14(4)	Function of receiving notice from the Head, Transport for Victoria.	• Director Presentation and Assets • Manager Engineering	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria.	• Director Presentation and Assets • Manager Engineering	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport.	• Director Presentation and Assets • Manager Engineering	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	• Director Presentation and Assets • Manager Engineering	
s 15(2)	Duty to include details of arrangement in public roads register.	• Director Presentation and Assets • Manager Engineering	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 16(7)	Power to enter into an arrangement under s 15.	• Director Presentation and Assets • Manager Engineering	
s 16(8)	Duty to enter details of determination in public roads register.	• Director Presentation and Assets • Manager Engineering	
s 17(2)	Duty to register public road in public roads register.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.
s 17(3)	Power to decide that a road is reasonably required for general public use.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.
s 17(3)	Duty to register a road reasonably required for general public use in public roads register.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(4)	Power to decide that a road is no longer reasonably required for general public use.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	Where Council is the coordinating road authority.
s 18(1)	Power to designate ancillary area.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2).
s 18(3)	Duty to record designation in public roads register.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority.
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(4)	Duty to specify details of discontinuance in public roads register.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	
s 19(5)	Duty to ensure public roads register is available for public inspection.	• Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer	
s 21	Function of replying to request for information or advice.	• Director Presentation and Assets • Manager Engineering	Obtain consent in circumstances specified in s 11(2).
s 22(2)	Function of commenting on proposed direction.	• Director Presentation and Assets • Manager Engineering	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	• Director Presentation and Assets • Manager Engineering	
s 22(5)	Duty to give effect to a direction under s 22.	• Director Presentation and Assets • Manager Engineering	
s 40(1)	Duty to inspect, maintain and repair a public road.	• Director Presentation and Assets • Manager Works • Manager Engineering	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(5)	Power to inspect, maintain and repair a road which is not a public road.	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair.	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 42(1)	Power to declare a public road as a controlled access road.	• Director Presentation and Assets • Manager Engineering	Power of coordinating road authority and sch 2 also applies.
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette.	• Director Presentation and Assets • Manager Engineering	Power of coordinating road authority and sch 2 also applies.
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority. If road is a municipal road or part thereof.
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority. If road is a municipal road or part thereof and where road is to be specified a freight road.
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport).	• Director Presentation and Assets • Manager Engineering	Where Council is the responsible road authority, infrastructure manager or works manager.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M.	• Director Presentation and Assets • Manager Engineering	
s 49	Power to develop and publish a road management plan.	• Director Presentation and Assets • Manager Engineering	
s 51	Power to determine standards by incorporating the standards in a road management plan.	• Director Presentation and Assets • Manager Engineering	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc. of document in road management plan.	• Director Presentation and Assets • Manager Engineering	
s 54(2)	Duty to give notice of proposal to make a road management plan.	• Director Presentation and Assets • Manager Engineering	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals.	• Director Presentation and Assets • Manager Engineering	
s 54(6)	Power to amend road management plan.	• Director Presentation and Assets • Manager Engineering	
s 54(7)	Duty to incorporate the amendments into the road management plan.	• Director Presentation and Assets • Manager Engineering	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper.	• Director Presentation and Assets • Manager Engineering	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(1)	Power to consent to conduct of works on road.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority.
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager.
s 64(1)	Duty to comply with clause 13 of sch 7.	• Director Presentation and Assets • Manager Engineering	Where Council is the infrastructure manager or works manager.
s 66(1)	Power to consent to structure etc.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority.
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority.
s 67(3)	Power to request information.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority.
s 68(2)	Power to request information.	• Director Presentation and Assets • Manager Engineering	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer.	• Director Presentation and Assets • Manager Engineering	
s 72	Duty to issue an identity card to each authorised officer.	• Director Presentation and Assets • Manager Engineering	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85	Function of receiving report from authorised officer.	• Director Presentation and Assets • Manager Engineering	
s 86	Duty to keep register re s 85 matters.	• Director Presentation and Assets • Manager Engineering	
s 87(1)	Function of receiving complaints.	• Director Presentation and Assets • Manager Engineering	
s 87(2)	Duty to investigate complaint and provide report.	• Director Presentation and Assets • Manager Engineering	
s 96	Power to authorise a person for the purpose of instituting legal proceedings.	• Director Presentation and Assets • Manager Engineering	
s 112(2)	Power to recover damages in court.	• Director Presentation and Assets • Manager Engineering	
s 116	Power to cause or carry out inspection.	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 119(2)	Function of consulting with the Head, Transport for Victoria.	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria).	• Director Presentation and Assets • Manager Works • Manager Engineering	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1).	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 121(1)	Power to enter into an agreement in respect of works.	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 122(1)	Power to charge and recover fees.	• Director Presentation and Assets • Manager Works • Manager Engineering	
s 123(1)	Power to charge for any service.	• Director Presentation and Assets • Manager Works • Manager Engineering	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads.	• Director Presentation and Assets • Manager Works • Manager Engineering	
sch 2 cl 3(1)	Duty to make policy about controlled access roads.	• Director Presentation and Assets • Manager Works • Manager Engineering	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	• Director Presentation and Assets • Manager Works • Manager Engineering	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria.	• Director Presentation and Assets • Manager Works • Manager Engineering	
sch 2 cl 5	Duty to publish notice of declaration.	• Director Presentation and Assets • Manager Works • Manager Engineering	
sch 7, cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager or works manager.
sch 7, cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager or works manager.
sch 7, cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7, cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager or works manager.
sch 7, cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager or works manager.
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 12(5)	Power to recover costs.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7, cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7, cl 13(2).	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the works manager.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 13(2)	Power to vary notice period.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7, cl 13(1).	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the infrastructure manager.
sch 7 cl 16(1)	Power to consent to proposed works.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 16(4)	Duty to consult.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority, responsible authority or infrastructure manager.
sch 7 cl 16(5)	Power to consent to proposed works.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 16(6)	Power to set reasonable conditions on consent.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 16(8)	Power to include consents and conditions.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 18(1)	Power to enter into an agreement.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 19(1)	Power to give notice requiring rectification of works.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
sch 7A cl 2	Power to cause street lights to be installed on roads.	• Director Presentation and Assets • Manager Works • Manager Engineering	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the responsible road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the responsible road authority.
sch 7A cl (3)(1)(f),	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4.	• Director Presentation and Assets • Manager Works • Manager Engineering	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs).



PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	• Manager Statutory Planning • Planning Coordinator	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
r.25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	Where Council is the responsible authority.
r.25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	Where Council is not the responsible authority but the relevant land is within Council's municipal district.
r.42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application.	• Manager Statutory Planning • Planning Coordinator	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or



PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	• Manager Statutory Planning • Planning Coordinator	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	
r.25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	Where Council is the responsible authority.
r.25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge.	• Manager Statutory Planning • Planning Coordinator • Senior Planner • Planner	Where Council is not the responsible authority but the relevant land is within Council's municipal district.
			Where the amendment will amend the planning scheme to designate Council as an acquiring authority.



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	Power to waive or rebate a fee relating to an amendment of a planning scheme.	• Manager Strategic Planning	
r.20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	• Manager Statutory Planning • Planning Coordinator	
r.21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r. 19 or 20.	• Manager Statutory Planning • Manager Strategic Planning	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	Power to enter into a written agreement with a caravan park owner	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer	
r.10	Function of receiving application for registration	• Manager Safe and Healthy Environments	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician • System and Support Officer	
r.11	Function of receiving application for renewal of registration.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician • System and Support Officer	
r.12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Environmental Health Technician	
r.12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations.	• Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations.	• Director Health and Wellbeing • Manager Safe and Healthy Environments	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.12(4) & (5)	Duty to issue certificate of registration.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.14(1)	Function of receiving notice of transfer of ownership.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South)	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Environmental Health Officer • Environmental Health Technician	
r.14(3)	Power to determine where notice of transfer is displayed.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.15(1)	Duty to transfer registration to new caravan park owner.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.15(2)	Duty to issue a certificate of transfer of registration.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.17	Duty to keep register of caravan parks.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.18(4)	Power to determine where the emergency contact person's details are displayed.	• Manager Safe and Healthy Environments • Coordinator Investigations	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.18(6)	Power to determine where certain information is displayed.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.22(2)	Duty to consult with relevant emergency services agencies.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South)	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Environmental Health Officer • Environmental Health Technician	
r.25(3)	Duty to consult with relevant floodplain management authority.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.26	Duty to have regard to any report of the relevant fire authority.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.41(4)	Function of receiving installation certificate.	• Manager Safe and Healthy Environments • Coordinator Investigations	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Environmental Health Technician	
r.43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Municipal Building Surveyor • Coordinator Building Services • Building Inspector	
Sch 3 clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling.	• Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Local Laws and Animal Services • Coordinator Inspections • Coordinator Environmental Health (North and South) • Environmental Health Officer • Municipal Building Surveyor	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		• Coordinator Building Services • Building Inspector	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	Duty to conduct reviews of road management plan.	• Director Presentation and Assets • Manager Works • Manager Engineering	
r.9(2)	Duty to produce written report of review of road management plan and make report available.	• Director Presentation and Assets • Manager Works • Manager Engineering	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required).	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act.	• Director Presentation and Assets • Manager Works • Manager Engineering	



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.13(1)	Duty to publish notice of amendments to road management plan.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
r.13(3)	Duty to record on road management plan the substance and date of effect of amendment.	• Director Presentation and Assets • Manager Works • Manager Engineering	
r.16(3)	Power to issue permit.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
r.18(1)	Power to give written consent re damage to road.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
r.23(2)	Power to make submission to Tribunal.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
r.23(4)	Power to charge a fee for application under s 66(1) Road Management Act.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority.
r.25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the responsible road authority.



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)).	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the responsible road authority.
r.25(5)	Power to recover in the Magistrates' Court, expenses from person responsible.	• Director Presentation and Assets • Manager Works • Manager Engineering	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	Power to exempt a person from requirement under clause 13(1) of Sch 7 of the Act to give notice as to the completion of those works.	• Director Presentation and Assets • Manager Works • Manager Engineering	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act.
r.22(2)	Power to waive whole or part of fee in certain circumstances.	• Director Presentation and Assets	Where Council is the coordinating road authority.

17. HEALTHY, LIVEABLE SPACES AND PLACES

17.1. Use and Development of Land for a Childcare Centre, Removal of Native Vegetation and Alteration of Access from a Transport Zone 2 Road

Author:	Beth Lavery, Senior Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DU/353/2020
Application Documents:	https://epathway.bendigo.vic.gov.au/ePathway/Production/Web/GeneralEnquiry/ExternalRequestBroker.aspx?Module=EGELAP&Classes=P&Type=PLNADV&Applicationid=877592
Applicant:	Jayron Investments Pty Ltd
Land:	62-68 Eaglehawk Road, IRONBARK 3550
Zoning:	General Residential Zone Commercial 1 Zone Transport 1 Zone Transport 2 Zone
Overlays:	Heritage Overlay 11 (part) Heritage Overlay 844 (part)
No. of objections:	14
Consultation meeting:	No consultation meeting was held, however the applicant prepared a written response to the issues raised within the objections, which was then circulated to all objectors and a right of reply provided. No objections were withdrawn following the circulation of this material.
Key considerations:	- Is the proposal an acceptable outcome for the site in terms of the purpose and objectives of the General Residential Zone; - Are there any heritage impacts from the proposal, given the site's location partially within a Heritage Overlay; - Are the impacts to native vegetation reasonable; - Will there be any adverse traffic or amenity impacts resulting from the development to nearby land owners and occupiers, as well as to users of the road network; and - Does the proposal limit the future development of the Ironbark Gully Trail, and is siting of this future trail a relevant planning consideration?
Conclusion:	The proposal is consistent with relevant planning policy, along with the purpose and objectives of the General Residential Zone and Heritage Overlay. Proposed traffic generation from the site has been demonstrated to be acceptable and is not likely to adversely impact the safety and functionality of the road network. Additionally, although not strictly relevant to the planning assessment of the proposal, the proposed future siting of the Ironbark Gully Trail will not be compromised through approval of this development. Approval of the application is recommended.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit for Use and Development of Land for a Childcare Centre and Creation of Access from a Transport Zone 2 Road at 62-68 Eaglehawk Road, IRONBARK 3550 subject to the conditions at the end of this report.

RESOLUTION - Resolution No. 2022/04.8

Moved: Cr Fagg

Seconded: Cr Sloan

That the recommended motion be adopted.

CARRIED

Background information

The Ironbark Gully Trail Concept Plan was developed in 2016 and outlined the preferred alignment of a proposed 4.3 kilometre trail alongside the Ironbark Gully Creek, extending from Eaglehawk Road in the south west, to Nolan Street and the Swan Hill railway line in the north, passing through the suburbs of Ironbark, Long Gully and North Bendigo.

Subsequent to the preparation of the initial Concept Plan a community engagement process was undertaken in 2017, with this process revealing strong community support for the proposal. The Concept Plan was amended in response to the feedback, with the final Ironbark Gully Public Space Corridor Plan – outlining the preferred route, physical construction requirements and concept plans for the trail and associated public space - being endorsed by Council in 2018.

The preferred route outlined within the endorsed Ironbark Gully Public Space Corridor Plan is shown below at Figure 1. The land which is the subject of this planning application is located within Section 1, which is shown in more detail at Figure 2.

Much of the land proposed for the Ironbark Gully Trail is unreserved Crown Land managed by the Department of Environment, Land, Water and Planning, with some parcels managed by the City by a Committee of Management. There is also some land in private ownership which will require acquisition to allow for the preferred alignment, with the subject land falling within this category.



Figure 1: Ironbark Gully Public Space Corridor Trail Section Framework



Figure 2: Ironbark Gully Public Space Corridor Trail Concept Plan – Section 1

Report

Subject Site and Surrounds

The subject land is an irregularly shaped parcel with a total area of 7,014m². The land abuts Eaglehawk Road along its southern boundary and is predominately surrounded by residential properties to the north, east and west. An unmade and unnamed road reserve adjoins the site at its northernmost tip, while Crown land adjoins the western boundary. The land is zoned a combination of General Residential Zone and Commercial 1 Zone in the south eastern portion of the land adjoining Eaglehawk Road. The proposed development will be fully contained within the portion of land which is zoned General Residential.

Nearby to the south of the site is the signalised intersection of Eaglehawk Road and Marong Road (Loddon Valley Highway and Calder Highway). A number of commercial premises are

located nearby to this intersection along both sides of Eaglehawk Road and Marong Road. Garden Gully Recreation Reserve is located a short distance to the north east of the site.



Figure 3: Location map showing subject site. Objector's properties (proximate to the site) marked with a star.

Access to the site is provided via an existing bluestone crossover from Eaglehawk Road, which is located immediately adjacent to the intersection with Eaglehawk Road and Marong Road.

To the north and north east of the site are a number of existing roads and laneways, being Ashley Street, Carmen Lane, Trotter Lane and Hayes Street. Ashley Street provides access to the Garden Gully Recreation Reserve and allows for some on street parking in parts. Ashley Street connects to Hayes Street north of the site, and Eaglehawk Road further east of the site. Beyond Hayes Street, Ashley Street becomes Jebb Street and connects to Victoria Street.



Figure 4: Aerial map showing subject site. Objector's properties (proximate to the site) marked with a star.



Figure 5: Street view of site (Eaglehawk Road)



Figure 6: Street view of site (Eaglehawk Road)



Figure 7: View of existing vehicle crossing from Ashley Street to Carmen Lane and rear of property at 10 Trotter Lane.

The site previously contained the Golden City Implements Foundry, however the structures associated with this use were demolished in 2013 and the heritage objects relocated offsite. The land was included on the Victorian Heritage Register owing to this history and significance of the site, however this registration was removed in 2017 after the Heritage Council of Victoria determined that as the heritage place is now vacant land, it no longer meets any of the Heritage Council's criteria for inclusion in the Victorian Heritage Register.

Proposal

The application proposes to construct a childcare centre on the subject land. The centre will be located on the northern portion of the land and will accommodate 120 children in six childcare rooms, with each having access to a store room, toilet and kitchen. Office areas, a laundry, reception areas and meeting rooms are also proposed. Outdoor storage areas and shade sails are proposed for each of the outdoor areas, with external access to bathroom/toilets provided from each of these outdoor play areas.

Thirty-three car parking spaces are proposed surrounding the centre, with vehicle access to the site to be provided via a one-way entrance from Eaglehawk Road, and two way access via Carmen Lane and Ashley Street. An extension/upgrade to the existing vehicle access from Ashley Street to the property boundary will be required to facilitate this access to the childcare centre.

New 2-metre-high acoustic fencing is proposed throughout the site, surrounding the centre and along the property boundaries with 60 Eaglehawk Road and 10 Trotter Lane.



Figure 8: Aerial site plan



Figure 9: Proposed site plan

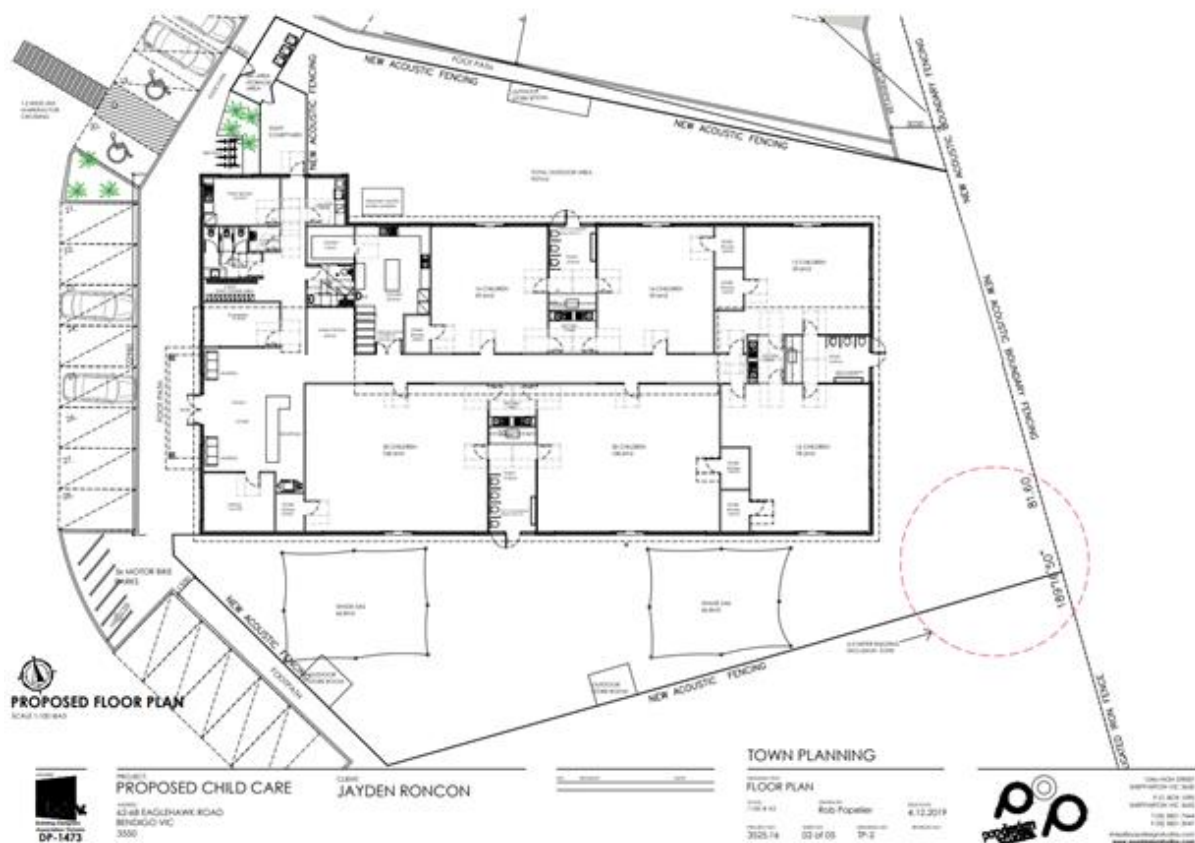


Figure 10: Proposed floor plan

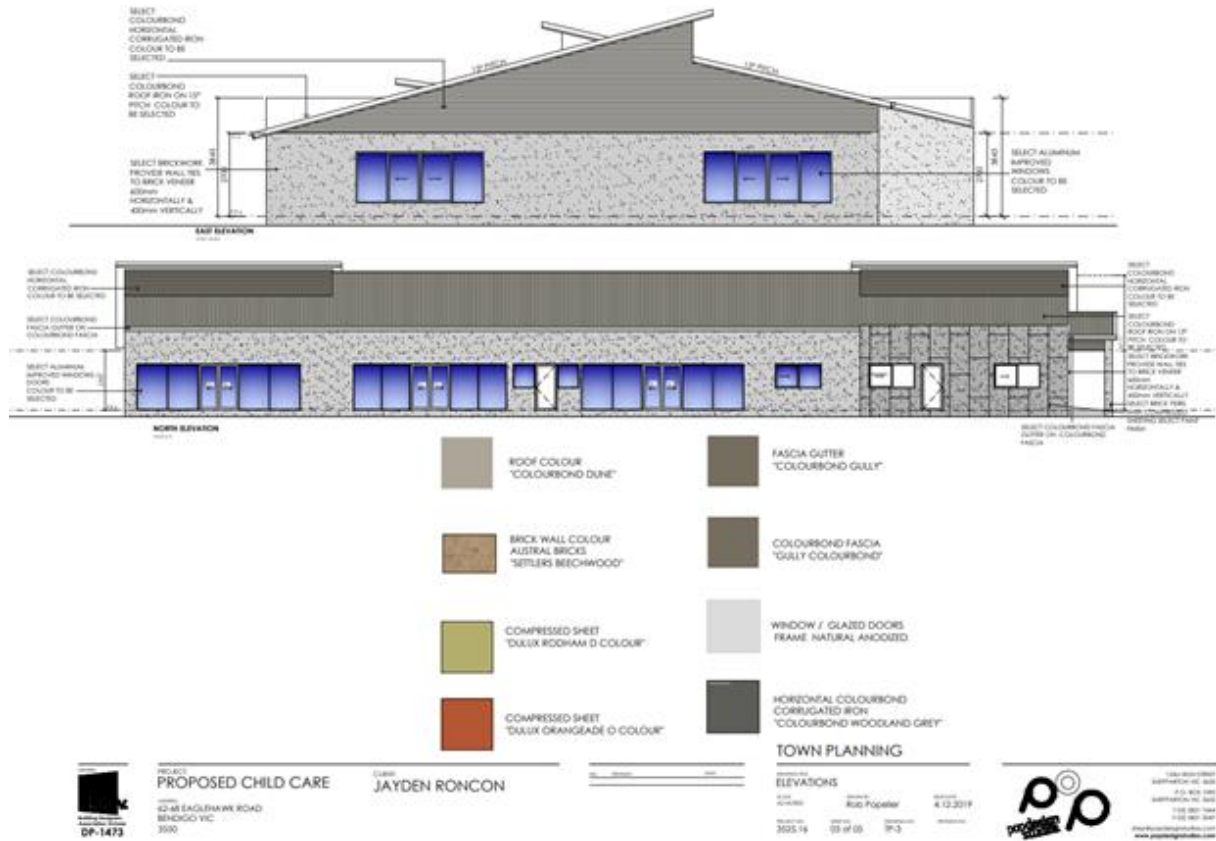


Figure 11.: Proposed elevation plans



Figure 12: Proposed elevation plans

Planning Controls - Greater Bendigo Planning Scheme

Municipal Planning Strategy

- 02.03-1 – Settlement
- 02-03-3 – Environmental risks and amenity
- 02.03-5 – Built environment and heritage
- 02.03-7 – Economic development
- 02.03-8 – Transport
- 02.03-9 - Infrastructure

Planning Policy Framework

- 11 – Settlement
- 11.01-1S – Settlement
- 11.01-1R – Settlement – Loddon Mallee South
- 11.01-1L-01 – Settlement – Greater Bendigo
- 11.01-1L-02 – 10-minute neighbourhoods – Greater Bendigo
- 11.02-2L – Structure planning – Greater Bendigo
- 11.03-1S – Activity Centres
- 11.03-6S – Regional and local places
- 12.01-1S – Protection of biodiversity
- 12.01-1L – Protection of biodiversity – Greater Bendigo
- 12.-1-2S – Native vegetation management
- 13.04-1S – Contaminated and potentially contaminated land
- 13.05-1S – Noise abatement
- 13.07-1S – Land use compatibility

- 15 – Built environment and heritage
- 15.01-1S – Urban design
- 15.01-2S – Building design
- 15.01-4S – Healthy neighbourhoods
- 15.01-5S – Neighbourhood character
- 15.01-5L – Neighbourhood character – Greater Bendigo
- 15.02-1S – Energy and resource efficiency
- 15.02-1L – Environmentally sustainable development – Greater Bendigo
- 15.03-1S – Heritage conservation
- 15.03-1L – Post contact heritage conservation – Greater Bendigo
- 17 – Economic development
- 17.01-1S – Diversified economy
- 17.01-1R – Diversified economy – Loddon Mallee South
- 17.01-1L – Diversified economy – Greater Bendigo
- 17.02-1L – Business – Greater Bendigo
- 18 – Transport
- 18.01-1L – Land use and transport planning – Greater Bendigo
- 18.01-3L – Sustainable personal transport
- 18.02-4S – Roads
- 18.02-4L-01 – Highways and boulevards – Greater Bendigo
- 19.02-2S – Education facilities
- 19.02-6S – Open space
- 19.02-6L-01 – Open space and public land – Greater Bendigo

Other Provisions

- 32.08 - General Residential Zone
- 34.01 - Commercial 1 Zone
- 36.04 - Transport Zone
- 43.01 - Heritage Overlay
- 52.06 – Car parking
- 52.17 – Native vegetation
- 52.29 – Land adjacent to the Principal Road Network

Permit triggers

- 32.08 -2 - Use of land for a childcare centre within the General Residential Zone;
- 32.08-9 - Buildings and works associated with a Section 2 use in the General Residential Zone;
- 43.01-1 - Buildings and works within the Heritage Overlay;
- 52.17 – Removal of native vegetation; and
- 52.29 – Alteration of access to a road in a Transport 2 Zone.

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Other Reference(s)

With reference to the City's draft Early Years Infrastructure Strategy, this application is in a SA2-region that neighbours Eaglehawk/California Gully where there is significant unmet demand for three and four-year-old kindergarten places (176 places by 2029). This facility would help meet that demand.

Consultation/Communication

Referrals

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

Referral	Comment
Department of Transport	Conditional consent. Required conditions include submission of an acoustic report, functional layout plan and road safety audit. Vehicular access to the land from Eaglehawk Road must be entry only (with vehicles to exit through the local road network to the rear).
Department of Environment, Land, Water and Planning	No objection. The department acknowledges that a planning permit is required for the removal of native vegetation under Clause 52.17, although as this case does not involve removing a patch or scattered tree/s, as defined in the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) there is no requirement for an offset to be provided. As an adjoining owner requested a number of native vegetation protection conditions be included on the permit, as well as fencing between the site and Crown land reserve.
Environment Protection Authority	No objection. Advise that the responsible authority must satisfy itself that the land is suitable for the proposed use as a child care centre.
Powercor	No objection.
Country Fire Authority	No objection or conditions.
Traffic	No objection. Requirements for car park construction and layout, and proposed accessways. Road access from Ashley Street to the property boundary must be connected as an Access Place. As the City's garbage and recycling trucks will not access private property, garbage and recycling bins will need to be collected by a private service.
Drainage	No objection. Detailed drainage plans required, and requirement for the construction of the following works: underground drainage, construction of the access from Ashley Street to the site boundary as an to an Access

	Place standard, intersection works as required and turning area within the road reserve at the southern end of the road reserve. A Land Use Activity Agreement will be required for the construction of the access through to Ashley Street.
Heritage Advisor	No objection. While the site is partially within HO11 and HO844, the site is not contributory to the precincts and is likely to be removed from the Heritage Overlay in the future.
Arboriculture and Environmental Management	No objection. Registered significant tree on nature strip must be protected during all stages of the proposed development. Tree Protection Zones must be approved and implemented.
Environmentally Sustainable Design	Conditional consent. Some discrepancies between plan sets. Condition should include requirement for all ESD notes and details to be included on plans to be endorsed. Sustainable Design Assessment condition also required.
Environmental Health	No objection. Notations regarding food registration, grease traps and smoking proximate to the premises to be included as notations on permit.

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

- Increase in traffic in the area (Hayes Street, Ashley Street, Jebb Street), lack of footpaths and general safety concerns. Requirement for traffic management and calming measures in the area.
- Existing streets are narrow and used for parking, pedestrians and traffic taking shortcuts to avoid traffic lights on Eaglehawk Road and are already dangerous and prone to accidents
- Increase in likelihood for accidents at the intersection of Hayes and Jebb Street.
- Increase in likelihood for accidents at the intersection of Eaglehawk Road and Marong Road.
- Increase in traffic in the area resulting from construction.
- New access from Eaglehawk Road is not appropriate given the scale of the proposed development.
- Inaccurate traffic data used in Traffic Impact Assessment.
- Land is used as a pedestrian and cycling shortcut to shops in Ironbark and Victoria Hill.
- Lack of consideration in layout of the development to accommodate the future Ironbark Gully Trail. Lack of access to and from the trail.
- Concern regarding protection of native vegetation along western boundary.
- Overshadowing of adjoining property.
- Proposal is not appropriate for a heritage precinct.
- Impacts to bird life.
- Noise impacts.

- Lighting – potential for light spill into adjoining properties causing adverse amenity impacts.
- Requirement for higher fences adjoining site to minimise views to the development and noise impacts.
- Provision of appropriate fencing to adjoining site consistent with heritage building.
- Existing dangerous trees nearby to property boundaries need to be trimmed or lopped.
- Would like history of site to be recognised through the name of proposed centre.
- Lack of detail on development of the balance of the site – approval of the childcare centre may compromise future development of the site and result in a poor urban design outcome.
- Potential contamination of site through previous land use.

The main themes of the objections centre around traffic impacts to the local road network; the preservation of native vegetation and habitat; general amenity impacts such as noise, lighting and overshadowing and the potential for the development of the site to compromise the proposed Ironbark Gully Trail.

The objections are discussed further in the planning assessment below.

Planning Assessment

Is a childcare centre an appropriate use of the land in relation to the purpose and objectives of the General Residential Zone?

The purpose of the General Residential Zone includes encouraging development that respects the neighbourhood character of the area and allowing educational, recreational, religious, community and ***a limited range of other non-residential uses to serve local community needs in appropriate locations*** [author emphasis].

Key decision guidelines for non-residential uses within the Zone include the following:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal

These decision guidelines are considered below.

- *Is the use or development compatible with residential use?*

A childcare centre is not an unfamiliar element within a residential landscape. The site is a large one, meaning ample opportunity exists for a conventionally laid out childcare centre, with a generous curtilage and ample carparking and vehicle circulation space.

It is considered that this is compatible with the existing established residential use of nearby land. The centre will be limited to daytime hours, during weekdays only. The site does have a direct interface with two residential properties and acoustic fencing will be provided along these boundaries and throughout the site to minimise noise disturbance from the proposed centre.

- *Does the use generally serve local community needs?*

Anecdotally, childcare centres are generally in short supply with demand often exceeding supply. 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 in this type of location adjoining a major transport corridor it will mean it does not service a discreet or defined catchment. It will be attractive both to local Ironbark residents and to City Centre workers commuting for example from West Bendigo, Long Gully, California Gully and Eaglehawk given its location.

The proposed centre will assist in meeting community needs with respect to the provision of childcare and early education, and is considered appropriate within a residential context, particularly given the location of the subject land. There can be little debate this proposal will fulfil a general community need and can come within the phrase local community as intended by the Planning Scheme.

- *Is the scale and intensity of the proposed use and development of the land appropriate given its context?*

A childcare centre with a capacity for 120 children is relatively standard for new centres, with the application demonstrating that all required facilities typically forming part of a childcare centre can be provided, and access and parking requirements can be appropriately accommodated.

Further, the site is relatively large, having a total area of over 7,000 square metres, with the proposed childcare centre only taking up a portion of this land and vacant land along Eaglehawk to remain available for further use and development. The large land area ensures that the development can be comfortably contained within the site.

- *Is any landscaping proposed?*

An acceptable landscaping plan has been submitted with the application, which is shown below at Figure 14.



Figure 14.: Proposed landscape plan

- *Is adequate car and bicycle parking to be provided, along with associated accessways?*

Clause 52.06 of the Planning Scheme refers to car parking and sets out a rate of 0.22 car parks to be provided per child. For a 120 place centre, this equates to a car parking requirement of 26 car parking spaces to support the proposal.

The plans indicate that 33 spaces will be provided, which exceeds the statutory requirement and is appropriate.

It is also proposed to provide motorbike parking spaces for staff, whilst bicycle parking spaces are located to the north-west corner of the building for staff and visitors. Access to the site will be provided (one way) from Eaglehawk Road and also from a new accessway to connect to the existing crossover at Ashley Street/Carmen Lane. Both the Department of Transport and the City's Traffic Engineering team has reviewed the proposed plans and are satisfied that appropriate access can be provided to and within the site.

- *Does the proposal cater for loading and refuse collection?*

Loading and unloading will occur within the site, within the car park and adjacent to the bin storage area. Refuse collection will be required to be via private service as the City's garbage and recycling trucks will not access private property.

- *What are the safety, efficiency and amenity effects of traffic to be generated by the proposal?*

This aspect is addressed in more detail later within this report, however the applicant submitted two traffic impact assessments to support the proposal. Both of these assessments concluded that traffic impacts from the proposal are reasonable and will not exceed the capacity of the road network.

Based on the above, it is considered that the proposed use of land for a childcare centre meets the objectives of the General Residential Zone and is in accordance with the decision guidelines of the Zone set out within.

Will the development prejudice the future development of the Ironbark Gully Trail?

The preferred alignment of the future Ironbark Gully Trail is located nearby to the western boundary of the subject land, with a small portion of the subject land requiring acquisition to facilitate the development of the trail if the preferred alignment is to be followed. This process of acquisition, including gaining consent from the current landowner, has not commenced.

A number of objections raised concern with the proposal in terms of the preferred alignment, and the impression that the development of the site with a childcare centre now, as outlined within this planning application, will preclude further development of the adjoining trail in the future.

While the development of the Ironbark Gully Trail is an important project for both the City and the broader community, the precise details regarding its development including timelines, final location and land acquisition do fall beyond the scope and parameters of the assessment of the planning permit application which is the subject of this report.

Nonetheless, discussions with other key parties within the City have resulted in the preparation of an indicative plan (shown below at Figure 15) which overlays the proposed trail alignment with the current planning proposal, showing a small area which will require the City to acquire land in future, and some areas of the current layout which may require minor modification and realignment.

The indicative plan demonstrates that the majority of the trail will be located outside of the property boundary within Crown Land, and the parts of the site which will be affected by the future trail to be limited to two to three car parking spaces and a small part of the driveway. A requirement for a condition to be included on any permit issued requiring the applicant to revise the plans to fully demonstrate that a 2.5-metre-wide path can be accommodated on the existing footprint was considered, however given the uncertainty regarding the timing of the project and lack of progression of any discussions with the property owner regarding the acquisition of the land, this was considered to be an inappropriate request.

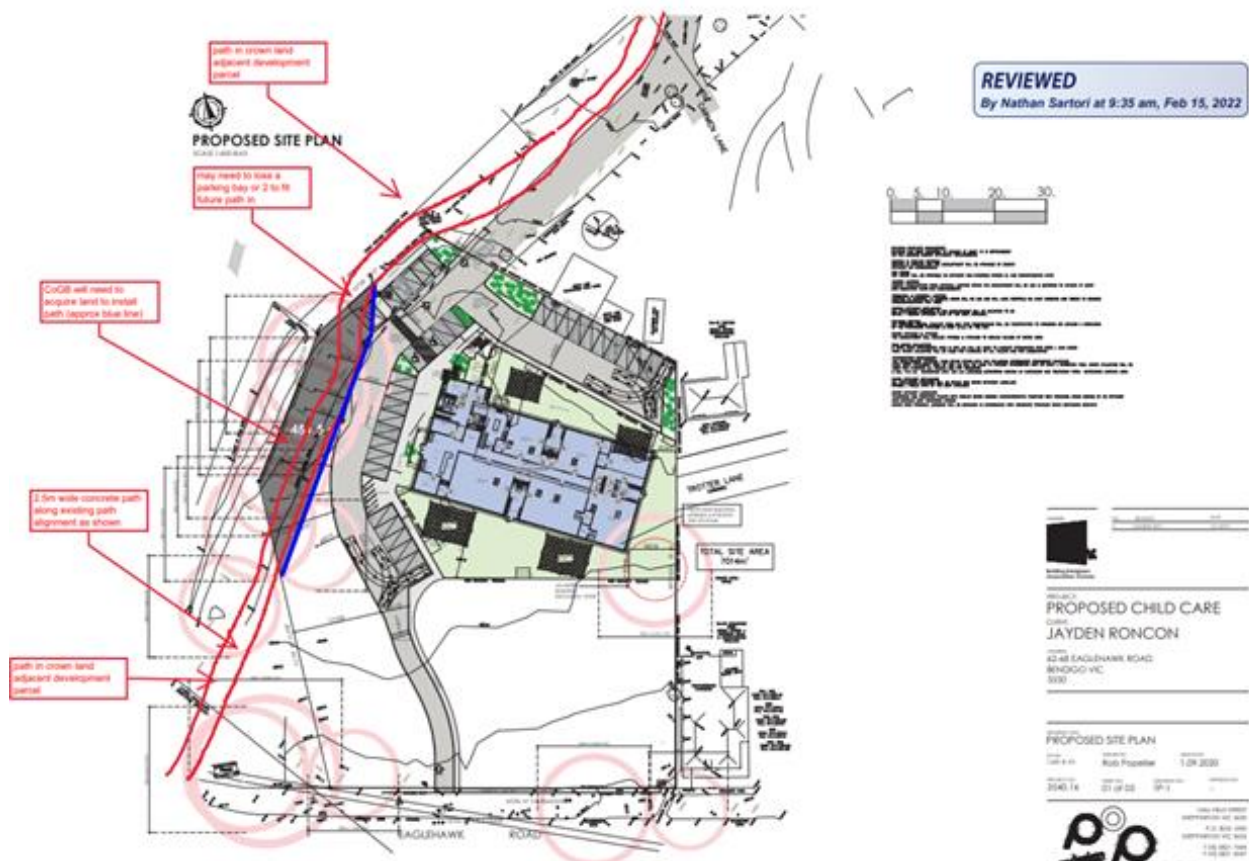


Figure 15: Indicative plan showing location of proposed development and future Ironbark Gully Trail, including area of possible future acquisition

Conditions from the Department of Environment, Land, Water and Planning do require the fencing of the Crown land from the development, however it is considered that this fencing is something that can be modified in future if and when the proposed trail is developed. A barrier to provide some separation between the Crown land and the childcare use is considered appropriate, particularly from a safety perspective, being adjacent to trafficable areas.

What are the traffic impacts to the surrounding road network from the proposed use and are these acceptable?

Access to the proposed childcare centre will be via a new one way only entry from Eaglehawk Road and a two-way entry to be created from Ashley Street to the north of the site. This two-way entry will require modification of the existing crossover and access point from Ashley Street which currently provides access to Carmen Lane and the rear of the property at 10 Trotter Lane. An unmade road reserve adjoins the subject land on its most northernmost point, which connects to this existing crossover on Ashley Street.

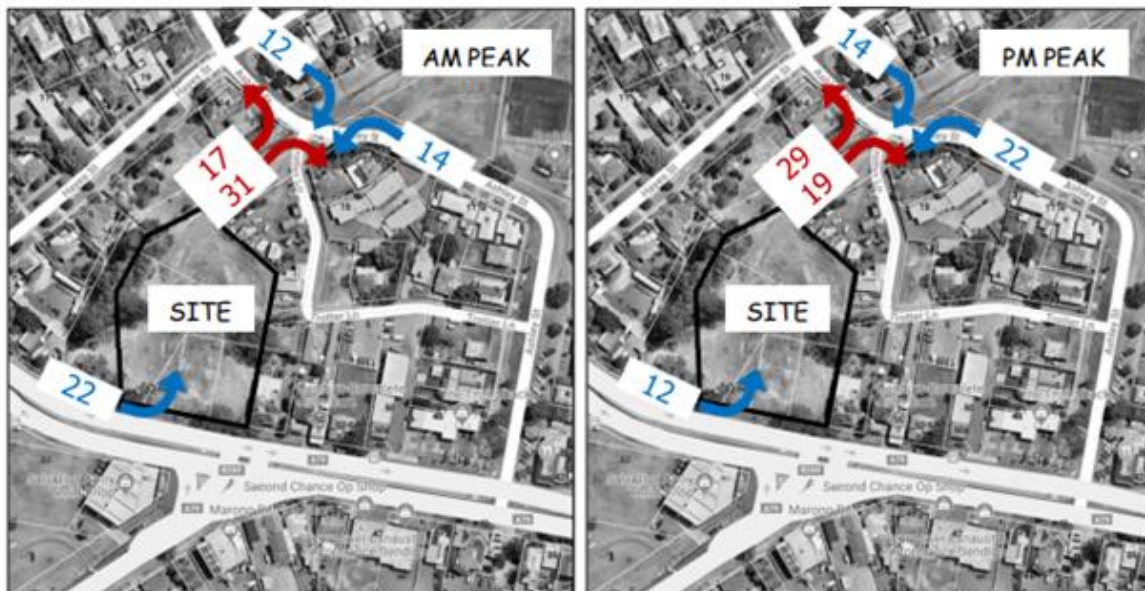
The City's Traffic Engineering team has required that the new access from Ashley Street to the subject land be constructed to an 'Access Place' standard and include provision for a service vehicle to enter and exit appropriately.

