

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 18 March 2020

VENUE:

**Reception Room,
Bendigo Town Hall,
Hargreaves Street, Bendigo**

NEXT MEETING:

Wednesday 15 April 2020
Bendigo Town Hall

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This Council Meeting is conducted in accordance with Local Law Process of Municipal Government 2020. It is an offence for any person to engage in improper or disorderly conduct at the meeting.

Council Vision

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

Council Values

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

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

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

Goals

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

ORDINARY MEETING

WEDNESDAY 18 MARCH 2020

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

APOLOGIES

LEAVE OF ABSENCE

Cr Malcolm Pethybridge requested Leave of Absence from this Council Meeting.

SUSPENSION OF STANDING ORDERS

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

COMMUNITY RECOGNITION SECTION

PUBLIC QUESTION TIME

Public Question Time – Purpose

Council has provided the opportunity for members of the public to ask questions of broad interest to Council and the community. Matters relating to routine Council works should be taken up with Council's Customer Service Officers through its Customer Request System.

By the time planning matters have reached the council agenda, they have been through an extensive process as required by the Planning and Environment Act. In addition, in most instances mediation has been held between the parties involved. Throughout the process there are many opportunities for the people to ask questions. Therefore, no questions relating to planning matters on the Agenda will be accepted.

Public Question Time – Where, When And Who

The public question time is held at every Ordinary Meeting of Greater Bendigo City Council. Meetings of Council commence at 6.00pm in the Reception Room, Bendigo Town Hall, Hargreaves Street, Bendigo.

The public question time is held at the start of the meeting as close as practical to 6:00pm. A maximum of 30 minutes has been provided for registered and unregistered questions.

Residents are encouraged to lodge questions in advance so that a more complete response can be provided.

Questions will be put to the Council by the individual posing the question; the question will be answered by the Mayor or CEO, or where appropriate, Councillors or Council Officers.

Acceptance of Questions

Each person asking a question of Council is required to stand, state their name, and address the Mayor. Public Question Time is not an opportunity for making of statements or other comments. Council's Meeting Procedure Local Law does not allow for other questions or comments during the remainder of the meeting.

1. An individual may only ask one question per meeting, a follow-up question may be permitted at the discretion of the Mayor.
2. In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.
3. In the event that time does not permit all questions registered to be answered, questions will be answered in writing or referred to the next meeting if appropriate.
4. The Mayor and or CEO have the right to decline registration on basis of:
 - Legal proceedings;
 - More appropriately addressed by other means;
 - Vague or lacking in substance, irrelevant, frivolous, insulting offensive, improper, defamatory or demeaning;
 - Answer likely to compromise his / her position;
 - Confidential, commercial-in-confidence.
5. Each individual whose registration form has been accepted or declined will be advised by the Friday of the week prior to the scheduled meeting.
6. In the event of a registration form being declined the registration form will be circulated to the Mayor or Councillors for information.

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

CR WILLIAMS' REPORT

DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 19 February 2020.

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

NO.	TITLE	RECOMMENDATION
1.1	Petition: Request for Double Sealed Bitumen Pathway (Domain Retirement Village)	That Council receive the petition and a response be prepared within two (2) meetings
2.1	Proposed Mid Block Road Closure for Symonds Street, Maiden Gully	That Council having considered the submissions received in regard to the proposed mid-block closure of Symonds Street: 1. Approve the midblock traffic closure of Symonds Street, Maiden Gully, between 132 Symonds St property access and the Olympic Parade Intersection through the installation of fencing and a gate.

		2. Inform adjoining residents and other submitters of Council's decision.
3.1	Commercial Fitness Operator Policy	That Council adopt the Commercial Fitness Operators Policy for a further period of five years.
4.1	Creative City of Gastronomy Advisory Committee (CCGAC) Appointments	That Council: 1. Appoint the recommended candidates, as listed in this report, to the Creative City of Gastronomy Advisory Committee for a 4-year term. 2. Adopt the Creative City of Gastronomy Advisory Committee's terms of reference.
5.1	Greening Greater Bendigo Strategy	That Council release the draft Greening Greater Bendigo for public display.
7.1	Record of Assemblies	That Council note the record of assemblies of Councillors as outlined in this report.
7.2	Youth Council Member Selection	That Council acknowledge the valuable contribution of retiring Youth Councillors and endorse the nine new Youth Councillors, listed in this report, who will join the City of Greater Bendigo Youth Council.
7.3	Finance Committee Report Q2 - 31 December 2019	That the Greater Bendigo City Council receive the Finance Report comparing Budgeted and Actual Revenues and Expenses to 31 December 2019, in accordance with the requirements of the <i>Local Government Act 1989</i> .

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

RECOMMENDATION

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

1. PETITIONS AND JOINT LETTERS

Nil.

2. PRESENTATION AND MANAGING GROWTH

2.1 PLANNING SCHEME AMENDMENT C222 - HUNTLY DCP FOR CONSIDERATION OF SUBMISSIONS AND REFER TO PANEL

Document Information

Author Alison Kiefel, Amendments Planner

Responsible Director Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Amendment details: Amendment C222 proposes to implement the *Huntly Development Contributions Plan July 2019* into the Greater Bendigo Planning Scheme by applying the Development Contributions Plan Overlay Schedule 2 to the Huntly growth precinct, making changes to the Municipal Strategic Statement and rezoning an existing playground/district park.

The Huntly Development Contributions Plan will deliver essential infrastructure projects to support new growth north of the existing Huntly township, on the eastern side of the Midland Highway.

Proponent: City of Greater Bendigo

No. of submissions: 6 (4 service authorities, 2 private)

Key issues:

- Traffic issues and infrastructure justification;
- Land acquisition for new intersection.

RECOMMENDATION

That Council accept the late submissions and request the Minister for Planning to appoint an Independent Panel to consider the outstanding submissions.

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## **Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 1: Lead and govern for all

