

COUNCIL MEETING MINUTES



6:00 PM on Monday, 13 December 2021

Livestreaming at <https://www.bendigo.vic.gov.au>

Broadcast live on Phoenix FM 106.7 ***

VENUE:

Reception Room, Bendigo Town Hall

Next meeting:

Monday January 24, 2022

COMMUNITY VISION 2021–2031

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

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

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. Suspension of Standing Orders	6
7. Community Recognition	6
8. Public Question Time	7
9. Resumption of Standing Orders	7
10. Councillor O'Rourke's Report	8
11. Declarations of Conflict of Interest	10
12. Confirmation of Previous Minutes	11
13. Petitions and Joint Letters	12
14. Lead and Govern for all	13
14.1. 2021 Procurement Policy Review	13
14.2. Appoint of Representatives on Council and Community Committees	43
14.3. Council meeting schedule 2022	49
14.4. Public Transparency Policy - Review	51
14.5. Q1 Finance & Capital Management Report - September 2021	62
14.6. Q1 - Community Plan Highlights	67
14.7. Contracts Awarded Under Delegation December 2021	72
14.8. Locality Boundary Report - Huntly/Bagshot	74
14.9. Revocation of the Film Policy	79
14.10. CEO Employment and Remuneration Policy	97
15. Healthy, liveable spaces and places	109
15.1. 54 Mitchell Street, Bendigo 3550 - Display an Electronic Promotion Sign and Promotion Sign; and External Alterations to Existing Building	109
15.2. 148-152 High Street, Kangaroo Flat 3555 - Display of an Electronic Promotion Sky Sign	124
15.3. Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, Leichardt 3516 - 3 Lot Re-subdivision	139
15.4. 471 High Street, Golden Square 3555 - Use and Development of a Residential Hotel and Alteration of Access to a Road in a Road Zone 1	155
15.5. Reducing Harm from Gambling Policy	184
16. Strong, inclusive and sustainable economy	204
16.1. Bendigo Airport Lease of Lot N3	204
17. Aboriginal reconciliation	207
18. A climate-resilient built and natural environment	207
19. A vibrant, creative community	208
19.1. Planning Scheme Amendment C261gben – Heritage Corrections, for Adoption	208

20. A safe, welcoming and fair community	237
21. Urgent Business	237
22. Notices of Motion	237
23. Councillors' Reports	238
24. Mayor's Report	241
25. Chief Executive Officer's Report	243
26. Confidential (Section 66) Reports	244

1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

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

Apology:

Cr Matthew Evans

MOTION

Moved: Cr Rod Fyffe
Seconded: Cr Greg Penna

That the apology from Cr Evans be received and Leave of Absence be granted from this meeting.

CARRIED

6. SUSPENSION OF STANDING ORDERS

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

MOTION

Moved: Cr Rod Fyffe

Seconded: Cr Greg Penna

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

CARRIED

7. COMMUNITY RECOGNITION

- Welcome to a bumper last community section for 2021 and there have been some wonderful achievements since we last met.
- Congratulations to 21-year-old Lachlan McKern who has won two awards at the Design Masters National Building Design Awards – winning ‘Best Digital Presentation’ and ‘Best Response to a Design Brief by a Building Design Student’.
- Lachlan attends Bendigo TAFE and in winning the awards has been recognised as emerging design talent in Australia.
- Eliza Hull of Arena Theatre Company has also taken out a national award, winning the Arts Access Australia National Leadership Award. Arena Theatre Company is based in Bendigo and Eliza was recognised for her efforts to engage more people with disabilities in theatre.
- Well done Eliza, we look forward to you continuing this important work.
- Our very own Rosalind Park is also an international award winner – receiving its fourth-straight Green Flag Award, which recognises the best green spaces around the world.
- It was the only park in Victoria and one of only seven green spaces in Australia to receive a Green Flag this year. A big congratulations to City of Greater Bendigo staff that put such a big effort into ensuring the park is always looking its best.
- The Council for the Ageing has recognised Phoenix FM’s Floreena Forbes with a Senior Achiever Award, recognising her work in various areas, including country music performance, fundraising and initiating the Bendigo Country Music Club, volunteer work and Australian Country Music Broadcaster Hall of Fame.
- Floreena will officially receive her award at Government House next year. Well done Floreena!
- Phoenix FM has also recently added two more people to its Honorary Life Memberships list. Craig Whan and Bill Whitbread have been honoured for their service over many years and active contribution to community radio – an important medium to entertain and inform our residents, and keep them in touch with Council meetings!
- For motorsport fans, Bendigo’s Harrison Mustey and Will Beasy played key roles in supporting driver John Bowe to win the Touring Car Masters at Bathurst earlier this month.

- Harrison is an auto-electrician and Will is a fabricator and the winning Holden Torana race car was built here in Bendigo. The boys received high praise from driver, John, and we wish them the very best as they continue their careers in motorsport.
- Staying with sport and the Australian women's basketball team, the Opals, will again have a Bendigo flavour with Tessa Lavey and Leilani Mitchell getting the call up to join the FIBA 2022 Women's Basketball World Cup squad.
- The squad will be going overseas in the new year to play in a qualifying tournament in Serbia, with the World Cup to be played in Sydney in September. Good luck Tessa and Leilani!
- In the arts world, local sculpture artist Andre Sardone has won the inaugural Victoria Sculpture Prize for his work called 'Shimmering Penny Tree', which will be installed at the Sale Botanic Gardens, and Lauren Starr has won the 2021 Photography Award in the Blue Thumb Art Awards.
- Finally tonight, on behalf of Council, I would like to give a very heartfelt thanks to our community. It's been another challenging year but if there is one thing that I love about living in Greater Bendigo, it is the wonderful community spirit that we have here.
- Despite the many ups and downs and lockdowns, we have all done our very best to get through this time. Together, we can proud of our incredible vaccination rates and thank you to everyone who has supported local businesses during this time. To our incredible essential workers and those on the frontline of keeping us safe – thank you just isn't enough! But you have done a mighty job.
- We all hope the best days are ahead of us but even if there are a few more hurdles, I am sure we will continue to get through this pandemic together.
- Merry Christmas to all our residents, please stay safe over the coming weeks and very best wishes for a safe, happy and healthy 2022.

8. PUBLIC QUESTION TIME

9. RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

MOTION

Moved: Cr David Fagg

Seconded: Cr Jennifer Alden

That Standing Orders be resumed.

CARRIED

10. COUNCILLOR O'ROURKE'S REPORT

Cr O'Rourke presented her report as outlined below:

Hard to believe we are at our final meeting for 2021. It has been such a big year in so many ways and I know speaking with residents and staff they are looking forward to some 'down time' with family and friends over the Christmas break.

Councillors have all been out and about much more these past weeks which is wonderful and thank you for the invitations that keep coming to meet and visit with our residents. It is a privilege to represent you.

I would like to focus on a couple of items more specifically this month....

Firstly; in a broader sense I want to acknowledge all the amazing community representatives we have out there; the unsung heroes, who don't receive awards, who just get on with doing great things.....those who make a difference each and every day. Those that see something that needs doing, ideas and opportunity and instead of complaining, criticising or blaming others they look to ways in to assist, suggest, make change for the better. In Eppalock Ward there are many groups that have actively reached out to the ward councillors and share their ideas and ways to solve a problem – it is fantasticto name only a few; Junortoun Community Action Group, Community House in Strathdale, O'Keefe Rail Trailers (as I like to call them) Advance Heathcote and Strathfieldsaye & District Community Enterprise. The list is exhaustive and that is a risk to name just a few; we have groups such as these right across the municipality. We met with a great number of community advocates this week in our budget submissions. There are so many; thank you for what you do each day.

In particular I want to share a story of small things; from which big things grow.....

It does involve our GB Magazine for December feature Dennis Johanson who is Chair of the Strathfieldsaye and District Community Enterprise and history buff among many of areas of interest!

Some Councillors are aware of this story; so forgive me for sharing it again but for the wider audience I think it is an example of what our community do to further our 'Brand Bendigo' and highlight our significant history!

For those on Phoenix I am now holding up a book called 'Bowl the Maidens Over" this book was launched last month on the 27th November in Bendigo at our beautiful town hall. It was written by Louise Zedda-Sampson. (and being sold in the VIC) or online)

Did you know that Bendigo was the first place in the world to host an all-women's cricket match – back in 1974?? I certainly didn't.... until earlier this year!

Dennis Johanson is one of the community members that I describe at the beginning of my report; was behind sharing this story to many in our city – who otherwise may not have been any the wiser.

.article in Australian

.suggested we invite author – and perhaps do a modest launch at the library

.multiple stop starts – through lockdowns

It is a book seen through the eyes of the media at a time when the world was critical of what these women from Bendigo were embarking on.....

.Advertiser & Argus were incredibility supportive

.world media – scathing!

Mrs Rae and her 14-year-old daughter Nellie were the captains of the 2 teams and it was incredible that on the day of our book launch 147 years later that we would have direct descendants from the Rae family here to speak about their family.

The game was held as part of the 4th Easter Fair and it is reported that 20,000 spectators attended and the train was unable to bring all the people to town for the game. QEO only holds 10,000 for a NAB game –

It was held at the lower Camp Reserve in Rosalind Park which is now seen as the conservatory gardens in central Bendigo. In both 1874-75

It is an incredible piece of history that is not well known in our city.....better known in the Bradman Museum in Bowral I have been told!. Through the interest of many now with the release of this book; I am actively seeking out ways to look to acknowledge through a memorial; and make this a legacy of those women 147 years on..... I will bring this back to Council in the New Year.....

A proud part of our history; that is really little known; it was an opportunity for our Mayor and Councillors to be part of the book launch to celebrate those women who pioneered women's cricket; and rightly so to be acknowledged in the home of our city the Town Hall. It was wonderful to have two women now into their 70-80 who represented Australia also at the launch. Food for thought of how we can celebrate the achievements of the first women's cricket matches in the world; right here in Bendigo. Well done to Dennis, Louise and to Terry K & Jaime Cail for bring the book launch all together and sharing this incredible story.

All the very best to our community, staff and Councillors for a safe and happy Christmas. We have earnt this time to be shared with family and friends; with the fantastic vaccination rates that our municipality has achieved. My wish is that 2022 brings some happier times for us all. I look forward to working for our community in 2022.

11. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

Cr O'Rourke declared a material conflict of interest in the Lead and Govern For All Report No. 14.2 (Appointment of Representatives on Council and Community Committees) as her employer is being recommended as the Bendigo Stadium Limited Board member.

12. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the [Minutes](#) of the Council Meeting held on Monday November 15, 2021, as circulated, be taken as read and confirmed.

RESOLUTION

Moved: Cr Julie Sloan

Seconded: Cr Vaughan Williams

That the recommendation be adopted.

CARRIED

13. PETITIONS AND JOINT LETTERS

Nil

14. LEAD AND GOVERN FOR ALL

14.1. 2021 Procurement Policy Review

Author	Greg Painter, Coordinator Procurement
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to seek Council approval of the 2021 Procurement Policy, in accordance with Section 108(6) of the Local Government Act 2020.

Summary

The existing Procurement Policy was adopted by Council on 16 September 2020. This policy was prepared under the requirements of Section 186A of the Local Government Act 1989. With the introduction of the Local Government Act 2020, Section 108 becomes the governing legislation regarding Council's Procurement Policy. This section requires a Procurement Policy to be adopted by 31 December 2021.

Recommended Motion

That Council:

1. Adopts the revised 2021 Procurement Policy, in accordance with Section 108(6) of the Local Government Act 2020, with an effective date of 1 January 2022.
2. Notes the existing Procurement Policy, under Section 186A of the Local Government Act 1989 that was adopted on 16 September 2020 will remain in force until 31 December 2021.
3. Reviews the Procurement Policy, in consultation with other members of the Loddon Mallee Regional Procurement Excellence network, at least once in every four-year term.

RESOLUTION

Moved: Cr Julie Sloan

Seconded: Cr Jennifer Alden

That the recommendation 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

- Accountable, financially responsible, equitable, transparent decision making
- Review Council's Procurement Policy and its alignment with Council's strategic goals to strengthen social, economic and environmental impact

Secondary Council Plan Reference(s):

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

Outcome 4: Aboriginal reconciliation

- Enhanced wellbeing of our Aboriginal and Torres Strait Islander community
- Commence implementation of the recommendations of the 'Improving Aboriginal Procurement in Local Government' project in partnership with Loddon, Mount Alexander and Central Goldfields Shire Councils

Background Information

The existing Procurement Policy was adopted by Council at its meeting of Council on 16 September 2020, in accordance with the requirements of the Local Government Act 1989.

On 17 March 2020, the Local Government Act 2020 was approved in Parliament. The relevant sections of the legislation concerning procurement, require Councils to adopt the first Procurement Policy under the new Act within six months of the commencement of the section of legislation. i.e. the Policy must be adopted by 31 December 2021. A new policy which meets the procurement related provisions of the Local Government Act 2020, is now drafted for adoption with an effective commencement date of 1 January 2022.

The Act requires each Council to:

- Prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council; and
- Review its Procurement Policy at least once during each four-year term of the Council.
- In addition to the requirements of the Act, the Coordinator Procurement will conduct an annual review of the Procurement Policy and associated procedures and present the findings to EMT for review and direction.

The Policy has been developed in consultation with the Loddon Mallee Regional Procurement Excellence Network (RPEN) with a view to facilitating smooth collaborative processes that are consistent with the Act.

Report

New Policy Requirements

There are new policy requirements under the Act which differ from existing obligations. Under Section 108 (3) the new policy must include the following:

- The contract value above which the Council must invite a public tender or seek an expression of interest;
- A description of the criteria to be used by Council to evaluate whether a proposed contract provides value for money;
- A description of how the Council will seek collaboration with other councils and public bodies in the procurement of goods, works and services;
- The conditions under which the Council may purchase goods, works or services without a public tender or expression of interest;

- A description of the process to be undertaken in inviting a public tender or expression of interest.

All requirements have been addressed in the updated policy to ensure full legislative compliance.

Key Features of the New Policy

- All procurement thresholds, delegations and monetary references within the policy are exclusive of GST, a change from the existing policy. This will provide a consistent approach for Council Officers when dealing with budgets, procurement thresholds and financial delegations;
- A public tendering threshold of \$300,000 ex GST to apply across all categories of goods, services and works. In consultation with the Loddon Mallee Regional Procurement Excellence Network (RPEN), several factors were taken into consideration to determine the new proposed tendering threshold
 - the broad differences in size, budget, locality and procurement maturity within the RPEN member organisations
 - Existing Section 186 thresholds of \$150k inc GST for services/goods and \$200k inc GST for works have remained unchanged for approximately a decade
 - Under Section 108 (4) (a) of the Local Government Act 2020, the threshold cannot exceed any prescribed maximum. While no regulations have yet been introduced, a conservative early approach helps ensure the Policy will remain compliant if a maximum is prescribed
- Several exemptions to the Procurement Policy and public tendering requirements have been added to better enable the most appropriate sourcing approach to ensure best value is achieved
- The policy includes a new section that specifies how and when collaborative procurement activity will be undertaken
- Evaluation criteria and the evaluation process applied to quotations and tenders
- Managers able to approve variations up to 30% of their delegation for all types of contracts and Project Managers able to approve variations up to 30% of their delegation for works contracts. This will achieve greater efficiencies in contract management and lessen the administrative burden on Directors requirement to sign off on variations.

Risk Analysis:

Financial Risk

Adoption of the Procurement Policy will contribute to Council achieving value for money in its procurement activities, whilst maintaining effective and productive supplier relationships.

Regulatory Risk

Adoption of the Procurement Policy will ensure compliance with the Local Government Act 2020, as the Act requires the Policy to be adopted by 31 December 2021.

Consultation/Communication

Officers were given the opportunity to provide feedback on the new policy in August 2021. In addition, key business units who are regularly involved in procurement processes, were directly approached to provide feedback.

The Loddon Mallee Regional Procurement Excellence Network (RPEN) worked collaboratively on the main components of the new policy.

The Executive Management Team (EMT) endorsed the reviewed policy at the EMT meeting 2 November 2021 and the policy was tabled at the 22 November 2021 Councillors Briefing.

Resource Implications

The Coronavirus (COVID-19) pandemic has had and will continue to have a significant impact on the economy. The importance of supporting the local economy through supplier engagement has become even more important to assist with the viability of local businesses and their retention of employees.

The Procurement Policy continues to propose a 20% minimum weighting to the Local Content/Economic benefit criteria for all competitive public tenders.

Attachments

2021 Procurement Policy

Attachment 1 - 2021 Procurement Policy**PROCUREMENT POLICY**

Approval Level:	Council
Policy Type:	Council
Approval Date:	13/12/2021
Review cycle:	4 Years
Review Date:	30/06/2025
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	Local Government Act 2020
DOCSETID:	2004330

1. BACKGROUND

Greater Bendigo City Council (the **City**) recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, procedures and processes for all goods, services and works by the City, will assist the City to achieve its procurement objectives. These objectives include sustainable and socially responsible procurement, bottom-line cost savings, supporting the regional economy, achieving innovation and the provision of better services for the community.

2. PURPOSE

The purpose of this policy is to:

- provide a framework to guide the efficient, effective, socially and ecologically responsible procurement of goods, services and works for the City;
- provide guidance to the City to allow consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance to the City employee's regarding ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- align the City's procurement practices with the Guidelines.

3. SCOPE

This policy is made under Section **108 of the Local Government Act 2020 (the Act)**

The Act requires Council to:

- **Prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services, and the carrying out of works**
- **Review its Procurement Policy at least once during each four-year term of Council**

This policy must be considered in all aspects of the procurement of goods, services and works by the City.

This policy applies to all procurement activities at the City and is binding upon Councillors, City employees and all contractors, agents and consultants engaged by the City from time to time.

3.1 Application of GST

All monetary values stated in this policy exclude GST, unless stated otherwise.

4. DEFINITIONS

In this policy:

Act means the **Victorian Local Government Act 2020**

Aboriginal or Torres Strait Islander Business is one that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s). This is consistent with the definition provided by Supply Nation.

Circular Economy is an approach to the delivery of projects and services that ensure no waste is created through their use of materials and products. The products and materials used in these projects and services are either recovered for reuse or have been designed to be fully recyclable when no longer required i.e. projects and services result in zero general waste, with only recyclables or organic waste being created.

Collaborative Procurement is the centralisation of the procurement of goods, services or works which are repetitive and common to multiple organisations. It seeks to deliver greater efficiencies through combined purchasing power.

Commercial in Confidence means information that, if released publicly or to a third party, may prejudice the business dealings of a party, including but not limited to prices, discounts, rebates, profits, methodologies and process information.

Contract Management means the process of ensuring both parties to a contract meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.

City Employee means all full-time, part-time and temporary City employees and contractors and consultants while engaged by the City from time to time.

GST means GST within the meaning of *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Guidelines mean the Victorian Local Government Best Practice Procurement Guidelines 2013 and Preface to the New Best Practice Procurement Guidelines 2021. If this policy is inconsistent with the guidelines, this policy supersedes the guidelines.

Local Content means suppliers based within the Greater Bendigo City municipality and its neighbouring municipalities of Loddon, Mount Alexander, Campaspe, Macedon Ranges and Central Goldfields. Local Content can be expanded to include Metropolitan Victoria, Regional Victoria or all of Australia where applicable.

Loddon Mallee Regional Procurement Excellence Network (RPEN) are the primary collaborative mechanism established by the Victorian Governments Councils Reforming Business (CRB) program in 2011. The Loddon Mallee RPEN consists of Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Loddon, Macedon Ranges, Mount Alexander Shire, Mildura Rural City and Swan Hill.

Probity means qualities demonstrating strong moral principles and good process, achieved through clear processes consistent with the City's policies and legislation, which consider the legitimate interests and ensure the equitable treatment of all suppliers.

Procurement means the process of acquiring external goods, services or works from initial concept through to disposal of an asset at the end of its useful life or completion of the contract.

Quotation means a formal statement of promise, submitted usually in response to a request for quotation, by a potential supplier to supply the goods, services or works required by a buyer at specified prices and within a specified period.

Social Procurement means a strategic approach to meeting social and economic objectives throughout procurement using procurement processes and purchasing power to generate positive social and economic outcomes in addition to the delivery of efficient goods, services and works.

Sustainability means meeting the needs of the present generation without compromising the ability of future generations to meet their needs, including social procurement, local content and environmental considerations.

Thresholds the value above which procurement, unless exempt, is subject to the mandatory procurement procedures.

Value for Money means selecting the supply of goods, services and works taking into account both cost and non-cost factors including:

- (a) contribution to the advancement of the City's priorities;
- (b) local content;
- (c) non-cost factors such as fitness for purpose, quality, service and support; and
- (d) cost related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works,

in conjunction with the best value principles contained in Part 2, Division 1, Section 9 – Overarching governance principles and supporting principles of the Local Government Act 2020 and the Guidelines.

VendorPanel is the system used by employees to request quotes from suppliers.

5. PRINCIPLES

5.1 Legislative context

This Policy is consistent with the requirements of Section 108(2) of the Act and will:

- Promote open and fair competition and provide value for money.
- Provide clear guidelines to the Council to allow consistency and control over procurement activities.
- Demonstrate accountability to ratepayers and residents.
- Provide guidance on ethical behaviour in public sector procurement.
- Demonstrate the application of best practice in procurement activities.
- Demonstrate the consideration of sustainability in procurement with respect to social, economic and environmental factors.
- Increase the probability of obtaining the best outcome for the municipal community when procuring goods and services and delivering works.
- Promote collaborative procurement.

These objectives will be achieved by requiring that the Council's contracting, purchasing and contract management activities to:

- Support the Council's corporate strategies, aims and objectives.
- Span the whole life cycle of an acquisition and take sustainability considerations into account.
- Achieve demonstrable value for money.
- Are conducted in, and demonstrate, an impartial, fair and ethical manner.
- Seek continual improvement through innovative and technological initiatives.
- Generate and support local business through inclusion wherever practicable.

6. POLICY

6.1 Ethics and Probity

Councillors and City employees must always conduct themselves ethically and with integrity and must:

- treat potential and existing suppliers with equality and fairness;
- ensure all general procurement takes into consideration all relevant ethical supply chain provisions identified within the Modern Slavery Act 2018;
- not seek or receive personal gain;
- maintain confidentiality of commercial in confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

The City employees who are responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

Councillors and City employees must not participate in any action or matter associated with the arrangement of a contract (i.e. specification development, tender submission, evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest or holds a position of influence or power in a business undertaking tendering for the work.

In relation to conflict of interest, Councillors must comply with Division 2 of the Act. The City employee expectations are outlined in the internal manual titled 'Conflict of Interest – A Guide for City of Greater Bendigo Employees' and the City's Code of Conduct.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

6.2 Risk Management

6.2.1 General

Risk management must be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the City's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

6.2.2 Endorsement

Council staff must not publicly endorse any products or services without the permission of the relevant Director or CEO.

6.2.3 Supply by contract

The provision of goods, services and works by contract potentially exposes the City to risk.

The City will minimise its risk exposure through measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits or bank guarantees where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before allowing the commencement of work;
- use of, or reference to, relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

6.2.4 OH&S and other mandatory requirements

The City undertakes due diligence activities on all prospective suppliers to ensure compliance with legislative and business requirements. The City will require all contractors, service providers and volunteers to comply with all OH&S legislative requirements. These requirements are mandatory and non-compliance will disqualify prospective suppliers.

Suppliers must provide evidence of insurances in providing goods, services or works.

6.2.5 Contract terms

Contractual relationships must be documented in writing based on standard terms and conditions. In circumstances where this is not possible, approval must be sought from the appropriate City employee (based on the value and nature of the contract) and supported by procurement and legal advice as reasonably required.

Contract terms and conditions must be settled prior to any commitment being made to a supplier. Any exceptions to this process must be pre-authorised by the appropriate City employee.

All City contracts will incorporate dispute management and alternative dispute resolution provisions to minimise the potential for litigation.

6.2.6 Contract management

The purpose of contract management is to ensure that the City and its clients receive the goods, services or works to the required standards of quality and quantity required by the contract by:

- establishing a system which monitors and reinforces the performance of all parties' responsibilities and obligations under the contract;
- ensuring adherence with any risk management framework established by the City and compliance with any applicable legislation including, but not limited to, relevant occupational health and safety procedures; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.

Contracts must be proactively managed by the City employee responsible for the delivery of the contracted goods, services or works to ensure the City receives value for money.

6.2.7 Training

All staff with duties that involve procurement will undertake procurement training when they commence employment. In order to ensure existing staff are up-to-date with the latest requirements of this policy, they must participate in refresher training every two years. Staff that breach the policy will be required to undertake refresher training immediately and may be subject to disciplinary action.

6.2.8 Breaches

Where the Procurement Policy has been breached, appropriate corrective action will be taken immediately in accordance with the Code of Conduct for Employees. Criminal and Civil penalties may be imposed if fraud, corruption, bribery or Australian Consumer Laws are breached in accordance with the Fraud and Corruption Policy.

6.2.9 Panel Contracts

One of the valid outcomes of a public tender process is the appointment of a panel of contractors to promote security of supply. This is most likely to be the case where a council requires a range of services to be performed. The subsequent use of quotes on a job-by-job basis further promotes competition and value for money.

Council can choose to have a closed panel arrangement, where the panel is restricted to suppliers that were successful upon tendering for the duration of the contract. Or Council can choose an open panel arrangement, whereby new suppliers can be accepted and added to the panel at certain times during the contract period.

Panel contractors are usually appointed for an initial three-year term with options to extend contracts. Standard contract documentation specifies that contractors will not be guaranteed any work, but they may be called on at any time to supply goods, services or works.

In these cases, the contractors may be engaged by:

- Using the schedule of rates submitted in their tender.
- Requesting quotes through VendorPanel

A key element leading to value for money is pricing. Panels will typically have negotiated rates for goods, works or services – these rates are the maximum rates, and staff should consider seeking reduced rates, discounting or alternative pricing structures to deliver enhanced value for money.

Once a panel is established, care will be taken in relation to the engagement of one or more of the contractors on the panel. Some aspects to consider are:

- The panel member who can best provide the required good/service.
- Competition
- Size and scope of the procurement
- Supplier performance
- If all members of the panel are offering a similar service, the contractor offering the lowest price may be the best option.
- Avoiding situations where, over the contract term, one or two members of the panel are allocated the majority of the work.

A purchase made under a panel arrangement is a procurement activity subject to the procurement policy framework and accordingly must, in itself achieve value for money. Obtaining multiple quotes is the best way in which competition can be used to promote value for money when procuring from a panel. (refer Schedule 1 – Procurement Methodology Thresholds)

6.3 Performance Measure and Continuous Improvement

Appropriate performance measures must be established, and reporting systems must be used to monitor performance and compliance with this policy and the City's procurement procedures and controls.

Procurement procedures, practices and costs must be benchmarked externally. Internal service standards must be agreed within the City and performance against these targets must be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- Highlight trends and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
- Facilitate programmes to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories;
- Continuous improvement is also achieved by providing feedback to employees on findings from internal policy compliance reviews. Employees are informed of findings to improve practices in the future.

6.4 Environmental Sustainability

The City recognises that procurement decisions have an impact on the environment and that through considered purchasing decisions the City has the opportunity to contribute to positive environmental outcomes, maximising long-term benefits for the community.

The City is committed to achieving long term environmental sustainability through the procurement process and is committed to reducing resources, consumption and minimising waste during the procurement life cycle. The City is also committed to maximising recycling opportunities and maximising sustainable procurement within the organisation. This includes purchasing items made from recycled materials and including recycled products in construction projects where possible, which support a healthy market for recycling at the kerbside and commercially. To this end, the City has adopted a 'Circular Economy & Zero Waste Policy' that requires the following from the EOI and tender process:

6.4.1 General Approach to Material and Product Procurement and Use

When planning for, procuring and using materials and goods to deliver all works, services, projects and infrastructure for the region, the City will plan for the full lifecycle. That is to say, the City will:

- Not fund the planning, purchase and use of new materials and goods (from non-recycled content or non-reused/refurbished) where viable reused, refurbished or recycled content containing alternatives exist (that are also able to be recycled).
- Ensure as far as is viable all works, services and goods that are procured and used will not result in disposal to landfill i.e. all materials and goods can be reused, recycled or returned to the supplier.

Specifically, all materials and goods will be required to be:

- 100% recyclable or reusable via standard means available to the City, AND/OR;
- Recovered by the supplier at end-of-life for recycling or reuse, AND/OR;
- Replaced by the provision of a service by a supplier focused on the sustainability of the product it uses to provide the necessary service, AND/OR;
- Be clarified as a temporary exception due to specific functional needs or legislation.

In striving to become a circular, zero waste council, all new projects and new and existing contract tenders (i.e. including variations) will be required to ask for reused/recycled product/content options AND a requirement for the products to be feasibly (not just technically) recyclable as one of the tender solution response requirements (alongside or instead of a "standard" solution proposal). These mandatory response requirements will be written into all procurement documents for EOIs/tenders.

- All new materials, products and services used or procured are required to be:
 - 100% recyclable via standard means available to the City, AND/OR;
 - Recovered by the supplier at end-of-life for recycling or reuse, AND/OR;
 - Replaced by the provision of a service by a supplier focused on the sustainability of the product it uses to provide the necessary service, AND/OR;
 - Be clarified as a temporary exception due to functional needs or legislation.

- Procuring and using only 100% recycled paper & print material.
- Procuring and using only 100% recycled hygiene products i.e. toilet paper.
- Procuring and using only 100% renewable electricity.
- No organics material (food or garden 'waste') landfilled from the City's sites or operations.
- No recyclable materials sent to landfill from the City's sites or operations.
- Procuring and using only recycled content furniture products e.g. outdoor furniture, bollards, fencing etc. (where viable) in Works (excluding heritage areas).

6.4.2 Financial Cost Considerations of 'Circular' Solutions

It is understood that the potential financial procurement cost implications of the Circular Economy & Zero Waste policy are an important consideration in how we adapt our current and future use of goods and materials to deliver works and services. In general, work in this space anecdotally suggests that the cost of procuring and using various reused or recycled content materials and products typically used by councils is often at the same price-point as standard, unsustainable alternatives. For those areas where this is not the case (potentially due to the newness of the sustainable product or material), the City is incentivising more 'circular solutions' vs. 'standard solutions' by allowing for up to a $\leq 10\%$ cost premium of recycled content/reused materials compared to the cost of materials in a standard solution. For the comparison of a circular solution vs. standard solution.

6.5 Diversity

Promoting social equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users and community relations. Every procurement project should reflect a corporate commitment to diversity and equal opportunities wherever possible.

6.6 Support of the Regional Economy

Council is committed to buying from businesses locally and regionally (neighbouring municipalities), where such purchases may be justified on value for money grounds. Of primary importance is the need to encourage open and effective competition to ensure the best possible outcomes for Council.

These benefits may take the form of:

- Increased local employment;
- Local youth initiatives
- Increased activity and spend in the local economy with identifiable benefits; or
- The level of local content in the goods, services or works.

To support this commitment and to encourage a focus on local industry, including creating local employment and improving local businesses, Council:

- Must request a quote from a local supplier if the goods, services or works are available locally.
- Must apply a local content/economic benefit evaluation criterion with a minimum weighting of 20% to all procurement above \$300,000 (excluding GST).
- Will encourage suppliers to register their business with the e-Tendering Portal and Vendorpanel to receive notifications of procurement opportunities with Council.
- Will provide regular communication through the Council website and local business groups.

Where there is a limited or no market for a particular category of procurement the responsible Director or CEO can authorise for Local Content to be expanded to include Metropolitan Victoria, Regional Victoria or all of Australia.

6.7 Collaborative Procurement

This Policy has been developed in collaboration with the Loddon Mallee Regional Procurement Excellence Network (RPEN) with a view to facilitating smooth collaborative procurement processes, consistent with the Act. This Policy also incorporates content that is specific to the Council and may differ from that of the other RPEN councils and is intended to apply only to procurement involving Greater Bendigo City Council.

In accordance with Section 108(c) of the Act, the Council will first consider collaboration with other councils and public bodies, or utilise collaborative procurement arrangements, when procuring goods, services and works in order to take advantage of economies of scale.

Council Officers will consider any opportunities for collaborative procurement in relation to a procurement process undertaken by Council. Any Council report that recommends commencing a procurement process must set out information relating to opportunities for collaborative procurement, if available, including:

- The nature of those opportunities, if any, and the councils or public bodies with which they are available.
- Why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

When collaborating with the RPEN, the Council will do so in accordance with the following:

- The RPEN will develop a consolidated contract register to identify joint procurement projects on an annual basis.
- Council contracts with a minimum value of \$1 million per annum (per council), for the ongoing supply of goods or provision of services or works, other than projects that are unique to an individual council (e.g. unique construction or works projects), will be included in the consolidated contract register for collaboration consideration.
- Other contracts which, due to the subject matter, nature or scope, are likely to deliver operational efficiencies if procured in collaboration with the RPEN, must be included in the consolidated contract register for consideration as a possible joint procurement opportunity.
- Where collaborative procurement is to be pursued:
 - A pre-market approval submission will be submitted to each council and the RPEN prior to commitment to collaboration, seeking delegation of contract approval to CEOs.
 - The RPEN will establish a Heads of Agreement that gives authority for a lead council to act as each Council's agent in the collaborative procurement.
 - The evaluation criteria that will apply to a collaborative procurement process may not align with Council's mandatory evaluation criteria as outlined in this Policy.
 - Each of the councils who participate will be able to enter into a contract with the preferred supplier/s identified through the collaborative procurement process or may choose as a group to enter into a contract using "opt-in" contract provisions during the contract term, or with the council which conducted the public tender.
 - Each participating council must be involved in:

- The initial decision to undertake the collaborative procurement.
- Preparation of, and agreement to, the specifications.
- Ensuring probity for the collaborative procurement.
- The acceptance of tender(s) and awarding of contract(s).

Furthermore, Council may collaborate with other councils or other agents such as MAV Procurement or Procurement Australia to procure goods, services or works, or utilise existing collaborative procurement arrangements for the procurement of goods, services or works established through a public tender process where it provides an advantageous, value for money outcome for Council.

The following principles will be applied when utilising procurement agents (e.g. MAV Procurement and Procurement Australia) and whole of government contracts:

- Council will use an agent where potential cost savings exist.
- The use of procurement agents must not eliminate the ability of suppliers locally and within our region to submit a quotation or tender.

Where there are suppliers locally and within our region and Council participate in a procurement process with an agent, Council will take every reasonable effort to notify relevant suppliers of the procurement opportunity.

Any Federal or State Government grant funded projects may be excluded from collaborative procurement.

The City requires the consideration of sustainability in all its procurement activities. Opportunities will be taken to generate Aboriginal and Torres Strait Islander, Economic, Social and Environmental benefits whenever it is practicable and achieve value for money. The sustainable procurement schedules of Aboriginal and Torres Strait Islander, Economic, Social & Environmental contained within the City's documentation help guides the City's procurement in line with these objectives.

6.9 Procurement Thresholds

The City will, from time to time, determine and publish minimum spend competition thresholds. These will be decided by the City by analysing the historical size and complexity of the procurement activity and of proposed procurement activities. The City considers aggregated spend based on a three year contract.

6.9.1 Quotations

VendorPanel is the secure internet-based system employees must use to source quotes. It is mandatory for staff to use VendorPanel for all procurement over \$5000 (excl GST). Purchase of goods services or works valued up to \$300,000 (excl GST) may be undertaken using the procurement by quotation method as described in **Schedule 1 – Procurement Methodology Thresholds**.

The situation may arise where insufficient quotations are received to satisfy the above requirements.

This may occasionally occur where there are few suppliers of the goods, services or works being sought, the work is highly specialised, or the supplier(s) contacted have declined to quote. In this case, the details of the contacted suppliers must be recorded in the VendorPanel system or recommendation and an appropriate comment recorded, for transparency. There must be a genuine attempt to achieve best value.

6.9.2 Aggregated Expenditure

A public tendering process will occur if, over three financial years, the cumulative expenditure with a single supplier exceeds or is expected to exceed \$300,000 (excl GST) on the purchase of goods and services or works.

When undertaking procurement activities on behalf of Council, Officers will exercise appropriate commercial awareness and ensure that the principles outlined in this Policy are applied. This policy requires a competitive process be undertaken for procurement thresholds (refer 6.9.1). Any attempts to circumvent procurement threshold requirements by order splitting or other methods constitutes a breach of the Procurement Policy and Procedures.

6.9.3 Public Tendering

Section 108 of the Act details that each Council will set the public tender threshold above which tenders or expressions of interest for contracts must be publicly invited.

A public tender process must be applied to all procurements valued at \$300,000 (excl GST) and above

All public tenders invited by the Council will be published via Council's e-Procurement Portal and advertised in papers circulating within the municipality e.g., the Bendigo Advertiser. These are the minimum requirements that will apply to all public tenders. Tender advertisements may also be published in a newspaper with a wider distribution e.g., The Age or Herald Sun.

Council may undertake a public tender where the value of goods, services or works does not reach the public tender threshold value. There may be situations where a public tender may produce a better outcome, where managing risk considerations are paramount, or there is a desire for greater transparency of the procurement.

The timeframe given to tenderers will be reasonable with regard to the level of complexity of the tender, however a minimum of 15 working days will be allowed between advertising of the tender until the tender closing date. Director approval will be obtained if it is proposed that a tender period be less than 15 working days, with sufficient information provided explaining why this is necessary.

Advertising at times of major holidays such as Easter, Christmas and early January will be avoided if possible. If it is necessary to advertise at these times, the closing date will be extended to accommodate these holiday periods. Tenders will be advertised on Council's e-Procurement portal.

All public tenders above \$300,000 (excl GST) will be reported to Councillors in a monthly briefing report.

All tenders greater than \$1.5 million will be presented at a Council Meeting for decision, including details of the total project cost.

All tender processes must be conducted in accordance with the requirements of this policy and any associated procedures, relevant Legislation, relevant Australian Standards, the Guidelines and the Act.

6.9.4 Contract Variations

Throughout the life of a contract, changes may arise to the original specification or scope of the service or project. In order to accept these variations, approval must be obtained from the relevant Delegated Officer.

The total of the original contract and all variations must be considered when determining if the change is within financial delegation limits.

Unless otherwise approved, contract variations must be assessed against the value of the original contract, and all subsequent variations, when determining if the change is within financial delegation limits.

The cumulative value of variations must not exceed the levels and approvals outlined in Schedule 2 – Contract Value Delegation Thresholds.

Council may resolve to include nominated levels of approval for variations on specific contracts, depending on the nature of goods, services and/or works being delivered under the contract and the contract value.

Where contracts allow provision for a Superintendent and/or Superintendents Representatives, contract variations must be approved by the appropriate delegate.

A purchase order alone is not considered sufficient proof of a contract variation. Variations must be documented and approved using ECM or Council's contract management system (above \$30,000 (excl GST)).

6.9.5 Exemptions to the Policy for Obtaining Quotes:

The following circumstance are exempt from the requirements to publicly advertise tenders, quotations and expressions of interest.

The related exemptions also apply to collaborative procurements.

Exemption Type	Explanation, limitations, responsibilities and approvals
A contract made with the approval of the CEO because of genuine emergency or hardship	Where the Council has resolved that the contract must be entered into because of an emergency (e.g. to provide immediate response to a natural disaster, declared emergency, etc.)
A contract made with, or a purchase from a contract made by another government entity, government owned entity or other approved third party	This general exemption allows engagements: <ul style="list-style-type: none"> • With another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or • In reliance on contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement Network members (e.g. Local Buy), Procurement Australia (PA)
Extension of contracts while Council is out to market to ensure continuity of supply of goods/services/works to Council	Allows the Director/CEO (within financial delegation) and/or Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected.

	This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality
Professional services unsuitable for tendering	<ul style="list-style-type: none"> • Legal services (employees must consult with the Coordinator Legal Services before engaging external legal providers) • Insurance • Loans • Purchase of land • Electoral or valuation services • Payroll expenses and deductions • Refunds • Professional membership payments and subscriptions (must relate to the position held)
Novated Contracts	Where the initial contract was entered into in compliance with the Act and due diligence has been undertaken in respect to the new party
Information technology resellers and software developers	Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software
Regional Waste and Resource Recovery Groups	Situations where a Regional Waste and Resource Recovery Group constituted under the <i>Environment Protection Act 1970</i> had already conducted a public tender for and on behalf of its members
Statutory compulsory monopoly insurance schemes	<ul style="list-style-type: none"> • Motor vehicle compulsory third party • Workcover
Operating Leases	Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual risk of the vehicle
Aboriginal and Torres Strait Islander businesses or social enterprises	<ul style="list-style-type: none"> • Direct purchasing from Aboriginal and Torres Strait Islander businesses where the estimated value of the procurement is up to \$25,000 (excl GST). The identified business must be at least 50% Aboriginal or Torres Strait Islander owned. The procuring officer must first determine whether an Aboriginal and Torres Strait Islander business could deliver the required good, work or service on a value for money basis, before following ordinary procurement processes.
Sole Sourcing	<p>Where goods, services or works being procured are of such a specialised nature that there are insufficient known suppliers to meet the requirements of this Procurement Policy (sole sourcing)</p> <p>The sole sourcing process must only be utilised where:</p> <ul style="list-style-type: none"> • There are insufficient known suppliers to meet the requirements of this Procurement Policy

	<ul style="list-style-type: none"> • The marketplace is restricted by statement of license or third-party ownership of an asset (excluding public utility plant) • Council is party to a joint arrangement where Council jointly owns the Intellectual Property with a third-party provider. <p>Purchasing via a sole sourcing process is subject to prior approval from the Manager/Director/CEO within financial delegation and/or Council</p> <p>Council deals with a number of core service sole suppliers where there is no market to test and obtain multiple quotes.</p> <p>Examples of core service sole suppliers are:</p> <ul style="list-style-type: none"> • Library Service - North Central Goldfields Regional Library; • Direct engagement with Dja Dja Wurrung and Taungurung for Advisory activities • Water - Coliban Water; • Water Catchment Authority - North Central Catchment Authority; • Telstra, Powercor • Where the supplier is the sole source of specific intellectual property; Facebook, Google and the like and • Advertising (newspapers, magazines, TV and radio).
Other specific Council exemptions	<ul style="list-style-type: none"> • Shop Supplies - Units of the City that operate a retail outlet within its Unit that are required to purchase stock for resale to the public. Goods purchased for the purpose of resale are exempt from obtaining quotes. This is due to the nature of the goods that are offered for resale, which may be of a unique nature. • Performers - Units of the City that engage performers as part of their performance program are exempt from the conditions of this policy. Performers are engaged for resale to the public and based on potential earnings the City can raise. • Artworks, Statues and Monuments - The City is in a unique position of operating an Art Gallery. It is not practical to obtain quotes for artworks, statues and monuments as each piece of work is unique. These items are to be purchased with annual budget restraints in mind. Please note that if an artwork is commissioned to be created then this exemption does not apply and quotations must be sought. • Plant & Equipment Servicing & Spare Parts - plant and equipment purchased by the City require servicing at regular intervals. To maintain a valid warranty, works need to be carried out by recognised suppliers using genuine parts. To achieve this, the City utilises servicing by the manufacturers from whom the plant and equipment was originally purchased. Spare parts from specific manufacturers can also be purchased to complete works on plant and equipment in the City's workshop

	<ul style="list-style-type: none"> • Organisations that are auspiced by Council • Employment contracts for staff employed directly by Greater Bendigo City Council are specifically excluded from this policy
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- Specialist Knowledge and Skill Exemption – if the City requires advice from a supplier who offers specialist knowledge. An Exemption to Complying with Minimum Number of Quotes form must be completed for these purchases.

6.10 Delegation of Procurement Authority

6.10.1 Procurement Requirements

Delegations and authorisations define the limitations within which the City employees are permitted to operate. Delegation or authorisation of procurement authority allows specified employees to approve certain purchases, quotations, tender and contractual processes without prior referral to the City. This enables the City to conduct procurement activities in an efficient and timely manner while maintaining transparency and integrity.

Procurement delegations and authorisations ensure accountability and provide confidence to the City and the public that purchasing activities are dealt with at the appropriate level.

Accordingly, the City has delegated or authorised responsibilities as detailed in Schedule 1 and Schedule 2 of this policy, relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for contract management activities.

Delegation and authorisations can be altered at the CEO's discretion.

6.10.2 Purchasing Decisions Reserved for the City

Commitments and processes which exceed the CEO's delegation must be approved by the Council.

6.11 Internal Controls

The City must install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

6.12 Standards

The City's procurement activities must be carried out to the professional standards required by best practice and in compliance with:

- the Act;
- the City's policies and procedures;
- any other relevant legislative and policy requirements; and
- the related documents set out in Clause 8.

7. EVALUATION CRITERIA

All tenders and quotations above \$300,000 (excl GST) will be evaluated by an evaluation panel, in a two staged process.

The following mandatory evaluation criteria must be applied to all purchases above \$300,000 (excl GST). Weightings may be adjusted depending on the size and complexity of the contract.

Stage one – Qualitative assessment of a weighted score totalling 100%

1. Risk management – pass/fail evaluation.
2. Response to specification.
3. Experience and qualifications.
4. Business and financial capacity, including quality management.
5. Circular Economy
6. Sustainability:
 - a) Aboriginal and Torres Strait Islander (minimum 10% weighting).
 - b) Local Content / Economic Benefit (minimum 20% weighting).
 - c) Social (minimum 5% weighting).

Stage Two – Quantitative assessment

Evaluation of price (direct and indirect) against weighted score calculated as $VFM = \frac{\text{Tendered Price Score}}{\text{Total Weighted Score (Stage One)}}$.

Value for money (VFM), where the lowest VFM will represent the lowest price resulting from the formulae and would determine the preferred tenderer based on this principle. Proposed amendments to the above mandatory evaluation criteria must have prior approval from the Director/CEO (within financial delegation) prior to proceeding with an approach to market.

8. RELATED DOCUMENTS

Readers are encouraged to access the following relevant documents and resources:

- the City's Contract Management Framework
- the City's Gifts, Benefits and Hospitality Policy
- the City's Conflict of Interest Guide
- the City's Circular Economy and Zero Waste Policy
- the City's Fraud and Corruption Policy
- the City's Health & Safety Policy
- the Guidelines http://www.mav.asn.au/data/assets/pdf_file/0008/4499/Victorian-Local-Government-Best-Practice-Procurement-Guidelines-2013.pdf
- the City's Procurement Procedures Manual;
- the City's Corporate Purchasing Card Policy; and
- the City's Staff Code of Conduct. [Employee Code of Conduct | City of Greater Bendigo](#)
- the City's Councillor Code of Conduct

Requests for further information or advice on this policy should be directed to Governance.

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

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

DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>June 2018</i>	<i>GR</i>	<i>Procurement</i>	<i>Review (Significant)</i>	1	<i>June 2019</i>
<i>Sept 2019</i>	<i>GR</i>	<i>Procurement</i>	<i>Review</i>	2	<i>June 2020</i>
<i>Sept 2020</i>	<i>GR</i>	<i>Procurement</i>	<i>Review</i>	3	<i>June 2021</i>

Schedule 1 – Procurement Methodology Thresholds

Procurement Threshold (GST exclusive)	Procurement Process
\$0 to \$1,000	Staff member shall seek at least one (1) verbal quote
\$1,001 to \$5,000	<p>Staff member to seek at least one (1) written quote</p> <ul style="list-style-type: none"> • Must request a quote from a local supplier if the goods, services or works being purchased are available locally • Quotation must be saved as an attachment to the requisition when seeking approval to proceed with the purchase • Engage successful supplier via purchase order or purchasing card prior to ordering and receiving goods, services or works
\$5,001 to \$50,000	<p>Staff member shall seek at least two (2) written quotes</p> <p>(Procurement Unit to facilitate process if a contract is required)</p> <ul style="list-style-type: none"> • Specification must be prepared that provides a clear description of the goods, service or works being purchased • Must include evaluation criteria relevant to the purchase • Must request a quote from a local supplier if the goods, services or works being purchased are available locally • All quotations to undertaken through Vendorpanel and saved in ECM as evidence of compliance to this policy • The successful quotation must be saved as an attachment to the requisition including the Vendorpanel reference number when seeking approval to proceed with the issue of a purchase order • Engage the successful supplier via purchase order prior to ordering and receiving goods, services or works
\$50,001 to \$300,000	<p>Staff member shall seek at least three (3) written quotes</p> <p>(Procurement Unit to facilitate process if a contract is required)</p> <ul style="list-style-type: none"> • Specification must be prepared that provides a clear description of the goods, service or works being purchased • Must include evaluation criteria relevant to the purchase • Must request a quote from a local supplier if the goods, services or works being purchased are available locally • All quotations to undertaken through Vendorpanel and saved in ECM as evidence of compliance to this policy • The successful quotation must be saved as an attachment to the requisition including the Vendorpanel reference number when seeking approval to proceed with the issue of a purchase order • Engage the successful supplier via purchase order prior to ordering and receiving goods, services or works
\$300,000 and above	Refer to Section 6.9.3 of this policy

Procurement Threshold Panel Contracts (GST Exclusive)	Procurement Process
\$0 - \$5,000.00	<p>Best practice – Staff member must seek to obtain a written quote off all panel contractors through Vendorpanel</p> <p>Minimum requirements - Staff member must seek to obtain a minimum 1 written quote from panel contractors through Vendorpanel</p> <ul style="list-style-type: none"> The successful quotation must be saved as an attachment to the requisition when seeking approval to proceed with the issue of a purchase order <p>Engage successful supplier via a purchase order prior to ordering and receiving goods, services or works</p>
\$5,001 - \$25000.00	<p>Best practice – Staff member must seek to obtain a written quote off all panel contractors through Vendorpanel</p> <p>Minimum requirements - Staff member must seek to obtain a minimum 2 written quotes from panel contractors through Vendorpanel</p> <ul style="list-style-type: none"> The successful quotation as well as evidence of all comparative quotes (VendorPanel reference number and ECM document number) must be saved as an attachment to the requisition when seeking approval to proceed with the issue of a purchase order Engage successful supplier via a purchase order prior to ordering and receiving goods, services or works
\$25001 - \$300000.00	<p>Best practice – Staff member must seek to obtain a written quote off all panel contractors through Vendorpanel</p> <p>Minimum requirements - Staff member must seek to obtain a minimum 3 written quotes from panel contractors through Vendorpanel</p> <ul style="list-style-type: none"> Detailed specification must be prepared that provides a clear description of the goods, services or works being purchased The successful quotation as well as evidence of all comparative quotes (VendorPanel reference number and ECM document number) must be saved as an attachment to the requisition when seeking approval to proceed with the issue of a purchase order Engage successful supplier via a purchase order prior to ordering and receiving goods, services or works
\$300,000 and above	<p>Public tender recommended</p> <p>Panel contracts comply with Section 6.9.3 of this policy and can be engaged when the value is over \$300,000 (excl GST), where value for money can be established and this method of procurement is signed off by the relevant Director or CEO</p>

Schedule 2 - Employee Procurement Authorisation

The City must maintain a documented scheme of procurement authorisations, identifying appropriate City employees authorised to make such procurement commitments in respect of goods, services and works on behalf of the City and their respective delegations contained in the Instrument of Delegation.