A Transport Impact Assessment Report prepared by ESR Transport Planning was prepared to support the application, with a further report commissioned by the applicant as a peer review of the initial report following the receipt of objections. The Traffic Impact Peer Review was prepared by Ratio Consultants.

The review by Ratio Consultants included a traffic volume count nearby to the land (being the intersection of Ashley Street with Eaglehawk Road and Victoria Street with Eaglehawk Road), which found that:

- Eaglehawk Road carries in the order of 17,000 vehicles per day east of Calder Highway and 11,500 vehicles per day to the west;
- Ashley Street currently carries 1,160 vehicles per day; and
- Victoria Street carries approximately 2,500 vehicles per day

Both of the Traffic Impact reviews modeled anticipated traffic movement to and from the site within the peak periods of morning and afternoon drop offs to the centre. These show a relatively even distribution of movements to and from the site from the surrounding road network and indicate that not all vehicles visiting the site will necessarily enter and exit the site from the same direction, with this determined by the origin of the trip and the location of the final destination (often a workplace with the drop off occurring on the way to work).





Figures 16a & b: Plans showing anticipated traffic movement to the site within the peak AM and PM periods from both Traffic Impact Assessments submitted in support of the application.

There will undoubtedly be an increase in traffic to the surrounding road network, however this is likely to occur over a relatively small window of time in the morning and afternoon and is relatively small given the overall vehicles per day travelling on these roads. Additionally, the vehicles per day will remain within the acceptable parameters for the road network and their ability to safely contain the additional traffic is not likely to be exceeded.

In terms of amenity impacts, while this increase will have some impact to those residential properties in close proximity through the change in conditions, it is noted that the additional traffic movements will be limited to daylight 'working' hours and not in the evening or over weekends when higher levels of amenity are expected in a residential setting.

Further, plans have been assessed by both the Department of Transport and the City's Traffic Engineering team who do not object to the proposal and are satisfied that it remains acceptable and appropriate in terms of impacts to the road network.

All new access points will be required to be constructed to the satisfaction of the Department of Transport (Eaglehawk Road) and the City (new access from Ashley Street).

Sufficient parking will be provided on site, which exceeds the requirements within the Planning Scheme, which will ensure that no parking associated with the use of the site will overflow into the surrounding streets.

Will native vegetation on site be appropriately managed and retained?

The subject land contains existing native vegetation (predominately along the western boundary), with vegetation also present within the adjoining Crown land, and road reserve along Eaglehawk Road. A large tree is also located on the eastern boundary of the land.

A Biodiversity Assessment prepared by Beacon Ecological was submitted with the application and provides a review of the native vegetation within the subject land and surrounds. The assessment determined the study area is highly modified with introduced groundcover and scattered native grasses and herbs, and also includes numerous large eucalypt trees within the site. Given the linear positioning and age of many of the trees located along the western boundary, the majority are considered planted, with two Yellow Box Eucalyptus and one River Red Gum Eucalyptus considered remnant. This is demonstrated in Figure 17 and Figure 18 below.

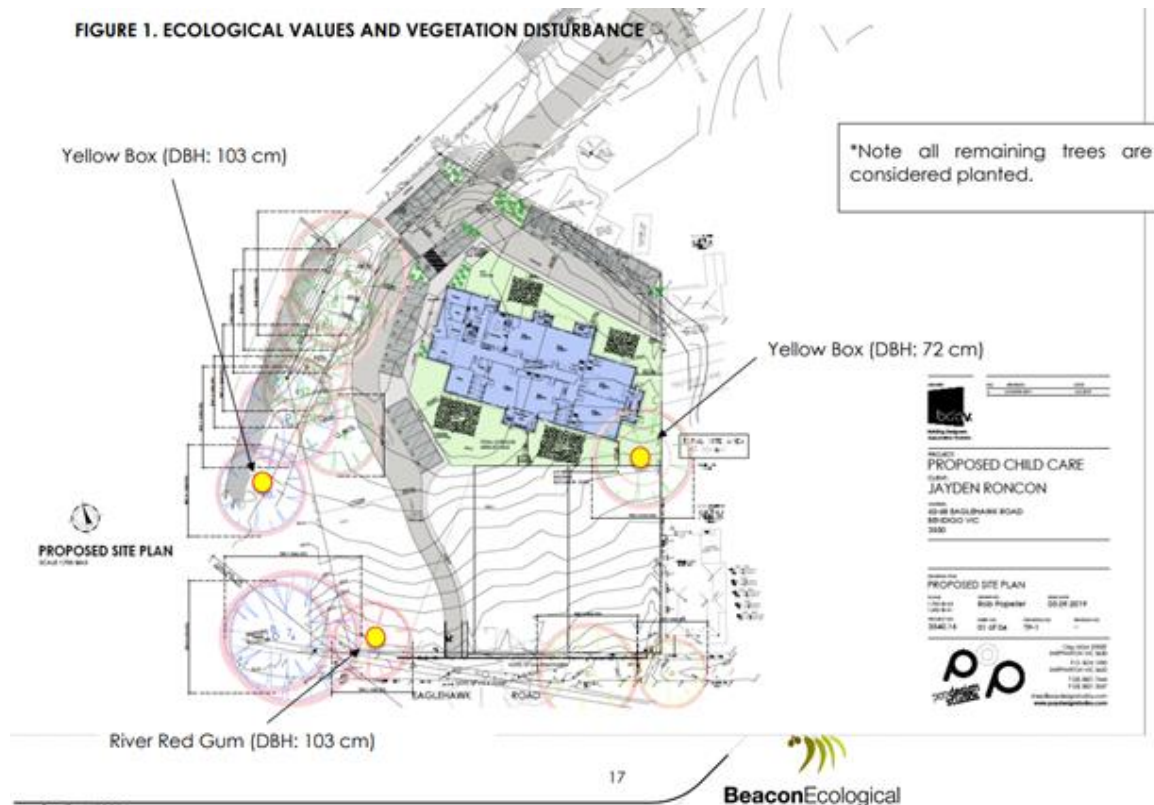


Figure 17: Plan showing location of native vegetation on site, with remnant native vegetation marked



Figure 18: Photo of vegetation which is considered planted.

None of the remnant native vegetation is proposed to be removed or have greater than 10% of their Tree Protection Zone impacted through development of the site, therefore do not form part of the application to remove native vegetation. A permit is, however, triggered for the removal of scattered native groundcover species (native grasses and herbs), but because this does not constitute a remnant patch or scattered vegetation as defined by the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017), does not require the creation of a Native Vegetation Removal Report nor attract offset requirements.

The construction of the accessway may have some impacts to the Tree Protection Zone of the planted vegetation, however a permit is not triggered for this encroachment and it is noted that this vegetation is proposed to be retained.

The large Yellow Box nearby to the eastern boundary is proposed to be retained, with the proposed building to be sited outside of the Tree Protection Zone, and the tree itself to be fenced off from the outdoor area of the childcare centre. During the construction phase all retained vegetation will be required to be fenced so as to protect it from being impacted through the works.

It is noted that the residents of the neighbouring property at 60 Eaglehawk Road have requested the Yellow Box tree be significantly lopped to reduce disturbance to their property, and it is expected that this matter will be resolved between the applicant and landowner of this property outside of the planning process. This may require further planning approval if any agreed lopping exceeds 1/3 of foliage of the tree.

It is considered that the application has appropriately considered the potential impacts to native vegetation associated with the proposed use of the site and has designed the proposed layout to minimise loss of vegetation accordingly, thereby satisfying the three step

approach as set out within the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).

Are there any heritage implications?

The land was previously included on the Victorian Heritage Register, given the site formerly contained the Golden City Implements foundry. This has since been removed, following the demolition of all buildings on site and relocation of all implements related to this historical use. The site is, however, still partially contained within two heritage precincts, being HO11 (Rowan Street Precinct) and HO844 (Ironbark Hill/Roeder Street Precinct). The extent of the Heritage Overlay over the site is demonstrated below at Figure 19.

Comments from the City's Heritage Advisor were sought for the application, who advised there was no objection to the proposal from a heritage point of view, given the site is not contributory to either of the heritage precincts.

The proposed building will be well set back from the road and with reasonably simple forms. Given this, combined with the degree of separation from existing heritage buildings nearby (with the closest being that at 60 Eaglehawk Road next door to the land), it is not considered likely that the proposed works will compromise the significance of either of these precincts or have any adverse impacts to the immediate area or more broadly in heritage terms.



Figure 19: Heritage Overlay mapping

Remaining objector concerns

- *Contamination*

A preliminary site assessment was provided with the application, which indicates that soil at the site does not contain contaminants at a level that indicates an unacceptable risk to human health, and that the past and current use of the site does not appear to have created a soil contamination risk.

The application was referred to the Environment Protection Authority (EPA) who responded advising that they do not have concerns with Council issuing this planning permit according to the information that has been provided. While the onus rests with the developer to comply

with EPA legislation in relation to contamination and site remediation, conditions will be included on the permit to further mitigate any risk from soil contaminants given the sensitive nature of the proposed use, and in the event that they are discovered during the construction process.

- *Proposed fencing*

Two metre high acoustic fencing has been proposed along property boundaries. Two of the landowners immediately adjoining the site have requested amendments to this proposed fencing along their respective boundaries.

The landowner at 10 Trotter Lane has requested higher fencing along his boundary, in the vicinity of 3 metres to 3.5 metres. This is not considered an appropriate outcome given not only its visual impact, but also due to the potential for overshadowing from the structure. The applicant has indicated that they would be agreeable to installing a higher fence in the order of 2.4 metres which is considered appropriate, noting again that the fencing will be acoustic and should reduce noise impacts from the site to this property.

The landowner of 60 Eaglehawk Road has requested that the proposed fencing along this boundary be modified from the proposed acoustic fencing along only a portion of the land immediately adjoining the centre, to something more in keeping with their heritage dwelling on the site. The applicant has offered to replace this fencing with a 2m high paling fence, however the landowner would prefer a Colorbond mini orb fence in heritage red to a height of 2 - 2.4 metres. This is considered an appropriate change and will be reflected within the proposed permit conditions.

- *Amenity impacts – overlooking, overshadowing and light spill*

Further amenity impacts, beyond those already discussed within this report, have been raised by some objectors, including the potential for overlooking, overshadowing and light spill into adjoining land. Given the single storey form of the proposed building and its siting, it is not likely that there will be either overshadowing or overlooking impacts associated with the proposal. New fencing along immediately adjoining property boundaries will further ensure that this is the case. Light spill can also be managed through condition, requiring that any security lighting be baffled and not spill light beyond the property boundaries.

- *Lack of footpath in Jebb Street*

The lack of a footpath in Jebb Street and the potential for the childcare centre to exacerbate existing safety issues relating to such was also raised within some of the objections. Currently residents use an informal path on the nature strip to travel between Victoria Street and Hayes Street. While this is acknowledged as a legitimate concern, given that Jebb Street does not have an immediate interface with the subject land, it would be unreasonable and beyond the scope of the application to impose a condition that the applicant must install a footpath on this section of a nearby street.

Consistency with planning policy

The site is a large, currently underutilised parcel of land, located centrally with good connections to public transport and both existing and proposed cycling and pedestrian routes, satisfying key policy objectives relating to settlement and growth, and urban renewal

and redevelopment outlined at Clauses 02.03-1, 11.01-1R and 11.02-1S. The proposal is also consistent with the principles relating to the creation of 10-minute neighbourhoods at Clause 11.01-1L-02, where uses including childcare centres are encouraged and allow residents to access local facilities and services within 10 minutes from their home.

In terms of built form (including within heritage areas), the proposed building will be well set back from Eaglehawk Road, thereby reducing its impact on the streetscape and satisfying policy objectives regarding built form, heritage and urban design at Clauses 02.03-5, 15.01-1S, 15.01-2S and 15.03-1L.

Clause 19.02-2S refers to Education facilities with a policy objective to assist the integration of education and early childhood facilities with local and regional communities. Key strategies of this policy include ensuring that childcare centres are located to maximise access by public transport and safe walking and cycling routes, as well as ensuring these facilities provide safe vehicular drop off zones.

The proposed centre is sited nearby to the City Centre and adjacent and nearby to Eaglehawk Road and Marong Road (both arterial roads), which are serviced well by public transport (routes 53 and 54 both running nearby to the land). In terms of the provision of safe walking and cycling access, the existing network provides good pedestrian and cycling connections to the site, which the future Ironbark Gully Trail will further enhance. The site will be provided with functional and safe parking and vehicular access which further satisfies the objectives of Clause 19.02-2S.

The proposal also satisfies planning policy with regard to the protection of biodiversity and retention of native vegetation, set out at Clauses 02.03-2, 12.01-1S, 12.01-1L, and 12.01-2S through minimising vegetation removal and successfully implementing the three step approach.

Conclusion

This report has considered in detail the proposal's merits against the relevant planning controls, planning policy and also the number of objectors' concerns that were raised throughout the application process.

As demonstrated above, the proposal is consistent with relevant planning policy, along with the purpose and objectives of the General Residential Zone and Heritage Overlay. While there will be increased traffic generation relating from this new use of the land, the proposed traffic generation to and from the site has been demonstrated to be acceptable and is not likely to adversely impact the safety and functionality of the road network.

While falling somewhat beyond the scope of the planning assessment, the proposed siting of the Ironbark Gully Trail has also been considered in detail and approval of this development will not prejudice the development of this important future community asset.

Approval of the application is recommended.

Options

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

Conflict of Interest

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

Attachments

Nil

Proposed Notice of Decision Conditions

1. MODIFIED PLAN REQUIRED

Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Amendment to boundary fencing adjoining property at 60 Ironbark Road to show a Colorbond mini orb fence in heritage red to a height of 2 - 2.4 metres.
- (b) Amendment to boundary fencing adjoining property at 10 Trotter Lane to show an increased height of 2.4 metres.
- (c) All ESD notes and details shown on the plans in accordance with Condition 14.

2. NO LAYOUT ALTERATION

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

3. MAXIMUM NUMBER OF CHILDREN

No more than 120 children may be accommodated by the childcare facility.

4. HOURS OF OPERATION

Except with the prior written consent of the responsible authority, the use permitted by this permit must operate only between the following times:

- (a) Monday to Friday 7am to 6pm.

5. GENERAL AMENITY

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

6. BAFFLED LIGHTING

Outdoor lighting, where 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.

7. REFRIGERATION AND AIR CONDITIONING EQUIPMENT

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

8. ENVIRONMENTAL AUDIT

- (a) Prior to the commencement of the use or buildings and works associated with the use the permit holder must provide:
 - i. An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
 - ii. An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
- (b) All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

9. CAR PARK CONSTRUCTION

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

- (a) Properly formed to such levels that they can be used in accordance with the plans;
- (b) Surfaced with an all-weather-seal coat;
- (c) Drained;
- (d) Line marked to indicate each car space and all access lanes;
- (e) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority;
- (f) Provided with public lighting;
- (g) Provided with disabled persons parking bays where required by the Building Code of Australia;
- (h) Provided with appropriate signage for one-way traffic. eg one way; no entry; left only.

The car parking and access areas must comply with the requirements of clause 52.06 of the Greater Bendigo Planning Scheme and meet all other applicable Australian and New Zealand Standards unless otherwise agreed in writing with the responsible authority.

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

10. VEHICULAR CROSSINGS/DRIVEWAYS

- (a) The driveway in Eaglehawk Road between the property boundary and the kerb must be constructed in accordance with the Infrastructure Design Manual.

- (b) Any driveway must be 1.0 metre clear of power poles. and 1.0 metre clear of stormwater pits and service pits or the pit lid be replaced with a Class C driveable lid in accordance with AS3996:2006.
- (c) Any vehicle crossing must be constructed in accordance with AS 4970: the protection of trees on development sites. A Tree Protection Zone (TPZ) shall be established for the duration of any works in proximity to a Council tree. A TPZ is calculated by multiplying the diameter of the tree at 1.4m above ground level by 12. (i.e.: a tree with a diameter of 30cm will have a TPZ of 3.6m)". Any driveway within the TPZ requires approval from Council's Parks Department.
- (d) Any existing kerb layback not used must be removed and the kerb reinstated.
- (e) Any existing driveway not used must be removed and the nature strip reinstated.
- (f) The change in grade transition of the road /driveway should comply with AS 2890.1:2004, cl 2.5.3(e). This will even out the grade changes making it less likely for a car to scrape. Ground clearance can be checked using the method specified in AS 2890.1:2004, Appendix C for a B85 vehicle.

11. ACCESS FROM ASHLEY STREET

The road access from Ashley Street to the property boundary must be constructed as an Access Place with provision for an 8.8 metre service vehicle to execute a 3 point turn at the western end. (Plans must be submitted to the Responsible Authority for approval prior to commencing any work.)

12. DETAILED DRAINAGE

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

- (a) Stormwater drainage plans
- (b) Stormwater quality
- (c) Stormwater detention

13. CONSTRUCTION OF WORKS

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

- (a) Underground drainage
- (b) Construct and seal the access from Ashley street to the site boundary to an Access place standard
- (c) Intersection works as required
- (d) Turning area within the road reserve at the southern end of the road reserve.

14. SUSTAINABLE DESIGN ASSESSMENT

- (a) Before the use and construction of the building commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the site plan dated 01.09.2020 but modified to show any modifications, including:
 - i. The size and location of proposed rainwater tanks and area of roof catchments to be diverted to the rainwater tank and notation on plan detailing connection of the rain water tanks to the toilets and irrigation system.

- ii. Location and a section detail of the proposed raingarden and the area of non-permeable surface to be diverted to the raingarden.
 - iii. Construction and Waste Management Plan demonstrated measures to ensure a minimum 80% of demolition, civil works and built form construction waste to be recycled or reused.
 - iv. Notation include on the site and floor plan detailing;
 - Commitment to 20% reduction in the NCC lighting power density requirements.
 - Commitment to minimum 10% improvement on the NCC requirements for section J.
 - Heating and cooling systems within one Star, or coefficient of performance (CoP) & energy efficiency ratios (EER) 85% or better than the most efficient equivalent capacity unit available.
 - Water heating systems within one Star, or 85% or better than the most efficient equivalent capacity unit available.
 - (b) All works must be undertaken in accordance with the endorsed Sustainable Design Assessment include BESS and STORM reports to the satisfaction of the responsible authority. No alterations to the SDA may occur without the prior written consent of the responsible authority.
 - (c) Prior to the commencement of occupation a report from the author of the Sustainable Design Assessment (SDA) approved pursuant to this permit, or suitably qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SDA have been implemented in accordance with the approved plan. The report must include the final JV3 modelling (or alternative NCC compliance methodology documentation) for the buildings for review by the responsible authority.
15. LANDSCAPING WORKS
- Prior to occupation of the development 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.
16. 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.*
17. DEPARTMENT OF TRANSPORT
- (a) Prior to the development coming into use, an acoustic report must be submitted and approved by the Responsible Authority. The report must recommend measures to mitigate against noise from the arterial road. Mitigation measures should consider best practice design to ensure that sound levels of 35dBA for indoor areas and 30dBA for sleeping areas are consistent with AS2107. The permit holder must comply with the finding of the report, including installation and thereafter maintenance of the acoustic measures.
 - (b) Vehicular access to the subject land from the Loddon Valley Highway (Eaglehawk Road) must be entry only. That is, all vehicles must exit the subject land to the rear via the local road network.

- (c) Prior to the development hereby approved by this permit commences use, the following is required to be undertaken to the satisfaction of and at no cost to the Department of Transport (Head, Transport for Victoria):
- i. A scaled and dimensioned functional layout plan (FLP) must be submitted and approved by the Department must show (but not be restricted to) the following:
 - An Auxiliary Left Short (AUL(S)) left turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4A, Figure 8.3.
 - The realignment of any existing kerb and channel and raised median islands in order to accommodate the AUL(S) turn treatment, the existing bicycle lane and the through lane of the Loddon Valley Highway.
 - 2 x No Entry signs and a single direction pavement arrow located within the subject land at approximately 45-50 metres from the Loddon Valley Highway road reserve boundary facing north.
 - All existing and proposed line marking, signage, services, vegetation, accesses (including the removal of all redundant access gates) etc.
 - The swept path analysis of the appropriate length design vehicle (including 0.3 metre clearances on both sides of the design vehicle) undertaking all turning movements to the land from the Loddon Valley Highway.
 - ii. The following works must be undertaken to the satisfaction of and at no cost to the Department:
 - The AUL(S) left turn treatment; and
 - All other works as required by the Department.
- (d) Prior to the commencement of any works within the arterial road reserve, a Road Safety Audit must be undertaken in accordance with VicRoads' Road Safety Audit Policy. The audit findings and the consultant's responses to the findings must be provided to the Department for review and approval. Any mitigating works arising out of the audit must be carried out at no cost and to the Department's satisfaction.
- (e) Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

18. COLIBAN WATER

- (a) The owner is required to provide reticulated water and sewerage services to the Childcare Centre and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
- (b) The existing maintenance hole within the property boundary must have a class D cover.
- (c) All Coliban Water assets within the development, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- (d) Agreement must be reached with Coliban Water with regards to how the 2 vacant titles fronting Eaglehawk Road will be serviced by sewer to allow for future development. An easement maybe required to protect future assets.
- (e) The existing water main is a DN225 in Eaglehawk Road until just after the intersection of Marong Road before transitioning to DN180PE. It is recommended that any fire service connection comes off the DN225 as this will provide additional flows.

Please note under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting.

19. DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

Native vegetation protection

- (a) Before works start, a protection fence must be erected around all scattered trees to be retained within 15 metres of the works area. This fence must be erected at a minimum of:
 - i. 12 times the diameter of the tree trunk at 130 cm above ground level (to a maximum distance of 15 metres) but no less than 2 metres from the base of the trunk, and
 - ii. 2 metres from remnant patches of native vegetation.
- (b) The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the Department of Environment, Land, Water and Planning. The fence must remain in place until all works are completed to the satisfaction of the department.
- (c) Except with the written consent of the department, none of the following may occur within the tree retention zone:
 - i. vehicular or pedestrian access, trenching or soil excavation
 - ii. storage or dumping of tools, equipment or waste
 - iii. construction of entry and exit pits for underground services

Access and Encroachment

- (d) No access is permitted to the subject land via the Crown land.
- (e) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- (f) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Fencing

- (g) Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning in accordance with the Fences Act 1968 and at the applicant's expense. Fencing must be:
 - i. erected on the boundaries of the land;
 - ii. stock and domestic pet proof;
 - iii. without gates or openings on to adjoining Crown land.
 - iv. at least 1.5 metres in height

20. EXPIRY OF PERMIT

This permit will expire if the development permitted by this permit is not commenced within 2 years, completed and the use commenced within 4 years from the date hereof. The time within which the development must be completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Additional RESOLUTION that arises from this Agenda Item and accompanying Report - Resolution No. 2022/04.9

Moved: Cr Fagg

Seconded: Cr Alden

That Council request the CEO to progress design of the preferred alignment of the Ironbark Gully Trail and initiate any land acquisition and/or land use discussions with land owners in order to determine the Ironbark Gully Trail Alignment, ready for project delivery.

CARRIED

17.2. Planning Scheme Amendment C271gben – Applying a Heritage Overlay to Part of 55 Condon Street, Kennington – Consideration of Submissions

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

Purpose

Amendment C271gben proposes to apply a Heritage Overlay to part of 55 Condon Street, Kennington by amending the Planning Scheme map and the Schedule to the Heritage Overlay.

The site contains the John Beebe Observatory and dwelling. Both were constructed in 1900 and have been assessed as having local individual heritage significance.

This amendment was proposed and commenced due to the property recently being listed for sale and the potential for demolition of the heritage assets.

Proponent:	City of Greater Bendigo
No. of submissions:	7 (two in opposition, two generally in support but with reservation, three in support).
Key issues:	• Support for the Heritage Overlay. • The heritage significance of the 'La Rocca' residence (the dwelling). • The heritage significance of the clusters of trees. • Whether the proposed heritage curtilage is adequate.

Recommended Motion

That the Greater Bendigo City Council:

1. Note and accept the submissions received as a result of exhibition of Amendment C271gben, including the three late submissions;
2. Request the Minister for Planning to appoint an Independent Panel to consider all submissions received for proposed Amendment C271gben to the Greater Bendigo Planning Scheme;
3. Endorse the findings and the recommendations of the Plan Heritage peer review (2022) as the basis for the City's submissions to the Independent Panel.

RESOLUTION - Resolution No. 2022/04.10

Moved: Cr Fagg

Seconded: Cr Evans

That the recommended motion be adopted.

CARRIED

Background

The key steps in the Amendment process are summarised below:

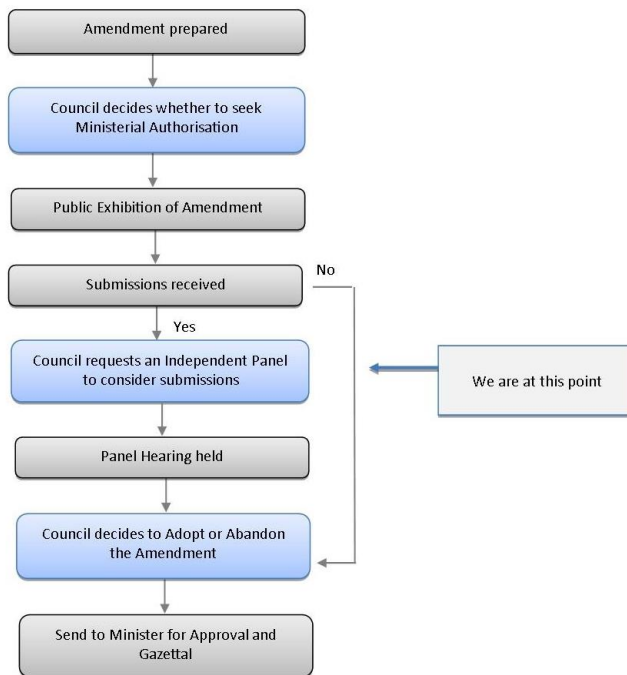


Figure 1: The Planning Scheme Amendment process

The property at 55 Condon Street was listed for sale by the owner within the last year and the sale is now “Under contract”. The property had not been previously studied for heritage significance as no comprehensive study has been undertaken for the area, which is in the urban area of the former Shire of Strathfieldsaye. City officers were made aware the site may have potential heritage significance by interested parties, mostly due to the presence of the red brick observatory on the site, which was built by prominent architect John Beebe.

At the time that City officers became aware of the potential heritage significance of the observatory and the dwelling they were unable to visually assess the conditions of the potential heritage assets due of the owner’s reluctance to grant access to the property to City officers or to its consultants.

Despite not having access to the property, City officers engaged History Making Pty. Ltd, to prepare a citation for the property. The citation identified that the dwelling, although altered, was sufficiently intact to meet the criteria for local significance. The citation assessed that the Observatory met the criteria for local significance and was potentially of State significance as a rare surviving example of a private observatory that had served a public function. The connection of both buildings to John Beebe adds to their significance. The citation also identified there were three clusters of trees of potential significance on the site.

Given the heritage assessment prepared by *History Making Pty. Ltd* confirmed the local significance of the Observatory and the dwelling, and that the property is for sale, it was considered appropriate to commence a planning scheme amendment process to apply a Heritage Overlay. This was due to the potential for demolition of the heritage assets. The City then initiated Planning Scheme Amendment C271gben.

The citation and the Statement of significance for the proposed Heritage Overlay, as exhibited, were prepared using publicly available aerial images or other secondary sources of information based on the inability at the time to access to property.

After lodging an objecting submission to the Amendment, the landowner allowed City officers to access the property. The prospective purchaser is also an objecting submitter to the amendment. It is also noteworthy that during the exhibition period, City officers sent notice of the amendment to the real estate agent selling the property for their own information and for the information of any eventual purchaser.

The objecting submitters to Amendment C271gben engaged heritage consultants who provided their own professional advice in relation to the extent and justification of the proposed Heritage Overlay. Based on the objecting submissions, City officers considered that it was important to engage a peer review of the original citation and the Statement of significance, objecting submissions, as well as any other relevant amendment documentation. Plan Heritage was engaged to undertake this peer review. The peer review consisted of a site visit and a desktop review.

The findings and recommendations of the *Plan Heritage* peer review, contained in the attached report, are supported by City officers and are discussed throughout this report.

Previous Council decision dates: 17 May 2021 – Council resolved to request the Minister for Planning to authorise Council to prepare Amendment C271gben to the Greater Bendigo Planning Scheme.

Report

An Explanatory Report is attached and details the purpose and effect of the Amendment and provides the strategic justification for the Amendment as required. Key issues identified in the Explanatory Report are summarised below.

Land affected by the Amendment



Figure 2: An aerial view of the site and of its immediate surrounding

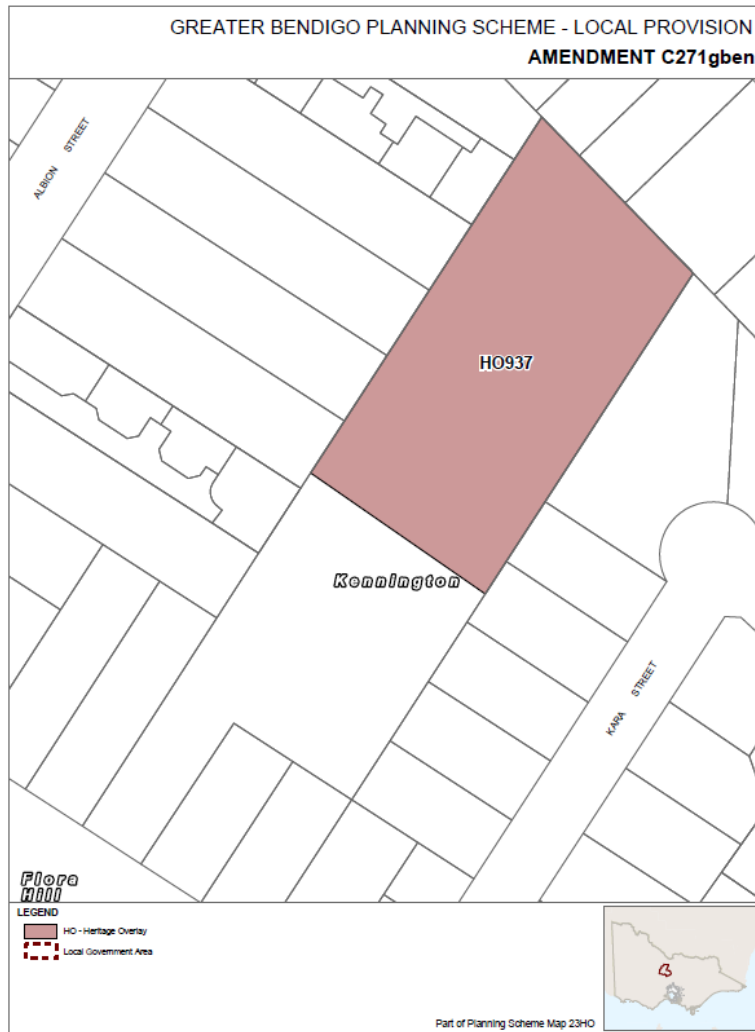


Figure 3: Proposed extent of the Heritage Overlay



Figure 4: The Observatory



Figure 5: The dwelling (after damage)

The land affected by the amendment is part of 55 Condon Street, Kennington. The overall site area is 8,440 square metres with an approximate 16-metre frontage to Condon Street. The site is zoned General Residential Zone and is surrounded by that zone and existing dwellings. There are no overlays on the affected land or on the adjoining land. The proposed Heritage Overlay would affect approximately half of the site.

The site is hard to see from the road due to its narrow entrance and deep block. The land is heavily vegetated, comprising of mature native trees and exotic vegetation.

What the Amendment does

The amendment proposes to:

- Apply the Heritage Overlay (HO937) to part of the land at 55 Condon Street, Kennington as shown on Planning Scheme Map No. 23HO.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to insert a new heritage place (HO937 – La Rocca Residence and East Bendigo Observatory) for part of the land at 55 Condon Street, Kennington and references to the “*Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, January 2018*” and the “*Statement of Significance: 55 Condon Street, Kennington, November 2021.*”
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert a new incorporated document titled “*Statement of Significance: 55 Condon Street, Kennington, November 2021.*”

Options Considered

Section 29(1) & (2) of the *Planning and Environment Act 1987* states that a planning authority may adopt an Amendment or part of an Amendment with or without changes. If a planning authority adopts part of an Amendment the Amendment is then split into two parts.

Section 23(1) of the *Planning and Environment Act 1987* requires that in consideration of submissions received in relation to an Amendment, the Council must either:

- Change the Amendment in the manner requested by the submitters and adopt the Amendment with changes; or
- Refer the submission(s) to an Independent Panel appointed by the Minister; or
- Abandon the Amendment, or part of the Amendment.

Section 22(2) of the *Planning and Environment Act 1987* advises that Council has the option of accepting late submissions but must do so if requested by the Minister for Planning.

Communications/Engagement

Exhibition Procedures

The Amendment was exhibited for one month from 18 November to 20 December 2021.

Notices were provided in the following manner:

- Individual notices were sent to the affected landowner and to the adjoining landowners and occupiers.
- Notice was sent to the real estate agent selling the affected land on 26 November 2021.
- Notices were sent to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act*.
- Notices to all authorities materially affected under Section 19(1)(a) of the Act.
- Public notice of the Amendment was placed in the Bendigo Advertiser on 17 November 2021 and 20 November 2021.

- Publication of the notice of the Amendment was placed in the Government Gazette on 18 November 2021.
- Access to the amendment documents were provided on-line on the City's website at <https://www.bendigo.vic.gov.au/Services/Building-and-Planning/Planning-scheme-amendments> and on the Department of Environment, Land Water and Planning at www.planning.vic.gov.au/public-inspection

Submissions

Seven (7) submissions were received to the Amendment (including three late submissions). There were two (2) objecting submissions (both received after the exhibition period), three (3) supporting submissions (one of which was received after the exhibition period) and two (2) supporting submissions with reservation. The submissions are discussed in the following table.

Submitter 1:	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> The dwelling lacks heritage significance, is significantly altered and damaged. The trees to be retained don't warrant protection on agricultural grounds. It is agreed the observatory is noteworthy and could be protected.	Refer to Panel Following the receipt of this submission, the heritage significance of the dwelling was reassessed by <i>Plan Heritage</i> . This reassessment has confirmed the house meets the threshold for local significance based on (rarity) value, even with damage and alterations. Criteria B of the HERCON criteria. The peer review of the citation and of the Statement of significance has determined that the three clusters of trees have no heritage significance. Agree.
Submitter 2:	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> The proposed Amendment is without planning merit on heritage grounds in respect to the 'La Rocca' dwelling and trees and the heritage planning protection should not be extended to them.	Refer to Panel As per above, the peer review indicated that the clusters of trees do not have local heritage significance, however the 'La Rocca' dwelling was determined to have local heritage significance.

The dwelling lacks heritage significance and is a poor example of its kind and does not satisfy the heritage criteria asserted in the proposed HO937.	One of the findings of the peer review of the Statement of significance is that “the residence ‘La Rocca’ to the extent of its 19th Century fabric” is one of the elements which contribute to the significance of this heritage place.
The three clusters of trees do not warrant protection.	It is a recommendation of the peer review that the Statement of significance for the Heritage Overlay and the entry to the Schedule to the Heritage Overlay be amended to remove the clusters of trees.
The Amendment should not proceed or be allowed in part only in respect to the Observatory.	As detailed in the amended Statement of significance for this Heritage Overlay, the Observatory and the ‘La Rocca’ dwelling contribute to the significance of this heritage place.
Submitter 3:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u> with reservation Broadly supports the proposed Amendment to protect the buildings and vegetation on the site. All parties need to consult with one another to gain a satisfactory planning outcome on how the site can be sustainably developed into the future so not to adversely affect its heritage significance. To [their] knowledge this has not happened. The National Trust is eager to see what is significant on this property preserved for future generations and is pleased to participate in the planning process.	Refer to Panel The peer review by <i>Plan Heritage</i> has confirmed that the vegetation and the sheds do not having local heritage significance. The Amendment was publicly exhibited to give interested parties the opportunity to lodge their submissions. The City has met all statutory requirements for notice and processes under the <i>Planning and Environment Act, 1987</i>. Following exhibition of the amendment City officers and <i>Plan Heritage</i> have been able to undertake a site inspection of 55 Condon Street. At the end of this planning scheme amendment process, should the Heritage Overlay be applied to the land, the National Trust or any other interested parties will have the opportunity to comment on; or object to any development proposal for the land if they are of the view that the proposal will adversely affect this heritage place.

Submitter 4:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u> with reservation The current proposal appears somewhat irrelevant if the significance does not extend to the Condon [street frontage], which would be [the] preferred option. However, if this is not likely to happen then photograph the property and file the records properly. This current proposal is too little too late.	Refer to Panel The proposed Heritage Overlay covers approximately half of the land and will include all the elements which have been assessed to contribute to this heritage place. Part of the land proposed to be covered by the Heritage Overlay is shown on the map at Figure 3 above. This proposed heritage curtilage has been peer reviewed by a heritage expert and is supported by Officers.
Submitter 5:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u>	Refer to Panel
Submitter 6:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u>	Refer to Panel
Submitter 7:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u>	Refer to Panel

What is significant and needs protection?

Following the peer review of the citation prepared for the site by *History Making Pty. Ltd* (2019 and amended by the City of Greater Bendigo in 2021), by *Plan Heritage* (March 2022), it was determined that the elements which contribute to the heritage significance of this site are the 1900 Observatory building, the residence 'La Rocca' to the extent of its 19th Century fabric, its location at the top of the hill, and its separation from surrounding developments. The heritage experts engaged by the two objecting submitters, *Minerva Heritage* and *Anita Brady Heritage* respectively, also acknowledge that the Observatory building is of heritage significance.

Whilst all four heritage experts agree that the Observatory has heritage significance, they differ on the heritage significance of the 'La Rocca' residence (the dwelling) and of the three clusters of trees. The position of *History Making Pty. Ltd* is that the whole dwelling is of heritage significance as well as the three clusters of trees. The subsequent peer review undertaken by *Plan Heritage* determined that only part of the dwelling is of heritage significance and none of the clusters of trees are significant. On the other hand, the consultants appointed by the objecting submitters to the amendment *Minerva Heritage* and

Anita Brady Heritage posit that neither the dwelling or clusters of trees have heritage significance.

Following *Plan Heritage*'s site inspection and based on the methodology and the approach adopted by *Plan Heritage* in their peer review, City officers are supportive of their recommendations.

The *Plan Heritage* assessment of the site was primarily based on the provisions of *Planning Practice Note 1 Applying the Heritage Overlay*, (DELWP, 2018) and a visual inspection of the site. This practice note provides for the recognised heritage criteria (HERCON criteria) that should be used to assess the heritage values of new heritage places. Although Submitter 1 and Submitter 2 are of the view that the 'La Rocca' residence has no heritage significance either because it is damaged or altered, or is "a poor example", the assessment of the heritage value of this dwelling against the HERCON criteria by *Plan Heritage* has determined that the dwelling is a contributory element to this heritage place. This finding of *Plan Heritage* is supported by City officers.

Submitter 3 and Submitter 4 have expressed concerns about the future of this heritage place, including that the heritage curtilage should be extended up to the Condon Street frontage. The heritage curtilage as exhibited, allows a setback of 10 metres from the front of the 'La Rocca' residence and extends to the rear lot boundary of the site.

Plan Heritage does not recommend a change to the heritage curtilage to cover the whole site. It is of note that this planning scheme amendment process is to assess the value of this heritage place and to justify why it is significant. Any further development of the site into the future will be managed under the planning permit application process as provided under the *Planning and Environment Act*, 1987.

The Observatory is unquestionably of local heritage significance and a rigorous re-assessment of the 'La Rocca' residence against the HERCON criteria has affirmed that it is a contributory element to this heritage place.

Potential State significance of the Observatory

Plan Heritage has identified that the Observatory may be of potential State significance. Following receipt of this advice, City officers are proposing to submit a request for this building to be considered for inclusion on the Victorian Heritage Register.

This is distinct from the Planning Scheme Amendment process to apply a heritage overlay to the property.

Financial Sustainability

Officer time will be required to prepare the Amendment documentation for the Panel hearing to progress the amendment.

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment, and there will be additional costs association with holding a Panel and an additional amount for calling expert evidence.