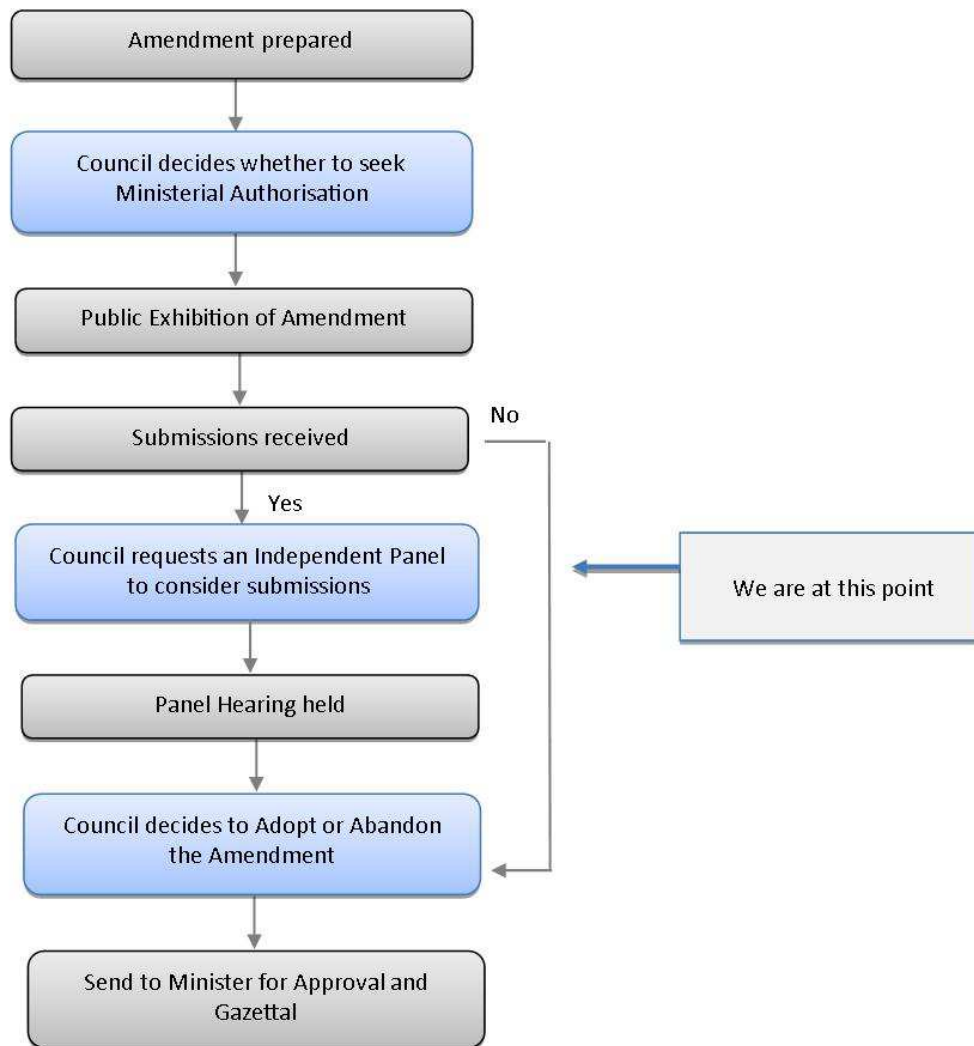
- Be innovative and financially responsible.
- Be accountable and efficient in its use of the community's money.

Goal 4: Presentation and managing growth

- Plan for a growing population; specifically; optimize the use of Development Contributions Plans.
- Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport.
- Keep Greater Bendigo attractive with good quality public facilities and places.
- Provide and maintain urban and rural infrastructure to support the livability of our community.

## **Background Information**

The key steps in the Amendment process are summarised below:



The *Huntly Development Contributions Plan, Mesh, July 2019* (HDCP) has been prepared to enable a coordinated approach to collect levies for the supply of infrastructure related to major roads, intersections and shared path networks in Huntly. It is not collecting levies for community facilities or active open space.

A Development Contributions Plan (DCP) works by considering the total growth and infrastructure needs for the new growth area, undertaking analysis and costing those individual needs, and then applying levies to the developers that will directly benefit from the infrastructure, based on their developable land area.

In this instance, the Huntly growth area is proposed to provide for 6,000 people and deliver infrastructure to the value of \$23.8M. DCPs are not a full cost recovery model and there will be obligations on Council to also contribute to the delivery of infrastructure.

Given some of the land within the HDCP has been developed, some of the infrastructure projects have already been delivered, primarily by Integra, the developers of Viewpoint Estate. This includes the district park, interim intersection treatment at Midland Highway and Waratah Road, construction and road reservation for Waratah Road and shared paths.



Two properties owned by the Crown (1 of which is reserved to Coliban Water), will also be impacted by future works to upgrade or construct new intersections.

The DCPO applies to land in the General Residential Zone and contains existing overlays including; Bushfire Management Overlay, Design Development Overlay Schedule 11 (Huntly Transition Area), Development Plan Overlay Schedule 25 (Huntly Township Plan New Development Area), and a native vegetation precinct plan. Two areas (approximately 30 ha combined), are heavily vegetated which will not be able to be developed and are excluded from 'net developable area' (NDA) calculations in the DCP. Also excluded from the NDA are the areas subject to flooding, which total 8ha.

### What the Amendment does

- Amends clause 21.09 Integrated Transport and Infrastructure.
- Rezones Reserve 1, Sawmill Rd, Huntly (district park) to Public Park and Recreation Zone.
- Inserts a new Schedule 2 (Huntly Development Contributions) at Clause 45.06 (DCPO).
- Applies the Development Contributions Plan Overlay, Schedule 2 to the Huntly growth precinct as defined.
- Inserts Planning Scheme Maps 9DCPO and 12DCPO.
- Inserts Planning Scheme Maps 9DCPO and 12DCPO at Clause 72.03.
- Inserts *Huntly Development Contributions Plan*, Mesh, July 19, into the Incorporated Documents Schedule at Clause 72.04.

### **Consultation/Communication**

#### Pre-Exhibition

Prior to formal exhibition, the City wrote to owners and occupiers within the proposed Overlay. The package included a letter, map of the overlay, bulletin explaining DCPs and a frequently asked questions sheet.

The City also initiated discussions and held 3 meetings with the 6 private owners where land is required for infrastructure upgrades.

#### Exhibition Procedures

The Amendment was exhibited for one month from 14 November 2019 to 16 December 2019.

Notice was provided in the following manner:

- Individual notices to owners and occupiers of land affected by the Amendment, or adjacent to a project in the Amendment (approximately 780 letters, approximately 400 of those in the Viewpoint development).
- 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 13 November 2019 and 15 November 2019.
- Publication of the notice of the Amendment in the Government Gazette on 14 November 2019.
- Access on-line.
- Information session held 25 November 2019 at Huntly Strauch Reserve (with 3 ward councillors in attendance) which 6 people attended.

### Submissions

Six submissions were received during the exhibition period (including 2 late submissions). Of these, 2 are from affected landholders, one being a developer, the other impacted by land acquisition for an intersection. The remaining 4 are from authorities and require no changes for this amendment.

### Post Exhibition

The City has met with Huntly Property Holdings (Human Habitats) and offered to meet with Department of Transport and submitter 2, M Amory.

| <b>Submitter 1: EPA</b>                                                                                                                    |                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Supports/Objects</b>                                                                                                                    | <b>Officer Response &amp; Recommendation</b> |
| <p>No changes requested.</p> <p>The amendment does not pose a risk to the environment or human health and EPA has no further comments.</p> | <p>Noted. No action required.</p>            |

| <b>Submitter 2: M Amory</b>                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Supports/Objects</b>                                                                                                                                                                                                                              | <b>Officer Response &amp; Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Objects</p> <p>Rise in traffic, and noise. Particularly stopping and starting at the intersection.</p> <p>Safety of egress to property.</p> <p>Parking for visitors on the street.</p> <p>Necessity of the purchase of land from my property.</p> | <p>Refer to Panel.</p> <p>This is not something we can control and is part of living at a location near an arterial road.</p> <p>When the intersection is constructed there will be a requirement to provide safe access to the road network. This may be in a different location to existing.</p> <p>There is currently no lawful ability to park on the Midland Highway and it is unlikely that on-street parking would be permitted by Regional Roads Victoria when the intersection is built for safety reasons.</p> <p>Detailed planning and analysis of the intersection and alternatives have been undertaken to develop the current</p> |