The procurement authority structure (where delegated) is as follows:

Management Level	Authorisation Limit (excl. GST)
CEO	\$1,500,000
Directors (EMT)	\$500,000
Managers (Senior Officers)	\$100,000
Coordinators or Team Leaders	\$10,000

The abovementioned delegation for coordinators is not automatically applied. Managers must request a delegation for individual roles via the Request for Financial Delegation Form.

As part of the Annual Budget process, the City adopts a Capital Works Programme. A Project Manager, Service Lead and responsible Director are assigned to each project. As part of this process, each Project and Service Lead is assigned an authorisation limit as detailed below to be used solely for the nominated project. Any authority already assigned under the Managers', Directors' and CEO's limits will over-ride that detailed below unless it is of a lesser amount.

Project Management Level	Authorisation Limit (excl. GST)
Senior Works Coordinator – Works	\$100,000
Coordinator Civil Infrastructure Delivery – Engineering	\$50,000
Coordinator Civil Design – Engineering	\$50,000
Coordinator Public Space Design – Parks & Open Space	\$50,000
Coordinator Infrastructure Development – Engineering	\$50,000
Project Coordinator – Property Services	\$50,000
Project Manager – Major Projects	\$50,000
Project Manager	\$20,000
Service Lead	\$20,000

Purchasing Card Purchases Director Corporate Performance	Authority to authorise and issue employees a City purchasing card. Employees are authorised to purchase goods and services within the limits stated in the Purchasing Card Policy. Usage must also be in accordance with all other conditions of the City's Purchasing Card Policy.
Fuel Card Purchases Director Presentation & Assets	All employees are authorised to utilise fuel cards up to the value of \$200.00 per transaction. Fuel cards can only be used to purchase fuel or oil.

Schedule 3 – Contract value delegation thresholds

Position	Value Limit	Contract Form	Works (excl. GST)
Council	Above \$1.5M	Contract	Awarding contracts over \$1,500,000 or for any contract that the CEO or Directors consider requires a Council Resolution for approval.
		Variations	Contract variations exceeding 30% of the original contract sum in the aggregate, or over \$450,000 individually.
CEO	Up to \$1.5M	Contract	Awarding contracts up to \$1,500,000
		Variations	Contract variations not to exceed 30% of the original contract sum in the aggregate, or \$450,000 individually, whichever is the lesser, subject to remaining within budget or offset savings being identified.
Director	Up to \$500,000	Contract	Awarding contracts up to. \$500,000
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or \$150,000 individually, whichever is the lesser, and contract total not to exceed \$500,000 subject to remaining within budget or offset savings being identified from within the program.
Service Unit Manager	Up to \$100,000	Contract	Service Unit Manager - awarding of contracts within budget for amounts up to.\$100,000
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or \$30,000 whichever is the lesser, subject to remaining within budget or offset savings being identified.
Project Managers	Up to \$50,000	Contract	Not Applicable
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or \$15,000 whichever is the lesser, subject to remaining within budget or offset savings being identified.
Position	Value Limit	Contract Form	Service/Goods - Fixed Deliverables (fixed \$ commitment) (excl. GST)
Council	Above \$1.5M	Contract	Awarding contracts over \$1,500,000 or for any contract that the CEO or Directors consider requires a Council Resolution for approval.
		Variations	Contract variations exceeding 30% of the original contract sum in the aggregate, or over \$450,000 individually.
CEO	Up to \$1.5M	Contract	Awarding contracts up to \$1,500,000
		Variations	Contract variations not to exceed 30% of the original contract sum in the aggregate, or \$450,000 individually, whichever is the lesser, subject to remaining within budget or offset savings being identified from within the program.
Director	Up to \$500,000	Contract	Awarding contracts up to \$500,000
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or \$150,000 individually, whichever is the lesser, and contract total not to exceed \$500,000 subject to remaining within budget or offset savings being identified from within the program.

Service Unit Manager	Up to \$100,000	Contract	Service Unit Manager - awarding of contracts within budget for amounts up to \$100,000
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or \$30,000 whichever is the lesser, subject to remaining within budget or offset savings being identified.
Position	Value	Contract Form	<p>Service/Goods - Schedule of Rates (excl. GST)</p> <ul style="list-style-type: none"> Schedule of Rates is a standing offer arrangement that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services. As there is no commitment the delegation level is based on the budget for the first year of the contract
Council	Above \$1.5M	Contract	Awarding multi-year, schedule of rates based contracts over \$1,500,000 per annum or for any contract that the CEO or Directors consider requires a Council Resolution for approval.
		Variations	Contract variations exceeding 30% of the original contract sum in the aggregate per annum, or \$450,000
CEO	Up to \$1.5M	Contract	Awarding multi-year, schedule of rates based contracts up to \$1,500,000 per annum based on the first year of the contract.
		Variations	Contract variations not to exceed 30% of the original contract sum in the aggregate per annum, or \$450,000 whichever is the lesser, subject to remaining within budget or offset savings being identified.
Director	Up to \$500,000	Contract	Awarding multi-year, schedule of rates based contracts up to \$500,000 per annum based on the first year of the contract.
		Variations	Contract variations not to exceed 30% in the aggregate per annum of the original contract sum, or \$150,000 individually, whichever is the lesser, and contract total not to exceed \$500,000 per annum, subject to remaining within budget or offset savings being identified from within the program.
Service Unit Manager	Up to \$100,000	Contract	Not Applicable.
		Variations	Contract variations not to exceed 30% in the aggregate of the original contract sum, or \$30,000 whichever is the lesser, subject to remaining within budget or offset savings being identified.

Schedule 4 - Sustainable Procurement

In addition to the Community Plan, from a sustainability and circular economy outcomes perspective, the procurement policy seeks to uphold the following sustainable principles:

Circular Procurement

From a circular economy procurement outcomes perspective, the 'Circular Economy & Zero Waste Policy' can be considered to be a layer that sits on top of the procurement process and commitments. The Circular Economy & Zero Waste Policy is also adopted in this Procurement Policy, and it aims to avoid the need for each procurement panel to assess detailed "sustainability" criteria, but rather embed standard response requirements that will provide circular, zero waste solutions that can be assessed via the current standard procurement assessment procedure.

Regional Responsibility

The City's projects, services, operations and procurement activities shall be performed with ethics and integrity, aligning with the fundamental sustainability commitments made by the City, as outlined in the 'One Planet Vision', including:

- Alignment with One Planet targets of 'net zero carbon' and 'zero waste'
- Aiming for as best-practice environmental outcomes as viable for a product or material
- Taking responsibility for the environmental impact (or benefit) of our choices
- Taking a lifecycle approach to procurement i.e. whole of life costs, not just upfront costs
- Taking a lifecycle approach to projects and operations i.e. design and plan for "end of use" of a material, product or service to achieve at least zero waste or encourage circular economy outcomes e.g. reuse, repurposing etc.

Victoria's Circular Economy Strategy

Over the 10-year period 2020-2030, Council will align its activities to meet or exceed Victorian and Federal waste and resource targets:

- Cut total waste generation by 15% per capita by 2030
- Divert 80 percent of waste from landfill by 2030 (72% by 2025)
- Halve the volume of organic material going to landfill between 2020 & 2030 (20% reduction by 2025)
- Ensure all City facilities have access to (and are using) food and garden organics waste recycling services or composting
- Phase out problematic and unnecessary plastics by 2025

The Sustainable Procurement schedules (**Aboriginal and Torres Strait Islander, Economic, Social & Environmental**) contained within the City's Procurement documentation help guide the City's procurement in line with these objectives.

Sustainable Procurement

The City requires the consideration of sustainability in all its procurement activities.

Opportunities will be taken to generate Aboriginal and Torres Strait Islander, Economic, Social, and Environmental benefits whenever it is practicable and achieve value for money.

The City will provide opportunities for businesses in participating in our procurement activities and to be suppliers of our works, goods and services.

Aboriginal and Torres Strait Islander

The City recognises the importance of increasing the economic growth of Aboriginal and Torres Strait Islander businesses and is committed to ensuring it is an integral part of our procurement process.

Economic Sustainability

The City is committed to procurement that supports local businesses and economic diversity in the municipality.

Social Sustainability

Social procurement often takes the form of a local, state or federal department strategically using an appropriate procurement opportunity to generate targeted employment for a specific population group. This includes people with a disability, the long-term unemployed, culturally and linguistically diverse groups, youth, social housing tenants, or a regional, rural or disadvantaged metropolitan area. The City is committed to social procurement, in particular facilitating employment opportunities in disadvantaged communities within the City municipal area.

Environmental Sustainability

The City is committed to environmental sustainability outcomes. This includes the efficient use of resources (energy, water, and materials), protecting ecological systems and achieving zero net greenhouse gas emissions and zero waste to landfill. To help promote environmental sustainability the City will give preference to quotations and tender submissions that deliver environmentally preferable and "Value for Money" outcomes.

The City will reduce waste going to landfill by applying principles of the waste hierarchy. This includes avoiding, reducing, reusing, recycling and finally disposal to landfill, of products used by the City.

- Avoiding waste by not purchasing items that are not needed, or are obsolete, not sustainably produced, or are not of a quality which will last. This may require a review of current purchasing practices by each department.
- Reusing items instead of disposing to landfill. This may include reusing items such as office supplies, stationery, furniture, machinery and paper within the workplace or finding an alternative opportunity for reuse.
- Reducing waste by selecting materials with less packaging, returning packaging, or reducing printing or hard copies. This includes selecting materials made from recycled content, thereby closing the loop and creating a market for recycled materials. This should include choosing suppliers who exercise Extended Producer Responsibility.

- Recycling materials such as paper and cardboard, plastic containers, glass jars and bottles, steel cans, and aluminium cans, printer and toner cartridges, park vegetation, construction/demolition materials and E-waste. Preference should be made for items that are recycled throughout existing recycling processes and systems.
- Disposal of waste to landfill is the least preferred option identified in the waste hierarchy. Taking the steps outlined above will minimise the volume of waste we send to landfill.

Tender and Quotation Evaluation Weightings

To help promote sustainable procurement, the City will apply where applicable, evaluation weightings to quotations and tenders.

- Aboriginal and Torres Strait Islander - 10% weighting as a minimum
- Economic Sustainability - 20% weighting as a minimum
- Social Sustainability - 5% weighting as a minimum
- Environmental Sustainability - 5% weighting as a minimum

14.2. Appoint of Representatives on Council and Community Committees

Author	April Hinton, Governance Officer
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is for Council to approve the Councillor representatives on various Council and community committees for the 2021/2022 Mayoral term.

Summary

Councillor representation on various Council and community committees is an important community engagement process.

RECOMMENDATION

That Council approve the appointments to the Council and community committees as outlined in the report, effective from December 14, 2021.

Cr O'Rourke declared a material conflict of interest in the Lead and Govern For All Report No. 14.2 (Appointment of Representatives on Council and Community Committees) as her employer is being recommended as the Bendigo Stadium Limited Board member.

Cr O'Rourke left the meeting.

RESOLUTION

Moved: Cr David Fagg
Seconded: Cr Julie Sloan

That the recommendation be adopted.

CARRIED

Cr O'Rourke returned to the meeting.

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):

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

- Accountable, financially responsible, equitable, transparent decision making

Background Information

The appointment of Councillor representatives on Council and community committees is reviewed annually.

Previous Council Decision(s) Date(s): December 14, 2020

Report

Councillor representatives on Council and Community committees/boards for 2021/2022 are:

Name of Committee	Type of Committee	2021/2022 Appointment/s
Arts and Creative Industries Advisory Committee	Strategic Planning Governance	Cr Fyffe Cr Evans
Audit and Risk Committee	Legislated Committee	Mayor Cr Metcalf Cr O'Rourke Cr Sloan
Bendigo Agricultural Show Society CoM	Independent Community Group/Organisation	Cr Fyffe
Bendigo Art Gallery Board	Integrated Community Group/Organisation	Cr Fyffe
Bendigo Easter Festival Reference Group	Community Advisory or Reference Group	Cr Fyffe
Bendigo Livestock Exchange Stakeholders Group	Community Advisory or Reference Group	Cr Williams
Bendigo Manufacturing Group	Independent Community Group/Organisation	Cr O'Rourke
Bendigo Safe Community Forum	Independent Community Group/Organisation	Mayor Cr Metcalf
Bendigo Tourism Board Incorporated (inc)	Integrated Community Group/Organisation	Cr Evans
Bendigo Trust (Bendigo Heritage Attractions)	Integrated Community Group/Organisation	Mayor Cr Metcalf
Calder Highway Improvement Committee	Independent Community Group/Organisation	Cr Penna
Central Victorian Greenhouse Alliance (CVGA) Board	Independent Community Group/Organisation	Cr Alden
Creative City of Gastronomy Advisory Committee	Strategic Planning Governance	Mayor Cr Metcalf Cr Alden
Cultural Diversity and Inclusion Plan Steering Committee	Strategic Planning Governance	Cr Evans
Disability Inclusion Reference Committee (DIRC)	Community Advisory or Reference Group	Cr Evans
Economic Development Implementation Steering Committee	Strategic Planning Governance	Mayor Cr Metcalf
Farming and Agribusiness Advisory Committee	Community Advisory or Reference Group	Mayor Cr Metcalf Cr Williams
Finance Committee	Legislated Committee	Mayor Cr Metcalf Cr Alden Cr Evans

Name of Committee	Type of Committee	2021/2022 Appointment/s
		Cr Fagg Cr Fyffe Cr O'Rourke Cr Penna Cr Sloan Cr Williams
Fosterville Gold Mine Environmental Review Committee	Independent Community Group/Organisation	Cr Penna Cr Sloan
Goldfields Library Corporation Ordinary Library Board Meeting	Integrated Community Group/Organisation	Cr Fyffe
Greater Bendigo Climate Collaborative (formally Bendigo Drawdown Project)	Strategic Planning Governance	Mayor Cr Metcalf Cr Alden
Greater Bendigo Coalition for Gender Equity	Strategic Planning Governance	Cr Sloan
Heritage Advisory Committee	Community Advisory or Reference Group	Cr Fagg
Integrated Municipal Emergency Management Planning Committee	Legislated Committee	Mayor Cr Metcalf
Loddon Mallee Waste and Resource Recovery Group Forum	Integrated Community Group/Organisation	Mayor Cr Metcalf
Municipal Association of Victoria	Independent Community Group/Organisation	Cr Fyffe
Municipal Public Health and Wellbeing Plan	Strategic Planning Governance	Mayor Cr Metcalf Cr Alden
National Chinese Museum of Australia Limited, trading as Golden Dragon Museum	Independent Community Group/Organisation	Cr O'Rourke
Pandemic Relief and Recovery Committee	Integrated Community Group/Organisation	Mayor Cr Metcalf Cr Evans
Positive Ageing Advisory Committee	Community Advisory or Reference Group	Cr Penna
Public Spaces Advisory Committee	Strategic Planning Governance	Cr Alden
Rural Communities Committee	Community Advisory or Reference Group	Mayor Cr Metcalf Cr Williams
Sustainability and Environment Advisory Committee (SEAC)	Strategic Planning Governance	Cr Sloan Cr Alden

Appointment to the Board of Bendigo Stadium Ltd

Councillors received information and advice on July 26, 2021 on Councillor Board Appointments conflicts of interest. As a result, Councillors have supported to no longer have a Councillor on the Board of Bendigo Stadium Limited. To provide a level of formal involvement with the Board and protect Council's interest in BSL, Council will continue to have formal involvement and influence with the governance, strategy and finances of BSL.

- Director of Corporate Performance and Manager of Financial Strategy are both members of the Finance Committee
- Director Corporate Performance is a member of the Board's Nomination subcommittee
- Council can have a nominated representative on the BSL Board

BSL have recently advertised for Board Directors to fill two vacancies. Two suitable candidates have been identified through this process and will be recommended to be appointed to the Board at their Annual General Meeting (AGM) in January 2022.

It is proposed that Mr Kevin Dole be Council's nominated Director for a period of 3 years. Mr Dole has extensive finance, strategy and governance experience as the current Managing Director of Bendigo Telco.

Consultation/Communication

Internal Consultation:

City officers were requested to review the information, Terms of Reference (and any other supporting documentation that governs the committee/board) to update Councillors with information to support their decision making when allocating representatives.

Detailed discussions with Councillors reviewing all information and overarching principles applied when determining representatives on each of the committees.

Resource Implications

Budget Allocation in the Current Financial Year:

None required

Attachments

BSL Board recommendation Mr K Dole

Attachment 1 - BSL Board recommendation Mr K Dole



7 December 2021

Mr. Andrew Cooney
Director of Corporate Performance
City of Greater Bendigo
Fountain Court
Bendigo, 3550

Dear Andrew,

Bendigo Stadium Limited Director Appointment – Kevin Dole

In response to the recent governance review Bendigo Stadium Limited have determined to move to a skilled based Board and have recently interviewed for new director positions.

The BSL Board have recommended Kevin Dole, Managing Director Bendigo Telco be considered as the COGB representative on BSL Board. I have attached a copy of Mr. Dole's application for your information.

Would you please confirm your acceptance of Mr. Dole's appointment as the COGB representative.

If you have any questions, please do not hesitate to give me a call.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Dennis Bice", is written over a light blue horizontal line.

Dennis Bice
Chief Executive Officer
Bendigo Stadium Limited

14.3. Council meeting schedule 2022

Author	April Hinton, Governance Officer
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to nominate Council Meeting dates for 2022.

Summary

It is proposed that the Council meeting dates for 2022, as detailed in this report be confirmed and advertised.

Recommended Motion

That the Council Meeting dates for 2022, as detailed in this report be confirmed and advertised.

RESOLUTION

Moved: Cr Margaret O'Rourke

Seconded: Cr Rod Fyffe

That the recommendation 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):

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

- Accountable, financially responsible, equitable, transparent decision making

Background Information

Previous Council Decision(s) Date(s): December 14, 2020.

Report

Council are required to nominate meeting dates for 2022 in accordance with rule 8.1.1 of the Governance rules, "At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year."

It is proposed that the following Council Meeting dates for January 2022 through to December 2022 be adopted. The dates are generally based on Council Meetings being held on the 4th Monday of every month at 6:00pm at the Bendigo Town Hall.

The consistent monthly meeting is considered by the 2020/2024 Council to continue to have a number of advantages:

- Certainty for the community and interested parties;
- Ensure meeting agendas are available in a timely manner to the community; and
- Opportunities to engage with the community between Council Meetings.

Proposed Council Meeting 2022 dates:

- Monday January 24;
- Monday February 28;
- Monday March 28;
- Wednesday April 20;
- Monday May 23;
- Monday June 27;
- Monday July 25;
- Monday August 22;
- Monday September 26;
- Monday October 24;
- Tuesday November 8 (meeting to elect the Mayor and Deputy Mayor)
- Monday November 21; and
- Monday December 12.

Consultation/Communication

N/A

Resource Implications

Conduct of Council Meetings and associated advertising will be accommodated within the current budget.

Attachments

Nil

14.4. Public Transparency Policy - Review

Author	Ryan Millard, Coordinator Legal Services
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

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

Summary

The Public Transparency Policy was adopted by Council on 19 August 2020 during stage one of the implementation of the *Local Government Act 2020 (the Act)* with a 12 month policy review cycle.

The 12 month review has been conducted and minor changes made to the Policy including:

- decisions made under delegation must have regard to the public transparency principles in the Act;
- inclusion of additional documents that are available publicly; and
- referencing social media and online tools such as Let's Talk Greater Bendigo.

Recommended Motion

That Council adopt the updated Public Transparency Policy.

RESOLUTION

Moved: Cr David Fagg

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

Primary Council Plan Reference:

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

- Accountable, financially responsible, equitable, transparent decision making

Background Information

Section 57 of the *Local Government Act (2020)* 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 *Local Government Act 2020 (the Act)* with a 12 month policy review cycle.

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 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. The Policy was adopted by Council on 19 August 2020 with a 12 month policy review cycle. At the time of adoption, it was recognised that achieving the goals of the Policy would require a significant amount of information to be placed online for public access and that this process would be monitored over the first 12 months of operation.

Since the Policy's adoption, the [Policies and good governance page](#) on the City's website has been developed to improve accessibility to Council information for members of the municipal community.

Consultation/Communication

The initial draft Policy was placed on public exhibition for community consultation in July 2020 with one submission received.

Feedback was sought internally across the organisation on the current Policy particularly in relation to the categories of documents held and available publicly. There were no issues identified during consultation. Changes identified in the internal review are minimal and it was determined that a full review with external consultation was not required at this first 12 month review.

Resource Implications

Nil

Attachments

Public Transparency Policy

Attachment 1 - Public Transparency Policy



PUBLIC TRANSPARENCY POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	13/12/2021
Review cycle:	Annually
Review Date:	12/12/2022
Responsible Officer:	Manager Governance
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>Freedom of Information Act 1982 (Vic)</i> <i>Local Government Act 2020 (Vic)</i>
DOCSETID:	4417903

1. PURPOSE

The purpose of this policy is to:

- 1.1 increase public trust and confidence in the Council and City's decision-making through greater understanding and awareness;
- 1.2 facilitate access to information held by the City in a timely manner;
- 1.3 support good governance and accountability;
- 1.4 provide greater clarity around Council and City decision making; and
- 1.5 ensure compliance with legislative obligations.

2. BACKGROUND

- 2.1 Transparency and access to government information is a core principle of democratic governance. Systems that are open, accountable and honest are fundamental to building trust within the community and enabling fully informed engagement in the democratic process. Without Transparency and engagement, the core responsibilities of local government cannot be achieved.
- 2.2 Importantly, Transparency and information sharing better enable the Municipal Community to contribute to policy formulation, assist regulation compliance, participate in program administration, support decision making and evaluate service delivery performance.



- 2.3 The *Local Government Act 2020* (Vic) (**Act**) supports the City's commitment to the principles of open, honest and accountable governance. One of the overarching principles of the new Act is that the Transparency of Council decisions, actions and information is to be ensured. This policy formalises the City's commitment to Transparency in its decision-making processes and the public awareness of the availability of City information.
- 2.4 This policy fulfils the City's requirement to adopt and maintain a public transparency policy under section 57 of the Act and gives effect to the Public Transparency Principles outlined in section 58.

3. SCOPE

This policy applies to all Councillors and Workplace Participants.

4. DEFINITIONS

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

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

Confidential Information means the following information in accordance with section 3 of the *Local Government Act 2020* (Vic):

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .



Information prescribed by regulations	Information prescribed by the Act's regulations to be confidential information.
Confidential information under other legislation.	Information that is deemed confidential by virtue of any other legislation.

Council means all of the Councillors collectively.

FOI means freedom of information.

FOI Act means the *Freedom of Information Act 1982* (Vic).

Municipal Community means:

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

Public Interest Test means the standard test the City will apply when determining whether release of information is contrary to the public interest. The City will consider the harm likely to be created by releasing the information and the public benefit in being transparent. When considering possible harm from releasing information, the City will only concern itself with harm to the community or members of the community. Potential harm to the City will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the City from performing its functions.

Transparency means enabling others to see and understand how the organisation operates in an honest way. It also means to ensure the availability of all information needed in order to collaborate, cooperate and make decisions effectively.

Workplace Participants means all employees, contractors, volunteers and consultants engaged by the City.

5. PRINCIPLES

This policy is guided by the following principles:

- 5.1 Open access to City information – If there is no legal or commercial requirement to protect the information, it should be open to public access;
- 5.2 Promotion of integrity and accountability – The City's decisions, actions and performance are open to public scrutiny; and
- 5.3 Increased awareness around decision-making processes – The City's decisions, actions and performance are clearly explained, and this policy is easily accessible to the public.
- 5.4 Council decisions are made within the legal framework within which it must operate.



6. POLICY

6.1 Council meetings

Decision making at Council meetings will be:

- 6.1.1 undertaken in accordance with the Act and the Governance Rules;
- 6.1.2 conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules;
- 6.1.3 informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy;
- 6.1.4 made fairly on the merits and principles of procedural fairness will be applied.

6.2 Decision made under delegation

Workplace participants making decisions under delegation or authorisation of the Council under the Act or any other legislation must have regard to the public transparency principles in the Act.

6.3 Information publicly available

6.3.1 The following information will be available publicly, either by way of electronic publication on the City's website, inspection or on request, to ensure the Municipal Community is informed and can benefit from access to information regarding Council's functions and operations:

- Council and Delegated Committee meeting agendas and minutes
- Councillor and Employee codes of conduct;
- Council policies and organisational policies;
- annual reports;
- election campaign donation returns;
- interstate and international travel details of Councillors and City staff;
- summary of personal interest returns;
- submissions received under Section 223 of the *Local Government Act 1989* (Vic) during the previous 12 months until its repeal;
- Councillor and employee register of gifts, benefits and hospitality
- donations and grants made by the City during the financial year;
- agreements to establish regional libraries;
- register of leases entered into by the City as a lessor (where the City is the owner);
- register of authorised officers appointed by Council;
- organisations of which the City was a member during the financial year and details of membership fees and services provided;
- instruments of delegation;
- register of processes and operating procedures where appropriate;
- application processes for approvals, permits, grants, access to Council services;



- decision making processes;
- guidelines and manuals;
- road management plans;
- register of roads;
- community engagement processes;
- complaint handling processes; and
- any other registers or records required by legislation

6.3.2 A list of available information is provided in the Part II Statement published in accordance with the FOI Act. Part II of the FOI Act requires government agencies and local councils to publish several statements designed to assist members of the public in accessing the information it holds. The Part II Statement is available on the City's website by accessing the following link:
<https://www.bendigo.vic.gov.au/About/Document-Library/part-ii-statement>

6.3.3 The City publishes a range of newsletters, reports and handbooks for residents, businesses and visitors. These documents can be accessed from the website or by calling the City for a copy. Some of these publications are available at the City's libraries.

6.4 Access to information

6.4.1 The information referred to in clause 6.3 will be made available in a variety of ways including on the City's website or at the City offices. Some information may only be available by request.

6.4.2 The City will use social media to publish or stream information, such as Council Meetings, and other online tools, such as Let's Talk Greater Bendigo, to encourage community engagement and consultation on project and community related matters.

6.4.3 Members of the public can make various kinds of information requests to the City. For example, informal requests for documents and information or formal requests under the FOI Act.

6.4.4 The City will endeavour, where possible, to provide the community with access to information free of charge, but where a request is deemed unreasonable or too voluminous, or where a fee is prescribed by legislation for the provision of information consideration will be given to charging a reasonable fee for accessing the documents. Such requests may also be required to be processed under FOI.

6.4.5 If a decision is made that a request is unreasonable or too voluminous the applicant will be provided with reasons for this decision.

6.4.6 Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006 (Vic).

6.4.7 The City will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.



- 6.4.8 This policy will be published on the City's website and will be made available in hard copy upon request.

6.5 FOI applications

The FOI Act gives everyone the right to access documents held by governmental agencies and Ministers, including the City. If a member of the public cannot locate a particular document they are seeking, the City encourages them to make contact before lodging an FOI application. In some instances, the City will be able to provide the information without going through the formal FOI process.

6.6 Information not available

- 6.6.1 City information may not be publicly available if:

- a) it contains Confidential Information (see definition of Confidential Information);
- b) release would be contrary to the public interest (see clause 6.7);
- c) disclosure would be contrary to the Privacy and Data Protection Act 2014 (Vic);
or
- d) if access is managed under another Act.

- 6.6.2 The City may decide, in the interests of Transparency, to release information to the public even though it is Confidential Information. However, this will not happen if release is contrary to law, in breach of contractual requirements, if releasing the information is likely to cause harm to any person or is not in the public interest to do so. Councillors and Workplace Participants must consult with the City's legal services team prior to releasing any Confidential Information.

6.7 Public Interest Test

- 6.7.1 When determining whether release would be contrary to the public interest, the City will apply the Public Interest Test.

- 6.7.2 The City is not required to make publicly available information if the release would be contrary to the public interest. The City may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

- 6.7.3 Information that might be withheld because it is contrary to the public interest may include:

- a) internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public or cause ill-informed debate;



- b) directions to Workplace Participants regarding negotiations in contractual or civil liability matters, where release may damage the City's capacity to negotiate the best outcome for the community; or
- c) correspondence with members of the community, where release may inappropriately expose a person's private dealings.

6.8 Non-compliance with this policy

- 6.8.1 If a member of the community wishes to question a decision about the release of information, this should be raised directly with the staff member handling the matter in the first instance. If the matter is still not resolved and the member of the public would like to contest the decision, this can be reported to the City's FOI Officer by emailing foi@bendigo.vic.gov.au or calling 03 5434 6000.
- 6.8.2 If the member of the public is not satisfied with the City's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via the website: www.ombudsman.vic.gov.au.
- 6.8.3 If a Workplace Participant has any questions or concerns about the release of a document, they can raise a query with the City's FOI Officer or their Director.

6.9 Monitoring, evaluation and review

- 6.9.1 The City commits to monitoring processes, information sharing and decision making to understand the overall level of success in this policy's implementation.
- 6.9.2 A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

7. ROLES AND RESPONSIBILITIES

7.1 Workplace Participants

- 7.1.1 Public Transparency is the responsibility of all Workplace Participants as appropriate to their role and function.
- 7.1.2 All Workplace Participants will respond to requests for information within 14 days and facilitate provision of information in consultation with their manager in alignment with this policy.

7.2 Managers

- 7.2.1 Manage areas of responsibility to ensure public Transparency, good governance and community engagement is consistent with this policy.
- 7.2.2 Communicate this policy to their team.
- 7.2.3 Demonstrate behaviour that fosters transparency and drive principles through policy, process and leadership.



7.3 Manager Governance

- 7.3.1 To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
- 7.3.2 Communicate this policy to the organisation.
- 7.3.3 Provide educational resources and training to the organisation on the importance of transparency.

7.4 Executive Management Team

- 7.4.1 Champion behaviours that foster Transparency and drive the principles through policy, process and leadership.
- 7.4.2 Monitor implementation of this policy.

7.5 Council

Champion the commitment and principles for public Transparency through leadership, modelling practice and decision-making.

8. RELATED DOCUMENTS

Readers are encouraged to access the following relevant documents and resources:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010.*
- The City's:
 - Governance Rules
 - Community Engagement Policy
 - Privacy Policy

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

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

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



Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
June, 2020	JN	Governance	Develop	1	Aug 2021
Aug, 2020	JCH	Governance	Develop	2	Aug, 2021
Oct, 2021	RM	Governance	Annual review	3	Dec, 2022

14.5. Q1 Finance & Capital Management Report - September 2021

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

Purpose

The purpose of this report is to provide Council with a report on the financial position of the City of Greater Bendigo to 30 September 2021 for the 2021/2022 financial year in accordance with the requirements of the Local Government Act 2020.

Summary

The Finance and Capital Management Report to 30 September 2021 provides an update on actual financial performance against the 2021/2022 budget. The report also provides a summary of rate debtors; cash and investments; borrowings and grants.

The report also recommends additional funds be approved for transfer from the Resource Recovery and Education reserve to support the completion of the rehabilitation at the former Wolstencroft Reserve landfill site.

Recommended Motion

That Council:

1. Receive the report comparing budgeted and actual revenues and expenses to 30 September 2021, in accordance with the requirements of the Local Government Act 2020
2. Approve the transfer from the Resource Recovery and Education Reserve of up to \$300,000 to support the completion of the rehabilitation works at the former Wolstencroft Reserve landfill site, in line with the Financial Reserves Policy.

RESOLUTION

Moved: Cr Margaret O'Rourke

Seconded: Cr David Fagg

That the recommendation be adopted.

CARRIED

Policy Context

Primary Council Plan Reference:

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

Outcome: Lead and govern for all	Accountable, financially responsible, equitable, transparent decision making
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Other Reference(s):

Financial Reserves Management Policy

<https://www.bendigo.vic.gov.au/sites/default/files/2021-06/Financial%20Reserves%20Management%20Policy.pdf>

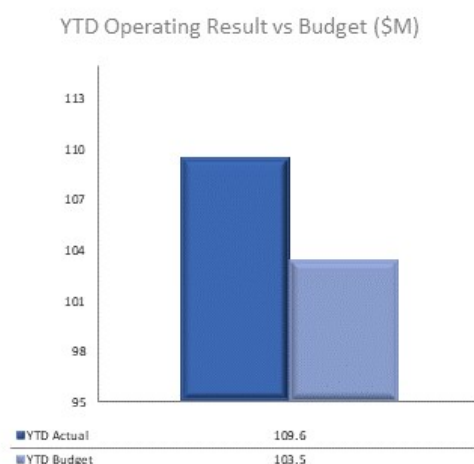
Background Information

In accordance with Section 97 of the Local Government Act 2020: "As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

In accordance with the City's Financial Reserve Management Policy approval is being sought for the transfer of an additional \$300,000 from the Resource Recovery and Education reserve. At the close of the 2020/2021 financial year total expenditure on the rehabilitation of the Wolstencroft former landfill site had reached \$1,162,747. Remaining works to be completed this financial year along with the subsequent 12-month environmental auditing program are forecast to have a remaining cost of \$297,994 bringing the expected total project cost to approximately \$1.46 Million.

Report**Quarter 1 Results**

The City's operating result as at 30 September is **\$6.1M (6%)** favourable to budget. Results for a range of City services are impacted by COVID-19 with the current restrictions in place limiting some services. This continues to have a detrimental impact on user fees, though on total revenue this is offset by additional grant funding that has been received. The restrictions have resulted in delayed expenditure across many services.



The City's results include:

- \$1.7M unfavourable variance for User Fees and Charges due to impacts of COVID-19.

- \$5.2M favourable variance for Operational and Capital Government Grants partly due to funds receipted in 2020/2021 financial year being recognised in the current financial year.
- \$2.4M favourable variance for general expenses. Portion of this expenditure are timing related, but also match reduced revenues in, for example, Bendigo Venues & Events.

The 2021/2022 budget was prepared on the basis of a relatively stable level of trade through limited restrictions. With the City now entering October and November under a level of restrictions, those assumptions have shifted.

Lockdowns in July and August and ongoing limits to capacity in September did reduce some service provision. Despite a positive start to capital delivery, COVID-19 is expected to have an impact on delivery of the City's Capital Program – particularly in Quarter 2. A number of projects have been specifically identified as being at risk due to crew size limits, tendering challenges and material supply.

The operating surplus forecast to the end of the financial year is \$28.2M (\$5.9M favourable to budget). The favourable forecast result is largely due to additional and carried forward grant funds, partially offset by reduced user fees. This is an early forecast which assumes that the community and associated City services will be able to return to a relatively active and engaged way of life. This will be carefully monitored as the year progresses.

The City remains low risk for the majority of the key VAGO financial sustainability indicators, with the exclusion of the adjusted underlying result ratio. As detailed in the 10 year financial plan, long term financial sustainability to resource current service delivery will require operational efficiencies and review of services. The City's 10 year Financial Plan is updated regularly to monitor the City's financial sustainability.

Cash holdings currently remain well above minimum required level – supported in part by delays in capital expenditure from last financial year and operational expenditure this financial year. An \$11M interest only loan is due to be repaid in November 2021. As at 30 September, rates collections are similar to prior years. There continues to be a relatively small number of rate deferrals in place in response to COVID-19 or other financial hardship.

The City's investment portfolio remains diverse in line with the investment policy. There is \$95M invested across seven different institutions. There is limited competition, with extremely low rates still in place. Interest rates are averaging 0.32% (this was 0.27% in Q4 and 0.58% in Q1 FY2019/20) across the portfolio, resulting in lower revenues. Currently 44.44% of investments are with institutions without fossil fuel interests. The City has continued to utilise other accounts in line with policy where interest rates available are favourable.

The future remains more certain now with the State's roadmap, though there are a number of compliance costs that service provision will need to adjust to over the coming year. There are also now a number of additional expenses forecast across contracted services and the City's capital program – including pools and ongoing negotiations around land use and permits.

As with last financial year, the City's finances require additional management over 2021/2022 to ensure essential services can continue to be provided safely.

Financial Performance Operating Results

	YEAR TO DATE				FORECAST			
	YTD Budget	YTD Actual	YTD Variance		Annual Budget	Full Year Forecast	Forecast Variance	
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	%
REVENUE								
Rates and Charges	132,935	131,755	(1,180)	(1%)	132,935	132,935	-	-
Statutory Fees and Fines	1,325	1,290	(35)	(3%)	5,429	5,358	(71)	(1%)
User Fees	7,275	5,586	(1,689)	(23%)	29,260	25,939	(3,321)	(11%)
Government Grants - Operating	6,754	7,741	987	15%	29,167	30,361	1,194	4%
Government Grants - Capital	7,113	11,266	4,153	58%	14,647	9,030	(5,617)	(38%)
Contributions - Monetary	725	823	97	13%	3,285	2,932	(353)	(11%)
Contributions - Non Monetary	-	-	-	-	15,225	15,225	-	-
Interest on Investments	94	65	(28)	(30%)	374	250	(124)	(33%)
Other Revenue (Internal)	7,526	7,887	361	5%	30,318	30,875	556	2%
Share of NCGRIC	24	-	(24)	(100%)	95	95	-	-
Total Revenue	163,770	166,372	2,602	2%	260,734	267,647	6,913	3%
EXPENSES								
Employee Benefits	18,018	17,427	591	3%	75,051	74,620	(431)	(1%)
Contract Payments, Materials and Services	21,666	19,224	2,442	11%	74,728	74,366	(362)	(0%)
Plant and Equipment Operating Expenses	1,824	1,501	322	18%	6,742	6,750	8	0%
Depreciation and Amortisation	10,766	10,536	230	2%	45,501	45,501	-	-
Borrowing Costs	410	443	(33)	(8%)	1,639	1,639	-	-
Plant, Infrastructure and Assets Held for Sale	-	(67)	67	100%	4,100	4,100	-	-
Bad Debts	84	(0)	84	100%	335	335	-	-
Other Expenses (Internal)	7,531	7,672	(141)	(2%)	30,338	31,103	765	3%
Total Expenses	60,298	56,735	3,563	6%	238,434	238,415	19	(0%)
Operating Result	103,472	109,637	6,165	6%	22,300	29,232	6,932	31%

Operating Result is a measure for accounting for an organisation's profit or loss for a given period. An Operating Result recognises all revenue and operating expenditure; it includes non-cash expenditure such as depreciation and non-cash revenue of donated assets.

YTD Actual vs. Budget Variances

User Fees: \$1.7M Unfavourable (23%)

The unfavourable result is largely due to COVID-19 restrictions and the effect on Bendigo Venues and Events and Safe & Healthy Environments. This is offset by the favourable savings in materials and services.

Government Grants- Operating: \$1.0M Favourable (15%)

The favourable result is due to the receipt of unbudgeted grants and a significant number of carry forward grants from last financial year due to lockdown restrictions limiting various programs.

Government Grants- Capital: \$4.2M Favourable (58%)

The favourable result is predominantly due to revenue recognition for projects from last financial year such as Bendigo Airport Terminal and Business Park, and Kennington Recreation Reserve.

Materials and Services: \$2.4M Favourable (11%)

The favourable result is predominantly due to the continued closures of Bendigo Art Gallery, Bendigo Venue and Events and Bendigo & Heathcote Visitors centres. Resource recovery year to date has seen a reduction in organics disposal costs and recycling contract collection costs. The EPA levy expenditure so far this year is also lower than budget, with an increased tonnage of waste transported to Patho.

Forecast Reserve movement

Rehabilitation of the former Wolstencroft landfill site is currently being undertaken as part of the master plan implementation to convert this former landfill into a passive / active community recreational facility.

Initial funding for this project was provided from the Reserve as part of the 2019/20 budget. The Reserve is the repository for accumulated waste fees and charges, which are only to be utilised to support Council's waste and resource recovery related expenditure, including rehabilitation of former landfill sites.

The most recent approved Reserve transfer for rehabilitation of the Site was up to a total of \$1.2 Million split over two financial years (\$1,050,000 in 2020/21 and \$150,000 in 2021/22). The budget allocation for this project was prepared using best available information at the time with respect to the required scope of works (detailed design) and available construction rates, however cost escalation during delivery has subsequently been observed due to increased actual market rates.

In the course of delivering the project, additional costs for bulk earthworks and materials associated with placement of the impermeable capping layer beyond the original allowances have been incurred. These costs have resulted in a total revised project forecast of approximately \$1.46 Million. Approval is therefore being sought for transfer of up to an additional \$300,000 from the Reserve to cover these additional costs.

Consultation/Communication

A review of the City's financial performance for the period 1 July 2021 to 30 September 2021 was undertaken by Council's Finance Committee, which is made up of all Councillors, on 8 November 2021.

Resource Implications

N/A

Attachments

N/A

14.6. Q1 - Community Plan Highlights

Author	Michael Smyth, Manager Business Transformations
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

To report to Council progress on the implementation of the Annual Plan initiatives for the 1st quarter of 2021 - 2022.

Summary

The City of Greater Bendigo Community Plan *Mir wimbul* contains Council's vision, values and direction for 2021-2025, which underpin the way the City manages and conducts its operations. The Annual Action Plan 2021-2022 supports this and details initiatives for the financial year. This document provides the highlights from the 1st quarter.

Recommended Motion

That Council note the progress of implementing Annual Plan initiatives for 2021-2022.

RESOLUTION

Moved: Cr Julie Sloan

Seconded: Cr Greg Penna

That the recommendation be adopted.

CARRIED

Policy Context

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

Background Information

The Council Plan is a critical document that guides the work of staff at the City of Greater Bendigo. The goals within this plan will help to deliver on the community vision to create a bright and happy future for us all as we prepare to support a population of 200,000 people by 2050. The Council Plan was adopted by Council on 18 October 2021.

Report

The Council Plan is a critical document that guides the work of staff at the City of Greater Bendigo. Following extensive community consultation, we have reaffirmed the community's priorities and staff look forward to delivering on these in partnership with Council. The goals within this plan will help to deliver on the community vision to create a bright and happy future for us all as we prepare to support a population of 200,000 people by 2050.

The Council Plan is based on seven outcomes, which are the main focus areas 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

Consultation/Communication

The community vision and values were developed by a dedicated community panel of 61 residents who were specifically chosen to complete this important work.

Resource Implications

N/A

Attachments

1. Annual Plan Summary Report - Q1 Highlights

Attachment 1 - Community Plan Q1 Highlights(1)



September 2021 Update

COUNCIL PLAN 2021-2025

Mir wimbul

*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 Council Plan is based on seven outcomes, which are the main focus areas of the Council Plan:

Outcome 1: Lead and govern for all

A community that works together to achieve our shared vision.

Outcome 2: Healthy, liveable spaces and places

A community where all people can live healthy, safe, harmonious lives in affordable and accessible settings.

Outcome 3: Strong, inclusive and sustainable economy

An inclusive, sustainable and prosperous community where all people can thrive.

Outcome 4: Aboriginal reconciliation

A community that recognises and respects Aboriginal people and culture and enables the self-determination of Traditional Owners.

Outcome 5: A climate resilient and healthy landscape

A regional community that enjoys a restored and thriving natural environment.

Outcome 6: A vibrant, creative community

A community that inspires a culture of creativity, activates its spaces, nurtures and supports talent, champions inclusion and access, and shows the world.

Outcome 7: A safe, welcoming and fair community

A community where people are respected, safe to participate in all aspects of community life and have equitable access to the resources they need.

Outcome 1: Lead and govern for all

- The City launched the new incoming phone and email management system which improves the experience for our customers when contacting us
- Resource recovery related permits, registrations and licenses have been updated to respond to the changes to the Environment Protection Authority legislation and regulations
- The masterplan for the Adam Street Depot redevelopment is nearing completion
- The program of community engagement for Councillors has been planned.
- A community survey has been completed and the new Domestic Animal Management Plan has been drafted

Outcome 2: Healthy, liveable spaces and places

- The Greater Bendigo Health and Wellbeing Governance and Capability Building Partnership proposal has been drafted and is out for consultation.
- The draft Healthy Facilities Policy has been drafted following community engagement.
- The Community Gardens Information Hub webpages has been established and is updated as needed.
- Procurement for Stage 2 of the Ewing Park development is underway
- The contract has been awarded and construction has commenced for the Catherine McAuley Sports Precinct development



Outcome 3: Strong, inclusive and sustainable economy

- Small Business Grants applications have closed and are being assessed.
- The project officer has been appointed to develop an investment prospectus for the City (Invest Bendigo) and Loddon Mallee region
- The trial for outdoor dining has been extended until April 2022
- Air conditioning and toilet upgrade works have been awarded to contractors for the upgrade works at the Bendigo Showgrounds
- The 100 Gig Bendigo and region business case is being finalised

Outcome 4: Aboriginal reconciliation



- The design and installation for the Djaara Lights Project is underway
- The first meeting of stakeholders has been held to support the development of the Dja Dja Wurrung Commercial and Cultural Centre
- Discussions commenced between City staff and Taungurung Land and Waters Council in September 2021 to finalise the Memorandum of Understanding
- The project to implement the findings of the Improving Aboriginal Procurement in Local Government was completed. An implementation plan is in place for the next 12 months to conclude with an evaluation of the project on scheduled for July 2022



Goal 5: A climate resilient and healthy landscape

- The Circular Economy and Zero Waste Policy has been developed.
- A survey is currently underway to explore the community's views on changing the frequency of organics and general waste kerbside collection
- Rehabilitation is under construction for the Eaglehawk landfill remediation Stage 1 works
- An expression of interest for glass disposal bins has been completed and is being reviewed

Goal 6: A vibrant, creative community

- Detailed design is in progress for the redevelopment of the Municipal Baths in Rosalind Park
- A program of heritage studies was presented at the Councillor Briefing in August
- Consultants have been engaged to undertake Bendigo City Centre Heritage Study - Stage 2 Precincts
- Bid prospectus advocacy documents have been developed by the Central Victorian World Heritage Bid Program Steering Committee.
- The first draft of the master plan and business case has been received for the Golden Dragon Museum Expansion

Goal 7: A safe, welcoming and fair community

- The City commenced a Gender Impact Assessment pilot in March 2021 which is expected to run until the end of the year.
- The development of the project plan for the Active Women and Girls Strategy Project is underway
- New Inclusive Communities Officer – Access and Equity has been appointed to strengthen community engagement with the LGBTQIA+ community
- The Draft Cultural Diversity and Inclusion Plan is being developed with strategic links to the Council Plan and Healthy Greater Bendigo Plan



Your Council

The City of Greater Bendigo is represented by nine Councillors, with three Councillors representing each ward.