Conclusion

It is recommended that Council resolve to request the Minister for Planning to appoint an Independent Panel to consider all the submissions.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 6 - A vibrant, creative community

Secondary Council Plan Reference(s)

Goal 5 - Recognise and celebrate our significant national and international heritage

Other Reference(s)

The observatory and house at 55 Condon Street were identified in the Bendigo Heritage Gap Analysis prepared in 2019.

Conflict of Interest

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

Attachments

1. Plan Heritage Peer Review [**17.2.1** - 26 pages]
2. Greater Bendigo C 271 gben Explanatory Report To request Panel [**17.2.2** - 7 pages]

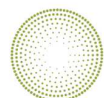


PEER REVIEW

'La Rocca' Residence and East Bendigo Observatory Heritage Citation

55 Condon Street, Kennington

12 March 2021





1.0 INTRODUCTION

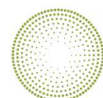
The City of Greater Bendigo prepared a planning scheme amendment C271ben to the Greater Bendigo Planning Scheme. The Amendment proposed to apply a Heritage Overlay to the dwelling known as 'La Rocca' and the building known as the East Bendigo Observatory as well as three associated groups of trees, all located at 55 Condon Street, Kennington. The extent of the Heritage Overlay proposed applied to the upper (north) portion of the lot.

The Amendment was on public exhibition from 18 November until December 20, 2021 and relied on a Heritage Citation prepared by Dr Robyn Ballinger, History Making Pty. Ltd, dated 28 July 2019, and updated by the City of Greater Bendigo April 2021.

A number of submissions were received in response to the Amendment, including an objection to the extent of the proposed Heritage Overlay by Best Hooper on behalf of the prospective purchasers of the land. A subsequent report was commissioned by Best Hooper to provide a review of the proposed individual Heritage Overlay controls proposed for 55 Condon St, Kennington as per Greater Bendigo Amendment C271. That report, prepared by Anita Brady Heritage (February 2022) recommended that the proposed extent of the Heritage Overlay could be reduced, and that the timber residence had limited significance. In addition, some changes were suggested to proposed Tree controls.

Given the findings of the Anita Brady Heritage report, Council engaged Plan Heritage in March 2022 to undertake a Peer Review of the exhibited documentation, including the Statement of Significance (including the heritage citation prepared by History Making Pty. Ltd. And revised by City of Greater Bendigo), Scheduled controls and proposed Heritage Overlay curtilage. This is herewith referred to as the Peer Review.

- The Peer Review comprised:
- A site visit to 55 Condon Street, Kennington.
- Review of *'La Rocca' Residence and East Bendigo Observatory Heritage Citation* prepared by the City of Greater Bendigo 28 July 2019 and updated by the City of Greater Bendigo April 2021.
- Review of Anita Brady Heritage report *City of Greater Bendigo Amendment C271: Proposed Heritage Overlay H0937, 55 Condon Street, Kennington* prepared for Best Hooper on behalf of Ahdy Elghitany, February 2022.
- Review of Statement of Significance as exhibited
- Review of Heritage Overlay curtilage as exhibited
- Victorian Planning Practice Note PPN001 *Applying the Heritage Overlay* (August 2018)
- Limited desktop research





This report provides a summary of Plan Heritage's comments and recommendations as part of the Peer Review.

2.0 PEER REVIEW APPROACH

The Peer Review was limited to the parcel of land identified as 55 Condon Street Kennington as shown below (the subject site).

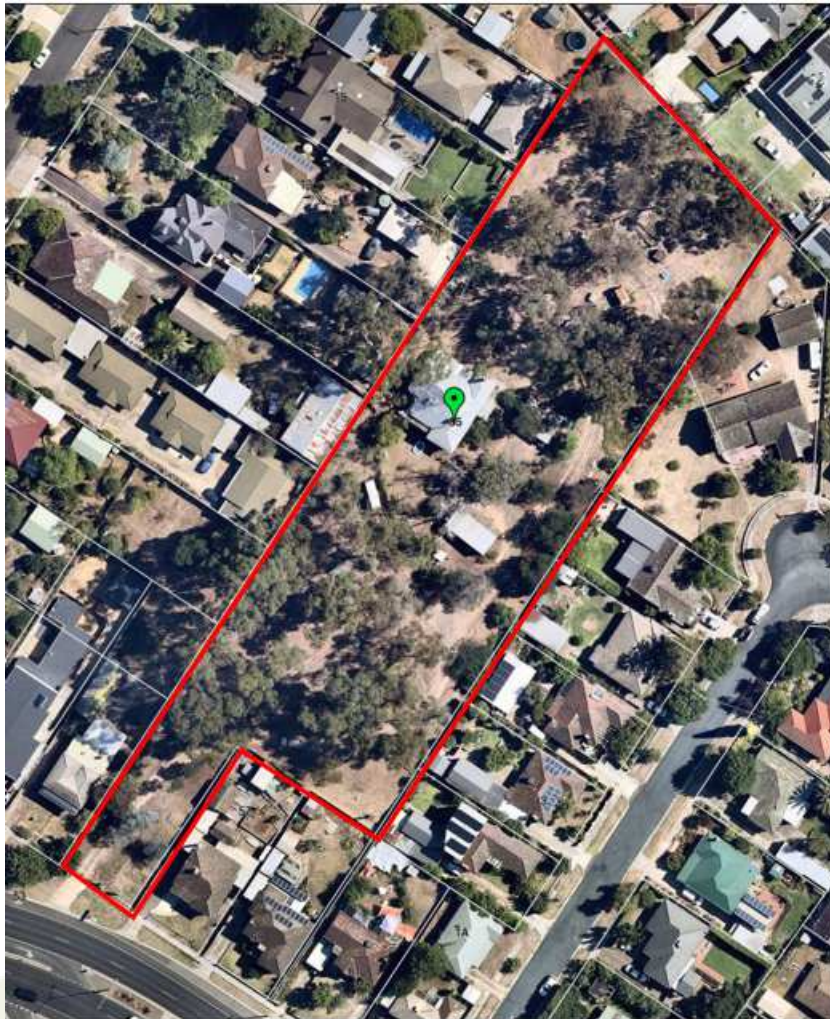
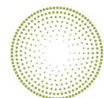


Figure 1 Subject site outlined by red line – 55 Condon Street, Kennington

2.1 Document Review

The following documents were reviewed by Plan Heritage:





- *'La Rocca' Residence and East Bendigo Observatory Heritage Citation* prepared by the City of Greater Bendigo 28 July 2019 and updated by the City of Greater Bendigo April 2021 (the Heritage Citation)
- *La Rocca Residence and former East Bendigo Observatory, 55 Condon Street, Bendigo – Heritage Assessment* prepared by Minerva Heritage for Roxine Ottrey, October 2021.
- *City of Greater Bendigo Amendment C271: Proposed Heritage Overlay HO937, 55 Condon Street, Kennington* prepared by Anita Brady Heritage for Best Hooper on behalf of Ahdy Elghitany, February 2022.
- Review of Statement of Significance as exhibited
- Review of Heritage Overlay curtilage as exhibited
- Victorian Planning Practice Note PPN001 *Applying the Heritage Overlay* (August 2018)
- Relevant place citations and Statements of Significance for comparable examples within the Heritage Overlay and Victorian Heritage Register

2.2.1 Limitations to document Review

There are very limited examples of residences associated with private or public Observatories included in the publicly available registers, including the HERMES database managed by DELWP.

The Secondary and Primary sources listed in the Bibliography of the Heritage Place Report 2020 were not able to be accessed and reviewed due to time constraints.

3.0 PEER REVIEW

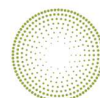
The Peer Review consisted of a site visit and desk-top review. The following is a summary of the findings and recommendations made in response to the Peer Review and the actions undertaken to address these matters.

3.1 Summary of Peer Review Findings

The heritage place citation prepared for 55 Condon Street, Kennington has been prepared with regard to the Planning Practice Note PN001 'Applying the Heritage Overlay' (2018) (The Practice Note).

Changes to the citation are recommended to improve the clarity and detail provided in the physical description (originally prepared without access to the site), the place history – particularly noting alterations and changes to the site in the latter twentieth century and to the comparative analysis and statement of significance. These changes are set out below in Section 3.2.

The proposed Heritage Overlay polygon as exhibited is supported, but it is considered that a case could be made for an extended polygon which applied to the whole of the lot.





The Schedule entry as exhibited requires changes to remove tree controls and outbuilding and fence controls, but the internal controls proposed for the Observatory are supported.

3.2 Methodology used to prepare the Heritage Citation

It is understood that City of Greater Bendigo engaged History Making Pty. Ltd. to prepare a heritage assessment for the subject site in the context of community concerns regarding the imminent sale of the property, rather than as a result of the more traditional two stage municipal heritage study approach.

In the preparation of isolated assessments such as this, it is not unusual for there to be no methodology report to outline how the assessment was undertaken. Although there was no methodology report provided for review, it is clear that the preparation of the Heritage Citation and Statement of Significance has been carried out in keeping with a standard methodology which reflects the guidance of the VPP Practice Note 1 'Applying the Heritage Overlay' (PPN01), and what I consider current standard practice for carrying out heritage studies (based on my experience working on dozens of heritage studies in the past 15 years, and the scrutiny applied at planning panel hearings).

The preparation and arrangement of the Heritage Citation is also largely standard including the preparation of contextual and specific place history, descriptions that document the character of the place/precinct and note changes to it, comparative analysis to determine thresholds, and assessment of significance in the 'What, How, Why' format.

The Heritage Citation provides more historical and associative detail than the typical heritage assessment by its inclusion of extensive information regarding the association of the place with John Bebee, as both an architect and as an astronomer, which supports the assertion of associative significance set out in the Statement of Significance.

The fact that the heritage consultants involved did not have access to the property is acknowledged in the Heritage Citation. The reliance on historical images and other sources to complete the assessment including the description of the property and elements within the proposed Heritage Overlay area is considered acceptable given the refusal to allow access to the site.

The weakness of the methodology applies only to the analysis and assessment of the residence 'La Rocca'. In particular, the description, comparative analysis and assessment against criteria are weak in providing strong justification that the residence meets the threshold for local heritage significance, or is a contributory element of the place.

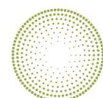
3.2.1 Description

The Description field of the Heritage Citation (p.13) states

An accurate description of the subject site is difficult because council officers have been denied access and the site cannot be seen from the street. As a result, observations are largely based on aerial views...and real estate photos. It has not been possible to ascertain the current condition of the site.

Given that the site was not able to be inspected in detail, and the photographs which were provided through real estate photographs showed the most intact Victorian elements of the residence, the description of the 'La Rocca' dwelling as dating from c.1900 and being 'largely intact' is reasonable.

However, subsequent inspection undertaken by Minerva Heritage (October 2021), Anita Brady Heritage (February 2022) and Plan Heritage (March 2022) have had the opportunity to inspect all





elements of the site, including buildings, setting and context, trees and gardens and consider the integrity and intactness of the elements of the place.

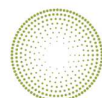
The findings of these inspections by the three parties appears to be generally consistent, and finds that:

- The Observatory building is highly intact externally and internally is highly intact, although none of the astronomical instruments associated with its original function and use survive. The brick addition to the south of the structure is a later addition. The Observatory (with the exception of the brick addition) is highly intact internally and externally.
- The weatherboard dwelling known as 'La Rocca' is a Victorian timber dwelling which has been significantly altered in the Post World War 2 period. Its integrity to the Victorian period is relatively low. It retains some elements of the Victorian period, including verandah roof, posts and timber framing, front steps and rendered balustrades, brick chimneys, front door and frame and two original windows with decorative timber hoods. The roof form of the main house and the projecting wing have been altered, as have most of the windows and doors including the openings, the elevated timber verandah floor and at least one of the original brick chimneys has recently been lost as a result of storm damage.
- inspection of the whole site carried out in March 2022 as part of this peer review finds however that the Victorian dwelling 'La Rocca' is not largely intact, and that that only some of the façade, brick chimneys, portions of the roof and other elements of the c.1900 dwelling survive. It is clear that much of the roof form, walls, detailing, windows and door openings and the composition of the building has been lost and re-built the post war period.
- There are two main outbuildings on site. To the north east of the house a detached weatherboard and brick building with a brick chimney; to the south east of the house is a skillion roof fibro building. Both appear to date from the mid twentieth century.
- The site is heavily treed, with a predominance of Red Iron bark to the north of the site, Sugar Gums to the immediate west of the residence and a range of exotic garden plants including fruit trees which date from the mid twentieth century or later around the dwelling and remainder of the site. It is my professional opinion that the Red Iron bark and other indigenous species which are scattered across the northern third of the site are self-seeded and have not been planted. The Sugar Gums, while large are consistent with specimens of this species across the state which date from the 1950s.

It is recommended that based on the inspection/s which have been undertaken, and the consistent opinion regarding the intactness and integrity of the various elements that a revised Description is prepared.

3.2.2 History

As stated earlier, the history for the subject site is satisfactory. However, information which has more recently come to light regarding the redevelopment of the house after a fire in 1958 should be included in a revised place history.





3.2.3 Comparative analysis

The comparative analysis section of the Heritage Citation is relied on in the Statement of Significance, which includes the following statements:

It (the Observatory) is unusual because of its location on the same site as a residence, La Rocca, also designed by John Beebe, where the Beebe family lived from 1900 to 1900.

The La Rocca residence, also designed by Beebe, is characteristic of Victorian Residences in the area.

The East Bendigo Observatory and La Rocca residence ...are significant for their association with Bendigo architect and talented amateur astronomer, John Beebe (1866-1936).

While the comparative analysis provides sufficient comparative examples to demonstrate that the East Bendigo Observatory is:

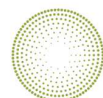
- a rare surviving example of a private Observatory within Victoria.
- that private observatories were relatively uncommon within Victoria; and
- that 'La Rocca' is the only residence associated with a private Observatory in Victoria from the key period found to survive.

The comparative analysis focusses heavily on comparative examples of private observatories built between 1850-1920, of which few are extant within Victoria, and none within the municipality. There is insufficient discussion or analysis regarding whether private observatories it was unusual for the Observatory to be located on the same site as a residence. Nor is there any discussion or analysis regarding other examples of Beebe's residential designs from the same period to confirm that the dwelling was comparable with other examples, nor is there any exploration of comparative examples of Victorian dwellings within the area or locality to substantiate the comment that La Rocca was 'characteristic of Victorian dwellings within the area'.

As set out in Planning Practice Note PN001 'Applying the Heritage Overlay' (August 2018), comparative analysis is crucial in determining whether a place meets the threshold of local significance. PPN01 defines local significance as including 'those places that are important to a particular community or locality'. This implies a high degree of relativity when determining where the threshold of significance sits for a given locality. For example, in a suburb where there was extensive 19th-century suburban development, the threshold is quite high for a Victorian house to be of local significance. In an outer suburb, where there was only scattered 19th-century development and even less of it survives, the threshold is correctly set much lower. This principle of 'relativity' was confirmed by the recent Cardinia Shire Amendment C242 Panel Report (April 2019), which concluded (**Emphasis added**):

The development of Pakenham has been characterised by buildings modest in both scale and materials. The Panel notes that the rarity of older buildings in Pakenham has the effect of elevating the significance of the places that survive so they reach the threshold of local significance for inclusion in the HO. (Executive Summary, n.p.).

On this basis, it may be possible that the La Rocca residence could be demonstrated to meet the thresholds of aesthetic significance as it is characteristic of Victorian residences in the area. Its intactness and integrity however would need to be carefully compared against other similar





examples. A cursory glance through the number of fine and highly intact examples of Victorian dwellings included on the Schedule to the Heritage Overlay of the Greater Bendigo Planning Scheme, both individually and within heritage precincts makes it unlikely that the place would meet the threshold for local aesthetic if compared against these examples.

In addition, when there are few comparative examples already in the Heritage Overlay in a given locality or suburb (as is the case in Kennington) the assessor must look further afield. This has been done for the comparative analysis of the Observatory where examples of private Observatories have been provided from Ballarat, and Windsor in New South Wales. It was not done, however for the residence La Rocca as a comparative against the residence which survives in Windsor as an Observatory residence, nor as a Victorian dwelling.

3.2.4 Statement of Significance

The Statement of Significance set out in the History Making Pty. Ltd. Heritage Citation generally conforms to the guidance set out in Practice Note PN001, with some minor issues and recommended changes discussed below.

That Statement of Significance is reproduced below:

What is significant?

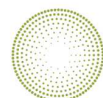
The La Rocca residence and East Bendigo Observatory at 55 Condon Street, Kennington, are of heritage significance.

The Observatory was designed by Bendigo architect and amateur astronomer John Beebe on the same site as the Beebe family residence, 'La Rocca', also designed by Beebe. Both buildings were constructed in 1900. Clusters of Eucalyptus tricarpa (Red Ironbark) to the north of the property and Eucalyptus cladocalyx (Sugar Gum) to the south of the residence are likely early plantings or regrowth forest and contribute to the setting of both the house and the Observatory.

After the suitability of the site of Bendigo's government Observatory was questioned in 1908, from March 1908 Beebe's private Observatory took on the role of the official Observatory in Bendigo. In addition to meteorological readings, Beebe's Observatory, officially known as the East Bendigo Observatory, recorded the passing of comets, the transit of Venus and Aurora Australis, all of which were published in both Bendigo and Melbourne newspapers. In 1907, Beebe offered the use of his Observatory to the students of the Bendigo School of Mines. In 1910, Beebe located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale. Beebe's expertise was recognised when he was made a Fellow of the Royal Astronomical Society, based in London, in March 1917.

The Observatory was moved in 1914 from Beebe's building to the Supreme Court yard near the Bendigo Gaol. Beebe departed Bendigo in 1916 for Brisbane, where he continued his work as an architect and his interest in astronomy. The property remained in the ownership of John Beebe until 1919.

How is it significant?





The La Rocca residence and former East Bendigo Observatory are of historic and aesthetic significance to the City of Greater Bendigo.

The former East Bendigo Observatory is of historic, technical and aesthetic significance to the state of Victoria.

Why is it significant?

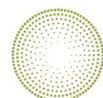
The East Bendigo Observatory at 55 Condon Street, Kennington, designed by architect John Beebe and constructed in 1900, is of historic significance as an early private Observatory built in Bendigo, and is important for its role in recording official meteorological readings for Bendigo from 1908 until 1914. The building is a rare and relatively intact extant early twentieth century example of a small, privately built and owned Observatory. The Observatory is also indicative of the interest in the sciences, specifically astronomy, which gathered popularity in the late nineteenth and early twentieth centuries in Victoria. It is unusual because of its location on the same site as a residence, La Rocca, also designed by John Beebe, where the Beebe family lived from 1900 to c1919. There is also evidence of an earlier building on the site, possibly a miner's cottage built in the period 1867-1897. The property remained in the ownership of John Beebe until 1919. (Criterion A and Criterion B)

The East Bendigo Observatory at 55 Condon Street, Kennington, built to house a 4.5-inch reflector transit telescope, is of technical significance as it reflects advances in Australian science and astronomy. The East Bendigo Observatory was the focus of astronomical, magnetic and meteorological scientific investigation in nineteenth century Bendigo, and was instrumental in providing Bendigo with accurate meteorological statistics in the period 1908-1914. The building evidences the city's early endeavours into scientific research. (Criterion F)

The East Bendigo Observatory at 55 Condon Street, Kennington, is of research potential because it demonstrates changing trends in the design of astronomical and support structures. Purpose built for the site, it is also representative as an example of a particular building typology. (Criterion C and Criterion D)

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are of aesthetic significance. The Observatory, designed by Beebe to house a 4.5-inch reflector transit telescope, follows the nineteenth century international professional Observatory designs popular in Britain, Europe and the USA, which featured an elevated central dome room, and adjacent wings, one of which housed a transit telescope. The Observatory has significance for the integrity of the original fabric. The La Rocca residence, also designed by Beebe, is characteristic of Victorian residences in the area. (Criterion E)

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are significant for their association with Bendigo architect and talented amateur astronomer, John Beebe (1866-1936). Beebe trained as an architect at Bendigo School of Mines, graduating in 1900. In 1901 Beebe formed a partnership with W C Vahland's architect son, Harry, which lasted only until 1902 when Harry Vahland died at the age of 42 years. William Vahland senior





returned from retirement and re-joined the firm. Subsequently the Vahland and Beebe partnership designed a number of buildings in Bendigo, as well as additions to the Lorne Hotel (1908) and a new Marong Shire Hall (1908).

Beebe's portfolio of work as a sole practitioner in Bendigo from 1909 to 1916 included a number of buildings in Bendigo and in northern Victoria that comprised hotels, shops, warehouses, factory buildings and residences. The final main phase of remodelling the Bendigo Town Hall was undertaken by Beebe in 1913-15, in association with J G Austen and E J Keogh. Beebe also designed the new infectious diseases wards at the Bendigo Hospital in 1915-16 (demolished) and the Tomlins Simmie & Co electric flourmills in East Bendigo (1912).

After moving to Queensland in 1916, Beebe was responsible for the design of a number of projects in that state, with perhaps the best well-known being the bridge portals on the Hornibrook Highway (1935). In addition, Beebe designed an Observatory built at St Leo's College in Brisbane in 1919.

As an amateur astronomer, from his East Bendigo Observatory, in 1910 Beebe located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale, which were published in the Journal of the British Astronomical Association in 1913. Beebe was made a Fellow of the Royal Astronomical Society in March 1917. In 1921-22, Beebe was employed by the Queensland Lands Department to co-ordinate the site survey for a suitable observational site for the forthcoming solar eclipse. He also served as president of the Astronomical Society of Queensland in 1936, and was co-editor of the Society's bulletin from 1933. (Criterion H)

The Planning Practice Note PN001 provides specific guidance as to how the Statement of Significance should be set out and what information is to be included in each section.

What is Significant?

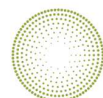
The Practice Note (PN001, 2018:2) states that:

This section should be brief, usually no more than one paragraph or a series of dot points. There should be no doubt about the elements of the place that are under discussion. The paragraph should identify features or elements that are significant about the place, for example, house, outbuildings, garden, plantings, ruins, archaeological sites, interiors as a guide to future decision makers.

Clarification could also be made of elements that are not significant. This may guide or provide the basis for an incorporated plan which identifies works that may be exempt from the need for a planning permit.

Matters of concern include:

Clarity of elements which contribute to the significance of the place





The 'What is Significant' clearly identifies the La Rocca residence and the East Bendigo Observatory as being significant. Mention is also made of clusters of Red Ironbark and Sugar Gum which contribute to the setting of the house and Observatory. There is no mention as to elements which do not contribute, such as the outbuildings, which would ideally be made for clarification.

In order to clarify the elements which are contribute to the significance of the place, and those which do not, it is recommended to revise the 'What is Significant' to a simple statement following the guidance of the Practice Note.

Inclusion of historical content

It is also suggested that all historical information included in the Statement of Significance is removed, as per the guidance of the Practice note, which states 'this section should be brief, usually no more than one paragraph or a series of dot points'.

How is it Significant?

The current 'How is it Significant' set out in the Heritage Citation (above) indicates that the Observatory is of State significance, and that La Rocca and the Observatory are of local significance.

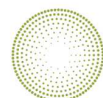
The Statement of Significance will be an Incorporated Document within the Greater Bendigo Planning Scheme. In light of this, coupled with the fact that the Amendment proposes to apply a local Heritage Overlay to the site it would be simpler and more appropriate to limit this to an assessment of what is significant at the local level. Presumably, those elements which meet the threshold for State significance would automatically meet the threshold for local significance.

A nomination to and assessment by Heritage Victoria will determine whether the place meets the threshold of State Significance, and produce a separate Statement of Significance at that time. If needed, the Incorporated Document would be updated at that time.

Including an untested assertion of State Significance within the Incorporated Statement of Significance for the site could also create confusion regarding the management and decision making for the place into the future. It is therefore recommended that the 'What is Significant' is revised to exclude the assertion of State Significance at this time, and a nomination to the Victorian Heritage Register is prepared immediately.

The Practice Note provides the following guidance as to the content of the 'How is it Significant?' should be arranged:

Using the heritage criteria above [HERCON], a sentence should be included to the effect that the place is important. This could be because of its historical significance, its rarity, its research potential, its representativeness, its aesthetic significance, its technical significance and/or its associative significance. The sentence should indicate the threshold for which the place is considered important.





An example of this format is included on p.7 of the Practice Note, and is set out as follows:
The [Place Name] is of local [value/s] significance to the [Municipality]. It is recommended that the How is it Significant? Is rephrased according to this formula, and only includes local significance.

Why is it Significant

Composition

The Why is it Significant is set out in accordance with the guidance of the Practice Note PN001. Although no assessment against criteria is provided in the Heritage Citation, it is implicit in the assessment provided against criteria in the Statement of Significance.

The section below considers in detail whether the values (aesthetic, historic, scientific/technical, research potential, associative, social etc.) and the indicators or rarity and representativeness have been adequately demonstrated as meeting the threshold for local significance.

Assessment against HERCON Criteria

In consideration of the assessment against HERCON Criteria, it is relevant to consider the guidance set out in the document *Assessing the cultural heritage significance of places and objects for possible state heritage listing: The Victorian Heritage Register Criteria and Threshold Guidelines* (Heritage Council of Victoria, 2019).

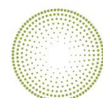
Although designed for testing a whether a place meets the criteria and threshold for the Victorian Heritage Register (State Significance) it is appropriately, and often relied upon to consider and guide the appropriate application of criteria at the local level, applied accordingly.

As this peer review is designed for consideration as to whether the site meets the threshold for **local significance** no assessment against the threshold for state significance has been undertaken at this time. Comment regarding the level of significance is discussed in Section 3.2.5.

Below, each paragraph of the 'Why is it Significant' is considered against the tests for that Criterion set out in the Heritage Council of Victoria document *Assessing the cultural heritage significance of places and objects for possible state heritage listing: The Victorian Heritage Register Criteria and Threshold Guidelines* applied to the local level only. No assessment against the threshold of State Significance has been considered.

Criterion A & B

The East Bendigo Observatory at 55 Condon Street, Kennington, designed by architect John Beebe and constructed in 1900, is of historic significance as an early private Observatory built in Bendigo, and is important for its role in recording official meteorological readings for Bendigo from 1908 until 1914. The building is a rare and relatively intact extant early twentieth century example of a small, privately built and owned Observatory. The Observatory is also indicative of the interest in the sciences, specifically astronomy, which gathered popularity in the late nineteenth and early twentieth centuries in Victoria. It is unusual because of its location on the same site as a residence, La Rocca, also designed by John Beebe, where the Beebe family lived from 1900 to c1919. There is also evidence of an earlier building





on the site, possibly a miner's cottage built in the period 1867- 1897. The property remained in the ownership of John Beebe until 1919. (Criterion A and Criterion B)

CRITERION A

Discussion: Whether intentionally or not, the above statement identifies that the Observatory is of historical significance as an early private Observatory and for its role in recording official meteorological readings for Bendigo between 1908-1914. It goes on to state that the Observatory is unusual (rare) because it is located on the same site as a residence which was connected to the Observatory by John Beebe who owned and designed both buildings. There is no mention of the La Rocca residence being part of the historical significance, other than to contribute to the rarity of the Observatory.

The basic test for satisfying Criterion A (Heritage Council of Victoria, 2019:6) are set out in a number of steps. In order to show that the place meets Criterion A the following must be met:

- The place has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria (or if locally significant, the municipality's) cultural history.

This test is met. The Statement of Significance identifies the historical importance of the Observatory for its role in recording official meteorological readings for the area in the early twentieth century, and as an indication of the interest in the sciences, specifically astronomy which gathered popularity in the late nineteenth and early twentieth centuries. The clear association with the same phase or period is demonstrated to some degree in the remaining elements of the Victorian dwelling.

- The association of the place to the event, phase etc. is evident in the physical fabric of the place and or in documentary resources or oral history.

This test is met as the Observatory buildings fabric is demonstrative of a very specific building typology, its use is demonstrated by the fabric and design of the building which came about as a result in the increasing interest in the sciences, specifically astronomy in the late nineteenth and early twentieth centuries in Victoria. The residence La Rocca is less well able to demonstrate the association of the place to the event, phase etc. as a Victorian house which has been substantially altered.

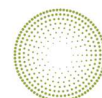
- The Event, phase, etc. is of historical importance, having made a strong or influential contribution to Victoria (or the municipality).

This test is met as the importance of astronomy to the state and municipality, including recording official meteorological readings is clear, as is the importance and increasing popularity of astronomy in the late nineteenth and early twentieth centuries.

Summary Comment: The Observatory meets the threshold for local historical significance regarding Criterion A. The residence La Rocca does not in its own right meet the threshold for local historical significance other than as an element which contributes. The lack of integrity in the residence to its c.1900 design means that insufficient evidence is present in the fabric of the key period of significance for this site (c.1900-1920).

CRITERION B

Discussion: The above statement asserts that the East Bendigo Observatory is a rare and relatively intact example of a small private Observatory, and unusual because of its location on the same site as a residence, La Rocca. It is intended, but less clearly articulated that part of that rarity is related to the





design and occupancy of the residence by John Beebe who also designed and operated the Observatory building.

The basic test for satisfying Criterion B (Heritage Council of Victoria, 2019:8) includes the first two steps of Criterion A being met (above) in addition to the following:

- The place is rare or uncommon, being one of a small number of places remaining that demonstrates the important event, phase etc.
OR
- The places is rare or uncommon, containing unusual features of note that were not widely replicated
OR
- The existing of the class of place that demonstrates the important event, phase etc. is endangered to the point of rarity due to threats and pressures on such places.

As set out above, the Observatory building clearly meets the first two tests for Criterion A. The residence La Rocca is less able to firmly meet these two tests due to the alteration of the late Victorian/early Twentieth century fabric, and as it has no specific design elements to tie it to this important phase or period in the development of the municipality or state, it is considered to be a contributing element to this Criterion.

Both the Observatory and La Rocca residence meet the test as rare or uncommon buildings, very few of either class of place (private Observatory or residence associated with Observatory) survive. The comparative analysis is only able to provide one other known example of a private residence associated with a private Observatory, in Windsor, NSW. The Observatory residences which were established with Government Observatories are also rare, the only surviving example in Victoria being the Melbourne Observatory residence, located in Birdwood Avenue, South Yarra.

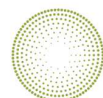
The residence is not however considered a rare or uncommon example of a dwelling from the Victorian/Edwardian period.

Summary Comment: The Observatory and La Rocca residence both meet the threshold for local significance (rarity) for Criterion B. The residence has a weaker case than the Observatory due to the fabric being much altered from the key period of significance.

Criterion C & D

The East Bendigo Observatory at 55 Condon Street, Kennington, is of research potential because it demonstrates changing trends in the design of astronomical and support structures. Purpose built for the site, it is also representative as an example of a particular building typology. (Criterion C and Criterion D)

Discussion: The above statement identifies that the Observatory is of research potential. It also identifies that it is representative of a particular type of building typology. While it is presumed that the typology is that of an Observatory, this is not clearly specified and should be amended, as per the guidance set out with regard to Criterion D.





CRITERION C

The basic test for satisfying Criterion C (Heritage Council of Victoria, 2019:6) are set out in a number of steps. In order to show that the places meets Criterion C the following must be met:

- The physical fabric and or documentary evidence or oral history relating to the place indicates a likelihood that the place contains physical evidence of historical interest that is not currently visible or understood.

It is more usual for Criterion C to be applied to a site where the physical evidence is not visible or understood (such as an archaeological site). In considering this test, I do not consider that it is met by the Observatory building as stated. It is clear that the fabric is that of an Observatory, and there is much understood about private and public astronomy in the nineteenth and early twentieth centuries. It is not clear to me how this building could provide further information regarding the changing trends of the design of astronomical and support structures beyond what is already understood through the fabric.

- From what we know of the place, the physical evidence is likely to be of an integrity and condition that it could yield information through detailed investigation.

This test is no considered to be met. Given that the physical evidence is already apparent, I do not consider that Criterion C is met or relevant to this site.

Summary Comment: Neither the Observatory nor La Rocca Residence meet the threshold for local significance for Criterion C.

CRITERION D

The basic test for satisfying Criterion D (Heritage Council of Victoria, 2019) are set out in a number of steps. In order to show that the places meets Criterion D the following must be met:

- The place is one of a class of places that has clear association with an event phase, period, process, function, movement, important person, custom or way of life in Victoria (or the municipality's) history.

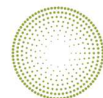
The Observatory is clearly one of a class of places (Observatory or Private Observatory) that has a clear association with the increasing interest and popularity of the sciences, particularly astronomy in the late nineteenth and early twentieth century, as society began to understand the importance of meteorological and astronomical observation.

- The event phase etc. is of historical importance having made a strong or influential contribution to Victoria (or the municipality)

This test is met. Criterion A has identified that the increasing interest in the sciences, particularly astronomy in the late nineteenth and early twentieth century was an important period of scientific (meteorological and astronomical) development within the State of Victoria, as well as in the local context.

- The principal characteristics of the class of place are evident in the physical fabric of the place.

This test is met. However, these characteristics should be further articulated to better address Criterion D in a revised Statement of Significance.





Summary Comment: The Observatory meets the threshold for local representative significance for Criterion D. The Statement of Significance should however be amended to clarify that the place typology referred to is that of an Observatory or private Observatory.

CRITERION E

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are of aesthetic significance. The Observatory, designed by Beebe to house a 4.5-inch reflector transit telescope, follows the nineteenth century international professional Observatory designs popular in Britain, Europe and the USA, which featured an elevated central dome room, and adjacent wings, one of which housed a transit telescope. The Observatory has significance for the integrity of the original fabric. The La Rocca residence, also designed by Beebe, is characteristic of Victorian residences in the area. (Criterion E)

Discussion: The above statement identifies that the Observatory and the La Rocca residence are of aesthetic significance, albeit for different reasons. The Observatory is identified as being of aesthetic significance for the integrity of the design, which demonstrates the nineteenth century international professional Observatory designs which included a central dome flanked by wings, one of which housed a transit telescope. The La Rocca residence is identified as being of aesthetic significance as it is characteristic of Victorian residences within the area.

Anita Brady Heritage agreed that the Observatory building had aesthetic significance, but the residence, which was heavily altered did not meet the threshold for aesthetic significance.

The basic test for satisfying Criterion E (Heritage Council of Victoria, 2019) are set out in a number of steps. In order to show that the places meets Criterion E the following must be met:

- The physical fabric of the place clearly exhibits particular aesthetic characteristics.

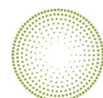
This statement is supported by a Reference Tool 'What is meant by 'aesthetic characteristics' reproduced below:

The Macquarie Dictionary Online 2012 defines aesthetic and aesthetics as:

Aesthetic adjective 1. relating to the sense of the beautiful or the science of aesthetics. 2. having a sense of the beautiful; characterised by a love of beauty. noun 3. a philosophical theory as to what is aesthetically valid at a given time. 4. an artistic expression, viewed as reflective of a personal or cultural ideal of what is aesthetically valid.

Aesthetics noun 1. Philosophy the science which deduces from nature and taste the rules and principles of art; the theory of the fine arts; the science of the beautiful, or that branch of philosophy which deals with its principles or effects; the doctrines of taste. 2. Psychology the study of the mind and emotions in relation to the sense of beauty.

These definitions do not suggest that 'aesthetic' is synonymous with 'beauty'. Instead they imply a judgement against various qualities that may include beauty. To assume that 'aesthetic' and 'beauty' are interchangeable terms limits an understanding of aesthetic and aesthetics. Aesthetic characteristics are the visual qualities of a place or object that invite judgement against the ideals of beauty, picturesqueness, evocativeness, expressiveness, grotesqueness, sublimeness and other descriptors of aesthetic judgement. The visual qualities





of a place or object lie in the form, scale, setting, unity, contrast, colour, texture and material of the fabric of a place or object.

This test is met for the Observatory, which clearly demonstrates, through its physical fabric the design philosophy and aesthetic common to professional Observatory design popular in Europe, the UK and USA in the late nineteenth and early twentieth century. The Statement clearly addresses these characteristics as the domed central room, flanked by two additional rooms, one housing the transit telescope. Although an addition has been constructed to the southern elevation, these aspects are still clearly evident in the building.

This test is not met for the La Rocca residence. While it may have once been a dwelling which embodied the characteristics of typical Victorian dwellings of the locality or municipality. However, it is clear that the dwelling has been substantially altered in the post war period, and no longer can be considered to be of aesthetic significance for this reason, as so little of the original design elements and fabric from that period remain intact.

Summary Comment: The Observatory meets the threshold for local aesthetic significance for Criterion E. The La Rocca residence does not meet the threshold for local significance as it is substantially altered and does not demonstrate characteristics of a Victorian dwelling sufficiently.

CRITERION F

The East Bendigo Observatory at 55 Condon Street, Kennington, built to house a 4.5-inch reflector transit telescope, is of technical significance as it reflects advances in Australian science and astronomy. The East Bendigo Observatory was the focus of astronomical, magnetic and meteorological scientific investigation in nineteenth century Bendigo, and was instrumental in providing Bendigo with accurate meteorological statistics in the period 1908-1914. The building evidences the city's early endeavours into scientific research. (Criterion F)

Discussion: The above statement asserts that Observatory is of technical significance as it reflects advances in Australian science and astronomy. There is no mention of the residence.

Anita Brady Heritage report agreed with this statement.

The basic tests for satisfying Criterion F (Heritage Council of Victoria, 2019:) includes the following:

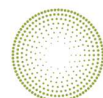
- The place/object contains physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.

This test is met. The external design of the Observatory with a central dome and one wing designed to house the astrograph, the pulley mechanism and mounts for telescope and other instruments demonstrates the technical achievement and function of this building for its period.

- The physical evidence demonstrates a high degree of integrity.

This test is met. The interior and exterior of the Observatory retain a relatively high degree of integrity and intactness, despite an addition not the south, and the loss of brickwork in a portion of the eastern wing.

Summary Comment: The Observatory meets the threshold for local technical/scientific significance for Criterion F.





CRITERION G

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are significant for their association with Bendigo architect and talented amateur astronomer, John Beebe (1866-1936). Beebe trained as an architect at Bendigo School of Mines, graduating in 1900. In 1901 Beebe formed a partnership with W C Vahland's architect son, Harry, which lasted only until 1902 when Harry Vahland died at the age of 42 years. William Vahland senior returned from retirement and re-joined the firm. Subsequently the Vahland and Beebe partnership designed a number of buildings in Bendigo, as well as additions to the Lorne Hotel (1908) and a new Marong Shire Hall (1908).

Beebe's portfolio of work as a sole practitioner in Bendigo from 1909 to 1916 included a number of buildings in Bendigo and in northern Victoria that comprised hotels, shops, warehouses, factory buildings and residences. The final main phase of remodelling the Bendigo Town Hall was undertaken by Beebe in 1913-15, in association with J G Austen and E J Keogh. Beebe also designed the new infectious diseases wards at the Bendigo Hospital in 1915-16 (demolished) and the Tomlins Simmie & Co electric flourmills in East Bendigo (1912).

After moving to Queensland in 1916, Beebe was responsible for the design of a number of projects in that state, with perhaps the best well-known being the bridge portals on the Hornibrook Highway (1935). In addition, Beebe designed an Observatory built at St Leo's College in Brisbane in 1919.

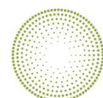
As an amateur astronomer, from his East Bendigo Observatory, in 1910 Beebe located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale, which were published in the Journal of the British Astronomical Association in 1913. Beebe was made a Fellow of the Royal Astronomical Society in March 1917. In 1921-22, Beebe was employed by the Queensland Lands Department to co-ordinate the site survey for a suitable observational site for the forthcoming solar eclipse. He also served as president of the Astronomical Society of Queensland in 1936, and was co-editor of the Society's bulletin from 1933. (Criterion H)

Discussion: The above statement identifies that the Observatory and the La Rocca residence are of associative significance for its strong connection with architect and astronomer, Joseph Beebe who designed and built both the Observatory and residence in c.1900, and who operated the Observatory first (1900-1908) as a private Observatory, and then as the official East Bendigo Observatory from 1908 to 1914. At the same time, he lived in the adjacent residence, La Rocca, with his family.

The basic test for satisfying Criterion H (Heritage Council of Victoria, 2019) are set out in a number of steps. In order to show that the places meet this criterion, they must demonstrate:

- The place/object has a direct association with a person or group of persons who have made a strong or influential contribution to the course of Victoria's (or the municipality's) history.

This test is met. The association of the Observatory and the residence adjacent has been demonstrated via the place history, which establishes that Joseph Beebe, architect, designed and built both the





residence and Observatory and lived in the residence La Rocca while operating the Observatory as an amateur astronomer, and later as a municipal Observatory for a substantial period of time.

- The association of the place/object to the person(s) is evident in the physical fabric of the place/object and/or in documentary resources and/or oral history

The test is met for the Observatory but not for the residence. The Observatory clearly demonstrates in its physical fabric and in documentary resources the connection between Beebe and the place, as Beebe's private Observatory and later the East Bendigo Observatory. The residence demonstrates less evidence as its c.1900 fabric is limited and the original design has been compromised by post war alterations and additions.

