

COUNCIL MEETING MINUTES



6:00 pm on Monday June 26, 2023

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

Broadcast live on Phoenix FM 106.7 ***

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can be obtained online at www.bendigo.vic.gov.au

NEXT MEETING:

Monday July 24, 2023

COMMUNITY VISION

2021–2031

Greater Bendigo celebrates our diverse community.

We are welcoming, sustainable and prosperous.

Walking hand-in-hand with the Traditional custodians of this land.

Building on our rich heritage for a bright and happy future.

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

- Local Government Act 2020
- [Governance Rules](#)

ORDER OF BUSINESS

1.	ACKNOWLEDGEMENT OF COUNTRY	5
2.	TRADITIONAL LANGUAGE STATEMENT	5
3.	OPENING STATEMENT	5
4.	MOMENT OF SILENT REFLECTION	5
5.	ATTENDANCE AND APOLOGIES	5
6.	LEAVE OF ABSENCE	7
7.	SUSPENSION OF STANDING ORDERS	7
8.	COMMUNITY RECOGNITION	8
9.	PUBLIC QUESTION TIME	10
9.1.	Public Question Time Guidelines	10
9.2.	Pre-Registered Questions	11
9.3.	Gallery Questions	14
10.	RESUMPTION OF STANDING ORDERS	16
11.	WARD REPORTS	17
11.1.	Eppalock Ward - Cr Evans	17
11.2.	Lockwood Ward - Cr Williams	19
11.3.	Whipstick Ward - Cr Sloan	21
12.	DECLARATIONS OF CONFLICT OF INTEREST	23
13.	CONFIRMATION OF PREVIOUS MINUTES	24
14.	PETITIONS AND JOINT LETTERS	25
14.1.	Petition: Request for Part Closure of Robshaw Street, Ironbark	25
14.2.	Petition: Request for Speed Limit Reduction for Peatlings Road, Bagshot	27
14.1.	PROCEDURAL MOTIONS	29
14.1.1.	Procedural Motion	29
15.	LEAD AND GOVERN FOR ALL	30
15.1.	Review of Public Transparency Policy	30

15.2.	Contracts Awarded Under Delegation.....	33
16.	HEALTHY, LIVEABLE SPACES AND PLACES	34
16.1.	Planning Scheme Amendment C269 and Planning Permit Application DS/137/2021 - 15 & 21 Pratts Park Road Strathdale - Consideration of the Panel Report and Adoption of the Amendment and Subdivision Permit	34
16.2.	135 Bassett Road, Sebastian 3556	47
16.3.	49 Napier Street, Eaglehawk 3556	61
16.4.	13 Haggard Street, Eaglehawk 3556	88
16.5.	CA 1 Axedale-Kimbolton Road, Eppalock 3551	103
16.6.	Positive Ageing Action Plan	133
16.7.	North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023 – June 30 2025	139
17.	STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY	143
18.	ABORIGINAL RECONCILIATION	144
18.1.	A Voice to Parliament Referendum	144
19.	A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT	155
19.1.	Kerbside Frequency Change - Implementation & Education Plan	155
20.	A VIBRANT, CREATIVE COMMUNITY	159
20.1.	Planning Scheme Amendment C275gben - Miners' Housing Serial Listings - Consideration of Submissions and Request Panel	159
20.2.	Public Art Policy for Adoption	180
21.	A SAFE, WELCOMING AND FAIR COMMUNITY	184
22.	URGENT BUSINESS	184
23.	NOTICES OF MOTION	184
24.	MAYOR'S REPORT	185
25.	CHIEF EXECUTIVE OFFICER'S REPORT	187
26.	CONFIDENTIAL (SECTION 66) REPORTS	188

1. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge that the City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country.

We would like to acknowledge and extend our appreciation to the Dja Dja Wurrung People, the Traditional Owners of the land that we are standing on today.

Today, we pay our respects to leaders and Elder's past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

2. TRADITIONAL LANGUAGE STATEMENT

Bangek Knoorarook Bunjil Dja Dja Wurrung
William Talle tallingingorak wirrmbool bunjil

I honour the wisdom of the Dja Dja Wurrung.
We will speak words of truth and listen to your wisdom

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
 - Deputy Mayor Cr Dr Jennifer Alden
 - Cr Matthew Evans
 - Cr David Fagg
 - Cr Margaret O'Rourke
 - Cr Greg Penna
 - Cr Julie Sloan
 - Cr Vaughan Williams
-
- Craig Niemann, Chief Executive Officer
 - Andrew Cooney, Director Commonwealth Games
 - Steve Hamilton, Director Strategy and Growth
 - Jess Howard, Director Corporate Performance
 - Andie West, Acting Director Healthy Communities and Environments
 - Chris Mitchell, Acting Director Presentation and Assets
 - Geoff Fallon, Acting Manager Governance
 - Belinda Campbell, Acting Coordinator Governance

Apologies

- Cr Rod Fyffe OAM
- Brian Westley, Director Presentation and Assets
- Stacy Williams, Director Healthy Communities and Environments

RESOLUTION - Resolution No. 2023-77

Moved: Cr O'Rourke

Seconded: Cr Penna

That any apologies are accepted.

CARRIED

6. LEAVE OF ABSENCE

Nil

7. SUSPENSION OF STANDING ORDERS

RESOLUTION - Resolution No. 2023-78

Moved: Cr Penna

Seconded: Cr Alden

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

CARRIED

8. COMMUNITY RECOGNITION

-To tonight's community section and we start by saying congratulations to local leaders in various fields who were recognised in the recent King's Birthday honours.

Greater Bendigo recipients included:

- o Thalidomide survivor and disability advocate Lisa McManus OAM for services to people with disabilities
- o Golden City Pipe Band leader Helen Dilks OAM for services to music
- o And Dr Andrew Barling OAM, founder of the Otis Foundation, who was honoured for his services in the health field
- o City of Greater Bendigo inaugural Mayor, Megan Weston OAM, was also honoured for services to Local Government and to the Bruny Island community of Tasmania where she now lives

- It is always wonderful to see local residents honoured through these national awards for their services to the community and we congratulate them all again on the various ways they have made a valuable contribution.

- The beautiful new Bendigo Law Courts has won the William Wardell Award for Public Architecture at the Victorian Architecture Awards. The building pays homage to its goldfields surrounds while also honouring Traditional Owner culture through the amazing bunjil design on the building's exterior. The project also received a commendation in the Sustainable Architecture category.

- To some fantastic sporting achievements and congratulations are certainly in order...

- First, Bendigo Spirit's Anneli Maley and Alex Wilson recently won bronze at the FIBA 3 on 3 World Cup in Vienna, beating China. The win means the team is through to next year's qualifying event for the Paris 2024 Olympics, and it certainly bodes well for Australia's chances and local talent featuring in the team when Bendigo hosts 3 on 3 basketball for the Victoria 2026 Commonwealth Games.

- Staying with overseas achievements, and local tennis player Shiralee Bothe has won gold in the Non-Professional Singles Women's Tennis Event at last month's Asia-Pacific Masters Games in South Korea.

- Closer to home and Cr O'Rourke's daughter Bryde and Lyla (Lie-la) Keck recently took to Marvel Stadium and competed in a women's football match that profiles the country's best draft-age female footballers. The game was a curtain raiser to an AFL match. Lyla is the captain and Bryde is the co-vice captain of the Bendigo Pioneers. We will watch their careers with interest!

- At the Swimming Victoria Awards presented last Friday, Bendigo Hawks was named the 2023 Victorian Swimming Club of the Year, while Bendigo East swimmer Cameron Jordan was named Country Swimmer of the Year and Kangaroo Flat Swimming Club's Jett Bird was named Young Leader of the Year.

- And at a separate awards ceremony, this time for the Aquatic Recreation Victoria

Awards, Golden Square pool received the Facility Management Award for the top seasonal facility in 2022.

- In Council news, I encourage residents to be part of the upcoming electoral structure review for the City of Greater Bendigo. The review looks at the number of councillors and wards the council should have, where the ward boundaries should be and the names of wards. The review aims to ensure all voters are represented in a fair and equitable way.

- From Wednesday this week you can make an online submission to the panel's preliminary report. All details can be found on the Victorian Electoral Commission website.

- Finally tonight, Council would like to take the opportunity to also acknowledge the passing of former Bendigo Advertiser editor Rod Case. Rod passed away after battling Motor Neurone Disease and was remembered warmly. Our thoughts are with Rod's wife Liza and their broader family at this time.

- And that ends tonight's community section.

9. PUBLIC QUESTION TIME

9.1. Public Question Time Guidelines

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

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

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

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

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

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

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

9.2. Pre-Registered Questions

Question 1:

From: Travis of California Gully

Topic: Councillors Salaries

Question: Given the severe increase in living expenses in the past 12 months

I am writing to all today to ask and seek transparency regarding councillors salaries. Average wages have definitely not kept up with fake inflation figures. Homelessness is on the rise and small/family businesses are suffering immensely

and all due to incompetence from all levels of government. I and many other constituents are seeking in writing all council members salaries and also any proposed salary increases that are proposed come the financial year.

Answer: Thanks for your question. I will respond here, and a response will also be read out at the next Council Meeting (26 June 2023).

Allowances for the Mayor, Deputy Mayor and Councillors are determined by the Victorian Independent Remuneration Tribunal. The Tribunal has done this for the period 2022 to 2025 and beyond via Determination No. 01/2022. As a Category Three Council the City of Greater Bendigo allowances (inclusive of superannuation or equivalent) are:
2023

- Mayor - \$122,630
- Deputy Mayor - \$61,315
- Councillors - \$37,010

Question 2:

From: Julia of Kangaroo Flat

Topic: Car Free CBD

Question: Will the Bendigo council consider a plan to phase out cars in our CBD over the next decade?

Detail and Background

Bendigo has a unique opportunity to allow for decreased car traffic in our CBD. Walkable cities with ease of public transit boost local business, clean up the air due to lesser petrol fumes and they are better for your health as you are not as confined to a car, so you can have more freedom to walk around. And, its completely safe! You will not be hit by a car walking through the centre of town. A Car Free CBD will allow for all these things. Its just up to whoever wants to initiate it

Answer: There is no current plan to phase out or remove cars entirely from the City Centre, however the City Centre Plan, which was adopted in May 2020, does include a number of principles in relation to walking and cycling. The Plan seeks to create a high-quality, safe, connected and continuous environment that prioritises pedestrian and cycle movement and minimises delays. Although the City Centre Plan does acknowledge that street space will need to accommodate adequate vehicular and public transport access, it also states that this needs to be balanced with safe and dedicated spaces for pedestrians, cyclists, and on-street businesses. The City Centre needs to provide options for access and movement for everyone who wants to work, shop, live there as well as enjoy entertainment or hospitality venues. In recent

years, the City has actively focused on encouraging safe and comfortable active travel with increased pedestrian crossings and traffic calming infrastructure, cycle lanes, more street tree planting, reduction in speed limits to 40km an hour and improved pedestrian wayfinding. Cars are still an important option for many people accessing the City Centre, however, slowing traffic, reducing the number of vehicles and improving pedestrian and cycling infrastructure supports a people friendly environment for everyone.

Question 3:

From: Julian of Bendigo

Topic: Flood Insurance for houses with an LSIO (Land Subject to Inundation Overlay)

Question: Has Council informed itself regarding the cost of flood insurance for people who build their houses on land with a LSIO, Land Subject to Inundation Overlay, or whether in such circumstances no flood insurance can even be made available?

Answer: The introduction of flood overlays, including the Land Subject to Inundation Overlay, are important as they enable Council and City officers to appropriately assess planning permit applications - and ultimately make sure that buildings are in the right location on a property, and also have the correct floor level. Without these overlays, there would be a lot more damage to private houses and buildings. As identified on the 'Managing floodplains' webpage by the Department of Energy, Environment and Climate Action (<https://www.water.vic.gov.au/managing-floodplains/floodinsurance>), flood insurance premiums are set by insurance companies. Policies vary widely and different insurance companies will take different approaches in the event that there is damage caused by flooding. Flood insurance is now offered in many flood-prone areas. It is important that you read a policy carefully to determine whether or not you are covered. It's important to note that it's the owners discretion as to whether they pursue any development in areas affected by flooding (or any other) overlays, and the cost and/or availability of insurance is not something Council is party to.

Question 4:

From: Kay

Topic: 15 minute cities

Question: Where you at any time directed by Any Government official or Government department, Federal or State to implement the 15 min cities Agenda here in Bendigo? Also, when and how, if at all, did you seek the approval of the Bendigo and district peoples for such a scheme to be acted upon?

Answer: Thank you for your enquiry regarding the 15-minute neighbourhood concept. At no point in time has the City been directed to implement a 15-minute cities or neighbourhood concept. Plan Melbourne, the State Government's overarching document for urban and regional planning, identifies the features of a 20-minute neighbourhood as policy, and seeks to create neighbourhoods

that are more inclusive, vibrant and healthy. The City's current Residential Strategy, adopted in 2014 and amended in 2016, aims to create 10-minute neighbourhoods where our residents can access daily household needs within a convenient walk or cycle.

Question 5:

From: Tim of Axedale

Topic: Reconciliation and the Voice to Parliament

Question: My question relates to number 18 on the Council Agenda, namely Reconciliation and the Voice to Parliament. I am encouraged by the willingness of Council to seriously consider the leadership role of local government in relation to these matters and appreciate the commitment to reconciliation shown to date.

Will the Council support the constitutional recognition of Aboriginal and Torres Strait Islander Peoples through a Voice to Parliament enshrined in the Australian Constitution, as a positive response to the invitation extended in the Uluru Statement from the Heart in 2017 to join in a movement of the Australian people for a better future, and in alignment with the Council's own Reconciliation Action Plan, Barpangu, and Social Justice Framework 2022-2025, and if not, what are the implications for the Council's commitment to reconciliation and Aboriginal self-determination, and in particular, for the on-going partnership with Djaara and Taungurung and other First Nations peoples who live in City of Greater Bendigo ? I appreciate that an answer can't be given until later this evening, but I urge you to support the recommended option in the Council Report.

Answer:

This is being debated and resolved tonight

9.3. Gallery Questions

Responses to questions taken on notice from May 22, 2023 Council Meeting:

Question 1:

From: James of Eaglehawk

Topic: People's Rights

Question: Is a woman's right to be in and feel safe in 'women's only spaces', such as public toilets and change rooms, of greater value than a man who is pretending to be a woman's right to use these spaces? as these clash.

Answer: Council hopes that all community members regardless of how they define themselves feel safe and supported to access the services and facilities they require. Council aims to provide equitable and inclusive services and facilities to all people across the municipality. Council is required to comply with relevant Australian Discrimination legislation including the Australian Human Rights Commission Act 1986, Disability Discrimination Act 1992, Sex Discrimination Act 1984 and the Victorian Equal Opportunity Act 2010.

Question 2:

From: Liz of Strathfieldsaye

Topic: Free parking in the periphery of CBD

Question: Why is there no free parking around the periphery of the Bendigo CBD, as this disadvantages shoppers who are trying to support local business? specifically Lyttleton Tce 90min bays.

Answer: Paid parking was introduced in Lyttleton Terrace, between Mundy and Chapel Street, on 2 March 2020. It was also introduced in Hopetoun Street, between Lyttleton Terrace and Chapel Street and Myers Street, between Mundy and Chapel Street at the same time. These areas were previously monopolised by staff from nearby businesses parking all day and moving to avoid the time restrictions. This resulted in low parking availability for customers and those who needed to access the services the most. Consultation was carried out with the affected businesses regarding paid parking, prior to the decision to install paid parking. Paid parking was trialled and was permanently implemented after the trial.

There are free time restricted parking locations available within the City Centre and around the periphery of the City Centre, which include the following locations:

King Street Municipal Car Park (also known as the Target municipal car park)
King Street between Edward St and Arthur Street
Edward Street Multi Storey Car Park (first 90 minutes free)
Edward St between Wills and Queen Street
Coles municipal car park, accessed via Lyttleton Terrace and Myers Street
Chapel Street
Sidney Myer Place
Williamson Street between Myers Street and McLaren Street
McLaren Street
Bridge Street past cemetery street
Free 10 minute bays located in most streets.
All City Centre parking is free of charge on weekends and public holidays.

Gallery Questions

Question 1:

From: Kaylene of Long Gully

Topic: Galkangu Offices

Question: How much per annum are rate payer paying to lease accommodation at Galkangu

Answer: This question taken on notice with a response to be provided to Kaylene and read out at the next public Council Meeting

Question 2:

From: Helena of Lockwood

Topic: Tree cutting in relation to 10 minute neighbourhood

Question: Referring to the 2014 document on 10 minute neighbourhoods, there are major trees that will need to come down for the 5G powerlines.

1. Which trees are coming down?

2. Have these been cut as yet, and if not, when will this occur?

Answer: This question taken on notice with a response to be provided to Helena and read out at the next public Council Meeting

Question 3:

From: Gordon of Golden Square

Topic: Heritage overlays for Miners Cottages

Question: A removal of a specific address from the Heritage Overlay

Answer: If your question relates to agenda item 2.1 Miners' Housing Planning Scheme Amendment all submissions will be referred to an Independent Planning Panel that we have requested the Minister for Planning to appoint.

10. RESUMPTION OF STANDING ORDERS
RESOLUTION - Resolution No. 2023-79

Moved: Cr Penna
Seconded: Cr Fagg

That Standing Orders be resumed.

CARRIED

11. WARD REPORTS

11.1. Eppalock Ward - Cr Evans

Eppalock Ward - Cr Evans presented a report on various issues and meeting/events, including:

- Events with some/ all councillors
 - Heathcote Township Meeting
 - Official opening of Victory Christian College's new Living Centre building
 - Greater Bendigo Climate Collaboration
 - Tour of the Gasworks Site on Weeroona Avenue
 - Induction into Galkangu
 - Afghan National Day Celebrations at Crook Street Hall
 - Citizenship Ceremony
 - Navy Cadets Pass Out Parade at MUD Depot
 - Heathcote On Show + World Gin Day celebrations at Envy Distilling
 - Coffee with a Councillor at the Axedale Tavern
 - Lions Club of Heathcote Changeover Dinner
 - Meeting & social event for the Indonesian Consulate at the Quarry Hill Community
 - Hall for BAIK and Indonesian residents
 - Celebrating 150 Years of the Capital Theatre with a Gala Dinner
 - Eaglehawk Fire Brigade Annual Dinner
 - Redesdale Biggest Morning Tea at the Redesdale Community Hall
 - Several briefings, meetings, workshops across all parts of the Eppalock Ward
- Particular events
 - The Launch of the Youth Action Plan
 - Launch of the Axe Creek Protection Project – SDCE getting on with the job
 - RAW Arts Awards Showcase
 - Bendigo Tourism Board Meeting – membership launch tonight
 - 'Harmony' the Academy of Creative Arts Mid-Year Showcase at BSE
- Events in Canberra
 - With the Deputy Mayor Cr Dr Jennifer Alden and CEO Craig Niemann.
 - National General Assembly of the Australian Local Government Association held at the National Convention Centre
 - Regional Forum & Welcome Reception
 - Event officially opened by His Excellency the Governor General David Hurley.
 - Keynote speakers: The Hon Catherine King MP, The Hon Peter Dutton MP, The Hon Kristy McBain, Jimmy Rees
 - Topics covered:
 - Policy motions
 - The return of the Australian Council of Local Government
 - Gala Dinner in the Great Hall at Parliament House
 - Forum
 - Meetings with Minister King and Minister McBain

- Other achievements:
 - Meetings seeking to progress key initiatives that our city is involved in, including on the Victorian Goldfields World Heritage Bid and Gastronomy.
 - Good to catch up with other Mayors, Councillors, CEOs from our region and from right across the country.
 - Also, good to catch up with Lisa Chesters MP – Federal Member for Bendigo too.
- Summary
 - Productive
 - Laying the groundwork for further advocacy
- Importance of key funding programs
- Conclusion
 - As always, feel free to get in touch with any issues or ideas you may have.
 - Stay classy, Greater Bendigo and see you in the community

11.2. Lockwood Ward - Cr Williams

Lockwood Ward - Cr Williams presented a report on various issues and meeting/events, including:

Inflation

Core Inflation is at around 7.0% at the moment. Which is higher than Japan, Canada, the US & UK.

Not the first place spot we would really want!

Personal Debut

Personal & Credit card debt is at a staggering \$70bn as inflation is forcing people onto credit cards and loans, just to stay afloat. With the AVG Australian now having around \$20k in debts across loans and credit cards. This is up a whole 11% from about the same time last year and getting worse!

Soaring Food Prices - Cost of Living

Food prices have increased by up to 10%+ over the past year, which is putting more stress on the average family being able to put simple food on the table.

Looming Energy price hikes

Energy prices around the country will rise by up to 30% come July 1st, with Victoria to be hit with a 25.5% rise. So much for cheaper energy.

People are now working out whether they can put food on the table or stay warm this winter or even buy their children winter clothing.

Rents, Mortgages - Interest Rate rises.

The Reserve Bank of Australia has delivered a shock 12th rate hike since May last year. Which now sits, at around 4.10%. Forcing many to wonder how and where they will get enough money to pay for their mortgage and which also adds to major rent increases, leaving many to wonder if they can put food on the table, let alone heat their house.

Recession

Are we headed into a new recession? The odds are that we may be heading that way. We have had 30 years since the 1990-1991 recession and all the indicators are that we will experience a recession sooner rather than later.

But that's what happens when you lock a country down for 2 plus years!

NSW Councils Rates Rises

The lockdowns and councils not concentrating on core council business has led a great deal of councils to be in the red and strapped for money. Luckily Bendigo is not in that position, but many other Victorian council are.

Food for thought on councils putting their Rates up in NSW.

I won't go through all the councils putting their rates up, but just say that there are 17 councils in NSW putting their Rates up by 6.35% over one year to a whopping 93% over four years. With the avg around 41.6%.

Armidale Regional Council
58.8% over three years
Bega Valley Shire Council
48.3% over two years
Bellingen Shire Council
31.06% over four years
City of Canada Bay Council
32.53% over four years
Federation Council
39.2% over two years
Hornsby Shire Council
31.05% over four years
Junee Shire Council
32.19% over two years
Lithgow City Council
45.78% over one year
Liverpool Plains Shire Council
18.1% over one year
Port Stephens Council
31.29% over three years
Queanbeyan-Palerang Regional Council
64.3% over three years
Snowy Monaro Regional Council
52.48% over four years
Strathfield Municipal Council
92.83% over four years
Tenterfield Shire Council
43% over one year
Tweed Shire Council
6.35% over one year
Walcha Council
57.74% over three years
Woollahra Municipal Council
22.23% over two years

Bendigo Council only put their rates up by 3.5% which is 50% below inflation at this date, but as we know this will not be sustainable over time and we will start to go backwards or would need to cut some services.

So, I ask council to be smart about the coming budget and concentrate on only CORE council business & projects. To be prudent on future staff hires and non-core-based initiatives.

But in short, let's face it, government at every level and the financial institutions have failed the Australian people in a major way!

11.3. Whipstick Ward - Cr Sloan

Whipstick Ward - Cr Sloan presented a report on various issues and meeting/events, including:

- It was wonderful attending Dja Dja Wurrung Clans Aboriginal Corporation (DJAARA) GARNI, or digging stick, ceremony marking commencement of the new corporate home & community centre. The community GARNI was celebrated with *Traditional healing smoking & the GARNI dance, supported by speeches* from dignitaries including Dja Dja Wurrung Group CEO Rodney Carter, Chairperson of the Dja Dja Wurrung Aboriginal Corporation Trent Nelson and the Minister for Treaty & First Nations The Hon. Gabrielle Williams MP.
- Empowering Eaglehawk's second community business gala at Canterbury Park was a great success celebrating local business and community groups. The Gala brought everyone together to promote local opportunities & collaborative partnership.
- Councillors attended a series of strategic workshops on key issues including planning, population, employment & infrastructure. These workshops form part of detailed information forums at the City that contribute to informed decision making by councillors. Thank you to City officers for their work on these valuable presentations.
- I spoke at Rotary Club Eaglehawk Presidential changeover from Past President Geoff Gallagher to Incoming President Eric Smith, the club is very active in Eaglehawk supporting local, national & international projects. A fantastic favorite project is the club's pre-loved book shop in High St. Eaglehawk, another little local gem for everyone. Thank you RCE for supporting our community.
- I was pleased to welcome BCHS Humanitarian Settlement students and celebrate their graduation from the Orientation Program at Bendigo TAFE. It was pleasing that many new Karen arrivals graduated from the 5 month program and gained greater understanding of their new home in GB. **We wish all new arrivals a peaceful, happy & fulfilling life here.**
- WW Cr's had a busy June including Councillor tour of Galkangu, site meetings with residents about planning applications, attendance at planning consultation meetings, community outreach meetings, site visits, a listening post in Elmore, meeting with Huntly community reference to discuss Huntly structure plan
- Attending committee meetings included the first meeting of Greater Bendigo Environment Partnership, replacing the Sustainability and Environment Advisory Committee (SEAC). The Partnership will bring together community groups, government organisations and stakeholders, including Department of Energy, Environment and Climate Action, North Central Catchment Management Authority, Coliban Water, Parks Victoria, La Trobe University, Bendigo TAFE, Biolinks Alliance, Bendigo Sustainability Group, Central Victoria Australian Conservation Foundation and Landcare Networks, to work towards collective advocacy initiatives and achieving climate and environmental outcomes across GB.

- Finally, a Shout Out to Bendigo Animal Relief Centre BARC & Bendigo Community Cat Program. Since April, with funds from Animal Welfare Victoria Desexing Grant & the Council budget, BARC has participated in high volume cat desexing days by partnering with Bendigo TAFE, RSPCA Victoria & local vets. 123 community cats were desexed microchipped & registered. This vital program is designed to prevent unwanted pregnancies & birth of up to 520 kittens by December & 1200 kittens by next April, & delivers essential health & wellbeing outcomes for our community cats. Thank you to the great team at BARC & program partners for your collaborative committed care of GB's community cats.

12. DECLARATIONS OF CONFLICT OF INTEREST

No attendee declared a conflict of interest.

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

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

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

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

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

13. CONFIRMATION OF PREVIOUS MINUTES

13.1. Confirmation of Previous Minutes

RECOMMENDED MOTION

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

Previous minute location:

<https://www.bendigo.vic.gov.au/About/Council/Council-meetings/Past-Council-meetings>

RESOLUTION - Resolution No. 2023-80

Moved: Cr Fagg

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

14. PETITIONS AND JOINT LETTERS

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

Purpose

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

Recommended Motion

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

RESOLUTION - Resolution No. 2023-81

Moved: Cr Sloan

Seconded: Cr Fagg

That the recommended motion be adopted.

CARRIED

Report

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

“The proposal submitted by the residents asked the following to be considered:

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

Reasons for the proposal:

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

Signatures - 15

Timelines

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

Communications/Engagement

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

Conflict of Interest

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

Attachments

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

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

Purpose

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

Recommended Motion

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

RESOLUTION - Resolution No. 2023-82

Moved: Cr Fagg

Seconded: Cr Williams

That the recommended motion be adopted.

CARRIED

Report

The petition is outlined below:

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

Signatures - 47

The following supporting documentation was provided with the petition:

- Extract from City of Greater Bendigo Road Safety Action Plan 2023-2027
- Google map references for routes Bendigo to Echuca

- News item from ABC Shepparton of May 12, 2023 of accident at Strathmerton resulting in five fatalities

Priority/Importance

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

Conflict of Interest

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

Attachments

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

14.1. PROCEDURAL MOTIONS

14.1.1. Procedural Motion

That Council resolve to bring forward Agenda item 18.1, as it is evident a number of attendees in the gallery are present specifically for this item.

RESOLUTION - Resolution No. 2023-96

Moved: Cr O'Rourke

Seconded: Cr Alden

CARRIED

15. LEAD AND GOVERN FOR ALL

15.1. Review of Public Transparency Policy

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

Purpose

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

Recommended Motion

That Council adopt the updated Public Transparency Policy.

RESOLUTION - Resolution No. 2023-83

Moved: Cr Alden

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

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

Background

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

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

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

Report

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

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the 2020 Act or any other Act;
- Council information must be publicly available unless –
 - the information is confidential by virtue of the 2020 Act or any other Act; or
 - public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community; and
- public awareness of the availability of Council information must be facilitated.

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

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

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

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

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

Policy Context

Primary Council Plan Reference

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

Outcome 1 - Lead and govern for all

Secondary Council Plan Reference(s)

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

Goal 4 - Leadership that sets a standard for good governance and integrity in action, working in partnership with regional Councils

Conflict of Interest

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

Attachments

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

15.2. Contracts Awarded Under Delegation

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

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

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

RESOLUTION - Resolution No. 2023-84

Moved: Cr O'Rourke

Seconded: Cr Evans

That the recommended motion be adopted.

CARRIED

Policy Context***Primary Council Plan Reference***

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

Outcome 1 - Lead and govern for all

Secondary Council Plan Reference(s)

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

Conflict of Interest

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

Attachments

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

16. HEALTHY, LIVEABLE SPACES AND PLACES

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

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

Purpose

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

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

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

Recommended Motion

That Council:

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

RESOLUTION - Resolution No. 2023-85

Moved: Cr Evans

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

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

As a condition of authorisation, 15 Pratts Park Road, Strathdale was added to Amendment C269gben for the proposed rezoning and removal of the DPO4. This was considered important from an orderly planning perspective to prevent a small (1,400 square metre) parcel of land remaining in the LDRZ, given the land directly to the south is also zoned GRZ. The owner of 15 Pratts Park Road was not previously supportive of their property being included in Amendment C269gben; however, they did not provide a submission to Amendment C269gben once on exhibition.

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

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

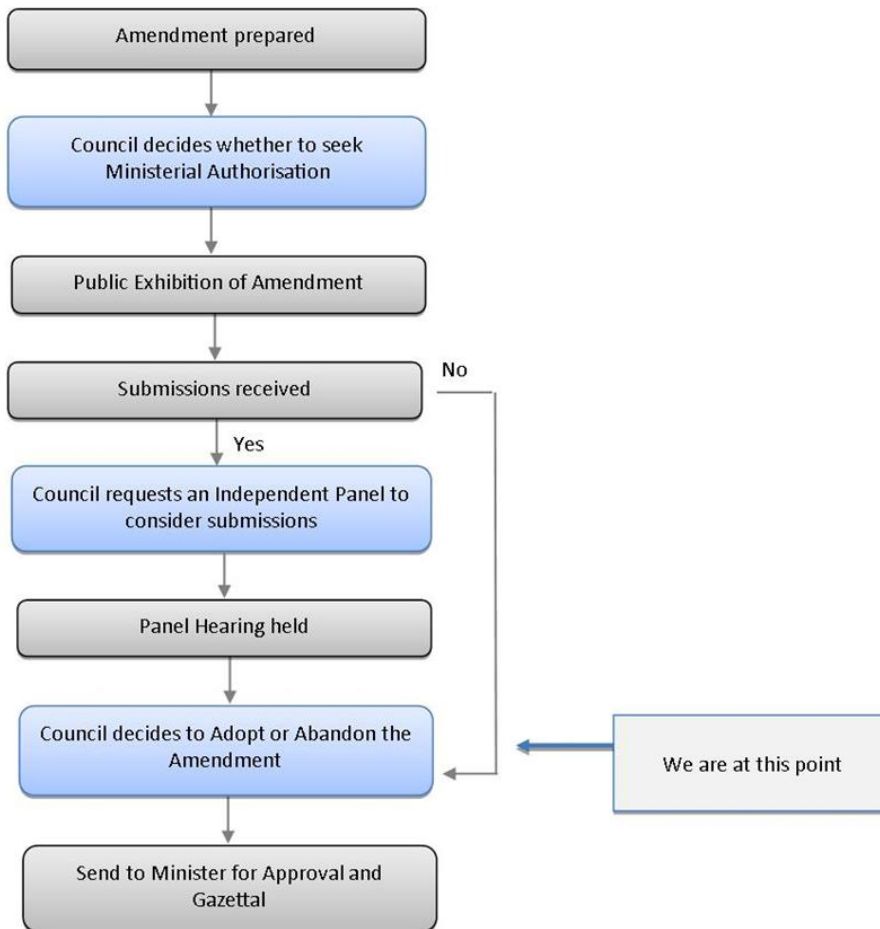
As submissions were not able to be resolved, Council resolved to refer the submissions to a Planning Panel at its meeting on 30 January 2023. A Planning Panel consisting of two members was subsequently appointed by the Minister for Planning, with the hearing held at the Bendigo Club on 28 March 2023.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

The Planning Panel, as shown in the Planning Panel Report (see Attachment 1), determined that Amendment C269gben is well founded, strategically supportable and should be adopted as exhibited. The Panel also recommended that subject to minor

changes to conditions that the planning permit should be issued. City officers support the Panel's recommendation.