Eppalock Ward

Deputy Mayor Cr Matthew Evans

T 4408 6694 M 0437 867 028
E m.evans@bendigo.vic.gov.au

Cr Margaret O'Rourke

T 4408 6692 M 0429 061 096
E m.orourke@bendigo.vic.gov.au

Cr Greg Penna

T 4408 6690 M 0429 721 958
E g.penna@bendigo.vic.gov.au

Lockwood Ward

Cr Dr Jennifer Alden

T 4408 6695 M 0499 005 735
E j.alden@bendigo.vic.gov.au

Cr Rod Fyffe OAM

T 4408 6688 M 0419 874 015
E r.fyffe@bendigo.vic.gov.au

Cr Vaughan Williams

T 4408 6696 M 0437 858 776
E v.williams@bendigo.vic.gov.au

Whipstick Ward

Mayor Cr Andrea Metcalf

T 4408 6697 M 0499 009 096
E a.metcalf@bendigo.vic.gov.au

Cr David Fagg

T 4408 6698 M 0437 892 918
E d.fagg@bendigo.vic.gov.au

Cr Julie Sloan

T 4408 6689 M 0437 862 975
E j.sloan@bendigo.vic.gov.au

15 Hopetoun Street, Bendigo T (03) 5434 6000
www.bendigo.vic.gov.au



14.7. Contracts Awarded Under Delegation December 2021

Author	Kylie Turner, Procurement Officer, Governance
Responsible Director	Andrew Cooney, Director Corporate Performance

Policy Context

Council Plan Reference:

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

- Outcome 1 - Lead and govern for all

Recommended Motion

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

RESOLUTION

Moved: Cr Rod Fyffe

Seconded: Cr Jennifer Alden

That the recommendation be adopted.

CARRIED

Attachments

1. Contracts Awarded

Attachment 1 - Contracts Awarded Under Contract Council Report December 2021

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000592	Albert Roy Recreation Reserve Tennis Court Replacement	A.S. Lodge (Vic) Pty Ltd	Craig Niemann	22/09/2021	\$534,885.00	15/12/2021	83174 \$656,000.00
CT000604	The Capital Theatre - Slate Roof Renewal	Paul Monro Roofing Pty Ltd	Craig Niemann	8/11/2021	\$484,193.00	30/08/2022	82646 \$513,000.00
CT000595	Ewing Park Sports and Community Hub Stage 1 - Court Bowl, Car Park & Paths Construction	Avard Civil Pty Ltd	Vicky Mason	29/10/2021	\$284,807.28	24/12/2021	83462 \$350,000.00
CT000601	Raywood Recreation Reserve Multipurpose Courts	APL Concreting Pty Ltd	Vicky Mason	15/11/2021	\$378,220.00	31/03/2022	82703 \$443,300.00
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Contract Term & Options	Budget (Annual)
CT000585	Essential Safety Measures (ESM) Independent Compliance Management Auditor	Australian Essential Services Group Pty Ltd	Brian Westley	30/09/2021	Schedule of Rates	Initial term - 3 years Option to extend - 2 x 2 years	Various operational accounts \$45,000.00
CT000593	Provision of Fire Prevention - Vegetation and Hazard Removal	H&R Consolidated Business Pty Ltd	Vicky Mason	16/09/2021	Schedule of Rates	Initial term - 1 year Option to extend - 2x 1 year	07005 \$50,000.00

14.8. Locality Boundary Report - Huntly/Bagshot

Author	Katelyn Stone, Coordinator Property Information
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to seek approval to proceed with the proposal to alter the locality boundary between Huntly and Bagshot.

Summary

A request to alter the locality name of properties in the Wakeman Road area from Bagshot to Huntly has been received from Regional Rail Victoria as part of the planning for the new Huntly Station. Attachment 1 provides a map of the affected area.

There are approximately 160 property owners and occupiers within the affected area. Most properties that would be affected by the proposed changes are vacant land.

Recommended Motion

That Council:

1. Approves to proceed with the proposal to alter the locality boundary between Huntly and Bagshot as outlined in the report
2. Recommends to Geographic Names Victoria to adopt the proposed locality boundary change between Huntly and Bagshot as outlined in the report
3. Writes to each of objectors to the proposed locality boundary change to thank them for their input, notify them of the recommendation Council will submit to Geographic Names Victoria and notify them of the appeal process.

RESOLUTION

Moved: Cr Julie Sloan

Seconded: Cr David Fagg

That the recommendation 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

Other Policy Reference:

Place Interpretation and Naming Policy

Naming rules for place in Victoria 2016

Background Information

The proposal came about as works for a new rail station, which has been informally named the *Huntly Station*, were set to commence in September 2021. The new station is located near Wakeman Road in the locality of Bagshot.

As part of the consultation process for the proposed locality change, all owners and occupiers received a letter outlining the proposal, and communication was posted at key locations adjacent to the affected area to inform the wider community.

The consultation period was open for 30 days with feedback for the proposed change lodged on the *Let's Talk* platform. A total of 137 submissions were received, with 127 of these in favour of the proposed locality change.

Previous Council Decision(s) Date(s): Councillors have previously noted that a request has been received from Regional Rail Victoria to alter part of the locality border between Huntly and Bagshot. Councillors discussed and provided advice on the proposal and the process to seek feedback from the community on the proposed boundary change has been completed.

Report

Council is a Naming Authority under the provisions of the Geographic Place Names Act 1998 and is required to resolve all geographic place names in the municipality, except for geographic places of state or national significance.

Section 3 of the Act defines "place" as any place or building that is, or is likely to be, of public or historical interest; including but not restricted to -

- township, area, park, garden, reserve of land, suburb, locality;

Any changes to the boundaries of suburbs, localities or place names should be in the overall public interest and not for private interest(s). All such changes should only be made after appropriate consultation with affected communities and appropriate authorities.

Geographic Names Victoria (GNV) has advised that, when naming a transport feature after a locality, it should be named after the locality in which it is situated. This is important for wayfinding for emergency services as well as local community connection. GNV have advised they would support the proposed name of Huntly Rail Station subject to the amendment of the locality boundary so that the station is formally situated within the locality of Huntly.

The notable boundary between the Huntly and Bagshot localities is Sherwood Road. This boundary bisects the Huntly Urban Growth Area and the new community current emerging within the development estates of *View Point* (west side) and *Provenance* (east side). Keeping the existing boundary will result in a lack of common identity within the community and was also an opportunity raised by developers over the past few years.

The proposed realigned boundary is intended to unify this growing Huntly community and also capture the current Urban Growth Zone land (south of Wakeman Rd) which is nominated for future residential development. This will result all land north of the railway line being within the locality of Huntly, including the new railway station.

The current Urban Growth Boundary includes a significant amount of land in Huntly, and small amount of land in Bagshot. The proposed suburb boundary change, if supported, would result in the suburb of Huntly being extended beyond the Urban Growth Boundary. Any suburb boundary change should not be misinterpreted as a Council position or support for any future development, rezoning or changes to the Urban Growth Boundary.

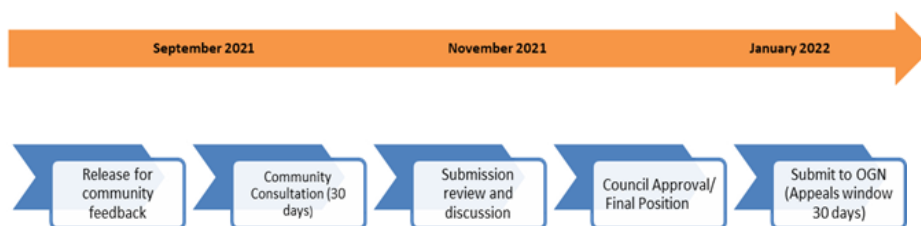
There are many suburbs within Greater Bendigo that have land both within and outside the Urban Growth Boundary.

The broader benefits of naming the new station Huntly Station supports both Council's Integrated Transport and Land Use Strategy, the Northern Corridor and Huntly Local Structure Plans and the Bendigo Metro3 Project. It will provide community identity, alignment with Australia Post and emergency management with the major streets that cross over the two suburbs. The affected area includes properties proposed to be subdivided for future residential development and farmland.

Options/Alternatives:

1. To proceed with the locality boundary change and commence the next stage.
2. To make no change to the locality boundary.

Timelines:



Progress:

Community consultation, submission review and discussion has been completed.

Risk Analysis:

Without a change, Geographic Names Victoria (GNV) will not support naming the station Huntly Station while it remains located in the suburb of Bagshot.

Consultation/Communication

Letters were sent directly to all property owners and occupiers within the affected area and posters were placed at Huntly Post Office. As a result of the communication we received 137 submissions via the Let's Talk community engagement platform, with 127 in favour of the proposed boundary change.

Internal Consultation:

Internal consultation undertaken with Rob Anderson, Acting Coordinator Development Contributions and the Executive Management Team on 31 August 2021.

External Consultation:

A sample of responses received in favour of the proposal were:

- The train station will be easier to identify if it belongs in Huntly
- I purchased land in Providence Estate on the pretext that it was Huntly
- It will improve unity and sense of community for the residence of Providence Estate to be in the same location as Viewpoint residents and;
- Public transport will be more accessible.

A sample of the responses against the proposal were:

- Keep the locality Bagshot, as it's part of the City's history and to keep the identity

- The location of the railway station was a mistake, and this is how it is being fixed and;
- It is only to appease the developers.

A detailed submission opposed to the change was received from one of the affected property owners. A summary of the submission is:

- The existing locality boundary complies with the OGN requirements and there is no issue with wayfinding in the area.
- A well-planned strategy is required to develop a new greenfield suburb called Bagshot rather than just extend Huntly which is already large.
- It seems the change is just to fulfil a State Government election promise to have a railway station in Huntly.
- The Urban Growth Boundary does not align with the proposed change.
- The Bagshot community is getting the raw end of the deal, and with future growth a railway station will be required in Bagshot as well as Huntly.

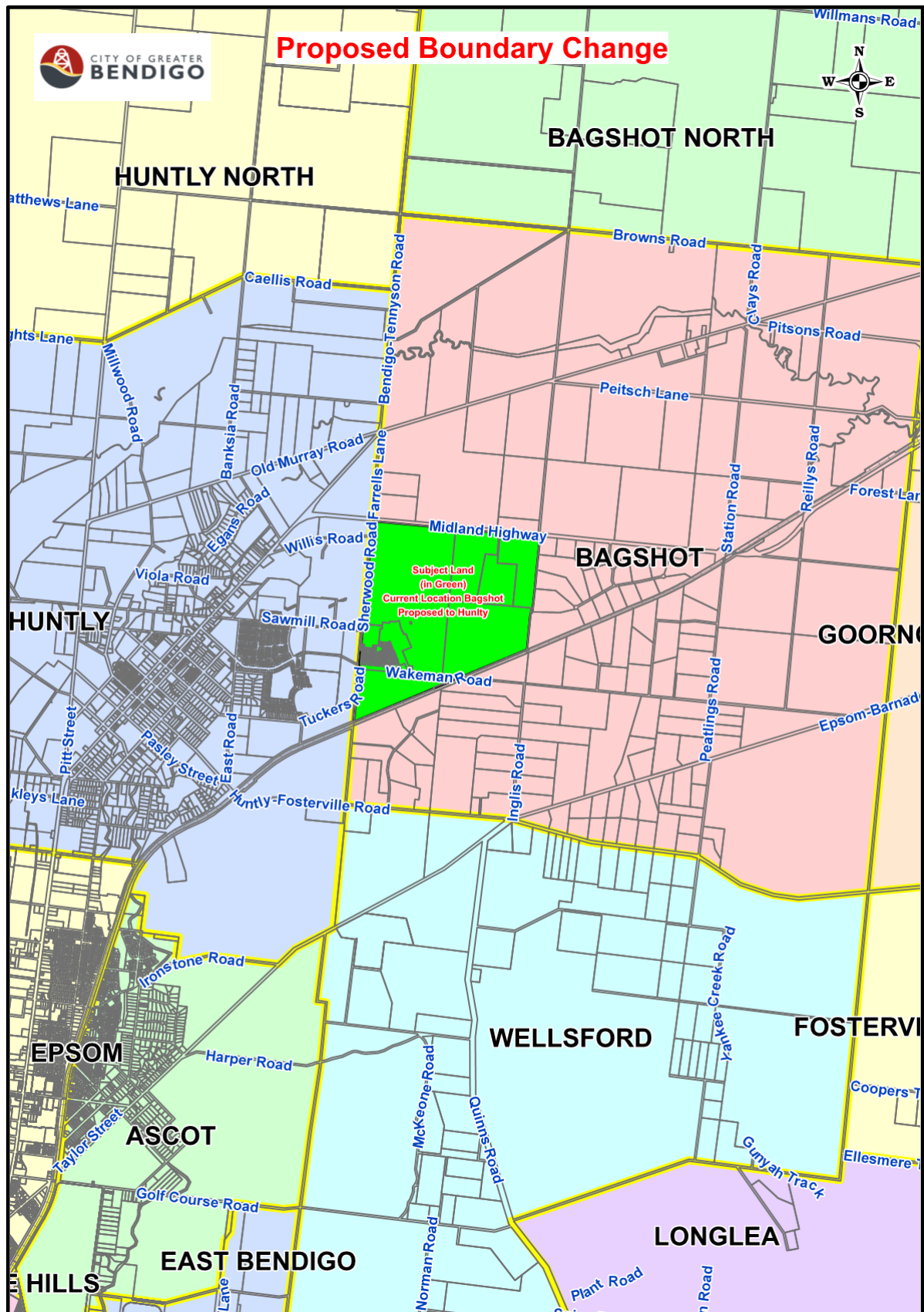
Resource Implications

Existing staff resources can carry out the necessary alterations to the City of Greater Bendigo property data base together with notifying affected property owners, residents and authorities.

Attachments

1. Bagshot Huntly Map Locality Boundary Change

Attachment 1 - Cr Briefing 29 November 2021 Locality Change - ATT 1 - Bagshot Huntly Map Locality Boundary Change



14.9. Revocation of the Film Policy

Author	Rohan Phillips, Arts Officer, Bendigo Venues & Events
Responsible Director	Steve Hamilton, Director Strategy and Growth

Purpose

This report seeks Council approval for the revocation of the *City of Greater Bendigo Film Policy*.

Summary

The Victorian State Government Filming Approval Act 2014 included the establishment of Film Friendly Guidelines, and came into effect on 1 March 2015. The purpose of the Act was to establish and promote film friendly principles for the issuing of film permits by public agencies, including the reduction of red tape by establishing a consistent approach to the approval of film permits by public agencies.

The *City of Greater Bendigo Film Policy* has been reviewed in line the above-mentioned legislation and it has been determined that a City of Greater Bendigo Film Policy is no longer required.

Recommended Motion

That Council repeal the City of Greater Bendigo Film Policy.

RESOLUTION

Moved: Cr Rod Fyffe

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

Primary Council Plan Reference:

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

- Accountable, financially responsible, equitable, transparent decision making
- 1.2 Commitment to innovation, systems improvement and learning; Enable a customer-focused approach that delivers efficient and responsive service.

Other Reference(s):

Arts and Creative Industries Strategy, *Greater CREATIVE Bendigo* - <https://www.bendigo.vic.gov.au/media/3463>

31 Develop a consistent and coordinated approach for the City to facilitate cultural and creative activity

- Develop an understanding of City processes in relation to cultural and creative activity and establish consistent processes for the whole of organisation

- Clearly show the community how to navigate Council and the City of Greater Bendigo processes and departments

Victorian State Government: Filming Approval Act 2014 -

<https://content.legislation.vic.gov.au/sites/default/files/2020-12/14-51aa007%20authorised.pdf>

Victorian Film Friendly Guidelines 2014 -
<https://content.legislation.vic.gov.au/sites/default/files/2020-12/14-51aa007%20authorised.pdf>

Background Information

Report

The existing *City of Greater Bendigo Film Policy* was adopted by Council in 2004. The aim of the Policy was to comply with State Government legislation designed to establish and promote film friendly principles for the issuing of film permits by public agencies.

In 2005 Film Victoria released its *Film Victoria Provincial Film Strategy* and their *Location Victoria* program was established to assist councils in marketing regional Victoria to filmmakers and provided councils with the necessary tools to manage productions effectively.

In 2006 the City of Greater Bendigo was successful in securing funding through Film Victoria to lead this work and employ a temporary Film Officer to work with several Central Victorian councils to develop the *Central Victorian Locations Library* (launched in 2007) and to develop a suite of resources to support, manage and attract film related activity across Greater Bendigo and the region. Through this designated role councils within the LGA consortia were enabled to refine their Film Policies, film permit processes and application guidelines.

The Central Victorian Locations Library was integrated into Film Victoria's locations Library in 2015.

The Victorian State Government Filming Approval Act 2014 included the establishment of Film Friendly Guidelines and came into effect on 1 March 2015. The purpose of the Act was to establish and promote film friendly principles for the issuing of film permits by public agencies, including the reduction of red tape by establishing a consistent approach to the approval of film permits by public agencies.

The *City of Greater Bendigo Film Policy* has been reviewed in line the above-mentioned legislation and it has been determined that a Film Policy is no longer required. In short, the process of applying for a film permit and the management of film enquiries and productions is embedded into everyday City of Greater Bendigo operations while meeting the obligations under the Act.

In the last five years there have been 50 permits issued, mainly for low-impact productions (corporate/promotional films, documentary and reality shows). In this time there have been two major productions requiring traffic management and other coordination: "The Road to Boston" (2020) and an advertisement for Asahi beer (2018). For these larger productions the Tourism and Major Events Unit, along with other City units were consulted and responsible for traffic management and other high impact elements.

Key principles in the Victorian Film Friendly Guidelines include timeliness, point of contact and standard forms, and the proposed process retains these principles.

Consultation/Communication

Before issuing permits, internal consultation includes the Tourism and Major Events Unit, Healthy Lifestyles Officer - Facilities Liaison and other City units (Parks, Parking, Risk, Airport) as deemed necessary.

Resource Implications

Nil

Attachments

1. City of Greater Bendigo Film Policy
2. Current Film Permit Procedure

Attachment 1 - City of Greater Bendigo Film Policy

City of Greater Bendigo, Film Policy



Burnewang Park, Elmore

FILM POLICY (Adopted by Council 16th August 2004)

The City of Greater Bendigo is one of Victoria's largest and most progressive regional municipalities with a population of over 100,000 people.

Located in the exact geographic centre of Victoria, only 90 minutes from Melbourne, Bendigo is a modern, thriving city with many places of interest to the film industry.

Bendigo boasts a mild climate, dry inland natural forests, acclaimed wineries, a rich array of streetscapes, natural environments and parklands. The City's natural heritage is its greatest physical asset. Parklands and open spaces along with the Bendigo National Park and historical buildings are in some demand as film locations. The City's architectural heritage reflects the built environmental and rich history of Bendigo, and together with its small towns and unique natural environment offers a great deal of potential to the film industry.

Filmmakers need to be responsive to the needs of the Jarra Jarra people, the original inhabitants of the Greater Bendigo region.

City of Greater Bendigo, Film Policy

BACKGROUND

There is recognition that a Film Policy be developed in response to interest from film producers for film locations within the City. The Policy's objective is to provide assistance to the film industry, provide a co-ordinated service to applicants and to balance and maintain residential amenity.

The City of Greater Bendigo issues permits, co-ordinates location bookings, maintains an overview of filming activity in the municipality and provides an information service.

City of Greater Bendigo's Community & Cultural Development Unit is a central contact point for film crews and liaises internally to ensure optimum traffic management, use of public and commercial spaces and Council facilities.

POLICY CONTEXT

Promotion and respecting the City of Greater Bendigo's identity. Filming on location provides a sense of authenticity and contributes to the cultural identity of the City. It does this by drawing on and making more visible; the sense of place, atmosphere, dynamism, diversity and vibrancy that our community experiences.

The City of Greater Bendigo enjoys a rich array of streetscapes, natural environments, parklands and heritage public & private buildings. Parklands and open spaces along with the Bendigo National Park and historical buildings are in some demand as film locations.

The City of Greater Bendigo has become regarded and sought after as a regional film location.

Demand for filming in the City of Greater Bendigo comes from a range of sources including film school students operating on no or very low budget productions to fully fledged commercial feature film productions. The range of work produced includes music video clips, documentaries, television commercials, television series and feature films.

OBJECTIVES

The Film Policy's objectives are:

- To encourage film and television producers to consider Greater Bendigo as a desirable location;
- Fostering an environment where arts, recreation, culture and knowledge are valued;
- To promote, facilitate and assist the work of the film and television industry within the City of Greater Bendigo;
- To promote the City of Greater Bendigo as a film-friendly and high quality filming location in Victoria;
- To actively work with other key government agencies, in particular Film Victoria and the Melbourne Film Office, and industry bodies to effectively

City of Greater Bendigo, Film Policy

promote the City of Greater Bendigo as a film-friendly destination with diverse and accessible locations;

- To promote the geographical accessibility and the environmental and heritage assets of the City of Greater Bendigo to the film and television industry;
- To respond to all enquiries relating to film and television production in an efficient and effective manner;
- To recognise the cultural, tourism and economic benefits and value derived from filming activity;
- To be included in the Arts & Cultural Strategy. The use of Greater Bendigo's locations presents, as well as builds on, the cultural identity and profile of our community. In so doing this activity further promotes the City of Greater Bendigo as a cultural hub and host for the arts and directly contributes to the achievement of the City's Arts & Cultural Strategy;
- To provide an indirect economic benefit by generating employment and sales;
- To provide a central contact person for the film industry with advice on the guidelines and procedures and evaluates and processes film location permit applications. The service encourages location managers and film producers to provide on-going information about filming activities and to budget adequately for film location fees;
- To contribute to the film industry's development; and
- To balance the amenity of residents and traders with those of the industry and promotes the City of Greater Bendigo.

VISION

To provide the best film location service in Australia which promotes the City of Greater Bendigo locations to the film industry and visitors.

SCOPE OF POLICY

This document provides guidelines for filming within the City of Greater Bendigo of:

- motion picture photography for television;
- feature films;
- advertisements;
- student film projects;
- documentaries;
- music videos; and
- commercial stills photography.

OUTCOMES

Implementation of this Policy will:

- Promote, facilitate and assist the work of the film and television community in the City of Greater Bendigo;
- Ensure that a balance between residential, trader and film industry needs is achieved;
- Promote the City of Greater Bendigo as the premier filming location in Victoria;

City of Greater Bendigo, Film Policy

- Enhance the reputation and profile of the City of Greater Bendigo through the co-ordinated high quality service offered;
- Contribute to building the reputation of the City of Greater Bendigo as a host to arts and cultural activity;
- Promote the geographical, environmental and heritage assets of the City to visitors;
- Minimise Council's risk of litigation, insurance claims and loss of its good reputation;
- Recognise the cultural and economic benefits and value derived from filming activity; and
- Document the people and places which are unique to the City and its history.

STRATEGIES

These outcomes will be achieved by:

- Maintaining, implementing and reviewing an effective and efficient process for the use of the Greater Bendigo for film and photographic purposes;
- Providing a high level of service which has the capacity to provide a quick and flexible response to film location permit applications;
- Developing and maintaining systems for provision of information and requests for service to the film community;
- Measuring the level of film activity to ensure minimum impact on residential and trader amenity;
- Communicating the notification of filming activity to residents and traders;
- Providing avenues for feedback from industry, residents and traders;
- Acting as an advocate for the City of Greater Bendigo as a prime film location; and
- Acting as an intermediary in the resolution of complaints arising from filming activity.

PERMITS

The City of Greater Bendigo's local laws provide guidelines for the use of roads, footpaths and other public spaces for filming activity. This activity is subject to Council's approval based on the film location application and evidence of adequate public liability insurance. Filming without a permit is subject to penalty.

The timeframe for the issue of permits correlates to the location and the activity's potential impact on the amenity of residents, traders and traffic. The permit application form and guidelines follow as Attachment A and B. An example permit follows as Attachment C.

City of Greater Bendigo, Film Policy

FEES

The City of Greater Bendigo ensures a friendly approach to attracting film and television production by the provision of a no fee policy for permit application processing.

It should be noted, however, that charges may be incurred for a Service Fee where Council personnel are required to present during filming or in relation to the provision of additional services and resources requested from Council.

Service Fee Waiver

Emerging film makers, students and projects of demonstrable community benefits are eligible for a fee waiver. This support is treated as sponsorship by the City of Greater Bendigo. The filmmaker is required to acknowledge the City in the end credits. Sponsorship must be requested in writing, and the Arts Office, Community and Cultural Development is delegated with the authority to approve the sponsorship. The location acknowledgment will read *Filmed in the City of Greater Bendigo* or *Thanks to the City of Greater Bendigo*

Criteria for Service Fee Waiver

Service Fee waivers may apply to:

- Projects of demonstrable community benefit;
- Projects related to charitable activities;
- Documentaries which are specific to the cultural heritage of the City of Greater Bendigo;
- Emerging producers and/or directors who have made no more than two films;

- Service Fee waivers will generally only be available once; and
- Service Fees will not be waived retrospectively.

SERVICES PROVIDED

The City of Greater Bendigo will:

- Provide a central contact person for all council related issues;
- Assist in sourcing locations to match script specifications;
- Facilitate and provide contact information for, but not limited to:
 - Police
 - Ambulance
 - Fire
 - Road Closures
 - Traffic Management
 - Signage
 - Rubbish Removal
 - Support services
 - Local community groups and organizations; and
- Facilitate street closures where major public interruption may occur.

City of Greater Bendigo, Film Policy

NOTIFICATION TIMETABLE

In order to maintain a balanced level of residential and trader amenity, filmmakers are required to notify in writing persons and businesses which may be affected by their presence.

The timeframe for this notification will be done in consultation with the Arts & Cultural Team Leader.

FILMING DURING REGIONAL EVENTS

The City of Greater Bendigo is a large regional city that incorporates many festivals and events on an annual basis, such events will have priority access to public spaces and facilities as per their normal requirements.

DELEGATION OF AUTHORITY

The delegation of authority for issuing permits and service fee charges rests with the Manager, Community & Cultural Development. In the event of a dispute or difference arising in the interpretation of this policy, the decision of the Director of Community Wellbeing shall be final and conclusive.

INSURANCE

All applications for a filming approval permit are required to provide evidence of appropriate public liability insurance cover through presentation of their Certificate of Currency prior to a permit being issued.

Film applications using the services of stunt performers are required to provide evidence of appropriate specialised risk insurance.

All filming activity must comply with common law.

PHOTOGRAPHY FOR PROMOTIONAL PURPOSES

The City of Greater Bendigo where possible, is entitled to photograph the crew during filming. All images will be used solely for promotional purposes to attract new production to the City of Greater Bendigo. Further consultation on this matter will be on a case-by-case basis.

COUNCIL REPRESENTATION AND ACKNOWLEDGEMENT

Council reserves the right to have a representative present on location with the Production Company during filming. The Filming Permit must be available to be evidenced at the film set at all times along with any amendments or alterations to the original permit.

Film credits and media publicity should acknowledge the assistance and co-operation of the City of Greater Bendigo and its community, in addition to giving credit to any town or specific location featured.

City of Greater Bendigo, Film Policy

INTERNAL LIAISON WITHIN THE CITY OF GREATER BENDIGO:

Inter-unit liaison requires communication with: the Executive Group, Risk Manager, Customer Services Manager, Marketing and Major Events, Tourism, Bencon, Economic Development, Local Laws, Parks & Natural Environment, Parking and Recreation.

Collaboration and effective communication are essential factors in providing a good service to the film industry. Internal liaison between all of these Units, to support filming activity, is essential in the provision of an efficient, effective service which develops and maintains excellent relationships between the film industry, Council, it's residents, traders and visitors.

DAMAGE TO COUNCIL PROPERTY

All costs associated with clearing litter and other waste generated by the activities and for any damage to parks, irrigation, roads and other Council property will be borne by the production company.

CONTACT DETAILS

Rohan Phillips, Arts Officer
Capital Venues and Events
City of Greater Bendigo
PO Box 733, BENDIGO VIC 3552

Telephone: 03 5434 6478
Fax: 03 5434 6199, TTY: 03 5434 6460
Website www.bendigo.vic.gov.au
Email: r.phillips@bendigo.vic.gov.au



Anglican Church, Axedale

City of Greater Bendigo, Film Policy



Sacred Heart Cathedral, Bendigo



Gas Works, Bendigo



Bendigo Bank Building

**For location images and information
go to the Film Central Victoria Website:**
www.filmcentralvictoria.com.au



Application Form: Permit to Film



Attachment A

GENERAL INFORMATION ABOUT FILMING IN THE CITY OF GREATER BENDIGO

1. The City of Greater Bendigo welcomes filming and photography opportunities.
2. The City of Greater Bendigo reserves the right to cancel any permit in the event of activities not being conducted in accordance with the Film Permit.
3. Filming is usually not permitted between midnight and 7.30am. Unless the Council approves a variation in writing, filming must only occur between the times specified in the permit.
4. The applicant must notify Police Victoria - Bendigo of their activities including any intended road closures, stunt activity, and use of firearms/weapons.
5. Before any tents or marquees are installed in Council parks or open spaces the applicant must advise and consult with Council to avoid damage being caused to Council infrastructure and assets.

BEFORE A PERMIT FOR FILMING WILL BE ISSUED THE FOLLOWING PRE-CONDITIONS MUST BE SATISFIED

1. A Certificate of Currency for public liability insurance cover must be provided indicating the following:
 - a) The interests of the City of Greater Bendigo are noted on the Certificate of Currency as principal;
 - b) The name of the insured on the policy is the same as the applicant;
 - c) The policy definition of the contractor's occupation on the Certificate of Currency is in accordance with the application;
 - d) The applicant must supply a copy of the exclusion clauses from the policy; and
 - e) The amount of cover held for filming must not be less than \$10 million and for commercial stills photography must not be less than \$5 million.
2. Time line of notification must be negotiated before filming commences. The permit holder must notify local traders and residents in the immediate vicinity, in writing, of the proposal to film and a copy of the notification must be provided to Council.
3. Notice must be given for reserved parking requests. Maps indicating the location and the number of parking spaces required.

Arts Officer, Capital Venues and Events
PO Box 733, BENDIGO VIC 3552

(i)

Application Form: Permit to Film



Attachment B

APPLICATION FOR A PERMIT TO FILM

PRODUCTION COMPANY:

Contact Person

NAME:

POSITION/TITLE:

ADDRESS:

P/CODE:

TELEPHONE:

EMAIL:

On-site contact on day of filming:

NAME:

POSITION/TITLE:

PHONE:

EMAIL:

LOCATION: (if more than one location, attach list)

DATE/S OF FILMING:

TIME OF FILMING*:

*(include bump in and bump out)

TITLE OF PRODUCTION:

- TYPE OF PRODUCTION:
- ☐ FEATURE FILM
 - ☐ TV ONE OFF OR SERIES
 - ☐ TV COMMERCIAL
 - ☐ SHORT FILM
 - ☐ STUDENT FILM
 - ☐ OTHER

Arts Officer, Capital Venues and Events
PO Box 733, BENDIGO VIC 3552

(ii)

Application Form: Permit to Film



DETAILS OF PROPOSED SHOOT

Please provide a brief summary or synopsis of the scene and/or activities:

ISSUES TO IDENTIFY (Please tick if applicable and attach Risk Management Plan)

Please indicate if the production will involve any of the following.

- ☐ Firearms/weapons (including imitation)*
- ☐ Amplified music or sound
- ☐ Other safety concerns*
- ☐ Stunts*
- ☐ May have environmental impact
- ☐ May cause offense or concern to the public.

*Confirmation of approval from Victoria Police or other state government agencies will be required with this application.

Are you proposing to use a remotely piloted aircraft RPA/drone/UAV?

- ☐ Yes / ☐ No

If yes, you will need to contact the Arts Officer and supply documents as requested.

(Information about about RPA use may be found on the City's website:
www.bendigo.vic.gov.au/Services/Bendigo-Airport)

Will the production require traffic management or pedestrian management?

- ☐ Yes / ☐ No

(Please note: If the production is disrupting traffic or pedestrian flow a Traffic Management Plan (TMP) or Pedestrian Management Plan (PMP) Incorporating a Risk Management Plan will be required).

Will the production need a unit base?

- ☐ Yes / ☐ No

If YES: Please add your unit base to your site plan/mud map to the attachments at the end of this document

Arts Officer, Capital Venues and Events
PO Box 733, BENDIGO VIC 3552

(iii)

Application Form: Permit to Film



NUMBER OF PRODUCTION VEHICLES: Trucks: _____ Cars: _____
Oversize vehicles (over 7.5 m long or over 4.5 tonnes) : _____

NUMBER IN CREW: _____

NUMBER IN CAST: _____

MAP OF PROPOSED PARKING FOR CREW VEHICLES: ☐ ATTACHED
STEPS TO BE TAKEN TO MINIMISE PUBLIC DISTURBANCE ☐ ATTACHED

PUBLIC LIABILITY INSURANCE

INSURANCE COMPANY: _____

POLICY NO: _____

EXPIRY DATE OF POLICY: _____

COPY OF INSURANCE POLICY ATTACHED: ☐

Signed for, and on behalf of the production company, who warrants that he/she is authorized to sign this application on behalf of the production company.

SIGNATURE: _____ **DATE:** _____

NAME: _____

POSITION: _____

RETURN THIS APPLICATION Arts Officer
FORM TO: Capital Venues and Events
PO Box 733
BENDIGO VIC 3552
TELEPHONE: 03 5434 6478

Arts Officer, Capital Venues and Events
PO Box 733, BENDIGO VIC 3552

(iv)

Application Form: Permit to Film



Attachment C

PERMIT FOR FILMING

APPLICANT:

PRODUCTION COMPANY:

TIME:

DATE:

LOCATION:

CONDITIONS:

1. Before any activity associated with filming commences, all activities must comply with any applicable Local Laws of the Council. All other necessary consents and approvals must be obtained and all other legislative requirements must be complied with.
2. All litter and other waste, produced in the area where the filming is occurring, must be disposed of by the permit holder.
3. Activities must not cause any damage to Council property including roads, open spaces and irrigation lines. The permit holder will bear the cost of any repairs.
4. The permit must be kept on the site by the permit holder and must be produced to an authorised officer of Council when requested to do so. Council is entitled to have a representative present at all times.

ADDITIONAL REQUIREMENTS:

APPROVED:

SIGNATURE:

NAME:

TITLE:

DATE:

OFFICE USE ONLY

SERVICE FEE:

Arts Officer, Capital Venues and Events
PO Box 733, BENDIGO VIC 3552

(v)

Application Form: Permit to Film



Attachment D

PROCEDURES TO WAIVE/ALTER FILMING CURFEW:

If a filmmaker wishes to film outside the usual hours that filming is permitted (ie between midnight and 7.30am), in some instances permission may be granted.

A request must be made to the City of Greater Bendigo at least two weeks before the intended date of filming.

The Manager, Capital Venues and Events will assess the impact of the filming on residential amenities, based on issues such as the size of the film crew, equipment to be used and residential density.

The filmmaker will provide information on measures to be undertaken to minimise disruption, and the reasons they consider the curfew should be lifted and City of Greater Bendigo will pass this information on, asking residents to respond, in writing by reply paid post or facsimile, if they have objections to the shoot taking place, or if there is a more convenient time or date for this activity to happen.

Once permission for the curfew to be lifted has been granted, the film maker is required to letter-drop the area to ensure that everyone is informed of the proposed activity. A designated member of the crew must be present at all times to respond to enquiries, liaise with residents and ensure that residential amenity is maintained.

Arts Officer, Capital Venues and Events
PO Box 733, BENDIGO VIC 3552

(vi)

Attachment 2 - Current Film Permit Procedure

**DOES requires a film permit:**

- Film, video, digital or other technology intended to be broadcast or publicly exhibited for commercial purposes

MAY NOT require a film permit

- Student films may not require a film permit, but students are encouraged to contact the Arts Officer, especially if the production involves more than six people (cast and crew) and/or is likely to impact on general community

DOES NOT require a film permit

- News/current affairs gathering
- Personal filming uploaded to internet sites
- Still photography*
- Filming of private events that occur on public land (eg. weddings, parties)*

* These activities do not require a film permit, but may require venue booking and/or risk assessment as determined by the Bookings Officer).

Timelines

As per the Filming Approval Act 2014, applicants will receive a response to their initial enquiry within 5 business days. To ensure there is sufficient time to process applications and manage any permissions or other requirements the following timelines apply.

Low Impact

- Six people or fewer (including all production crew and talent). No more than one camera and handheld sound recording equipment
- Enquiry must be submitted at **least 5 business days** before filming is expected to commence.

Medium

- Does not have any impact on the flow of traffic or significant pedestrian impact
- Enquiry must be submitted at **least 21 days** before you intend to start filming

Large

- Requires traffic management planning and/or significant pedestrian management
- Enquiry must be submitted at **least 8 weeks** before you intend to start filming

Film enquiry

Film enquiries are directed to the Arts Officer by phone on (03) 5434 6478 or by email at arts.info@bendigo.vic.gov.au

Bookings

The Arts Officer will contact the Bookings Officer to determine if venue booking is required. If a booking is required, the Booking Officer will contact the applicant.

Other units and authorities

If necessary, the Arts Officer will facilitate contact with other City units, eg. Parking, Parks, Bendigo Airport, Risk, Major Events[^]. The Arts Officer may require the applicant to contact other relevant authorities, eg. Victoria Police, Vic Roads, CASA. If asked to contact an external authority, evidence of permission must be attached to film application.

Public Liability Insurance

A Certificate of Currency for Public Liability Insurance cover must be provided, with the amount of cover held for filming not be less than \$10M.

Processing application

Once permissions have been received, the applicant will complete the City of Greater Bendigo Film Permit application, and unless there are any outstanding issues the Arts Officer will issue the film permit.

[^] If filming requires traffic management planning or significant pedestrian management, the City's Major Events unit will assist with co-ordinating contacts and logistics. Please note that responsibility of the actual Road Closures and Traffic Management Plan belongs to the film company.

For more information, please contact the Arts Officer on (03) 5434 6478 or arts.info@bendigo.vic.gov.au

bv&e



14.10. CEO Employment and Remuneration Policy

Author	Vanessa O'Toole, Manager People & Culture
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

To seek Council's endorsement of the Chief Executive Officer (CEO) Employment and Remuneration policy and the CEO Employment and Remuneration Advisory Committee - Terms of Reference

Summary

Under Section 45 of the Local Government Act 2020 (the Act) Council is responsible for the establishment of a CEO Employment & Remuneration policy. The policy outlines the way in which Council will manage the recruitment and appointment of the CEO, along with the approach to performance monitoring and performance reviews. Based on the timelines of the Act the policy must be endorsed by Council prior to December 31, 2021.

The policy also defines the mechanisms which will support Council in fulfilling its obligations regarding CEO employment and remuneration including the establishment of a CEO Employment and Remuneration Advisory Committee.

The Committee's Terms of Reference outlines the roles and responsibilities of the Committee including the requirement to appoint a suitably qualified Independent Advisor.

Recommended Motion

That Council approve:

1. CEO Employment and Remuneration policy
2. CEO Employment and Remuneration Advisory Committee Terms of Reference.

MOTION

Moved: Cr Margaret O'Rourke

Seconded: Cr David Fagg

That Council approve:

1. CEO Employment and Remuneration policy as updated and included with this report
2. CEO Employment and Remuneration Advisory Committee Terms of Reference as updated and included with this report.

CARRIED

Policy Context

Primary Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025: Lead and Govern for all

Other Reference(s):

Section 45, Local Government Act 2020

Background Information

The CEO Employment and Remuneration policy and the CEO Employment and Remuneration Advisory Committee Terms of Reference were presented to a Councillor Briefing on 26 April 2021 for review. The policy and Terms of Reference were updated based on the feedback received from Councillors.

Council, at its meeting on 24 June 2021, appointed Christine Mileham, Principal Consultant with Salcorp as the Independent Advisor to support the CEO Employment and Remuneration Advisory Committee for a three year period.

Report

Under various provisions of the *Local Government Act 2020* Council is responsible for the appointment of the CEO and reviewing the performance of the Chief Executive Officer (CEO) at least once each year (Section 45). The employment cycle, determining applicable remuneration and reviewing the performance of a CEO is a core responsibility of the elected Council. This includes the appointment of the CEO, determining the CEO's Performance Plan, assessing the CEO's performance against that plan and determining the remuneration of the CEO.

Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in line with the Local Government Act which mandates that Councils have an endorsed CEO Employment and Remuneration policy by December 31, 2021.

The Act also requires that independent advice is sought in respect to employment and remuneration matters. In line with this requirement, Council appointed Christine Mileham Principal Consultant with Salcorp as the Independent Advisor to support the CEO Employment and Remuneration Advisory Committee for a three year period in June 2021. In the role of independent advisor Ms Mileham will facilitate the CEO performance review process and provide advice to the Committee. The Terms of Reference for this Committee have been reviewed by Councillors and feedback has been incorporated into the revised documents.

Priority/Importance:

It is a requirement under the Local Government Act 2020 to have an endorsed CEO Employment and Remuneration policy by December 31, 2021.

Options/Alternatives:

Under the Local Government Act 2020 the City was required to endorse CEO Employment and Remuneration policy and to seek advice in respect to CEO employment and remuneration matters. Under the Act there was no requirement to engage an independent advisor or establish an applicable Advisory Committee. The composition of the Advisory Committee was considered by Councillors and it was determined that all Councillors would be members and the Mayor will Chair the Committee.

Timelines:

Policy to be endorsed by Council by December 31, 2021

Risk Analysis:

There is a legislative risk where the City does not have an endorsed CEO Employment and Remuneration policy by the date stipulated by the Local Government Act.

Consultation/Communication

Given the content and focus of the policy, consultation was undertaken with the CEO to provide an opportunity for feedback.

The policy was originally tabled at a Council meeting held on April 26, 2021. At this meeting Councillors provided feedback and recommended changes in respect to the policy and Terms of Reference. These changes have been incorporated in both the attached draft documents.

Resource Implications

The application of the policy requires allocated funding for the independent advisor. This allocation has been factored in as an ongoing budget item.

Aside from the independent advisor resourcing of the Committee will primarily supported by the Director, Corporate Performance and the Manager People and Culture.

Attachments

1. CEO Employment and Remuneration policy
2. CEO Employment and Remuneration Advisory Committee - Terms of Reference

CEO EMPLOYMENT AND REMUNERATION POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	13/12/2021
Review cycle:	4 Years
Review Date:	13/12/2025
Responsible Officer:	Manager, People & Culture
Owner:	People and Culture
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<p>Victorian Public-Sector Commission Policy on Executive Remuneration in Public Entities. Protecting integrity: Leading the way - Managing the Employment Cycle of a CEO, Local Government Inspectorate (Feb 2019)</p> <p>Legislation: Local Government Act 2020 (Vic)</p>
DOCSETID:	Click here to enter text.

1. INTRODUCTION

The City of Under various provisions of the *Local Government Act 2020* Council is responsible for the appointment of the CEO and reviewing the performance of the Chief Executive Officer (CEO) at least once each year (Section 45).

2. PURPOSE AND SCOPE

This policy is a requirement of the Local Government Act 2020 and outlines the way in which Council will manage the recruitment and appointment of its Chief Executive Officer, provides consistency for contract inclusions, performance monitoring and requirement for annual review.

This policy applies to activity undertaken by the elected Council and candidates or incumbents of the Chief Executive Officer position.

3. DEFINITIONS

Term	Definition
City	The Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020 (Vic).
Councillor	The individuals holding the office of a member of City of Greater Bendigo Council

Chief Executive Officer	The individual appointed by the City of Greater Bendigo Council to support the Mayor and Councillors in the performance of their roles, and ensure the effective and efficient management of the day to day operations of the Council
The CEO Employment and Remuneration Advisory Committee	Responsible for the recruitment of the CEO, determining the CEO's Performance Plan, assessing the CEO's performance against that plan and determining the remuneration of the CEO

4. PRINCIPLES

Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in accordance with the following principles:

- Decision-making processes that are fair, accessible and applied consistently in comparable circumstances.
- Decision-making criteria that are relevant, objective and available to the people subject to the decision.
- Decisions and actions that are conducive to ongoing good governance.
- Documentation that is sufficiently clear and comprehensive to render decisions transparent and capable of effective review.
- Employment decisions that are based on the proper assessment of individual's work-related qualities, abilities and potential against the genuine requirements of the role.
- Decisions to appoint new employees that are based on competitive selection, open processes, objective criteria, and has regard to gender equity, diversity and inclusiveness

5. POLICY

The employment cycle of a CEO is a core responsibility of the elected Council. This policy outlines the mechanisms which will support the Council in fulfilling its obligations regarding CEO employment and remuneration.

5.1 CEO Employment and Remuneration Committee

5.1.1 Establishment

The Council must establish a CEO Employment and Remuneration policy in accordance with s.45(2) of the Act. To oversee the implementation of the policy, Council will establish a *CEO Employment and Remuneration Committee (the Committee)*. The Committee will receive advice from an independent person, who is entitled to be remunerated for their work

5.1.2 Purpose

CEO Employment & Remuneration Advisory Committee (the Committee) is established for the following purposes which are:

- Guide the recruitment of the CEO.
- Developing the draft CEO Performance Plan.
- Assessing the CEO's performance against that plan.
- Making recommendations to Council on the remuneration of the CEO

5.1.3 Committee membership and chairperson

All councillors will be included in the membership of the Committee which will be chaired by the Mayor.

An independent advisor will also be a member of the Committee, a professional who is appropriately qualified who also undertakes an advisory role with the Committee.

5.1.4 Committee quorum and meeting frequency

A quorum of the chairperson and at least three other Councillors will be necessary to transact business of the committee. The Committee shall meet where required in accordance with the Committee's terms of reference, with authority to convene additional meetings, as circumstances require.

5.1.5 Secretariat Support

The Manager People & Culture will provide secretariat support to the Committee namely

- coordinating meetings of the Committee
- preparing relevant documentation including reports to Council and contractual documents
- maintaining appropriate records regarding performance reviews

5.2 Recruitment and Appointment of CEO

Council will engage an independent and suitably qualified recruitment firm to support it in recruitment and appointment of a CEO. The Committee will make recommendations to the Council when appointing a recruitment firm, determining the CEO selection criteria and developing the CEO contract.

5.2.1 Contractual Requirements

The CEO contract will at minimum outline

- the responsibilities of the position
- conflict of interest management requirements
- remuneration
- legislative obligations including those continuing after appointment
- processes for managing unsatisfactory performance or early termination

5.3 Remuneration and Expenses

5.3.1 Remuneration

The remuneration package provided to the CEO will be subject to the review of the CEO Employment Matters Committee. Remuneration will be reviewed annually in accordance with the CEO Performance review and contract requirements.

The Committee in consultation with the recruitment consultant will recommend setting an appropriate salary and conditions of employment based on industry benchmarks. The CEO remuneration package should be developed with consideration of Victorian Public-Sector Commission Policy on Executive Remuneration in Public Entities. In this respect, the package will be sufficient to attract, retain, and motivate senior executives of the quality required but avoid paying more than is necessary for this purpose.

5.4 CEO Performance Plan

The Council will adopt an annual performance plan for the CEO. The Performance Plan will be developed in conjunction with the CEO and CEO Employment and Remuneration Committee. The Performance Plan will document agreed objectives and outcomes to be delivered over a twelve-month period. The CEO will provide progress reports to the Committee at each review.

5.5 Contract Expiry

The Committee must make recommendation to Council six months prior to the expiry of the CEO contract and with regard to current legislation to

- reappoint the CEO
- advertise for recruitment the role of CEO.

6. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Council	<p>Appoint independent member to Chair CEO Employment and Remuneration Committee</p> <p>Conduct CEO performance reviews in line with adopted policy</p> <p>Where a vacancy occurs for the role of Chief Executive Officer initiate a recruitment process to fill this role with a suitable person</p>
Mayor	<p>Chair the CEO Employment & Remuneration Advisory Committee</p> <p>Liaise with the Independent Advisor in respect to the timing and approach to CEO quarterly performance reviews</p>
Manager, People & Culture	<p>Provide secretariat support to Council which facilitates the reports and documentation required under this policy</p>
Audit & Risk Committee	<p>Oversee adherence to the CEO Employment and Remuneration Policy. Oversee adherence to the Credit Card Policy for expenses incurred by the CEO</p>
Chief Executive Officer	<p>Actively engage in the development of the performance plan and CEO performance reviews including providing updates to the Committee.</p>
Independent Advisor	<p>Selected by the Committee to undertake an advisory role in respect to CEO employment and remuneration matters. The Independent Advisor will also serve as a Committee member</p>

7. RELATED DOCUMENTS

Relevant documents and/or resources which are available as outlined below. These include:

- CEO Contract template
- Terms of reference CEO Employment & Remuneration Committee

Further information or advice on this policy should be directed to People and Culture

8. HUMAN RIGHTS COMPATIBILITY

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

9. ADMINISTRATIVE UPDATES

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

10. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>May, 2021</i>	<i>VOT</i>	<i>People & Culture</i>	<i>Develop initial</i>	<i>1</i>	
<i>December 2021</i>	<i>VOT</i>	<i>People & Culture</i>	<i>Revise based on Council feedback</i>	<i>2</i>	<i>December 2025</i>

**CEO Employment and Remuneration Advisory Committee
Terms of Reference**

Classification	Terms of Reference
Delegation	The CEO Employment and Remuneration Advisory Committee 'the Committee' has no delegated authority. Its role is to make recommendations to the full Council on the appointment, performance review and remuneration of the Chief Executive Officer.
Scope	<p>The purpose of the Committee is:</p> <ul style="list-style-type: none"> To recommend the appointment and contractual matters concerning the Chief Executive Officer position. In accordance with the <i>Local Government Act 2020</i> recommend to Council the Chief Executive Officer performance review outcome.
Function	<p>The Committee does not have delegated powers or authority to make decisions or implement actions unless so resolved by the Council on a case by case basis. The Committee has the responsibility for recommending and advising the Council on:</p> <p>a) Matters relating to the CEO or the person to act as the CEO, including, but not limited to, the following;</p> <ul style="list-style-type: none"> CEO selection criteria CEO recruitment process The appointment of the CEO or person to act as the CEO Remuneration and conditions of appointment of the CEO or person to act as the CEO Extension (i.e. reappointment) of the CEO or person to act as the CEO <p>b) The conduct of performance reviews of the CEO and make any recommendations to Council as a result of the review.</p> <p>c) The selection and appointment of an executive recruitment organisation to support the CEO recruitment and appointment process.</p> <p>d) The performance of any other prescribed functions or responsibilities stipulated under the Local Government Act 2020 and relevant Regulations.</p>
Membership and chairperson	<p>The Committee comprises of:</p> <ul style="list-style-type: none"> All Councillors An independent professional advisor (the Advisor) with appropriate professional experience in employment related matters <p>The Advisor</p> <p>The Advisor will be appointed for a three-year term with an option for a further three-year term by mutual agreement between the Advisor and Committee. The Advisor cannot be a Councillor or member of Council staff.</p>

	<p>The Advisor will be paid a fee and will be appointed by the City.</p> <p><i>The Chair</i></p> <p>The Mayor will act as Chair for the Committee meetings.</p>
Secretariat	<p>The Manager People & Culture provides both advice and administrative support to the Committee, including:</p> <ul style="list-style-type: none"> • Coordinating meetings of the Committee • Preparing relevant documentation including reports to Council and contractual documents • Maintaining appropriate records regarding performance reviews <p>The Advisor shall undertake secretariat functions when the Committee meets in camera.</p>
Term of the Committee	Ongoing
Meeting frequency and time commitment	<p>The Committee will develop and agree on a schedule of meetings to coincide, where possible, with relevant contractual dates and Council reporting deadlines.</p> <p>It is anticipated that this will consist of four meetings per annum, but with a minimum of one mid-year and one end-year performance review.</p> <p>The Committee shall have the authority to convene additional meetings, as circumstances require.</p>
Voting rights	<p>A motion before the Committee is to be determined as follows:</p> <ul style="list-style-type: none"> • Each member present is entitled to one vote • Voting must not be in secret • The motion is determined in the affirmative by a majority of members present • An abstention from voting is to be taken to be a vote in the negative • Voting shall be by a show of hands • The Chairperson must declare the result of the motion • Any member may request a division, in which the process described in section 13.3 of the Governance Rules shall apply, excepting where reference to "Councillor" shall be read as "member" and the record shall be undertaken by the Advisor • In the event of a tied vote, the Chairperson must exercise the casting vote
Quorum	A quorum shall be not less than half the total number of elected Councillors.
Reporting	Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting as a confidential item for consideration.
Conduct of members	Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.
Conduct of meetings	Meeting agendas will be prepared and provided at least five (5) working days in advance to members, along with appropriate briefing materials.

	<p>Minutes will be prepared and distributed to the Committee within five (5) working days of the meeting for approval at the next meeting.</p> <p>The following provisions will apply to all meetings of the Committee:</p> <ul style="list-style-type: none"> • Only Committee members are entitled to attend meetings; • The Committee may invite, or require, any person/s to attend meetings, as it deems necessary.
Role of the Committee	<p>The primary responsibility of the Committee is to fulfil its responsibilities in relation to employment matters of the Chief Executive Officer. In that context the Committee has the following functions and responsibilities:</p> <p><i>Recruitment and Contract recommendations</i></p> <ul style="list-style-type: none"> (a) Provide advice to Council on the engagement of an executive recruiter and the steps in the recruitment process and recruitment timeline; (b) Act as a point of liaison between the Council and any appointed executive recruiter; (c) Coordinate the review of the CEO's Position Description and associated recruitment documentation; (d) Undertake any aspects of the recruitment and appointment process agreed to by the Council; (e) Make recommendations to the Council on remuneration and other conditions of employment. <p><i>Acting arrangements for the CEO</i></p> <p>Provide advice to Council on any appointment to act as CEO for any term of greater than 28 days (recommendations for terms less than 28 days will be made directly by the CEO to the Council for resolution).</p> <p><i>Performance Review</i></p> <ul style="list-style-type: none"> (a) Coordinate the CEO performance review process, having sought input and feedback from all members of the Council; (b) Make recommendations to the Council on annual performance criteria; (c) Make recommendations to the Council on annual remuneration review, or the review of any other terms and conditions of the employment contract. <p><i>Contract Expiry</i></p> <p>Make recommendations to Council, having sought input and feedback from all members of the Council, on options within six months of the expiry of the CEOs employment contract which could include:</p> <ul style="list-style-type: none"> • Reappointment of the CEO; or • Early termination of the contract where warranted; or • To terminate in accordance with the contract.

Contact details of committee	Vanessa O'Toole Manager, People & Culture
Terms of Reference Approval	December 2021
Review of Terms of Reference	December 2021
References	<i>Local Government Act 2020</i> <i>CEO Employment and Remuneration Policy</i> Councillor Code of Conduct

15. HEALTHY, LIVEABLE SPACES AND PLACES**15.1. 54 Mitchell Street, Bendigo 3550 - Display an Electronic Promotion Sign and Promotion Sign; and External Alterations to Existing Building**

Author	Adele Hayes, Statutory Planner
Responsible Director	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application details:	Display an electronic promotion sign and promotion sign; and external alterations to existing building
Application No:	DA/462/2021
Application Documents	Application Documents
Applicant:	Regional Billboard Co.
Land:	54 Mitchell Street, BENDIGO 3550
Zoning:	Commercial 1 Zone Road Zone 2
Overlays:	Design and Development Overlay 5 Parking Overlay 1
No. of objections:	1
Consultation meeting:	No formal meeting as the City was unable to make contact with the objector.
Key considerations:	<ul style="list-style-type: none"> Whether the proposal provides an acceptable response to the site context and relevant planning policy context, in particular Clause 22.29 and 52.05. The views of the Victorian Civil and Administrative Tribunal (VCAT) concerning electronic promotion signs.
Conclusion:	The application is not in accordance with the Greater Bendigo Planning Scheme. It is recommended that Council refuse to grant a permit as the proposal is not consistent with the aspirations of Clauses 22.29 and 52.05 and would result in unreasonable impacts on amenity, character and the visual appearance of the area.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for display an electronic promotion sign and business identification sign; and external alterations to existing building at 54 Mitchell Street, BENDIGO 3550 on the following grounds:

1. The proposal is not in accordance with the objectives and policy of Clause 22.29 of the Planning Scheme.
2. The proposal is not in accordance with the purpose and decision guidelines of Clause 52.05 of the Planning Scheme.
3. The proposal does not appropriately respond to the context of the site and surrounding area and would result in unreasonable impacts on amenity, character and the visual appearance of the area.

RESOLUTION

Moved: Cr David Fagg

Seconded: Cr Jennifer Alden

That the recommendation be adopted.

CARRIED

Policy Context

Council Plan Reference:

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

- Outcome 2 - Healthy, Liveable Spaces & Places

Attachments

1. Planning Assessment

Attachment 1 - Planning Assessment - 54 Mitchell Street, Bendigo 3550

PLANNING ASSESSMENT REPORT

Background Information

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

The applicant provided additional justification in support of the application, however it is noted that no changes were made to the proposal. The justification is considered to be insufficient to support the proposal, as discussed below.

In light of the recent VCAT Order in which the Tribunal directed Council to issue a planning permit for a similar sign at 4 Wills Street, Bendigo, the application was discussed before the Delegated Panel in order to determine the appropriate recommendation. The Delegated Panel unanimously resolved to proceed to a Council Meeting with the recommendation for refusal. The reasons for this recommendation are discussed in detail below.

Report

Subject Site and Surrounds

The site comprises of one lot which is formally referred to as Lot 1 on SP 27585 and is located on the corner of Mitchell Street and Queen Street. The site is irregular in shape with an area of 212 square metres. The site has a north-eastern frontage to Mitchell Street of 6.34 metres, a north-western frontage to Queen Street of 24.05 metres and a corner splay of approximately 2 metres facing the intersection.

The site contains a two-storey commercial building which is currently occupied by a retail premises (Clearskincare Clinics). The building features a recessed corner entrance fronting the intersection. The lower level of the building is almost entirely glass, designed to be visually permeable. The upper floor also features a series of windows across both elevations. A canopy extending across the footpath runs the entire length of the Mitchell Street and Queen Street frontages.

Advertising signage on the building comprises of the following:

- A 2.4 square metre business identification sign located on the upper level corner façade.
- A 1.3 square metre business identification sign located on the lower level corner façade.
- A 1.3 square metre business identification sign located on the lower above the entrance on Queen Street.
- A 2.08 square metre internally illuminated business identification sign located under the awning along Mitchell Street.
- 6 x 2.1 square metre business identification signs located on the windows along both the Mitchell Street and Queen Street elevations.

It is also noted that additional promotional signage is displayed across the windows, and an electronic promotion sign (outward facing TV screen) is displayed within the Mitchell Street window.

The site is strategically located within the City Centre on the south-western corner of the intersection of Mitchell Street and Queen Street. Mitchell Street is a Road Zone Category 2 road (sub-arterial road), and Queen Street is classified as a collector road.

The surrounding area is characterised primarily by commercial and retail premises. Built form comprises of a mix of single and two-storey buildings, with signage in the surrounding area primarily consisting of business identification signage located on parapets, facades, windows and under awnings/verandahs.

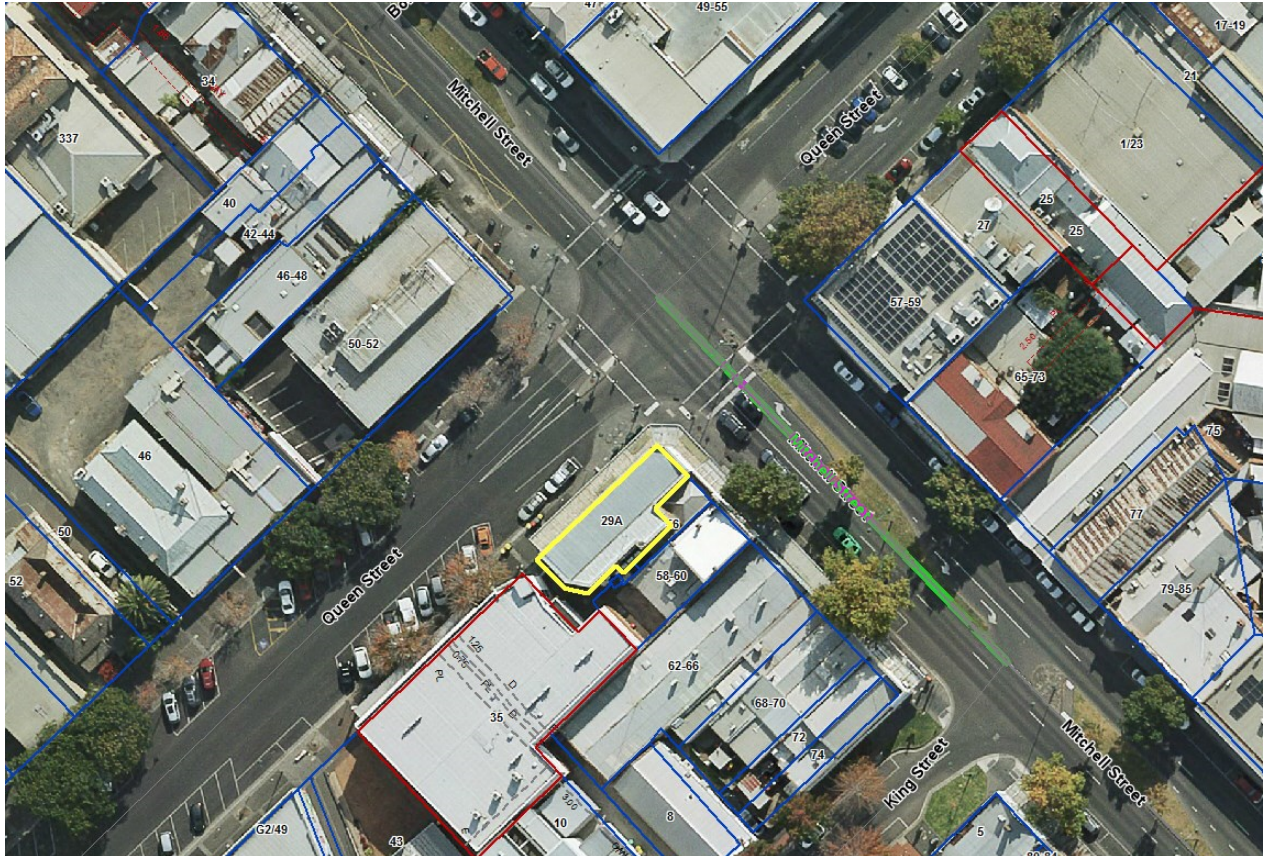


Figure 1: Aerial map showing subject site.



Figure 2: Photograph of subject site as viewed from the Mitchell Street and Queen Street intersection.

Proposal

The application proposes to display a 17.2 square metre electronic promotion sign which comprises of three display faces which are 6.24sqm, 4.72sqm and 6.24m in size respectively. The sign is proposed to wrap around the upper floor corner splay of the building, with the display faces located across the northern, north-eastern and north-western facades of the upper floor of the building.

The sign would be situated on the first floor façade of the building, above the canopy. The sign would sit 5.8 metres above ground level and have a maximum height above ground level of 7.88 metres.

The sign would be internally illuminated by LEDs installed within the face of the sign and would operate with static advertising. Each image on the sign would have a dwell time of 30 seconds.

Works are proposed to the upper floor façade surrounding the corner in the form of increasing the height of the façade by 2 metres in order to allow the building to hold the proposed sign.

A secondary 1.1 square metre (0.85m x 1.3m) promotion sign is proposed to be located below the electronic promotion sign on the upper floor corner splay, fronting the intersection. The sign would read 'gawk' to promote the signage company displaying the proposed electronic promotions sign.

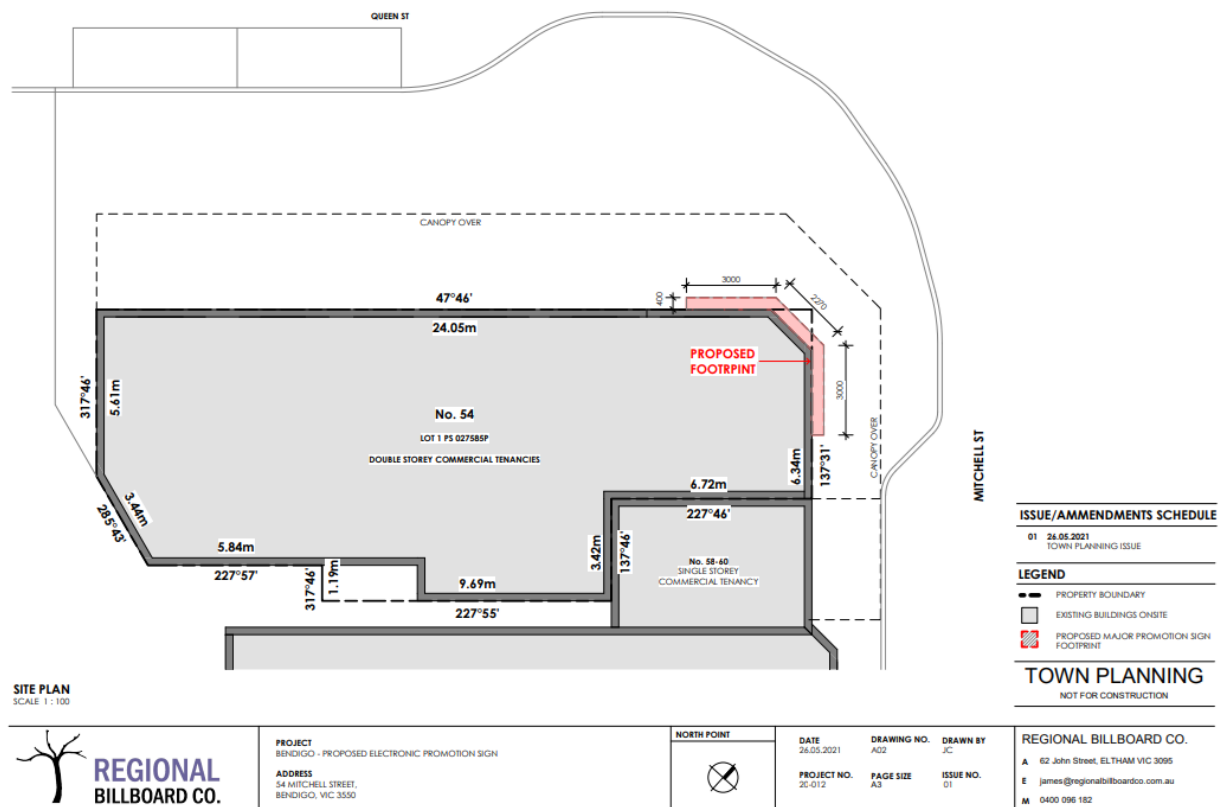


Figure 3: Site Plan showing location of proposed electronic promotion sign.

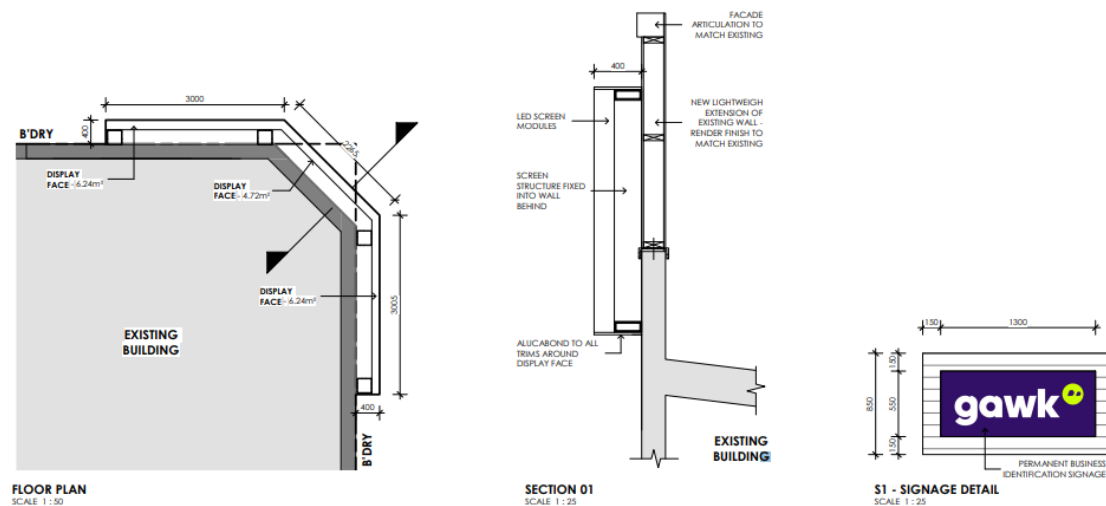


Figure 4: Floor Plan and Section Plan of proposed electronic promotion sign, and details of promotion sign.



Figure 5: Elevation Plans of proposed signage



Figure 6: Perspectives.

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.03-6S Regional and Local Places
- Clause 15 Built Environment and Heritage
- Clause 15.01-1S Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 17 Economic Development

Municipal Strategic Statement

- Clause 21.02 Key Issues and Influences
- Clause 21.07 Economic Development
- Clause 21.07-1 Economic Growth
- Clause 21.07-2 Activity Centres

Local Planning Policies

- Clause 22.29 Advertising and Signage Policy

Other Provisions

- Clause 34.01 Commercial 1 Zone
- Clause 52.05 Signs
- Clause 65 General Decision Guidelines
- Clause 73.02 Sign Terms

Consultation/Communication

Referrals

The following internal department has been consulted on the proposal:

Referral	Comment
Traffic & Design	No objection subject to conditions relating to the location, construction and control of advertising content.

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, 1 objection was received, with the grounds of objection being:

- Heritage impacts – visibility from areas of heritage significance.
- Not consistent with the decision guidelines of Clause 52.05 (Signs) with regards to character, visual amenity, impacts on streetscape, non-site responsive design.
- Traffic concerns – lack of consultation with a suitably qualified traffic consultant.
- Safety concerns with the sign overhanging the public domain.

The objector resides within the Mount Alexander Shire and did not provide a phone number or email address. Formal correspondence was sent to the objector via post on 7 September 2021 advising that the City was looking to schedule a consultation meeting between all parties to discuss the issues. Given that no phone number or email address had been provided, it was requested that the objector make contact with the City via phone or email as soon as possible so that a consultation meeting could be scheduled. No response was received.

Given the above, the applicant provided a written response to the issues raised within the objection, for the City's consideration.

Sign Terms

Clause 73.02 of the Planning Scheme defines an electronic sign as follows:

"A sign that can be updated electronically. It includes screens broadcasting still or moving images."

Clause 73.02 of the Planning Scheme defines a promotion sign as follows:

"A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited".

Planning Assessment

The key issue for consideration is whether the proposal provides an acceptable response to the site context and relevant planning policy context. In weighing up this issue and all other relevant matters, the City is of the view that the proposal fails to appropriately respond to the existing built form, streetscape character and policy context. The reasoning for this is discussed below.

It is important to note from the outset that the City does not hold concerns in relation to the extension of the parapet. The external works have been designed to complement the existing building and are consistent with the height of adjoining and surrounding buildings. The site is not affected by a Heritage Overlay and the works are considered to be an acceptable built form outcome.

Site Context

At the most basic level, a key urban design principle is to require development, including signs, to respond to its context.

The site is located within the City Centre (Bendigo Activity Centre). The Bendigo City Centre Plan (adopted by Council on 6 May 2020) recognises the City Centre as having a rich heritage and culture which is integral to our future and must be embraced as part of the City's evolution. It recognises the way the City's many heritage buildings and civic spaces work together to create the rich character of Bendigo, and the distinguishing European city look and feel. The Plan notes that:

"Bendigo's City Centre stands out. It looks and feels different to any other part of the municipality. The influence of the public realm in making this difference is critical, but not obvious; and found in the understates and uncomplicated elegance. This is achieved by a carefully considered assembly of physical elements – materials, fixtures, plantings and design standards – which work together to subtly enrich the public setting and amenity of the City Centre".

These are the defining features that make Bendigo unique and a popular tourist destination, and which need to be protected from inappropriate development.

A key theme within the City Centre Plan is 'Designing a high quality environment', with 'a defining, unified character' identified as a key principle in which to support this theme. The Plan specifically highlights the need to 'manage the excessive or insensitive use of cluttering elements such as signs that may detract from the quality of the public realm'. Therefore, the ongoing management of the design, visual quality including signage, and use of commercial buildings and the way they complement the streetscape and city centre image is important.

In terms of urban design characteristics and layout, this part of Queen Street and Mitchell Street is characterised by a mix of single and two-storey buildings, many of which are original. Whilst a number of these buildings have been modified, the streetscape maintains a consistent built form with regards to setbacks, the scale of buildings, design detailing etc.

Due to its location within the Bendigo City Centre, signage in the immediate surrounding area is commonplace but does not present as overly dominant. Signage comprises of predominantly business identification signage, most of which is of a relatively modest scale for a commercial area. There is very little promotional signage present within the immediate surrounding area and there are four small-scale electronic promotion signs along Mitchell Street which are lawfully displayed.

Signage in the surrounding area is located on parapets, façades, windows, awnings and under awnings/verandahs. Both Mitchell Street and Queen Street are areas of high foot traffic and a low vehicle speed and as such existing advertising signage is concentrated at eye level (lower level facades, on awnings, windows etc.), with the location reflective of the movement of pedestrians and vehicles throughout the city centre.

The applicant's submission states that they have carefully selected the subject site and designed the proposal to create a positive outcome for the site. Giving consideration to the context of the site and surrounding area, planners are not persuaded by this argument.

Policy Context

It is evident that the Bendigo City Centre has a distinct built form which is the result of a rich heritage and culture. Planning policy is an important tool in order to protect such locational attributes and a particular built form.

Whilst there is limited guidance with respect to advertising signs within the Planning Policy Framework, there are broader themes which are relevant to the consideration. It is evident that broader State planning objectives seek to achieve urban design outcomes that positively contribute to local character and maintain a quality public realm.

Advertising signs play an important role in the built environment. Signs have a significant impact on the public realm and the quality of the streetscape and the building with which they are visually associated.

The site is located within the Commercial 1 Zone, for which signage controls are Category 1 – minimum limitation. This category of signage has the purpose to provide for identification and promotion signs and signs that add vitality and colour to commercial areas. Both electronic and promotion signs are permitted in this zone, subject to obtaining planning approval.

In considering the appropriateness of signage in commercial areas it is important to balance the needs of businesses and organisations to be identifiable and attract clients through advertising, along with the visual amenity of the building and area.

As way of background to the current policy context, the City's local signage policy at Clause 22.29 was introduced as part of Amendment C158 in 2015 to introduce a policy to encourage advertising to have a balanced impact on the amenity of the building and the area.

Clause 22.29 includes the following objectives:

- *To provide for the needs of business to advertise.*
- *To encourage the placement, style and scale of advertising that complements the character, area and individual place.*
- *To encourage the rationalisation of advertising to reduce the cumulative amenity impacts in the public realm.*
- *To encourage active street frontages and visual links to businesses and shop fronts to maintain pedestrian activity and passive surveillance.*
- *To maintain and enhance the appearance of streetscapes and heritage areas by encouraging well designed and located signage and advertising.*

The display of advertising signs is further regulated through Clause 52.05 which includes the following purposes:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Collectively, the policies seek to regulate the development of land for signs and require careful consideration to be given to a detailed list of decision guidelines in order to determine the appropriateness, as follows:

- *Whether the advertising meets the objectives of this policy.*
- *Whether the proposed advertising for the site is proportional to the frontage of the site and building.*
- *Whether the proportion, placement and style of advertising contributes to the site and area.*
- *Whether the scale, placement and style respects the character, built form and architectural qualities of the place.*
- *The character of the area.*
- *The relationship to the streetscape, setting or landscape:*
 - *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
 - *The relationship to the site and building.*
 - *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
 - *The impact of any illumination.*
 - *The impact on road safety.*

These policies require the consideration of the building, site character and heritage of the area when deciding whether to grant a permit for an application for advertising. This is anticipated to further protect the City's built form, heritage streetscape and neighbourhood character areas.

Clause 22.29 states that it is policy to discourage advertising which is not related to activities conducted on the site and electronic signs along Road Zones. The proposed electronic promotion sign and promotion sign is not in accordance with these policy aspirations.

The applicant has argued that Clause 22.29 seeks to prohibit signage of this nature. Whilst the City acknowledges that this policy is firm, there is very good reason for this. The distinct character and nature of Bendigo, as discussed above, is such that there would be very few instances in which an electronic promotion sign of this nature would be acceptable. Despite the policy's clear purpose, it does not intend to provide a complete prohibition on certain types of signage.

This is illustrated in the approval of four small-scale electronic signs in the surrounding area within the last 5 years since the policy was introduced. In each case, the proposal was assessed on its merits and found to be an appropriate response to the relevant policy framework. It is also the case that promotion and major promotion signs have been approved elsewhere within the municipality, with each of those applications having been determined based on its merit and determined to be appropriate in such instances. Each application is determined based on its merit, giving consideration to the physical context of the site and surrounding area and the relevant planning policy context.

Given that the proposal is for a promotion sign (as opposed to a business identification sign) it is evident that the intent of the proposal is to advertise an array of material which is not related to the business on the site. Whilst the applicant has argued that such signs are a legitimate and lawful land use and typically 50% of the advertising content is for businesses located within a 5km radius of the sign, if approved the City would have no control over the content of the sign. This is contrary to the above policy objective. Whilst it is appreciated that promotion signs can help grow local businesses through advertising, such signage must be appropriately located.

Mitchell Street is classified as a Road Zone Category 2. Whilst the policy does not provide any further policy direction with regards to discouraging electronic signs along Road Zones, one can assume that this is in relation to matters of dominance or appearance and road safety.

Preliminary concerns were raised with the applicant with regards to road safety, noting that it was unclear in the absence of a report prepared by a suitably qualified traffic consultant as to whether the electronic promotion sign would result in a road safety hazard. It is also noted that the objector raised this concern. The applicant advised that they typically rely on the Department of Transport (DoT) for their assessment of proposals of this nature. Given that Mitchell Street is a Road Zone Category 2, no referral to DoT is required. The applicant has suggested that the implementation of the standard DoT conditions on a permit would ensure that the proposal would not result in any adverse impacts on road safety. Whilst the City expressed a level of concern in relation to traffic safety impacts, given that the City's Traffic Engineers have not objected to the application, it is unlikely that the proposal will result in any adverse impacts on road safety.

Whilst road safety is not a matter of concern in this instance, consideration must be given to the appearance of the sign, given the prominent location.

It is acknowledged that the extension to the parapet allows for the sign to be positioned so as to not cover the existing upper floor windows; a design response which takes into account the architectural/design elements of the building. However, the size and location of the sign does present problems with regards to potential dominance.

It is accepted that signage in commercial areas is intended to add vitality and colour to an area and that electronic promotion signs by their very nature are intended to be prominent. However, such an outcome should not be at the expense of unreasonable impacts on character, amenity and the visual appearance of an area.

Due to its location within the Bendigo City Centre, signage in the immediate surrounding area is extensive but does not present as overly dominant. Signage in the surrounding area primarily comprises of business identification signage of a much smaller scale to that proposed. The large scale business identifications signage located on Officeworks and JB Hi-Fi is the exception to this norm, and were approved prior to the City's local signage policy at Clause 22.29 coming into effect.

The scale of the proposed sign being 17.2 square metres is significantly larger than the scale of signage commonly found within the surrounding area, particularly with regards to the few examples of electronic signage. It is noted that a 17.7 square metre electronic promotion sign was recently approved by the Tribunal at 4 Wills Street, however this permit has not yet been acted on (this matter is addressed in further detail below). In addition to this, due to its location, scale and design, the sign would be highly visible from the surrounding area. Whilst the sign would admittedly add vitality and colour to the commercial precinct, it fails to respond to the established character of signage in the surrounding area; a character which has been established through the consistent provision of the relevant policy framework including Clause 22.29.

Whilst the applicant has argued that adjoining buildings are largely devoid of signage, consideration is also required to be given to the existing signage on the subject site. As outlined above, in excess of 10 advertising signs are already located on the building. There are concerns that the addition of an electronic promotion sign of this scale along with a secondary promotion sign, would result in visual clutter. The siting of the sign, wrapping around the corner splay, means that it will be visible from all elevations.

The applicant's core submission is that the site is located within the main commercial precinct of Bendigo and is commercially zoned, with minimum signage limitations. The application material states that a site selection process was undertaken, noting that the major focus was to identify an area with a built form character where the size and scale of the proposed sign will be justified by the surrounding context of the proposed site. The applicant states that the proposal has a clear connection to the surrounding built form character. The City is not persuaded that this is an appropriate site selection.

Given that the closest heritage buildings are located in excess of 60 metres from the site, it is accepted that there will not be any adverse impacts on heritage as a result of the proposal.

The recommendation for refusal is not based solely on the fact that the proposal includes an electronic promotion sign which is contrary to the City's local signage policy at Clause 22.29. However, these strong policy aspirations should not be disregarded. The proposal does not appropriately respond to the streetscape and signage character found within the Bendigo City Centre (physical context) and does not appropriately respond to planning policy (policy context) as the proposal would appear overly dominant, would not enhance the streetscape and would result in visual clutter. In short, the proposal does not respond to its context.

What has the Victorian Civil and Administrative Tribunal (VCAT) said about the matter?

In considering the proposal at hand, it is important to consider VCAT decisions relating to promotion and electronic promotion signs. Such decisions have explored issues of the role of local policies, the role and legitimacy of different types of signage, prominence vs. dominance, character and the importance of context.

Local signage policies have been explored by the Tribunal on more than one occasion, with different Members having formed different positions on their legitimacy. Nonetheless, each application should be assessed based on its own merits, within the parameters of expressed planning policy.

It is important to note that the Tribunal recently instructed Council to issue a permit (DA/948/2020) for a 17.7 square metre electronic promotion sign at 4 Wills Street, which is approximately 100 meters from the subject site.

The Tribunal found that the City's local signage policy at Clause 22.29 does not distinguish between commercial locations where promotion signs and electronic signs might be reasonably expected and other more sensitive locations. The Tribunal stated that *"sweeping prejudice against Electronic and Promotion Signs in local policy is unhelpful given that the Planning Scheme's particular provisions at clause 52.05 legitimise such signage in appropriate locations"*.

Whilst the City respects the findings of the Tribunal on this matter, the City maintains the position that the policy does not seek to provide a complete prohibition of certain signage, but rather provide applicants with a greater level of certainty on the types, scale and placement of signage or advertising that the City is likely to support. The very presence of electronic signs and promotion signs in the area illustrate that the policy does not seek to be prohibitive.

Given the clear desire within the planning policy framework to achieve urban design outcomes that positively contribute to local character and maintain a quality public realm, clear guidelines are necessary to ensure that inappropriate signs do not negatively impact on the public realm. Further to this, the fact that this policy went through a rigorous Planning Scheme Amendment process and was ultimately found to be acceptable by the Panel, DELWP and the Minister for Planning; prior to being inserted in the Planning Scheme, should not be disregarded. Local planning policies have a defined role in planning schemes. They provide a planning authority an opportunity to state how the discretion should or will be exercised under the planning scheme. It can help applicants and the community understand how a proposal will be considered and what will likely be supported.

Whilst it is acknowledged that the City's local signage policy could be revised to provide further direction on the appropriate locations for such signage, the subject site would not be considered likely as an appropriate location.

Conclusion

The application proposes to display an electronic promotion sign and promotion sign; and external alterations to existing building.

Whilst it is acknowledged that electronic promotion signs and promotion signs are a legitimate and permissible land use, a consideration of the physical context and the relevant planning policy context has found that the proposed electronic promotion sign is not appropriate in this location. The proposal fails to respond to both the existing and desired future character of signage in this location, as expressed through the relevant policy framework.

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

Options

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

15.2. 148-152 High Street, Kangaroo Flat 3555 - Display of an Electronic Promotion Sky Sign

Author	Penny Loader, Statutory Planner
Responsible Director	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application details:	Display of an Electronic Promotion Sky Sign
Application No:	DA/423/2021
Application Documents	Application Documents
Applicant:	Regional Billboard Co.
Land:	148-152 High Street, KANGAROO FLAT 3555
Zoning:	Commercial 1 Zone
Overlays:	Land Subject to Inundation Overlay 1
No. of objections:	1
Consultation meeting:	Scheduled for 10 September 2021, but did not proceed.
Key considerations:	<ul style="list-style-type: none"> Whether the proposed sign is in accordance with the Greater Bendigo Planning Scheme, in particular Clauses 22.29 and 52.05 The views of the Victorian Civil and Administrative Tribunal concerning electronic promotion signs.
Conclusion:	Council has received an application for an electronic promotion sky sign. The application has been found to be generally in accordance with the relevant state and local policy. It is recommended that Council approve the proposal and issue a Notice of Decision, subject to conditions.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for display of an Electronic Promotion Sky Sign at 148-152 High Street, KANGAROO FLAT 3555 subject to the conditions at the end of this report.

MOTION

Moved: Cr Jennifer Alden
Seconded: Cr David Fagg

Pursuant to Section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for display an Electronic Promotion Sky Sign at 148-152 High Street KANGAROO FLAT 3555 on the following grounds:

1. The proposal does not appropriately respond to the context of the site and surrounding area and would result in unreasonable impacts on amenity, character and the visual appearance of the area.
2. The proposal is not in accordance with the objectives and policy at Clauses 22.08 and 22.29 of the Planning Scheme.
3. The proposal is not in accordance with the purpose and decision guidelines of Clause 52.05 of the Planning Scheme.

CARRIED

Policy Context

Council Plan Reference:

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

- Outcome 2 - Healthy, Liveable Spaces & Places

Attachments

1. Planning Assessment

Attachment 1 - Planning Assessment - 148-152 High Street, Kangaroo Flat 3555

PLANNING ASSESSMENT REPORT

Background Information

The application was not subject to a pre-application meeting.

Preliminary concerns were raised with applicant:

- As part of a request for further information, specifically:
Policy at Clause 22.29 discourages sky signage, advertising not related to activities conducted on site and animated and electronic signs including messages, LED and digital displays along Road Zones.
Please provide justification for the proposed sign against these specific policies.
- And as part of an acknowledgement of further information submitted, specifically:
Council will now proceed to prepare an advertising package. Please be advised that proceeding to notice does not imply Council's support for the application.
The City maintains the view that the proposed sign is not in accordance with several policies at Clause 22.29. A full assessment of the application as submitted will be undertaken.

The applicant provided a response to these concerns, which are discussed further below.

The recent Tribunal decision to grant a permit for an electronic promotion sign in Wills Street, Bendigo and the lack of weight given to Clause 22.29 in this decision, prompted the consideration of this proposal by the Delegated Assessment Panel. The Panel considered the context of the site in great detail and compared it to an identical application submitted by the same developer in Mitchell Street, Bendigo. The Panel could not reach a unanimous decision and accordingly determined that it was appropriate to put both applications to Council for decision, in accordance with the Terms of Reference for the Delegated Assessment Panel.

Report

Subject Site and Surrounds

The subject site is a 604m² rectangular parcel of land on the north-western corner of High Street and Lockwood Road (both Road Zone Category 1 - RD1Z) in Kangaroo Flat. The site is developed with a modern, double storey, brick commercial building with a zero lot line. The building occupies approximately two thirds of the site on the eastern side, with a small car park on the western boundary. The building is occupied by several businesses and has a maximum height of approximately 8.5m (7.5m to roof plus 1m parapet). Existing business identification signage is located on the ground floor façade and above the ground floor verandah (approximately 4m high). The building is constructed of alternating bands of red and yellow brick and has large, regularly spaced windows on both floors.



Figure 1: Aerial of the site with the proposed location of the signage marked with a star.

The site is located in the Kangaroo Flat Commercial precinct at the southern end of Bendigo, which has a vibrant outdoor advertising theme. It is adjoined to the north by a single storey building presently occupied by Chemist Warehouse, and to the west by the substantial, heritage listed YMCA (HO518, Former Liverpool Store). Across Lockwood Road to the south lies Aldi and across High Street to the east is a commercial building with High Street-facing canopy occupied by a tyre service. An application for an electronic major promotion sky sign was refused by VCAT on this site in 2018.



Figure 2: Façade of the building with the proposed sign marked with a star.

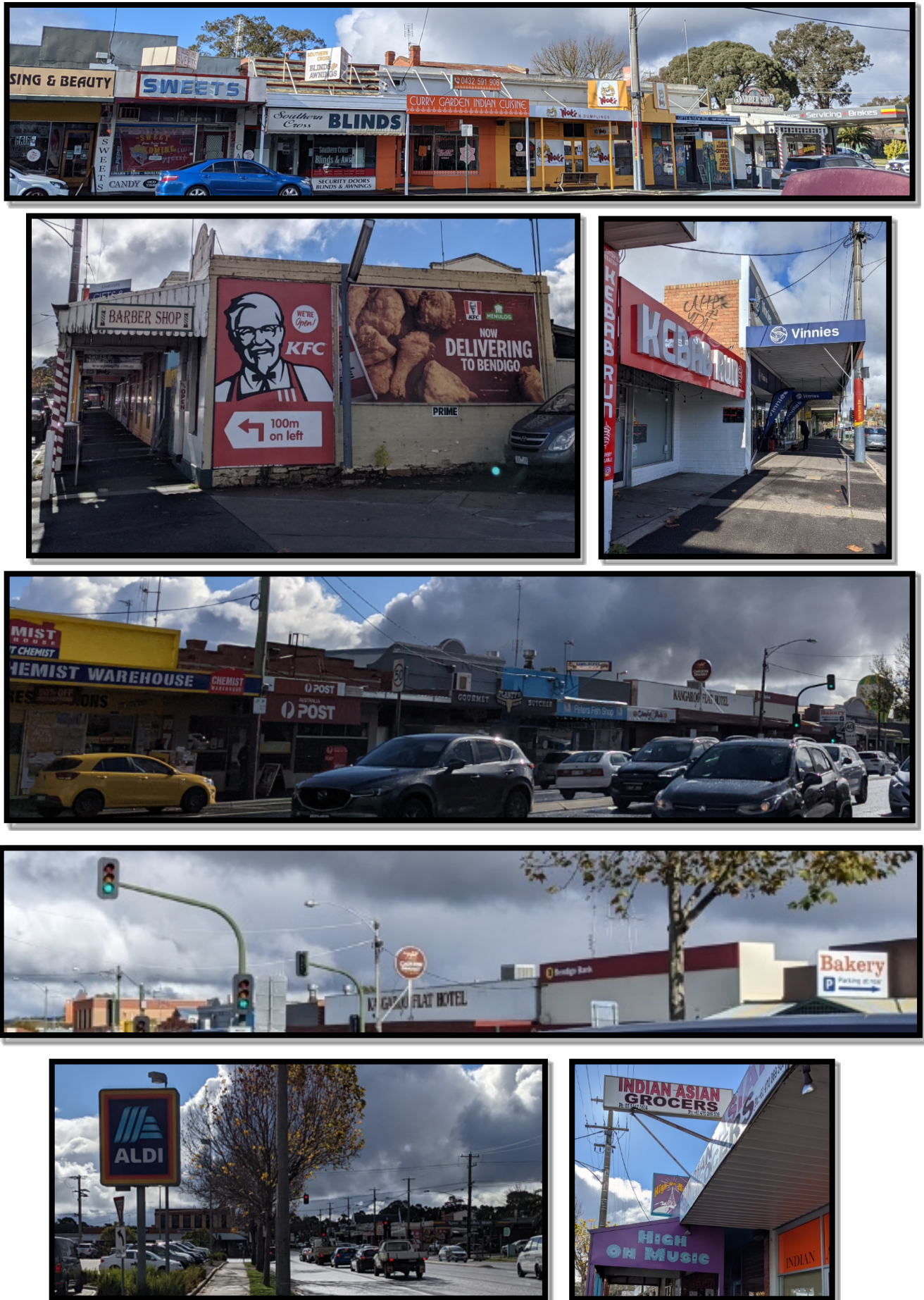


Figure 3: Surrounding outdoor advertising
Restrictive Covenants

The site is not subject to any restrictive covenants that would affect the proposal. An easement is located along the western boundary, but as no works are proposed in this area, it has no bearing on the application.

Proposal

The application seeks to display an electronic promotion sign on the façade of the building:

- With a display area of 16.64m² (2.05m x 8m), comprised of three sections (2.55m², 2.935m² and 2.5m²) wrapping around the parapet;
- Minimum clearance from ground level is 6.77m and maximum height above ground level is 8.85m;
- The electronic display is internally illuminated and programmed to dim or brighten according to the level of natural light;
- The maximum lux level of the sign will be limited to 0.25cd/m² and the sign will be switched off/internal illumination will be switched off between midnight and 4am;
- The sign will display one fixed image advertisement at a time with a minimum dwell time of 30 seconds and will cycle through 10 advertisements over 5 minutes.

The application also seeks to locate a 0.27m² logo box on the southern façade, adjacent to the bottom left hand corner of the sign. This will not be illuminated. The total display area including the logo box is 16.91m².

The application also proposes works to the façade to construct two stepped brick parapets to flank the sign and the removal of an existing business identification sign, neither of which trigger planning assessment.

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- Clause 15 Built Environment and Heritage
- Clause 15.01-1S Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 17 Economic Development

Municipal Strategic Statement

- Clause 21.01 Municipal Profile
- Clause 21.02 Key Issues and Influences
- Clause 21.07 Economic Development

Local Planning Policies

- Clause 22.08 Highway Entrances and Boulevards Policy
- Clause 22.29 Advertising and Signage Policy

Other Provisions

- Clause 34.01 Commercial 1 Zone
- Clause 52.05 Signs
- Clause 65 General Decision Guidelines
- Clause 73.02 Sign Terms

Consultation/CommunicationReferrals

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

Referral	Comment
Department of Transport	No objection subject to conditions
Traffic	No objection subject to conditions
Property	No objection subject to conditions

Public Notification

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

As a result of advertising, one objection was received, with the grounds of objection being:

- The sign's projection out from the façade of the building, outside the property's 'airspace'.
- The sign will become dominant and is not in accordance with the strong built form of the area as described by the Tribunal in 2018.
- The sign will impact view lines to heritage buildings at 10 and 12 Lockwood Road.
- The sign is inconsistent with Clauses 22.29 and 52.06-8 of the Greater Bendigo Planning Scheme.
- The sign is a traffic hazard due to its placement behind traffic lights.
- The sign contributes to visual clutter.

The matters raised are discussed below.

The objector was invited to a consultation meeting scheduled for 10 September 2021. No response was received and the meeting did not proceed.

Sign Terms

Clause 73.02 provides the following signage definitions:

- **Electronic Sign**
A sign that can be updated electronically. It includes screens broadcasting still or moving images.

- **Major Promotion Sign**
A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold for hire on the land or in the building on which the sign is sited.
The proposed sign is **not** therefore defined as a major promotion sign as is not subject to assessment as such.
- **Promotion Sign**
A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.
- **Sky Sign**
A sign:
 - a) On or above the roof of a building, but not a verandah;
 - b) Fixed to the wall of a building and which projects above the wall; or
 - c) Fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.

Planning Assessment

The subject site is zoned Commercial 1, which falls under Category 1 Minimum Limitation sign controls. This category is described in Clause 52.05 as being for the provision of *identification and promotion signs and signs that add vitality and colour to commercial areas*. A planning permit is required to construct or display a promotion sign (where the total display area exceeds 8m²), an electronic sign and a sky sign.

The zoning of the land affords a responsible authority the discretion to grant a permit for a sign of this type. The application is assessed against the PPF, MSS, Clauses 22.08 and 22.29, the Commercial 1 Zone, Clause 52.05 and the general decision guidelines at Clause 65. The assessment can be broadly divided into policy, character, built form and safety. The principles and decision guidelines of Clause 52.05 are relevant to all of these categories and will be discussed throughout the assessment, as will the concerns raised by the objector.

Does the proposed sign accord with policy?

State policy encourages commercial development in areas identified for that purpose and advertising signage has a role to play in the promotion of business and can add vibrancy to a commercial area. State policy also, however, identifies the importance of development's response to local urban character and sense of place. Local policy describes the importance of Bendigo as a regional centre, identifies its heritage streetscapes as an important tourism asset and identifies the importance of its main roads in forming an impression of the City.

The Municipal Strategic Statement identifies the diverse range of functions performed by Bendigo as the regional service centre to central Victoria. Kangaroo Flat is defined as an Activity Centre in Bendigo's commercial hierarchy, which provides a *range of economic, social and some civic activities, together with goods and services to meet the daily and weekly needs of their suburban catchments*... The variety of businesses found in activity centres makes them responsive to market demands, and for Kangaroo Flat, has created a vibrant commercial character.

Clause 22.08 Highway Entrances and Boulevards seeks to ensure use and development along main roads is both safe and appealing to residents of and visitors to Bendigo alike. A key objective is to *provide for value adding and related commercial development within existing nodes*. This proposal will not impact the functioning of either High Street or Lockwood Road (as evidenced by Department of Transport's consent), will not remove any vegetation and will not contribute to ribbon development and is therefore generally in accordance with the policy. The remaining policy consideration concerns amenity and appearance. High Street is Bendigo's primary road entrance from the south and as such, plays a significant role in creating an impression of Bendigo. The proposed sign is displayed prominently on an existing, prominent building (which is an inherent feature of promotion signs) but will not necessarily dominate the building or streetscape. Character and appearance are discussed in greater detail below.

Clause 22.29 Advertising and Signage recognises the need for businesses to advertise, while its basis is the protection of public amenity *from distracting and dominating signage and advertising, particularly in areas of high sensitivity including... along City and township entrances*, implementing economic development objectives from the MSS by *providing guidance on the preferred location, scale and type of adverting*.

The application seeks to remove an existing lightbox affixed to the first-floor façade and some of the existing business identification signage will be required to be removed or reduced in size to accommodate the proposed sign, rationalising the total display area on the building. The proposed sign is affixed to the building's parapet/façade and thereby preserves views along Lockwood Road and High Street and will preserve the active frontage, being located on the second storey, in accordance with policy.