- The association:
 - o directly relates to achievements of the person(s) at, or relating to, the place/object; or
 - o relates to an enduring and /or close interaction between the person(s) and the place/object.

This test is met, particularly by the Observatory as it relates to Beebe's achievements as both an architect, in designing a fine, and technically correct Observatory building as well as for his achievements as an amateur astronomer. It was from this building that Beebe located Comet P/Halley in 1910 at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale, which were published in the *Journal of the British Astronomical Association* in 1913. The residence has less direct relationship to the achievements, but could be considered to have a direct association as Beebe's place of residence while these technical achievements were made.

Summary Comment: The Observatory meets the threshold for local associative significance for Criterion H. Due to its alterations and limited integrity, the residence La Rocca does not meet the threshold for Criterion H.

3.2.5 Summary of review of Statement of Significance

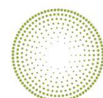
The detailed review of the Statement of Significance indicates some minor changes to the arrangement and set out of the 'What is Significant' and the 'How is it Significant' and recommends a simplified approach which sets out what, how and why the place is significant at the local level.

The review further finds that the East Bendigo Observatory meets the threshold for historical, aesthetic, scientific/technical and associative significance with additional threshold indicators of both rarity (as a class of place) and representativeness (as a design which embodies the typical characteristics of a class of place) at the local level. The La Rocca residence is considered to be an uncommon example of a residence for a private Observatory, however, due to its lack of integrity and intactness to its c.1900 design it is not considered to meet the threshold for local significance.

It is recommended that the Statement of Significance is amended to:

1. Amend the What is Significant as follows:

The East Bendigo Observatory (constructed c.1900) at 55 Condon Street, Kennington are significant.





Elements which contribute to the significance of the place are:

- *the c.1900 Observatory building*
- *the residence 'La Rocca' to the extent of its 19th Century fabric*
- *its location at the apex of the hill and separation from surrounding development*

Elements which are not considered significant are:

- *post 1920 additions to the Observatory*
- *Trees (planted and self-seeded) surrounding the Observatory*
- *all outbuildings, animal enclosures, modern structures and fences.*

2. Amend the How is it Significant as follows:

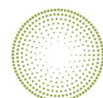
The East Bendigo Observatory is of local historical, aesthetic, scientific and associative significance to the City of Greater Bendigo.

3. Amend the What is Significant as shown below (~~strikethrough text~~ = delete, **red text** = add)

The East Bendigo Observatory at 55 Condon Street, Kennington, designed by architect John Beebe and constructed in 1900, is of historic significance as an early private Observatory built in Bendigo, and is important for its role in recording official meteorological readings for Bendigo from 1908 until 1914. The building is a rare and relatively intact extant early twentieth century example of a small, privately built and owned Observatory. The Observatory is also indicative of the interest in the sciences, specifically astronomy, which gathered popularity in the late nineteenth and early twentieth centuries in Victoria. It is unusual because of its location on the same site as a residence, La Rocca, also designed by John Beebe (**but significantly altered after a fire in 1958**), where the Beebe family lived from 1900 to c1919. ~~There is also evidence of an earlier building on the site, possibly a miner's cottage built in the period 1867-1897.~~ The property remained in the ownership of John Beebe until 1919. The residence is of historical interest only due to its low integrity. (Criterion A and Criterion B)

The East Bendigo Observatory at 55 Condon Street, Kennington, built to house a 4.5-inch reflector transit telescope, is of technical significance as it reflects advances in Australian science and astronomy. The East Bendigo Observatory was the focus of astronomical, magnetic and meteorological scientific investigation in nineteenth century Bendigo, and was instrumental in providing Bendigo with accurate meteorological statistics in the period 1908-1914. The building evidences the city's early endeavours into scientific research. (Criterion F)

~~The East Bendigo Observatory at 55 Condon Street, Kennington, is of research potential because it demonstrates changing trends in the design of astronomical and support structures.~~ The East Bendigo Observatory, purpose built for the site and designed by Beebe, **is it is also representative of the professional Observatory building typology, popular in England, Europe and the USA in the late nineteenth and early twentieth century. The typical characteristics of this type of Observatory included an elevated central dome, flanked by adjacent wings, one of which housed a transit telescope and also**





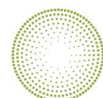
featured a retractable domed roof, as an example of a particular building typology. (Criterion C and Criterion D) elevated central dome room, and adjacent wings, one of which housed a transit telescope.

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are is of aesthetic significance as a highly intact example of a professional Observatory which demonstrates the key forms of the building type. The Observatory, designed by Beebe to house a 4.5-inch reflector transit telescope, follows the nineteenth century international professional Observatory designs popular in Britain, Europe and the USA, which featured an elevated central dome room, and adjacent wings, one of which housed a transit telescope. The Observatory has significance for the integrity of the original fabric. Its location and setting at the apex of one of the highest hilltops in Bendigo, is also of aesthetic significance, providing a striking built form from the lower approaches of the hillside. At the time of the Observatory's operation, the hilltop would have been cleared of vegetation to allow for the astronomical equipment to access the full transit of the night sky and its elements. The trees which have self-seeded are therefore an element which detracts from the aesthetic values of the place. The La Rocca residence, also designed by Beebe, is characteristic of Victorian residences in the area. (Criterion E)

The East Bendigo Observatory and La Rocca residence at 55 Condon Street, Kennington, are significant for their association with Bendigo architect and talented amateur astronomer, John Beebe (1866-1936). Beebe trained as an architect at Bendigo School of Mines, graduating in 1900. In 1901 Beebe formed a partnership with W C Vahland's architect son, Harry which lasted only until 1902 when Harry Vahland died at the age of 42 years. William Vahland senior returned from retirement and re-joined the firm. Subsequently the Vahland and Beebe partnership designed a number of buildings in Bendigo, as well as additions to the Lorne Hotel (1908) and a new Marong Shire Hall (1908). Beebe's portfolio of work as a sole practitioner in Bendigo from 1909 to 1916 included a number of buildings in Bendigo and in northern Victoria that comprised hotels, shops, warehouses, factory buildings and residences. The final main phase of remodelling the Bendigo Town Hall was undertaken by Beebe in 1913-15, in association with J G Austen and E J Keogh. Beebe also designed the new infectious diseases wards at the Bendigo Hospital in 1915-16 (demolished) and the Tomlins Simmie & Co electric flourmills in East Bendigo (1912).

After moving to Queensland in 1916, Beebe was responsible for the design of a number of projects in that state, with perhaps the best well-known being the bridge portals on the Hornibrook Highway (1935). In addition, Beebe designed an Observatory built at St Leo's College in Brisbane in 1919.

As an amateur astronomer, from his East Bendigo Observatory, in 1910 Beebe located Comet P/Halley at least one night earlier than the Melbourne Observatory, and in 1912 obtained positional observations of Comet Gale, which were published in the *Journal of the British Astronomical Association* in 1913. Beebe was made a Fellow of the Royal Astronomical Society in March 1917. In 1921-22, Beebe was employed by the Queensland Lands Department to co-ordinate the site survey for a suitable observational site for the forthcoming solar eclipse. He also served as president of the Astronomical Society of Queensland in 1936, and was co-editor of the Society's bulletin from 1933. (Criterion H)





3.3 Summary of Peer Review of Methodology

The methodology used to undertake the assessment is generally acceptable, however a Peer Review of the findings of the assessment have led to the following recommendations to the Place Citation:

The place citation prepared by History Making Pty. Ltd. (date) should be revised to:

- Provide an amended Physical Description of the place. This should be based on a site visit undertaken by the study author, and or other descriptions and photographs provided in the reports prepared by Anita Brady Heritage (February 2022) and Minerva Heritage (October 2021).
- Update the Place History to include new information which has come to light as a result of the Minerva Heritage report, including the fire which destroyed part of La Rocca residence in 1958.
- Strengthen the Comparative Analysis section by considering the aesthetic values of the La Rocca residence against other examples of similar dwellings within the locality or municipality, or redact this claim.
- Revise the Statement of Significance as set out in Section 3.2.5

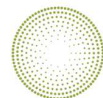
3.4 Heritage Overlay Polygon and Curtilage

3.4.1 Exhibited Heritage Overlay polygon and curtilage

The proposed Heritage Overlay curtilage as exhibited was considered as part of the Peer Review. The exhibited curtilage proposed to apply the curtilage to approximately half of the allotment.



Figure 2 Exhibited HO Curtilage (pink shading) Amendment C271gben (left) image on right shows aerial image with overlaid proposed HO





The Peer Review determined that this was an appropriate curtilage to provide sufficient land to ensure that future development would not adversely affect the setting, context, or significance of the heritage place. It is however noted that if the curtilage is applied to the upper level of the allotment only, there will be limited mechanisms to control development in the lower half of the lot which may erode or impact on the values (and accessibility) of the heritage place.

A review of the proposed curtilage against the Planning Practice Note PN001 'Applying the Heritage Overlay' further considered the proposed curtilage against the guidance set out in that document.

That document states (emphasis added)

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. The land surrounding the heritage item is known as a 'curtilage' and will be shown as a polygon on the Heritage Overlay map. In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).

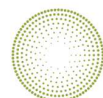
However, there will be occasions where the curtilage and the Heritage Overlay polygon should be reduced in size as the land is of no significance. Reducing the curtilage and the polygon will have the potential benefit of lessening the number of planning permits that are required with advantages to both the landowner and the responsible authority. Examples of situations where a reduction in the curtilage and polygon may be appropriate include:

- *A homestead on a large farm or pastoral property where it is only the house and/or outbuildings that is important. In most cases with large rural properties, the inclusion of large areas of surrounding farmland is unlikely to have any positive heritage benefits or outcomes.*
- *A significant tree on an otherwise unimportant property.*
- *A horse trough, fountain or monument in a road reservation.*
- *A grandstand or shelter in a large but otherwise unimportant public park.*

The proposed curtilage as exhibited is considered to be appropriate and comply with the above as it:

- Includes all elements which contribute to the significance of the place .
- Includes an appropriate area of land to provide adequate context and setting and to control development immediate to the site.

The methodology for establishing a curtilage and polygon appear to be generally sound, and has addressed the following guidance. In addition, I have reviewed these steps (reproduced below my emphasis added) in my Peer Review.



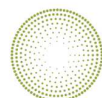


It is however noted that the application of the curtilage as proposed may present issues with management (including subdivision in proximity to the heritage elements) of the site in the future, and a case could be made to apply the Heritage Overlay curtilage to the whole of the allotment to better manage development, and provide a simplified and easily understood polygon in line with the Practice Note.

1. *Review the heritage study documentation and ask the question 'What is significant?'. The polygon should capture those elements of the place that are significant. If there are multiple elements that are widely dispersed on the property, one option may be to have multiple polygons which share the same Heritage Overlay number.*
 - *In addition to capturing the elements that are significant, it is almost always necessary to include a curtilage (see definition above) to:*
 - *retain the setting or context of the significant building, structure, tree or feature*
 - *regulate development (including subdivision) in proximity to the significant building, tree or feature.*
2. *Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute in terms of the land affected by any future Overlay.*
3. *Use aerial photos where they exist to assist in identifying a reduced curtilage.*
4. *Where access is possible, 'ground truthing' may be of assistance.*
5. *Explain the basis for the reduced curtilage polygon in the heritage study documentation.*
6. *Where questions might arise in the future as to the extent of the polygon shown on the planning scheme map, use the entry in the Schedule to the Heritage Overlay (i.e. column two) to specify the area covered by the polygon.*

3.4.2 Summary of Peer Review findings of Heritage Overlay Polygon and curtilage

- The methodology used to apply the exhibited Heritage Overlay polygon and curtilage generally adheres to the guidance set out in the Practice Note.
- A reduction of the exhibited curtilage is not supported as it would reduce control over development in the immediate proximity of the Observatory and its setting.
- An argument could be mounted to include the whole of the allotment as the Polygon and curtilage for HO937. This would ensure that access to the site and development of the lower sections of the site could be managed.





3.5 Proposed Schedule Entry

The exhibited entry for HO937 is reproduced below. The Schedule proposes to apply the following additional controls – Internal alterations apply to the Observatory, Tree controls to clusters of Red Ironbark and Sugar Gums and Outbuilding and Fences control to the Observatory. A permit exemptions document is also set out as an Incorporated Plan to apply to the site.

HO937	Part of 55 Condon Street Kennington	No	Yes (East Bendigo Observatory)	Yes (Clusters of Eucalyptus tricarpa (Red Ironbark) to the north of property and Eucalyptus cladocalyx (Sugar Gum) to the south of residence)	Yes (East Bendigo Observatory)	No	No	No
	Incorporated plan: Greater Bendigo Heritage Incorporated Plan - Permit Exemptions, January 2018 Statement of significance: Statement of Significance: Part of 55 Condon Street Kennington, November 2021							

3.5.1 Internal Alterations

It is my opinion that internal controls for the Observatory building are justified. The interior is crucial in understanding the function of the Observatory, and placement of various instruments (now lost).

3.5.2 Tree Controls

It is my opinion that the tree controls as proposed are not justified. The Practice Note (PN001) states:

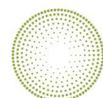
This control is designed to protect trees that are of intrinsic significance (such as trees that are included on the National Trust Heritage Register), or trees that contribute to the significance of a heritage place (for example, trees that contribute to the significance of a garden or area). The control is not meant to protect trees for their amenity value.

The statement of significance in the 'Why' Section provides no explanation for why the trees are included against any of the criteria. Furthermore, it is my understanding, from my work on the Conservation Management Plan for the Royal Melbourne Observatory, that all land around an Observatory was maintained as a cleared space to allow clear and unimpeded views to the night sky to record the transit of various planets, observations of phenomena such as comet activity and other observational work. The trees around the Observatory therefore would not represent an appropriate or significant context and setting from an historically accurate perspective, while they may provide an appreciable setting to the building today. Their removal would be considered a positive outcome for interpretation and understanding the Observatory building and its use.

3.5.3 Outbuildings and Fences exempt from notification

It is my opinion that the Outbuildings and Fences exempt from notification additional control should not apply to the proposed HO937. The Practice Note states that:

Councils may consider that certain outbuildings and/or fences on heritage sites are significant and can therefore require that these be subject to the notice and review requirements of the





Planning and Environment Act 1987. This is achieved by including the word 'yes' in the column headed 'Outbuildings or fences which are not exempt under Clause 43.01-4?'.

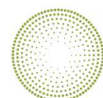
It is helpful to landowners and users of the planning scheme if the column in the schedule identifies the particular outbuildings and/or fences that are considered to be significant. The statement of significance for the heritage place should also identify the particular outbuildings and/or fences that are significant (under "What is significant?") and why they are important.

Given that the principal element of the heritage site is the Observatory itself, that building will be subject to notice and review requirements of the Act. The Observatory is not considered an outbuilding in the context of this matter and should be removed.

3.5.4 Summary of Peer Review regarding HO Schedule Entry

It is recommended that the exhibited schedule entry for HO937 be amended as follows:

- Retain internal controls as specified in exhibited Schedule to Heritage Overlay
- Remove Tree Controls and insert 'No' in column
- Remove Outbuildings and Fences exempt from Notice and Review and insert 'No' in column.



Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C271gben

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment



Figure 1: An aerial view of the site and of its immediate surrounding

The land affected by the amendment is part of 55 Condon Street, Kennington. The overall site area is 8,440 square metres with an approximate 16-metre frontage to Condon Street. The site is zoned

General Residential Zone and is surrounded by that zone and existing dwellings. There are no overlays on the affected land or on the adjoining land.

The site is hard to see from the road due to its narrow entrance and deep block. ~~The land is heavily vegetated comprising of mature native trees and exotic vegetation. There are several trees on the land, including native trees. The clusters of Red Ironbark (northern part of property) and Sugar Gums (to the south of residence) identified as being in excess of 100 years old are of heritage significance. These clusters of vegetation are considered to provide insight into the original setting~~



Figure 1: Aerial view of 55 Condon Street, Kennington, showing the full property boundary (yellow line), proposed curtilage (red dotted line) and significant tree clusters (green circles). **Source:** Google Maps 2021

What the amendment does

The amendment proposes to:

- Apply the Heritage Overlay (HO937) to part of the land at 55 Condon Street, Kennington as shown on Planning Scheme Map No. 23HO.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to insert a new heritage place (HO937 – La Rocca Residence and East Bendigo Observatory) for part of the land at 55 Condon Street, Kennington and references to the “*Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, January 2018*” and the “*Statement of Significance: 55 Condon Street, Kennington, November 2021.*”
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to insert a new incorporated document titled “*Statement of Significance: 55 Condon Street, Kennington, November 2021.*”

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required because the property was listed for sale by the owner within the last year, and the sale is now "Under contract". As the site contains buildings of potential heritage significance which are currently not covered by a Heritage Overlay under the provisions of the Greater Bendigo Planning Scheme, this amendment is required for their protection against demolition into the future.

The property had not been previously studied for heritage significance as no comprehensive study has been undertaken for the area which is in the urban area of the former Shire of Strathfieldsaye. City officers were made aware that the site may be of potential heritage significance by interested parties, mostly due to the presence of the red brick observatory on the site, which was built by prominent architect John Beebe. As the buildings of potential heritage significance on the site may be demolished following the sale of the property, this amendment is required to assess the heritage significance of the site including all the buildings it contains.

However, at the time City officers were made aware of the potential heritage significance of the observatory and of the dwelling, they were unable to visually assess the conditions of these two potential heritage assets due to the owner's reluctance to grant access to the property to City officers or to its consultants. Despite this, City officers engaged History Making Pty. Ltd, to prepare a citation for the property which confirmed that the observatory, the dwelling and three clusters of trees on the site are of local heritage significance.

The amendment is required to apply a heritage overlay to part of 55 Condon Street, Kennington, to protect the findings of History Making Pty. Ltd is that the dwelling and observatory on the site, were both constructed and designed by the architect John Beebe, and the associated trees. The observatory which was built to house a 4.5-inch reflector transit refracting telescope, is of technical significance. It reflects advances in Australian science and astronomy, as are the roof mechanism and equipment platform that remain within the central chamber and the timber cabinetry in the adjacent wing.

A The citation has been prepared for the site titled 'La Rocca Residence and East Bendigo Observatory Heritage Citation' by History Making Pty. Ltd. Ballinger and Jacobs 2019 was subsequently amended by the City of Greater Bendigo, 2021 and peer reviewed by Plan Heritage, March 2022. A summary of the citation as prepared by History Making Pty. Ltd and amended by the City of Greater Bendigo, 2021, is provided below.

"The subject property was first held in freehold from 1863 to 1899 by a George Lansell, soap maker, as a four-acre allotment with a small cottage. The site was sold in 1899 to monumental sculptors John Beebe and Jonathon Oliver Mayne who then subdivided the site into two blocks of approximately two-acres each, with Beebe retaining the subject site with the existing dwelling.

A residence was built on the land for the Beebe family, named 'La Rocca', and John Beebe, a keen amateur astronomer, also built and opened a private observatory. Rated with a Net Annual Value (NAV) of £5 in 1899, the subject property was rated consistently with a NAV of £25 from 1900 to 1912, indicating that both the residence and the observatory were built in 1900. It is believed that both buildings were designed by Beebe, who had graduated as an architect from the Bendigo School of Mines in 1900.

John Beebe formed a partnership with Vahland's architect son, Harry, operating from the same offices that the W C Vahland and Sons practice operated from in Bull Street, later named A'Beckett Chambers. During their short-lived partnership, Harry Vahland and John Beebe were appointed honorary architects for the erection of a statue of Queen Victoria in Bendigo in 1901. They also designed a brick shop in Mitchell Street, Bendigo, constructed in 1901, and the Katamatite police quarters. After Harry Vahland died prematurely in 1902, Beebe worked with William Vahland senior who returned from retirement and re-joined the firm. Together they designed See House (Langley Hall – HO682), St Johns Church of England, North Bendigo, opened in 1904 as well as the Marong Shire Hall (HO559), built in 1908. Beebe also undertook work as a sole practitioner and was appointed architect to the Anglican diocese (Butcher 2019:6).

The observatory that Beebe designed mirrored the nineteenth century professional observatory designs popular in Britain, Europe and the USA at the time, although on a smaller scale. It featured an elevated central dome room and adjacent wings, one of which housed a transit telescope that provided a time service for local citizens and use by the astronomer during research programs Beebe opened his observatory for educational use in 1907 for students at the Bendigo School of Mines.

After the suitability of the site of Bendigo's government observatory was questioned, from 1908 until 1914 Beebe's private observatory took on the role of the official observatory in Bendigo, known officially as the East Bendigo Observatory, with meteorological readings regularly reported in the local press. Beebe's expertise in astronomy was recognised when he was made a Fellow of the Royal Astronomical Society, based in London, in March 1917.

Smaller, private observatories, built in the period 1850s-1920s and comparable with the East Bendigo Observatory, were constructed at several places throughout Australia, including the goldfield towns of Ballarat and Castlemaine. From available information it appears that only three of these observatories are extant: the East Bendigo Observatory in Victoria; the Windsor Observatory in New South Wales; and the Ballarat Municipal Observatory in Victoria. No other comparable private observatories dating from the nineteenth and early twentieth century appear to exist in Victoria. The Ballarat Municipal Observatory, in good condition and listed on the Victorian Heritage Register (VHR H0936), is described by the National Trust as 'perhaps the only surviving nineteenth century private observatory in Victoria' (VHD 2008, 'Ballarat Observatory', 67539). It differs from the East Bendigo Observatory in that it is not associated with a private residence and has been in public ownership since c1913. In addition, its building form has evolved and developed over the years."

Following the public exhibition of the amendment and after lodging an objecting submission to the amendment, the land owner allowed City officers to access the property. Following their access to the property, City officers and a heritage expert engaged by the City (Plan Heritage) were able to make a more accurate description of the subject site as it currently exists. is difficult because City officers have been denied access and the site cannot be seen well from the street. As a result, The observations which were are largely based on aerial views and photos for the drafting of the citation by History Making Pty. Ltd were confirmed. - A- This includes the substantial weatherboard house is sited in the approximate centre of the block and which is consistent with the time period when Beebe acquired the land and, while there appears to have been some alterations in the early post-war period and recent damage by storm, the house remains largely intact. To the north of the house, a the red brick observatory is sited at the top of the hill. The square plan base of the observatory is capped with a mansard roof and a metal-clad dome. Wings on either side of the central square plan are at a similar scale and add to a French Second Empire style appearance.

The peer review by Plan Heritage which consisted of a site visit and desktop review however made some changes to the findings of History Making Pty. Ltd but maintains that based on HERCON criteria, the observatory and the dwelling are of heritage significance and that the amendment is required.

The site is heavily treed. The clusters of *Eucalyptus tricarpa* (Red Ironbark) to the north of the property and *Eucalyptus cladocalyx* (Sugar Gum) to the south of the residence are likely early plantings or regrowth forest and contribute to the setting of both the house and the observatory. It is for this reason that these notable clusters of trees have been identified as being of heritage significance and included within the proposed curtilage which takes in the residence and the observatory. This curtilage allows a setback of 10 metres from the front of the residence and extends to the rear lot boundary of the site (See Figure 1 above).

The "La Rocca" residence and former East Bendigo Observatory are of historic and aesthetic significance to the City of Greater Bendigo. The former East Bendigo Observatory is also of historic, technical and aesthetic significance potentially to the State of Victoria.

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

Section 4 (1) of the *Planning and Environment Act 1987* sets out the objectives of planning in Victoria. The objectives that are directly related to this amendment are:

(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; and

(g) to balance the present and future interests of all Victorians.

The amendment implements these objectives by protecting buildings and trees of historic value for present and future generations.

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

The amendment will not have any adverse effects on the environment. In fact, it will have a positive impact by encouraging the retention and reuse of a structurally sound and historic buildings and reducing the need to use new materials.

The amendment will have positive social effects through enabling the protection of heritage places, which benefits the community by adding to the understanding of Greater Bendigo's rich cultural history, providing a link to the past and giving a sense of place. The observatory which is located on the same site as the "La Rocca" residence which was also designed by John Beebe who was a local architect and talented amateur astronomer, is significant as an early private observatory built in Bendigo. The observatory is also important for its role in recording official meteorological readings for Bendigo from 1908 until 1914.

The application of the Heritage Overlay may have an economic impact by constraining development of the site. However, as the site is large, it should be able to be partly developed sympathetically. It is recognised that heritage contributes to the economy in that it attracts people, often skilled professionals, to visit, recreate, work and live. Bendigo's rich and diverse heritage landscape, from its small timber cottages to grand public buildings, all contribute to its unique identity and attract people to the City. Once in the heritage overlay the buildings will be eligible for assistance from Council's Heritage Restoration Loan Scheme.

Does the amendment address relevant bushfire risk?

The site is in the middle of urban Bendigo and is not affected by bushfire risk.

The amendment has considered and addressed bushfire risk and is consistent with the relevant strategies of Clause 13.02 Bushfire planning. The amendment will not result in the intensification of development as the only change to the existing planning scheme controls is the application of a heritage overlay, which is likely to reduce future intensification of residential development rather than increase it.

The site is also in a low risk location as it is within a fully developed residential area with no Bushfire Management Overlay (BMO) within a 1 kilometre radius. The Bendigo Central Business District is approximately 1.5 kilometres to the north-west of the site and the nearest forest area is more than 2 kilometres away with the intervening land covered by urban development. Therefore, any future development on the site will have a BAL rating less than 12.5.

The amendment is therefore not considered to result in an increase to the risk of life, property, community infrastructure or the natural environment from bushfire, and can meet the requirements of Clause 13.02.

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

The amendment is consistent with Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with Ministerial Direction 11 – Strategic Assessment of Amendments.

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

The amendment supports and implements the following state policy of the Planning Policy Framework (PPF).

Clause 11.01-1R Settlement - Loddon Mallee South - has a strategy to support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.

Clause 15.03-1S Heritage conservation – has the objective "to ensure the conservation of places of heritage significance". Strategies identified to achieve this objective include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

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

~~Clause 21.08 (Environment) establishes the heritage significance of Greater Bendigo through the Greater Bendigo Thematic Environmental History, 2013 and sets the framework for protecting heritage places.~~

~~The objectives of this clause which are relevant to heritage and as listed at Clause 21.08-4 (Heritage) are:~~

- ~~• To protect and enhance the municipality's heritage for future generations,~~

~~The amendment is consistent with this clause because it proposes to protect buildings of local heritage significance.~~

~~The amendment is also consistent with Clause 22.06 (Heritage Policy). The objectives of this clause are:~~

- ~~• To ensure that Greater Bendigo's heritage assets are maintained and protected.~~
- ~~• To ensure that new land uses and developments are sympathetic with the appearance and character of heritage places.~~
- ~~• To encourage sympathetic reuse of heritage places so that such places are maintained and enhanced.~~

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

The Heritage Overlay is the appropriate tool to protect places with heritage significance and is consistent with Planning Practice Note 1 (Applying the Heritage Overlay, 2018). Consistent with Planning Practice Note 1, the amendment identifies the internal features of the observatory which are of heritage significance and states why they are significant and how these internal features meet the relevant criteria for the application of the internal controls. The details about the significance of the internal features of the observatory are in the attached statement of significance.

~~Similarly the clusters of Red Ironbark (northern part of property), and Sugar Gums (to the south of residence) identified as being in excess of 100 years old are of heritage significance specifically because they are considered to provide insight into the original setting.~~

The Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) is also the appropriate VPP tool to utilise to incorporate documents into the Planning Scheme.

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

Advice was sought from Heritage Victoria on the proposed amendment, and it was supportive with no changes recommended. The amendment ~~will be~~^{was} referred to Heritage Victoria as part of the public exhibition process ~~with no response received~~.

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

The amendment does not impact on the *Transport Integration Act*, 2010.

Resource and administrative costs

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

This amendment will have minimal impact on council's resource costs as a responsible authority as it is a site specific amendment and some development proposals on this site, e.g. subdivision, would already require a planning permit.

~~Where you may inspect this amendment~~

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

~~The amendment is available for public inspection, free of charge, during office hours at the following places:~~

~~City of Greater Bendigo, Hopetoun Mill, 15 Hopetoun Street, Bendigo.~~

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

~~Submissions~~

~~Any person who may be affected by the amendment may make a submission to the planning authority.~~

~~The date for submissions about the amendment to be received is **Monday 20 December 2021**.~~

Panel hearing dates

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

- Directions hearing: Week starting ~~7 March 2022~~23 May 2022
- Panel hearing: Week starting ~~27 June 2022~~4 April 2022

17.3. Planning Scheme Amendment C269 and Planning Permit Application DS/137/2021 - 21 Pratts Park Road, Strathdale – Request to Consider Authorisation

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

Purpose

Amendment details: This is a Planning Scheme Amendment combined with a planning permit application.

The Amendment proposes to:

- Rezone the land at 21 Pratts Park Road, Strathdale from Low Density Residential Zone to General Residential Zone; and to
- Delete the Development Plan Overlay Schedule 4 (Density Management Areas) from the land.

The planning permit application is for:

- The staged subdivision of the land into 40 lots, removal of native vegetation and creation of a reserve.

Proponent: Pratts Park Estate P/L

- Key issues:
- The rezoning proposal is consistent with the provisions of the *Greater Bendigo Housing Strategy* (Amended January 2018).
 - Whether the proposed subdivision layout plan will be an acceptable planning outcome for the development of this area.
 - The potential adverse impacts of the existing neighbouring land uses on the future residents.
 - Traffic impacts on adjoining and nearby roads.

Recommended Motion

That Council:

1. Request the Minister for Planning to authorise Council to prepare a combined Amendment C269 and planning permit under section 96A of the *Planning and Environment Act 1987* to the Greater Bendigo Planning Scheme.
2. When authorised by the Minister, exhibit Amendment C269 to the Greater Bendigo Planning Scheme and the draft planning permit DS/137/2021 for a minimum period of four weeks.

RESOLUTION - Resolution No. 2022/04.11

Moved: Cr Evans

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Executive Summary

The Amendment and permit application seek to allow for the development of the land for residential purposes and includes the removal of native vegetation and the creation of a reserve. The site already abuts General Residential Zone land and all services are available in the immediate vicinity. The proponent has carried out a number of conclusive preliminary investigations relating to bushfire risks, the quality of the vegetation, noise and potential for soil contamination.

It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit the Amendment and draft planning permit.

Background

The key steps in the Amendment process are summarised below:

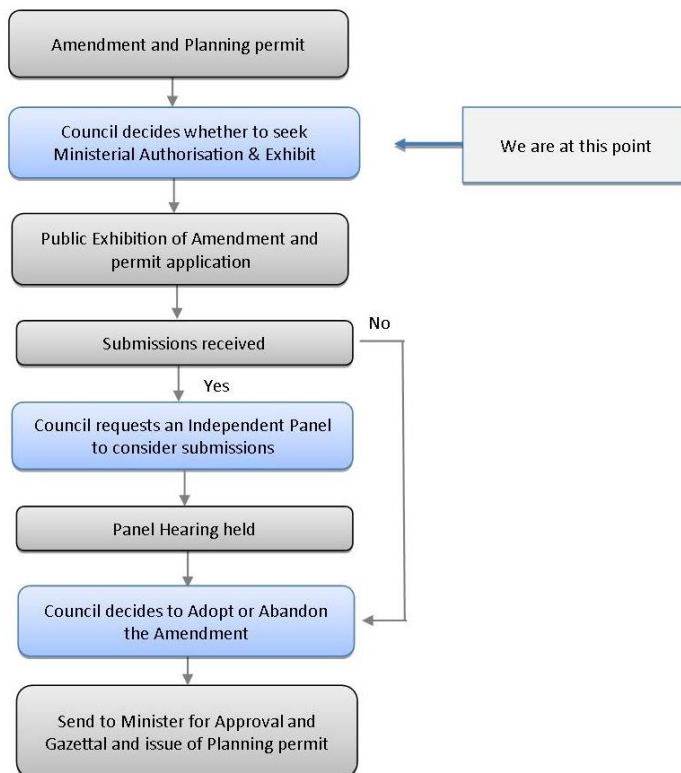


Figure 1: The Planning Scheme Amendment process

The site measures approximately 4 hectares (40,000 square metres) and is developed with one dwelling and associated sheds and horse stables. Under the planning controls that currently apply, the site can only be subdivided into lots of at least 2,000 square metres.

The site is located within the Urban Growth Boundary and abuts existing and more dense residential development, and it is therefore considered that the site is being underutilised. All services and utilities are proximate to the site, to which the site can be connected at a reasonable cost. The City has also recently completed an investigation of this site (amongst others in this area) as to whether it can be rezoned for more intensive residential development. One of the recommendations of this investigation is that, provided there were

adequate buffers to the industrially zoned land to the north of the site, it would be appropriate to consider rezoning this site.

The landowner has since made further investigations to determine whether this site can be further subdivided to create residential lots smaller than 2,000 square metres to maximise its development potential. These investigations have all been supportive of lots smaller than 2,000 square metres.

The investigation reports have been reviewed by City officers and by external referral authorities and the request from the proponent to rezone the land to General Residential Zone is recommended to be supported. The General Residential Zone will allow for residential development of up to three storeys with a maximum height of 11 metres. The General Residential Zone was also found to be the most appropriate zone for this site, principally because of the existing and emerging residential character of the surrounding area, and also because this zone will allow flexibility to achieve dwelling densities which are consistent with the strategic objectives for residential development with the Greater Bendigo Urban Growth Boundary.

Initial comments from Department of Transport

The Department of Transport (DOT) raised two preliminary concerns in their initial response about the proposed rezoning. The first of these was the potential adverse impact on the intersection of Pratts Park Road and McIvor Road. DOT submitted that a minor amendment be made to the proposed subdivision layout to move the access road further north. The proponent has made the requested changes to their subdivision layout plan (figure 4) to respond to these concerns.

DOT also raised the need for further context and justification on the amendment. The City has provided additional information on the strategic justification for the amendment.

With these two issues addressed, DOT is now relatively comfortable supporting the proposal in principle. However, they will be notified and still have an opportunity to provide a submission during the exhibition period.

Previous Council decision dates: 24 January 2018 – Council amended and adopted the *Greater Bendigo Housing Strategy*.

Report

The *Planning and Environment Act 1987* allows for a Planning Scheme Amendment to be initiated by a municipal council, or a council can respond to a request for an Amendment by any person or body.

When requesting authorisation from the Minister for Planning, an Explanatory Report must be submitted that discusses the purpose, effects and strategic justification for the Amendment. Key issues identified in the Explanatory Report are summarised below (see Attachment 1 for Explanatory Report).

Land affected by the Amendment and Permit



Figure 2: An aerial photo of the affected land and of its surrounding



Figure 3: The zoning of the land and of its surrounding

The land affected by the Amendment and the planning permit application is 21 Pratts Park Road, Strathdale. The land is in two parcels, has a combined area of approximately 4 hectares and is formally known as being Lot 2 on LP 144758 and Lot 2 on LP 144759. It is zoned Low Density Residential Zone and is affected by the Development Plan Overlay Schedule 4 (Density Management Areas). A small part of the land along its southern lot boundary is affected by the Bushfire Management Overlay.

The land currently contains a single storey brick dwelling, storage sheds, horse yards and extensive electric fencing for horses. All these structures are proposed to be demolished. There are also two small dams located in the southern part of the site. Scattered vegetation exists throughout the site and consists of both native and exotic trees.

The topography of the site is relatively flat with a slight fall from Pratts Park Road in the east to the western lot boundary of the site.

The site is currently accessed from Pratts Park Road, which is in a Road Zone Category 2 (RDZ2). Pratts Park Road is a sealed road that runs along the eastern lot boundary of the site and intersects with Mclvor Road which is in Road Zone Category 1 (RDZ1) at approximately 130 metres from the site's southern boundary.

The site is located approximately 4.5 kilometres east of the Bendigo City Centre with easy access along Mclvor Road. The land abutting the site to the west (see Figure 2 and 3 above), is zoned General Residential Zone and is predominantly developed for residential purposes.

The land directly to the north is also zoned Low Density Residential Zone and has been subdivided into lots measuring approximately 2,000 square metres each, in accordance with the provisions of this zone for this area. Further north of Calibre Close, approximately 130 metres from the site, the land is zoned Industrial 3 Zone and is used and developed for light industrial purposes. The Bendigo Airport is located at approximately 1,500 metres further north.

Across Pratts Park Road to the east, the land is also zoned Low Density Residential Zone but remains in larger parcels with single dwellings and associated outbuildings on each lot. The land in this area is also affected either in part or in total, by the Development Plan Overlay Schedule 4 (Density Management Areas), the Bushfire Management Overlay, the Design and Development Overlay Schedule 1 (Airfield Environs - Restricted Building Heights) and Schedule 17 (Bendigo Airport – Height Restrictions Area (Area B)) and the Airport Environs Overlay Schedule 2. At approximately 600 metres to the north-east, is the Bendigo Rifle Range site.

To the south between Mclvor Road and the site, apart from a slither of the land which is zoned Public Use Zone Schedule 2, the land is zoned General Residential Zone and developed for residential purposes.

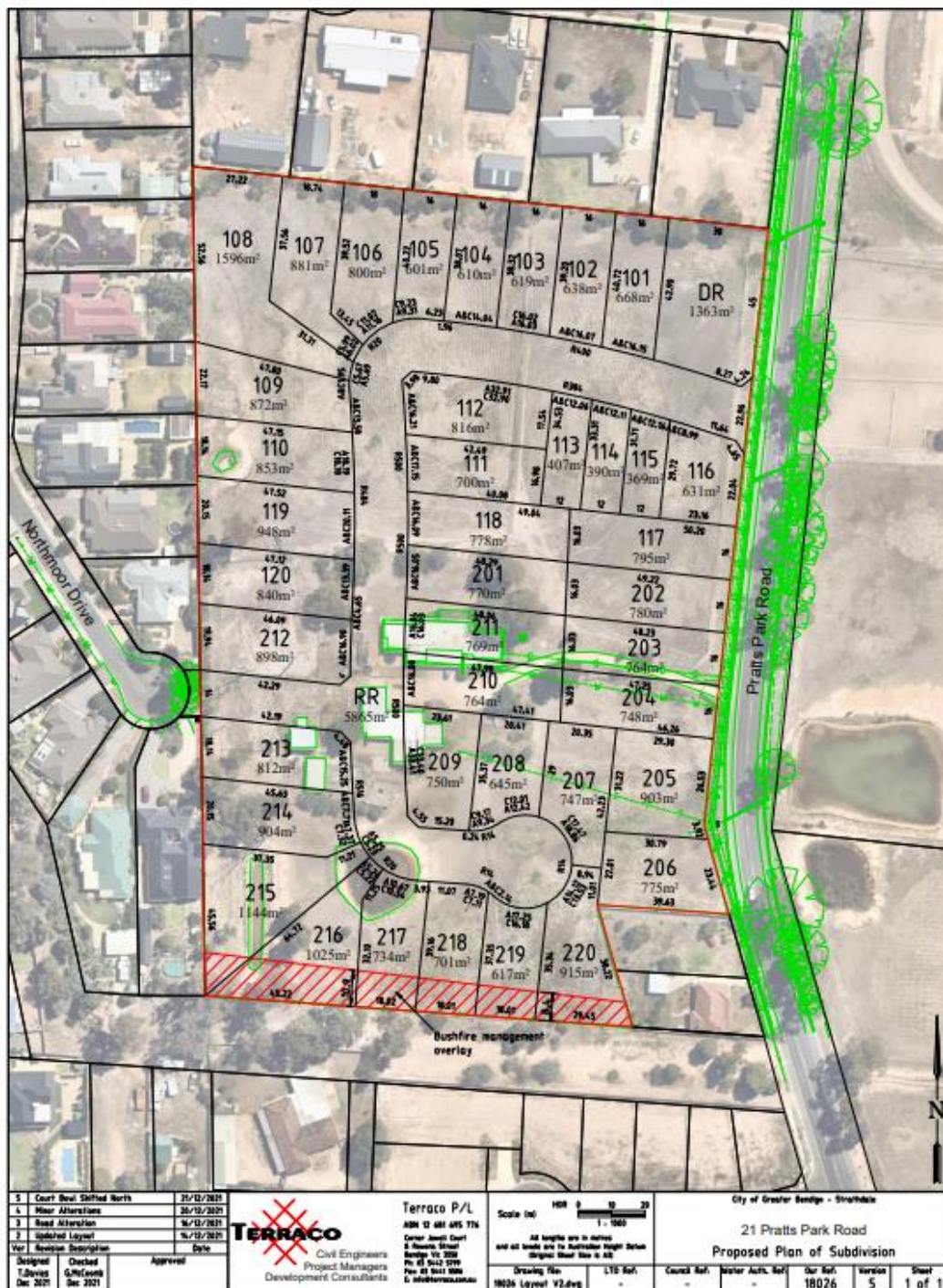
What the Amendment does and what the permit allows

The Amendment proposes to:

- Rezone the land at 21 Pratts Park Road, Strathdale from Low Density Residential Zone to General Residential Zone and delete the Development Plan Overlay Schedule 4 (Density Management Areas) from the land.

