MINUTES

Ordinary Meeting of Council

6.00pm Wednesday 16 September 2020

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

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

VENUE:
www.bendigo.vic.gov.au/councilmeeting

NEXT MEETING:
Wednesday 21 October 2020
www.bendigo.vic.gov.au/councilmeeting

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

Council Vision

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

Council Values

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

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

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

Goals

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

ORDINARY MEETING

WEDNESDAY 16 SEPTEMBER 2020

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

OPENING MOTION

That Council:

a) Notes this meeting is being conducted in accordance with the Local Government Act 2020 as temporarily amended by the COVID-19 Omnibus (Emergency Measures) Act 2020.
b) Notes this meeting is being recorded and live streamed via the Council website and via live broadcast on radio Phoenix FM
c) Notes that all Councillors can observe each other at all times during the meeting via electronic means.
d) Notes that if technical problems are encountered which prevent the meeting being live streamed via the website, or a quorum being maintained, the meeting will be adjourned until the technical issues can be resolved.
e) Agrees the method of voting on any matter during this meeting will be by show of hands in accordance with Section 21 of Greater Bendigo City Council Local Law - Process of Municipal Government (2020).

RESOLUTION

Moved Cr Fyffe, seconded Cr Emond.

That Council:

a) Notes this meeting is being conducted in accordance with the Local Government Act 2020 as temporarily amended by the COVID-19 Omnibus (Emergency Measures) Act 2020.
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e) Agrees the method of voting on any matter during this meeting will be by show of hands in accordance with Section 21 of Greater Bendigo City Council Local Law - Process of Municipal Government (2020).

CARRIED

PRESENT

Cr Margaret O'Rourke
Cr Jennifer Alden
Cr Matt Emond
Cr George Flack OAM
Cr Rod Fyffe OAM
Cr Susie Hawke
Cr Andrea Metcalf
Cr Mal Pethybridge
Cr James Williams
Mr Craig Niemann (Chief Executive Officer)
Mr Bernie O'Sullivan (Director, Strategy and Growth)
Ms Vicky Mason (Director, Health and Wellbeing)
Ms Debbie Wood (Director, Presentation and Assets)
Mr Andrew Cooney (Director, Corporate Performance)
Mrs Jessica Clarke-Hong (Manager, Governance)

APOLOGIES/LEAVE OF ABSENCE

Nil

SUSPENSION OF STANDING ORDERS

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

RESOLUTION

Moved Cr Fyffe, seconded Cr Flack.

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

CARRIED

COMMUNITY RECOGNITION SECTION

- In a sign of the times, this week I am conducting online citizenship ceremonies to help members of our community complete their journey to becoming Australian citizens and to celebrate national Citizenship Day, which takes place tomorrow.

- Citizenship ceremonies are truly joyous occasions when you have the honour of doing them in person and while I have missed the camaraderie of seeing new citizens come together, what is not lost virtually is just what this moment means to our newest Australians.

- To facilitate these ceremonies is perhaps the greatest honour you can have as a mayor and over today and tomorrow, I am delighted to help a further 11 people become Australian citizens.

- Our community is richer for welcoming people from around the world and our newest citizens come from Myanmar, China, India, Afghanistan, the UK, New Zealand and Malta.

- I hope they all continue to feel happy, safe and welcome in our community and enjoy a long and fortunate life in Australia and in Bendigo. Congratulations to you all.

- Tonight, I would also like to take the opportunity to congratulate all of our Year 12s who will soon finish up their school year and embark on their final exams.

- What a year our school leavers have had! At the start of the year these students would have been expecting a standard final year of school with stress and anxiety, but also important rites of passage like muck up day, graduation ceremonies, 18th birthday parties and going for their driver's licence. They would have been able to share their challenges, triumphs and hopes for the next year in the library or at a party.

- Instead, our year 12s have been asked to forego these experiences and soldier on through their hardest-ever year of school, separated physically from their peers and teachers. They have studied remotely and found a new normal in amongst the fear and uncertainty this year has brought.

- To all our year 12s, you have done a fantastic job, and you are nearly there. A few more short weeks and your schooling will be over.

- To all our year 12 teachers who have tirelessly supported and challenged students to continue learning in difficult circumstances, thank you. To parents who have encouraged and supported students throughout the year, thank you too. I know that your students and children would not have made it through the year without you.

- While this year has no doubt been very hard for you all, I believe that you will have learned some invaluable lessons that other year 12s would not have benefitted from. You are now all expert remote and digital learners. You have learned how to manage your time and work independently. These skills will hold you in good stead in years to come.

- Good luck for your exams. I trust that you will all do your best, and in doing so, make your teachers and families very proud.

- It is the final week of school before the September school holidays and we have received the good news that children will be returning to school in term 4 – much to the delight and relief of parents and the children themselves.

- I hope the end to the school year is a seamless one and like our Year 12s, all students have had to adapt. While it has been an incredible ask for all ages, the kids of COVID will be remarkably more resilient because of this, even the little preppies who have been at home more than they have been at school this year.

- Now we are nearly in step 3, the school holidays look a lot more appealing, so I hope you all enjoy the well-deserved break before term 4.

- Tonight at 11.59pm regional Victoria moves into step 3. I would like to congratulate and thank all of Greater Bendigo for staying the course over the past several weeks. We've done everything that was asked of us and now we get the reward of opening our economy and community back up.

- Lockdown 2.0 has perhaps been harder than the first time. By now we've baked, cleaned, gardened, streamed far too much television and done all our home renovations, and we want to get back to normal.

- I ask that as we take these careful steps towards a COVID normal, please continue to follow the health advice but also safely think about how you can support our business community who need our help.

- Our businesses want and need customers and they will be doing all they can to keep you safe.

- We have met with a range of people over the past weeks, including from the hotel, motel and hospitality sectors. Council and the organisation will continue to work closely with these groups around what relief can be provided.

- We also received a letter from the hoteliers yesterday seeking further support in the form of rate relief. This will be considered and we are working on how best to support businesses both financially and/or in kind.

- Council staff are demonstrating this support through the rapid response to requests, including from hoteliers, to expand outdoor dining. The staff are working to make things happen quickly, safely and efficiently.

- As we have said, the 2020/2021 Budget has been our most flexible budget ever and we are looking at what targeted support can be made available, particularly as funds have been set aside for events and other activities that may not be able to be used entirely. There is also new state government funding of $500,000 available for regional cities to support businesses to move towards outdoor dining.

- This is a marathon, not a sprint and we know it needs innovation and adaptability by Council and we thank businesses for continuing to work with us. There are many in very challenging positions, and the opportunity to meet with local member, Jacinta Allan, who is also a member of the Premier's Crisis Cabinet of leaders, has been welcomed by businesses. Thank you to Be.Bendigo for facilitating these discussions, which will be ongoing.

- The idea of Love Your Local, of doing as much business as possible in Greater Bendigo and keeping our money in our local economy, will be critical. Getting a coffee, a haircut, buying a birthday present, meals out to see friends you've only seen over Zoom, a drink at the pub, getting your nails done, shopping at the market, it's all going to be so important that we do our bit.

- We want to see our businesses thriving after the government stimulus ends, we want them on the road to recovery and they can't do it without us. So think about what you can do, even in small ways. Perhaps set yourself a challenge to buy all your Christmas presents locally!

- With step 3 comes not only a return to dining-in at restaurants, cafes, pubs and bars, but also the new concept of a household bubble, the opportunity to gather together in public places in groups of up to 10, so having perhaps a picnic in the park, a return to community sport for under 18s and non-contact sport for adults, and skate parks opening up.

- All of which will help us to connect in real life. So I hope you safely enjoy doing all these things, Greater Bendigo you deserve this.

- And that concludes our community section for tonight.

PUBLIC QUESTION TIME

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

RESOLUTION

Moved Cr Flack, seconded Cr Alden.

That the recommendation be adopted.

CARRIED

CR METCALF'S REPORT

Cr Metcalf provided a report as follows:

"It's hard to believe that since the last Council meeting I have had 27 Zoom meetings to attend. That's as well as the phone calls that are coming through from residents, which can be as many as 6 a day, and reading and responding to emails. Councillors' phones ring on weekends too.

I've enjoyed hearing from the residents. If we can't come out to see you I'm so glad you're contacting me. It's why I'm on Council.

Then there is all the Council reading to do for briefings on top of this and we had a mammoth weekend of reading a couple of weeks ago. Preparing for our biggest Council meeting tonight has also taken up a lot of time. It's no wonder that I feel it's busier than ever being a Councillor which is strange to say in these COVID times.

I attended a really productive meeting with the Local Government Act 2020 with over 200 councillors, mayors & CEOs in attendance. We had the chance to provide feedback on questions that were put up. It was good to see similar issues in Councils across the State.

"I did the Fundamentals of Soil workshop and believe this could be something that's offered to members of our agricultural community.

There were meetings with the rural communities, the gastronomy advisory committee and the virtual budget sessions for the Ward. The Ward councillors now need to get together to collate our submissions as I know we've also been speaking to residents outside of the virtual session to make sure that we capture from a Ward perspective what we need to argue for.

I've also been speaking with various business owners about the financial and personal effect this pandemic is having on their businesses, themselves, their staff and their families. I've always said that I believe Council can do more and I will continue to fly the flag for them.

I'd also like to take the opportunity to congratulate Craig Lloyd who has recently been appointed as CEO of Whittlesea Council. Craig had just started at the COGB as a Director when this Council term started and his recent appointment reflects the skills that I observed in him while he was here.

That's it. I have to say with only the October Council meeting to go after tonight in this term the four years has gone very quickly. And I'm still smiling".

DECLARATIONS OF CONFLICT OF INTEREST

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the minutes; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

(a) direct financial interest
(b) indirect interest by close association
(c) indirect interest that is an indirect financial interest
(d) indirect interest because of conflicting duties
(e) indirect interest because of receipt of an applicable gift
(f) indirect interest as a consequence of becoming an interested party
(g) indirect interest as a result of impact on residential amenity
(h) conflicting personal interest

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

Nil

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 19 August 2020.

The following items were considered at the Ordinary Council meeting held on Wednesday 19 August, 2020 at 6:00pm.

NO.	TITLE	
1.1	Response to Petition: Brougham Street Trees	
RECOMMENDATION That Council: 1. Endorse for a detailed design to be prepared to construct a treed median between Miller and Williamson Street and costed for consideration in the 2021/20222 Budget; and 2. Advise the lead petitioner of the outcome of this report.		
2.1	10 Wilson Street, Long Gully - Use of Land for Food and Drink Premises and Reduction of Car Parking	
RECOMMENDATION Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for the use of land for a food and drink premises and reduction of car parking requirements at 10 Wilson Street, LONG GULLY 3550 subject to the conditions at the end of this report.		
2.2	Planning Scheme Amendment C222 - Huntly DCP Consider Panel Report and Adoption of Amendment	
RECOMMENDATION That Council: 1. Adopt Greater Bendigo Planning Scheme Amendment C222 with changes. 2. Forward the adopted Amendment to the Minister for Planning for Approval.		
2.3	Victorian Serial Listings Heritage Report and Former Shire of Huntly Heritage Study Stage 1 - Adoption	
RECOMMENDATION That Council: 1. Adopt the *A report into Heritage Serial Listings for Victorian Houses*. Amanda Jean and Dr Charles Fahey, July 2020 2. Adopt the *Former Shire of Huntly Heritage Study Stage 1 Volumes 1 and 2.* Dr Robyn Ballinger, History Making Pty Ltd. June 2020.		
2.4	Draft Affordable Housing Action Plan	
RECOMMENDATION That Council endorse the Draft Affordable Housing Action Plan for consultation with key stakeholders and the community.		

3.1	Draft Community Buildings Policy

RECOMMENDATION

That Council:

1. Acknowledge the Draft Community Buildings Policy with a view to undertake more extensive community consultation to better understand the implications and needs of the broader community;
2. Formally acknowledge and thank the eleven (11) Community Champions who were integral to the initial community consultation;
3. Undertake a comprehensive review and identify all community buildings that fall within this policy scope;
4. Identify users groups that utilise these community buildings;
5. Engage with user groups to inform a draft policy;
6. Ensure community user groups have sufficient time to consult with their members;
7. Contact user groups at the completion of the draft policy for feedback in preparation of the final document.

3.2	Exhibition of the Golden Square Strategic Plan

RECOMMENDATION

That Council:

1. Endorse the Draft Golden Square Background Report, Framework Plan, Urban Design Framework and Planning Scheme Amendment documentation for public exhibition for a minimum period of 28 days.
2. Receive a further report following public exhibition, outlining any submissions received and any changes required to the draft documentation.

4.1 City of Gastronomy Implementation Framework and Action Plan

RECOMMENDATION

That Council endorse the City of Gastronomy Implementation Framework and Action Plan.

4.2 Greater Bendigo Economic Development Strategy

RECOMMENDATION

That Council adopt the Greater Bendigo Economic Development Strategy - *A stronger Greater Bendigo 2030.*

5.1 Single-Use Plastic Policy

RECOMMENDATION

That Council approve the Single-use Plastics Elimination Policy.

7.1 Implementation of the Local Government Act 2020

RECOMMENDATION

That Council:

1. Adopt the attached Public Transparency Policy, Governance Rules, Election Period Policy, Councillor Expenses and Support Policy and Audit and Risk Committee Charter
2. Re-Appoint the independent members of the Audit and Risk Committee as follows:

Committee Member	Commencement	End of Term
Mr Warren Pollock	1 September 2020	1 October 2022
Mr Graham Bastian	1 September 2020	1 October 2020
Mr Shannon Buckley	1 September 2020	1 October 2021
Ms Jovana Obradovic-Tantra	1 September 2020	1 October 2021

3. Delegate power as required from Council to the CEO and staff in line with the instruments of delegation below:
   a) Approve the attached S5 Instrument of Delegation from Council to the Chief Executive Officer
   b) Authorise the Chief Executive Officer to execute and affix Council's common seal to the S5 Instrument of Delegation from Council to the Chief Executive Officer
   c) Approve the attached S6 Instrument of Delegation from Council to Members of Council Staff
   d) Authorise the Chief Executive Officer to execute and affix Council's common seal to the S6 Instrument of Delegation from Council to Members of Council Staff.

7.2 Delegated Committee Bendigo Maubisse Friendship Committee

RECOMMENDATION

That Council:

1. Approve for the Bendigo Maubisse Friendship Committee to be a delegated Committee of Council for the period of 12 months

2. Approve the attached C2 Instrument of Delegation and Appointment to Bendigo Maubisse Friendship Committee
3. Authorise the Chief Executive Officer to execute and affix Council's common seal to the C2 Instrument of Delegation and Appointment to Bendigo Maubisse Friendship Committee
4. Approve the attached C4 Instrument of Delegation from Council to Bendigo Maubisse Friendship Committee
5. Authorise the Chief Executive Officer to execute and affix Council's common seal to the C4 Instrument of Delegation from Council to Bendigo Maubisse Friendship Committee

a) Adopt the attached Terms of Reference relating to the operation of the Bendigo Maubisse Friendship Committee

b) Confirm the appointment of the following people to the Bendigo Maubisse Friendship Committee:

Name	Membership Type	Term - Years	Expiry 19 Aug
Mayor Cr Margaret O'Rourke	Councillor/Chair		24 October 2020
Cr Jennifer Alden	Councillor/Committee		24 October 2020
Deborah Blake	Treasurer/Committee		24 October 2020
Cameron Bell	Committee		24 October 2020
Bradley Christian	Committee	1	2021
Jenny Feiss	Committee	1	2021
Rod Flavell	Committee	1	2021
Susan Griffiths	Committee	1	2021
John Jones	Committee	1	2021
Rebecca Lee	Secretary	1	2021
Amanda Lonergan	Committee	1	2021
Milton Long	Committee	1	2021
Sheree Pickles	Committee	1	2021
John Williams	Committee	1	2021
Vacant positions (4)	Committee	1	2021

7.3 Bendigo Stadium Limited Financial Update

RECOMMENDATION

That Councillors endorse Council acting as guarantor for a refinanced loan arrangement up to $13M.

7.4 Public Interest Disclosure Procedures

RECOMMENDATION

That Council acknowledge and endorse the City's revised *Public Interest Disclosure Procedures.*

7.5 Contracts Awarded Under Delegation

RECOMMENDATION

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

7.6 Record of Assemblies

RECOMMENDATION

That Council note the record of assemblies of Councillors as outlined in this report.

10.1 Confidential Section 66 Report relating to private commercial information

The unconfirmed minutes have also been posted on the City of Greater Bendigo website pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 19 August 2020, as circulated, be taken as read and confirmed.

RESOLUTION

Moved Cr Fyffe, seconded Cr Flack.

That the recommendation be adopted.

CARRIED

1. PETITIONS AND JOINT LETTERS

Nil.

2. PRESENTATION AND MANAGING GROWTH

2.1 4 ROBSHAW STREET & 217 WATTLE STREET , IRONBARK 3550 - DEMOLITION OF A DWELLING, 3 LOT SUBDIVISION

Document Information

Author **Beth Lavery, Statutory Planner**

Responsible Director **Bernie O'Sullivan, Director Strategy and Growth**

Summary/Purpose

Application details:	Demolition of a dwelling, 3 lot subdivision and construction of 2 dwellings
Application No:	DSD/150/2020
Applicant:	C B Lavender and L E Lavender
Land:	4 Robshaw Street & 217 Wattle Street, IRONBARK 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay 1
No. of objections:	7
Consultation meeting:	No formal consultation meeting was held, at the request of the applicant, however there were informal discussions held with some objectors.
Key considerations:	• Whether the site is appropriate for infill development; • Whether the proposal will adversely affect the heritage significance of the precinct; • Whether the proposal will impact adversely on neighbourhood character; and • Whether the proposal will result in material detriment to residential amenity in terms of overlooking and overshadowing.
Conclusion:	The application is recommended for approval on the basis that it represents an acceptable planning outcome with regard to the objectives of the Heritage Overlay and Heritage Policy, as well as policy surrounding neighbourhood character and infill development.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit for demolition of a dwelling, 3 lot subdivision and construction of 2 dwellings at 4 Robshaw Street and 217 Wattle Street, IRONBARK 3550 subject to the conditions at the end of this report.

RESOLUTION

Moved Cr Pethybridge, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth
- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage
- Recognise and celebrate our unique history and diverse cultures.

Background Information

Application DSD/622/2018 sought to subdivide the subject land into four lots and to construct four two storey dwellings on the land. The application received four objections and following a lengthy consultation process and subsequent reconsideration of the proposal by the applicant, the application was withdrawn. The proposal was subsequently modified based on a number of concerns raised with the application plans by both the City and objectors.

This application that Council is being asked to determine follows on from the initial withdrawn application. The main modifications are:
- That the existing dwelling on the Wattle Street frontage is retained;
- To subdivide the land into only three lots; and
- To construct a pair of two-storey dwellings along the Robshaw Street frontage of the site.

A site plan of this initial proposal is shown below.
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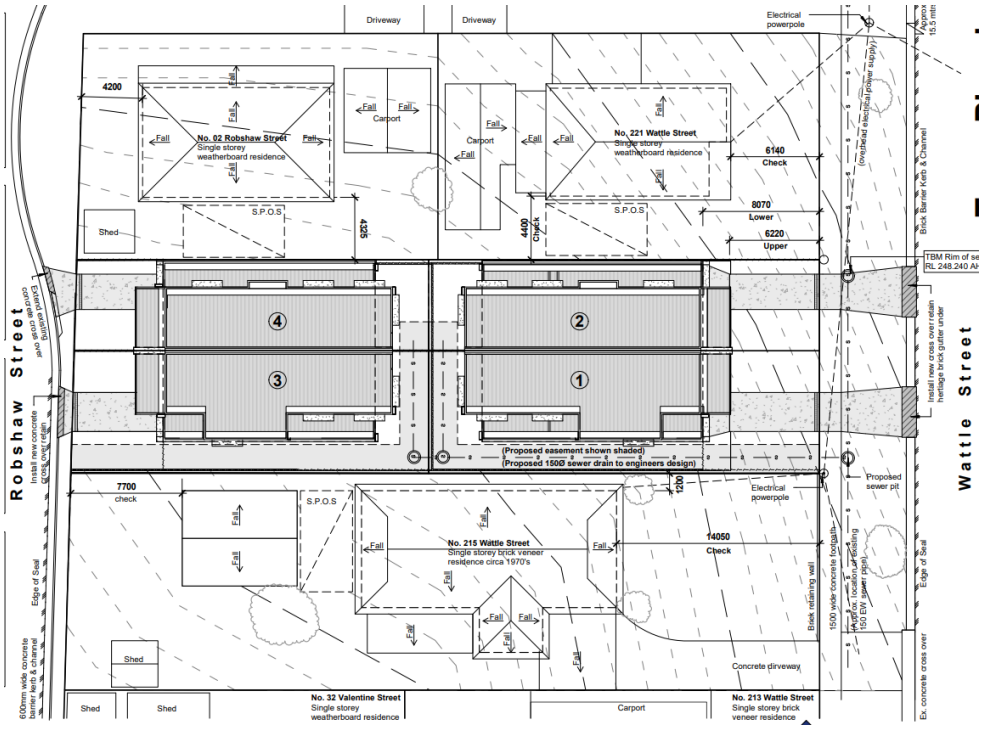

Figure 1: Site plan for previous (withdrawn) application DSD/622/2018 proposing the construction of four two storey dwellings on the land and a four-lot subdivision.

Report

Subject Site and Surrounds

The subject land is a 763m^2 generally rectangular allotment, known as Crown Allotment 480C, Section A at Bendigo Parish of Sandhurst. With a depth of 51.38 metres and 51.8 metres, and a width of 14.79 metres and 14.75 metres, the site has frontage to both Wattle Street and Robshaw Street and contains two detached brick veneer single storey dwellings, constructed circa 1970.

The dwelling facing Wattle Street has no vehicle access from the street, while the rear dwelling facing Robshaw Street has an existing crossover and high fence. Wattle Street itself contains a mix of predominantly Victorian/Interwar and post war dwellings, with some twentieth century infill, while Robshaw Street is largely made up of rear access to Wattle Street properties, with high fences and gates along boundaries. The site falls towards the northern boundary.

The site is immediately adjoined by:

- 215 Wattle Street, containing a single storey white brick veneer dwelling with single carport and concrete driveway from Wattle Street, with a large shed to the rear, and rear access from Robshaw Street.
- 221 Wattle Street, located on the corner of Robshaw Street, containing a single storey timber weatherboard dwelling. Access to the site is provided via a single crossover off Robshaw Street.

- 2 Robshaw Street, containing a single storey timber weatherboard dwelling, with a gravel driveway providing access to a double garage via Robshaw Street.

A small miners' cottage is also located nearby at 34 Valentine Street.

More broadly the site is located to the immediate east of Garden Gully Recreation Reserve and 1km north-west of the Bendigo CBD.

Figure 2: Location map showing subject site. Objectors' properties are marked with a star. Note that for properties at 34 Valentine Street and 221 Wattle Street, two objections were received from the household.

Figure 3: View of subject site from Wattle Street (brown brick dwelling).

Figure 3: View of subject site from Robshaw Street.

Proposal

The application proposes the demolition of one of the dwellings on the land (4 Robshaw Street), the construction of two double storey dwellings along the Robshaw Street frontage and the subdivision of the land into three lots. The dwelling along Wattle Street will be retained.

The two storey dwellings will comprise three bedrooms, two bathrooms, open family and kitchen area and balconies on the upper level, along with single garages and a courtyard on the ground level. The garages will be set back from the upper level slightly.

The dwellings will be constructed of a mix of recycled red brick, light grey cladding and render, along with some timber slat cladding.

The subdivision will see the creation of three lots as follows:
Lot 1: 399.95m^2 (to contain existing dwelling)
Lot 2: 153.31m^2
Lot 3: 290.13m^2

Plans of the proposal are shown below.

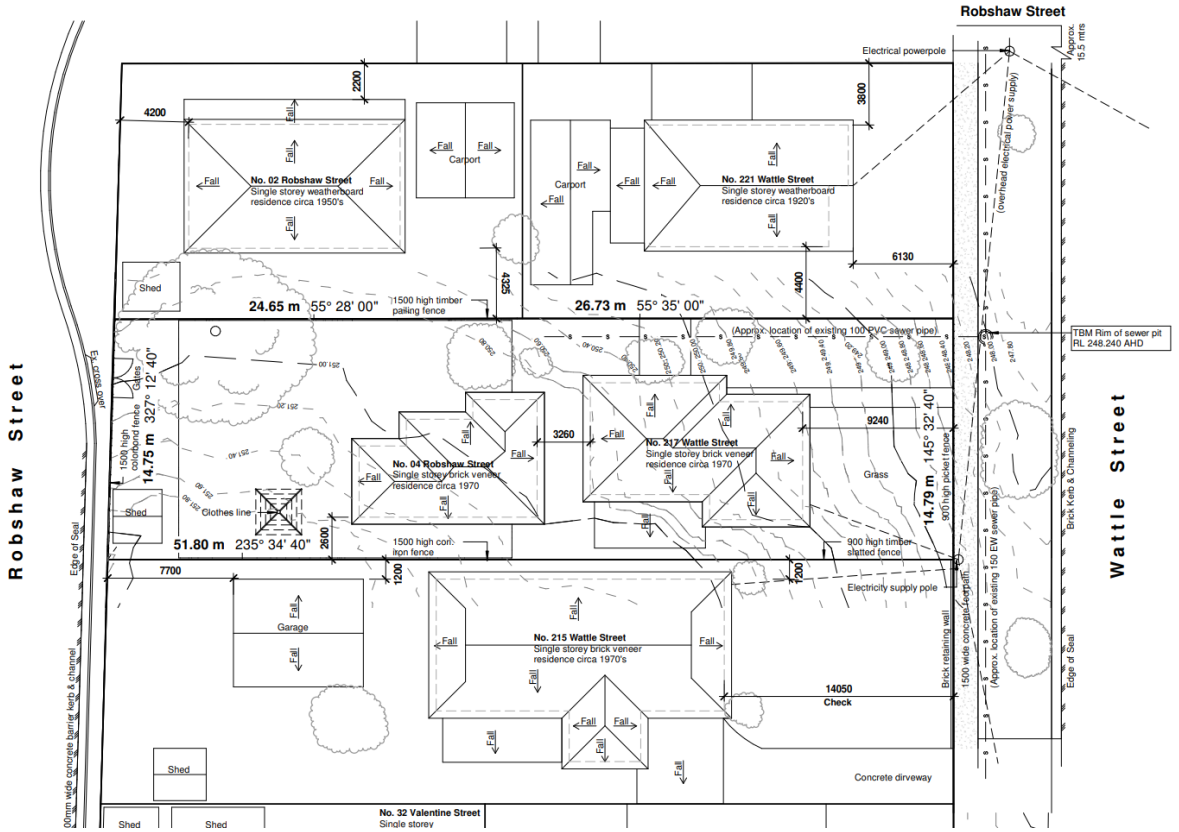

Figure 4: Existing site plan.

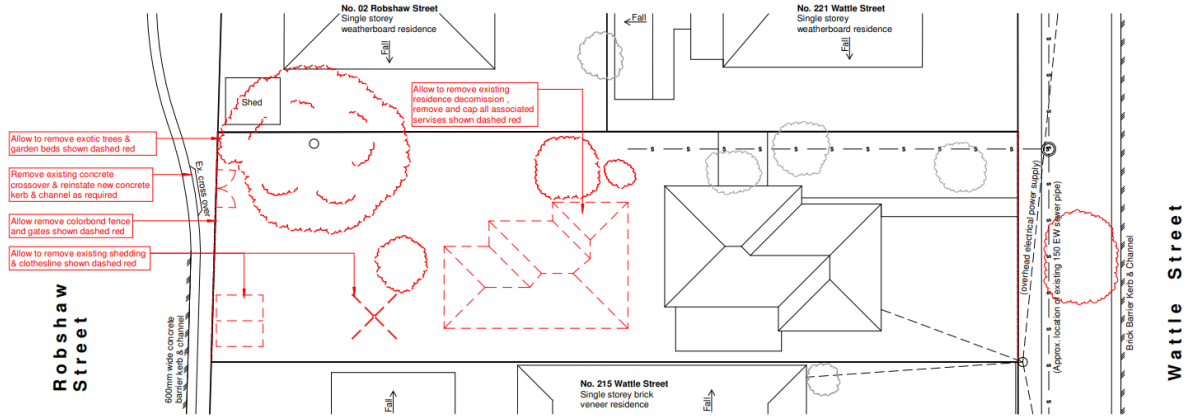

Figure 5: Proposed demolition plan.

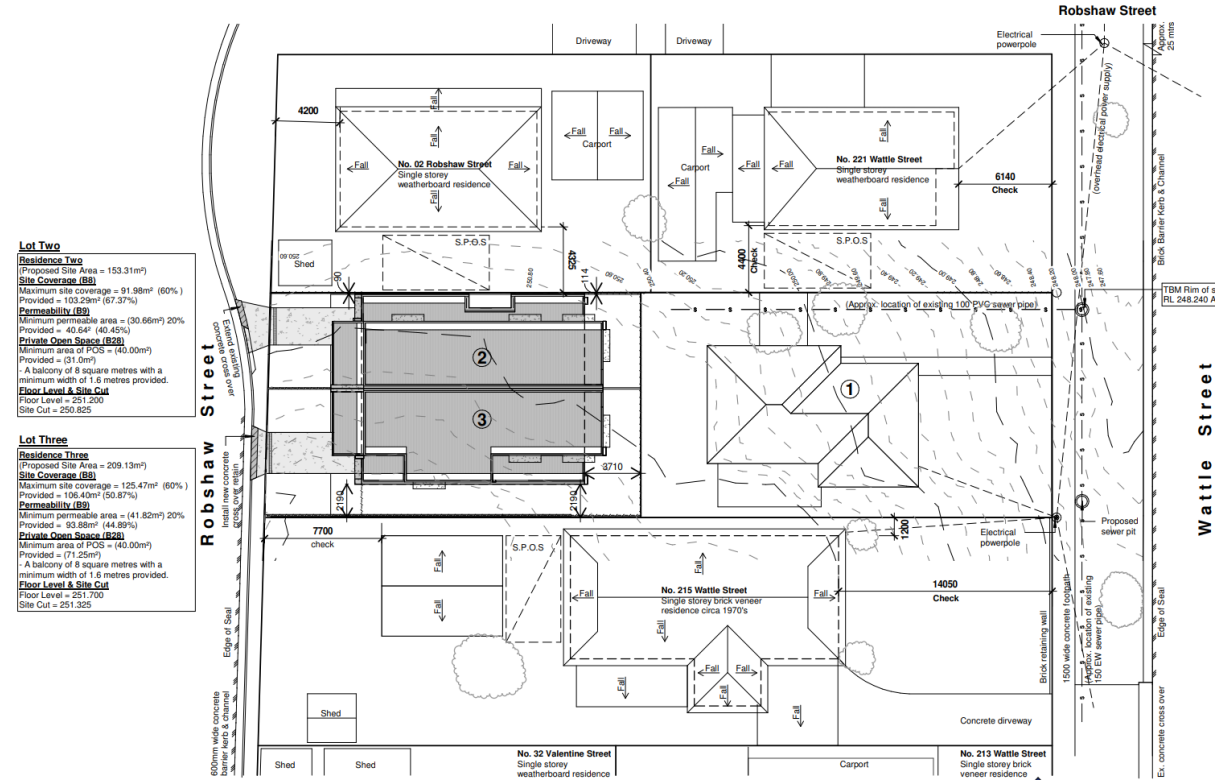

Figure 6: Proposed site plan.

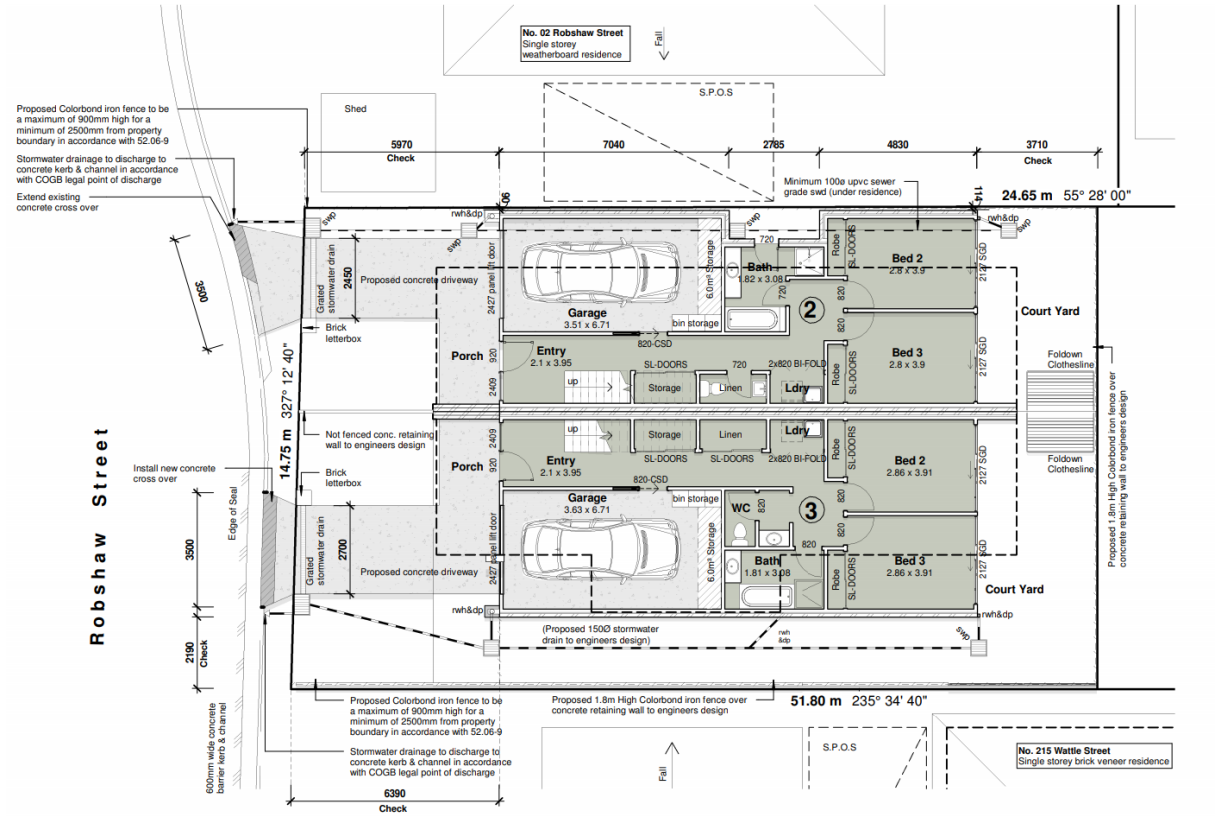

Figure 7: Proposed floor plan – ground floor.

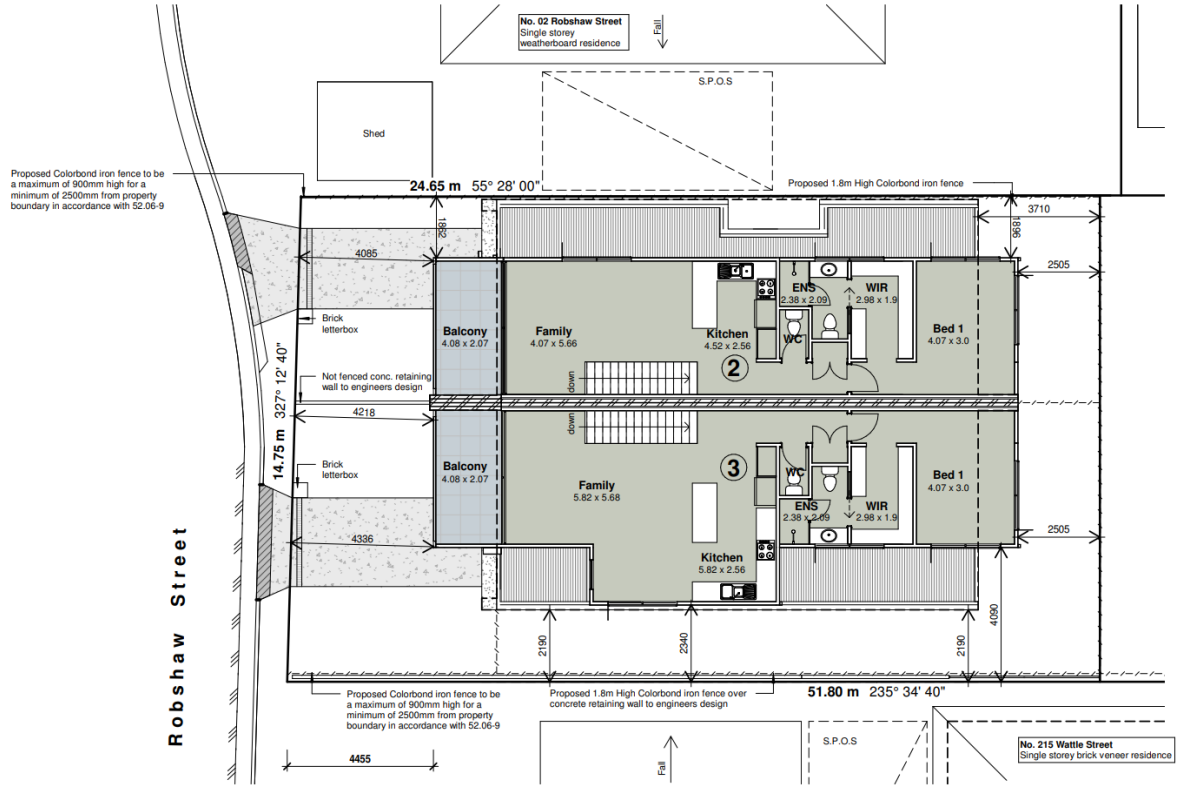

Figure 8: Proposed floor plan – first floor.

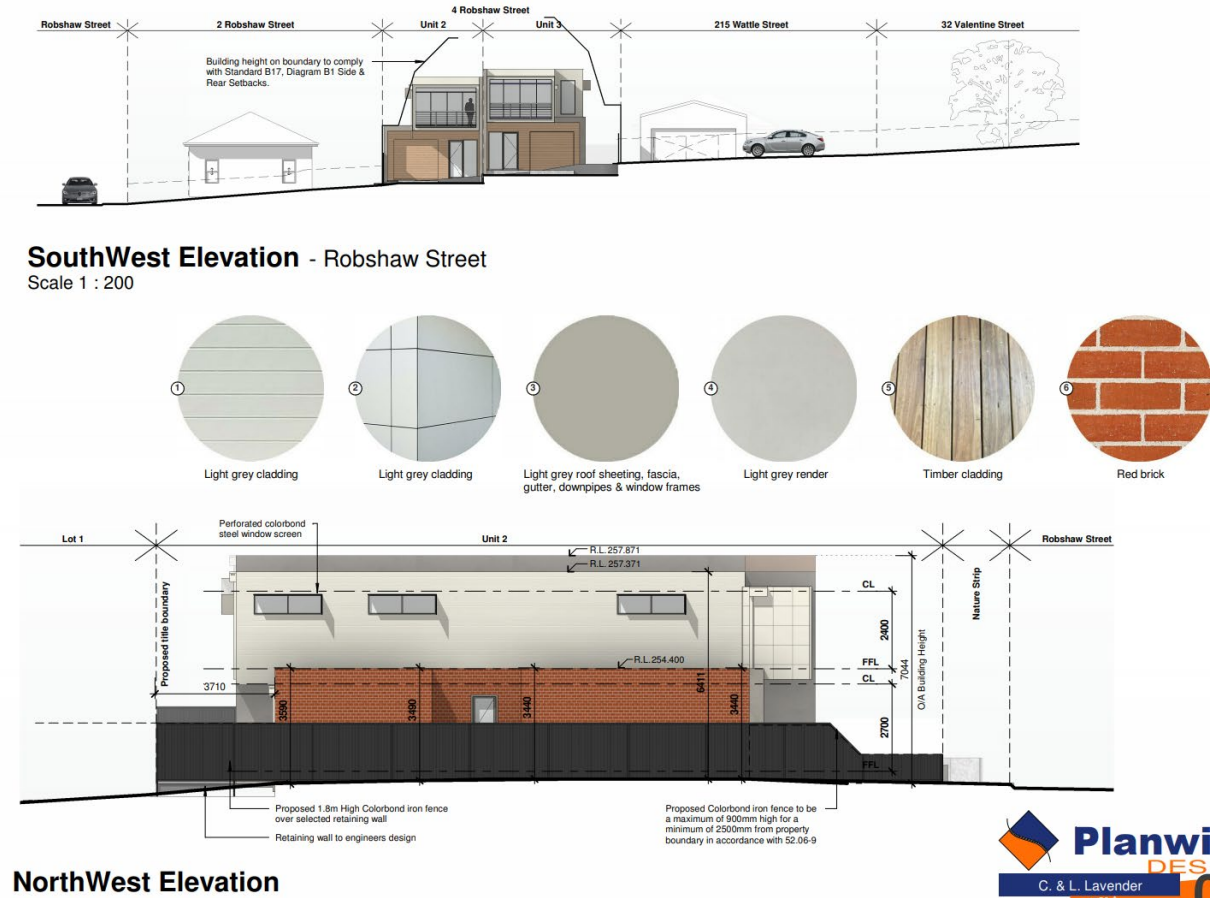

Figure 9: Proposed elevation plans – south west and north west.

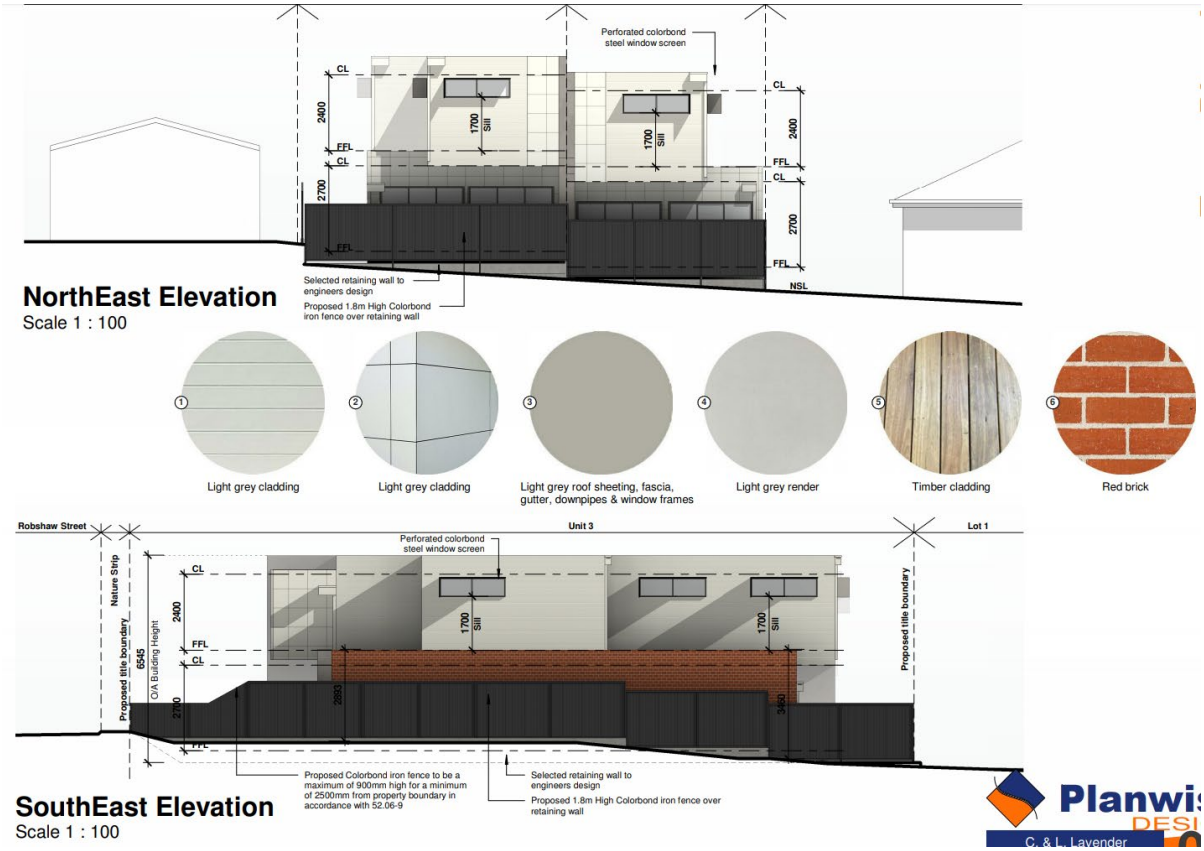

Figure 10: Proposed elevation plans – north east and south east.

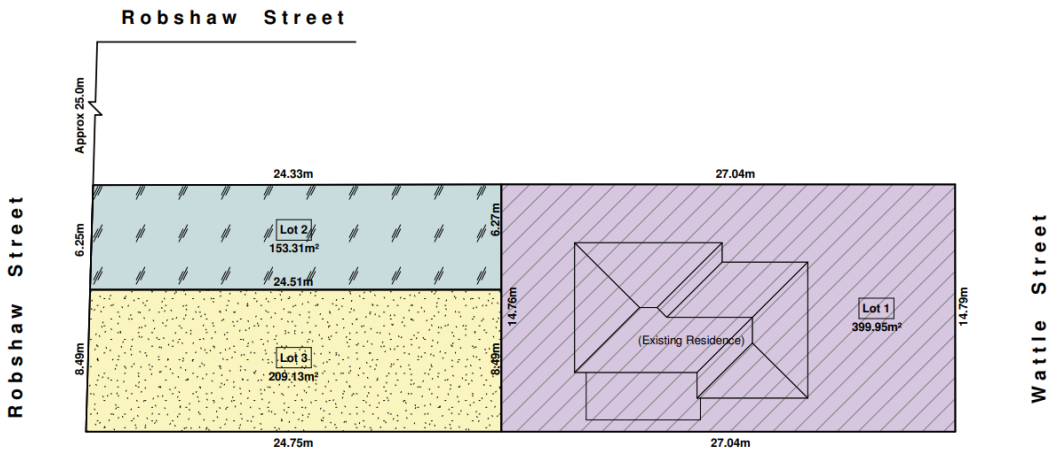

Figure 11: Proposed plan of subdivision.

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- 11 – Settlement
- 11.01-1S – Settlement
- 11.01-1R – Settlement – Loddon Mallee South
- 11.02-1S – Supply of urban land

- 15 – Built environment and heritage
- 15.01-1S – Urban design
- 15.01-2S – Building design
- 15.01-5S – Neighbourhood character
- 15.03-1S – Heritage conservation
- 16 – Housing
- 16.01-1S – Integrated housing
- 16.01-2S – Location of residential development
- 16.01-3S – Housing diversity

Municipal Strategic Statement

- 21.01 – Municipal profile
- 21.02-1 – Compact Greater Bendigo
- 21.02-2 - Environment
- 21.05-3 – 10 minute neighbourhoods
- 21.05-4 – Housing density and diversity
- 21.05-7 – Design quality

Local Planning Policies

- 22.06 – Heritage Policy
- 22.11 – Central Bendigo Residential Character Policy (Precinct 2)

Other Provisions

- 32.08 – General Residential Zone
- 43.01 – Heritage Overlay
- 55 – Two or more dwellings on a lot
- 56 – Residential subdivision
- 65 – Decision Guidelines

Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.08-3 of the General Residential Zone, which states that a permit is required to subdivide land.
- Clause 32.08-6 of the General Residential Zone, which states that a permit is required to construct more than one dwelling on a lot
- Clause 43.01-1 of the Heritage Overlay which states a permit is required to demolish a building/fence, subdivide land, and to construct a building/carry out works.

Consultation/Communication

Referrals

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

Referral	Comment
Powercor	No objection subject to conditions
Coliban Water	No objection subject to conditions
Downer	No objection subject to conditions
Heritage Advisor	Generally supportive of the proposed subdivision and development, however has some reservations regarding flat roof form. The heritage merits of the proposal are expanded upon in the assessment section of this report.
Traffic	No objection subject to conditions
Drainage	No objection subject to conditions

Public Notification

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

As a result of advertising, 7 objections were received, with the grounds of objection being:

- The design and scale of the new dwellings (in particular the roof form), along with the proposed three lot subdivision, is not consistent with existing neighbourhood character of the area and is not sympathetic to the heritage precinct, in both Robshaw Street and Wattle Street.
- The proposed dwellings have the potential to compromise the heritage value and historical significance of the existing miners' cottage nearby to the land in Valentine Street.
- The proposed dwellings are not consistent with the objectives and recommendations set out in the Central Bendigo Residential Character Policy (Precinct 2). Dwellings will be larger, bulkier and disproportionate to the lot sizes, inconsistent with setbacks of other dwellings and will result in the loss of an existing larger lot.
- The development of the proposed dwellings is inconsistent with the objectives of the Heritage Policy and the application has not adequately addressed the requirements of the policy and the heritage design guidelines.
- Potential for further development of the remainder of the site in future.
- Inadequate car parking provided, and potential dominance of driveways and garages.
- Overlooking, privacy concerns and impacts on the enjoyment of private open space.
- Dominance of walls on boundaries over surrounding properties and potential for overshadowing.

- Lack of indigenous plantings proposed as part of landscaping plan and loss of existing vegetation on site.
- Proposal represents an overdevelopment of the site.
- Concerns with the garden area provided for the proposal and the potential for this to be lost through future development of the site.

The objections are discussed within the planning assessment below.

Planning Assessment

Consistency with Planning Policy

The Planning Scheme contains a number of policies which promote increased residential density in appropriate urban locations, including Clause 11.01-1R (Loddon Mallee South regional growth), Clause 16.01 (Residential development), Clause 21.02 (Key issues and influences) and Clause 21.05 Compact Greater Bendigo.

These policies include strategies which promote Bendigo as a regional city and seek to facilitate increased residential densities for underutilised sites and land in Bendigo, as well as promoting a diverse range of housing that meet community needs in locations that offer good access to services and transport.

Compact Greater Bendigo includes the goal of creating a network of 10 minute neighbourhoods where people can access many of their daily needs within a 10 minute walk or cycle trip from where they live.

The subject site is located nearby to the Bendigo City Centre, with good access to existing infrastructure and services. In this regard the proposal meets both local and State policy objectives in terms of being an appropriate location for urban infill and consolidation and the City's desire to create more compact urban areas.

Heritage Implications

The site is affected by the Heritage Overlay - Schedule 1 (HO1) – *Barnard Street Precinct.* This precinct covers a large area and contains some of Bendigo's most prestigious houses from the 19th and early 20th century. This part of Wattle Street lies on the periphery of the precinct, with the subject site itself containing two nondescript dwellings from the 1970s, being considered non-contributory.

Both local and State policy relating to the management of heritage seeks to ensure the conservation of places of heritage significance through encouraging appropriate development that is sympathetic to and respectful of places with identified heritage values, including surrounding precincts.

Likewise, the purposes of the Heritage Overlay include conserving and enhancing heritage places of natural or cultural significance and ensuring that development does not adversely affect the significance of heritage places.

Consideration has been given to the relevant decision guidelines of this overlay including:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place;
- Whether the location, bulk, form or appearance of the proposed building(s) will adversely affect the significance of the heritage place;
- Whether the location, bulk, form and appearance of the proposed building(s) is in keeping with the character and appearance of adjacent buildings and the heritage place; and
- Whether the proposed subdivision will adversely affect the significance of the heritage place.

Clause 22.06 (Heritage Policy) also sets out objectives which include:
- The need to ensure that car parking (including open parks, carports and garages) do not dominate or affect the significance of a heritage place.
- Encouraging new buildings which do not affect the significance, character or appearance of the heritage precinct and are visually recessive;
- Ensuring that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings, including scale, height, mass, form, siting, setbacks and materials; and
- Encouraging new development within a heritage precinct that is contemporary in appearance and does not mimic historic styles or details.

The building to be demolished does not have any heritage significance in its own right and its demolition is therefore supported. The retention of the existing dwelling along the Wattle Street will ensure that there is little interruption to the heritage streetscape along this frontage.

The subdivision of the land along Robshaw Street will have some impacts to the rhythm of that streetscape, although it is an already a mixed streetscape and as such, this change is considered acceptable given the context. Similarly, the proposed setbacks from the street are also considered acceptable given the nature of this street.

Robshaw Street is not a particularly sensitive streetscape from a heritage perspective and the offsite/character impacts are more limited given the site is adjacent to the Garden Gully Recreation Reserve.

The scale and form of the proposed dwellings is larger than immediately surrounding dwellings, however the flat roof form, recessing of the garages and material choice, will go some way to reducing dominance of the buildings. The design of the buildings is unashamedly modern and will contribute to the diversity within the area, where there is a mix of other contemporary two storey dwellings alongside more traditional single storey development and modest heritage buildings.

The Overlay requires that development – including subdivision - must not adversely impact the heritage precinct (emphasis added). While the proposal will introduce change into Robshaw Street and to a lesser extent Wattle Street, it cannot be argued that it will adversely affect the heritage precinct in its entirety, given the large area the precinct covers and the incredibly diverse buildings contained within (including a number of other two storey developments).

As such, it is considered the proposal is consistent with the majority of the objectives contained within the Heritage Policy and Heritage Overlay and on balance, will not unreasonably compromise significance of the dwellings with heritage value nearby, nor the broader heritage precinct.

Residential Character Policy

The site lies within 'Central Bendigo Precinct 2', identified within the Central Bendigo Residential Character Policy at Clause 22.11 of the Planning Scheme. This implements the findings of the City of Greater Bendigo Residential Character Study 2001 and provides objectives and guidelines applicable to the development and subdivision of land contained within the study area, which ensures that any development in residential areas responds appropriately to the particular built form elements that will achieve desired future neighbourhood character. These elements include building form, siting, scale, materials and front fencing.

The statement of desired future character for this area has been defined as:
'*The heritage qualities and the distinctive characteristics of each streetscape will be maintained and strengthened'.*

The proposal has been assessed against the relevant objectives and recommended design guidelines for this precinct as follows:

Objectives	Recommended Design Response
To retain buildings that contribute to the valued character of the area.	Retain and restore wherever possible, intact Victorian, Edwardian, Federation and Inter-war era dwellings. Alterations and extensions should be appropriate to the building era.
***Comment**: The building to be demolished was constructed late 20th century and has no character significance, with demolition being supported. The existing dwelling along the Wattle Street frontage will remain.*	
To encourage the consideration of the landscape setting of the dwelling.	Prepare a landscape plan to accompany all applications for new dwellings. Retain large, established trees and provide for the planting of new trees wherever possible.
***Comment**: An acceptable landscape plan has been submitted. While an existing tree will be lost, this is considered acceptable.*	
To minimise site disturbance and impact of the building on the landscape.	Buildings should be designed to follow the contours of the site or step down the site.
***Comment**: Buildings have been designed to take into account the features of the site. While the dwellings along Robshaw Street will be more dominant than others within the streetscape, this is considered acceptable given the context of the site and the nature of Robshaw Street.*	

To maintain the consistency, where present, of building front setbacks.	The front setback should be not less than the average setback of the adjoining two dwellings.
***Comment**: While there is a dwelling adjoining the site to the north, the dwelling to the south is oriented towards Wattle Street, with the backyard of this dwelling fronting Robshaw Street. Proposed setbacks are consistent with the adjoining dwelling to the north.*	
To maintain the rhythm of dwelling spacing.	Buildings should be off-set from at least one side boundary.
***Comment**: The dwelling will be offset from the southern boundary so as to ensure adequate spacing between existing buildings and the proposed dwellings. The rhythm of dwelling spacing will be maintained.*	
To minimise the dominance of car storage facilities	Locate garages and carports behind the line of the dwelling. Use rear access where available.
***Comment**: The proposed garages will be located behind the line of the balconies, so as to appear more visually recessive. Material choice will further ensure that the garages do not unduly dominate.*	
To respect the identified heritage qualities of the streetscape or adjoining buildings.	Where the streetscape contains identified heritage buildings, reflect the dominant building forms in the street, including roof forms, in the new building design.
***Comment:** While Robshaw Street contains two miners' cottages, these are not listed as individually significant. The streetscape is diverse with these smaller heritage buildings, backyards with high fences and some dwellings facing the street. Given this diversity, it is considered a more modern development is acceptable.*	
To ensure that buildings and extensions do not dominate the streetscape. Respect the predominant building height in the street and nearby properties.	Where there is a predominance of single storey, the height of the dwelling at the front of the dwelling should match the typical single storey wall height.
***Comment**: While single storey dwellings immediately surround the subject land there is evidence of double storey development nearby. As noted above, Robshaw Street presents more as backyards than dwellings fronting the street. While in this context the dwellings will dominate the site somewhat, this is considered appropriate given the above.*	
To use building materials and finishes that complement the dominant pattern within the streetscape.	In streetscapes where weatherboard predominates, use timber or other non-masonry cladding materials where possible, and render, bag or paint brick surfaces.
***Comment**: There are a mix of building materials and colours used within the street and therefore the proposed materials and colour scheme are generally appropriate.*	

To ensure front fences are appropriate to the era of the dwellings and maintain the openness of the streetscape.	Provide open style front fencing. Front fences should not exceed 1.2 metres other than in exceptional case
***Comment**: No front fences are proposed.*	

It is considered the proposal is generally consistent with the objectives of this policy and therefore acceptable in terms of both existing and preferred neighbourhood character.