The applicant has made an effort to incorporate the sign into the façade, by modifying the existing parapet as shown below:

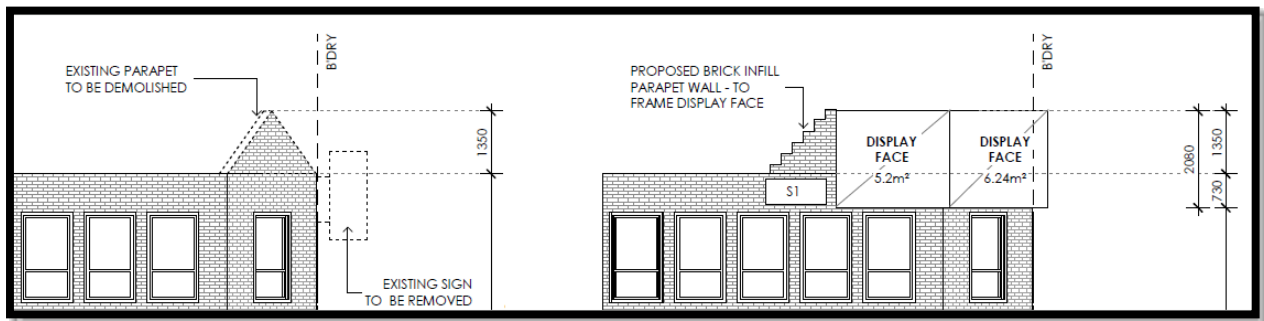


Figure 4: Proposed signage and building modification.

The modification of the parapet does not require planning assessment and is not an architectural feature with any significance identified by planning controls. The sign is proportionate to the building and is generally in accordance with the placement principles outlined in the Clause.

While the Clause discourages both sky signs, electronic signs and advertising not related to activities carried out on the site, it does not (and may not) prohibit them. The objectives of the Clause set the bar very high for applications of this kind and the policy places great emphasis on the relative character impacts of such proposals. This is discussed in the next paragraph.

Does the proposed sign accord with the existing or desired future character of the area?

The subject site is located on a prominent street corner in Kangaroo Flat's commercial area. The existing character of the streetscape is that of an eclectic range of commercial premises, predominantly single storey, with a diverse and robust outdoor advertising theme (described with images on page 4). Advertising includes a wide variety of major promotion signs, internally illuminated signs, a sky sign, parapet and above-verandah signs and multiple examples of bright corporate colours. Most of the signage in High Street, Kangaroo Flat is not compliant with the principles at Clause 22.29. The majority of the signage in the street either predates the policy (2015) or did not require a permit to be displayed. Kangaroo Flat's commercial area is one of the few commercial precincts in Bendigo that displays such a robust and vibrant outdoor advertising theme and is therefore one of the few areas that an electronic promotion sky sign is appropriate. Context is central to the assessment of any planning proposal.

There is little policy to describe any desired future character of Kangaroo Flat. Clause 21.07-2 identifies the *development of specialty shops and hospitality* as a supported direction, and there is aforementioned state and local policy which directs that development should be responsive to the site and surrounds. The proposed sign will not prevent this pattern of desired development.

Identified features in the immediate vicinity include 145-147 High Street (Former Victoria Store), 149 High Street (Barber Shop), 138 High Street (Butcher Shop), 10 Lockwood Road (Former Liverpool Store, which adjoins the subject site to the west) and 12 Lockwood Road (Former Weighbridge Hotel). Policy directs that development, including signs, should not detract from heritage properties. The proposed sign is located well away from these properties and will not impede any views toward them as is affixed to the façade and does not increase the existing height of the building.

Does the proposed sign integrate with the existing built form of the site?

It is well established that an inherent characteristic of promotional signage is its *prominence*. However the test therefore applied to assessing the relative impact of a sign is whether it will be a *dominant* element.

The host building has a significant presence in the streetscape, being double storey with a zero-lot line and located on a prominent corner site. Built form on a larger scale than many other properties in the street has therefore been established by the building. The proposed sign, with a display area of 16.64m², is proportionate to the scale of the building. The sign fits comfortably between the first floor windows, wraps around the façade and will be enclosed by a crow-stepped parapet at the same height as the existing parapet. The sign will not obscure any windows or the existing ground floor verandah and the structural elements will not be visible from the public realm, which will result in a tidily presented sign, well integrated with the host building.

The primary viewing points for the sign will be northbound traffic and pedestrians stopped on High Street, and westbound traffic and pedestrians stopped on Camp Street. The sign will not obscure views along either road and will not contribute to visual disorder or clutter. An existing sign will be removed and the existing business identification signs will be modified or relocated. The approach to the site from the south is characterised by large commercial premises, with prominent associated signage including BP, McDonalds and

Aldi, which set the expectation that one is approaching a commercial precinct in which advertising signs are an integral component.



Figure 5: Approach from the south.

The approach to the site from the east is at a higher elevation, which provides a view across the subject site to those beyond it and features multiple mature trees (refer image below).



For these reasons, the sign will not become a dominant element in the streetscape but be incorporated into the surrounding streetscape.

Does the proposed sign pose any safety issues?

The application was referred to the Department of Transport and consent was provided, subject to conditions, including minimum dwell time, maximum luminance and prohibition on any content that could be interpreted as an instruction to road users. The sign may not display any moving images, give the illusion of continuous movement or contain any content that flashes, blinks or fades, therefore providing additional assurance that the sign may only be used to display static images and not function as a TV. Consent from the relevant road authority demonstrates that the sign does not pose any road safety concerns that cannot be addressed through permit conditions.

Comments were also sought from the City's Traffic Engineering team, who suggested the same permit conditions as the Department of Transport and that the sign should be wholly contained within the property boundary. There is extensive precedence for signs to project into the public realm, particularly when commercial buildings have a zero-lot line, and it is therefore unreasonable to expect this applicant to undertake major works to ensure the sign sits flush with the façade.

Comments were also sought from the City's Property Services Unit who requested a condition for a Section 173 Agreement to indemnify Council as the sign is proposed to project 400mm beyond the façade of the building. The basis for this request is Council's Encroachment Policy, which creates the opportunity for Council to request indemnity for buildings and works that encroach on a road reserve. As the sign is on the first floor, it will not encroach on the use of the footpath and does not involve any works at ground level. While planners query the need for such an agreement given the minor encroachment at first floor level only, it is accepted that the policy is an adopted policy of the City and have included a condition accordingly.

Conclusion

Council has received an application for an electronic promotion sky sign. The application has been found to be generally in accordance with the relevant state and local policy.

In general terms, such signs are discouraged by local policy and therefore the bar is set very high. However, due to its specific location and context as discussed within this report, this is one proposal where the exercising of discretion to support such a sign is appropriate.

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

Options

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

Proposed Notice of Decision Conditions

1. SIGNS NOT TO BE ALTERED

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

2. DEPARTMENT OF TRANSPORT

- (a) No advertisement must be displayed for less than 30 seconds.
- (b) The transition from one advertisement to another must be instantaneous.
- (c) Where the graphical content or colours will change between successive advertising images, the average luminance change between the new image and the previous image must not exceed 30%. Unless otherwise nominated.
- (d) During the operation of the sign, the following maximum average luminance and Threshold Increment values must not be exceeded:

Daytime

- i. Maximum average luminance of greater than 6000 cd/m²

Morning and evening twilight and overcast weather

- ii. Maximum average luminance of greater than 700 cd/m²

Night time

- iii. Maximum average luminance of greater than 350 cd/m²
- iv. Maximum threshold increment: 20%
- v. Adaption Luminance: 5

- (e) Prior to the operation of the sign, a Lighting Impact Assessment Report must be submitted to, and approved by the Responsible Authority and the Head, Transport for Victoria. The Lighting Impact Assessment Report must be undertaken by a suitably qualified lighting consultant to assess the proposed signage against the Road Corporation's luminance criteria. The Lighting Impact Assessment Report must include the following:
 - i. The proposed maximum luminance of the sign for each lighting condition, with detailed calculations provided to demonstrate compliance with the approved maximum average luminance and threshold increment values specified in the Department of Transport condition v. above.
 - ii. Calculations must use the definitions and methodology as described in AS4282 where relevant. A maintenance factor of 1 is to be used for all calculations.
 - iii. A certification, signed by a suitably qualified Lighting Consultant, stating that the design complies with the Department of Transport's Policy and Guidelines for Illuminated Outdoor Advertising Signage.
- (f) The operator must keep a Compliance Record of the operation of the sign. This must be provided to the Head, Transport for Victoria within 5 days of a written request. The Compliance Record must include:
 - i. The sign's luminance (cd/m² or as a percentage of its maximum luminance) in minimum 10-minute intervals.
 - ii. The sign's photocell (light sensor) reading of the ambient light in minimum 10-minute intervals.
 - iii. For each different set of images displayed (image loop), a compliance report demonstrating that the luminance change between images is less than or equal to 30%.
 - iv. All record information must be time and date stamped to show the time of measurement.
 - v. Compliance Records must be maintained for a minimum of 12 months.
- (g) The sign must not display content, images or text:
 - i. Giving the illusion of continuous movement.
 - ii. Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
 - iii. Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
 - iv. With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
 - v. Contain any animation.
 - vi. Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.
 - vii. Containing video, movie or television broadcasts.
- (h) The signs must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.
- (i) Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.
- (j) Any change to brightness levels must be applied during an image transition, not while an image is being displayed.
- (k) The advertising area must not be split into two screens with different messages.

- (l) The sign and any displayed advertisement must not include any ancillary extension, embellishment or accessorisation within or outside the permitted advertising area unless the Head, Transport for Victoria has agreed to in writing prior to its installation.
- (m) The use of sound or motion to activate the sign is not permitted.
- (n) The use of sound to interact with road users is not permitted.
- (o) The sign must not dazzle or distract road users due to its colouring.
- (p) In the event of an attack by a computer hacker or similar resulting in unauthorized display of visual images or any other display malfunction, the electronic sign must shut down and cease any form of visual output until the malfunction is repaired.

3. NO WORKS UNTIL AGREEMENT EXECUTED

No buildings or works are to be commenced until an agreement pursuant to section 173 of the Planning & Environment Act 1987 has been executed between the owner of the subject land and the City of Greater Bendigo to the satisfaction of the responsible authority, to the effect that the City of Greater Bendigo is to be indemnified against any matter associated with the approved sign structure that encroaches into the public realm, on an ongoing basis.

The Agreement may contain an end clause corresponding with the full removal of the sign from the building.

The Agreement must be registered on title prior to any buildings and works taking place.

4. NO TRAFFIC SIGNAL COLOURS

Traffic signal colours must not be used in the sign(s) permitted by this permit except with the prior written consent of the responsible authority.

5. MAINTENANCE OF SIGN

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

6. NO EXTERNAL SIGN ILLUMINATION

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

7. SIGN EXPIRY

This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed, and the site made good to the satisfaction of the Responsible Authority.

8. EXPIRY OF PERMIT

This permit will expire if the development hereby permitted 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.

15.3. Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, Leichardt 3516 - 3 Lot Re-subdivision

Author	Daniel Strachan, Planning Co-ordinator
Responsible Director	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application details:	3 Lot Re-subdivision
Application No:	DS/563/2021
Application Documents	Application Documents
Applicant:	G B Stanford and K M Stanford
Land:	Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, LEICHARDT 3516
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Vegetation Protection Overlay 2
No. of objections:	1
Consultation meeting:	No formal consultation meeting given number and nature of objections. Applicant provided with an opportunity to respond to objector concerns if desired.
Key considerations:	<ul style="list-style-type: none"> • Whether the proposal promotes the purpose of the Farming Zone; • The appropriateness of re-subdividing lots in rural areas to pursue rural-residential development; • Planning policy for dwelling excisions and implications of 'undoing' former excisions; • Outcomes for existing commercial activities on site; • Degree to which context and historical planning decisions should guide contemporary outcomes.
Conclusion:	The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone and does not meet planning policy for the subdivision of land in rural areas of the municipality.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for a 3 Lot Re-subdivision at Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, LEICHARDT 3516 on the following grounds:

1. The proposal fails to meet the Planning Policy Framework, Local Planning Policy Framework, and Farming Zone provisions of the Greater Bendigo Planning Scheme by:
 - a. Creating lots for the purpose of rural-residential development;
 - b. Reconfiguring boundaries in a manner unconducive to agricultural production;
 - c. Compelling further dwelling development to support the existing business on site;
 - d. Entrenching a change in the character of the land in the absence of any such strategic direction.

MOTION

Moved: Cr Rod Fyffe

Seconded: Cr Vaughan Williams

That Council defer a decision on planning application DS/563/2021 for a 3 Lot Re-subdivision at Lot 1 on TP 330035 and Lot 2 on PS 434211R, 79 Forest Drive and Lot 1 on PS 434211R, 99 Forest Drive, LEICHARDT 3516 to allow for further consideration of options by the applicant, with the matter to be returned to Council at a future meeting.

CARRIED

Policy Context

Council Plan Reference:

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

- Outcome 2 - Healthy, Liveable Spaces & Places

Attachments

1. Planning Assessment

Attachment 1 - Planning Assessment - 99 Forest Drive, Leichardt 3516

PLANNING ASSESSMENT REPORT

Background Information

This application has been previously considered by the Delegated Assessment Panel, which formed the view that the proposal does not meet the expectations of the Greater Bendigo Planning Scheme. As such, the application is referred to Council for a decision, with a recommendation for refusal.

Report

Subject Site and Surrounds

The subject site is a 31ha property, comprised of four separate parcels. Only three of these parcels form the basis of the application, such that the 'planning unit' is actually 23 hectares in area. The three existing parcels are described as follows:

- Lot 2 PS434211R 11.97ha, 164.5m frontage to Old Bridgewater Road (single lane, unsealed), 332m to constructed Forest Drive and 224m to unconstructed Sheldons Road. Developed with a dwelling, studio, several outbuildings, a substantial commercial shed and is sparsely vegetated.
- Lot 1 PS434211R (created via subdivision in 2000), 2.07ha, 214m frontage to Forest Drive (partially constructed to Sheldons Road, single lane, unsealed) and developed with dwelling. Some scattered vegetation. It is noted that the application material has largely avoided discussion about the presence of the dwelling on this site.
- Lot 1 TP330035B (formerly part CA95A, Parish of Leichardt), 8.8ha, landlocked Crown Allotment, unimproved, with some scattered vegetation along boundaries.

All the lots are irregularly shaped, which is typical of the pattern of lot boundaries in the locality. As mentioned, a further lot also forms part of the property, but is not part of this application.

There are two existing crossovers to Forest Drive. The property contains two residences and a cable reel business.

The land has a gentle 1.4° fall to the west and is not traversed by any mapped watercourses, although there are three dams on the property.

The site is located approximately 1.35km east of Bullock Creek and 1.4km north of the Marong township boundary. There are several vegetated reserves to the east, north east and south east. The site is located on the boundary of the localities of Leichardt, Myers Flat and Marong and is characterised by mixed rural development. Rural lifestyle allotments are present in the surrounds, varying in size from around 2.5ha (27 Forest Drive to the south) to around 21ha (41 Hardys Lane to the west). Many of the surrounding allotments are developed with dwellings and all have remnant vegetation at varying densities. The only small property demonstrating elevated primary production is 156 Forest Drive (Sandhurst Ridge Winery and Vineyard).

Beyond the immediate neighbourhood there are larger agricultural properties to the south and west.



Figure 1: The image above shows the extent of the existing lots in the tenement, with the yellow stars denoting existing dwellings and the blue star the existing commercial shed. The objector's property to the north is marked with an 'O'.



Figure 2: Wider context showing existing property patterns.



Page 143 of 244

This outcome is shown on the subsequent plan of subdivision (also see **Fig. 5** later in the report for a before/after comparison).

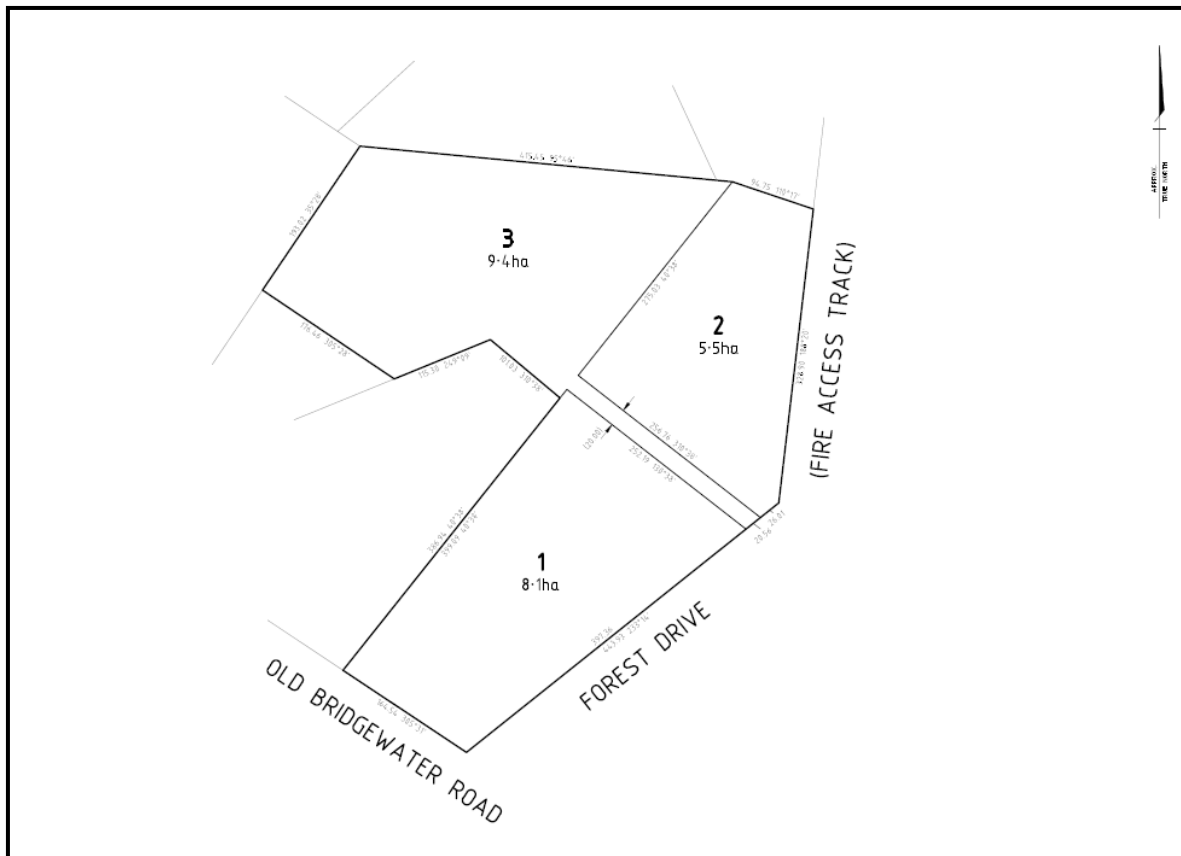


Figure 4 – Plan of proposed subdivision

The applicant supplied a Bushfire Management Statement in support of the proposal. There will be no removal or lopping of native vegetation associated with the proposal.

Previous Permit History

The previous planning history is provided below, as some of the previous approvals will be relevant to the discussion of the merits of the current proposal.

DG/665/2012 Construction of Pool Pavilion – issued

DR/812/2007 Construction of Dwelling and Garage on CA 94C – issued, expired

DR/800/2006 Extensions to Dwelling – issued, amended

DS/462/2005 Three Lot Subdivision and Realign Existing Boundaries – approved, expired

DM/223/2003 Use of Land for Industry (Store - Storage of Cable Reels) and Construction of Shed – issued 31 December 2003, amended

DS/908/1999 Realignment of Existing Boundaries – issued (excised second dwelling referenced below)

DM/130/1996 Construct Relocatable Dwelling – issued (for a second dwelling on a lot)

DM/139/1995 Subdivide the Land into Two Lots – issued

It is noted that there were a couple of previous approvals that have since expired and were not acted upon. All of these (in particular the previous re-subdivision DS/462/2005) occurred more than 15 years ago when the zoning of the land was different (former 'Rural Zone') and before current policies came into effect. Given that the Scheme controls were substantially different at that time, little weight can be placed on those previous decisions in determining the current proposal.

Planning Controls - Greater Bendigo Planning Scheme

Permits are triggered by the Scheme as follows:

Farming Zone

A planning permit is required pursuant to Clause 35.07-3 to subdivide land.

The schedule to the zone specifies a minimum lot size of 40ha.

Clause 35.07-3 however, creates the opportunity to seek approval for the creation of lots below the schedule minimum if *the subdivision is a re-subdivision of existing lots and the number of lots is not increased.*

Bushfire Management Overlay

A planning permit is required pursuant to Clause 44.06-2 to subdivide land.

Vegetation Protection Overlay

No planning permit is required to subdivide land pursuant to Clause 42.02.

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

Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF) & Municipal Planning Strategy (MPS)

Clause 11 Settlement seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements and to support Bendigo as the regional city and major population and economic growth hub for the region, offering a range of employment and services.

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

The subject site is located within a designated Bushfire Prone Area; however, the proposed subdivision does not require assessment under this clause.

Clause 14.01 Agriculture seeks to protect the state's agricultural base by preserving productive farmland and to encourage sustainable agricultural land use. Strategies for achieving this include:

- *Limit new housing development in rural areas by:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*

- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*
- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*

Clause 21.07-8 Agriculture includes the following relevant objectives:

- *To identify and protect productive agricultural land from competing inappropriate land uses.*
- *To protect rural industry from residential encroachment.*
- *To ensure protection of productive rural assets including land and water.*
- *To maintain potential for agricultural production.*
- *To minimise the fragmentation of productive agricultural land units.*
- *To minimise noise, odour, effluent and visual impact created by intensive agricultural industries.*

Clause 22.03 Rural Subdivision Policy applies to all land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

Objectives

- *To discourage the fragmentation of rural land, or land with significant environmental values.*
- *To limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource.*
- *To ensure that dwellings which are excised do not prejudice agricultural production activities.*
- *To ensure that excised dwellings are properly sited and designed.*
- *To ensure that any new lot or excised dwelling site created can sufficiently treat and contain domestic wastewater within the lot boundaries where connection to reticulated sewerage is not required by the responsible authority.*
- *To protect and enhance natural resources and biodiversity.*

Policy

- *Ensure lots created by excising dwellings under the provisions of Clause 35.07-3 should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.*
- *Discourage subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area and which is not consistent with the purposes of the zones.*

- *Ensure lots created under the provisions of Clause 35.03-3, 35.06-3 or 35.07-3 for residential use and development are: -*
 - *Clustered in order to minimise the area taken up by residential use and development;*
 - *Not located so as to limit the productive use and development of rural land; and*
 - *Boundary realignments will be discouraged except if they are minor adjustments to take account of physical, man-made or topographical features on the site.*
- *Ensure that lots created are of sufficient size to contain and manage domestic wastewater within the boundaries of each lot, to be demonstrated by a land capability assessment, where connection to reticulated sewerage is not required by the responsible authority.*
- *Discourage subdivision of high quality agricultural land.*
- *Ensure subdivisions are carefully planned to protect water quantity and quality and significant native vegetation.*
- *Discourage serial excisions and further subdivision after re-configuration of existing titles.*

Zones

Clause 35.07 Farming Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Overlays

Clause 42.02 Vegetation Protection Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

Schedule 2 to the zone relates to significant vegetation.

Clause 44.06 Bushfire Management Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Particular Provisions

Clause 53.02 Bushfire Planning

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

General Provisions

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

Operational Provisions

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

Consultation/Communication

Referrals

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

External:

Referral	Status	Comment
Country Fire Authority	S55 Recommending	Consent to waiver of application requirements, permit, certification and Statement of Compliance
Coliban Water	S55 Determining	Consent
Powercor	S55 Determining	Conditional Consent
Downer	S55 Determining	Consent to permit, certification and Statement of Compliance

Internal

Referral	Comment
Environmental Health (Septics)	Consent provided
Engineering (Traffic)	Consent provided
Engineering (Drainage)	Consent provided

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, one (1) objection was received, with the grounds of objection being:

- The area contains large acreages rather than small subdivisions.
- Noise, rubbish and vermin from the commercial activities already occurring on the subject site.

A response to the objection will be provided as part of the assessment.

Planning Assessment

The proposal seeks to re-subdivide three existing lots into three new lots of more consistent sizes. The existing parcels are a combination of 'new' lots (lots created under the current Planning Scheme) and an old Crown allotment, which is currently landlocked. Applications to re-subdivide existing lots, where the proposed lots do not meet the Farming Zone schedule minimum of 40ha, are able to be made contingent upon the number of lots not increasing.

The assessment that follows relates to the precise manner in which the lots are being reconfigured and the additional development capacity that is likely to result. As per the recommendation, the proposal does not find support in the Greater Bendigo Planning Scheme.

The site has been issued a number of permits over the past 30 years and has been subject to several compliance investigations relating to the commercial operation, with a similar concern raised in the objection received. However, it is important to note that compliance matters are not relevant to this assessment.

The whole of the site is currently comprised of four land titles, one of which does not form part of this application. However, overall the land is a tenement of approximately 31 hectares and has the prospect of making a contribution to agricultural production.

The land quality is not high and the presence of shallow soils through this country is not disputed. This is often used in planning applications as an argument in favour of fragmentation. However, the opposite is true – the lower the land quality, the more aggregation required to form a property with agricultural potential. Further fragmentation of lower quality land can lead to its total loss from agricultural production.

It is relevant to arguments regarding agricultural quality that a commercial winery has established in the same terrain on a nearby lot. The vineyard has been in existence since the 1980s.

The following summary is provided of the key areas of concern, followed by a review against relevant Planning Scheme provisions where compliance is not seen to be achieved. A diagram is provided to assist interpretation of the changes proposed.

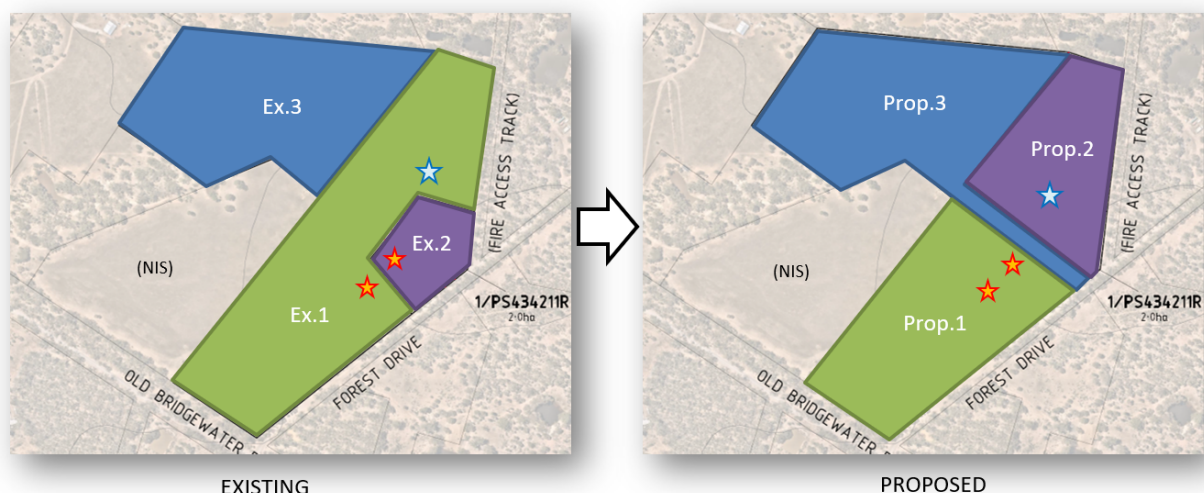


Figure 5: Dwellings marked with red stars. Shed/business marked with blue star.

- The creation of new lots for the purpose of rural living is inconsistent with the purpose of the Farming Zone and local planning policy. If the area is intended to be used for rural living, that determination should come through a proper Planning Scheme Amendment request.
- The lot sizes proposed are unlikely to be able to make any meaningful contribution to agricultural production, as expected by the Farming Zone.

- While the surrounding land context is mixed and contains some smaller lots from old (pre-amalgamation) subdivisions, the presence of those lots is not sufficient to consign the area to rural living. Again, such a decision should come through a Planning Scheme review process to determine whether another zone is more appropriate and the extent of that zone. To create such lots now is pre-emptive and 'ad hoc'.
- The exiting small excised dwelling lot ("Ex.2") presently aligns with policy that seeks to minimise its size. The proposal seeks to 'undo' the excision and put the two dwellings back together on the one lot ("Prop.1"). As stated above, this would leave the lot containing the business ("Prop.2") without a dwelling to manage that business, compelling the development of a further dwelling.
- The landlocked lot ("Ex.3") presently has no prospect of development (being landlocked) and currently serves as a useful adjunct for grazing. The land is already accessible through the subject site while serving such purpose. By giving the lot its own access and new title particulars (as per "Prop.3"), it is likely that it is being 'set up' for a further dwelling. It should be noted that the lot is also a Crown Allotment that is not supported by policy for a dwelling at present, even if access were available (ie. the subdivision is seeking to create development potential where not currently supported by planning policy.)

On this last point, the application has stated that *"In the absence of practical access to Lot 3 ["Prop.3"], the management of this portion of the described land is likely to suffer inefficiencies or a reduction in the level of management practices. Both of these threaten the sustainability of the site and could potentially impact the surrounding community.* Planning officers fundamentally disagree with this statement. The land is already accessible through the existing lots. Many farming properties contain old landlocked titles created before planning schemes existed, with no consequence to land management or agricultural production. Indeed the current lot has been historically extant without consequence.

Little information has been put forward as to how the restructured titles would benefit agricultural production. Indeed the land would be further fragmented into less-useful parcel sizes under the proposed subdivision. The proposal has been assessed as working against key areas of the Planning Scheme including:

- **Clause 14.01 Agriculture**, which *'seeks to protect the state's agricultural base by preserving productive farmland and to encourage sustainable agricultural land use.'* The proposal fails the stated Strategies, including:
 - *Limit new housing development in rural areas by:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*

As discussed, the new layout would likely compel the development of an additional two dwellings across the site, being:

- One for the site containing the business ("Prop.2"), given the proposal seeks to remove the existing dwelling serving that business; and
- One on the lot to the rear ("Prop.3"), presently a landlocked Crown Allotment.

As noted earlier, there is another fourth lot in the tenement without a dwelling, which does not form part of this application. The support of the current re-subdivision proposal (which implies support for dwellings) would likely lead to development pressure on that lot also.

- **Clause 21.07-8 Agriculture**, and the objectives:
 - *To maintain potential for agricultural production.*
 - *To protect rural industry from residential encroachment.*

- **22.03 Rural Subdivision Policy**, and its following objectives and strategies:
 - *To discourage the fragmentation of rural land, or land with significant environmental values.*
 - *To limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource.*
 - *Ensure lots created by excising dwellings under the provisions of Clause 35.07-3 should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.*
 - *Discourage serial excisions and further subdivision after re-configuration of existing titles.*
 - *Discourage subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area and which is not consistent with the purposes of the zones.*

On the last two points, the small dwelling-lot (“Ex.2”) that was created in the 1990s presently accords with what the Scheme is seeking, being to minimise the area of land taken up by excisions. The proposal seeks to effectively ‘undo’ that excision, place the two dwelling back together on the one lot (“Prop.1”), and in the process leave the business on its own lot without a supporting dwelling (“Prop.2”). There has been no explanation of why the two dwellings are required to be placed back together, nor how the business would operate in the future without a dwelling. The application compels a further dwelling to be constructed for that purpose.

The land has already taken the benefit of previous subdivisions in the 1990s. The Policy discourages the further manipulation of lots to gain additional development potential.

The introduction of new lots specifically intended for rural residential development will likely lead to a change in use and character for the land itself. It will also likely compel further change in the wider context (such as compelling development of the fourth lot in the property (not included in this proposal) as well as on other vacant lots in the vicinity.

- The purpose of the **Farming Zone (Clause 35.07)**, particularly:
 - *To provide for the use of land for agriculture.*
 - *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

- The decision guidelines of the **Farming Zone (Clause 35.07)**, including:
 - *Whether the use or development will support and enhance agricultural production.*
 - *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
 - *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

As mentioned above, it is unclear how the rearrangement of lots would support agricultural production. The proposal creates new lots intended for rural residential purposes and sets up the property for further fragmentation.

At present the land in full is held in a tenement of 31 hectares. It is agreed that the quality of the land is not high. However, there is just as much argument to maintain lower quality land in larger units, since more land is required to create a size with the potential for meaningful production.

A winery has established on similar terrain on nearby land, which has existed for many years. This demonstrates that more meaningful agricultural activities are possible.

If, however, the land is best purposed for rural residential uses, then this finding should come through a proper strategic assessment of the broader area and re-zoned as such, rather than decided on an 'ad hoc' basis.

The proposal compels or anticipates an additional two dwellings. This runs counter to the following Farming Zone decision guideline:

- *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.*

Response to Objection

The objection is brief in nature, however cites concerns regarding the creation of smaller rural residential lots.

The planning assessment has found that the proposal does not have the support of the Planning Scheme as it seeks to manipulate existing titles to gain additional development potential. The land is clearly not of high quality, however this is not sufficient argument alone to create further lots intended for rural-residential purposes. If this is the future intention of this area, then this should be identified and properly managed through strategic work, rather than occurring in piecemeal fashion. The application could be considered premature in this regard.

The existence of the smaller lots to the north has been taken into account. These lots were created through a previous planning scheme before amalgamation. Looking more broadly, however, there are larger tracts of agricultural land to the south of the subject site. The 'mixed' context does not point one way or the other. Again, the future direction should be determined through a proper investigation and if Rural Living (or another zone) is more suitable, then the boundaries, conditions and policies for such a zone should be established in the Scheme before proposals such as this could be supported.

The objector's concerns are also noted regarding the operation of the existing business, however the business has a planning permit to operate. Concerns regarding compliance cannot be addressed through the subject application and should be taken up separately.

Conclusion

For the reasons outlined in this report, the proposal has been found to not enjoy the support of the Scheme. Despite the lower quality of the agricultural land, the proposal actively works against any potential for the land to make a contribution to agricultural production by creating lots solely suitable for rural-residential purposes.

The 'decoupling' of the existing dwelling from the business activities will compel the need to develop yet another dwelling to support the business. The creation of formal legal access to the rear lot (which is already accessible internal to the property) is also 'setting up' that lot for an additional dwelling. Being an old Crown Allotment, planning policy discourages the use of that lot for a dwelling.

The context of the area is a mixture of smaller lots and larger farming tenements. It is agreed that this area would benefit from further strategic work to identify its future, given this mix. Approval of the proposed re-subdivision would be premature in this regard. Notwithstanding, planning decisions must be made on the basis of existing planning scheme controls, which do not support the application.

It is wholly possible that a re-subdivision of sorts could be contemplated on this site given the existing layout of infrastructure. However such a re-subdivision should seek to maintain the open farmed landscape and minimise fragmentation and the intrusion of further dwellings scattered across the site. The adjoining lot in the tenement ('NIS') could form part of that equation. If the current proposal is refused, the applicant would be encouraged to re-engage with Planners to identify options that would better align with the current provisions of the Scheme.

Options

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

15.4. 471 High Street, Golden Square 3555 - Use and Development of a Residential Hotel and Alteration of Access to a Road in a Road Zone 1

Author	Shannon Rosewarne, Senior Planner
Responsible Director	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application details:	Use and development of a residential hotel and alteration of access to a road in a Road Zone 1
Application No:	DU/328/2020
Application Documents	Application Documents
Applicant:	Beveridge Williams & Co Pty Ltd
Land:	471 High Street, GOLDEN SQUARE 3555
Zoning:	General Residential Zone Adjoins Road Zone 1
Overlays:	Nil
No. of objections:	21
Consultation meeting:	A consultation meeting was not held.
Key considerations:	<ul style="list-style-type: none"> • Whether the proposal is consistent with State and local planning policy. • Whether the scale and built form of the development is acceptable in relation to the site context and neighbourhood character. • Whether the proposal will result in unacceptable traffic and car parking impacts. • Whether the proposal will result in unacceptable amenity impacts.
Conclusion:	The proposal represents an unacceptable planning outcome with regards to the relevant provisions of the Greater Bendigo Planning Scheme.

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for use and development of a residential hotel and alteration of access to a road in a Road Zone 1 at 471 High Street, GOLDEN SQUARE 3555 on the following grounds:

1. The proposed development is not consistent with Clauses 15.01-5S, the purposes of Clause 32.08, and the objectives of Clause 22.15 and Clause 55.02-1 which require new development to respect the existing and preferred neighbourhood character.
2. The proposal does not satisfy the objectives of Clauses 55.02-1, 55.03-2, 55.03-3, 55.03-8, 55.04-1, 55.04-8, 55.06-1, 55.06-2.
3. The proposal does not provide for adequate on-site car parking and seeks to rely upon on-street car parking which will result in adverse amenity impacts on surrounding residents.
4. The proposal will result in unreasonable off-site amenity impacts including visual bulk and noise

RESOLUTION

Moved: Cr Jennifer Alden

Seconded: Cr Margaret O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

Council Plan Reference:

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

- Outcome 2 - Healthy, Liveable Spaces & Places

Attachments

1. Planning Assessment

Attachment 1 - Planning Assessment - 471 High Street, Golden Square 3555

PLANNING ASSESSMENT REPORT

Report

Subject Site and Surrounds

The subject site is located at 471 High Street, Golden Square, on the south west corner of Elm Street. High Street is a major transport route through Bendigo. The site is approximately 4.2 kilometres from the Bendigo city centre, 1.6 kilometres from the Kangaroo Flat activity centre and 1.8 kilometres from the Golden Square activity centre.

The site has an area of 1,380 square metres and is currently developed with a single storey cream brick dwelling with a tiled roof dating to approximately 1960 and an associated outbuilding. The site has a frontage of 37.28 metres to High Street and 31.33 metres to Elm Street. It is generally rectangular in shape, although the site has a corner splay at the intersection. The site has a low Colorbond fence to its street frontages.

Vehicle access to the site is currently via Elm Street. Whilst the site contains some mature trees, they are not considered to be of particular significance. Footpaths are located along both sides of High and Elm Streets. Mature street trees are located along High Street, with street trees in Elm Street being semi mature.

The site forms part of a residential area, although it is noted that some non-residential uses have been established along High Street in the vicinity of the site, including a number of motels and serviced apartments, a service station, gym, café, tyre and auto service centre, equipment hire service and a few medical centres. The scale of development is generally low, and predominantly single storey height, with some two storey scale motel developments.

The adjoining land to the south west at No. 473 High Street is also developed with a single storey cream dwelling with a tiled roof circa 1956, on a lot of approximately 1,025 square metres. The adjoining land to the south contains a single storey brick dwelling dating to approximately 1997 on a lot in the order of 650 square metres. All the other dwellings in this section of Elm Street between High and Panton Streets are single storey detached dwellings.

The site is served by bus route No. 5 (Huntly – Kangaroo Flat) with a bus stop in front of the site on High Street.



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

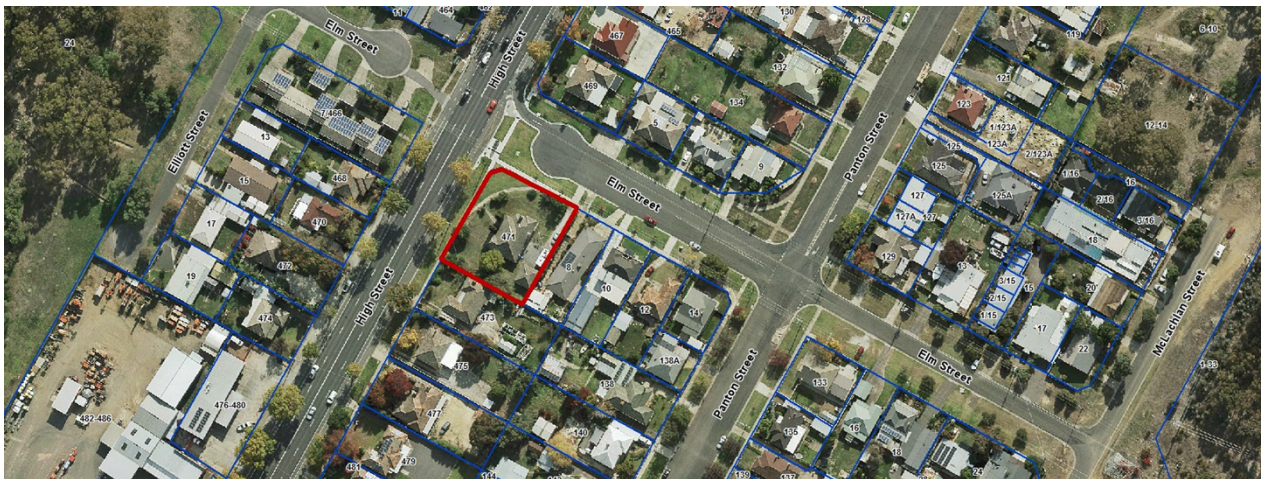


Figure 2: Aerial photograph showing subject site and surrounds

Proposal

The proposal is for the use and development of the land for a residential hotel. The proposal involves the demolition of the existing buildings on the site and construction of a three-storey residential hotel building, with one level of basement car parking.

The hotel would comprise 63 hotel rooms and ancillary facilities, including a café and swimming pool at ground floor and a meeting /conference room at second floor level.

The development would be constructed of rendered masonry and feature timber cladding, metal powdercoated battens, dark steel, glazing and paving. It would be a contemporary design with a gable roof form, with a maximum height of approximately 11 metres.

Access to the site would be via a single crossover on Elm Street to the basement level car park which provides for 29 on-site car spaces.

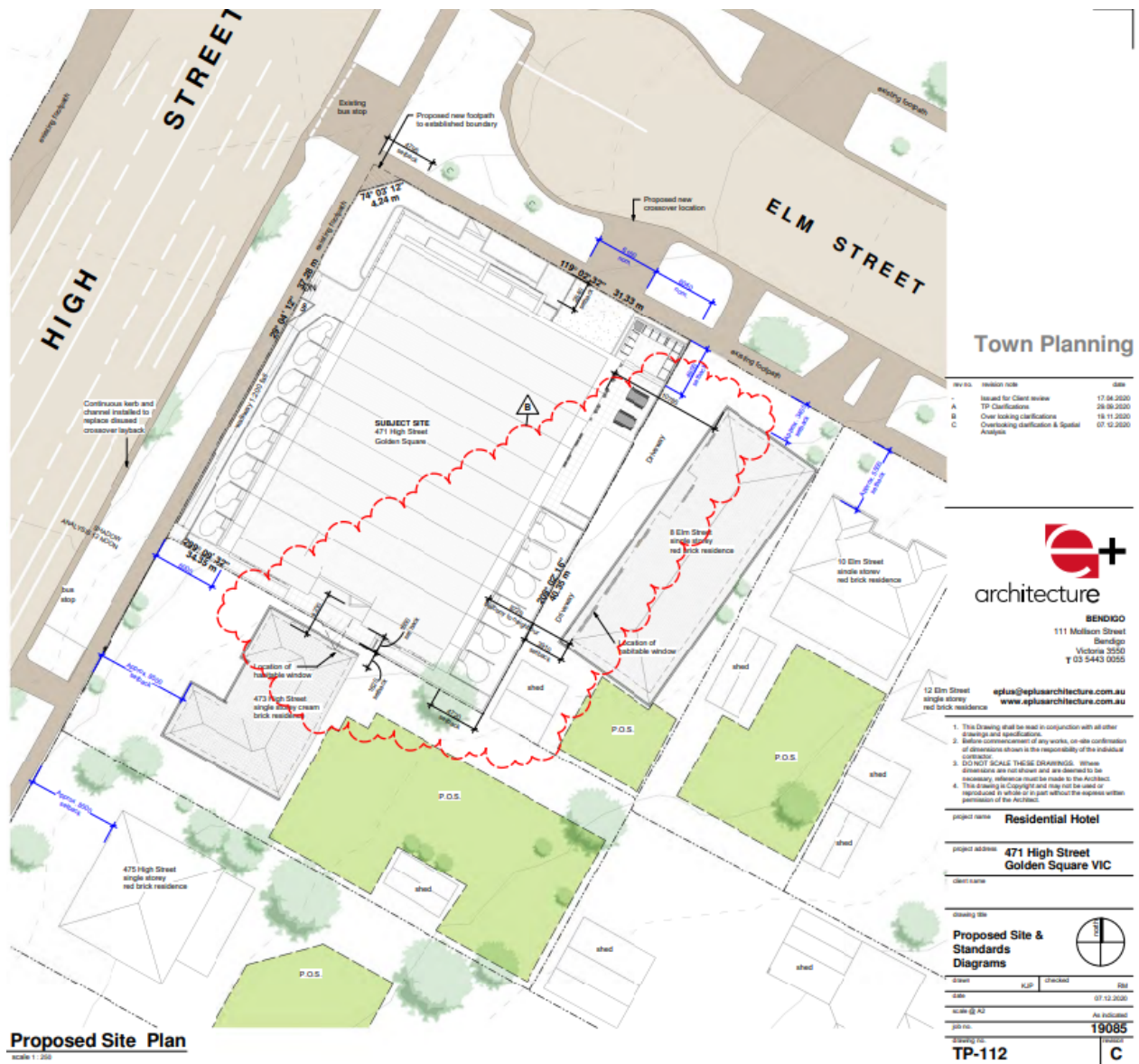


Figure 3: Proposed site plan

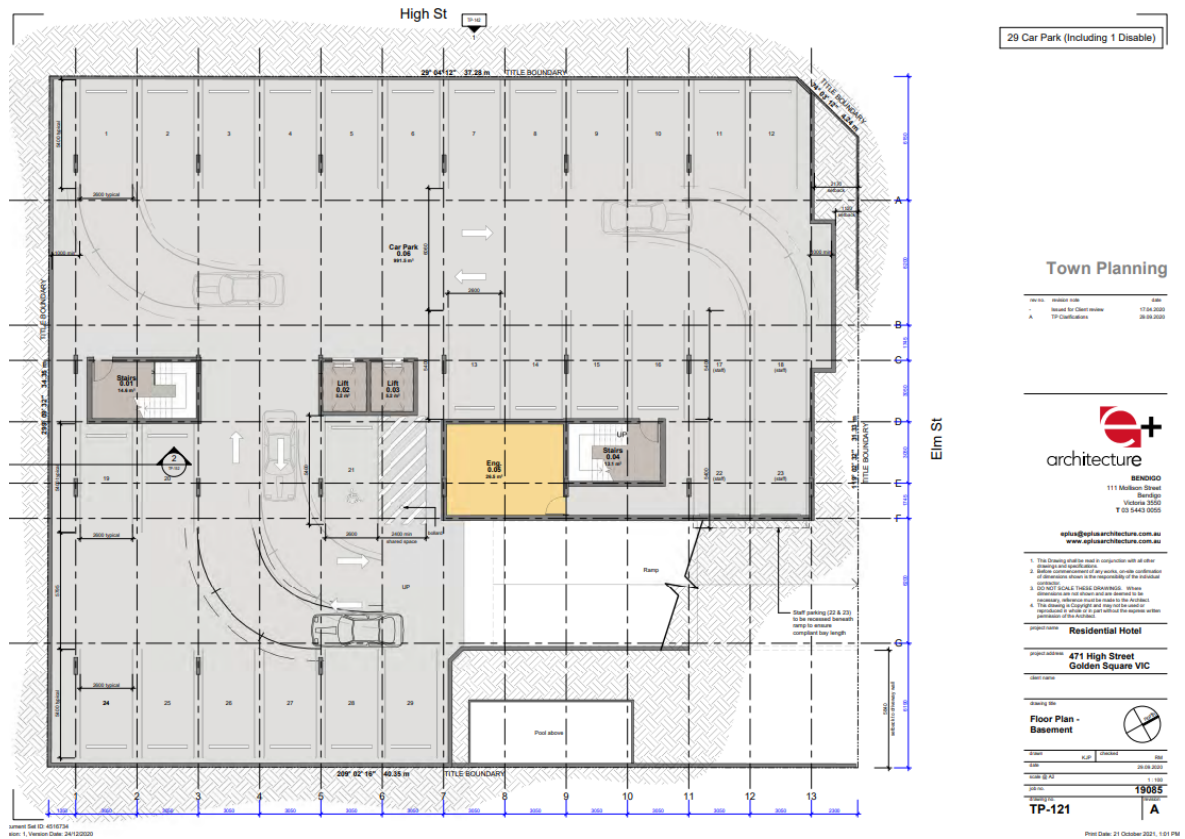


Figure 4: Proposed basement car park

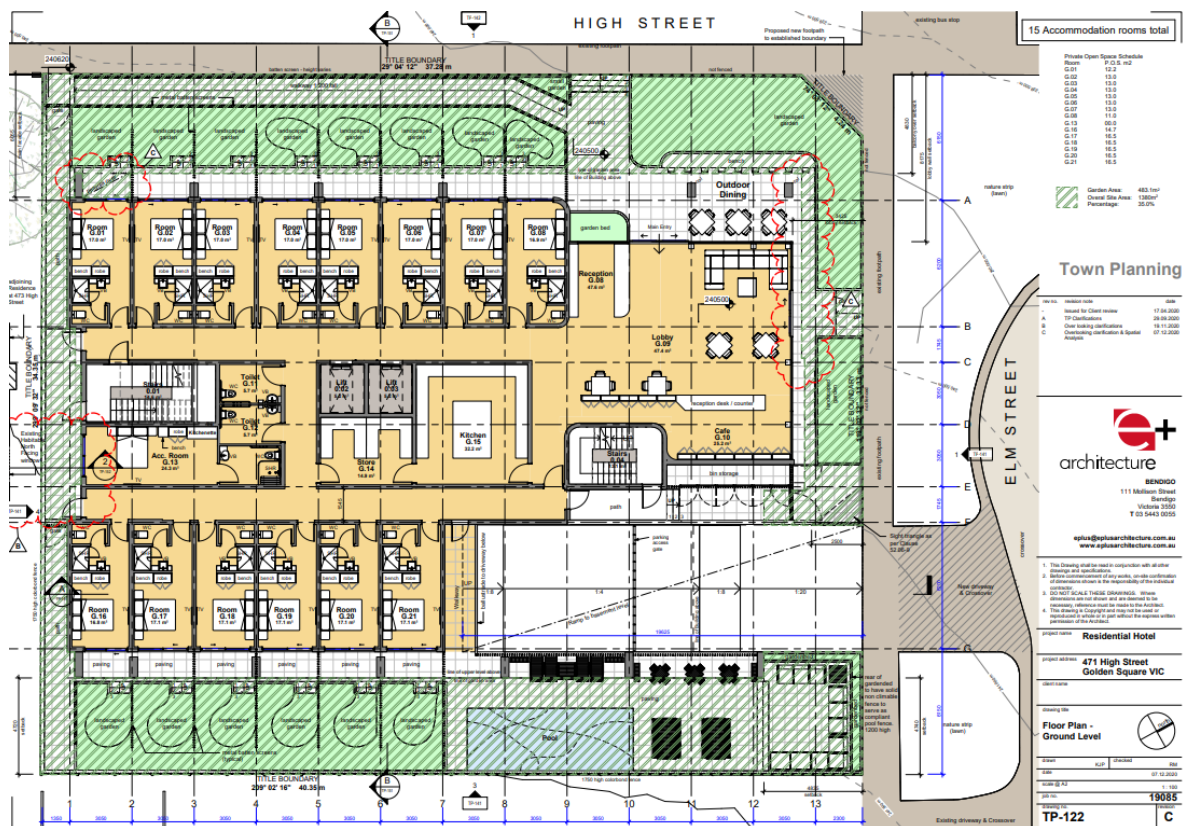
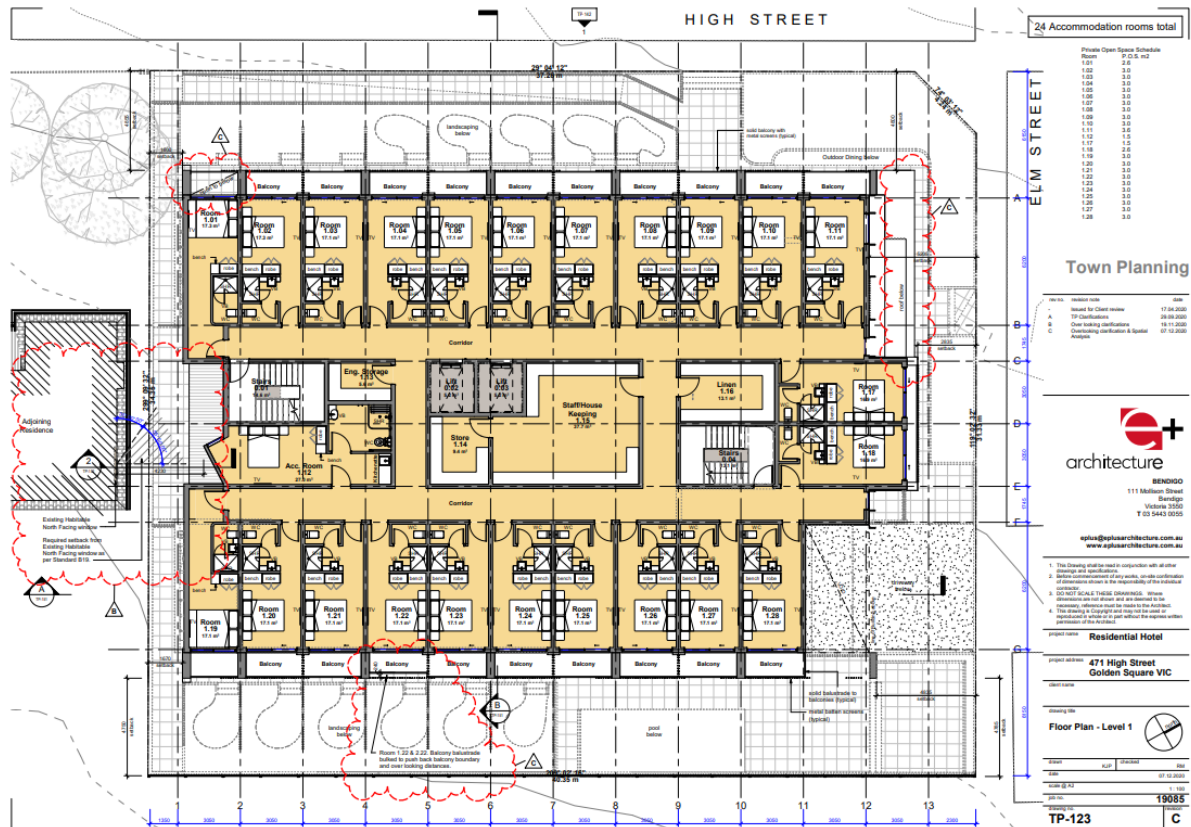