The planning permit allows for the:

- Staged subdivision of the land into 40 lots, removal of native vegetation and creation of a reserve.



The amendment is expected to achieve positive social outcomes by facilitating additional housing opportunities in a well serviced location that is adjacent to an established residential neighbourhood and close to facilities. The proposal will also contribute to housing diversity which will be beneficial for different household types.

The adjoining sites to the south and to the west of the site already contain higher density residential development. To minimise any potential adverse impact on the level of amenity of the existing residents, the subdivision layout plan has been designed so that vehicular traffic generated by the new development will be to and from Pratts Park Road and Northmoor Drive. There will be a footpath to connect the new development with the existing properties to the west.

The provision of an additional 40 residential lots in this area will impact on the existing semi-rural character, however it is acknowledged that the abutting site to the south is already zoned General Residential Zone and was recently subdivided and developed for residential development.

The Low Density Residential Zone land to the north was also recently developed with low density housing. There will also be only one access point from Pratts Park Road to the new subdivision to minimise traffic conflict along Pratts Park Road. In summary, it is considered that the change to the streetscape in this section and side of Pratts Park Road has been incremental given the previous development on the adjoining sites.

Vehicle impacts

Comments from DOT are summarised in the background section of this report.

The City's Traffic Engineering team has not identified any traffic concerns resulting from the proposed development.

Existing neighbouring land uses

The Bendigo Rifle Range site is located approximately 600m north-east of the subject site, land for light industrial purposes is approximately 130m north of the site and the Bendigo Airport is approximately 1,500m north of the site. The proponent has prepared and submitted a report titled *Acoustic Assessment of existing noise levels at 21 Pratts Park Road, Junortoun, from surrounding industry, aircrafts and nearby shooting ranges* (dated 14 July 2021). The report concluded that the incidence of noise from aircraft, gunshots and local industry is low and no additional building standards are necessary to mitigate noise. In addition, the recent subdivision to the north of the site provides a buffer to the industrial zoned land. The acoustic report also identified that traffic noise from Pratts Park Road will have a higher impact on future residents and that dwellings fronting Pratts Park Road should consider interface treatments.

Economic impacts

The site is in a semi-rural setting consisting of a small amount of livestock (horses). The rezoning is not expected to have any adverse impact on existing economic activity.

The proposal will have positive economic effects by delivering employment opportunities during construction and providing additional residential land to cater for future residents.

Native vegetation removal

The existing native vegetation on the site consists of six scattered native trees, namely one large Red Ironbark (trunk diameter at breast height being 78cm), one small Red Ironbark, one small Grey Box (trunk diameter at breast height <70cm) and three other small trees all assessed to be dead. It has also been assessed that much of the native vegetation is already lost or recently died with the impact from livestock grazing. The scattered trees proposed to be removed are marked as A, B, C, D, E and F in Figure 5 below.

Four remnant patches of native vegetation were also identified and assessed as part of this proposal. They are marked as 1, 2, 3 and 4 in Figure 5 below.



Figure 5: Location of the six native trees (A-F) and four remnant patches (1-4) of native vegetation proposed to be removed

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

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

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

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

Cultural heritage

The site has not been mapped as being within an area of Aboriginal cultural heritage sensitivity. For this reason, a Cultural Heritage Management Plan is not required for this proposal.

Bushfire hazards

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

Soil contamination

Given the likely previous uses of the land for some form of agriculture and the existence of livestock on the site, the potential for contaminated soil was considered. For this reason, Edwards Environmental was commissioned to do a preliminary investigation of the site. In their report *Preliminary Environmental Site Assessment 21 Pratts Park Road, Strathdale Victoria, December 2020*, Edward Environmental concluded that the site is suitable for residential use and there is no need for any further environmental assessment.

Servicing

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

Summary

The Amendment is not expected to result in unacceptable environmental, social or economic impacts. Any native vegetation loss will be offset off-site, with offsets already secured. There are no existing incompatible land uses in the immediate vicinity which will impact on the future residents. As the site is not being used for any significant economic activity, its rezoning and subdivision for residential purposes are considered appropriate.

Further strategic justification, particularly against the State Planning Policy Framework and local planning policies, is included and detailed in the attached Explanatory Report.

Options considered

Council has the option of:

- Supporting the Amendment proposal and making a request to the Minister for Planning to authorise preparation and exhibition of the Amendment and draft planning permit.
- Refusing the request to prepare an Amendment and draft planning permit. Under the *Planning and Environment Act 1987* there is no right of review of a Council's decision not to support preparation of an Amendment.
- Requesting further information, on the basis that Council believes that the supporting documentation and justification is not sufficiently comprehensive for a request to the Minister at this time.

Communications/Engagement

The City's planning officers have consulted with the relevant internal departments and external authorities including statutory referral authorities for the Amendment and the planning permit application.

The City's Drainage and Traffic Engineering teams offered no objection to the Amendment and proposed subdivision subject to conditions.

The Country Fire Authority has also been consulted and they support the Amendment in its current form. The Country Fire Authority have, however, submitted that to address the bushfire risks, the Bushfire Management Statement submitted with the application should be fully implemented on an ongoing basis as part of any permit conditions.

The Department of Transport has been consulted. They initially raised concerns in their response about the proposed rezoning because of its potential adverse impact on the intersection of Pratts Park Road and McIvor Road and submitted that a minor amendment be made to the proposed subdivision layout plan. After the proponent made the requested changes to their subdivision layout plan and the City had provided additional information on the amendment, the Department of Transport now supports the proposed rezoning.

The Environment Protection Authority (EPA) has been consulted to review the Preliminary Environmental Site Assessment report that the proponent submitted with their proposal. In their response, the EPA did not object to the proposal.

Comments have been sought from the Department of Environment, Land, Water and Planning (Biodiversity), however a response has not yet been received.

Comments and conditions have also been sought from all services authorities (Coliban Water, Powercor, Telstra and Downer), however to date, no responses have been received. However, given the location of the site within an existing residential area, it is not anticipated that the connection of the lots to their respective networks will raise any issues.

All referral authorities (internal and external) will again be consulted if the proposed Amendment is supported by Council and is authorised by the Minister for Planning, and any requirements and draft planning permit conditions will be included prior to exhibition.

The Amendment documents, including the draft planning permit conditions will be publicly exhibited for a minimum of a month, as required under the *Planning and Environment Act* 1987. The City must give notice of Amendments to all owners and occupiers who may be materially affected by an Amendment, together with prescribed Ministers and public authorities. The Amendment will also be exhibited in the Government Gazette and the Bendigo Advertiser newspaper.

Financial Sustainability

Officer time will be required to prepare the Amendment documentation for authorisation, exhibition, manage the exhibition process and liaise with the Minister for Planning.

The proponent has agreed to pay for the statutory fees and extra costs incurred by the City as per the Private Planning Scheme Amendments Policy adopted by Council.

It is not expected that the Amendment will have a significant impact on future resources.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 7 - Sustainable population growth is planned for

Conflict of Interest

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

Attachments

1. C269gben Explanatory Report [**17.3.1** - 11 pages]
2. DS 137 2021 Planning Permit UPDATED DRAFT CONDITIONS [**17.3.2** - 9 pages]

Planning and Environment Act 1987

CITY OF GREATER BENDIGO PLANNING SCHEME

AMENDMENT C269gben

PLANNING PERMIT APPLICATION DS/137/2021

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to 21 Pratts Park Road, Strathdale formally known as Lot 2 on PS 144759 and Lot 2 on PS 144758.



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

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to 21 Pratts Park Road, Strathdale (Lot 2 on PS 144759 and Lot 2 on PS 144758)

What the amendment does

The amendment will:

- Rezone the land at 21 Pratts Park Road, Strathdale from Low Density Residential Zone to General Residential Zone and to delete the Development Plan Overlay Schedule 4 (Density Management Areas) from the land.

The planning permit allows:

- Subdivision of the land into 40 lots, removal of native vegetation and creation of a reserve.

Strategic assessment of the amendment

Why is the amendment required?

An amendment to the Greater Bendigo Planning Scheme is required to facilitate the conventional residential development of the site. The land is already located within a residential zone, currently the LDRZ, however, to enable a change in density and to realise the development potential of the site a Planning Scheme Amendment is required to rezone the land to GRZ.

The site is considered suitable for the GRZ due to its location within the Urban Growth Boundary (UGB), access to services, including reticulated sewer, and consistency with the surrounding pattern of development. In light of this, it is considered that subdivision of the site under the current LDRZ planning controls, with a minimum of 2000m² lots, would represent an inefficient use of residential land.

The GRZ for this land is well supported by strategic planning policy. In particular, the site is identified within the City's 'Investigation of Low Density Residential and Farming Zone Land' as suitable for rezoning in the short term, subject to appropriate buffers to the Industrial 3 Zone (IN3Z) land to the north of the site. In response to this it is noted that the IN3Z land, the purpose of which is specifically to provide for industry compatible with nearby community uses, is located approximately 127 metres from the northern boundary of the subject site. Whilst the land in between is developed for low density residential use, providing an appropriate buffer.

The rezoning of the site is also supported by the 'Bendigo Urban Area Strategic Framework Plan', which identifies the site within the Urban Growth Boundary (UGB). Whilst the '*Greater Bendigo Housing Strategy* – (Amended January 2018)', supports the efficient use of land within the UGB as a key factor in realising Council's development objective to achieve a compact urban form that limits urban sprawl.

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

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

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

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

By providing for residential development at conventional densities within a location already identified for residential development, albeit at lower densities, this amendment will provide for greater diversity of housing choice to meet community expectations and needs into the future.

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

The proposed planning scheme amendment is supported by the existing development pattern immediately to the west and south of the subject land. The site is located within an area that has been

highlighted as having strong potential for further residential development due to its proximity to services and community facilities.

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

Social, Economic and Environmental impacts

Social impacts

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

As previously stated, the General Residential Zone is the most appropriate zone for this site. As a result, it will have a positive social impact for the City in general because this zone provides for a more diverse form of housing and consequently, will have a positive flow on effect on housing affordability in this area.

The adjoining sites to the south and to the west of the site already contain higher residential development. To minimise any potential adverse impact on the level of amenity of the existing residents, the subdivision layout plan has been designed so all vehicular traffic to be generated by the new development will be to and from Park Road only. There will be a footpath to connect the new development with the existing residents to the west.

It is however acknowledged that the provision of an additional 40 residential lots in this area may have an adverse impact on its existing semi-rural character. There will potentially be an additional six dwellings facing Pratts Park Road. Their impact on the streetscape will however be mitigated because land abutting the site to the south is already zoned General Residential Zone and was recently subdivided and developed for higher density residential development.

The Low Density Residential Zone land to the north was also recently developed with low density housing. There will also be only one access point from Pratts Park Road to the new subdivision so to minimise traffic conflict along Pratts Park Road. In general, it is considered that the change to the streetscape in this section and side of Pratts Park Road has been incremental given the previous development on the adjoining sites.

Vehicular movement/ road safety

The Department of Transport in their initial submission, advised the proposed rezoning will likely have an impact on the area specifically at the intersection of Pratts Park Road with McIvor Road. The proponent has however submitted the McIvor Road and Pratts Park Road intersection treatment plan to demonstrate the works that have recently been completed at this location. The proponent considers that given the nature of these works, they will be capable to manage the additional traffic to be generated by the new development.

To further mitigate any adverse traffic impacts, the proponent has agreed to amend their subdivision layout plan so the only access to the subdivision to and from Pratts Park Road is located further to the north away from the intersection. It is also proposed to upgrade this section of Pratts Park Road to include the construction of a footpath on either side of its side. The City Traffic Engineers have not submitted that Pratts Park will not be able to cater for the additional traffic or required that further upgrading works be carried out in this section of Pratts Park Road.

Existing neighbouring land uses

At approximately 600 metres to the north-east of the site is the Bendigo Rifle Range site. There is land zoned and already used for light industrial purposes at approximately 130 metres to the north of the site and the Bendigo Airport is also at about 1500 further north. The proponent has prepared and submitted a report titled Acoustic Assessment of existing noise levels at 21 Pratts Park Road, Junortoun, from surrounding industry, aircrafts and nearby shooting ranges dated 14 July 2021. The

finding of this report is that the incidence of noise from aircrafts, gunshots and local industry is low and no additional building standards are necessary to mitigate noise. The acoustic report also identifies that traffic noise from Pratts Park Road will have a higher impact on future residents and that noise attenuation treatment is necessary for the dwellings fronting Pratts Park Road.

Economic impacts

Additional employment opportunities

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

Impacts on any existing economic activity on the land

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

Environmental Impacts

Native vegetation removal

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

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

As part of the assessment, it was determined that because the proposed subdivision will result in lots smaller than 4000 square metres, all native vegetation on site will be considered as lost and will need to be offset. It was also assessed that there are no feasible opportunities to avoid removal or minimise impacts without compromising the proposed development.

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

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

Cultural heritage

The site has not been mapped as being within an area of Aboriginal cultural heritage sensitivity. For this reason, a Cultural Heritage Management Plan is not required for this proposal.

Bushfire hazards

The land is in a bushfire prone area and is partly affected by the Bushfire Management Overlay. A bushfire management statement titled Bushfire Management Statement Residential Subdivision 21 Pratts Park Road, Strathdale, February 2021 by Spiire has been submitted to justify that the site can be safely used for residential purposes from a bushfire risk perspective. The report concludes that whilst the site is within a location that could be potentially impacted by bushfire, this does not represent an unacceptable level of risk for the subdivision and residential development given its location within the context of the existing urban area of Bendigo. The report further states that the separation

between future dwellings and the surrounding bushfire threat is such that all future dwellings will not exceed a BAL12.5 rating under AS3959-2018 Construction of buildings in bushfire prone areas. The Country Fire Authority has reviewed this report and did not object to its findings.

Soil contamination

Given the likely previous uses of the land for some form of agriculture and the existence of livestock on the site, it was considered that the land potentially contains contaminated soil. For this reason, Edwards Environmental was commissioned to do a preliminary investigation of the site. In their report *Preliminary Environmental Site Assessment 21 Pratts Park Road, Strathdale Victoria*, December 2020 by Edward Environmental concluded that the site is suitable for residential use and there is no need for any further environmental assessment.

Servicing

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

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

Does the amendment address relevant bushfire risk?

The land is within a designated bushfire prone area and a small part of it along the southern boundary, is covered by the Bushfire Management Overlay (BMO). A Bushfire Management Statement has been prepared to assess the bushfire risk and to recommend the appropriate mitigation measures and was submitted as part of the supporting documents for the proposal.

Of note, the report recommends that dwellings on lots affected by the BMO be constructed to BAL 12.5 standard, maintain a defendable space as shown on the BMP and maintain a dedicated 5000 litre firefighting water supply. Overall, the report concludes that the subdivision and residential development of the site will not represent an unacceptable bushfire risk with all lots able to meet a BAL12.5 rating.

Accordingly, it is considered that the proposed planning scheme amendment meets the objective of Clause 13.02 as bushfire risk has been adequately considered and measures can be implemented that will increase bushfire resilience of the residential area and protect human life.

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

The Country Fire Authority has reviewed the Bushfire Management Statement and submitted that they support the amendment in its current form and to address the bushfire risk, the Bushfire Management Statement should be fully implemented on an ongoing basis as part of any permit conditions.

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

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

Ministerial Direction No 1 – Potentially Contaminated Land

In accordance with this requirement, a preliminary environmental site assessment was undertaken on the subject land by Edwards Environmental.

These investigations found no evidence of historic mining or other activity that may have potentially contaminated the land. Soil analysis was carried out and found that one area with concentrations of arsenic consistent with natural background levels found within the Greater Bendigo area. The soil

analysis found no evidence of contamination that would pose a risk to the environment or human health. As such the findings of this assessment is that the site is considered suitable for residential use and there is no need for any further environmental assessment.

Ministerial Direction No. 11 – Strategic Assessment of Amendments

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

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

The planning scheme amendment furthers the objectives of planning in Victoria and implements the general principles and specific policies of the Planning Policy Framework. Specifically, the proposal implements the below clauses of the Planning Policy Framework:

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

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

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

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

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

Clause 12.01-2S (Native vegetation management) has an objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The permit application is consistent with this objective because there is provision for an offset to compensate for the biodiversity impact from the removal of the native vegetation.

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

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

Clause 13.07-1S (Land use compatibility) has an objective to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The proposal is consistent with this objective because the off-site impacts of all existing neighbouring land uses on the future residents of the site have been assessed and found to be acceptable.

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

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

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

Clause 16.01-2S (Housing affordability) has an objective to deliver more affordable housing closer to jobs, transport and services. The proposal is consistent with this objective because it will contribute to ensure that residential land supply continues to be sufficient to meet demand.

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

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

The planning scheme does not include an LPPF at Clause 20.

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

The planning scheme amendment supports the Municipal Planning Strategy as follows:

Clause 02.03-1 (Settlement) sets out the strategic direction for settlement in the municipality. This proposal is consistent with the relevant strategic directions as it encourages development that supports population growth and will supply additional residential lots within the Urban Growth Boundary for development which have been identified within the Greater Bendigo Residential Strategy as an appropriate site for residential development. The proposal is also in keeping with the 10-minute neighbourhood principles being in close proximity to the Strathdale Activity Centre and other community facilities.

Clause 02.03-3 (Environmental risks and amenity) sets out the key environmental risks for Greater Bendigo which include bushfire, soil degradation and land use compatibility. The bushfire risks associated with the proposed rezoning and development has been assessed and found to be acceptable. The assessment is contained in a report, is to the satisfaction of the Country Fire Authority and its recommendations will form part of the permit conditions.

The proposal also appropriately manages the interface between urban development and other nearby non-residential land uses. This matter was investigated through the referral process. An acoustic assessment was commissioned to determine if any adverse amenity issues are likely to be experienced by future residents. The findings of the report concluded that there would be no adverse impacts which has been accepted by the Environment Protection Authority.

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

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

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

Clause 02.04 (Strategic framework plans) provides for the strategic framework plans for the various major land uses in Greater Bendigo. The proposal is supported by the Urban Strategic Framework Plan as the site is located within a designated growth area and is within the Urban Growth Boundary.

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

The application of the General Residential Zone to the subject land is considered to be an appropriate use of the Victorian Planning Provisions.

The General Residential Zone is considered the most appropriate zone for this site as it will provide for an incremental increase in residential density over the current Low Density Residential Zone leading to a more efficient use of residential land and to help meet the future housing demands in Greater Bendigo.

The following details the potential residential zones that could be applied to the subject land and provides an assessment of the merits of each having regard to the relevant strategic policy and purpose of each zone.

Figure 2 provides a description of the role and application of the potential residential zones that could be applied to the subject land (excluding the Low Density Residential, Mixed Use and Township Zones which are not applicable to this application):

Clause 32.07 Residential Growth Zone (RGZ)	Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres, and other residential areas.
Clause 32.08 General Residential Zone (GRZ)	Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.
Clause 32.09 Neighbourhood Residential Zone (NRZ)	Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.

Figure 2: Description of the role and application of the residential zones (Planning Practice Note 91, p. 2)

Of the above three zones, the General Residential Zone is considered to be the most appropriate tool to implement the strategic policy relating to the subject land.

As described above, the General Residential Zone allows for development of up to three storeys with a maximum height of 11 metres. It is considered that this provision will appropriately guide future development that is consistent with the emerging residential character of the surrounding area while allowing flexibility to achieve dwelling densities consistent with the relevant strategic objectives for development within Bendigo's urban growth boundary.

The Residential Growth Zone could potentially achieve similar outcomes however would typically be used to encourage more intensive development than would be expected for this site. Although public transport routes and arterial roads are readily accessible from the subject land, it is not considered sufficient justification to warrant the application of the Residential Growth Zone as the proposed subdivision and subsequent development of the site can comfortably be achieved within the provisions of the General Residential Zone.

It is also considered that the application of the Neighbourhood Residential Zone would not be appropriate in this instance as it should be applied where there is no anticipated change to a predominantly single and double storey character of a residential area, thus would be more appropriately applied to an existing residential area. The proposal will result in a substantial change to the land use from non-urban to urban use, accordingly applying the Neighbourhood Residential Zone to the subject land would not assist in realising the development potential of the site and is contrary to the purpose of the Urban Growth Boundary.

The subject land also contains no distinguishing neighbourhood, heritage, environmental or landscape characteristics that would warrant the application of the Neighbourhood Residential Zone with the exception of a small portion of the land within the Bushfire Management Overlay. However, the bushfire management statement report submitted with the permit application documents indicates that the subject land is capable of development consistent with the purpose and provisions of the General Residential Zone.

The application of the General Residential Zone to the subject land is considered to be an appropriate use of the Victorian Planning Provisions.

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

The proposed Planning Scheme Amendment and Planning Permit application for the subdivision of land will be referred to the relevant agencies as part of this process.

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

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

Resource and administrative costs

The proposal involves a combined application for residential rezoning, removal of the DPO4 and subdivision to create 40 residential lots with removal of native vegetation. The proposed rezoning will not result in an increased number of planning permit applications being submitted to Council, as the subdivision is contained within this application. Future residential development on the resulting lots will likely be achieved without the need for further planning approval.

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

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Greater Bendigo
15 Hopetoun Street
BENDIGO VIC 3550

And via our website at:

<https://www.bendigo.vic.gov.au/Services/Building-and-Planning/Planning-scheme-amendments>

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

Submissions

Any person who may be affected by the amendment and planning permit may make a submission to the planning authority. Submissions about the amendment and planning permit must be received by [insert submissions due date].

A submission must be sent to: [insert Council's address]

Panel hearing dates

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

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

[Delete this section if not applicable]

ATTACHMENT X - Mapping reference table

Location	Land /Area Affected	Mapping Reference
[Insert Town, Precinct and etc]	[Insert land or area affected]	[Insert map reference]
Example Gumnut	Land bounded by Gumnut Road and Cupid Lane, Gumnut	Gumnut C001 001vpoMap37 Exhibition Gumnut C001 002vpoMap38 Exhibition

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

Permit No.: DS/137/2021

**Planning scheme: Greater Bendigo Planning
Scheme**

**Responsible authority: Greater Bendigo City
Council**

ADDRESS OF THE LAND: 21 PRATTS PARK ROAD, STRATHDALE

**The Permit allows: Subdivision of land into 40 lots in stages, removal of native
vegetation and creation of a reserve.**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. AMENDED PLANS

Before the plan of subdivision is certified amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The access and egress to the subdivision being located adjacent to the proposed drainage reserve in the north-east corner of the site instead of in the south-west.

2. PLANS TO BE ENDORSED

The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.

3. LAYOUT PLANS

The subdivision, as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.

4. STAGED SUBDIVISION

The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the responsible authority.

5. PROVISION OF SERVICES

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

6. PUBLIC ASSETS

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

7. CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of works the owner or applicant must submit a Construction Management Plan (CMP) for approval by the responsible authority. This plan shall include, but not be limited to:

- (a) A site specific plan showing proposed erosion and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention.

During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority and the Environment Protection Agency.

8. EASEMENTS

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

9. LANDSCAPE PLAN

Prior to the issue of the certified plan of subdivision for stage 1, a landscape plan for the drainage reserve must be submitted to the satisfaction of the responsible authority. When approved, the plan will be endorsed and form part of the permit.

10. COMPLETION OF LANDSCAPING

Before a statement of compliance is issued for each stage of the subdivision the landscaping works shown on the endorsed must be carried out and completed for that stage to the satisfaction of the responsible authority.

11. LANDSCAPING MAINTENANCE

The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed, including that any dead, diseased or damaged plants are to be replaced.

12. REFERRAL OF PLAN

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

13. PUBLIC OPEN SPACE CONTRIBUTION

Before the statement of compliance is issued the applicant or owner must pay to the responsible authority a sum equivalent to 5% of the site value of all the land in the subdivision. This condition can be waived should evidence be provided that public open space has previously been satisfied.

14. CITY TRAFFIC ENGINEERING UNIT CONDITIONS

- (i) Road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual and plans and specifications approved by the Responsible Authority and must include:-
 - a) fully sealed pavement with kerb and channel;
 - b) footpaths and/or shared pedestrian/bicycle paths (if required);
 - c) underground drainage;
 - d) underground conduits for water, gas, electricity and telephone;
 - e) appropriate intersection and traffic measures;
 - f) appropriate street lighting and signage;

g) high stability permanent survey mark (if required).

(ii) A "Works Within Road Reserve Permit" must be obtained from Council's Engineering Department prior to commencing any work outside the property boundary on the road reserve including works at the property entrance. **(Note: A Planning Permit is not a Works Within Road Reserve Permit).**

15. CITY DRAINAGE ENGINEERING UNIT CONDITIONS

(i) DETAILED DRAINAGE

Before the plan of subdivision is certified under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with

dimensions. The plans must include

- direction of stormwater run off
- a point of discharge for each lot;
- independent drainage for each lot.
- Stormwater detention

Allowable Discharge

- Q20% = 140 l/s
- Q1% = 410 l/s

- Stormwater quality
- Drainage easements

(ii) CONSTRUCTION OF WORKS

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

- a) fully sealed pavement with kerb and channel;
- b) paved footpath
- c) underground drainage;
- d) underground conduits for water, gas, electricity and telephone;
- e) appropriate intersection and traffic measures;
- f) appropriate, standard style, street lighting and signage;

(iii) NORTHMOOR DRIVE COURT BOWL

The Northmoor Drive court bowl is to be removed & reconstructed as a standard street profile and paved footpath is to be extended to the existing footpath

(iv) PUBLIC ASSETS

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

v) CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of works the owner or applicant must submit a "Construction Management

Plan" (CMP) for approval by the responsible authority. This plan shall include, but not be limited to;

- A site specific plan showing proposed erosion & sedimentation control works,
- techniques and intervention levels to prevent a dust nuisance,
- litter control
- techniques to prevent mud and dirt being transported from the site to adjacent streets and the protection measures taken to preserve any vegetation identified for retention.
- staging of water quality works.

During construction of works associated with the subdivision, the must employ and provide the protection methods contained in the CMP to the satisfaction of the Responsible Authority.

REFERRAL AUTHORITY CONDITIONS:

16. COLIBAN WATER

- (a) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
- (b) The applicant is to provide evidence to the satisfaction of Coliban Water that existing private water pipes and sanitary drains do not cross the boundaries between lots. Where modifications to pipes or drains are required in order to satisfy this requirement, all work is to be carried out in accordance with AS3500 National Plumbing and Drainage Code of Australia and the relevant requirements of Coliban Water. Works to modify Coliban Water assets may only commence with prior approval by Coliban Water.
- (c) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by Registered Easement in favour of Coliban Region Water Corporation.
- (d) All proposed sewers must be located at least 1 metre from an existing or proposed structure/boundary.

17. POWERCOR

- (a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- (b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- (c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
- (d) The applicant shall, when required by Powercor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

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

- RESERVES established by the applicant in favour of Powercor.
 - SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.
 - Powercor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
- (e) The applicant shall establish easements on the subdivision, for all existing Powercor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

18. DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

Notification of permit conditions

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

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

- (b) To offset the removal of 0.257 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.042 general habitat units located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district;
 - have a Strategic Biodiversity Value score of at least 0.080.
 - provide protection for at least 1 large tree.
 - must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

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

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

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

and/or

- (b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

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

Notes:

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au)
- Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

19. TELECOMMUNICATIONS

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

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

20. AUSNET SERVICES (GAS)

- a. Easements in favour of SPI Networks (Gas) Pty Ltd must be created on the plan to the satisfaction of AusNet Services (Gas).
- b. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with section 8 of the *Subdivision Act* 1988.

21. COUNTRY FIRE AUTHORITY

Bushfire Mitigation Measures

- a. To address bushfire risks, the bushfire mitigation measures contained in the report titled *Bushfire Management Statement – Residential Subdivision – 21 Pratts Park Road, Strathdale*, February 2021 by Spiire must be fully implemented on an ongoing basis.

Mandatory Conditions

- b. Before the statement of compliance is issued under the *Subdivision Act* 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act* 1987. The agreement must:
 - State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Greater Bendigo Planning Scheme.
 - Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
 - The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

22. EXPIRY OF THE PERMIT (STAGED SUBDIVISION)

This permit will expire unless:

- (a) All stages of the approved subdivision have been certified within five years of the date of this permit; or
- (b) Any stage of the approved subdivision is not completed within five years of the certification of the plan of subdivision under the *Subdivision Act* 1988.

The responsible authority may extend the time for certification of a plan of any stage of the subdivision if a request is made in writing before the permit expires, or thereafter, within the period allowed by section 69 of the *Planning and Environment Act* 1987.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES THE PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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

DRAFT

17.4. 10 Smith Street and 7 Grattan Street, NORTH BENDIGO 3550 - Use and Development of a Childcare Centre, Creation of an Easement and Display of Signs

Author:	Shannon Rosewarne, Senior Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DP/179/2021
Application Documents:	https://epathway.bendigo.vic.gov.au/ePathway/Production/Web/GeneralEnquiry/ExternalRequestBroker.aspx?Module=EGELAP&Class=P&Type=PLNADV&Applicationid=958711
Applicant:	Penno Drafting & Design
Land:	10 Smith Street and 7 Grattan Street, NORTH BENDIGO 3550
Zoning:	General Residential Zone
Overlays:	Design and Development Overlay 25
No. of objections:	13
Consultation meeting:	A consultation meeting was not held as the permit applicant declined the opportunity to meet.
Key considerations:	• Whether the proposal is consistent with planning policy • Whether the scale and built form of the development is acceptable in relation to the site context and neighbourhood character. • Whether the proposal will result in unacceptable traffic and car parking impacts. • Whether the proposal will result in unacceptable amenity impacts.
Conclusion:	The applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) against the City's failure to determine the application within the statutory timeframe. This report recommends Council establish the position of not supporting the proposal at the VCAT hearing. The proposal represents an unacceptable planning outcome with regards to the relevant provisions of the Greater Bendigo Planning Scheme.

Recommended Motion

The Council advise VCAT and the permit applicant that it does not support the granting of a permit for use and development of a childcare centre, creation of an easement and display of signs. at 10 Smith Street and 7 Grattan Street, NORTH BENDIGO 3550 on the following grounds:

1. The design, scale and height of the proposed development is not appropriate with regard to the context of the site.
2. The proposal is not consistent with Clause 15.01-5S, Clause 15.01-5L-10 and the purposes of Clause 32.08 which require new development to respect and maintain the existing and preferred neighbourhood character, which includes backyard spaces between dwellings fronting Grattan and Smith Street.
3. The proposed development is contrary to Clause 15.01-2S (Building design) as it will not make a positive contribution to the local context or enhance the public realm.
4. The proposal will result in unreasonable off-site amenity impacts to neighbouring properties including visual bulk and overshadowing.

RESOLUTION - Resolution No. 2022/04.12

Moved: Cr Fagg

Seconded: Cr Sloan

That the recommended motion be adopted.

CARRIED

Background Information

Significant concerns have been raised with the applicant throughout the course of the application. Plans were amended during the course of the application in an attempt to respond to these concerns, before notice of the application was given, pursuant to Section 50 of the *Planning and Environment Act 1987*. The plans were amended to change the design of the building and site layout.

Report

Subject Site and Surrounds

The site comprises two parcels known as 7 Grattan Street and 10 Smith Street within North Bendigo.

Both properties are currently vacant. No. 7 Grattan Street has an area of 1,480 square metres with a frontage of 21.59 metres to Grattan Street and a depth of approximately 68.9 metres. This property is affected by a sewer pipe midway through the site.

No. 10 Smith Street adjoins 7 Grattan Street to the north west. This property has an area of 908 square metres with a frontage of approximately 14.96 metres to Smith Street and a depth of approximately 59 metres. An easement containing a sewer pipe runs along the rear boundary of this site.

With regard to the topography of the site and surrounds, Grattan and Smith Streets both slope down to the south west and the north east, with a crest midway along these streets. There is a significant fall across the subject site in order of approximately 6.74 metres from Smith Street (north western boundary) to Grattan Street (south eastern boundary). There is also a fall in the land in order of approximately 1.95 metres from the north east corner to the south west corner of the Grattan Street frontage.

Each of the properties is currently accessed by a single crossover. Line marked, angled and parallel on street parking spaces exist along Grattan Street whilst on street parking along Smith Street comprises parallel bays. Street trees are mainly native species.

The site adjoins a number of existing dwellings. No. 5 Grattan Street contains a single storey weatherboard dwelling dating to 1945 on a lot of approximately 1,050 square metres. No. 9 Grattan Street is developed with a split-level brick dwelling dating to 1965 on a lot of approximately 1,675 square metres.

No. 8 Smith Street is developed with a single storey weatherboard dwelling dating 1938 on a lot of approximately 927 square metres. No. 12-14 Smith Street contains a single storey Victorian weatherboard dwelling dating to 1890, with a lot size of approximately 1,793 square metres.

The character of the surrounding area is largely residential and single storey detached dwellings are the predominant built form. The Bendigo Hospital is located about 150 metres to the south east of the site.



Figure 1: Location map showing subject site. Objectors' properties are marked with a star.



Figure 2: Aerial photograph showing subject site and surrounds.

The proposal is for the use and development of the land for a childcare centre, the creation of an easement and the display of signs. The layout of the development would comprise:

Ground floor:

- Entrance off Grattan Street;
- Garage car park providing for 25 car spaces and 5 bicycle spaces and incorporating a service yard;
- Passage way link;
- 2 childcare rooms and associated toilet facilities;
- Outdoor areas;
- Cleaners yard; and
- Bin storage areas.

First floor

- An entrance off Smith Street with reception area;
- Meeting room, offices and staff amenities;
- 3 childcare rooms and associated toilet facilities;
- A kitchen;
- A laundry; and
- Storage areas.

The form of the development would comprise two main structures, one on each of the parcels forming the subject site, which would be linked by a long corridor. The space between each of the buildings is to be used as outdoor areas for the childcare rooms.

The garage would be accessed via a 6 metre wide crossover off Grattan Street. A secondary access is proposed via Smith Street for service vehicles (e.g. for bin collection).

The development would be constructed of fibre cement, linea weatherboard cladding, concrete tilt panel, Colorbond roof sheeting, with aluminium framed windows. The development would feature hipped and gable roof forms, with the link between the two buildings having a skillion roof form.

The proposal involves extensive cut and fill with concrete tilt panel retaining walls proposed along the side boundaries.

Proposed fencing would comprise 0.9 metre high flat top picket fences along the Grattan and Smith Street frontages. Side boundary fencing would comprise a combination of 1.8 metre high fences and concrete tilt panel retaining walls.

Proposed signage comprises two business identification signs at each of the street frontages, with dimensions of 1.5 metres x 0.75 metres, to be positioned to sit just above the front fences.

It is proposed to create a new sewerage easement along part of the north east boundary of the site.

The proposed childcare centre would accommodate a maximum of 104 children. The proposed days and hours of operation are Monday to Friday between 6:30am and 6:30pm, in addition to four (4) open days per year on weekends.

The business would employ in the order of 25-30 staff at any one time.