Consistency with Clause 55

The application has been assessed against all the Objectives and Standards of ResCode and found to be compliant.

Several of the objections to the proposal refer to consistency with Clause 55. An assessment against the relevant standards raised within the objections is considered below.

- *Length of walls on boundaries*

Standard B18 refers to walls on boundaries, with the objective being to ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impacts on amenity of existing dwellings.

Proposed dwelling 2 will partially adjoin the boundary of 2 Robshaw Street.

The Standard sets out that where a new wall is constructed on, or within 200mm of a side or rear boundary, it should not abut the boundary for a length of 10 metres, plus 25% off the remaining length of a boundary on an adjoining lot.

This results in a requirement for dwelling 2 to abut the boundary with 2 Robshaw Street for a length of no longer than 13.66 metres. With an abuttal of 11.87 metres, this standard has been achieved. An atrium has been provided mid-way along this wall to break up the bulk of the wall and reduce the length of the wall directly abutting the boundary.

- *Overshadowing of private open space*

Standard B21 seeks to ensure that new buildings do not significantly overshadow existing secluded private open space. Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75% or 40 square metres should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

While there will be some minor overshadowing of adjoining private open space, the plans have demonstrated it will be compliant with the standard.

- *Overlooking and loss of privacy*

The objectives of Standard B22 seek to limit views from new development into existing secluded private open space and habitable room windows. Habitable room windows should be either offset, have sill heights of at least 1.7 metres above floor level, have fixed obscure glazing in any parts of the window below 1.7 metres, or have permanently fitted external screens to at least 1.7 above floor level, with transparency no more than 25 percent. The standard does not apply, however where there is a visual barrier of at least 1.8 metres high.

Fencing to a height of 1.8m has been proposed along all boundaries, along with windows with sill heights of 1.7m on the upper floor windows.

While there may be a perceived loss of privacy due to the double storey form of the proposed development, all habitable room windows have demonstrated compliance with this standard.

- *Consistency with the remainder of Clause 55 and 56 Standards.*

The proposal is considered consistent with the remainder of Clause 55 and 56 Standards relevant to the assessment of the application.

Other Objector Issues

- *Car parking*

The dwelling adjoining Wattle Street currently does not have vehicle access and therefore relies on on-street parking. This is not proposed to change as part of the proposal. In terms of the car parking provided for the new dwellings along Robshaw Street, Clause 52.06-5 specifies that two car parking spaces must be provided for each three or more bedroom dwelling. The plans show that each dwelling will have an enclosed car parking space within the garage, with a second uncovered car parking space in the driveway. As such, the proposal is consistent with Planning Scheme requirements regarding car parking.

- *Sight distances for vehicles entering and exiting the property*

While the plans show a lowering of the boundary fences to achieve required sight distances, advice from the City's Traffic Engineer indicates this can be achieved without alteration to the fence lines, through the installation of mirrors on the site.

- *Potential for further development of the balance of the site*

While there may be further development of the remainder of the site in future, this would be subject to further planning approval at that time.

- *Minimum Garden Area requirements*

With a lot size of over 650m^2, Clause 32.08-4 sets out that 35% of the overall site must be set aside as garden area. The proposal has demonstrated that over 50% of the site will be retained as garden area, thereby satisfying this requirement. While the majority of this garden area will be set aside on the land adjoining Wattle Street, there is no requirement within the Planning Scheme for the garden area to benefit each lot equally.

Each lot will retain an appropriate amount of garden area/open space and is considered appropriate.

- *Overdevelopment of the site*

Compliance with the relevant siting objectives within Clause 55 demonstrates that the site has been able to achieve the standards required in residential development to preserve residential amenity. As such, the development of the site is not considered likely to result in unreasonable impacts to amenity or an overdevelopment of the site.

Conclusion

The site is well located within central Bendigo to take advantage of existing infrastructure, services and facilities, public open space, schools and transport, and is consistent with planning policy which supports higher density development close to activity centre locations. Given the context of the site, it is considered that the proposal is also an acceptable outcome with regards to neighbourhood character and the requirements of the Heritage Overlay and the City's Heritage policies. 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.

Attachments

- Objections

Proposed Notice of Decision Conditions

1. NO LAYOUT ALTERATION
   The demolition, subdivision 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.

2. COMPLETION OF LANDSCAPING
   Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

3. GENERAL EXTERIOR TREATMENT
   The exterior treatment of the buildings permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building*(s)* must be maintained to the satisfaction of the responsible authority.

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

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

6. DETAILED DRAINAGE PLANS
Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:
(a) Direction of stormwater run off
(b) A point of discharge for each lot
(c) Independent drainage for each lot
(d) Drainage easements as required
(e) Stormwater detention.

7. 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) Drainage

8. SECTION 173 AGREEMENT
If required, prior to the issue of statement of compliance, the applicant/owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987. Such Agreement must covenant that:
(a) The owner will maintain each on-site treatment system and/or detention system and not modify without prior written approval from the responsible authority.
(b) The owner shall allow duly authorised officers of the responsible authority to inspect the systems at mutually agreed times.
(c) The Owner will pay for all costs associated with the construction and maintenance of each on-site treatment and detention system.

9. CITY OF GREATER BENDIGO ASSETS
Before the development starts, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & 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.

10. VEHICLE CROSSINGS
Vehicular access to the subject land from any roadway or service lane (and vice versa) must be by way of a vehicle crossing(s) constructed at right angles to the road, to suit the proposed driveway(s) and vehicles that will use the crossing. A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

11. USE OF CAR PARKING AREAS
Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose.

12. PEDESTRIAN SIGHTLINES
The minimum sight line for pedestrian safety must be provided at the exit lane frontage so as to accord with Clause 52.06-8 of the City of Greater Bendigo Planning Scheme.

13. FENCING OF SITE
The fence(s) as shown on the endorsed plans*(s)* must be erected and maintained to the satisfaction of the responsible authority.

14. NO MUD ON ROADS
In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

15. PUBLIC OPEN SPACE CONTRIBUTION
The applicant or owner must pay to the City of Greater Bendigo an amount equivalent to 3.5% of land in the subdivision. This payment must be made before a Statement of Compliance is issued and may be varied under section 19 of the Subdivision Act 1988.

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

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

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

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

18. POWERCOR
(a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd 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 Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required).

In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.

- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement

external to the subdivision required to service the lots.

- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

19. 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.

20. COMPLETION OF DEVELOPMENT
    Before a statement of compliance is issued for the subdivision:
    (a) The dwelling(s) approved under this permit must be constructed to a state of practical completion to the satisfaction of the responsible authority; or
    (b) The owner must enter into an agreement under section 173 of the Planning & Environment Act 1987 that covenants that the lots created by the subdivision will only be developed in accordance with the plans endorsed under this permit. The agreement will end upon completion of the development shown on the endorsed plans.

21. EXPIRY OF THE PERMIT - SUBDIVISION AND DWELLINGS
    This permit will expire if:
    (a) The plan of subdivision is not certified within two years from the date of this permit; or
    (b) The subdivision is not completed within five years from the date of certification of the plan of subdivision; or
    (c) Demolition of the dwelling and fences and construction of the approved dwellings is not completed within 7 years from the date of this permit.

    The responsible authority may extend the time for certification of the plan, or for the completion of the dwellings, if a request is made in writing before the permit expires or thereafter, within the period allowed by section 69 of the Planning and Environment Act 1987.

City of Greater Bendigo Engineering Note
A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

CONSENT FOR WORK ON ROAD RESERVES
The applicant must comply with:
(a) The Road Management Act 2004,
(b) Road Management (Works and Infrastructure) Regulations 2005, and
(c) Road Management (General) Regulations 2005

with respect to any requirements to notify the coordinating authority and/or seek consent from the coordinating authority to undertake “works” (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this note on this planning permit is not deemed to have been notified of, or to have given consent, to undertake any works within the road reserve as proposed in this permit.

2.2 23 HILL STREET, BENDIGO 3550 - SUBDIVIDE LAND INTO 3 LOTS AND DEMOLITION OF OUTBUILDING

Document Information

Author **Liz Commadeur, Subdivision Planner**

Responsible Director **Bernie O'Sullivan, Director Strategy and Growth**

Summary/Purpose

Application details:	Subdivide land into 3 lots and demolition of outbuilding.
Application No:	DS/151/2020
Applicant:	R Kurian and S Joseph
Land:	23 Hill Street, BENDIGO 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay 841 Heritage Overlay 999 Neighbourhood Character Overlay 1
No. of objections:	8
Consultation meeting:	No consultation was conducted, however informal discussions were held with all parties.
Key considerations:	• Does the proposal meet the provisions of the Planning Policy Framework? • Will the proposal have an adverse impact on the character of the area? • Will the proposal adversely affect the heritage significance of the precinct? • Does the proposal comply with the requirements of ResCode (Clause 56)?
Conclusion:	The proposal represents an acceptable planning outcome, taking into considerations the relevant requirements of the Greater Bendigo Planning Scheme.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit to subdivide land into 3 lots and demolition of outbuilding at 23 Hill Street, BENDIGO 3550 subject to the conditions at the end of this report.

RESOLUTION

Moved Cr Pethybridge, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background

A Demolition Enquiry was lodged with the City in 2018 (ENQ-279/2018) for the demolition of the miners' cottage on the site. The enquiry was not supported by the City.

Report

Subject Site and Surrounds

The subject site is located on the western side of Hill Street in Bendigo. The site extends through to the eastern side of Little Hill Street. It is generally rectangular in shape with an area of 1,399 square metres. The site has a frontage of 25.97 metres to Hill Street and 28.55 metres to Little Hill Street. A miners' cottage is located in the south eastern corner, while a number of old outbuildings are located towards the middle of the site. The site has a planted garden, including Peppercorn trees, around the existing cottage and across the north eastern end of the site. Access to the site from Hill Street is via a concrete driveway, while an unsealed access point is located in the south western part of Little Hill Street. All services can be connected to the site.
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The site is described as Crown Allotment 467A Section K at Bendigo, Parish of Sandhurst.

Hill Street is a 10 metre wide, sealed road with kerb and channel and a footpath is located on both sides of the street. The street is comprised of a variety of lot sizes, with some larger lots being subdivided in the last 20 years. The site is located within an established residential area with a variety of housing styles featuring mostly single storey dwellings. There are significant variations in building finishes, fence styles, front and side setbacks and landscaping along the street. Street trees are located on most of the nature strips.

Little Hill Street is a narrow, sealed street with bluestone channelling on the western side. The older houses along the street were constructed in the 1960s, while other dwellings have been constructed between 2005 and 2013, as a result of the subdivision of larger lots.

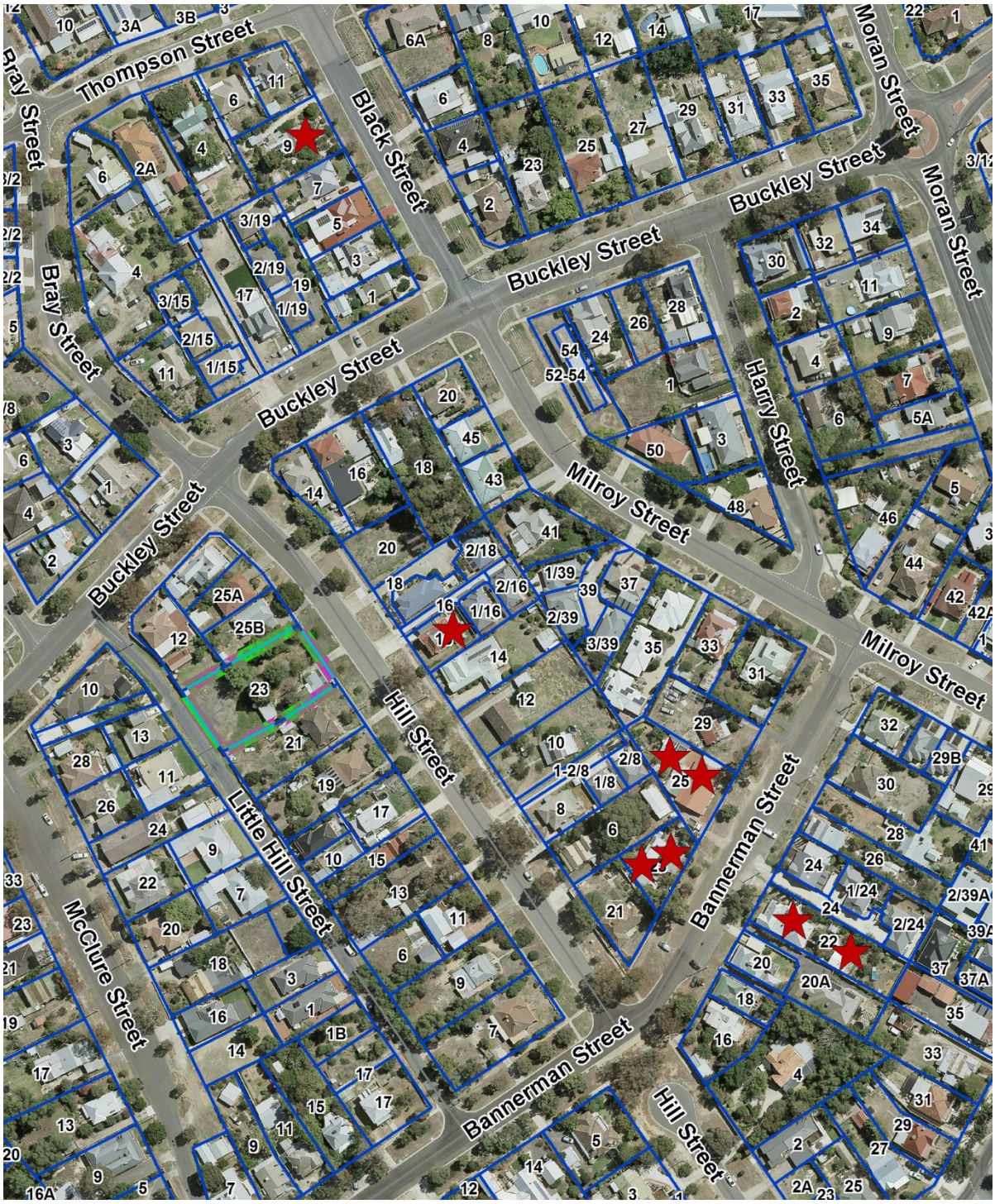

Figure 1: Location map showing subject site. Objectors' properties marked with a star.

Proposal

The applicant originally sought approval for a four lot subdivision and demolition of outbuildings, but the application was later amended to a three lot subdivision and demolition of outbuildings.

The subdivision layout will feature:

- Lot 1 will have an area of 693 square metres.
- Lot 2 will have an area of 358 square metres.
- Lot 3 will have an area of 348 square metres.

- The existing miners' cottage will be retained on Lot 1.
- Outbuildings on Lot 3 are to be removed prior to issue of a Statement of Compliance.
- Access to Lot 1 will be from Hill Street, while access to Lots 2 and 3 will be from Little Hill Street.
- The lots created by the subdivision are already fully serviced by water, sewerage, electricity, telecommunications and gas supply systems.

Figure 2: Proposed plan of subdivision

Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.02-1S Supply of urban land
- Clause 11.03-1S Activity centres
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15.01-1S Urban design
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1S Heritage conservation
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing diversity

Local Planning Policy Framework

- Clause 21.02 Key Issues and Influences
- Clause 21.05 Compact Greater Bendigo
- Clause 22.06 Heritage Policy
- Clause 21.08 Environment
- Clause 22.11 Central Bendigo Residential Character Policy
- Clause 15.01-3S Subdivision design

Other Provisions

- General Residential Zone (clause 32.01).
- Heritage Overlay (clause 43.01)
- Neighbourhood Character (clause 43.05).
- Residential subdivision (clause 56).
- Decision guidelines (clause 65).
- Referral and notice provisions (clause 66).

Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.08-3 of the General Residential Zone, which states that a permit is required to subdivide land.
- Clause 43.01-1 of the Heritage Overlay which states a permit is required to subdivide land and demolish a building.
- Clause 43.05-2 which states a permit is required to demolish a building.

Consultation/Communication

Referrals

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

Referral	Comment
Powercor	No objection subject to the inclusion of standard conditions.
Coliban Water	No objection subject to the inclusion of standard conditions.
Tenix	No objection subject to the inclusion of standard conditions.
Heritage Adviser	No objection with no conditions.
Traffic & Design	No objection with no conditions.
Drainage	No objection subject to the inclusion of standard conditions and the requirement for a drainage study to be undertaken prior to certification of the plan of subdivision.

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 grounds of objection being:

- The proposed subdivision is not in keeping with the Bannerman Street heritage precinct.
- The subdivision should be 3 lots, not 4 lots.
- Concern of how the proposed subdivision will impact on the integrity of the existing miners' cottage.
- Land could be contaminated.

The objections are discussed below.

Planning Assessment

Whether the proposal is consistent with Planning Scheme policy regarding housing, design and infill residential development

Clause 11 Settlement of the Greater Bendigo Planning Scheme states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. It also states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, communication, water, sewerage and social facilities. The proposal supports these objectives.

Clause 11.01-1R Settlement - Loddon Mallee South specifies the strategies to support Bendigo as the major population and growth hub for the region and facilitating increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo. The proposed subdivision will support the demand for housing as a result of population growth in the municipality.

Clause 15.03-1S – Heritage Conservation has strategies to retain those built form and heritage elements that contribute to the importance of a heritage place and to encourage appropriate development that respects places with identified heritage values.

Clause 16.01 Residential development promotes a diverse range of housing that meets community needs in locations that offer good access to services and transport and that is energy efficient.

Clause 16.01-3S Housing diversity seeks to provide for a range of housing types to meet increasingly diverse needs.

The proposal meets planning policy objectives in terms of being an appropriate location for housing and infill residential development in a heritage area. The site is located within a long established, inner suburb of Bendigo, approximately 1 kilometre north of the Bendigo City Centre and close to a range of facilities, services and transport options. The proposed subdivision will not compromise the heritage qualities of the site.

Whether the proposal is consistent with the provisions of the General Residential Zone and the neighbourhood character policy

The subject site is zoned General Residential Zone under the Greater Bendigo Planning Scheme. The purposes of the zone are:

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

A permit to subdivide land is required under Clause 32.08-3 of the General Residential Zone.

The proposal has been assessed against the relevant decision guidelines of the zone and is satisfactory. The proposal is consistent with the MPS and PPF which seek to provide for residential development at appropriate densities, having regard to the existing and preferred neighbourhood character, in locations which are well serviced and in proximity to an established shopping centre, services, transport and facilities.

The proposal is consistent with the purposes of the zone in that the subdivision will provide for diversity in housing types and respects the neighbourhood character.

In addition to the zone, neighbourhood character is referenced as an important consideration throughout the Planning Scheme including Clauses 11, 15, 16 and 22.11.

A number of matters raised by the objectors relate to the proposal not being consistent with the neighbourhood character.

The site is affected by the Neighbourhood Character Overlay and is located in the Central Bendigo Residential Character Precinct 2, which is described in Clause 22.11 as follows:

> *"This precinct forms part of the inner ring of suburbs that exemplify the distinctive character of early Bendigo. Most of the housing is from the Victorian, Edwardian and Inter-war periods. In parts of the precinct, dwellings are frequently weatherboard with picket fences creating a modest 'cottage' character. Elsewhere, brick and render are more common, particularly in the areas with larger houses and mansions. Setbacks vary according to the size of lot and housing, but are often consistent within a particular streetscape. Much of the area has heritage significance".*

The statement of desired future character seeks to ensure that: *"The heritage qualities and the distinctive characteristics of each streetscape will be maintained and strengthened."*

The applicant agreed to reduce the number of lots from four to three, which is a better outcome for the site. Whilst this application is for the subdivision of land only, three objectives can be achieved. Although none of the vegetation onsite has contributory heritage value, the applicant intends to retain the existing vegetation, which will mean that the Hill Street streetscape will remain the same. The width and depth of Lots 2 and 3 are sufficiently large to accommodate dwellings that can be set back from the front and side boundaries.

Whether the proposal will adversely affect the heritage significance of the place or precinct

The building is covered by two Heritage Overlays (HO841, Bannerman Street Precinct and HO999, Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo). The building has heritage significance and makes a valuable contribution to the heritage precinct/streetscape. The dwelling at 23 Hill Street is one of the oldest (1880) in the area and is a rare representative example of an early miners' cottage built at the time when the whole area was Crown Land reserved for gold mining.

The application is for the subdivision of land and also for the demolition of outbuildings, which comprise of four sheds that are located in the middle of the site. One of these outbuildings / sheds is shown in the photo below.

Figure 3: One of the outbuildings proposed for demolition.

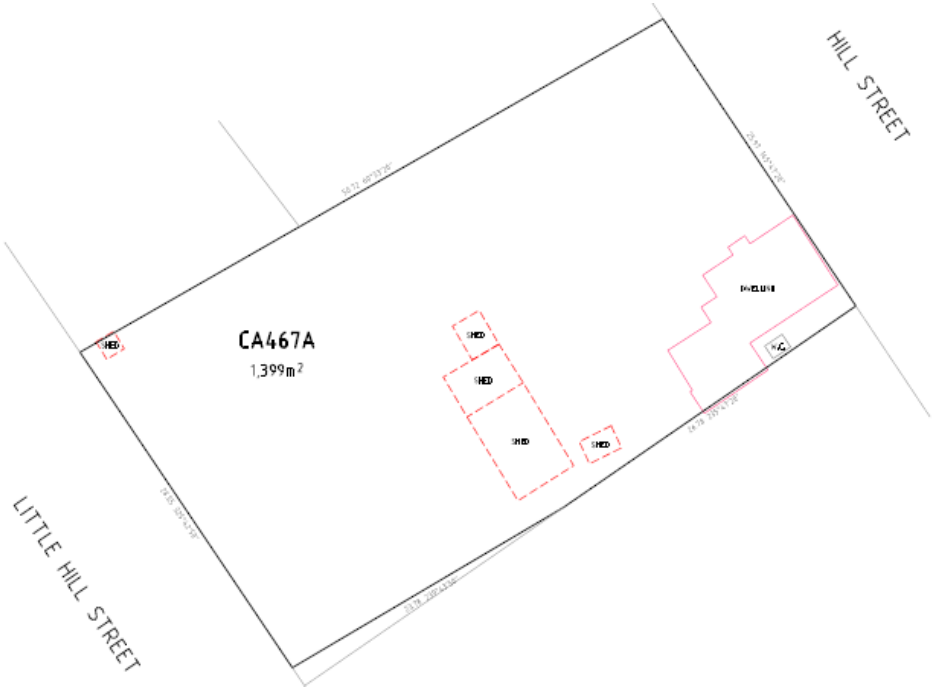

Figure 4: Plan showing proposed outbuildings designated for removal (Dotted orange lines)

The application was referred to the City's Heritage Adviser who had no concerns with the demolition of the outbuildings and concluded that:

> *"The proposed subdivision allows adequate space around the existing dwelling without compromising its heritage significance. There is sufficient clear space on each new lot to allow development without dominating the existing building or detracting from the significance of the site."*

All of the objectors were concerned about the potential effect of the subdivision on the miners' cottage, but more importantly what measures the City was going to undertake to preserve the deteriorating state of the miners' cottage. In particular, one objector raises the following points:

- The City should consider specific guidelines, for instance. "… in COGB, Design Guidelines for Miners' Cottages, it is an Objective to ensure subdivision or consolidation complements and results in the conservation of the heritage place…"
- The more general COGB Heritage Design Guidelines makes mention in the Design Advice on *Subdivision "that may result in the demolition of a heritage place is discouraged". Surely this might include 'demolition by neglect"* if the owners show no sign of a willingness to conserve this heritage cottage from further decay.

These issues raise the point that the City is unable to force property owners to maintain their properties if they are not dangerous to others, as there is no legislation to do so. Separate from this application, the Heritage Adviser has met previously with the owners on two occasions, including once on site, to give them advice on how to protect the property. The owners are new to residential development but have employed a planning consultant to advise them and have sought heritage advice from the Statutory Planning Unit in the past.

Consideration has been given to the relevant decision guidelines of the Heritage Overlay including:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable heritage design guideline specified in the schedule to the overlay.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

The City's local heritage policy at Clause 22.06 has been established to guide decisions on demolition and development of heritage places and seeks to maintain and enhance the significance of heritage places while accommodating the needs of residents to adapt and develop such places. The policy also requires new developments to be assessed against the relevant design suggestions in the *Greater Bendigo Heritage Design Guidelines, August 2015.*

An assessment against the policy objectives and Heritage Design Guidelines for subdivision is provided as follows:

The Heritage Policy and Heritage Design Guidelines contain objectives which seek to ensure that subdivision and development which may result from it, does not adversely affect the significance of the heritage place, provides an appropriate setting for heritage places and retains the existing built form pattern where such pattern contributes to the significance of the heritage place.

The Guidelines further state that subdivision should result in development that respects the existing rhythm/pattern of surrounding buildings and spaces between them; that subdivisions should result in lots with a similar frontage to that of the dominant allotment pattern in the streetscape and that appropriate settings and elements be maintained including the retention of original garden areas, large trees and other contributory features.

The retention of the miners' cottage and trees on Lot 1, will ensure that the existing pattern along Hill Street will continue to contribute to the significance of the heritage qualities of the street. In regard to the creation of the two new lots along Little Hill, the proposed frontages of 14.05 and 14.5 metres will be consistent with the existing streetscape. Most of the frontages are generally uniform in width, however there has been some similar type subdivisions approved to the south of the subject site, which have narrower frontage widths. In any event, any future construction of dwellings on Lots 2 and 3 will trigger the requirement for separate planning approval and will be assessed in accordance with the guidelines under the Heritage Overlay at that time.

Figure 5: Existing cottage and associated garden

Compliance with ResCode

A key consideration is whether the proposal achieves residential subdivision outcomes that appropriately respond to the site and its context and whether the proposal would result in reasonable amenity impacts for surrounding properties and future residents.

It is a requirement of Clause 56 that a subdivision must meet all of the objectives of the clause and should also meet all of the standards. However, if the City is satisfied that an application for an alternative design solution meets the design objective, the alternative design solution may be considered. Non-compliance with a number of ResCode standards generally points to an overdevelopment of the site and a non-site responsive design.

CLAUSE 56 ASSESSMENT

Standard	Assessment	Conclusion
CLAUSE 56.03	LIVEABLE AND SUSTAINABLE COMMUNITIES	
Standard C6* Neighbourhood character	There is a neighbourhood character statement in the Planning Scheme that is relevant to the site. The site is part of Precinct 2 of the Central Bendigo residential character policy. The subdivision is consistent with the neighbourhood character statement because: • The Hill Street streetscape will remain virtually unscathed, as no works are planned along the Lot 1 frontage. The garden and in particular the Peppercorn trees, are proposed to be retained. • There is sufficient room to allow reasonable side and front setbacks on all lots. • The future construction of dwellings on the Lots 2 and 3 will be in keeping with the Little Hill Street streetscape. • The outbuildings from the site are already hidden from the street by vegetation and any removal will not detract from the existing streetscape.	☑ Complies
CLAUSE 56.04	LOT DESIGN	

Standard	Assessment	Conclusion
Standard C7* Lot diversity and distribution	The subdivision will achieve an average net residential density which is acceptable for the area. The subdivision will add to the range and mix of lot sizes in inner Bendigo including lots suitable for the development of conventional single dwellings and medium density housing. The site is serviced by the number 53 bus route and the nearest existing bus stop is located at the corner of Barnard Street and Acacia Street.	☑ Complies
Standard C8* Lot area and building envelopes	Lots 2 and 3 will be able to contain a rectangle measuring 10m by 15m. Building envelope restrictions aren't necessary on Lots 2 and 3 having regard to the site conditions and context. Lot dimensions will protect solar access for future dwellings, existing and proposed easements on lots and site features.	☑ Complies
Standard C9* Solar orientation of lots	This orientation accords with Standard C9 will ensure there is a good level of solar access available to each lot, which is generally north-south.	☑ Complies
Standard C10* Street orientation	Each lot has its own frontage and direct vehicle and pedestrian access to the existing road network.	☑ Complies
Standard C11* Common area	The subdivision will not create common property.	☑ Complies Not applicable
CLAUSE 56.05	URBAN LANDSCAPE	
Standard C12* Integrated urban landscape	A landscape design is not necessary because the subdivision will not create any streets or public open space.	☑ Complies
Standard C13 Public open space provision	No public open space is proposed to be provided as part of the application. There is sufficient open space in the surrounding area to cater for the future needs of residents, particularly Brennan Park Pool, Queen Elizabeth Oval, Aquatic Centre, Tom Flood Centre and North Bendigo Recreational Reserve. The proposed subdivision is capable of creating an additional 2 dwellings, which will potentially add to the population of Bendigo. As such, it is recommended that Council require the developer to make a financial contribution of 5% of the value of the land as a condition of permit, in accordance with the provisions of the *Subdivision Act*.	☑ Complies
CLAUSE 56.06	ACCESS AND MOBILITY MANAGEMENT	
Standard C14 Integrated mobility	The application includes a plan of the layout of the neighbourhood that meets the objectives of Clause 56.06.	☑ Complies
Standard C15* Walking and cycling network	The subdivision can be linked to the existing pedestrian network.	☑ Complies
Standard C16 Public transport network	The subdivision will not include a new bus route that will connect to an existing or proposed route.	Not applicable
Standard C17* Neighbourhood street network	The subdivision does not include any new streets or roads.	Not applicable
Standard C18* Walking and cycling network detail	A new walking and cycling network is not required for the subdivision.	Not applicable
Standard C19 Public transport network detail	No new bus stops are required for the subdivision.	Not applicable
Standard C20* Neighbourhood street network	The subdivision does not include any new streets or roads.	Not applicable

Standard	Assessment	Conclusion
detail		
Standard C21* Lot access	Lot 1 will utilise existing crossovers for access between the street and the lot. The design and construction of new crossovers for Lots 1 and 2 will meet the requirements of the City's Infrastructure Design Manual.	☑ Complies
CLAUSE 56.07	INTEGRATED WATER MANAGEMENT	
Standard C22* Drinking water supply	Reticulated drinking water will be supplied to all the lots in the subdivision.	☑ Complies
Standard C23* Reused and recycled water	A recycled water supply is not available in the area.	Not applicable
Standard C24* Waste water management	A reticulated waste water system will be provided to all the lots in the subdivision in accordance with Coliban Water's requirements.	☑ Complies
Standard C25* Urban run-off management	The approved stormwater system for the subdivision will be designed to restrict flows discharged from the site to pre-development levels using a stormwater detention system. The approved stormwater system for the subdivision will include water sensitive urban design features.	☑ Complies
CLAUSE 56.08	SITE MANAGEMENT	
Standard C26* Site management	A construction management plan (CMP) is required because the subdivision will result in some construction activity.	☑ Complies
CLAUSE 56.09	UTILITIES	
Standard C27* Shared trenching	Shared trenching will be used for underground services wherever possible.	☑ Complies
Standard C28* Electricity, telecommunications and gas	Electricity, telecommunications and gas will be supplied to each lot in the subdivision.	☑ Complies
Standard C29* Fire hydrants	A fire hydrant exists no more than 120 metres away from the site.	☑ Complies
Standard C30* Public lighting	Public lighting exists in the area and it is adequate for the subdivision.	☑ Complies

Whether the site is contaminated or has an undeclared mineshaft and/or well

One objector states that because of the old mining history in this part of Bendigo, the site could be contaminated and possibly have an undeclared mine and/or well on the site. To the best of the City's knowledge, the site has never been used for a purpose likely to generate contaminants and the site inspection did not reveal anything to the contrary. Furthermore, an assessment of the City of Greater Bendigo mapping system does not reveal evidence of any contaminated land on the site.

However, Statutory Planning staff are not completely satisfied that the site is free of elevated levels of contamination. It is proposed that if a permit is issued, the applicant will be required to submit a Preliminary Site Assessment to the City and should there be any concerns, any recommendations identified in the Assessment will need to be completed and approved to the satisfaction of the responsible authority.

General Provisions

Clause 65 sets out the requirements for the responsible authority to decide whether the proposal will produce acceptable outcomes in terms of the appropriate decision guidelines listed in clause 65.01. The guidelines relevant to this application have been considered in the report above.

Operational Provisions

Clause 71.02-3 – Integrated decision making notes that *"Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations".*

Cultural Heritage Management Plan (CHMP)

The site does not lie within an area of cultural heritage sensitivity, therefore the proposal does not trigger the need for the preparation of a CHMP under the Aboriginal Heritage Regulations 2018.

Public Open Space Contribution

No public open space is proposed to be provided as part of the application. There is sufficient open space in the surrounding area to cater for the future needs of residents, particularly Queen Elizabeth Oval, Bendigo Aquatic Centre, Tom Flood Centre and the North Bendigo Recreational Reserve. The proposed subdivision is capable of creating an additional 2 dwellings, which will potentially add to the population of Bendigo. As such, it is recommended that Council require the developer to make a financial contribution of 5% of the value of the land as a condition of permit, in accordance with the provisions of the *Subdivision Act*.

Conclusion

The proposed subdivision is generally supported by Local Planning Policy, the General Residential Zone, Neighbourhood Character Overlay, Heritage Overlay and other provisions of the Greater Bendigo Planning Scheme.

Overall the proposed land use and development is consistent with the residential nature of the area and is therefore an appropriate and orderly planning outcome.

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.

Attachments

- Objections

Proposed Notice of Decision Conditions

1. LAYOUT PLANS
   The subdivision, as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.

2. 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.

3. PRELIMINARY SITE ASSESSMENT
   (a) Prior to the certification of the responsible authority, a Preliminary Soil Investigation from a suitable qualified professional in relation to the potential for contamination on the site, must be submitted to the responsible authority for approval.
   (b) Prior to the issue of a statement of compliance, any findings or recommendations identified in the approved Preliminary Soil Investigation, must be undertaken and completed to the satisfaction of the responsible authority.

4. DRAINAGE STUDY
   Prior to the certification of the plan of subdivision, the applicant is required to produce a drainage study, to the satisfaction of the responsible authority to demonstrate that development on the proposed lots will not raise flood levels on neighbouring properties while allowing for the safe construction of dwellings. The result of the flood study may be used to set minimum floor levels for the lots.

5. DETAILED DRAINAGE PLANS
   Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:
   (a) Direction of stormwater run-off.
   (b) Underground drainage.
   (c) A point of discharge.
   (d) Drainage easements.
   (e) Stormwater quality.
   (f) Stormwater detention.

6. CONSTRUCTION OF WORKS
   Road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:
   (a) Underground drainage.

7. SECTION 173 AGREEMENT
   If a stormwater detention system or a water quality treatment system is installed

on the site, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 before a statement of compliance is issued. The agreement must provide for the following:

(a) The owner will maintain each system and not modify without the written approval of the responsible authority.
(b) The owner must allow authorised Council officers to inspect any system on the site from time to time.
(c) The owner must pay all costs associated with the construction and maintenance of any system on the site.

8. SECTION 173 AGREEMENT MINIMUM GARDEN AREA REQUIREMENT

Prior to the certification of the plan of subdivision, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987, which states that Lot 2 and Lot 3 created must provide at least 25 percent of the lot as garden area as set out in clause 32.08-3 of the Greater Bendigo Planning Scheme to the satisfaction of the responsible authority. The agreement must include a mechanism which would allow the responsible authority to vary or delete the garden area requirement by written consent, in the event of legislative changes.

9. REMOVAL OF OUTBUILDINGS

Prior to the issue of a statement of compliance, all outbuildings located on the site and identified in Site Demolition Plan (Draw Ref: SDP01 Rev C) must be removed to the satisfaction of the responsible authority.

10. 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.

11. 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.

12. COLIBAN WATER
    (a) The applicant or owner is required to reach agreement with Coliban Water for the provision of 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) A sewer mains extension is required to service the development. The sewer mains extension must be completed in accordance with Coliban Water's Developer Installed Works process.
    Gravity sewer is required for all lots within the subdivision and Coliban Water requires that all lots have full control.
    (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.

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

14. 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.

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

16. EXPIRY OF THE PERMIT
(a) The plan of subdivision is not certified within two years from the date of this permit; or
(b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.
The responsible authority may extend the time for certification of the plan if a request is made in writing before the permit expires or within six months afterwards.

NOTES:

CONSENT FOR WORK ON ROAD RESERVES
The applicant must comply with:
(a) The Road Management Act 2004.
(b) Road Management (Works and Infrastructure) Regulations 2005.
(c) Road Management (General) Regulations 2005.
with respect to any requirements to notify the Coordinating Authority and/or seek consent from the Coordinating Authority to undertake "works" (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this condition on this planning permit is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve as proposed in this permit.

BENDIGO URBAN FLOOD STUDY
The Bendigo Urban Flood Study indicates that the land is subject to significant overland flows in the 1% AEP storm event.

POWERCOR
It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link: https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator.

2.3 17 ECHUCA STREET, QUARRY HILL 3550 PARTIAL DEMOLITION AND ALTERATION TO EXISTING DWELLING; CONSTRUCTION OF A SECOND DWELLING ON A LOT, CARPORT AND FRONT FENCE; 2 LOT SUBDIVISION AND CREATION OF AN EASEMENT

Document Information

Author **Adele Hayes, Statutory Planner**

Responsible Director **Bernie O'Sullivan, Strategy and Growth**

Summary/Purpose

Application details:	Partial demolition and alteration to existing dwelling; construction of a second dwelling on a lot, carport and front fence; 2 lot subdivision; and creation of an easement.
Application No:	DR/749/2019
Applicant:	Shane Muir Consulting Engineers Pty Ltd
Land:	17 Echuca Street, QUARRY HILL 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay 30
No. of objections:	2
Consultation meeting:	No formal consultation was held (at the request of the applicant)
Key considerations:	• Whether the proposal is consistent with Planning Scheme policy regarding housing, design and infill residential development; • Whether the proposal is consistent with the provisions of the General Residential Zone and the neighbourhood character policy; • Whether the proposal will adversely affect the heritage significance of the place or precinct; • Compliance with ResCode and whether the impacts on neighbours are acceptable.
Conclusion:	The proposal is not in accordance with the relevant Planning Scheme provisions and is recommended for refusal. The application is recommended for refusal on the basis that it represents an unacceptable planning outcome with regard to heritage, neighbourhood character and residential amenity.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for partial demolition and alteration to existing dwelling; construction of a second dwelling on a lot, carport and front fence; two lot subdivision; and creation of an easement at 17 Echuca Street, QUARRY HILL 3550 on the following grounds:

1. The proposal is not in keeping with the character of the area.
2. The proposal will adversely affect the heritage significance of the place and precinct.
3. The proposal represents an over development of the site, with a number of areas of non-compliance with ResCode.

RESOLUTION

Moved Cr Alden, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background Information

Preliminary concerns were raised in relation to the design and the resultant character, heritage and amenity impacts, with suggestions made that the proposal was an overdevelopment of the site.

It was advised that consideration should be given to further amending the proposal, as it was unlikely that the proposal would be supported in its current form. Whilst minor modifications were made the plans, these modifications did not adequately address the concerns raised.

The applicant advised that they would like to proceed with the application in its current form. It is on this basis that the applicant also chose not to partake in any form of formal consultation.
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Report

Subject Site and Surrounds

The subject land comprises two allotments, being lots 1 and 2 on TP 746458B, and is rectangular in shape with an area of 480 square metres. The site has a western frontage to Echuca Street of 25.39 metres, and a depth of 18.90 metres. The site slopes towards the north-east, with a fall of 2 metres.

The site currently contains a single storey, Victorian style weatherboard dwelling (constructed approximately 1910) which is located in the southern portion of the site, and an existing shed and single carport located in the northern portion of the site. The dwelling is located 4.65 metres from the front boundary, 3.51 metres from the rear boundary, and 2.9 metres from the southern boundary. The dwelling is symmetrical in form with a hipped roof and front bullnose verandah.

The site is scattered with a number of small trees and planted vegetation. A 1.2 metre high timber picket fence runs along the Echuca Street frontage to the front of the dwelling, with a 1.8 metre high timber paling fence located along the remainder of the frontage. Vehicle access to the site is via a single crossover located off Echuca Street. A large Eucalyptus tree is located within the road reserve.

The site is located within an established residential area which predominantly comprises of single storey, detached period dwellings. Built form in the streetscape is typically low level, often with a strong horizontal emphasis. There is a consistency of front setbacks and dwelling spacing. Many of the dwellings in the surrounding area have been altered, primarily in the form of rear extensions.

Adjoining the site to the north at 34 Carpenter Street is a single storey dwelling (constructed approximately 1915) fronting Carpenter Street. The dwelling is constructed of weatherboard with a cross-gabled roof. Private open space, a swim/spa and garage are located to the rear, with vehicle access from Echuca Street.

Adjoining the site to the north-east at 36 Carpenter Street is a single storey Inter-war style dwelling (constructed approximately 1930) fronting Carpenter Street. The dwelling is constructed of brick and render with a tiled pyramid roof. Private open space and an outbuilding are located to the rear of the dwelling, with vehicle access from Carpenter Street.

Adjoining the site to south-east at 38 Carpenter Street is a single storey Inter-war style brick dwelling (constructed approximately 1920) fronting Carpenter Street. The dwelling is constructed of brick and render with a tiled cross-hipped roof. Private open space and an outbuilding are located to the rear of the dwelling, with vehicle access from Carpenter Street.

Adjoining the site to the south at 19 Echuca Street is a single storey Inter-war style dwelling (constructed approximately 1924) fronting Echuca Street, with a double carport and shed located to the north of the dwelling. The dwelling is constructed of weatherboard with a corrugated iron cross-gabled roof. The dwelling is setback (not including verandah encroachment) approximately 4.5 metres from Echuca Street.

Adjoining the site to the west is Echuca Street, a local road.

Figure 1: Photo of subject site

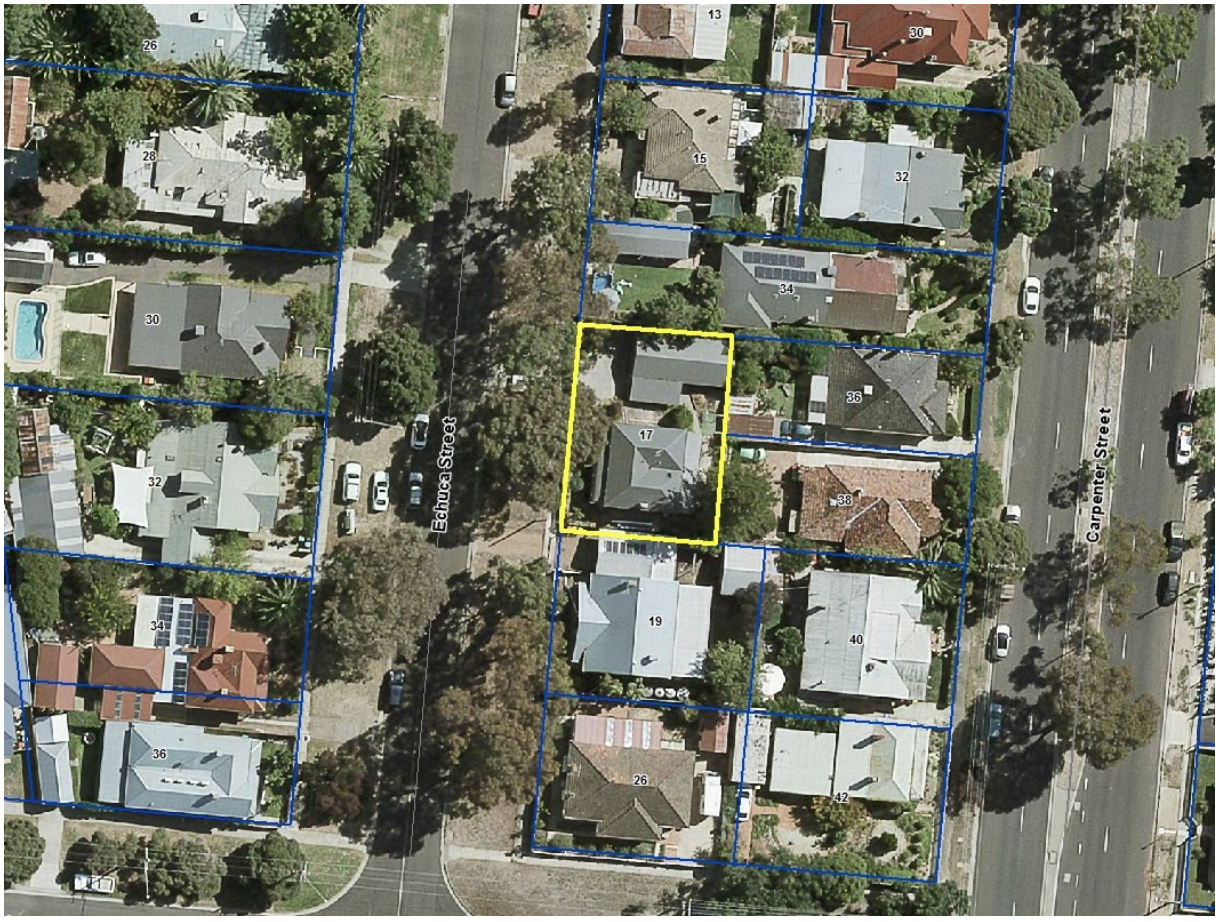

Figure 2: Aerial map showing subject site

Figure 3: Location map showing subject site. Objectors' properties are marked with a star.

Proposal

The application proposes the partial demolition and alteration to the existing dwelling; construction of a second dwelling on a lot, carport and front fence; 2 lot subdivision; and creation of an easement.

Lot 1 would have an area of 311 square metres and will contain the existing dwelling. It is proposed to construct an attached flat roof single carport. An uncovered car space will be provided to the front of the carport. Minor modifications are proposed to the northern side of the dwelling with a new window is to be installed above the height of the carport.

Lot 2 would have an area of 169 square metres and will contain the proposed dwelling. The dwelling will be of a double storey, contemporary design with a floor area of 163.99 square metres.

The dwelling would contain three bedrooms, two bathrooms, an open plan kitchen, living and dining area and an attached single garage. An uncovered alfresco area is proposed at ground level to the rear, with a balcony on the first floor overlooking Echuca Street.

The dwelling would be constructed of a combination of brick, rendered brick and external cladding with a custom-orb colorbond roof.

It is proposed to widen the existing crossover to allow vehicle access to each lot.

It is also proposed to construct a 1.2 metre high timber picket fence along the front boundary of Lot 2.

A 2.5 metre wide drainage easement is proposed along the eastern boundary.