| Submitter 2: M Amory                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supports/Objects                                                                                                                  | Officer Response & Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Amend the design of the intersection to avoid use of my land.</p> <p>Move the intersection to Gungurru Street.</p>             | <p>proposal. These include the commissioning of a number of Traffic Impact Assessments by both of the key developers in Huntly and by the City for the DCP. It is proposed that approximately 81m<sup>2</sup> of land will be required in the future for the Waratah Road intersection, in the corner of this property.</p> <p>There are secondary traffic routes, which will carry some of the vehicle movements generated by future development. However, the Waratah Road/Midland Highway intersection has been identified by the traffic experts as the most efficient way of managing the forecasted increase in traffic into the future. It is acknowledged that the intersection and road widening will affect residents but whichever route is chosen will inevitably cause impacts.</p> |
| <p>Future court bowl (Sawmill Road) and implications.</p> <p>Notification to landholders in Sawmill Road west of Midland Hwy.</p> | <p>The City is unable to confirm the long term treatment at Sawmill Road (Midland Highway end). This will depend on the pattern and timing of future land development and the location of new residential access roads. The preliminary intention for Sawmill Road would be to close off any access to Midland Highway and the short section of Sawmill Road may only access 2-3 properties.</p> <p>Sawmill Road residents received the pre-exhibition pack, and all land owners that were considered to be affected by the DCP and infrastructure were notified. All other relevant parties will be notified when appropriate and closer to the time of works.</p>                                                                                                                              |
| <p>Need for slip lane from the west of Midland Highway.</p>                                                                       | <p>This is an engineering standards matter, based on the traffic volumes both on the highway and that generated by the road catchment, it has been determined that no slip lane is required.</p> <p>The City has held one individual meeting</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Submitter 2: M Amory |                                                                                                                                                                                                                                                                                                                                         |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supports/Objects     | Officer Response & Recommendation                                                                                                                                                                                                                                                                                                       |
|                      | <p>with this landholder, and two group meetings with other impacted landholders at the intersection, prior to exhibition of the Amendment. These issues were also raised and discussed in that forum and a response was provided in writing.</p> <p>The City also offered to meet regarding this submission, but this was declined.</p> |

| Submitter 3: Huntly Property Holdings (via Human Habitats)                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Supports/Objects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Officer Response & Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Objects</p> <p>The strategic justification for OS01 (playground) is flawed, it references the <i>Public Space Plan (2018)</i> and is identified because it exists rather than for its strategic importance.</p> <p>Development of Provenance Estate is unlikely to result in demand on OS01 (Playground).</p> <p>OS01 (Playground) is incongruous with the guiding principles in section 2.5 which aims to deliver essentially a higher order infrastructure not typically provided in urban developments.</p> | <p>Refer to Panel.</p> <p>In addition to its identification in the <i>Public Space Plan (2018)</i>. The strategic direction is <i>'improve and establish this passive parkland as a key public space for the eastern growth area of the precinct'</i>.</p> <p>The location of the reserve was also identified in the Huntly Township Plan.)</p> <p>The <i>Public Space Plan (2018)</i> on p.55 sets out a hierarchy of open space of State/National, Regional, Municipal, Suburb/Township and Neighbourhood. The Viewpoint Reserve is classified as a Suburb space.</p> <p>A Suburb space has a 2km travel distance (25 minute walking time). This definition would put all of the Provenance Estate within the catchment.</p> <p>Note: The DCP defines the open space as a district play space. This is equivalent to the Public Space Plan definition of suburb play space.</p> <p>Of relevance to legitimacy of the inclusion of the park in the DCP, the DCP Guidelines at p.16 state;<br/> <i>"...all infrastructure:<br/>         Must serve a neighbourhood sized catchment or wider area.</i></p> |



| Submitter 3: Huntly Property Holdings (via Human Habitats)                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Supports/Objects                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Officer Response & Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>If there is a nexus, the DCP should provide for contributions to the 4,363sqm park on the Provenance Estate.</p> <p>DCP does not provide a quantifiable link between projected growth and RD05 (Wakeman Road).</p> <p>If there is a link between RD05 (Wakeman Rd) and growth, the road should be extended to a local connector road (RD02).</p> <p>DCP does not provide a quantifiable link between projected growth and IT03 (Epsom – Barnadown Road intersection).</p> | <p><i>...a neighbourhood park with playground equipment...</i></p> <p>As the park is defined as a Suburb level space rather than Neighbourhood it is considered to be higher order infrastructure.</p> <p>The proposed park would be of a neighbourhood sized catchment and this highlights the fact that we are only seeking higher order infrastructure. It is noted that the land will count towards the 5% public open space contribution for the whole of the site.</p> <p>The Traffic Impact Assessment (TIA) (July 2019) identified that Wakeman Road and Inglis Road will be used by vehicles as an alternative route to Midland Highway. It was estimated that there would be an increase in daily vehicle trips from &lt;200 to 6,300. On the basis of this forecast there is a clear demand from new growth and a need to upgrade the road network to accommodate this increase in vehicle movements.</p> <p>The TIA identified that both Wakeman Road and Inglis Road should be upgraded. On review, officers determined that only Wakeman Road should be included, as Inglis Road is of a sufficient width and standard to accommodate the growth in vehicle movements. Furthermore an upgrade to Inglis Road would require removal of significant roadside vegetation.</p> <p>The anticipated growth is not anticipated to require upgrade to a connector street level.</p> <p>For the same reasons listed above we believe this project should be retained in the DCP. It is considered to be a less than ideal intersection and an increase in traffic growth without an upgrade would</p> |

| Submitter 3: Huntly Property Holdings (via Human Habitats)                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supports/Objects                                                                                                                                        | Officer Response & Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>Strategic justification of RD01B (duplication of Waratah Road). How was the trigger point determined and what is meant by urban standard?</p>        | <p>create a dangerous intersection. It is noted 65% of the cost will be met from other funding sources.</p> <p>The trigger point was determined through a review of the <i>Huntly Township Traffic Impact Assessment - Dwelling and Population Growth Assessment – Centrum Planning March 2016 (D&amp;PGA)</i>.</p> <p>This data was then used in the traffic modelling with in the <i>Huntly Township Traffic Impact Assessment- Trafficworks July 2019</i>. The modelling found that a 34m road reserve was required to enable Waratah Road to be duplicated by 2026.</p> <p>It is noted that duplication of Waratah Road was shown in the approved Viewpoint Development Plan and that this was not challenged by GTA when they undertook a TIA for the approved Hermitage Development Plan.</p> |
| <p>Insufficient detail on apportionment of usage. Existing demand seems low, what assumptions have been made and where is the data to back this up?</p> | <p>External demand to the DCP is largely predicted to be from the Urban Growth Zone (UGZ) land. The only other external demand is attributed to growth on the west side of the Midland Highway. This has been taken into account in the apportionment for IT01 (Waratah Road intersections). Also as discussed above for IT03 (Epsom – Barnadown Road intersection) and RDO5 (Wakeman Road).</p>                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Why has a blanket 18% been adopted, other than for IT03 (Epsom – Barnadown Road intersection) and IT01B (Waratah Road signalisation)?</p>            | <p>The 18% has been calculated based on projected demand from the Urban Growth Zone land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Why is there a variance between IT01A (interim Waratah Road) (18%) and IT01B (Waratah Road signalisation) (26%)?</p>                                 | <p>As referenced above there an additional 8% demand from Huntly West for IT01B (Waratah Road signalisation).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>IT01 (Waratah Road and Midland Highway intersection) should have been done in a single phase to deliver better value.</p>                            | <p>It is common DCP practice for intersections to be delivered in two phases with an interim and ultimate design.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| <b>Submitter 3: Huntly Property Holdings (via Human Habitats)</b>                                                                       |                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Supports/Objects</b>                                                                                                                 | <b>Officer Response &amp; Recommendation</b> |
| Any agreements with developers should be made public, particularly if they relate to items that have already been delivered in the DCP. | We are yet to finalise any agreements.       |