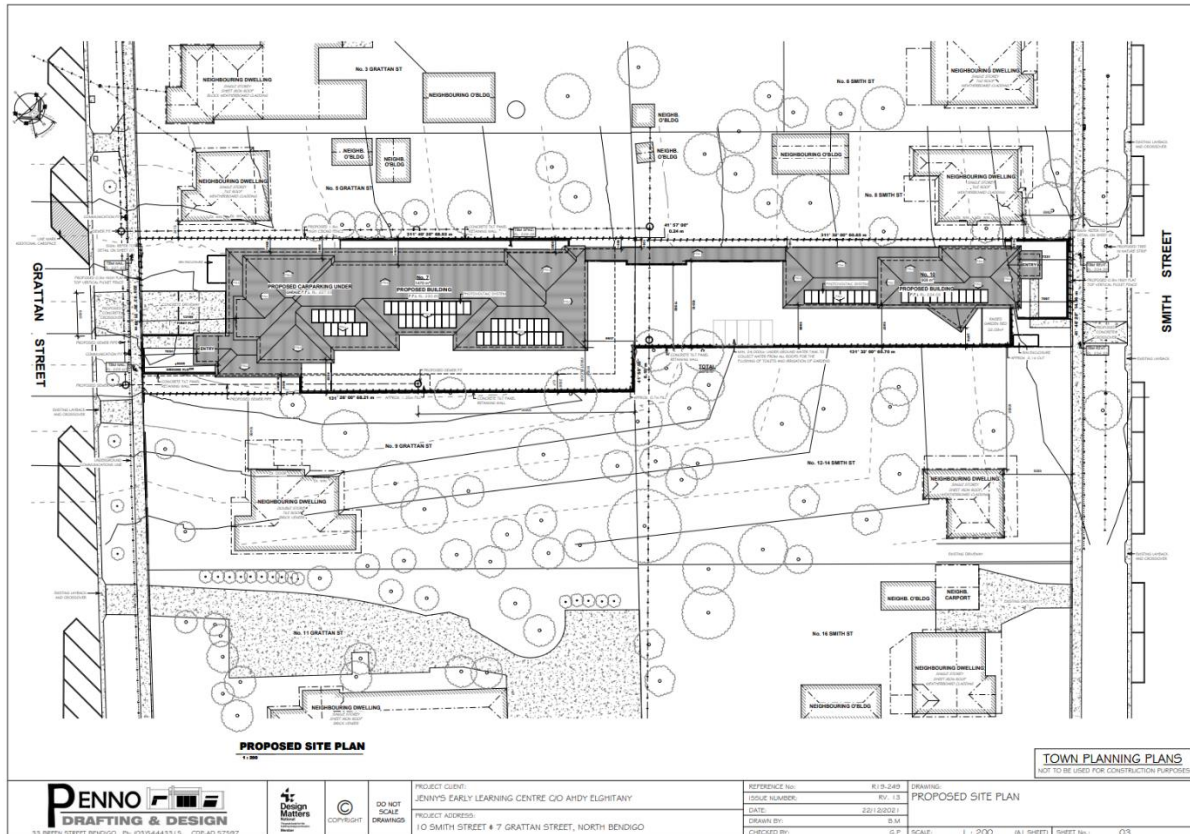


Figure 3: Proposed site layout plan

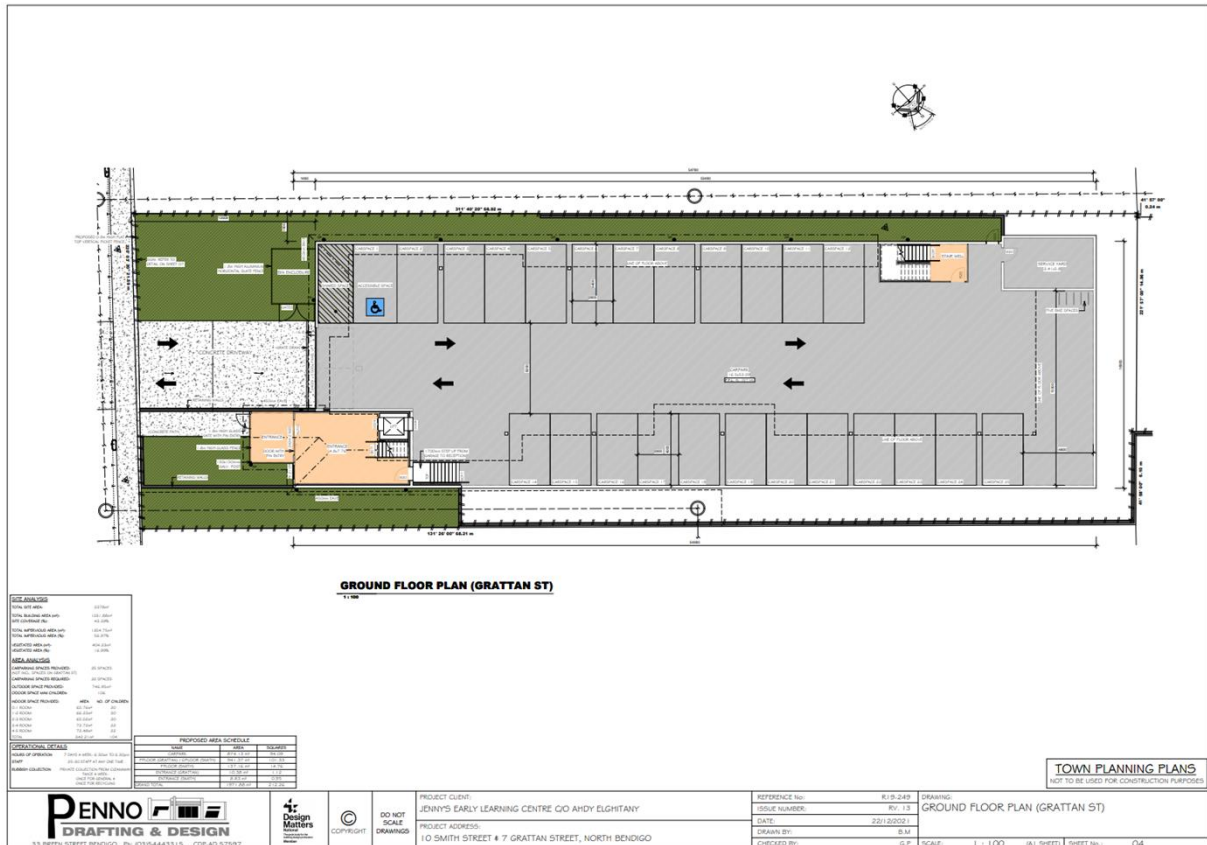


Figure 4: Ground floor (Grattan Street)

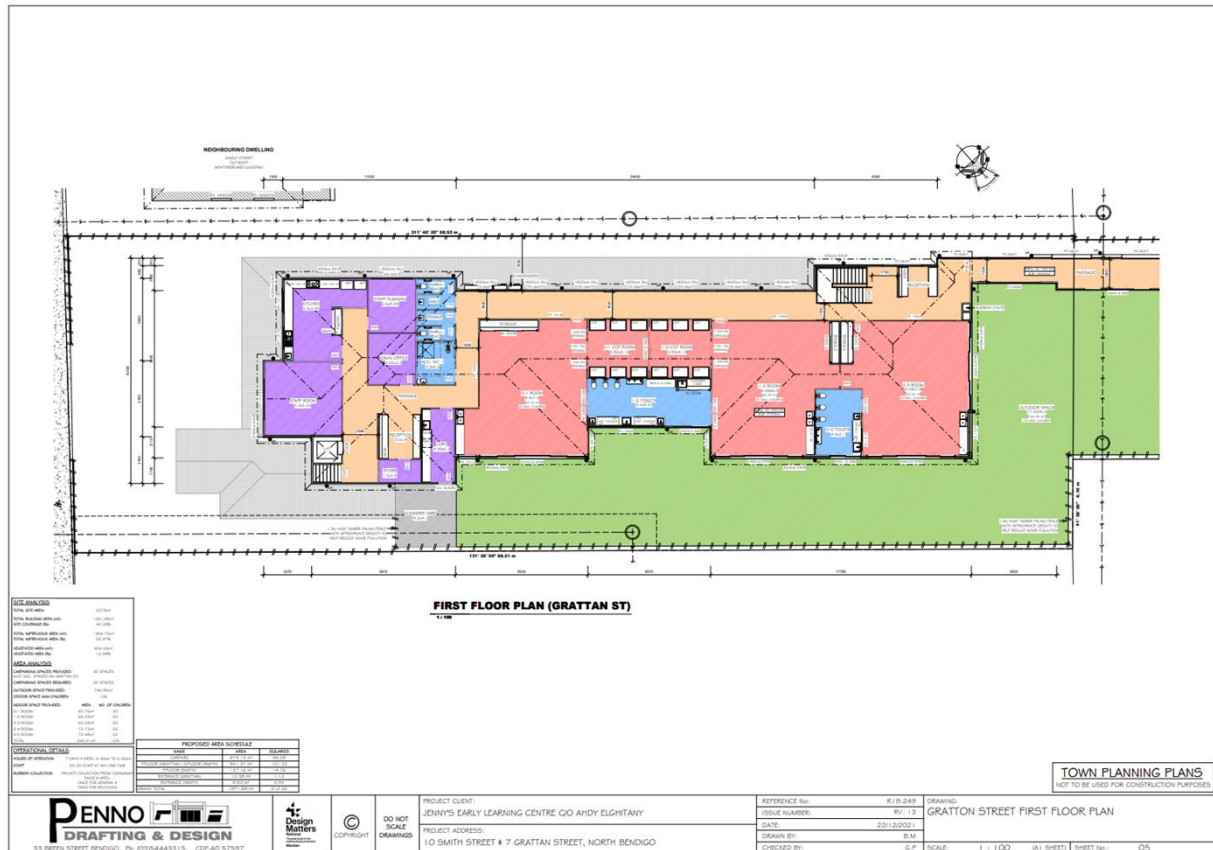


Figure 5: First Floor (Grattan Street)

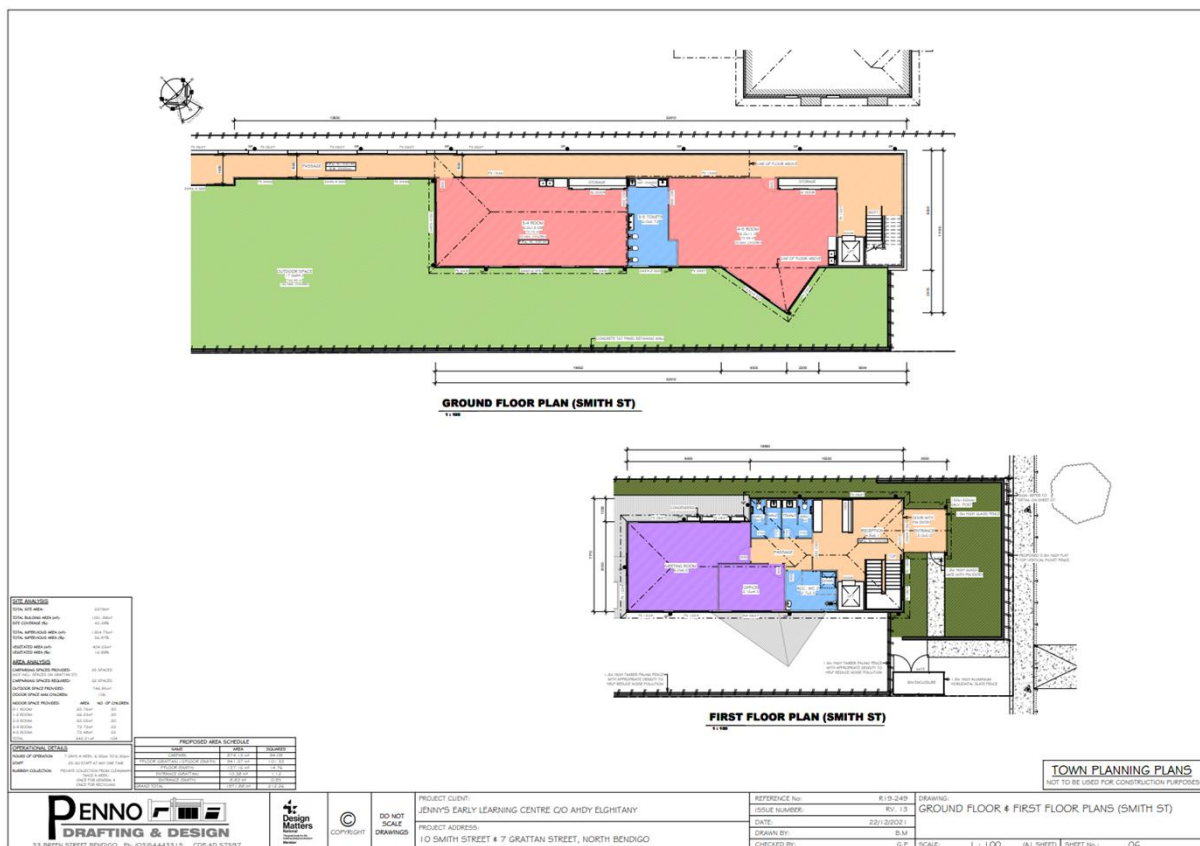
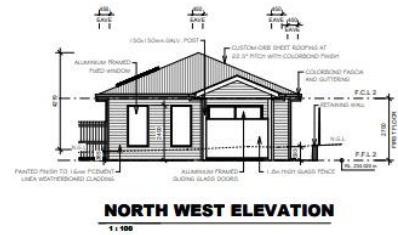


Figure 6: Ground and First Floors (Smith Street)



Architectural elevation drawing of the proposed building facade. The drawing shows a long, low structure with multiple large windows and a flat roof. Annotations include: "TO MATCH EXISTING BUILDING ELEVATION", "NEW BUILDING ELEVATION", "EXISTING BUILDING ELEVATION", and "NEW BUILDING ELEVATION". Dimensions shown are 4.0' x 10.0' and 4.0' x 10.0'.

SOUTH WEST ELEVATION (GRATTAN ST)

SOUTH WEST ELEVATION (SMITH ST)

NORTH EAST ELEVATION (SMITH ST)

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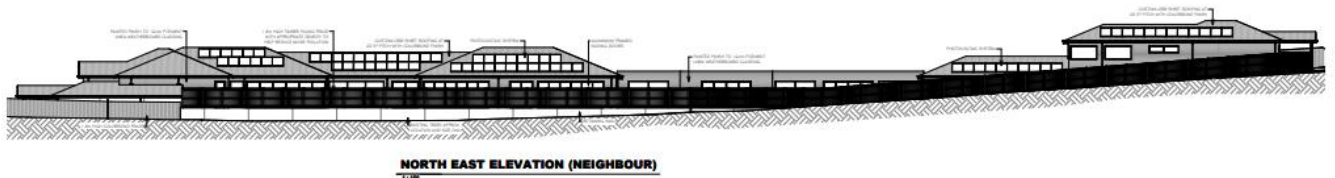


Figure 12: North East elevation showing extent of whole development and fencing



Figure 13: South west elevation showing extent of whole development and fencing

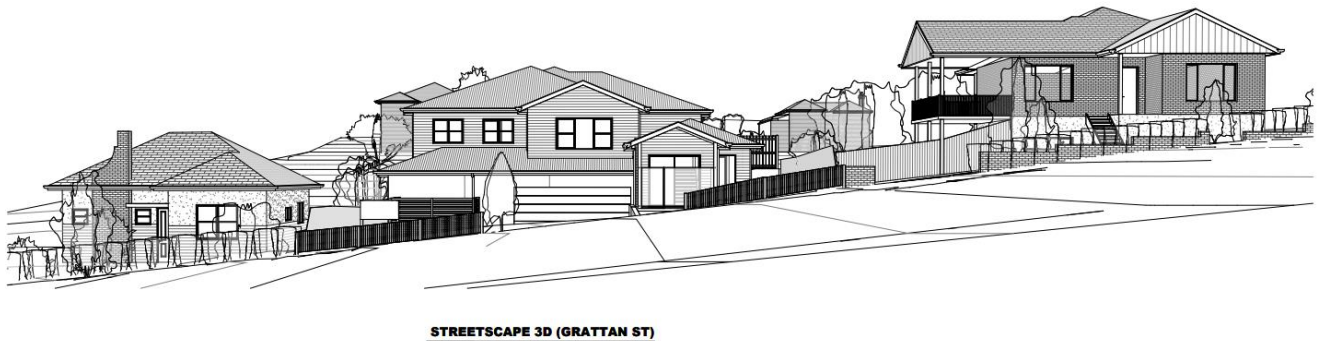


Figure 14: Grattan Street streetscape view showing proposed development and adjoining dwellings



Figure 15: Smith Street streetscape view showing proposed development and adjoining dwellings



Figure 16: Proposed signs

Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.01-1L-02 10 minute neighbourhoods – Greater Bendigo
- Clause 11.03-6L-02 Bendigo Hospital Precinct
- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility
- Clause 15.01-1S Urban design
- Clause 15.01-1L-03 Signs
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L-10 North Bendigo neighbourhood character
- Clause 15.02-1L Environmentally sustainable development – Greater Bendigo
- Clause 15.03-1S Heritage conservation
- Clause 17 Economic development
- Clause 17.01-1L Diversified economy – Greater Bendigo
- Clause 17.02-1S Business
- Clause 18.01-3L Sustainable personal transport – Greater Bendigo

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.02 Design and Development Overlay
- Clause 52.02 Easements, restrictions and reserves
- Clause 52.05 Signs
- Clause 52.06 Car parking
- Clause 53.18 Stormwater management in urban development
- Clause 65.01 Approval of an application or plan
- Clause 66 Referrals
- Clause 71.02-3 Integrated decision making
- Clause 72.08 Background documents

Planning Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.03-2 of the General Residential Zone which states a permit is required to use land for a childcare centre.
- Clause 32.08-9 of the General Residential Zone which states a permit is required for buildings and works associated with a section 2 use.
- Clause 43.02-2 which states a permit is required to construct a building or to construct or carry out works that would result in the height of the building or works exceeding the referral height within Schedule 25 to the Design and Development Overlay.
- Clause 52.02 which states a permit is required for the creation of an easement.

- Clause 52.05-13 of the Sign provisions which states that a permit is required for business identification signage in Category 3 – High amenity areas.

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Coliban Water	No objection subject to conditions relating to reticulated water and sewerage services, provision for easements and a requirement for the owner to enter into a build over agreement. Coliban Water advised that the proposed building over the existing sewer main is not acceptable and will require either the redesign of the building to ensure clearances of the sewer asset or a mains extension application to realign the sewer main, with a preliminary design required to be provided by an approved registered consulting engineer.
Victorian health Building Authority	Response not received.
Traffic	No objection subject to conditions to address the following: • Accessible 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. • The entry/exit, the internal roadway and the parking areas must be sealed and the car parking spaces line marked and maintained to Council's satisfaction. (Clause 52.06-11)

	• The carpark must be provided with public lighting in accordance with AS/NZ 1158.0-2005/Amdt 2- 2010 minimum lighting category P11/P12 and the fittings are to minimise spill lighting on to neighbouring property (including road reserves) in accordance with AS/NZ 4282-1997. • The development must ensure sight lines for pedestrian safety comply with Clause 52.06-9. • The driveway between the property boundary and the kerb must be constructed in accordance with the Infrastructure Design Manual. • Any existing kerb layback not used must be removed and the kerb reinstated. • Any existing driveway not used must be removed and the nature strip reinstated. The driveway between the kerb and the property boundary in Smith Street appears to be redundant. If so, the driveway should be removed. • A "Works Within Road Reserve Permit" must be obtained from Council's Engineering Department prior to commencing any work outside the property boundary on the road reserve.
Drainage	No objection subject to conditions requiring detailed drainage plans and construction of drainage.
Environmentally Sustainable Design	No objection, subject to conditions of permit requiring notations to be shown on plans for proposed sustainability measures, a requirement for a construction management plan, and conditions requiring the implementation of the measures outlined within the Sustainable Design Assessment.

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

Car parking

- Concern about the development's impacts on on-street parking in residential streets, parking is already at capacity.
- Grattan Street parking is full by 7.00am Monday to Friday mainly due to hospital staff. There is insufficient parking available for staff from the proposed childcare centre.
- There is limited parking in North Bendigo's hospital precinct as it is, filling from just before 8am and staying full until after 5.30pm on a daily basis.
- Inadequate areas for staff parking.
- Concern about ability of residents and their visitors to utilise on street parking.

Traffic impacts

- Concern about increased traffic, resulting in congestion and noise.
- There is already a lot of traffic up and down the street now, let alone adding a large capacity childcare centre into a residential street.
- Increase in traffic movements in the street and surrounding intersections will be considerable and dangerous.
- Concern about the safe operation of the intersections with Arnold Street.
- The proposed entrance on Grattan Street is in a blind spot just below the crest of the hill. This poses a safety hazard.
- A one-way left turn exit at the Bayne Street end isn't primed for traffic flow.
- The entrance to Grattan Street is troublesome enough getting in and out due to the blind bend on Arnold Street from the showgrounds side and cars doing u-turns at the end of the traffic island to access medical services.
- With additional traffic, it will be difficult for some residents to safely enter and exit their driveways.
- With a capacity of 100 children, this equates to potentially over 400 movements per day. There is no right turn into Bayne Street from Grattan Street.
- Most traffic will enter Grattan Street from Arnold Street.
- Concern about traffic safety
- There is a need for pedestrian crossings.

Amenity impacts

- Overlooking/loss of privacy. Upper level has an outlook to adjoining dwelling and outdoor living areas.
- Concern that the proposal will have a negative impact on the amenity of the residential neighbourhood and quiet enjoyment of residents' homes.
- Concern about noise impacts arising from increased activity and the number of people attending the site, car parking and traffic, commercial scale kitchen, commercial scale air conditioning services, and services such as cleaning, deliveries and garbage collection. Cleaning and garbage collection will likely be undertaken outside business hours, adding to amenity impacts.
- Long operating hours will impact on neighbours. No detail provided about hours for deliveries, garbage collections and cleaning.
- Concern about overshadowing to adjoining property. One side of the adjoining dwelling will get no sun at all and year-round shading will ensure structural rot, and the property will be particularly impacted during winter, autumn and spring resulting in shadowing in over half the yard and making the house much colder.
- A single level building would be preferable, or reduction in height, to address overshadowing.
- Concern about drainage impacts arising from the development.
- Concern about adequacy of 1.8 metre high fence to provide for privacy. A more substantial fence is required to protect privacy and mitigate noise.

Scale

- Concern about the footprint, visual mass and building height including double storey construction.
- Concern that the building will dominate the street view, not benefitting it in any way.
- Size and scale of the building is not suited to the land or surrounding area.

- Opposition to a double storey construction. There are no other double storey residences in Grattan or Smith Streets, which are undulating landscapes of varying degrees.
- Proposed building is oversized and will not fit with the current streetscape.
- The proposal in its current form is too big and does not respect existing residences.
- The development will change the neighbourhood feel and alter the streetscape.
- The style of the building is not sympathetic to existing period homes.
- The development does not respect the residential/historical streetscapes and a centre of this size will further affect the area.
- Concern that the development does not respect heritage listings in proximity to the site, at No. 3 and No. 11 Grattan Street.
- The façade and roofline of the proposed building will tower over the neighbours' houses.
- The scale of the development is industrial, set within a residential area.
- The scale of the building from Grattan Street through to Smith Street is discordant.
- Concern about the scale of proposed signage and its impact on the streetscape.
- Concern that the development does not allow for planting of replacement trees, for those removed prior to lodgement of this application.

Other

- Concerns about accuracy of information provided with the proposal in relation to the proposed plans.
- Concern about the previous demolition of existing buildings on the site approximately 18 months before this application
- Concern about the sustainability of the proposal given the existence of another childcare centre on the hospital grounds and others close to the city centre.
- Non local company building the centre.
- Concern about impact on property values.
- Concern about disability access.

The objections are discussed below.

A consultation meeting was not undertaken as the applicant declined this option.

Planning Assessment

Planning policy

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

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

Clause 11.01-1L-02 (10 Minute neighbourhoods – Greater Bendigo) seeks to create attractive neighbourhoods that allow most people to access local facilities and services

within 10 minutes walking or cycling from their home. Strategies to achieve this include supporting proposals for uses such as convenience shops, food and drink premises, child care centres, schools, home offices and other uses that are consistent with 10 minute neighbourhood principles in residential areas.

The site is located within a residential area of North Bendigo, an inner suburb of Bendigo, in close proximity to the Bendigo Hospital. The site forms part of an established neighbourhood and the land is currently vacant. The location of the site is consistent with the principles of the 10 minute neighbourhood concept and a development on the site would make efficient use of an underutilised parcel of land in urban Bendigo that can be fully serviced.

Clause 15.01-S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-1L-03 (Signs) contains the City's signage policy. The proposed signage is acceptable and consistent with the relevant strategies contained within this policy.

Clause 15.01-2S (Building design) aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Strategies to achieve this objective include:

- Ensuring a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
- Ensuring development responds and contributes to the strategic and cultural context of its location.
- Minimising the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensuring buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensuring development is designed to protect and enhance valued landmarks, views and vistas.
- Ensuring development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensuring development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
- Encouraging development to retain existing vegetation.
- Clause 15.01-5S (Neighbourhood character) aims to recognise, support and protect neighbourhood character, cultural identity and sense of place. Strategies include:
 - Supporting development that respects neighbourhood character or contributes to a preferred neighbourhood character; and
 - Ensuring development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision;
 - Underlying natural landscape character and significant vegetation;
 - Neighbourhood character values and built form that reflect community identity.

The site falls within the Hospital Precinct Structure Plan area. The *Hospital Precinct Structure Plan (2014)* is listed as a background document within the Planning Scheme at the Schedule to Clause 72.08.

The plan contains a strategy to ensure new development on sites outside the Heritage Overlay respects the scale of protected heritage properties in the vicinity and is consistent with the neighbourhood character recommendations of the Residential Character Study 2001. There are two individually listed properties within the Heritage Overlay in proximity to the site at No.3 and No. 11A Grattan Street. Further to this, Clause 15.03-1S (Heritage Conservation) contains a strategy which seeks to ensure an appropriate setting and context of heritage places is maintained or enhanced.

The site falls partly within Precinct NB1 (No. 10 Smith Street) and partly within Precinct NB7 (No. 7 Grattan Street) of the North Bendigo neighbourhood character policy at Clause 15.01-5L-10.

The strategy for Precinct NB1 is to maintain the existing neighbourhood character of this precinct that is drawn from:

- Housing mostly built in the 1950s with consistent roof shapes and horizontal emphasis due to the long, low elevations of buildings in relation to height.
- An open streetscape due to low and transparent fences.

The strategy for Precinct NB7 is to maintain the existing neighbourhood character of this precinct that is drawn from:

- A transition from Victorian inner areas to interwar era of development.
- Some cottage feel due to modest scale dwellings, small garden setbacks and transparent front fences.

The policy seeks to limit fence heights to no more than 1.2 metres high and provide for setbacks between 1 and 3 metres on both side boundaries within precinct NB1.

The main concern with this proposal is that the scale of the proposed development is not consistent with the existing and preferred neighbourhood character and its impact on the streetscape and neighbouring properties. The scale of the building does not reflect the modest scale of most of the surrounding buildings or the predominant single storey height. Part of the character of the area also includes extensive backyard spaces between dwellings fronting Grattan and Smith Street which would be interrupted by the scale / length of the building proposed.

Clause 13.05-1S (Noise abatement) aims to assist the control of noise effects on sensitive land uses. The strategy to achieve this objective is to ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Under the zone a childcare centre is a discretionary use and the zone allows for a limited range of non-residential uses which serve local community needs. As such, there are no

concerns with land use compatibility in this case, however amenity impacts would need to be managed with appropriate permit conditions in the event that the application is approved.

Clause 17 (Economic development) states that planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Clause 17.02-1S (Business) has the objective to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. Clause 17.01-1L (Diversified economy – Greater Bendigo) seeks to support development that maintains Bendigo as the key regional city and economic growth hub for the Loddon Mallee South region.

The proposal would provide for an additional service for Bendigo residents and new employment opportunities.

The application has responded to Clause 15.02-1 (Energy and resource efficiency) and the City's Environmentally Sustainable Development Policy at Clause 15.02-1L. A Sustainable Design Assessment has been prepared for the application which demonstrates that the development can achieve a BESS score of 55%, which is best practice. The assessment is generally satisfactory; however, if the proposal is approved, some further detail is required to be provided and shown on the final plans.

The proposal to provide for a childcare centre in North Bendigo in close proximity to the Bendigo Hospital and the city centre has merit with regard to planning policies and objectives within the Planning Scheme which seek to support growth in the local economy and community facilities in appropriate locations within residential areas. However, the site context, being a pair of long, relatively narrow lots, has not been appropriately considered in the design of the proposed development, and its scale will not fit well with its surrounds, resulting in unacceptable off site character and amenity impacts.

General Residential Zone

The subject site is zoned General Residential Zone. In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of the zone include encouraging development that respects the neighbourhood character of the area and allowing educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Childcare centre is a Section 2 (permit required) use under the zone. Childcare centre is defined as: *Land used to care for five or more children who are not permanently resident on the land.*

The application has been assessed against the relevant decision guidelines of the zone, including those relating to non-residential use and development. Whilst the use of land for a childcare centre is generally compatible with residential use and will no doubt serve local community needs, and the site is in close proximity to the Bendigo hospital and the city centre more generally, the primary concern with this application is about the scale and design of the proposed development and its appearance within the existing streetscape. This is discussed in further detail below.

The proposed hours of operation are considered reasonable in relation to the site's residential context.

The proposed design is for a two-storey building presenting to Grattan Street and a single storey presentation to Smith Street, due to the proposed change in levels. A large garage opening (5.5 metres wide) coming off a 6 metre wide crossover into the partly covered and uncovered parking / vehicle circulation area from Grattan Street is proposed. The street elevations incorporate roof forms and cladding materials which reflect those of the surrounding residential area, although the concrete tilt panel wall proposed for part of the Grattan Street elevation is not reflective of materials in the area.

Vehicle access to the site will primarily be via Grattan Street as this elevation is where the primary street presentation for the use and development is. A single crossover to Smith Street is also proposed. The proposed primary access will necessitate extensive earthworks for cut and fill and retaining walls to facilitate the proposed site levels for the development. The proposed access will necessitate up to 1 metre of excavation to create the required site level at the front of the site.

The proposal makes provision for 25 car spaces and 5 bicycle spaces on site, which satisfies the Planning Scheme requirements. Whilst garage parking is not typical for other local childcare centres, it is allowable under the Planning Scheme. Car parking requirements and traffic impacts are discussed in further detail below, however the development provides for an acceptable number of car spaces on site and will not result in unacceptable traffic impacts.

Bin enclosures are proposed within the front setback of both Grattan Street and Smith Street. A secondary vehicle access is proposed for the site off Smith Street. The usefulness of this access is queried given that it does not connect to a driveway within the site. Bin collection and deliveries would therefore occur within the Smith Street road reserve.

With regards to landscaping, there are opportunities to incorporate landscaping within the development given the size of the site and proposed site coverage, however a significant proportion of the Grattan Street frontage will be taken up by the proposed access for the garage.

Overall, there are concerns that the proposed development is not consistent with the purposes of the zone as it is not respectful of the established and preferred neighbourhood character.

Built form and neighbourhood character

Objectors have raised concerns about the scale, height and massing of the development, how it fits within the streetscape and the residential context of the site. Concerns have also been raised about the proposed development's impact on nearby individually listed heritage buildings.

The proposed building as it presents to Grattan Street will be two storey scale with a predominantly hipped roof form featuring some gables. The development will have a front setback of 7.63 metres to Grattan Street, which is generally acceptable, and side setbacks of 1.9 metres to the south western boundary and 2.5 metres to the north eastern boundary.

The development will have a maximum height of 9.06 metres. While the upper storey has been recessed slightly from the lower level footprint and some excavation is proposed, the

width of the building and small side setbacks combined with its overall height will result in the development being dominant within the streetscape. The proposed height of the development does not respect the predominant building height in the street and surrounding area and the upper level is not sufficiently recessed from Grattan Street to reduce the bulk of the building within the streetscape.

Further to this, a 6 metre wide concrete driveway is proposed in the middle of the Grattan Street frontage and the front façade of the building will feature a double width garage door. These features will further add to the dominance of the development within the street and are not characteristic of existing development within the street.

There is variation in building styles and heights along Grattan Street, but the predominant scale of buildings is single storey. Driveways are usually single width and located adjacent to a side boundary with either an uncovered car space, a carport to the side of a dwelling, or a garage at the rear.

The development will take up much of the Grattan Street property, whilst a smaller scale building is proposed for the Smith Street property. The presentation of the development to Smith Street is of less concern, as it will present as a single storey scale building, however it will sit somewhat lower in the streetscape than the adjoining two buildings and the front setback of the building is forward of the two adjoining dwellings.

The development would have an overall length of approximately 117 metres across the site, with an unbroken wall extending for approximately 109 metres. The two storey height would extend along a significant proportion of the length of the subject site. The upper level has not been sufficiently stepped back to break up the massing of the south western elevation. These factors will result in unreasonable visual bulk for the neighbouring properties.

In this regard, the design and siting of the building is also not reflective of the neighbourhood character.

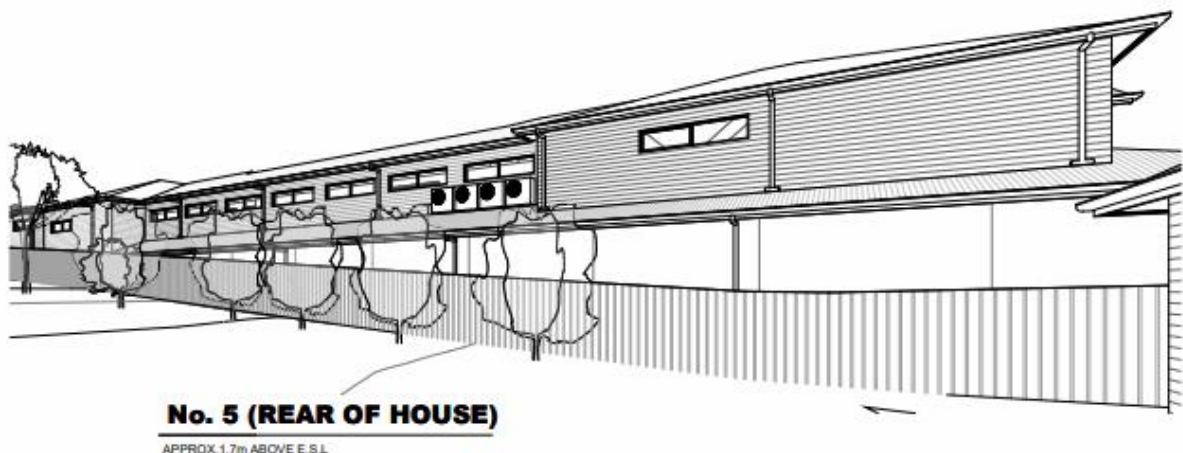


Figure 17: Perspective image showing view of the development from backyard of No. 5 Grattan Street

Overshadowing plans have been provided for a period of 9:00am to 3:00pm showing overshadowing in the morning period to the adjoining properties at No. 5 Grattan Street and No.8 Smith Street. It is considered that sufficient attempt has not been made to minimise the amenity impacts on these adjoining properties.

The proposed roofing and weatherboard cladding materials are acceptable, however the use of concrete tilt slab for walls is not consistent with materials used in the surrounding residential area. A colour scheme has not been provided for the amended plans and could be required if the application were approved.

Whilst a landscaping plan has not been provided, this could be required as a condition of permit, if approved. There is scope for landscaping to be incorporated within the development, particularly within the front setbacks to Grattan and Smith Streets. Four trees on 7 Grattan Street and two street trees are proposed to be removed to facilitate the development. Street tree removal will be subject to approval from the City's Parks Unit and an amenity fee will apply in accordance with the City's Urban Tree Management Policy.

Low fences to a height of 0.9 metres are proposed along the street frontages. The proposed signage has been assessed against the relevant decision guidelines at Clause 52.05 (Signs) and the City's signage policy and is considered acceptable for the context of the site and nature of the proposal. The extent of signage proposed is acceptable and the signage will not be a dominant feature of the development.

A high level of cut and fill will be required and extensive retaining walls are proposed, which further add to the bulk of the development when viewed from neighbouring properties.

Overall, the proposed development is considered out of proportion to the surrounding existing residential development in terms of its scale, footprint/site coverage, bulk and massing.

It is considered that the shape and dimensions of the site are a constraint for a development of this nature in terms of providing for a floor area of a suitable and economically viable size. The constraints of this particular site may not be able to be overcome for a proposal of this nature unless the scale of the proposal was significantly reduced and the development redesigned.

The proposal in its current form will result in unreasonable amenity impacts, including visual bulk and overshadowing to the neighbouring properties, in terms of the extent and height of the wall adjacent to the boundary. As noted above, the massing of the building is not sufficiently articulated and there is insufficient variation in setbacks along the south west elevation to break up the bulk. The building will dominate the Grattan Street streetscape.

Traffic and car parking impacts

Concerns have been raised by objectors about traffic and car parking impacts arising from the proposed development.

Under Clause 52.06 of the Planning Scheme, the car parking rate for a childcare centre is 0.22 spaces to each child. Based on a maximum of 104 children, the proposed development requires the provision of 22 car spaces on site.

The proposal satisfies this requirement with 25 car spaces proposed to be provided within a garage. There is no requirement within the Scheme for bicycle parking, although the proposal provides for 5 bicycle spaces as part of the sustainability measures for the development.

The proposal will result in the loss of 5 on street car spaces to create the proposed vehicle accesses to the site. There is high demand for on street parking in this location, given the proximity to the Bendigo Hospital. On street parking in the streets immediately adjacent to the hospital is restricted, however in the streets beyond this, parking is not time restricted.

Whilst a loss of on street parking is not desirable, it is noted that additional parking has been provided in recent years within the hospital precinct as a result of the hospital redevelopment.

Whilst the on-site parking requirements can be satisfied and the site is within proximity to public transport with a bus route along Arnold Street, objectors are concerned that both Grattan and Smith Streets have limited capacity for further on street parking and that given the intensity of the use, there is likely to be a greater demand for on street parking in this vicinity. It is likely that the development will result in additional workers seeking all day car spaces further into the residential area, should on street parking be unavailable in Grattan or Smith Streets.

On street parking within Smith Street may be more attractive for parents dropping off and picking up children in the rooms immediately adjacent to Smith Street, rather than utilising the garage parking. This would generate additional short-term parking demand within the available on-street parking.

Advice was sought from the City's Traffic Engineering team in relation to traffic impacts on Grattan, Smith and Arnold Streets. Smith and Grattan Streets are classed as local streets and whilst on street parking is regularly used, there is capacity within the streets for the traffic likely to be generated by the use and no safety impacts have been identified with the existing road network, with any potential safety issues identified by objectors being the result of driver behaviour.

It is difficult to predict the route that visitors or staff will take to access or exit the site. There may be queuing onto Arnold Street from Grattan Street in busy periods, however the intersection will continue to be functional.

Grattan Street has capacity to cater for the expected additional traffic volumes and increased traffic will not impact on the safe operation of the intersection. With regard to the location of the driveway for the proposed development, the sight distance at the driveway exit is compliant with the Australian Standards.

The nature of childcare centres is that drop off and pick up times will be staggered over a few hours during both the morning and afternoon periods. That is to say, all staff and children will not arrive and leave at the same time of day.

Whilst objectors' concerns are acknowledged, it would not be reasonable to refuse this application on the basis of traffic safety or insufficient parking.

Amenity impacts

Objectors have raised a range of concerns about adverse amenity impacts, as outlined previously.

The proposal will result in an increased level of activity on the site and within the surrounding area. It is agreed that the proposed use has potential to affect the amenity of adjoining and surrounding neighbours.

The centre is proposed to accommodate up to 104 children and 25-30 staff from Monday to Friday between 6:30am and 6:30pm. The proposed hours of operation are considered typical for a childcare centre use and generally acceptable in a residential area. The use will generate additional traffic movements and car parking within Grattan and Smith Streets and the surrounding area.

There will be an increase in noise levels as a result of the proposal and an increase in activity in Grattan Street in particular. An objector has raised concerns about noise emissions from a number of condensers proposed on the south western side of the building. Should the application be approved, these could be required to be relocated further away from neighbouring residences or insulated to minimise emissions. The application states that no external PA or audible systems are proposed. Proposed hours and arrangements for deliveries and waste collection have not been specified in the application.

The application states that waste collection would be by a private contractor outside of peak drop off/pick up times, during the proposed hours of operation. Screened bin storage areas are proposed within the front setbacks to each of the streets.

The plans show provision for '1.8 metre high fencing with appropriate density to help reduce noise pollution' which is atop a retaining wall along part of the north eastern boundary, however there are no further details provided about the acoustic properties of the proposed fencing.

With regards to concerns about overlooking, windows on the south western elevation will have sill heights 1.8 metres from floor level and Colorbond fencing to a height of 1.8 metres is proposed along this boundary. Fencing to a height of 1.8 metres from the finished ground level on the north eastern boundary will block direct views to the neighbouring properties.

If approved, conditions of permit could be imposed relating to the maximum number of children/capacity of the centre, hours of operation, deliveries, waste collection, external lighting, external PA systems, maintenance of landscaping and fencing to ensure amenity impacts are minimised.

Other matters

Objectors are concerned that previous buildings on the site have been demolished. No overlays apply to the site which would trigger a planning permit for demolition. Building permits were obtained for the demolitions in accordance with the Building Regulations.

Concerns were also raised about property values, however VCAT has held that this is not a valid planning consideration.

Drainage impacts were raised by one objector; however the City's Drainage Engineering team did not identify any areas of concern and if approved, drainage including onsite stormwater detention would be required to be constructed as part of the development, with plans and specifications to be submitted to and approved by the City's Engineering Unit.

Disability access for the development would be addressed as part of the building permit process, in accordance with the relevant Building Regulations, should the development proceed.

Whether or not the development is undertaken by a local company is not a relevant planning consideration. Nor is it Council's role, as the responsible authority, or a requirement within the Planning Scheme to determine the need for further childcare centres in an area, this is led by the market.

It is acknowledged there are discrepancies between the planning report and the plan, as the applicant's planning report was not updated when the plans were amended.

Conclusion

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

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

In principle, whilst the proposed land use is acceptable within the zone, there are concerns with the scale, height and design of the proposed development given its context within this residential precinct and amenity impacts on the adjoining and surrounding properties.

The objectives and strategies at Clauses 15.01-5S and 15.01-5L-10 together with the purposes of the General Residential Zone require that new development respects and maintains the neighbourhood character of the area. The proposal has failed to satisfactorily address and respond to its context and the development would be out of character with surrounding development, dominant within the streetscape and when viewed from adjoining properties, and will not make a positive contribution to this residential precinct.

It is recommended that this application not be supported on the basis that it represents an unacceptable planning outcome with regards to neighbourhood character, building design and amenity impacts on neighbouring properties.

Options

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

Conflict of Interest

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

Attachments

Nil

17.5. Lot 7 Wilkinsons Road, SEDGWICK 3551 - The Staged Subdivision of the Land into 8 Lots (Amended Plans to Vary Building Envelope on Lot 7)

Author:	Rees May, Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	AM/44/2015/E
Application Documents:	https://epathway.bendigo.vic.gov.au/ePathway/Production/Web/GeneralEnquiry/EnquiryDetailView.aspx?Id=1030604
Applicant:	L J Wills
Land:	Lot 7 Wilkinsons Road, SEDGWICK 3551
Zoning:	Rural Living Zone
Overlays:	Erosion Management Overlay Environmental Significance Overlay 1
No. of objections:	8
Consultation meeting:	No consultation meeting occurred.
Key considerations:	• Whether the proposal is consistent with planning policy regarding the protection of rural landscapes and the natural environment. • Whether the proposal is consistent with the purpose and decision guidelines of the Rural Living Zone. • Whether the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay. • Objector concerns.
Conclusion:	The application is not in accordance with the Greater Bendigo Planning Scheme. It is recommended that Council to issue a Notice of Decision to Refuse to Grant an Amended Permit as the proposal does not present an acceptable planning outcome with regards to the Rural Living Zone and the relevant planning policy that deals with the protection of rural landscapes and natural environment, and erosion.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for the staged subdivision of the land into 8 lots (amended plans to vary building envelope on Lot 7) at Lot 7 Wilkinsons Road, SEDGWICK 3551 on the following grounds:

1. The proposal will have an unacceptable impact on the amenity of the surrounding rural landscape and environment due to the siting of the envelope.
2. The proposal is inconsistent with the purpose and decision guidelines of the Rural Living Zone.

3. The proposal is inconsistent with the purpose and decision guidelines of the Erosion Management Overlay.

RESOLUTION - Resolution No. 2022/04.13

Moved: Cr Alden
Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Background Information

Planning permit application DS/44/2015 was issued on 22 March 2016 and approved the staged subdivision of the land into 8 lots. The subject site is known as Lot 7 within this subdivision.

Since the original permit was issued, there have been a series of amendments which have been approved as follows:

- AM/44/2015/A – amended the location of the building envelope on Lot 2, to locate the building envelope on the flattest portion of the site.
- AM/44/2015/B – amended the location of the proposed Powercor easement across Lots 6-8 at the request of Powercor. This resulted in the building envelope on Lot 8 needing to be relocated. The building envelope was relocated to a portion of the site with minimal visual impacts.
- AM/44/2015/C – amended the location of the building envelope on Lot 4 to be sited in a flatter location without impacts to prevailing views.
- AM/44/2015/D – amended the location and size of the building envelope on Lot 5 to a flatter section of the land which would require less excavation.
- AM/44/2015/F – amended the building envelope on Lot 8 of the subdivision to the flattest section of the land.

The above amendments allowed relatively minor changes to the approved building envelopes which remained consistent with the relevant planning policy framework.

It is important to note that the variation to the building envelope on Lot 7 would result in adverse amenity impacts and is inconsistent with planning policy regarding the protection of rural landscapes and the natural environment. This is discussed in greater detail below.

It is also important to note that Planning Permit application DR/810/2021 was lodged with the City in September 2021 and seeks approval for the construction of a dwelling, swimming

pool and dam; and removal of a tree on the subject site. The siting of the dwelling and associated works as shown on the application plans is reliant on the approval of the amended building envelope through this application.

Report

Subject Site and Surrounds

The subject site is described as Lot 7 on Plan of Subdivision 814349S and was created as part of planning permit DS/44/2015.

The subject site is irregular in shape and has an overall area of 17.85 hectares. The site is currently vacant and contains some scattered vegetation.

The surrounding area is undulating and the subject site is situated on a hilltop, with the highpoint located in the central portion of the site. The highest point on the land is approximately 450 metres AHD. The site falls in all directions from the high point in the central portion of the site (this is shown in Figure 3 and 4 below). A drainage line traverses the southern portion of the property towards the east.

The site is provided with vehicle access via an existing vehicle crossover onto the common property accessway in the south-eastern portion of the site. The common property accessway leads to Wilkinsons Road. The below images show the subject site from the vehicle crossover location which adjoins the common property accessway.