Background

The key steps in the Amendment process are summarised below:



Previous Council decision dates:

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

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

30 January 2023 Council resolved to:

1. Note and accept all submissions received as a result of the exhibition of Amendment C269gben and planning permit application DS/137/2021.

2. Request the Minister for Planning to appoint an Independent Panel to consider all submissions received for Amendment C269gben and planning permit application DS/137/2021 to the Greater Bendigo Planning Scheme.

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

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

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

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

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

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

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

Report

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

Land Affected by the Amendment and the Permit

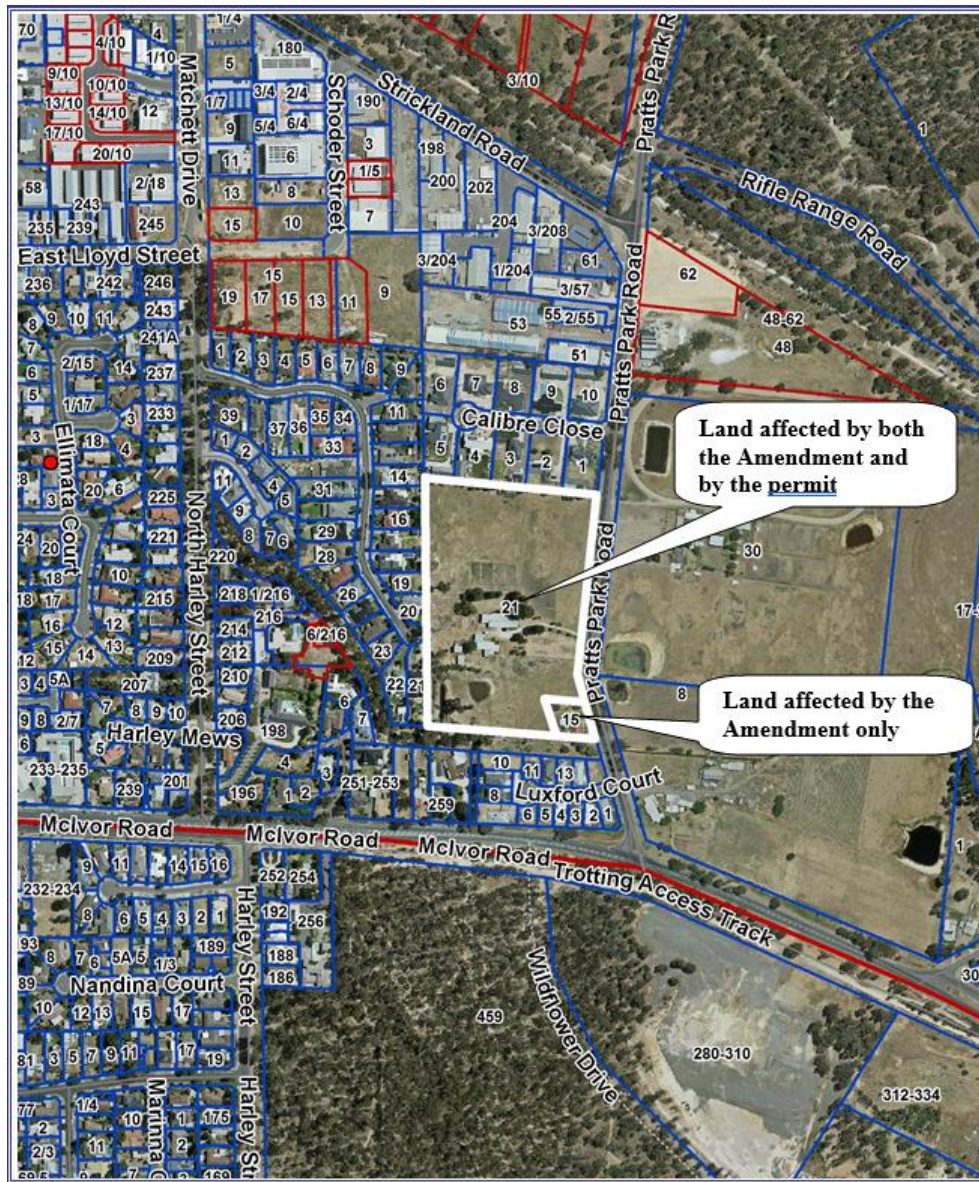


Figure 2: The land affected by the Amendment and the permit

The land at 15 Pratts Park Road, Strathdale is in two parcels and is formally known as Lot 2 and Lot 3 on LP31446 and has a total area of approximately 1,404m². The land at 21 Pratts Park Road, Strathdale is also in two parcels and is formally known as Lot 2 on LP 144758 and Lot 2 on LP 144759 and has a total area of approximately area of 38,014m². The total area of the land affected by the Amendment and permit is 39,418m².

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

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

Exhibition

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

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

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

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

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

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

The Panel Hearing

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

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

The Panel Report and Recommendations

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

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

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

Issues Raised in Submissions	Officer/ Referral Agency Comment	Panel Comment
<p>Strongly objects to the proposed development / extension of Northmoor Drive for the following reasons:</p> <ul style="list-style-type: none"> • There will be considerable increase in-through traffic. • Businesses in Powells Street will use it as a shortcut if coming from Junortoun • Northmoor Drive is very narrow. • Additional traffic in this street will make it more dangerous for pedestrians • Trees will need to be removed. 	<p>In February 2001 the developer of the 'North Harley Street' estate, where Northmoor Drive is located, agreed to include a road reserve 'parcel' at the end of the court bowl to allow for a future connection from Northmoor Drive through to Pratts Park Road. The endorsed subdivision plan for the North Harley Street estate shows the land set aside for the future road connection.</p> <p>The Strategic Planning Unit, in consultation with the Engineering Unit, remained of the view that the extension of Northmoor Drive is the most appropriate outcome from an orderly planning perspective and to ensure connectivity and increase walkability. This would remove the long court bowl at the end of Northmoor Drive.</p> <p>It is expected that most traffic will travel to the east</p>	<p>Following an unaccompanied inspection of Northmoor Drive and review of the updated Traffic Impact Assessment reports, the Panel supported the residents' description of the street as a quiet residential street, but this does not mean the proposed connection is not justified on planning grounds. The Panel concluded the following:</p> <ul style="list-style-type: none"> • The connection of the road created by the subdivision to Northmoor Drive is justified and appropriate. • The impact from increased traffic will be noticeable but will not pose significant adverse impacts. • The proposed connection is an appropriate outcome from an orderly planning perspective, and will ensure connectivity, increase walkability and remove the long court bowl at the end of Northmoor Drive

Issues Raised in Submissions	Officer/ Referral Agency Comment	Panel Comment
	<p>or through the new development and exit on to Pratts Park Road. Therefore, the increase in traffic along Northmoor Drive by opening up the connection is expected to be negligible. Parked cars in Northmoor Drive will further moderate the speed of vehicles.</p> <p>If there is a need to remove any trees for the extension of Northmoor Drive, this will be dealt with in a separate process.</p>	<p>resulting in a net community benefit.</p>
<p>The impacts of the proposed works at the new access point from Pratts Park Road to the subdivision on the nearby existing driveways and roads.</p>	<p>This issue was brought up as an addition to a submission following the circulation of the functional layout plan, as directed by the Panel, that details the recommended design of the intersection of the subdivision road with Pratts Park Road which takes into consideration any additional traffic from Northmoor Drive.</p> <p>This submitter was concerned that they may not be able to turn in and out of their property or into an existing local street from Pratts Park Road because of the proposed design of this intersection.</p> <p>The City's Engineering Unit advised that the intersection can be appropriately treated with line marking so the adjoining property owners can legally enter and exit their properties.</p>	<p>The Panel concluded:</p> <ul style="list-style-type: none"> • The proposed access to and from the subdivision to Pratts Park Road is acceptable. • The design of the intersection of the subdivision road with Pratts Park Road should be determined by the City to ensure there is no disruption to access to Calibre Close properties.

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

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

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

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

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

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

Condition Number	Officer Condition	Proposed	Panel's Recommended Change / Preferred Wording (in bold)	Officer Response
	<ul style="list-style-type: none"> Dwellings on Lots 22, 23, 28, 30 and 32 must be designed in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road. 		<ul style="list-style-type: none"> Dwellings on Lots 22, 23, 28, 30 and 32 fronting Pratts Park Road must be designed and sited in such a manner to allow vehicles to enter and exit the site in a forward direction onto Pratts Park Road. 	
14	<p>DETAILED DRAINAGE PLANS</p> <p>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.</p>	DETAILED DRAINAGE PLANS	<p>DETAILED DRAINAGE PLANS</p> <p>Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by to the satisfaction of the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions.</p>	Agree with the recommended change
15	<p>PEDESTRIAN SIGHTLINES</p> <p>The minimum sight line for pedestrian safety must be provided at the exit lane frontage so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.</p>	PEDESTRIAN SIGHTLINES	<p>PEDESTRIAN SIGHTLINES</p> <p>The minimum sight line for pedestrian safety must be provided at the exit lane frontage to Pratts Park Road so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.</p>	Agree with the recommended change
22	<p>COUNTRY FIRE AUTHORITY</p> <p>The bushfire management plan prepared by Spiire and dated 22 February 2021 must be endorsed as part of the permit,</p>	COUNTRY FIRE AUTHORITY	<p>COUNTRY FIRE AUTHORITY</p> <p>The bushfire management plan prepared by Spiire and dated 22 February 2021 16 March 2023 must be endorsed as part of the permit.</p>	Agree with the recommended change
24	DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING	DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING ENERGY, ENVIRONMENT		Agree with this recommended change

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

Priority/Importance

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

Options Considered

Council has the options of:

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

Timelines

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

Communications/Engagement

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

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

Conclusion

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

Financial Sustainability

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

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

Risk Assessment

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

Policy Context

Primary Council Plan Reference

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

Conflict of Interest

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

Attachments

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

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

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

Summary/Purpose

Application No:	DU/780/2022
Applicant:	Bendigo Planning Services
Land:	135 Bassett Road, SEBASTIAN 3556
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
No. of objections:	Nil
Consultation meeting:	Not required
Key considerations:	<ul style="list-style-type: none"> • Whether the proposed use and development of a dwelling on the land is appropriate in the Farming Zone. • Whether the use of the land as a host farm and its associated development is appropriate in the Farming Zone. • Whether bushfire risk has been appropriately managed and addressed.
Conclusion:	The proposal would introduce a dwelling and host farm that would significantly reduce the agricultural capacity of land in the Farming Zone. This would increase pressure for proliferation of dwellings in the zone and potentially impact upon adjacent farming uses. This is an outcome that is contrary to policy regarding the protection of agricultural land. It is recommended that the proposal be refused on the grounds below.

Recommended Motion

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

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

- d) The layout of the use and development unnecessarily remove a large area of land from agricultural production.
2. The proposal is inconsistent with planning policy regarding bushfire risk. Locating host farm accommodation in an area of high risk would be contrary to the strategies of the Planning Scheme which seek to locate new development in areas of low risk and to prioritise human life above all other policy considerations.

RESOLUTION - Resolution No. 2023-86

Moved: Cr Fagg

Seconded: Cr Alden

That Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Planning Permit for the use and development of a dwelling and host farm at 135 Bassett Road, Sebastian 3556 subject to the following conditions:

1. No Layout
Alteration The use and
development permitted by this permit as shown on the endorsed plans and 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. LAND MANAGEMENT PLAN
The Land Management Plan prepared by Cumbre Consultants on 10 October 2022 shall be endorsed to form part of this permit and any recommendations set forth in the plan, shall be applied to the development of the land on an ongoing basis.
3. INFRASTRUCTURE STAGING PLAN
Before a building permit is issued for any dwelling on the property, an Infrastructure Staging Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The documents must include a clear site plan of the whole site, and be drawn to scale with dimensions, indicating all proposed infrastructure. The infrastructure staging plan must be generally in accordance with Farm Management and Activities Plan and the Site Plan submitted as part of the planning permit application outlining the proposed agricultural land use. The plan must show:
 1. The property address;
 2. Owner's details;
 3. Proposed agricultural land use;
 4. Details of the proposed infrastructure including paddocks and associated fencing, automatic watering troughs, orchard and any sheds/shelters;
 5. Details of the staging in which the proposed infrastructure will be installed; and
 6. Any other relevant information to support the proposal.

The Infrastructure Staging Plan must indicate to the satisfaction of the responsible authority:

1. At what stage the proposed dwelling will be constructed. It must also indicate that the proposed agricultural land use has been reasonably established on the site prior to construction of the proposed dwelling commencing; and
2. At what stage the proposed dwelling will be occupied. It must also indicate that

the agricultural land use has been reasonably established on the site, prior to the occupation of the proposed dwelling.

3. Any remaining infrastructure in support of the intended agricultural use and the timeframe for completion of all infrastructure.
4. **HOST FARM BUILDING**
If the use of the land for agriculture ceases, the accommodation building must be removed from the land.
5. **Construct a Gravel Driveway**
Prior to the commencement of works for the dwelling, the owner must construct a gravelled driveway connecting the dwelling location to Bassett Road.
6. **Electricity Supply**
The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.
7. **General Drainage – Buildings AND Houses**
The proposed buildings and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.
8. **CFA
ENDORSEMENT OF BUSHFIRE MANAGEMENT PLAN**
Before the development starts, the Bushfire Management Plan (page 2 of 3) prepared by Bendigo Planning Service, Drawing Number 2209002-BMS, Revision E, dated 12th May 2023 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.
9. **BUSHFIRE EMERGENCY PLAN**
Before the development is occupied or the use commences, a bushfire emergency plan (BEP) to the satisfaction of the Responsible Authority and CFA must be submitted to and endorsed by the Responsible Authority.
The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:
 1. Premises details
 2. Describe property and business details.
 3. Identify the purpose of the BEP stating that the plan outlines procedures for:
 - Closure of premises on any day with a Fire Danger Rating of Catastrophic
 - Evacuation (evacuation from the site to a designated safer off-site location).
 - Shelter-in-place (remaining on-site in a designated building).
 1. Review of the BEP
 2. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
 3. Include a Version Control Table.
 4. Roles & Responsibilities
 5. Detail the staff responsibilities for implementing the emergency procedures in the

event of a bushfire.

6. Emergency contact details
7. Outline organisation/position/contact details for emergency services personnel
8. Bushfire monitoring procedures
9. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
10. Describe and show (include a map) the area to be monitored for potential bushfire activity.
11. Action Statements – trigger points for action
12. Prior to the Fire Danger Period

- Describe on-site training sessions and fire equipment checks.
- Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).

1. Closure of premise during forecast Fire Danger Rating of Catastrophic

- Outline guest notification procedures and details of premises closure (including timing of closure).

1. Evacuation

- Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
- Details of the location/s of the offsite emergency assembly location.
- Actions after the bushfire emergency event
- Transport arrangements for staff and guests including details such as:

1. Number of vehicles required
2. Name of company providing transportation
3. Contact phone number for transport company
4. Time required before transportation is likely to be available
5. Estimated travelling time to destination
6. Shelter-in-place

- Show the location and describe the type of shelter-in-place.
- Triggers for commencing the shelter-in-place option.
- Procedures for emergency assembly in the shelter-in-place building

10. HOST FARM CLOSURE

The use of the Host Farm Accommodation approved under this permit must not operate after 10.00am on any day with a declared Fire Danger Rating of Catastrophic in the Northern Country Fire District.

11. EXPIRY OF PERMIT

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

within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Notes

- Before a building permit is issued for a dwelling at the property, a Permit to Install an Onsite Wastewater Management System is required to be issued by the City.
- A “Works Within Road Reserve Permit” must be obtained from the City’s Engineering Department prior to commencing any work outside the property boundary on the road reserve. (Note: A Planning Permit is not a Works Within Road Reserve Permit).

CARRIED

Background Information

The application was lodged on 7 November 2022.

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

Report

Subject Site and Surrounds

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

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

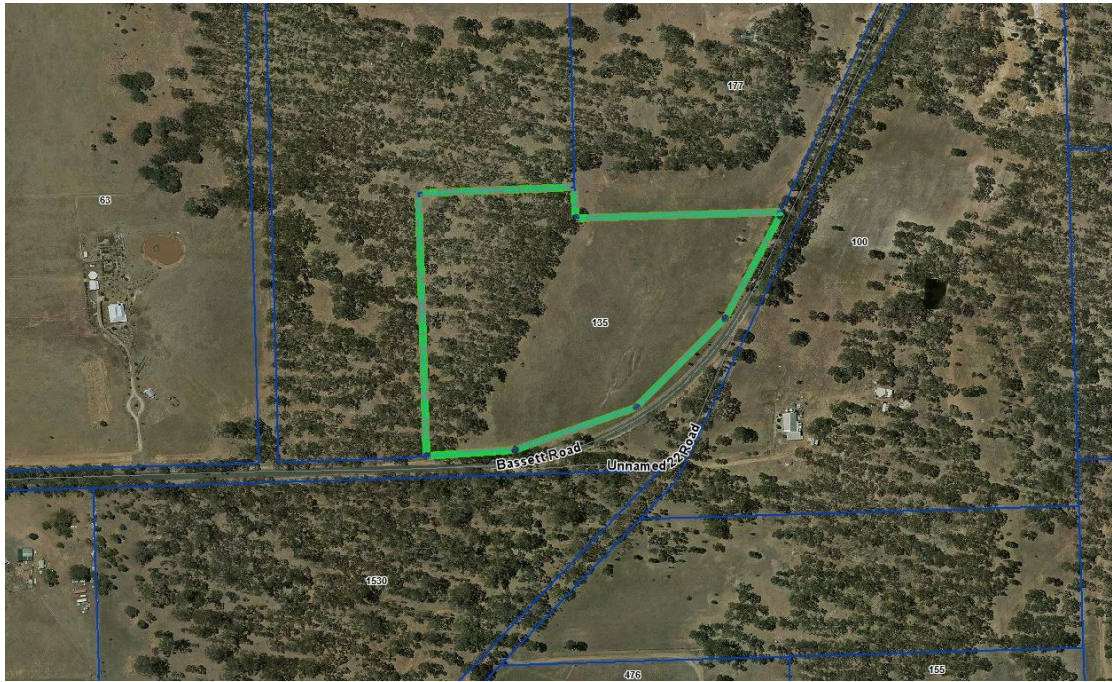


Figure 1: Location map showing subject site.



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

Proposal

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

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

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

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

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

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

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

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



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

Planning Controls - Greater Bendigo Planning Scheme

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

Why is a permit needed?

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

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

Municipal Planning Strategy

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

Clause 02.03-7 Economic Development**Planning Policy Framework**

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

Policy Context***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication**Referrals**

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

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

Public Notification

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

Planning Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Has bushfire risk been appropriately managed and addressed?

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

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

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

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

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

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

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

Conclusion

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

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

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

Options

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

Conflict of Interest

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

Attachments

Nil

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

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

Summary/Purpose

Application No:	DC/289/2022
Applicant:	Penno Drafting & Design
Land:	49 Napier Street, EAGLEHAWK 3556
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay – Schedule 23 Heritage Overlay – Schedule 19
No. of objections:	Nil
Consultation meeting:	Not applicable
Key considerations:	<ul style="list-style-type: none"> • Whether the proposed demolition of the existing contributory heritage listed dwelling is acceptable. • Whether the building design for the Medical Centre is appropriate within a heritage precinct and within the Eaglehawk Activity Centre. • Whether the proposed extent of carparking reduction is acceptable for a Medical Centre of this scale in this location. • Whether the proposed access arrangements for the rear car park is acceptable from the one-way laneway. • Whether the extent and design of signage is appropriate within this heritage precinct.
Conclusion:	<p>The application is not in accordance with the Greater Bendigo Planning Scheme.</p> <p>It is recommended that Council refuse to grant a permit as the proposal does not present an acceptable planning outcome with regards to the purposes of the Heritage Overlay and the Design and Development Overlay. The demolition of the existing dwelling will detrimentally impact the protected heritage character of Napier Street. The proposed design of the Medical Centre is not consistent with the requirements of the Heritage Overlay or the Design and Development Overlay. The design does not respond to the heritage context of the area, nor does it actively integrate with Napier Street.</p>

Recommended Motion

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

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

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

RESOLUTION - Resolution No. 2023-87

Moved: Cr Penna

Seconded: Cr Fagg

That pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for the demolition of buildings, construction of a medical centre, reduction in parking and display of signage at 49 Napier Street, Eaglehawk 3556 subject to the following conditions:

1. PLAN REQUIRED

Prior to any works commencing, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show:

1. Any required alterations to proposed boundary fencing in order to ensure that sightlines are maintained in accordance with the requirements of Clause 52.06-9 of the Greater Bendigo Planning Scheme.
2. The exact location, design and size of all signage.
3. A directional sign in accordance with the requirements of Condition 18.

2. No Alteration to Layout

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

3. Practitioner Numbers

Except with the prior written consent of the responsible authority, no more than 7 practitioners may operate from the medical centre at any one time.

4. RECORD OF BUILDING

Before the demolition starts, an archival quality annotated photographic study of the building prepared to the satisfaction of the responsible authority by a suitably qualified person must be submitted to the responsible authority as a record of the building.

The survey must include:

1. Each elevation of the building
2. The interior of the building
3. Architectural design detailing of the building
4. A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

5. DEMOLITION ACTIVITIES

All activities associated with the demolition 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. LANDSCAPE PLAN

Prior to the commencement of the construction works, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the Landscape Plan shown on the plans prepared by Penno Drafting and Design, dated Jan 2023 (R21-121):

The plan must show:

1. A survey (*including botanical names*) of all existing vegetation to be retained and/or removed.
2. Details of surface finishes of pathways and driveways.
3. Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
4. One (1) canopy trees (minimum two metres tall when planted) provided with the Napier Street front setback.
5. Landscaping in proximity to the accessway must ensure that sightlines are maintained in accordance with the requirements of Clause 52.06-9 of the Greater Bendigo Planning Scheme.

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

7. COMPLETION OF LANDSCAPING

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

8. LANDSCAPING MAINTENANCE

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

9. DRAINAGE PLANS

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:

- Underground drainage
 - A point of discharge
 - Stormwater quality
 - Stormwater detention
1. Allowable discharge: $q_{10\%} = 9 \text{ l/s}$

10. CAR PARK CONSTRUCTION

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

1. Properly formed to such levels that they can be used in accordance with the plans;
2. Surfaced with an all-weather-seal coat;
3. Drained;
4. Line marked to indicate each car space and all access lanes;
5. Accessible parking bays, where required by the BCA, must be provided in accordance with AS/NZ 2890.6-2009, section 2 and must be signed in accordance with AS/NZ 1742.11-1999 and line marked in accordance with AS/NZ 2890.6-2009, section 3.
6. The carpark must be provided with public lighting in accordance with AS/NZ 1158.3.1 with fittings to minimise spill lighting on to neighbouring property (including road reserves) in accordance with AS/NZ 4282-1997.

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

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

11. 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.

12. CONSTRUCTION OF WORKS

Road works, drainage and other civil works must be constructed in accordance with plans and specifications approved by the responsible authority:

1. Underground drainage.

13. 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.

14. LOADING AND UNLOADING

The loading and unloading of vehicles and the delivery of goods must at all times

be undertaken within the boundaries of the subject land.

15. REFRIGERATION AND AIR CONDITIONING EQUIPMENT

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

16. SIGNS NOT TO BE ALTERED

The location and details of the signs, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

17. NO EXTERNAL SIGN ILLUMINATION

The signs permitted by this permit must not be floodlit or illuminated.

18. Directional Sign

A sign or signs must be provided to the satisfaction of the responsible authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the responsible authority. The sign(s) must not exceed 0.3 square metres in area and must clearly state that the on-site car park cannot be accessed from Napier Street (and must be accessed from the public car park at the rear).

19. Baffled Lighting

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

20. EXPIRY OF PERMIT

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

Note – Noise Emissions

Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues at all times.

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;

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

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

CARRIED

Background Information

Site History

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

Date	Action undertaken
1994	The Borough of Eaglehawk purchased the subject site to allow for the expansion of the car park to the rear (demolition of the dwelling and extension of carpark).
1995	Site was identified as surplus to needs by the former Borough of Eaglehawk.
1994-2019	<ul style="list-style-type: none"> The property remained in the ownership of the former Borough of Eaglehawk until amalgamation, at which time ownership was transferred to the Greater Bendigo Council. The dwelling was rented out on the private rental market throughout this period until 2015. It remained vacant for the final years of ownership by the Council. A number of strategic planning projects conducted over the years of ownership all identified the site as <u>not</u> being needed for the expansion of car parking areas within Eaglehawk.
July 2013	The Eaglehawk Structure Plan identified the site as an opportunity for in-fill development. No specific plans for how this was proposed to occur were developed.
March 2016	Council resolved to begin public engagement to seek views on the potential sale of the site.
2017	Initial consultation on sale – letter to adjoining properties, community listening post and face-to-face/telephone conversations with respondents.
April 2018	Council formally resolved to begin public consultation about the proposal sale of the site.
July 2018	Council formed a committee to review/hear submissions from public consultation.
Dec 2018	Council formally resolved to sell the property.
July 2019	Sale process commenced through local real estate agents.
October 2019	Property was auctioned – current landowner was the successful bidder at this auction.

December 2019	Successful bidder at the auction lodged a demolition enquiry with the City. This enquiry application was subsequently withdrawn by the landowner prior to any advice being provided by City officers.
December 2020	Second demolition enquiry was lodged with the City.
March 2021	The City provided a response to the submitted demolition enquiry advising that: <ul style="list-style-type: none"> • <u>Demolition of the building would not be supported.</u>

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

Application Background

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

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

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

At the conclusion of this meeting, City officers advised the landowner and applicant that the front portion of the building remained in a reasonable condition and any structural issues were able to be reasonably rectified through re-stumping and other works. The City advised that limited alterations/demolition could be supported if the three-dimensional presentation of the existing building to Napier Street was retained. This must include the front façade of the building, roof form and side elevations including the two chimney's located either side. Replacement of later additions to the building to reflect the original fabric should also be made.

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

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

Report

Subject Site and Surrounds

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

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



Figure 1: Subject Site

The site is developed with a single storey dwelling, which was constructed in 1905. The site is identified as having contributory significance to the Eaglehawk Heritage Precinct (HO19). The dwelling is constructed in a Victorian style, which forms part of a consistent

housing style that extends along Napier Street. Two original chimneys also remain intact. Some minor modifications have occurred to the property over the years, including the reconstruction of the front verandah using contemporary building techniques to reflect the original structure and the cladding of the building with aluminium cladding (weatherboard look-a-like) over the top of the original weatherboards.

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

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

The site is located at a transition point in the streetscape and the Eaglehawk town centre. To the north-east, the main commercial area extends along High Street. A mix of commercial activities occur throughout the area, with a mix of building styles present, with the predominate style coming from the original development of the Eaglehawk commercial strip in the early 1900's. Eaglehawk community health exists to the north-west of the site, which largely presents as car parking to the subject site. To the south-west of the site, running along Napier Street, residential dwellings predominate. These are all single storey, detached dwellings, constructed on similar sized lots to the subject site. Figure 2 (below) shows the site and the surrounding area, with Figure 3 showing a Google Streetview image of the subject site and the adjoining properties.

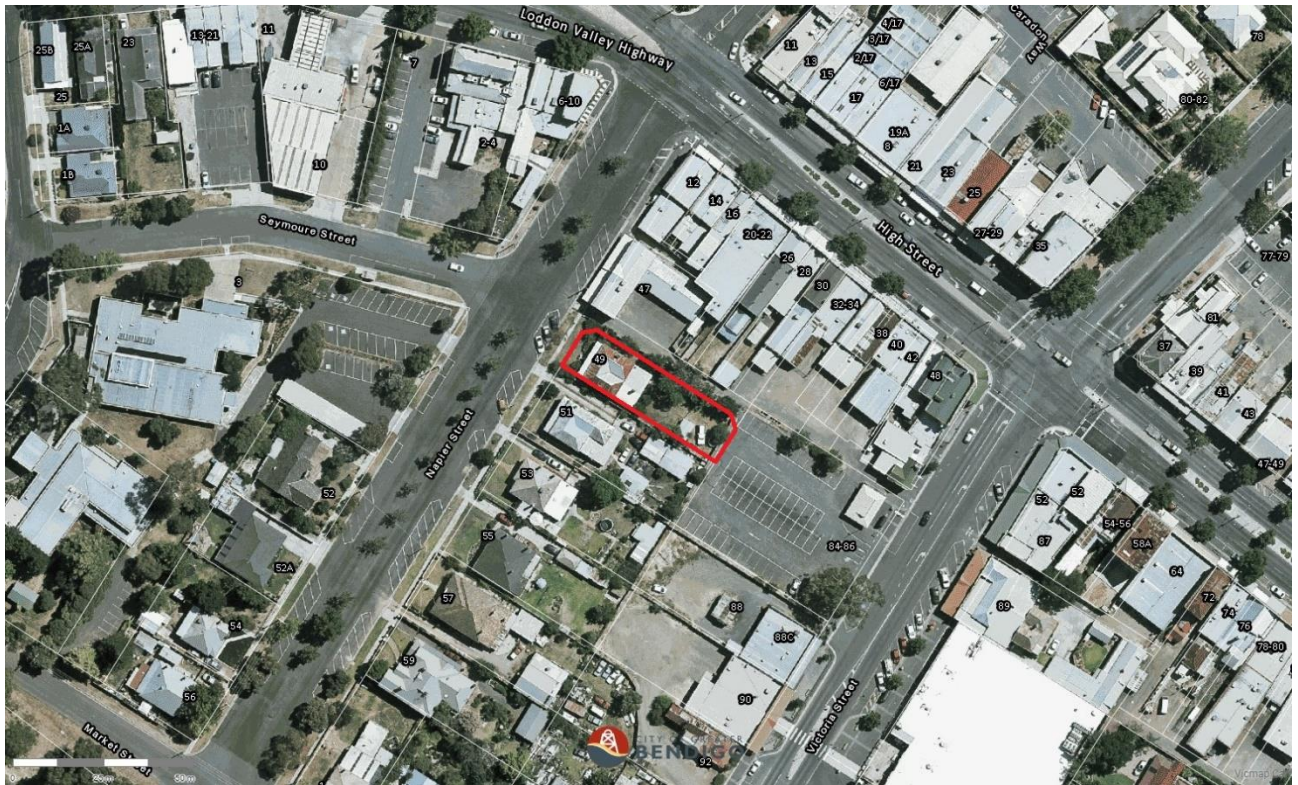


Figure 2: Site and surrounding area.



Figure 3: Google Street view of subject site and adjoining properties (image date Nov 2019).

The topography of the area falls from south-east to north-west, with a fall of approximately 2.25 metres from the rear to front boundary of the site.

Proposal

The application seeks planning approval for the '*Demolition of buildings, construction of medical practice, reduction in parking and display of signage*' at 49 Napier Street, EAGLEHAWK 3556. The individual components are further discussed below.