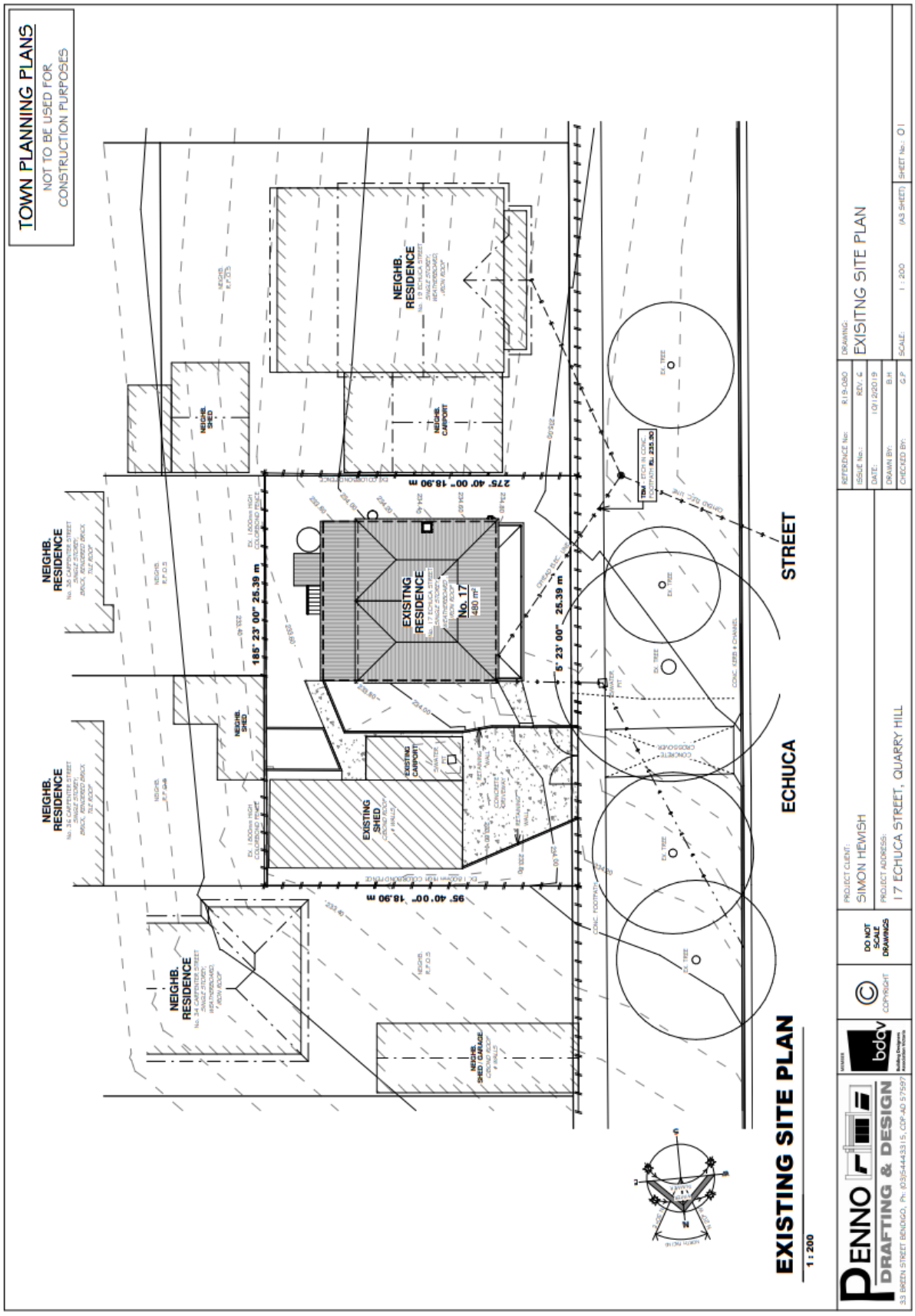

Figure 4: Existing Site Plan

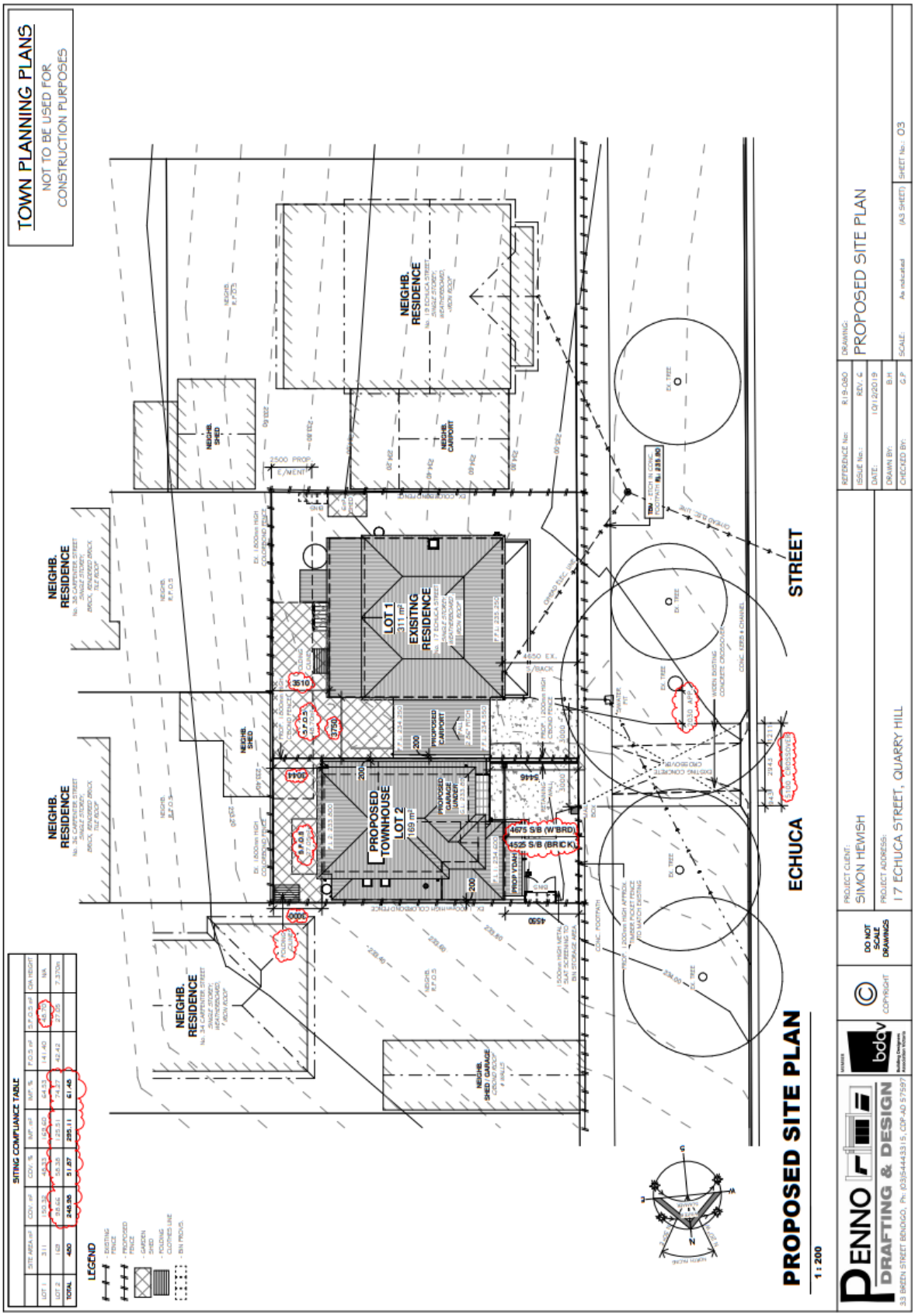

Figure 5: Proposed Site Plan

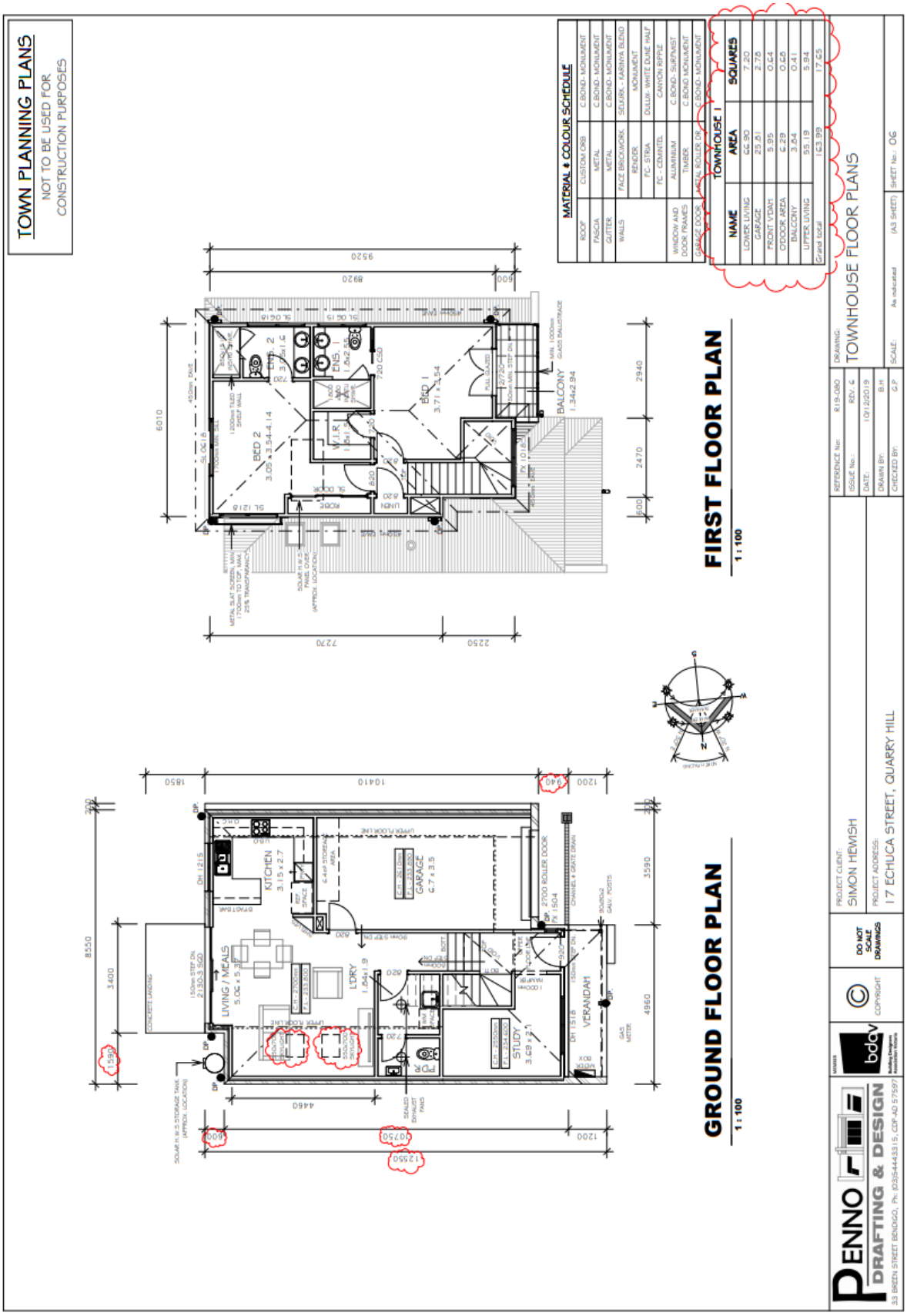

Figure 6: Proposed Floor Plan

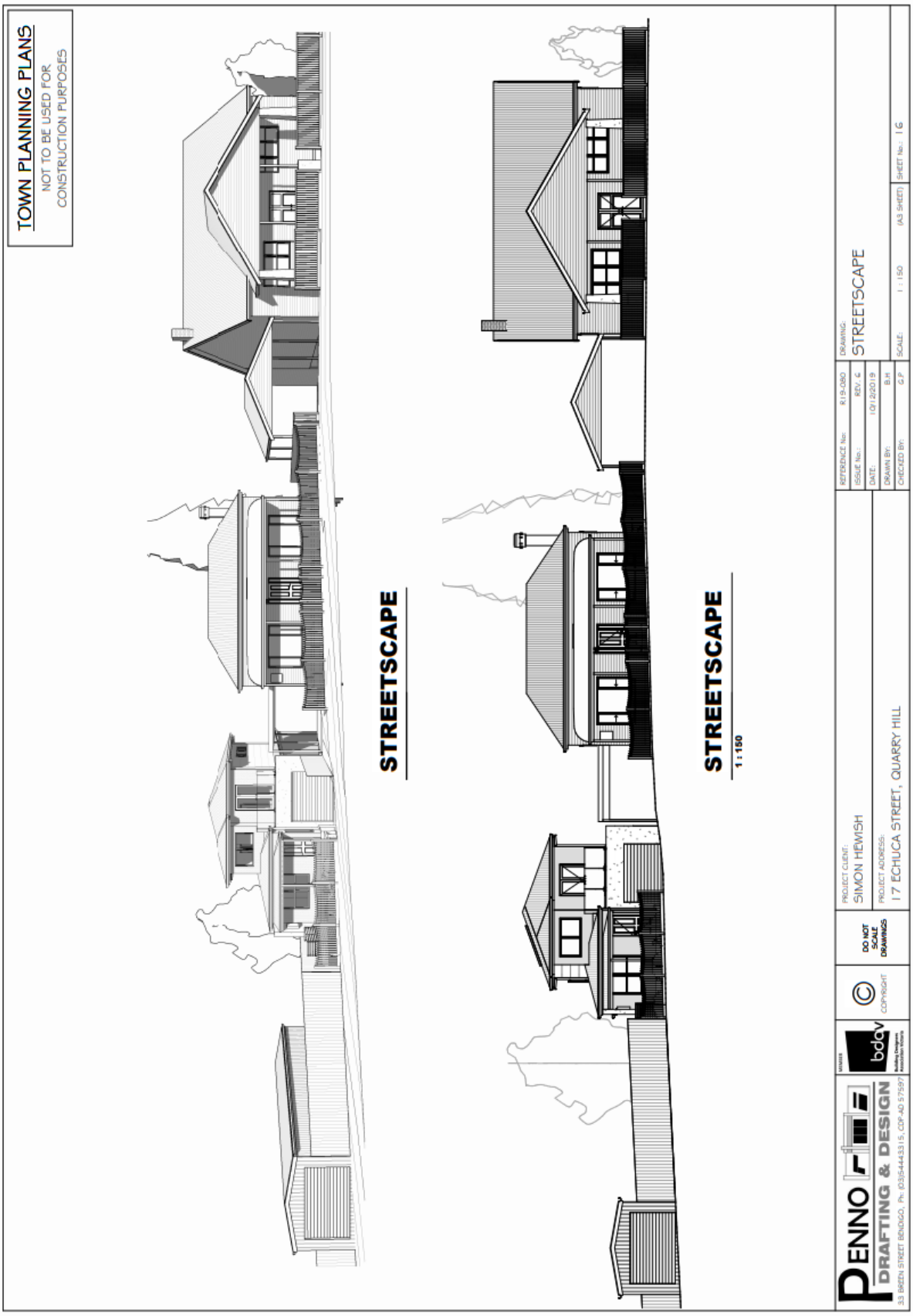

Figure 7: Proposed Streetscape Elevation

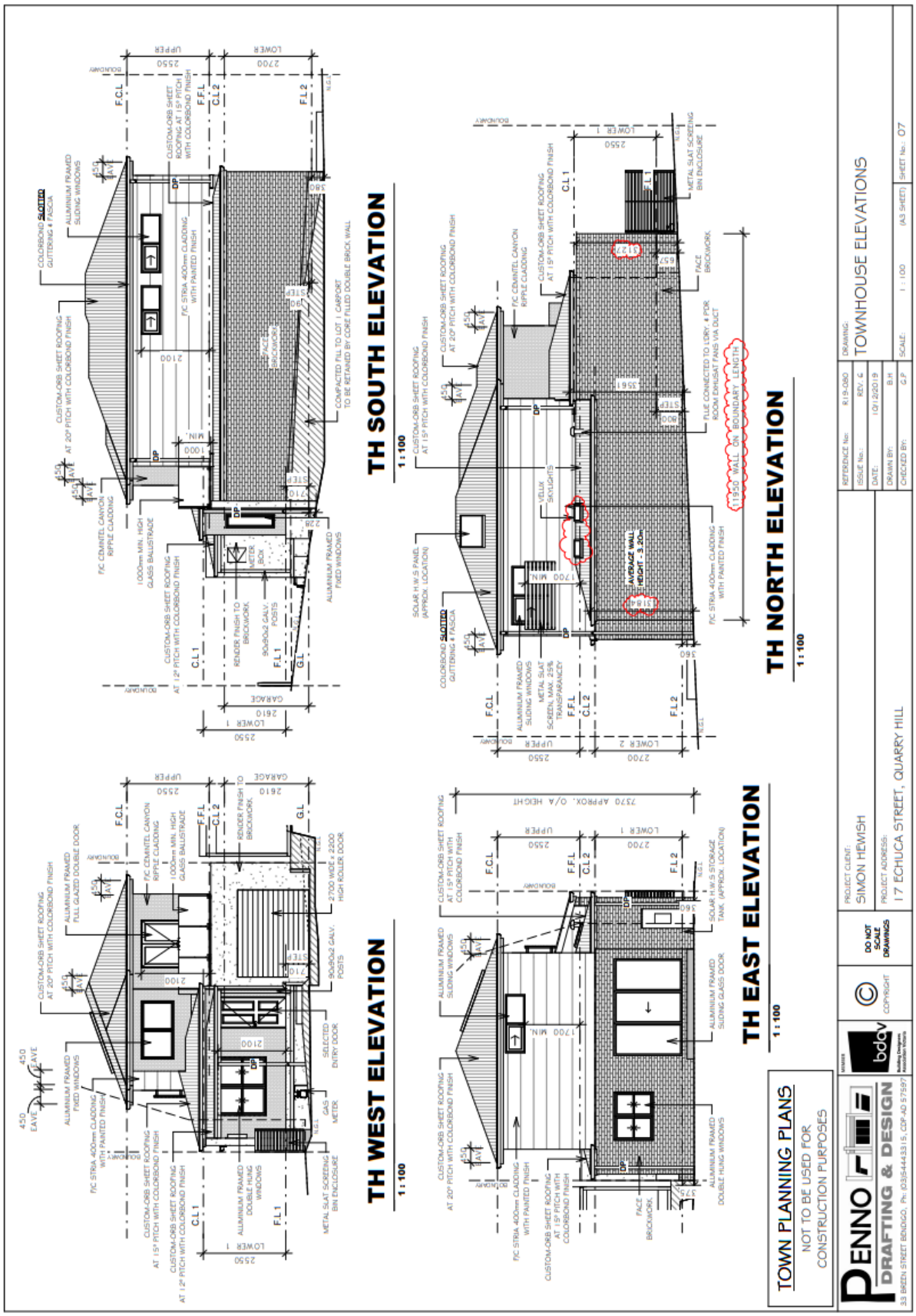

Figure 8: Proposed Elevations (new dwelling)

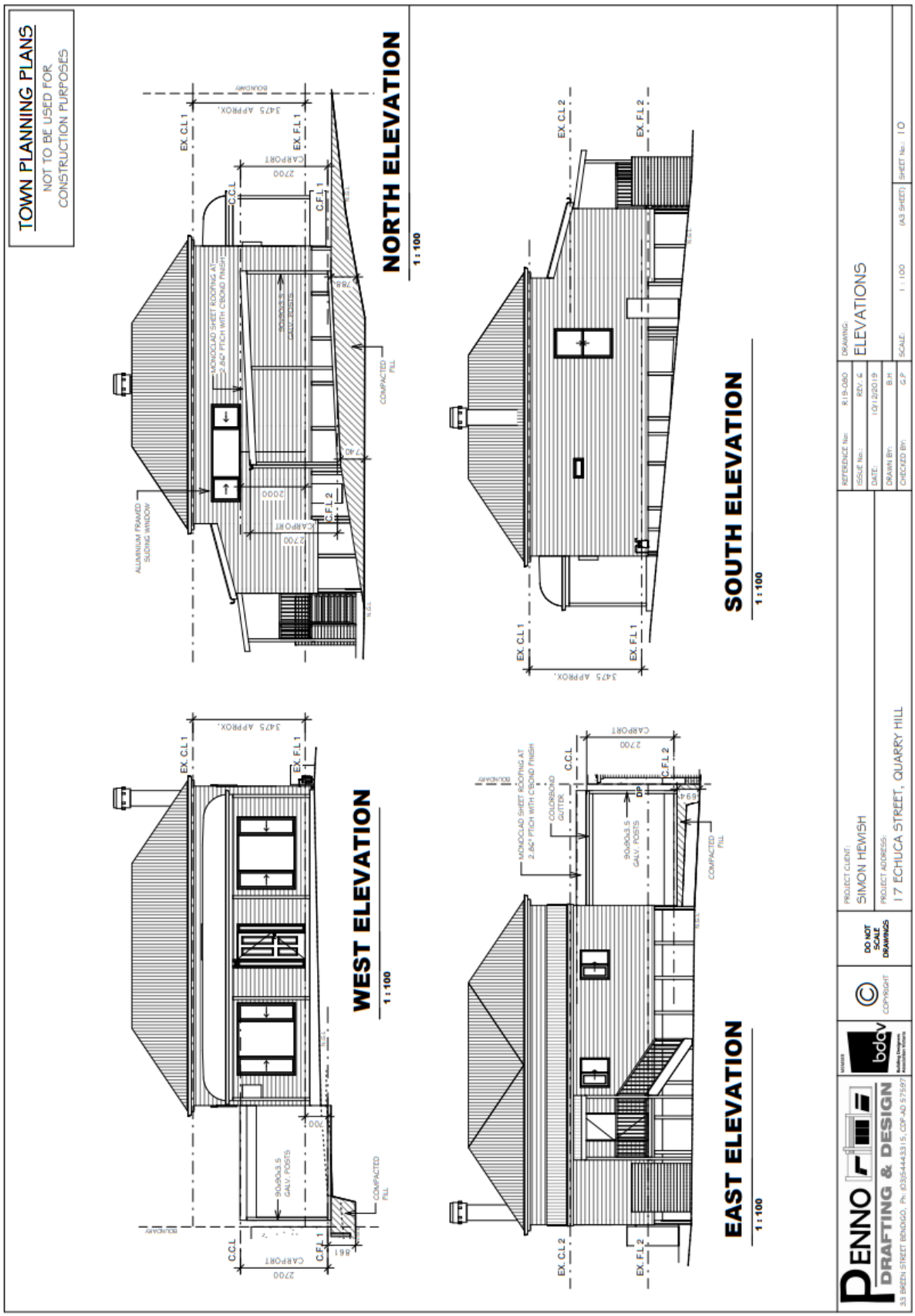

Figure 9: Proposed Elevations (existing dwelling)

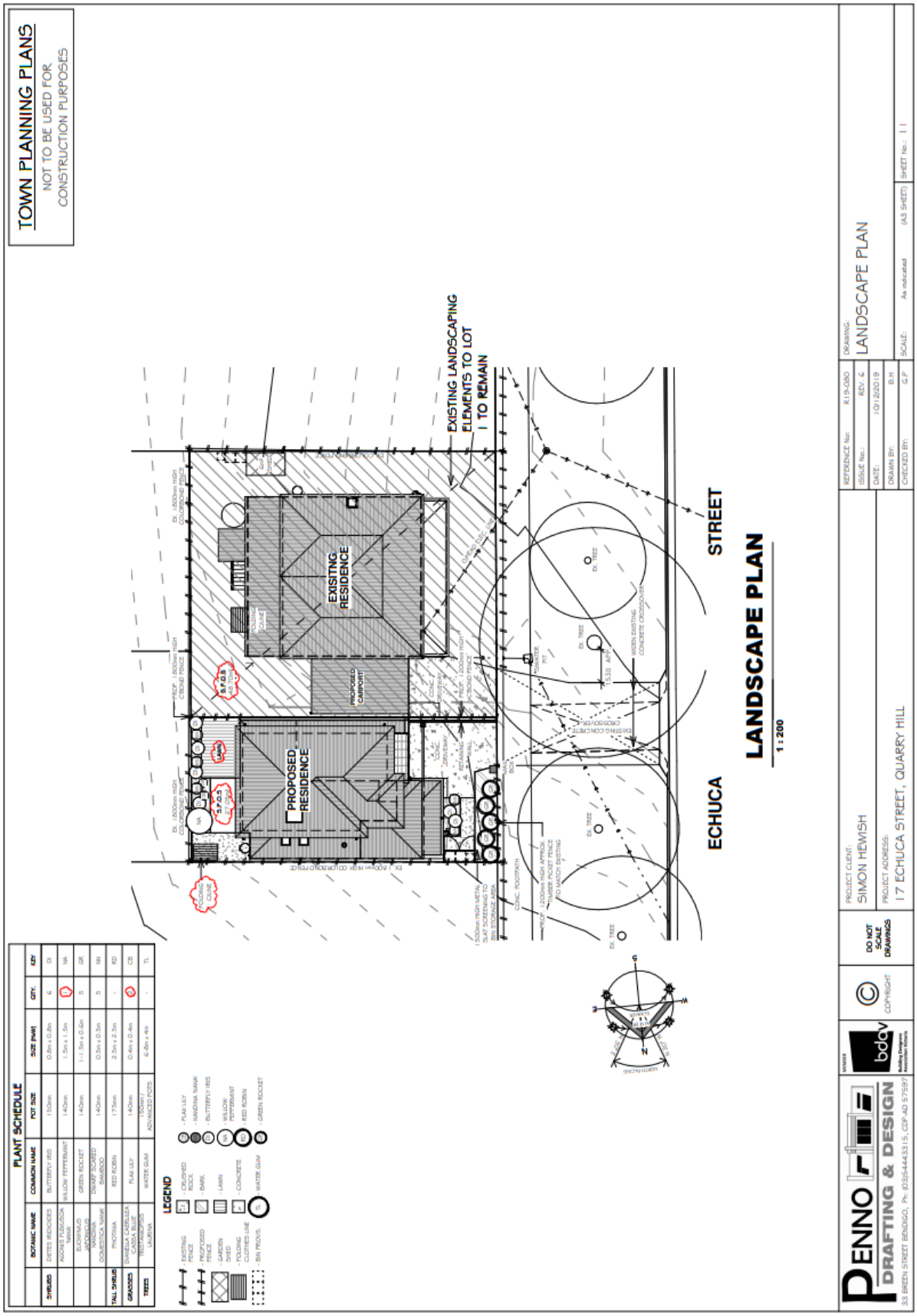

Figure 10: Landscape Plan

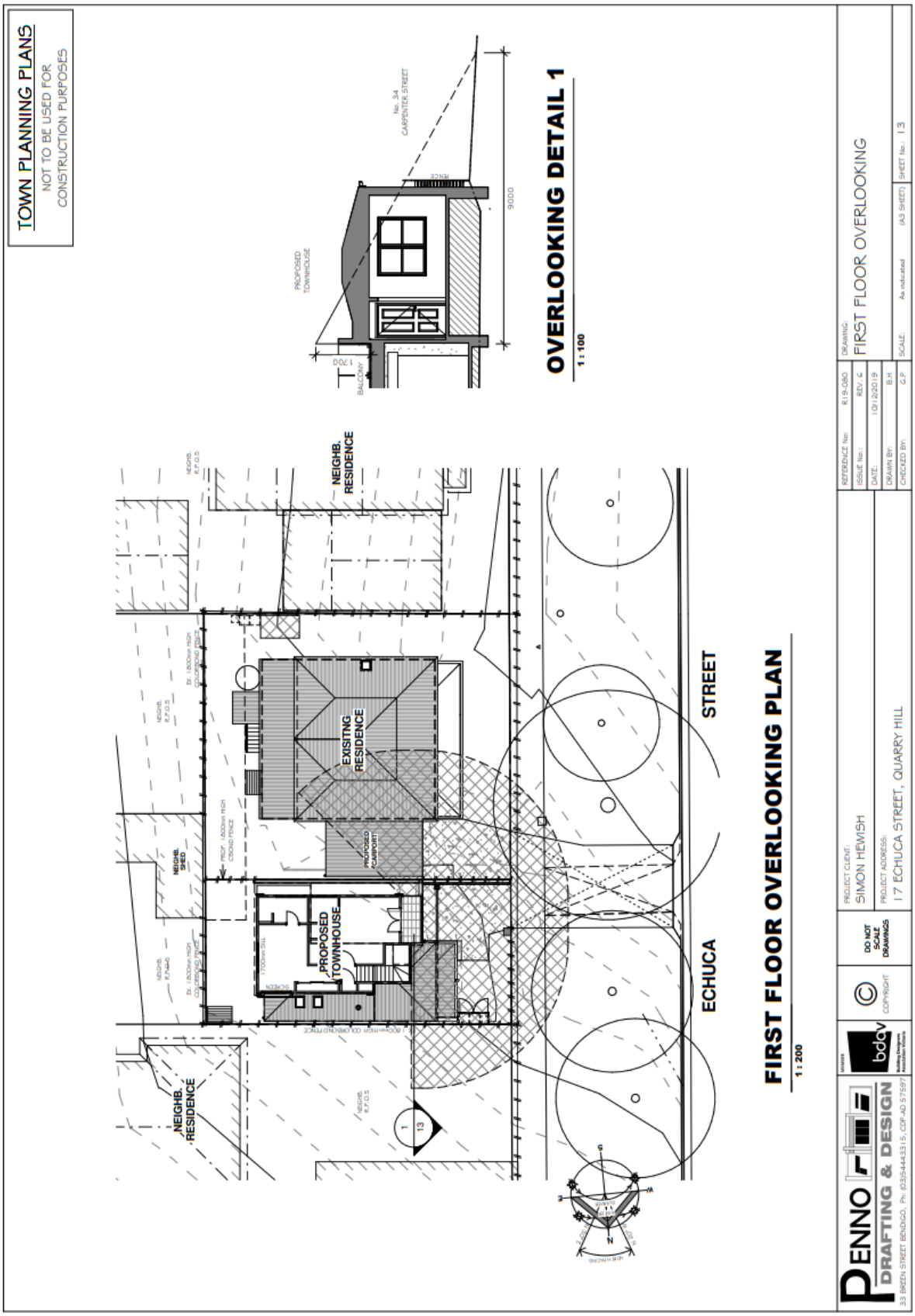

Figure 11: First Floor Overlooking Plan

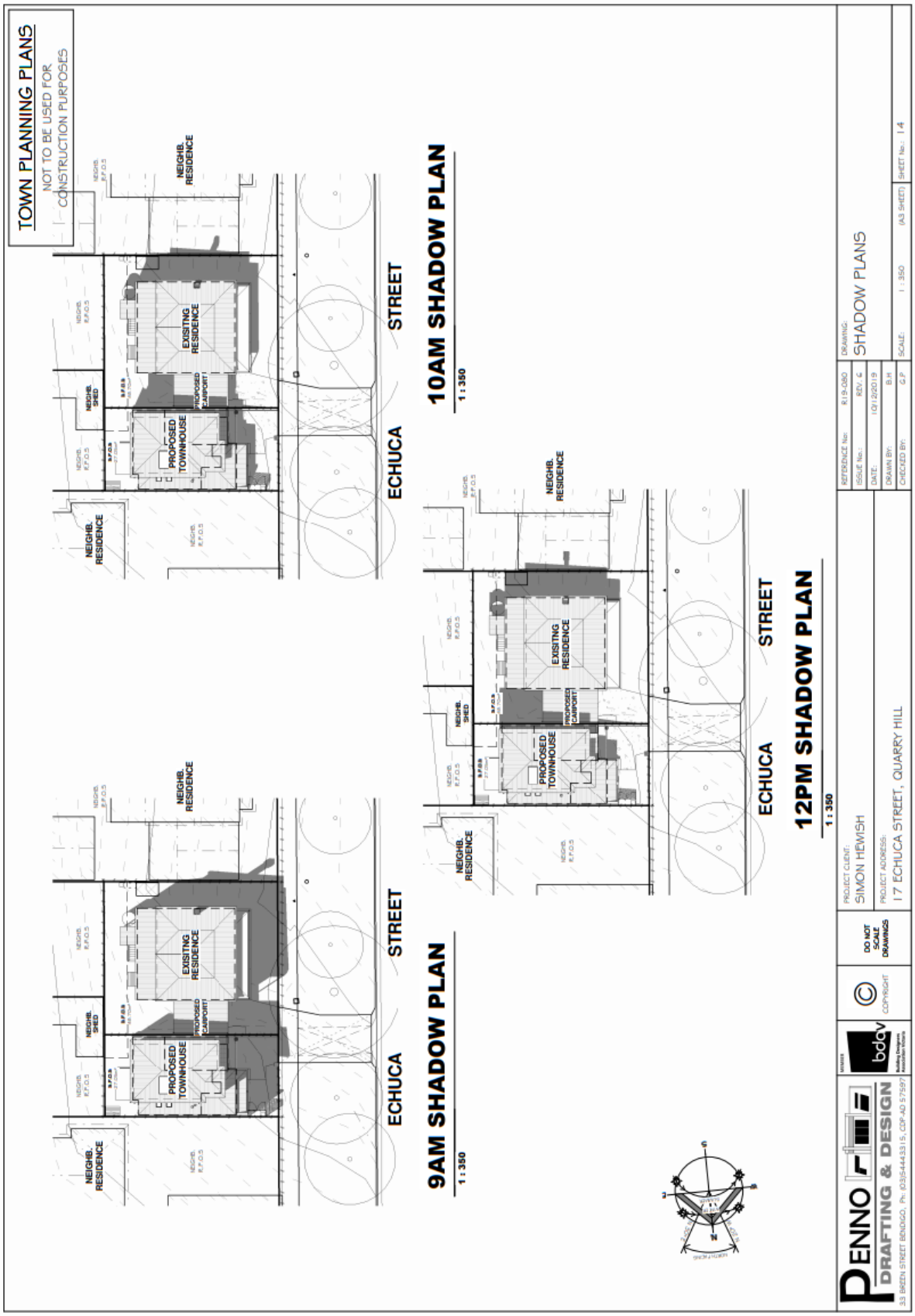

Figure 12: Shadow Plans

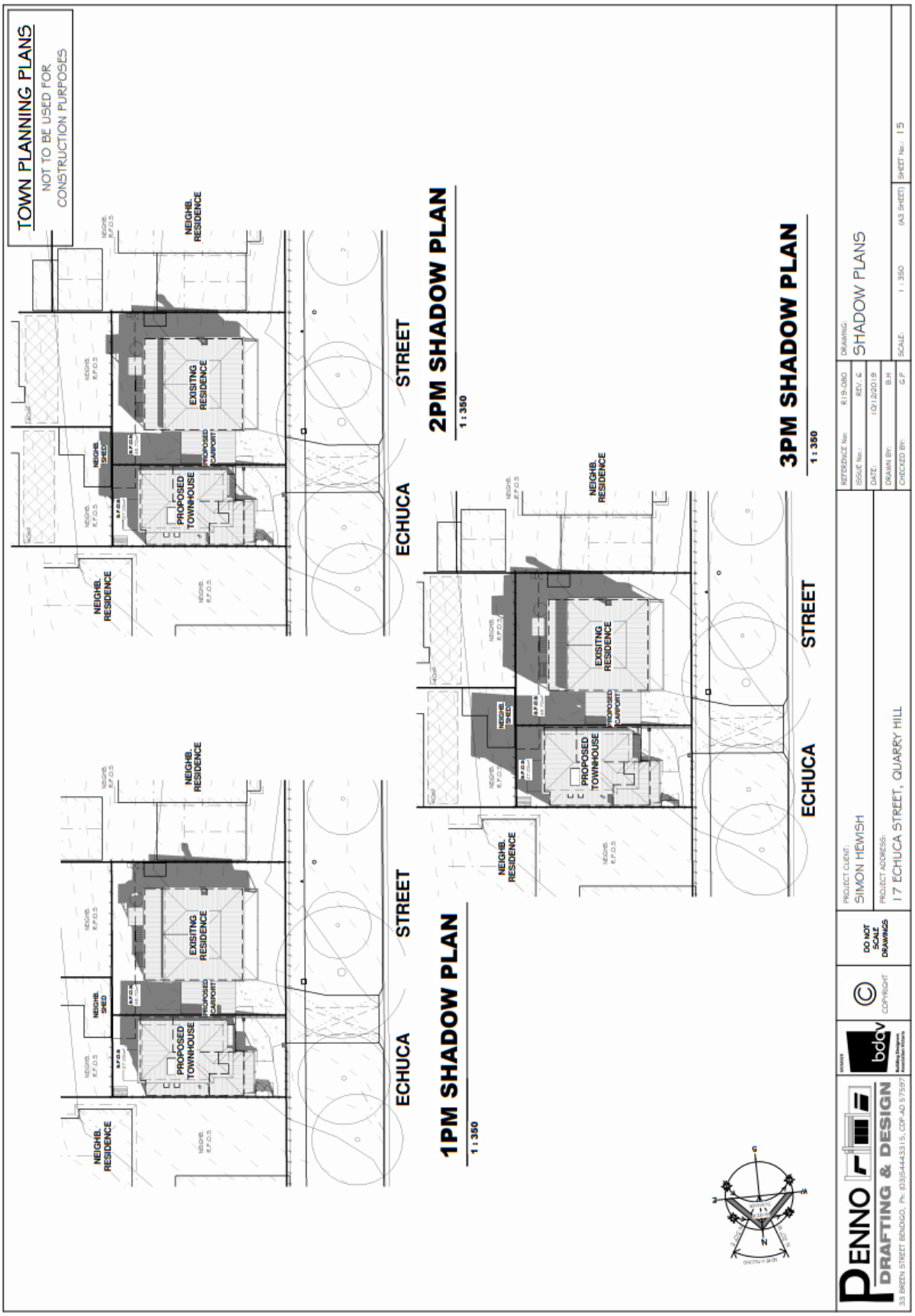

Figure 13: Shadow Plans

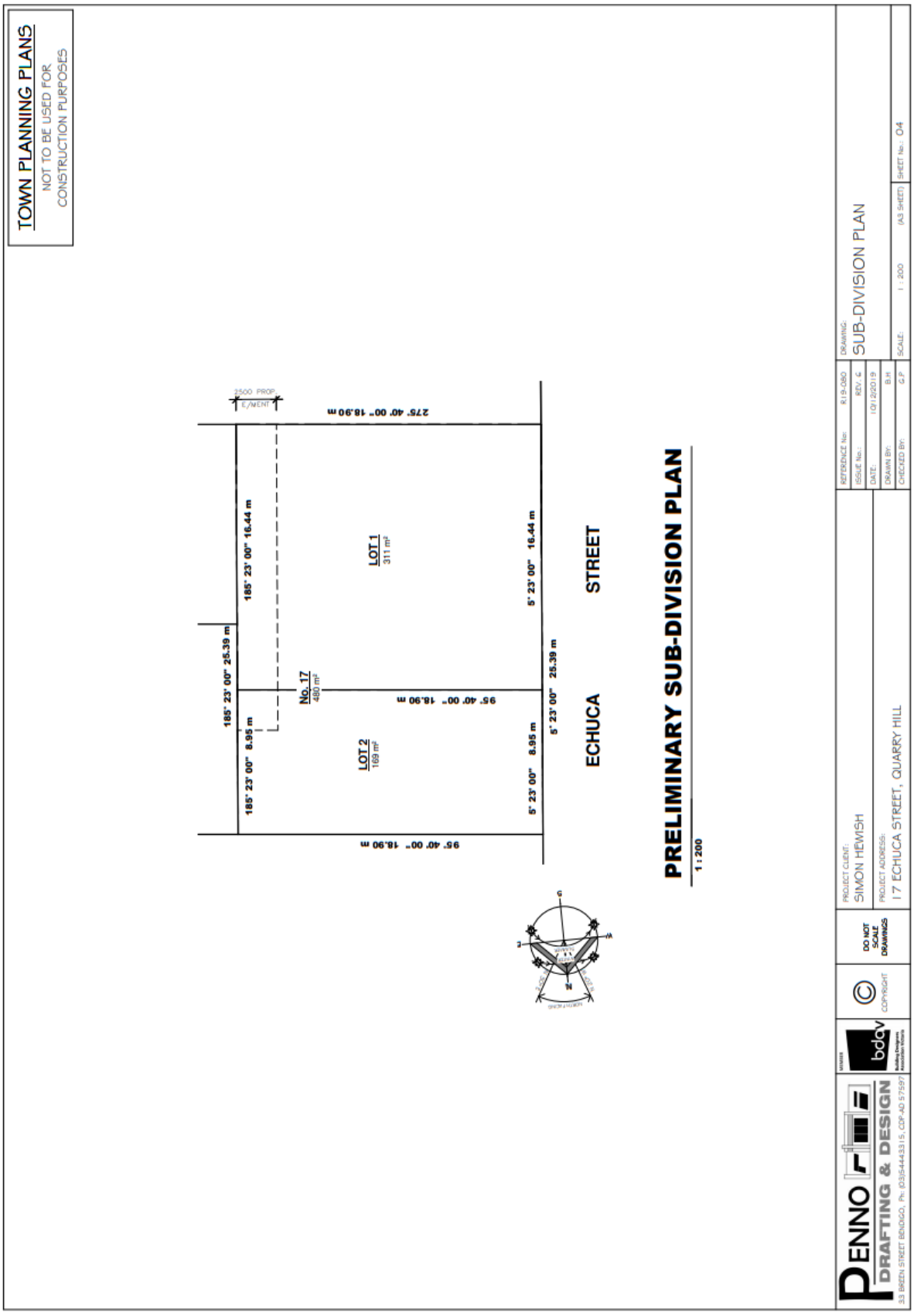

Figure 14: Plan of Subdivision

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.02-1S Supply of urban land
- Clause 11.03-1S Activity centres
- Clause 13.02-1S Bushfire planning
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1S Heritage conservation
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing diversity

Local Planning Policy Framework

- Clause 21.02 Key Issues and Influences
- Clause 21.05 Compact Greater Bendigo
- Clause 22.21 Quarry Hill Residential Character Policy
- Clause 22.26 Heritage Policy

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 52.06 Car parking
- Clause 55 Construction of two or more dwellings on a lot
- Clause 56 Residential subdivision
- Clause 65 Decision Guidelines

Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.08-3 of the General Residential Zone, which states that a permit is required to subdivide land and that a subdivision must meet the requirements of Clause 56.
- Clause 32.08-6 of the General Residential Zone, which states that a permit is required to construct more than one dwelling on a lot and that a development must meet the requirements of Clause 55.

- Clause 43.01-1 of the Heritage Overlay which states a permit is required to subdivide land, construct a building/carry out works, construct a vehicle crossover, and construct a fence.

It is noted that planning approval is not required for the demolition of the shed or carport, pursuant to the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, January 2018.*

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Heritage	The City's Heritage Advisor objected to the proposal, raising the following concerns: • Front setback; • Dominance; • Boundary to boundary construction; • Height and scale.
Traffic and Design	No objection subject to standard conditions relating to sight lines, vehicle crossings and the requirement to obtain a Works Within Road Reserve Permits. Concerns were raised by the City's Traffic Engineer with regards to the ability of the widened vehicle crossing to meet AS 4970: the protection of trees on development sites (specifically Tree Protection Zones).
Drainage	No objection subject to standard conditions relating to the requirement to provide detailed drainage plans, the construction of works and public assets.

Public Notification

The application was advertised by way of letters to adjoining and nearby owners and occupiers. Due to the ongoing COVID-19 situation, a sign was not required to be placed on the site, however letters were sent to a wider area of neighbours around the proposal's site.

As a result of advertising, 2 objections were received, with the grounds of objection being:

- Streetscape presentation;
- Impact on garden character and environment;
- Impact on heritage character;
- Overlooking.

The objections are discussed below.

Planning Assessment

Summary findings:

The application is recommended for refusal as the proposal fails the following Planning Scheme requirements:

- The proposal fails to appropriately respond to key identified neighbourhood character elements including a consistency of front and side setbacks, and scale of development.
- The proposal will result in an unacceptable heritage outcome due to inconsistent setbacks, massing and overall visual dominance.
- There are a number of areas of non-compliance with ResCode which points to an overdevelopment of the site.
-

Is the proposal consistent with Planning Scheme policy regarding housing, design and infill residential development?

The site is located within a long established, inner suburb of Bendigo. It is approximately 1.3 kilometres south-east of the Bendigo City Centre and close to a range of facilities, services and transport options.

Planning policy through Clauses 11, 11.01-1S, 11.03-1S, 16.01-2S, 16.01-3S and 21.05 supports an intensification of development on sites that benefit from such locational attributes, seek to create a compacted Bendigo urban area and create diversity in housing stock. A cornerstone of that approach, as outlined in Clauses 21.05-2 and 21.05-3, is the support of increased housing in locations within 10 minutes of a range of services and facilities. Noting that such housing should be designed to not unduly impact on character and amenity of neighbourhoods.

The proposal meets planning policy objectives in terms of being an appropriate location for housing and infill residential development and is located within a 10 minute neighbourhood. The proposal would provide a new three bedroom dwelling which meets the City's policy direction of providing diverse housing choice and contributes towards the goal of creating a compact urban area.

Given the policy support from a strategic housing policy perspective for an additional dwelling in this location, attention should be drawn to the specifics of this proposal and whether it is acceptable having regard to the site context and the applicable planning controls and policies. This is discussed below.

Is the proposal consistent with the provisions of the General Residential Zone and the neighbourhood character policy?

The inclusion of the area in the General Residential Zone with its purpose to *encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport* recognises the locational attributes outlined above.

However, the General Residential Zone also includes a purpose to *encourage development that respects the neighbourhood character of the area.*

In addition to the Zone, neighbourhood character is referenced as an important consideration throughout the Planning Scheme including Clauses 11, 15, 16 and 22.21.

It is noted that the site is not affected by a Neighbourhood Character Overlay, however the site is located within the Quarry Hill Residential Character Precinct 2, which is described in Clause 22.21 as follows:

The area forms an extension of the inner ring of suburbs that exemplify the distinctive character of early Bendigo. Some of it has an intimate 'cottage' character, derived from the modest scale of the dwellings and the small garden setbacks, and the open front fences. Elsewhere, larger houses, particularly from the Edwardian, Inter war and later eras, produce a more 'middle' suburban character. Setbacks vary according to the size of lot and housing, but are often consistent within a particular streetscape. Lots often extend from street to street. Some streets have mature trees, either exotic or native. Much of the area has heritage significance.

The statement of desired future character seeks to ensure that: *The heritage qualities and the combination of intimate, cottage feel and 'middle' suburb character will be maintained.*

The desired future character is to be achieved by the objectives and design responses outlined and discussed in the table below:

Objectives	**Recommended Design Response**
To retain buildings that contribute to the valued character of the area.	Retain and restore wherever possible, intact Victorian, Edwardian, Federation and Inter-war era dwellings. Alterations and extensions should be appropriate to the building era.
Comment: The proposal is retaining the existing dwelling on site, with one minor modification to the northern side of the dwelling. A shed and carport (constructed in approximately 2010) will be removed from the northern portion of the site, however this does not require planning approval. *The proposal complies with this objective.*	
To maintain and strengthen the garden setting of the dwellings.	Prepare a landscape plan to accompany all applications for new dwellings.
Comment: The immediate surrounding area is characterised by an abundance of detached period homes which are modestly set in mature gardens, which contributes to the character of the area. *Some scattered small trees and planted vegetation are required to be removed in order to facilitate the proposal.* *A landscape plan has been provided for proposed Lot 2 and shows a mix of shrubs and grasses, with crushed rock and a lawn area in the rear yard. Whilst the 1.2 metre high timber picket fence does provide opportunities for an open landscape setting,*	

given the narrow width (8.95 metres) of Lot 2, a large portion of the front setback of the proposed dwelling is occupied by hard surfaces, and includes a bin storage area. The proposal does not strengthen the garden setting. *The proposal does not comply with this objective.*	
To maintain the consistency, where present, of building front setbacks.	The front setback should be not less than the average setback of the adjoining dwellings.
Comment: There is a consistency of setbacks found within the streetscape, with the exception of structures associated with Carpenter Street frontages. The dwelling is proposed to be setback 4.55 metres from the front boundary (Echuca Street). This is less than the setback of the existing dwelling (4.65 metres) and, given the proposed two storey form, risks the new building becoming a dominant feature within the streetscape. Unless the overall size of the dwelling was reduced, achieving this setback would further compromise the limited secluded private open space to the rear of the dwelling. *The proposal does not comply with this objective.*	
To maintain the rhythm of dwelling spacing.	Buildings should be off-set from at least one side boundary.
Comment: Although the proposed carport to the existing dwelling would be offset 0.2 metres from the northern boundary of Lot 1, the dwelling would maintain a 2.9 metre setback from the southern property boundary. *The proposed dwelling will be offset 0.2 metres from the northern boundary and 0.2m from the southern boundary of Lot 2, at ground level. Boundary to boundary construction is not in keeping with the prevailing character of the streetscape, with buildings typically offset from at least one boundary by more than one metre.* *The proposal does not comply with this objective.*	
To minimise the dominance of car storage facilities.	Locate garages and carports behind the line of the dwelling. Use rear access where available.
Comment: Car storage for the existing dwelling will be provided in the form of an attached flat roof carport which is of a simple design and located 0.775 metres behind the front line of the dwelling. An uncovered tandem car space is located to the front. The Greater Bendigo Heritage Design Guidelines, August 2015 require new car parking structures to be setback a minimum of 1 metre from the front building line. A setback of 1 metre could be achieved without compromising the secluded private open space in the rear yard. *An attached single garage and tandem car space is proposed for the new dwelling. The garage wall is setback 0.94 metres behind the front wall of the dwelling. Achieving the recommended 1 metre setback would further compromise the limited secluded private open space to the rear of the dwelling.* *The proposal does not comply with this objective.*	
To respect the identified heritage qualities of the streetscape or adjoining buildings.	Where the streetscape contains identified heritage buildings, reflect the dominant

	building forms in the street, including roof forms, in the new building design.
Comment: *The Eaglehawk and Bendigo Heritage Study identifies Echuca Street as a being a contributory streetscape, predominantly made up of Edwardian and Interwar dwellings. There are two individually listed heritage properties at 26 and 28 Echuca Street, with the listings relating to the significant vegetation on site.* *Whilst the forms (roof form, verandah, window proportions and materials) proposed are in keeping with the period character of the context, the building height and massing does not respect the heritage streetscape.* *The proposal complies with this objective (in part).*	
To ensure that buildings and extensions do not dominate the streetscape.	Where there is a predominance of single storey, the height of the dwelling at the front of the dwelling should match the typical single storey wall height.
Comment: Dwellings in the surrounding area are predominantly single storey, with very few instances of two storey development (none being within this portion of Echuca Street). The application proposes to construct a two storey dwelling, with the upper floor proposed to be setback between 0.7-1.6 metres behind the front wall of the dwelling. Based on the two storey form and small setbacks, there are concerns that the proposal will appear overly dominant within the streetscape. *Concerns were also raised by an objector with regards to the impact of the proposed dwelling on the streetscape.* *The proposal does not comply with this objective.*	
To use building materials and finishes that complement the dominant pattern within the streetscape.	In streetscapes where weatherboard predominates, use timber or other non-masonry cladding materials where possible, and render, bag or paint brick surfaces.
Comment: The materials of the proposed dwelling include brick, rendered brick and cladding which would be appropriate to the area as they are all materials found within the streetscape. *The proposal complies with this objective.*	
To ensure front fences are appropriate to the era of the dwellings and maintain the openness of the streetscape.	Provide open style front fencing. Front fences should not exceed 1.2 metres other than in exceptional case.
Comment: No change is proposed to the timber picket fencing fronting the existing dwelling. *It is proposed to demolish the timber paling fence and construct a new 1.2 metre high timber picket fence along the front boundary of proposed Lot 2 to match the existing (Lot 1).* *The proposal complies with this objective.*	

Giving consideration to the above, the proposal presents an unacceptable outcome with regards to the desired balance between housing policy and neighbourhood character, and is not in keeping with the existing or desired future character for the area.

Will the proposal adversely affect the heritage significance of the place or precinct?

The site is affected by the Heritage Overlay – Schedule 30 (HO30) – Quarry Hill Precinct. The precinct is significant for its high percentage of Edwardian and late Victorian era housing, generating a strong period character. This is enhanced by the picturesque views to and from the housing stock, created by the hilly terrain which enhances the sense of place.

Echuca Street is identified as a contributory streetscape, predominantly made up of Edwardian and Interwar dwellings constructed in timber. The subject site was graded 'D' in the Eaglehawk and Bendigo Heritage Study, indicative of an altered building with contributory/representative significance.

Planning policy through Clauses 15.03 and 22.06, along with the Heritage Overlay seeks to conserve, maintain and enhance the significance of heritage places and heritage elements that contribute to the significance of heritage places. Such strategies include encouraging appropriate development that respects places with identified heritage values and ensuring an appropriate setting and context for heritage places is maintained or enhanced.

A number of concerns raised with the applicant with regards to the proposal relate to the proposal not being consistent with the Heritage Design Guidelines (height, scale, setbacks, spacing, dominance, proportions, impact on views to other heritage buildings), and the proposal not being consistent with or respecting the heritage or neighbourhood character and detracting from the heritage significance. Concerns were also raised by an objector in relation to the proposal not respecting the Heritage Overlay.

Consideration has been given to the relevant decision guidelines of the Heritage Overlay including:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable heritage design guideline specified in the schedule to the overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

The City's local heritage policy at Clause 22.06 has been established to guide decisions on demolition and development of heritage places and seeks to maintain and enhance the significance of heritage places while accommodating the needs of residents to adapt and develop such places. The policy also requires new developments to be assessed against the relevant design suggestions in the *Greater Bendigo Heritage Design Guidelines, August 2015.*

An assessment against the policy objectives and Heritage Design Guidelines is provided as follows:

- **Subdivision**

The Heritage Policy and Heritage Design Guidelines contain objectives which seek to ensure that subdivision and development which may result from it, does not adversely affect the significance of the heritage place, provides an appropriate setting for heritage places and retains the existing built form pattern where such pattern contributes to the significance of the heritage place.

The proposed subdivision creates a new boundary to the side of the existing dwelling. The proposed setback of this boundary is 3m from the dwelling, which meets the minimum requirements of the heritage guidelines.

- **Infill development / New buildings**

The Heritage Policy and Guidelines contain objectives which:
- Encourage new buildings that do not adversely affect the significance, character or appearance of the heritage precinct and are visually recessive;
- Seek to ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks and materials; and
- Encourage new development within a heritage precinct that is contemporary in appearance and does not copy historic styles or details.

The Heritage Design Guidelines state that *for infill development, the design of a new building should consider the prevailing built form which contributes to the significance of the Heritage Overlay Area.* It states that specific regard should be given to factors such as:
- Setback (front and side);
- Rhythm, orientation to the street;
- Form and massing;
- Height and scale;
- Materials and finishes;
- Window and door openings;
- Architectural detailing.
-

It is acknowledged that the dwelling is located within a predominantly single storey streetscape. Whilst a two storey contemporary dwelling could be supported in this location, the proposal fails to adequately respond to the prevailing built form with regards to setbacks, rhythm of dwelling spacing, height and scale. The new dwelling does not appropriately respond to the Heritage Policy or Heritage Design Guidelines for the following reasons:

- The dwelling will sit forward of the existing dwelling.
- Dwelling heights in the area are predominantly single storey and while the development does not sit significantly higher than existing built form, the upper level results in an unacceptable level of massing and visual dominance due to minimal first floor setbacks and massing. This will result in the upper level presenting as a dominant feature that will detract from the heritage values of the place. The building height has not given appropriate consideration to the context of the surrounding area with regards to the relationship between the proposed building height, the height of the existing adjacent buildings and the visual impact of the building.
- The new dwelling proposes boundary to boundary construction which is not consistent with the rhythm of dwelling spacing and prevailing heritage character within the streetscape. The development does not appropriately take into account the size of the proposed allotment versus the extent of built form, resulting in a proposal that appears to be squeezed on the site rather than creating an appropriately scaled infill development.

- **Car Parking/Driveway/Access**

The Heritage Policy and Heritage Design Guidelines contain objectives which seek to ensure that car accommodation and car access points do not dominate the heritage place, are located at least 1 metre behind the primary façade and are designed to ensure that they do not dominate the contributory elements of a heritage place.

As outlined in the table above, whilst the simple design of the proposed garage and carport are consistent with the policy framework, the proposal fails to locate both structures at least 1 metre behind the primary façade.

The application proposes to widen the existing vehicle crossover to 5.1 metres to service both lots which is an acceptable heritage outcome.

- **Fences**

The proposed fencing is consistent with the heritage policy.

Heritage assessment summary:

The proposal represents an unacceptable outcome in respect to the heritage values of the area and the City of Greater Bendigo’s Heritage Advisor does not support the proposal.

Does the proposal comply with ResCode and are the impacts on neighbours acceptable?

A key consideration is whether the proposal achieves residential subdivision outcomes that appropriately respond to the site and its context and whether the proposal would result in reasonable amenity impacts for surrounding properties and future residents.

It is a requirement of both Clause 55 and Clause 56 that a development/subdivision must meet all of the objectives of the clause and should also meet all of the standards. However, if the City is satisfied that an application for an alternative design solution meets the design objective, the alternative design solution may be considered. Noncompliance with a number of ResCode standards generally points to an overdevelopment of the site and a non-site responsive design.

The proposal does not comply with a number of objectives and standards of Clause 55 as outlined below:

- *Clause 55.02-1 Neighbourhood character objectives (Standard B1)*

Clause 55.02-1 has the objectives *to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and to ensure that development responds to the features of the site and the surrounding area*. As outlined above, the design response does not respect the existing or preferred neighbourhood character.

- *Clause 55.03-1 Street setback objective (Standard B6)*

Clause 55.03-1 has the objective *to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

In order to comply with this standard, the new dwelling is required to be setback 4.65 metres. The dwelling is proposed to be setback 4.55 metres which fails to meet this standard. Although a minimal deficit, there is a consistency of front setbacks within the streetscape and the reduced setback at the ground floor coupled with the massing of the two storey design will result in an unacceptable level of visual impact when viewed from the street.

- *Clause 55.03-5 Energy efficiency objectives (Standard B10)*

Clause 55.03-5 has the objectives *to achieve and protect energy efficient dwellings and residential buildings* and *to ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*

This policy states that living areas and private open space should be located on the north side of the development, if practicable, and developments should be designed so that solar access to north-facing windows is maximised. The proposal fails to meet the standard or objective, noting that the design response is to construct a solid wall at ground floor, with only one north facing window on the upper floor. The development has not been designed in a way that will maximise solar access to north-facing windows.

- *Clause 55.04-5 Overshadowing open space objective (Standard B21)*

Clause 55.04-5 has the objective *to ensure buildings do not significantly overshadow existing secluded private open space.*

The secluded open space of the existing dwelling will be overshadowed, beyond the allowable limits of the standard, by the proposed new dwelling which would impact on the amenity of the dwelling.

- *Clause 55.04-6 Overlooking objective (Standard B22)*

Clause 55.04-6 has the objective *to limit views into existing secluded private open space and habitable room windows.* Concerns were raised by the objector (north adjoining neighbour) that the proposed townhouse would overlook their secluded private open space, including a swim/spa which is located in the south-west corner of the site. Overlooking, as defined by this standard, could occur from the first floor balcony of the proposed dwelling, however design measures could be implemented to prevent any overlooking from occurring.

- *Clause 55.05-4 Private open space objective (Standard B28)*

Clause 55.05-4 Private Open Space has the objective *to provide adequate private open space for the reasonable recreation and service needs of residents.*

In excess of 40 square metres of private open space, including 25 square metres of secluded private open space are provided for the existing dwelling.

Whilst 40 square metres of private open space, including 25 square metres of secluded private open space, are also provided to the new dwelling, there are concerns that this area would be significantly reduced by site services and areas of landscaping which could impact on its useability and functionality.

Clause 56 – Residential Subdivision

The proposal complies with all relevant objectives and standards of Clause 56 and as such is considered to meet the principal purpose of Clause 56 which is to create liveable and sustainable neighbourhoods and urban places with character and identity.

It is noted that in this case the subdivision of the land is a 'by product' of the development, hence Clause 56 is only of minor relevance to the assessment.

Other matters

It is unclear as to how the proposal would comply with Council's *Urban Tree Management Policy, 2017* and Australian Standard 4970 - *Protection of trees on development sites*, with regards to widening the existing crossover. There are concerns that the proposed driveway could impact on the tree protection zone of the large eucalyptus tree located within the road reserve which adds to the character of the Echuca Street streetscape.

Conclusion

Clause 71.02-3 Integrated decision making recognises that Bendigo has various needs and expectations and states that planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. It goes on to state that:

> *"Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations".*

It is evident that the proposal presents a conflict between infill development and supporting high densities, protecting heritage, neighbourhood character and residential amenity. Whilst the site it strategically located for an infill development opportunity, development must respond to the context of the site and surrounding area. The proposal presents as an overdevelopment of the site and a non-site responsive design; and would result in adverse impacts on neighbourhood character, heritage and amenity. The proposal does not strike an appropriate balance between the competing policy objectives.

It is recommended that a Notice of Refusal be granted.

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.

Attachments

- Objections

2.4 PLANNING SCHEME AMENDMENT C247 PLANNING SCHEME REVIEW PART 2 ZONE AND OVERLAY UPDATES AND CORRECT

Document Information

Author **Frank Casimir and Rebecca Fisher, Amendments Planners**

Responsible Director **Bernie O'Sullivan, Director Strategy and Growth**

Summary/Purpose

Amendment details: The amendment makes changes to the content of existing zone and overlay schedules, as recommended in the *Greater Bendigo Planning Scheme Review 2019* (the Planning Scheme Review), by making minor administrative changes to clarify content, including modernising maps and images.

The amendment also:

- Removes outdated Development Plan Overlay Schedules from land that has been developed, as recommended in the Planning Scheme Review.
- Removes the Land Subject to Inundation Overlay from properties where the Catchment Management Authority has advised it is no longer required.
- Rezones the property located at 60 Retreat Road, Flora Hill that has recently been acquired by Council, from Public Use Zone Schedule 2 (Education) to Public Park and Recreation Zone (PPRZ) to facilitate its intended use at acquisition.
- Corrects 42 mapping errors identified over the last 3 years, to further improve the operation of the planning scheme by ensuring that appropriate controls are applied.
- Rezones 60 Council or Crown owned or managed sites that are currently used as public open space to Public Park and Recreation Zone or Public Conservation and Resource Zone to support this use into the future, in accordance with the *Greater Bendigo Public Space Plan, 2019.*

Proponent: City of Greater Bendigo

Key issues:

- Further implements recommendations of the *Greater Bendigo Planning Scheme Review 2019.*
- Removes unnecessary planning permit triggers

resulting from zoning or overlay mapping errors or outdated controls.
- Further implements the *Greater Bendigo Public Space Plan, 2019.*
- Ongoing improvements to the operation of the Greater Bendigo Planning Scheme.