| <b>Submitter 4: Coliban Water</b> |                                              |
|-----------------------------------|----------------------------------------------|
| <b>Supports/Objects</b>           | <b>Officer Response &amp; Recommendation</b> |
| Supports, no changes.             | Noted. No further action.                    |

| <b>Submitter 5: Department of Transport, incorporating former VicRoads (LATE)</b>                                                                              |                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>Supports/Objects</b>                                                                                                                                        | <b>Officer Response &amp; Recommendation</b>                                             |
| Supports<br>Seeks to work together to ensure public and active transport connections are planned to allow good accessibility to future Huntly Railway Station. | Noted.<br>Additional future strategic work to be incorporated into the City's work plan. |

| <b>Submitter 6: CFA (LATE)</b>                                                                                                                                                                                                                  |                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Supports/Objects</b>                                                                                                                                                                                                                         | <b>Officer Response &amp; Recommendation</b> |
| Supports, no changes.<br>Area has previously been approved for residential growth, acknowledges that the location includes higher risk areas with Bushfire Management Overlays in place.<br>Supports the Amendment for DCP and associated DCPO. | Noted. No further action.                    |

## Conclusion

It is recommended that Council accept all late submissions received to date and refer outstanding submissions to an Independent Panel appointed by the Minister for Planning. Proposed dates have been pre-set and exhibited as part of the explanatory report for a Directions Hearing in early April, and a Hearing in mid May 2020.

## 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.

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

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

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

### **Resource Implications**

Officer time will be required to prepare the Amendment documentation for panel and liaise with the Minister for Planning. A legal representative for Council is proposed to be engaged for the Panel Hearing.

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment. This will include additional estimated costs of \$10,000 in association with holding a panel which has been budgeted for.

### **Attachments**

- Submissions (6)
- Explanatory report

## 2.2 PLANNING SCHEME AMENDMENT C232 - STRATHFIELDSAYE URBAN DESIGN FRAMEWORK ADOPTION OF AMENDMENT FOLLOWING PANEL HEARING

### Document Information

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

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### Summary/Purpose

Amendment details: The Amendment implements the *Strathfieldsaye Urban Design Framework 2017* and further implements the *Strathfieldsaye Township Plan 2012* by:

- Rezoning land from Commercial 1 and Special Use to Mixed Use Zone;
- Rezoning land to General Residential from Public Use;
- Amending the MSS by including a local area plan;
- Deleting Clause 22.22 Strathfieldsaye Residential Character Policy;
- Applying a suite of Design and Development Overlays;
- Removing some of the Development Plan Overlay 26;
- Making corrections to the Urban Growth Boundary incorporated plan and public land zoning.

Proponent: City of Greater Bendigo

No. of submissions: 27 (including 8 supporting, 19 requesting a change/objecting, 3 late) of which 12 were referred to Panel.

Key issues:

- Encouraging increased densities in and near the town centre;
- Traffic;
- Applying controls to improve effluent disposal planning;
- Neighbourhood character;
- Restricting development;
- Provision of walking/cycling paths;
- Amount of commercial zoned land.

### **RECOMMENDATION**

That Council:

1. Accept the Panel's recommendations.

2. Adopt Amendment C232 to the Greater Bendigo Planning Scheme with changes as recommended by the Panel, and to make a minor further change to the proposed General Residential Zone on part of 528 Tannery Lane to align with further work completed since exhibition of the amendment.
3. Forward the adopted Amendment to the Minister for Planning for approval, together with the prescribed information pursuant to Section 31(1) of the Planning and Environment Act, 1987.

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 5: Environmental Sustainability

- Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.

Background Information

The key steps in the Amendment process are summarised below:

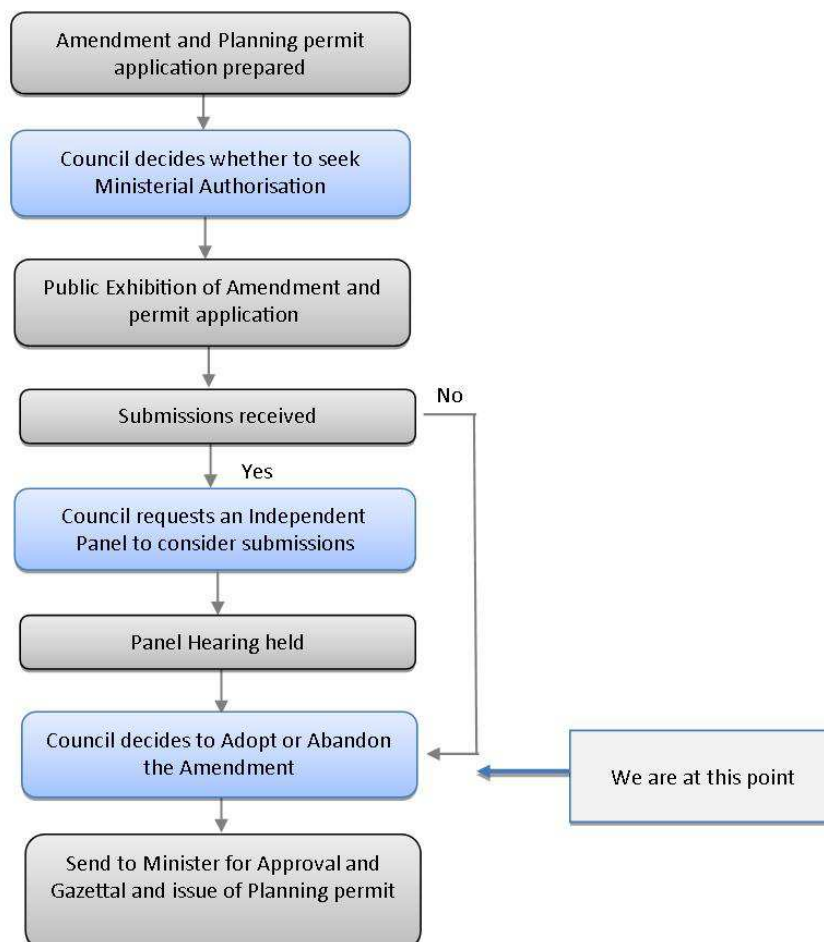


Figure 1: The Planning Scheme Amendment process.