- *Demolition of Buildings*

The proposal seeks to demolish the existing dwelling on the site and all remnants of the former dwelling use on the land (paths, foundations for outbuildings etc.). The proposal also seeks to remove all vegetation from the site (no planning permit required for this). Figure 4 below shows the proposed demolition plan.

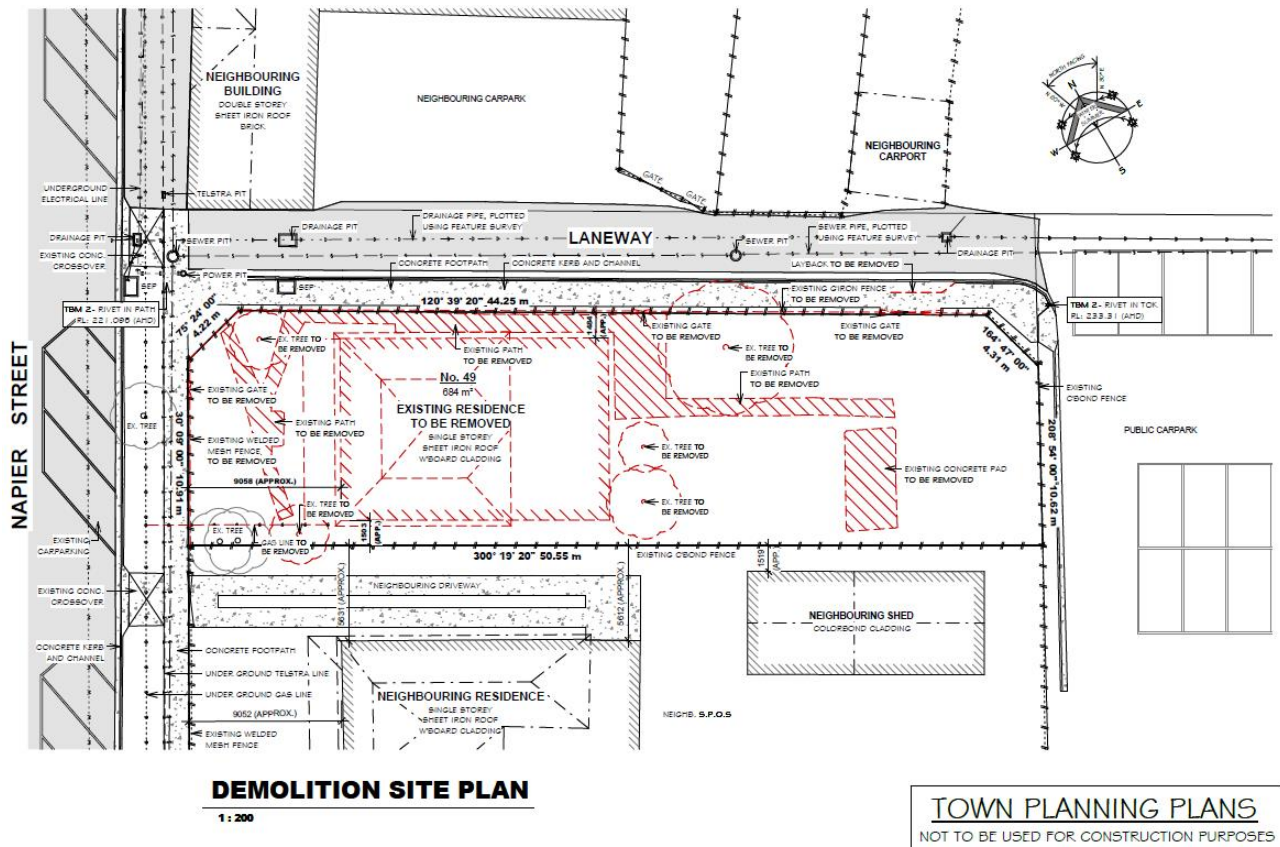


Figure 4: Proposed demolition plan.

- *Construction of a Medical Practice*

The application proposes to construct a new medical centre. The medical centre is proposed to contain the following:

- Entry foyer
- Reception space
- Waiting room
- Six consulting rooms
- Pathology office
- Treatment room
- Nurses station
- Practice manager office
- Staff room
- Storerooms
- Clean store
- Toilets

3 car parking spaces would be provided to the rear of the new medical centre, one of which would be a designated accessible parking space. Waste storage areas and three bicycle parking loops are also proposed in this area.

The medical centre is proposed to have a total floor area of 342.35 square metres. The building would have an overall height of 5.839 metres at the Napier Street frontage. It would be clad in CSR Cemintel Territory Woodland with a light grey colour. The building has been designed to reflect a residential scale. Figures 5 to 7 (below) show the proposed layout and elevations of the medical centre.

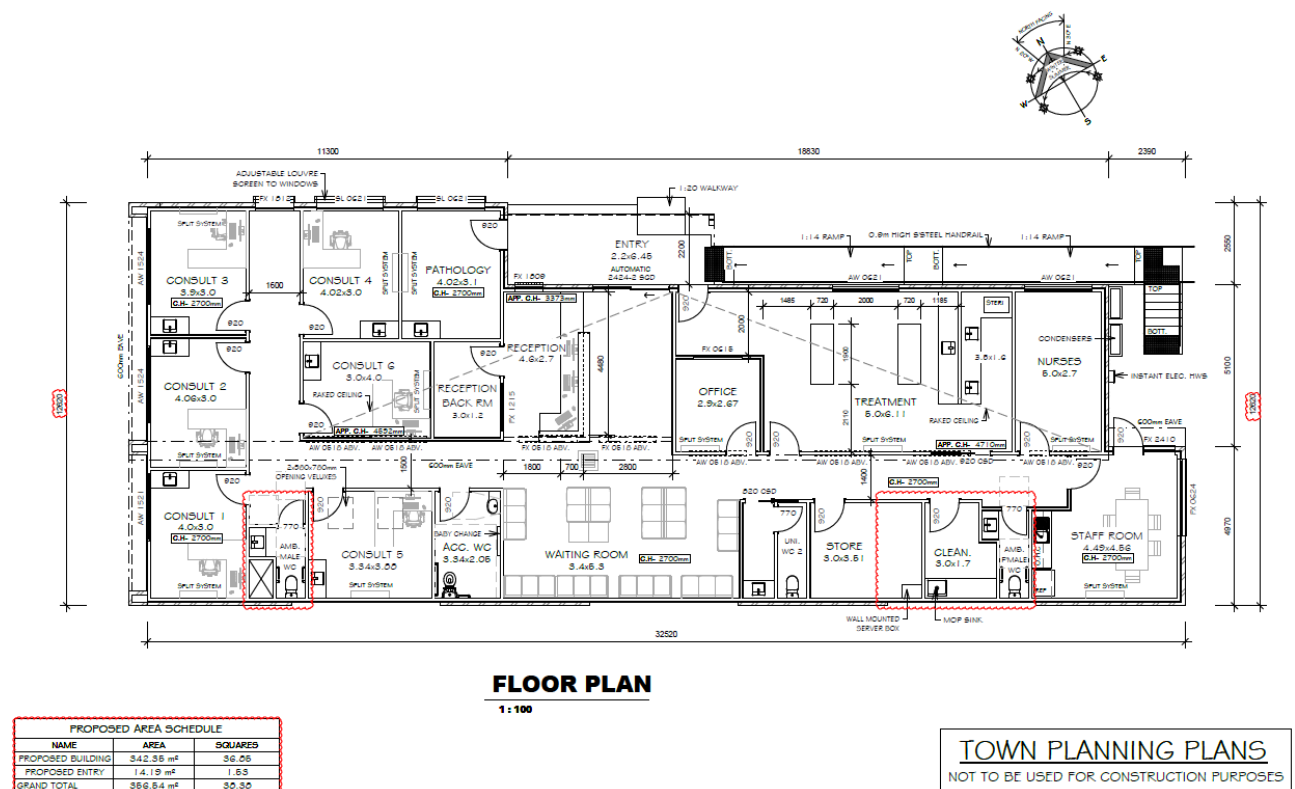


Figure 5: Proposed floor plan

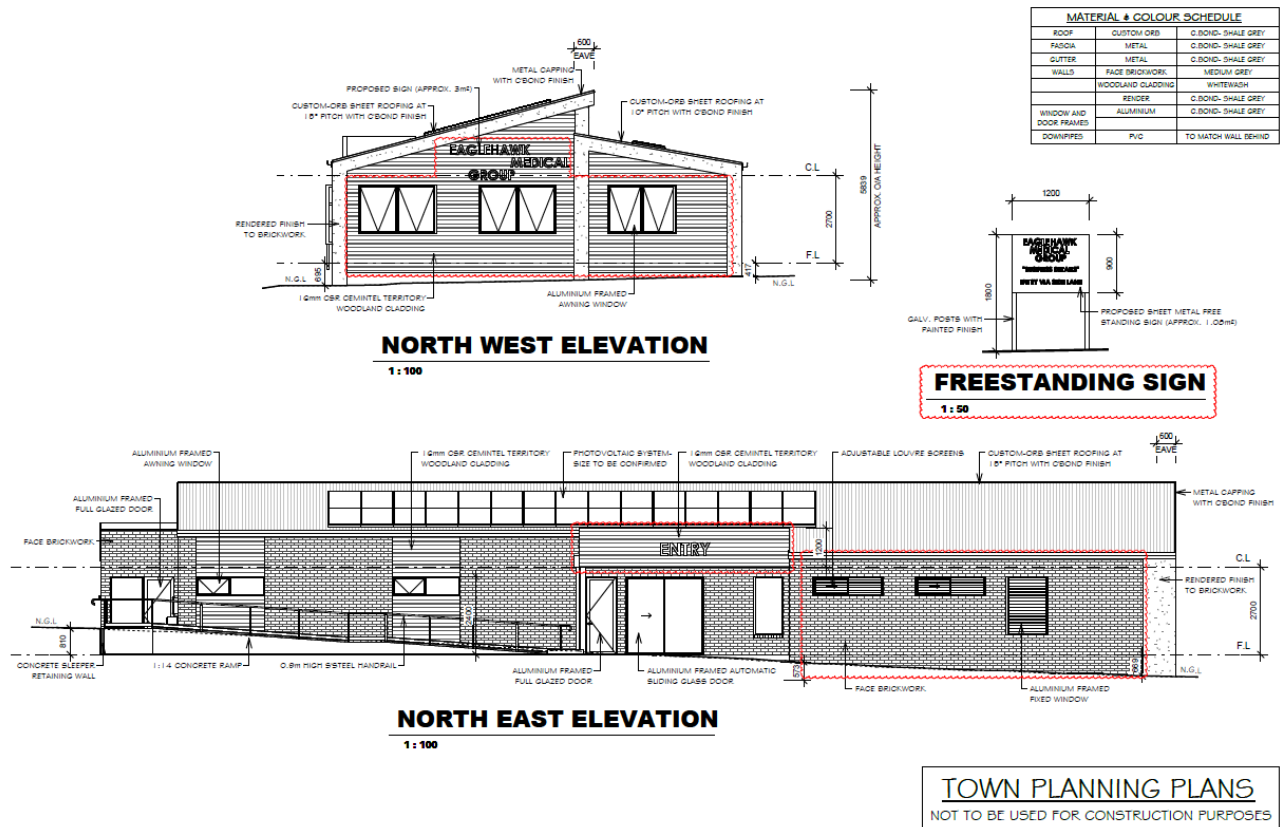


Figure 6: North-east and north-west elevations

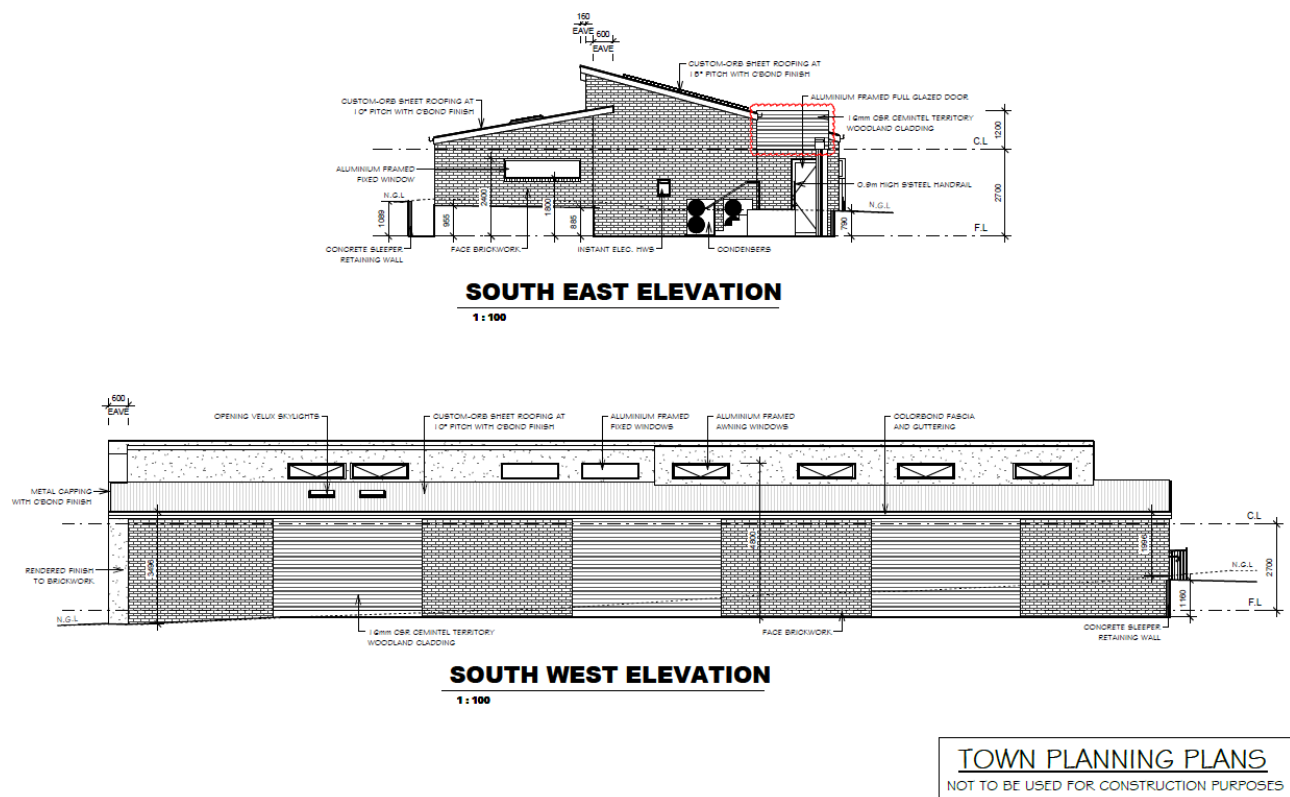


Figure 7: South-east and south-west elevations

- *Reduction in Car Parking*

The proposed use of the land has a statutory parking requirement for 23 spaces. Three car spaces are proposed to be provided on site, with the proposal seeking a reduction of 20 spaces.

- *Display of Signage*

Two business identification signs are proposed along the Napier Street frontage. One sign is proposed to be placed on the front façade of the building within the roof gable. The second is to be provided as a freestanding sign at the front of the property. Figure 8 below shows both proposed signs.

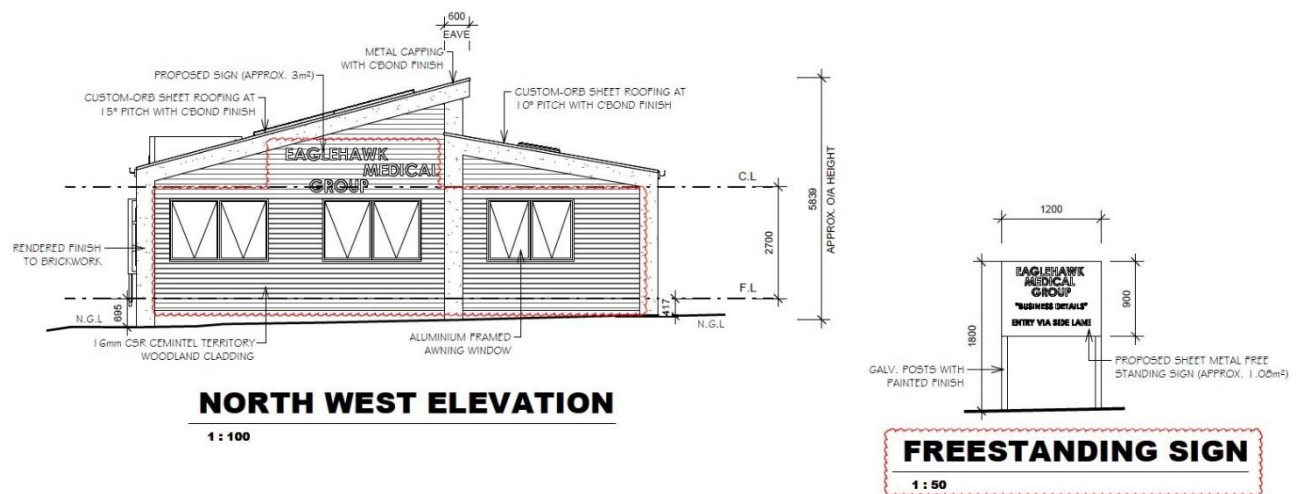


Figure 8: Proposed signage

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The following table lists all the relevant planning permit triggers that apply to this application.

Clause	Permit Trigger
Clause 34.01-4 Commercial 1 Zone	<ul style="list-style-type: none"> Construct a building or construct or carry out works.
Clause 43.01-1 Heritage Overlay	<ul style="list-style-type: none"> Demolish or remove a building. Construct a building or construct or carry out works. Construct or display a sign.
Clause 43.02-2 Design and Development Overlay	<ul style="list-style-type: none"> Construct a building or construct or carry out works.

Clause	Permit Trigger
Clause 52.06-3 Car parking	<ul style="list-style-type: none"> Reduce the standard car parking requirements.

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

Municipal Planning Strategy

- 02.03 – Strategic directions
- 02.03-1 – Settlement
- 02.03-5 – Built environment and heritage
- 02.03-7 – Economic development
- 02.04 – Strategic framework plans

Planning Policy Framework

- 11.03-1L – Activity centres
- 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo
- 15.01-1S – Urban design
- 15.01-1L-01 – Landscaping – Greater Bendigo
- 15.01-1L-03 – Signs
- 15.01-2S – Building design
- 15.01-2L – Environmentally sustainable development – Greater Bendigo
- 15.03-1s – Heritage conservation
- 15.03-1L – Post contact heritage conservation – Greater Bendigo
- 17.01-1S – Business
- 17.02-1L – Business – Greater Bendigo
- 18.01-1S – Land use and transport integration
- 18.01-1L – Land use and transport integration – Greater Bendigo
- 18.01-3L – Sustainable personal transport – Greater Bendigo
- 18.02-4L-01 – Highways and boulevards – Greater Bendigo
- 18.02-4L-03 – Car parking – Greater Bendigo

Other Provisions

- 34.01 – Commercial 1 Zone
- 43.01 – Heritage Overlay – Schedule 19
- 43.02 – Design and Development Overlay - Schedule 10
- 52.06 – Car Parking
- 53.18 – Stormwater management in urban development

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Heritage Advisor	<p>Objection</p> <p>Two objections to the proposal have been received from the City's Heritage Advisor dated 14 June 2022 and 22 March 2023. The first related to the initial plans submitted with the application, which informed the Request for Further Information discussed above.</p> <p>Following receipt of amended plans, the City's Heritage Advisor reviewed the proposal. Final comments are summarised below, with the full response included as an attachment to this report:</p> <ul style="list-style-type: none"> • Demolition – The current condition of the existing building is not justification for the proposed demolition. It is in disrepair but is able to be rehabilitated as part of normal maintenance activities that would be expected for a building of this age. • The existing building has high integrity, retaining original and early elements that are representative of the miner's cottage typology. • New development – The proposed built form does not comply with the Heritage Design Guidelines, requiring further amendment to be in a position that could receive heritage support. • The design does not respond to the scale, height, mass, form, siting and materials of the surrounding area. • The south-eastern side of Napier Street contains a row of Victorian, Federation and Interwar residences. Scale and setbacks are regular along this row. The

	<p>proposed front setback is not in keeping with the row of residences on the south-eastern side of Napier Street. The existing setback should be maintained.</p> <p>This advice was provided to the applicant in its entirety for consideration. The applicant and the landowner confirmed that they did not wish to address the City's Heritage Advisor's concerns, instead expressing a wish that the application proceed to Council for decision.</p>
Traffic Engineer	<p>Objection</p> <p>Concerns raised in relation to the proposed use of the one-way laneway. This currently operates as an exit to the City operated carpark to the rear of the site. Providing access to the laneway from the site will require users of the medical centre to traverse through the City managed car park prior to entering the proposed medical centre car park.</p> <p>The creation of a car park entry at the rear of the site would result in a reduction in width of the footpath to 1.2 metres, which is less than the 1.5 metres required by the <i>Disability Discrimination Act 1992</i> for public access. This proposed outcome is not supported, with amendments required to the proposed plans to show how this requirement is able to be met.</p>
Development Engineer	<p>No objection</p> <p>Subject to standard requirements in relation to the construction of drainage for the site, including stormwater detention and treatment.</p> <p>Noted that a referral response from Property is required in this case, as access is proposed across a City managed laneway.</p>
Property Services	<p>No objection</p> <p>Property Services indicated that the accessible carparking spaces proposed to the rear of the medical centre are acceptable, subject to the appropriate design of access in accordance with the City's traffic engineering response.</p>

Public Notification

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

As a result of advertising, no objections were received.

Planning Assessment

In assessing the planning merits of this proposal, the key aspects for consideration can be captured by the following questions:

- Does the proposed use require consideration?
- Is the demolition of the existing, contributory, heritage listed dwelling acceptable?
- Is the design for the Medical Centre appropriate for Eaglehawk?
- Is the extent of carparking reduction acceptable?
- Are the access arrangements for the rear car park acceptable?
- Is the extent and design of signage appropriate for a heritage precinct?

Does the proposed use require consideration?

The proposal seeks to develop a purpose-built building on the subject site, designed to accommodate a Medical Centre. Under the Commercial 1 Zone, the use of land for a medical centre is deemed 'as of right' meaning that the use does not require planning approval. As such, any consideration of how the land is to be used is outside the scope of the assessment of this application. All considerations relate to what is proposed to occur on the land to affect the proposed use (i.e., what demolition is proposed, what building works are proposed, what car parking is required, what signage is needed etc.).

As such, officer assessment for this application focuses on the specifics of the built form changes proposed for the site to be used for a medical centre. It does not consider whether a medical centre use is appropriate as this is 'as of right' within the zoning of the land.

Is the demolition of the existing, heritage listed dwelling acceptable?

Under the provisions of the Heritage Overlay, a permit must be sought to '*Demolish or remove a building*'. The purpose of the Heritage Overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The site is located within the Eaglehawk Heritage Precinct (HO19) and is listed as having Contributory significance. A Contributory heritage place contributes to the significance of a heritage precinct.

The Statement of Significance for the precinct states the following:

“This precinct represents the architectural and historical core of Eaglehawk which was developed during the latter half of the 19th century on the riches gained from a quartz mining area which was among the richest in the colony. It contains both individually important and contributory sites which form significant streetscapes, particularly in Church Street, Brassey Square and Sailors Gully Road.”

In assessing an application to demolish a building, the Heritage Overlay requires that any Heritage Design Guidelines incorporated into the planning scheme must be considered.

Under the Greater Bendigo Planning Scheme, the ‘City of Greater Bendigo Heritage Design Guidelines (September 2020)’ is an Incorporated document. In assessing an application for demolition, the City of Greater Bendigo’s objectives are as follows:

- To encourage the retention of a significant or contributory heritage buildings or places unless it is structurally unsound and beyond repair
- To encourage the retention of original elements that contribute to the significance of a heritage place including but not limited to windows, doors, chimneys, verandahs, shopfronts, fences, outbuildings and trees
- *Allow the demolition of non-contributory buildings in heritage precincts provided the replacement building positively contributes to the heritage significance of the precinct.*
- Where demolition is supported, ensure any replacement building displays design excellence and positively contributes to the heritage significance of the place
- *Allow for partial demolition where the fabric is of no significance or reveals original fabric or will assist in long term conservation of the building*
- To encourage the retention of the three dimensional form; retention of the façade only is not supported
- *Require archival recording of sites by a heritage professional where demolition is supported, as appropriate*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

In determining if the proposal will result in an acceptable outcome in relation to these policy objectives, the applicant was required to provide an assessment of the structural integrity of the existing building. This assessment found that the building was not beyond repair but required significant work to make it a sound structure to accommodate the proposed medical centre. These works were confirmed as part of the site visit undertaken, extending to the need to undertake re-stumping, associated cosmetic alterations to correct damage resulting from building movement and repairs to correct water damage issues. These works are all works that would be reasonably expected of a building of this age and

construction type. The building is not deemed to be structurally unsound or beyond repair, and as such the proposed demolition is contrary to the above policy requirements.

The proposed demolition of the building has been a point of contention within this application throughout, with the City's objection to the full demolition of the building clearly communicated to the applicant prior to the lodgment of this application, as part of the demolition enquiry response provided in March 2021 (as described above).

To work through this issue, a site visit was conducted with the landowner in August 2022. At this meeting, the landowner was advised that the City remained unsupportive of the full demolition of the building, but could be supportive of a partial demolition subject to the retention of the front portion of the building extending to the chimneys located on either side. This would allow for the preservation of the three-dimensional form of the building as it presents to Napier Street, maintaining its contribution to the heritage character that the City's heritage policies seek to retain. No constraints were provided in relation to the internal configuration of the building from a heritage perspective (noting further discussion relating to building internal configuration below).

Further works were also discussed at this meeting to further enhance the buildings contribution to the heritage character of the area. This included the restoration of the original wooden weatherboards that remained under the aluminum cladding, the removal of the reconstructed front verandah, construction of a new front verandah in an appropriate heritage style, removal of concrete steps and replacement with access arrangements that are in keeping with the heritage style of the building.

The intent of these discussions was to provide a position that allowed for the reconfiguration of the built form on site to allow for a medical centre use, whilst preserving the heritage character that this building contributes to the precinct in which it is located and specifically preserved by the Heritage Overlay within the Greater Bendigo Planning Scheme. The City's stance in relation to this issue sought to achieve a fair and reasonable balance of the landowner's expectations to develop the site and the relevant planning policy framework.

Following the site meeting, the applicant submitted amended plans that disregarded the City's advice with respect to the full demolition of the building. By failing to make any changes to the proposal in relation to the City's position, the application is unable to meet the purpose or Decision Guidelines of the Heritage Overlay. The proposed demolition is not in accordance with the City's local heritage policy at Clause 15.03-1L and the Heritage Overlay and would result in an adverse impact to the Eaglehawk Heritage Precinct through the total loss of a contributory building at a key transition point within Napier Street.

Is the design of the Medical Centre appropriate for Napier Street, Eaglehawk?

Irrespective of whether the demolition of the existing building is supportable or not, the proposed building must also be consistent with the objectives of the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)*'. In relation to new buildings in a Heritage Precinct, the following objectives are sought to be met:

- *To encourage new buildings that do not adversely affect the significance, character or appearance of the heritage precinct and are visually recessive.*
- *To ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks and materials.*
- *To encourage new development within a heritage precinct that is contemporary in appearance and does not copy historic styles or details.*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

The proposed design is not considered to respond to the heritage context of the surrounding heritage precinct, which is contrary to the policy objectives detailed above. The design is not responsive in regard to scale, height, mass, form, siting or materials as follows.

The existing buildings along the south-eastern side of Napier Street present a consistent scale and setback. The proposed design does not respect this consistency, instead proposing a front setback of only 3.99 metres which is less than half the predominant setback of the adjoining dwellings of 9 metres. This would result in an adverse impact on the heritage streetscape.

Further, the proposed building has minimal side setbacks. The dwellings along the rest of Napier Street all present with a large setback to one side for vehicle access to the rear of the dwelling, with a setback of at least 1 metre to the other side boundary. The proposal does not respond to this dominant characteristic.

Roof forms are also hipped roofs, whilst the proposed building is of a contemporary design with a gable roof form.

Material selection does not reference the surrounding materiality. The building is proposed to be clad in brick to the laneway elevation. The front façade is proposed to have rendered brick surrounds in a Colorbond shale grey colour, with textured cement sheeting across the frontage. The cladding is proposed as Cemintel Territory Woodlands in a light grey colouring. Figure 9 below provides a streetscape render of the proposed building as it would sit in relation to the adjoining development. The proposed design does not complement the streetscape and would appear as overly dominant.

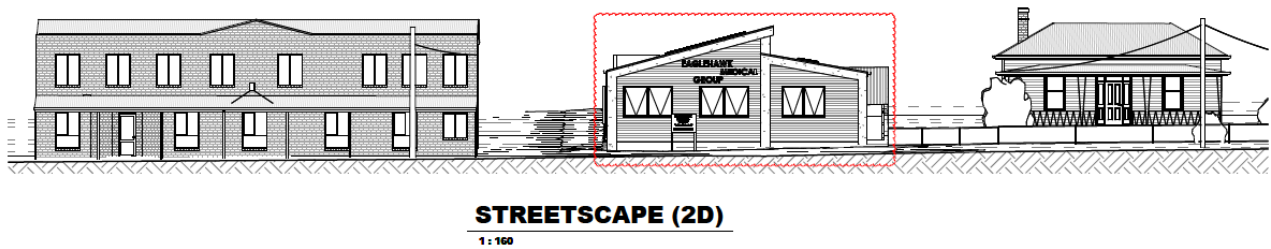


Figure 9: Streetscape render

In assessing this application, the requirements of the Design and Development Overlay must also be considered. It is acknowledged that conflicting design considerations exist within this overlay when compared against the requirements of the Heritage Overlay.

The Design and Development Overlay – Schedule 23 (Eaglehawk Activity Centre) seeks the achievement of the following design objectives:

- *To promote a high quality activity centre that provides a range of economic, social and community activities and open spaces.*
- *To encourage the expansion and intensification of the built environment that consolidates underutilised areas and promotes diversity in land uses.*
- *To allow for increased development densities while ensuring that the design, height and setbacks of new and extended buildings respect Eaglehawk's heritage character and streetscapes.*
- *To protect the amenity and character of adjacent residential areas.*
- *To promote development and active frontages which contribute to the amenity, public safety and pedestrian use of adjoining public space.*
- *To encourage inclusion of environmentally sustainable design techniques.*
- *To improve linkages between the Eaglehawk town centre and the adjoining parkland, public spaces and railway station.*
- *To provide safe and convenient car parking that has minimal visual impact on the streetscape and public places.*
- *To encourage consolidated, shared parking facilities to encourage efficient utilisation of infrastructure and sustainable transport options.*

(emphasis added)

Under the provisions of the schedule, no controls are detailed in relation to building height. However, the schedule seeks a setback for new buildings of between 2 to 4 metres, with 50% of the building frontage to Napier Street to be activated. In respect of the proposed use of the subject site, it has been assessed that the front setback of 3.99m is appropriate taking into consideration the adjoining dwellings within the Heritage Overlay.

The focus of the applicant's design considerations has been placed on the internal operation of the medical centre, designed to provide an optimal patient experience. This design has neglected to acknowledge the importance of the site's integration with the

surrounding public domain in a central area within Eaglehawk and fails to address the streetscape.

The layout of the medical centre proposes two consulting rooms along the Napier Street frontage. Consulting rooms do not present as an activated frontage, with advice provided to the applicant that the main entry and reception areas should be provided to 50% of this frontage to provide a connection between the public domain and the operation of the medical centre. As such, the proposal does not meet the requirements of providing an activated frontage.