RECOMMENDATION

That Council:

1. Requests the Minister for Planning to authorise Council to prepare Amendment C247 to the Greater Bendigo Planning Scheme.
2. When Authorised by the Minister, exhibit Amendment C247 to the Greater Bendigo Planning Scheme giving notification as required for the minimum statutory exhibition period of one month.
3. Requests the Minister to provide an exemption to notify all landowners and occupiers individually that are affected by the zone and overlay schedule formatting changes due to the minor affect and the large number of landowners.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

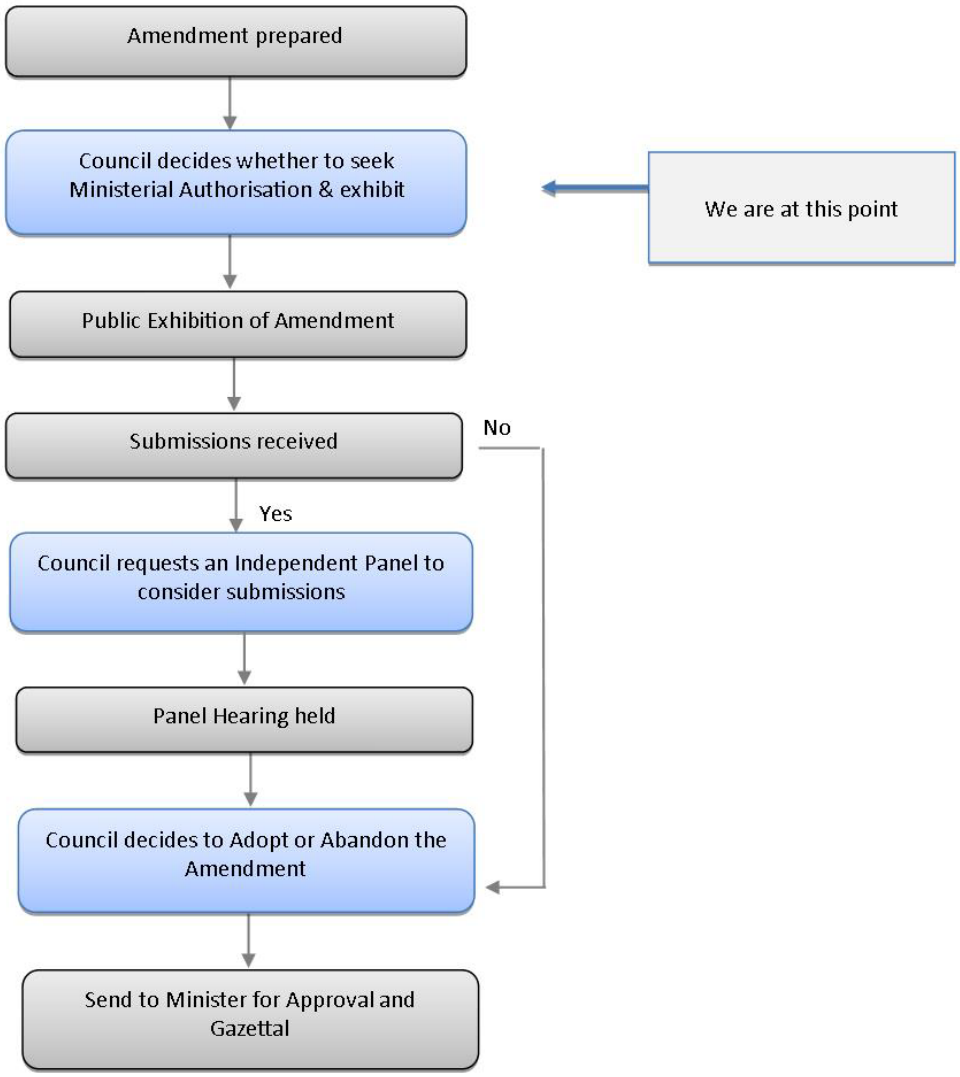
Goal 4: Presentation and managing growth

- Plan for a growing population.
- Keep Greater Bendigo attractive with good quality public facilities and places.

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

Background Information

The key steps in the Amendment process are summarised below:



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

The proposed Planning Scheme changes to implement the Review were extensive, as although a lot of strategic work has been undertaken over the last 10 years, there has not been a full refresh of the Scheme since it was first written in 2000. The Review recommended, amongst other recommendations, that the zone and overlay schedule audit undertaken as part of the Review, be adopted and implemented, which is the basis for this amendment.

Because of the large amount of work required to implement the Planning Scheme Review and modernise the Planning Scheme, it was proposed that the changes be divided into three separate planning scheme amendments. The first amendment, *C256 Greater Bendigo Planning Scheme Review Implementation Part 1* is focussed on translating the Municipal Strategic Statement (MSS) to the new format Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF). This amendment has already been supported by Council and is being reviewed by DELWP prior to authorisation.

This amendment is Part 2 and will make the recommended changes to the zone and overlay schedules that can be completed without additional strategic work being undertaken. This includes the removal of outdated Development Plan Overlay Schedules 2, 3, 15 and 23 from land that has been developed, as recommended in the Planning Scheme Review and the removal of the Land Subject to Inundation Overlay from land where the Catchment Management Authority has advised it is no longer required. It will also correct 42 zoning, overlay and mapping errors collected over the last three years, as well as rezoning 60 public space sites identified in the *Greater Bendigo Public Space Plan, 2019* to the appropriate public land zone. It also rezones the Flora Hill Athletics Track purchased by the City from Latrobe University to the appropriate Public Park and Recreation Zone.

The third amendment will be a heritage focussed amendment that will make further changes to the Heritage Overlay schedule, as required by the new Statewide planning scheme format, update the local Heritage Policy, update the *Greater Bendigo Heritage Design Guidelines* 2015 to include guidance for signs in heritage areas, correct mapping errors identified over the last three years and introduce a Heritage Overlay to some individual properties where recent statements of significance have been prepared. All three amendments will be commenced this year.

The benefit of this approach is that each amendment can focus on a particular aspect and be more manageable. Also, it will be more efficient timing wise as the Department of Environment, Land, Water and Planning (DELWP) is currently making Statewide formatting changes to the zone and overlay schedules and these should be finalised prior to this Part 2 amendment being considered by DELWP for authorisation.

Previous Council Decisions

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

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

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

6 May 2020 – Council resolved to request the Minister for Planning to authorise Council to prepare and give notice of Amendment C256 *Greater Bendigo Planning Scheme Review Implementation (Part 1).*

Report

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

When requesting authorisation from the Minister for Planning to prepare and exhibit an amendment, an explanatory report must be submitted that lists all the changes proposed and discusses the purpose, effects and strategic justification for the amendment. Key issues identified in the explanatory report for this amendment are summarised below. (Full copy of the Explanatory Report is Attachment 1).

Land Affected by the Amendment

The amendment also specifically affects 42 properties through the correction of zone and/or overlay errors or administrative changes and 60 Council or Crown owned or managed properties by rezoning them to Public Park and Recreation Zone or Public Conservation and Resource Zone, including the athletics track in Flora Hill recently purchased by the City from La Trobe University. The full details of the properties impacted by these changes are available in the tables in the Explanatory Report.

The amendment affects 111 properties from which the North Central Catchment Management Authority (CMA) has requested that the Land Subject to Inundation Overlay be deleted.

The amendment affects approximately 400 properties through the removal of the Development Plan Overlay Schedules 2, 3, 15 and 23 from land that has been developed, as recommended in the planning scheme review.

The amendment also makes minor administrative changes and corrections to local zone and overlay schedules (as outlined below) which apply throughout the municipality.

What the Amendment Does

The amendment proposes to make administrative changes, as recommended by the Planning Scheme Review and to align content with the *Ministerial Direction – The Form and Content of Planning Schemes,* to the content of the following zone and overlay schedules:

- Low Density Residential Zone
- Rural Living Zone
- Rural Conservation Zone
- Farming Zone
- Public Conservation and Resource Zone
- Special Use Zone
- Comprehensive Development Zone
- Environmental Significance Overlay,
- Vegetation Protection Overlay,
- Significant Landscape Overlay,
- Design and Development Overlay,
- Development Plan Overlay,

- Neighbourhood Character Overlay,
- Erosion Management Overlay,
- Salinity Management Overlay,
- Land Subject to Inundation Overlay
- Bushfire Management Overlays

The amendment also proposes to delete the following overlays as recommended by the Review as they are no longer required:

- Development Plan Overlay Schedule 2 (Epsom and Ascot)
- Development Plan Overlay Schedule 3 (General Residential Zone – Density Management Areas
- Development Plan Overlay Schedule 15 (Burgoyne Street)
- Development Plan Overlay Schedule 23 (Botheras Court)

The amendment also proposes to correct several zone and overlay errors mainly mapping errors due to historic uses or land having been transferred from private ownership to public ownership or vice versa without the required appropriate rezoning. The full details of the properties impacted and proposed changes are listed in the attached table.

The amendment also rezones 60 Council or Crown owned or managed sites to Public Park and Recreation Zone or Public Conservation and Resource Zone as recommended in the *Greater Bendigo Public Space Plan,* 2019 to protect their current use as public open space into the future.

The amendment deletes the Land Subject to Inundation Overlay from 111 properties where the CMA has determined that this overlay has now become redundant due to the backfilling and other works that these properties have been subjected to which have reduced the risk of flooding.

Social, Economic and Environmental Impacts

The amendment improves the framework for the City to make decisions regarding land use and development. The proposed corrections to the zones, overlays or to the text of the Planning Scheme will have no significant adverse social, economic or environmental effects. The proposed zone and overlay corrections will be of social and economic benefit as unnecessary and inappropriate development controls will be removed from the affected land to facilitate their existing uses and future development. The Explanatory Report (see Attachment 1) provides further details on the social, economic and environmental effects of the amendment.

Strategic Justification – Planning Context

Section 12B of the *Planning and Environment Act 1987* (the Act) requires a planning authority to regularly review the provisions of the planning scheme. The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives and strategies of the planning scheme. The amendment is required to implement the recommendations of the *Greater Bendigo Planning Scheme Review 2018.*

The amendment is required to update the Greater Bendigo Planning Scheme in accordance with the Ministerial Direction on the *Form and Content of Planning Schemes* and has been prepared in accordance with the Ministerial strategic directions.

The amendment is supported by the following clauses in the Greater Bendigo Planning Scheme:

Planning Policy Framework

The Amendment is consistent with the principles of the PPF as outlined below:

01 - Purposes of this Planning Scheme to provide a clear and consistent framework within which decision about the use and development of the land can be made, to express state, regional, local and community expectations for areas and land uses and *to provide for the implementation of State, regional and local policies affecting land use and development.*

71.01 - That the_Municipal Planning Strategy at Clause 02 sets out the vision for the future development of the municipality and sets the strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme. A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

71.02 - Operation of the Planning Policy Framework states that *the Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.*

71.02-2 - Operation says that *the consistent application of planning policy over time should achieve a desired outcome. A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.*

Clause 13.02 1S Bushfire Planning - The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The amendment complies with this policy because it will not allow the intensification of development but will only correct mapping and zoning errors.

Clause 16.01-5S Rural Residential Development - The objective of this clause is to identify land suitable for rural residential development. The amendment implements the objective of this policy by rezoning land which is currently being used for residential purposes, but which is inhibited from further development because it is partly in a public zone.

Clause 17.02 1S Business - The objective of this policy is to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The amendment implements this objective by rezoning land which is developed and used for office purposes but which is in two zones to all Commercial 1 Zone so its use and development can be maximised.

Clause 17.04-1S Facilitating Tourism - The objective of this clause is to encourage tourism development to maximise the economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination. The amendment implements the objective set by this clause by correcting a zoning anomaly to an existing caravan park and by updating the text of a schedule to the Special Use Zone which applies to a tourism facility.

Clause 18.02-3S Road System - The objective of this clause is to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure. The amendment implements the objective set by this clause by applying the correct zone to a road reserve which should be in a Road Zone Category 1 Zone.

Clause 19.02-2S Education Facilities - The objective of this clause is to assist the integration of education facilities with local and regional communities. This clause is relevant to this amendment because the proposed corrections also affect a property with existing educational uses. The amendment will rezone this property to Public Use Zone 2 (Education) to reflect its existing use and future development.

Clause 19.02-6S Open Space - The objective of this clause is to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The amendment implements the objective of this policy by rezoning council owned land currently used as public open space by local communities to Public Park and Recreation Zone so there is certainty that this use will continue into the future.

Local Planning Policy Framework

Clause 21.07-1 Economic Growth - This clause has an objective to continue to grow Bendigo as the key regional city and economic growth hub for the Loddon Mallee South region. This amendment implements this objective by ensuring that land currently used for office purposes is in the correct zone so to allow their future expansion.

Clause 21.07-7 Tourism - This clause has an objective to develop Greater Bendigo's tourism potential as Australia's leading cultural heritage destination. This amendment implements this clause by ensuring land use for tourism accommodation is appropriately zoned to facilitate their ongoing use and development.

Clause 21.11 Monitoring and Review - This clause states that a review of the planning scheme will be undertaken every three years and that an ongoing program of performance monitoring will be developed to evaluate both the achievement of strategic policy directions and the operational effectiveness of the administration of the Scheme.

This amendment implements this clause by further implementing the *Greater Bendigo Planning Scheme Review 2019* which specifically evaluates the operational effectiveness of the planning scheme.

Consultation/Communication

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

Once authorised, the amendment documents will be publicly exhibited for a minimum of one month, as required under the *Planning and Environment Act,* 1987. The City must give notice of the amendment to all affected landowners and occupiers (including to the City's Property Services Unit) who may be materially affected by the amendment, together with the prescribed Ministers and public authorities. The amendment will be also exhibited in the Government Gazette, the Bendigo Advertiser and McIvor Times newspapers and on the City of Greater Bendigo website and social media.

Because the amendment includes minor changes to the content of zone and overlay schedules that apply to a large portion of the municipality, it is not possible to directly notify all landholders. Therefore, it is recommended that Council asks the Minister to exempt it from individually notifying all land owners and instead advertisement of the amendment will be given in the Bendigo Advertiser and the McIvor Times newspapers, on the City of Greater Bendigo website and social media.

All landowners and occupiers who will be materially affected by a change of zone or the addition or removal of an overlay will be notified in writing of the amendment and of the proposed changes to their properties with the advice that they will have the opportunity to put in a submission (either to support or to object) to the amendment when it goes on public exhibition.

Conclusion

This Amendment is the result of a long and thorough process to review and modernise the Greater Bendigo Planning Scheme into the new format. The amendment also seeks to correct errors in the Planning Scheme and to protect public land through appropriate planning controls. It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit the Amendment once it is appropriate to do so.

Options

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.
- Refusing the request to prepare an Amendment. 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. The Amendment application documentation is not sufficiently comprehensive for a request to the Minster at this time and would require considerable financial investment to address all issues. It is considered that further investigation would not resolve the critical issues of the proposal.

Resource Implications

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

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

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment. This may include a panel hearing process if the Amendment has unresolved submissions following exhibition.

Attachments

1. Explanatory Report

2.5 PLANNING SCHEME AMENDMENT C261 PLANNING SCHEME REVIEW PART 3 HERITAGE UPDATES AND CORRECTIONS - CONSIDER AUTHORISATION REQUEST

Document Information

Author	**Jessica Ladlow (Amendments and Heritage Planner) and Alison Kiefel (Amendments Planner)**
Responsible Director	**Bernie O'Sullivan, Director Strategy and Growth**

Summary/Purpose

Amendment details: This Amendment proposes to make administrative changes to existing heritage policies, the Heritage Overlay schedule and the *Heritage Design Guidelines* and the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* to meet Statewide planning scheme formatting changes and to implement the third and final instalment of the recommendations of the *Greater Bendigo Planning Scheme Review* 2019.

The amendment also corrects several Heritage Overlay mapping errors, introduces new Heritage Overlays for 2 new places and upgrades heritage citations for 2 new places.

Proponent: City of Greater Bendigo

Key issues:

- Updates the Heritage provisions of the Planning Scheme to provide clear policy to landowners, applicants and assessors.
- Ongoing improvements to the operation and efficiency of the Greater Bendigo Planning Scheme.
- Provide heritage protection to 2 new places.

RECOMMENDATION

That Council:

1. Adopt new heritage citations for 4 places:
   a. Ascot House: 58-70 Taylor Street Ascot (HO51)
   b. 57 Green Street California Gully (HO324)
   c. 45 Palm Avenue, Spring Gully (HO934)
   d. 147 Kangaroo Gully Road, Kangaroo Flat (HO935)
2. Adopt the updated *Greater Bendigo Heritage Design Guidelines* 2020 and the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions 2020.*
3. Request the Minister for Planning to authorise Council to prepare Amendment C261 to the Greater Bendigo Planning Scheme.
4. When Authorised by the Minister, exhibit Amendment C261 to the Greater Bendigo Planning Scheme.
5. Request the Minister to provide an exemption to notify all landowners and occupiers individually, that are affected by changes to the Incorporated Plan/s.

RESOLUTION

Moved Cr Emond, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth
- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage
- Recognise and celebrate our unique history and diverse cultures.

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

Background Information

The key steps in the Amendment process are summarised below:
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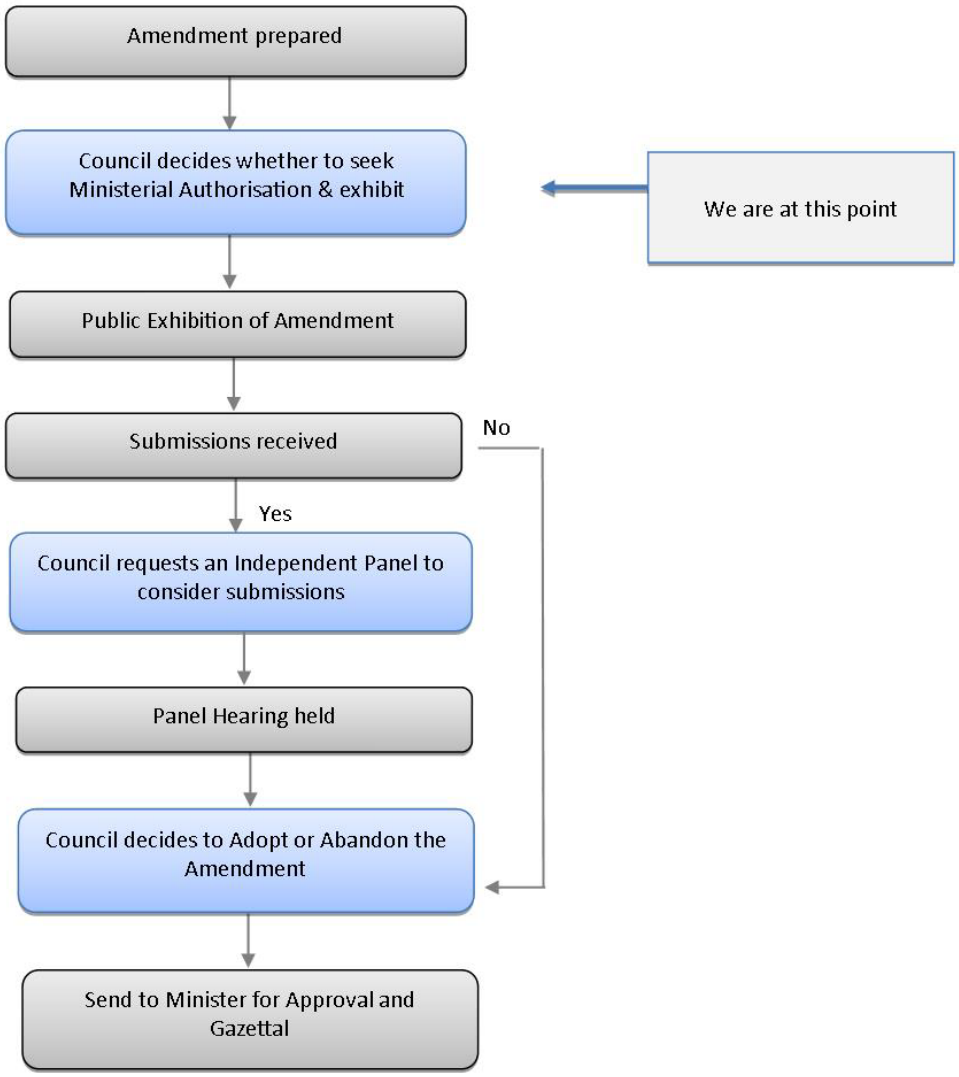

The *Greater Bendigo Planning Scheme Review* was adopted by Council on 20 March 2019 as required by Section 12B of the *Planning and Environment Act 1987*. The Review found that although the Planning Scheme is operating well, it has several fundamental policy gaps which are affecting the Council's ability to sufficiently guide development of the municipality. Because of the large amount of work required to implement the Planning Scheme Review and modernise the Planning Scheme, it was proposed that the changes be divided into 3 separate planning scheme amendments.

The benefit of this approach is that each amendment can focus on a particular aspect and be more manageable. Also, it will be more efficient timing wise as the Department of Environment, Land, Water and Planning is making formatting changes to the zones and overlay schedules of the Planning Scheme.

This Amendment forms Part 3 of the proposed planning scheme amendments and focuses on heritage matters. Amendment C256, being Part 1, translates the Municipal Strategic Statement to the new format Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF). Amendment C247, being Part 2, updates zone and overlay schedules except for the Heritage Overlay, including modernising maps and images and making technical and mapping corrections. All three amendments introduce the new planning scheme structure initiated by the State Government through Amendment VC148.

This amendment proposes to correct a number of Heritage Overlay mapping errors and address label corrections. The correction of the errors and anomalies generally fall into the following categories:

- A place of identified heritage significance that has not been protected by a correctly mapped Heritage Overlay;
- A site-specific individual Heritage Overlay that has been applied to the incorrect site and should be deleted; and
- Incorrect address labels for sites within the Heritage Overlay, as listed in the Schedule to the Heritage Overlay (Clause 43.01)

The amendment also makes a series of administrative changes to meet the requirements of Amendment VC142 and Amendment VC148 including:

- Taking 55 Statements of Significance out of recent heritage studies: *Ironbark Heritage Study* 2010: *Volumes 1 and 2*, *White Hills and East Bendigo Heritage Study, Stage 1 August 2014, White Hills & East Bendigo Heritage Study*, Stage 2, *Volume 2,* 2016, and four citations: *Bendigo Hospital Campus - Lucan Street Site*, Nov, 2010, *'Nanga Gnulle': 40 Harley Street, Strathdale, 16 Crook Street Kennington* and *69 Chum Street Golden Square,* and including them in the Schedule to the Heritage Overlay as incorporated documents.
- Consequentially updating Clause 22.06 Heritage Policy to delete heritage studies (*Ironbark Heritage Studies Volumes 1 and 2* and the *White Hills and East Bendigo Heritage Study* August 2014) and the citation (*Bendigo Hospital Campus - Lucan Street Site*, November 2010) as reference documents
- Removing signage placement figures from Clause 22.29 (Advertising and Signage Policy) and putting them into the *Bendigo Heritage Design Guidelines* along with further design advice for new signage in Heritage Overlay areas, as well as a revised 'Glossary' section.
- Updating the *City of Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* to remove a Heritage Overlay permit exemption for roadworks that has become redundant as a result of Amendment VC142.

The amendment will also change the heritage provisions of the Scheme to give statutory effect to 4 new heritage citations. Two of the new citations will be for new places to be introduced into the Heritage Overlay:

"The Palms", 45 Palm Avenue, Spring Gully (HO934)

The site, known as 'The Palms', is located at the end of Palm Avenue, Spring Gully on a large parcel of land that abuts the Greater Bendigo National Park. The site is of local heritage significance and contains a house, driveway, original plantings, outbuildings and the remains of nursery and agricultural development of the land.

This citation and inclusion of the site into an individual Heritage Overlay has been undertaken at the request of the property owner, as they wanted to ensure that the property would be protected into the future.

Image 1: 'The Palms' (Spring Gully).

Former 'Wait Til I'm Ready Hotel', 147 Kangaroo Gully Road, Kangaroo Flat (HO935)

The site of this former hotel is located on the north-east side of Kangaroo Gully Road. The site contains the hotel building, constructed in stages in 1857 and 1871-1880s, as well as numerous outbuildings, ruins and a centralised driveway. The site is surrounded by bushland, as it does not share a boundary.

The owner of the property received a heritage restoration loan from the City under the condition that the place be covered by a Heritage Overlay as it is of local heritage significance.

Image 2: The Wait Til I'm Ready Hotel (Kangaroo Flat).

Two of the new citations are for places that currently exist within the Heritage Overlay:

Ascot House: 58-70 Taylor Street, Ascot (HO51)

The 1862 residence, outbuilding and cellar is located on the northern side of Taylor Street. A new citation has been written to increase the extent of HO51 to the entire boundary of the site, as previously the cellar was not included.

Image 3: Ascot House (Ascot)

57 Green Street California Gully (HO324)

The 1872 residence is located on the eastern side of Green Street and contains established tree plantings across the site. The driveway is accessed from an unnamed road along the southern boundary. Although a Heritage Overlay has been applied to the entirety of the site, a citation had not been written. The owner requested that the citation be prepared so that the heritage values of the site will be protected into the future.

Image 4: 57 Green Street, California Gully.

Previous Council Decisions

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

6 May 2020 – Council resolved to request the Minister for Planning to authorise Council to prepare and give notice of Amendment C256 *Greater Bendigo Planning Scheme Review Implementation (Part 1*).

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. (Full copy attached).

Land Affected by the Amendment

The Amendment makes administrative changes and updates to the Heritage Policy, Heritage Overlay Schedule, *Heritage Design Guidelines* and *Heritage Incorporated Plan - Permit Exemptions*, which affects all land in a Heritage Overlay in the Municipality.

This Amendment also seeks to correct mapping anomalies and address label changes to 51 individual properties in the Heritage Overlay Schedule, as listed below:

1. 106 Barnard Street, Bendigo
2. 108 Barnard Street, Bendigo
3. 146 Barnard Street, Bendigo
4. 150 Barnard Street, Bendigo
5. 152 Barnard Street, Bendigo
6. 154 Barnard Street, Bendigo

7. 96 Moore Street, Bendigo
8. 23 Niemann Street, Bendigo
9. 25 Niemann Street, Bendigo
10. 3 Reef Street Bendigo
11. 88 Short Street, Bendigo
12. 92 Short Street, Bendigo
13. 194 Wattle Street Bendigo
14. 39 Wright Street Bendigo
15. 2 Esler Street, California Gully
16. 3 Clarke Street, Eaglehawk
17. 5 Clarke Street, Eaglehawk
18. 6 Clarke Street, Eaglehawk
19. 7 Clarke Street, Eaglehawk
20. 8 Clarke Street, Eaglehawk
21. Brassy Square, High Street, Eaglehawk
22. 5-7 High Street, Eaglehawk
23. 20 Mc Cormacks Rd, Eaglehawk
24. 24 Panton Street, Eaglehawk
25. 26 Panton Street, Eaglehawk
26. 28 Panton Street, Eaglehawk
27. 28A Panton Street, Eaglehawk
28. 2 Peg Leg Road, Eaglehawk
29. 2B Peg Leg Road, Eaglehawk
30. 3 Reef St, Eaglehawk
31. 85 Sailors Gully Road, Eaglehawk
32. 90 Sailors Gully Road, Eaglehawk
33. 91 Sailors Gully Road, Eaglehawk
34. 102 Sailors Gully Road, Eaglehawk
35. 75A Victoria Street, Eaglehawk
36. 77 Victoria Street, Eaglehawk
37. 141 Charleston Road, East Bendigo
38. 10 Jennings Street, East Bendigo
39. 84 Eaglehawk Road, Ironbark
40. 98 Eaglehawk Road, Ironbark
41. 153 Eaglehawk Rd, Long Gully
42. 155 Eaglehawk Rd, Long Gully
43. 1A Stone Street, Long Gully
44. 1B Stone Street, Long Gully
45. 89 Upper California Gully Rd, Long Gully
46. 16 Hamlet Street, Quarry Hill
47. 19 Hamlet Street, Quarry Hill
48. 31 Horace Street, Quarry Hill
49. 8 Howard Street, Quarry Hill
50. 59 Palmerston Street, Quarry Hill
51. 63 Palmerston Street, Quarry Hill

The Amendment also proposes to apply the Heritage Overlay to 2 new places, as listed below:

1. 45 Palm Avenue, Spring Gully (HO934)
2. 147 Kangaroo Gully Road, Kangaroo Flat (HO935)

The Amendment also updates the heritage citations for the following 2 properties:

1. Ascot House: 58-70 Taylor Street Ascot (HO51)
2. 57 Green Street California Gully (HO324)

What the Amendment Does

The Amendment will make changes to various heritage provisions throughout the Greater Bendigo Planning Scheme including:

- Amend Clause 22.06 Heritage Policy to remove 4 of the listed reference documents.
- Amend Clause 22.29 Advertising Signage Policy to delete the images (Figures 1-8).
- Amend Clause 43.01 Heritage Overlay Schedule to;
  - Correct mapping and address labelling of 51 private properties (refer to explanatory report for full list);
  - Apply new Heritage Overlay Schedules to individual properties that were identified in mapping errors (refer to explanatory report for full list);
  - Apply the Heritage Overlay to 2 new places:
    - 45 Palm Avenue, Spring Gully (HO934)
    - 147 Kangaroo Gully Road, Kangaroo Flat (HO935)
  - Extend the application of the HO51 (Ascot House) to the entirety of the site.
  - Re-order the precinct and suburb groupings of heritage places in ascending numerical order.
  - Reference 59 new Statements of Significance, which include*:*
    - The 4 places that have new heritage citations (HO51, HO324, HO934 and HO935)
    - 55 places already in the Heritage Overlay, as taken from:
      - *Ironbark Heritage Study* 2010: volume 2 citations (5 Statements of Significance).
      - *White Hills and East Bendigo Heritage Study, Stage 1 – Methodology, Findings and Recommendations,* 2016 (23 Statements of Significance).
      - *White Hills and East Bendigo Heritage Study* 2016, Stage 2, Vol. 2 - Place and precinct citations (23 Statements of Significance).
      - Bendigo Health's Bendigo Hospital Campus, Lucan Street, Bendigo (1 Statement of Significance).
      - 'Nanga Gnulle': 40 Harley Street, Strathdale (1 Statement of Significance).
      - 16 Crook Street Kennington (1 Statement of Significance).
      - 69 Chum Street Golden Square (1 Statement of Significance).
  - Change the date referenced in the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions*, January 2018 to September 2020.
- Amend Clause 72.04 Incorporated Documents Schedule to:
  - Update the *Heritage Design Guidelines* to introduce a new 'signage guidelines' section and update the 'Glossary' section.
  - Update the Incorporated Plan *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* to remove a redundant permit exemption as a result of Amendment VC142.

- Make consequential changes to the listed dates of the *Heritage Design Guidelines* and the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* to September 2020.
- Insert 59 new Statements of Significance documents from the 4 new citations and existing heritage studies and citations to accord with new formatting of the Heritage Overlay Schedule.

This Amendment proposes to form the third instalment of implementing the recommendations of the *Greater Bendigo Planning Scheme Review* 2019.

Social, Economic and Environmental Impacts

As the corrections and formatting updates proposed in this Amendment are administrative and minor in nature, it is not anticipated that there will be any significant social, economic or environmental impacts.

Generally, the protection of heritage places and improvements to the format of planning schemes assist in decision making, remove unnecessary steps and processes, and support the character and identity of Greater Bendigo. In this instance, corrections of mapping and address labelling errors in the Heritage Overlay will ensure that heritage assets properly considered and protected.

The proposed new section of the Heritage Design Guidelines for signage will assist applicants and planners to understand the preferred signage for individual and precinct-based heritage places.

Strategic Justification – Planning Context

The Amendment is supported by the following clauses in the Greater Bendigo Planning Scheme:

Planning Policy Framework

The Amendment is consistent with the principles of the PPF as outlined below:

01 - Purposes of this Planning Scheme to provide a clear and consistent framework within which decision about the use and development of the land can be made, to express state, regional, local and community expectations for areas and land uses and *to provide for the implementation of State, regional and local policies affecting land use and development.*

71.01 - That the_Municipal Planning Strategy at Clause 02 sets out the vision for the future development of the municipality and sets the strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme. A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

71.02 - Operation of the Planning Policy Framework states that *the Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined and changed as the needs of the community change.*

71.02-2 - Operation says that *the consistent application of planning policy over time should achieve a desired outcome. A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.*

Clause 13.02-1S Bushfire Planning - The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The amendment supports this policy by ensuring that none of its proposed changes to the planning scheme will put people's life or property at more risk of bushfire.

Clause 15.03-1S Heritage Conservation - Has the objective of ensuring the conservation of places of heritage significance and includes the strategy: *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.* The amendment will ensure that places of heritage significance will be provided with planning controls that ensure that their significance is carefully considered and managed into the future.

Clause 17.02-1S Business - The objective of this policy is to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The amendment supports this objective by providing guidance to business owners regarding signage in a heritage area.

Local Planning Policy Framework

The amendment supports or implements the following clauses of the Local Planning Policy Framework. However, it should be noted that the format of the Greater Bendigo Planning Scheme is proposed to be updated in response to VC148 via a policy neutral translation amendment (C256_gben). Depending on its progress, it may change the clause numbers referred to below, however the content will remain largely unchanged.

Clause 21.02-2 Environment - which refers to managing heritage sites and places.

Clause 21.07-7 Tourism - This clause has an objective to develop Greater Bendigo's tourism potential as Australia's leading cultural heritage destination. This amendment supports this clause by ensuring heritage places are appropriately protected to facilitate their ongoing use and development.

Clause 21.08-4 Heritage - Has the objective of identifying and protecting heritage places with Aboriginal and historic cultural value as well as natural value. It includes a strategy to identify all heritage assets in the municipality.

Clause 21.08-6 Implementation - States that the objectives and strategies (in clause 21.08) will be implemented by applying the Heritage Overlay to buildings, areas, places and sites of heritage significance.

Clause 22.06 Heritage Policy - Applies to all applications in the Heritage Overlay, and references the Greater Bendigo Heritage Design Guidelines, which are proposed to be expanded to include a section for signage.

Consultation/Communication

Extensive consultation occurred with the community, internal City units and external referral agencies during the Planning Scheme Review, including surveys, website information, media releases, public information sessions and workshops. In preparing this amendment, consultation has also occurred with Department of Environment, Land, Water and Planning.

The landowners of the properties with new heritage citations have been consulted regularly in the preparation of these citations. The landowners of sites with heritage errors have also been notified of the proposed corrections.

Once authorised, these amendment documents will be publicly exhibited for a minimum of one month, as required under the *Planning and Environment Act, 1987*. The City must give notice of the amendment to all affected landowners and occupiers who may be materially affected by the amendment, together with the prescribed Ministers and public authorities. The amendment will also be exhibited in the Government Gazette and the Bendigo Advertiser and McIvor Times newspapers and on the City of Greater Bendigo website and social media.

As the Amendment includes overall changes to the content and format of the Heritage Overlay schedules, *Heritage Design Guidelines* and Clause 72.04 Schedule to the Incorporated documents, which all apply to the entirety municipality, it is not possible to directly notify all landholders. The changes are also of an administrative nature, with no change to permit requirements or other decision making.

Therefore, it is recommended that Council asks the Minister to exempt it from notification to the whole municipality and only notify those with individual property changes. Any person may make a submission to the Amendment during the public exhibition period, regardless of whether they were notified or not.

Conclusion

This Amendment is the result of a long and thorough process to review and modernise the Greater Bendigo Planning Scheme into the new format. As the third instalment of the Planning Scheme Review, it will correct errors in the Heritage Overlay schedule, update the *Heritage Design Guidelines* and the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* and collate all Statements of Significance and studies into a new incorporated document to assist applicants and decision making on heritage matters. The Amendment will also give strong heritage protection to 4 important places to the history of Bendigo.

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

Options

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.
- Refusing the request to prepare an Amendment. 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. The Amendment application documentation is not sufficiently comprehensive for a request to the Minster at this time.

Resource Implications

The Amendment is not anticipated to result in a significant increase in permit applications as the proposed changes primarily relate to guidance when a permit is already required and errors have no net change, as Overlays are removed and reapplied to the correct property.

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

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment. This may include a panel hearing process if the Amendment has unresolved submissions following exhibition.

Attachments

1. Explanatory Report
2. New *Bendigo Heritage Design Guidelines, September 2020* – 'Signage Section'
3. *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, September 2020.*
4. Citations for 4 heritage places.
5. Table of mapping and address label corrections for 4 places associated with the Heritage Overlay.

2.6 MAIDEN GULLY PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN

Document Information

Author **Andrew Cockerall and Chris Duckett, Regional Sustainable Development**

Responsible Director **Bernie O'Sullivan, Director Strategy and Growth**

Purpose

To provide an outline of the key changes made to the 2013 adopted Maiden Gully Precinct Structure Plan to reflect changes and updates to government policies and guidelines since then, revisions on the basis of feedback and negotiations with relevant authorities, studies on critical issues such as drainage and road alignments, and issues that have emerged and were required to be addressed as a result of the preparation of the Development Contributions Plan.

To seek Council adoption of a revised version of the Maiden Gully Precinct Structure Plan (PSP) along with the Maiden Gully Development Contributions Plan (DCP).

Summary

The PSP (Attachment 1) was adopted by Council in August 2013 following extensive community engagement. A key recommendation of the PSP was to prepare a Development Contributions Plan (DCP). The purpose of the DCP is to identify the major infrastructure required to service the growth of the new area, to set out the timing of the development and to apportion the cost of delivering this infrastructure to meet future community needs.

The project has experienced a variety of challenges which have delayed its progress. These include resolving road transport issues with Regional Roads Victoria (RRV), changes to State Policy and legislation particularly around bushfire hazard, finding cost effective infrastructure solutions in relation to issues such as drainage, and more recently the impacts of COVID-19 which has limited meetings and inspections. Further details around the comprehensive additional work completed over recent months to inform this version of the PSP and DCP is provided under the report section.

An important part of finalising this Plan has been a peer review process from the Victorian Planning Authority (VPA). As a result of this review, structural changes to how the original document was set-out were made to more closely align with the *VPA Precinct Structure Planning Guidelines,* making the PSP easier to implement through the administration of the planning scheme. Importantly, changes made have not resulted in any change to the overall strategic direction of the Adopted PSP which was originally consulted on in 2013. The peer review recommended a more succinct and clearer PSP which separates much of the background information which was included in the 2013 PSP.

While the PSP and DCP are now ready to be adopted, there is still one outstanding piece of work, being the finalisation of a Native Vegetation Precinct Plan (NVPP), which is on hold pending the easing of Stage 4 restrictions in Melbourne as this requires experienced consultants to undertake the work and comprehensive site inspections. While it is not anticipated that the NVPP recommendations will change significantly, it is required before the amendment process can commence.

Once the NVPP is completed it is proposed that the Director Strategy and Growth exercise the delegated authority to initiate the planning scheme amendment process.

RECOMMENDATION

That Council:

1. Rescind the adoption of the Maiden Gully Precinct Structure Plan (2013).
2. Adopt the Maiden Gully Precinct Structure Plan (2020) (**PSP**), including any minor changes as well as those resulting from the pending Maiden Gully Native Vegetation Precinct Plan **(NVPP**).
3. Adopt the Maiden Gully Development Contributions Plan (2020) (**DCP**), including any minor changes as well as those resulting from the NVPP.
4. In the event that the NVPP necessitates material amendments to the PSP or the DCP, require those plans to be amended and presented to Council once more for approval.
5. Unless (4) applies, support the Director Strategy and Growth, under delegation, requesting the Minister for Planning to authorise the preparation of Amendment C264 to the Greater Bendigo Planning Scheme.
6. When Authorised by the Minister, exhibit Amendment C264 to the Greater Bendigo Planning Scheme, giving notification as required for a minimum period of six weeks.

RESOLUTION

Moved Cr Fyffe, Seconded Cr Alden.

That the recommendation be adopted.

CARRIED

Cr Metcalf called for a division on the voting for the motion.

Those in favour of the motion:

Cr Jennifer Alden, Cr Matt Emond, Cr Rod Fyffe, Cr Susie Hawke, Cr Margaret O'Rourke (Mayor), Cr Mal Pethybridge, Cr James Williams

Those opposed to the motion:
Cr George Flack, Cr Andrea Metcalf

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 4 Presentation and managing growth

Objective
- Plan for a growing population
- Plan to meet future housing needs
- Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport
- Keep Greater Bendigo attractive with good quality public facilities and places
- Provide and maintain urban and rural infrastructure to support the liveability of our community

Background Information

Previous Council Decision Date:

August 2013: The Maiden Gully Precinct Structure Plan was adopted by Council

Report

There was extensive community engagement on the Maiden Gully PSP during its development. This included a number of “town hall” type sessions, listening posts, design workshops and the like. At the time it had a very high level of community support.

One of the key recommendations of the PSP was to prepare a Development Contributions Plan for the growth area. Since 2013 there has been considerable work undertaken in developing the DCP including commissioning consultant studies, liaising with State Government agencies and meeting individually with impacted landowners and developers. The DCP has now been finalised.

Since 2013 there has been a number of policy and legislative changes and other hurdles that have delayed the project. These are set out below.

Precinct Structure Plan Guidelines

There are State Government guidelines that set out how PSPs should be structured and matters that need to be addressed in the document. The 2013 PSP was based on the previous set of guidelines so the updated guidelines have necessitated a re-write of the document.

During this revision stage the opportunity was also taken to structure the PSP so as to firmly focus on implementation through the planning scheme. A substantial amount of the background information was taken out of the document and the requirements and guidelines were rationalised.

As a result of this process the revised PSP looks and feels different to the 2013 version, however the intent and key outcomes haven't changed in any significant way.

Revised Maiden Gully Precinct Structure Plan

The revised PSP identifies a number of key principles that underpin the document, including:

- Retaining the character of the area;
- Having well connected neighbourhoods;
- Making sure there are adequate community facilities;
- Protecting waterways;
- Making sure there are sufficient, good quality public spaces;
- Ensuring bushfire risk is appropriately managed.

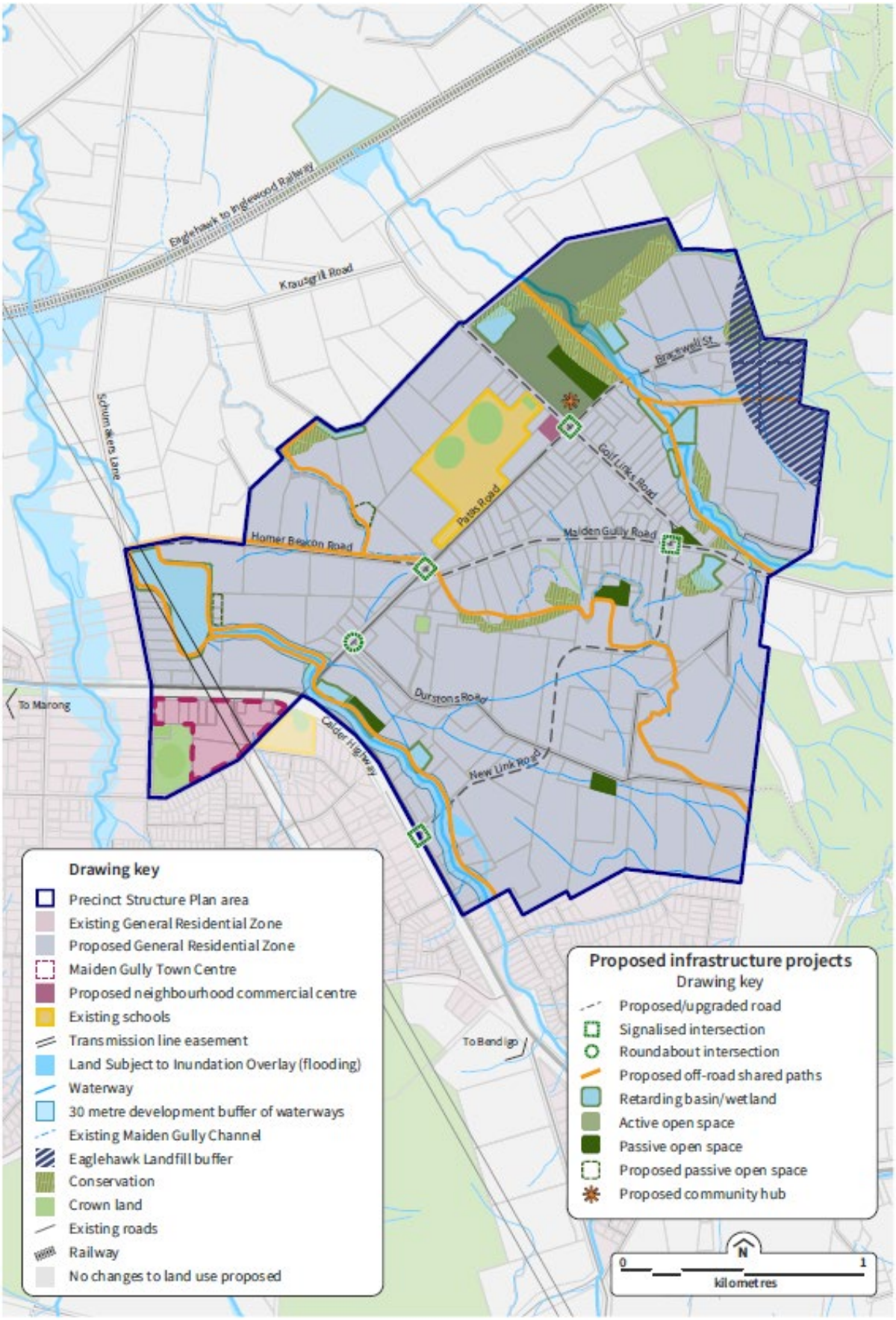
The document then identifies a range of elements the PSP needs to address to deliver on these key principles.

- Image, Character and Housing – the PSP is aiming for an overall density of 12 dwellings per hectare, which is the typical density in new areas. It recognises that there will be some vegetation loss as the area develops and to maintain bushfire buffers but this will be balanced against the need to retain the bush character valued by the community.
- Employment and Activity Centres – the existing commercial centre will continue to be the focus of commercial activity – improving access to the existing centre is critical. A smaller neighbourhood centre is proposed near the Marist School.
- Community Facilities – a new community centre is proposed near the future active open space reserve. This will include an early years facility and multi-purpose meeting rooms/community hub.
- Public Space and Natural Environment – a major new active open space reserve has been identified near the corner of Bracewell Street and Golf Links Road. It will include ovals, soccer fields and netball courts. There are also proposed to be a number of smaller open space reserves and a network of walking/cycling paths. The PSP sets out requirements around waterway protection and roadside vegetation.
- Transport and Movement – a number of intersection upgrades have been identified as well as the construction of a new link road. Provision is being made for separated bike lanes, off road walking and cycling paths and provision for future public transport.

- Utilities and Water Management – making sure that lots can be adequately serviced.
- Bushfire – ensuring there is adequate separation between new housing and bushfire risk. This will be discussed in more detail below.

The plan on the following page indicates what the future structure of the growth area will be like.

A copy of the revised PSP is included as an attachment to this report.



Map 1 – Future Urban Structure

Bushfire State Policy

In 2017 the Minister for Planning introduced new State Planning Policy in relation to bushfire. This came about as a result of the Bushfire Royal Commission.

This policy requires that prioritisation be given to protecting human life over all other matters, that development be directed to low risk locations and that when planning for growth, new settlements must be able to achieve a building construction standard of Bushfire Attack Level (BAL) 12.5.

As a result of this new policy, Terramatrix – a specialist bushfire consultancy – were engaged to assess both Maiden Gully and Marong against the State policy. The report for Maiden Gully found that the bushfire risk could be managed and a BAL 12.5 rating could be achieved by having appropriate setbacks from vegetated areas. This report has been recently updated.

The PSP also has a detailed standalone chapter on bushfire which assesses the PSP against the State policy, sets out a number of requirements and guidelines to manage bushfire risk and provides illustrations on how the bushfire risk can be managed. There have been a number of meetings with the CFA and changes have been made to accommodate issues raised. Unfortunately, the CFA while able to provide advice are unable to formally commit to supporting or not supporting the PSP.

Given the significance of the bushfire risk in Maiden Gully, legal advice has been sought to ensure that the PSP has adequately responded to the most recent State policy around bushfire risk.

Native Vegetation Precinct Plan

A Native Vegetation Precinct Plan (NVPP) was prepared in 2013. The NVPP identified vegetation that should be retained, vegetation that could be cleared and the offset requirements. It is again noted that there will be vegetation loss across the precinct as the area develops in order to meet bushfire planning requirements.

Due to the date of the original assessment being more than five years old, it is necessary to verify the recommendations. The guidelines for the preparation of NVPP's has also changed in the intervening period. The conservation status of some Ecological Vegetation Classes may have also changed. This may have an impact on the planning scheme amendment due to increases in the amount of vegetation to be retained.

Practical Ecology who prepared the original NVPP were engaged to undertake this work.

The City wrote to the affected landowners seeking consent for Practical Ecology to enter their property for the vegetation assessment. Consent was obtained from the majority of impacted landowners.

The day before the field work was to commence Melbourne entered Stage 4 restrictions that meant the consultants could not travel to Bendigo to undertake the work. This work will be undertaken when restrictions ease. It is not expected that it will result in significant changes to the PSP.

Social and Economic Impact Assessment

In order to understand what the social and economic impacts of the PSP and infrastructure projects are, Elton Consulting were engaged to prepare a Social and Economic Impact Assessment (SEIA).

The assessment involved a number of one on one meetings with landowners – some in favour of development and some opposed – as well as community organisations and education providers. The purpose was to gain a better understanding of what changes people have seen over time, the likely impacts of the PSP on residents' lifestyles and happiness and to identify measures that can be undertaken to manage any negative impacts.

Included in the changes people have noticed over time are increases in population, busier roads and intersections, the need for open space and recreation facilities, the need for better public transport and the need for more shops. Things people would like to see are walking and cycling paths, better community facilities, more things for young people to do and safer roads.

In terms of mitigation measures to manage any negative effects, recommendations include better communication with landowners, ongoing support for improving community facilities, supporting the development of childcare facilities and improving passive surveillance of public areas. The realisation of the PSP addresses many of these issues and community aspirations.

Transport and Drainage

Two major pieces of work that have been undertaken are around identifying what the future transport and drainage needs are for the growth area which underpins the DCP. These required detailed investigation, developing an understanding of the issues and identifying infrastructure solutions that are fit for purpose and cost effective.

In relation to drainage, what has happened in the past is that each developer has had to resolve drainage issues/water quality on a site by site basis. With the PSP approach major drainage needs are considered on a precinct basis which results in a far better outcome. Developers will still need to provide the infrastructure for their sites, but major drainage basins, water quality treatments and major trunk drainage have been comprehensively resolved.

Some of the challenges that have emerged with the drainage investigations are changes to engineering standards around rainfall and runoff, resolving post development flood levels and reaching agreement with agencies.

Similarly, with the transport investigations, these are now resolved on a precinct basis using a PSP approach, rather than one developer having to fund a major infrastructure upgrade for example. A number of intersections have been identified for an upgrade, including the Calder Highway/Maiden Gully Road intersection (which is not a DCP project). The other major project is the development of a new link road that connects the Calder Highway to Maiden Gully Road.

Challenges with the transport projects has centred on reaching an agreement on the road network and the funding of that with Regional Roads Victoria and minimising the impacts on landowners.

Throughout the development and refinement of these projects, the City has been mindful about cost effectiveness. The infrastructure solutions need to be fit for purpose, but not be so expensive that it will make future development unviable for the development industry.

The majority of these infrastructure projects involve using at least some privately owned land. Considerable time has been spent meeting with affected landowners and changes have been made to the projects where possible to address landowner concerns.

Development Contributions Plan

A Development Contributions Plan (DCP) is a means of enabling the fair funding and delivery of infrastructure for a particular new development area. It is a planning and legal instrument that ensures developers contribute towards infrastructure that is required to service new development areas.

A DCP identifies the area of land to which it applies, the infrastructure projects the financial contributions would fund and how these contributions are calculated and shared across property owners.

DCPs are not a full cost recovery model and there will be obligations on the City to contribute to the delivery of infrastructure. However, substantial costs in preparation of a DCP can be recovered as part of the implementation of the DCP.

The DCP as drafted by consulting firm MESH will enable a coordinated approach to the delivery of essential infrastructure across the PSP area. The Maiden Gully DCP applies to land within the PSP, north of the Calder Highway as shown on Map 4. The land is proposed to have a Development Contributions Plan Overlay applied and a total of 218 properties will be affected. A Development Infrastructure Levy (DIL) will be payable if and when land is subdivided by the owner or developer.

The DCP charge can only be applied to the Net Developable Area (NDA) within the PSP area. In calculating the DCP the following must be excluded from the NDA.

- Marist College land;
- Existing road reserves and roads shown on plans and titles but not constructed;
- Land required for DCP infrastructure;
- Encumbrances including waterway and power easement;
- Public land other than surplus Crown land.

It is open to Council to exclude other land from the DCP levy if it can be reasonably justified. It is proposed to exclude three areas of developable land as follows.

14, 18, 22, 28, 30 and 34 Schumakers Lane

There are nine properties in the PSP area that front Schumakers Lane. Development potential on the six most northern properties (red frontage in Map 2) is constrained due to the size and siting of the existing dwellings and due to the power easement that straddles the properties. In addition, a portion of the rear of these properties is proposed to be utilised for part of the drainage wetland.

Given the size and quality of the existing dwellings, the viability of subdividing these properties is limited and it has been decided to exclude these properties from the DCP levy.

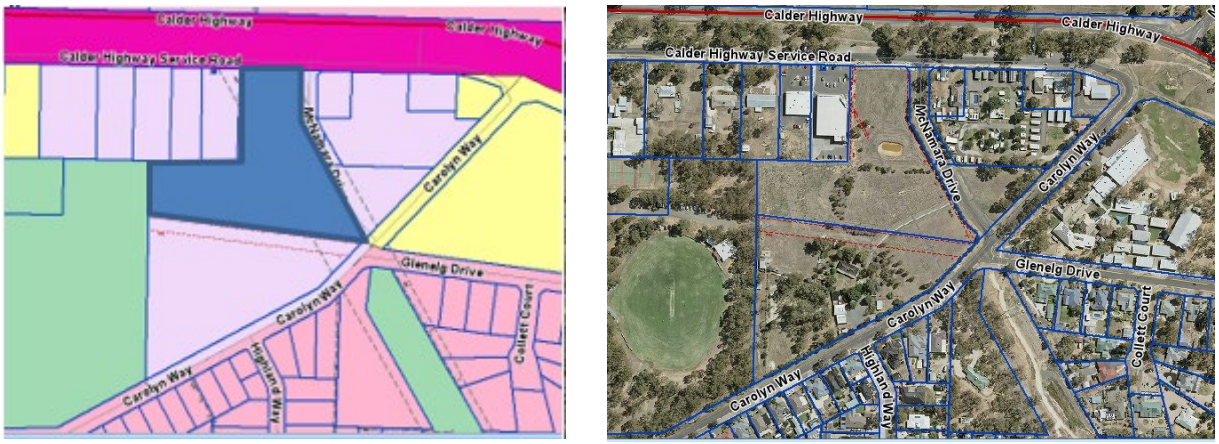
Nos 2, 6 and 10 Schumakers Lane together with 756 Calder Highway (green frontage in figure 3) are considered to have more development potential either on their own as infill sites or through a consolidated land process. These properties will therefore be subject to the DCP levy.

Map 2: Schumakers Lane properties with power easement shown in white

Existing Activity Centre

It has been decided to exclude the existing Commercial 1 Zone land to the south of the Calder Highway (Map 3) from the DCP levy as the owners of the land would not benefit from the infrastructure in the same way as owners of future residential land would. For instance, they would not utilise the transport, drainage and recreation projects.