Previous Council Decisions

- 12 October 2016: Council decision to release the Draft Strathfieldsaye Town Centre UDF for public consultation.
- 15 February 2017: Council resolved to adopt UDF and commence the Planning Scheme Amendment to implement the strategic and policy direction of the UDF.
- 21 June 2018: That the Greater Bendigo City Council resolves to:
1. Request the Minister for Planning to authorise Council to prepare Amendment C232 to the Greater Bendigo Planning Scheme.
 2. When Authorised by the Minister, exhibit Amendment C232 to the Greater Bendigo Planning Scheme.
- 21 August 2019: Council resolved to adopt the recommendations detailed for each of the submissions and to request the Minister for Planning to appoint an Independent Panel to consider the outstanding submissions.

Report

An Explanatory Report is attached and details the purpose and effect of the Amendment and provides the strategic justification for the Amendment as required.

Key issues identified in the Explanatory Report are summarised below.

Land affected by the Amendment

The land affected by the Amendment is all of the land in the township of Strathfieldsaye bounded by Somerset Park Road, Mannes Lane, Barkers Lane, Osborne Lane and Watson Drive, as the Amendment makes broad policy changes to the Municipal Strategic Statement (MSS), including introducing a Local Area Plan, as shown below in Figure 2.

The Amendment also individually affects approximately 38 properties through rezoning, 385 properties by adding an overlay and 202 by removing an overlay.

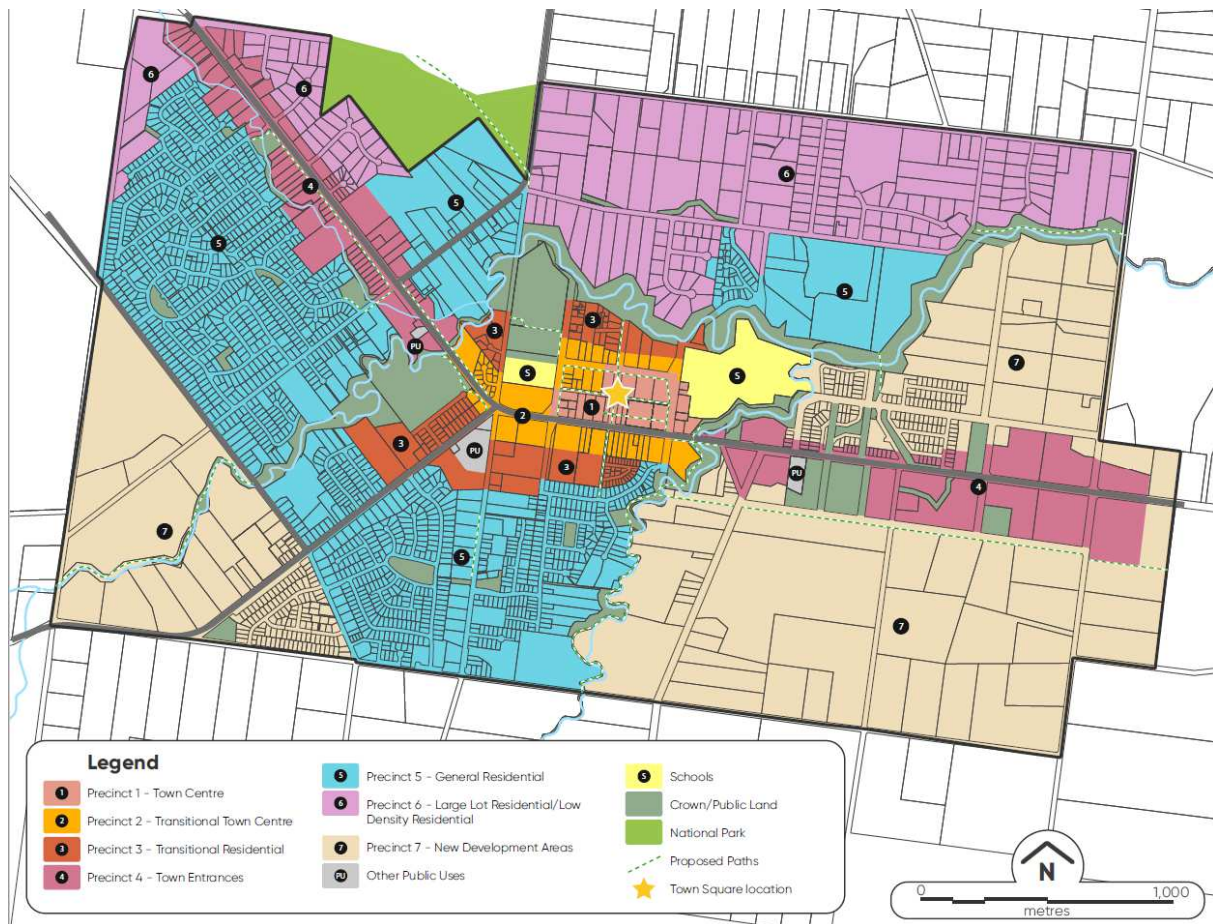


Figure 2: Area affected by proposed Local Area Plan for Strathfieldsaye.

What the Amendment does

The Amendment implements the *Strathfieldsaye Urban Design Framework 2017* and further implements the *Strathfieldsaye Township Plan* (revised March 2012) by:

- Rezoning land from Commercial 1 Zone and Special Use Zone to Mixed Use Zone;
- Rezoning land to General Residential Zone from Public Use Zone (Coliban Water land);
- Amending the MSS by introducing a Strathfieldsaye Local Area Plan (LAP);
- Including the *Strathfieldsaye Urban Design Framework* (2017) as a background document;
- Applying a suite of Design and Development Overlays (DDOs), including those to guide design in the town centre, transitional town centre and town entrances (DDO27, 28 and 29), one that is applied to unsewered land to provide more guidance for development (DDO24), and one to protect the urban forest interface (DDO6);
- Deleting Clause 22.22 Strathfieldsaye Residential Character Policy as it has been replaced by the LAP and DDOs;
- Removing some Development Plan Overlay 26 (DPO26) Strathfieldsaye New Development Areas as the land is either being covered by a new DDO or has been developed, and making some minor edits;
- Making corrections to the Urban Growth Boundary incorporated plan and some private land zoning errors;

- Rezoning Council managed park land to Public Park and Recreation Zone (PPRZ) as identified in the *Greater Bendigo Public Space Plan* (2018).

Consultation/Communication

Exhibition Procedures

The Amendment was exhibited for one month from 30 May to 1 July 2019.

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 29 May 2019 and 8 June 2019.
- Publication of the notice of the Amendment in the *Government Gazette* on 30 May 2019.
- Access on-line.
- Community information bulletin.
- Drop in information session attended by approximately 70 people.

Submissions

Twenty-seven submissions were received during the exhibition period (including 3 late submissions).

All submitters received a written response to their concerns and an offer of an opportunity to meet to discuss their concerns further.

Twelve submissions remained unresolved and were referred to the Independent Panel. The key issues to be considered by the Panel that were raised by the submissions were:

- Vegetation removal;
- Traffic and transport systems;
- Character (including 120-150 Sullivans Road);
- Commercial land availability;
- Footpaths;
- Water supply;
- Fences;
- Planning permit application for a residential village at 783-797 Strathfieldsaye Road.