This design response also results in a disconnection between the predominant car parking location proposed under the application along Napier Street. The application seeks to rely predominately on public car parking provision throughout the surrounding area. The side entry point does not preference any of the surrounding car parking areas, requiring visitors to the medical centre to walk along the side laneway to gain access to the building. This is not a desirable outcome for the operation of the site and presents an issue for accessible access to the medical centre, along with the potential for pedestrian and vehicle conflict. The adjoining laneway has a slope that can present as an issue for access for visitors to the centre that have accessibility requirements.

Officer assessment is that the proposed layout of the building is not responsive to the site's location within the Eaglehawk Activity Centre, nor responsive to the built form consideration of a new building within the Heritage Overlay. To achieve compliance with the requirements of the relevant provisions of the Greater Bendigo Planning Scheme, the application should seek to retain the front portion of the existing building to maintain the heritage character of the area, with new built form provided behind this façade. The internal layout should seek to provide the main entrance to the Napier Street frontage, with reception areas providing an outlook towards Napier Street. The design has not been well considered and does not result in an acceptable planning outcome.

Is the extent of carparking reduction acceptable?

The proposal is seeking to develop a medical centre with six consulting rooms and a pathology suite. Under the requirements of Clause 52.06: Car parking, 23 car parking spaces are required to be provided, inclusive of accessible spaces. The application seeks to provide only three spaces (inclusive of one accessible space). This results in a shortfall of 20 car parking spaces that need to be assessed as part of this application.

In determining if a car parking reduction is appropriate, a range of policies must be considered. In relation to the site, these relate to Clause 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo and Clause 18.02-4L-03 – Car parking – Greater Bendigo.

Specifically, Clause 18.02-4L-03 – Car parking – Greater Bendigo requires that when assessing an application to reduce car parking that the following be considered:

- *The 10 minute neighbourhood principles set out in Clause 02.03-1 are met.*
- *There are off-site car parking alternatives.*
- *Bicycle parking and end of trip facilities are provided above the rates specified in Clause 52.34.*
- *The site is highly accessible, safe and functional.*
- *Pedestrian or cycling infrastructure is provided.*
- *Car parking demand will be managed through a transport management plan.*
- *The proposal enables the reuse of a heritage building.*

(emphasis added)

The proposed medical centre is located at the periphery of the commercial area of Eaglehawk as it transitions into residential uses. The site has adjoining on-street parking along Napier Street and off-street public parking facilities to the rear managed by the City.

A Car Parking Demand Assessment, prepared by a suitably qualified consultant, was provided as part of the application material. This assessment was prepared in accordance with the requirements of Clause 52.06-7.

The assessment concludes that there is capacity within the surrounding area for a medical centre of this scale to rely on the use of public carparking spaces to meet the statutory parking requirements for the site. It is expected that the majority of car parking demand will be directed to the on-street parking spaces within Napier Street, with some taken by the public car park area to the rear. The three spaces provided within the site will likely be utilised by staff for the medical centre, with the accessible space made available for eligible patients (when the gate is open).

Officer assessment is that the proposed reduction in car parking for a medical centre of this size in this location would be supportable if other elements of the proposal (demolition, design), complied with the requirements of the Greater Bendigo Planning Scheme.

It should be noted that further support for the reduction in carparking spaces would result if the application had sought to reuse the front portion of the existing heritage building rather than propose its full demolition.

Are the access arrangements for the rear car park acceptable?

The proposal seeks to provide a carparking area to the rear of the medical centre building, which would also serve as an area to house services. The space is to be fenced and accessed through a gated entry from the laneway that runs along the side of the site. Three car spaces (as outlined above), are proposed in addition to space for waste bin storage and rear access to the centre. Bicycle parking is also provided in this area.

The City's Traffic Engineer expressed concern with the design of the access point. The construction of the crossover to access the rear car parking area would result in a reduction in the width of the footpath along the side of the site. This width will not be compliant with access requirements under the *Disability Discrimination Act 1992* (Commonwealth). To ensure compliance, amendments to the design of the access point would be required to ensure that required footpath widths were maintained.

It is noted that the need for car parking in this portion of the site is not a mandatory requirement of the Greater Bendigo Planning Scheme. If the partial retention of the existing building was sought, further use of this portion of the site for built form could be considered. A further reduction in on-site carparking could have been sought, which may have also been deemed supportable in relation to an appropriate application on this land (partial retention of the existing heritage building).

Is the extent and design of signage appropriate for a heritage precinct?

In considering whether the extent of signage is appropriate for the site, the signage must be consistent with the signage objectives of the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)*'. In relation to signage, the following objectives are sought to be met:

- *To encourage advertising that complements the character of the heritage place by considering placement, style and scale.*
- *To encourage the rationalisation of advertising to reduce the cumulative amenity impacts in the public realm.*
- *To maintain and enhance the appearance of streetscapes and heritage areas by encouraging well designed and located signage and advertising.*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

No planning permit is required for the proposed signage under the requirements of the Commercial 1 Zone or Clause 52.05: Signage.

The proposed signage has been designed to be respectful of the heritage precinct that the medical centre is located within. The main signage proposed for the façade of the building is in keeping with the scale of the structure and would present as part of the built form. No internal or external illumination of signage is proposed. The additional freestanding sign is of a scale that is not obtrusive and considered appropriate for the heritage precinct. The specific sign details have not been fully provided at this stage, which would have necessitated a condition 1 requirement for further plans to be prepared. The proposed signage is an appropriate response to the heritage context and as such does not form any grounds for refusal.

Conclusion

The application proposes the '*demolition of buildings, construction of medical practice, reduction in parking and display of signage*' at 49 Napier Street, Eaglehawk. The proposal runs contrary to the relevant planning policy framework. The proposed full demolition of the existing building on site would result in an unacceptable impact on the established heritage character of the precinct. This building is contributory to this heritage character and the key elements of this structure should be retained.

The proposed built form is also not in keeping with a building in a heritage precinct, nor does it appropriately respond to the requirements of the Design and Development Overlay.

The main themes of the officer assessment detailed throughout this report can be summarised as follows:

- A medical centre use on the site is as of right, subject only to the appropriate development of buildings to support this use.
- The site currently contains a miner's cottage that contributes to the protected heritage character of the Eaglehawk Heritage Precinct.
- The full demolition of the existing building would result in an unacceptable outcome in respect to the conservation of the heritage character of this area.
- Partial demolition of the building could be supported if undertaken as advised throughout the assessment of the application. However, the applicant has not chosen to take this advice on board.
- The proposed building design does not respond to the requirements of new builds in a heritage area.
- The proposed building does not actively present to Napier Street, providing no connection to the public domain as sought by the Eaglehawk Structure Plan.
- The reduction in car parking is appropriate for a medical centre of this scale in this location. This would be further supportable if the front portion of the existing building was to be retained.
- Access from the laneway has not been fully resolved, with further refinement of this area required before full support to any entry in this location being able to be given.
- The location and scale of proposed signage is appropriate for the heritage precinct.

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

Options

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

Conflict of Interest

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

Attachments

Nil

16.4. 13 Haggar Street, Eaglehawk 3556 - Construction of Dwelling, Front Fence and Vehicle Crossover

Author:	Peter O'Brien, Coordinator Planning
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DR/732/2022
Applicant:	Cavalier Homes Bendigo
Land:	13 Haggar Street, EAGLEHAWK 3556
Zoning:	General Residential Zone
Overlays:	Heritage Overlay 19 (Eaglehawk Precinct)
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	<ul style="list-style-type: none"> • Whether the proposal will adversely affect the heritage significance of the Eaglehawk Precinct (Heritage Overlay 19). • Whether the proposed siting and materials of the dwelling are appropriate. • Whether the proposed car parking arrangements suitably respect the heritage precinct.
Conclusion:	The proposed building is not an appropriate response to the heritage precinct and is recommended for refusal

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), that Council issue a Notice of Decision to Refuse to Grant a Permit for Construction of Dwelling, Front Fence and Vehicle Crossover at 13 Haggar Street, Eaglehawk 3556 on the following grounds:

1. The proposed dwelling is not in accordance with clause 43.01 – Heritage Overlay, clause 15.03-1S – Heritage Conservation, clause 15.03-1L (Post contact heritage conservation – Greater Bendigo), and the City of Greater Bendigo Heritage Design Guidelines in that:
 - The proposed siting of the building does not respect prevailing front setbacks of contributory buildings in the precinct and will exacerbate issues with visibility of inappropriate materials for external walls.
 - The proposed extensive use of brick does not respect the character of the precinct.
 - The appearance and arrangement of the proposed garage (including width of doors, lack of sufficient setback behind the main plane of the dwelling, incorporation into the main roof form and materials) will adversely affect the heritage precinct.
 - The use of two crossovers is contrary to the City of Greater Bendigo Heritage Design Guidelines.

2. The proposed dwelling will adversely affect the heritage significance of the Eaglehawk Precinct (Heritage Overlay Schedule 19) due to its siting, materials, and prominent garage.

RESOLUTION - Resolution No. 2023-88

Moved: Cr Sloan

Seconded: Cr Fagg

That pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Planning Permit for the construction of dwelling, front fence and vehicle crossover at 13 Haggar Street, Eaglehawk 3556 subject to the following conditions:

1. **AMENDED PLANS REQUIRED**

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

1. Deletion of:

- The proposed gate at the eastern side of the property boundary, to be replaced with fencing; and
 - Existing culverts on the eastern side of the Haggar Street road reserve.

2. **NO LAYOUT ALTERATION**

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

3. **REMOVAL OF CULVERTS**

Before the development is occupied, the culverts on the eastern side of the lot in the Haggar Street road reserve must be removed and gutter/swale reinstated to the satisfaction of the responsible authority.

4. **GENERAL DRAINAGE – BUILDINGS AND HOUSES**

The proposed development and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

5. **EXPIRY OF THE PERMIT**

This permit will expire if the development permitted by this permit is not commenced within 2 years, and the development completed, and use commenced within 4 years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframe for an extension of the period referred to in this condition.

USEFUL INFORMATION:

(The following information does not form part of this permit.)

Part 5 – Building Regulations

This development has been assessed and approved under the Planning Scheme provisions (Heritage Overlay) only. This approval does not indicate that requirements of Part 5 of the Building Regulations 2018 have been satisfied – there are a several areas of non-compliance which will require the consent/ dispensation form those requirements by the Municipal Building Surveyor.

Vehicle crossover and removal of culverts

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

CARRIED

Background Information

The application was lodged on 18 October 2022.

Heritage advice was provided during the course of the application and this was not supportive of the application. The applicant has since provided amended plans in response to these comments and it is the plans received on 19 April 2023 that are considered in this report.

The amended plans have not resolved the concerns with the proposal, as outlined in this report.

Report

Subject Site and Surrounds

The subject site is an irregularly shaped vacant lot on the north side of Haggard Street in Eaglehawk. The lot is at a mid-block location, positioned between High Street (to the west) and Willan Street (to the east). The lot was created by a two-lot subdivision in 2014 (application DS/227/2014) that separated this land from the rear of the lot to the north which fronts Church Street. The land has remained vacant since that time.



Figure 1 and 2: Views of the site looking southwest (toward High Street)



Figure 3 and 4: View of application site; and looking northeast (toward 15 Haggar Street)

The lot has an area of 628 square metres and has an angled 24m long frontage to Haggar Street. The site is level and largely cleared of vegetation, with only small trees near the east and west boundaries.

The bend in the sealed roadway of Haggar Street in front of the site creates a wide unsealed verge at this point.



Figures 5 and 6: Adjoining dwellings at 9 and 11 Haggar Street); and adjacent Victorian dwellings at 10 and 12 Haggar Street).

To the east is a building resembling a community hall, which has frontage signage reading “RAOB” – this designation is associated with the Royal Antediluvian Order of Buffaloes, a male fraternity that originated in Britain from 1822. The building does not appear to be in use, although the site is well maintained.

To the west is a single storey weatherboard dwelling. Houses on the street are predominantly from the mid to late 1800s, with some inter-war and post war and contemporary dwellings interspersed.



Figure 7: Aerial photography showing subject site.

The 19th century form prevailing on the street is reflected by the site's inclusion within the Eaglehawk Heritage Precinct, which extends to Willan Street, approximately 130m to the east of the site. There are two individually listed properties along Haggard Street: the Eaglehawk Anglican Church building at the corner of High Street; and 19 Haggard Street, three properties to the east. The latter contains a significant Green Mallee (*Eucalyptus viridis*) tree.

The site is not subject to any restrictive covenants that would affect the proposal.

Proposal

The proposal is for the construction of a dwelling, fence and a vehicle crossover.

The dwelling would be single storey and have three bedrooms. There would be two main living areas. A double garage would be located against the west boundary. A wide porch is proposed to be constructed at the front of the dwelling.

The dwelling would have a minimum setback of 2.66m to the front porch and 4m to the front wall at its easternmost front corner, although this quickly increases due to the sharply angled frontage. The westernmost edge of the garage is proposed to be setback 13.57m.

External walls would be predominantly brick with metal roofing. A limited area of timber weatherboard cladding is proposed to be provided on the front elevation, that is shown wrapping slightly around the edges of the protruding front lounge and the eastern elevation (as visible in Figures 10 and 11, below), but not along either front or sides of the garage.

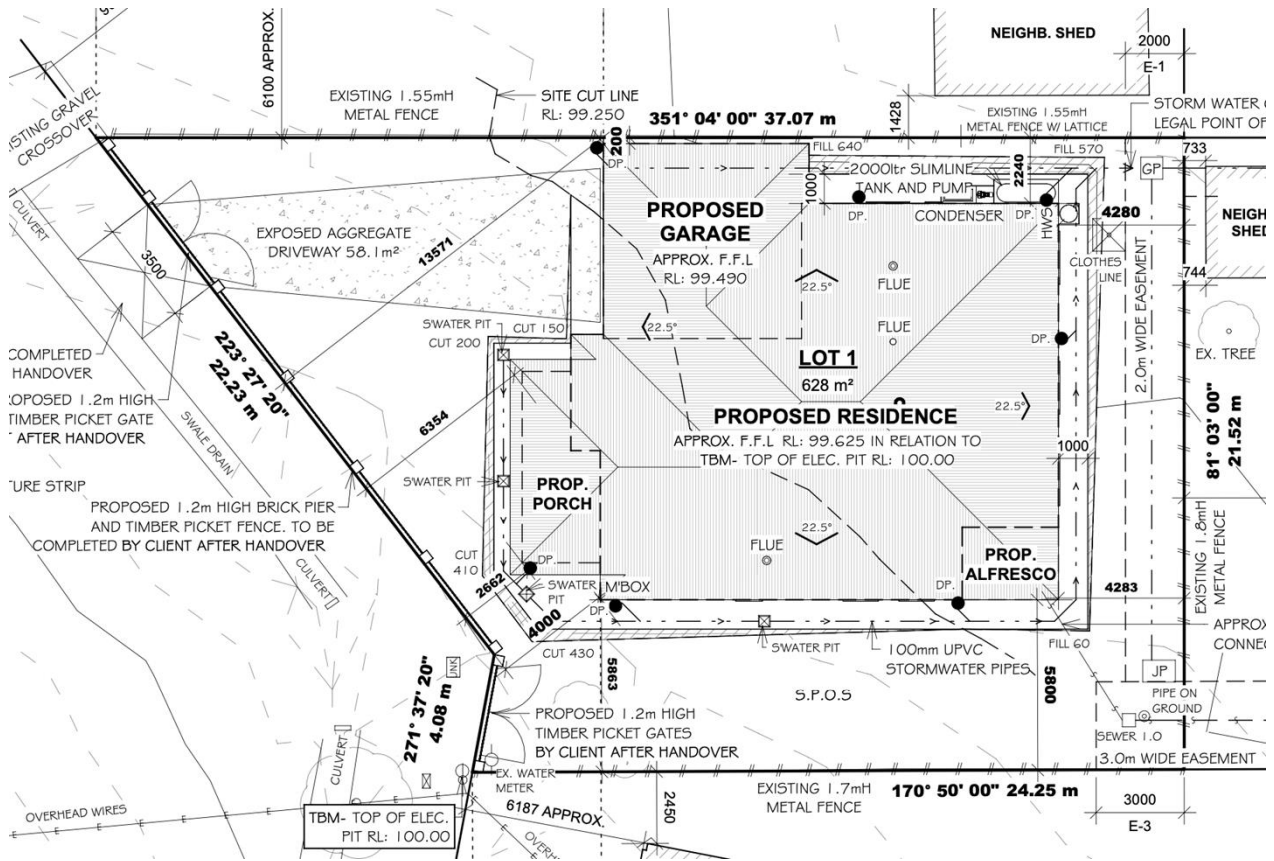


Figure 8: Proposed site plan.

The proposed fence is to be 1.2m high with brick piers and timber pickets. A gate near the west boundary would allow access to a new crossover near the western end of the frontage. Despite the deletion of a sealed crossover on the 19 April 2023 plan, gates at the eastern end of the frontage would allow access at the existing crossover point.

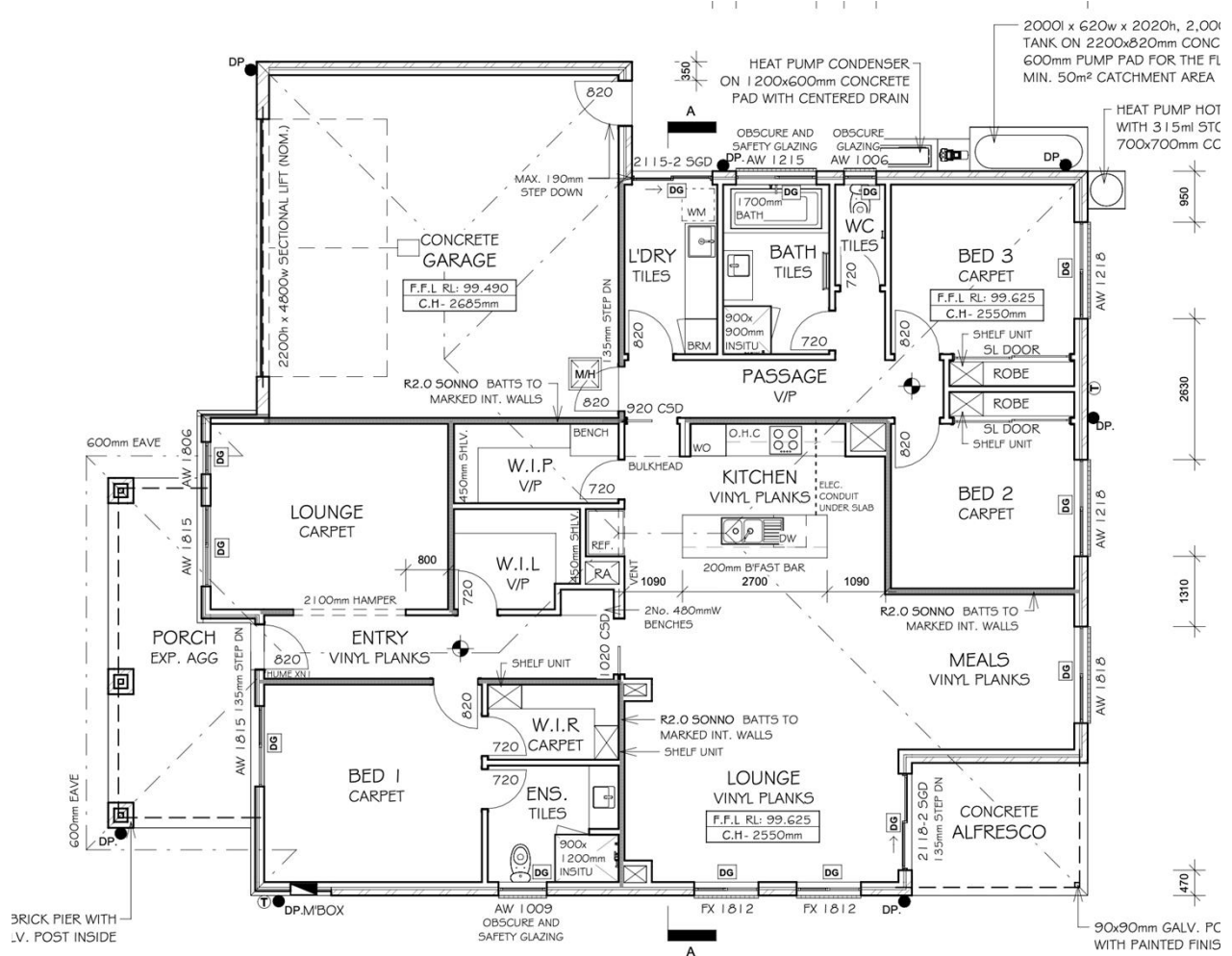


Figure 9: Extract from plans showing proposed floorplan.

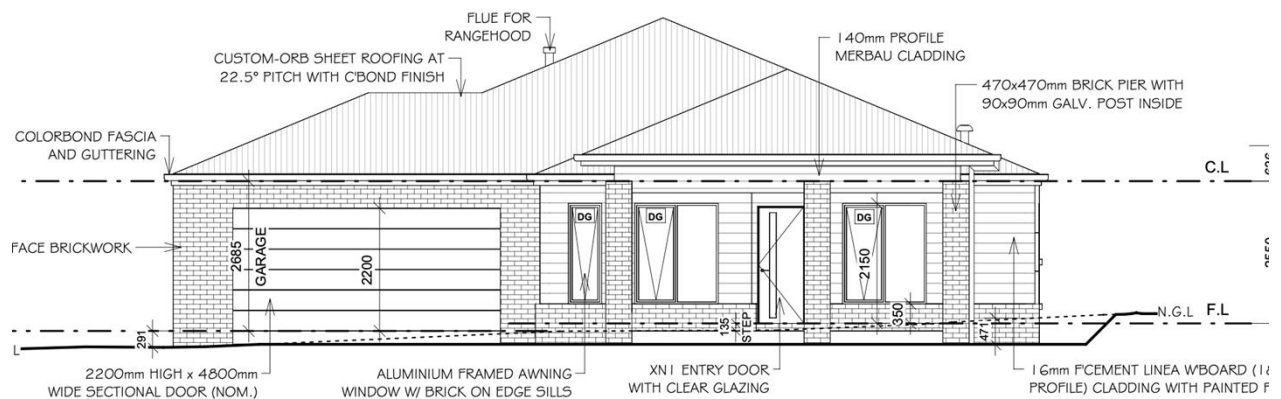


Figure 10: Extract from plans showing proposed front elevation presentation to Haggar Street.

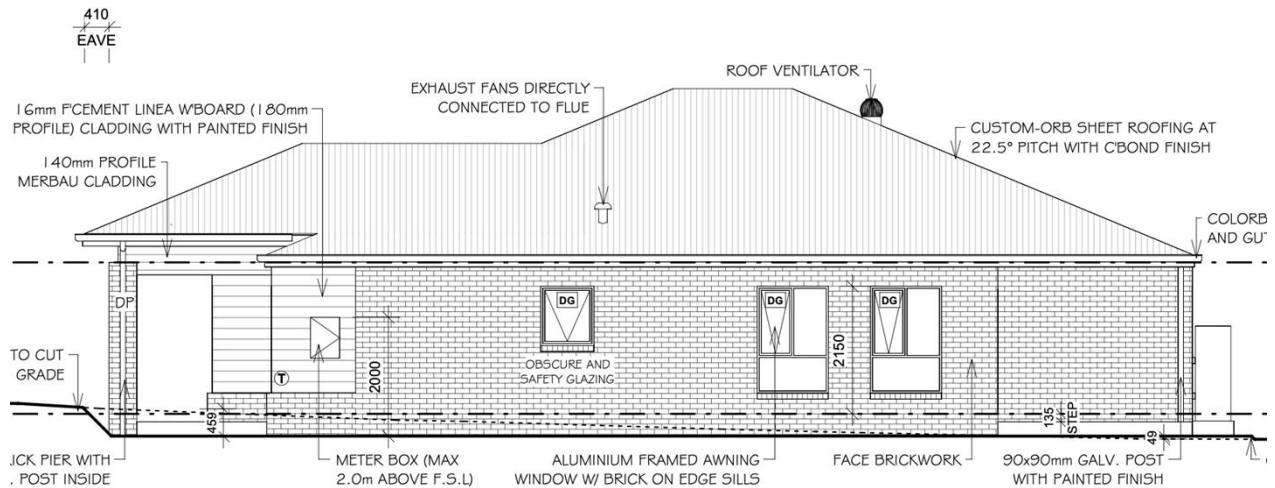


Figure 11: Extract from plans showing proposed east elevation.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The need for a planning permit is triggered by Clause 43.01 Heritage Overlay that states a permit is required to construct a dwelling, fencing and a visible vehicle crossing.

Note: the application is being assessed under the Heritage Overlay only. ResCode or clause 54 is not applicable to this assessment.

A number of ResCode variations are required for this dwelling and these are with the City's Building Department for determination pending the determination of this permit application.

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

Planning Policy Framework

- 15.03-1S Heritage conservation
- 15.03-1L Post contact heritage conservation - Greater Bendigo

Zone

- 32.08 General Residential Zone

Overlay

- 43.01 Heritage Overlay

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for.

Consultation/Communication

There is no statutory requirement within the Planning Scheme to consult with any referral authorities on a proposal of this nature.

The following internal department has been consulted on the proposal:

Referral	Comment
Heritage Advisor	Comments on initial plans raised concerns with: <ul style="list-style-type: none">• Full brick construction in an area where the predominant fabric is lightweight weatherboard construction with corrugated iron roofing.• Setback at southeast corner uncomfortably close to the street.• Lack of setback of garage compared to front wall.

Public Notification

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

No objections were received.

Planning Assessment

Would the proposal adversely affect the heritage significance of the Eaglehawk Precinct (Heritage Overlay 19)?

A permit is only required due to the heritage overlay. Heritage issues are therefore the central issue for assessment.

Referring to the Municipal Planning Strategy and the Planning Policy Framework, the strategic direction for heritage is to protect sites, places and features of natural, archaeological, and cultural heritage significance, partly by balancing the protection of heritage places with support for sensitive development and adaptive reuse.

The subject site is currently affected by a heritage precinct referring to the Bendigo Civic area of significance. The Bendigo and Eaglehawk Heritage Study (Butler, G and Associates, 1993), a background document, states as follows about the precinct:

“Eaglehawk includes many of the built and landform elements typifying the local life of a nineteenth century mining community. Most of the buildings were created in the principal era of reef mining. They cover the range of such buildings which would have normally constituted town centres across the goldfields.

In the case of Eaglehawk the unusual road pattern and the manner in which the Town hall and Mechanics Institute sit within a Y- intersection and as well the slope of the land down towards this reserve when approached from Bendigo give a more forceful expression to the patterns seen in other gold towns. The centre of Eaglehawk with its solid commercial structures, its public buildings, its range of houses and its street patterns faithfully reflects the intimate and energetic life of a mining township.”

The key local policy providing local guidance for heritage applications is clause 15.03-1L – Post Contact Heritage Conservation – Greater Bendigo. This is then supported by the City’s Heritage Design Guidelines, that are an incorporated document and set out the preferred design approaches to new proposals in heritage significant areas. These expand on and localise the Statewide guidance in clause 43.01 (the Heritage Overlay) and clause 15.03-1S – Heritage Conservation.

The proposed dwelling raises issues with regards to its siting, materials and car parking when considered against this guidance. These issues are discussed separately below.

Is the proposed siting of the dwelling appropriate?

With regards to the main portion of the dwelling, relevant policy in clause 15.03-1L is as follows:

Infill development and new building strategies

Support new buildings that do not adversely affect the significance, character, or appearance of the heritage precinct, and are visually recessive.

Ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks, and materials.

The Heritage Design Guidelines comment as follows with regards to front setbacks:

- *Front setbacks should be consistent with adjoining contributory elements, e.g., verandahs should be set back to match adjoining verandahs and façades should be set back to match adjoining front walls.*
- *Where there are different adjoining setbacks, the greater setback will apply.*
- *Where the site does not adjoin a contributory building, or adjoins an atypical setback, adopt the setback common for contributory buildings in the streetscape.*

The proposed minimum front setback of the dwelling does not respond appropriately to this guidance. The front corner of the porch is proposed to be only 2.66m from the street setback and the dwelling itself is 4m. While this is a minimum due to the front wall being set at an angle compared to the street setback, and the bend in the street complicates application of the Heritage Design Guidelines' setback guidance, this is considered at odds with the streetscape given that:

- The houses to the west have similar angled setbacks that are directly comparable to this site (visible in Figure 7 above). However, the closest point of the nearest of these to the street is 9m from the street, more than 6m greater than proposed on this site to the porch, and 5m further than the front corner of the building.
- To the east, the adjoining building is set back 6.18m. This will increase the prominence of the side wall of proposed building when viewed from the east.
- Further to the east and on the south side of the street, setbacks for contributory buildings vary but are typically between 4 to 6m and sometimes more.

The proposed building would therefore not sit comfortably with the surrounding form in either direction, even allowing for the disruption in siting that occurs due to the bend in the street. The visibility of the side wall would increase the prominence of the eastern side wall built to that boundary and exacerbate issues with its materials discussed below.

The guidelines also note:

- Atypical buildings found in the heritage precinct should not be used as the reference point for new development design; the design approach should be respectful of the dominant characteristics of the precinct.

Below are three atypical examples in the streetscape; their presence does not mean that this proposition should be supported having due regard to the above guideline.



Figure 12 and 13: The opposite side of Haggar Street – 2 Haggar Street (constructed in 2015) and Units 1 and 2, 8 Haggar Street (constructed in 2004).



Figure 14: 7 Haggar Street (constructed in 2020).

Are the proposed materials of the dwelling appropriate?

The Heritage Design Guidelines note as follows with regards to materials:

Materials, textures, colour schemes and finishes should complement and respect the appearance and character of contributory buildings within the streetscape. A mix of sympathetic materials and colours is often good to lessen the impact of a new building.

The prevailing material in the precinct and especially for contributory buildings, is weatherboard. While the RAOB building to the east is brick, this is an atypical, non-residential building. The design cues with regards to materials should be taken from the contributory houses in the street.

In response to concerns about the use of brick, a limited amount of timber weatherboard was introduced to the front facade (like that which can be seen at 7 Haggar Street) which, as already described, wraps slightly around the eastern facade.

The limited area of timber weatherboard added to the building is considered an unsatisfactory response. It would be read/viewed as a superficial veneer to what will be readily perceived as a brick building. The use of such a limited and arbitrary portion of timber on a substantially brick building is considered unlikely to be satisfactory regardless

of how this is arranged, but the siting of the building and placement of the timber make it particularly unsatisfactory in this instance.

For example, from the front, the timber weatherboards do not extend across the full frontage, meaning that the brick garage will read as a heavier structure at the same alignment as most of the front wall. The piers for the front porch and the base of the front walls are proposed to remain as brick, further increasing the visibility of the material.

From the east, the siting of the building forward of the prevailing building line would mean the transition from timber to brick would be readily apparent in views from the east. From the west, while the brick side wall of the garage would be relatively concealed given its setback, the front brick wall would be readily apparent. This is evident in the applicant's 3D drawings of the building, extracted at Figure 15.



Figure 15: Extract from 3D drawings of the building showing the building from the southwest.

The building would be read/viewed as a brick building with a limited area of timber applied to its frontage. This is not considered appropriately respectful of the heritage context.

Do the proposed car parking arrangements suitably respect the heritage precinct?

Strategies in clause 15.02-1L relevant to the garage are as follows:

Car parking strategies

Support car parking, car accommodation and associated accessways that do not dominate or affect the significance of a heritage place.

Car parking policy guidelines

Consider as relevant:

- *Locating car parking to the rear or to the side of the building, at least 1 metre behind the primary façade.*

Similar principles apply under the Heritage Design Guidelines that have an objective that garages should not “*dominate or affect the significance of the heritage place.*” They then provide specific guidance applicable to garages and carports, notably:

New structures should be proportionately smaller in scale than the dwelling.

New structures should be set under the eaves of the dwelling (the eaves of the heritage place should not be cut into). Existing chimneys should be retained.