The only DCP project that would have a clear nexus to this land is the drainage infrastructure. It would be reasonable to impose a levy to enable a contribution for drainage infrastructure but there are other factors which weigh against doing so. One factor is that a large proportion of this land contains an existing supermarket which has a permit for redevelopment (blue in Map 3). This permit has recently been extended to 2024 so a contribution would be unable to be collected from this land if the permit were to be acted upon. The adjoining site at 741 Calder Highway has also just been redeveloped so it is highly unlikely that this land will be developed.



Map 3: Activity centre

It is also the case that imposing the levy would be likely to act as a disincentive to further development in the activity centre which would have an adverse impact on the wider Maiden Gully community.

Proposed Local Convenience Centre

The PSP proposes to locate a convenience centre with an area of 0.64ha on the corner of Golf Links Road and Patas Road.

This centre would have a nexus with the traffic and drainage projects so in principle it would be reasonable to impose a limited DCP levy on this land. The levy would generate around $154,000.

Before imposing a levy on this land, the potential impact on the viability of commercial development in this location should be considered. A similar scale commercial rezoning occurred in the Jackass Flat growth area in 2011, without a DCP levy. Other than a child care centre, no commercial development has occurred on this land, although a permit has recently been issued for a retail development. This would seem to suggest that a levy could act as a disincentive to development.

Facilitating commercial development in this location would be an important feature in terms of the liveability and urban design for the future community and it is therefore proposed that the levy is not imposed on this land in order to incentivise the development.

DCP Infrastructure Projects

The infrastructure included in the DCP is strategically justified and has been designed and costed to the minimum standard necessary to deliver an acceptable outcome for the community.

The projects and costings are summarised below, with a brief description under each project type. The projects have been developed by consultants and/or City staff.

In most cases the projects comprise land purchase and construction costs, but some projects are construction costs only and some are land purchase only. Further details of the projects and costing will be available in the DCP and associated technical reports.

Roads, Intersections and Shared Paths

The projects are shown in Map 2 below and comprise:
- One new link road;
- Four road upgrades;
- Four signalised intersections;
- One roundabout intersection;
- Three shared paths.

Drainage

The drainage infrastructure is shown on figure Map 4 and comprises 9 projects:
- One sedimentation, wetlands and retardation system;
- Three stormwater detention basins;
- Four partial retardation systems;
- Embankment for stormwater retardation;
- Trunk drainage.

Open Space and Community Facilities

The provision of the main recreation and community facilities is proposed to be on a single site, 15 Bracewell Street and comprising the following:
- Sports pavilion;
- Community centre co-located within the sports pavilion with a floorspace of 800sqm;
- Construction of sporting ovals and associated facilities;
- A two hectare suburban park.

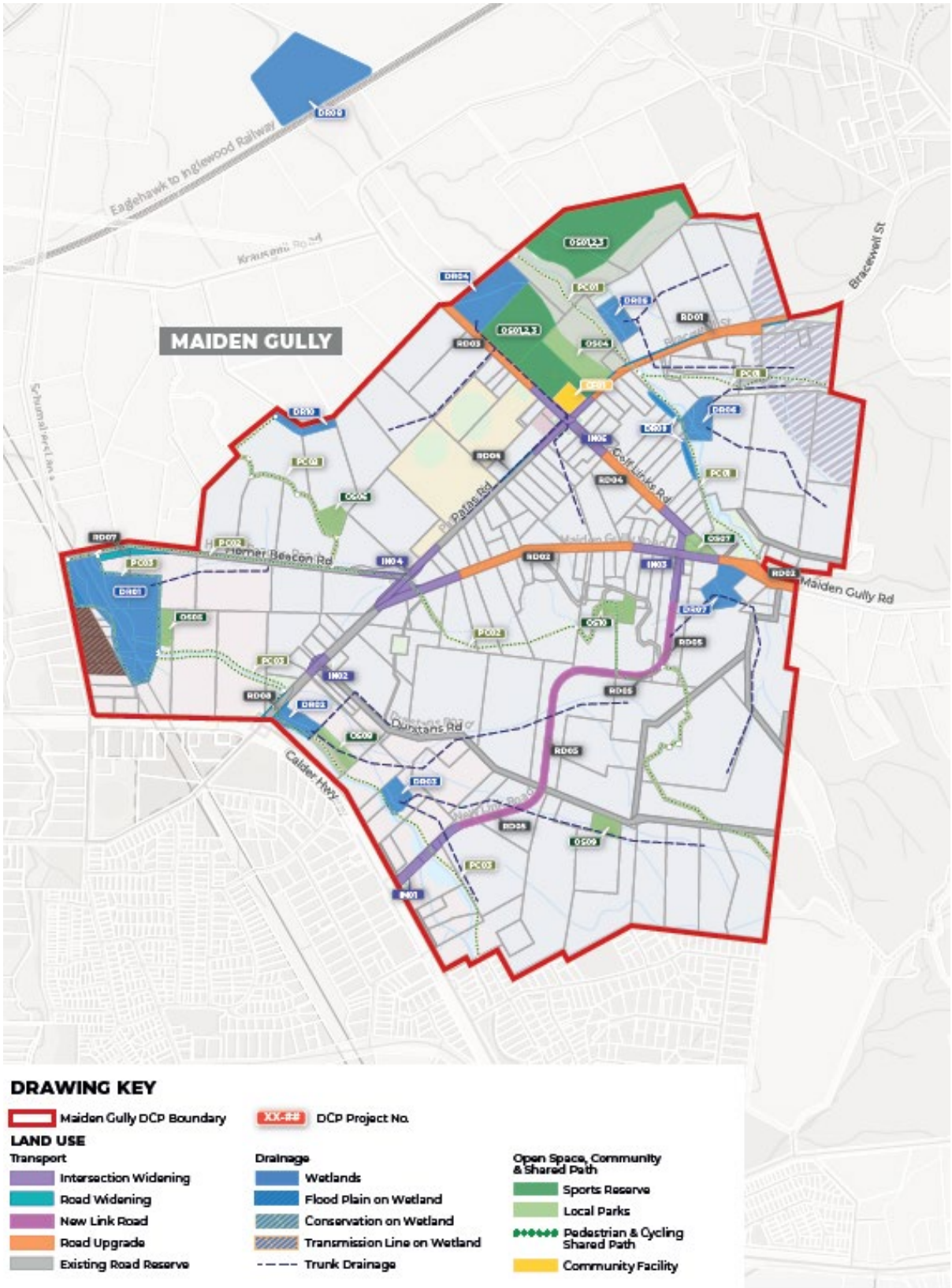
A further six neighbourhood or suburban parks would be provided in the precinct.

The costs for all of these projects in the DCP would be construction costs only. The land cost would be collected as a public open space contribution through the subdivision process.

Land Purchase

As discussed above, a number of DCP projects will require land to be purchased to facilitate the delivery of infrastructure. The land purchase could be undertaken by Council or by developers as they assemble land. It is likely that for a number of projects land will be provided as an 'in-kind' contribution towards meeting the levy obligation that will apply to the land.

City staff have met with all land owners who were willing to meet to discuss the implications for the land and the process that would be involved should they agree to sell their land.



Map 4 – Infrastructure Projects

The DCP Levy

In setting the DIL within a DCP it is important to carefully consider what is an appropriate levy for the area. Factors that need to be taken into account include the benefit of new infrastructure for the future community (it is not possible to charge for items which would need to be delivered for the existing community anyway) and how the levy may affect the economic viability of development. If a levy is set too high it may impact on the development potential of an area and hamper the delivery of orderly and timely housing development and infrastructure.

The challenges of developing the Maiden Gully growth area include the extensive native vegetation and associated removal and offset costs, the fragmented nature of land ownership, the number of existing dwellings and the topography of the land.

The total value of the DCP projects is $89.54M. It is proposed to set the levy at around $242,000 per ha which is comparable with other regional DCP levies of the scale proposed. The levy would generate a total income of around $88.81M when development is fully built out.

In addition to the DIL paid by developers it is proposed to impose a Community Infrastructure Levy (CIL).

A CIL can be collected through the DCP process but the funds collected are capped and are only able to be expended on specific community or social infrastructure.

Whereas the DIL is collected from developers at the planning permit stage, the CIL is collected at the building permit stage and imposed on the home builder/owner who pays the levy direct to the City.

The current CIL is capped at $1,210 per dwelling (2020/21). Assuming a yield of 4,152 dwellings in the PSP area this would generate income in the region of $5M in today's money.

This would be the first time that Council has used a CIL to help meet infrastructure funding. The CIL would be used to contribute towards a sports pavilion and part of the sports ground construction on the active open space project. This would result in a funding gap of around $0.73M.

The table below shows the total project costs and shows that except for the active open space, all projects would be fully funded by the DCP.

Project Type	Project Cost	DCP Apportionment
Roads	$14.86m	100%
Intersections	$23.74m	100%
Shared paths	$2.33m	100%
Drainage	$30.41	100%
Community Facilities	$5.26	100%
Active Open Space	$10.93m	93%
Passive Open Space	$2.88m	100%
Total	**$89.54m**	

It is important to be acknowledge that in the interests of keeping the DCP levy affordable, the costs apportioned to the construction of the active open space have been staged to reflect 50% being DCP funded, with the balance being deliver via Council normal capital works program and a likely combination of local and state government funding. Council will need to source these future funds to ensure that the open space is embellished to an acceptable standard to meet the needs of this emerging community.

Planning Scheme Amendment

Details of the planning scheme amendment are being finalised and will be resolved prior to the delegation report being prepared for the Director Strategy and Growth. Broadly speaking the planning scheme amendment will involve:

- Rezoning the bulk of the PSP area to an Urban Growth Zone.
- Appling the Development Contribution Plan Overlay to area affected by the DCP.
- Removal of the Vegetation Protection Overlay where vegetation is identified as being able to be removed in the NVPP (this is still to be resolved).
- Removal of the Development Plan Overlay from the PSP area.
- Amending the extent of the Urban Growth Boundary to reflect the PSP.
- Amending the requirements of the Public Open Space provisions to align with the PSP and DCP.
- Including various documents as “Incorporated Documents” within the Greater Bendigo Planning Scheme.

It is also noted that as the area develops over time the extent of the Bushfire Management Overlay will change as the level of risk diminishes.

Next Steps

In order to keep the PSP and DCP moving forward and to allow the current Council to consider this matter, the following way forward is recommended:

- That Council adopt the PSP and DCP.
- Once Stage 4 restrictions lift and it is deemed safe to do so, Practical Ecology will complete the NVPP.
- There may be minor changes required to the PSP and DCP depending on the outcomes of the NVPP.
- The Director Strategy and Growth would then exercise delegated authority to commence the planning scheme amendment process.
- A further report to Council would then be prepared outlining the results of the NVPP and any minor changes required to the PSP and DCP.

Priority/Importance:

This is a project of high priority and importance. The commitment given is that the City will keep this project moving forward as quickly as possible as these major projects will be important to the City’s post-COVID-19 recovery.

Options/Alternatives:

None considered.

Timelines:

The commencement of the planning scheme amendment process is dependent upon the Stage 4 Restrictions in Melbourne being lifted and the NVPP being finalised.

Risk Analysis:

The PSP document has considered social, economic and environmental risks throughout its development.

When the project reaches the next stage – the planning scheme amendment – there will be risks. The amendment is expected to receive a general level of support, however there will be community members who will oppose the project.

Another potential area of risk relates to bushfire and whether this has been adequately addressed given the City has been unable to get any indication from the CFA whether they support the PSP. To address this risk the City is currently seeking legal advice to ensure the PSP aligns with State policy.

Consultation/Communication

Internal Consultation:

Since the 2013 PSP was considered by Council there has been a substantial amount of cross organisational consultation take place. This has included Engineering, Statutory Planning, Active and Healthy Communities, Community Partnerships, Healthy Greater Bendigo, Parks and Open Space, Governance, Communications and Financial Strategy. There have also been regular briefings of the Executive Management Team and the Councillors.

Each unit has played an important role in getting the PSP and DCP to a point where it can be adopted.

External Consultation:

There have been a number of community updates since the PSP was originally adopted. This has included project bulletins, attendance at community information sessions and meetings/discussions with the Maiden Gully Progress Association. The message from the community has been to keep this matter moving forward.

More recently the draft PSP was made available prior to Council considering this matter.

Meetings were also held with 41 landowners affected by proposed infrastructure on their land. Negotiations to purchase the land needed for early delivery of infrastructure will commence once the DCP has been through the planning scheme amendment process.

As part of the planning scheme amendment process there will also be a statutory exhibition of the PSP and DCP and submitters will have the opportunity to present to an Independent Panel appointed by the Minister for Planning. Given the scale of the future planning scheme amendment it is recommended that the exhibition period be extended from one month to six weeks. There will also be listening posts held during this time to allow the community to find out more about the amendment.

In term of government and servicing agencies there have also been numerous discussions over recent times. This includes the Department of Environment, Land, Water and Planning, the Environment Protection Authority, Coliban Water, Department of Transport, North Central Catchment Management Authority, Victorian Planning Authority and Country Fire Authority.

Resource Implications

There have been significant resources both financial and staff over a number of years to get this project to this point.

Projected costs for future financial years:

There will be future costs to finalise the planning scheme amendment, which will likely go beyond the current financial year.

Any ongoing recurrent expenditure required:

There will be costs involved in the implementation of the DCP.

Attachments

1. Maiden Gully Precinct Structure Plan (2020)
2. Maiden Gully Development Contributions Plan (2020)

2.7 MARONG TOWNSHIP STRUCTURE PLAN

Document Information

Author **Brendan Aikman, Strategic Planner and Bridget Maplestone, Coordinator Growth and Liveability**

Responsible Director **Bernie O'sullivan, Director Strategy and Growth**

Purpose

This report recommends Council adopt the Marong Township Structure Plan (TSP) and seek authorisation to commence a planning scheme amendment to implement part of the TSP. It also provides an overview of the submissions received during community consultation on the Draft TSP and summarises the changes made as a result of feedback from both the community and State Government agencies.

Summary

The Marong TSP establishes a clear vision and planning framework for the township's future. Marong is expected to grow over the next 25 years, ultimately accommodating approximately 8,000 people in a compact satellite township built around a vibrant town centre and a high quality public space network.

There has been extensive community and stakeholder engagement in developing the TSP. This includes eight weeks of consultation on the Draft TSP during June-August 2018 which comprised a direct mail out to all landowners and occupiers and a series of drop-in sessions. A total of 26 written submissions were received over this period. A summary of the comments made during the engagement period and the officer's response to these are provided in the Summary of Public Submissions.

Overall, the submissions have been supportive of the vision and intent of the TSP. The key issues raised in submissions relate to infrastructure delivery, provision of commercial services, the condition and appearance of Bullock Creek, Malone Park, the overall growth area and details about proposed planning zones and overlays.

An important part of finalising the Plan has been a peer review process from the Victorian Planning Authority (VPA). As a result of this review, structural changes to how the document is set-out were made to more closely align with the *VPA Precinct Structure Planning Guidelines* to make the TSP easier to implement through the planning scheme. Importantly, changes made have not resulted in any change to the strategic direction of the Draft TSP which was consulted on in 2018. The peer review recommended a more succinct and clearer TSP which separates much of the background information that was included in the Draft Plan. This information is provided in the background report.

Over recent months the City has been working to identify potentially suitable industrial land for a future business park/s to meet growing industry needs. In June 2020, Council adopted the Greater Bendigo Industrial Land Development Strategy which provides a clear justification of the need for land for a future business park/s due to a significant shortage of industrial land. While no decisions have been made on a final site, one of the sites currently being investigated is to the south of the Marong township. The area under investigation has been identified as 'Potential Marong South Industrial Park' within the Marong TSP. While no decisions have been made it was important to highlight the broad area given the potential impacts this might have on the implementation of the TSP.

Initially it was proposed that a Development Contributions Plan (DCP) would accompany the TSP. However due to the potential impact of a future business park on infrastructure delivery, along with the fact that the farming zoned land outside of the existing Marong Township is proposed to be the subject of separate amendments, the DCP has not been included as part of this initial amendment. However, it will be linked to any rezoning of farming zoned land to ensure infrastructure is delivered in a timely and coordinated manner and fairly apportioned. Details about future infrastructure associated with the TSP are still included in the plan, with the objective of creating certainty for stakeholders and maintaining a transparent process.

Draft planning scheme amendment documentation has been prepared to commence the early implementation of the TSP. The amendment includes proposing zoning changes to land within the existing township boundary, applying planning controls including a Heritage Overlay to certain properties and a Design and Development Overlay. It also proposes to introduce a Marong Local Area Plan to the Municipal Planning Strategy to create greater certainty as to the objectives and staging of the TSP. A summary of the changes proposed in this amendment are provided in the Explanatory Report.

RECOMMENDATION

That Council:

1. Adopt the Marong Township Structure Plan.
2. Adopt the Marong Township Structure Plan Background Report.
3. Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to commence implementation of the first stage of the Marong Township Structure Plan.

RESOLUTION

Moved Cr Alden, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 4: Presentation and managing growth

Objectives:
- Plan for a growing population
- Plan to meet future housing needs
- Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport
- Keep Greater Bendigo attractive with good quality public facilities and places
- ☐ Provide and maintain urban and rural infrastructure to support the liveability of our community

Strategy Reference:

The development of the Marong TSP is supported by the following strategies:
- Greater Bendigo Residential Strategy (2014)
- Connecting Greater Bendigo – Integrated Transport and Land Use Strategy (2015)
- Commercial Land and Activity Centre Strategy (2015)

Regional Strategic Plan Reference:

The Loddon Mallee South Regional Growth Plan describes Marong as a town with the opportunity to grow up to a population of 8,000 depending on further planning.

Rural Community Impact:

The Greater Bendigo Rural Communities Strategy supports the development of the Marong TSP and the associated population growth.

Background Information

Planning for Marong's growth was initially identified in the Bendigo Residential Development Strategy (2004) which recommended Marong be planned as a larger satellite, self-contained township with a population of 8,000. This strategy stated that the delivery should be based upon the outcome of extensive research and preparation and approval of a structure plan.

By 2010 there was a strong demand for housing within the existing Marong township area. To outline priorities for the community, to address the immediate demand and to investigate potential growth areas, the Marong Plan (2011) was prepared and adopted by Council. The Marong Plan recommended that the development of a structure plan and the consequential land rezoning were medium priorities.

Early work on the Marong TSP begun in January 2016, which involved establishing a positive working relationship with the community. The community was heavily involved in the early stages of the project, which included developing a vision for the township's future, guiding principles for preparing the TSP, and understanding the issues and opportunities for the township's development.

This early community engagement helped develop the first draft Marong TSP, which was released in March 2017 to test the overall strategic direction of the plan without including details such as future requirements and guidelines to be met by developers.

With input received from the first draft TSP and various technical reports, a final draft Marong TSP was prepared and released in June 2018. The feedback for the strategic direction of the plan was broadly supported; however, it became clear that further detailed work was needed to finalise the plan. This further detailed work included a traffic impact assessment to inform required intersection projects and an Economic Land Needs Assessment.

As a further step to ensure the TSP was written to reflect current State Planning guidelines, the City also requested the VPA to peer review the TSP. This resulted in a number of changes in how the TSP is set-out. These changes include:

- Separating background information from the TSP to create a more succinct document which is easier to understand and implement;
- Establishing clearer objectives, requirements, guidelines and actions to communicate the City's vision clearly; and
- Providing separate plans for each of the township's precincts, including clear direction about development sequencing and infrastructure provision.

An element of the township's growth was dependent on the development of a business park in Marong which would have implications around the rate of growth and infrastructure delivery. While planning for the Marong Business Park was a separate process, the two projects were interconnected and needed to align. In August 2018, the Minister for Planning did not support the Amendment to apply a Public Acquisition Overlay on the original Business Park site, north-west of the township and therefore Council was not able to progress delivery of a business park on this site. However, given the clear and growing need for Industrial Land in Greater Bendigo, the City has since been investigating a number of sites both across the municipality, as well as outside the boundary. One of these potential sites is south of the Marong township. Given the proximity to the township and the impacts particularly around infrastructure delivery, the final TSP has been amended to broadly reference this area. Any potential future rezoning of any of this land to enable a business park would be the subject of a separate process which would involve community consultation.

Previous Council Decision Dates:

15 March 2017 – Council endorsed the first draft TSP for community consultation.

20 June 2018 – Council endorsed the final draft TSP for community consultation.

Report

Summary of Community Consultation and Resulting Changes to the TSP

Community consultation on the final Draft TSP occurred between 20 June and 20 August 2018. The engagement process provided an opportunity for the public and stakeholder groups to view and comment on the final Draft TSP. Further details of the engagement over the course of the whole project are listed under the Consultation/Communication section of this report.

A total of 26 written submissions received during exhibition and a summary of the comments made, including the officer's response to these, are provided in the Summary of Public Submissions.

Overall, the submissions were supportive of the vision and intent of the TSP. There is a strong understanding within the community about the benefits of a quality TSP that effectively manages how their town grows into the future.

The focus of submissions varied but there were common topics raised in several submissions including; infrastructure delivery, provision of commercial services, the condition and appearance of Bullock Creek, Malone Park, the overall growth area, and details about proposed planning zones and overlays.

Thirteen of the written submissions raised concerns about the township's future infrastructure provision. Several of these were in relation to road safety and the high amounts of highway traffic through the town. Since the release of the final Draft TSP, the City has worked closely with the Department of Transport (DoT) to continue planning for an alternative freight route and to ensure that future infrastructure will result in road environments that will be safe for all users.

Four of the submissions discussed the provision of commercial facilities, either the desire for specific land uses such as a supermarket and service station, or the call to extend the proposed Commercial 1 Zone land in the town centre. After the final Draft TSP was released, an Economic Land Needs Assessment was prepared by Urban Enterprise which recommended that Marong needs an additional 3,000 square metres of supermarket floorspace and an additional 2,250 square metres of specialty retail floorspace to accommodate a town of 8,000 people. Using this recommendation, the TSP was amended to increase the proposed area affected by the Commercial 1 Zone.

Eight of the submissions supported the strategic directions for Bullock Creek and Malone Park, and emphasised their importance in the context of the township. Five of these submissions supported the acquisition of 7 Adams Street and its consolidation with the surrounding creek reserve. Concept designs have been prepared for the Bullock Creek shared path, which will be included in the DCP and the City has also commenced the preparation of the Malone Park Master Plan which will investigate how this public open space precinct can meet the needs of the growing community.

Three of the submissions suggested changes to the overall growth area that the TSP proposed; two of which requested specific areas to be included in the growth area. These were both considered, and the TSP has been amended to include one of these areas, "Precinct LD", east of Fletchers Creek Road which comprises of two parcels of

land approximately six hectares in total – 787 and part of 734 Allies Road. This was assessed as a logical inclusion to the TSP as a future low-density area to complement the existing development on Fletchers Creek Road. The other request to include land north-west of the township on the Calder Highway was assessed and considered not to be a logical inclusion. The lack of potential connections to the existing township, proximity to the existing Comprehensive Development Zone area which provides for the possible development of a Business Park and uncertainty regarding potential freight route alignments were factors in this assessment.

Seven of the submissions related to planning tools such as zones and overlays on specific parcels of land. Each of these were considered on a case-by-case basis and four amendments were made to the TSP as a result.

Further amendments were made based on advice from the project's peer review by the VPA. These changes made objectives, requirements, guidelines and actions clearer and removed a number of them that were included in the final Draft TSP. Reasons for these changes were that some were duplicated in other areas of the Greater Bendigo Planning Scheme or they could not be effectively implemented.

Township Infrastructure Plan and Development Staging

The final TSP includes a new section tabulating all essential infrastructure items, outlining who is responsible for the delivery, each item's location, indicative timing, and whether it is included in the DCP. This table is the key link between the TSP and the DCP; it creates a clear expectation about what infrastructure is required and what will be included in the DCP.

The final TSP also includes details about the staging of future development, both the intended sequence of land development and infrastructure requirements associated with each precinct. Implementing this staged development and associated rezoning of land will be privately led by land owners or developers. This approach is required in Marong for two main reasons:

1. Sequenced and orderly development is critical as there are existing infrastructure constraints that dictate development of certain areas first; and
2. The rate of development in Marong is not rapid enough for developers to readily assemble land in a financially sustainable manner. Rezoning all future growth areas in the first instance would be at risk of compromising the principle of being a compact, self-contained township by 'leap-frogging' suburban development.

As part of this new section, an indicative design and preferred character/land use outcome statement is included for each precinct, including precincts within the existing township.

Planning Scheme Amendment

Draft planning scheme amendment documents have been prepared. In summary, this amendment proposes to amend various sections of the Municipal Strategic Statement, including adding a Local Area Plan for Marong, rezoning land in the existing township area and applying planning overlays. The details of what the proposed amendment does are included in the Explanatory Report.

The planning scheme amendment implementing the first stage of the TSP includes:

- Replacing the Township Zone in Marong with the Neighbourhood Residential Zone;
- Expanding the Commercial 1 Zone in Marong's town centre further north;
- Replacing the Rural Living Zone in Marong with the Low Density Residential Zone;
- Replacing the existing Industrial 3 Zone in Marong with the Mixed Use Zone;
- Rezoning land east of Fletchers Creek from Farming Zone to Low Density Residential Zone;
- Removing the existing Development Plan Overlay and applying new Development Plan Overlays to future development areas;
- Applying a new Design and Development Overlay to future development areas and the High Street environs;
- Applying a Land Subject to Inundation Overlay to land affected by the 1% annual exceedance probability rain event (1 in 100-year flood);
- Applying a Heritage Overlay to places of heritage significance;
- Applying a Vegetation Protection Overlay to areas with significant vegetation;
- Amending existing clauses in the Planning Policy Framework to reference the TSP, including introducing a new local area plan for Marong to specify the requirements to be met when rezoning future growth areas;
- Amending minor errors in the mapping to planning zones.

The Department of Environment, Land, Water and Planning (DELWP) and the City's Statutory Planning Unit both provided input into the draft amendment.

Development Contributions Plan

Considering current investigations for a potential business park in an area south of Marong, as well as the proposal for the farming zoned land outside of the township to be part of future amendments, it has been decided to postpone the finalisation of the Marong Township DCP at this stage of the process. This is to ensure that planning for infrastructure provision and funding arrangements are considered at the whole township level, whether they be associated with residential or industrial land development.

However, the TSP provides detail about what will be funded by the DCP. This includes eight retarding basins, five upgraded intersections (one set of traffic signals and four roundabouts), and various public open spaces.

All landowners who will be affected by the DCP have been updated with the project and the next steps forward.

Priority/Importance:

High – the finalisation of the TSP is a commitment of the 2017 – 2021 Community Plan.

Options/Alternatives:

Options available to Council include:

1. Adopt the Marong Township Structure Plan as amended following consideration of community and government agency/department submissions and seek authorisation from the Minister for Planning to prepare a planning scheme amendment. This is the preferred option.
2. Take no further action.

Timelines:

Undertaking a planning scheme amendment is expected to take approximately 18 months. This includes exhibiting the proposed changes, requesting an independent planning panel (if required) and seeking approval from the Minister.

Risk Analysis:

There are risks through the planning scheme amendment process and the implementation of the TSP. These risks have been minimised through regular consultation with State Government agencies including DELWP and DoT.

There are risks associated with de-coupling the TSP and DCP; namely the potential loss of income through contributions and lack of integration between the two plans. However, due to Marong's unique proposed development scenario and the relative certainty of required infrastructure projects, this risk has been reduced.

Consultation/Communication

The development and finalisation of the TSP is the product of a consultative approach, building on inputs, feedback and advice gained by successive stages of the project by community members and groups, government agencies and departments, internal units and expert consultants. The partnership that was established with the Marong community was particularly meaningful and assisted in strengthening a more effective working relationship with the community.

A summary of engagement activities for the life of the project is provided below:

Summary of Engagement

Stage and Timing	Participants
Stage 1 – Inception and Initial Community Engagement March – April 2016	
Project bulletin	Marong community
Community workshops/listening posts (x2)	Marong community
Expressions of interest for Community Reference Group (CRG) membership	Marong community
General community survey	Marong community
Youth community survey	People younger than 25 in the Marong community
Mailing list update	Mailing list
Primary school workshop	Grade 5/6 students at the Marong Primary School
Promotion of the project through social media	Greater Bendigo community

Stage 2 – Issues and Opportunities June – July 2016	
Project bulletin	Marong community
CRG concept design workshop	CRG members
Public concept design workshop	Marong community
Meetings with internal stakeholders	City staff
Mailing list update	Mailing list
Meetings with external stakeholders	Representatives of agencies and departments
Stage 3 – First Draft TSP February – April 2017	
Steering group meeting	Steering group members
CRG meeting	CRG members
Mailing list update	Mailing list
Project bulletin	Marong community
Listening posts (x3)	Marong community
Community survey	Marong community
Media release / social media	Greater Bendigo community
Invitation of submissions	All affected stakeholders
Copies of first draft TSP available at main counter	Greater Bendigo community
Promotion of the first draft TSP in the Marong Primary School newsletter	Primary school community
Stage 4 – Technical Research April 2017 – June 2018	
Involvement in the preparation of technical work – stormwater management, movement and access, heritage, and bushfire risk.	Internal and external stakeholders
Stage 5 – Final Draft TSP June – August 2018	
Meetings with external stakeholders	Representatives of agencies and departments
Update provided to the Marong Community Action Group (MCAG)	MCAG members
Mailing list update	Mailing list
Project bulletin	Marong community
Listening posts (x3)	Marong community
Community survey	Marong community
Media release / social media	Greater Bendigo community
Invitation of submissions	All affected stakeholders
Copies of first draft TSP available at main	Greater Bendigo community

counter and various locations throughout Marong	
Promotion of the first draft TSP in the Marong Primary School newsletter	Primary school community
Project bulletin	Marong community
Listening posts (x3)	Marong community
Presentation to Malone Park User Group Association	Malone Park User Groups
Presentations to Heritage Advisory Committee, Youth Advisory Committee and Rural Communities Committee	Committee members
Presentation to Development Industry Forum	Representatives of the development industry
Stage 6 – Further Technical Research and TSP Finalisation September 2018 – September 2020	
Involvement in the preparation of further technical work – traffic impact, infrastructure concept designs and cost estimates, economic land needs, planning scheme amendment and vegetation protection.	Internal and external stakeholders
Updates to the MCAG	MCAG members
Mailing list updates	Mailing list
Regular Technical Working Group meetings	Internal stakeholders
Peer review	VPA
Meetings with landowners affected by the DCP	Affected landowners

Dja Dja Wurrung Clans Aboriginal Corporation

The Dja Dja Wurrung were invited to participate in the project during the draft stages. The feedback received resulted in small amendments to the TSP.

The City's Regional Sustainable Development Unit has recently revised how it engages with Traditional Owners through learnings from the Reimagining Bendigo Creek project. Future projects, particularly improvements to the Bullock Creek should consider these learnings when wanting to engage with the Dja Dja Wurrung and seek collaboration at the earliest stage possible.

Government Agencies and Departments

Various agencies within the DoT were consulted throughout the project; including Regional Roads Victoria, Public Transport Victoria and V/Line. These agencies were able to provide advice that helped shape the TSP and DCP and these relationships will be used to advocate for projects in the future. More specifically, DoT had extensive input into the traffic impact assessment and infrastructure concept designs and cost estimates.

The Department of Education and Training (DET) were consulted as the TSP recommends a new government primary school east of Hills Road. DET could not commit to securing this site but provided in principle support for its planning as it complied with the site selection criteria for new schools in greenfield development areas.

The North Central Catchment Management Authority (CMA) prepared a flood study for the Bullock Creek during the preparation of the TSP and had input into the Stormwater Management Strategy. The CMA also took the opportunity to engage with the community at the same time as the final draft TSP, which created an integrated approach to this engagement period.

Coliban Water was integral to establishing the issues and opportunities for the township's future development. The constraints of the potable water and sewer network were clearly explained and the timeframes for network improvements were communicated. The City took the opportunity to relay frustrations from the community about existing network performance and Coliban Water has recently made upgrades to the network.

DELWP provided input from planning and vegetation perspectives. DELWP's planning team were regularly engaged throughout the project and will continue to be in the future through planning scheme amendments. DELWP's advice, both in terms of planning and vegetation were followed in all instances.

Emergency Services were consulted in the draft stages of the TSP. The Country Fire Authority provided advice about the general development of the township and were involved in the preparation of the bushfire assessment. Ambulance Victoria and Victoria Police raised no concerns about the TSP and indicated that their existing service network could accommodate the projected future population.

EPA Victoria provided a written submission relating to odours associated with the nearby broiler farm and potential land contamination in future growth precincts. The TSP has been amended based on this submission.

The VPA provided advice through the peer review process and coordinated the Bendigo West Infrastructure Action Plan (BWIAP). The BWIAP is an integrated plan that identifies larger scale infrastructure projects across the development areas of Maiden Gully and Marong that generally cannot be delivered through a DCP.

Gas, electricity and telecommunications providers were consulted in the final draft stage of the project. No concerns were raised through this consultation.

Resource Implications

Budget Allocation in the Current Financial Year:

There have been significant resources both financial and staff over a number of years to get the project to this point.

Projected costs for future financial years:

There will be future costs to finalise the planning scheme amendment which will likely go beyond the current financial year.

Any ongoing recurrent expenditure required:

There will be costs involved in finalising and implementing the DCP.

Attachments

1. Marong Township Structure Plan
2. Summary of Public Submissions
3. Marong Township Structure Plan Background Information
4. Explanatory Report
5. Economic Land Needs Assessment

2.8 MANAGED GROWTH STRATEGY

Document Information

Author **Bridget Maplestone, Coordinator Growth and Liveability**

Responsible Director **Bernie O'Sullivan, Strategy and Growth**

Purpose

This report provides an overview of why the City needs to undertake the preparation of a Managed Growth Strategy (MGS) and seeks endorsement of the project brief (Attachment 1) to commence this work.

Summary

The City of Greater Bendigo has been steadily growing in recent years with around 2,000 more residents calling the municipality home annually. Continuing to grow at the current rate will mean around 200,000 residents and 40,000 more dwellings by around 2050. It is difficult to forecast at this stage what the impacts of the COVID-19 will be on the longer-term growth of Greater Bendigo. However, with more flexibility in working arrangements combined with the significant State Government pipeline of planned investment, Greater Bendigo may become even more attractive to new residents, particularly those seeking to leave Melbourne.

Whether growth is accelerated or not, there is a need to proactively plan for where the future population of Greater Bendigo will live, ensuring land for employment in line with this growth, considering the future impacts of climate change, protecting the City's environmental assets, managing growth given threats such as bushfire and flooding and providing a framework for the coordinated delivery of infrastructure particularly water, sewer and transport to support urban development.

There are a variety of fundamental challenges and questions which will need to be considered and addressed through the process of developing the Managed Growth Strategy. These include:

- The role and types of housing in established, well serviced areas compared to the outskirts of the urban area of Bendigo.
- The role of rural townships and communities and whether there is an opportunity to grow some of these areas without impacting on the unique character and the reason many residents choose to live in these locations.
- The increased risk of future weather events such as bushfire and flooding and the impacts on planning for future housing, particularly in a city surrounded by forest.
- The importance of protecting productive agricultural land and land with high ecological value.
- The need for employment opportunities proximate to residential development, providing residents with the opportunity to live and work in the same neighbourhood, reducing transport and environmental impacts.

- The importance of well-designed neighbourhoods to support the wellbeing of residents.

The MGS will build on the significant amount of strategic work which has been undertaken by the City in recent years in planning for residential, employment, public spaces, transport, wellbeing, and the impacts of climate change. The MGS will provide a single consolidated plan with detailed directions at a suburb level, outlining preferred development outcomes across Greater Bendigo.

Fundamental to the success of this strategy will be the early and ongoing engagement with stakeholders and the community. Various State Government agencies will be heavily involved in the process to ensure the outcomes are also aligned with their planning. Developers, landowners and the community will have the opportunity to provide feedback at key stages through the process.

RECOMMENDATION

That Council:

1. Endorse the Managed Growth Strategy Project Brief (Attachment 1).
2. Consider in due course financial and staff assistance to support the project in the 2021/2022 budget.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

Council Plan Reference

This project is key in helping to deliver on the Council's vision of c*reating the world's most liveable community* by providing a plan to deliver on future housing, employment and infrastructure needs. If done effectively this will help to create a more equitable community by designing environments that are more conducive to better health outcomes.

Some of the key goals and actions of particular relevance to this project include:

Goal 2: Wellbeing and Fairness

- 2.2.2 – Design settings and environments that can create better health outcomes
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Goal 3: Strengthening the Economy

- 1.1 – Support our local businesses and industry to be strong, vibrant and to grow and develop

Goal 4: Presentation and Managing Growth

- 4.1 – Plan for a Growing Population
- 4.2 – Plan to meet future housing needs
- 4.3 – Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport

Goal 5: Environmental Sustainability

- 5.1 – Drawing on the One Planet Living framework work to connect the health of the natural environment to the health and prosperity of our community

Goal 6: Embracing our Culture and Heritage

- 6.1 – Celebrate our unique heritage
- 6.2 – Build pride and shared responsibility in our public spaces

Other relevant adopted strategies

There are a number of other relevant adopted strategies to this work including:

- Greater Bendigo Residential Strategy
- Greater Bendigo Housing Strategy
- Connecting Greater Bendigo: Integrated Transport and Land Use Strategy
- Commercial Land and Activity Centre Strategy
- Rural Communities Strategy
- Greater Bendigo Industrial Land Development Strategy
- Greater Bendigo Environment Strategy

Report

Council has adopted and commenced implementation of a wide range of strategic documents in recent years to plan for a growing and changing population. Among others, these include: the Residential Strategy; Housing Strategy; Commercial Land and Activity Centre Strategy; Connecting Greater Bendigo: Integrated Transport and Land Use Strategy; Plan Greater Bendigo; Public Space Plan; Environment Strategy 2016-2021 and the Greater Bendigo Industrial Land Development Strategy.

There is, however, currently no holistic detailed framework for the long-term growth of the City that consolidates these strategies into an overarching integrated framework which links these to the provision of critical infrastructure such as water, sewer and transport (road, rail and public transport services) which has been committed to by key agencies such as Coliban Water and the Department of Transport. This gap was identified through the recently completed Planning Scheme Review. The MGS was identified as a high priority through this review, to provide greater direction as to how Council will manage the future of its suburbs, towns and settlements and to comprehensively guide long term development outcomes.

In its final form the MGS will establish a plan as to how 30 years of future growth will be accommodated through the provision of suitably planned, zoned and serviced land to support urban growth that integrates land use and transport planning and provision and provides for the residential, commercial and industrial land needs of the municipality.

The MGS will also provide clearer direction at a smaller area level than is currently available. This includes consideration around the provision of a range of dwelling types to suit a variety of demographic needs and considering access to employment, services and transport, as well as considering the environmental impacts of dwelling types and design. The MGS will bring together a range of strategies into a single document to provide a complete framework for the growth of Greater Bendigo.

Among other actions, the MGS will be implemented through a major amendment to the Greater Bendigo Planning Scheme to provide greater certainty for Council, government agencies, community, developers and City officers around long-term land use planning.

Priority/Importance

This project is of high importance to proactively plan for the ongoing growth needs of the municipality.

Options/Alternatives

Council can choose to progress or not progress this project.

Risk Analysis

Key risks in this project include managing community and stakeholder expectations, ensuring commitment by key government agencies and in resourcing.

These risks will be managed by having an endorsed project plan and engaging with the community and stakeholders through a variety of channels early and throughout the process.

A clear governance framework is also proposed in the project brief, including the establishment of a Steering Committee, Project Control Group and internal Working Group.

Consultation/Communication

There will be ongoing opportunities for Council, State Government agencies, the community and stakeholders to provide input throughout this project.

Resource Implications

There will be a large number of resources, particularly within the Regional Sustainable Development Unit required to deliver on this project. This has been factored into future work plans.

The budget for this project in 2020/21 will be covered within the Regional Sustainable Development Unit's operational budget. There is likely to be funding required in 2021/22 to deliver on this project, particularly through the appointment of specialist consultants where required.

Attachments

1. Background Data
2. Draft Strategy Brief

2.9 PUBLIC OPEN SPACE CONTRIBUTIONS POLICY - DRAFT FOR ADOPTION

Document Information

Author **Wonona Fuzzard, Coordinator Public Spaces and Place Making**

Responsible Director **Bernie O'Sullivan, Director Strategy and Growth**

Purpose

The purpose of this Report is to seek Council's endorsement to adopt the Public Open Space Contributions Policy (POSCP) and to seek authorisation from the Minister of Planning to prepare a planning scheme amendment to implement the contribution rates set out in the Policy.

Summary

The POSCP (Attachment 1) has been developed to implement an action in the Greater Bendigo Public Space Plan 2019 (GBPSP). This action recommended a clear policy for public open space contributions and better accountability of the public open space reserve.

Preparation of this Policy began in early 2020 and a draft Policy and associated background report were released in June through a targeted engagement approach. A Background Report provided necessary information, examples and justification for the draft Policy. Following consultation, the Background Report (Attachment 2) has now been updated.

Draft planning scheme amendment documentation has also been prepared and a summary of the changes proposed are included in the Explanatory Report (Attachment 4).

RECOMMENDATION

That Council:

1. Adopt the Public Open Space Contributions Policy.
2. Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement the contribution rates set out in the Policy.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1: Lead and govern for all

Objectives
- Be innovative and financially responsible
- Be accountable and efficient in its use of the community's money

Goal 2: Wellbeing and fairness

Objectives
- Create a much healthier Greater Bendigo
- Promote positive wellbeing across the Greater Bendigo community
- Promote community connection
- Support participation and development for residents of all ages and abilities
- Create safe and resilient communities

Strategy Reference:

The development of the POSCP is supported by the Greater Bendigo Public Space Plan 2019 and the Bendigo City Centre Plan 2020.
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Background Information

Under the Subdivision Act 1988, the City collects Public Open Space Contributions. These Contributions provide an important source of revenue to fund new acquisition and capital improvement of Public Open Space to meet the needs of the new population to be accommodated by the subdivision.

The City currently exercises its responsibility of collecting and managing public open space contributions with limited strategic considerations for allocation and collection, and without a clear governance framework to support any improvements.

The existing open space contributions reserve has limited accountability for spending and collecting funds, and Greater Bendigo is the only major regional centre in Victoria that does not use the planning scheme to collect different amounts in a consistent and transparent way.

The need for a policy

Greater Bendigo is also one of the few major local government areas in Victoria who don't effectively use Development Contributions Plans (DCPs) in the planning scheme. However, this will soon change with the implementation of DCPs for Huntly, Maiden Gully and Marong.

In this context, the City's Public Space Plan 2019 recommended a clear policy for these collections and better accountability of the reserve. The Public Space Plan is a comprehensive strategy, considering all forms of public space across Greater Bendigo over a 50-year timeframe. The plan was developed over three years in close collaboration with the community and is widely recognised as one of Victoria's best examples of long-term public space planning.

Preparation of the POSCP

Preparation of the POSCP began in early 2020 and involved all relevant units within the City from the first stages of the project. The City's Public Spaces Committee acted as the Project Control Group and additional members were included as relevant.

The draft POSCP was released through a targeted engagement process in June 2020. This approach was taken due to the significant amount of community engagement already undertaken in the development of the Public Space Strategy. The principles of transparency, accountability, accessibility, nexus and equity were largely supported from engaged stakeholders. A number of changes were made to the Policy and the Background Report based on this engagement process.

Previous Council Decision Dates:

19 June 2019 – Council adopted the Greater Bendigo Public Space Plan.

Report

The engagement process of the draft POSCP began in June and concluded on 7 August 2020. This engagement process provided an opportunity for interested and affected stakeholder groups to view and comment on both the draft POSCP and the Background Report. Further details of the engagement over the course of the whole project are listed under the Consultation/Communication section of this report.

A total of three written submissions were received during the engagement period, two from representatives of the development industry and one from a community member. A summary of the comments made including the planning response to these are provided in the consultation section of this report.

Overall, the submissions were supportive of the principles and policy base of the POSCP. There is a strong understanding from those consulted for the need for this Policy.

The key focus in the feedback received related to the nomination and application of contribution rates.

One submission requested that the nominated contribution rate for the Epsom precinct be raised to 8%. The Greater Bendigo Public Space Plan acknowledges that the public open space provision in Epsom will be too low; however, given that the majority of the suburb has been developed, applying a higher contribution rate now will be seen as inequitable/unfair to those developing the last portions of the precinct.

One submission requested that lower density residential areas outside of the urban growth boundary and rural townships be lowered as this type of development does not create the same demand as urban residential developments. The latest Active Living Census demonstrates that there is no significant difference in both the representation in common activities and usage rates of public facilities such as parks. Further, incentivising development outside of the urban growth boundary by lowering contribution rates is inconsistent with other Council strategies.

One submission encouraged the City to implement the nominated contribution rates by amending the schedule to Clause 53.01 (Public Open Space Contributions and Subdivision) in the Greater Bendigo Scheme. This approach is supported by the Policy and a planning scheme amendment is included in the project.

Testing the Draft Policy

After the draft POSCP was released, a land acquisition project was proposed to test the draft Policy. This land acquisition is supported by the Greater Bendigo Public Space Plan 2019 and otherwise complied with the principles set out in the draft POSCP.

This was a valuable process, as it raised a further question that wasn't addressed in the draft – can the public space reserve fund associated project costs prior to the project's commencement? An example of this is the costs associated with preparing an environmental risk assessment prior to acquiring land. This then allows the City to make an informed decision when purchasing land.

As a result of this testing, the POSCP has been amended to clarify that the reserve can be used for these associated project costs, however, this does not extend to the use or embellishment of the site.

Planning Scheme Amendment

Draft planning scheme amendment documents have been prepared. This amendment proposes to introduce contribution rates to the Schedule to Clause 53.01 – Public Open Space Contribution and Subdivision. The details of what the proposed amendment does are included in the Explanatory Report (Attachment 4).

Priority/Importance:

High – the POSCP was recommended in the *Greater Bendigo Public Space Plan 2019*.

Options/Alternatives:

Options available to Council include the following:

1. Adopt the Public Open Space Contributions Policy and seek authorisation from the Minister for Planning to prepare a planning scheme amendment. This is the preferred option.
2. Take no further action.

Timelines:

Undertaking a planning scheme amendment is expected to take approximately 18 months. This includes exhibiting the proposed changes, an independent planning panel and seeking approval from the Minister. It can be expected that the planning scheme amendment process will be completed midway through 2022.

Other elements of the POSCP can take effect immediately.

Risk Analysis:

The Department of Environment, Land, Water and Planning (DELWP) were consulted when the draft POSCP was released. Therefore, the risk of project failure through the lack of Departmental approval has been addressed.

There is a risk that the development industry representatives will not support the nominated contribution amounts; however, any unresolved submissions to the planning scheme amendment will be considered by an independent planning panel.

Council is sometimes criticised for the lack of accountability and transparency relating to the use of reserves. Therefore, the POSCP has been amended to require the City's Public Space Committee to provide details of income and expenditure to Council for inclusion in the Annual Report.

Consultation/Communication

The development of the POSCP was subject to a targeted engagement process, where relevant internal units and stakeholders, including representatives of the development industry were consulted. These are the groups who have the most interest and influence in the project.

Feedback from the broader community was considered through the development of the Greater Bendigo Public Space Plan 2019. The feedback received was the product of an extensive community consultation process.

However, a small section of the general community was consulted as part of the draft stage. This consultation was also targeted, as community members consulted had previously expressed their interest in public open space planning through prior involvement with activities conducted by the City.

A summary of engagement activities for the life of the project is provided below:

Summary of Engagement

Stage and Timing	Participants
Stage 1 – Project scoping and project brief - January-February 2020	
Meetings with relevant Managers and staff	Relevant internal staff
Presentation to the City's Public Space Committee	Committee members
Executive Management Team (EMT) briefing	EMT
Stage 2 – Drafting the POSCP - March–May 2020	
Presentation to the City's Public Space Committee	Committee members
Workshop with other relevant internal stakeholders	Internal stakeholders
Stage 3 – Draft POSCP - June–August 2020	
Presentation to the City's Public Space Committee	Committee members
Briefing to Greater Bendigo Councillors	Councillors
Invitation of feedback from stakeholders, including online meetings and phone calls	Internal staff, development industry representatives, DELWP officers, interested community members
Executive Management Team (EMT) briefing	EMT

Internal Consultation

The City's Public Space Committee acted as the project's control group. This committee includes representation from the City's Active and Healthy Lifestyles, Community Partnerships, Engineering, Parks and Open Spaces, Property Services and Regional Sustainable Development units. Additional representation was obtained from the Financial Strategy, Governance and Statutory Planning units when relevant.

Due to the nature of the Policy, the internal feedback received spanned across all four directorates of the organisation.

Based on this internal feedback the following changes were made to the POSCP:

- The scope of the POSCP was amended to clearly state that the Policy applied to all residential subdivisions. However, this does not preclude potential contributions to be collected from commercial and industrial developments in the future.
- Further detail justifying the nominated contribution rates was included in the updated Background Report; however, none of the nominated contribution rates were amended in the Policy.
- Based on the submissions received, definitions for Contribution Rate and Residential Subdivision were added to POSCP for clarity.
- The Policy was amended to include increasing the proportion of residents who lived within walking distance to a public open space as a priority for funding.

Development Industry Consultation

It was intended that this project be presented to the Development Industry Forum that the City facilitates. Due to the COVID-19 pandemic, these were cancelled. Instead, the draft POSCP and background report were circulated to those on the forum's mailing list with the invitation to review and provide feedback. Additionally, a smaller group representing the development industry sector who provided feedback during the development of the Bendigo City Centre Plan 2020, and who expressed concern about contribution rates, were consulted.

Two submissions were received from the development industry.

General Community Engagement

Due to the nature of the Policy, it was considered that the general community would have minimal legislative understanding of the finer legal aspects and had already provided feedback as part of the Greater Bendigo Public Space 2019 and Bendigo City Centre Plan 2020. However, the City was aware of a small group of community members who expressed interest in similar initiatives. These community members were consulted and one submission was received from this group.

Resource Implications

Budget Allocation in the Current Financial Year:

Included in staff time and existing budget

Projected costs for future financial years:

Included in staff time and existing budget

Attachments

1. Public Open Space Contributions Policy
2. Public Open Space Contributions Policy Background Report
3. Explanatory Report

2.10 PROPOSED TRAFFIC CLOSURE FOR PART HAVLIN STREET EAST

Document Information

Author **Brett Martini, Manager Engineering**

Responsible Director **Debbie Wood, Director Presentation and Assets**

Purpose

The purpose of the report is to provide Councillors with information following the public submission period for the proposed closure to traffic of Havlin Street East adjoining Wolstencroft Reserve. The public consultation has been undertaken in accordance with the Local Government Act 1989.

Summary

Council considered two options for the treatment of Havlin Street East adjoining the Wolstencroft Reserve in the draft Wolstencroft Masterplan in January 2020. The two options being either a traffic closure or traffic calming. Council resolved to proceed with the proposed closure to traffic in accordance with the Local Government Act 1989. A public notice inviting submission was placed in the Bendigo Advertiser and letters sent to adjoining residents and other stakeholders.

Previous consultation regarding the draft Masterplan showed majority support for the traffic closure whilst this consultation showed majority opposition to the traffic closure. However many opposing the traffic closure also supported traffic calming.

The community consultation also raised issues in relation to the impact on local traffic movements and redistribution of traffic onto other local streets from both submitters who supported and opposed the traffic closure. There was strong support for increased safety of trail users.

The community consultation is one input in the decision making process along with other benefits that were identified with the proposed traffic closure. These include the inclusion of the Back Creek corridor with Wolstencroft Reserve and the greater opportunity for redevelopment of Back Creek, complementing the development of Wolstencroft Reserve.

Given the mixed responses identified through the community consultation and the benefits that could be achieved through the traffic closure, it is considered that on balance the traffic closure could be implemented along with traffic calming treatments on other streets if required to achieve the benefits outlined.

RECOMMENDATION

That Council having considered the submissions received in response to the public notice and letter distribution resolve to:

1. Close Havlin Street East to traffic adjoining Wolstencroft Reserve
2. Implement this closure as part of future works at the reserve
3. Inform residents in the area of Council's decision.

MOTION

Moved Cr Flack, Seconded Cr Metcalf.

That Havlin Street East remain open.

LOST

Cr Flack left the meeting at 8.07pm.

Cr Flack returned to the meeting at 8.11pm

AMENDMENT

Moved Cr Hawke, Seconded Cr Pethybridge.

That Council, having considered the submissions received in response to the public notice and letter distribution, resolve to:

1. Close Havlin Street East to traffic adjoining Wolstencroft Reserve between Rodney Street and 65 Havlin Street East.
2. Implement the traffic closure as part of Stage 2 redevelopment of Wolstencroft Reserve.
3. Provide public notice and traffic calming in Havlin Street East in the six months leading up to road closure, and traffic calming in adjacent streets upon implementation of road closure.
4. Inform local residents of Council's decision and thank all members of the community for their involvement and consultation.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1: Lead and govern for all

Objective
1.1 Engage with all communities

Goal 2: Wellbeing and fairness

Objective
2.1 Promote positive wellbeing across the Greater Bendigo community

2.2 Promote community connection

Goal 3: Presentation and managing growth
Objective
3.1 Plan for a growing population
3.2 Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport
3.3 Keep Greater Bendigo attractive with good quality public facilities and places

Goal 4**:** Environmental sustainability

Objective
4.1 Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains healthy ecosystems

Strategy Reference (include weblink as applicable):
Wolstencroft Reserve Masterplan
Integrated Transport and Land Use Strategy

Background Information

The City prepared a Masterplan for Wolstencroft Reserve in 2008. This masterplan was the first of a series of Masterplans that were produced for reserves in Bendigo. The Masterplan had several aspirational goals including the incorporation of Back Creek into the Reserve. Progress on the Masterplan was stalled due to a range of reasons including geotechnical investigation of the former landfill site. Geotechnical investigation has continued along with compliance with subsequent Environment Protection Authority Pollution Abatement Notices requiring further site rehabilitation. The construction of the shared path along Back Creek has also been undertaken. The section of shared path adjoining Wolstencroft Reserve has not been constructed due to the uncertainty regarding the design and construction of Wolstencroft Reserve.

Given the challenges of implementing the original masterplan for the site a new masterplan was prepared. The Masterplan proposed two different options for the interface between the Back Creek and Wolstencroft Reserve and the alignment of the shared path. The options were either to close Havlin Street East to traffic or to install traffic calming measures. A report was presented to the Council meeting on 20 January 2020.

The report outlined the consultation on the draft Masterplan as such:

The draft master plan was released to the public on Monday 16 September 2019 for four weeks and closed on Friday 11 October 2019. The draft plan was presented in a bulletin format and circulated to the community by the following methods:

- *A bulletin with a reply-paid feedback form sent to 3000 households within an approximately 800m radius of the reserve.*
- *A webpage on Councils website with online feedback form*
- *A media release to local media resulting in an interview with local ABC*
- *A series of social media posts*

Three drop-in sessions were held at the reserve on Monday 23 September, Saturday 5 October and Tuesday 8 October.

The results of the survey were outlined in the Council report.

Responses regarding the options for the closure of Havlin Street East or the traffic calming option were divided with the following numbers:

- *114 submissions agreeing with the closure*
- *37 preferring the traffic calming option*
- *36 making no comment.*

Reasons submitters supported the road closure were to naturalise the creek and provide safer access for pedestrians and cyclists and to remove conflicts with vehicles for users of the reserve. The main reason submitters wanted the traffic calming option was concern over vehicles being diverted to busier roads especially the five ways roundabout at the end of Williamson Street.