Figure 5: Proposed ground level



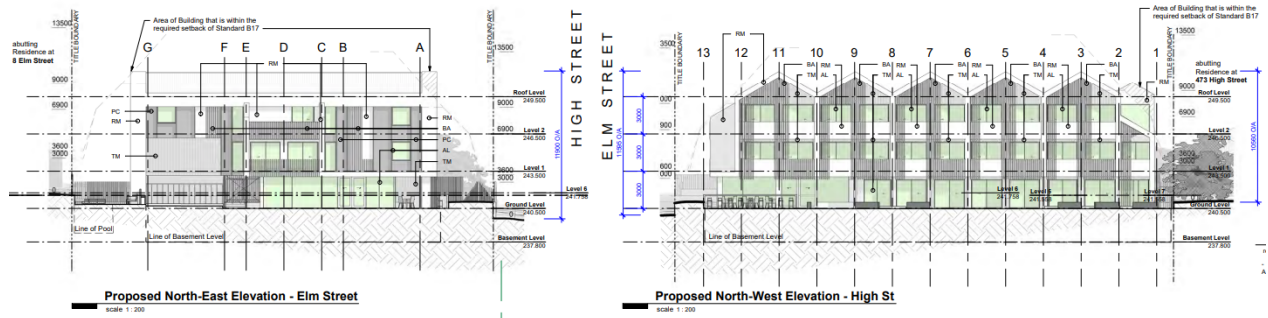


Figure 8: Proposed north east (Elm Street) and north west (High Street) elevations

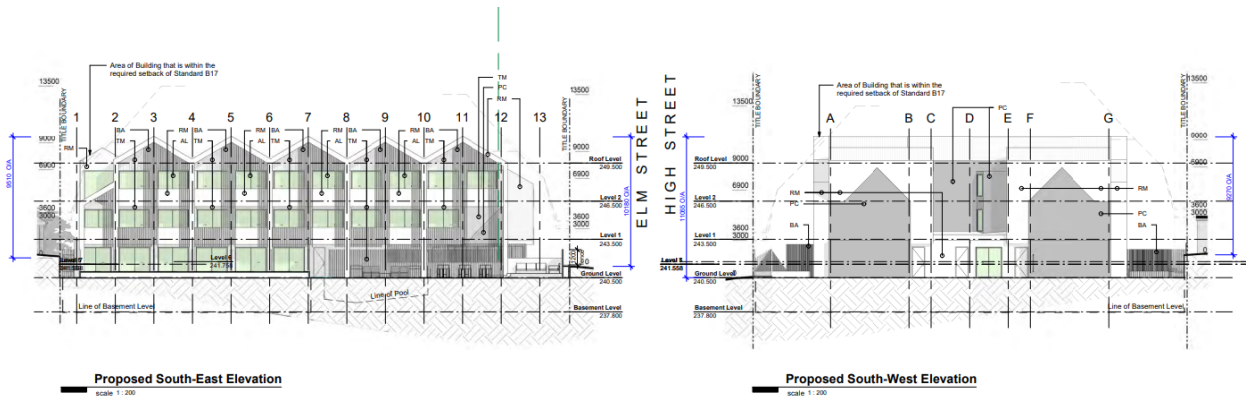


Figure 9: Proposed south east and south west elevations



Figure 10: Proposed High Street streetscape view

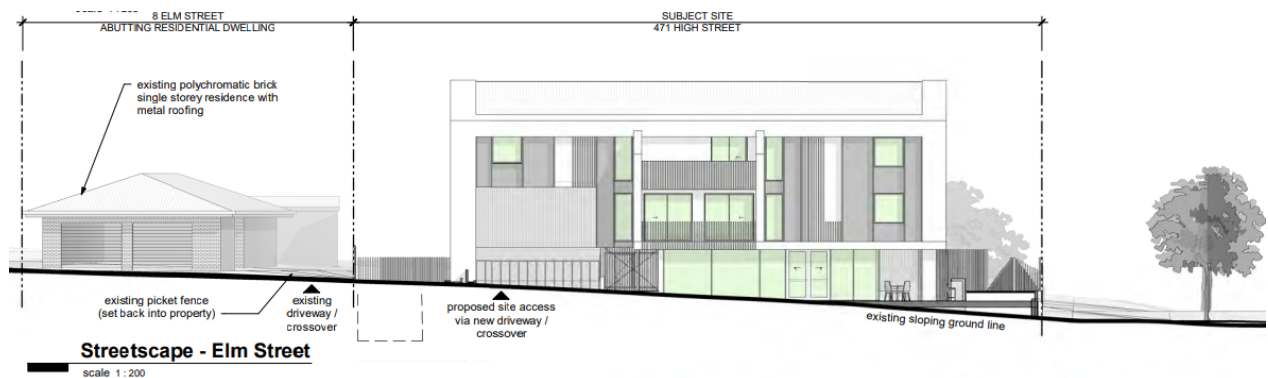


Figure 11: Proposed Elm Street streetscape view

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.02-1S Energy and resource efficiency
- Clause 17.02-1S Business
- Clause 17.01-1R Diversified economy - Loddon Mallee South
- Clause 17.04-1S Facilitating tourism
- Clause 18.02-4S Car parking

Municipal Strategic Statement

- Clause 21.07 Economic development

Local Planning Policies

- Clause 22.08 Highway Entrances and Boulevards Policy
- Clause 22.10 Environmentally Sustainable Development Policy
- Clause 22.15 Golden Square Residential Character Policy

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 52.06 Car parking
- Clause 55 Two or more dwellings on a lot or construction of residential buildings
- Clause 65.01 Decision guidelines
- Clause 66 Referrals
- Clause 71.02-3 Integrated decision making

Planning Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.08-2 of the General Residential Zone which states a permit is required to use land for a residential hotel
- Clause 32.08-9 of the General Residential Zone which states a permit is required for buildings and works associated with a section 2 use.
- Clause 32.08-6 of the General Residential Zone which states a permit is required to construct or extend a residential building.
- Clause 52.29 which states a permit is required to alter access to a road in a Road Zone Category 1.

Consultation/Communication

Referrals

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

Referral	Comment
Department of Transport	<p>No objection subject to conditions specifying that:</p> <ul style="list-style-type: none"> • The existing redundant driveway layback on High Street must be removed and the kerb and channel reinstated to the satisfaction of and at no cost to the Department of Transport (Head, Transport for Victoria); and • All rooms that abut the arterial and local roads must be designed and constructed to meet the acoustic standards specified in AS 2107-2016 "Acoustics - Recommended design sound levels and reverberation times for building interiors", giving regard to AS 3671-1989.
Engineering - Traffic	<p>No objection. The following comments were provided:</p> <ul style="list-style-type: none"> • The grade of a driveway must be 1:20 for the first 6 metres inside the property line as per AS 2890.1:2004, cl 3.3. This allows the driver to see pedestrians over the bonnet as they come up the ramp. • The development must ensure sight lines for pedestrian safety comply with Clause 52.06-9. • The driveway between the property boundary and the kerb must be constructed in accordance with the Infrastructure Design Manual. • Any vehicle crossing must be constructed in accordance with AS 4970: the protection of trees on development sites. A Tree Protection Zone (TPZ) shall be established for the duration of any works in proximity to a Council tree. A TPZ is calculated by multiplying the diameter of the tree at 1.4m above ground level by 12. (i.e.: a tree with a diameter of 30cm will have a TPZ of 3.6m)". Any driveway within the TPZ requires approval from Council's Parks Department. • Any tree removal requires Council approval. • Any existing kerb layback not used must be removed and the kerb reinstated. • Any existing driveway not used must be removed and the nature strip reinstated. • All vehicles must enter and exit the site in a forward direction.

Referral	Comment
	<ul style="list-style-type: none"> The change in grade transition of the driveways should comply with AS 2890.1:2004, cl 2.5.3(e). Ground clearance can be checked using the method specified in AS 2890.1:2004, Appendix C for a B85 vehicle.
Engineering - Drainage	No objection subject to conditions requiring detailed drainage plans and construction of works for drainage.
Environmentally Sustainable Design	No objection. Recommended that some further details be shown or notated on the plans as a condition of permit, and conditions requiring the implementation of the Sustainability Management Plan.
Strategic Planning	<p>It is not anticipated that there will be any recommended changes to the planning controls for this site as part of the strategic work being undertaken.</p> <p>While the planning provisions allow for this type of proposal to be considered it is questioned about the site's degree of suitability to support this scale of development given its size and surrounding context.</p> <p>In total the site has an area of 1,380 square metres and while it contains a frontage to High Street (the main road to and from Bendigo) there are no supporting services or infrastructure in the area (i.e. the site is not near future station precinct, shops etc) and this is not anticipated to change into the future. The strategic work for Golden Square will recommend the consolidation of commercial enterprises along the High Street corridor.</p> <p>From a planning perspective a residential hotel is considered a form of accommodation and therefore has the capacity to be more suited to a residential context. While it would be preferable that this type of development occur in proximity to the Golden Square town centre to support its revitalisation, it is recognised that there is very limited scope to refuse an application on this basis.</p> <p>There are still some unresolved issues when it comes to the proposed built form. While some form of higher density is encouraged, to what degree does require further consideration. Given the size of the site and the nature of built form surrounding the proposed development, it comes across as dominating due to the need to maximise the use and development of the site for a proposal of this nature.</p>

Referral	Comment
	<p>As mentioned above the proposal is not in close proximity to transport infrastructure or services which will likely result in an increased demand for the provision of onsite car parking spaces. This consideration does not appear to be satisfactorily thought through in the application given the number of rooms / patron capacity and meeting facility proposed. It therefore has the potential to have an adverse impact on the residential amenity of the area with surplus parking demand being dispersed into surrounding streets and likely leading to ongoing noise issues.</p> <p>Although there are more suitable sites which are aligned to current (and future) services and facilities that could better support this type of development the proposal will not be detrimental to the revitalisation of the suburb. It is considered there are some unresolved issues in regard to the built form and car parking supply / demand however in principle the use is appropriate.</p>
Parks and Open Space	<p>No objection but advised that trees adjoining on the nature strip, need an independent and accredited arborist to calculate the Tree Protection Zones (TPZ) and install web fencing, prior any construction or disturbances, commence. No stockpiling, no earthworks and no machinery inside the TPZ.</p> <p>Any Council tree to be removed must be approved by the Parks and Open Space Unit and the calculated amenity values paid, prior to any removals.</p> <p>Council assets - Street trees recorded at this location on High Street, include:</p> <ul style="list-style-type: none"> • 294,999 - Plane Tree – Platanus x acerifolia • 295,000 - Plane Tree – Platanus x acerifolia

Referral	Comment
Environmental Health	<p>No objection. Recommended the following notes:</p> <ul style="list-style-type: none"> • The facility must register with the City of Greater Bendigo under the Public Health and Wellbeing Act 2008 for the provision of accommodation. • The food premises must be constructed and maintained in accordance with the Food Act 1984 and Food Standards Code. It is strongly recommended that a plan of the proposed food premises be submitted to City of Greater Bendigo Environmental Health Department for assessment prior to commencement of construction and/or fit out. • The premises must register with the City of Greater Bendigo under the Food Act 1984 if any beverages or foodstuffs are to be sold, stored, prepared or provided at the facility. Application for registration must include a copy of the Food Safety Program. • Coliban Water must be contacted to determine whether a grease trap will need to be installed. • Smoking is prohibited in outdoor dining areas where food is served at hospitality and food venues in Victoria. Venues must display appropriate 'No smoking' signs in these areas to raise awareness of the no smoking status.

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, twenty-one (21) objections were received, with the grounds of objection summarised below. A consultation meeting was not held as all parties did not agree to a meeting, and in any case the concerns raised were not likely to be resolved.

Traffic impacts

- Concerns about increased traffic in Panton Street and the intersection of Panton and Oak Streets, which is already dangerous and busy and the only exit from Elm Street.
- Concerns about increased traffic using the Elm Street and Oak Street signalised intersection, including traffic delays and safety impacts
- Elm Street was closed due to road safety on High Street and traffic in Elm Street. The proposal will have traffic impacts on these streets
- The traffic flow for Panton Street was not addressed in the traffic study and this will be the main access to the development.
- Oak/Panton Street intersection is congested at any given time of the day. The traffic study assumed the majority of traffic would flow during daylight hours, however this development will attract traffic 24 hours a day.
- The main access driveway to the development is inappropriately located and should be located off High Street.

- Elm Street does not allow a right turn entry (from High Street) and does not allow exit onto High Street. Guests and workers will need to travel through residential streets to access the development. Access from local streets from the south is particularly constrained.

Car parking

- Concerns about insufficient parking provision on the site as the proposal only provides for 29 car spaces.
- Car parking is inadequate as the development will have 63 rooms plus staff.
- There aren't enough car parks for half of the rooms, meaning 34 of the 63 guests will be left to park in the surrounding areas, plus staff for the facility and adjoining café. High Street is far too dangerous, forcing them into Elm and Panton Streets.
- No allowance has been made for parking for staff and meeting room facilities. Cars will park off site, inevitably in Elm Street.
- Parking associated with the hotel would occur in Elm Street. Elm Street is currently a quiet residential street with limited access off High Street and very little traffic from Panton Street. This situation will change if the only entrance to the development is off Elm Street. A more practical solution would be to have the entrance off High Street.
- The road does not allow safe access and is definitely not suitable for parking.

Need for proposed residential hotel

- Extra hotel is not needed in the area, with a number of motels already in proximity.
- There are already 5 hotel/motels in between one and a half blocks.

Amenity impacts

- The proposal will have negative amenity impacts on the area including noise, car parking, traffic and privacy impacts.
- Increased traffic as a result of access off Elm Street will change this into a busy road with delivery and service vehicles using it on a regular basis.
- Concerns about overshadowing to adjoining dwellings.
- Loss of view.
- Concern about privacy impacts/overlooking into backyards, in particular from upper floor balconies.
- The development would be 3 storeys and by far the largest in the area. Concern about potential to look into neighbours yards.
- Concern about overshadowing adjoining properties due to the size of the building.
- This is a residential area containing aging people and families.
- This area is typically very quiet. It's a dead end and has one way in and out. All traffic here is local only. The noise of increased traffic, during and post construction will significantly decrease the quality of life in the adjoining area.
- The proposal is misplaced and much more suited to a block of land much closer to the CBD, in an area with a far better traffic management plan.

- Concern about overflow parking in the surrounding area and impacts on local residents. Residents of the hotel should not be allowed to park in the streets.
- Location of guest outdoor areas will impact on the amenity of the neighbouring dwelling including bedrooms. Guests will be entitled to occupy these spaces day and night.
- Concerns about damaging the environment, freedom of movement and potential for exposure to antisocial behavior.
- Concern about impacts on surrounding area during construction, including noise, vibrations, hoardings, rubbish and parking.
- Concern about proximity of proposed swimming pool to adjoining dwelling and associated amenity impacts of noise from patrons using and congregating near the pool, noise from pool pumps and plant, and impacts from lighting.

Scale, design and layout

- The block is not big enough to accommodate the suggested plans. It will have a very cramped feel to it and the style does not with the heritage homes surrounding it.
- The overall size and look of the proposed development will not blend with the current streetscape.
- The building is excessively high at this residential interface and will dominate views, not only from the outside but within the adjoining dwelling
- Concern about loss of daylight/solar access from the midday hours. There is no relief in relation to the whole length of building adjacent to the boundary line.
- The development is effectively being built boundary to boundary. This together with the height will result in visual bulk.
- Development is visually unattractive.
- Landscaping should be incorporated into the design
- Inadequate detail is provided in relation to how the car park will be excavated.
- The pool should be relocated effectively to the corner of High and Elm Street.
- Access should be relocated to High Street.
- The design should be reconfigured to remove private outdoor spaces adjoining the adjacent dwelling and balconies should be avoided or minimised to address overlooking concerns.

Other

- Financial losses to home owners in the area as a result of the proposal.
- Whether consideration of contamination been taken into account and addressed.

The objections are discussed below.

Planning Assessment

Planning Policy

The following clauses of the State and local planning policy framework are relevant in the consideration of this proposal:

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

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

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

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

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

The proposed development would provide for additional accommodation for visitors to Bendigo on a main road location and has potential to provide new employment opportunities in the hospitality and service sectors.

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

Clause 15.01-5S (Neighbourhood character) aims to recognise, support and protect neighbourhood character, cultural identity and sense of place. Strategies include:

- Supporting development that respects neighbourhood character or contributes to a preferred neighbourhood character; and

- Ensuring development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision
 - Underlying natural landscape character and significant vegetation
 - Neighbourhood character values and built form that reflect community identity

There are concerns that the proposal is not consistent with the existing or preferred neighbourhood character and has not been designed to recognise its context within a residential precinct.

The site falls within Precinct 5 of the Golden Square Residential Character Policy at Clause 22.15. The precinct is described as follows: *“This precinct, mostly developed between the 1950s-1970s, is one in which consistency of siting of dwellings is important. Most share the same standard front set back, and most also have spacious side setbacks with established gardens including mature trees. This sense of spaciousness is emphasised by low or transparent front fences or, in some cases, absence of a fence. Mature trees in reserves or private gardens often dominate the skyline. The horizontal emphasis of the dwelling form is also important, resulting from the long, low elevations of the buildings in relation to their height.”*

The statement of desired future character is: *The garden setting and the openness of the streetscape will be maintained.*

An assessment of the proposal against the policy’s objectives and preferred design responses is provided below.

Objective	Design Responses
To maintain and strengthen the garden settings of the dwellings.	Prepare a landscape plan to accompany all applications for new dwellings. Retain large, established trees and provide for the planting of new trees wherever possible.
<i>Comment: Does not comply. Whilst indicative landscaped areas have been shown on the site layout plan, a detailed landscape plan has not been provided as part of the application. Some trees are proposed to be removed from the site, but they are not considered to be significant. Given the setbacks of the development and the car park level below the building, tree planting within the site is not likely to be possible for this proposal. There is concern about the extent of paving proposed within the setback to High Street and with the proposed fencing. A paved path adjacent to the front boundary is not considered necessary and will not assist in softening the built form of the development. Screen fencing will not allow for views to landscaped areas within the front setbacks.</i>	
To maintain the consistency, where present, of building front setbacks.	The front setback should be not less than the average setback of the adjoining two dwellings.
<i>Comment: Does not comply. The proposed development will sit forward of the adjoining dwelling which has a setback of 8.5 metres. The proposed setback is 4.83 metres. The proposal does not maintain the consistency of front setbacks along this section of High Street.</i>	

Objective	Design Responses
To reflect the existing rhythm of dwelling spacing.	Buildings should be setback between 1 and 3 metres from both side boundaries, based on the predominant pattern in the streetscape.
<i>Comment: Dwellings in this section of High Street are typically offset approximately 3 metres from one side boundary to allow for a driveway and at least 1 metre from the other side boundary. The proposal provides for setbacks of approximately 1.3 to the south western boundary and 2.83 metres to Elm Street. Whilst these setbacks are generally consistent with the preferred setbacks under this objective, the proposal provides for minimal spacing from the adjoining dwelling at 473 High Street. This minimal setback combined with the height of the proposed development will result in it being dominant within the streetscape.</i>	
To ensure that buildings and extensions do not dominate the streetscape.	Respect the predominant building height in the street and nearby properties. Use low pitched roof forms.
<i>Comment: Does not comply. The proposed development will be three storeys in scale, whereas the adjoining and surrounding residential development is predominantly single storey. While there are some examples of two storey scale motel developments along High Street, the proposed development will exceed the height of these also.</i>	
<i>Gable roof forms are proposed. Whilst gables can be found in the surrounding area and this adds visual interest to the design of the development, this roof form also adds to the overall height of the development.</i>	
<i>The development will dominate the streetscape and precinct and the disparity in heights is significant.</i>	
To use building materials and finishes that complement the dominant pattern within the streetscape.	In streetscapes where weatherboard predominates, render, bag or paint brick surfaces.
<i>Comment: Complies. The proposed building materials, which include rendered masonry, timber cladding, metal battens are generally acceptable.</i>	
To maintain the openness of the streetscape.	Provide low or open style front fencing up to a maximum of 1.2 metres.
<i>Comment: Does not comply. Fencing along part of High Street to a height of 2.2 metres is proposed to screen views to the ground floor rooms and provide for courtyards within the front setbacks. This is not consistent with this design objective and does not maintain the openness of the streetscape.</i>	

The application has responded to Clause 15.02-1S (Energy and resource efficiency) and the City's Environmentally Sustainable Development Policy at Clause 22.10 of the Planning Scheme. A Sustainability Management Plan has been prepared for the application which demonstrates that the development can achieve a BESS score of 50%, which is best practice and a Green Travel Plan has been prepared. The plan is generally satisfactory; however, if the proposal is approved, some further detail is required to be provided and shown on the final plans.

Clause 18.02-4S (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located. Relevant strategies include:

- Designing and locating local car parking to:
 - Protect the role and function of nearby roads.
 - Enable easy and efficient use.
 - Enable the movement and delivery of goods.
 - Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
 - Create a safe environment, particularly at night.
 - Facilitate the use of public transport
- Protecting the amenity of residential precincts from the effects of road congestion created by on-street parking.

There are concerns that the proposal does not provide for adequate on-site car parking and that overflow parking into the surrounding residential streets will adversely affect the amenity of residents.

With regard to strategic planning for the area, the subject site forms part of Precinct 16 within the City of Greater Bendigo's *Draft Golden Square Framework Plan (August 2020)*. This document has not yet been adopted by Council and is not referenced within the Planning Scheme. Precinct 16 (Incremental Residential) is described as containing a diverse residential built form and is the residential spine of High Street. There are limited areas of heritage significance and it therefore provides greater scope for consideration of redevelopment. A number of sites have been identified for residential development opportunities which could provide diversity in built form, increased densities and the inclusion of affordable housing, however there are no specific recommendations relating to the subject site within the plan.

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

Although the proposal to provide for a residential hotel located on a main road in Bendigo has merit with regard to planning policies which seek to support growth in the local economy, business and tourism and the building design is no doubt functional and will provide for a high level of amenity for guests, the site context has not been appropriately considered in the design of the development, and its scale will not fit well with its surrounds, resulting in unacceptable off site amenity impacts.

Zone

The land is zoned General Residential Zone. In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of the zone include encouraging development that respects the neighbourhood character of the area, encouraging a diversity of housing types and housing growth particularly in locations offering good access to services and transport and allowing educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Residential hotel, which comes under the broader heading of 'Accommodation', is a section 2 – permit required use within the General Residential Zone.

Residential hotel is defined within the Planning Scheme as: *Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*

Whilst objectors have raised concerns that there are already a number of motels servicing the area, the Planning Scheme does not require Council as the responsible authority to determine the need for or supply of a use or development.

The use falls within the broader definition of Residential Building under the Planning Scheme and Clause 55 applies with an assessment provided below. There are concerns that the proposal does not meet a number of objectives and standards.

A minimum garden area requirement of 35% of the site area applies to the proposal, as the site is over 650 square metres. This requirement has been satisfied.

Clause 55

The purpose of Clause 55 (two or more dwellings on a lot and residential buildings), includes the need to achieve residential development that respects neighbourhood character and provides reasonable standards of amenity for existing and new residents.

It is a requirement of Clause 55 that a development must meet all of the objectives of the clause and should also meet all of the standards. An assessment of the key objectives and standards in relation to this proposal is provided below. A number of standards and objectives have not been satisfied. Private open space requirements have not been assessed for this application, given the proposal is for short term guest accommodation as opposed to individual dwellings.

- *Clause 55.02-1 Standard B1 - Neighbourhood character*

This clause seeks to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and ensure that development responds to the features of the site and surrounding area.

The section of High Street between Oak and Ash Streets is characterised by predominantly single storey detached brick dwellings with hipped roof forms. Dwellings in the street date from the 1950s to 1960s. There are two double storey motel developments in this section of the street and some other commercial uses and developments along High Street, however the surrounding area is predominantly residential and low scale.

There are concerns that the proposed development does not respond appropriately to its context. While the roof forms and materials are generally acceptable, there are concerns with the height, massing and overall scale of the development, which is three storeys and takes up more than 60% of the site.

The development will be set forward of the neighbouring dwelling and side setbacks to Elm Street and the adjoining property to the south west are minimal. An appropriate transition in heights to the adjoining lower scale buildings has not been achieved. The proposed fencing to High Street will obscure views to landscaping and the ground floor level and further add to the bulk of the development.

The proposal fails to respect the existing and preferred neighbourhood character. A building of this scale in a residential context should be located on a larger site which would enable greater setbacks, and the design should provide for greater articulation to break up the building massing.

- *Clause 55.02-4 Standard B4 – Infrastructure*

The site is located within an established urban area and all services are available to the site. The City's Drainage Engineering team has requested conditions of permit requiring on-site stormwater detention. Detailed drainage plans will be required to be submitted for approval prior to the commencement of construction.

- *Clause 55.02-5 Standard B5 - Integration with the street*

The development has been designed to address High and Elm Streets. A high front fence is proposed along part of High Street which is discouraged under the standard.

- *Clause 55.03-1 Standard B6 - Street setback*

The objective of this clause is to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. Under this standard, the required setback to High Street is 8.5 metres, based on the setback of the adjoining dwelling. The proposal does not comply with the standard, with a proposed front setback of 4.83 metres to the balconies and 6.15 metres to the front wall of the building. As such a variation to the front setback standard is sought.

The minimum side setback under the standard is 2 metres. The proposal satisfies the side setback requirement with a proposed setback of 2.84 metres to Elm Street.

The application states that the proposal provides for an appropriate transition in building height and density at a prominent corner location and that the setbacks allow for adequate landscaping and planting to soften the appearance of built form. The application further states that the adjoining lot may be redeveloped in future, therefore a reduced setback should be considered.

The Planning Scheme requires applications to be assessed based on the current conditions and preferred neighbourhood character. In this case, there is nothing in the Scheme or draft Golden Square strategic plan to suggest that this section of High Street will undergo significant redevelopment. Balconies are not an allowable encroachment within the setback required under the standard.

There are concerns that the proposed setback is not consistent with the prevailing setbacks along High Street and that a reduced setback will further add to the dominance of the development within the streetscape.

- *Clause 55.03-2 Standard B7 – Building Height*

The objective is to ensure that the height of buildings respects the existing or preferred neighbourhood character. The maximum height specified in the zone is 11 metres, however a building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees. (A basement is not a storey for the purposes of calculating the number of storeys contained in a building.) Changes of building height between existing buildings and new buildings should be graduated.

In this case, the slope of the land is greater than 2.5 degrees, therefore the maximum permitted height is 12 metres. The development will comply with this requirement. The height of the development measured from natural ground level is approximately 11 metres.

However, there are concerns that the changes in building height between the adjoining dwellings and the new development have not been appropriately graduated and that the development will be taller than the existing larger scale buildings along this section of High Street. It is considered that the proposed height does not respect the existing or preferred neighbourhood character.

- *Clause 55.03-3 Standard B8 - Site coverage*

Standard B8 states that the maximum site coverage should not exceed 60%. The proposal does not comply with a proposed site coverage of 62%. Whilst this exceedance of the standard is marginal, the scale of the development will result in a level of visual bulk that is not acceptable in the context of this neighbourhood.

- *Clause 55.03-4 Standard B9 - Permeability and stormwater management*

The proposal achieves the minimum 20% permeability standard with a proposed permeability of 21.5%, which complies with the standard. If the proposal is approved by Council, detailed drainage plans would be required as a condition of permit.

- *Clause 55.03-5 Standard B10 – Energy Efficiency*

The proposal will achieve a reasonable level of energy efficiency. Areas of open space have a northern aspect. Large areas of glazing will allow for natural light.

- *Clause 55.03-6 Standard B11 – Open Space*

An area of communal open space is proposed for the development, with a swimming pool proposed.

- *Clause 55.03-8 Standard B13 - Landscaping*

Some existing mature trees on the site will be removed to facilitate the development, however they are not considered to be of significance. Whilst indicative landscaped areas have been shown on the plans, a detailed landscaping plan has not been provided. It is considered that there is limited scope for tree planting within the proposed site layout and due to the basement level car park, however smaller shrubs, groundcovers and lawn areas could be provided in the event the proposal was approved. The extent of paving within the front setbacks is not supported, in particular the proposed path adjacent to the existing footpath is unnecessary.

- *Clause 55.03-9 Standard B14 – Access*

The proposal seeks to construct a single access for the development onto Elm Street which will have a width of 6.2 metres. The width of proposed access will take up less than 33% of the frontage to the street, in accordance with the standard. The proposed access will allow for emergency vehicle access and deliveries. The location of the crossover will enable on street parking in front of the site. Waste collection will likely be undertaken within the road reserve. If approved, conditions of permit would be required to ensure the crossover is constructed in accordance with the City's Infrastructure Design Manual.

- *Clause 55.03-10 Standard B15 – Parking*

The proposal provides for secure and functional parking within a basement level car park.

- *Clause 55.04-1 Standard B17 – Side and rear setbacks*

The objective of this clause is to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The table below has been extracted from the planning report forming part of the application. It shows that the proposal does not satisfy all side setback requirements under the standard.

Table 4: Side and Rear Setbacks – Standard B17 Assessment

ELEVATION	WALL HEIGHT	REQUIRED SETBACK	PROPOSED SETBACK	COMPLIES
North East (Side)	3 metres (GF)	1 metre	3.425 metres	✓
	6 metres (L1)	1.72 metres	2.835 metres	✓
	9 metres (L2)	4.09 metres	2.845 metres (balcony)	X
South East (Rear)	3 metres (GF)	1 metre	4.765 metres	✓
	6 metres (L1)	1.72 metres	4.75 metres	✓
	9 metres (L2)	4.09 metres	4.75 metres	✓
South West (Side)	3 metres (GF)	1 metre	1.2 metres	✓
	6 metres (L1)	1.72 metres	1.6 metres	X
	9 metres (L2)	4.09 metres	1.62 metres	X

The non-compliance with the required side setbacks under Standard B17 results in a high degree of visual bulk impact when viewed from the adjoining property on High Street.

- *Clause 55.04-2 Standard B18 – Walls on boundaries*

No walls are proposed to be constructed on within 200mm of boundaries, therefore this standard is met.

- *Clause 55.04-3 Standard B19 – Daylight to existing windows*

The development provides for an appropriate light court for the adjoining dwelling's (473 High Street) habitable room window.

- *Clause 55.04-4 Standard B20 – North facing windows*

The proposed development marginally encroaches within the required setback, by 205mm, for a habitable room window on 473 High Street and a variation to the standard is therefore sought. A reasonable level of solar access is likely to be maintained for this window.

- *Clause 55.04-5 Standard B21 – Overshadowing open space*

There will be some overshadowing to the two adjoining properties at 473 High Street in the mornings and 8 Elm Street in the afternoons. Secluded private open space for both dwellings will largely be unaffected. The standard will be met as secluded private open space is not being impacted, however the degree of overshadowing is likely to impact on the amenity of existing dwellings, particularly 8 Elm Street in the afternoons. Whilst the area to be overshadowed on this property contains a driveway leading to a shed, this driveway appears to be used infrequently, with landscaping undertaken along this side of the dwelling to form part of the garden. This dwelling has a garage under the same roofline which is used for parking, with a separate driveway off Elm Street.

- *Clause 55.04-6 Standard B22 – Overlooking*

The objective is to limit views into existing secluded private open space and habitable room windows. The standard requires avoidance of direct views into secluded private open space and habitable windows within 9 metres of a window, balcony, terrace, deck or patio.

There will be overlooking to 8 Elm Street from upper floor balconies. The main area of secluded private open space for this dwelling is at the rear. The affected area will be a driveway leading to a shed at the rear, which appears to be an extension of the garden area when not used as a driveway. Secluded private open space is defined within the planning scheme as 'that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.'

The plans show that balconies for rooms 1.22 and 2.22 will be set back slightly further than other balconies along the south east elevation to ensure a distance of 9 metres is achieved to all habitable room windows on this adjoining dwelling.

There are no concerns with overlooking to 473 High Street.

- *Clause 55.04-7 Standard B23 – Internal views*

There are no concerns with overlooking within the development.

- *Clause 55.04-8 Standard B24 – Noise impacts*

This standard states that noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise has been raised as a concern by an adjoining objector. The plans show a proposed pool area adjacent to the south eastern boundary together with landscaped garden areas for each of the ground floor rooms. Mechanical plant and/or pumps may be required for the pool, but this has not been indicated on the plans. Balconies are also proposed at upper levels on the south eastern elevation for both of the upper floors.

There is potential for noise from guests using these outdoor spaces on a regular basis, particularly in the warmer months, to adversely impact on the neighbouring property to the south east, which has habitable rooms adjacent to the shared boundary. Given the nature of the use, a higher level of noise than could be reasonably be expected from a dwelling on the site is likely to occur. This amenity impact is unlikely to be effectively managed on an ongoing basis via permit conditions.

- *Clause 55.05-6 Standard B30 – Storage*

A bin storage area is shown on the ground level plan to the west of the access ramp for the car park. All other storage and service areas will be internal to the building.

- *Clause 55.06-1 Standard B31 - Design detail*

The development is a contemporary design and will be primarily constructed of rendered masonry and will feature timber cladding, dark metal powdercoated battens and aluminium framed glazing. The roof form for the development will be a series of gables.

No eaves or verandahs are proposed, although balconies are proposed on the north western (High Street), north eastern (Elm Street) and south eastern elevations. Window and door proportions are appropriate to the scale of the development. The treatment of the building corner at ground level where the café is proposed will incorporate a higher level of glazing with provision for outdoor seating. The car park entrance will not dominate the Elm Street façade.

While the proposed materials and roof forms are generally acceptable, the scale of the development is of concern in relation to the context of the site, as outlined previously. The design of the development does not seek to provide for a meaningful transition in the massing or height of the building and the upper floors are not recessed. As such, there are concerns about the visual bulk of the development within the streetscape and when viewed from adjoining properties.

The proposal also involves excavating for a basement level car park. The ground floor level will sit below the natural ground level and floor level of the adjoining dwelling on High Street.

- *Clause 55.06-2 Standard B32 – Front fence*

The objective of this clause is to encourage front fence design that respects the existing or preferred neighbourhood character. Front fencing up to 2.2 metres in height is proposed along part of High Street to provide privacy screening to hotel rooms at ground floor level while lower solid 1.2 metre high fencing is proposed along Elm Street to enclose the pool area.

Under the standard, the maximum height for front fences on streets in a Road Zone Category 1 is 2 metres and a maximum of 1.5 metres applies to other streets. High Street is zoned Road Zone 1. As such, the proposed fencing along High Street does not comply with the standard. There is a mix of fencing styles and heights along High Street including low brick fences and higher timber picket, Colorbond and steel post picket with brick pillars. However, in this case the proposed fencing is essentially a screening device along High Street and is not supported as it further adds to the bulk of the development and obscures landscaping within the front setbacks.

- *Clause 55.06-3 Standard B33 - Common property*

The objective of this clause is to ensure car parking, access areas and other communal open space is practical, attractive and easily maintained and to avoid future management difficulties in common ownership areas. The car park will be a shared facility, as will the pool area.

- *Clause 55.06-4 Standard B34 - Site services*

Given the nature of the use, there is no requirement for mailboxes, clotheslines and the like for this development. Bin storage has been incorporated into the design.

Traffic and car parking impacts

Concerns have been raised by objectors about traffic and car parking impacts arising from the proposal.

Access to the site is proposed from Elm Street via a new crossover. Elm Street is a local street which provides for entry only from High Street, with no exit permitted directly onto High Street. To exit onto High Street, vehicles must travel from Elm Street to Panton Street and via Oak Street.

The proposal provides for 29 car spaces on-site within a basement level car park. Four of these spaces are tandem car spaces and are proposed to provide for staff parking.

There is no specified car parking rate for a residential hotel or residential building within Clause 52.06 (Car parking) of the Planning Scheme. Where a rate is not specified, car parking provision must be to the satisfaction of the responsible authority.

A Traffic Impact Assessment prepared by Beveridge Williams was submitted as part of the application. The report has adopted the motel car parking rate as the most applicable rate for the proposed use. This rate is one space to each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use. In this case no manager dwelling is proposed as part of the development, but an ancillary café providing for a total of 26 patrons is proposed within the hotel. The applicable car parking rate for the café is the restaurant rate of 0.4 spaces to each patron permitted, reduced to 50%. As such, 5 spaces are required for the café.

The applicant's report assumes an occupancy rate of 80% for the hotel rooms and estimates a demand for 50 spaces for the hotel. This would equate to a total requirement for 55 spaces for the proposal. The report suggests that on street parking in Elm and High Streets can be utilised for the shortfall in onsite parking.

The report states that the proposal provides for a ratio of 46% of car spaces to rooms and compares this to the Quest Apartments at 228 McCrae Street, which has a ratio of 60% and the Mercure Schaller hotel with a ratio of 39%.

The City engaged traffic consultants PMP Urbanists to undertake a peer review of the applicant's traffic report to assess the traffic and car parking impacts of the proposal.

No adverse impacts on the High Street and Oak Street intersection were identified either by the peer review, the City's Traffic Engineer or Department of Transport. The peer view noted that "while road users at the intersection are beginning to experience moderate delays, the proposed development generates very low levels of additional traffic during peak traffic periods, and is expected to have a negligible impact on the operation of surrounding intersections." No significant issues were found in relation to the proposed car park and access layout or proposed service and refuse collection arrangements.

The review also did not identify any traffic safety impacts on the surrounding local streets, however, the review found that the proposed parking provision for the proposal was not appropriate.

The peer review applied the same parking rates as the applicant's traffic report outlined above, however the review noted that whilst the rate for the Mercure Schaller hotel was closer to the parking provision for the proposed hotel, it is located in a significantly different urban context to the subject site and has better access to services and destinations by sustainable travel modes with guests able to walk to the city centre and bus stops which serve four routes.

The review stated it is therefore reasonable to expect a greater proportion of guests would not require parking in an inner-city location and where multi storey public parking facilities are available, than guests of the proposed development, which is in a lower density suburban residential setting without alternative public off street parking.

The review also noted anecdotal reports of insufficient parking for this inner-city hotel based on online guest reviews. The review included case studies of three existing hotels and motels in Bendigo and a further two that have recently been approved by Council. The parking rates for these developments vary from 0.63 to 1.29 spaces per room. The review noted that one of five case studies, Quest Bendigo, is located a similar distance from the city centre as this proposal and had the highest parking rate of 1.29 spaces per room, whereas the other four case studies are within walking distance of the city centre and generally have parking rates in the order of 0.8 spaces per room, which is closer to double the rate of provision for the proposed development.

The peer review concluded that a minimum of 68 on-site spaces is required for the proposed development. This is based on the full rate of one space per room, plus 5 spaces for the café. It stated that as only 29 spaces are proposed on-site, significant overflow parking from the hotel could be expected in surrounding local streets. The proposal would have an expected shortfall of 39 spaces and guests who cannot access on-site parking would likely park in Elm Street and well into Panton Street.

Amenity impacts

Objectors have raised a number of concerns about amenity impacts including overflow parking within local streets, noise, privacy impacts, overshadowing, overlooking, patron behaviour, loss of views and impacts during the construction phase.

The reliance on a significant number of on-street car parking spaces for the proposed hotel will adversely impact existing residents as there will be less on-street parking available and increased noise, particularly outside of normal business hours.

There is likely to be an increase in noise as a result of the proposal due to the number of guests proposed to be accommodated and staff accessing the site, which would affect the amenity of the area. While the café component of the development is oriented to the street corner, other outdoor areas including balconies, landscaped yards for use by guests and the pool are proposed adjacent to the neighbouring dwelling (8 Elm Street). It is expected that this property would be adversely impacted by increased noise from guests on a regular basis. Permit conditions regarding the management of patron behaviour to limit noise are unlikely to be effective.

Overshadowing and overlooking have been addressed above as part of the Clause 55 assessment.

VCAT has previously held there is no right to a view, however visual bulk is a valid concern which has been discussed earlier.

If Council approved the application, permit conditions could be imposed requiring a Construction Management Plan to address matters such as vehicle parking for construction contractors, and to minimise impacts such as noise, vibration, sediment control and erosion, and dust.

Other objections

One of the objections raised property devaluation if the proposal were approved. Devaluation is not a relevant planning consideration. No evidence has been submitted to demonstrate that devaluation would occur.

Concern has also been raised about whether consideration of contamination been taken into account and addressed as part of the application. A contamination report has not been requested for this application with records indicating that the site has been used for a dwelling since 1960 and the surrounding area developed for residential purposes some time after 1945. A cultural heritage report prepared for the application stated that there is no mining activity mapped for the site, however mining occurred within the Bendigo Creek valley in Golden Square and there is potential for the land to be filled. The likelihood of any high level contamination is considered low.

Conclusion

In principle, whilst the proposed land use is acceptable within the zone, the site has some locational advantages being on a major road, and the development is an interesting design, there are concerns with the scale of the proposed development within this residential precinct and the adequacy of on-site car parking given the context of the site and the likely demand to be generated by the development.

The State Planning Policy at Clause 15.01-5S, together with the purposes of the General Residential Zone, and objectives of Clause 22.15 and Clause 55 of the Planning Scheme require that new development respects the neighbourhood character of the area.

Given the size of the site and the nature of built form surrounding the proposed development, there are concerns that the proposal would dominate this lower scale residential area and result in adverse amenity impacts to the adjoining dwellings.

The site is not in close proximity to transport infrastructure or services and the proposal will likely result in a greater demand for onsite car parking spaces than what has been allowed for in the design of the development.

It is recommended that this application be refused on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character, Rescode compliance, car parking provision and amenity impacts in a residential area.

Options

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

15.5. Reducing Harm from Gambling Policy

Author	Vicky Mason Director Health and Wellbeing
Responsible Director	Vicky Mason Director Health and Wellbeing

Purpose

This report outlines outcomes of community engagement on the Draft Reducing Harm from Gambling policy and presents a revised draft for Council's feedback and adoption.

Summary

In December 2017 Council endorsed a project brief for the updating of its current City of Greater Bendigo Gaming Policy Framework *Accessible but not Convenient*. The work was in response to the prioritisation of *reducing harm from gambling* in the Greater Bendigo Health and Wellbeing Plan 2017 – 2021. Harm from Gambling is also an area for action in Healthy Greater Bendigo 2021 - 25 (the City's current Municipal Public Health and Wellbeing Plan), adopted on 18 October 2021.

The new policy has been to take a public health approach with the aim of minimising harm through:

- Supply reduction
- Demand reduction
- Harm reduction

Research for the policy included:

- A review of the current policy
- An economic impact assessment
- A social impact assessment
- Identification of current best practice
- Benchmarking with other Victorian local governments

The draft was released for community consultation on 25 June, 2021, closing on 6 August, 2021. 95 submissions were received (Attachment 1). The key themes from these submissions have been analysed and considered by Council with the draft policy updated accordingly. It was noted by Council that some submitters were concerned that implementing the policy would lead to closure of current venues. This is not the intent of the policy.

Recommended Motion

That Council:

Endorse the draft Reducing harm from gambling policy and thank the community for their input into its development.

RESOLUTION

Moved: Cr Jennifer Alden

Seconded: Cr David Fagg

That the recommendation be adopted.

CARRIED

Policy Context

Greater Bendigo Council Plan 2021 - 2025: Mir Wimbul

Outcome 2: Healthy, Liveable Spaces and Places

A community where all people can live healthy, safe, harmonious lives in accessible and affordable settings

Goal 1. Strengthened community health and wellbeing

2021 - 2022 Action: Adopt and implement the Reducing Harm from Gambling Policy

Healthy Greater Bendigo 2021 – 2025

Outcome: Healthy and Well

Area for Action: Harm from gambling

Background Information

Local government has legislative requirements to protect and promote the health and wellbeing of the community. In December 2017 Council endorsed a project brief for the updating of its current City of Greater Bendigo Gaming Policy Framework *Accessible but not Convenient*. The work was in response to the prioritisation of *reducing harm from gambling* in the Greater Bendigo Health and Wellbeing Plan 2017 – 2021. Harm from Gambling is an area for action in Healthy Greater Bendigo 2021 - 2025 (the City's Municipal Public Health and Wellbeing Plan), adopted on 18 October 2021.