The Panel Hearing

The Minister for Planning appointed an Independent Panel to consider the submissions made to the Amendment. A Directions Hearing was held in Bendigo on 23 October 2019 to discuss several preliminary matters.

The Panel Hearing was held on 20 November 2019 at the old Strathfieldsaye Shire Hall and was attended by the Panel Chairperson, City planning officers and three submitters and their representatives, including an expert witness called by one of the submitters.

The Panel Report and Recommendations

The Panel report was received on 16 January 2020. The Panel recommended that the Amendment be adopted as exhibited with the following changes:

- That the proposed changes made by the City in response to submissions prior to and during the Panel hearing be adopted.
- That the following text be included in the Design and Development Overlays for clarity, 'A permit cannot be granted to vary a requirement expressed with the term 'must'.

The Panel stated that the Amendment was based on a thorough review of current controls, past Panel recommendations and VCAT decisions, and completed strategic work. It concluded that the Amendment will provide a framework to effectively guide Strathfieldsaye's growth in to the future.

In accordance with Section 26 of the *Planning and Environment Act* 1987, the Panel report was automatically released to the public on 13 February 2020, 28 days following its receipt by the City's Statutory Planning Unit.

A summary of the submitter's concerns and the officer's and Panel's comments is provided in the table below.

Issues raised in the Submission	Officer Comments	Panel Comments
Submissions 11, 14, 15 and 19 raised concerns regarding the desire and ability of Council to protect existing vegetation.	<p>Many of the exemptions in the Planning Scheme regarding the removal of vegetation are set at a State level, which limits the City's ability to prevent removal occurring. The proposed Amendment strengthens local policy around the retention of established and native vegetation, as the City is aware that vegetation is one of the things that makes Strathfieldsaye an attractive place to live.</p> <p>The City is also developing a strategy to increase tree cover across Greater Bendigo's urban areas and</p>	<p>The Panel agrees with Council that the exemptions to native vegetation protection are largely a matter of state-wide controls. Council can introduce tree protection controls by way of overlays (but not in a DDO).</p> <p>The Panel notes the Greening Greater Bendigo Strategy will consider tree protection. However, implementing that strategy would require a separate amendment process.</p> <p>The Panel agrees with submitters that vegetation protection is important, but</p>

Issues raised in the Submission	Officer Comments	Panel Comments
	townships through the Greening Greater Bendigo Strategy.	this is not a matter that can be addressed by changes to the Amendment.
Submissions 2, 3, 9, 11, 14, 15 and 19 raised traffic issues including congestion in the town centre, particularly during school drop off and pick up times, narrow roads being used by buses, on-street parking, the efficiency of the existing bus network, congestion on Strathfieldsaye Road and the ability for local roads to cope with traffic in a fire emergency.	The City acknowledges that there are existing traffic issues in Strathfieldsaye. The City commissioned the <i>Strathfieldsaye Township Traffic Management Plan</i> 2015, and its findings are being progressively implemented. Regional Roads Victoria is also undertaking a study in Strathfieldsaye.	<p>The Panel notes that the limited rezoning of land proposed as a part of this Amendment is unlikely to generate significant amounts of additional traffic in the area.</p> <p>The Panel agrees with the assessment in the Explanatory Report that the Amendment will not have a significant impact on the transport system.</p> <p>The Panel concludes that no changes to the Amendment to address traffic issues are warranted.</p>
Submissions 9, 11, 14 and 15, raised concerns regarding the impact that development of smaller lots may have on the character of Strathfieldsaye. The submission listed issues such as increased on-street parking, increased crime, access issues for rubbish collection and emergency vehicles, loss of vegetation, proximity to neighbours, limited options for housing style, unattractive housing, investors rather than home owners purchasing the lots and ongoing maintenance of properties.	The strategic work undertaken for Strathfieldsaye seeks to deliver a mix of lot sizes and housing types while protecting vegetation and character. This mix would be provided by encouraging increased density and smaller lot sizes in the town centre and transitional town centre, a mix of conventional residential lot sizes in the general residential area and large, semi-rural lots in the large lot residential/low density residential area.	The Panel concludes that the Amendment appropriately deals with issues of lot size and character.
Submissions 2, 11 and 14 express concerns regarding the rezoning of Commercial 1 land to	The <i>Commercial Land and Activity Centre Strategy</i> 2015 states additional commercial development	The Panel accepts the City's analysis of floor space demand and agrees that there is surplus

Issues raised in the Submission	Officer Comments	Panel Comments
<p>Mixed Use Zone and the ability of the remaining Commercial 1 land to accommodate future growth.</p>	<p>will be required for Strathfieldsaye to provide the necessary services, and that this development can easily be accommodated within the existing town area.</p> <p>In total the projected land required for commercial uses and car parking would be about 4.5 hectares of commercial zoned land in 2031. The UDF proposes a total area of land zoned for commercial uses of approximately 7.3 hectares.</p>	<p>Commercial 1 land. Reducing the area of commercial land will allow for a better focus on planning the town centre.</p>
<p>Submissions 3, 4, 11, 15 and 21 raised concerns with the connectivity of footpaths in Strathfieldsaye. The submissions suggest that further work is required by the City to connect up gaps in the existing footpath network and that new developments should be required to connect internal footpaths to external connections. The inability of people to safely cross Strathfieldsaye Road at the eastern side of the town centre was also raised.</p>	<p>Provision of footpaths within new development areas can be required of developers at the time new lots are created, but the retrofitting of existing areas needs to be gradually rolled out at the City's expense.</p> <p>The City has provided funding to design an underpass at Emu Creek to improve safety for pedestrians and cyclists; for construction of a zebra crossing in Blucher Street and construction of a shared walking and cycling path in the southern Strathfieldsaye Road reserve between Ryalls Lane and Saxby Drive.</p>	<p>The Panel notes that improved pedestrian access has been identified as a priority for Strathfieldsaye in recent strategic work including the <i>Strathfieldsaye Urban Design Framework</i> (2017) and the <i>Greater Bendigo Public Space Plan</i> (2018) and Council intends to progressively fund these projects.</p> <p>The Panel agrees with submitters that a connected footpath network is important, but this is a matter that does not require changes to the planning scheme.</p>
<p>Submissions 14 and 15 raised concerns about the provision of water to the Bendigo region, specifically to growth areas like Strathfieldsaye.</p>	<p>The proposed Amendment considers water supply, sewerage and drainage by ensuring that land proposed for further development can be serviced by the Coliban</p>	<p>The Panel agrees with submitters that water supply is important, but this matter does not require changes to the planning scheme.</p>