The resolution that was passed at the council meeting was-

That Council having considered the submissions received in regard to the draft Master Plan resolve to:

1. *Adopt the Wolstencroft Reserve Master Plan;*
2. *Propose the closure to traffic on Havlin Street East between Rodney Street and 65 Havlin Street East in accordance with Schedule 11 Clause 9 of the Local Government Act 1989, subject to a satisfactory outcome from a public consultation process conducted in accordance with section 223 of the Local Government Act 1989;*

3. Authorise public notice of Council's intention to close the road to traffic in accordance with section 223;
4. Appoint a committee of three Councillors, to consider any submissions made and report to the whole Council and;
5. Authorise the Chief Executive Officer to carry out any administrative procedures necessary to ensure that Council complies with its obligations under section 223.

Report

In accordance schedule 11 clause 9 of the Local Government Act 1989 a public notice was placed in the Bendigo Advertiser on Saturday 25 July 2020 and letters sent to residents and ratepayers in the area which may be impacted by the proposed traffic closure.

A copy of the Public Notice published in the Bendigo Advertiser, letter sent to 330 local submitters and a plan of properties which received this letter is included in the attachments.

Submissions closed on Monday 25 August 2020. In summary, a total of 60 submissions were received, 26 supporting the proposed closure and 31 opposing the proposed closure. Three submissions did not express a view one way or the other regarding the proposed closure. Of the 31 submissions opposing the proposed closure, 12 were individual letters and 19 were submissions of a generic letter which opposed the closure but supported road calming treatments.

Submitters also had the opportunity to speak to their submission. Four submitters spoke to their submission at a meeting including Eppalock ward councillors and City officers.

The level of support for the proposed closure was higher in responses to the Masterplan public consultation in comparison to this process. Given this process had a much smaller area of letter distribution targeted at residents which may be impacted by the traffic closure, this result would reflect that the traffic closure would have a greater impact on regular traffic movements for local residents as opposed to a broader catchment which may look to use Havlin Street East less frequently for access to Wolstencroft Reserve or utilise the Back Creek Trail.

Both consultation processes indicate that there is support for both the traffic closure and the alternative treatment identified in the Wolstencroft Reserve Masterplan being road calming. There was also differing views expressed regarding the linking of Back Creek and naturalisation of the creek, which was identified in the Masterplan.

One of the issues raised in support of the traffic closure was the increased safety for trail users. This section of shared path adjoining the Wolstencroft Reserve has remained a gap in the shared path network pending resolution of the Masterplan. Both options in the Masterplan will improve safety for trail users who currently share the section of Havlin Street East adjoining Wolstencroft Reserve with vehicle traffic.

The closure to traffic does increase the public open space and enables the integration of the creek corridor with the reserve.

Submissions both for and against the traffic closure raised concerns about impacts of the closure on parking in the area and traffic impacts on other adjoining streets. A traffic count in July 2019 indicated that 341 vehicles per day utilise Havlin Street East adjoining the reserve. This traffic will be redistributed onto other routes if the traffic closure is adopted.

Anecdotally the traffic on Rodney Street and Havlin Street East is a combination of traffic moving from Somerville Street to Miller Street (or Vice versa) to avoid the roundabout at Miller / Townsend/ Somerville/ Sternberg / Williamson Streets and local traffic. If the closure proceeds this will eliminate the through traffic in Rodney Street associated with this short cut. There is a risk that alternative routes to avoid the 5-way roundabout would be sought. These could potentially be the use of Beebe and Wolstencroft Streets or the use of Hallam and Havlin Street West. Recently the City has trialled traffic management treatments in Hallam Street to improve the safety of the at-grade crossing of the Back Creek Trail at Hallam Street. Hallam Street does get used as a short cut between Somerville Street and Houston Street.

In the past a number of traffic treatments have been implemented that effect the movement of local traffic. These include:

- The court bowl in Wolstencroft Street which means Wolstencroft street is not a continuous route for traffic.
- Wallace Avenue does not connect with Somerville Street
- Hallam Street into Carpenter Street is left turn only
- Rodney Street does not connect to Carpenter Street and there is no road bridge over Back Creek in Rodney Street.
- Due to the traffic island in Carpenter Street traffic at Rowcliffe Avenue is left in / left out only
- Entry threshold treatments have been applied to both Havlin Street East and West on both sides of Miller Street
- Road marking and guideposts at the Havlin Street East / Rodney Street intersection to reduce speeds

Local traffic utilising Havlin Street East would need to seek alternate routes. A number of submissions expressed concerns regarding the 5-way roundabout and the limited alternate options available given the previous traffic treatments. The 5-way is of concern for many Bendigo residents however accident history indicates that there have been only 2 serious accidents in the past 5 years at this intersection, both of which were cyclists.

If the traffic closure is implemented further traffic management measures may be required depending on the redistribution of traffic. These could include a threshold treatment on Havlin Street West at Hallam Street, implementation of traffic calming in Hallam Street or threshold treatments at Beebe and Wolstencroft Streets.

There are two parking generators, one being the Wolstencroft Reserve and the other being Bendigo Funerals. Generally, the peak demand of these users would not overlap with maximum demand for reserve parking being on the weekend and funeral parking demand during business hours. As per the planning permit the funeral business can have up to 5 funerals per year on a Saturday. Current parking demand for funerals results in parking along Havlin Street East and within the reserve. The proposal in the Masterplan for the traffic closure included a concept plan for treatment of the termination of Havlin Street East with some on street parking and provision for vehicles to turn. The final layout for this area would be determined through detailed design and provide for some formal parking at the end of the street and provision for vehicles such as garbage trucks to turn around. In addition to the existing 19 formalised car parks in Wolstencroft Street, the Masterplan also proposes formalising on-street parking in Rodney Street adjoining the reserve.

Following the completion of Stage 1 and Stage 2 works at the reserve it is expected that parking demand will peak as residents from a broader area utilise the redeveloped space for a period after the works. Over time the parking demand will reduce as the park services local residents. This was the case with the introduction of the BMX track at the reserve. Parking supply will aim to meet the demand on most occasions with peak demand being met by other local streets.

Options/Alternatives:

The Masterplan identified two options for treatment being the traffic closure or traffic calming. Council adopted to proceed with the traffic closure and process under the Local Government Act. Both options would improve the safety of the Back Creek shared path by completing this gap in the network. The traffic closure provides the opportunity to link both the creek corridor and reserve together and provide for greater opportunity to redevelop Back Creek.

The traffic calming could be implemented in lieu of the traffic closure.

If the traffic closure proceeds the road reserve would remain, enabling the reinstatement of the road in the future if required.

Alternatively, a trial of one or both treatments could be undertaken to better understand the impacts of these treatments.

Timelines:

The implementation of the traffic closure or traffic calming would be implemented as part of the redevelopment of the reserve. Funding has been provided in the current financial year for stage 1 works which does not include Havlin Street East.

Risk Analysis:

The gap in the shared path trail along Back Creek is as a result of the proposal outlined in the original masterplan for Wolstencroft Reserve and consideration of the recently adopted Masterplan for the reserve. This will need to be resolved to eliminate the current risk for pedestrians and cyclists sharing the road with traffic. With traffic management

treatments there are impacts for road users. In this case it is anticipated that both through traffic and local traffic will be impacted. Depending on the location of individual residents this will have a positive or negative impact. Whilst some impacts can be anticipated, the extent of the impact will not be fully understood until a treatment is implemented or trialled.

Consultation/Communication

Community consultation was undertaken regarding the two options identified in the Masterplan being either a traffic closure or traffic calming. Council resolved to progress the traffic closure option. Under the Local Government Act a notice was placed in the Bendigo Advertiser and letters sent to adjoining residents and ratepayers. Letters were also sent to Emergency Services and Regional Roads Victoria.

Resource Implications

The Council has allocated funding in the current financial year for the commencement of works on the Wolstencroft Reserve. These works will commence directly following the final remediation of the site associated with the previous land filling of the area.

Treatment of Havlin Street East is expected to be undertaken as part of the second stage of works which will be considered as part of the development of the 2021/2022 Council budget.

Attachments

1. Extract of minutes from Council meeting 20 January 2020 re Wolstencroft Reserve
2. Copy of public notice placed in Bendigo Advertiser on 25 July 2020.
3. Letters sent to residents
4. Map showing area of distribution of letters
5. An extract from the Wolstencroft Reserve Masterplan detailing the options proposed

2.11 TRAFFIC CLOSURE OF HAVLIN STREET WEST FOR THE EWING PARK DEVELOPMENT

Document Information

Author **Dumi Wewala, Transportation Engineer**

Responsible Director **Debbie Wood, Director Presentation and Assets**

Purpose

The purpose of this report is to seek a decision from Council in response to a proposal for the permanent traffic closure of Havlin Street West, Bendigo, between Harcourt Street and Carnegie Way to accommodate the new facilities and improve safety for reserve users of the Ewing Park development.
Details are shown on the Master Plan - **Attachment 1**.

Summary

As a recommendation of the Ewing Park development masterplan, this report recommends Council approve the permanent traffic closure of Havlin Street West between Harcourt Street and Carnegie Way. This will allow for the construction of the Wheeled Sports Hub and Skate Park as well as improved safety for cyclists and pedestrians accessing the shared path network.

This proposal, as detailed in the attached plan **Attachment 2**, is in accordance with Schedule 11, Clause 9 and Section 207A & 223 of the Local Government Act 1989.

As this proposed permanent closure to traffic may impact on adjoining property owners, the City of Greater Bendigo (CoGB) has recently undertaken a community consultation process and having considered the public view on the strategic plan and submissions with regards to the traffic closure, CoGB Traffic Engineers have formed the view that the road is no longer reasonably required to provide through access.

The CoGB's Active and Healthy Lifestyles indicated that the closure is proposed to allow for the full implementation of the master plan.

Two submissions were received outlining concerns regarding the closure. It is considered that the impacts will be minimal or can be addressed through final design. The closure plan has also been updated to better reflect the location of the traffic closure.

RECOMMENDATION

That Council, following extensive consultation and endorsement of the Ewing Park Development Master Plan:

1. Approve the permanent traffic closure of Havlin Street West, maximising the area of land for the park site and its further development.
2. Implement the closure as per the amended plan as part of the next stage of development at Ewing Park
3. Write back to residents and owners informing them of Council's decision

RESOLUTION

Moved Cr Hawke, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

Policy Context

The new Ewing Park Recreational Reserve project is aligned to the City of Greater Bendigo Community Plan 2017-2021 and Health and Wellbeing Plan 2017-2021 providing positive outcomes for the following key goals;

- Wellbeing and fairness
- Safe and Secure
- Able to Participate
- Connected to culture and community
- Liveable

Background Information

Havlin Street West is a thoroughfare under the care and control of the City of Greater Bendigo. It is a local two-way street, which provides access to Ewing Park Recreational Reserve and a number of residential properties at either end. Between Williamson Street and Mundy Street, both Havlin Street East and Havlin Street West are located within an approximately 60 metre wide road reserve with Back Creek running in the middle dividing the two thoroughfares. The shared path that runs along the creek is known locally as the Back-Creek Trail.

This proposal involves a permanent traffic closure of approximately 200 metre long section of Havlin Street West. The closure of Havlin Street West will allow for the full implementation of the Ewing Park recreational reserve master plan. This master plan includes the installation of Learn to Ride Bike Park, Regional Level Skate Park, Expansion of the Oval, a two-lane running track inside the Oval, Installation of Fitness Equipment, and increased public open space. These elements will make Ewing Park a community focus fitness hub for ages from 3-years learning to ride, skaters, to seniors using the fitness equipment. It will be one of the first such hubs in Bendigo which will be a truly all ages community outdoor hub. Stage 1 of the master plan (currently under construction) has a two-lane running track inside the oval fence and the installation of lights.

Despite the permanent traffic closure, access for pedestrians, cyclists and emergency vehicles will be maintained. The road closure will reduce traffic volumes in Havlin Street West, thereby improving road safety and amenity for residents, school children and other vulnerable road users.

Turning area will be provided on Havlin Street West and Harcourt Street to allow vehicles to safely drop off passengers and turn around next to the closure. Given that currently a majority of the vehicles using Havlin St West are local traffic only, the diverted traffic resulting from the permanent traffic closure is not expected to have a significant impact on the surrounding road network.

The overall upgrade works including the permanent traffic closure will result in a decrease of informal on-street parking opportunities on Havlin Street West. To offset the loss of parking, formalised on street parking facilities will be provided on both the northern approach of Havlin Street West and Harcourt Street.

Options/Alternatives:

The proposed traffic closure and associated works are an essential part of the Ewing Park Recreational Reserve upgrade. Following the completion of the upgrade works to Ewing Park, this section of Havlin Street West will become a new recreational space for community use. Additionally, new shared path connections will run adjacent to the recreational reserve, providing improved connectivity and safety for cyclists and pedestrians.

If the road section is not closed to traffic, the planned elements will need to be scaled back and greatly compromise the overall effectiveness of the all ages community hub. There have been many community consultations regarding the master plan and associated works, and the community at consultations have been overwhelmingly in favour of the traffic closure.

Timelines:

CoGB will notify the residents/landowners of the Council resolution and implement the closure as part of the next stage of the Ewing Park development.

Risk Analysis:

Implementation of the traffic closure in a safe manner will be managed through the provision of professional design services. This mitigates the liability from negligence for which CoGB can be liable.

The traffic closure will require that an emergency access be retained. This shall be designed in accordance with the current Australian and/or Victorian guidelines and standards.

Consultation/Communication

Previous Masterplan Community Consultation

CoGB conducted a comprehensive community consultation process on the Ewing Park Master Plan over the last 24 months and have received a lot of feedback from local residents about the overall proposed changes. The community consultation included a question regarding the proposed traffic closure. Of the 100 submissions received, approximately 90% where in favour of the traffic closure.

Formal Traffic Closure Consultation

In October 2019, CoGB conducted a targeted consultation with local residents and property owners who may be impacted by the proposed traffic closure, inviting them to make a submission regarding the proposed permanent traffic closure. CoGB also contacted Ewing Park user groups (including football and netball clubs), Regional Roads Victoria (RRV), Country Fire Authority (CFA), Victoria Police and Ambulance Victoria to formally comment on the proposal - **Attachment 3**.

A public notice was placed in the Bendigo Advertiser on 26 October 2019 requesting written submissions in accordance with Section 223 of the Local Government Act 1989. Submissions were to be made within 28 days from publication, being 21 December 2019 – **Attachment 4**.

Four submissions were received in response to the public notice. One of the community submissions was in support of the proposal. RRV also indicated their support and stated "RRV has reviewed Council's proposal and has no objections to the permanent road closure and altered traffic conditions."
Two submissions outlining concerns about the proposal were received:

The owner of a Mundy Street property wrote that the *closure of Havlin Street West will divert additional traffic onto Havlin Street East which already has a fair bit of traffic, due to Bendigo Health being in the street.*

CoGB's Traffic Engineers believe that the road safety and traffic operational impacts on the surrounding road network due to the proposed closure will be minimal or negligible as the surrounding road network is well connected and the existing through traffic will be evenly distributed among them. Furthermore, the majority of the current motorists using Havlin St West are either local traffic accessing residential properties along Havlin Street West, Harcourt Street and Carnegie Way or the Ewing Park recreational reserve users. CoGB is also in the process of altering the intersection of Mundy Street and Sternberg Street to ban right turning out from Mundy onto Sternberg. This is an approved and externally funded safety project which will also assist this traffic flow.

The owner of a property in Carnegie Way stated that *it will be great having the road closed allowing access to the creek trail. However, the proposal tends to effect on-street parking and traffic flow around Carnegie Way as the proposed road closure will mean a loss of street parking for Carnegie Way residents, especially for 34A to 34D and 36A to 36D. Also, the customer is concerned about the increasing parking demand once the new additions to the Ewing Park Recreational Reserve is completed. Resident also noted that the roadway already gets congested with junior football over the winter.*

CoGB's Active and Healthy Lifestyles is working closely with the Civil Design and Traffic Engineering Teams to minimise any congestion and parking issues on both Havlin St West and Carnegie Way to avoid any community dissatisfaction. A vehicle turnaround space shall be provided to the current design guidelines and standards. The majority of parking for the reserve needs will be provided in Harcourt Street however on-street parking will also be provided in Havlin Street West between Mundy Street and the proposed closure.

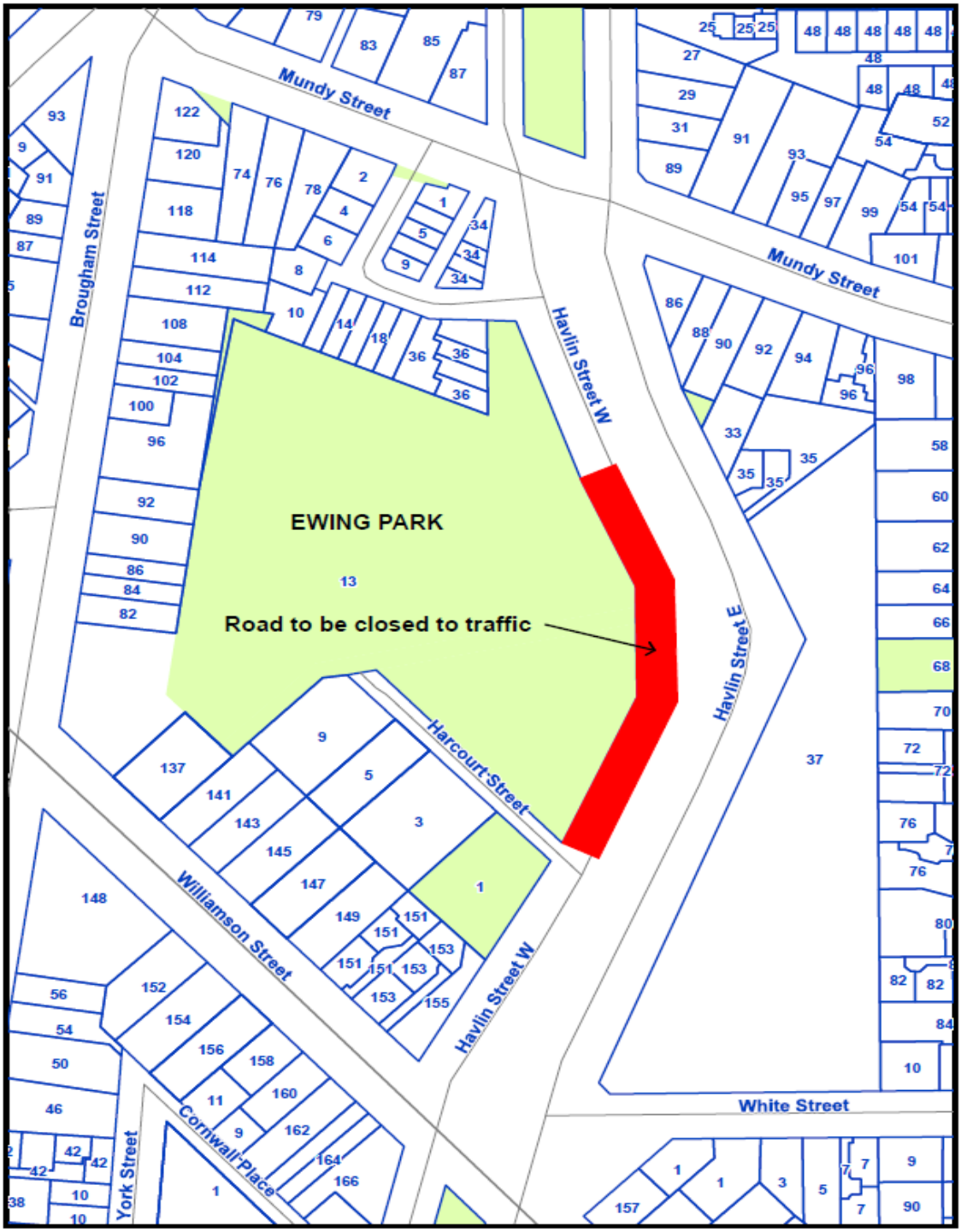
Resource Implications

All costs associated with the traffic closure are to be borne by the Ewing Park Recreational Reserve Upgrade Project.

Attachments

1. Master Plan for Ewing Park

2. Proposed Traffic Closure


EWING PARK
13
Road to be closed to traffic
Mundy Street
Mundy Street
Brougham Street
Havlin Street W
Havlin Street E
Harcourt Street
Williamson Street
Havlin Street W
White Street
York Street
Cornwall Place

3. Letter to Adjoining property owners & Distribution Map

Enquiries: Jo Mason
T: 5434 6000
E: jo.mason @bendigo.vic.gov.au

25 October 2019

«Owners_NA_slab_1»
«Owners_NA_slab_2»
«Owners_NA_slab_3»
«Owners_NA_slab_4»
«Owners_NA_slab_5»

Dear Sir/Madam

Proposed Permanent Road Closure Part Havlin Street West, Bendigo

As a recommendation of the Ewing Park Masterplan, the City of Greater Bendigo proposes to carry out a permanent closure to traffic on a section of Havlin Street West between Harcourt Street and Carnegie Way. This will allow for the construction of the Wheeled Sports Hub and Skate Park as well as improved safety for cyclists and pedestrians accessing the shared path network.

This proposal, as detailed in the attached plan, is in accordance with Schedule 11, Clause 9 and Section 207A & 223 of the Local Government Act 1989.

As this proposed closure to traffic may impact on your property, you are invited to make a submission in regard to the proposal. Please forward your comments in the attached prepaid envelope or email to: b.martini@bendigo.vic.gov.au within 28 days.

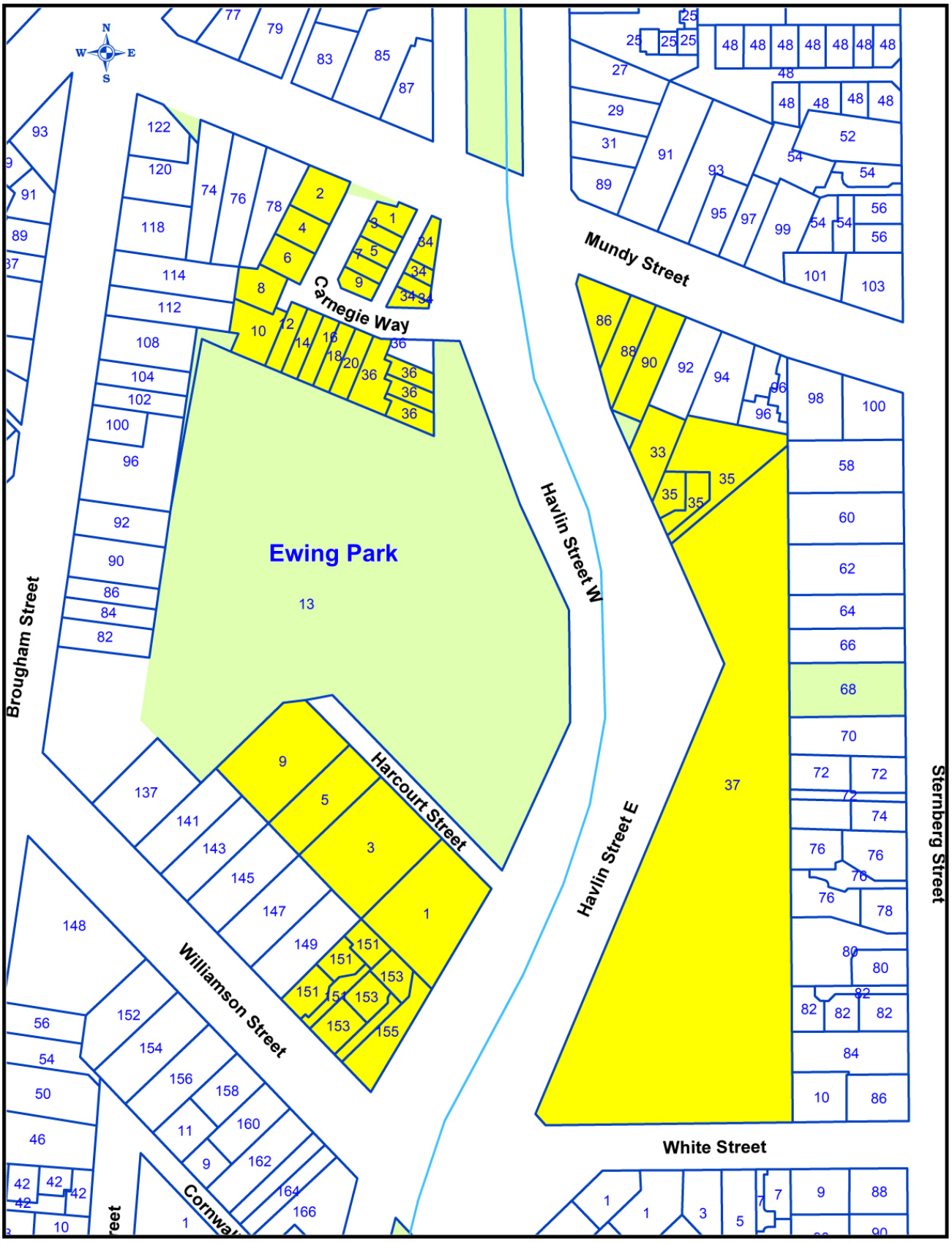
Following the completion of the submission period, the City will determine to implement the proposed closure, not proceed with the proposed closure or consider alternative traffic management options. You will be informed of the outcome of The City's decision.

Should you have further queries regarding this matter or the Ewing Park Masterplan please contact Jo Mason, Healthy Lifestyles Officer on 03 5434 6000.

Yours sincerely

B. Martini

BRETT MARTINI
MANAGER ENGINEERING


Ewing Park
13
Carnegie Way
Mundy Street
Havlin Street W
Havlin Street E
Harcourt Street
Williamson Street
Brougham Street
Sternberg Street
White Street
Cornwall Street
N
W
E
S

4. Public Notice in the Bendigo Advertiser

City of Greater Bendigo
Proposed Permanent Traffic Closure
Part Havlin Street West, Bendigo.

The City of Greater Bendigo proposes to carry out a permanent traffic closure of part of Havlin Street West, Bendigo between Harcourt Street and Carnegie Way in accordance with Schedule 11 Clause 9 and Section 207A of the Local Government Act 1989 as shown on the plan below. This action was highlighted in the Ewing Park Masterplan and will allow for the construction of the Ewing Park Wheeled Sports Hub as well as improve the safety of cyclists and pedestrians accessing the shared path network.

The City will consider written submissions in accordance with Section 223 of the Local Government Act 1989.

For further information please contact the Active and Healthy Lifestyles Unit on (03) 5434 6000. Submissions to be sent to Brett Martini, Manager Engineering, City of Greater Bendigo P.O. Box 733, Bendigo 3552 no later than (28 days from publication).

Craig Niemann
CHIEF EXECUTIVE OFFICER

3. WELLBEING AND FAIRNESS

3.1 PETER KRENZ CENTRE REDEVELOPMENT PROJECT - PROJECT SCOPE

Document Information

Author **Deb Simpson, Project Manager**
Lincoln Fitzgerald, Manager Active & Healthy Lifestyles

Responsible Director **Vicky Mason, Director Health and Wellbeing**

Purpose

The purpose of this report is to update Council on progress achieved in recent months for the Peter Krenz Centre redevelopment and to outline the next steps to be undertaken.

Summary

Peter Krenz Centre (PKC) is located within Eaglehawk's Canterbury Park precinct. The precinct is a high-profile public space within Greater Bendigo's urban growth boundary. PKC currently offers a range of non-aquatic and aquatic services. Whilst PKC has served the community well over several decades, there are growing signs that it is no longer meeting many community members' needs and expectations and that its infrastructure is reaching the end of its lifespan.

Planning for the redevelopment of PKC is one of nine Council priorities to October 2020. Some of the many reasons for this include:
- Existing inequities in community health and wellbeing outcomes and social and economic participation outcomes;
- Changing community needs and expectations;
- Changing market forces;
- PKC's aged and failing infrastructure;
- Changing legislative requirements; and
- PKC's lack of integrated layout contributing to excessive operating costs (particularly staffing and energy costs).

The project presents an opportunity to re-invigorate PKC as a flexible and vibrant community hub that:
- Provides a service mix that can support diverse and evolving community health and wellbeing, social and economic participation needs;
- Better integrates with and supports the activation of its high-profile surrounds;
- Is financially responsible (from both capital and operating cost perspectives); and
- Incorporates environmentally sustainable development (ESD) principles.

A public Expression of Interest (EOI) process for CRG membership elicited a very positive community response: 22 EOIs were received for eight advertised positions. Following a comprehensive EOI assessment process, eight applicants plus a nominated representative from Eaglehawk Croquet Club and Empowering Eaglehawk came together to form the CRG. Collectively, these 10 CRG members offered significant community diversity, networks, knowledge and skills.

The CRG demonstrated a highly collaborative culture and outstanding commitment and productivity. The CRG activity period spanned approximately three weeks and included an induction session, extensive demographic and facility data analysis, two facility tours / inspections, three workshops and broader community engagement.

One of the objectives within the CRG's Terms of Reference (TOR) was "the development of evidence-informed project scope options for Council consideration". In addition to developing a recommended project scope, the CRG also developed recommended project guiding principles.

The CRG's recommended project guiding principles focus on the development of a community hub that promotes:

- Community health and wellbeing (including active lifestyles) and participation;
- Connections between community members and services, both indoors and outdoors;
- Diverse, flexible, multipurpose and accessible services;
- Sustainability across quadruple bottom line measures (socially, financially, environmentally and culturally);
- Partnerships, including some commercial partnerships; and
- Digital connectivity and smart technology as important for equity, positive visitation experiences and operating cost minimisation.

The CRG has recommended a scope of works which represent the needs articulated by their community engagement and merit further investigation as part of the concept and business planning stage of development to ensure they are achievable within the site/constraints, are environmentally and economically sustainable and will deliver the social outcomes desired.

RECOMMENDATION

That Council:

1. Formally acknowledge and thank the following 10 community members for their commitment and contributions to the Peter Krenz Centre Redevelopment Project Community Reference Group:
   - Alison Bacon;
   - Andrew Reid;
   - Charley Daniel;
   - Colin Lambie;
   - Dylan Gaffee;
   - James Sherlock;
   - Jan MacDonald;
   - Julie Clark;
   - Phalen Pezzelato; and
   - Sonya Kilby

2. Endorse the Community Reference Group's recommended project guiding principles to guide any future project progression;

3. Support further detailed investigation, concept development and business planning for the Community Reference Group's scope and options to maximise performance of the Centre;