Whilst the new policy aims to address the impacts of gambling in all forms, there is a focus on Electronic Gaming Machines (EGMs) as they are still the most dominant source of financial loss and harm in Australia and their use can be influenced by local governments.

A key learning since the previous policy has been that harm from gambling occurs across a continuum from no harm to very severe levels of harm rather than just to those who are classified as “problem gamblers”. This means that the focus of harm reduction activities and policy focus needs to be broadened.

The 2019 Active Living Census asked Greater Bendigo residents how often, if at all, they had gambled in the last 12 months. 34.9% of respondents reported they had gambled in the last twelve months. 5.5% indicated they gambled every week. The 2019 Active Living Census found that '[T]he proportion of Greater Bendigo respondents who reported having experienced gambling-related problems in the 2019 ALC was 2.3%, increasing to 4.2% among those respondents who gamble.'

A report released in 2016 by the Victorian Responsible Gambling Foundation shows that gambling presents a significant burden to the wellbeing of the Victorian community. Comparisons to other conditions confirm that gambling has an impact in the same class as depression and excessive alcohol consumption.

The draft Reducing harm from gambling policy has been to take a public health approach with the aim of minimising harm through:

- Supply reduction
- Demand reduction
- Harm reduction

Research for the policy included:

- A review of the current policy
- An economic impact assessment
- A social impact assessment
- Identification of current best practice
- Benchmarking with other Victorian local governments

A Draft Reducing harm from gambling policy was presented to a Councillor briefing in May 2021 along with a proposed Community Engagement Plan. This then went to 24 June, 2021 Ordinary meeting for release for community consultation as below.

Previous Council Decision(s) Date(s):

24 June 2021

Recommendation:

That Council support the release of the Draft Reducing Harm from Gambling Policy for community consultation as per the prepared Community Engagement Plan.

Resolution:

Moved: Cr David Fagg

Seconded: Cr Vaughan Williams

That the recommendation be adopted. CARRIED

Report

The draft Reducing harm from gambling policy was released for community consultation on 25 June, 2021, closing on 6 August, 2021. 95 submissions were received (Attachment 1). Of these 73 were broadly opposed to the policy, while 15 were broadly supportive. The final eight were mixed or neutral. 36 submissions recognised the need for action to reduce harm from gambling.

Of the 73 submissions that were broadly opposed:

- 46 raised concerns about the expected impact of the policy on sporting or other community-based clubs due to loss of funds, use of facilities or other resources provided by EGM operators
- 27 did not identify specific aspects
- 13 submissions raised concerns about the impact of the policy on veterans, most of whom connected this with the belief that adoption of the policy would result in a removal of EGMs from current venues (specifically the Bendigo RSL)
- 10 submissions explicitly called for more consultation, particularly with local sporting and community-based clubs. Two of these called for consultation with the EGM operators and/or their industry bodies. Letters and a copy of the draft policy were sent to the Australian Hotels Association and Community Clubs Victoria.

Many submissions were based on the misunderstanding that the Council has the power and desire to remove all EGMs across the City which is not possible or the policy intent.

Given the development of this policy spanned two Council terms, a workshop was held with Councillors in early November 2021 to create a common understanding of the role of local government in relation to gambling, the social and economic impacts of gambling generally and across Greater Bendigo and the work done to develop the draft policy. It was also an opportunity to review the outcomes of the community consultation process, consider and identify proposed changes to the draft policy and determine next steps. Further feedback was provided at the Councillor briefing on 22 November 2021.

As a result of the above the following changes have been made to the draft policy:

1. Amended Clause 1.6 to remove reference to minimising financial support to community groups or organisations that are sponsored by gambling agencies or venues that operate EGMs. The revised clause therefore only applies to minimising financial support, sponsorships or provision of grants for activities that take place in gambling venues.
2. Removed Clause 1.10 (Remove all community subsidies from facility leases on Council owned or managed land where the tenant operates EGMs).
3. Included a commitment to advocate for a reduction in the maximum permissible number of gambling machine entitlements from the current municipal cap of 870 down to the number of EGMs currently in operation (662).
4. Modification of Clause 2.4 to include working with and supporting current EGM venues.

Other minor changes include:

1. Administrative updates to refer to the recently adopted strategic plans
2. Removal of a duplicated definition that was kept in the draft in error
3. An explicit reference to the rationale for a focus is on all those who experience harm from gambling, not solely those diagnosed as 'problem gamblers'
4. An explicit reference to the fact that all City employees have a responsibility to ensure adherence to the policy
5. A change to the review period from three years to two years.

Following adoption of the policy it will be incorporated into the Municipal Strategic Statement.

Consultation/Communication

The Draft Reducing harm from gambling policy was sent to all identified stakeholders inviting them to make a submission, placed on the Let's Talk Greater Bendigo community platform and promoted via social media. The consultation was extended a further two weeks from the period originally proposed due to feedback that some community groups that may be directly impacted by the policy only became aware of it late in the consultation period.

Resource Implications

A budget of \$50,000 was allocated for this work in the 2017 – 2018 financial year.

Attachments

1. All submissions
2. Revised draft Reducing Harm From Gambling Policy

Attachment 1 - All submissions.

Attachment 1. Draft Reducing harm from gambling policy submissions

Individual (I) /Org (O)	Feedback	Officer Comment
I	Support: Want to remove all EGMs from Bendigo.	Noted
I	Support: Concerns about cash dispensing in gambling premises.	Policy includes 'Advocate for gambling regulatory reforms aimed at reducing harm from gambling, including...The removal of Automated Teller Machines (ATMs) from EGM venues.'
O	Support: Recognition of leadership from Council and impact of gambling on the Greater Bendigo community.	Noted.
I	Opposition: recognises impact of gambling on families and the Greater Bendigo community. Concerns about impact of policy on community groups.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Opposition: range of issues	Noted
I	Opposition: Concerned the draft policy could lead to unemployment, reducing citizen rights, future of Bendigo RSL and impact of loss of funds for sports clubs.'	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Opposition: Assumes the policy will limit the current number of EGMs at the facilities.	No power or intent to remove current EGMs
I	Opposition: Concerned policy is for small number of "problem gamblers", loss of community services and resultant loss of jobs if EGMs are closed.	No power or intent to remove current EGMs
I	Opposition: Concerns about the impact on community clubs.	No power or intent to remove current EGMs. Clause 1.10 removed.
I	Opposition: Calling for more community engagement.	Community Engagement Plan endorsed by Council. Utilised Let's Talk digital platform, emails to sports clubs, letters to key stakeholders including Australian Hotels Association and Community Clubs Victoria.
I	Opposition: Support for work of RSL and other clubs.	No power or intent to remove current EGMs.
I	Opposition: Acknowledges the harm done by gambling and in particular EGMs but doesn't agree with reducing the numbers or banning them from council properties.	No power or intent to remove current EGMs. Social and economic impact research indicates that more EGMs would have negative social and economic impact on community.
I	Opposition: Concern about loss of donations from EGM operators to community groups.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues"

Individual (I) /Org (O)	Feedback	Officer Comment
O	Opposition: Concerns about loss of sponsorship for sports club.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Opposition: No specific issue.	Noted
I	Opposition: Highlights responsible gambling practice and legislative requirements of current operators and contributions of current EGM operators to community groups.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Support: Concerned about the damage gambling does to our society, particularly those who can least afford it.	Noted
I	Opposition: Doesn't address on-line gambling. Highlights current responsible gambling practice and legislative requirements of current operators. Support for a general harm minimisation policy not just EGMs	Policy recognises the harm from all forms of gambling but has some specific focus on EGMs as that is where Council can have more influence.
O	Opposition; Highlight community contributions of current EGM operators. Suggests that gambling only negatively impacts 0.7% of the population. Concerns about impacts on local businesses.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues". Research indicates that the impact of gambling on the community is significantly higher than previously understood with up to six people impacted by every person who gambles more than they can afford. Social and economic impact analysis suggests that investment of funds put into gambling would have a more positive impact in other sectors such as hospitality and retail.
O	Opposition: concerns about focus on policy being on EGM venues.	No power or intent to remove current EGMs
I	Support: Very concerned about the impact of gambling on people's lives.	Noted
O	Oppose	Noted
O	Oppose: Concerned about proliferation of gambling in Victoria, particularly EGMs however feels there should be more community consultation. Concerned about impact on the operations of the Kangaroo Flat Sports Club and the Bendigo Stadium and various sporting and community groups.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: concerned about impact on individual rights and catering to the minority.	Noted
I	Oppose: Concerns about loss of current EGMs	No power or intent to remove current EGMs.

Individual (I) /Org (O)	Feedback	Officer Comment
I	Mixed: Wants Status Quo on EGM in the Bendigo area. No more no less	No power or intent to remove current EGMs. Advocacy for no increase in EGM licences.
I	Mixed: Support for reducing the hours of operation of gaming venues. Concerns about loss of contributions from EGM operators to community groups and loss of services at EGM venues.	No power or intent to remove current EGMs so wont impact current operations of existing EGM venues.
I	Opposed: Concerned about loss of funding for other community initiatives.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Opposed: Concerned about loss of donations to other community groups and organisations	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Concerned about loss of EGMs on organisation	No power or intent to remove current EGMs.
I	Oppose: No specifics	Noted
I	Oppose: Agrees that gambling can be harmful but believe EGM facilities in Bendigo can manage this.	Noted
I	Mixed: Believes the benefits outweigh the harms, continued regulation is needed but places that provide EGMs should not be wiped out. Support for continued publicity of the dangers of gambling and government regulation of advertising of gambling.	No power or intent to remove current EGMs.
I	Mixed: Recognised the impacts of gambling but also highlights positive impacts of current operators on community.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Opposes: No specifics, not a Bendigo resident.	Noted
I	Opposes: Talked about funds going back into the community.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Concerned that the policy will do more harm than good.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Concern about loss of social outings. Feels we are becoming a nanny society.	Noted

Individual (I) /Org (O)	Feedback	Officer Comment
I	Oppose: Concerned that this wasn't part of any policy at the last election.	Preventing harm from gambling was part of the 2017 – 2021 Greater Bendigo Health and Wellbeing Plan endorsed by Council.
	Opposed: no specific request	Noted
I	Support: Gambling destroys lives	Noted
I	Oppose: Loss of social opportunity and funds for community services.	Noted
I	Support: Noted that as a regular gambler you never win overall, just provide lots of money to the operators.	Noted
O	Oppose: Concerns about loss of contributions to sports clubs, feels that policy sits with State government not Local government.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
O	Oppose: Concerns about loss of services for veterans.	No power or intent to remove current EGMs.
O	Oppose: Concerns about loss of sponsorship from EGM operators.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Mixed (Broadly opposed): Concerned about loss of income for venues, highlights industry controls in place, not in favour of modifying operating hours, highlights community contributions.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Recognised that gambling is a problem but feels policy not business of Council.	Responsibility of LG under new LG Act 2020 and Public Health and Wellbeing Act 2008 to consider community wellbeing.
I	Oppose: Not in support of reducing EGMs in clubs.	No power or intent to remove current EGMs.
I	Oppose: Not part of Councils core functions.	Responsibility of LG under new LG Act 2020 and Public Health and Wellbeing Act 2008 to consider community wellbeing.
	Oppose: Concerns that not discussed during LG election, loss of funding for sports clubs, not supporting tourism and focus on problem gamblers being 0.7%.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: No specifics.	Noted
O	Oppose: Sporting clubs rely on sponsorship to survive	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Not in remit of Council.	Responsibility of LG under new LG Act 2020 and Public Health and Wellbeing Act 2008 to consider community wellbeing.

Individual (I) /Org (O)	Feedback	Officer Comment
O	Oppose: EGM venues operate in the most heavily governed, regulated, and legislated industries in Australia. Suggests that 99.3% of all people who use EGMs, do so responsibly.	No power or intent to remove current EGMs. Research indicates that the impact of gambling on the community is significantly higher than previously understood with up to six people impacted by every person who gambles more than they can afford.
I	Oppose: Impact on Sporting clubs from loss of sponsors.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Not role of Council.	Responsibility of LG under new LG Act 2020 and Public Health and Wellbeing Act 2008 to consider community wellbeing.
I	Mixed: Supports reducing EGMs but concerned about reliance of some of their profits funding community services.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Right to gamble when and where we want.	Noted
I	Oppose: Highlights Council support for BSL (Loan Guarantor), concerns about loss of support for sports clubs, highlights regulation of current operators.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Opposed: Concerns about loss of jobs and freedom of choice.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
O	Support: Highlights data about harm from gambling in Greater Bendigo community.	Noted
I	Support: Concerns about EGMs on Council owned land. Support for reduction in operating hours.	Noted.
I	Oppose: Concerns about loss of EGM venues and impact on community.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Concern about loss of EGM venues and impact on his club.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
O	Oppose. Same as Shamrock submission	No power or intent to remove current EGMs.
O	Support: No specific feedback.	Noted
O	Oppose: Concerns regarding impacts on sports clubs.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".

Individual (I) /Org (O)	Feedback	Officer Comment
I	Oppose: Feel it is a State Government issue.	Responsibility of LG under new LG Act 2020 and Public Health and Wellbeing Act 2008 to consider community wellbeing.
I	Opposed: Concerns about loss of services to Bendigo community.	No power or intent to remove current EGMs.
I	Opposed: Concern that will lead to loss of employment.	No power or intent to remove current EGMs.
O	Oppose: Concerns about impact on football and netball clubs. Highlights work of these clubs with the Victorian Responsible Gambling Foundation and the Love the Game Program.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
O	Oppose: Concerns about loss of support and funding from EGM operators to community groups.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Support: Support for public health approach and recognition of impact of EGMs on vulnerable communities. Feels that self-regulation and voluntary codes of conduct repeatedly fail to protect the public interest. Highlights that clubs return less than 2% of their profits to the community.	Noted
I	Oppose: Support for a local EGM club venue	Noted
O	Oppose: No specific issues	Noted
O	Support: Recognition of role of LG to protect and promote the health and wellbeing of the community. Support for public health approach. Highlights research that harm is experienced by non-problem, low and moderate risk gamblers as well as problem gamblers, their families, friends and community.	Provided a clearer definition of gambling in the policy.
I	Oppose: Local club member supporting their club.	No power or intent to remove current EGMs.
I	Support. Suggesting ideas to strengthen focused on harm reduction	Noted
I	Oppose: Wants focus on on-line gambling.	Limited ability of Council to influence
O	Oppose: Concerns about removal of sponsorship and support by EGM operators	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
O	Oppose: Main concerns focus on impact on sporting clubs whilst recognising the impact of gambling on communities.	No power or intent to remove current EGMs. Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Concern about lack of engagement with Clubs.	Noted

Individual (I) /Org (O)	Feedback	Officer Comment
O	Oppose: Concerns about loss of funding support from EGM operators for community events.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
O	Mixed (Oppose 1.6 and 1.7 due to consequences for club, otherwise broadly supportive):	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues".
I	Oppose: Advocating for the services offered by Bendigo District RSL	No power or intent to remove current EGMs.
O	Support: Supports a public health approach. Notes that gambling-related problems often go beyond the individual to their partners, their children, their extended family, business partners and local communities.	Noted
O	Oppose: Support the desire to reduce the impact of gambling in the community. Concerns about Clauses 1.4, 1.6, 1.9, 1.10 and 3.2.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues". Clause 1.10 has been removed.
I	Oppose: Concerns about loss of funding for sports clubs and loss of services from clubs with EGMs.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues". No power or intent to remove current EGMs.
O	Oppose: Concerns about community engagement process and loss of funding and support for sports clubs.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues". No power or intent to remove current EGMs.
O	Support: Concerns about impact of gambling on the community. Outlined research supporting case for having a policy and concerns about incorrect information being disseminated across the community.	Noted
O	Oppose: Concerns about community engagement process and loss of funding and support for sports clubs.	Clause 1.6 modified to "Minimise financial support or provision of grants for activities that take place in gambling venues". No power or intent to remove current EGMs.
I	Support: Support the aims of supply reduction, demand reduction, hopefully leading to harm reduction.	Noted

Attachment 2 - Revised Draft Reducing Harm From Gambling Policy(2)**Greater Bendigo Reducing Harm from Gambling Policy**

Approval Level:	Council
Policy Type:	Council
Approval Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie 15 March 2016 (Effective from 1 July 2016))
Review cycle:	2 years
Review Date:	2023
Responsible Officer:	Director Health and Wellbeing
Owner:	Active and Healthy Lifestyles
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	Planning and Environment Act 1987, Interactive Gambling Act 2001, Gambling Regulation Act 2003, Public Health and Wellbeing Act 2008
DOCSETID:	4655357

1. PURPOSE

The purpose of the Greater Bendigo Reducing Harm from Gambling Policy (the Policy) is to outline Council's future approach to reducing harm from gambling across the Greater Bendigo community.

High rates of harm from gambling were identified in the planning for the City of Greater Bendigo Health and Wellbeing Plan 2017 – 2021 and Healthy Greater Bendigo 2021 - 2025. Whilst the overall amounts lost on gambling across the City are not available, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) reported that in 2018-19 the Greater Bendigo net losses on Electronic Gaming Machines were \$50,671,968.

This policy replaces the previous City of Greater Bendigo (City) Gaming Policy "Accessible but not Convenient" which was developed in 2007. It recognises the statutory and regulatory changes that have occurred since that time and the increased knowledge and understanding of the social and economic impacts of gambling on the community.

2. BACKGROUND

Local government has legislative requirements to protect and promote the health and wellbeing of the community. In October 2021 Council endorsed the municipal public health and wellbeing plan Healthy Greater Bendigo 2021 – 2025. One of the areas for action identified in the plan is harm from gambling.



Whilst there are many different forms of gambling, the most predominant source of financial loss and harm in Australia comes from Electronic Gaming Machines (EGMs). Whilst the Victorian State Government is responsible for the regulation of EGMs, the requirements of the Planning and Environment Act 1987 and the Greater Bendigo Planning Scheme mean that the EGM planning and approvals process lies within Council's jurisdiction. This means that Council can directly influence the quantity, location, and social and economic impacts of EGMs within Greater Bendigo. It can also ensure active participation by the community in these decisions.

The Gambling Regulation Act 2003 enables local government to make submissions to the Victorian Commission for Gambling and Liquor (VCGLR) in the form of a social and economic impact assessment for potential new applications for EGMs within its municipality or a neighbouring municipality.

3. SCOPE

The Policy outlines Council's position on gambling and will be applied to all matters relating to gambling within Greater Bendigo. This includes planning, decision-making, projects and programs. The Policy will be also be applied to all applications submitted or referred to Council for EGMs in new venues, as well as applications for additional EGMs by existing EGM operators.

The Policy takes a public health approach recognising that the level of harm created by gambling ranges from no harm through to very severe levels of harm, and that the harm may be experienced not just by a person who gambles but also by their family, friends and the wider community. It is now well established that such harm is experienced by many people who gamble but would not meet the definition of 'problem gambler.'

4. DEFINITIONS

In this policy:

City means the City of Greater Bendigo and includes the Chief Executive Officer employed by the Council and all other staff employed by the Chief Executive Officer.

Council means the Greater Bendigo City Council and includes the nine Councillors.

Electronic Gaming Machine (EGM)

refers to gaming machines as defined by the *Gambling Regulation Act 2003*

Gambling means activities in which:

For the purposes of this policy 'gambling' refers to activities involving electronic gaming machines, casino games, lotteries, race betting, sports betting and similar activities. It excludes activities such as card games, raffles, sports tipping competitions and bingo for club social activities and fundraising

Greater Bendigo means the municipal area governed by the Greater Bendigo City Council.



5. PRINCIPLES

The Policy's objectives are to minimise the negative social and economic impacts of gambling on the Greater Bendigo community by:

- Discouraging an increase in the availability of opportunities to gamble, particularly in socio-economically disadvantaged communities
- Advocating to other levels of government to reduce exposure and opportunity to gamble
- Working with organisations, clubs or community groups to minimise their financial dependence on the proceeds of gambling
- Supporting organisations that provide services to members of the community who experience harm from gambling
- Providing community education about the harms related to gambling.

6. POLICY

Over the next four years Council will:

1. Lead

- 1.1. Continue to acknowledge gambling as a public health issue and, where appropriate, integrate harm prevention and reduction into future planning and programming. This includes, but is not limited to, the Council and Health and Wellbeing Plans, Municipal Strategic Statement and the Greater Bendigo Planning Scheme.
- 1.2. Continue to promote a variety of non-gambling events, activities and programs that encourage residents to lead active and healthy lives.
- 1.3. Take a public health approach in all gambling-related communication. Ongoing Council communication will utilise terms such as 'gambling', 'people harmed by gambling', 'gambling losses' and 'EGM/Poker machine operators' and 'gambling industry' as opposed to 'gaming', gaming expenditure, 'problem gamblers' and 'pokie venues'.
- 1.4. Actively promote the conduct of City activities, social outings, meetings or municipal events at venues that don't promote any form of gambling or operate EGMs.
- 1.5. Not permit advertising and/or the promotion of gambling of any form at Council owned or managed facilities.
- 1.6. Minimise financial support or provision of grants for activities that take place in gambling venues.
- 1.7. Work with community groups and organisations to end financial dependence on gambling sponsorships and revenue.
- 1.8. Respond to and support gambling-related research, data collection or government enquiries.



- 1.9. Not accept any new financial or in-kind contributions from commercial gambling or EGM operators.

2. Advocate

- 2.1. Support advocacy work targeted towards preventing and minimising gambling harm and collaborate with, and contribute to, other local government organisations, local government peak bodies and gambling networks to advocate for reform and develop state-wide advocacy strategies.
- 2.2. Advocate to the State Government for gambling regulatory reforms aimed at reducing harm from gambling, including, but not limited to:
 - Lowering the municipal EGM cap to reflect the current number of EGM licenses in the City
 - Introducing \$1 maximum bet limits
 - Mandatory pre-commitment measures
 - The removal of Automated Teller Machines (ATMs) and other cash dispensing machines from EGM venues
 - A reduction in the maximum permissible number of gaming machine entitlements within the City and neighbouring municipalities
 - Reduced operating hours for EGM operators
 - Changes to the rules governing community contributions
 - The removal of machine features which are misleading and addictive.
- 2.3. Advocate to State and Commonwealth Government to not conduct activities involving community members or local government employees at venues operating EGMs when alternative venues are available.
- 2.4. Work with and support current EGM venues, relevant organisations, providers, agencies and initiatives to educate the Greater Bendigo community on the overall negative public health impact of gambling and the risks involved with EGMs.
- 2.5. Encourage all gambling venues to provide as responsible a gambling environment as possible, and to offer non-gambling entertainment options.
- 2.6. Oppose any future plans for a casino in the City.

3. Regulate

- 3.1. Oppose any planning and licensing application for additional EGMs and the transfer of EGMs within Greater Bendigo where there is reliable evidence that the application will have negative social and economic impacts and minimal community benefit.
- 3.2. Not permit new or additional EGMs on Council owned or managed land.
- 3.3. Discourage new or additional EGMs in disadvantaged areas or in small communities and settlements where there are minimal or no alternative attractions.



- 3.4. Seek to limit possible EGM operating locations in low socio-economic areas or locations in which children are commonly present, by updating prohibited and discouraged gaming areas spatially represented in Clause 52.28, 22.28 and the Discouraged Gaming Areas incorporated document in the Greater Bendigo Planning Scheme to account for recent development, updated SEIFA data, and changes to land zoning.
- 3.5. Seek to limit operating hours of EGM venues through permit conditions in the Greater Bendigo Planning Scheme.
- 3.6. Support the allocation or reallocation of community contributions related to gambling to gambler's help or relevant services aimed at reducing harm associated with gambling.
- 3.7. Support surrounding municipalities' submissions to VCGLR where there is reliable evidence that the application will have negative social and economic impacts and minimal community benefit.

4. Inform

- 4.1. Continue to monitor gambling-related research, evidence, data, legislative or policy changes, and gambling trends, including harm prevention and minimisation.
- 4.2. Work with the Greater Bendigo community to raise awareness on gambling harm and the negative impacts of gambling and encourage participation in non-gambling related activities.
- 4.3. Inform the community of Council's role and actions to address or minimise gambling-related harm.
- 4.4. Provide updated gambling data on the Council's website and make statistical data and information available in alternative formats upon request.
- 4.5. Ensure that the community is informed of planning applications for EGMs submitted to Council.
- 4.6. Involve and encourage community members, organisations and other relevant stakeholders to provide input into decision-making processes and Policy and program development.
- 4.7. Seek external funding opportunities that will contribute towards harm prevention or minimisation programs within Greater Bendigo.
- 4.8. Create opportunities to incorporate gambling questions on existing surveys and during community consultation in order to further understand gambling harm within Greater Bendigo.

7. ROLES AND RESPONSIBILITIES

7.1 Council

It is the role of Council to adopt the Policy



7.2 City of Greater Bendigo employees

All City employees have a responsibility to ensure adherence to the policy

The Active and Healthy Communities Unit is responsible for:

- Administrative review of this policy and all associated reporting to Council
- Ensuring all Council staff are aware of the Policy and its application
- Application of relevant components of the Policy
- Reviewing the Policy as required

The Statutory Planning Unit is responsible for:

- Application of relevant components of the Policy

8. RELATED DOCUMENTS

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

These include:

- Greater Bendigo Council Plan - Mir Wimbul 2021 - 2025
- Healthy Greater Bendigo 2021 - 2025
- Greater Bendigo Planning Scheme
- City of Greater Bendigo – Gaming Policy Review. Final Report. Prepared by K2 Planning Pty Ltd and 10 Consulting Group. November 2018
- Review of the Economic Impacts of Gambling. SGS Economics & Planning. September 2018
- Review of the Social Impacts of Gambling. City of Greater Bendigo. November 2018
- Gambling Regulation Act 2003
- Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014
- Gambling Regulations 2015
- Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017
- Gambling Legislation Amendment Act 2018
- Planning and Environment Act 1987

Further information or advice on this policy should be directed to Active and Healthy Communities.

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or



update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Month, year</i>	<i>Insert initials</i>	<i>Business Unit</i>	<i>Eg. Develop, Review (significant) Review (administrative), Update</i>	<i>Increase version number each time document is updated/changed</i>	<i>Month, year</i>

DRAFT

16. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

16.1. Bendigo Airport Lease of Lot N3

Author	Vicki Bayliss, Bendigo Airport Manager
Responsible Director	Steve Hamilton, Director Strategy and Growth

Purpose

City officers are seeking approval to commence the procedures for the proposed grant of a lease of Lot N3, of Lot 3 on Plan PS 422204F, being land at Bendigo Airport (premises) to Dr David Goode (lease proposal).

Summary

Dr David Goode is a new tenant who would like to take out a lease on Lot N3 at the Bendigo Airport. He would like a lease term of twenty five (25) years. The site is approximately 216 square metres of land. The Council lease policy has assessed the annual market rental for the site at \$1,705.00 per annum, plus GST.

Recommended Motion

That Council:

1. Consider a proposal to lease the land comprising approximately 216 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot N3 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar (Lease Proposal);
2. Authorises a public notice calling for submissions on the Lease Proposal in the Bendigo Advertiser;
3. Authorises the Manager Economic Development to undertake the steps to give effect to item 2;
4. Notes that any submissions received will be considered by the Council at a future ordinary meeting to be held at the Bendigo Town Hall.
5. Requests that a further report to Council in respect of the Lease Proposal include an assessment of all submissions received and of any submissions heard if they make this request.

RESOLUTION

Moved: Cr Greg Penna

Seconded: Cr Julie Sloan

That the recommendation be adopted.

CARRIED

Policy Context

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

Outcome 3: Strong, inclusive and sustainable economy

Goal 3.1 Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy

Strategy Reference (include weblink as applicable):

Bendigo Airport Strategic Plan - [https://www.bendigo.vic.gov.au/About/Document-Library/bendigoairport-](https://www.bendigo.vic.gov.au/About/Document-Library/bendigoairport-strategic-plan)

[strategic-plan](https://www.bendigo.vic.gov.au/About/Document-Library/bendigoairport-strategic-plan)

Strategic Direction 2: Effectively Manage and Maintain Bendigo Airport Assets

Background Information

Dr David Goode is a new tenant at the Bendigo Airport and is looking for a long-term lease in order to construct another hangar.

Five new long-term leases have been advertised in 2021 at the Bendigo Airport. These leases are now executed or in the process of being executed.

Report

The Bendigo Airport is located at 35 Victa Road, East Bendigo (being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954 (Land).

The Bendigo Airport has two (2) vacant hangar sites available to lease. The uptake has been very strong over the last few years with 16 leases commencing in the last two years.

Dr David Goode is seeking a lease on a part of the land at the airport which is known as Lot N3. Lot N3 is approximately 216 square metres and based on the current market rental will be leased for \$1,705.00 per annum plus GST.

Dr David Goode proposes to use the premises for the purposes of an airport hangar over a lease term of twenty five (25) years.

Timelines:

If Council intends to consider the lease proposal, then City officers will place a public notice in a local newspaper calling for submissions from the public about the lease proposal and allowing at least 28 days for submissions to be received. Council must then consider any submissions received and conduct hearings for anyone that wishes to be heard in support of their decision, before Council can consider and then make a final decision about whether to grant the lease proposal. Once submissions have closed, City officers will provide another report to Council outlining the submissions received (if any) and making a recommendation about whether or not to approve the lease proposal, for Council's consideration.

Consultation/Communication

Resource Implications

The costs associated with the negotiation and development of the lease documentation can be absorbed in the Economic Development Unit operational budget. There will not be an increase in ongoing maintenance or operational expenses as a result of this lease.

If Dr David Goode's lease is approved an additional \$1,705.00 per annum, plus GST revenue will be made.

The revenue will increase annually as per the Bendigo Airport Lease Policy.

Attachments

Nil

17. ABORIGINAL RECONCILIATION

Nil

18. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

19. A VIBRANT, CREATIVE COMMUNITY

19.1. Planning Scheme Amendment C261gben – Heritage Corrections, for Adoption

Author	Alison Kiefel, Amendments Planner
Responsible Director	Steve Hamilton, Director Strategy and Growth

Purpose

Amendment Details:	The Amendment corrects anomalies to 53 properties, introduces a Heritage Overlay to one additional property at 147 Kangaroo Gully Road, Kangaroo Flat, makes changes to the Heritage policy and the Signage policy, inserts 49 Statements of Significance and updates two incorporated documents – Heritage Design Guidelines and Permit Exemptions.
Proponent:	City of Greater Bendigo
No. of Submissions:	Two - supporting

Summary

Recommended Motion

That Council:

1. Adopts Greater Bendigo Planning Scheme Amendment C261gben without changes.
2. Authorises the Director Strategy & Growth to make minor changes to Amendment C261gben, to ensure that policy clause numbers align with any changes resulting from Amendment C256gben.
3. Forwards the adopted Amendment to the Minister for Planning for approval.

MOTION

Moved: Cr Margaret O'Rourke

Seconded: Cr Rod Fyffe

That Council defer this item to allow for a further briefing on the matter.

CARRIED

Policy Context

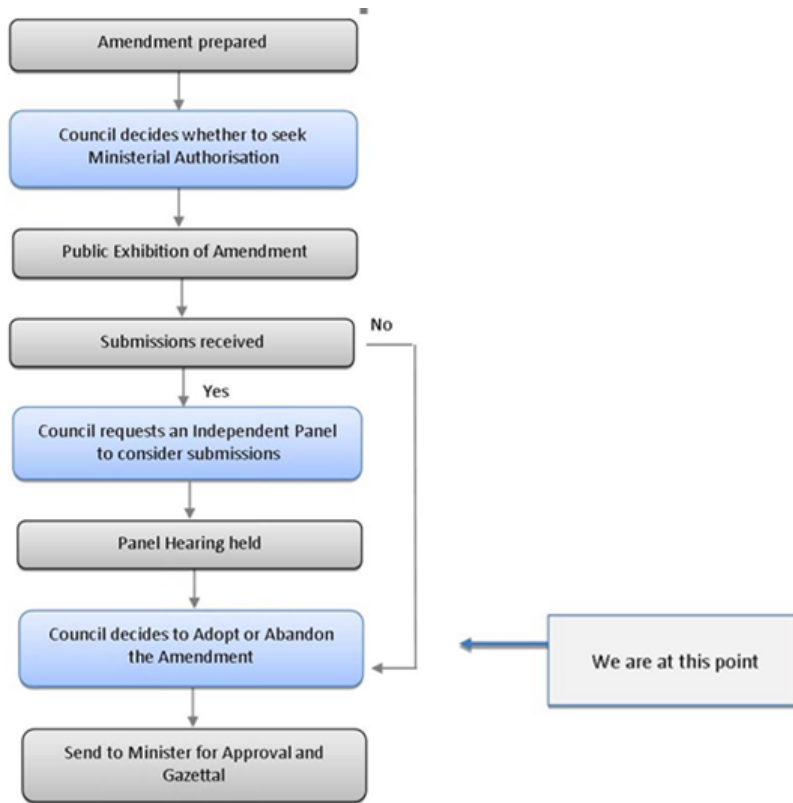
Primary Council Plan Reference:

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

- Outcome 6 - A vibrant, creative community
 - Recognise and celebrate our significant national and international heritage.

Background Information

The key steps in the Amendment process are summarised below:



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

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

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

- Creating 49 Statements of Significance out of recent heritage studies: *White Hills and East Bendigo Heritage Study, Stage 1 August 2014*; *White Hills & East Bendigo Heritage Study, Stage 2, Volume 2, 2016*; *Bendigo Hospital Campus - Lucan Street Site*, Nov, 2010, '*Nanga Gnulle*': *40 Harley Street, Strathdale, and 16 Crook Street Kennington*, and including them in the Schedule to the Heritage Overlay as incorporated documents.
- Consequentially updating Clause 22.06 Heritage Policy to delete heritage studies (*White Hills and East Bendigo Heritage Study August 2014* and the

citation (*Bendigo Hospital Campus - Lucan Street Site*, Nov, 2010) as background documents.

- Removing signage placement figures from Clause 22.29 (Advertising and Signage Policy) and putting them into the *Bendigo Heritage Design Guidelines* along with further design advice for new signage in Heritage Overlay areas, as well as a revised 'Glossary' section.
- Updating the *City of Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* to remove a Heritage Overlay permit exemption for roadworks that has become redundant as a result of Amendment VC142.

The amendment will also change the heritage provisions of the Scheme to give statutory effect to two new heritage citations. One of the new citations will be for *147 Kangaroo Gully Road, Kangaroo Flat (Former Wait til I'm Ready Hotel)* to be introduced into the Heritage Overlay. The second updated citation is for an existing Heritage Overlay at *66 Taylor Street, Ascot (Ascot House)*.

Previous Council Decisions

16 September 2020 – Council resolved to request the Minister for Planning to authorise Council to prepare and give notice of Amendment C261gben.

Report

An Explanatory Report is attached and details the purpose and effect of the Amendment and provides the strategic justification for the amendment as required.

Land Affected by the Amendment

Various properties across the Municipality are affected by this Amendment.

- 66 Taylor Street, ASCOT.
- Part 106, 108, 146, 150, 152, and 154 Barnard Street; Part 96 Moore Street; 23 and 25 Niemann Street; 17 Park Road; 3 Reef Street; Part 88 and 92 Short Street; Part 194 Wattle Street; 39 Wright Street, BENDIGO.
- 2 Esler Street; 57 Green Street, CALIFORNIA GULLY.
- 3, 5, 6, 7 and 8 Clarke Street; Brassey square, High Street; 5-7 High Street; 20 McCormacks Road; Part 24, 28 and 28A Panton Street; 2 and 1/2B Peg Leg Road; 3 Reef Street; 85, 90, 91 and 100-102 Sailors Gully Road; 75A and Part 77 Victoria Street, EAGLEHAWK.
- 141 Charleston Road; and Part 10 Jennings Street, EAST BENDIGO.
- 2 Keck Street; and 65 Somerville Street, FLORA HILL.
- 84-86 and Part 98 Eaglehawk Road, IRONBARK.
- 147 Kangaroo Gully Road, KANGAROO FLAT.
- 153 Eaglehawk Road; 1A and 1B Stone Street; 89 Upper California Gully Road, LONG GULLY.
- 16 and 19 Hamlet Street; 31 Horace Street; 8 Howard Street; Pt 59 and Pt 63 Palmerston Street, QUARRY HILL.
- 33 Inglewood Road, RAYWOOD.

What the Amendment Does

The amendment proposes to:

- Correct Heritage Overlay mapping errors in the Heritage Overlay Schedule to various properties in Bendigo, California Gully, Eaglehawk, East Bendigo, Flora Hill, Ironbark, Long Gully, Quarry Hill and Raywood.
- Apply the Heritage Overlay to one new heritage place at 147 Kangaroo Gully Road, Kangaroo Flat.
- Amend Clause 21.08-6 Implementation of the Municipal Strategic Statement to update the date in the reference to the Greater Bendigo Heritage Design Guidelines.
- Amend Clause 22.06 Heritage Policy of the Local Planning Policies to insert new policy for 'signs' and to delete four reference documents.
- Amend Clause 22.29 Advertising Signage Policy of the Local Planning Policies to delete a heading, text and images and to insert a new application requirement.
- Amend the Schedule to Clause 43.01 Heritage Overlay to update the date of the incorporated plan, correct addresses and place names and insert 49 Statements of significance.
- Amend the Schedule to Clause 72.04 Incorporated Documents to add 49 Statements of significance for new and existing heritage places and updated versions of the *Heritage Design Guidelines, September 2020*; and *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, September 2020*.
- Amend the Schedule to Clause 72.08 Background Documents to remove heritage studies and citations that now have Statements of significance.

Authorisation with conditions was received on 6 May 2021 and resulted in the removal of the following Statements of Significance from the amendment:

- Four precincts (Bannerman, Carlisle United, Lazarus, Ironbark Hill) associated with the Ironbark Heritage Study;
- One miners' cottages serial listing;
- 57 Green Street, California Gully (existing HO will remain, we were unable to get vegetation assessment undertaken during lockdown); and
- 69 Chum Street, Golden Square.

Other changes from Authorisation included:

- 17 Park Rd, Bendigo is being deleted from the HO given the building is no longer on the site;
- 33 Inglewood Road, Raywood – correction to mapping;
- 65 Somerville Street and 2 Keck Street, Flora Hill – correction to mapping and delete from schedule (trees in HO were removed via permit);
- Minor address changes (e.g. 4 Weeroona Avenue (delete 4A); add 15 Ross Street to 14 Heinz Street as it has been subdivided); and
- Maps in the Clarke Street, Eaglehawk area have been updated.

Other updates as required to the Statements of Significance and documentation have been undertaken.

Potential Implications Resulting from Amendment C256gben

At the time of preparing this report, the City had been advised that Amendment C256gben had been approved by the Minister for Planning but had not come into effect. Amendment C256gben updates the Greater Bendigo Planning Scheme into a new State format and Planning Policy Framework, and revises policy clause numbers.

As a result of the changes to policy clause numbers that will soon come into effect, the clause numbers referenced in this report and throughout the amendment documentation will change. Subject to Council support for this Amendment, it is recommended that the Director Strategy and Growth be authorised to make minor changes to the amendment documentation to ensure it complies with the new State format and Planning Policy Framework.

Consultation/Communication

Exhibition Procedures

The Amendment was exhibited for one month from 16 September 2021 to 19 October 2021.

Notice was provided in the following manner:

- Individual notices to owners and occupiers of land affected by the Amendment.
- Notices to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act*.
- Notices to all authorities materially affected under Section 19(1)(a) of the Act.
- Public notice of the Amendment in the Bendigo Advertiser on 15 September 2021 and 18 September 2021.
- Publication of the notice of the Amendment in the Government Gazette on 16 September 2021.
- Access on-line.

Individual notice to the 49 places and precincts being transferred to individual Statements of significance (as an incorporated document) are already included in the *Greater Bendigo Heritage Incorporated Plan – permit exemptions*, was not considered necessary. This is because no changes were made to the heritage significance or the heritage schedule number, and no other material changes would result from this Amendment. The citations/statement of significance documents were already part of an incorporated plan, and are being changed to individual incorporated documents, so the requirements and implications under the Planning Scheme have not altered.

Similarly, it was considered unnecessary to give individual notice to all properties affected by the changes to the Heritage Policy, Signage Policy, Heritage Overlay, and Incorporated documents (*Greater Bendigo Heritage Incorporated Plan – Permit exemptions, September 2020*; and *Heritage Design Guidelines, September 2020*) as the changes are minor, and affect the majority of the municipality.

Submissions

Two submissions were received during the exhibition period.

	Submitter 1: DELWP & Minister of Energy Environment and Climate Change	
	Supports/Objects	Officer Response & Recommendation
	Supports Amendment - no changes.	Note submission.
	Submitter 2: CFA	
	Supports/Objects	Officer Response & Recommendation
	Supports Amendment - no changes.	Note submission.

The City received a number of phone enquiries from landholders regarding what the corrections changes meant for their property. This included the owner of the new Heritage Overlay for 147 Kangaroo Gully Road, Kangaroo Flat, who was supportive of a Heritage Overlay. All enquirers were satisfied with the responses and there were therefore no public submissions.

Conclusion

With no unresolved submissions, it is recommended that Council adopt Amendment C261gben as exhibited without changes and request the Minister for Planning to approve and gazette the Amendment.

Options

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

Resource Implications

The City is responsible for payment of statutory fees (\$488.50 to the Minister for Planning) and staff time incurred in the processing of the Amendment.

Attachments

1. Submissions
2. Explanatory Report

Attachment 1 - C261gben Submissions



Department of Environment,
Land, Water and Planning

7 Taylor Street, Epsom
Box 3100, Bendigo DC, VIC 3554
Telephone: 035430 4444
DX 214506
loddonmallee.planning@delwp.vic.gov.au

Ref:SP477526
20211019 ac

Mr Ross Douglas
Manager Statutory Planning
City of Greater Bendigo
PO Box 733
BENDIGO VIC 3552

Attention: Alison Kiefel

Dear Mr Douglas

**PLANNING SCHEME AMENDMENT C261GBEN
CITY OF GREATER BENDIGO: AMENDMENT TO MAKE CORRECTIONS TO 53 PLACES IN THE
HERITAGE OVERLAY, INTRODUCE A NEW HERITAGE OVERLAY AT 147 KANGAROO GULLY
RD, KANGAROO FLAT AND UPDATE VARIOUS OTHER CLAUSES RELATING TO HERITAGE IN
THE PLANNING SCHEME
147 KANGAROO GULLY ROAD, KANGAROO FLAT AND OTHER VARIOUS LOCATIONS**

Thank you for your letter to the Minister of Energy Environment and Climate Change dated and received on 16 September 2021 regarding the above amendment.

I provide this response under delegation from the Minister of Energy Environment and Climate Change.

Response

The Department of Environment, Land, Water and Planning wishes to advise that it supports the proposed amendment.

If you have any questions regarding this matter, please contact myself via email
anya.x.cardilini@delwp.vic.gov.au.

Yours sincerely

Anya Cardilini
Planning and Approvals Program Officer
Planning and Approvals
19 October 2021

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



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Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 2000-204764-113180
Telephone: 03 8746 1412
Council Ref: C261GBEN

29/10/2021

Alison Kiefel
City Of Greater Bendigo
P OBox 733
BENDIGO VIC 3552

Dear Alison,

SUBMISSION TO PLANNING SCHEME AMENDMENT

Proposal: C261gben
Location: 53 Properties Through Out Municipality Bendigo

Thank you for providing CFA notice of Planning Scheme Amendment C261gben in accordance with Section 19 of the *Planning and Environment Act, 1987*.

CFA has reviewed the proposed planning scheme amendment and given the amendment is amending Heritage Overlay provisions, it does not appear to have implications relating to bushfire and/or service delivery for CFA.

If you wish to discuss this matter in more detail, please do not hesitate to contact David Allen Manager Community Safety on 03 8746 1412.

Yours faithfully,

David Allen AFSM
Manager Community Safety
Country Fire Authority

OUR COMMUNITY • OUR CFA

Attachment 2 - C261gben Explanatory Report

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

AMENDMENT C261gben

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment

The amendment affects 53 places associated with the Heritage Overlay within the City of Greater Bendigo (refer to Attachment 1 and Table 3 for details of the affected properties):

1. Part of 106 Barnard Street, Bendigo
2. 108 Barnard Street, Bendigo
3. 146 Barnard Street, Bendigo
4. 150 Barnard Street, Bendigo
5. 152 Barnard Street, Bendigo
6. 154 Barnard Street, Bendigo
7. Part of 96 Moore Street, Bendigo
8. 23 Niemann Street, Bendigo
9. 25 Niemann Street, Bendigo
10. 17 Park Road, Bendigo
11. 3 Reef Street, Bendigo
12. Part of 88 Short Street, Bendigo
13. 92 Short Street, Bendigo
14. Part of 194 Wattle Street, Bendigo
15. 39 Wright Street, Bendigo
16. 2 Esler Street, California Gully
17. 3 Clarke Street, Eaglehawk
18. 5 Clarke Street, Eaglehawk
19. 6 Clarke Street, Eaglehawk
20. 7 Clarke Street, Eaglehawk
21. 8 Clarke Street, Eaglehawk
22. Brassey Square, High Street, Eaglehawk
23. 5-7 High Street, Eaglehawk
24. 20 Mc Cormacks Road, Eaglehawk
25. Part of 24 Panton Street, Eaglehawk
26. 28 Panton Street, Eaglehawk
27. 28A Panton Street, Eaglehawk
28. 2 Peg Leg Road, Eaglehawk
29. 1/2B Peg Leg Road, Eaglehawk

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30. 3 Reef Street, Eaglehawk
31. 85 Sailors Gully Road, Eaglehawk
32. 90 Sailors Gully Road, Eaglehawk
33. 91 Sailors Gully Road, Eaglehawk
34. 100-102 Sailors Gully Road, Eaglehawk
35. 75A Victoria Street, Eaglehawk
36. Part of 77 Victoria Street, Eaglehawk
37. 141 Charleston Road, East Bendigo
38. Part of 10 Jennings Street, East Bendigo
39. 2 Keck Street, Flora Hill
40. 65 Somerville Street, Flora Hill
41. 84-86 Eaglehawk Road, Ironbark
42. Part of 98 Eaglehawk Road, Ironbark
43. 153 Eaglehawk Road, Long Gully
44. 1A Stone Street, Long Gully
45. 1B Stone Street, Long Gully
46. 89 Upper California Gully Road, Long Gully
47. 16 Hamlet Street, Quarry Hill
48. 19 Hamlet Street, Quarry Hill
49. 31 Horace Street, Quarry Hill
50. 8 Howard Street, Quarry Hill
51. Part of 59 Palmerston Street, Quarry Hill
52. Part of 63 Palmerston Street, Quarry Hill
53. 33 Inglewood Road, Raywood

A mapping reference table is attached at Attachment 1.

The amendment will also introduce one new place into a Heritage Overlay:

- **147 Kangaroo Gully Road, Kangaroo Flat (HO935)**

The site of the former 'Wait Til I'm Ready Hotel', located on the north-east side of Kangaroo Gully Road. The site contains the hotel building, as well as numerous outbuildings, ruins and a centralised driveway. The site is surrounded by bushland.

One existing place in the Heritage Overlay will be updated with new citations:

- **Ascot house: 66 Taylor Street, Ascot (HO51)**

The 1862 residence, including an outbuilding and cellar, is located on the north side of Taylor Street.

This amendment also affects all land within the Heritage Overlay as it amends the local Heritage Policy at Clause 22.06, as well as the *Heritage Design Guidelines*, the *City of Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* and Statements of Significance contained at Clause 72.04 (Incorporated Documents) and Clause 72.08 Background Documents.

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What the amendment does

The amendment makes changes to the Greater Bendigo Planning Scheme to correct Heritage Overlay mapping errors and corrections to addresses in the schedule name. The amendment also makes a series of administrative changes to meet the requirements of Amendment VC142 and Amendment VC148, as well as inserting one new heritage place and updating an existing Heritage Overlay citation.

The amendment makes changes to the Heritage Policy (Clause 22.06), Advertising and Signage Policy (Clause 22.29), the Schedule to the Heritage Overlay (Clause 43.01) and the Schedule to Incorporated Documents (Clause 72.04).