New structures should be clad in similar materials to that of the dwelling and/or painted to match the heritage place.

New structures should have a simple skillion, hipped, gable or flat roof.

New structures should be a separate visual entity. Continuing an existing wall without a break or change of material to form a garage is not appropriate, unless located at the rear of the dwelling.

The garage is proposed as a brick structure presenting a double garage door to the street. It is also aligned with the main alignment of the frontage; the revised plans have had the lounge project forward of the other rooms, but the main wall plane of the house is aligned with the garage. This effect is then intensified by the proposed use of brick for the garage, which would mean that the garage would be read/viewed as a more robust and substantial element than the front of the house will.

The proposed building is not considered to utilise the design approaches outlined above from the Heritage Design Guidelines. For example:

- *It is a large visual element, of similar proportions to the balance of the front facade.*
- *It is incorporated within the main roof form, rather than under the eaves.*
- *While clad in the same material as the bulk of the dwelling, this is an inappropriate material as already discussed, and also involves an awkward relationship with the limited area of timber on the front facade.*
- *It is not a separate visual entity to the main building due to its direct attachment to the dwelling, lack of setback, shared materials and location under a shared roof line.*

Taken in combination, it is considered that the garage would not be suitably recessive and respectful of the heritage context.

The proposal also creates a new crossover, but without clearly showing removal of the existing crossover. While the crossover is annotated as removed on the existing site plan (sheet 01), all the plans show the existing culvert which allows for the crossover to be retained and the presence of gates, allowing access to the existing crossover, suggesting this access will be maintained. The Heritage Design Guidelines note:

- *Existing access points should be used where possible; more than one access point per allotment is discouraged.*

The apparent use of two crossovers is not considered to accord with this guidance.

Conclusion

The proposed building is not considered to respond appropriately to the heritage guidance of clauses 43.01, 15.03-1S and 15.03-1L or the Heritage Design Guidelines. It does not appropriately respect the qualities of the Eaglehawk Precinct.

It is considered that the proposal is inappropriate due to its siting, materials and the prominence of its garage.

It is recommended that it be refused on the ground listed at the beginning of this report.

Options

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

Conflict of Interest

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

Attachments

Nil

16.5. CA 1 Axedale-Kimbolton Road, Eppalock 3551 - Use And Development Of Land For 3 Dwellings And a 3 Lot Subdivision

Author:	Rees May, Senior Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DSD/715/2022
Applicant:	James Westley on behalf of Axedale Rural Living Pty Ltd
Land:	CA 1 and CA 8 Axedale-Kimbolton Road, EPPALOCK 3551
Zoning:	Rural Living Zone
Overlays:	Environmental Significance Overlay 1
No. of objections:	8
Consultation meeting:	28 February 2023
Key considerations:	<ul style="list-style-type: none"> • Whether the proposal is consistent with the relevant planning policy that deals with rural residential development and subdivision, and the purpose and decision guidelines of the Rural Living Zone. • Whether the proposal is compatible with adjoining and nearby land uses. • Whether the proposal will result in any adverse impacts on the Campaspe River and its environs. • Objector concerns.
Conclusion:	<p>The application is recommended for approval on the basis that it, on balance, represents an acceptable outcome with regards to the relevant policy contained within the Greater Bendigo Planning Scheme.</p> <p>The proposal will result in subdivision and development in a rural setting that is in keeping with the surrounding context. The proposal will not be adversely affected by agricultural and extractive activities, nor will it limit the expansion of these activities.</p>

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), that Council issue a Notice of Decision to Grant a Permit for the use and development of the land for 3 dwellings and a 3 lot subdivision at CA 1 and CA 8 Axedale-Kimbolton Road, Eppalock 3551, subject to the conditions at the end of this report.

RESOLUTION - Resolution No. 2023-89

Moved: Cr O'Rourke

Seconded: Cr Penna

That the recommended motion be adopted.

CARRIED

Background Information

Application History and Planning Scheme Amendment

Planning permit application DS/36/2022 was lodged with the City on 28 January 2022 for a 5 lot subdivision. Whilst this planning permit application was under assessment, Planning Scheme Amendment VC219 was gazetted on 22 March 2022.

This Planning Scheme Amendment introduced additional permit triggers for accommodation uses and buildings and works associated with accommodation within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

The Explanatory Report for Amendment VC219 explains that the amendment enables the planning system to assess the impact and suitability of using or developing land for accommodation in proximity to extractive industry. This affords protection to the extractive industry from encroachment while also considering the potential adverse amenity impacts on accommodation from extractive industry operations. Objectives of Planning Scheme Amendment VC219 include:

- Ensuring orderly planning and minimising the potential for land use conflict between accommodation in rural zones and proposed and approved extractive industry.
- Ensuring accommodation is appropriately sited and designed to avoid adverse amenity impacts arising from the operation of extractive industry operations.
- Recognising and protecting proposed and existing extractive industry operations by preventing the encroachment of accommodation into the required operational separation distances.

These are all relevant considerations to this application.

As a result of the introduction of Amendment VC219, the previous planning permit application for a 5-lot subdivision was withdrawn.

A redesign occurred and the current application for a 3-lot subdivision was lodged, giving consideration to the siting of future development and the potential impacts from the Axedale Quarry.

Report

Subject Site and Surrounds

The subject site is located at Axedale-Kimbolton Road, Eppalock and is made up of two parcels of land legally described as Crown Allotments 1 and 8, Section 6, Parish of Eppalock. The site is located on the north-eastern side of Axedale-Kimbolton Road, is irregular in shape and has a combined area of 31.5 hectares.

Crown Allotment 1 has an overall area of 24.77 hectares with frontage onto Axedale-Kimbolton Road of 618.8 metres and a lot depth of 537.1 metres. Informal vehicle access is provided via two access gates onto Axedale-Kimbolton Road.

Crown Allotment 8 has an overall area of 7.16 hectares with frontage onto the Campaspe River to the east. Informal vehicle access is provided via an access gate adjoining Doaks Reserve.

The site has previously been used for cropping and grazing and contains a small dam located in the north-western corner of the site. The site is mostly cleared of vegetation other than a small amount of regrowth along the northern and eastern boundaries and some scattered trees central to the site.

The land falls from the road frontage to the Campaspe River (west to east) and from south to north (as per the direction of river flow).

The surrounding context is as follows:

- The site is adjoined to the north by Bowden Lane and Doaks Riverside Reserve. Further north is a parcel of land bordered by Axedale-Kimbolton Road, Henry Lane and the Campaspe River. This parcel of land is located within the Rural Living Zone and contains a dwelling and associated outbuildings in the southern portion of the site.
- The site is adjoined to the east by the Campaspe River. Further east are a number of parcels within different ownership located within the Farming Zone. The site is predominantly used for a works authority purpose and contains the Hanson Axedale Quarry. The Quarry is a blasting extraction quarry that produces blue stone aggregate. The site is also used for grazing purposes and a materials recycling component was recently approved.
- The site is adjoined to the south by a parcel of land within different ownership also located within the Rural Living Zone. This parcel of land is currently vacant and mostly cleared of vegetation. This parcel has frontage and access onto Axedale-Kimbolton Road.

- The site is adjoined to the west by Axedale-Kimbolton Road. On the other side of Axedale-Kimbolton Road is a parcel of land within different ownership. This parcel of land is used for agricultural purposes and contains a heritage dwelling constructed from blue stone, along with a stone clad outbuilding and agricultural buildings.

The below images show an aerial image of the subject site and surrounds and views of the site from both Axedale-Kimbolton Road and Doaks Reserve.



Figure 1 Aerial image of the site and surrounds.



Figure 2 View of the northern access gate adjoining Axedale-Kimbolton Road (the trees lining the Campaspe River can be seen in the background).



Figure 3 View of southern access gate onto Axedale-Kimbolton Road.



Figure 4 View of the access from Doaks Reserve.

The site is located within the Rural Living Zone and a small portion at the rear of the site is affected by the Environmental Significance Overlay Schedule 1 (which relates to watercourse protection). Land within the Public Conservation and Resource Zone is found to the north and east of the site along the Campaspe River. Further to the north and east of the site is the Farming Zone, and further south of the site is the Rural Conservation Zone.

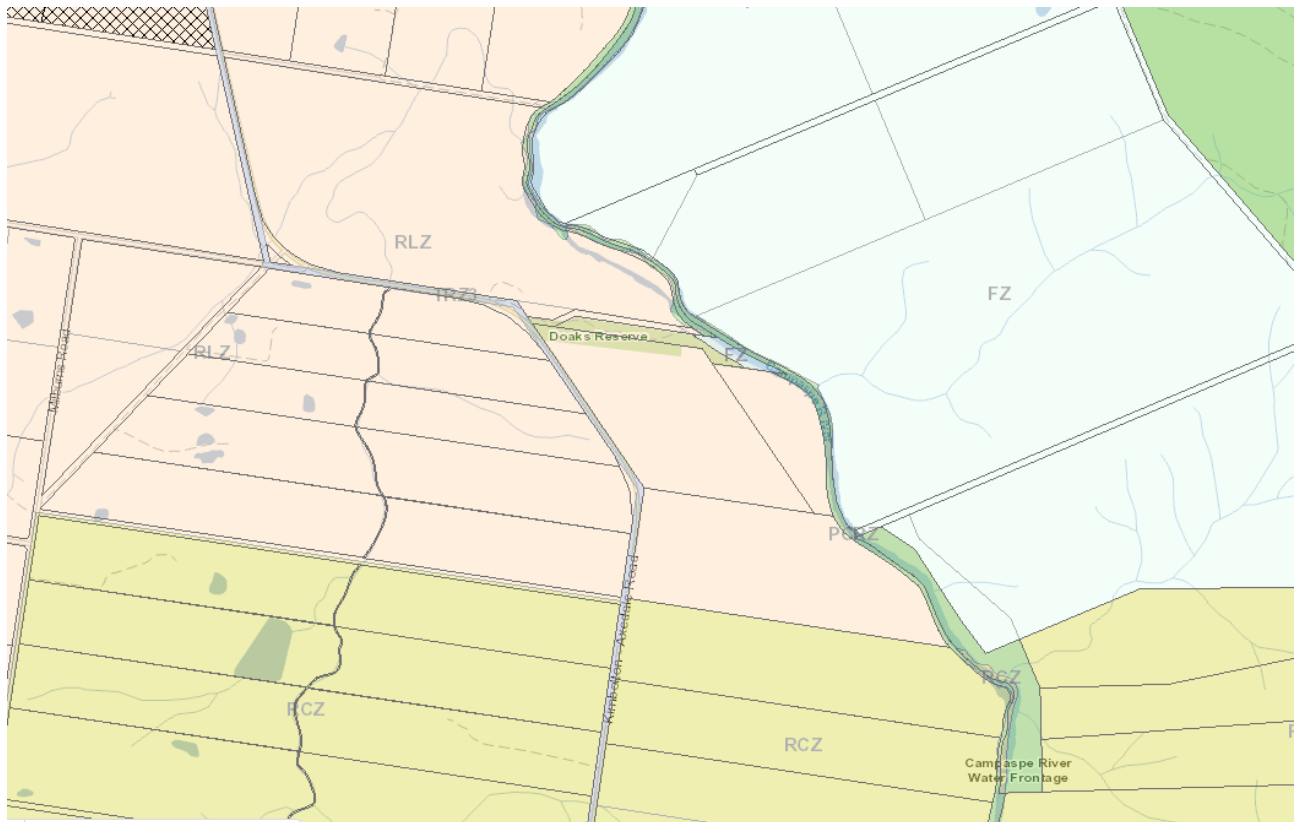


Figure 5 Zoning map of the subject site and surrounds.

Proposal

The application proposes the use and development of the land for 3 dwellings and a 3 lot subdivision.

The proposed subdivision layout is as follows:

- *Lot 1*

Lot 1 would be located in the northern portion of the site. The lot would have an overall area of 14.5 hectares with frontage onto Axedale-Kimbolton Road of 381.2 metres and frontage onto Bowden Lane (Doaks Reserve) of 537.1 metres.

A building envelope would be located within the front portion of the site and setback 50 metres from the front boundary. The building envelope would be irregular in shape with an overall area of 4,177 square metres.

- *Lot 2*

Lot 2 would be located in the central portion of the site. The lot would have an overall area of 8.94 hectares with frontage onto Axedale-Kimbolton Road of 99.6 metres and a depth of 605.3 metres.

A building envelope will be located within the front portion of the site and setback 50 metres from the front boundary. The building envelope would be irregular in shape with an overall area of 7,825 square metres.

- *Lot 3*

Lot 3 would be located in the southern portion of the site. The lot would have an overall area of 8 hectares with frontage onto Axedale-Kimbolton Road of 138.9 metres and an overall lot depth of 605.3 metres.

A building envelope would be located within the front portion of the site and setback 50 metres from the front boundary. The building envelope would be irregular in shape with an overall area of 9,921 square metres.

Development

As outlined above, each lot would have a building envelope that is proposed to contain a future dwelling. The building envelopes are irregular in shape and have been designed to provide a 500 metre buffer from the works authority boundary of the Axedale Quarry (located to the north-east of the site).

Dwelling plans have not been provided at this stage, with the applicant seeking the requirement to provide full dwelling plans to form a permit condition.

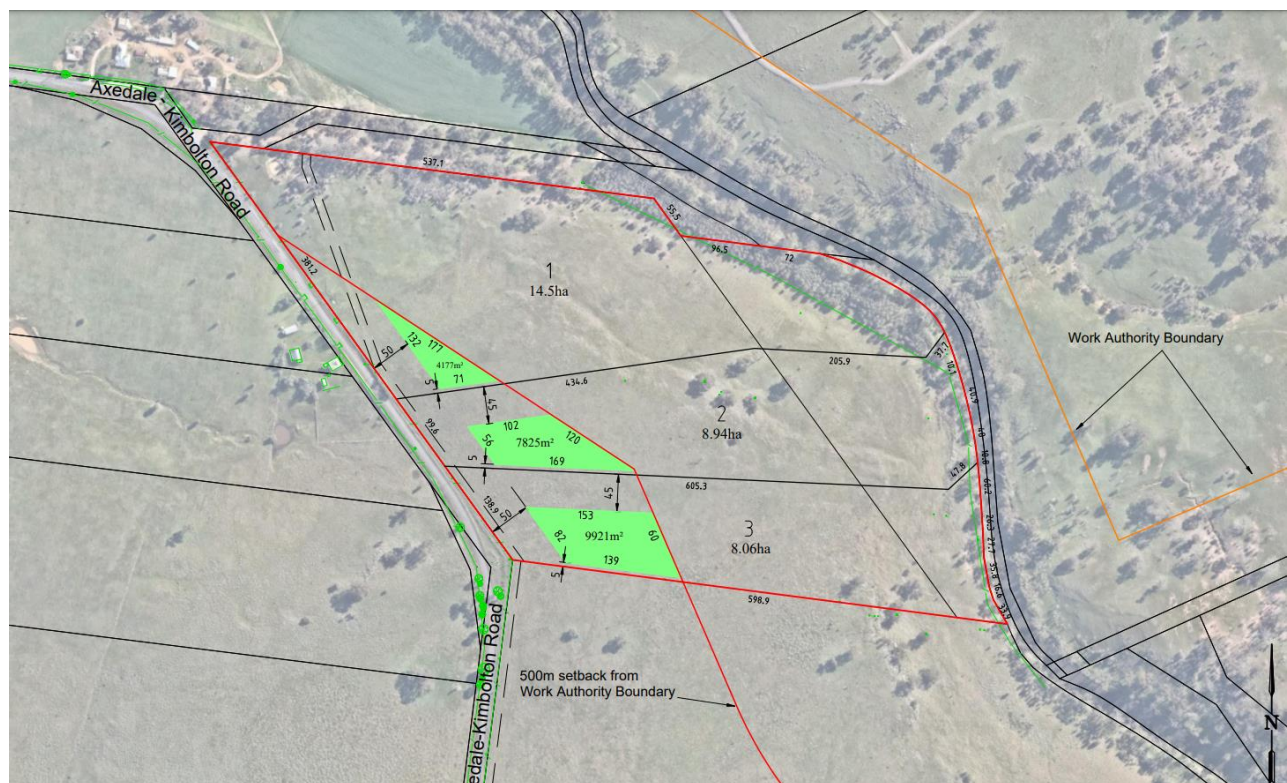


Figure 6 Proposed subdivision and building envelope layout.

Planning Controls - Greater Bendigo Planning Scheme

Why a planning permit is needed?

Clause	Permit Trigger
Clause 35.03-1 Rural Living Zone	A permit is required to use the land for a dwelling within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Clause 35.03-3 Rural Living Zone	A permit is required to subdivide land.
Clause 35.03-4 Rural Living Zone	A permit is required to construct or carry out: <ul style="list-style-type: none"> • A building or works associated with a use in Section 2 of Clause 35.03-1. • A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
Clause 42.01-2 Environmental Significance Overlay	A permit is required to subdivide land.

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

Municipal Planning Strategy

- 02.01 Context
- 02.02 Vision
- 02.03-1 Settlement
- 02.03-2 Environment and landscape values
- 02.03-3 Environmental risks and amenity
- 02.03-4 Natural resource management
- 02.03-5 Built environment and heritage
- 02.03-6 Housing
- 02.04 Strategic framework plans

Planning Policy Framework

- 11.01-1S Settlement

12.03-1S	River corridors, waterways, lakes and wetlands
13.07-1S	Land use compatibility
14.01-1S	Protection of agricultural land
14.01-1L	Protection of agricultural land – Greater Bendigo
14.02-1S	Catchment planning and management
14.02-2S	Water quality
14.03-1S	Resource exploration and extraction
15.01-2S	Building design
15.01-3S	Subdivision design
15.01-6S	Design for rural areas
15.03-2S	Aboriginal cultural heritage
16.01-1S	Housing supply
16.01-3S	Rural residential development
16.01-3L	Rural residential development – Greater Bendigo

Other Provisions

35.03	Rural Living Zone
42.01	Environmental Significance Overlay
52.09	Extractive Industry and Extractive Industry interest areas
53.01	Public Open Space Contribution and Subdivision

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Coliban Water	No objection - subject to conditions.
Department of Energy, Environment and Climate Action	No objection - subject to conditions.

Referral	Comment
Downer	No response.
Earth Resources Regulation	No objection – did not request any conditions.
Environment Protection Authority	No objection – did not request any conditions.
North Central Catchment Management Authority	No objection – did not request any conditions.
Powercor	No objection – subject to conditions.
Engineering – Drainage	No objection – did not request any conditions.
Engineering – Traffic	No objection – subject to conditions.
Environmental Health	No objection – subject to conditions.

Public Notification

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

As a result of advertising, 8 objections were received, with the grounds of objection being:

- The lot sizing and dwelling density is incompatible with the rural area.
- Road safety issues due to location of crossovers and additional vehicle movements.
- Soil contamination.
- Wastewater disposal issues.
- Proposal is incompatible with the adjoining and nearby agricultural activity and the quarry.
- Proposal will limit the operation and expansion of agricultural activity and the quarry.
- Impact on environment and natural resources.
- Residential lots may not be maintained – potential fire hazard and increase to pests and weeds.

The objections are discussed below.

A consultation meeting was held on 28 February 2023 and was attended by the objectors, the permit applicant and their Planning Consultant, Traffic Engineer and Acoustic Engineer. No Ward Councillors attended the meeting.

The concerns raised by objectors were discussed at length and whilst there was no resolution, the meeting was invaluable to provide additional context for the issues/concerns raised.

The below image shows the location of objector properties within proximity to the subject site.

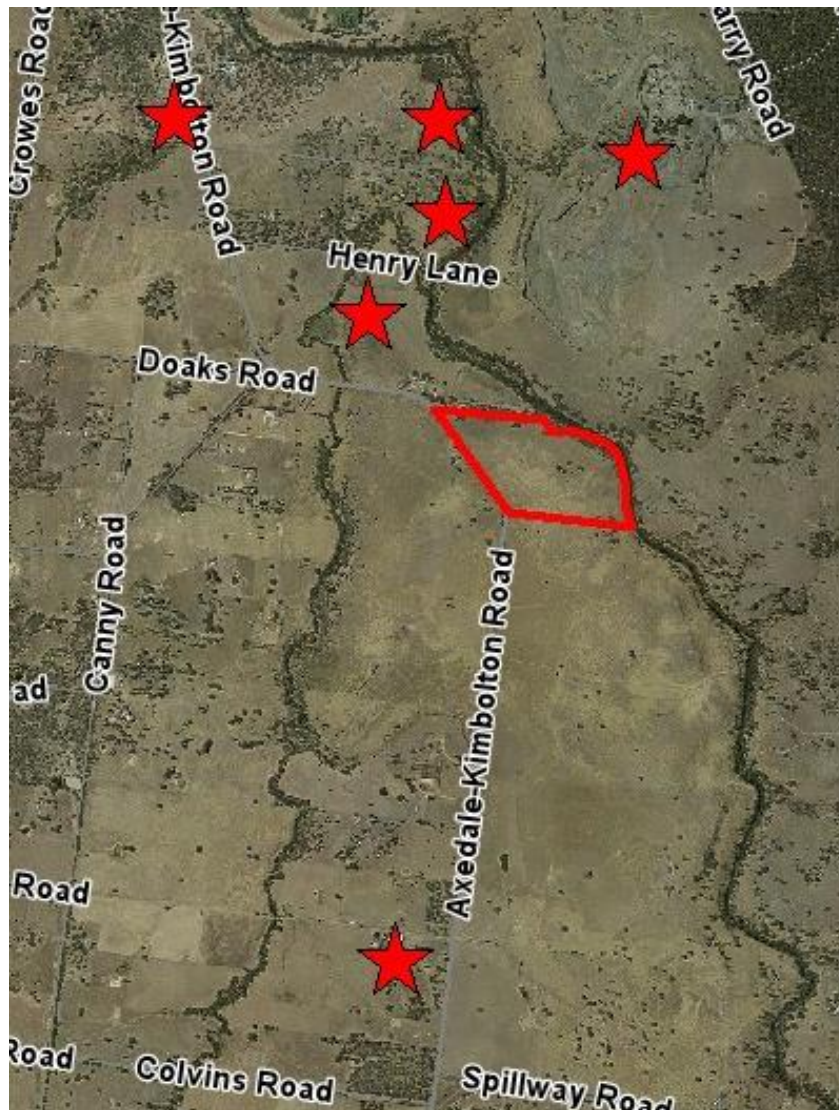


Figure 7 Aerial image showing objector properties within proximity to the subject site.

Planning Assessment

Whether the proposal is consistent with the relevant planning policy that deals with rural residential development and subdivision, and the purpose and decision guidelines of the Rural Living Zone.

Clause 15.01-6S Design for rural areas seeks to ensure development respects valued areas of rural character by ensuring that the siting, scale and appearance of development protects and enhances rural character. Relevant strategies include protecting the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located and siting and designing development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Clause 16.01-3S Rural residential development has the objective to identify land suitable for rural residential development. A strategy of this policy is to ensure that development in rural areas is managed to protect agriculture and avoid inappropriate rural residential development.

Planning policy through Clause 16.04-3L Rural residential development – Greater Bendigo seeks to design dwellings to fit in with the surrounding rural living or rural residential character or preferred character of the area and to ensure that domestic wastewater management systems are located and designed to adequately absorb the waste produced.

The site is strategically located within the Rural Living Zone within proximity to the Axedale Township and is suitable for rural residential development. The proposed subdivision layout and building envelope sites will allow for appropriate rural residential development and to ensure that nearby agricultural activity is protected due to the building envelopes being setback from title boundaries.

Due to the site being located within a Rural Living Zone it is considered suitable for residential development. The Rural Living Zone contains the following purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Each of the allotments would exceed the minimum 8 hectare lot size. The proposal will result in a functional subdivision layout which is compatible and consistent with lot sizing for the Rural Living Zone in the immediate area.

A key theme raised by objectors was that the lot sizing and dwelling density is incompatible with the rural area. Through the assessment of the site and surrounding area it has been determined that the proposed subdivision layout will be consistent with lot sizing within the vicinity of the area and the dwellings will be suited appropriately to provide an outcome that is in keeping with the rural area.

The subdivision layout will ensure that each lot has the capacity to accommodate the use and development of a dwelling. The subdivision layout will provide a configuration that is functional and in keeping with the rural context due to the size of the allotments and the frontages provided to Axedale-Kimbolton Road.

The building envelopes are appropriately separated and have been sited to provide a suitable setback from the road, away from the Campaspe River and outside of the Environmental Significance Overlay that affects a small portion of the site. The proposal has been designed to minimise the impact on the natural physical features and resources of the area and any impact caused by the proposal on soil and water quality has been minimised due to the proposed title boundaries avoiding the need to remove any native vegetation and the building envelopes and wastewater treatment areas being located outside of sensitive areas.

The application has demonstrated that appropriate domestic wastewater management systems can be designed and implemented to adequately absorb the waste produced.

Whilst detailed design of each dwelling has not yet been provided, a permit condition will require detailed plans of each dwelling to be provided prior to the commencement of each development. This approach will ensure that appropriate consideration is given to the building form, scale, colours and materials etc.

It is acknowledged that a planning permit is required to use the land for accommodation and to construct a building or to carry out works associated with accommodation within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990. Accommodation within 500 metres is not prohibited. However, consideration must be given to adverse amenity impacts from the extractive industry operation including vehicular traffic, noise, blasting, dust and vibration from the existing extractive industry operation. This will be discussed in greater detail below.

The proposal will facilitate a rural residential subdivision and development layout that is consistent with relevant policies. The site has the capability to accommodate the proposal and the subdivision layout and siting of future development will ensure that natural resources, biodiversity and the landscape are protected and enhanced.

Whether the proposal is compatible with adjoining and nearby land uses.

A strategic direction relevant to the proposal as outlined in Clause 02.03-1 Settlement is to protect agricultural land and high value environmental areas from development.

Planning policy through Clause 02.03-3 Environmental risks and amenity outlines that a key environmental risk for Greater Bendigo relevant to the proposal is land use compatibility. A strategic direction of this policy is to manage the interface between urban development and incompatible uses with off-site amenity impacts to support land use compatibility.

The key natural resource management issues for Greater Bendigo as outlined in Clause 02.03-4 Natural resource management include:

- *The protection of agricultural land and sustainable agricultural land use.*
- *Protection of water assets.*
- *Resource exploration and extraction.*

The strategic directions for natural resource management relevant to the proposal are:

- *Protecting agricultural land as a valuable and finite resource from fragmentation and encroachment by competing uses.*
- *Protecting existing and potential sites to enable resource exploration and extraction.*

The objective of Clause 13.06-1S Air quality management is to assist in the protection and improvement of air quality. A strategy outlined in this policy aims to ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive residential land use.

Planning policy through Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies to achieve this include:

- *Ensuring that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

As outlined above, the site is located within the Rural Residential Zone which is a rural zone that provides for residential use in rural areas and is typically applied on the outskirts of settlements or township areas.

The Rural Living Zone requires consideration to be given to whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Key considerations for land use compatibility include residential development, the agricultural activity that is occurring within the immediate surrounding area, and the extraction activities occurring at the adjoining Axedale Quarry. These considerations were evident through the objections that were received.

The application has demonstrated that the proposal will result in an outcome where the interface between urban development is compatible with nearby and adjoining uses with potential off-site amenity impacts. This is discussed below.

- *Rural residential land use and development*

There is already a strong presence of rural residential land and development within the immediate surrounding area. The proposal provides for a rural residential land use within an appropriate land zone.

- *Agricultural activities*

The Rural Living Zone does allow for some farming or agricultural activities and the predominant agricultural activity in the surrounding area is grazing which is occurring within the Rural Living Zone (as well as further south in the Rural Conservation Zone). As the majority of properties used for grazing are quite small in area and a number of these lots already contain dwellings, it is unlikely that there will be any significant expansion or intensification of agricultural activity in the surrounding area that will adversely affect the proposed residential land use. Further to this, all dwellings would be setback at least 50 metres from the front title boundary to allow for a suitable buffer between the residential use and nearby grazing activity.

It should be noted that the Rural Living Zone seeks to provide for residential use in a rural environment, with some small-scale agricultural activities allowable in the zone. As such it is unlikely that the proposal will limit the operation or expansion of agricultural activity which was outlined as a concern by objectors.

- *Extraction activities*

As outlined above, the site is located in close proximity to the Axedale Quarry. The Quarry is a blasting extraction quarry that produces blue stone aggregate. A portion of the Quarry site is also used for materials recycling which includes the crushing of concrete on the site by four existing crushers within the existing quarry pit.

A number of dwellings already exist within proximity to the Quarry as demonstrated below in Figure 8. Figure 8 shows the location of the subject site, the location of the Quarry and dwellings located within proximity to the Quarry. Nevertheless, consideration must be given to the appropriateness of any further dwellings within proximity to the Quarry.



Figure 8 Aerial image showing the subject site, adjoining Quarry and nearby dwellings.

The introduction of Planning Scheme Amendment VC219 imposed a requirement on the planning system to assess the impact and suitability of using or developing land for accommodation in proximity to extractive industry. The 500 metre setback trigger protects the extractive industry from encroachment while also considering the potential adverse amenity impacts on accommodation from extractive industry operations. Due to the potential amenity impacts generated from the Quarry there is a need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust, and vibration from the extractive operation.

Clause 52.09 Extractive Industry and Extractive Industry Interest Areas applies to an application to use or develop land within 500 metres of an existing or proposed extractive industry operation. A purpose outlined in this clause is to ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development. Whilst it is acknowledged that the Quarry is an important resource for the community it is considered that the proposal will be able to operate without being limited or affected by the residential development.

Clause 52.09 outlines that an application to use or develop land for accommodation in a rural zone which is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990, must be referred to Earth Resources Regulation

(ERR). Earth Resources Regulation did not object to the proposal, and provided the following comments for the City's consideration:

Council in its determination of the application should consider the impacts of any blasting involved with current and or future extractive industry operations and it would be recommended that independent blasting advice be sought if required.

It is also noted that the application was referred to the Environment Protection Authority (EPA) who reviewed the Acoustic Report submitted with the application and advised that the proposal meets the recommended separation distance of *EPA Publication 1518 Recommended separation distances for residual industrial air emissions*. The EPA did not object to the granting of a permit.

As outlined above, Amendment VC219 was introduced in order to allow for appropriate consideration of potential impacts of residential land use and development in proximity to extractive industry and vice versa. It is important to note that the recommended 500 metre setback requirement does not prevent residential use and development within the 500 metres of the works authority boundary. The amendment only requires consideration to be given to avoiding or reducing the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation to an acceptable level.

The proposed building envelopes achieve a 500 metre buffer from the current Works Authority Boundary, noting that the Works Authority Boundary does not extend to the title boundary. In this instance, the extraction boundary setback to the title boundary of the Quarry appears to be approximately 170m at the shortest distance. It is the Assessing Officer's view that it is unlikely that the Works Authority Boundary will be extended closer to the subject site as the title boundary adjoins the Campaspe River, and appropriate setbacks would need to be maintained into the future in order to avoid any adverse impacts on the Campaspe River. This is a reasonable assumption to make.

The Axedale Quarry Work Plan has been reviewed as part of the assessment of this application in order to obtain a full understanding of the potential impacts of the Quarry on the proposal and vice versa. The Work Plan outlines the following hours of operation:

- Processing – 7am - 6pm, Monday - Saturday, no operation on Sundays or public holidays.
- Blasting – 8am - 5pm (Monday to Friday) and 8am - noon (Saturday), no permit on Sundays or public holidays.
- Essential plant maintenance – 6pm – 6am (Monday-Saturday) and 6am-6pm (Sunday).

The Rural Living Zone decision guidelines require consideration to be given to vehicular traffic, noise, blasting, dust and vibration.