The subject site is located within the Rural Living Zone and is affected by an Erosion Management Overlay and partially affected by an Environmental Significance Overlay – Schedule 1.

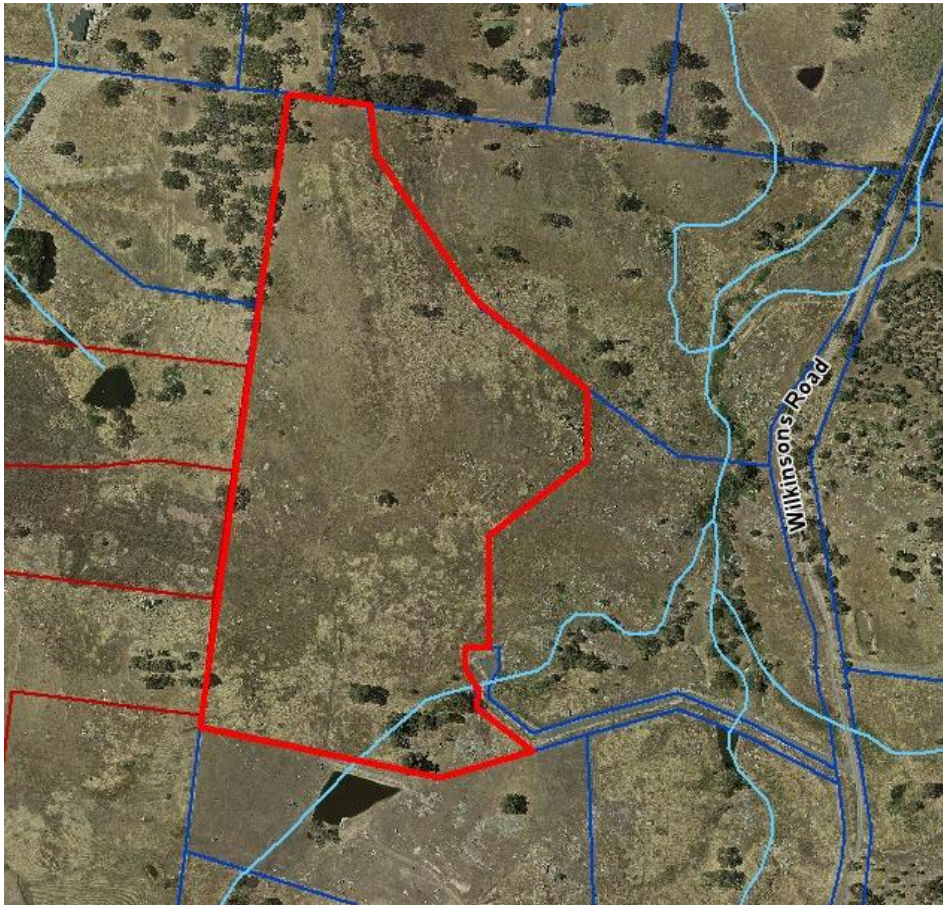


Figure 1: Aerial image of the subject site



Figure 2: View of the subject site from the vehicle crossover looking towards the north.



Figure 3: View of the subject site from the vehicle crossover looking towards the west.



Figure 4: View of the subject site from Wilkinsons Road – looking towards the west

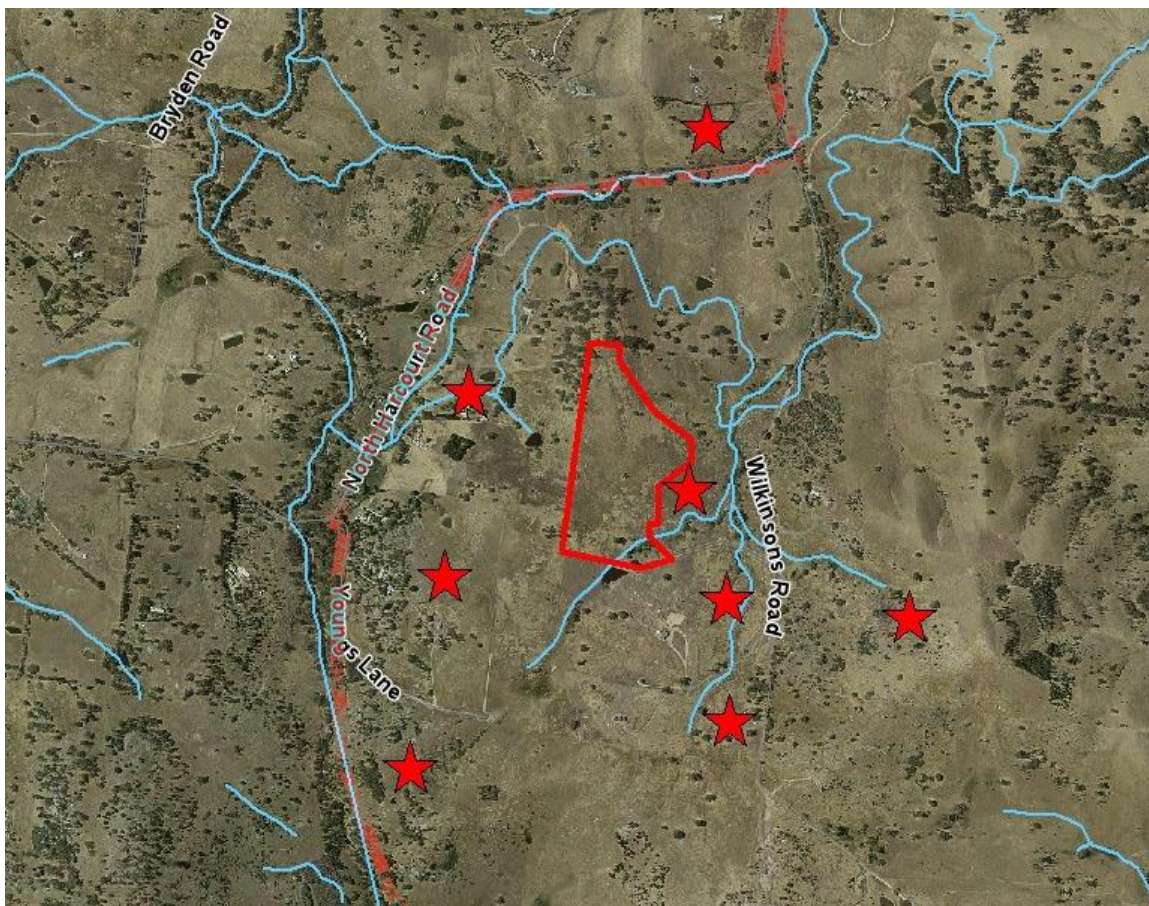


Figure 5: Location map showing subject site. Objector's properties marked with a star.

Proposal

As outlined above, the subject site is burdened by Covenant PS814349S which is a restriction on the Plan of Subdivision.

The covenant states:

“No dwelling may be permitted outside the approved building envelope as shown on the endorsed plan in the City of Greater Bendigo planning permit no. DS/44/2015.”

The application seeks approval to vary the location and size of the approved building envelope on Lot 7.

Existing building envelope

The endorsed building envelope plan is shown in Figure 6 below.

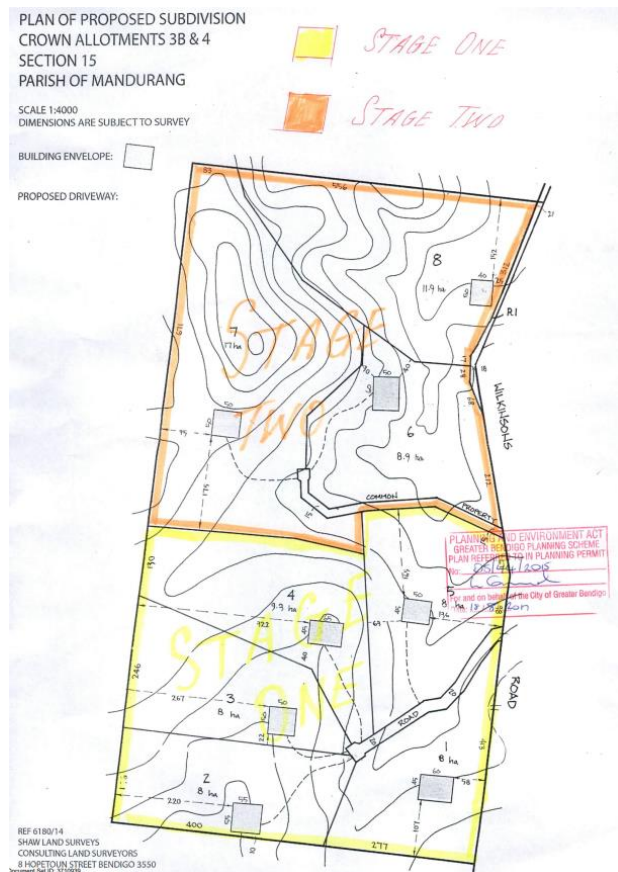


Figure 6: Endorsed plan showing the location of the existing building envelope on Lot 7.

The existing approved building envelope is located 175 metres from the southern boundary and 95 metres from the western boundary, and has an area of 2,500 square metres, with a length and width of 50 metres. The existing approved building envelope is situated on a ridgeline with the height of the land ranging between approximately 410 metres AHD at the low point to 420 metres AHD at the high point.

Figure 7 below shows the location of the approved building envelope, existing vegetation located on site, the common property accessway and contours of the land.



Figure 7: Location of existing approved building envelope.

Proposed building envelope

The application seeks approval to amend the location of the approved building envelope.

The amended building envelope is proposed to be located 315 metres from the southern boundary and 121 metres from the western boundary. The building envelope is proposed to have an area of 5,950 square metres with a length of 85 metres and a width of 70 metres.

The proposed building envelope would be located on the peak of the hill ranging in height between 440 metres AHD to 450 metres AHD, which is 30 metres higher than the current location. The below image shows the location of the proposed building envelope.



Figure 8: Location of proposed building envelope.

Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework

- 11.01-1S Settlement
- 11.03-5S Distinctive areas and landscapes
- 12.03-1S River corridors, waterways, lakes and wetlands
- 12.05-2S Landscapes
- 13.02-1S Bushfire planning
- 13.04-2S Erosion and landslip
- 14.02-1S Catchment planning and management
- 14.02-2S Water quality
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 16.01-3S Rural residential development
- 16.01-3L Rural residential development – Greater Bendigo

Other Provisions

- 35.03 Rural Living Zone
- 44.01 Erosion Management Overlay

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

The following internal department has been consulted on the proposal:

Referral	Comment
Environmental Health	Supported the proposal - did not request any conditions. This advice was provided on the basis that the relocation of the building envelope does not have a direct impact on onsite wastewater treatment/disposal. It is noted that Environmental Health has advised that they do not support the proposal for onsite wastewater disposal for the associated planning permit application DR/810/2021.

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, eight objections were received with the following concerns raised:

- The proposal is inconsistent with planning policy including Clause 11.01-1S Settlement, Clause 15.01-2S Building design and Clause 15.01-6S Design for rural areas.
- Earthworks/extent of the proposed site cut.
- Impacts on the natural scenery and landscape features.
- Increased erosion risk.
- Impact to the natural environment.

No consultation was held given the recommendation for refusal at Officer level. The objectors' concerns have been considered in the assessment of the application. Refer to the Planning Assessment section of this report.

Planning Assessment

As outlined above, Covenant PS749714G requires all dwellings to be located within the designated building envelope approved by planning permit DS/44/2015 which approved the subdivision of the land into 8 lots. The building envelope for Lot 7 is the subject of this application.

The approved building envelope for Lot 7 is in the current location due it being located on an elevated saddle below the highest crest on the property. The building envelope in the current location has a gentle slope, avoids granite outcrops and is a suitable distance away from surface water. The siting has little risk of flooding and is within an area clear of native vegetation.

The building envelope locations for each lot were selected in accordance with the accompanying Land Capability Assessment Report to be outside the extent of the Environmental Significance Overlay. They were also setback an appropriate distance from the various waterways (shown in Figures 1 and 5) as requested by North Central Catchment Management Authority to ensure that the environmental and amenity impacts as a result of future development would be minimised. As such, any proposal to vary the approved building envelope must give consideration to potential environmental and amenity impacts. It is considered that the proposal to relocate the building envelope is not consistent with the intent of the original approval.

The key considerations raised by the planning assessment are discussed in turn below.

Whether the proposal is consistent with planning policy regarding the protection of rural landscapes and the natural environment

Planning policy through Clause 11.01-1S Settlement seeks to promote the sustainable growth and development of Victoria through such strategies as preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.

Planning policy through Clause 12.03-1S River corridors, waterways, lakes and wetlands seeks to protect and enhance river corridors, waterways, lakes and wetlands. Such strategies include ensuring development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways.

Planning policy through Clause 12.05-2S Landscapes seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. The policy lists the following relevant strategies in order to achieve this objective: Relevant strategies that the proposal does not achieve include:

- *Ensuring development does not detract from the natural qualities of significant landscape areas.*

- *Improving the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognising the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensuring important natural features are protected and enhanced.*

Planning policy through Clause 13.04-2S Erosion and landslip seeks to protect areas prone to erosion, landslip or other land degradation processes. Such strategies include identifying areas subject to erosion or instability when considering the use and development of land and preventing inappropriate development in unstable areas or areas prone to erosion.

Planning policy through Clause 15.01-2S Building design seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Relevant strategies include:

- *Minimising the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensuring the form, scale, and appearance of development enhances the function and amenity of the public realm*
- *Ensuring development is designed to protect and enhance valued landmarks, views and vistas.*

This is consistent with Clause 15.01-6S Design for rural areas, which is to ensure development respects valued areas of rural character. The siting, scale and appearance of development should protect and enhance the rural character.

Planning policy through Clause 16.01-3L Rural residential development – Greater Bendigo applies to an application to construct a dwelling in the Rural Living Zone and seeks to design dwellings to fit in with the surrounding rural living or rural residential character or preferred character of the area and to protect and enhance land with significant environmental values.

When reviewing broader planning policy regarding rural landscapes, the natural environment and built form outcomes that there is a clear desire to protect and enhance rural landscapes, the natural features and environment of rural land, and ensure that development is sensitively designed and sited to minimise adverse impacts on the environment, landscape and public realm.

The proposal is not in accordance with the planning policy framework as the proposed variation to the building envelope location would result in a future dwelling being significantly elevated on the highest point of the site and in the most visually prominent location. This would result in unreasonable impacts on the rural landscape and affect views from adjoining properties. The proposal would result in a future dwelling that would be imposing on adjoining and nearby dwellings. It would also require extensive earthworks which has the potential to increase erosion risk. Careful consideration should be given to minimising site disturbance in unstable areas or areas prone to erosion, by appropriately siting development in order to minimise any adverse impacts. These concerns were raised within the 8 objections that were received.

The location of the existing building envelope is in an area that is lower in the landscape, being less visually prominent than the proposed new location, and would not result in

adverse impacts on adjoining and surrounding properties. Future development within the approved building envelope would also not require extensive site cuts. This allows for the site to be developed for its intended purpose of a rural residential development without resulting in any unreasonable impacts on the rural landscape and natural environment. The existing building envelope presents a balanced planning outcome.

Whether the proposal is consistent with the purpose and decision guidelines of the Rural Living Zone

The site and surrounding area is located within the Rural Living Zone which has the following identified purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The Decision Guidelines of the Zone require consideration to be given to design and siting and environmental issues, including the following:

- *The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

The proposal is in conflict with the purpose and decision guidelines of the Rural Living Zone as the proposed amendment to the building envelope would adversely affect the rural landscape due to the prominent siting. Future development sited within the proposed building envelope would adversely impact on the natural environment, major roads and vistas due to the envelope being sited on the highest point of the subject site in a visibly prominent location. This is contrary to the purpose and decision guidelines of the Zone. No measures have been proposed to minimise the adverse impact that would result from siting the envelope in the most prominent location on the site.

The subject site has the capacity to accommodate future development within the existing building envelope, without resulting in adverse impacts on the surrounding landscape and environment.

Whether the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay

The site is affected by an Erosion Management Overlay, which has the following identified purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*

The Decision Guidelines require consideration to be given to the following relevant factors:

- *Any proposed measures to minimise the extent of soil disturbance.*
- *The need to stabilise disturbed areas by engineering works or revegetation.*
- *Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.*
- *Whether buildings or works are likely to cause erosion or landslip.*

The proposed amendment has been assessed as being in conflict with the purpose and decision guidelines of the Erosion Management Overlay. The proposal to amend the building envelope would likely require future development to undertake a significant amount of earthworks within an area prone to erosion, landslip and other land degradation; and will alter the topography of the land. This is demonstrated in the associated Planning permit application DR/810/2021 which illustrates the extent of earthworks required in order to facilitate the construction of a dwelling in this location. The creation of any future internal driveway would require additional earthworks due to the increased length of the accessway to the building envelope. This further increases the risk of erosion or landslip. The proposal would result in extensive excavation works being required which would result in significant soil disturbance and erosion. These concerns have also been raised by objectors.

The current building envelope is considered to be the most appropriate location for the future development of the site which is not be subject to high or severe erosion concern given the gentle slope of the land away from any rocky outcrops.

Conclusion

The application proposes to amend the plans endorsed as part of the permit in order to allow a variation to the approved building envelope on Lot 7. The proposal is not in accordance with planning policy relating to the protection of rural landscapes, the natural environment and erosion; the Rural Living Zone and the Erosion Management Overlay.

The plans endorsed as part of the planning permit in their current form allow for a building envelope that is of a suitable size and location for a future residential development and which is consistent with the relevant planning policy framework.

Amending the plans to allow for a variation to the building envelope which would result in adverse impacts on the rural landscape, natural environment and erosion would not result in an orderly planning outcome which is contrary to the Decision Guidelines of Clause 65 and should not be supported.

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

Options

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to: refuse to grant an amended permit.

Conflict of Interest

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

Attachments

Nil

17.6. Lot 7 Wilkinsons Road, SEDGWICK 3551 - Construction of a Dwelling, Outbuilding, Swimming Pool and Dam; and Removal of Vegetation

Author:	Rees May, Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DR/810/2021
Applicant:	L J Wills
Land:	Lot 7 Wilkinsons Road, SEDGWICK 3551
Zoning:	Rural Living Zone
Overlays:	Environmental Significance Overlay 1 Erosion Management Overlay
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	• Whether the proposal is in accordance with Covenant PS814349S. • Whether the proposal is consistent with planning policy regarding rural residential development and the protection of rural landscapes and the natural environment. • Whether the proposal will result in adverse impacts on erosion.
Conclusion:	The application is not in accordance with the Greater Bendigo Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Refuse to Grant a Permit as the proposal is in breach of Covenant PS814349S and would result in adverse impacts on the rural landscape, natural environment and erosion.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for the construction of a dwelling, swimming pool and dam; and removal of vegetation at Lot 7 Wilkinsons Road, SEDGWICK 3551 on the following grounds;

1. The proposal is in breach of Covenant PS814349S and issuing a permit would not be in accordance with Section 61(4) of the Planning & Environment Act 1987.
2. The proposal would have an unacceptable impact on the amenity of the surrounding rural landscape and environment.
3. The proposal would result in adverse impacts on erosion.

RESOLUTION - Resolution No. 2022/04.14

Moved: Cr Alden

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Background Information

Planning permit application DS/44/2015 was issued on 22 March 2016 and approved the staged subdivision of the land into 8 lots. The subject site is known as Lot 7 within this subdivision.

Condition 4 of the planning permit required a building envelope restriction on each lot to be included on the Plan of Subdivision prior to registration at the Titles Office, requiring all future dwellings to be constructed within the approved building envelopes. This requirement was registered on Title as Covenant PS814349S.

The restrictive Covenant includes the following wording:

“No dwelling may be permitted outside the approved building envelope as shown on the endorsed plan in the City of Greater Bendigo planning permit no. DS/44/2015.”

A plan was endorsed as part of the planning permit showing the location of a building envelope on each lot. The location of the building envelope for Lot 7 is shown in Figure 1 below.



Figure 1: Endorsed plan showing the location of the existing building envelope on Lot 7.

The existing building envelope is located 175 metres from the southern title boundary and 95 metres from the western title boundary. The existing building envelope has an overall area of 2,500 square metres, with a length and width of 50 metres. The existing building envelope is situated on a ridgeline with the height of the land ranging between approximately 410 metres AHD at the low point to 420 metres AHD at the high point.

Planning permit application AM/44/2015/E was lodged with the City in September 2021 and seeks approval to relocate Lot 7's building envelope. The plans provided with this application show the proposed dwelling located within this new location. As such, the approval of this application is reliant on the of the approval of AM/44/2015/E to formally relocate the building envelope.

Report

Subject Site and Surrounds

The subject site is formally described as Lot 7 on Plan of Subdivision 814349S and was created as part of planning permit DS/44/2015.

The subject site is irregular in shape and has an overall area of 17.85 hectares. The site is currently vacant and contains some scattered vegetation.

The surrounding area is undulating and the subject site is situated on a hilltop, with the highpoint located in the central portion of the site. The highest point on the land is approximately 450 metres AHD. The site falls in all directions from the high point in the central portion of the site (this is shown in Figures 3 and 4 below). A drainage line traverses the southern portion of the property towards the east.

The site is provided with vehicle access via an existing vehicle crossover onto the common property accessway in the south-eastern portion of the site. The common property accessway leads to Wilkinsons Road. The below images show the subject site from the vehicle crossover location which adjoins the common property accessway.

The subject site is located within the Rural Living Zone and is affected by an Erosion Management Overlay and partially affected by an Environmental Significance Overlay – Schedule 1 (ESO). The proposed buildings are not situated within the ESO, however the proposed dam and vegetation removal would be within the extent of this overlay.

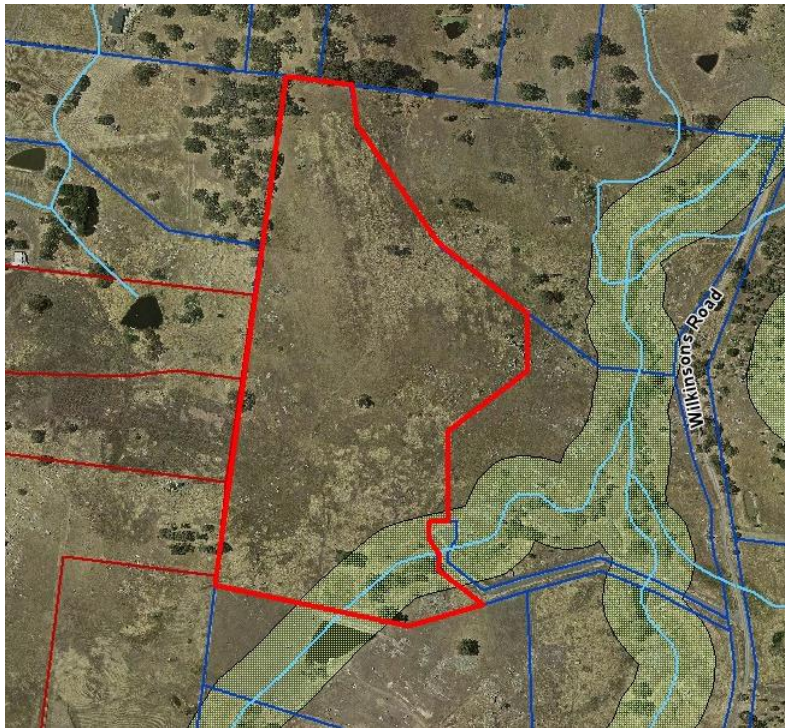


Figure 2: Location map showing subject site and extent of Environmental Significance Overlay.



Figure 3: View of the subject site from the vehicle crossover looking towards the north.



Figure 4: View of the subject site from the vehicle crossover looking towards the west.



Figure 5: View of the subject site from Wilkinsons Road – looking towards the west



Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework

- 11.01-1S Settlement
- 11.03-5S Distinctive areas and landscapes
- 12.03-1S River corridors, waterways, lakes and wetlands
- 12.05-2S Landscapes
- 13.02-1S Bushfire planning
- 13.04-2S Erosion and landslip
- 14.02-1S Catchment planning and management
- 14.02-2S Water quality
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 16.01-3S Rural residential development
- 16.01-3L Rural residential development – Greater Bendigo

Other Provisions

- 35.03 Rural Living Zone
- 44.01 Erosion Management Overlay

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Traffic	Supported the proposal - subject to standard conditions.
Drainage	Supported the proposal – did not request any conditions.
Environmental Health	Not supported – This is on the basis that the proposed Land Application Area is not in accordance with the Land Capability Assessment submitted to support Planning

	Permit DS/44/2015 and is not considered a suitable design for wastewater disposal.

Public Notification

The application was not advertised as the proposal is reliant on the approval of planning permit application AM/44/2015/E (to vary the building envelope on Lot 7).

It is noted that planning permit application AM/44/2015/E was advertised and eight objections were received. As City Statutory Planning officers have recommended that application AM/44/2015/E be refused, it was not considered necessary for this application to proceed to advertising.

Planning Assessment

Whether the proposal is in accordance with Covenant PS814349S

As outlined above, the subject site has Covenant PS814349S which is a restriction on Title. The covenant states that *"no dwelling may be permitted outside the approved building envelope as shown on the endorsed plan in the City of Greater Bendigo planning permit no. DS/44/2015."*

The *Planning & Environment Act 1987* establishes the legislative framework for planning the use, development and protection of land in Victoria. Section 61(4) of the *Planning & Environment Act 1987* states the following:

"If the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority must refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant."

As outlined above, planning permit application AM/44/2015/E was lodged with the City in September 2021 and has undergone an assessment process. The application is not supported at officer level on the basis that the proposal would have an unacceptable impact on the amenity of the surrounding rural landscape and environment due to the prominent siting of the envelope and is recommended for refusal.

The proposed dwelling is shown located within the 'new' building envelope, proposed to be varied as part of the abovementioned application, and as a result is shown located outside of the approved building envelope. As such, the proposed dwelling is in breach of the covenant and cannot be supported subject to S61(4) of the *Planning & Environment Act 1987*. Approving the dwelling in its current form would be contrary to the legislative requirements of the Act.

Whether the proposal is consistent with planning policy regarding rural residential development, and the protection of rural landscapes and the natural environment

Planning policy through Clause 16.01-3L Rural residential development – Greater Bendigo applies to an application to construct a dwelling in the Rural Living Zone and seeks to design dwellings to fit in with the surrounding rural living or rural residential character or preferred character of the area and to protect and enhance land with significant environmental values.

It is assessed that the proposed dwelling and associated outbuilding have not been designed in a manner to fit in with the character of the surrounding area. The proposed development includes a 587.8sqm (34.9m x 34.2m), four bedroom dwelling, a 220.5sqm associated outbuilding, an inground swimming pool and a 3 mega-litre dam. Both the dwelling and outbuilding are structures of a significant scale which increases the potential for adverse impacts on the rural landscape. The dwelling as proposed would be sited on the highest point of the land being the crest of the hill and the outbuilding, although slightly lower in elevation, would still be sited on the prominent ridgeline.

Whilst only one tree is required to be removed to facilitate the proposal, the application does not provide for adequate landscaping to protect and enhance the natural environment or screen the development from surrounding properties. Extensive landscaping and tree planting would be required to minimise the adverse impacts of the proposal on the natural environment. This could not reasonably be addressed through a permit condition.

The relevant purposes of the Rural Living Zone include providing for residential use in a rural environment, along with protecting and enhancing the natural resources, biodiversity and landscape and heritage values of the area. The following decision guidelines are of relevance to the consideration of the application:

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

It is evident from a review of the relevant planning policy framework that there is a clear desire to reduce adverse impacts on the rural landscape and natural environment by providing appropriately sited and designed development.

Given the prominent siting of both the dwelling and outbuilding, the rural landscape and natural environment would be adversely affected. Whilst a dwelling of this scale could be acceptable within a rural landscape, it is the sheer scale of the proposal coupled with the prominent siting on the highest point of the land which would result in the proposal being overly dominant within the rural landscape. Both the scale and siting of the dwelling and outbuilding fail to consider the impacts on the natural environment with significant earthworks required to facilitate all aspects of the proposal (dwelling, outbuilding, internal driveway, swimming pool, dam).

The decision guidelines of the Rural Living Zone also require consideration to be given to on-site effluent disposal. The City's Environmental Health team has advised that they do not support the proposal. The proposed Land Application Area is not in accordance with the Land Capability Assessment submitted as part of the original subdivision application (DS/44/2015) and is not considered a suitable design for wastewater disposal.

Whilst there is potential for a revised Land Capability Assessment to be provided which would inform the location of a new Land Application Area and address the above issues, consideration must be given to the proposal in its current form.

Whether the proposal will result in adverse impacts on erosion

Planning policy through Clause 13.04-2S Erosion and landslip seeks to protect areas prone to erosion, landslip, or other land degradation processes. Such strategies include identifying areas subject to erosion or instability in planning schemes and when considering the use and development of land, preventing inappropriate development in unstable areas or areas prone to erosion and promoting vegetation retention, planting, and rehabilitation in areas prone to erosion and land instability.

The subject site is entirely affected by the Erosion Management Overlay which seeks to protect areas prone to erosion, landslip, other land degradation by minimising land disturbance and inappropriate development. Development should be prevented in unstable areas or areas prone to erosion.

All aspects of the proposal require planning approval under the Erosion Management Overlay. The Overlay sets out a series of decision guidelines which Council, as the responsible authority, must consider when deciding on an application. The following decision guidelines are of relevance to the consideration of this application:

- *Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.*
- *Any proposed measures to minimise the extent of soil disturbance.*
- *Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.*
- *The need to stabilise disturbed areas by engineering works or revegetation.*
- *Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.*
- *Whether buildings or works are likely to cause erosion or landslip.*
- *Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.*

The proposal would result in an extensive amount of earthworks including the site cut and battering for the dwelling and outbuilding, the internal accessway with a 6 metre width and the construction of the dam, along with the removal of a small tree. The total area of earthworks for the entire proposal is approximately 15,150 square metres in area. A maximum cut of 1.8 metres in depth would occur at the apex of the hill.

The earthworks required for the proposal are considered excessive and would result in a large area of disturbed soil and extensive battering which poses substantial risks of erosion. The application proposes the planting of primarily pasture grasses and only a small amount of new tree planting to stabilise the disturbed areas. This is considered insufficient to address risks of erosion and for stabilising the land. To stabilise the disturbed soil battering, retaining walls and revegetation would be needed. These considerations could not reasonably be addressed through permit conditions. It is evident that the proposal fails to consider the impacts of the proposal on erosion.

A dwelling located within the existing approved building envelope with an internal accessway of a shorter length would require far less soil disturbance. These factors were considered in determining the appropriateness of the original building envelope and it is evident that a dwelling in this location would result in a more favourable planning outcome with regards to erosion.

Given the extensive earthworks proposed, the likelihood of erosion impacts and the minimal revegetation proposed, the proposal is not in accordance with planning policy regarding erosion and would result in an unacceptable planning outcome.

Conclusion

The application proposes the construction of a dwelling, outbuilding, swimming pool and dam; and removal of native vegetation.

The proposal is in breach of Covenant PS814349S, and approving the proposal in its current form would be contrary to the legislative requirements of *S61(4) of the Planning & Environment Act 1987*.

The proposal is not in accordance with planning policy relating to rural residential development, the protection of rural landscapes, the natural environment and erosion. The proposal would result in unreasonable impacts on amenity of the surrounding rural landscape and environment and is not supported.

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

Options

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

Conflict of Interest

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

Attachments

Nil

17.7. 19 Blossett Drive, SEDGWICK 3551 - Two Lot Subdivision, Removal of Native Vegetation and Creation of a Carriageway Easement

Author:	Rhiannon Biezen, Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DS/200/2021
Application Documents:	https://epathway.bendigo.vic.gov.au/ePathway/Production/Web/GeneralEnquiry/ExternalRequestBroker.aspx?Module=EGLAP&Class=P&Type=PLNADV&Applicationid=960751
Applicant:	DJK Engineers
Land:	19 Blossett Drive, SEDGWICK 3551
Zoning:	Rural Conservation Zone
Overlays:	Environmental Significance Overlay 2 Erosion Management Overlay Bushfire Management Overlay
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	• Whether the proposal would result in an acceptable planning outcome having regard to bushfire risk. • Whether the proposal would result in an acceptable planning outcome having regard to the purpose and decision guidelines of the Rural Conservation Zone and the relevant planning policy that deals with rural subdivision. • Whether the proposal will result in an acceptable planning outcome having regard to the removal of native vegetation and the protection of the natural environment. • Whether appropriate justification has been provided in support of the proposal.
Conclusion:	The application is not in accordance with the Greater Bendigo Planning Scheme. It is recommended that Council refuse to grant a permit as the proposal does not present an acceptable planning outcome with regards to the purposes of the Rural Conservation Zone and the relevant planning policy that deals with rural subdivisions, fire risk, the protection of native vegetation and the natural environment. Insufficient justification has been provided in support of the application.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for the two lot subdivision, removal of native vegetation and creation of a carriageway easement at 19 Blossett Drive, SEDGWICK 3551 on the following grounds:

1. The proposal is inconsistent with the purpose and decision guidelines of the Rural Conservation Zone and planning policy that deals with rural subdivision.
2. The proposal is inconsistent with planning policy regarding bushfire risk and fails to prioritise the protection of human life and reduce the bushfire risk to life and property to an acceptable level.
3. The proposal is inconsistent with planning policy regarding the removal of native vegetation and the protection of biodiversity.

RESOLUTION - Resolution No. 2022/04.15

Moved: Cr Alden

Seconded: Cr Fagg

That the recommended motion be adopted.

CARRIED

Background Information

Preliminary concerns were raised with the application in relation to the proposal not being in accordance with the City's Rural Subdivision Policy, the purpose of the Rural Conservation Zone, and planning policy regarding bushfire risk, erosion and groundwater. Of key concern was the proposal's inability to prioritise the protection of human life with regards to bushfire. It was advised that it is unlikely that the proposal would be supported in its current form.

The applicant provided additional information and justification to support the application in the form of an Environmental Management Plan, and four revisions of the Bushfire Management Statement occurred in response to concerns raised by the CFA. This additional information is considered insufficient in addressing the concerns, as discussed below.

Report

Subject Site and Surrounds

The site is formally referred to as Lot 1 on PS414845K and is otherwise known as 19 Blossett Drive, Sedgwick. The site is irregular in shape with an area of 27.6 hectares.

The site currently contains a single storey detached dwelling and associated outbuilding which are located centrally within the site. The site also contains two small dams and is

heavily vegetated within the southern portion of the site and along the western and northern boundaries. Access to/from the site is via an existing crossover onto Blossett Drive which is a single lane, unmade dirt track of 135 meters in length, which connects to Mandurang South Road, which is a single lane unmade gravel road. Access to the site is impeded by the thick vegetation located within the road reserves of Blossett Drive and Mandurang South Road as well as the surrounding properties.

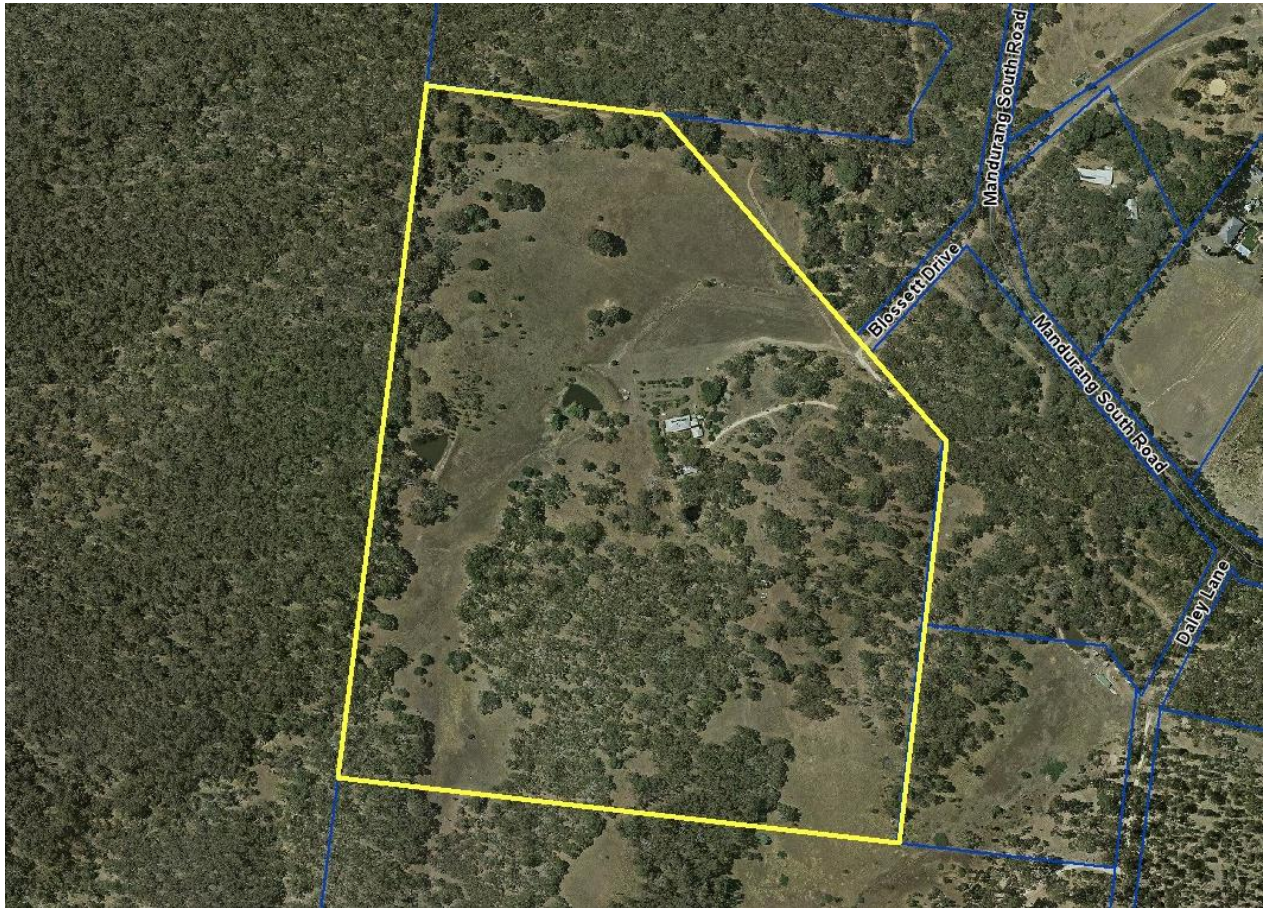


Figure 1: Location map showing subject site.

The site is located within the Rural Conservation Zone, with surrounding land located within the Rural Conservation Zone, Public Conservation and Resource Zone and Public Use Zone.

The immediately adjoining and surrounding area is heavily vegetated throughout. The site adjoins the heavily vegetated Greater Bendigo National Park to the north, north-east and west, which is Crown Land managed by the Department of Environment, Land, Water and Planning.

The wider surrounding area is characterised by larger style lots, many of which contain dwellings and associated outbuildings.

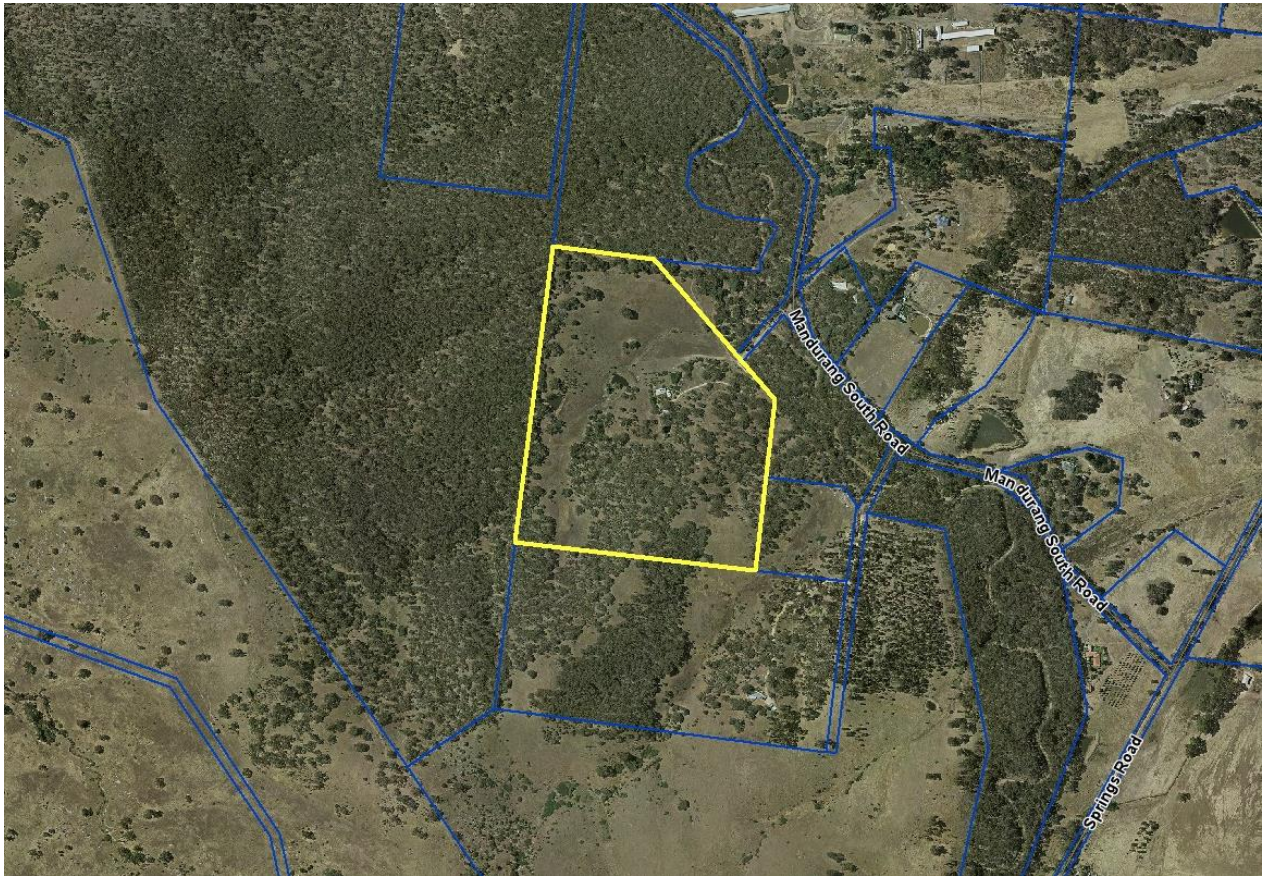


Figure 2: Location map showing surrounding area of subject site.