Issues raised in the Submission	Officer Comments	Panel Comments
	Water network, and where there is no access to sewerage, that lots are of a sufficient size to safely treat wastewater within the property boundaries.	
<p>Submissions 3, 5, 11, 15 and 22 all raised issues regarding proposed fencing controls. Submissions 3 and 5 do not believe that requirements for open style fencing are appropriate within the DDO28 area and General Residential precinct respectively.</p> <p>Submissions 11 and 15 commented that long lengths of fencing should be discouraged or broken up with vegetation screening. Submission 22 would like to be able to construct a high fence to cut traffic noise from Strathfieldsaye Road.</p>	<p>Open style fencing is not always appropriate for side and rear boundaries, therefore DDO28 has been updated accordingly, but this requirement is already within the existing character policy.</p> <p>The implementation of DDO29 will mean that future construction of a high, non-permeable front fence along Strathfieldsaye Road is unlikely to be supported due to the visual dominance and resulting lack of passive surveillance of the street.</p>	<p>The Panel agrees that the changes proposed by the City appropriately address the issues raised in relation to fencing.</p>
<p>Submissions 14, 15, 16 and 22 raised concerns regarding a planning permit application for a residential village at 783–797 Strathfieldsaye Road, because of the number of small lots proposed.</p>	<p>The Amendment strengthens the recommendations of the <i>Strathfieldsaye Township Plan</i> which says that there should be larger lots on this land, by including them in the LAP.</p> <p>This application has now been withdrawn.</p>	<p>The Panel agrees with the City that this is not an issue that the Amendment needs to address.</p>
<p>Three submissions, submission 5 from the land owner and submissions 14 and 24 from neighbours, raised issues in relation to neighbourhood character and a permit for development at 120-150 Sullivans Road. The owner</p>	<p>Whilst the <i>Planning Scheme Review</i> (2018) and the <i>Greater Bendigo Housing Strategy</i> (2018) have identified that the current character policies need review, the policies must be considered until the review occurs. There</p>	<p>The Panel concludes that the Amendment appropriately deals with issues of lot size and character along Sullivans Road.</p>

Issues raised in the Submission	Officer Comments	Panel Comments
does not want to provide larger lots along Sullivans Road as is required in the LAP, while the neighbours want to ensure that they are provided.	was a recent VCAT case for the subject land and the decision was that larger lots should occur along Sullivans Road, which has been included in the Local Area Plan.	
<p>Whether the Amendment adequately provides for the future growth of Strathfieldsaye.</p> <p>Submitter 13 requested a new section be added in the LAP titled 'Further Work' with the following:</p> <p>"At the point in time in which there is 5 years' worth of residential lot supply remaining within the Strathfieldsaye town boundary, investigate the expansion of the township to its south in accordance with the Bendigo Residential Growth Plan (2018)."</p>	<p>The UGB, as it applies to Strathfieldsaye, has been shaped by a large amount of past strategic work. State Planning Policy requires that councils plan for projected population growth over a 15 year period and the City is under no short term pressure to identify the next growth front.</p>	<p>The Panel agrees with the City that any review of the UGB needs to be done at a municipal wide level. The Panel also notes that the 15 year supply sought in clause 11.02-1S is a rolling supply.</p> <p>The Panel concludes that the planning scheme appropriately deals with policies around land supply.</p>

All submitters will be notified of Council's decision resulting from this report.

In summary, the Panel recommends that the Amendment be adopted as exhibited subject to the following:

1. Make the changes proposed by Council following exhibition and the Hearing and entered into the Amendment Tracking System and sent to the Panel on 13 December 2019.
2. Include the following text in the Design and Development Overlays under requirements: "A permit cannot be granted to vary a requirement expressed with the term 'must'".

The City supports the recommendations of the Panel and has prepared the final documents accordingly.

Since the Panel hearing, Coliban Water has made minor changes to the boundary for the proposed residential rezoning of surplus land at its Strathfieldsaye water filtration plant site at 528 Tannery Lane. An agreement has been reached with Coliban Water regarding the creation of the road reserve through the land and the conditions under which the road will be constructed. An updated zoning map has been included in the Amendment to

reflect the agreed changes, with 12,382sqm to be rezoned to General Residential, which is slightly less than previously proposed (approximately 13,200sqm).

Conclusion

This Amendment has strong strategic justification, bringing together a number of pieces of previous work that have been undertaken for Strathfieldsay. It introduces the first Local Area Plan into the Greater Bendigo Planning Scheme, which will make the planning scheme more usable and robust for the community, developers and the City. The direction taken has been supported by the independent planning panel.

It is recommended that Council adopt the Amendment with the proposed changes and forward it to the Minister for Planning to approve. This will complete the Amendment process.

Options

Council has the option of:

- Adopting the Amendment in accordance with the recommendations and sending to the Minister for Planning for Approval.
- Adopting the Amendment in part.
- Abandoning the Amendment under the *Planning and Environment Act 1987*. There is no right of review of a council's decision not to support an Amendment.

It is recommended that Council adopt the Amendment with changes in accordance with the Panel's recommendations and a further minor change to 528 Tannery Lane, and forward to the Minister for Planning for approval.

Resource Implications

Officer time will be required to prepare the Amendment documentation for approval and liaise with the Minister for Planning.

This amendment will not result in significant extra planning permit applications in the future.

Attachments

- Explanatory Report
- Panel Report

2.3 330 NAPIER STREET, BENDIGO 3550 - TWO LOT SUBDIVISION OF LAND, DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO DWELLINGS

Document Information

Author Shannon Rosewarne, Senior Planner

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

Summary/Purpose

Application details: Two lot subdivision of land, demolition of existing dwelling and development of two dwellings

Application No: DSD/288/2019

Applicant: G M Wade

Land: 330 Napier Street, BENDIGO 3550

Zoning: General Residential Zone
 Adjoins Road Zone 1

Overlays: Heritage Overlay 894

No. of objections: 0

Consultation
meeting: N/A

Key considerations:

- Does the proposal meet the provisions of the Planning Policy Framework?
- Will the proposal have an adverse impact on the character of the area?
- Will the proposal adversely affect the heritage significance of the precinct?
- Does the proposal comply with the requirements of ResCode (Clause 55 and 56)?

Conclusion: It is considered that the proposal represents an unacceptable planning outcome, taking into considerations the relevant requirements of the Greater Bendigo Planning Scheme.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for 2 lot subdivision of land, demolition of

existing dwelling and development of 2 dwellings at 330 Napier Street, BENDIGO 3550 on the following grounds:

1. The development will adversely impact the significance and appearance of the heritage place, contrary to Clauses 15.03-1S, 21.08, 22.06 and 43.01 of the Greater Bendigo Planning Scheme.
2. The proposal does not comply with Clause 55.02-1 (Neighbourhood character objectives) and is inconsistent with the purposes of Clause 32.08 (General Residential Zone) which calls for new development to respect neighbourhood character.
3. The proposal does not comply with the objectives of Clauses 55.02-1, 55.03-1, 55.03-2, 55.04-1, 55.05-4, 55.05-5, 55.06-1 of the Greater Bendigo Planning Scheme.

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## Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

## Report

### Subject Site and Surrounds

The site is located on the corner of Napier and Buller Streets in Bendigo. The site has an area of 524 square metres and is occupied by a single storey, rendered brick and weatherboard dwelling dating to 1940 and associated outbuildings. A carriageway easement exists at the north western corner of the site.