- *Vehicular traffic*

It is unlikely that the proposed use and development will be adversely impacted by vehicular traffic from the Quarry. The Quarry is provided with vehicle access from Axedale Quarry Road. Whilst it is acknowledged that some traffic from the Quarry may utilise Axedale-Kimbolton Road, it is unlikely that noise generated from vehicular traffic will affect the residential land use due to the dwellings being setback an appropriate distance from the road.

Concerns relating to noise from traffic on Axedale-Kimbolton Road and vehicle safety were raised by objectors. The application material has demonstrated that appropriate sightlines can be provided at the location of each vehicle crossover to provide safe vehicle movements to and from the proposed lots. The application has been referred to the City's Traffic Engineers who have provided consent to the proposal subject to conditions including construction standards for vehicle crossovers.

- *Noise*

The application has been accompanied by an Acoustic Report, prepared by a suitably qualified consultant. The report includes details of noise monitoring and detailed noise modelling that has occurred.

Current operations are taking place in the more northern portion of the Quarry land and are not currently impacting the Subject Land. The modelling undertaken in the Acoustic Report has been based on the Quarry Operator undertaking extraction within the approved extraction boundary and Work Authority area that interfaces closest to the subject land to determine likely impacts and worst-case scenario that may or may not arise.

3D computational noise modelling was conducted to predict noise levels from the Quarry under worst-case scenario, including the subject land being downwind from the quarry, rock breaking occurring constantly along the entire future extraction boundary that interfaces with the subject land, extraction occurring at natural ground level and no bunding or levelling at the extraction boundary provided.

The noise modelling concluded that compliance is expected to occur at a separation distance marginally less than 500m from the extraction boundary for proposed Lots 1 and 2 and a much higher degree of compliance for Lot 3 which has a greater setback. The report concludes that the proposal will not prejudice the proposed expansion of the Quarry or its operations.

The processing and essential plant maintenance activities undertaken at the Quarry site do not pose a threat to the amenity of future residents of the subject site which has been demonstrated through the submission of the applicant's Acoustic Report

- *Blasting*

The Axedale Quarry Work Plan outlines that blasting can occur between the hours of 8am and 5pm (Monday to Friday) and 8am and noon (Saturday), with no permitted blasting on Sundays or public holidays. The Quarry Work Plan includes a Blast Management Plan that outlines that the potential risks from blasting include ground vibration, airblast pressure and flyrock.

It is acknowledged that the Acoustic Report did not include an assessment against the blasting activity. However, as the blasting is relatively infrequent as discussed above, it can reasonably be concluded that the impacts to amenity will be minimal.

Whilst the permitted hours appear to be quite extensive, the Work Plan outlines that blasting at the active face occurs approximately every two weeks. Due to the limited frequency of blasting, the risk to amenity of future residents is considered to be minimal. However, to ensure that land use conflict does not occur in the future, a condition will be included on the planning permit requiring a Section 173 Agreement to be registered on the title to ensure that future landowners are aware of the nearby quarrying activity when purchasing the property. This is discussed in greater detail below.

- *Dust*

The Axedale Quarry Work Plan includes dust mitigation measures to ensure that adjoining and nearby sensitive land uses are not adversely affected by dust generated from the Quarry.

The application has been accompanied by air quality advice from an Environmental Consultant which concludes that the proposed subdivision of land and development sites achieving a 500 metre separation distance will mitigate any impacts associated with dust generated at the quarry site and therefore it can be considered that human health, wellbeing and amenity are all protected from dust impacts.

- *Vibration*

Ground vibration and airblast pressure from the Quarry could potentially result in a brief disturbance to residents in the surrounding area, but the extent of amenity impact is not unreasonable. However, exposure to ground vibration and airblast from quarries does not pose a threat to human health. As outlined above, a condition will be included on the permit requiring the permit holder to enter into a Section 173 Agreement advising of the Quarry operation and the potential amenity impacts.

Ground vibration and airblast levels from all blasting operations at Hanson Axedale Quarry must comply with regulatory limits specified by Earth Resources Regulation (ERR) and the Quarry's Blast Management Plan requires monitoring to occur to ensure that there is compliance. The Work Plan for the Quarry outlines that Flyrock from blasting will not extend beyond the boundary of the Work Authority.

The proposed subdivision and development have been designed to consider potential adverse amenity impacts from off-site land uses including agricultural activity and the nearby quarry. The dwelling sites have been setback an appropriate distance from Axedale-Kimbolton Road and property boundaries to minimise impacts from traffic noise and agricultural activity.

The siting of the development also allows for an appropriate buffer from the Axedale Quarry to ensure that potential for adverse impacts including noise, dust and vibration will be reduced to an acceptable level. Farming in the surrounding area and the quarrying activity will be able to continue to operate without any compromises.

- *Section 173 Agreement*

In order to ensure that future landowners are aware of any potential adverse amenity impacts arising from the adjoining quarry and agricultural activities, a condition is proposed to be included on the planning permit requiring the permit holder to enter into a Section 173 Agreement. The Section 173 Agreement will be registered on title and require future landowners to acknowledge the agricultural and quarry activities occurring on surrounding farmland, the potential amenity impacts associated with the uses and note that the level of amenity expected in the site will not be the same as experienced in a residential area.

The inclusion of a permit condition requiring the landowner to enter into a section 173 agreement is an appropriate method to address any potential future issues and will raise awareness for future landowners.

Whether the proposal will result in any adverse impacts on the Campaspe River and its environs

The key environment and landscape values for Greater Bendigo outlined in Clause 02.03-2 Environment and landscape values are:

- *Biodiversity.*
- *Native vegetation.*
- *Waterbodies.*
- *Significant landscapes.*

The Loddon and Campaspe River catchments that are part of the Murray-Darling basin catchment, Australia's largest and most productive agricultural area. This area is increasingly subject to a range of environmental pressures that impact on social and economic activities. A strategic direction of this policy is to improve the health of streams and watercourses and land adjacent to develop their role as important community assets.

Planning Policy through Clause 12.01-1L Protection of biodiversity - Greater Bendigo seeks to enhance biodiversity and biolinks across Greater Bendigo. A strategy outlined in this policy is to protect key environmental areas including the Campaspe River.

Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs aims to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs. A strategy to achieve the objective is to sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

The site is partially affected by the Environmental Significance Overlay – Schedule 1 which relates to watercourse protection. The municipality contains a number of important streams and watercourses that maintain clean water, soil stability and habitat for flora and fauna. Bendigo's potable and agricultural water supply is dependent on these streams and watercourses. The management of land adjacent to streams and watercourses is necessary to reduce erosion, maintain vegetation and habitat and improve water quality.

Environmental objectives to be achieved as outlined in the Environmental Significance Overlay include:

- *Maintaining water quality.*
- *Maintaining the ability of streams and watercourses to carry natural flows.*
- *Preventing erosion of banks, streambeds and adjoining land and the siltation of watercourses, drains and other features.*
- *Protecting and encouraging the long term future of flora and fauna habitat in and along watercourses.*
- *Ensuring development does not occur on land liable to flooding and minimise the potential for damage to human life, buildings and property caused by flood events.*
- *Preventing pollution, elevated nutrients and increased turbidity in natural watercourses.*
- *Preventing increased surface run-off or concentration of surface water run-off leading to erosion or siltation of watercourses.*
- *Conserving existing wildlife habitats close to natural watercourses and, where appropriate, to allow for generation and regeneration of habitats.*
- *Restricting the intensity of use and development of land and water to activities which are sensitive to environmental values and which are compatible with potential drainage or flooding hazards.*

The subdivision layout has been designed to avoid the need for any vegetation removal on the site and a landscape plan will be required as a permit condition requiring planting to occur on the site. This will result in the protection and enhancement of the biodiversity of the area.

Due to the subdivision being located within the Environmental Significance Overlay, the application was required to be referred to both the Department of Energy, Environment

and Climate Action (DEECA) and the North Central Catchment Management Authority (NCCMA), along with the City's Environmental Health team. All of these parties provided consent to the proposal.

The treatment of wastewater was raised by objectors. The application was accompanied by a Land Capability Assessment (LCA) which has been reviewed by the referral authorities. The LCA demonstrates that each of the proposed lots is capable of appropriately treating any wastewater generated within the property boundaries.

The wastewater disposal area will be sited outside of the Environmental Significance Overlay that affects a portion of the site and provided with a maximum separation distance separation distance from the Campaspe River. It should also be noted that future development will be required to obtain a Septic Permit through the City's Environmental Health team. Overall, the proposal has been designed to ensure that water quality will be protected and enhanced as a result of the proposal.

Objector concerns

Objector concerns that have not been discussed are addressed below.

- Road safety issues due to the location of crossovers and additional vehicle movements.

The application was accompanied by an Access Sight Distance Plan that demonstrated that the appropriate sightlines that comply with the Australian Standard will be provided at the proposed crossover locations.

The application was referred to the City's Traffic Engineering team who have supported the proposal subject to conditions. The lot layout and access points provide for each of the lots will allow for appropriate sightlines to be achieved that meet relevant Australian standards. It is considered that safe vehicle ingress and egress will be able to be achieved and the proposal will not compromise traffic safety.

- Soil contamination.

Two of the objections received referred to a non-operating 'sheep dip' located in the front portion of the site that could be subject to contaminated soil due to chemicals that were used on sheep when the site was previously used for sheep grazing.

Policy through Clause 13.04-1S Contaminated and potentially contaminated land seeks to ensure that contaminated and potentially contaminated land is used and developed safely. Relevant strategies in this policy include ensuring contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the

commencement of any use or development and protecting sensitive residential use from the effects of contamination.

The permit applicant has addressed this potential issue by ensuring that the dwellings will be sited in a location away from this area which will ensure that any contamination risk has been reduced to an acceptable level.

The building envelope for lot 1 has been located approximately 40 metres away from the 'sheep dip' site. The buffer distance proposed provides an appropriate separation distance between the development site and the 'sheep dip' site. Only one dwelling will be provided on Lot 1 with ample separation distance from the potential risk. Overall, it is considered the potential for any contamination risk has been reduced to an acceptable level.

- Residential lots may not be maintained – potential fire hazard and increase to pests and weeds.

This objection is based on an assumption that future landowners will not manage their land appropriately. If there are issues with the maintenance of the property in the future it would be a matter for the City's Local Laws team to address.

Conclusion

The application proposes the use and development of the land for 3 dwellings and 3 lot subdivision which would result in an acceptable planning outcome having regard to the relevant planning policy that deals with rural residential land use, development and subdivision; the purpose and decision guidelines of the Rural Living Zone, impacts on waterways; and land use compatibility.

The proposal will allow for rural residential living within an appropriate land zone and will not undermine the existing agricultural and extractive land uses currently operating in the surrounding area. The proposal has also been designed to address the concerns raised by the objectors.

It is therefore recommended that Council support the proposal and issue a Notice of Decision to Grant a Permit, subject to conditions.

Options

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

Conflict of Interest

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

Attachments

Nil

Proposed Notice of Decision Conditions

1. MODIFIED PLAN REQUIRED

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

- (a) A site plan, floor plans and elevation plans for each dwelling.
- (b) A landscape plan for each lot in accordance with the requirements of Condition 3.
- (c) A site plan which shows a wastewater envelope for each lot, including Land Application Area and Reserve Areas. The sizing of the envelope is to be based on the number of bedrooms in the proposed dwelling, and the Land Capability Assessment report (section 7.4 - Effluent Disposal Field Sizing), prepared by JCBD Consulting (dated 7 October 2022 V1.0). The plan must be to the satisfaction of the to the satisfaction of the City's Environmental Health Department.
- (d) A report prepared by a suitably qualified professional that describes a minimum of 3 boreholes within the nominated wastewater envelope (as above) and demonstrates soil characteristics (including depth to hard rock/rock refusal) so to inform the amount of topsoil required to be imported to each lot.

2. LAYOUT PLANS

The subdivision, use and development as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.

3. LANDSCAPE PLAN

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

The plan must show:

- (a) A survey (*including botanical names*) of all existing vegetation to be retained

and/or removed.

- (b) Details of surface finishes of pathways and driveways.
- (c) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- (d) A mix of native canopy trees (minimum two metres tall when planted), shrubs and ground cover in the following locations:
 - i. Planting around the perimeter of each building envelope.
 - ii. Planting along all boundaries fronting onto Axedale-Kimbolton Road.

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

4. LANDSCAPING WORKS

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

5. LANDSCAPING MAINTENANCE

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

6. CONSTRUCTION PHASE

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

7. GRAVELLED DRIVEWAY

Prior to the commencement of works for the dwelling, the owner must construct the following:

- (a) Access to the proposed residence must be provided via an all-weather (gravel) driveway with a minimum trafficable width of 3.5m with 500mm horizontal clearance and 4 metre vertical clearance to trees to accommodate emergency vehicles. Passing areas must be provided every 200m, if applicable, and a turnaround area at the residence.
- (b) The driveway between the property boundary and the edge of the road must be constructed in accordance with the Infrastructure Design Manual SD 255 Rural Driveway.

8. ELECTRICITY SUPPLY

Each dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

9. GENERAL DRAINAGE – BUILDINGS & HOUSES

The development must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

10. VEHICLE CROSSINGS

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

11. SECTION 173 AGREEMENT

Before the plan of subdivision is certified the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that:

- (a) Any future dwelling must be constructed only within the building envelopes as shown on the endorsed plans except with the consent of the responsible authority.
- (b) The owner of the land must acknowledge the agricultural and quarry activities occurring on surrounding farm land, the potential amenity impacts associated with the uses and note that the level of amenity expected in the site will not be the same as experienced in a residential area.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

12. TELECOMMUNICATIONS

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

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

the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

REFERRAL AUTHORITY CONDITIONS:

13. COLIBAN WATER

- (a) All Coliban Water required assets located within the subdivision, are to be protected by an easement created in favour of Coliban Region Water Corporation.
- (b) No buildings or structures are permitted within the easement boundaries which protect the Coliban Water assets that traverse this development site.

14. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION

- (a) Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
 - i. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - ii. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

- (b) Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - i. Vehicular or pedestrian access;
 - ii. Trenching or soil excavation;
 - iii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - iv. Construction of entry and exit pits for underground services; or
 - v. Any other actions or activities that may result in adverse impacts to retained native vegetation.
- (c) No access is permitted to the subject land via the Crown land.
- (d) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- (e) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.

15. POWERCOR

- (a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- (b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
- (c) Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- (d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
- (e) Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
- (f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

16. EXPIRY OF THE PERMIT - SUBDIVISION AND DWELLING

This permit will expire if:

- (a) The plan of subdivision is not certified within two years from the date of this permit; or
- (b) The subdivision is not completed within five years from the date of certification of the plan of subdivision; or
- (c) The use is not started within four years of the date of this permit; or
- (d) Construction of the approved dwellings is not completed within 7 years from the date of this permit.

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

City of Greater Bendigo Engineering Note

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

CONSENT FOR WORK ON ROAD RESERVES

The applicant must comply with:

- (a) The Road Management Act 2004;
- (b) Road Management (Works and Infrastructure) Regulations 2005; and
- (c) Road Management (General) Regulations 2005

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

City of Greater Bendigo Environmental Health Note

Before a building permit is issued for a dwelling at each lot, a Permit to Install an Onsite Wastewater Management System is required to be issued by Council.

Department of Environment Land Water and Planning Note

The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

16.6. Positive Ageing Action Plan

Author:	Rebecca Millard, Connected Communities Officer - Positive Ageing
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To present the final Positive Ageing Action Plan 2023-2025 to Council for adoption.

Recommended Motion

That Council endorse the Positive Ageing Action Plan content with the final version to be presented to the community after adoption

RESOLUTION - Resolution No. 2023-90

Moved: Cr Alden

Seconded: Cr Sloan

That the recommended motion be adopted.

CARRIED

Executive Summary

The aim of the Positive Ageing Action Plan 2023-2025 is to outline the City's commitment to older adults in our community. It is aligned with Healthy Greater Bendigo, the Municipal Health and Wellbeing Plan 2021-2025 objectives and actions per integrated planning principles. There are five key areas of priority including healthy and well, safe and secure, able to participate, connected to culture and community, and liveable of which the PAAP responds to.

The PAAP implementation date, aligns with the exit of the Commonwealth funded Home Support Program and demonstrates to community the importance the City places on older adults and outlines actions to support and respond to issues, opportunities and challenges.

Background

In 2019, the All Ages All Abilities (AAAA) Action Plan was adopted by Council. It superseded the earlier Municipal Early Years Plan, Positive Ageing Strategy, Community Access and Inclusion Plan and combined the existing Youth Strategy. The AAAA helped guide the City's actions in improving the physical and social environment for all community

members, ensuring everyone had the opportunity to fully and actively participate in activities and events across Greater Bendigo.

In 2021, there were 31,827 people over 60 years in Greater Bendigo, representing 26.2 percent of the population of 121,478 (Profile ID). Areas forecast to have a high percentage of older adults by 2036 include Heathcote, Elmore, East Bendigo, Eaglehawk, Kangaroo Flat-Big Hill and Strathdale. All these areas will have more than 30% of their population aged over 60 years (Profile ID). This growing population of older adults will significantly impact the type and level of services and support required in these areas, not only for in home care but a range of activities and programs will be needed.

Previous Council decision dates:

- Council approved the draft Positive Ageing Action Plan be released for community consultation February 6, 2023.
- Council made the decision to exit Home Support Aged Care service delivery in November 2022.
- Council endorsed the Health and Wellbeing Plan 2021-2025 and the Council Plan 2021-2025 in October 2021.
- Council endorsed the All Ages All Abilities Action Plan 2019-2021 in October 2019.

Report

Project overview

The draft PAAP was developed between November 2022 and January 2023, and was presented to EMT and Council prior to community wide consultation in February 2023. The final PAAP incorporates and considers community wide feedback from more than 100 residents collected between February 17, and March 24, 2023, as well as the recommendation received through an internal Equity Impact Assessment (EIA).

The Plan was initially developed using challenges and opportunities identified through previous community engagement undertaken for the Health and Wellbeing Plan 2021-2025 (as part of Imagine Greater Bendigo) and All Ages All Abilities Action Plan and is still guided by these documents.

Since the previous Council briefing the following has been achieved:

- Community consultation opened from February 17 to March 24, 2023
- A total of 107 responses to the draft PAAP were received
- A Consultation Summary Report has been produced
- The final PAAP has been updated and supplied in attachment 16.7.1
- An Equity Impact Assessment (EIA) was undertaken in March-April 2023
- An unsuccessful budget bid was put forward to broaden the scope of the final PAAP and to respond to growing community need and known areas of concern for the older population

Summary of recommended changes for the Positive Ageing Action Plan based on consultation feedback and the EIA include:

1. Review and update the PAAP actions to adopt plain language throughout.
2. Make the actions in the plan SMART goal focused and the inclusion of key measures.
3. Add in a new action focused on improving information sharing and communication with older adults including men, women, gender diverse and multicultural people.
4. In consultation with the Home Support team adjust actions focused on Home Care Support and navigation of aged care services to support improved information sharing and communication.
5. Removal of actions that are outside of the implementation timelines or where funding has ceased.
6. Additional action added relating to Financial Information Services (Services Australia – Centrelink) support for older adults in response to Councillor feedback.

Next steps

Closing the loop with the community to share consultation findings and the final Positive Ageing Action Plan once endorsed by Council.

Delivery of the final PAAP will be led by the Connected Communities team beginning from July 1, 2023.

Priority/Importance

This initiative is of high importance as it represents and reflects the City's strategic commitment to older adults in Greater Bendigo, a cohort which currently represents 26.2 per cent of the population (31,827 people).

Options considered

With the November 2022 decision to cease delivery of Home Support Aged Care services in Greater Bendigo it is important to manage community expectations and provide reassurance that the City places a high value on older adults, their needs and aspirations. This draft Plan outlines the actions that will be undertaken over the next two years utilising the existing 0.6 FTE Positive Ageing Officer and budget resources.

An unsuccessful 2023/24 budget bid was put forward for additional resources to support the expansion of the PAAP to respond to areas of growing need and concern for older people. City Officers will continue to explore external resources and grants to support areas of future needs.

Timelines

The Positive Ageing Action Plan implementation will commence July 1, 2023, to June 30, 2025.

Progress reports on the PAAP will occur quarterly via Pulse and to the Community Partnerships Manager.

Communications/Engagement

A consultation plan was drafted in partnership with the Engaged Communities team and a Communications Plan was developed in partnership with the Communications Team. Both documents guided and supported the community wide consultation enabling a successful engagement process on the draft plan.

The draft PAAP was open for community wide consultation from February 17, 2023, to March 24, 2023. The City received 107 contributions and four individual submissions. A Positive Ageing Action Plan Community Consultation Report has been produced.

Consultation summary:

- Consultation questions focused on the draft PAAP, and questions asked included:
 - What's missing in the action plan?
 - How can the draft action plan be more inclusive?
 - Other feedback on the action plan?
- 81 per cent of responses were from residents aged 60 years and older.
- Feedback strongly indicated 'information sharing and communication' with older adults and the community as an area of focus for the PAAP.
- Additionally, responses in relation to Home Care services, transition of services, individual's needs, navigation of aged care and wanting more information and communication on this was of interest to older adults and the wider community.

Equity Impact Assessment (EIA)

An internal review determined an Equity Impact Assessment (incorporating Gender Impact Assessment) of the draft Positive Ageing Action Plan was required as per the Gender Equality Act 2020 and the City's Social Justice Framework 2022-2032. The EIA considered how the PAAP affects different genders and diverse groups in different ways and recommends changes that will help create a more fair and inclusive community.

The EIA recommendation stated the PAAP focus should incorporate 'effective, diverse, and inclusive communication of information to increase engagement and participation of all older people in positive ageing'.

Summary of the changes to final Positive Ageing Action Plan 2023-2025:

- Simplifying the language used through the action plan.

- Incorporation of a SMART goal focus on all actions, the removal of columns 'budget' and 'timelines' and the inclusion of a new column 'measures'.
- New actions added (based on community feedback and EIA):
 - Service Navigator to coordinate 'understanding aged care services and support' information session.
 - Positive ageing activities and events are promoted in an accessible and diverse way including print and online.
- Actions removed and rationale:
 - Continue to work with Murray PHN to deliver a Social Prescribing program in the Bendigo region that connects socially isolated people to non-medical supports and services, planned community activities and volunteering opportunities that can benefit physical and mental wellbeing.
 - Project is no longer funded and will cease continuation from June 30, 2023
 - Support the transition of home care services from Council to a service provider funded by the Commonwealth and State Government.
 - Timelines for completion of this action are June 30, 2023, which falls outside of the PAAP implementation period. Transition support will be provided through a navigator role as outlined in the PAAP.

Community consultation feedback and supporting data indicates additional areas of need or action that the PAAP is unable to respond to based on budget and additional resourcing needs. These areas include expanding on mental health needs (including suicide rates for older men), growing rates of dementia, support for carers, rising rates of homelessness and housing stress (particularly for older women), volunteering, and employment.

Financial Sustainability

The Positive Ageing Officer (0.6 FTE) role coordinates the PAAP progression. This role has been funded through Council since 2019 and is currently funded to June 2026. Prior to this it was funded through the Commonwealth Home Support Program. This funding was withdrawn by the Commonwealth in 2019 as was funding for Senior Citizens Clubs at this time.

An unsuccessful 2023/24 budget bid was put forward for additional resources to support the expansion of the PAAP to respond to areas of growing need and concern for older people, including community feedback received. City Officers will continue to explore external resourcing and grants to support areas of future needs.

Opportunities for positive ageing grant funding are limited. For the past four years the City has received \$5,000 from the State Government to support the delivery of the Victorian Seniors Festival. In 2019 the City also received \$84,000 in Commonwealth Government funding as part of the Loddon Mallee 'Move It' program. This program no longer exists.

Risk Assessment

There is a reputational risk, particularly following the decision to withdraw from Home Support Aged Care service delivery. Adopting a refreshed Plan will send a clear message that there is ongoing commitment to the wellbeing of older adults in our community.

Policy Context

Primary Council Plan Reference

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

Outcome 2 - Healthy, liveable spaces and places

Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

Goal 4 - A community that values and engages with people of all ages, abilities, genders and sexualities

Other Reference(s)

The development of this plan was guided by the [Healthy Greater Bendigo](#) plan.

In the process of finalising the Positive Ageing Action Plan, the need to complete an Equity Impact Assessment was determined and guided by the [Social Justice Framework 2022-2032](#) and the Gender Equality Act 2020

Conflict of Interest

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

Attachments

1. Positive Ageing Action Plan 2023 2025 final [**16.6.1** - 12 pages]

16.7. North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023 – June 30 2025

Author:	Stacy Williams, Director Healthy Communities and Environments
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To seek Council approval to the signing and sealing of the North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023- June 30, 2025.

The agreement provides a framework for the provision of services and funding of the Regional Library Corporation for the next two years, with an expectation that the Corporation may be wound up and library services be operating under a different model within this time in line with the sunset clause of the Local Government Act 2020.

If no decision has been finalised with regard to a new model for the provision of library services by this time, a further agreement can be provided.

Recommended Motion

That Council approve the CEO to sign the North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023- June 30, 2025.

RESOLUTION - Resolution No. 2023-91

Moved: Cr O'Rourke

Seconded: Cr Fagg

That the recommended motion be adopted.

CARRIED

Executive Summary

This report provides an overview of the two year North Central Goldfields Regional Library Service and Funding Agreement July 1, 2023- June 30, 2025.

This agreement continues our commitment to the North Central Regional Library Corporation. Over the next two years the North Central Regional Library Corporation member Councils will consider their future commitment to the corporation and the board will explore future management models as required by the Local Government Act 2020.

The Goldfields Library Plan priorities are aligned to the broad priorities of member Councils and Regional Partnership plans for the region. These are:

Children and Young People- supporting childhood and adolescent development

Lifelong Learning- encouraging learning at any age or stage

Safety and Inclusion- a welcoming and accessible service

A Sustainable Future- playing our part in action against climate change

An Informed Community- an engaged, creative, informed community

Connecting People- providing opportunity for connection both digital and physical

Respecting First Nations Peoples and Culture- celebrating the nation's first culture

A Learning Organisation- learning and growing with our community

Background

The North Central Goldfields Regional Library Corporation has involved four Councils since its inception in 1996. The Corporation consists of members from City of Greater Bendigo, and the Shires of Loddon, Macedon Ranges and Mount Alexander. The Corporation provides library services to the member Municipalities.

The Service and Funding Agreement details the responsibilities and obligations of the Corporation and the Member Councils. The Agreement is an extension of the Regional Library Agreement and although it is not required to be gazetted by the Minister, it should be read in conjunction with the Regional Library Agreement.

The Service and Funding Agreement is not bound by legislation. It is the Regional Library Agreement (RLA) that establishes the framework of the Corporation as a separate legal entity, as part of a sunset agreement covered under the Local Government Act 1989 (s. 197). The sunset agreement allows for the provision of Regional Library Corporations under the Local Government Act 1989 until 2030, by which time it is expected that all Councils will have transitioned to another method and structure for service delivery.

Report

The Service and Funding Agreement currently in place, expires on June 30, 2023 and a new agreement is proposed that simply provides for the existing conditions of the service and funding arrangements to be maintained for a 12 month period with an option to roll this over for a further 12 months, pending any decisions by member Councils regarding a new library service delivery model.

This approach is proposed to provide flexibility for Council members undertaking any service review or due diligence in considering the requirements of the Local Government Act 2020, to wind up Regional Library Corporations by 2030 and provide a new way of delivering library services by either directly providing them through an "in-house" Council

service, or through a Beneficial Enterprise as defined under s. 110 and s. 111 of the Local Government Act, 2020.

There are no proposed changes to the conditions of the 2023-2025 Funding and Services Agreement.

The timeline of the Agreement is established to allow for review at the end of the 23-24 financial year and for mutually agreed rollover for the 2024-25 financial year, if required for all parties bound to the Regional Library Agreement.

This provides flexibility and a built-in review process as the Regional Library Corporation and member Council's consider the most suitable new approach to the provision of library services under the Local Government Act 2020.

It may be that no decision on a new service delivery approach is reached by June 30, 2025, which would simply result in the re-signing of a new agreement for a further time period, given Councils have until 2030 to finalise a new approach to services.

The Regional Library Service and Funding Agreement is in line with current practice of the Library Corporation and represents good governance through the provision of an Agreement that clearly outlines the foundations of service provision and funding responsibilities of all parties. The Service and Funding Agreement has not been changed in any way to the existing Agreement and this process represents a continuation of current services utilising the same legal structure and fee structure.

City officers will commence a service review to inform the upcoming investigation of new service models for library services across the municipality.

Priority/Importance

A decision is required prior to the commencement of the new agreement.

Timelines

The new agreement is for two years July 1, 2023- June 30, 2025.

Communications/Engagement

The proposed agreement has been discussed at the Regional Library Corporation Board and other member councils have agreed to the new two year agreement.

Financial Sustainability

Funding for the Regional Library Corporation is provided for in the adopted 2023/24 budget.

Funding contribution from each partner Council is calculated on per head of population formula. In 2022-2023 the City contributed \$3,410,916 which is equivalent to \$28.08 per capita of population (121,470).

Risk Assessment

The regional library Corporation requires agreement to continue to operate.

Policy Context

Primary Council Plan Reference

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

Outcome 2 - Healthy, liveable spaces and places

Outcome 6 - A vibrant, creative community

Outcome 7 - A safe, welcoming and fair community

Conflict of Interest

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

Attachments

1. GLC Service and Funding Agreement 2023-2024 [**16.7.1** - 11 pages]
2. 7.3 COGB Libraries Quarterly Report Jan- Mar 2023 [**16.7.2** - 16 pages]

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

18. ABORIGINAL RECONCILIATION

18.1. A Voice to Parliament Referendum

Author:	Fiona Machin, Inclusive Communities Officer - Reconciliation
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

The purpose of this report is to provide information on the upcoming 2023 Referendum, and to seek Council's support of constitutional recognition of Aboriginal and Torres Strait Islander people through a Voice to Parliament enshrined in the Australian Constitution (Option 1 below).

Recommended Motion

That Council:

- Formally support constitutional recognition of Aboriginal and Torres Strait Islander Peoples through a Voice to Parliament enshrined in the Australian Constitution; and
- Commits to informing and sharing clear, unbiased information on the Voice to Parliament and all aspects of the upcoming referendum. This will ensure residents can make their own considered and informed choice on the day.
- Acknowledges that any position resolved by Council, is without prejudice to individual positions each Councillor may privately or publicly pursue

RESOLUTION - Resolution No. 2023-92

Moved: Cr O'Rourke

Seconded: Cr Alden

That the recommended motion be adopted.

CARRIED

Executive Summary

On 27 May 2017, delegates of the National Constitutional Convention released the 'Uluru Statement of the Heart' which calls for legal and structural reforms to reshape the relationship between First Nations and the Australian population. The Uluru Statement calls for two substantive changes, including establishing a Makarrata Commission to lead treaty making and truth-telling, as well as a First Nations Voice to Parliament to be enshrined in the constitution.

A First Nations Voice to Parliament would be an independent, representative advisory body that will provide a permanent means to advise Parliament and Government on matters affecting the lives of First Nations communities.

In 2022, the Federal Government committed to holding a referendum on a constitutionally enshrined Voice to Parliament by the end of 2023.

Following detailed consultation with the First Nations Referendum Working Group and the Government, the Prime Minister announced on 23 March 2023 the proposed constitutional amendment and the referendum question that will be put to the Australian public at the upcoming referendum.

Supporting constitutional recognition aligns with the City's Reconciliation Plan 2020-2025, *Barpangu* and its underlying commitments to self-determination, partnerships and community dialogue and truth-telling.

Background

The City of Greater Bendigo has been on a long journey of reconciliation from the early 2000s, with two successive Reconciliation Plans guiding the City's work in reconciliation across the municipality.

The City's current Reconciliation Plan 2020-2025, *Barpangu* articulates Council's commitment to advancing reconciliation and to supporting the Traditional Owners and local Aboriginal and Torres Strait Islander community. It is also underpinned by key principles of Aboriginal self-determination, partnerships, relationship building and ensuring our work is guided by two-way learning, self-reflection and ongoing trust and understanding.