Specifically, the amendment proposes to:

1. Amend Planning Scheme Map Nos. 7HO, 14HO, 16HO, 18HO, 19HO, 23HO and 26HO to:
 - Apply a new individual Heritage Overlay (HO935).
 - Amend mapping anomalies and/or correct addresses or names in the schedule list 53 individual properties in the Heritage Overlay Schedule (refer Table 3 for full details).
2. Amend Clause 21.08-6 (Implementation) of the Municipal Strategic Statement to amend the date in the reference to the Greater Bendigo Heritage Design Guidelines from 'August 2015' to 'September 2020'.
3. Amend Clause 22.06 Heritage Policy of the Local Planning Policies to:
 - Insert a new 'Signs' policy section.
 - Amend references to *Heritage Design Guidelines* to new date.
 - Delete the following reference documents where the Statements of Significance will become Incorporated Documents in the Schedule at Clause 72.04:
 - *Bendigo Hospital Campus (Lucan Street Site) Citation*, Nov 2010
 - *White Hills & East Bendigo Heritage Study*, August 2014 (revised November 2015)
4. Amend Clause 22.29 Advertising Signage Policy to delete 'Placement of signage on buildings and sites' and associated text and the images (Figures 1-8). These images will be moved to the *Heritage Design Guidelines* and replace the existing incorporated document.
5. Amend the Schedule to Clause 43.01 Heritage Overlay to:
 - Insert a new new heritage place (HO935).
 - Insert a Statement of Significance for 49 heritage places, including the two places that have a new or updated heritage citations (HO51 and HO935), as well as those places already in the Heritage Overlay as part of the White Hills and East Bendigo heritage study the and the citations for the Bendigo Hospital Campus Lucan Street site, 'Nanga Gnulle': 40 Harley Street, Strathdale, and 16 Crook Street, Kennington.
 - Apply a new reference date to the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions* to September 2020.
6. Amend the Schedule to Clause 72.04 Incorporated Documents to:
 - Insert 49 new Statements of significance as incorporated documents, which include:
 - One new Statement of significance for the new individually significant place:
 1. Statement of significance: 147 Kangaroo Gully Road, Kangaroo Flat (Former 'Wait Til I'm Ready Hotel'), September 2020
 - 22 existing Statements of Significance for heritage places from the *White Hills and East Bendigo Heritage Study, Stage 2 – Methodology, Findings and Recommendations*, 2014:
 1. Statement of significance: 37-45 Bridge Street, Bendigo (former Cohn Brothers ice works and brewery), September 2020
 2. Statement of significance: 49 Bridge Street, Bendigo (Bridge Hotel), September 2020
 3. Statement of significance: 67-69 Bridge Street, Bendigo (pair of shops), September 2020
 4. Statement of significance: 249 Napier Street, Bendigo, September 2020

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5. Statement of significance: 251-253 Napier Street, Bendigo, September 2020
6. Statement of significance: 354 Napier Street, Bendigo, September 2020
7. Statement of significance: 19 Park Road, Bendigo (Drill Hall), September 2020
8. Statement of significance: 27 Park Road, Bendigo (Grandstand at the Tom Flood Sports Centre), September 2020
9. Statement of significance: 213 Arnold Street, North Bendigo (Arnold Street Uniting Church – former Wesleyan Church), September 2020
10. Statement of significance: 225 Arnold Street, North Bendigo, September 2020
11. Statement of significance: 238 Arnold Street, North Bendigo, September 2020
12. Statement of significance: 31 Bayne Street, North Bendigo, September 2020
13. Statement of significance: 5 Finn Street and 25 & 31 Bushmaster Court, North Bendigo (Thales - former Commonwealth Ordnance Factory, Bendigo), September 2020
14. Statement of significance: 3 Grattan Street, North Bendigo, September 2020
15. Statement of significance: 14-16 Lobb Street, North Bendigo (former North Bendigo Sunday School) September 2020
16. Statement of significance: 6 Norfolk Street, North Bendigo, September 2020
17. Statement of significance: 24 Smith Street, North Bendigo, September 2020
18. Statement of significance: 3 Stewart Street, North Bendigo (St Paul's Coptic Church and Church Hall - former St John's Church of England), September 2020
19. Statement of significance: 25 Stewart Street, North Bendigo, September 2020
20. Statement of significance: 1-75 Racecourse Road, Ascot, (Bendigo Racecourse) September 2020
21. Statement of significance: 10 McDowalls Road, East Bendigo, (Mayfair Park Estate – Former Bendigo Freezing Works) September 2020
22. Statement of significance: 93 Strickland Road, East Bendigo (Former Bendigo East State School No. 3893) September 2020
- 22 existing Statements of significance for heritage places from the *White Hills and East Bendigo Heritage Study* 2016, Vol. 2 – Place and precinct citations:
 1. Statement of significance- Precinct: Baxter Street Heritage Precinct Extension, September 2020
 2. Statement of significance - Precinct: Tomlins Street Heritage Precinct Extension, September 2020
 3. Statement of significance- Precinct: Bridge Street North Heritage Precinct, September 2020
 4. Statement of significance- Precinct: Buller Street Heritage Precinct, September 2020
 5. Statement of significance- Precinct: Gleeson Street Heritage Precinct, September 2020
 6. Statement of significance- Precinct: Norfolk Street Heritage Precinct, September 2020
 7. Statement of significance- Precinct: White Hills Heritage Precinct, September 2020
 8. Statement of significance: 48-56 Taylor Street, Ascot (Potters' Arms), September 2020
 9. Statement of significance: 147 Barnard Street, Bendigo, September 2020
 10. Statement of significance: 3 Bayne Street and 95-97 Bridge Street, Bendigo (former Norfolk Brewery), September 2020
 11. Statement of significance: 125 Bridge Street, Bendigo (house and fence), September 2020
 12. Statement of significance: 143 Charleston Road, East Bendigo (Fleece Inn), September 2020
 13. Statement of significance: 125-133 McIvor Road, East Bendigo (Residence and 6 Trees) September 2020

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14. Statement of significance: 131 Goynes Road, Epsom, September 2020
15. Statement of significance: 89-91 Lucan Street, Bendigo, September 2020
16. Statement of significance: 105 Lucan Street, Bendigo, September 2020
17. Statement of significance: 4 Weeroona Avenue, North Bendigo, September 2020
18. Statement of significance: 14 Heinz Street and 15 Ross Street, White Hills (Residence and Stable Complex), September 2020
19. Statement of significance: 467 Napier Street, White Hills, September 2020
20. Statement of significance: 506-508 Napier Street, White Hills (Uniting Church), September 2020
21. Statement of significance: 532 Napier Street, White Hills (Former White Hills Reading Rooms and Free Library), September 2020
22. Statement of significance: 545 Napier Street, White Hills, September 2020

One updated Statement of significance:

1. Statement of significance: 66 Taylor Street, Ascot (Ascot Park), September 2020
- One existing Statement of significance for the Bendigo Hospital Campus (Lucan Street), from the citation for the *Bendigo Health's Bendigo Hospital Campus, Lucan Street, Bendigo*:
 1. Statement of significance: 62 Lucan Street, Bendigo, (Bendigo Hospital Buildings) September 2020
 - Two existing Statements of significance from citations for heritage places:
 1. Statement of significance: 16 Crook Street Kennington, September 2020
 2. Statement of significance: 40 Harley Street, Strathdale (Nanga Gnulle), September 2020
 - Insert updated *Heritage Design Guidelines, September 2020* to include new 'Signage Guidelines' and an updated 'Glossary' section.
 - Insert an updated *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, September 2020* that deletes a permit exemption for roadworks and street furniture.
 - Amend the Schedule to Clause 72.08 Background Documents to remove heritage studies and citations documents that now have statements of significance.

Strategic assessment of the amendment

Why is the amendment required?

This amendment is required as part of the ongoing review of the Greater Bendigo Planning Scheme, initiated by the findings in the *Greater Bendigo Planning Scheme Review, 2019*. The amendment corrects 53 errors pertaining to mapping and technical anomalies associated with the Heritage Overlay (Clause 43.01). The corrections of the errors and anomalies generally fall into the following categories:

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

The amendment inserts 49 Statements of Significance into the Schedule to the Heritage Overlay (Clause 43.01).

The amendment updates two incorporated documents in the Schedule to the Documents Incorporated in this Planning Scheme (Clause 72.04), namely the *Heritage Design Guidelines, August 2015* and the *City of Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, January 2018* and updates the documents to September 2020.

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The amendment updates the *Heritage Design Guidelines* to include a 'Signage' section that includes specific design advice for new signage in Heritage Overlay areas that has been removed from the signage policy to accord with Ministerial Direction – The Form and Content of Planning Schemes, as well as a revised 'Glossary' section. The design advice in the new signage section of the *Heritage Design Guidelines* accords with the objectives, policies and criteria detailed in the Advertising and Signage Policy (Clause 22.29).

The amendment deletes a Heritage Overlay permit exemption from the *City of Greater Bendigo Heritage Incorporated Plan – Permit Exemptions*, January 2018 that has become redundant as a result of Amendment VC142.

It is necessary to undertake the aforementioned amendments to maintain the effective and efficient operation of the Greater Bendigo Planning Scheme, and to ensure that places of heritage value are appropriately identified and protected by the provisions of the planning scheme.

In accordance with the new planning scheme structure initiated by the State Government through Amendment VC148, the relevant heritage studies and citations have been removed from the local Heritage Policy (Clause 22.06).

These studies and citations have been inserted into the planning scheme as Statements of significance in the Schedule to the Heritage Overlay (Clause 43.01) and in the Schedule to Clause 72.04 (Incorporated Documents).

In total, the amendment inserts 49 new Statements of Significance into the Schedule to Clause 72.04 (Documents incorporated in the planning scheme).

New and updated heritage places have been assessed and found to be generally in accordance with the principles of the Burra Charter, Heritage Victoria guidelines and the *Planning Practice Note 1: Applying the Heritage Overlay*.

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

The amendment implements the objectives of section 4 of the *Planning and Environment Act 1987* (the Act), particularly the need for planning to:

- d) *Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- g) *Balance the present and future interests of all Victorians.*

Council has the responsibility to identify, conserve and enhance buildings or places that are of historic value. By updating and strengthening the heritage provisions of the planning scheme, the amendment directly responds to the above objectives.

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

The amendment will not have any adverse effects on the environment. Protection of heritage places retains existing urban infrastructure and resources and contributes to the richness and diversity of the built environment. The conservation of heritage places also promotes sustainable development through the conservation of original materials and reduced demand for new construction materials.

Heritage places contribute to the character, amenity and identity of Greater Bendigo and enhance its appeal as a place to live, work and visit. The amendment will have positive social effects as it seeks to protect and enhance the cultural heritage of Greater Bendigo for future generations; it will also improve community awareness about the importance and value of heritage places.

The identification and protection of heritage places will also attract tourism to the region thereby having a positive economic effect.

Although some additional costs may be borne by property owners through the need to obtain a planning permit under the new Heritage Overlays, this will be mitigated by the *Greater Bendigo Incorporated Plan – Permit Exemptions*, which removes the requirement for a planning permit for minor development/works. New places included within the Heritage Overlay will also become eligible for the City's Heritage Restoration Loan Scheme.

Does the amendment address relevant bushfire risk?

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The purpose of the amendment is to ensure the protection of properties with identified heritage significance. Given the nature of the amendment, it will not result in increased development potential or change the use of land which is identified as being at risk from bushfire.

It is considered that bushfire risk is not affected by the application of new heritage controls at the 147 Kangaroo Gully, Kangaroo Flat, as the zone or development potential has not been altered. The amendment is not expected to result in any increase to the risk to life, property, community infrastructure, or the natural environment from bushfire.

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

The amendment is consistent with the Minister's Direction under Section 7(5) of the Act in relation to the Form and Content of Planning Schemes.

The amendment is consistent with Ministerial Direction No.11 under Section 12(2) of the Act in relation to the Strategic Assessment of Amendments, as set out in this explanatory report.

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

The amendment supports or implements the following clauses of the Planning Policy Framework:

Clause 11.01-1R Settlement – Loddon Mallee South, which includes the strategies: *To support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services; and Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.*

Clause 11.03-6S Regional and local places, which has the objective of facilitating place-based planning and includes the strategies: *Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns; and Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.*

Clause 15.03-1S Heritage conservation, which has the objective of ensuring the conservation of places of heritage significance and includes the strategy: *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*

The amendment supports the above clauses by ensuring that heritage places are provided with adequate heritage protection, which is an important element in planning for the growth of Bendigo as the regional city for the Loddon Mallee South region. The amendment will ensure that places of heritage significance will be provided with planning controls that ensure that their significance is carefully considered and managed into the future.

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

The amendment supports or implements the following clauses of the Local Planning Policy Framework. However, it should be noted that the format of the Greater Bendigo Planning Scheme is proposed to be updated in response to VC148 via amendment (C256gben). Amendment C256gben may change the clause numbers referred to below.

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

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

Clause 21.08-6 Implementation, which states that its objectives and strategies will be implemented by applying the Heritage Overlay to buildings, areas, places, and sites of heritage significance.

Clause 22.06 Heritage Policy, which applies to all applications in the Heritage Overlay. It requires applications to be considered against the Greater Bendigo Heritage Design Guidelines.

The amendment seeks to support and implement the above clauses by including the one individual site of heritage significance in the Heritage Overlay, as well as update the mapping and address details for 53 properties. The above clauses will be considered should a planning application be required. It is considered that the application of the Heritage Overlay to these places will also support

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the broader objectives of the Municipal Strategic Statement by building on the unique characteristics of Bendigo, which contribute to tourism and investment.

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

The Heritage Overlay is the appropriate Victoria Planning Provision tool for the protection of heritage places of local significance. The application of the Heritage Overlay is consistent with *Planning Practice Note 1: Applying the Heritage Overlay*.

The changes to the incorporated document, the *Greater Bendigo Heritage Incorporated Plan – Permit Exemptions*, January 2018 remove Heritage Overlay permit exemptions that have become redundant as a result of Amendment VC148.

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

The amendment will not change any existing referral provisions and is not expected to affect any referral authority. Notice of the amendment was given to all relevant agencies and referral authorities in accordance with the requirements of the Act as part of the formal exhibition of the amendment.

This amendment has been prepared in consultation with Council's Heritage Advisor.

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

The requirements of the *Transport Integration Act 2010* apply where an amendment is likely to have a significant impact on the transport system.

This amendment makes changes to heritage controls applying to places of cultural heritage significance and is not expected to have any impact upon the objectives, strategies and decision-making principles of the *Transport Integration Act 2010*.

Resource and administrative costs

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

The City of Greater Bendigo has the capacity to accommodate any additional planning permit applications that are triggered by this amendment. A total of one additional property will have a Heritage Overlay applied. In the context of the heritage controls across the municipality, this is a minor increase in the number of properties affected by a Heritage Overlay.

The proposed changes to the Statements of Significance in the Schedule to the Heritage Overlay (Clause 43.01) and the Incorporated Document are expected to have minimal resourcing impacts, as the affected sites (with the exception of the two places aforementioned) are already in a Heritage Overlay. The changes to the *Heritage Design Guidelines* do not trigger a planning permit, as this document provides guidelines for the assessment of planning permit applications.

The amendment will not require additional planning staff resources, nor will it create excessive assessment criteria that would delay the consideration of applications.

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Where you may inspect this amendment

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

The amendment is available for public inspection, free of charge, during office hours at the following places (subject to COVID19 regulation):

City of Greater Bendigo, 15 Hopetoun Street, Bendigo

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

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ATTACHMENT 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference
Spring Gully	45 Palm Ave	Greater Bendigo C261gben 028hoMap23 Exhibition
Kangaroo Flat	147 Kangaroo Gully Rd	Greater Bendigo C261gben 027hoMap26 Exhibition
Ascot	66 Taylor St	Greater Bendigo C261gben 029hoMap16 Exhibition
Bendigo	106 Barnard St	Greater Bendigo C261gben 013d-hoMap19 Exhibition Greater Bendigo C261gben 014hoMap19 Exhibition
Bendigo	108 Barnard St	Greater Bendigo C261gben 013d-hoMap19 Exhibition Greater Bendigo C261gben 014hoMap19 Exhibition
Bendigo	146 Barnard St	Greater Bendigo C261gben 013d-hoMap19 Exhibition Greater Bendigo C261gben 014hoMap19 Exhibition
Bendigo	96 Moore St	Greater Bendigo C261gben 013d-hoMap19 Exhibition Greater Bendigo C261gben 014hoMap19 Exhibition
Bendigo	23 Niemann St	Greater Bendigo C261gben 013d-hoMap19 Exhibition
Bendigo	25 Niemann St	Greater Bendigo C261gben 013d-hoMap19 Exhibition
Bendigo	17 Park Rd	Greater Bendigo C261gben 013d-hoMap19 Exhibition
Bendigo	3 Reef St	Greater Bendigo C261gben 015d-hoMap19 Exhibition Greater Bendigo C261gben 016hoMap19 Exhibition
Bendigo	88 Short St	Greater Bendigo C261gben 015d-hoMap19 Exhibition Greater Bendigo C261gben 016hoMap19 Exhibition
Bendigo	92 Short St	Greater Bendigo C261gben 015d-hoMap19 Exhibition Greater Bendigo C261gben 016hoMap19 Exhibition
Bendigo	194 Wattle St	Greater Bendigo C261gben 013d-hoMap19 Exhibition Greater Bendigo C261gben 014hoMap19 Exhibition
Bendigo	39 Wright St	Greater Bendigo C261gben 013d-hoMap19 Exhibition Greater Bendigo C261gben 014hoMap19 Exhibition
California Gully	2 Esler St	Greater Bendigo C261gben 009d-hoMap18 Exhibition

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		Greater Bendigo C261gben 010hoMap18 Exhibition
Eaglehawk	3 Clarke St	Greater Bendigo C261gben 007d-hoMap18 Exhibition Greater Bendigo C261gben 008hoMap18 Exhibition
Eaglehawk	5 Clarke St	Greater Bendigo C261gben 007d-hoMap18 Exhibition Greater Bendigo C261gben 008hoMap18 Exhibition
Eaglehawk	6 Clarke St	Greater Bendigo C261gben 007d-hoMap18 Exhibition Greater Bendigo C261gben 008hoMap18 Exhibition
Eaglehawk	7 Clarke St	Greater Bendigo C261gben 007d-hoMap18 Exhibition Greater Bendigo C261gben 008hoMap18 Exhibition
Eaglehawk	8 Clarke St	Greater Bendigo C261gben 007d-hoMap18 Exhibition Greater Bendigo C261gben 008hoMap18 Exhibition
Eaglehawk	Mapped on the road intersection of Sailors Gully & Peg Leg Roads with High Street	Greater Bendigo C261gben 003d-hoMap14 Exhibition Greater Bendigo C261gben 004hoMap14 Exhibition
Eaglehawk	5-7 High St	Greater Bendigo C261gben 003d-hoMap14 Exhibition Greater Bendigo C261gben 004hoMap14 Exhibition
Eaglehawk	20 McCormacks Rd	Greater Bendigo C261gben 007d-hoMap18 Exhibition
Eaglehawk	24 Panton St	Greater Bendigo C261gben 005d-hoMap18 Exhibition Greater Bendigo C261gben 006hoMap18 Exhibition
Eaglehawk	28 Panton St	Greater Bendigo C261gben 005d-hoMap18 Exhibition Greater Bendigo C261gben 006hoMap18 Exhibition
Eaglehawk	28A Panton St	Greater Bendigo C261gben 005d-hoMap18 Exhibition Greater Bendigo C261gben 006hoMap18 Exhibition
Eaglehawk	2 Peg Leg Rd	Greater Bendigo C261gben 003d-hoMap14 Exhibition Greater Bendigo C261gben 004hoMap14 Exhibition
Eaglehawk	2B Peg Leg Rd	Greater Bendigo C261gben 003d-hoMap14 Exhibition Greater Bendigo C261gben 004hoMap14 Exhibition
Eaglehawk	3 Reef St	Greater Bendigo C261gben 001d-hoMap14 Exhibition
Eaglehawk	85 Sailors Gully Rd	Greater Bendigo C261gben 001d-hoMap14 Exhibition

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Eaglehawk	90 Sailors Gully Rd	Greater Bendigo C261gben 001d-hoMap14 Exhibition Greater Bendigo C261gben 002hoMap14 Exhibition
Eaglehawk	91 Sailors Gully Rd	Greater Bendigo C261gben 001d-hoMap14 Exhibition
Eaglehawk	100-102 Sailors Gully Rd	Greater Bendigo C261gben 001d-hoMap14 Exhibition Greater Bendigo C261gben 002hoMap14 Exhibition
Eaglehawk	77 Victoria St	Greater Bendigo C261gben 003d-hoMap14 Exhibition Greater Bendigo C261gben 004hoMap14 Exhibition
Eaglehawk	75A Victoria St	Greater Bendigo C261gben 003d-hoMap14 Exhibition Greater Bendigo C261gben 004hoMap14 Exhibition
East Bendigo	141 Charleston Rd	Greater Bendigo C261gben 017d-hoMap19 Exhibition
East Bendigo	10 Jennings St	Greater Bendigo C261gben 017d-hoMap19 Exhibition
Flora Hill	2 Keck St	Greater Bendigo C261gben030d-hoMap23
Flora Hill	65 Somerville St	Greater Bendigo C261gben030d-hoMap23
Ironbark	84-86 Eaglehawk Rd	Greater Bendigo C261gben 011d-hoMap18 Exhibition Greater Bendigo C261gben 012hoMap18 Exhibition
Ironbark	98 Eaglehawk Rd	Greater Bendigo C261gben 011d-hoMap18 Exhibition Greater Bendigo C261gben 012hoMap18 Exhibition
Long Gully	155 Eaglehawk Rd	Greater Bendigo C261gben 011d-hoMap18 Exhibition
Long Gully	1A Stone St	Greater Bendigo C261gben 009d-hoMap18 Exhibition
Long Gully	1B Stone St	Greater Bendigo C261gben 009d-hoMap18 Exhibition
Quarry Hill	8 Howard St	Greater Bendigo C261gben 020d-hoMap23 Exhibition Greater Bendigo C261gben 021hoMap23 Exhibition
Quarry Hill	16 Hamlet St	Greater Bendigo C261gben 020d-hoMap23 Exhibition Greater Bendigo C261gben 021hoMap23 Exhibition
Quarry Hill	19 Hamlet St	Greater Bendigo C261gben 020d-hoMap23 Exhibition Greater Bendigo C261gben 021hoMap23 Exhibition
Quarry Hill	31 Horace St	Greater Bendigo C261gben 020d-hoMap23 Exhibition Greater Bendigo C261gben 021hoMap23 Exhibition

OFFICIAL

Quarry Hill	59 Palmerston St	Greater Bendigo C261gben 018d-hoMap23 Exhibition Greater Bendigo C261gben 019hoMap23 Exhibition
Quarry Hill	63 Palmerston St	Greater Bendigo C261gben 018d-hoMap23 Exhibition Greater Bendigo C261gben 019hoMap23 Exhibition
Raywood	33 Inglewood St	Greater Bendigo C261gben 031hoMap07 Exhibition

TABLE 1 – Properties to be included in a new individual Heritage Overlay

Address	Current Heritage Overlay	Proposed new Heritage Overlay	Citation reference	Reason
147 Kangaroo Gully Rd, Kangaroo Flat	No Heritage Overlay	HO935	Citation for 147 Kangaroo Gully Road Kangaroo Flat by Minerva Heritage for the City of Greater Bendigo, July 2017.	This property has been identified as an individually significant heritage place. Refer to the <i>Statement of significance: 147 Kangaroo Gully Road Kangaroo Flat (Former Wait Til I'm Ready Hotel)</i> , September 2020

TABLE 2 – Properties to have new citations

Address	Current Heritage Overlay	Proposed new Heritage Overlay	Citation reference	Reason
66 Taylor St, Ascot	HO51	HO51 (extended to the entire site)	Citation for 66 Taylor Street, Ascot (Ascot Park) by Dr Robyn Ballinger and	A new citation has been written to increase the extent of HO51 to the entire boundary of the site, as previously the cellar was not included.

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			Wendy Jacobs for the City of Greater Bendigo.	Refer to new <i>Statement of significance: 58-70 Taylor Street, Ascot (Ascot Park building and cellar), September 2020</i>
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TABLE 3 – Corrections to places in the Heritage Overlay and/or the Schedule to the Heritage Overlay

Address	Current Heritage Overlay	Proposed Heritage Overlay	Proposed change to the Schedule to the Heritage Overlay	Reason
106 Barnard St, Bendigo	HO1 and HO86 (part)	Remove HO1 and apply only HO86 to the entire site.	N/A	Remove the site from the precinct HO1 and apply only individual HO86 to the site.
108 Barnard St, Bendigo	HO86	Remove HO86 and apply HO1.	N/A	Remove the site from the individual HO86 and apply the precinct HO1 to the entire site.
146 Barnard St, Bendigo	HO88	Remove HO88 and apply HO1 to the entire site.	Delete HO88 from the schedule.	Remove HO88 as the place is not individually significant and apply precinct HO1.
150 Barnard St, Bendigo	HO89	HO89 (no change)	Update the HO89 address label to "150 Barnard Street, Bendigo".	Address in the Schedule to the Heritage Overlay incorrectly references "152 Barnard Street, Bendigo"
152 Barnard St, Bendigo	HO90	HO90 (no change)	Update the HO90 address label to "152 and 154 Barnard Street, Bendigo"	Address for HO90 only references "154 Barnard Street, Bendigo"
154 Barnard St, Bendigo	HO90	HO90 (no change)	Update the HO90 address label to "152 and 154 Barnard Street, Bendigo"	Address for HO90 only references "154 Barnard Street, Bendigo"
96 Moore St, Bendigo	HO1 and HO206 (part)	Remove HO1 and apply only HO206 to the entire site.	N/A	Remove the site from the precinct HO1 and apply only individual HO206 to the site
23 Niemann St, Bendigo	HO207	Remove HO207 from the site	N/A	This site subdivided from 98 Moore Street, Bendigo, to which the individual

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				HO207 applies. Remove this site from HO207.
25 Niemann St, Bendigo	HO207	Remove HO207 from the site	N/A	This site subdivided from 98 Moore Street, Bendigo, to which the individual HO207 applies. Remove this site from HO207.
17 Park Rd, Bendigo	HO872	Remove HO872	Delete from schedule as building relocated.	Building has been relocated. Remove HO872.
3 Reef St, Bendigo	HO11	HO387	Update the HO387 address label to "3 Reef Street, Bendigo" and move to the Bendigo section of the schedule.	Address label for individual HO90 references "3 Reef Street, Eaglehawk"
88 Short St, Bendigo	HO247 (part) and HO248	Remove HO248 and retain only HO247	N/A	Only individual HO247 applies to this site.
92 Short St, Bendigo	HO12 and HO248	Remove HO12 and retain only HO248	N/A	Remove the site from precinct HO12 and retain only individual HO248
194 Wattle St, Bendigo	HO254	Remove HO254 and apply only HO1 to the site	N/A	HO254 applies to "27 Valentine Street, Bendigo" Remove HO254 as the place is not individually significant and apply precinct HO1
39 Wright St, Bendigo	HO250 (part)	Remove HO250 and apply only HO1 to the site	N/A	HO250 applies to "10 Valentine Street, Bendigo". Remove HO250 as the place is not individually significant and apply only precinct HO1.
2 Esler Street, California Gully	HO319	Remove HO319 and apply only HO16 to the site	Delete HO319 from schedule.	Remove HO319 as the place is not individually significant and apply only precinct HO16
3 Clarke St, Eaglehawk	HO18	Remove HO18 and apply only HO346 to the site	Update the HO346 address label to "3 Clarke Street, Eaglehawk"	Remove the site from the precinct HO18 and apply only individual HO346 to the site. Address label updated

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5 Clarke St, Eaglehawk	HO346	Remove HO346 and apply only HO347 to the site	Update the HO347 address label to "5 Clarke Street, Eaglehawk"	accordingly. Amend the address label to match the correct mapping of HO347 to the site
6 Clarke St, Eaglehawk	HO347	Remove HO347 and apply only HO18 to the site	N/A	Remove HO347 as the place is not individually significant and apply only precinct HO18
7 Clarke St, Eaglehawk	HO18	Remove HO18 and apply only HO348 to the site	Update the HO348 address label to "7 Clarke Street, Eaglehawk"	Remove the site from the precinct HO18 and apply only individual HO348 to the site. Address label updated accordingly.
8 Clarke St, Eaglehawk	HO348	Remove HO348 and apply only HO18 to the site	N/A	Remove HO348 as the place is not individually significant and apply only precinct HO18
Brassey Square, Eaglehawk	HO357	Move the location of HO357 mapping to the Lemon Scented Gums at Brassey Square	N/A	Move the location of HO357 mapping from the road to the Lemon Scented Gums at Brassey Square
5-7 High St, Eaglehawk	HO358	Remove HO358 and apply only HO19 to the site	N/A	Individual HO358 applies to 9 High Street. Apply only HO19 to the site
20 McCormacks Rd, Eaglehawk	HO373	Remove HO373	Delete HO373 from schedule	Remove HO373 as the place is not individually significant.
24 Panton St, Eaglehawk	HO376 (part) and HO77	Remove HO377 and apply only HO376 to the site	N/A	Only individual HO376 applies to this site.
26 Panton St, Eaglehawk (address is non-existent)	HO377	Remove HO377	Delete from schedule	Address is non-existent.
28 Panton St, Eaglehawk	HO19	Remove HO19 and apply only HO378 to the site	N/A	Only individual HO378 applies to this site.
28A Panton St, Eaglehawk	HO378	Remove HO378 and apply only HO19 to the site	N/A	Remove HO378 as the place is not individually significant and

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				apply only precinct HO19.
2 Peg Leg Rd, Eaglehawk	HO382	Remove HO382 and apply only HO19 to the site	N/A	Remove HO382 which applies to 2B Peg Leg Road. Apply only precinct HO19.
2B Peg Leg Rd, Eaglehawk	HO19	Remove HO19 and apply only HO382 to the site	Update the HO382 address label to "2B Peg Leg Road, Eaglehawk"	Remove the site from the precinct HO19 and apply only individual HO382 to the site. Address label updated accordingly.
3 Reef St, Eaglehawk	HO387	Remove HO387 from site	Update the HO387 address label to "3 Reef Street, Bendigo"	HO387 has been incorrectly applied to this site, and is to be applied to "3 Reef Street, Bendigo"
85 Sailors Gully Rd, Eaglehawk	HO398	Remove HO398 from the site	N/A	HO398 applies to "93 Sailors Gully Road, Eaglehawk". This site is not an individually significant heritage place.
90 Sailors Gully Rd, Eaglehawk	HO397	Remove HO397 and apply only HO22 to the site	N/A	HO397 applies to "88 Sailors Gully Road, Eaglehawk". This site is not an individually significant heritage place. Apply only precinct HO22 to the site.
91 Sailors Gully Rd, Eaglehawk	HO398	Remove HO398 from the site	N/A	HO398 applies to "93 Sailors Gully Road, Eaglehawk". This site is not an individually significant heritage place.
100-102 Sailors Gully Rd, Eaglehawk	HO399	Remove HO399 and apply only HO22 to the site	N/A	HO399 applies to "104 Sailors Gully Road, Eaglehawk". This site is not an individually significant heritage place. Apply only precinct HO22 to the site.
77 Victoria St, Eaglehawk	HO408	Remove HO408 and apply only HO19 to the site	N/A	HO398 applies to "75A Victoria Street, Eaglehawk". This site is not an individually

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				significant heritage place. Apply only precinct HO19 to this site.
75A Victoria St, Eaglehawk	HO19	Remove HO19 and apply only HO408 to the site	Update the HO408 address label to "75A Victoria Street, Eaglehawk"	Remove the site from the precinct HO19 and apply only individual HO408 to the site. Address label updated accordingly.
141 Charleston Rd, East Bendigo	HO414	Remove HO414 from the site	N/A	HO414 applies to "133 Charleston Street, East Bendigo"
10 Jennings St, East Bendigo	HO415	Remove HO415 from the site	N/A	HO415 applies to "6 Jennings Street, East Bendigo"
2 Keck Street, Flora Hill	HO422	Remove HO422 from the site	Delete from schedule.	HO422 applied to trees which were approved to be removed with a Planning Permit.
65 Somerville Street, Flora Hill	HO422	Remove HO422 from the site	Delete from schedule.	HO422 applied to trees which were approved to be removed with a Planning Permit.
84-86 Eaglehawk Rd, Ironbark	HO28	Remove HO28 and apply only HO489 to the site	N/A	Remove the site from the precinct HO28 and apply only individual HO489 to this site.
98 Eaglehawk Rd, Ironbark	HO490	Remove HO490 and apply only HO28 to the site	N/A	HO490 applies to "96 Eaglehawk Road, Eaglehawk". This site is not an individually significant heritage place and apply only precinct HO28.
153 Eaglehawk Rd, Long Gully	HO537	HO537 (no change)	Update address label for HO537 to "St Matthew's Church and School"	Address label currently only refers to "St Matthew's School"
155 Eaglehawk Rd, Long Gully (address is non-existent)	HO538	Remove HO538	Delete from schedule.	The label for the site in the Schedule is listed as "St Matthew's Church", but mapping is across an intersection. Site already mapped under HO537

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89 Upper California Gully Rd, Long Gully	HO546	HO546 (no change)	Change HO546 address label to "89 Upper California Gully Road, Long Gully"	HO546 address label incorrectly listed as "1A Stone Street, Long Gully"
1A Stone St, Long Gully	HO546	Remove HO546	N/A	Remove HO546, which applies to "89 Upper California Gully Road, Long Gully". This site is not an individually significant heritage place
1B Stone St, Long Gully	HO546	Remove HO546	N/A	Remove HO546, which applies to "89 Upper California Gully Road, Long Gully". This site is not an individually significant heritage place.
8 Howard St, Quarry Hill	HO592	Remove HO592 from the site and apply HO30 to site	N/A	Remove HO592, which applies to "1 Hamlet Street, Quarry Hill". This site is not an individually significant heritage place. Apply only precinct HO30 to the site.
16 Hamlet St, Quarry Hill	HO593	Remove HO593, apply only HO30 to the site.	N/A	HO593 applies to "19 Hamlet Street, Quarry Hill". This site is not an individually significant heritage place. Apply only precinct HO30 to the site.
19 Hamlet St, Quarry Hill	HO30	Remove HO30, apply only HO593 to the site.	N/A	Remove the site from the precinct HO30 and apply only individual HO593 to this site.
31 Horace St, Quarry Hill	HO593	Remove HO593, apply only HO30 to the site.	N/A	HO593 applies to "19 Hamlet Street, Quarry Hill". This site is not an individually significant heritage place. Apply only precinct HO30 to the site.
59 Palmerston St, Quarry Hill	HO611 (part)	Remove HO611 and apply only HO30 to the site	N/A	HO611 applies to "63 Palmerston Street, Quarry Hill".

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				This site is not an individually significant heritage place. Apply only precinct HO30 to the site.
63 Palmerston St, Quarry Hill	HO611 (part)	Apply HO611 to the entire site	N/A	HO611 to apply to the entire site
33 Inglewood St, Raywood.	HO641	Apply HO641 to all of house	Update address to only 33 Inglewood St, Raywood.	HO641 to apply to all of house.

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20. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

21. URGENT BUSINESS

Nil

22. NOTICES OF MOTION

Nil

23. COUNCILLORS' REPORTS

Cr Alden reported that it was exciting to be able to get out and about again and outlined her attendance at the following meetings and events:

- Launch of the Spirit Basketball Season
- Launch of the 'Bowl the Maidens Over' publication
- Arthur Guy Memorial Prize
- International Day for People with a Disability
- Neighbourhood Collective
- Loddon Campaspe Multi-Cultural Services event
- Spoke at the Indonesian National Culture Week
- Health Innovation Sprint Showcase
- Bendigo Solar Showcase
- Healthy Greater Bendigo Showcase
- Wished the community a very happy Christmas and healthy new year and indicated that her first job for the new year would be to receive her COVID-19 booster vaccine!

Cr Fagg reported as outlined below:

Unsurprisingly, 4 weeks have passed since the last monthly council meeting, and so much as happened. Amongst the many site visits, emails and phone calls, I have:

- *Visited the food security sprint, where La Trobe students spent a week attempting to come up with ways of addressing the fact that large numbers of families do not have enough food each week. I think visited their prototype solution in Hargreaves Mall – a popup café where people received food, relationships, and mentoring. Congratulations to the students, to Gemma, Tessa, Brandon, Jordan, Morgan, Tomas, Vi [VEE] and their guide, Dr Brad Hodge.*
- *Visited an energetic forum of people in Eaglehawk, who met together to work out how to save the Dahlia and Arts Festival for 2022. Well done to all those who participated, and I want to note that a planning meeting for the festival is occurring as we speak.*
- *Attended a webinar on being a bystander to gender-based violence and how to respond – very informative and challenging.*
- *Attended the launch of the Bendigo Ford Fun Run, which will happen in early March 2022. I've been asked to act as an Ambassador for the event, to attract the segment of the running market known as "those who look like they might have a heart attack if they run."*
- *Participated in a meeting to discuss illegal dumping in the Whipstick. Thanks to Martin Myles for making that happen!*

I wish the community a very happy and memorable Christmas, while acknowledging that Covid means that many people will still not be able to see those most dear to them.

Cr Williams reported on the past month as follows:

- Responded to a number of emails and calls from resident
- Site visits
- Met with Tim Quilty, Liberal Democrat representing Northern Region Victoria
- Waste and Circular Economy Workshop
- Listening Post in the Library Gardens
- Conveyed to all for a safe and Merry Christmas and a Happy New Year

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

- *CBD Flood Study session*
- *Arthur Guy Memorial Prize*
- *Bahá'i community celebration*
- *Creative Bendigo 'Graduation'*
- *Immersion opening in Heathcote*
- *Merry Christmas to each and every one of you and to my colleagues around the table and at the Council Offices*

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

- Tracks and Trails Regional and National Parks discussion
- Phoenix-FM Annual General Meeting
- Councillor Briefings
- Planning application site inspections
- Bendigo Solar Showcase
- Positive Ageing Advisory Committee
- Calder Highway Improvement Committee
- Coffee with Mildura Rural City Council representatives
- Heathcote Township Committee
- Bendigo Historical Society Christmas Lunch
- Bendigo Heathcote Volunteers High Tea at Fortuna Villa
- Code of Conduct refresher training
- Waste and Circular Economy workshop
- Listening Post at Library Gardens
- Opening of the Goornong railway station

Cr Sloan presented her report for the past month as outlined below:

Thank you Mayor Metcalf, I am pleased to table my councillor report about joining with our community and reflecting on key events in the busy leadup to our festive and holiday season. I was pleased to attend community events and meetings including a book launch at our Town Hall for the book, Bowl the Maidens Over, with Mayor Metcalf, Deputy Mayor Evans and Cr O'Rourke. The book tells the story of our first women cricketers and sporting history that arose in Bendigo.

I helped to celebrate International Day of Persons with Disabilities with our community to re-affirm and draw attention to the rights of people who live with disabilities. I proudly supported Trans Awareness Week in November to celebrate our trans and gender diverse community and to nurture inclusion and, along with Cr colleagues, supported the 16 Days of Activism to promote the end to gender-based violence.

I visited Riley St revegetation project to view an amazing transformation from wasteland to wonderland that has enhanced ecosystems and created wildlife habitat. Congratulations to all project partners as they care for country. On a Goornong theme, along with Mayor Metcalf and city officers, I attended a Goornong farmers site meeting to discuss municipal roads and tracks. It is always inspiring to listen to stories from our local farmers. Yesterday I welcomed the first train into the newly built Goornong Train Station along with Mayor Cr Metcalf, Deputy Mayor Cr Evans and Cr colleagues. It was a great celebration as the Bendigo Echuca Line Upgrade delivers improved rail connectivity for our community.

Attending the Viva Bendigo Elvis Launch explored details of this iconic entertainer's early life. Bendigo cannot wait for this exciting exhibition to arrive directly from Elvis' beloved home, Graceland. Kudos to the team for their work in collating this exhibition. The return to live music and associated events elevates the spirit and promotes wellbeing through all that music has to offer.

I was delighted to listen to terrific community budget-bid presentations from individuals and groups early in the budget process this year. I think participating earlier in the budget process is a great initiative enabling our community to more effectively determine needs and plan accordingly. Our final Listening Post for this year was conducted on Saturday. It was a great opportunity to be back in our local community reaching out to residents and talking about local issues. Recent positive feedback was received about the new photo-luminescent lines along Nolan to Howard St. cycling-walking trail. The lines emit stored light to enhance visibility at night and it was said they help define the cycling-walking trail and add an extra degree of reassurance for users.

In closing, I wish to acknowledge the marking of the Centenary of MATERNAL AND CHILD HEALTH SERVICES in Bendigo and recognise the great work of past and present MCHN's and staff. Over the past 100 years the MCH program has become one of the City's most valued and respected community services supporting our babies, children and families, often at times of great vulnerability. A great job, well done.

May I extend my best wishes to everyone for a happy, safe and peaceful festive season, go well.

24. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf, presented her report as outlined below:

- Attended the Creative City of Gastronomy Advisory Committee meeting.
- Chaired the Economic Development Implementation Steering Committee quarterly meeting.
- Spoke at the Villawood Spirit Season Launch held at the Bendigo Town Hall.
- Held online meeting with Lisa Chesters MP, Federal Member for Bendigo.
- Attended the Kangaroo Flat CWA 70th Birthday Celebration.
- Attended the Bendigo Heritage Attractions annual general meeting.
- Attended the Eaglehawk Dahlia and Arts Festival forum.
- Met with the La Trobe University Vice Chancellor Professor John Dewar and Director Bendigo Campus Julie Rudner.
- Attended a community lunch with the Governor-General of Australia, His Excellency David Hurley, and Her Excellency Mrs Linda Hurley at Bendigo Foodshare to acknowledge community efforts and those involved in the region's response to the COVID-19 pandemic.
- Met with Vietnamese Ambassador to Australia His Excellency Mr Nguyen Tat Thanh at the Bendigo Airport to view the RMIT's pilot training.
- Attended and spoke at the 2021 Arthur Guy Memorial Painting Prize - Winner Announcement by the Governor-General of Australia, His Excellency David Hurley.
- Participated as panel member for the Heritage Advisory Committee selection interviews.
- Chaired the Pandemic Relief and Recovery Committee meeting.
- Attended the online Premiers Sustainability Awards 2021.
- Attended the Discovery Centre Donor 'Thank-you' and CPH Loddon Mallee Launch Event.
- Attended the Bendigo Heritage Attractions Board meeting.
- Attended the online North Central Victorian Goldfields community information session.
- Attended the online Loddon Mallee Local Government Waste Forum meeting.
- Attended a meeting with the Bendigo BMX Club at their facility in Eaglehawk.
- Spoke at the Celebration of the Day of the Covenant- Greater Bendigo Bahá'í Community.
- Meet with community members during the Meet the Mayor sessions.
- Participated in meeting to discuss the Whipstick illegal dumping issue.
- Officially welcomed La Trobe University International Agents visiting Bendigo.
- Participated in official proceedings at the Victorian celebration of the birthday of Guru Nanak, the founder of Sikhism held at The Great Stupa.
- Officially launched the book 'Bowl the Maidens Over: Our First Women Cricketers' by Louise Zedda-Sampson.
- Attended the season opening for the Golden Square Pool.
- Attended the Brass Band music event at Canterbury Park Gardens.
- Met with representatives from Mildura Rural City Council.
- Attended the Neilborough Bill Cole Reserve annual general meeting.
- Visited the Bendigo Foodshare shed and participated in filming for a video being released.
- Spoke at the Loddon Campaspe Multicultural Services (LCMS)' Annual General Meeting.
- Attended the Empowering Eaglehawk meeting.
- Attended the Community Announcement with Kirkland Lake Gold at the Gobbé Wellness Centre garden.
- Participated in the online State-wide Local Government Waste Forum chairs meeting.
- Participated in tour of Kangaroo Flat Library, Eaglehawk Library then meeting with CRG for Peter Krenz Centre.
- Attended and spoke at the Breakfast for 16 Days of Activism Against Family Violence held at the Old Church on the Hill.
- Attended and spoke at the International Day of People with Disability held at Lake Weeroona.
- Attended and spoke at the Bendigo Historical Society Annual Christmas Lunch.
- Attended the Bendigo & Heathcote Volunteer Christmas Function.

- Attended the Bendigo Heritage Attractions Christmas function.
- Along with Santa – officially lit up the Christmas Tree at the event held at Rosalind Park.
- Participated in official proceedings at the ceremony of Laying the Foundation Stone of Bodhi Dhamma Vihara Premises.
- Participated in the Community Engagement Activity held in the Library Gardens.
- Attended the opening of the new Goornong Rail Station by the Hon. Jacinta Allan MP, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop.
- Attended the Bendigo Foodshare Board dinner.
- Attended the Looking back, moving forward: Healthy Greater Bendigo Showcase held at Canterbury Park Gardens Pavilion.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

The Chief Executive Officer, Mr Craig Niemann, presented his report as outlined below:

In the spirit of Councillors being appointed to Committees and the importance of people volunteering on Committees, at the recent AGM of The Bendigo Trust, Clive Walker was recognised for the 18 years he has committed to the Board, predominantly as Treasurer, and Helen Yorston was recognised for 15 years of commitment, all in a volunteer capacity. Both have contributed above and beyond the meeting cycle and made significant contributions on a daily and weekly basis. As a result of resignations and end of term appointments, great people have been appointed to The Bendigo Trust, Scott Elkington, Stacie Wright, Adam Webb and Tom Smith. All new appointments bring diverse skills to the Board and we are looking forward to a change in thinking and change in approach and some real creativity going forward. The Elf Academy kicks off this Thursday. It was a great success last year and advice is that it has nearly sold out this year.

It has been great to get out and about as last year there wasn't much opportunity to get out and about. I took the opportunity recently of going on a one day tour around the municipality with Brian Westley, to see some projects, call in on some Council staff delivering great projects for our community, look at developments, look at issues and try and understand what those local issues mean and how we are going to address them. We met with some farmers out at Goornong and it is great to get their perspective on life and the current harvest and how that will play out and them talking about the change from 4 tonne trucks to 40 tonne B doubles and how do our roads cope with those sorts of challenges.

Later that same week, Anthony Judd, the new Regional Director Loddon Mallee, Department of Environment, Land, Water, Planning and I did a similar thing. Went for a drive and took a look at growth areas, BREP – Bendigo Regional Employment Precinct, had a great tour of our landfill with Brooke Pearce, joint projects, things that we can do together over the coming years. Whilst he is a Charlton person and has been coming to Bendigo for many years, he saw a fair bit of Bendigo that he hasn't seen before and it was a really good opportunity.

Our first off-site Loddon Mallee Regional Development Australia meeting last week was held in Echuca, where we stood underneath the new Echuca Moama bridge which is now joined from one side of the river to the other. There are still some works to happen on either side just to complete significant roadworks and it is proposed that these will be delivered by mid next year, all things going well. It was interesting as I drove into Echuca and followed 2 B Doubles into town into the middle of town how they will now go around town and they were obviously heading up into NSW. Significant to understand the importance of that project and a long standing, long running project for that community on both sides of the river. We also learnt a little more about the Murray River Adventure Trail - I know these things are not in Greater Bendigo – but this is a trail that I believe is to go from Yarrawonga to Mildura. Think about the scale of that and part of it is funded between the Barmah Forest in Echuca which in itself will be a challenge to deliver because of the little creek crossings and different land ownerships along the way, but over time, we will see a great tourism opportunity and attractor up along the river and it is a fantastic spot to go anyway. It was great to hear a little bit more about that. I do want to acknowledge the leadership of Linda Beilharz who is now finishing up as the Chair of the Loddon Mallee RDA after six years. She finishes on 31 December this year. She has done a great job in leading that regional group, from Gisborne to Mildura – it is a big region but there has been a lot of great work under her leadership.

I want to take the opportunity to thank Council staff for providing great service every day to the community over the last year. They haven't missed a beat in really challenging times so they work really hard trying to do their best every day to deliver the services they can for the community in so many different ways. A great example of that, Vicky Mason and I had an opportunity of visiting the School Crossing Supervisors last week and say thank you to them for their year. They turn up in rain, hail and shine, it might be -3°, it might be plus 40°. They turn up and help our young people to cross the road to get to school and get home from school. They are a great group of people that just want to make a contribution as they move into the latter parts of their life generally, as they are generally at that age. It is really great to see them so passionate about the work they do in a very high risk environment. They walk out with a stick and ask traffic to stop in front of them and they don't know what that driver is thinking or doing or don't know what sort of morning the driver has had. The Supervisors do a fantastic job.

I thank the Councillors for their contribution over the year. It is lot of time, lot of effort, not just in here but at home reading, visiting, talking to the community. Collectively, if you added it all up, it is a huge number of hours you have completed over the year so thank you for the contribution you have made to our community and the support you have provided to the staff of the City of Greater Bendigo.

I thank the Governance Team who help make this happen every month and our briefings every week. We have had to change things and adjust and do things differently. Thank you, Jess and your team for the work you do to make sure this runs well.

Thank you to the great Executive Management Team who make my life easier but our life as an organisation and hope, your life as Councillors too. Great work Team, thank you and I really appreciate your support and the leadership you have provided in the organisation to our community.

I extend my Christmas wishes to the community, Councillors and staff. It is that time of the year when we all get to looking forward to a little bit of relief to some degree, to stop and think and reflect a bit on the year so, Merry Christmas to everyone. Hopefully you have a great time with your family and friends and that you have safe travels if you are going to travel anywhere as the roads will be pretty hectic, I imagine, over this Christmas and New Year period .

I look forward to seeing everyone in 2022.

26. CONFIDENTIAL (SECTION 66) REPORTS

Nil

There being no further business, the meeting closed at 8.21pm.

Confirmed:

January 24, 2022 _____Chair