4. Support this project proceeding to the next stage which includes site concept development and business planning.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Pethybridge.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal # 1	Lead and govern for all
Goal # 2	Wellbeing and fairness
Goal # 4	Presentation and managing growth
Goal # 5	Environmental sustainability
~~~~~~~~~~~~~~~~~~~~~~~~~

Goal # 6	Embracing our culture and heritage

The project also aligns with the following:

Greater Bendigo Health and Wellbeing Plan 2017 - 2021

Goal # 3	Able to participate
Goal # 4	Connected to culture and community
Goal # 5	Liveable

Greater Bendigo Municipal Strategic Statement

21.09-7	Provide adequate community buildings within existing and new neighbourhoods.

Greater Bendigo Public Space Plan 2019

Eaglehawk, Eaglehawk North and Sailors Gully 4 Canterbury Park	Consider redevelopment of PKC to meet modern expectations, aim to reduce the building footprint and increase integration with the surrounding parkland, lake and regional playspace.

Asset Management Plan: Part F – Buildings and structures

Improvement action 14	Service plans to be developed for buildings and structures with documented ‘target’ levels of service.

Strategy Reference (include weblink as applicable):

Draft Greater Bendigo Community Aquatic Facilities Strategy 2021 – 2031

Principle 1 – Equity (i)	Revise service levels to ensure community aquatic facilities are an appropriate scale for the catchment.
Principle 1 – Equity (ii)	Minimise duplication of services where the scale or distribution of facilities does not reflect community needs.
Principle 1 – Equity (iii)	Undertake local planning and analysis to identify catchment service needs and provide the appropriate facilities mix.
Principle 2 – Accessibility (i)	Transition from traditional lap pool provision which meets the needs of fitness and training markets, to more diverse and inclusive facilities which cater for other aquatic market segments including leisure / fun / entertainment, warm water therapy and aquatic education.
Principle 3 – Promote	Undertake place-based planning to identify community needs and consider all options (including aquatic, leisure and community

Wellbeing (i)	programs) to achieve improved health and wellbeing outcomes.
Principle 4 – Partnering (iii)	Build partnerships with health and community service providers to deliver services at aquatic facilities and increase utilisation of spaces.
Principle 4 – Partnering (v)	Support the co-location of services to share costs, improve aquatic facility utilisation and enhances access to services.
Principle 5 – Sustainability (iii)	When considering options for asset renewal or upgrade, minimise environmental impacts such as embodied energy: maximise energy efficiency and source low impact product alternatives.

https://www.bendigo.vic.gov.au/Your-Say/Draft-Community-Aquatic-Facilities-Strategy

Greater Bendigo Environment Strategy 2016 - 2021

Zero carbon	Making buildings energy efficient and delivering all energy with renewable technologies.
Sustainable Buildings and Materials	Adopt and implement contemporary environmentally sustainable design policy standards and practices into City service delivery.
Sustainable water	Using water efficiently in buildings, farming and manufacturing. Designing to avoid local issues such as flooding, drought and water course pollution.
Culture and community	Respecting and reviving local identity, wisdom and culture; encouraging the involvement of people in shaping their community and creating a new culture of sustainability.
Health and happiness	Encouraging active, sociable meaningful lives to promote good health and wellbeing.

https://www.bendigo.vic.gov.au/sites/default/files/2016-09/City-of-Greater-Bendigo-Environment-Strategy-2016-2021.pdf

Background Information

Council's vision is for Greater Bendigo to be the world's most liveable community. Community hubs are synonymous with this vision: they offer diverse, flexible, multipurpose and accessible services to enable the delivery of programs and activities that are aligned to community needs.

PKC is located within Eaglehawk's Canterbury Park precinct. For project purposes, the precinct is considered to be bound by Simpsons Road to the north, Butts Road to the east, Napier Street to the south and Sailors Gully Road to the west. In addition to PKC, the precinct incorporates the Eaglehawk Croquet Fields, Canterbury Park Botanic Gardens, Canterbury Park Oval and Sports Precinct, Eaglehawk (McKern) Skate Park, Lake Neangar and Mulga Bill Regional Playspace.

The Greater Bendigo Public Space Plan 2019 denotes the precinct as being a high-profile public space within Greater Bendigo's urban growth boundary. Over the past decade there has been significant investment in the development or redevelopment of all precinct areas apart from PKC and Eaglehawk Croquet Fields / Rooms (which are situated adjacent to one another).

PKC currently offers a range of non-aquatic and aquatic services, including:
Non-aquatic services
- Reception, office and merchandise area;
- Café; and
- A stadium, incorporating one multi-purpose court, six squash courts (four of which are currently being utilised for fitness training or storage), a gym with cardio and strength training equipment, a group fitness room, a child care room, a kitchen and several meeting spaces.

Aquatic services
- Pool: indoor 50 metre;
- Pool: indoor program;
- Pool: indoor toddler;
- Pool slide;
- Spa; and
- Steam room.

Greater Bendigo's population age, level of relative socio-economic disadvantage and chronic disease / risk factor prevalence profiles are broadly similar to regional Victoria averages, however some Greater Bendigo communities continue to experience poorer health and wellbeing and social and economic participation outcomes.[1]

In 2016, the areas within Greater Bendigo that scored the three lowest (or worst) scores on the Index of Relative Socio-economic Disadvantage (SEIFA Index) were Eaglehawk or immediately surrounding areas:
- Long Gully / West Bendigo / Ironbark – 855.2;
- North Bendigo / California Gully – 884.9; and
- Eaglehawk / Eaglehawk North / Sailors Gully – 919.8.

For comparison purposes, Greater Bendigo's SEIFA Index score was 981.0, regional Victoria's was 977.0, Victoria's was 1,010.0 and Australia's was 1,001.9.[2]

Some other measures highlighting existing inequities in community health and wellbeing outcomes and social and economic participation outcomes for people living in the Eaglehawk / Eaglehawk North / Sailors Gully area include:
- university qualification – 10% (Greater Bendigo 16%; regional Victoria 15%; Victoria 24%);
- unemployment rate – 8.9% (Greater Bendigo 6.4%; regional Victoria 6.0%; Victoria 6.6%);
- population in labour force – 54% (Greater Bendigo 58%; regional Victoria 56%; Victoria 60%); and

[1] Bendigo Loddon Primary Care Partnership Community Health and Wellbeing Profile - August 2020
[2] profile.id.com.au

- median weekly household income - $944 (Greater Bendigo $1,182; regional Victoria $1,124; Victoria $1,416).3

Greater Bendigo's population is forecast to grow by 28.22% between 2020 and 2036 (from 121,349 to 155,596). This forecast population growth is not anticipated to be evenly distributed, with the following areas expected to experience the greatest growth:
- Huntly: 113.55% (from 5,311 to 11,343).
- Maiden Gully: 109.63% (from 5,418 to 11,359).
- Marong / Rural West: 80.01% (from 5,059 to 9,108).
- Strathfieldsaye: 86.33% (from 6,787 to 12,647).

The population in the Eaglehawk / Eaglehawk North / Sailors Gully area is forecast to grow by 9.61% between 2020 and 2036 (from 6,843 to 7,501).[4]

Previous Council Decision(s) Date(s):

In December 2010 Council resolved to adopt the Greater Bendigo Aquatics Strategy which recommended PKC's future be closely examined following the opening of the Gurri Wanyarra Wellbeing Centre (GWWC). In July 2020 Councillors supported the release of a Draft Greater Bendigo Community Aquatics Facilities Strategy 2021 – 2031 for public comment. These have relevance to the project given PKC currently offers a range of aquatic services and some aquatic services also form part of the CRG's recommended project guiding principles and scope.

Report

There is understandably high interest in this project. PKC as it exists today would not have been possible without community advocacy and fundraising efforts spanning several decades. There is also an appreciation that a PKC redevelopment will need to support diverse and evolving community needs for decades to come, whilst also being financially and environmentally sustainable.

Consultants were engaged to update the PKC market research, operations and technical reviews first undertaken in 2016 – to assist with understanding community service needs and gaps, project challenges and opportunities, and how a project scope could respond to those. Some of the key findings discussed at the 15 June 2020 Councillor briefing were:
- PKC's primary population catchment has contracted to residents living within a 10-minute drive, now positioning it as a local level service;
- PKC's annual visitation rates have decreased by approximately 33%;
- PKC's lack of integrated layout contributes to poor visitor experiences and excessive operating costs (particularly staffing and energy costs);
- PKC's income has decreased by approximately 15% whilst expenditure has increased by approximately 10%;
- PKC's net annual result has shifted from a modest profit to a substantial loss;
- there are significant condition and compliance issues with PKC's existing infrastructure. The estimated remaining infrastructure lifespan is between 10 and 20 years, even with significant maintenance expenditure; and

[3] Profile.id.com.au
[4] profile.id.com.au

- based on industry accepted benchmarks for aquatic services population catchments and travel times, Greater Bendigo is over-serviced by aquatic services, particularly 50 metre pools.

To gain an understanding of community service needs and gaps, project challenges and opportunities, and how a project scope could respond to those, the CRG participated in a range of activities including data analysis and broader community engagement.

The PKC market research, operations and technical review reports formed part of the CRG's data analysis. The CRG also participated in a 'question and answer' session with the community hub and aquatic industry consultant who led the research / reviews.

The CRG's broader community engagement included in excess of 50 different organisations and individuals spanning Traditional Owners and Indigenous people, young people, older people, families and children, people with disability, culturally diverse people, community / for-purpose organisations, sporting clubs, service providers and businesses.

The CRG's activities culminated in the development of recommended project guiding principles and a recommended project scope.

CRG's recommended project guiding principles:

1. *The spaces in the Centre should be maximised for multipurpose, flexible community uses.*
2. *The Centre should support improvements in community wellbeing, encourage health, active lifestyles, lifelong learning and skill building.*
3. *The Centre should maximise activation and connection between the facility and its surrounds (lake, park and playground) – bringing the outside in and vice versa.*
4. *The Centre should provide water infrastructure for wellbeing (including fitness) and play.*
5. *The Centre should operate sustainably – socially, financially, environmentally and culturally.*
6. *The Centre should be accessible, affordable and respond to universal design principles.*
7. *The Centre should act as a community hub attracting and servicing a broad and diverse range of community members.*
8. *The Centre should utilise digital connectivity and smart technology to support positive visitor experiences.*

The CRG's recommended project scope:

1. *Multipurpose / flexible activity rooms of varying sizes, including at least one with state of the art technology to support online meetings / remote working. Some should include handwash basins. All should have access to a centralised kitchenette*
2. *Storage spaces of varying sizes*
3. *Library (and potentially a toy library), including free internet (and preferably wi-fi) access*
4. *Child / family friendly play spaces*
5. *Café (with food / beverage / merchandise)*
6. *Kitchen*
7. *Change rooms, toilets and showers ('change village')*
8. *Group fitness / wellness rooms*

9. Gym
10. 51.5 metre (eight lane) indoor pool with a moveable boom
11. Waterplay
12. Hydrotherapeutic services – warm water exercise (hydrotherapy) pool, spa, steam room and cold plunge pool
13. Reception area
14. Potential relocation of the Eaglehawk Croquet Fields / Rooms
15. Potential relocation of Eaglehawk Community House (ECH)
16. Potential childcare / kindergarten services

Design considerations identified by the CRG included:
- Universal design;
- Integration with and activation of the surrounding precinct, especially the gardens, lake, playground and skate park;
- ESD principles;
- Multi-storey options: to promote views of the surrounding precinct and natural surveillance opportunities; to maximise PKC's floor space but minimise PKC's footprint ('go up rather than out');
- Walking and cycling path connectivity; and
- Adequate car parking and bus drop off / pick up points with safety promoted through people / vehicle movement 'separation'.

The CRG did not form a view about whether a PKC redevelopment should seek adaptive re-use of any of existing infrastructure or adopt a demolish and rebuild approach. The CRG considered this should be further explored as part of any preliminary business case / site feasibility concept processes.

Other considerations identified by the CRG included seeking to:
- Maximise partnerships, including with commercial entities, to support capital and operating cost sharing, service diversity and overall PKC amenity / vibrancy;
- Minimise operating costs without compromising service access and quality;
- Operate for a minimum of 16 hours per day, seven days per week in recognition of the growing diversity of people's lifestyles;
- Provide room set up / pack to support the multipurpose / flexible activity room approach (for example, some people identified furniture manoeuvring as being a current barrier to this approach for them);
- Promote local employment; and
- Offer free access to wi-fi that is accessible both indoors and outdoors.

Some aspects of this proposed scope will be challenging to deliver, however it is proposed that in good faith to the CRG that these components should be fully explored during the next stage of concept design and business plan development to understand the financial and operational impacts and any alternative options.

Council should note that major projects such as this will take many years to deliver from this stage of development. For example Gurri Wanyarra Wellbeing Centre was developed over 10 years from the initial proposal until opening. Multiple Councils will be required to endorse this project for it to proceed and it is essential that a clear and transparent scope of work, business plan and informed design process is provided to each respective Council for it to progress.

Priority/Importance:

'Develop plans for the redevelopment of PKC' is one of nine Council priorities to October 2020, with the four actions underpinning that priority being:

- Engage consultants to update the PKC market research, operations and technical reviews undertaken in 2016;
- Develop a Project Stakeholder Engagement Plan, ensuring it will capture the range of PKC user groups who may be impacted;
- Develop a Project Management Plan, including project TOR and a Project Control Group (PCG); and
- Investigate ongoing resourcing for the project.

This report responds to all four of those actions.

Options/Alternatives:

Council officers consider there are three options available to Council as follows:

- Option 1: Seek to maintain PKC's existing infrastructure and services;
- Option 2: Proceed with plans to redevelop PKC;
- Option 3: Decommission PKC and not replace it.

Option 1 is not recommended. The operational review identified that PKC's annual visitation rates have been steadily trending downwards over many years, indicating PKC's infrastructure and services are now failing to meet the needs and expectations of a significant proportion of the community. The downward visitation trend has significantly impacted PKC's revenue and, coupled with increased expenditure costs, PKC's net annual result has shifted from a modest profit to a substantial (and unsustainable) loss. The technical review identified significant condition and compliance issues with PKC's infrastructure. It estimated the remaining lifespan of PKC's infrastructure at between 10 and 20 years, even with significant maintenance expenditure.

Option 2 is recommended.

Option 3 is not recommended. Council officers consider there are identified, genuine community service needs and gaps the project could respond to, with the ultimate objective being to improve community health and wellbeing, social and economic participation outcomes. This view is consistent with Infrastructure Victoria's strategic direction of "infrastructure investment in regional Victoria that … reduces disadvantage, primarily through providing greater access to services and economic opportunities". Council officers also consider the project may present an opportunity to consolidate or rationalise some existing infrastructure (for example, to consolidate the nearby stand-alone public toilets into a PKC redevelopment).

Timelines:

Since June 2020, a CRG was formed and supported the development of this project scope which enables the project to be more fully explored. The next stage is to procure design and business planning services to inform development options. This stage will commence late 2020 until mid/late 2021 subject to Council support to continue this project.

Progress:

Risk Analysis:

The project has been classified a complex project. This classification has been determined by applying the Project Categorisation Matrix (Matrix) - which assesses risk likelihood and consequence - embedded within the City's adopted Project Management Framework (PMF). The project achieved a complex rating across all six of the Matrix's assessment criteria:

- Technical;
- Stakeholders;
- Operational;
- Financial;
- Dependencies / timeframes; and
- Other risks.

As a point of reference, it is not uncommon for complex projects to require the commitment of successive Councils to be progressed from need phase through to close-out phase.

Arguably the greatest risks associated with this project are achieving a project scope that will be responsive to diverse and evolving community service needs and gaps whilst also being financially and environmentally sustainable.

Financial:
The City's Long Term Financial Plan (LTFP) states "it is clear from the modelling undertaken that expenditure growth must be matched to the City's own source revenue. This will require efficiencies, continued budget discipline and ongoing review of service levels and delivery methods over the 10 years".

There is a high risk that the ambitious scope of this project is currently beyond the City's financial resources to build or operate. In response, a robust scoping, concept and business planning process is being utilised to ensure the responsible use of public funding and for transparency to each elected Council regarding the financial impact of any facility. Following the next stage a concept and business plan which considers consultation outcomes, social impact, economic impact and environmental sustainability will be provided to Council.

Environmental:
Centres of this scale are large energy consumers particularly where large air and water volumes must be heated/cooled. There are major financial implications linked to decisions which will be made during the development of this project. While this project will apply contemporary ESD policy standards and practices, strong decision making regarding the site, scope and scale will be critical to minimising environmental impact.

Another key consideration in planning for any potential capital project is site due diligence. The PKC site is highly constrained and technical in nature. Contributing factors to this include the abutting Eaglehawk (McKern) Skate Park and Lake Neangar to the north, the Mulga Bill Regional Playspace to the east, Napier Street and the Eaglehawk Croquet Fields to the south and the Canterbury Park Botanic Gardens to the west.

Preliminary site due diligence undertaken includes:
- Site history: Traditional Owner linkages; previous community investment;
- Site analysis: titles and boundaries; certificates of occupancy; topography; service locations, capacities and compliance (including data, drainage, gas, phone, power, sewer and water);
- Geotechnical and hydrology analysis: soil structure; contamination; water table level and reactivity; salinity;
- Surrounding precinct data: people movements; vehicle movements and parking; and
- Surrounding precinct and site-specific usage considerations, particularly with regard to the Greater Bendigo Planning Scheme (Planning Scheme).

The preliminary site due diligence has identified part of the site is not owned / managed by the City with DELWP being the responsible authority. It has also identified that cultural heritage management, heritage overlay sensitive design, broader precinct integration and activation, water table level and reactivity, and potential service relocation and capacity upgrades will be key project planning and design considerations. For example, there is a major storm water drain currently running under the southern edge of the site and subsidence of parts of PKC's existing infrastructure have been attributed to this drain. A drain realignment has therefore been recommended and will need to be factored into the drainage capital works budget and forward program should Council opt to progress the project. Whilst it is anticipated that each of these considerations will be able to be effectively managed, it is also anticipated they may add significantly to project delivery costs.

Consultation/Communication

Internal Consultation:

A project governance framework has been established and is operational. It incorporates both a PCG and Internal Project Team (IPT). The PCG's role is focused on project governance across scope, schedule, budget, communication and risk. Its membership has been determined by the PMF's requirements for a complex project. The IPT's role is more technical in nature.

The Project Management Plan (PMP) has been considered by the City's Major Projects Panel. The only suggested PMP change arising from this process was a greater emphasis on precinct integration and activation opportunities. Treatment of the existing Eaglehawk Croquet Fields and the car park between PKC and Mulga Bill Regional Playspace were identified as key priorities in this regard, as too were any future PKC interfaces with Canterbury Park Botanic Gardens, Lake Neangar and Napier Street.

Given the project's priority and complexity, regular briefings with the City's Executive Management Team (EMT) and with Councillors have been viewed as important for project progress information sharing and for collaborative risk identification and management. EMT briefings have been undertaken on 19 May 2020 and 28 July 2020. Councillor briefings have been undertaken on 15 June 2020 and 17 August 2020.

The possibility of establishing a CRG was explored with Councillors at the 15 June 2020 Councillor briefing. CRG's are consistent with the Local Government Act 2020's focus on deliberative engagement as well as the 2017 Victorian Auditor General's Office report on Public Participation and Community Engagement: Local Government Sector: "the real-life experiences of community stakeholders can make a valuable contribution to decision making, and an open and deliberative process can enhance community stakeholders' perceptions of the credibility of the decision".

External Consultation:

After receiving Councillor support to establish a CRG, a public EOI process for CRG membership was implemented. The opportunity to submit an EOI was open from 16 June 2020 to 1 July 2020 and was widely promoted. The EOI process invited interested community members to provide information about their capability / capacity for:

- Community leadership;
- Strategic thinking;
- Experience in community facility planning, governance, management and/or use; and
- Broader community networking.

22 EOIs were received for the eight advertised positions. Apart from assessment of the capability and capacity based EOI responses, the EOI assessment panel (comprised of three Council officers and one Whipstick Ward Councillor) also considered diversity of community representation. Following a comprehensive EOI assessment process, the following eight community members were selected as CRG members:

- Alison Bacon;
- Andrew Reid;
- Charley Daniel;
- Colin Lambie;
- Dylan Gaffee;
- James Sherlock;
- Julie Clark; and
- Phalen Pezzelato.

These eight community members were also joined by an Empowering Eaglehawk representative (Sonya Kilby) and an Eaglehawk Croquet Club representative (Jan MacDonald) to make up the CRG. Collectively, these 10 CRG members offered significant community diversity, networks, knowledge and skills.

All people who submitted an EOI were notified of the EOI assessment process outcome. Those who were not invited to join the CRG were offered the opportunity to provide input via other mechanisms. Some took up this offer, others did not.

The CRG's TOR listed its objectives as:
"To support diverse community engagement and representation to enable:
- Shared learning about community service needs and gaps;
- Shared learning about PKC challenges and opportunities;
- Any aspirations and apprehensions about the project to be consistently understood and appropriately considered; and
- The development of evidence-informed project scope options for Council consideration."

In recognition that some commercially sensitive and not publicly available information would need to be shared with the CRG to enable it to form comprehensive recommendations, the CRG's TOR included the following confidentiality clause:
"Members will be provided with some commercially sensitive and not publicly available information. It is expected that members will maintain confidentiality regarding any such information and use it for CRG purposes only".

A CRG induction session was held on 23 July 2020 which:
- Provided information about the project's background and its current status;
- Confirmed CRG objectives and timelines;
- Explored CRG success measures;
- Explored CRG preferences for broader stakeholder identification and mapping; and,
- Identified what data / information the CRG would like to be provided with in order to feel well prepared for Workshop 1.

At the introductory session the CRG agreed to the following activity timetable:
- 28 July 2020: PKC tour / inspection;
- 30 July 2020: Workshop 1;
- 31 July 2020: GWWC tour / inspection;
- 6 August 2020: Workshop 2; and
- 13 August 2020: Workshop 3.

The CRG understood these timelines were ambitious but also necessary to enable time for preparation of a report for consideration at the scheduled 16 September 2020 Council meeting.

Whipstick Ward Councillors were invited to attend Workshops 1, 2 and 3 and took up this invitation.

In Workshop 1 the CRG:
- Explored themes, challenges and opportunities identified through their demographic and facility data analysis and PKC tour / inspection;
- Identified potential community service needs and gaps; and
- Planned for broader community engagement relating to the above.

During Workshop 2 the CRG participated in a 'question and answer' session with the community hub and aquatic industry consultant who led the PKC market research plus the operational and technical reviews. The CRG also:

- Explored themes, challenges and opportunities identified through their GWWC tour / inspection;
- Distilled the findings of their broader community engagement, particularly with regard to community service needs and gaps, project challenges and opportunities, and how a project scope could respond to those;
- Started developing draft project guiding principles and scope; and
- Planned for broader community engagement relating to the above.

The CRG's primary focus in Workshop 3 was finalising the recommended project guiding principles and scope based on the findings of the broader community engagement. This broader community engagement spanned in excess of 50 different organisations and individuals representing Traditional Owners and Indigenous people, young people, older people, families and children, people with disability, culturally diverse people, community / for-purpose organisations, sporting clubs, service providers and businesses.

Draft workshop process and outcome summaries were prepared and circulated following each workshop to check for shared understanding.

At the conclusion of all three workshops a draft process and outcomes summary was circulated to the CRG for review and feedback. Four CRG members provided suggested amendments. These suggested amendments were incorporated into a final version which was circulated to the CRG.

The CRG should be highly commended for its commitment and contributions to the process and outcomes. The City's values of listen, learn, care, contribute, respect and respond were evident in all CRG interactions. The CRG also demonstrated an indisputable sense of broader community responsibility and an outstanding work ethic. The CRG has expressed an interest in being involved in supporting future project stages and advocacy should the opportunity present.

The CRG identified that community expectation management should be a priority, especially what the next steps will be and what opportunities there will be for further community engagement and influence.

Resource Implications

Delivering on Long Term Financial Plan objectives will require:

- Taking all opportunities to ensure legacy and major infrastructure renewal can be funded into the future. The City's long term infrastructure renewal spending will be $4M to $5M below depreciation annually over coming years, which means that in the longer term, rationalisation of some services and assets will be required; and
- Not progressing capital projects that do not have significant partner co-funding, especially in the context of COVID-19 impacted budget periods. COVID-19 continues to generate uncertainty in rates collection, fees and upcoming inflation rates, placing significant pressure on current and future year budget allocations.

Resourcing this significant project is beyond the resources of Council and will require advocacy towards enabling some State and Federal Government project contributions, as well as exploration of commercial, community and philanthropic partnerships potential.

As a general rule, the greater the diversity of the proposed service mix, the greater opportunity there is to attract diverse contributors to capital and operating costs.

Budget Allocation in the Current Financial Year:

$200,000 has been allocated within the 2020/21 budget to support project progression.

Projected costs for future financial years:

The CRG sought advice regarding different community hub revenue generation considerations from an internationally renowned community hub and aquatic services market research, planning, design and operations consultant. The CRG was advised that generally:

- Health and fitness services (e.g. group fitness classes, gym) should be able to generate 40% to 50% above operating costs;
- Food / beverage / merchandise services (with commercial operators) should be able to generate 20% to 30% above operating costs; and
- Allied health / wellness services (with active coordination and marketing) should be able to generate 20% to 30% above operating costs.

Having a diverse ‘blend’ of services within a community hub is integral to financial sustainability.

Council will need to consider resourcing future stages of this project in the context of all other 2021/22 budget considerations.

Any ongoing recurrent expenditure required:

This facility will continue to be provided as a service. The facility will make an operational loss. The current scope of the project will require significant recurrent expenditure. The next stage of business planning based on facility concepts will better inform this cost for consideration by Council. Through the concept and business planning stage of development, Council will be provided with options which demonstrate different financial performance from different facility options.

Attachments

Nil

4. STRENGTHENING THE ECONOMY

4.1 ITINERANT TRADING POLICY (AUGUST 2020)

Document Information

Author **Sam Johnston, Coordinator Investigations**

Responsible Director **Vicky Mason, Director Health and Wellbeing**

Purpose

The purpose of this report is to consider submissions received in response to the public exhibition of the endorsed draft Itinerant Trading Policy and recommends that Council adopt the final Itinerant Trading Policy.

Summary

Council endorsed the draft Itinerant Trading Policy (Policy) at its Ordinary Council meeting on 15 July 2020 and supported the public exhibition of the draft Policy for 21 days, inviting any person affected to make a submission for consideration.

Twenty-five (25) external written submissions were received and four (4) internal staff/units not included in the internal working group provided comments in response to the public exhibition of the Policy. The key issues that emerged included:

- Support for itinerant trading at Lake Weeroona.
- Opposition to transitioning current traders at Lake Weeroona to a public tender process.
- Support and opposition for the alignment with the City's other policies and strategies such as '*DHHS Healthy Choices Food and Drink Classification Guide'*.
- Limiting public space use to local traders and/or businesses.
- The need for a 'remove and make good' clause to be included with respect to obsolete infrastructure installed by itinerant traders.
- Clarification on requirements relating to permanent and temporary structures
- A request for policy alignment with the City's draft '*Waste Wise Events Single Use Plastic Policy*.'
- Request for the tender process to be longer than 1 year (5-10 years).
- Clarification of some internal roles and responsibilities.

All submissions and comments were considered, resulting in several amendments being included in the final Policy. Key changes include:

- Addition of an 'exemption clause' for existing itinerant traders at highly desirable and sustainable sites, exempting them from the tender process to be implemented at highly desirable and sustainable sites.

- Provision for the consideration of a sunset clause for the 'exemption clause' during the first Policy review.
- Local businesses to be given favourable weighting in the tender process.
- Addition of a 'make good' clause for obsolete infrastructure at the itinerant trader's cost.
- Policy alignment with Council's 'draft Waste Wise Events Single-Use Plastics Policy.
- Removal of the reference to an 'annual' tendering process, with the City adopting a more flexible approach to length of tender.

Submitters have received an acknowledgment from the City and will receive a letter detailing the City's response to their submission after Council's Ordinary meeting on 16 September 2020.

The final Itinerant Trading Policy is presented to Council for adoption.

RECOMMENDATION

That Council:

1. Acknowledge the submissions received in response to the public exhibition of the endorsed draft Itinerant Trading Policy.
2. Adopt the Itinerant Trading Policy.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Lead and govern for all
Objective 1.2 Explain the reason for its decisions

Goal 2 Wellbeing and fairness
Objective 2.5 Create safe and resilient communities

Goal 3 Strengthening the economy
Objective 3.1 Support our local businesses and industry to be strong, vibrant and to grow and develop
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Goal 4 Presentation and managing growth
Objective 4.4 Keep Greater Bendigo attractive with good quality public facilities and places

Goal 6: Embracing our culture and heritage
Objective 6.2 Build pride in and shared responsibility for our public spaces

Greater Bendigo Health and Wellbeing Plan 2017-2021

Goal 2 Safe and Secure
Objective Increase community safety

Goal 5 Liveable
Objective Facilitate supportive built and natural environments

Background Information

Itinerant trading is effectively the use of public land for commercial purposes and should always be considered a privilege not a right. It is essential that the City of Greater Bendigo (City) manages itinerant trading in Greater Bendigo in a consistent way, to provide assurance to Council and the Community that the process is fair and transparent and reflects contemporary views.

While the Community Local Law and previous iterations have created the need for a permit for itinerant trading, the Community Local Law does not provide specific means by which an application will be assessed. Historically, the approach has been to consider applications in isolation, based on the *Street Trading and Outdoor Dining Facility Code of Practice* and any other matter considered relevant at the time.

Importantly, the purpose of the Local Laws is to provide a safe public environment by regulating, prohibiting and controlling activities so that they are not dangerous, unsafe or detrimental. To date, applications have been processed using this purpose as the basis for decision making with no guidance on how to consider other important matters.

To address this policy gap, the draft Itinerant Trading Policy was developed by an internal working group with broad membership from across the organisation. It was determined that having a Council adopted policy would be the most appropriate response, as the process would allow for public exhibition and submission consideration.

Previous Council Decision(s) Date(s):

At its Ordinary meeting on 15 July 2020, Council:

1. Endorsed the draft Itinerant Trading Policy; and

2. Supported the release of the draft Itinerant Trading Policy for public consultation for a period of 21 days.

Report

At its July Ordinary meeting, Council resolved to publicly exhibit the endorsed draft Itinerant Trading Policy for a 21-day period. Twenty-five (25) external written submissions and four (4) internal comments were received in response to the exhibition of the Policy.

A summary of all external submissions received, and the City's response is shown in the following table – note submissions have be de-identified.

No.	Summary of submission	Officer Response
1, 2, 4, 5, 9, 14, 20	Support for itinerant trading to continue at Lake Weeroona.	Acknowledged
3, 6, 8, 10, 11, 12, 13, 15, 16, 17	Section 6.7.2 Opposition to introducing a tender process to the existing itinerant traders at Lake Weeroona, instead requesting they continue to trade under current arrangements.	Partially supported. Continue to implement a tender process at the highly desirable and sustainable sites; however, introduce an exemption clause for existing traders at highly desirable and sustainable sites allowing them to continue to trade under current arrangements.
18, 19, 21, 23, 25	Section 6.7.3 Supportive of draft policy position to incorporate healthy eating principles/guidelines	Supported. Section number changed from 6.7.3 to 6.7.5 for administrative reasons.
7	Section 6.7.2 Submission advocating for public spaces being only for local businesses	Supported. Local business to be given favourable weighting in the tender process.
22	Section 6.7.2 Submission advocating for tender process to be for longer periods (5-10 years)	Supported. The City will be flexible and consider longer periods and remove 'annual' from section 6.7.2
16	6.7.3 Opposed to the implementation of Healthy Choices	Not supported. Policy alignment key principal of Policy.
15, 16, 17	6.7.2 Seeking clarity around the length of time of the tender.	Supported. The City will be flexible and consider longer periods and remove 'annual' from section 6.7.2
24	Does not support the application of the Policy to a specific section of public land due to existing land management arrangements.	Not supported. Continue to work with the submitter to resolve the scope of the Policy and land management

		arrangements.

A summary of all internal comments received, and the City's response is shown in the following table.

No.	Summary of comments	Officer Response
1, 2	Section 6.7.3 Supportive of draft policy position to incorporate healthy eating principles/guidelines	Supported. Section number changed from 6.7.3 to 6.7.5 for administrative reasons.
3	Section 6.4.2 Clarity on the wording used within this section particularly the word' may'	Supported. Wording changed in policy to clarify meaning of 'may'.
3	Section 6.5.5 Submission requesting a 'remove and make good' clause	Supported. Introduced the make good clause 6.5.6
3	Section 6.7.1 Sought clarification in the policy about permanent structures and the removal of temporary structures outside trading hours.	Partially Supported. Approval for permanent structures is outside the scope of this policy therefore no policy change required. Approvals will include a condition requiring the removal of all temporary structures outside trading hours therefore on policy change required.
4	Section 6.7.3 Submission advocates for alignment with draft council policy on single-use plastics	Supported. Added this policy alignment in section 6.7.5 and Section 8 Related Documents.
3	7.2.3 Seeking clarification on internal roles and responsibilities with respect to reviewing and approving infrastructure installation.	Supported. Added 7.2.3 (b) clarifying internal roles and responsibilities.
3	6.7.2 Requested that a sunset clause be included for the exemption clause.	Supported. Added section 6.7.4 to support consideration of a sunset clause.

The final Itinerant Trading Policy was reviewed by the internal working group and received support to proceed to Council for adoption.

Priority/Importance:

It is a high priority that the City has a Council adopted Itinerant Trading Policy.

Options/Alternatives:

A continuation of the current absence of policy was considered not appropriate as it does not provide the community the reassurance that the City has a framework to make consistent and balanced decisions for itinerant trading within the municipality.

It was determined that a Council adopted policy rather than an organisation policy was the most transparent approach, giving the community the opportunity to submit their views on the proposed approach for the City's consideration.

Timelines:

Action	Date
Council endorsed and supported the release of the draft Policy for a period of 21 days seeking community feedback	15 July 2020 - completed
The City considers the community feedback and finalises the Policy	August 2020 - completed
Council considers the final policy for adoption	16 September 2020

Risk Analysis:

Risks associated with staff at the City managing itinerant trading in the absence of policy are that:

- an inconsistent approach could result across the municipality
- no formalisation of roles and responsibilities

Pursuing the endorsement by Council of a policy will provide the framework for staff to manage itinerant trading in a transparent, consistent and fair manner.

The impact on current traders is acknowledged as some have enjoyed trading from a single location for many years. This impact will be managed in the implementation of the Policy if adopted.

Consultation/Communication

The Policy has been developed in line with the City's internal organisation policy framework.

Internal Consultation:

The Policy has been developed with broad internal consultation and collaboration with relevant units and key positions, detailed in the following table:

Unit	Key contributors
Health and Wellbeing	Director Health and Wellbeing
Governance	Manager Governance Coordinator Legal Services

Parks and Open Space	Manager Parks and Open Space Team Leader Natural Reserves
Property Services	Manager Property Services Team Leader – Commercial Operations and Project Officer
Regional Sustainable Development	Coordinator Public Space and Place Making
Community Partnerships	Manager Community Partnerships
Safe and Healthy Environments	Manager Safe and Healthy Environments Coordinator Investigations Team Leader Local Laws Administration and Systems Support Officer

Four (4) internal staff/units not included in the working group provided comments in response to the exhibition of the draft Policy.

External Consultation:

External consultation was undertaken through a public exhibition and submission process. Existing Itinerant Traders were contacted individually. A summary of the submissions has been included in the report.

Twenty-five (25) written submissions were received and all were acknowledged in writing thanking them for taking the time to participate in the process.

All submitters will be notified in writing of the final version of the Policy and the changes made as a result of their submission and the reasoning for inclusion or non-inclusion relevant to their submission.

Resource Implications

The Policy has been developed using existing resources.

The budget implications of introducing the Policy are forecast to be minimal as the fees and charges are to be based on a full cost recovery model.

Attachments

1. Itinerant Trading Policy

CITY OF GREATER BENDIGO

ITINERANT TRADING POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie *15 March 2016 (Effective from 1 July 2016)*)
Review cycle:	Within twelve months after each Council election
Review Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie *15 March 2016 (Effective from 1 July 2016)*)
Responsible Officer:	Manager Safe and Healthy Environments
Owner:	Safe and Healthy Environments
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	*Local Government Act 2020* *Crown Land (Reserves) Act 1978* *Road Safety Act 1986,* *Road Management Act 2004 (Vic),*
DOCSETID:	Click here to enter text.

1. PURPOSE

1.1 The purpose of this policy is to provide a functional framework for managing itinerant trading in the public realm and facilitate consistent decision making.

1.2 This policy seeks to:

(a) Provide a fair and balanced approach to the use of public space;

(b) Ensure safe, orderly and appropriate activation of public space;

(c) Provide clarity and certainty for the community;

(d) Formalise roles and responsibilities; and

(e) Manage the public risk.

2. BACKGROUND

2.1 Council's vision is for Greater Bendigo to be '*the world's most liveable community*' and this policy has been developed to ensure that itinerant trading can contribute to that vision.

2.2 In accordance with the Community Local Law, itinerant trading in Greater Bendigo requires a permit from the City. This policy will help guide and assist the management of itinerant trading in the municipality by providing a transparent, consistent and fair approach, for the benefit of all.

3. SCOPE

3.1 This policy applies to all itinerant trading on land owned or managed by the City where that trading is at:

(a) Any time or day, regardless of the frequency or duration; and

(b) A single location only; or

(c) Multiple locations at different times, or simultaneously.

3.2 This policy does not apply to itinerant trading, where that itinerant trading is:

(a) Conducted on land not owned or managed by the City;

(b) Associated with a fixed premise business and captured by an '*outdoor dining and street trading'* permit;

(c) Conducted on land owned or managed by the City, but controlled by others under a lease, licence or agreement, and that itinerant trading is sanctioned by the lessee, sub-lease, licensee or other;

(d) A home delivery service from a fixed premise business; or

(e) Captured as part of a permitted event, where that itinerant trading is:

(i) Sanctioned by the event organiser; and

(ii) Covered by the event organisers public liability and professional indemnity insurance.

4. DEFINITIONS

In this policy:

Authorised Officer means any person appointed by the Council for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

City means the Greater Bendigo City Council.

Community Local Law means the Greater Bendigo City Council Community Local Law.

CPTED means crime prevention through environmental design.

Exemption clause means a clause exempting certain pre-existing classes of itinerant traders from the tender process at highly desirable and sustainable sites

Highly desirable and sustainable means a site that has accommodated one or more itinerant trader at least monthly for longer than a twelve-month period.

Itinerant trader means any person or persons who for the purposes of selling or offering for sale any goods and/or services from a vehicle, caravan, table, stall or other similar structure.

Itinerant trading means the sale or offering for sale of any goods and/or services from a vehicle, caravan, trailer, table, stall or similar structure.

Outdoor dining means an area that is used by patrons to sit down and consume beverages/meals from an adjoining fixed premise.

Street trading means the use of a road or part thereof including a footpath for the sale or display of goods or signs or for an outdoor dining area.

Suitably authorised person means a person in a position with delegated authority to represent an organisation or agency.

5. PRINCIPLES

The City's general position regarding itinerant trading will:

(a) Employ a placemaking mindset;

(b) Support activation of public spaces;

(c) Acknowledge the contribution it makes to creating safer neighbourhoods through its CPTED benefits;

(d) Ensure community safety is not compromised;

(e) Minimise the red tape embedded in the process;

(f) Encourage diversity;

(g) Facilitate equitable access;

(h) Balance potential competitive and complementary impacts on other traders;

(i) Have regard to the social and economic impacts; and

(j) Facilitate integration of the City's plans and strategies.

6. POLICY

6.1 Policy statement

The use of public land for commercial purposes is a privilege not a right. The City seeks to strike a balance between supporting itinerant trading for the benefits of public space activation and preserving those spaces for use by all. While the City's Community Local Law defines the activities that require a permit, this policy seeks to provide assurance to the community that the City will manage itinerant trading on public land transparently, fairly and for the benefit of all.

6.2 Land owned or managed by the City of Greater Bendigo

6.2.1 Applications for itinerant trade must clearly identify the land on which the trading is proposed.

6.2.2 The City must be satisfied that it is either the land owner, or land manager prior to considering any application for itinerant trading.

6.2.3 Where the City is the land manager, applications for itinerant trading cannot be considered unless the land owner has provided consent for the proposed use in writing, or the land management arrangements authorise the City to do so.

6.2.4 Land owner consent must be issued by a suitably authorised person.

6.2.5 Permits for itinerant trade will not be issued where the land owner has not, or does not, consent to the proposed use.

6.2.6 The City reserves the right to determine whether to grant a permit or not for itinerant trading on land managed by the City, where the land owner has consented to the proposed use.

6.2.7 The City reserves the right to refuse a permit for itinerant trading on land owned or managed by the City, where there is evidence that the proposed use would have a detrimental impact on the amenity of the site or general area.

6.3 Appropriate locations

6.3.1 The City reserves the right to decide the suitability of any location for itinerant trading. When determining if a location is suitable, the City may consider matters such as (but not limited to):

(a) The proximity to land zoned General Residential (GRZ) under the Greater Bendigo City Council Planning Scheme;

(b) The proximity to, and nature of, existing traders and businesses;

(c) The utility services available at the location;

(d) The *Road Safety Act 1986* and the *Road Management Act 2004 (Vic)*; and

(e) The proximity of other infrastructure including (but not limited to) waste bins, public toilets, parking, fire plugs and bus stops.

6.3.2 The City will not permit itinerant trading:

(a) In a public park or reserve, unless the itinerant trading is associated with a temporary event and/or the site is a 'highly desirable and sustainable site' as referred to in section 6.3.3, 6.3.4, 6.3.5 and 6.3.6 of this policy; or

(b) On a footpath, unless that itinerant trading is captured in an *'outdoor dining and street trading'* or '*activity in a public place'* permit; or

(c) On a road or road reserve, unless that itinerant trading is included in an '*activity in a public place'* and/or the site is supported by the City for itinerant trading; or

(d) In an 'on-street' formed car parking bay, unless included in an '*outdoor dining and street trading'* or '*activity in a public place'* permit.

(e) Where utilities such as power and water are necessary but unavailable, and their installation is not practical, viable or desirable for any reason.

6.3.3 At sites identified by the City as 'highly desirable and sustainable' for itinerant trading, for example Lake Weeroona, the City will transition that annual approval process to a tender based process within two years of adopting this policy.

6.3.4 Existing approved itinerant traders at highly desirable and sustainable sites will be exempt from the tender process in accordance with clause 6.7.3.

6.3.5 Where existing itinerant trading has been approved by others at Gateway Park, the City will take over the approval role in line with current land management agreements, and implement a tender based process within two years of adopting this policy.

6.3.6 The City will undertake an annual review of the suitability of 'highly desirable and sustainable' sites and ensure that any new and emerging sites are included in the tendering process referred to in section 6.7.2 and 6.7.5 of this policy.

6.4 Exclusive use rights

6.4.1 Any permit issued for itinerant trading at a site does not give the permit holder exclusive use rights to the site. Where that site is nominated in an '*activity in a public place'* application, the City can issue a permit for the activity, to run concurrently with any existing itinerant trading permit.

6.4.2 In limited circumstances such as an event, itinerant trading permit holders will be given no less than 2 weeks' notice where possible, that they will not be able to trade during that event, where that trading is not sanctioned by an event organiser.

6.5 Access to utilities

6.5.1 Where connection to the City's utilities is required to support any application for itinerant trading, all costs associated with the connection and use must be met by the applicant.

6.5.2 Where connection to the City's utilities is required but not available, all costs associated with the provision of those utility services must be met by the applicant and can only be undertaken at such time that a permit has been granted.

6.5.3 Where works are required to provide utilities, the land owner must provide written consent for the works to be undertaken, from a suitably authorised person.

6.5.4 All works will be undertaken to the standards set by the land owner.

6.5.5 All infrastructure installed to support itinerant trading, including utilities, remain the property of the land owner.

6.5.6 Where infrastructure has been installed by an itinerant trader, and it is no longer required by the trader or the City, the trader will be required to remove the infrastructure from the site and make good, at their cost.

6.6 Public liability and professional indemnity insurance

Approvals will only be issued where applicants provide proof of public liability insurance and professional indemnity insurance for an amount not less than ten million dollars ($10,000,000) current at time of the itinerant trading.

6.7 Applications for itinerant trading

6.7.1 All applications for itinerant trading must include:

(a) A completed application form;

(b) A certificate of currency for public liability insurance and professional indemnity insurance for a minimum of $10,000,000;

(c) Copy of current Food Act 1984 registration (for food businesses);

(d) Application fee;

(e) Nominated site(s) details including address;

(f) Proposed day(s) and time(s) of operation;

(g) Proposed period(s) of operation;

(h) Diagram(s), photo(s) or illustration(s) representing the proposed design and proximity to existing infrastructure or site features;

(i) Nature of business and products to be traded;

(j) Details of waste management (including litter and waste water), utility needs and vehicle registration (if applicable); and

(k) Details of any proposed signage.

6.7.2 Where there is interest from multiple traders for a site, that site will be considered a 'highly desirable and sustainable' site and included in the City's tendering process at the next renewal period.

6.7.3 Existing traders at highly desirable and sustainable sites will be subject to an exemption clause, that:

6.7.3.1 exempts them from the tender process;
6.7.3.2 maintains their current annual approval process via a licence agreement;
6.7.3.3 prohibits the transfer of this exemption to others;
6.7.3.4 requires them to adhere to all other sections of this policy.

6.7.4 The application of an exemption clause to existing traders will be subject to a sunset clause at a time to be determined at the first review of the Policy.

6.7.5 Where the City seeks tenders for 'highly desirable and sustainable sites', due consideration will be given to applications that align with the City's strategic objectives.

6.8 Assessment of applications for itinerant trading

When assessing applications for itinerant trading, Authorised Officers will:

(a) Review all information provided by the applicant to ensure that it is a complete application;

(b) Issue a further information request to the applicant should there be insufficient information provided, or items requiring further clarification;

(c) Assess the application against the Community Local Law and the '*outdoor dining and street trading code of practice'*;

(d) Assess the application against the relevant sections of the *Road Safety Act 1986* and the *Road Management Act 2004 (Vic)*;

(e) Refer the application to external authorities as required for comment, e.g. Regional Roads Victoria and Victoria Police;

(f) Refer the application to internal departments as required for comment;

(g) Consider any other matter relevant to the application;

(h) Determine whether to grant or refuse an itinerant trading permit;

(i) Determine all conditions relevant to approving the application and detail those conditions on any subsequent permit; and

(j) Notify the applicant of the decision to grant or refuse a permit in writing.

6.9 Revocation of permits

6.9.1 The City reserves the right to revoke an itinerant trading permit in the following circumstances:

(a) A permit holder did not comply with permit conditions.

(b) A permit holder did not follow a direction by an Authorised Officer.

(c) The City decides that the site is no longer suitable for itinerant trading.

6.9.2 At sites where the City decides that a site is no longer suitable for itinerant trading, any impacted permit holder(s) will be given no less than one months' notice in writing of the City's intention to revoke a permit.

6.9.3 Where the City determines that an itinerant trade permit should be revoked; the permit holder will be notified in writing as per section 6.9.2 of this policy and be given two weeks to submit reasons for consideration as to why the permit should not be revoked.

6.9.4 Any submission (written or verbal) relating to section 6.9.3 of this policy will be reviewed in accordance with the *Greater Bendigo City Council Local Law No. 10 – Administration*.

6.9.5 A permit holder is not entitled to any form of compensation should an itinerant trading permit be revoked.

6.10 Appeal of decision to refuse

An applicant may appeal a decision to refuse to issue a permit in accordance with the *Greater Bendigo City Council Local Law No. 10 – Administration*.

6.11 Permit fees and renewals

6.11.1 Itinerant trading permit fees will be determined annually in line with Council's annual budget process.

6.11.2 The City's fee structure will provide a financial incentive for applicants that implement the Victorian Government's Healthy Choices Guidelines.

6.11.3 Itinerant trading permits will be issued for a maximum of twelve months and will expire on 30 June annually.

6.11.4 Itinerant trading permits for 'highly desirable and sustainable' sites will be for the terms of the agreement determined during the tender process.

6.11.5 Pro-rata fees based on quarters will apply for new applications.

6.11.6 Where an application is refused, the application fee is non-refundable.

6.11.7 Renewal notices will be issued by the City prior to 30 June annually and it is the responsibility of the applicant to renew permits for itinerant trading. Failure to do so by the 1 July annually may result in permit cancellation.

6.11.8 Other than for agreements at the 'highly desirable and sustainable sites', renewal notices for a site will be issued to the existing permit holder.

6.11.9 The City reserves the right to determine not to renew an itinerant trading permit or amend permit conditions.

6.12 **Compliance and enforcement**

All compliance and enforcement activities undertaken by the City will be in accordance with the City's Compliance Policy.

7. ROLES AND RESPONSIBILITIES

7.1 Council

It is the role of Council to adopt the itinerant trading policy.

7.2 City of Greater Bendigo employees

7.2.1 The Safe and Healthy Environments unit is responsible for:

(a) Administrative review of this policy and all associated reporting to Council;

(b) Assessing applications for itinerant trading and making decisions; and

(c) Applying the itinerant trade policy; and

(d) Ensuring permit holders comply with all conditions of approval.

7.2.2 The Governance unit is responsible for:

(a) Providing administrative support and oversight of tender processes.

7.2.3 The Property Services unit is responsible for:

(a) Providing administrative support and oversight of leases, licences and agreements;

(b) Reviewing and approving applications for infrastructure installation.

7.2.4 The Regional Sustainable Development unit is responsible for:

(a) Identifying 'highly desirable and sustainable sites' in consultation with Parks and Open Space.

7.3 Permit holders

7.3.1 Permit holders must ensure that the approved itinerant trading is always conducted in accordance with:

(a) the City's Community Local Law;

(b) all conditions specified in the approval;

(c) all requirements in the '*Outdoor Dining and Street Trading Code of Practice*', a reference document incorporated into the City's Community Local Law; and

(d) any direction given by an Authorised Officer of the City.

7.3.2 Permit holders must ensure that a copy of the permit or agreement is always available at the location the itinerant trading is occurring.

8. RELATED DOCUMENTS

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

These include:

- Greater Bendigo Community Plan 2017–21
- Greater Bendigo Health and Wellbeing Plan 2019-23
- Greater Bendigo Community Local Law
- Greater Bendigo Local Law 10 - Administration
- Greater Bendigo City Council Outdoor Dining and Street Trading Code of Practice
- Greater Bendigo Compliance Policy
- Department of Health and Human Service, Healthy Choices: food and drink classification guide
- Greater Bendigo Waste Wise Events Single-use Plastics Policy

Further information or advice on this policy should be directed to Safe and Healthy Environments

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

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

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Month, year	*CG*	*Safe and Healthy Environments*	*Develop*	*1*	*Month, year*

5. ENVIRONMENTAL SUSTAINABILITY

5.1 APPOINTMENT OF A NEW FARMING AND AGRIBUSINESS ADVISORY COMMITTEE

Document Information

Author: **Sally Beer, Agribusiness Officer**

Responsible: **Bernie O'Sullivan, Director Strategy and Growth Director**

Purpose

This report seeks Council adoption of a new Terms of Reference for the Farming and Agribusiness Advisory Committee and to call for Expressions of Interest for future representation on the committee.

Summary

The Farming Advisory Committee has been a successful committee in operation since 2013, providing guidance to the City on issues affecting the farming community. The forerunner to the Farming Advisory Committee was the Rural Area Farming Consultative Committee, convened from 1994 – 2013.

The current committee members were appointed in May 2017 after revising the Terms of Reference in 2016 for a four year term. It is now time to once again call for Expressions of Interest (EOI) for representatives on this important committee.

Prior to going through a new EOI process, it was important to review the existing Terms of Reference (ToR) to reflect changes across the sector which have occurred over the last four years. This review found a need for a more strategic focus towards broad acre farming and agribusiness given their importance to the industry. The review also determined a need for a greater focus on other issues including environmental sustainability, animal welfare, supporting young people in the industry and recognising that Greater Bendigo is a UNESCO City of Gastronomy. All existing committee members have been provided with the opportunity to comment on the ToR, with some changes made to reflect these comments.

A copy of the revised Terms of Reference is provided in Attachment 1 to this report.

As part of this report it is also important to highlight the valuable contribution the current committee has made in furthering the interests of the farming community in Greater Bendigo and to thank them for their contribution.

RECOMMENDATION

That Council:

1. Adopt the revised Terms of Reference for the Farming and Agribusiness Advisory Committee as provided in Attachment 1.
2. Endorse commencing an Expressions of Interest process to call for new members of the Farming and Agribusiness Advisory Committee.
3. Thank the outgoing committee members for their contribution over their term.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Alden.

That the recommendation be adopted.

CARRIED

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Policy Context

The Greater Bendigo Community Plan recognises the importance of farming and agriculture in creating the world's most liveable community. The committee has the following objectives that align with the Community Plan:

- Strengthen and diversify the local and regional economy, grow jobs, attract visitors, work closely with all sectors, including …manufacturing, tourism, …and agriculture to enhance their success
- Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities by building better connections, and quality of life for all.
- Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.
- Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains healthy ecosystems.

In addition, the following strategies also align with and will be referred to by the Committee.

- Food Systems Strategy 2020
- Rural Communities Strategy 2016
- Environment Strategy 2016-2021

Background Information

The Farming Advisory Committee has been operating since 2013. The forerunner to this committee was the Rural Area Farming Consultative Committee, which ran from 1994 - 2013. The Farming Advisory Committee Terms of Reference were last reviewed in 2016, with a new committee then appointed on a four year term.
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Since the establishment of the Farming Advisory Committee in 2013, it has provided advice to the City on challenges and opportunities facing the farming community. The Farming Advisory Committee has also provided various submissions into State and Federal government studies and strategies of relevance to the farming and agricultural community.

Key achievements for the current committee include:

2017 - Advocating to VicRoads regarding concerns about the condition of the Elmore-Raywood Road.

2018 - Advocating to the Victorian Government's Agriculture Minister seeking support for local industries to navigate potential impacts of a Queensland Fruit Fly infestation.

2019 - Input into Greater Bendigo's submission to the State Government's Local Government Rating System Review in relation to advocacy for options to improve the system for rating farm properties.

Submission to Council's draft 2019/20 and 2020/21 budget regarding Greater Bendigo City Council Rate Reduction or Differential Rating Scheme for local farm businesses impacted by dry seasonal conditions and increased property valuations.

Report

The purpose of the Farming Advisory Committee is to provide high level advice, guidance and strategic representation to Council and City staff with respect to matters concerning farming in the Greater Bendigo region.

In the process of considering appointment of a new committee, it was timely to review the existing Terms of Reference for the committee to ensure it accurately meets the needs of a growing agricultural sector. This includes expanding the membership to also include agribusiness and young farmers, as well as considering other issues and opportunities including climate change and that the City is now designated as a UNESCO City of Gastronomy.

The Terms of Reference is provided (attachment 1) to clarify the roles and responsibilities of the committee. Key roles of the committee include:

a. Providing advice to Council on current and emerging issues and opportunities in the farming and agribusiness sector that Council can advocate for on a local, State and Federal level. These issues should be initially discussed at a meeting level, and should include issues related to, but not limited to economic, social, educational, cultural and environmental aspects of agriculture. Further clarification on inclusions is presented in the Terms of Reference.
b. Participating in consultative forums offered by the City for the purpose of informing and developing the agricultural strategy.
c. Assisting to develop and disseminate community support and discussion groups, and educational workshops in line with the identified needs of the region.

d. Assisting the City to strengthen relationships between farming sectors, rural communities, City staff and Councillors.

e. Assisting in the development of partnerships and communication networks, local, national and international, to ensure effective dissemination of information, coordinated advice and feedback to Council.

f. Providing advice on relevant strategic and statutory land use and development matters as required, including input on planning scheme amendments and permit applications which may have an impact on the future direction of the farming sector.

g. Harnessing the opportunities that the City's community engagement meetings afford, to profile issues relevant to the farming sector, agribusiness and rural communities.

h. Identify relevant funding opportunities and disseminate to members to be discussed.

Expression of Interest (EOI) Process

The EOI will be advertised in both the Bendigo Advertiser and McIvor Times and on the City's website to reach a broad audience.

Individuals and associations will also be targeted, including distribution through the networks of:

- The Victorian Farmers Federation
- Future Farmers Network
- Agriculture Victoria (distributed through the Young Farmer Business Network, Ag VIC Young Farmer Project and Agriculture Victoria networks.)
- Central Victorian Young Farmers
- Landcare

Any individuals interested in applying will be required to complete an EOI on the City's website and applications will be open for a four week period.

EOIs will be reviewed and interviews conducted following the application process. This will be via a panel process with two City officers and one Councillor representative.

Proposed membership of the Committee would be submitted to Council for approval.

All applicants will be notified directly if they were successful or not through the process.

Priority/Importance:

This is a matter of priority. If the Terms of Reference are accepted, an Expression of Interest will be released through appropriate media channels (i.e. local newspaper, social media, online) to attract interested parties. Ideally the City would like to appoint a new Farming and Agribusiness Advisory Committee before the end of the year.

Options/Alternatives:

1. Adopt the new Terms of Reference and appoint a new Farming and Agribusiness Advisory Committee.
2. Continue with the existing Terms of Reference and Farming Advisory Committee.
3. Dissolve the current committee and do not reform.

Risk Analysis:

The project has minimal risks. Minor risks include a lack of interest in parties to be involved in the committee. That will be circumvented by adequately advertising the positions available and advertising the committee through a range of mediums.

Consultation/Communication

Internal Consultation:

Internal consultation has taken place with City staff within the Regional Sustainable Development and Community Partnerships units who both have a role in supporting the committee.

External Consultation:

The current Farming Advisory Committee were asked to provide feedback on the draft Terms of Reference. This feedback was considered in finalising the Terms of Reference.

Positions will be advertised through an Expressions of Interest process which will include advertising in the Bendigo Advertiser and McIvor Times, directly targeting individuals and associations and website updates (detailed in the Expression of Interest Process Section).

Resource Implications

Resourcing will be managed through the Regional Sustainable Development Unit with costs for any advertising covered within the operational budget for this unit.

Attachments

1. Farming and Agribusiness Advisory Committee Terms of Reference

CITY OF GREATER BENDIGO

Farming and Agribusiness Advisory Committee

DRAFT - TERMS OF REFERENCE and associated matters

August 2020

1. Introduction: Background and Rationale for Proposed Changes

The Farming Advisory Committee (FAC) was first appointed on 24 September 2013. Previous to that, the Rural Area Farming Consultative Committee was convened from 1994 – 2013. Since the FAC was appointed, it has provided valuable insight into the challenges and opportunities facing the farming community throughout Greater Bendigo.

Over the past seven years while some of these challenges and opportunities remain the same, others have changed. This includes a greater emergence of the impact of climate change on agriculture, the growth in technology designed to improve farming practices and the designation of Greater Bendigo as a UNESCO City of Gastronomy. It is timely to now review the Terms of Reference to ensure this committee continues to reflect the diversity of the agricultural community in Greater Bendigo and will continue to advocate for their needs moving forward.

With this in mind it is proposed to broaden the committee to include representatives from both farming and agribusiness. The reason for this is that both farming and agribusiness are essential to the supply chain from production right through to distribution. Farming is the production of food and fibre. In Bendigo, this covers a broad range of enterprises, including intensive and extensive livestock; broad-acre cropping; lifestyle farmers; intensive fruit and vegetable production; and many others. Agribusiness is any supporting enterprise linked to agriculture, including input suppliers (seed, fertiliser, feed), logistics, business consultants, warehouses, wholesalers, processers.

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It is proposed to substantially revise the Terms of Reference to reflect Council's vision and Community Plan, taking into account a number of factors;

- Council has increasingly recognised the significance of the agricultural sector to the City and the wider region.
- The importance of food and fibre growing, the continuing strength and expansion of food manufacturing and the role of support services for agriculture. Within the Loddon Campaspe Region, businesses contributing to the food supply chain are responsible for $6.8Billion in output, which translates to 24.5% of the regional economy. In 2019 the City of Greater Bendigo had nearly 3,000 jobs in farming, agribusiness and food manufacturing paying $160Million in wages and salaries and contributing just under one quarter of the value of all the City's exports to other areas.
- Land and water management in an era of climate change is increasingly relevant to the City.
- About three quarters of the land area of the City of Greater Bendigo is managed by about 1,800 property owners – working with and supporting them is an important part of the City's forward agenda.
- The City has embraced new agendas around agribusiness support, food systems, tourism, climate change, Indigenous recognition and support, gastronomy and education and training.
- In recent years the City has developed and adopted a series of strategies that are guiding its work. A number of these directly relate to farming, agriculture and agribusiness, including: Environment Strategy, Rural Communities Strategy, and Food Systems Strategy. The City has also adopted a four year plan to implement its designation by UNESCO as a City and region of Gastronomy.

To reflect this situation it is proposed that the Farming Advisory Committee be broadened in its role and focus, and that its Terms of Reference be amended to reflect this enhanced task. The title has been extended to include the term 'agribusiness' to reflect the importance of farming and supporting agribusiness sectors to the local economy. In terms of membership, the Council seeks to capture perspectives from a range of farming viewpoints including; broad-acre cropping and livestock, intensive animal production, horticulture; agribusinesses including business consultants; government bodies; and education providers to provide a wider range of advice. Diversifying the perspectives in the Farming and Agribusiness Advisory Committee will strengthen the strategies and actions the City employs and will ensure wider representation and alignment with all aspects of rural industry.

The revised Terms of Reference align with the City of Greater Bendigo Community Plan 2017 – 2021. Over the next four years, the Farming and Agribusiness Advisory Committee will aim to:

- Strengthen and diversify the local and regional economy, grow jobs, attract visitors, work closely with all sectors, including …manufacturing, tourism, …and agriculture to enhance their success.
- Support inclusive policies, partnerships and projects that increase access, improve health and learning opportunities by building better connections, and quality of life for all.
- Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.
- Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains healthy ecosystems.

2. Purpose

The Farming and Agribusiness Advisory Committee (the Committee) is a strategically focused advisory group. The purpose of the Committee is to provide advice, guidance and strategic representation to Council with respect to matters concerning farming and agribusiness. The Committee will support Council and the City in the development of relevant strategies, policies and action plans and assist with community engagement and discussion relating to relevant issues.

The Terms of Reference are provided to clarify the roles and responsibilities of the Committee. Key roles of the Committee include:

a. Providing advice to Council on current and emerging *issues* and *opportunities* in the farming and agribusiness sector that Council can advocate for on a local, State and National level. These issues should be initially discussed at a meeting level, and should include issues related to, but not limited to economic, social, educational, cultural and environmental aspects of agriculture. These may include, but not limited to:

    - Support for farming, agriculture and agribusiness;
    - Market access and barriers;
    - Seasonal and economic conditions and impacts;
    - Skills, education and workforce adjustment;
    - Health and wellbeing issues;
    - Relevant government policies and processes;
    - Environmental sustainability and the Circular Economy;
    - Farming and agricultural practices and initiatives including sustainable and regenerative agriculture;
    - Climate change;
    - Animal welfare and management issues;
    - The impact of adverse conditions on farming and rural communities;
    - Issues specifically related to young farmers; and
    - Facilitation of pathways to career development in the sector via training.

b. Participating in consultative forums offered by the City for the purpose of informing and developing the agricultural strategy.

c. Assisting to *develop* and *disseminate* community support and discussion groups, and educational workshops in line with the identified needs of the region.

d. Assisting the City to strengthen relationships between farming sectors, rural communities, City Staff and Councillors.

e. Assisting in the development of partnerships and communication networks, local, national and international, to ensure effective dissemination of information, coordinated advice and feedback to Council.

f. Providing advice on relevant strategic and statutory land use and development matters as required, including input on planning scheme amendments and permit applications which may have an impact on the future direction of the farming sector.

g. Harnessing the opportunities that the City's community engagement meetings afford, to profile issues relevant to the farming sector, agribusiness and rural communities.

h. Identifying relevant funding opportunities and disseminate to members to be discussed.

Council will take the advice of the Farming and Agribusiness Advisory Committee into consideration as part of its deliberations, with the City of Greater Bendigo's appointed officer generally the primary liaison between the Committee and Council.

3. Membership

To ensure a comprehensive base for advice, the Committee should collectively have a diversity of relevant expertise and experience in farming, agriculture and agribusiness. Ideally there should be a balanced representation of genders and culturally diverse persons.

Membership to the Committee shall comprise:

3.1 Three (3) Greater Bendigo City Councillors, with one Councillor to be the Chair and another Councillor, the Deputy Chair.

3.2 One Greater Bendigo Youth Councillor OR if not available with the right industry experience, application should be sought through Bendigo Young Farmer Networks to find a suitable applicant.

Two (2) persons; one (1) representing the Sustainability and Environment Advisory Committee and one (1) representing the Rural Communities Advisory Committee.

3.3 One food manufacturing industry representative

3.4 One agribusiness industry representative

3.5 Up to 12 community members drawn from the City of Greater Bendigo and where relevant surrounding municipalities who represent a broad range of interests, technical skills and community experience.

Members should represent the diversity of farming, agriculture and agribusiness in the City and region, with broad knowledge of the different aspects affecting agriculture (e.g. sustainability, climate, water, markets, export, biodiversity, education, health, innovation.)

Representatives should demonstrate a general interest in agriculture, rather than one aspect, with the capacity to consider the views of the wider community and to consider issues strategically and impartially. Community representatives will be chosen by an expression of interest process.

If possible, when considering applications, representatives with the following industry experience would be looked on favourably, to bring forward issues of environmental sustainability, education and training and the broader agricultural and agribusiness industry.

a. integrated water management

b. environmental expertise and knowledge

c. educational engagement / further training

d. artisanal food production

3.6 The Agribusiness Officer from the Regional Sustainable Development Unit shall be the Executive Officer to the Committee.

3.7 As required by the Committee, members can be co-opted to the Committee to provide specific technical expertise or participate in particular projects.

4. **Expressions of Interest**

4.1 The roles and responsibilities of the Committee members are:

a. to be familiar with the relevant Council strategies (e.g. Community Plan, Food Systems Strategy, Environment Strategy, Economic Development Strategy, Rural Communities Strategy, Road Management Plan)

b. to be fully prepared for meetings

c. to agree to participate in a collaborative meeting format

d. to bring expertise, local knowledge and broad community experience to the table

e. to consider and raise issues, proposals and ideas to be tabled during the meeting; and

f. to provide informed advice and guidance.

5. **Expressions of Interest**

5.1 Expressions of Interest for Committee membership will be sought through a public call seeking a diversity of skill sets and experience.

5.2 Expressions of Interest for Committee membership must include responses to a set of Key Selection Criteria/Questions. All Expressions of Interest received for Committee membership will be considered by a Selection Panel.

5.3 The role of the Selection Panel shall be to assess all Expressions of Interest received, develop a shortlist for interview if required and, following interview, make recommendations to Council as to the preferred Committee membership.

5.4 The new Committee will be formally appointed by Council and members will serve in a voluntary capacity.

6. Term of Appointment

6.1 Delegates (section 4.3) shall remain on the Committee for their term so long as they represent the authority referred to or until such time as Council or the relevant government authority chooses to replace them.

6.2 Community representatives on the Committee are to be appointed for up to 4 years. Councillor appointments shall be for a 12 month term.

6.3 Retiring Committee members may apply for further terms of office up to a maximum of 3 terms.

6.4 The Committee shall make recommendations to the Chief Executive Officer or their delegate to fill any vacancy on the Committee and the term of office of the newly appointed Committee member shall expire at the same time as the Committee member being replaced.

7. Chairperson

7.1 A Councillor is to be appointed by Council to chair the meetings. If the Chair is absent, one of the other Councillors or Council delegate present is to chair by agreement.

8. Conduct of Meetings

Committee meetings will be conducted as follows:

a. Committee meetings are to be held on a regular cycle bi-monthly for the first 12 months with a review of frequency at the end of this time. Additional meetings may be required from time to time. Timing will be confirmed.

b. Meetings will generally be held at City of Greater Bendigo offices, in the Bendigo City Centre.

c. In extraordinary circumstances, meetings are to be held via teleconferencing technology.

d. A quorum will consist of more than half of the Committee members who are eligible to vote.