Barpangu recognises the Council's leadership role in reconciliation across Greater Bendigo and the wider region, and our responsibility to encourage other local governments and agencies to further their own reconciliation journeys.

The Social Justice Framework provides Council with principles to guide decision making, planning and actions to improve equity, inclusion and support human rights in the community.

Previous Council decision dates:

- **16 September 2020** – Adoption of Reconciliation Plan 2021-2025, *Barpangu*
- **27 June 2023** - Adoption of the Social Justice Framework 2022-2032

Report

On 27 May 2017, delegates of the National Constitutional Convention released the 'Uluru Statement of the Heart' (**Attachment 1**). The Uluru Statement calls for legal and structural

reforms to reshape the relationship between First Nations and the Australian population towards one based on fairness, truth, justice and self-determination. This is an important step in Australia's reconciliation journey.

In calling for *Voice, Treaty, Truth*, the Uluru Statement calls for two substantive changes, which are:

- Constitutional enshrinement of a Makarrata Commission to undertake processes of treaty making and truth-telling; and
- A First Nations Voice to Parliament to be enshrined in the constitution.

A First Nations Voice to Parliament would be an independent, representative advisory body of Aboriginal and Torres Strait Islander members. It will provide a permanent means to advise Parliament and the Executive Government on the views of Aboriginal and Torres Strait Islander Peoples and to have the means to inform decisions on matters directly affecting the lives of First Nations communities.

The Uluru Statement of the Heart was developed out of a First Nations dialogue process, led by the Referendum Council, to discuss constitutional reform and how to ensure that Aboriginal decision-making was at the heart of the reform process.

Constitutional amendment and referendum question

In 2022, the Federal Government committed to holding a referendum on a constitutionally enshrined Voice to Parliament by the end of 2023. This is part of the Government's commitment to implementing the Uluru Statement from the Heart in full.

This referendum will give Australians a rare opportunity to write a new chapter into our Constitution.

On 23 March 2023, the Prime Minister announced the proposed constitutional amendment and question to be asked at the 2023 Referendum. Australians will be asked to approve the inclusion of the following new chapter into the Constitution:

In recognition of Aboriginal and Torres Strait Islander Peoples as the First Peoples of Australia:

- 1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;*
- 2. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;*
- 3. The Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.*

The question Australians will be asked will be:

A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?

The First Nations Referendum Working Group also outlined the principles underpinning the First Nations Voice to Parliament. This clarifies our understanding of the role and function of this new body. To summarise, the Voice to Parliament will:

- Provide independent advice to the Parliament and Government
- Be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities
- Be representative of Aboriginal and Torres Strait Islander communities, gender-balanced and include youth
- Be empowering, community-led, inclusive, respectful and culturally informed
- Be accountable and transparent
- Work alongside existing organisations and traditional structures

The Voice will not have a program delivery function, nor will it have veto powers.

State and Local Context

Since mid-2022, several developments have occurred across all levels of government and community.

At the Municipal Association of Victoria's (MAV) June 2022 State Council, which comprises representatives from all 79 Victorian councils, it was resolved that:

'...the MAV call upon all Victorian local government authorities to consider supporting the Uluru Statement from the Heart which calls on the Australian people to walk with First Nations in a people's movement for Voice, Treaty and Truth, and encourage all Councils to write to their respective Federal Member of Parliament calling on the Australian Government to support Constitutional Recognition for Aboriginal and Torres Strait Islander peoples and the key principles of the "Uluru Statement from the Heart".'

This follows the Australian Local Government Association's (ALGA) earlier support for constitutional recognition for Aboriginal and Torres Strait Islander Peoples, as per its [submission](#) of endorsement to the 2018 Interim Report of the Federal Joint Parliamentary Committee on Constitutional Recognition.

Other recent developments include:

- In December 2022, 38 Mayors from across Australia released a joint statement in support of the Uluru Statement from the Heart and the upcoming referendum, while also committing to civic education in their communities about the importance of the referendum.

- Six Victorian Mayors signed the *Mayors for the Voice to Parliament Public Statement*, including the City of Ballarat, Nillumbik Shire Council and Bass Coast Shire Council.
- As of April 2023, five Victorian local councils have made the following commitments:
 - On 23 November 2022, Bayside Council unanimously adopted a Mayoral Minute to formally support the Uluru Statement from the Heart and Voice to Parliament.
 - On 5 December 2022, Banyule City Council Councillors adopted the Uluru Statement from the Heart.
 - In 2021, City of Greater Geelong made a commitment to the Uluru Statement from the Heart
 - On 26 April 2023, Surf Coast Shire Council voted to publicly declare its support for the Voice to Parliament but will not explicitly advocate for the “Yes” or “No” campaigns.
 - On 21 March 2023, Melbourne City Council voted in support of the Uluru Statement from the Heart and the ‘Yes’ campaign for constitutional recognition through a Voice to Parliament.
- At the National Cabinet meeting on 5 February 2023, all State and Territory Premiers [signed a ‘statement of intent’](#), formally supporting a First Peoples Voice to Parliament.
- A series of national and state peak-based bodies have released position statements stating their support for the referendum and for constitutional recognition, including Reconciliation Victoria, Reconciliation Australia, Victorian Council of Social Service, the Australian Reconciliation Network and Diversity Council Australia (**Attachments 2 - 5**).
- On 26 May 2023, more than 20 Australian sporting codes released a joint statement in support of constitutional recognition through the Voice to Parliament, including the AFL, NRL, Rugby Australia, Football Australia and Netball Australia. The joint open letter stated, *‘We commit to using our platforms to lead conversations that promote respect, trust and goodwill between Indigenous and non-Indigenous Australians. We commit to improving education and understanding among the Australians who play, administer and watch our sports.’*

City of Greater Bendigo Youth Council provided a letter of support to Council on 11 April 2023, voicing their support in favour of the Voice to Parliament and upcoming referendum (**Attachment 6**).

Various Yes and No campaigns have been running since February 2023.

Launched during a ‘national week of action’ in mid-February 2023, the ‘Yes’ campaign is being driven by a collective of groups, including *The Uluru Dialogue*, *From The Heart*, *Uphold and Recognise*, and *Australians for Indigenous Constitutional Recognition*. The campaign’s objective is supporting the Uluru Statement from the Heart and constitutional recognition for First Nations Peoples. A non-partisan forum, *Parliamentary Friends of the*

Uluru Statement, has formed to support parliamentarians to meet and interact with various stakeholder groups around the Uluru Statement from the Heart.

The No campaign, being led by *Australians For Unity*, seeks to offer an alternative solution to First Nations recognition and community needs. Made up of the former *Recognise a Better Way* and *Fair Australia* campaigns, the No campaign reflects criticism around the lack of detail on the structure and role of the Voice to Parliament. For example, the previous *Recognise a Better Way* group sought symbolic recognition of First Nations Peoples in the Constitution and reiterated that economic participation is the only way to Close the Gap of disadvantage.

These campaigns reflect the diversity of views within the First Nation community and broader public about the Voice to Parliament and referendum.

Locally, the DJAARA Board announced in May 2023 their recommendation that '*DJAARA publicly support the Voice to Parliament in the leadup to the national referendum. A Voice to Parliament would not detract from or interfere with the rights of Dja Dja Wurrung People under the Recognition and Settlement Agreement (RSA) with the State of Victoria*'. This follows Rodney Carter (CEO of DJAARA) previously declaring his personal support in favour of the Yes Campaign.

In April 2023, Taungurung Land and Waters Council (TLWC) released a public statement declaring Taungurung members' and TLWC's support for the Voice to Parliament and constitutional recognition (**Attachment 6**). The Taungurung statement noted that '*having a group of Traditional Owners advising the Government and Parliament on how matters such as policies and laws affect Indigenous peoples is the next step in creating a stronger future not just for the Taungurung Nation, but all Nations*'.

The Voice to Parliament and upcoming referendum offers Council an opportunity to show its support for constitutional recognition of First Nations Peoples, as part of our ongoing commitment to reconciliation and Aboriginal self-determination.

As the level of Government closest to community, Council can play an important role in ensuring residents are able to participate in the democratic process in an informed way providing access to unbiased information in the leadup to the referendum. Council's role will involve informing and sharing clear, unbiased information on the Voice to Parliament and the upcoming referendum to ensure residents can make their own considered and informed choice on the day.

Council will focus on the importance of constitutional recognition for First Nations people and participation of the wider community in the referendum process.

Offering our support for constitutional recognition also aligns with important changes at the State level where the Victorian Government has been leading the nation in advancing

Treaty-making, truth-telling and providing a democratic voice for First Nations Peoples. This has included the creation of the First People's Assembly of Victoria in December 2019, the establishment of an independent Treaty Authority and treaty negotiation framework in June 2022, and a formal truth-telling process through the Yoorrook Justice Commission. Importantly, the City's *Yilingga Marna Agreement* with DJAARA also includes a stated commitment for both the City and DJAARA to work towards a Treaty-like Agreement.

The Social Justice Framework (2022-2032) provides Council with principles to guide decision making, planning and actions to improve equity, inclusion and support human rights in the community.

The key principles are:

- Human Rights
- Access and Inclusion
- Equity
- Participation in decision making

These core principles are supported by seven pillars of action.

- Recognise Aboriginal and Torres Strait Islander People/First Nations people
- Uphold Human Rights
- Champions Social Justice
- Advance Equity
- Support Access and Inclusion
- Enable Engagement and Participation
- Support Environmental Justice

The City has a strategic responsibility to plan, lead and advocate for the local community and social justice.

This can be achieved through the following roles:

- Leader– develop a clear position on equity, participation and human rights issues
- Advocate – advocate across all levels of Government to improve outcomes.
- Engage- engage with the local community to ensure those experiencing inequity or disadvantage have a voice and input into plans and services that affect them.
- Facilitator– Connecting groups and bringing people together to build tolerance and understanding of difference and celebrate diversity.
- Partner – partnering with key stakeholders to leverage assets to address barriers to achieving social justice.

Priority/Importance

Confirmation of a Council position regarding the First Nations Voice to Parliament is of high importance given the approaching referendum in late 2023 and the growing interest, both internally and externally, of Council's commitment on this matter.

Options considered

Council may consider the following options in relation to the 2023 Referendum:

Option 1 (recommended):

- That Council formally supports constitutional recognition of Aboriginal and Torres Strait Islander Peoples through a Voice to Parliament enshrined in the Australian Constitution.
- Council commits to informing and sharing of clear, unbiased information on the Voice to Parliament and all aspects of the upcoming referendum. This will ensure residents can make their own considered and informed choice on the day.

Option 2:

- No formal Council position is taken on the upcoming 2023 Referendum or constitutional recognition through a Voice to Parliament.
- In the leadup to the Referendum, Council commits to sharing clear and unbiased information on the Voice to Parliament and the upcoming referendum. This will ensure residents can make their own considered and informed choice in the referendum.

Option 3:

- Council passes a formal motion not supporting the upcoming referendum or constitutional recognition through a Voice to Parliament.

To support decision making, Council:

- Acknowledges that this Council position does not preclude the right of an individual Councillor to:
 - Vote as they individually desire in the referendum
 - Actively campaign or not, for either side, as a private citizen – without prejudice to the position of Council
- Acknowledges that Councillors must still comply with the Councillor Communication & Information Policy, specifically but not limited to sections:
 - 6.16.1 – not speak on behalf of the City (unless authorised by the Mayor)
 - 6.16.4 – respect the decision-making process and not publicly criticise the Council resolution
 - 6.16.5 – clearly communicate that they are not speaking on behalf of Council when making comment
 - 6.16.7 – ensure the reputation of Council is not compromised

Timelines

A Referendum on the First Nations Voice to Parliament will be held in the second half of 2023 (between October – December).

Communications/Engagement

External consultation:

- Regular consultation is occurring with members of the Central Victorian Local Government Reconciliation Network, Bendigo Reconciliation Group, and staff from Reconciliation Victoria regarding local government action on the Voice to Parliament.

Internal consultation:

- Early discussions have occurred between Governance, Communications and Community Partnerships Units on potential options for information sharing, education and engagement, both internally and externally, in the leadup to the referendum.

Financial Sustainability

Any additional communications and information sharing activities in the lead up to the 2023 Referendum will be implemented within existing budget and staffing resources of the Community Partnerships Unit.

Risk Assessment

Supporting constitutional recognition and the 2023 referendum aligns with the City's commitment to reconciliation and key strategic documents, the Council Plan *Mir wimbul*, Healthy Greater Bendigo 2021-2025, City's Reconciliation Plan *Barpangu*, and Social Justice Framework 2022-2025.

These strategies have set high expectations for the community and key partners around the City's commitment to reconciliation and Aboriginal self-determination.

Not adopting a clear position on the Voice to Parliament will likely send a message of non-support to the local First Nations community and other local supporters of reconciliation. This may fracture local relationships with Traditional Owners and First Nations community members and also may cause reputational risk to Council in the reconciliation space.

Not committing to providing clear information on the Voice to Parliament and the referendum would also be a missed opportunity for Council and its role in ensuring residents are able to make a considered and informed choice on the day.

Policy Context

Primary Council Plan Reference

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

Outcome 4 - Aboriginal reconciliation

Secondary Council Plan Reference(s)

Goal 1 - Respecting and celebrating our Traditional Owners and Aboriginal and Torres Strait Islander Peoples and cultures through all levels of our organisation

Goal 2 - Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community

Goal 3 - Enhanced wellbeing of our Aboriginal and Torres Strait Islander community

Other Reference(s)

Healthy Greater Bendigo 2021-2025

Outcome 4 – connected to culture and community

City of Greater Bendigo Reconciliation Plan 2020-2025, *Barpangu*

City of Greater Bendigo Social Justice Framework 2022-2032

Dja Dja Wurrung & Taungurung Recognition and Settlement Agreements as part of the *Traditional Owner Settlement Act 2010*

DJAARA – *City of Greater Bendigo Yilingga Marna Agreement*

Victorian Charter of Human Rights and Responsibilities Act 2006

Victorian Aboriginal and Local Government Strategy 2021 - 2026

Conflict of Interest

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

Attachments

1. Uluru Statement From The Heart [**18.1.1** - 1 page]
2. Reconciliation Victoria - Uluru Statement and Voice to Parliament - Position Statement [**18.1.2** - 3 pages]
3. Australian Reconciliation Network - Voice to Parliament - Statement [**18.1.3** - 1 page]
4. VCOSS - Voice to Parliament - Public Statement [**18.1.4** - 1 page]
5. Diversity Council Australia - Voice to Parliament - Media Release [**18.1.5** - 2 pages]
6. City of Greater Bendigo Youth Council - Voice to Parliament - Letter to Council 2023 [**18.1.6** - 2 pages]
7. Taungurung Land and Waters Council - Voice to Parliament - Public Statement [**18.1.7** - 1 page]

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

19.1. Kerbside Frequency Change - Implementation & Education Plan

Author:	Brooke Pearce, Manager Resource Recovery & Education
Responsible Director:	Brian Westley, Director Presentation and Assets

Purpose

The purpose of the report is to:

- Inform Council of the proposed implementation and education plan for the kerbside frequency change to take place in February 2024.
- Request approval of the proposed introduction of 5,500 organic bins to rural properties who do not currently have the organics service. *Note: this tenement figure does not include properties which are in collection areas but have an approved organics exemption.*

Recommended Motion/s

- Council to review and approve the implementation and education plan as noted within this report.
- Council to review and approve the recommendation to introduce the kerbside organics service to 5,500 rural properties who do not currently have the organics service.

RESOLUTION - Resolution No. 2023-93

Moved: Cr O'Rourke

Seconded: Cr Williams

That the recommended motion be adopted.

CARRIED

Background

At the January 2023 Council meeting, Council approved to swap the collection of general waste bins from weekly to fortnightly, and the collection of organic bins from fortnightly to weekly.

It was noted at the time of the January recommendation that City staff would return to Council with a detailed implementation and education plan for the frequency change due to commence 5th February 2024. It was also noted that City staff would review the current arrangement of 5,500 rural properties which do not currently have an organics service. The review was to be undertaken due to the mandatory state directives regarding kerbside services provided by Local Government. City staff committed to the review being conducted within a 12-month period.

Previous Council decision dates: 30th January 2023.

Report

This report details the actions for implementing the change to the kerbside collection service in response to the Council's approval in January 2023 to change the bin collection frequency for the general waste bins and organics bins.

In the report provided to Council in January 2023 Council Meeting, there was a commitment from City staff to do the following:

- Return to Council with a detailed implementation and education plan for the approved frequency change to commence on 5th February 2024 (**attached**)
- To review collection options for the 5,500 rural properties who do not currently have an organics bin service. The review included the assessment of the most recent composite audit findings for general waste bins in rural areas as well as conditions of the mandated state directive regarding kerbside collection reforms.

Introduction of organic collection services to 5,500 rural properties.

In 2020, the State Government released the first edition of the Recycling Victoria Kerbside Reforms.

The most recent update to this policy was released in November 2021, and the document is now known as 'Recycling Victoria: a new economy policy.'

The Recycling Victoria policy states four targets in which local government are responsible to meet through their internal resource recovery collection processes and external contracts:

1. Divert 80 per cent of waste from landfill by 2030, and an interim target of 72 per cent by 2025.
2. Cut total waste generation by 15 per cent by capita by 2030.
3. Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20 per cent reduction by 2025.
4. Ensure every Victorian household has access to food and organic waste recycling services or local composting by 2030.

The policy also notes the following:

Policy condition 5.1 – Household Recycling Reforms (page 26)

Mandatory rollout of food and garden organics recovery services to households that don't already have access will commence in 2026-27, with all Victorians to have access to a bin or service by 2030.

The last composite audit completed in rural areas across our municipality indicated that the general waste bin contains approximately 45% of organic material. This figure was irrespective of the two years of dedicated education the Resource Recovery & Education Team had completed to promote and provide subsidised compost bins to these properties to utilise in the absence of an organics kerbside service.

It is recommended that the Council approve the rollout of organic bins to the 5,500 properties who currently do not have this service based on the following:

- State & Council environment strategies and targets in regard to diversion of organic materials from landfill
- Composite audit figures for organic matter present in rural general waste bins
- Operational challenges in differing boundaries and collection schedules across the City.
- Consistency of service offering

To ensure equity and transparency regarding the service and the recommended change for the effected properties, the following approach is proposed to ensure a free trial period for the affected properties as well as the opportunity for an exemption after the trial period.

- 5,500 rural properties provided an organics kerbside service in **November 2023 at no charge**.
- The service will commence from mid-November for a fortnightly organics collection to allow rural residents to become accustomed to the service and how it can be utilised in their home.
- In **February 2024** the frequency change will occur for **all** properties across the municipality.
- In **May 2024** once the residents have utilised the organics service 6-month period, in line with the current Kerbside Organics Exemption Policy – these properties can apply for an exemption and if approved will have the service recovered and will not be charged on the following 1st July 2024 rates notice.
- If the exemption application is successful, this property (like others with an existing organic exemption in place) the general waste collection will continue as fortnightly, with no organics service in place at the property.
- If the residents wish to continue utilising the organics service post 1st July 2024, they will be charged accordingly for the service.

Communications/Engagement

Resource Recovery & Education
Financial Strategy
Business Transformation
Communications

Financial Sustainability

In the short-term, the changes to bin collection frequency for tenements with an existing organics service will be immaterial. It is expected that operating costs will reduce over time, given the reduced Landfill Levies payable based on general waste tonnages; in addition to the known environmental benefits.

The financial provisions required for the introduction of the 5,500 organic bins are as follows:

Capital (one off expenditure– funding application in place with Recycling Victoria)
\$274,060

Ongoing operational costs

\$260,260 per annum (noting that there will be offset savings due to reduced Landfill Levies payable based on general waste tonnages).

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 5 - A climate resilient and healthy landscape

Secondary Council Plan Reference(s)

Goal 2 - Circular economy

Other Reference(s)

[Recycling Victoria: a new economy policy](#)

Conflict of Interest

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

Attachments

1. Kerbside Collection Implementation Plan Final [**19.1.1** - 3 pages]
2. Kerbside Frequency Change Education Plan Final [**19.1.2** - 2 pages]

20. A VIBRANT, CREATIVE COMMUNITY

20.1. Planning Scheme Amendment C275gben - Miners' Housing Serial Listings - Consideration of Submissions and Request Panel

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

Purpose

This report seeks consideration of the submissions received to Planning Scheme Amendment C275gben and recommends that an Independent Planning Panel be requested to consider the submissions received.

Amendment C275gben proposes to implement the recommendations of the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (Trethowan Architecture, 2021) (the Study), by introducing a Heritage Overlay. As exhibited, the proposed Heritage Overlay included four new serial listings comprising a total of 156 properties associated with the Victorian miners' housing typology in Greater Bendigo. Four (4) of these properties have been recommended to be removed from the Amendment following public exhibition and receipt of submissions.

Recommended Motion

That Council:

1. Note and accept all the submissions received as a result of the public exhibition of Amendment C275gben, including the three late submissions.
2. Remove the properties at 3 Pascoe Street, Long Gully, 19 Grant Street, Long Gully, 55 Arnold Street, Bendigo and 266 Queen Street, Bendigo from Amendment C275gben and reduce the curtilage of 193 Mackenzie Street West, Golden Square as per the heritage consultant's review and recommendations.
3. Request the Minister for Planning to delete the interim Heritage Overlay (HO1004) from the property at 19 Grant Street, Long Gully.
4. Request the Minister for Planning to appoint an Independent Panel to consider all submissions received for Amendment C275gben to the Greater Bendigo Planning Scheme.
5. Refer any further late submissions received prior to the Directions Hearing for Amendment C275gben to the Independent Planning Panel for consideration.

RESOLUTION - Resolution No. 2023-94

Moved: Cr Fagg

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

The Study was undertaken in 2021 by Trethowan Architecture. It builds on a series of studies completed since the 1990s to apply appropriate protection to Greater Bendigo's built heritage.

The Study initially assessed 229 dwellings and determined that 157 were of local heritage significance for their association with the Victorian miners' housing typology in Greater Bendigo.

Amendment C275gben to the Greater Bendigo Planning Scheme proposes to implement the findings of the Study by applying the Heritage Overlay (HO) to four new serial listings comprising dwellings scattered across the localities of Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully, North Bendigo, Quarry Hill and West Bendigo.

Amendment C275gben as exhibited included 156 dwellings (with one dwelling to be included in a future amendment).

Public exhibition is now complete as required under the *Planning and Environment Act, 1987*. At the time of writing this report, 12 property owners have lodged a submission opposing Amendment C275gben. One submission broadly supported the amendment but noted that Amendment C275gben doesn't go far enough.

The main ground of opposition from property owners is that their dwellings lack sufficient heritage significance to warrant the application of the HO. Other concerns included that dwellings are in a state beyond repair, that dwellings have been substantially altered over time or that the application of the HO will result in an unreasonable financial burden.

Following exhibition, the original heritage consultant, Trethowan Architecture, completed further site inspections to consider the issues raised within submissions and determine if any further changes are required to the Amendment.

Based on these further investigations, four properties are proposed to be removed from Amendment C275gben following exhibition. These properties are:

- 3 Pascoe Street, Long Gully

- 19 Grant Street, Long Gully
- 55 Arnold Street, Bendigo
- 266 Queen Street, Bendigo

It is also proposed to reduce the curtilage (the area of the property covered by the HO) of the property at 193 Mackenzie Street West, Golden Square to align with the recent subdivision plan (and exclude the newer building to the rear).

Despite the recommended removal of four properties from Amendment C275gben, submissions remain that will need to be referred to an Independent Planning Panel for consideration.

Background

The key steps in the Amendment process are summarised below:

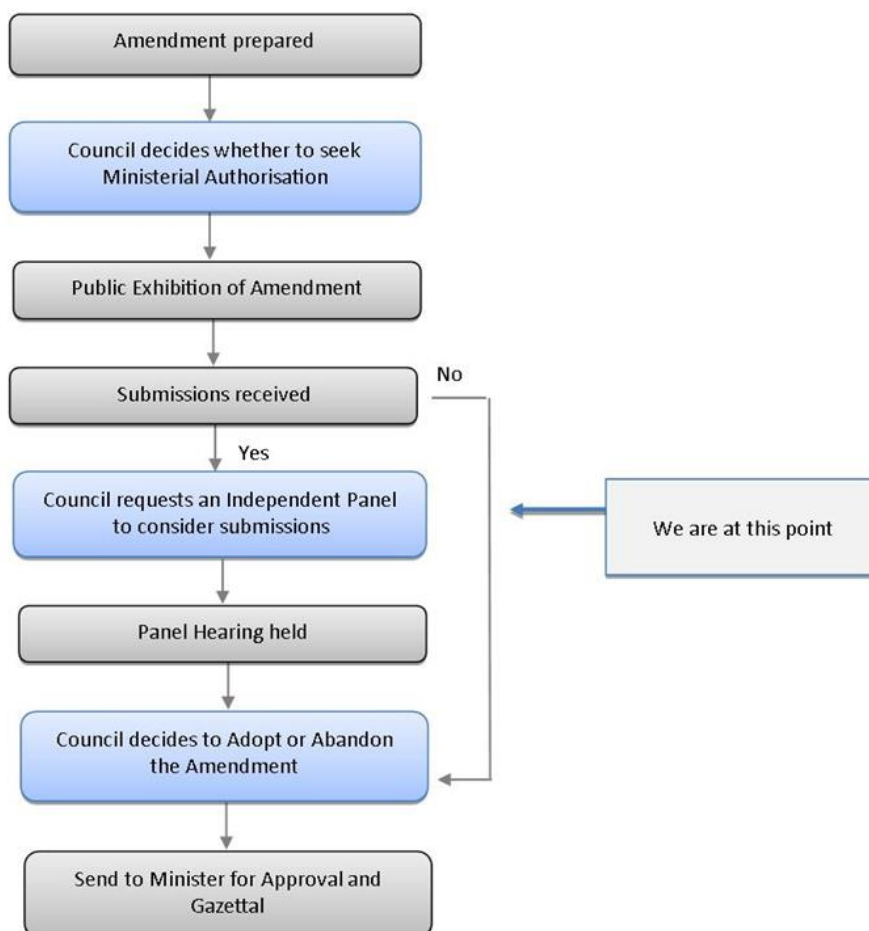


Figure 1: The Planning Scheme Amendment process

The City has a long history of identifying and protecting miners' housing. The City first engaged Amanda Jean to undertake the *Ironbark Heritage Study* (2010). The 2010 Study identified four heritage precincts and one serial listing comprising 91 miners' cottages

across parts of Ironbark, Long Gully and West Bendigo. The HO was applied to these places through Amendment C129gben, which was gazetted on 16 August 2012. The serial listing for the miners' cottages was given HO999.

City officers recognised that miners' cottages are one of the most significant groups of buildings in Greater Bendigo and that they are under threat from development pressure. As such, they identified the need to extend the serial listing to incorporate the entire city.

The City engaged Minerva to undertake the *Miners Cottages Gap Study* (2017), a windscreen survey of the Bendigo area to identify miners' style cottages not situated in a heritage precinct or protected by HO999. The 2017 Study identified a total of 574 potential places.

The City engaged Amanda Jean and Dr Charles Fahey to undertake *The Evolution of Housing on the Bendigo Goldfields: A Case for Serial Listings* (2020). This Stage 1 heritage study examined the evolution of mining and housing on the Bendigo Goldfields, identifying four different types of miners' housing:

- Early Miners' Cottages
- Quartz Gold Boom Miners' Houses
- Workers and Mine Speculators' Houses
- Quarter Reefers' Houses

The study recommended that 229 places be assessed for their heritage significance.

The City engaged Trethowan Architecture to undertake the Study. The Stage 2 heritage study assessed the 229 places identified in the previous study using the HERCON criteria, as recommended in *Planning Practice Note 1 – Applying the Heritage Overlay*. The City undertook community consultation on the Study in June 2021. Following consultation and further review the number of properties recommended by the consultant to be of local heritage significance was reduced to 157. The Study was finalised and adopted by Council in August 2022.

Of the 157 properties considered to be of local heritage significance one of these properties was not included in Amendment C275gben but will be included in a future Amendment. Therefore, 156 dwellings were included in the Amendment. The Study recommended that:

- HO999 be amended to included 59 new properties associated with early miners' cottages.
- A Quartz Gold Boom Miners' Houses serial listing be created comprising 42 properties.
- A Workers and Mine Speculators' Houses serial listing be created comprising 49 properties.
- A Quarter Reefers' Houses serial listing be created comprising six properties.

Previous Council decisions:

22 August 2022 – Council resolved to:

1. Adopt the *Victorian Miners' Housing Serial Listings – Stage 2 Study* (2021).
2. Request the Minister for Planning to authorise Council to prepare Amendment C275gben to the Greater Bendigo Planning Scheme.
3. If authorised by the Minister, exhibit Amendment C275gben to the Greater Bendigo Planning Scheme giving notification as required for the minimum statutory exhibition period of one month.
4. Authorise the Director Strategy and Growth to make minor changes to Amendment C275gben if they do not change the overall intent of the planning scheme amendment.
5. Authorise the Director Strategy and Growth to request the Minister for Planning to apply an interim Heritage Overlay for any place or serial listing should an application for demolition be received whilst the permanent controls in Amendment C275gben are processed.

Report

The Explanatory Report to Amendment C275gben details the purpose and effect of the Amendment and provides the strategic justification for the Amendment as required. Key information and issues identified in the Explanatory Report are summarised below.

Land Affected by the Amendment

The Amendment originally affected 156 properties across the localities of Bendigo, Flora Hill, Golden Gully, Golden Square, Ironbark, Long Gully, North Bendigo, Quarry Hill and West Bendigo.

Following exhibition and a review of submissions by Trethowan Architecture, the consultants who prepared the original study, four (4) properties have now been recommended to be removed from the Amendment. The Amendment now affects 152 properties.

Specifically, the Amendment applies to the following housing types in urban Bendigo:

- Early Miners' Cottages
- Quartz Gold Boom Miners' Houses
- Workers' and Mine Speculators' Houses
- Quartz Reefers' Houses

What the Amendment does

The amendment proposes to implement the recommendations of the Study, and:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply the HO to four new places (four serial listings comprising a total of 152 properties) listed in **Table 1** below and remove the existing HO547 from one property that is to be included in the new HO, as shown on Planning Scheme Maps 17HO, 19HO, 22HO and 23HO.

Table 1: Number of properties affected by the serial listings

HO Number	Description of Place	Property Address
HO1000	Early Miners' Cottages	55 properties
HO1001	Quartz Gold Boom Miners' Houses	42 properties
HO1002	Workers and Mine Speculators' Houses	49 properties
HO1003	Quartz Reefers' Houses	6 properties

- Deletes the Heritage Overlay (HO11) from land at 3 Pitt Street and 6 Broom Street, Bendigo, as shown on Planning Scheme Map 18HO.
- Deletes the Heritage Overlay (HO547) from land at 15 Stone Street, Long Gully, as shown on Planning Scheme Map 18HO.
- Deletes the interim Heritage Overlay (HO1004) from land at 19 Grant Street, Long Gully as shown on Planning Scheme Map No 18HO.
- Deletes the Heritage Overlay (HO546) from land at 89 Upper California Gully Road, Long Gully, as shown on Planning Scheme Map 18HO.
- Deletes the Neighbourhood Character Overlay, Schedule 1 (NCO1) from land affecting 82 properties in Bendigo, Golden Square, Ironbark and Long Gully as shown on Planning Scheme Map Nos. 18NCO, 22NCO and 23NCO.

Submissions

Thirteen (13) submissions were received to the Amendment (including three late submissions). There were twelve (12) objecting submissions which include the three late submissions. All 12 opposing submissions are from individual property owners who specifically oppose the application of the HO to their properties. The only supporting submission was from the National Trust which holds the view that the Amendment does not go far enough. The submissions are discussed in Table 2 below.