Proposal

The application proposes to subdivide the land into 2 lots and the removal of native vegetation.

Subdivision

- Lot 1 would have an area of 16.3 hectares and contain the existing dwelling and associated outbuildings. Access would be via the proposed carriageway easement connecting the lot to Blossett Drive.
- Lot 2 would have an area of 11.29 hectares and contain a building envelope which would be setback 29 metres from the southern and eastern boundaries. Access would be via the proposed carriageway easement connecting the lot to Blossett Drive.
- The proposed carriageway easement has a width of 10 metres and would provide access to both lots from Blossett Drive.



Figure 3: Proposed subdivision layout

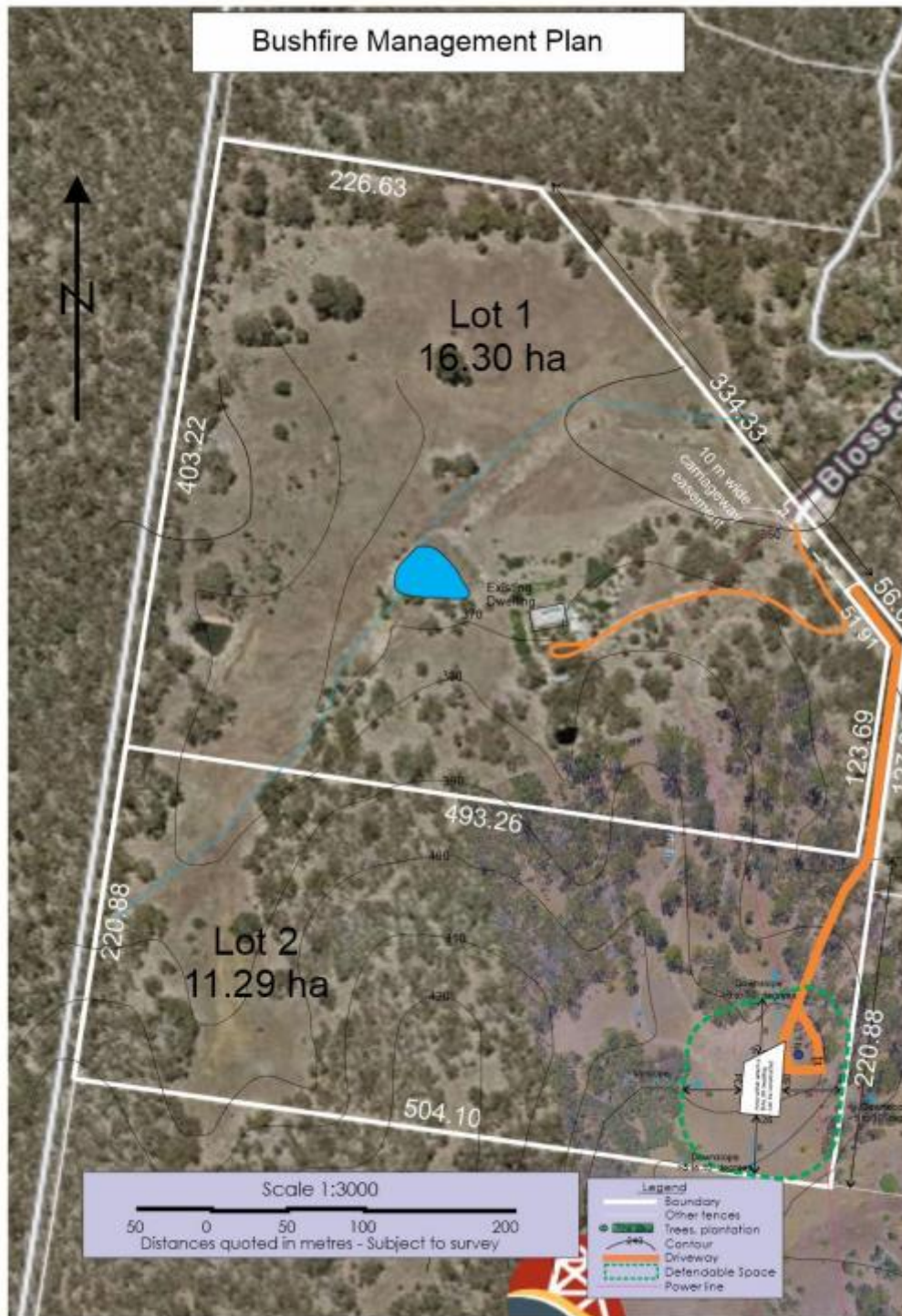


Figure 4: Bushfire Management Plan

Native vegetation removal

- It is proposed to remove two patches of native vegetation with a total area of 0.116 hectares with a Strategic Biodiversity score 0.771.
- The native vegetation is proposed to be removed in order to construct an internal accessway to Lot 2.
- The native vegetation removal falls within a basic assessment pathway.

The application was accompanied by a Native Vegetation Removal Report, but no offset credit extract or photos of the native vegetation to be removed were provided.



Figure 5: Location of proposed vegetation removal

Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF) & Municipal Planning Strategy (MPS)

- Clause 02.03 Strategic Directions
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 13 Environmental risk and amenity
- Clause 13.02-1S Bushfire Planning
- Clause 13.07-1S Land use compatibility
- Clause 14.01-1L Protection of agricultural land – Greater Bendigo
- Clause 15.01-3S Subdivision design
- Clause 16.01-3L Rural residential development

Other Provisions

- Clause 35.06 Rural Conservation Zone
- Clause 44.06 Bushfire Management Overlay
- Clause 42.01 Environmental Significance Overlay – Schedule 2

- Clause 44.04 Erosion Management Overlay
- Clause 52.02 Easements, restrictions and reserves
- Clause 53.02 Bushfire Planning
- Clause 52.17 Native vegetation

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Country Fire Authority	No objection - did not request any conditions. It is noted that the CFA requested further information on 3 occasions prior to providing consent.
Department of Environment, Land, Water and Planning	No response received.
Goulburn-Murray Water	No objection - subject to conditions relating to on-site wastewater treatment and disposal.
North Central Catchment Management Authority	No objection - subject to conditions requiring a restriction to be placed on Title restricting and buildings and works within 30m of the waterway.
Engineering - Traffic	No objection - subject to conditions relating to construction requirements for the internal accessway.
Engineering - Drainage	No objection - subject to conditions relating to the construction of works, public assets, and consent for works within the road reserve.
Environmental Health	No objection - subject to a standard note being included on the permit relating to future requirements to obtain a permit to install an onsite wastewater management system for a future dwelling on Lot 2.

Public Notification

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

Planning Assessment

Whether the proposal would result in an acceptable planning outcome having regard to the purpose and decision guidelines of the Rural Conservation Zone and the relevant planning policy that deals with rural subdivision.

Planning policy through Clause 14.01-1L Protection of agricultural land – Greater Bendigo applies to applications to subdivide land in the Rural Conservation Zone and includes the following relevant strategies:

- *Avoid subdivisions that may create rural living enclaves remote from urban infrastructure.*
- *Plan subdivisions to protect water quantity and quality and significant native vegetation.*

The site is located within the Rural Conservation Zone which has the following stated purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

The following values listed in the Schedule to the Zone are relevant to the application:

- *The need to preserve the flora, fauna and landscape values of the land in the zone*
- *The need to protect significant vegetation cover on land in the zone.*
- *The need to protect existing vegetation on privately-owned land adjoining vegetated public land.*
- *The need to minimise land degradation including salinity and erosion.*

There are certain requirements in this zone which allow the consideration of subdivision of the land, with the minimum lot size provision being 8 hectares. In addition to the minimum lot size provision, the provisions of the Rural Conservation Zone direct that consideration must also be given to a number of decision guidelines under the Zone which consider the question of how rural subdivisions fit within these purposes. The decision guidelines provide a means by which to assess such applications. The decision guidelines include the following matters that are relevant to this application:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development conserves the values identified for the land in a schedule.*

- *Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds. Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.*
- *The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.*
- *How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.*

An Environmental Management Plan was submitted as part of the application but fails to give appropriate consideration to the relevant considerations and clearly states that the intended use for Lot 2 is for a dwelling.

Whilst any future dwelling on the land would require planning approval under the Zone, it is evident that the application is to provide an additional lot for rural residential living. The approval of the subdivision would pave the way for a future dwelling approval and intensification in residential land use, which is contrary to the purpose of the zone.

The *Rural Areas Strategy, September 2009* notes that there is approximately 80 years supply of land currently zoned for rural-residential purposes within the Rural Living Zone. There is currently a significant oversupply of land for rural residential purposes within Greater Bendigo and as such rural lifestyle development should be directed toward these areas. The purpose of the Rural Conservation Zone is not for residential development.

Whilst it is acknowledged that the proposal does meet the minimum lot size requirement under the Zone, it is unclear as to how the subdivision aligns with the purpose of the Zone given the intended residential land use and the unreasonable impacts on the natural environment required to facilitate the use in line with bushfire mitigation measures. The proposal does not support agriculture, nor does it protect or enhance the natural environment or landscape.

Native vegetation removal is required in order to facilitate access to the building envelope on Lot 2, along with meeting defendable space requirements. With regards to native vegetation, there are three location categories that indicate the potential risk to biodiversity. The site is within Location 2 which includes locations that are mapped as endangered EVCs and/or sensitive wetlands and coastal areas. In addition to this, the vegetation removal is primarily within the part of the site indicated as having the highest strategic biodiversity value. The vegetation removal is proposed within a strategic biodiversity value area of 83 which is an area of significant biodiversity. This is due to the number and breadth of native vegetation species located within the site and also the significant ecological system it supports within the site and the wider surrounding area.

This is contrary to the applicant's position that the vegetation is of a low strategic value, and that the proposal will have very little impact on the biodiversity and natural resources of the area.

The site abuts the Greater Bendigo National Park which is a strategic bio-link for the wildlife within the area, but also those animals travelling through the area. The subject site is considered to be a habitat corridor between the conservation reserves and State parks located further to the east of the site and the national park which abounds the site to the north and west.

It is evident that the purpose of the subdivision is to create an additional rural residential allotment. Whilst the use of the land for a dwelling in the Rural Conservation Zone can be appropriate in certain circumstances, this should only be supported in instances where it can be demonstrated that a residential land use can support the purposes of the zone; being to protect and enhance the natural environment, or support an agricultural land use consistent with the conservation and landscape values of the area. No measures have been proposed to protect or enhance the natural environment. Whilst the applicant has stated that the identified values of the Rural Conservation Zone are either protected or not applicable, the City disagrees with this position.

Whether the proposal would result in an acceptable planning outcome having regard to bushfire risk

By way of background, the Black Saturday Bushfires in 2009 were the catalyst for changes to the bushfire provisions within the Planning Scheme. In particular, it was the loss of life which occurred that resulted in the Commission's findings that bushfire mitigation and planning needed to place a greater emphasis on the protection of human life. It was determined that land use planning which considers natural hazard risks is the single most important mitigation measure in preventing future disaster losses in areas of new development.

Planning policy through Clause 02.03-1 Settlement outlines a series of strategic directions for settlement in Greater Bendigo including avoiding development in bushfire and flood prone areas, unless risk can be managed. Clause 02.03-3 Environmental risks and amenity goes on to acknowledge that having a valuable network of public and private forests throughout the municipality also means that most of the municipality is bushfire prone. The extent of rural living uses throughout the rural areas and on the edges of the urban areas increases this vulnerability.

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

- *Give priority to the protection of human life by:*
 - *Prioritising the protection of human life over all other policy considerations.*
 - *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
 - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*
- *Identify bushfire hazard and undertake appropriate risk assessment by:*
 - *Considering and assessing the bushfire hazard on the basis of landscape conditions, local conditions, neighbourhood conditions and the site for the development.*

- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*
- *Considering areas of biodiversity conservation value by:*
 - *Ensuring that settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.*

In summary, in determining the appropriateness of a proposal, consideration must be given to risk of bushfire to people, property and community infrastructure; ensuring that appropriate bushfire protection measures can be implemented; and ensuring that new development can implement bushfire protection measures without unacceptable biodiversity impacts.

The entire subject site is affected by a Bushfire Management Overlay, which is applied to land that has the potential to be affected by extreme bushfires. The Bushfire Management Overlay has the following identified purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

An application for subdivision under the Bushfire Management Overlay must meet the requirements of Clause 53.02 Bushfire Planning. The policy outlines a series of objectives and design measures in order to achieve the following purposes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

A Bushfire Management Plan was provided as part of the application material that indicates a building envelope for Lot 2 in the south eastern corner of the site. The Bushfire Management Plan indicates the following:

- A future dwelling on the lot would be required to be constructed to BAL-29.

- Defendable space would be required to be provided for a distance of 30m to the north, 50m to the east, 26m to the south and 34m to the west.
- A 10,000L water tank would be provided with CFA fittings.
- An internal driveway in excess of 420m would provide access to the building envelope and will require specific design and construction requirements in order to provide all-weather access to emergency vehicles. Native vegetation removal would be required.

It is important to note that, if approved, the subdivision would provide a building envelope for a future dwelling and through the requirement to enter into a Section 173 Agreement, a future dwelling on the land would not require planning approval under the Bushfire Management Overlay, subject to being constructed in accordance with the Bushfire Management Plan that would be endorsed to form part of the permit. A planning permit would still be required under the Rural Conservation Zone, however, no consideration would be able to be given to bushfire risk.

It is also important to acknowledge that the CFA has not objected to the granting of a permit, subject to standard conditions being included on any permit issued. Whilst it is often assumed for applications of this nature that CFA support should dictate the City's position on the application, the policy set out within the Planning Scheme is what should guide our decision making. Consulting with emergency management agencies (CFA) is just one aspect of the relevant considerations as clearly stated in Clause 13.02-1S Bushfire planning. To consider approving the application, the City must be satisfied that the level of risk that they are allowing is acceptable.

Whilst it is accepted that the application can demonstrate a Bushfire Management Statement that satisfies the CFA, the application fails to prioritise the protection of human life. Council's role as the Responsible Authority in deciding on applications of this nature must be to consider bushfire risk in a broader sense as directed by the abovementioned policy framework.

Given the physical characteristics of the site and the area in which it is positioned, the question needs to be raised as to whether directing additional settlement in these areas is appropriate.

Consideration of the context of the site and surrounding area should be the starting point of any proposal of this nature. The landscape, siting and design objectives of Clause 53.02 relating to bushfire protection require the following:

- *Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.*
- *Development is sited to minimise the risk from bushfire.*
- *Development is sited to provide safe access for vehicles, including emergency vehicles.*
- *Building design minimises vulnerability to bushfire attack.*

The Greater Bendigo National Park adjoins the site along the northern and western boundaries. This area is defined by large expanses of bushland and presents a significant bushfire risk. The Bushfire Hazard Landscape Assessment provided as part of the application material states that the potential fire risk to homes along this woodland National Park is considerable. It goes on to state that a bushfire starting to the north within the National Park could travel in a south-easterly direction on a hot northerly wind creating initially an ember attack ahead of the fire, thus creating considerable risk to people and

buildings. The surrounding area has been assessed by the CFA as being 'high risk' for the loss of property and human life (forest with greater than 30% canopy).

The approval of the subdivision and associated building envelope within Lot 2 introduces a level of risk to life which is currently absent from the site, by introducing a new dwelling in a high risk location. The level of risk has been downplayed by the applicant.

The significant bushfire risk is highlighted by the submitted Bushfire Management Plan and associated CFA conditions requiring any future dwelling to be constructed to a BAL-29. BAL-29 indicates that any dwelling would be subject to increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19 and 29 kW m². Defendable space would be required to be provided around the dwelling. Whilst it is accepted that direct flame contact could likely be negated through the management of vegetation within the defendable space, it should be acknowledged that a significant number of homes which are lost in the event of a bushfire, are lost as a consequence of ember attack and radiant heat. The creation of defendable space around the proposed dwelling is simply one element and does not eliminate the risk, nor substantially reduce it. The bushfire risk which the surrounding landscape presents, will remain unaltered.

As directed by the relevant policy, consideration must be given to the positioning of this site within dense vegetation, as it affects the likelihood of the property being impacted by bushfire. The application fails to give appropriate consideration to the bushfire risk arising from the surrounding landscape.

Access to the existing dwelling on the site would remain unchanged as a result of the proposal. Due to the siting of the building envelope on Lot 2, an internal driveway in excess of 420m would be required to provide access to the building envelope and would require specific design and construction requirements in order to provide all-weather access to emergency vehicles. Native vegetation removal would be required in order to achieve this.

Whilst it is acknowledged that the internal accessway could be constructed in accordance with the above requirements, this would result in unreasonable impacts on biodiversity which is contrary to bushfire protection policy. This is discussed in further detail below. Furthermore, the bushfire protection measures outlined in Clause 53.02 requires that buildings are sited to best achieve the building being located in close proximity to a public road. An internal driveway in excess of 420 metres is contrary to this requirement. There are concerns that the deep location of the dwelling within the site could present a fire trap.

Access must also be considered beyond the subject site. Blossett Drive is an unsealed road which connects to Mandurang South Road. The Bushfire Management Statement submitted as part of the application provides photographic evidence of the conditions and characteristics of Blossett Drive and demonstrates that the road is unsealed and is bounded on both sides by open forest which consists of 30% cover. These access roads are considered vulnerable in the event of a fire and a resident would rely on this access in the event that they wished to leave the site.

The inability to reduce the risk to life and property or egress the site via appropriate low risk accessway is inconsistent with the purpose of Clause 53.02.

If approved, the subdivision would provide for an additional lot for a future dwelling within a high risk bushfire location. . It is evident from the material provided that the intent of the

proposal is to provide an additional lot for a rural residential development. The proposal is contrary to planning policy regarding bushfire risk as the proposal fails to demonstrate how the protection of human life has been prioritised or how the level of risk has been reduced to an acceptable level. It is questionable as to whether the Bushfire Management Statement has been developed in consideration of the site and siting options available.

It is considered that while the Bushfire Management Statement may have addressed components for land management within the property boundaries and the ability for defendable space distances to be accommodated, it has failed to make an assessment of the proposal in the broader context of where the land is located – with minimal weight on the characteristics and scale of the surrounding vegetation and the high level of risk which this would pose to future residents of Lot 2.

This position is reinforced by the Tribunal's decision in the case of *Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019] VCAT 323* where the Tribunal refused to grant a permit for the use and development of land for a dwelling on a site in Healesville within the Rural Conservation Zone and the Bushfire Management Overlay, in addition to a number of other overlays. One of the reasons the application was refused was that locating a new dwelling in an area of high risk was contrary to the strategies of the Planning Scheme which seek to locate new development in areas of low risk and to prioritise human life above all other policy considerations, including the need to provide for residential development.

In its decision, the Tribunal stated that:

“Similar to biodiversity, planning for bushfire is not a ‘tick a box’ approach. Certainly achieving compliance with the approved measures meets objectives under the clause and is very helpful in decision making, however any proposed use and development must also satisfy the policy framework, which guides decision making.”

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

Whether the proposal will result in an acceptable planning outcome having regard to the removal of native vegetation and the protection of the natural environment

Planning policy through Clause 02.03-2 Environment and landscape values recognises biodiversity and native vegetation as being two key environment and landscape values for Greater Bendigo.

Planning policy through Clause 12.01-1S Protection of biodiversity seeks to assist the protection and conservation of Victoria's biodiversity. Such strategies include ensuring that decision-making takes into account the impacts of land use and development on Victoria's biodiversity. Native vegetation helps maintain Victoria's biodiversity as it forms the basis of Victoria's ecological communities.

The vegetation removal is not located within the part of the site affected by the Environmental Significance Overlay Schedule 2, which applies to groundwater recharge protection areas.

Planning policy through Clause 12.01-2S Native vegetation management seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Such strategies include applying the three step approach to the removal of native vegetation.

Additionally, Clause 52.17 Native vegetation also seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines)*:

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

As shown in Figure 5, 0.116 hectares of native vegetation is required to be removed in order to facilitate the construction of the proposed internal accessway. The applicant submits that the vegetation removal is 'very minimal'. *The Guidelines* state that an application to remove native vegetation must demonstrate or provide appropriate evidence to show that no options exist to avoid native vegetation removal and that will not undermine the objectives of the proposed use or development. Where native vegetation removal cannot be avoided, an application must demonstrate or provide appropriate evidence to show that no options exist to further minimise the impacts of native vegetation removal, that will not undermine the objectives of the proposed use or development. The applicant has failed to provide sufficient evidence to satisfy the City that any measures have been taken to avoid or minimise the removal of native vegetation, which is contrary to the policy requirements.

There are also concerns with the accuracy of the information provided as it is unclear as to whether any further native vegetation removal is required within the defendable space in order to comply with bushfire requirements, noting that exemptions to provide defendable space do not apply within the Rural Conservation Zone. The applicant also failed to provide any information which would satisfy the City's concerns relating to the accuracy of the Native Vegetation Removal Report. Insufficient information has been provided in order to properly assess the application.

It is noted that there are no concerns regarding on-site wastewater management.

Conclusion

The application proposes a subdivision which is contrary to planning policies relating to bushfire risk, rural subdivisions, the removal of native vegetation and the protection of the natural environment.

The proposal is inconsistent with the purpose and decision guidelines of the Rural Conservation Zone, fails to prioritise the risk to human life and reduce bushfire risk to an acceptable level, and fails to give appropriate consideration to preserving native vegetation and ensuring positive ecological outcomes. Insufficient justification has been provided to support the proposal.

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

Options

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

Conflict of Interest

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

Attachments

Nil

18. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY**18.1. Bendigo Tramways Project - Authorisation to Tender**

Author:	Benjamin Devanny, Manager Business Services & Economic Development
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

To request that Council authorises the CEO to proceed to tender for the construction of the Bendigo Tramways Expansion Project (The Project), and provide project management services – a joint project between the Victorian Government, VicTrack, the City of Greater Bendigo and Bendigo Heritage Attractions.

Recommended Motion

That Council:

1. Supports that the City will undertake project management services for the Bendigo Tramways Expansion Project.
2. Notes the establishment of an (amended) Memorandum of Understanding (MOU) that addresses the revised project delivery model.
3. Notes that the Council has contributed \$500,000 to the project in the 20/21 financial year and will contribute an additional \$500,000 through the life of the project.
4. Notes that a dedicated Project Manager will be funded from the existing project budget.
5. Authorises the CEO to undertake activities relating to finalising the MOU and to commence the procurement process in accordance with Council's procurement guidelines and processes.
6. Includes the project in the 2022/2023 budget deliberations to account for the financial management of the project and the City's role in that regard, noting a \$10.7M total budget allocation with external funding included.
7. Notes that a report will be prepared for authorisation of the construction tender by Council in July 2022.
8. Receives regular project updates.

RESOLUTION - Resolution No. 2022/04.16

Moved: Cr Fagg

Seconded: Cr Sloan

That the recommended motion be adopted.

CARRIED

Executive Summary

The Bendigo Tramways Expansion project is a joint project between VicTrack, Regional Development Victoria, Bendigo Heritage Attractions (BHA) and the City of Greater Bendigo to upgrade the existing Tramways site and to expand with a new storage shed on the adjacent site owned by VicTrack. The project was first announced in 2019 with a total budget of \$10,700,000 from all project partners.

The objective of the Bendigo Tramways Upgrade project is to deliver a modern, integrated facility that will expand BHA's capacity to deliver heritage rolling stock restoration services and a first-class visitor experience. This is part of building BHA's long term sustainability and reputation as Australia's pre-eminent restoration and tourist tramway.

In particular, the project will:

- Construction of a large purpose-built storage shed to expand the Bendigo Tramways storage capacity to accommodate an additional 30 W-Class trams and other heritage rolling stock from both VicTrack's Newport workshops and the former Bendigo gas works site. This is critical to enabling future productive uses of both sites.
- Upgrade the Bendigo Tramways workshop to meet current and future demand for heritage tram and vehicle restoration services.
- Enhance the visitor experience at Bendigo Tramways and embed it as a key part of Central Victoria's tourism, heritage, and cultural offerings, generating local economic and employment activity
- Support local economic development in Bendigo through the delivery phase.

On completion, the expanded BHA will support the growth of local manufacturing jobs as part of the resurgence of heavy manufacturing in Bendigo, and opportunities for skills development in the sector.

Report

The Revised Delivery Model (this report)

After community consultation in 2020 an Expression of Interest was issued by VicTrack to partner with a consortium to design and construct the project. After assessment of the submissions it was decided by the Project Control Group to progress the detailed design of the project before progressing the construction.

Local firm Y2 Architecture were appointed by VicTrack to complete the detailed design component of the project. Y2 has led the detailed design phase to best meet the agreed project objectives within the available budget, noting that the site has a number of constraints with ground and flood levels.

During this work the project had been amended to being two separate sites with construction of a building on a site owned by VicTrack and modifications and improvements to a building operated by Bendigo Heritage Attractions on a site owned by Council.

This is a variation to the original plan of both sites being connected which has been agreed to by all parties and has occurred during the design to make both sites best fit the project

objectives with the available funding. Additional consultation with an amended concept design was completed by VicTrack in June 2021 with the amended concept design which has helped inform the final design.

These changes have led to the delivery model being changed due to the significant amount of work now being completed on the Council owned site. This is detailed below.

Previous Delivery Model

The City has previously committed \$1M to the project.

At the time of this commitment.

- VicTrack was the planning and delivery entity for the project.
- VicTrack was responsible for running the tender, engaging the head contractor and managing the delivery of the project.
- The City's cash contribution and future exposure was capped at \$1M.

The City's Procurement Policy provides the CEO with financial delegation of up to \$1.5m. Under the previous project delivery model, the CEO had the delegation to approve the payment of the City's contribution to the project.

Revised Delivery Model

- The proposed revised delivery model has the City responsibility for the delivery of a project with a combined total value of \$10.7M, across all contributing parties.
- The City of Greater Bendigo to be responsible for the Project Management aspects of the project, including: leading the tender process, engaging the Head Contractor to undertake the works, reporting to the PCG on project progress, and monitoring project delivery.
- A City engaged Project Manager will undertake all project management responsibilities for the project, funded by the project budget (ie. no further cost to Council).
- The distribution of contingency funds and potential cost overruns will be allocated to the respective asset owners in principle, such as:
 - VicTrack if related to the construction of the shed in Hopetoun Street;
 - City of Greater Bendigo if related to works on BHA land.

The awarding of the project, in line with the City's expanded role, will require approval of the contract above the CEO's financial delegation of \$1.5M.

The specific roles and responsibilities for the delivery of the project, amongst the parties, will be documented in an amended Memorandum Of Understanding (the MOU), which will be signed under delegation between VicTrack, The City and Bendigo Heritage Attractions. The MOU effectively forms the working agreement on the client side of the project.

Additionally, upon receipt of tender submissions, an Evaluation Panel will consider all tender submissions in accordance with the City's procurement processes and determine next steps relative to the tender prices and budget constraints. This will be a gateway point for the project.

Options considered

Options available include:

- Not proceeding with this project management role within the City. This is not preferred as the City is concerned that if they do not take the lead with this project the much needed and funded project will be further protracted in its delivery.
- Support the recommendation herein for the City to undertake the project role and endorse the appropriate delegations and risk management strategies as they relate to this role.

Communications/Engagement

Internal consultation has occurred with the Coordinator Legal Services in relation to the Memorandum of Understanding.

Financial Sustainability

\$1M contribution to the Project has been approved in previous budgets and the Project Manager role is to be funded from total project costs and budget.

Risk Assessment

Identified risks as they relate to this report are summarised below:

- That City will have project risk after awarding the contract for tender which is managed / mitigated within the MOU with project partners to share the project risk. It should be noted that the conduct of most capital projects carry some commercial and contractual risk, which is effectively managed via carefully drafted MOUs and other types of contractual arrangements. The City has diligently been involved with the drafting of the MOU and will monitor contractual obligations carefully throughout project delivery and implementation to minimise risk exposure.
- Early project budget risks will be managed via the project specification creation, tender processes and documentation. In addition, project gateways will be implemented to ensure financial risks as managed as effectively as possible. A detailed project estimate has also been prepared for the project (a QS) which will be referenced.
- Bendigo Heritage Attractions will not be able to expand their manufacturing and tourism offering on site without the expansion being completed. The delivery of this project will facilitate this increase.
- Disruptions in and around the project site arising from the project will be managed by various management plans such as traffic management, construction management, etc. These will be reviewed by the City as necessary.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 3 - Strong, inclusive and sustainable economy

Secondary Council Plan Reference(s)

Goal 1 - Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy

Other Reference(s)

Economic Development Strategy 2020-2030

Strategic Direction 1: Grow sustainable jobs and investments

Initiative 4: Invest in Business Innovation

Conflict of Interest

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

Attachments

Nil

19. ABORIGINAL RECONCILIATION

Nil

20. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

21. A VIBRANT, CREATIVE COMMUNITY

Nil

22. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

23. URGENT BUSINESS

Nil

24. NOTICES OF MOTION

Nil

25. COUNCILLORS' REPORTS

Cr Fagg presented his report as outlined below:

- Nil to report due to approved leave.

Cr Alden reported on her attendance at the following meetings and events:

Short month but a few things happening:

- Gurri Wanyarra community network forum
- Ukrainian rally
- Fierce: Drag queens of Bendigo exhibition
- Bendigo Symphony Orchestra: Frozen Springs
- Sexual Harassment Prevention training
- Greater Bendigo Coalition for Gender equality
- Healthy Greater Bendigo plan partnership group
- La Trobe City Studio Hubbub
- Friends of Riley St Natural Reserve
- Spoke at Palm Sunday Lets Welcome Refugees event - 3 gps plus church and ethnic communities.
- Rotary Art show
- Awakening of the Dragon

Cr Williams presented his report as outlined below:

- Easter festival was impressive

Cr Penna outlined his attendance at the following meetings and events:

- Fosterville Gold Solar Drop in Visit
 - Docs on Tap Software Training
 - Anzac Ceremony for Bendigo Senior Secondary College
 - Friends of Rileys Reserve Tree Planting Gathering
 - Wong Loong Blessing and social Gathering
 - Iftar Ramadan Dinner with Islamic Community
 - Awakening of Dragon at Chinese Museum
 - Various Briefings
 - Various Presentations
 - Various planning Site Visits
 - Various objector and Representation Visits
 - Greeting and talk with Consul General Indonesia and Tasmania Quarry Hill Hall
-

Cr Sloan presented her report as outlined below:

"Thank you Mayor Metcalf and welcome everyone with us tonight in the public gallery, viewing on livestream and listening on Phoenix FM. This month has been jam-packed with community events to bring a sense of wellbeing, social connection and joy to the community.

Along with the Mayor and Councillors I attended the Bendigo Easter Fair launch at the beautiful Conservatory Gardens and was delighted to meet some of Bendigo's popular girls who made a magnificent contribution to our community at past Easter Fairs. Thank you for your valued work and commitment to the community.

The Bendigo **Easter Fair** was an outstanding success despite 4th day cancellation due to weather; the Imperial Dragons kept the community in their gaze, even when sleeping, and Dai Gum Loong's blessing will hold us in good stead. Thanks to the amazing teams, individuals and volunteers that made this year's Easter Fair a stunning success.

I proudly attended the **Transgender Day of Visibility** where, for the first time in GB, the Transgender Flag was flown, a milestone day indeed. Thanks to Mayor Metcalf, Alex and Zara from Trans and Gender Diverse Bendigo and Beyond for raising the flag that has proudly flown in the civic gardens. GB lived up to its Welcoming and Inclusive City Accreditation during this yr's Bendigo PRIDE Festival and I look forward to another very sparkly festival next year.

Along with Mayor Metcalf I was pleased to attend the **Rotary Club of Eaglehawk's** inaugural community breakfast, which we hope will be the first on many, and was pleased to be invited to share community lunch with local residents and volunteers at **Eaglehawk Community House** along with Mayor Metcalf and Deputy Mayor Evans .

A **Dahlia & Arts Festival** Community Forum was held in Eaglehawk attended by myself and 35 community members. Ideas and suggestions for future festivals that could be held at Eaglehawk's wonderful indoor and outdoor facilities were discussed. A future festival business plan will be prepared with an event for all to attend and discuss the final plan planned for August.

In Whipstick Ward a lot is happening. Albert Roy Reserve Tennis Courts and the footpath in High St, EH are currently under construction. Installation of two new tables and a platform has been completed at Long Gully Splash Park with aged and damaged furniture at Bright Street Park replaced to improve accessibility, safety and park appearance. Woodvale Community Centre and Recreation Reserve Works are progressing well with the plumbing and electrical due for completion on 25 April. The draft Management Plan for Victoria Hill Diggings Reserve in Ironbark is available for public comment until Friday May 6, 2022. Victoria Hill Diggings Reserve is listed on Victorian Heritage Register because of its historical significance to Victoria. I encourage everyone interested in the draft plan to make feedback online at Let's Talk Bendigo or phone 54346000 for assistance.

I am always proud when I see Council involved in projects with the community that protects and enhances local **biodiversity and eco-systems**. Along with Mayor Metcalf, DM Evans, Cr's Alden and Penna, I attended the Riley St, Tree Planting Day. A fantastic day celebrating the natural environment, flora and fauna protection, and social connectivity.

A great model of partnership between CoGB and the local friends of Riley St. Landcare Group demonstrating how community groups and local government with a common purpose can effectively partner-up and work collaboratively towards common goals that benefit the environment, wildlife and community.

I am sure project outcomes, including revegetation, clean waterways, riparian repair, flora and fauna protection, carbon capture, erosion mitigation and enhanced community wellbeing from being in and contributing to the natural environment, are well underway as a result of the great work undertaken at this fragile site.

Finally, I look forward to continuing to work on behalf of the community, animals and environments in Whipstick Ward and the Municipality.

Thank you Mayor, that concludes my Cr Report".

Cr Fyffe reported on all things Easter and how wonderful it was to finally be able to celebrate the 150th Bendigo Easter Festival - although disappointing that the Gala Parade could not be held due to the inclement weather, it was so refreshing to see everyone out and about! Well done to all involved!

26. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf, tabled her report on her attendance at the following meetings and events:

- Attended the announcement by Minister for Employment, Minister for Resources the Hon. Jaala Pulford MP to launch the WomenCAN's Placement Circle.
- Attended the Agnico Eagle Community Partnership Program - Partner Networking Event.
- Attended the Fosterville Gold Mine and Agnico Eagle dinner to welcome Executives visiting from Canada.
- Participated in the Regionalisation Roundtable Breakfast.
- Attended the Regional Australia Institute Regions Rising Victorian Event.
- Participated in the Circular Economy Leadership course live webinar sessions.
- Attended and spoke at the Flag raising for International Transgender Day of Visibility in the Library Gardens.
- Visited with students at the Raywood Primary School.
- Attended and spoke at the Eaglehawk Inaugural Community Breakfast.
- Attended the Season 2022 Official Launch for the Bendigo Football Netball league.
- Participated as a judge at the Schools Dragonhead Competition held at the Golden Dragon Museum.
- Attended the proposed Fosterville Solar Farm - Drop-in Community Information event held at the Axedale Tavern.
- Attended and spoke at the Ukrainian rally held at the Piazza, Rosalind Park.
- Attended the Fierce: Drag Queens of Bendigo Exhibition Celebration held at the Living Arts Space, Bendigo Visitor Centre.
- Greeted car rally participants visiting Bendigo.
- Attended the Whipstick Ward community engagement held at the Bendigo Showgrounds Market.
- Attended the Bendigo Symphony Orchestra performance held at The Capital Theatre.
- Attended and spoke at the 'Welcome to the Eaglehawk Community House' event.
- Participated in the Greater Bendigo Coalition for Gender Equity Forum.
- Participated in the Fosterville Gold Mine Grants Committee meeting.
- Met online with the Deputy Mayor and the Youth Council leadership team.
- Attended the Healthy Greater Bendigo Plan Partnership Group meeting.
- Chaired the Economic Development Implementation Steering Committee meeting.
- Attended the Launch of the Holsworth Biomedical Research Initiative at La Trobe University Bendigo.
- Attended and spoke at the La Trobe University CityStudio Hubbub presentations.
- Participated in the Friends of Riley Street Natural Reserve - Planting Day.
- Attended the NBL South East Melbourne Phoenix v New Zealand Breakers game held at Bendigo Stadium.
- Attended and spoke at the Wong Loong Blessing of the Dragons held at Golden Dragon Museum.

- Attended and spoke at the 2022 Australian Junior Open (Squash) held at the Bendigo Squash Centre.
- Attended the Goornong Recreation Reserve Annual General Meeting.
- Visited the Bendigo Baptist Community Care Inc. and tour centre with the CEO Matthew Parkinson.
- Chaired the online Pandemic Relief and Recovery Committee meeting.
- Participated in media interviews with ABC Radio, SBS, Sunrise following announcement on the 2026 Commonwealth Games.
- Attended and spoke at the Creative Capital: building a culture of innovation through creative residencies.
- Chaired the Eaglehawk Table Tennis and Badminton meeting.
- Attended and spoke at the Sherridon Homes Bendigo Launch at the refurbished 2-4 Pall Mall.
- Chaired the online Loddon Campaspe Councils Group meeting.
- Attended the planning consultation meeting for 9 Schoder Street, Strathdale.
- Attended and spoke at the Launch of the 150th Bendigo Easter Fair.
- Attended the Preview Evening for the Rotary Club of Bendigo Easter Art Show held at the Bendigo Town Hall.
- Assisted with presentations and spoke at the Australian National Badminton Championships – Open held at the Bendigo Eaglehawk Badminton Stadium.
- Attended and spoke at the Tribute Zhufu to the Bendigo Easter Fair Society and Bendigo Health with the re-emergence of the revered imperial dragon, Sun Loong!
- Attendance at the Celebration Iftar Ramadan Dinner and Gathering with the Muslim community.
- Karen Water Festival – celebration of the Water Festival (respect the Elder, release of birds and fishes).
- Attended the Awakening of the Dragon at the Dai Gum San Precinct.
- Participated in announcements with Minister D'Ambrosio, Minister for Energy, Environment and Climate Change and Minister for Solar Homes at the Bendigo Woollen Mills and at the Bendigo Badminton and Table Tennis Complex in Eaglehawk.
- Spoke at the Bendigo Historical Society Committee Meeting – the first meeting at its new location at 11 Mackenzie Street!
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

27. CHIEF EXECUTIVE OFFICER'S REPORT

The Chief Executive Officer, Mr Craig Niemann, presented his report as outlined below:

- Thanked Councillors for approving the draft Budget for public consultation and the efforts of staff.
- Acknowledged the size of tonight's Agenda.
- Acknowledged the success, and work involved across many agencies, in the Easter Festival; despite unfortunate impact of rain (though very welcome rain for farmers).
- Commonwealth Games a great coup for regional Victoria. Particular acknowledgement of the work done by Shepparton to advocate for this over many years. Confident that there will be future announcements of other Victorian cities and towns.

28. CONFIDENTIAL (SECTION 66) REPORTS

28.1 Confidential report pursuant to Section 66(2) (a & g) of the Local Government Act 2020 to consider a report relating to Council Business information and private commercial information.

RECOMMENDED MOTION

That Council close the meeting to members of the public pursuant to Section 66(2) (a & g) of the Local Government Act 2020 to consider a report relating to Council Business information and private commercial information.

RESOLUTION - Resolution No. 2022/04.17

Moved: Cr Fyffe

Seconded: Cr Evans

That the recommended motion be adopted.

CARRIED

There being no further business, the meeting closed at 8:42 pm.