e. The Committee will endeavour to reach decisions by consensus. Where this is not achievable, voting rights extend to community members. Voting rights do not extend to Councillors or City of Greater Bendigo officers.

f. There is no provision for proxy attendees or proxy voting. In the event that a committee member is unable to attend but wishes to cast a vote for an agenda item, the committee member must submit their vote in writing by midday on the day of the meeting.

g. The Committee, by resolution or through the Chair, may invite any CoGB staff member, individual, interest group, or agency representative to attend a meeting as a delegate or to submit or present information that will assist the Committee in carrying out its functions.

h. Minutes of each Committee meeting will be recorded and distributed to all Committee members. The minutes shall also be made available to all Councillors and the City's Executive Management Team.

9. Conflict of Interest

Committee members should declare a conflict of interest during the meeting if they are to discuss an item that, if supported by Council, could result in a direct or indirect benefit or loss to them as opposed to a large sector of the Greater Bendigo community. The provisions of the Local Government Act 1989 and/or 2020 apply to Councillor Members.

10. Dismissal of Members

10.1 If a Committee member misses more than two meetings in succession without informing the Committee Chair or Vice Chair with an apology, that person will be contacted by the Agribusiness Officer. Discussion will ensue as to whether they still intend to maintain their membership as part of the committee. If the member chooses to revoke their membership, that will be put to a vote by the committee at the following meeting.

10.2 Council and the Chief Executive Officer retain the right to revoke the membership of any person found to be acting outside the interests of the City of Greater Bendigo and the communities / sectors that the Committee is charged with representing.

11. Insurance

11.1 Public Liability Insurance: Members of any Committee established by the Council under the Local Government Act or any other enabling legislation or, whilst acting in that capacity within the scope of their duties for and on behalf of the Council, are provided with cover under the LMI Broadform Public and Products Liability and Professional Indemnity Insurance, subject to the LMI policy terms, conditions, endorsements, exclusions and deductibles and the like.

11.2 Council appointed Committee members, whilst acting in that capacity within the scope of their duties for and on behalf of Council, are covered within the terms and conditions of the Council's LMI Public and Products Liability Insurance Policy for third party personal injury or damage to property (as defined) caused by an occurrence, and where applicable for breach of professional duty, in connection with the Business of the Council.

11.3 The City of Greater Bendigo's insurance policies provide indemnity for personal injury, property loss, products liability and claims for breach of professional duty, subject at all times to the Policy "Conditions and Exclusions".

12. Dissolution

12.1 The Committee may, at any meeting, agree to disband.

12.2 The Council may - for any reason - resolve to disband the Committee and, upon written notice to that effect being given to Committee members, the Committee shall be disbanded.

13. Implementation and Review

Sections of these Terms of Reference (Sections 5 - 16) are standard for Advisory Committees to Council and are only subject to review by Council or the City of Greater Bendigo. The Committee will undertake a review of the other sections of the Terms of Reference every three (3) years prior to the conclusion of its term.

14. Resources provided by City of Greater Bendigo

14.1 Provide administrative and technical support for the Committee's meetings.

14.2 Provide a suitable venue for the Committee's meetings, generally of 1-2 hours duration.

15. Communication

15.1 Minutes of each meeting will be recorded and distributed to the Committee and Council.

152 The Chairperson will report to Council regularly.

15.3 A delegation from the Committee will present annually to Councillor Briefings on the Committee's activities and initiatives in the previous year.

15.4 Responding to media requests or making public comment on behalf of the Committee is the responsibility of the Chairperson, Chief Executive Officer or an authorised City of Greater Bendigo officer. In some circumstances it may be appropriate for a Committee member to speak publically about the work of the Committee. In these instances, Chairperson approval must be sought.

16. Confidentiality

16.1 The Committee will, from time to time, deal with matters subject to confidentiality. Items of confidentiality will be specifically identified and Committee members are expected to observe this provision for the period that the provision applies.

6. EMBRACING OUR CULTURE AND HERITAGE

6.1 RECONCILIATION PLAN 2021-2025

Document Information

Author: **Fiona Machin, Inclusive Communities Officer**

Responsible: **Vicky Mason, Director Health and Wellbeing Director**

Purpose

To present to Council the feedback received during the public exhibition of the draft Greater Bendigo Reconciliation Plan 2021-2025 and the final Greater Bendigo Reconciliation Plan 2021-2025.

To seek Council endorsement of the City of Greater Bendigo Reconciliation Plan 2021-2025.

Summary

The Greater Bendigo Reconciliation Plan 2021-2025 (RP) provides a framework for Council to further advance reconciliation and to continue our support for the local Aboriginal and Torres Strait Islander community. The RP articulates how the organisation, Council and our partners will engage in reconciliation over the next four years. It follows a 'whole of Council' approach and builds on the work and success of the City's first RP delivered over 2016-2019.

The RP has been developed through an extensive evaluation and community engagement process with the Traditional Owners, the broader Aboriginal and Torres Strait Islander community, and internally across the organisation. This includes the findings of the staff and community surveys of the RP 2016-2019, Aboriginal community planning workshops, and targeted consultations with key stakeholders.

The draft Greater Bendigo Reconciliation Plan 2021-2025 was released for a period of public exhibition and feedback on 20 July 2020.

The RP responds to the City's legislative responsibilities under the *Victorian Charter of Human Rights and Responsibilities Act 2006;* the *Aboriginal Heritage Act 2016;* and the Dja Dja Wurrung – Victorian Government Recognition and Settlement Agreement as part of the *Traditional Owner Settlement Act 2010.*

RECOMMENDATION

That Council adopt the City of Greater Bendigo Reconciliation Plan 2021-2025.

RESOLUTION

Moved Cr Hawke, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 6.5 Advancing Reconciliation

Objective 6.5.1 Strengthen the relationship between Council and Indigenous Communities

Continue to encourage Indigenous groups and enterprises to tender for Council contracts through engagement with relevant groups and review of contract documentation where needed

Incorporate Indigenous knowledge into native vegetation management

Objective 6.5.2 Implement the adopted Reconciliation Action Plan

Explore opportunities that enable wider understanding of our Indigenous Australian culture

City of Greater Bendigo Reconciliation Plan (2016-2019)

City of Greater Bendigo Health and Wellbeing Strategy 2016-2021

Principle Connected to Culture and Community

Objective Support inclusive communities by valuing Aboriginal and Torres Strait Islander people
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Rural Communities Strategy

Principle 3 Realising the unique values and the social and economic potential of our rural communities

Objective 3.6: That Council continue to work with the Dja Dja Wurrung and Taungurung communities to ensure that the City's indigenous heritage is appropriately protected, recognised and celebrated

Greater Bendigo Environment Strategy 2016-2021

Principle 8: Culture and Communities

Action 8.1. Acknowledge and raise awareness of Indigenous culture, including support for Traditional Owner country plans – Dhelkunya Dja

The RP also responds to the City's legislative responsibilities under the *Victorian Charter of Human Rights and Responsibilities Act 2006*; the *Aboriginal Heritage Act 2016*; and the Dja Dja Wurrung – Victorian Government Recognition and Settlement Agreement as part of the *Traditional Owner Settlement Act 2010*.

Background Information

From November 2019 to July 2020, the City completed an extensive evaluation and community engagement process of the RP in partnership with the Dja Dja Wurrung and Taungurung Traditional Owners, the broader Aboriginal and Torres Strait Islander community and the RP Steering Committee.

Community engagement on the City's RP was very positive with significant input and interest from the Aboriginal and Torres Strait Islander community. Key feedback and themes that emerged from the community consultations focused on: supporting Aboriginal self-determination; improving organisational cultural safety; a stronger focus on Aboriginal young people; improving Aboriginal employment and economic outcomes; and increasing the visibility of Aboriginal culture, history and story-telling throughout the municipality and our public spaces.

Additional feedback was also received from the Dja Dja Wurrung Clans Aboriginal Corporation (DDWAC) and the Taungurung Land and Waters Council (TLWC). This focused on the improved implementation of the Dja Dja Wurrung and Taungurung Recognition and Settlement Agreements, ongoing acknowledgement of Traditional Owners, and improving how the City engages with the Traditional Owners.

The feedback and themes from the community consultation were incorporated into the updated RP and its new series of actions.

Previous Council Decision(s) Date(s):

May 20, 2020 – Final Annual Progress Report on the City's first Reconciliation Plan (2016-2019) presented to Council, including an update on the development of the City's new RP.

July 20, 2020 – Council Briefing report outlining the draft Greater Bendigo Reconciliation Plan 2021-2025 and Community Engagement Report, prior to its release for a period of public exhibition between 22 July and 18 August 2020.

Report

The Greater Bendigo Reconciliation Plan 2021-2025 provides Council, the local Aboriginal community and the broader community with a clear understanding of the City of Greater Bendigo's commitment to reconciliation and the local Aboriginal community.

The Greater Bendigo Reconciliation Plan 2021-2025 is structured around three core themes:

- Respect
- Partnerships
- Opportunities

Under these three themes are 19 objectives and 71 actions that drives the organisation's reconciliation work both internally and within the broader community. The RP will again be delivered through a 'whole-of-Council' approach with the majority of City Business Units responsible for delivering and evaluating the actions.

The RP will commence in January 2021 and conclude in January 2025. It will be monitored and reviewed annually to identify continuous improvements and to ensure it continues to respond to community needs and important community conversations, such as developments in the Victorian Treaty process and the Black Lives Matter movement.

The City's Community Partnership Unit and the Reconciliation Plan Steering Committee will monitor and oversee the delivery of this plan. Under the updated RP, a new Aboriginal Community Engagement Group will also be established (Action 19.1) to review, monitor and provide feedback on the Plan's implementation and to provide input on local community issues.

The draft RP 2021-2025 was placed on public exhibition for four weeks.

In total, 7 individuals provided formal submissions (see **Attachment 1)**.

Feedback was positive and supportive of the RP. Key recommendations to emerge from the feedback process were:

- Suggestions for improving cultural safety and for building trust and meaningful connections between City staff and the Aboriginal community;
- Practical suggestions for improving the delivery of specific actions (relating to employment and language);
- The need to strengthen and promote leadership opportunities for all Aboriginal and Torres Strait Islander residents, in addition to Aboriginal young people;
- Updating the information on the Taungurung Traditional Owners to reflect the formal commencement of the Taungurung Recognition and Settlement Agreement;

- Inclusion of truth-telling as part of the City's commitment to reconciliation; and
- Further acknowledgement of the diverse Aboriginal and Torres Strait Islander community in Greater Bendigo, in addition to the acknowledgement of the Traditional Owners.

The RP 2021-2025 has been updated to reflect this feedback (**Attachment 2**).

During this four-week period, the City's new vision for reconciliation as well as the aims for the three themes were also finalised. This was done via input from two online community planning workshops and the City's Reconciliation Plan Working Group.

The RP 2021-2025 will be formally launched during this year's postponed NAIDOC Week celebrations (now scheduled for 9 – 15 November, 2020).

City staff will resolve the following outstanding issues prior to the RP's formal launch:
- The City is currently seeking permission from DDWCAC and their Language sub-committee for the use of a Dja Dja Wurrung name for the RP. This will be confirmed in late-September following review and approval by the DDWCAC Board.
- Finalising the Dja Dja Wurrung and Taungurung artwork designs to be featured in the graphic design of the RP
- Receiving final content from our partners (DDWCAC, TLWC and Bendigo & District Aboriginal Co-operative) for the paragraphs describing their organisations
- Completing the graphic design of the RP 2021-2025

City staff will inform Council when these items are resolved through a Bulletin item prior to the public launch.

Priority/Importance:
The implementation and review of the RP is of high importance as it demonstrates the City's ongoing commitment to reconciliation and delivers on actions identified within the Community Plan.

Timelines:
The implementation of the RP 2021-2025 is planned between January 2021 and January 2025.

Risk Analysis:
The RP reflects the City of Greater Bendigo's commitment to reconciliation. It has been developed to enable the City to support the reconciliation process and to help close the gap of disadvantage between Aboriginal and Torres Strait Islander peoples and other Australians. Key risks will be mitigated by: continued community engagement and relationship building; regularly reviewing and prioritising actions, and focusing on the establishment of the Aboriginal Community Engagement Working Group as an initial priority action; managing budget and resources through delivering actions in stages and, where possible, through partnerships with external agencies; and ensuring regular monitoring and evaluation with City staff and Aboriginal stakeholders.

Feedback from the community engagement process and the draft RP has ensured the final RP 2021-2025 is aligned with community priorities.

Consultation/Communication

Internal Consultation:

The RP 2021-2025 was guided by the City's Reconciliation Plan Working Group, which included representatives of both the Aboriginal and Torres Strait Islander community and City staff. Regular updates were provided to the City's Reconciliation Plan Steering Committee.

Extensive internal consultation occurred with City staff, including 30 staff attending a Staff Reconciliation Planning Workshop in March 2020 and individual meetings held with all City Service Units in April and May 2020. The draft RP was presented back to the relevant City Service Units for final feedback and comment.

External Consultation:

The City completed an extensive external community engagement process from November 2019 to June 2020. The following Aboriginal organisations and representatives were engaged:

- Dja Dja Wurrung Clans Aboriginal Corporation and Djandak Enterprises
- Taungurung Land and Waters Council
- Bendigo and District Aboriginal Co-operative
- Department of Education's Koorie Engagement Support Officers
- Janandi Aboriginal Corporation
- Wartatjarrang (coming together) Local Aboriginal Network
- Aboriginal staff from Victorian departments and agencies (including Department of Health & Human Services, Centrelink, Department of Justice, and Aboriginal Victoria).

The City also engaged with members of the Central Victorian Local Government Reconciliation Network, Bendigo Reconciliation Group, and staff from Reconciliation Victoria and Reconciliation Australia.

Following the 20 July Council Briefing, the draft Reconciliation Plan 2021-2025 was released for public exhibition between 22 July and 18 August 2020.

During the public exhibition period, City staff focussed on closing the loop with community members who had participated in the engagement process, as well as receiving final feedback from key staff and City Service Units.

Resource Implications

The majority of actions under the RP 2021-2025 will be implemented within existing resources of the Community Partnerships Unit and other City Services Units over the next four years. Under the 2021/2022 Operational Budget, total allocations for the RP is $229,560 which includes labour costs and Reconciliation Plan projects and events. Additional Operation Budget of $7,131 is also allocated for NAIDOC Week.

To help manage resources, the Reconciliation Plan Steering Committee will regularly review and prioritise key actions within the RP and their timeframe for delivery. Several actions are likely to be implemented in stages over the 2021-2025 period.

Attachments

1. Attachment 1 – Draft Greater Bendigo Reconciliation Plan 2021-2025 - Public Exhibition Feedback (August 2020)
2. Attachment 2 – City of Greater Bendigo Reconciliation Plan 2021-2025

7. LEAD AND GOVERN FOR ALL

7.1 PROCUREMENT POLICY REVIEW 2020

Document Information

Author **Greg Painter, Procurement Coordinator**

Responsible Director **Andrew Cooney, Director Corporate Performance**

Purpose

As part of the City's commitment to ensure our procurement activities provide value to the community and support our local economy, an annual review is conducted of the Procurement Policy.

Following the review, a few minor changes are recommended to be made to the policy.

The purpose of this report is for Council to consider the proposed changes to the Procurement Policy.

Summary

The Procurement Policy has been reviewed and amended in accordance with Section 186 of the Local Government Act.

Following the review, it is proposed to make some minor changes to the current policy which will:

- Provide clarification on the use of Panel Contracts in line with quotation thresholds;
- Support the City's aim of advancing collaborative procurement;
- Mandate the use of the Vendorpanel quoting system for any quotations over $5K
- Increase local content weighting from 15% to 20% for all tenders

RECOMMENDATION

That Council approve the revised Procurement policy.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Alden.

That the recommendation be adopted.

CARRIED

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Policy Context

Section 186A of the Local Government Act requires Council to prepare, approve and publish a Procurement Policy. At least once each financial year, Council must review the current policy and may, in accordance with this section, amend the policy.

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1	Lead and Govern for All
1.4	Be accountable and efficient in its use of the community's money. Develop our staff and systems to deliver the best outcomes for our community.
Goal 3	Strengthening the economy
3.1	Support our local businesses and industry to be strong, vibrant and to grow and develop. Supporting local businesses, including through purchasing programs.

Report

Council has contributed to three previous procurement policy reviews, which has seen a significant continuous improvement in the following areas:

- Inclusion of four new tendering schedules, namely;
  - Economic sustainability
  - Social Sustainability
  - Aboriginal and Torres Strait Islanders
  - Environmental Sustainability
- Increased local content weighting increased from 10% to 15% for all tenders
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- Commitment to environmental sustainability and using recycled products where possible
- Providing opportunities for the economic prosperity of our Traditional Owners and Aboriginal Victorians

The most recent review has resulted in the following minor changes being recommended:

6.2.6 Panel contracts added for clarification on their use and to specify that quotations are to be sought in line with quotation thresholds;

6.7 Section added to include the City's support of collaborative procurement;
6.9.1 Vendorpanel now mandatory to source quotes over $5k;

Schedule 1 Project management level procurement authorisation updated to include the Property Services Coordinator and Project Manager – major Projects positions.

In addition to this annual review, in accordance with the *Local Government Act (2020)* guidelines an extensive review will commence in 2021 to deliver a new Procurement Policy by 31 December 2021.
Risk Analysis:

If the Policy is not reviewed and approved each year, Council will be in breach of the requirements under Section 186A of the *Local Government Act (1989)*.

Consultation/Communication

All staff were consulted through correspondence to their Managers and Coordinators seeking feedback and suggestions for the policy review.

The Draft policy, which included the feedback from external stakeholders was presented to the City's Executive Management Team and Councillors for further review and refinement.

Resource Implications

Council is required to ensure it provides best value for the community through its operations and services, including procurement. The Procurement Policy will ensure the objectives of sustainable and socially responsible procurement, along with supporting the regional economy are met.

Attachments

1. Revised Procurement Policy

CITY OF GREATER BENDIGO

PROCUREMENT POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	18/09/2019
Review cycle:	Annually
Review Date:	30/06/2020
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	*Local Government Act 1989* (Vic)
DOCSETID:	2004330

1. BACKGROUND

Greater Bendigo City Council (the **City**) recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, procedures and processes for all goods, services and works by the City, will assist the City to achieve its procurement objectives. These objectives include sustainable and socially responsible procurement, bottom-line cost savings, supporting the regional economy, achieving innovation and the provision of better services for the community.

2. PURPOSE

The purpose of this policy is to:

- provide a framework to guide the efficient, effective, socially and ecologically responsible procurement of goods, services and works for the City;
- provide guidance to the City to allow consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance to the City employee's regarding ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- align the City's procurement practices with the Guidelines.

3. SCOPE

This policy is made under Section 186A of the Act.

This section of the Act requires the City to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the City.

This policy must be considered in all aspects of the procurement of goods, services and works by the City.

This policy applies to all procurement activities at the City and is binding upon Councillors, City employees and all contractors, agents and consultants engaged by the City from time to time.

All monetary values stated in this policy include GST, unless stated otherwise.

4. DEFINITIONS

In this policy:

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

commercial in confidence means information that, if released publically or to a third party, may prejudice the business dealings of a party, including but not limited to prices, discounts, rebates, profits, methodologies and process information.

contract management means the process of ensuring both parties to a contract meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.

City employee means all full-time, part-time and temporary City employees and contractors and consultants while engaged by the City from time to time.

GST means GST within the meaning of *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

guidelines means the Victorian Local Government Best Practice Procurement Guidelines 2013.

local content means suppliers based within the Greater Bendigo City municipality and its neighbouring municipalities of Loddon, Mount Alexander, Campaspe, Macedon Ranges and Central Goldfields.

probity means qualities demonstrating strong moral principles and good process, achieved through clear processes consistent with the City's policies and legislation, which consider the legitimate interests and ensure the equitable treatment of all suppliers.

procurement means the process of acquiring external goods, services or works from initial concept through to disposal of an asset at the end of its useful life or completion of the contract.

quotation means a formal statement of promise, submitted usually in response to a request for quotation, by a potential supplier to supply the goods, services or works required by a buyer at specified prices and within a specified period.

social procurement means a strategic approach to meeting social and economic objectives throughout procurement using procurement processes and purchasing power to generate positive social and economic outcomes in addition to the delivery of efficient goods, services and works.

sustainability means meeting the needs of the present generation without compromising the ability of future generations to meet their needs, including social procurement, local content and environmental considerations.

value for money means selecting the supply of goods, services and works taking into account both cost and non-cost factors including:

(a) contribution to the advancement of the City's priorities;

(b) local content;

(c) non-cost factors such as fitness for purpose, quality, service and support; and

(d) cost related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works,

in conjunction with the best value principles contained in Section 208B of the Act and the Guidelines.

VendorPanel is the system used by employees to request quotes from suppliers.

5. PRINCIPLES

The City's procurement activities must be performed with integrity and in a manner able to withstand close scrutiny. The following fundamental best practice principles must be applied to all procurement, irrespective of the value and complexity of the procurement:

- value for money;
- open and fair competition;
- accountability;
- risk management; and
- probity and transparency.

The City's procurement strategy must align to the aims and objectives set out in its Community Plan, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- supporting the local community;
- feeling safe;
- living in a clean and pleasant environment, and
- delivering good quality and well managed City services that are considered to be value for money.

The City must seek to use aggregated arrangements with other Councils, MAV Procurement, Procurement Australia and State Government Purchase Contracts wherever appropriate.

6. POLICY

6.1 Ethics and Probity

Councillors and City employees must always conduct themselves ethically and with integrity and must:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of commercial in confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

The City employees who are responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

Councillors and City employees must not participate in any action or matter associated with the arrangement of a contract (i.e. specification development, tender submission, evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business undertaking tendering for the work.

In relation to conflict of interest, Councillors must comply with Division 1A of the Act. The City employee expectations are outlined in the internal manual titled 'Conflict of Interest – A Guide for City of Greater Bendigo Employees' and the City's Code of Conduct.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

6.2 Risk Management

6.2.1 General

Risk management must be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the City's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

6.2.2 Supply by contract

The provision of goods, services and works by contract potentially exposes the City to risk.

The City will minimise its risk exposure through measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits or bank guarantees where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before allowing the commencement of work;
- use of, or reference to, relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

6.2.3 OH&S and other mandatory requirements

The City undertakes due diligence activities on all prospective suppliers to ensure compliance with legislative and business requirements. The City will require all contractors, service providers and volunteers to comply with all OH&S legislative requirements. These requirements are mandatory and non-compliance will disqualify prospective suppliers.

Suppliers must provide evidence of insurances in providing goods, services or works.

6.2.4 Contract terms

Contractual relationships must be documented in writing based on standard terms and conditions. In circumstances where this is not possible, approval must be sought from the appropriate City employee (based on the value and nature of the contract) and supported by procurement and legal advice as reasonably required.

Contract terms and conditions must be settled prior to any commitment being made to a supplier. Any exceptions to this process must be pre-authorised by the appropriate City employee.

All City contracts will incorporate dispute management and alternative dispute resolution provisions to minimise the potential for litigation.

6.2.5 Contract management

The purpose of contract management is to ensure that the City and its clients receive the goods, services or works to the required standards of quality and quantity required by the contract by:

- establishing a system which monitors and reinforces the performance of all parties' responsibilities and obligations under the contract;
- ensuring adherence with any risk management framework established by the City and compliance with any applicable legislation including, but not limited to, relevant occupational health and safety procedures; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.

Contracts must be proactively managed by the City employee responsible for the delivery of the contracted goods, services or works to ensure the City receives value for money.

6.2.6 Panel Contracts

Council has several Preferred Supplier Panels in place which provide Council with efficiency, transparency, compliance and potential savings in quote-based procurement from preferred suppliers.

Contractors are appointed to a panel after successfully participating in a tender process and being assessed as compliant with requirements. Whilst a panel provides benefits in the procurement process, staff should still consider the specific works, goods or services being sought and confirm the approach is going to deliver the best value outcome.

- Where a contract has been established for a panel of suppliers to provide goods, services or works, panel suppliers should be used unless they are unable to supply the requirements;
- If the panel contract is for the supply of goods only or has provided a total price (including parts etc.) to complete a particular service, then there is no requirement to obtain any further prices;
- If the panel contract is for the supply of services or works, if the amount of works or services is unclear e.g. Schedule of rates, quotations should be requested from the panel suppliers in accordance with item 6.9.1 quotations, to ensure best value principles are achieved.

6.3 Performance Measure and Continuous Improvement

Appropriate performance measures must be established and reporting systems must be used to monitor performance and compliance with this policy and the City's procurement procedures and controls.

Procurement procedures, practices and costs must be benchmarked externally. Internal service standards must be agreed within the City and performance against these targets must be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- Highlight trends and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
- Facilitate programmes to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories;
- Continuous improvement is also achieved by providing feedback to employees on findings from internal policy compliance reviews. Employees are informed of findings to improve practices in the future.

6.4 Environmental Sustainability

The City recognises that procurement decisions have an impact on the environment and that through considered purchasing decisions the City has the opportunity to contribute to positive environmental outcomes, maximising long-term benefits for the community.

The City is committed to achieving long term environmental sustainability through the procurement process and is committed to reducing resources, consumption and minimising waste during the procurement life cycle.

Within the tender process, the City must require applicable tender applications to consider the environment to ensure that all purchases have a positive or minimised impact on the environment.

Environment specifications will be adopted to specify the sustainability requirements for the materials and resources we use. It will cover the main areas of consumption across the organisation. Such areas will include:

- 100% recycled paper
- Sustainably sourced timber
- Refurbished and remanufactured products
- Maximising recycled content and end-of-life materials recovery
- Minimising physical consumptions (paper, packaging, food waste)
- 100% renewable energy

The City is committed to reducing the amount of waste it sends to landfill, maximising recycling opportunities and maximising sustainable procurement within the organisation. This includes purchasing items made from recycled materials and including recycled products in construction projects where possible, which support a healthy market for recycling at the kerbside and commercially.

6.5 Diversity

Promoting social equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users and community relations. Every procurement project should reflect a corporate commitment to diversity and equal opportunities wherever possible.

6.6 Support of the Regional Economy

The City is committed to buying from local business where such purchases may be justified on value for money grounds.

All other factors being equal, the City must give preference to regional economic benefit when sourcing products. Included in all tender evaluation criteria is a mandatory 20% weighting for local content.

These benefits may take the form of:

- increased local employment;
- local youth initiatives;
- increased activity and spend in the local economy with identifiable benefits; or
- the level of local content in the goods, services and works.

The application of regional content must have consideration of the best value principles set out in the Act and the *Competition and Consumer Act 2010* (Cth).

6.7 Collaborative Procurement

Council will seek and encourage the development of procurement collaboration with other councils and organisations including contracts available through the Victorian State Government, the Municipal Association of Victoria, Procurement Australia and other aggregated procurement providers as applicable. Any report to Council that recommends entering into a procurement agreement will include information in relation to any opportunities for collaboration with other Councils or public bodies that may be available.

Council will consider collaborative opportunities that are likely to enhance the best value outcome for the Local economy and will ensure any opportunities do not disadvantage local

suppliers from competing. All collaboration will be in compliance with competition and consumer legislation.

Collaboration may also include the use of standardised specifications, tenders and contracts and sharing resources and experience with other councils.

6.8 Sustainable Procurement

The City requires the consideration of sustainability in all its procurement activities. Opportunities will be taken to generate Aboriginal and Torres Strait Islander, Economic, Social and Environmental benefits whenever it is practicable and achieve value for money. The sustainable procurement schedules of Aboriginal and Torres Strait Islander, Economic, Social & Environmental contained within the City's documentation help guides the City's procurement in line with these objectives.

6.9 Procurement Thresholds

The City will, from time to time, determine and publish minimum spend competition thresholds. These will be decided by the City by analysing the historical size and complexity of the procurement activity and of proposed procurement activities. The City considers aggregated spend based on a five year contract.

6.9.1 Quotations

VendorPanel is the secure internet-based system employees should use to source quotes. It is mandatory for staff to use VendorPanel for all procurement over $5000. Purchase of goods or services valued up to $150,000 and works valued up to $200,000 may be undertaken using the procurement by quotation method as described in the table below:

Value Threshold	Number of written quotations required	Comment
$Nil to $1,000	Minimum of 1 quotation required, if possible	As a matter of good practice, it is desirable to obtain a minimum of one written quotation and ensure the details are recorded before placing an order. However, it is recognised that this is not always practical for reasons of administrative efficiency. If it is not possible to obtain a written quotation, every effort must be made to ensure the process followed in the circumstances is responsible, transparent and accountable.
$1,001 to $5,000	Minimum of 1 quotation required	All original quotations must be maintained in the City's document management system.
$5,001 to $25,000	Minimum of 2 quotations required	Details of the suppliers contacted, and their quotations must be recorded in the VendorPanel system

Goods and services $25,001 to $149,999	Minimum of 3 quotations required	Public advertising is not required; however, a detailed specification must be supplied. Details of the suppliers contacted, and their quotations must be recorded in the VendorPanel system
Works $25,001 to $199,999	Minimum of 3 quotations required	Public advertising is not required; however, a detailed specification must be supplied. Details of the suppliers contacted, and their quotations must be recorded in the VendorPanel system

The situation may arise where insufficient quotations are received to satisfy the above requirements.

This may occasionally occur where there are few suppliers of the goods, services or works being sought, the work is highly specialised or the supplier(s) contacted have declined to quote. In this case, the details of the contacted suppliers must be recorded in the VendorPanel system or recommendation and an appropriate comment recorded, for transparency. There must be a genuine attempt to achieve best value.

6.9.2 Tendering

Purchase of all external goods and services for which the estimated expenditure reaches $150,000 and works for which the estimated expenditure reaches $200,000 must be undertaken by public tender in accordance with the thresholds contained in the Act.

All tender processes must be conducted in accordance with the requirements of this policy and any associated procedures, relevant Legislation, relevant Australian Standards, the Guidelines and the Act.

Requests for quotes under the tender thresholds may be advertised as a public tender at the Service Unit Manager's discretion. Examples of when this may occur include when a field of potential tenderers has not been established, when an innovative approach is required or when the project has broad appeal that may attract keen prices.

6.9.3 Exemptions to the Policy for Obtaining Quotes:

All areas of expenditure identified below are exempt from the requirements of clause 6.8.1 of this policy. However, transactions must still comply with clause 6.8.2 if it fits within the tendering threshold.

- Ministerial Approval - The requirements of Section 186 of The Act do not apply if a contract is entered into by the City in accordance with arrangements approved by the Minister.

- Shop Supplies - Units of the City that operate a retail outlet within its Unit that are required to purchase stock for resale to the public. Goods purchased for the purpose of resale are exempt from obtaining quotes. This is due to the nature of the goods that are offered for resale, which may be of a unique nature.

- Performers - Units of the City that engage performers as part of their performance program are exempt from the conditions of this policy. Performers are engaged for resale to the public and based on potential earnings the City can raise.

- Artworks, Statues and Monuments - The City is in a unique position of operating an Art Gallery. It is not practical to obtain quotes for artworks, statues and monuments as each piece of work is unique. These Items are to be purchased with annual budget restraints in mind. Please note that if an artwork is commissioned to be created then this exemption does not apply and quotations must be sought.

- Sole Supplier (Core Service) - The City deals with a number of core service sole suppliers. There is no market to test and obtain multiple quotations. Examples of core service sole suppliers are:

  (a) Library Service - North Central Goldfields Regional Library;

  (b) Direct engagement with Dja Dja Wurrung and Taungurung for Advisory activities

  (c) Water - Coliban Water;

  (d) Water Catchment Authority - North Central Catchment Authority;

  (e) Telstra, Powercor

  (f) Professional membership payments (must relate to position held at the City);

  (g) Where the supplier is the sole source of specific intellectual property; Facebook, Google and the like and

  (h) Advertising (newspapers, magazines, TV and radio).

- Plant & Equipment Servicing & Spare Parts - plant and equipment purchased by the City require servicing at regular intervals. To maintain a valid warranty, works need to be carried out by recognised suppliers using genuine parts. To achieve this, the City utilises servicing by the manufacturers from whom the plant and equipment was originally purchased. Spare parts from specific manufacturers can also be purchased to complete works on plant and equipment in the City's workshop.

- Legal Services - Legal services are exempt from the requirements of Section 186 of the Act. While there is no requirement under this policy for employees to obtain three quotes from a legal firm, employees must consult with the City's Legal Officer before engaging external legal providers. This internal consultation will ensure the most appropriate firm is engaged, that advice received is relevant without unnecessary replication and that the City receives value for money.

- The Legal Officer is the initial point of contact for all legal matters, except specialist planning advice, prosecutions and conveyancing where the City is either the purchaser or the vendor. In these limited circumstances it is accepted practice for business units to directly engage specialist legal providers.

- The direct referral to specialist legal providers is subject to review every three years.

- Direct purchasing from Aboriginal and Torres Strait Islander businesses where the estimated value of the procurement is up to $25,000. The identified business must be at least 50% Aboriginal or Torres Strait Islander owned. The procuring officer must first determine whether an Aboriginal and Torres Strait Islander business could deliver the required good, work or service on a value for money basis, before following ordinary procurement processes.

- Emergency Situations – If the CEO or delegated key emergency management employees have determined that an emergency exists, purchases can be made without

the need to initially follow policy. Emergency situations may arise due to unforeseen events or occurrences relating to, but not limited to life threatening situations, genuine concerns for public safety, security, loss of essential services and, invoking an emergency response plan. An Exemption to Complying with Minimum Number of Quotes form must be completed for these purchases.

- Specialist Knowledge and Skill Exemption – if the City requires advice from a supplier who offers specialist knowledge. An Exemption to Complying with Minimum Number of Quotes form must be completed for these purchases.

6.10 Delegation of Procurement Authority

6.10.1 Procurement Requirements

Delegations and authorisations define the limitations within which the City employees are permitted to operate. Delegation or authorisation of procurement authority allows specified employees to approve certain purchases, quotations, tender and contractual processes without prior referral to the City. This enables the City to conduct procurement activities in an efficient and timely manner while maintaining transparency and integrity.

Procurement delegations and authorisations ensure accountability and provide confidence to the City and the public that purchasing activities are dealt with at the appropriate level.

Accordingly, the City has delegated or authorised responsibilities as detailed in Schedule 1 and Schedule 2 of this policy, relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for contract management activities.

Delegation and authorisations can be altered at the CEO's discretion.

6.10.2 Purchasing Decisions Reserved for the City

Commitments and processes which exceed the CEO's delegation must be approved by the Council.

6.11 Internal Controls

The City must install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

6.12 Standards

The City's procurement activities must be carried out to the professional standards required by best practice and in compliance with:

- the Act;
- the City's policies and procedures;
- any other relevant legislative and policy requirements; and

- the related documents set out in Clause 7.

7. RELATED DOCUMENTS

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

- the Guidelines http://www.mav.asn.au/__data/assets/pdf_file/0008/4499/Victorian-Local-Government-Best-Practice-Procurement-Guidelines-2013.pdf
- the City's Procurement Procedures Manual;
- the City's Corporate Purchasing Card Policy; and
- the City's Staff Code of Conduct. Employee Code of Conduct | City of Greater Bendigo

Requests for further information or advice on this policy should be directed to Governance.

8. HUMAN RIGHTS COMPATIBILITY

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

9. ADMINISTRATIVE UPDATES

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

10. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
June 2018	*GR*	*Procurement*	*Review (Significant)*	1	*June 2019*
Sept 2019	*GR*	*Procurement*	*Review*	2	*June 2020*

Schedule 1 - Employee Procurement Authorisation

The City must maintain a documented scheme of procurement authorisations, identifying appropriate City employees authorised to make such procurement commitments in respect of goods, services and works on behalf of the City and their respective delegations contained in the Instrument of Delegation.

The procurement authority structure (where delegated) is as follows:

Management Level	Authorisation Limit
CEO	$1,650,000
Directors (EMT)	$550,000
Managers (Senior Officers)	$110,000
Coordinators that supervise a team	$11,000

The abovementioned delegation for coordinators is not automatically applied. Managers must request a delegation for individual roles via the Request for Financial Delegation Form.

As part of the Annual Budget process, the City adopts a Capital Works Programme. A Project Manager, Client Manager and responsible Director are assigned to each project. As part of this process, each Project and Client Manager is assigned an authorisation limit as detailed below to be used solely for the nominated project. Any authority already assigned under the Managers', Directors' and CEO's limits will over-ride that detailed below unless it is of a lesser amount.

Project Management Level	Authorisation Limit
Senior Works Coordinator – Works	$110,000
Coordinator Civil Infrastructure Delivery – Engineering	$55,000
Coordinator Civil Design – Engineering	$55,000
Coordinator Public Space Design – Parks & Open Space	$55,000
Coordinator Infrastructure Development – Engineering	$55,000
Project Coordinator – Property Services	$55,000
Project Manager – Major Projects	$55,000
Project Manager	$22,000
Client Manager	$22,000

Purchasing Card Purchases Director Corporate Performance	Authority to authorise and issue employees a City purchasing card. Employees are authorised to purchase goods and services within the limits stated in the Purchasing Card Policy. Usage must also be in accordance with all other conditions of the City's Purchasing Card Policy.
Fuel Card Purchases Director Corporate Performance	All employees are authorised to utilise fuel cards up to the value of $200.00 per transaction. Fuel cards can only be used to purchase fuel or oil.

CITY OF GREATER BENDIGO

Schedule 2 – Contract value delegation thresholds

Position	Value Limit	Contract Form	Works
Council	Above $1.65M	Contract	Awarding contracts over $1,650,000 or for any contract that the CEO or Directors consider requires a Council Resolution for approval.
		Variations	Contract variations exceeding 30% of the original contract sum in the aggregate, or over $495,000 individually.
CEO	Up to $1.65M	Contract	Awarding contracts up to $1,650,000.
		Variations	Contract variations not to exceed 30% of the original contract sum in the aggregate, or $495,000 individually, whichever is the lesser, subject to remaining within budget or offset savings being identified.
Director	Up to $550,000	Contract	Awarding contracts up to $550,000.
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or $165,000 individually, whichever is the lesser, and contract total not to exceed $550,000, subject to remaining within budget or offset savings being identified from within the program.
Service Unit Manager	Up to $110,000	Contract	Service Unit Manager - awarding of contracts within budget for amounts up to $110,000.
		Variations	Not Applicable.
Project Managers	Up to $22,000	Day Works	Total of all Day Works to be within the specified Day Works Provisional Sum included in the contract Maximum of $22,000 per item

Position	Value Limit	Contract Form	Service/Goods - Fixed Deliverables (fixed $ commitment)
Council	Above $1.65M	Contract	Awarding contracts over $1,650,000 or for any contract that the CEO or Directors consider requires a Council Resolution for approval.
		Variations	Contract variations exceeding 30% of the original contract sum in the aggregate, or over $495,000 individually.
CEO	Up to $1.65M	Contract	Awarding contracts up to $1,650,000.
		Variations	Contract variations not to exceed 30% of the original contract sum in the aggregate, or $495,000 individually, whichever is the lesser, subject to remaining within budget or offset savings being identified from within the program.
Director	Up to $550,000	Contract	Awarding contracts up to $550,000.
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or $165,000 individually, whichever is the lesser, and contract total not to exceed $550,000, subject to remaining within budget or offset savings being identified from within the program.
Service Unit Manager	Up to $110,000	Contract	Service Unit Manager - awarding of contracts within budget for amounts up to $110,000.
		Variations	Not Applicable.

Project Managers	Up to $22,000	Day Works	Not Applicable.

Position	Value	Contract Form	Service/Goods - Schedule of Rates
Council	Above $1.65M	Contract	Awarding multi-year, schedule of rates based contracts over $1,650,000 per annum or for any contract that the CEO or Directors consider requires a Council Resolution for approval.
		Variations	Contract variations exceeding 30% of the original contract sum in the aggregate per annum, or $495,000.
CEO	Up to $1.65M	Contract	Awarding multi-year, schedule of rates based contracts up to $1,650,000 per annum based on the first year of the contract.
		Variations	Contract variations not to exceed 30% of the original contract sum in the aggregate per annum, or $495,000, whichever is the lesser, subject to remaining within budget or offset savings being identified.
Director	Up to $550,000	Contract	Awarding multi-year, schedule of rates based contracts up to $550,000 per annum based on the first year of the contract.
		Variations	Contract variations not to exceed 30% in the aggregate per annum of the original contract sum, or $165,000 individually, whichever is the lesser, and contract total not to exceed $550,000 per annum, subject to remaining within budget or offset savings being identified from within the program.
Service Unit Manager	Up to $110,000	Contract	Not Applicable.
		Variations	Not Applicable.
Project Managers	Up to $15,000	Day Works	Not Applicable.

SCHEDULE 3
SUSTAINABLE PROCUREMENT

One Planet Living

Greater Bendigo City Council (the City) is committed to the One Planet Living as a framework for creating the world's most liveable community. One Planet Living is about making it easy, attractive and affordable for people to live healthy and happy lives within the limits of our one planet.

The City's Procurement Policy is an important mechanism to help achieve this vision.

One Planet Living includes supporting local businesses, creating safe and equitable places to live, empowering communities, reducing consumption, using materials from sustainable sources, and creating a zero waste and zero carbon economy.

For more information on One Planet Living see the City's website:
www.bendigo.vic.gov.au/OnePlanetLiving

The Sustainable Procurement schedules (**Aboriginal and Torres Strait Islander**, **Economic**, **Social** & **Environmental**) contained within the City's Procurement documentation help guide the City's procurement in line with these objectives.

Sustainable Procurement

The City requires the consideration of sustainability in all its procurement activities.

Opportunities will be taken to generate Aboriginal and Torres Strait Islander, Economic, Social, and Environmental benefits whenever it is practicable and achieve value for money.

The City will provide opportunities for businesses in participating in our procurement activities and to be suppliers of our works, goods and services.

Aboriginal and Torres Strait Islander

The City recognises the importance of increasing the economic growth of Aboriginal and Torres Strait Islander businesses and is committed to ensuring it is an integral part of our procurement process.

Economic Sustainability

The City is committed to procurement that supports local businesses and economic diversity in the municipality.

Social Sustainability

Social procurement often takes the form of a local, state or federal department strategically using an appropriate procurement opportunity to generate targeted employment for a specific population group. This includes people with a disability, the long-term unemployed, culturally and linguistically diverse groups, youth, social housing tenants, or a regional, rural or disadvantaged metropolitan area. The City is committed to social procurement, in particular facilitating employment opportunities in disadvantaged communities within the City municipal area.

Environmental Sustainability

The City is committed to environmental sustainability outcomes. This includes the efficient use of resources (energy, water, and materials), protecting ecological systems and achieving zero net greenhouse gas emissions and zero waste to landfill. To help promote environmental sustainability the City will give preference to quotations and tender submissions that deliver environmentally preferable and "Value for Money" outcomes.

The City will reduce waste going to landfill by applying principles of the waste hierarchy. This includes avoiding, reducing, reusing, recycling and finally disposal to landfill, of products used by the City.

- Avoiding waste by not purchasing items that are not needed, or are obsolete, not sustainably produced, or are not of a quality which will last. This may require a review of current purchasing practices by each department.
- Reusing items instead of disposing to landfill. This may include reusing items such as office supplies, stationery, furniture, machinery and paper within the workplace or finding an alternative opportunity for reuse.
- Reducing waste by selecting materials with less packaging, returning packaging, or reducing printing or hard copies. This includes selecting materials made from recycled content, thereby closing the loop and creating a market for recycled materials. This should include choosing suppliers who exercise Extended Producer Responsibility.
- Recycling materials such as paper and cardboard, plastic containers, glass jars and bottles, steel cans, and aluminium cans, printer and toner cartridges, park vegetation, construction/demolition materials and E-waste. Preference should be made for items that are recycled throughout existing recycling processes and systems.
- Disposal of waste to landfill is the least preferred option identified in the waste hierarchy. Taking the steps outlined above will minimise the volume of waste we send to landfill.

Tender and Quotation Evaluation Weightings

To help promote sustainable procurement, the City will apply where applicable, evaluation weightings to quotations and tenders.

- Aboriginal and Torres Strait Islander - 10% weighting as a minimum
- Economic Sustainability - 20% weighting as a minimum
- Social Sustainability - 5% weighting as a minimum
- Environmental Sustainability - 5% weighting as a minimum

7.2 DRAFT FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2020

Document Information

Author **Nathan Morsillo, Manager Financial Strategy**

Responsible Director **Andrew Cooney, Director Corporate Performance**

Purpose/Summary

The purpose of this report is to approve, in principle, the Financial Statements, and Performance Statement for the financial year ended 30 June 2020 and to recommend Council approve the statements in principle.

RECOMMENDATION

1. That the Council on the recommendation of the Audit and Risk Committee:
   a. approve "in principle" the draft Financial Statements and the draft Performance Statement as presented; and
   b. authorise the Mayor, Cr O'Rourke and Cr Alden (or their delegates), as the Finance Committee/Audit and Risk Committee representatives to certify the Financial Statements and the Performance Statement in their final form on behalf of the Council of City of Greater Bendigo.

2. The Principal Accounting Officer be authorised to make any non-material changes to the Financial Statements and the Performance Statement that may arise as a result of the audit;

3. The Chair of the Audit and Risk Committee be notified of any material changes proposed to be made to any of the Statements so that it may be decided whether the Audit and Risk Committee needs to meet further to consider such proposed changes prior to two Councillors signing off the Statements;

4. A copy of the Statements in their final form be forwarded to the members of the Audit Committee.

RESOLUTION

Moved Cr Alden, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1	Lead and Govern for All
Objective 1.3	Be innovative and financially responsible
Strategy 1.3.2	Ensure value for investment on behalf of the community

Background Information

The *Local Government Act 2020* requires the following:

Section 98 Annual report

(1) A Council must prepare an annual report in respect of each financial year.

(2) An annual report must contain the following:

(a) a report of operations of the Council;

(b) an audited performance statement;

(c) audited financial statements;

(d) a copy of the auditor's report on the performance statement;

(e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;

(f) any other matters prescribed by the regulations.

Council submits the Financial Statements to the Minister once it has passed a resolution giving its approval in principle to the Financial Statements and Performance Statement. The Council must authorise two Councillors to certify the Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

Report

The City of Greater Bendigo has prepared its annual Financial Statements and Performance Statement for the financial year ending 30 June 2020. These statements have been presented to the Audit and Risk Committee. The Audit and Risk Committee reviewed the statements and recommends that Council approve the statements in principle.

The Council must authorise two (2) Councillors to certify the statements, being the Mayor Cr O'Rourke and Cr Alden (or their delegates) as members of both Council's Finance and Audit and Risk Committees for the full financial year. At this time of this report, the statements are in the process of being reviewed by the Victorian Auditor General's Office (VAGO) and are considered to be in their final draft form. When the statements have been finalised, they can be signed as soon as two Councillors have been authorised.

Headline results in the financial statements

The statements, including comprehensive income, balance sheet, cash flows, equity and capital works summarise the financial position as at 30 June 2020. The following section highlights items of note in the Financial Statements.

The year end result reported a $12.4M operating surplus. The budgeted operating surplus was $7.7M, resulting in a favourable variance of $4.7M to budget. This result is influenced significantly by grants received during the year. This result is in line with applicable Accounting Standards, which includes recognition of assets as income to the City's accounts (i.e. including non-cash adjustments). The City's underlying adjusted result ratio for the year is a deficit of 5.12%, discussed further in the attached performance statements.

The City is experiencing a more challenging fiscal environment as a result of the COVID-19 pandemic and the associated economic impacts on the community. The City remains in a stable financial position, but like many businesses will need to reduce expenditures to match reduced income.

In the financial year being reported, the COVID-19 pandemic has had a $2M negative operational impact through reduced revenue and fees/rentals waived. Added to this is a $4.1M cash flow impact up to 30 June, with increased debtors and receivables at year end – totalling a $6.1M impact to 30 June 2020. There have been other costs such as increased cleaning, which to date have been offset by lower salary and services expenditure overall.

The statements include reporting on the following:

- Total income of $205.9M for the financial year.
- Total operating expenses, including non-cash items of $193.5M.
- The City delivered of $51.9M of Capital Works during 2019/2020 ($50.4M in 2018/2019). Capital Works projects requiring carried forward funding totalled $8.9M ($13.4M in 2018/2019).

Cash balances at 30 June 2020 are $66.5M, a decrease of $9.5M from prior year. A large percentage of the 30 June cash balance has some form of restriction or intended allocation for future needs. These include:

- Reserves $19.2M
- Trust funds $7.1M
- Grant funds held for future projects and programs $9.8M
- Carry forward capital projects $8.9M

An important ratio reported by Councils is the Working Capital Ratio, which demonstrates the level of current assets to current liabilities. The City's Working Capital Ratio is 1.86:1 (2018/2019 was 2.44:1). This is categorised by VAGO's financial sustainability assessment criteria to be of low risk.

The Performance Statement also includes information on Council's performance against elements of the community plan adopted in the 2019/2020 Budget.

Impacts of COVID-19 on the 2019/2020 Financial Statements

The COVID-19 pandemic has had a significant impact on the Community, and on operations for the City. In line with government restrictions, the City closed a number of facilities and reduced service delivery between March and June 2020. The financial impact of these closures has been reflected in the results for 2019-20 and appropriate commentary appears throughout the annual financial and performance statements.

In response to the challenges facing our community, the City provided relief and support including accelerating payments to suppliers, extending payment dates, suspending charging of penalty interest for overdue rates for those facing hardship, expanding the eligibility criteria of ratepayers to access its Hardship Policy and rental relief for some businesses and organisations renting a City building. The broader impacts for the community are also discussed in the City's annual report.

The City will continue to monitor the non-financial and financial impacts of COVID-19 on its operations, and put in place various mitigation strategies, including discretionary savings and freezing of recruitment of non-essential positions.

The financial statements have been prepared based upon conditions existing as at 30 June 2020. Some further details on further restrictions and subsequent events are also contained in other notes to the financial statements, including Note 8.5 (after balance date events), discussing the re-imposition of restrictions after 30 June.

Variances between actual and the 2019/2020 budget

Note 1 of the Financial Statements details actual results to budget and includes explanation of significant variances. This includes variance analysis for Income and Expenditure, at Note 1.1 and the Capital Works statements, at Note 1.2 of the Financial Statements.

Performance Statement

The Local Government Performance Reporting Framework (LGPRF) requires councils to report against prescribed indicators and measures as part of their Annual Report.

During the fourth quarter reporting period, data and information has been collected and finalised to fulfil the requirements of the LGPRF. This data and information are used in both the Report of Operations and the Performance Statement in the Annual Report. Only the data and information that goes into the Performance Statement is required to be audited. There are a larger set of indicators which will be reported through the LGPRF framework and published on the www.knowyourcouncil.com website.

Indicators and associated audited commentary have been reviewed to include (in many cases) reference to the COVID-19 pandemic for the impact of these.

Feedback can then be reviewed, and the data and information uploaded to Local Government Victoria.

Risk Analysis:

To the best of the Officer's knowledge, these statements are true and correct.

Consultation/Communication

External Consultation:

These statements were examined and recommended by the Audit and Risk Committee at its meeting of 7 September 2020.

Resource Implications

The annual audit of the Council's Financial Statements costs approximately $50,000 and Performance Statements costs approximately $5,000 which is provided for in the budget. VAGO undertook for the current financial year to 'hold' costs at the same level as a recognition of the impact of the COVID-19 pandemic.

Budget Allocation in the Current Financial Year:	Yes
Current Estimate or Tender Price:	$55,000
Projected costs for future financial years:	CPI Plus

Attachments

1. Draft Financial Statements as at 30 June 2020
2. Draft Performance Statement as at 30 June 2020

7.3 APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT AND RISK COMMITTEE

Document Information

Author **Anna Connolly, Risk and Assurance Advisor**

Responsible Director **Andrew Cooney, Director Corporate Performance**

Purpose

To recommend the appointment of Mr Stephen Brown as an independent external member of the Audit and Risk Committee of Council for an initial term of three years, concluding on the 30 September 2023.

Summary

The Audit and Risk Committee of Council include four independent, external members. Where possible, these members are appointed on 'staggered' terms to ensure a level of continuity remains. The Committee's Charter outlines that each external member can be appointed for a maximum of two terms without the role needing to be advertised. Mr Graham Bastian will complete his second term on 30 September 2020.

The vacancy has been externally advertised and attracted a strong field of candidates. Following the completion of the recruitment process, Mr Stephen Brown is recommended to Council as the preferred candidate. Mr Brown is a Chartered Accountant who specialises in the banking and finance field. He has held senior executive positions in the financial services industry and is heavily involved in community and not for profit groups.

I would also like to acknowledge the Mr Bastian has made a very valuable contribution as an Independent Member of the Audit and Risk Committee for the past six years.

RECOMMENDATION

That Council:

1. Approve the appointment of Mr Stephen Brown to the position of independent member of the Audit and Risk Committee for an initial period of three years, concluding on 30 September 2023
2. Formally acknowledge and thank Mr Graham Bastian for his valuable contribution to the Audit and Risk Committee for the past six years.

RESOLUTION

Moved Cr Metcalf, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal: 1 Lead and govern for all

Objective:1.2 Be innovative and financially responsible

Background Information

As outlined in the Audit and Risk Committee Charter, the Committee comprises of seven members, which include three Councillors and four independent external members who are appointed by Council. In accordance with the Local Government Act 2020, the committee members must:

- include members who are Councillors of the Council
- consist of a majority of members who are not Councillors of the Council and who collectively have:
    - expertise in financial management and risk;
    - experience in public sector management; and
- not be a member of Council staff.
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Each independent member may be reappointed for one additional term subject to satisfactory performance, that is, a maximum of six years. Mr Graham Bastian will complete his second term (6 years) on 30 September 2020, therefore the position has been advertised externally. The other independent members on the Committee are Mr Shannon Buckley (appointed 1 October 2018), Ms Jovana Obradovic-Tantra (appointed 1 October 2018) and Mr Warren Pollock (reappointed 1 October 2019). The three existing members collectively have a mix of the required skills in financial management, risk and public sector management.

Previous Council Decision(s) Date(s): Nil

Report

With Mr Graham Bastian in his second term as an Independent Member of the Audit and Risk Committee, the position was advertised externally. From a strong field of candidates, the interview panel, consisting of Council's Mayor, Chief Executive Officer and the Chair of the Audit and Risk Committee have recommended Mr Stephen Brown to be appointed to the role.

Mr Brown is a Chartered Accountant specialising in the Banking and Finance field. He has held senior executive positions in the financial services industry and is heavily involved in community and not for profit groups. He is a current director and a graduate of the Australian Institute of Company Directors and is eager to further utilise his passion for helping individuals and entities to achieve their goals. He has experience across financial management, managing risk and significant dealings with Government departments. Stephen also has experience as a member on other Boards and Committees.

Priority/Importance:

Mr Bastian's term will expire on the 30 September 2020, with the appointment of the new member to occur on the 1 October 2020 in accordance with the Audit and Risk Committee Charter. This will allow time for Stephen to be inducted into the position prior to the first meeting.

Options/Alternatives:

1. Do nothing – the City would be in breach of the Audit and Risk Committee Charter and the Local Government Act 2020 if there were the same number of independent members to Councillors on the Committee.
2. To appoint Stephen Brown to the position for an initial term of three years.

Recommendation is option 2, to appoint Stephen Brown to the role.

Timelines:

If approved, Stephen will be appointed to the position of the Independent Member of the Audit and Risk Committee from the 1 October 2020 for an initial term of 3 years.

Risk Analysis:

If the position remained vacant, the City would not meet the requirements as set out in the Audit and Risk Committee Charter for the number of independent members required as members of the Committee. The City would also be breaching the Local Government Act 2020, with legislation stating that there is a requirement to have more independent members on the Committee than Councillors.

There is a risk that the level of expertise that is required for the Committee is not met, however with a competitive recruitment process undertaken this risk has been minimised.

Consultation/Communication

Internal Consultation:

Internal consultation was undertaken in preparation for the recruitment of this position.

External Consultation:

This position was advertised externally in the Bendigo Advertiser and on the City of Greater Bendigo website. Following the advertising, a competitive recruitment process took place, with Stephen Brown recommended for appointment to the position.

Mr Bastian was notified that his term was expiring and that the position would be advertised externally. The members of the Audit and Risk Committee were also notified of this.

Resource Implications

The independent members of the Audit and Risk Committee are remunerated $600+GST per meeting for attendance. This position is budgeted each year on an ongoing basis, with 4-5 meetings held each year.

Attachments

Nil

7.4 RECORD OF ASSEMBLIES

Document Information

Author **Jessica Clarke-Hong, Manager Governance**

Responsible Director **Andrew Cooney, Director Corporate Performance**

Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.

RECOMMENDATION

That Council note the record of assemblies of Councillors as outlined in this report.

RESOLUTION

Moved Cr Fyffe, Seconded Cr Williams.

That the recommendation be adopted.

CARRIED

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Policy Context

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Effective community engagement will guide well informed, responsive decision-making and financially responsible resource allocations, which are transparent and accountable.

Background Information

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. An advisory committee of the Council where one or more Councillors are present.
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The requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

Report

Meeting Information	
Meeting Name/Type	'Virtual' Councillors' Briefing
Meeting Date	20 July 2020
Matters Discussed	1. Draft update Reconciliation Plan 2. Local Government Act 2020 Councillor Expenses Policy 3. Public Interest Disclosure Procedure 4. Draft Open Space Contributions Policy 5. Virginia Hill Master Plan 6. Single Use Plastic Policy 7. COVID-19 Update
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams **Apology:** Cr Susie Hawke
Staff/Community Representatives	Mr Craig Niemann Ms Debbie Wood Mr Andrew Cooney Mr Bernie O'Sullivan Ms Caroline Grylls Mrs Tiffany O'Connell **Apology:** Ms Vicky Mason

Conflict of Interest Disclosures		
Matter No.	**Councillor/officer making disclosure**	**Councillor/officer left meeting**
	Nil	

Meeting Information	
Meeting Name/Type	'Virtual' Councillors' Briefing
Meeting Date	27 July 2020
Matters Discussed	1. Bendigo Maubisse Friendship Committee 2. Local Government Act 2020 - Audit and Risk Committee Charter 3. City Centre Access and Movement Project

	4. COVID-19 Update	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams **Apology:** Cr Jennifer Alden	
Staff/Community Representatives	Mr Craig Niemann Ms Debbie Wood Mr Bernie O'Sullivan Mr Andrew Cooney Ms Caroline Grylls Mrs Tiffany O'Connell **Apology:** Ms Vicky Mason	
Conflict of Interest Disclosures		
Matter No.	**Councillor/officer making disclosure**	**Councillor/officer left meeting**
	Nil	

Meeting Information	
Meeting Name/Type	'Virtual' Councillors' Briefing
Meeting Date	3 August 2020
Matters Discussed	1. Bendigo Stadium 2. Imagine Golden Square Plan 3. Huntly Railway Station 4. Truck Wise Pilot Project update 5. Draft Affordable Housing Action Plan 6. Economic Development Strategy 7. Golden Square Recreation Reserve Master Plan 8. Community Aquatic Facilities Strategy 9. COVID-19 Updates 10. Council Priorities
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf

	Cr Mal Pethybridge Cr James Williams
Staff/Community Representatives	Mr Craig Niemann Mr Andrew Cooney Mr Bernie O'Sullivan Ms Debbie Wood Ms Vicky Mason Mr Peter Hargreaves

Conflict of Interest Disclosures		
Matter No.	**Councillor/officer making disclosure**	**Councillor/officer left meeting**
	Nil	

Meeting Information	
Meeting Name/Type	Sustainability and Environment Advisory Committee (Zoom)
Meeting Date	4 August 2020
Matters Discussed	1. Circular Economy 2. Heathcote Local to Landscape Plan (Biolinks Alliance) 3. Bendigo Drawdown Proposal 4. Greater Bendigo Environment Strategy 5. Draft Community Aquatic Facilities Strategy 6. Picking up after your dog 7. Friends of the Earth Adaptation Strategy
Attendees/Apologies	
Councillors	Cr Jennifer Alden Cr Andrea Metcalf Cr Margaret O'Rourke
Staff/Community Representatives	Mr Bernie O'Sullivan Mr Glenn Pomeroy Mr Trevor Budge M/S Ashley Fletcher/ Mr Colin Smith Mr Mal Brown Ms Lillian Maher Ms Karin Harding Ms Lisa Gormley Ms Jemille McKenzie Mr Geoff Caine Mr Graham Allardice Mr Peter Foster Dr Sophie Bickford **Apologies:** Mr Anthony Sheean/ Mr Ian McBurney Mr Alistair Stewart Mr Rohan Hogan Mr Trevor Smith

Conflict of Interest Disclosures		
Matter No.	**Councillor/officer making disclosure**	**Councillor/officer left meeting**
	Nil	

Meeting Information	
Meeting Name/Type	'Virtual' Local Government Act 2020 Implementation
Meeting Date	6 August 2020
Matters Discussed	1. Local Government Act 2020 Implementation
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams
Staff/Community Representatives	Mr Craig Niemann Mr Andrew Cooney Mr Bernie O'Sullivan Ms Debbie Wood Ms Vicky Mason Mrs Jessica Clarke-Hong Mr Peter Davies Mrs April Hinton
Conflict of Interest Disclosures	

Matter No.	**Councillor/officer making disclosure**	**Councillor/officer left meeting**
	Nil	

Meeting Information	
Meeting Name/Type	'Virtual' Councillors' Briefing
Meeting Date	10 August 2020
Matters Discussed	1. Planning maters 2. Industrial Land Strategy Update 3. Local Government Act Implementation 4. DCP Finances and Impact on LTFP 5. COVID-19 Update
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden

	Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams
Staff/Community Representatives	Mr Craig Niemann Mr Andrew Cooney Mr Bernie O'Sullivan Ms Debbie Wood Ms Vicky Mason Ms Anne Johnson

Conflict of Interest Disclosures		
Matter No.	**Councillor/officer making disclosure**	**Councillor/officer left meeting**
	Nil	

8. URGENT BUSINESS

RECOMMENDATION

That Council consider, as an item of urgent business, a report on Bendigo Maubisse Friendship Committee New Member Appointments.

RESOLUTION

Moved Cr Alden, seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

8.1 BENDIGO MAUBISSE FRIENDSHIP COMMITTEE MEMBER APPOINTMENTS

Document Information

Author **Steven Abbott, Manager Community Partnerships**

Responsible Director **Vicky Mason, Director Health and Wellbeing**

Purpose

For Council to consider the recommended member appointments for positions on the Bendigo Maubisse Friendship Committee.

Summary

The Bendigo Maubisse Friendship Committee (BMFC) is a Delegated Committee of Council under Section 63 of the *Local Government Act 2020*.

The BMFC must comprise a minimum of 16 representatives and be appointed by Council resolution following an expression of interest process.

In alignment with the BMFC Terms of Reference, it's intended that Committee members will be appointed for one-year term and may renominate for a further term as the BMFC transitions to a new governance model in 2021.

There were five vacant positions made available due to retiring members and the expiry of current terms. In order to fill the vacancies, the City has undertaken a public expression of interest process in August and September 2020.

Two members that have an expired term have renominated, as have an additional seven community members.

The City has undertaken an assessment and interviews of the suitability of the applicants, with support from one existing BMFC member and Mayor Councillor Margaret O'Rourke as the Chair of BMFC.

RECOMMENDATION

That Council appoint to the Bendigo Maubisse Friendship Committee for a one-year term:

- Cameron Bell
- Deborah Blake
- Natasha Joyce
- Anthony Plant
- Alison Grenfell
- Charon Ann Freebody

RESOLUTION

Moved Cr Alden, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

Greater Bendigo Community Plan 2017-2021:

Goal 2	Wellbeing and Fairness
	*I*nclusive policies, partnerships and projects that increase access, improve health and learning opportunities, by building better connections and quality of life for all.
Objective 2.2.3	Build on partnerships and coordination of information with health and other agencies

Council Policy Reference (include weblink as applicable):

International Relations Policy

Background Information

The Greater Bendigo Council relationship with Timor Leste commenced in late 2006 when it established the BMFC to work with the community of Maubisse. The BMFC works on a community to community basis to undertake a range of projects to assist the people of Maubisse in the District of Ainaro in Timor Leste.

The BMFC contributes to improving standards of living, access to essential services, training, capacity building, arts and social programs in the Maubisse community.

The BMFC functions formally as a Delegated Committee of Council under Section 63 of the *Local Government Act 2020* (the Act). The Act provides for a Council to delegate some of its functions, duties or powers to Delegated Committees that then operate under an Instrument of Delegation and Terms of Reference.

Administrative support is provided to work with the BMFC and upload minutes of meetings, provide general administrative advice and oversee the arrangements such as insurance for each delegation travelling to Timor Leste.

The Terms of Reference outline the list of members and the length of term for each member.

Previous Council Decision(s) Date(s):

August 2020 – Council supported a one-year Delegation to BMFC, including a Terms of Reference.

Report

As a Delegated Committee BMFC are obligated to comply with the requirements of the Act. In addition to the Act the operations and work of the BMFC are guided by their current Terms of Reference which states the following:

The BMFC shall comprise a minimum of 16 representatives and be appointed by Council resolution following an expression of interest process.

Composition shall be at least:

- *14 community members;*
- *2 City of Greater Bendigo councillors;*
- *1 officer of the City of Greater Bendigo*

Committee members will be appointed for a 1 year term to coincide with the term of the Delegation by Council and may renominate to join the new governance model when it is established in 2021.

The Councillor representatives are Margaret O'Rourke and Jennifer Alden and the officer representatives are Steven Abbott, Manager Community Partnerships and Rebecca Lee, Community Partnerships Officer.

In August 2020 there were five vacant positions made available due to retiring members and the expiry of current terms. In order to fill the vacancies, the City has undertaken a public expression of interest process in August and September 2020.

The opportunity to express an interest was advertised on the City's social media accounts, in local newspapers, on the City's website and via a direct email out to the distribution list of BMFC.

Two members that have an expired term have renominated, as have an additional seven community members.

A small committee was formed to undertake an assessment of suitability of the applicants and make the recommendation to Council. This committee was made up of one BMFC member (Jennifer Feiss), Mayor Councillor Margaret O'Rourke as Chair of BMFC and Steven Abbott Manager Community Partnerships as City of Greater Bendigo representative.

This assessment committee met on 9 and 10 September 2020 to conduct interviews and formal assessments.

The assessment committee considered the applicants responses to the following questions:

- Why would you like to join the Bendigo Maubisse Friendship Committee or serve another term?
- What personal skills do you have that you feel would be relevant to be part of the committee?
- Do you have, or are you interested in, developing skills in governance, strategy, risk and finance?
- Do you have experience in, or an understanding of, a community development approach to partnerships that support diversity, equity and human rights?
- Do you have experience in international relations and/or cultural diversity?
- Do you believe you have strong communication skills and can you give us an example of when you have used these skills?
- What do you believe is needed to be part of a committee that provides fairness to all members and stakeholders?

Whilst there were five official vacancies on the BMFC, the Terms of Reference do allow for the appointment of additional community members. The assessment committee were impressed with the calibre of applications and following the interviews and assessment, wish to recommend appointing six community members.

The following applicants received the highest score through the written application process and interview, and have therefore been recommended for appointment:

- Cameron Bell
- Deborah Blake
- Natasha Joyce
- Anthony Plant
- Alison Grenfell
- Charon Ann Freebody

Resource Implications

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

Attachments

Nil

9. NOTICES OF MOTION

Nil.

10. CONFIDENTIAL (SECTION 66) REPORTS

10.1 Confidential Section 66 Report in accordance with Section 66(2)(f) of the Local Government Act 2020 relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

MOTION

That Council close the meeting to members of the public pursuant to Section 66(2)(f) of the Local Government Act 2020 to consider a report relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

RESOLUTION

Moved Cr Fyffe, seconded Cr Williams.

That Council close the meeting to members of the public pursuant to Section 66(2)(f) of the Local Government Act 2020 to consider a report relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

CARRIED

There being no further business, the meeting closed at 9:11 pm.

Confirmed:

21 October 2020 **Chair**