Table 2: Response to submissions

Submitter 1 – 19 Grant Street, Long Gully	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> <ul style="list-style-type: none"> The submitter objects to the recommendation to include the property in the HO based on the 	<u>Officer Recommendation:</u> Remove property from Planning Scheme Amendment C275gben. As an Interim HO has been applied, it is recommended that

<p>following:</p> <ul style="list-style-type: none"> The building is structurally unsound as confirmed by a structural engineer's report and is beyond saving. The submitter also provided a report titled <i>Structural Report on Property at 19 Grant Street, Long Gully</i> (T.M.C & Associates April 2022) to support their submission. 	<p>Council resolve to remove the Interim HO as part of Amendment C275gben.</p> <ul style="list-style-type: none"> City officers and the heritage consultant who prepared the Study completed a site visit to the property in late May 2023. Based on this site visit and the evidence provided the substantial repair works required would significantly impact on the remaining original fabric of the building and diminish its integrity. The heritage consultant has recommended the removal of this building from the HO.
Submitter 2 – National Trust	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects in part</u></p> <p>The submitter supports the Amendment and looks forward to participating in the process to substantiate and expand the listings of Miners' Housing throughout Greater Bendigo and encourages Council to adopt the following requests:</p> <ul style="list-style-type: none"> Introduce external paint controls, using those colours recommended in the City's Heritage Design Guidelines, be included. This has been an important document previously written and adopted by Council and therefore, needs to apply to all properties under a HO. Include controls on the removal of early garden plantings and elements such as garden beds, edgings, rockeries etc, and any trees over 50 years old. These trees, plantings and elements are important to retain the character of these properties. 	<p><u>Officer recommendation:</u></p> <p>No change.</p> <ul style="list-style-type: none"> No external paint controls were deemed necessary in the Study, as no early colour schemes were identified and there is provision within the Planning Scheme that will enable a planning permit to require the painting of a previously unpainted surface (e.g. face brick, render, stone, concrete, timber shingles). The proposed HO provision is sufficient to control any adverse impact caused by the application of paint and its chosen colour. The Study identified those significant trees that warranted protection for inclusion in the HO. No landscaping elements were identified as part of the Study. However, following queries from the Department of Transport and Planning (DTP) and further discussions between City officers and DTP on the need to protect the identified trees at some of the

<ul style="list-style-type: none"> • Include controls to protect outbuildings and fences where they exist as they too contribute to the story of how people lived. Many properties of the era had stables, workshops and some had mudbrick outbuildings. Fences provide a valuable contribution to the streetscapes. 	<p>properties under the HO, it was determined that this will not meet the requirements of PPN01.</p> <ul style="list-style-type: none"> • There was insufficient evidence to apply outbuilding controls through Amendment C275gben and no original or early fences were identified as part of the Study.
Submitter 3 – 3 Pascoe Street, Long Gully	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u> This submitter objects to the recommendation to include the property in the HO based on the following:</p> <ul style="list-style-type: none"> • The property does not display the necessary attributes to be classified as a mining cottage. • A heritage listing should be based on the physical appearance and characteristics of the property, rather than on its historical background alone. • The owner is concerned about the financial burden that a heritage listing would impose on them as homeowners and their ability to maintain and repair the property. • Believes the HO will require them to reinstate the facade back to an earlier appearance, which would require a significant financial investment that we 	<p><u>Officer Recommendation:</u> Remove property from Planning Scheme Amendment C275gben.</p> <ul style="list-style-type: none"> • The property has been identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo serial listings. • In consideration of the points raised in this submission and on closer inspection of the physical condition of the property the heritage consultant considers that the level of alteration to the property (including the loss of chimneys, original doors and windows) significantly impacts the integrity of the building and its intelligibility as a miner's cottage. Therefore, the property no longer meets the thresholds for inclusion in the HO. • Response provided in the section following this table. • The application of the HO would not require this, however the HO is no longer proposed to apply.

cannot afford.	
Submitter 4 – 200 King Street, Bendigo	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> The submitter objects to the recommendation to include the property in the HO based on the following: <ul style="list-style-type: none"> It is not a house from the Victorian era. Affordability of maintaining the property. The HO will devalue the property. 	<u>Officer recommendation:</u> No change. <ul style="list-style-type: none"> The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. There is physical evidence attributing the property to the Victorian era. Key characteristics include hipped roof with corrugated metal cladding, external weatherboard cladding, decorative iron lacework to verandah and symmetrical façade with central door and tripartite windows flanking either side. With respect to the maintenance of the property and the associated costs, all properties require on-going maintenance to protect their amenity and value, whether in the HO or not. The City does offer a Heritage Restoration Loan Scheme to undertake restoration and conservation works, and this will become a grant program in the 2023/24 financial year. Property values are not relevant considerations in the assessment of appropriate heritage controls. PPN01 identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.
Submitter 5 – 83 Allingham Street, Golden Square	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> <ul style="list-style-type: none"> The submitter objects to the recommendation to include the property in the HO but no basis on which the objection is made. 	<u>Officer recommendation:</u> No change <ul style="list-style-type: none"> The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo serial listings.

	<ul style="list-style-type: none"> No information has been received outlining why the submitter objects to the recommendation other than the property is referenced in a will, which is not of relevance when determining if a HO is to be applied under the Planning Practice Note (PPN01).
Submitter 6 – 266 Queen Street, Bendigo	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> The submitter objects to the recommendation to include the property in the HO based on the following: <ul style="list-style-type: none"> Permits were sought in 1993 to demolish the house and redevelop the site. There are alterations noted to the property. The house is not suitable for living or restoration as it is uninhabitable. 	<u>Officer Recommendation:</u> Remove property from Planning Scheme Amendment C275gben. <ul style="list-style-type: none"> A further site investigation by the heritage consultant and City officers in May 2023 has determined that the extent of decay present in the building will require substantial repair works to it. As these repair works will significantly impact on the remaining original fabric of the building and diminish its integrity, the heritage consultant recommends that the building be removed from the HO.
Submitter 7 – 26 Oak Street, Golden Square	
Supports/Objects	Officer Response & Recommendation
<u>Objects</u> The submitter objects to the recommendation to include the property in the HO because according to them: <ul style="list-style-type: none"> The house was built in the 20th century rather than the Quartz Boom period based on the following information below: 	<u>Officer recommendation:</u> No change. <ul style="list-style-type: none"> The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. There is physical evidence attributing the property to the Victorian era and the Quartz Gold Boom Miner's House typology through those key characteristics which include hipped roof with corrugated metal cladding, external weatherboard cladding, verandah and symmetrical façade with central door and double hung windows flanking either side.

<ul style="list-style-type: none"> ○ The size of the block afforded those who held a Miner's Right was 1/4 acre. This block is significantly larger at approximately 2/5 acre. ○ Interior lining is old thick plaster there doesn't appear to be timber lining boards. ○ The house block is aligned with the street pattern, and the blocks abutting along Panton Street to the east indicate roads were likely surveyed prior to it being built. ○ Commonly, houses in the Quartz Boomers period were built around company mines. This property is away from any known mine shafts with no evidence of any in close proximity. ○ The chimney is external. 	<ul style="list-style-type: none"> • The establishment of miners' housing was typically on 1/4 acre blocks afforded by a Miner's Right. However, the heritage consultant notes the potential for blocks to have been subdivided or altered over time. The size of the block is not directly relevant to the inclusion of the property in the HO. • Internal alteration controls are not proposed to be applied to the property. • The heritage consultant has advised that whilst the block is aligned to the street pattern and abutting blocks along Panton Street, the positioning of the house itself suggests the original alignment of the house to Oak Street is likely prior to the surveying of Panton St and subdivision of abutting blocks. • The Study identifies in Section 4.4.3 that the location of a property within a former mining settlement and community and this is sufficient evidence for the inclusion of the property in the HO. • External chimneys were a typical feature and form an important characteristic of a Quartz Gold Boom Miner's House.
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Submitter 8 – 59 Jackson Street, Long Gully

Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u> The submitter objects to the recommendation to include the property in the HO based on the following:</p> <ul style="list-style-type: none"> • Asked at the time if it had a heritage listing on it, because if it had, wouldn't have purchased the property. • Alterations have been made to the house and include - painting the 	<p><u>Officer recommendation:</u> No change.</p> <p>The property is identified as 'contributory' to the Workers and Mine Speculators' Houses serial listing.</p> <ul style="list-style-type: none"> • Noted. • The property was re-evaluated through a site visit by the heritage consultant

<p>external of the house (in colours that they don't believe are heritage colours), internal renovations, removing all the old features.</p> <ul style="list-style-type: none"> • Want to continue with the renovations and eventually extend the home, but the HO may change future plans. 	<p>and City officers in late May 2023. The heritage consultant considers the alterations to the property to be of a sympathetic nature with the extant original fabric and overall form of the building substantiating a level of integrity sufficient to satisfy the threshold for inclusion in the HO.</p> <ul style="list-style-type: none"> • The HO does not prohibit redevelopment but requires that the identified heritage values are considered as part of the planning permit application process for any development or works.
Submitter 9 – 193 Mackenzie Street West, Golden Square	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u> The submitter objects to the recommendation to include the property in the HO based on the following:</p> <ul style="list-style-type: none"> • The current residence was built in 1999. • The building has little or no historical significance for the following reasons: <ul style="list-style-type: none"> ○ The property retains no original external features except the chimneys. 	<p><u>Officer recommendation:</u> Agree in part to change the curtilage of the HO to only include the front property.</p> <ul style="list-style-type: none"> • The revised recommended curtilage covers the building to the front of the site only. The newer building to the rear is not considered to be of any heritage value. • The heritage expert recommends the curtilage of the front property is revised to those boundaries as set out in the recent subdivision plan. • The building to the front of the property was deemed to hold heritage significance as a 'contributory' property to the Ironbark Miners' Cottage serial listing. The extant physical evidence attributing the building to the Ironbark Miners' Cottage typology includes external chimneys, weatherboard and timber construction, gable roof form with modest cottage proportions, symmetrical front composition featuring central front door and double hung windows flanking either side. Based on this physical evidence the property

<ul style="list-style-type: none"> ○ The property is not habitable due to the deterioration of the timbers both in the foundations and the roofing structure. ○ To return the property to a state suitable for habitation would in essence require a total rebuild. ○ The stumps are rotting and sinking, the iron cladding on the roof is rusty and the timbers supporting the roof are rotting and the internal plumbing is rusting. ○ The front verandah was replaced prior to us purchasing the property and none of the posts or fret work are original or in keeping with the time of the building having been erected. ○ There is only one window which contains original floatation produced glass. ○ An inundation of water in April 2022 further damaged the flooring and substructure of the building. 	<p>retains a level of integrity sufficient to satisfy the threshold for inclusion in the HO.</p> <ul style="list-style-type: none"> • With respect to the maintenance of the property and the associated costs, all properties require on-going maintenance to protect their amenity and value, whether in the HO or not. The City does offer a Heritage Restoration Loan Scheme to undertake restoration and conservation works. A grant program will be offered in the 2023/24 financial year.
Submitter 10 – 1 Abel Street, Golden Square	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u> The submitter objects to the recommendation to include the property in the HO based on the following:</p> <ul style="list-style-type: none"> • The property is the only property classified as residential and the other two are classified as commercial, so the property has no significance or related character with the appearance of adjacent buildings and heritage place. • A number of changes have occurred including cladding weatherboards with aluminium siding, vinyl siding on top of the aluminium and aluminium windows. 	<p><u>Officer recommendation:</u> No change.</p> <ul style="list-style-type: none"> • Noted. As per earlier responses this is a 'serial' listing. The zone of the property is not directly relevant to whether the property has heritage value or not. • The heritage consultant and City officers conducted a site visit to the property in late May 2023 where the physical condition of the building was re-evaluated. The heritage consultant considers the alterations to the property raised in the objection to be of

<ul style="list-style-type: none"> • Submitter was looking to sell the house a few years ago and was told that whoever purchased it would probably pull it down and build units on it, but now they wouldn't be able to do that under the overlay. • Financial burden of undertaking any major restoration and will not be accepting any financial assistance to help conserve a HO, that is not wanted. • Difficulty in getting tradesmen to do work on a property that has HO given the restrictions. • Loss of value and decrease/ increase in rates due to the HO. • Despite ownership of the property and payment of rates, still governed by Council on what can be done to the property, or how it is listed. 	<p>a reversible nature, with the extant original fabric and overall form of the building substantiating a level of integrity sufficient to satisfy the threshold for inclusion in the HO.</p> <ul style="list-style-type: none"> • Future development opportunities are not a relevant concern to the assessment of heritage significance. • The City currently has the Heritage Restoration Loan Scheme which provides financial assistance for eligible restoration works to owners of heritage buildings. This will be a grant program in the 2023/24 financial year. • Noted. • Property values are not relevant considerations in the assessment of appropriate heritage controls. PPN01 identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature. • Council is required under Section 4 (1)(d) of the <i>Planning and Environment Act</i>, 1987 to identify and protect places of architectural and historical interests. The HO is a recognised mechanism in the Victorian planning provisions for protecting valued heritage places.
Submitter 11 – 7 Walker Street, Long Gully	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u></p> <p>The submitter objects to the recommendation to include the property in the HO as the house was built in the early 1900s as the building that was at that property burnt down in 1901.</p>	<p><u>Officer recommendation:</u></p> <p>No change.</p> <ul style="list-style-type: none"> • The property is identified as 'contributory' to the Quartz Gold Boom Miners' Houses serial listing. • The extant building at the property

	<p>contains physical evidence attributing it to the Victorian era and the Quartz Gold Boom Miners' House typology. Key evidence includes; hipped roof form with corrugated metal cladding, weatherboard and timber frame construction, brick chimneys, symmetrical front façade composition with central door and double hung windows flanking either side. Based on this physical evidence, the property satisfies the threshold for inclusion in the HO.</p> <ul style="list-style-type: none"> • Information supplied to support the submission and received on site from the property owner, pertaining to a reported fire at the property in 1901, has been considered but is deemed insufficient to prove that the subject site was the property that burnt down. While the information provided reference to the presumed owner Mr William Pinch, there was no direct connection between him and the site, as William Pinch is reported to have also owned several other properties in the Walker Street area and the fire could have occurred elsewhere. • Notwithstanding the fire matter, the property displays sufficient physical evidence that attributes the building to the Victorian era and the Quartz Gold Boom Miners' House typology.
Submitter 12 – 55 Arnold Street, Bendigo	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u></p> <ul style="list-style-type: none"> • The property was excluded from the <i>Eaglehawk and Bendigo Heritage Study</i> 1993 and now the dwelling has suffered deterioration and structural instability. • Other than its age, how is this site 'contributory' and specifically significant to warrant inclusion in the HO and what does it contribute to. It is in isolation. • Do not see a comparison between "Cornish vernacular long houses" as 	<p><u>Officer Recommendation:</u> Remove property from Planning Scheme Amendment C275gben.</p> <ul style="list-style-type: none"> • The dwelling was individually assessed and was found to meet the criteria for inclusion in this serial listing for miners' cottages (as opposed to a precinct listing where properties would be clustered together).

<p>referenced in the Statement of Significance for Early Miners' Cottages (of which this dwelling form part) and a miner's cottage.</p> <ul style="list-style-type: none"> The dwelling at 55 Arnold Street contains masonry party wall & chimney, there is no 'pise' (pise de terre) located within the timber walls to this dwelling that the overlay significance states. According to the submitter, this does not match with the description contained in the statement "Why it is significant". The incorporation of the HO to the Residential Growth Zone (the current zoning of the site) will contradict the purpose of the zone. There are a number of 'miners cottages' that are in structurally better conditions than this dwelling in the area and there are opportunities to record this dwelling for future reference. A structural engineering report by RMG and dated 7 December 2022 was submitted to substantiate that the dwelling is structurally unstable. 	<ul style="list-style-type: none"> A site visit to the property in late May 2023 was undertaken by the heritage consultant and City officers. The heritage consultant considers based on the structural report combined with the site visit that the extent of repair works required will significantly impact on the original fabric diminishing the integrity of the building. It is therefore recommended to be removed from Amendment C275gben.
Submitter 13 – 15 Adelaide Gully Road Golden Gully	
Supports/Objects	Officer Response & Recommendation
<p><u>Objects</u></p> <p>The submitter objects to the recommendation to include the property in the Heritage Overlay based on the following:</p> <ul style="list-style-type: none"> The dwelling identified (there are two on the block) to be placed in the Heritage overlay is not original to the site, having been relocated from Strathdale. 	<p><u>Officer Recommendation:</u> No change.</p> <ul style="list-style-type: none"> The property is identified as 'contributory' to Miners' Cottages - Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo serial listings. Apart from the letter and a personal - communication reference to a Mr Tucker, the submission provides insufficient evidence to confirm the relocation of the building to the site. However, should this be able to be proven, the Historical Context, and the

<ul style="list-style-type: none"> The building is derelict with both white ant and vandal damage. <p>Other matters raised in the submission include:</p> <ul style="list-style-type: none"> A photo is also included in a publication titled '<i>Bendigo Yesterday and Today</i>' by K Arnold where permission to access to the property was not sought and obtained from the property owners. 	<p>Description of Integrity sections of the proposed citation (HO999), both acknowledge that cottages were sometimes relocated to new goldfield sites. The act therefore of relocation, in the context of the Heritage Study, is considered to form part of the historical significance of the place.</p> <ul style="list-style-type: none"> The extant physical evidence attributing the building to the Ironbark Miners' Cottage typology includes external chimneys, weatherboard and timber construction, gable roof form with modest cottage proportions, central front door and double hung windows. Based on this physical evidence the property retains a level of integrity sufficient to satisfy the threshold for inclusion in the Heritage Overlay. With respect to the property being in poor condition, all properties require on-going maintenance to protect their amenity and value, whether in the Heritage Overlay or not. The condition of the house is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under PPN01 This is not a City document. This would need to be raised with the author of this publication.
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Three late submissions were received and have been included in the above list. Additional late submissions might be received following finalisation of this report, and prior to the Directions Hearing for the Panel Hearing. It is recommended any further late submissions received prior to the Directions Hearing for Amendment C275gben be referred to the Independent Planning Panel for consideration.

Discussions

The opposing submissions are all from individual property owners. There are three main themes that have been mentioned in the opposing submissions; specifically, the perceived lack of heritage significance to warrant inclusion in the HO, the structural integrity of the identified dwellings, and the maintenance costs and other financial burdens associated with maintaining a heritage building.

- *The lack of heritage significance*

A common theme raised in the opposing submissions is that properties do not have sufficient heritage significance to warrant the application of the HO. Several reasons for this were provided including dates of construction, the appearance, the level of alterations or the location of dwellings. In recommending that these dwellings be included in the HO, the Study has considered all these matters as described in the methodology which specifically includes, understanding the typology of each dwelling, a street level survey of each dwelling, historical research of the dwellings and an assessment of each dwelling against the HERCON criteria as provided under PPN01.

Before each dwelling was recommended to be included in the HO, they were rigorously assessed to determine their heritage value.

- *The structural integrity of the dwellings*

The other common theme contained in the opposing submissions relates to structural integrity of the dwellings. Several properties owners have submitted that their dwellings are currently uninhabited because of their poor state of repairs, some of which have been confirmed during the site visits carried out by the heritage expert and City officers. To further support their claims, some property owners have provided structural reports as part of their submissions.

The conditions of the dwellings were also considered and noted in the Study whilst making its recommendations. At Section 2.6.4 of the Study, it is stated that “*as a general rule, condition was not considered to rule out heritage significance of a place providing original fabric and overall form was still evident.*” The poor condition of a dwelling that has been identified as being of heritage significance, is generally not a sufficient reason to exclude it from the HO. That being said, based on further investigations by the heritage consultant and details provided within submissions, four properties are no longer recommended to be included in the proposed HO via Amendment C275gben.

- *Maintenance costs associated with heritage buildings*

The maintenance costs and other financial burden associated with the dwellings that have been identified to be included in the HO is another common theme that property owners

have raised in the opposing submissions. The Study and PPN01 are, however, silent on any additional costs that may result from including a dwelling or a building in the HO. Therefore, the costs whether real or perceived, that the opposing submitters claim to be associated with the maintenance of their dwellings because of the HO cannot be considered from a heritage planning perspective.

Heritage Consultant (Trethowan Architecture) comments

The heritage consultant has reviewed all the submissions received and conducted further site inspections where required. A copy of the feedback to submissions is provided in Attachment 3.

Priority/Importance

Consistent with Ministerial Direction 15 (The Planning Scheme Amendment Process), if Council as the planning authority wishes to proceed with the amendment, a request to appoint a Panel under Part 8 of the *Planning and Environment Act*, 1987 must be made within 40 business days of the closing date for submissions.

Options Considered

Section 29(1) & (2) of the *Planning and Environment Act* 1987 states that a planning authority may adopt an Amendment or part of an Amendment with or without changes.

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

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

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

Timelines

22 August 2022 – Council resolved to request authorisation of the Minister for Planning to prepare and exhibit the Amendment.

1 March 2023 – Council received authorisation from the Minister for Planning to exhibit the Amendment.

30 March to 8 May 2023 – Public exhibition of the Amendment.

Communications/Engagement

Exhibition Procedures

The Amendment was exhibited for one month from 30 March to 8 May 2023.

Notices were provided in the following manner:

- Individual notices were sent to the affected landowners and occupiers as well as to adjoining landowners and occupiers.
- Notices were sent to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act*.
- Public notice of the Amendment was placed in the Bendigo Advertiser on 29 March and on 1 April 2023.
- Publication of the notice of the Amendment was placed in the Government Gazette on 30 March 2023.
- Access to the amendment documents were provided on-line on the City's website at <https://www.bendigo.vic.gov.au/Services/Building-and-Planning/Planning-scheme-amendments> and on the Department of Transport and Planning's website at www.planning.vic.gov.au/public-inspection

Prior to the finalisation of the Study, the City undertook a community consultation on the Study in June 2021. This community consultation was done by sending personalised letters to all affected property owners and by holding a drop-in session on 23 June 2021.

Financial Sustainability

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

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment, and there will be additional costs associated with holding a Panel and an additional amount for calling expert evidence and legal representation. The Strategic Planning Unit has operational budget for these expenses.

Risk Assessment

The planning scheme amendment process can take a couple of years from commencement to completion. During this time, demolition requests may be made by property owners affected by the Amendment.

Council has already resolved to authorise the Director Strategy and Growth to request the Minister for Planning to apply an interim HO for any place or serial listing should an application for demolition be received whilst the permanent controls in Amendment C275gben are processed. However, the final decision to approve the application of an interim HO still rests with the Minister for Planning.

There are risks if this Amendment does not continue to progress in accordance with timeframes consistent with Ministerial Direction 15.

Conclusion

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

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

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

Other Reference(s)

Victorian Miners' Housing Serial Listings – Stage 2 Study (Trethowan Architecture, 2021)

Conflict of Interest

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

Attachments

1. Greater Bendigo C275gben Victorian Miners' Housing Serial Listings Stage 2 Study [20.1.1 - 75 pages]
2. Redacted submissions C 275 gben (1) [20.1.2 - 72 pages]
3. Consultant response to Submissions [20.1.3 - 22 pages]
4. Greater Bendigo C275gben Explanatory Report Panel Request [20.1.4 - 13 pages]

20.2. Public Art Policy for Adoption

Author:	Mandy Field, Creative Industries Officer
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Purpose

Following community consultation, to adopt the Public Art Policy.

Recommended Motion

That Council:

1. Notes this report and the presented Public Art Policy.
2. Adopts the Public Art Policy.

RESOLUTION - Resolution No. 2023-95

Moved: Cr Alden

Seconded: Cr Evans

That the recommended motion be adopted.

CARRIED

Executive Summary

The Greater Bendigo Public Art Policy 2023 (the policy) is now ready for adoption by Council. To date, it has completed a four-week public exhibition via 'Let's Talk' and undergone an extensive community engagement process.

The previous Public Art Policy 2008 was outdated, a new policy was required to reflect updated internal policies, State and Federal government regulations and to reflect the intentions of Greater CREATIVE Bendigo Strategy and Council Plan, Mir Wimbul 2021-2025.

Since March the Public Art Policy has had minor additions made to the document, to ensure it is inclusive to the community and relevant to the City's collection.

Background

Council adopted the Greater CREATIVE Bendigo Strategy in 2019, replacing the Arts and Culture Strategy 2008-2011. Through an extensive public engagement process as part of the strategy development, the community identified the need for a new direction in public art policy. The community also identified the need to include a public art plan to drive the strategic outcomes of a dynamic and bold vision for public art in Greater Bendigo.

The policy was developed following a review of relevant Federal, State and local government policy, analysis of existing public art, the undertaking of a public art audit, engagement of the community and key stakeholders and the identification of changes needed within the City, to provide a system to support the creation of public art projects.

The policy sets out the vision, principles, roles, and responsibilities for public art.

Report

The policy aims to provide the City and the Greater Bendigo community a clear direction in the planning, creation and maintenance of public art.

The policy has now completed its community engagement process including four weeks of exhibition on the City's 'Let's Talk platform'.

There was no direct feedback offered through the online platform on the policy. Through the internal and external engagement process, and feedback from the Executive Management Team the following changes / additions were made to the policy:

- Principle 6: Fair and Sustainable Arts Practice - to include protocols for engaging First Nations artists and recognizing Indigenous Cultural Intellectual Property.
- Perpetual Collection – goal expanded to include the broader First Nations community; celebrate Greater Bendigo's diversity and support gender inclusivity.

Timelines

The following articulates the timelines for the Public Art Policy and Action Plan through their finalisation:

- | | |
|---|----------------|
| • Draft Public Art Policy public exhibition close | 29 May 2023 |
| • EMT briefing | 30 May 2023 |
| • Councillor Briefing | 19 June 2023 |
| • Council meeting (adoption) | 26 June 2023 |
| • EMT briefing (Public Art Plan) | 1 August 2023 |
| • Councillor Briefing on the Public Art Plan | 14 August 2023 |

Communications/Engagement

External Engagement

The policy has undergone considerable engagement, including the following direct engagement:

- City of Greater Bendigo Let's Talk platform – four weeks public exhibition;
- Local First Nations artist Troy Firebrace (Firebrace Designs);

- The City's Arts and Creative Industries Advisory Committee;
- Targeted stakeholder consultation across local business and creative industries.

Internal Engagement and Coordination

- Two internal working groups (Project Working Group and Project Control Group) comprising a range of City staff with specialised expertise (Bendigo Art, Gallery Curators, Parks, Strategic Planning, Economic Development, Bendigo Venues and Events, Tourism, Healthy Communities and Creative Communities);
- The City's Youth Council.

Equity Impact Assessment (EIA)

An Equity Impact Assessment has been developed and the recommendations adopted by the Policy. The recommendations are as follows:

- Develop an engagement brief that implements actions to break down the barriers to inclusion and adopts culturally (First Nations) and gender safe environments.
- Add procurement and selection strategies that aim to:
 - Rebalance the imbalances of our collection and storytelling;
 - Adopt practices that consider the impacts of public space on First Nations and
 - other marginalised communities.
- Develop a selection process for our Public Art Advisory Committee that will provide Council with the best outcome for a culturally, socially and economically diverse group of views and voices.

Policy Context

Primary Council Plan Reference

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

Secondary Council Plan Reference(s)

Goal 1 - A culture of creativity

Goal 2 - More activated spaces

Goal 3 - Nurturing and supporting talent and championing inclusion and access for creatives

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

Conflict of Interest

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

Attachments

1. Public Art Policy - 9 June 2023 [**20.2.1** - 14 pages]

21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf, tabled a report on attendance at the following meetings and events:

- Official Launch Dja Dja Wurrung Climate Change Strategy held at Wanyarra Dum (Frog Ponds along Bendigo Creek).
- Met with Department of Foreign Affairs and Trade (DFAT) Diplomats visiting Bendigo to understand more about our City of Gastronomy offering, as well as touring local manufacturing businesses.
- Met with Councillor representative from Loddon Shire Council.
- Participated in the Phoenix Radion Monthly interview.
- Official Opening of The Living Centre by the Hon. Jacinta Allan MP at Victory Christian College.
- Strategy and Growth Workshop, Managed Growth Strategy.
- Interviewed by Master of Journalism students at Melbourne University.
- Hosted the Roundtable Greater Bendigo Climate Summit at Ulumbarra Theatre.
- Spoke at the VIP Event for the Greater Bendigo Climate Summit.
- Opening Night Celebrations for the The Australian Women's Weekly 90 Years of an Australian Icon held at the Bendigo Art Gallery.
- Officially welcomed participants to the Greater Bendigo Climate Summit.
- Visited the Bridge Tournament held at the All Seasons.
- Attended the Panel Discussion for the Greater Bendigo Climate Summit.
- Site tour of the Gasworks site.
- Induction into Galkangu – GovHub building.
- As Regional Victoria Cities Chair attended as a panel member to the Arup Breakfast Panel.
- Spoke at the Youth Action Plan 2023-2024 Launch.
- Bendigo Trust Board Meeting.
- Chaired the Regional Cities Victoria Executive Management Group meeting.
- Media opportunity with the owners of Omaroo at Larni Garingilang.
- Presided at the Australian Citizenship Ceremony where 67 new citizens attended.
- Spoke at the Handover of the Cr M J Curtain, Illuminated Address at the Eaglehawk Town Hall.
- Whipstick Ward Councillor Engagement – Coffee with a Councillors held at Elmore Bakery.
- Hargreaves Mall Workshop.
- Food Waste Workshop.
- Launch of Regional Cities Victoria Commonwealth Games Legacy Document.
- Met with representatives from Bendigo Advertiser.
- 2022 Victorian Sport Awards held at Marvel Stadium.
- Chaired the Regional Cities Victoria meeting.
- Met with The Hon. Sonya Kilkeny, Minister for Planning, Minister for Outdoor Recreation as Chair of Regional Cities Victoria.
- Consultation Meeting for Planning Application DU/664/2022.
- Spoke at the RAW Arts Awards held at The Capital Theatre.
- Midstate Mopars and selected Councillors' Choice Trophy.
- Chaired the Eaglehawk Table Tennis and Badminton meeting.

- Greater Bendigo Climate Collaboration Governance Group.
- Chaired the Regional Cities Victoria Executive Management Group meeting.
- ACBC Australia-China Agribusiness Forum -- A Fresh Start.
- Farming and Agribusiness Advisory Committee.
- Spoke at the Changeover Dinner Rotary Club of Bendigo South.
- Spoke at The Capital 150 Gala Dinner.
- Spoke at the 2nd Round of Winter Aquatic Series Event held at Gurri Wanyarra.
- Rotary Club of Bendigo Changeover Luncheon.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

Craig Niemann, the CEO, tabled a report on the following items:

- Recognition of Councillors, EMT and Gallery for a busy and detailed meeting
- Acknowledgement of staff who put their time and effort into the Agenda reports and building
- Meeting with Department of Climate Change, Energy, the Environment and Water re: World Heritage bid for the goldfields
- Meeting with Department of Foreign Affairs for the UNESCO City of Gastronomy
- Meeting with Federal member Lisa Chesters
- Consular Generals visited, to learn more about Greater Bendigo and opportunities for Global trade
- Noted that the VEC Boundary review has commenced, with submissions open until 5.00pm, Wednesday 19 July. Community are encouraged to submit community consultation discussions via <https://submissions.vec.vic.gov.au/council/502>
 - City of Greater Bendigo will have a preliminary summary available to us on Wednesday
 - likely to mention single member wards
- Moved into Galkangu this week, acknowledgement of staff and departments for their contribution over the years - staff are very excited, and it is always great to catch up with State Government staff.
- Away for the next month, with Andrew Cooney as Acting CEO

26. CONFIDENTIAL (SECTION 66) REPORTS

Nil

27. CLOSE OF MEETING

There being no further business, this Council Meeting closed at 8:50 pm.