The adjoining land to the south (328 Napier Street) is developed with a single storey Victorian weatherboard cottage on a lot of approximately 1,015 square metres. The adjoining land to the east (1A Buller Street) is developed with a single storey weatherboard Victorian cottage on a lot of approximately 245 square metres. Adjacent to this dwelling, No. 1B Buller Street is a single storey, rendered brick dwelling constructed in 2010.

Napier Street is planted with an avenue of mature English Elm street trees, whilst Buller Street is characterised by mature Ironbark trees on the northern side of the street and semi mature Elms on the southern side. Bluestone guttering exists along the southern side of the street. Opposite the site on the western side of Napier Street is Lake Weeroona Recreation Reserve.



**Figure 1:** Location map showing subject site.



**Figure 2:** Aerial photograph showing subject site and surrounds.

### Proposal

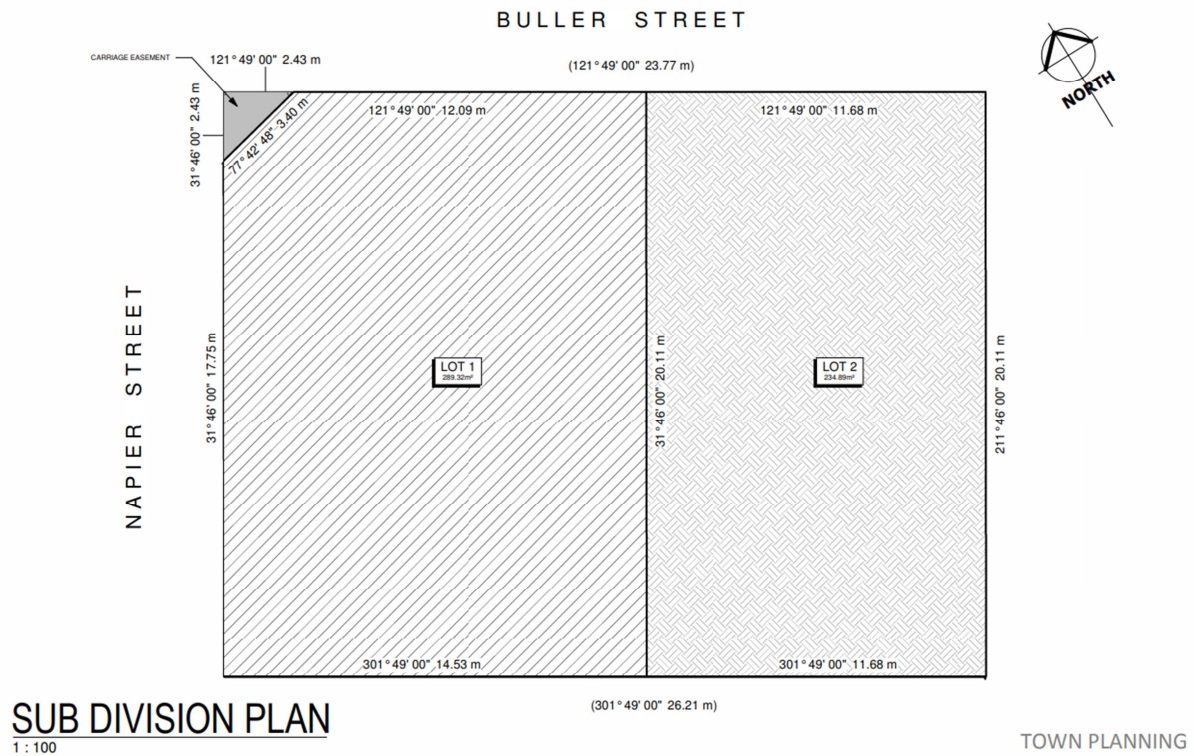
The proposal involves the demolition of the existing dwelling and outbuilding, the construction of two double storey dwellings and a two lot subdivision of the site.

The dwellings would be constructed of brick and weatherboard cladding with pitched hipped roof forms. The dwellings would be attached with a shared party wall.

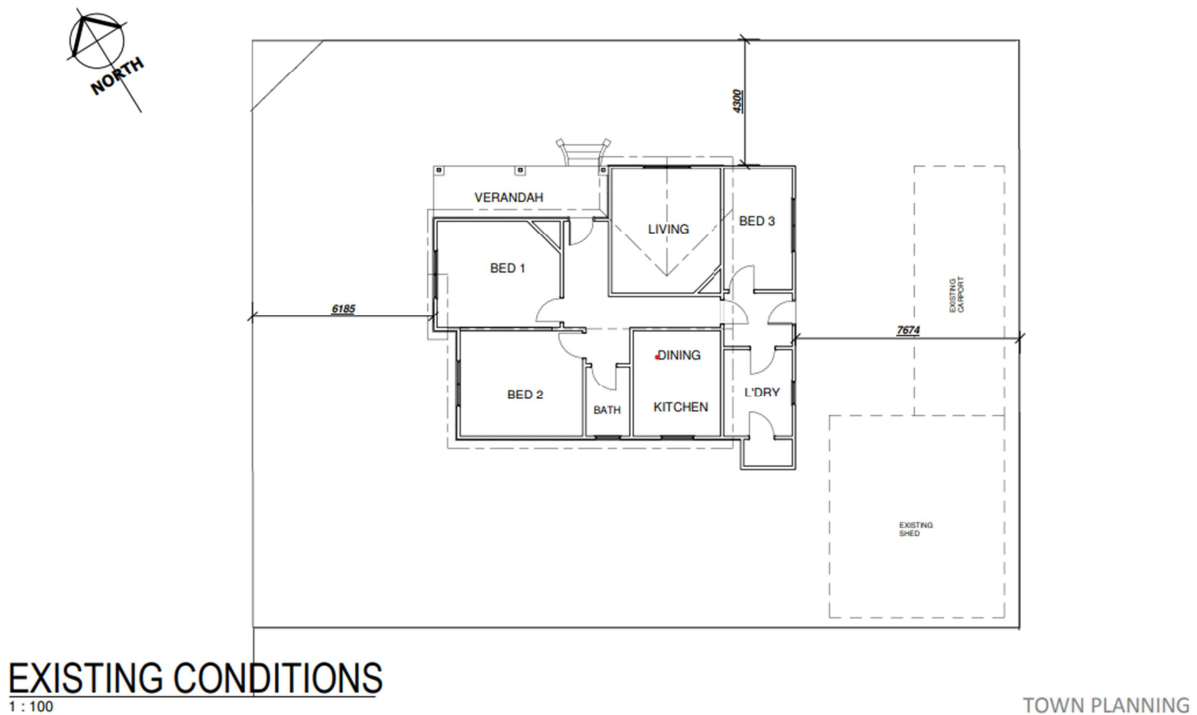
The dwelling on Lot 1 has been designed so that its main presentation will be to Napier Street, while the dwelling on Lot 2 would front Buller Street.

A new crossover on Buller Street is proposed to provide access to Dwelling 1, while the existing vehicle crossover on Buller Street is proposed to provide access to Dwelling 2.

Lot 1 would have an area of 289.32 square metres and Lot 2 would have an area of 234.89 square metres. Vehicle access to both lots is proposed via separate crossovers on Buller Street.



**Figure 3:** Proposed plan of subdivision



**Figure 4:** Existing conditions plan

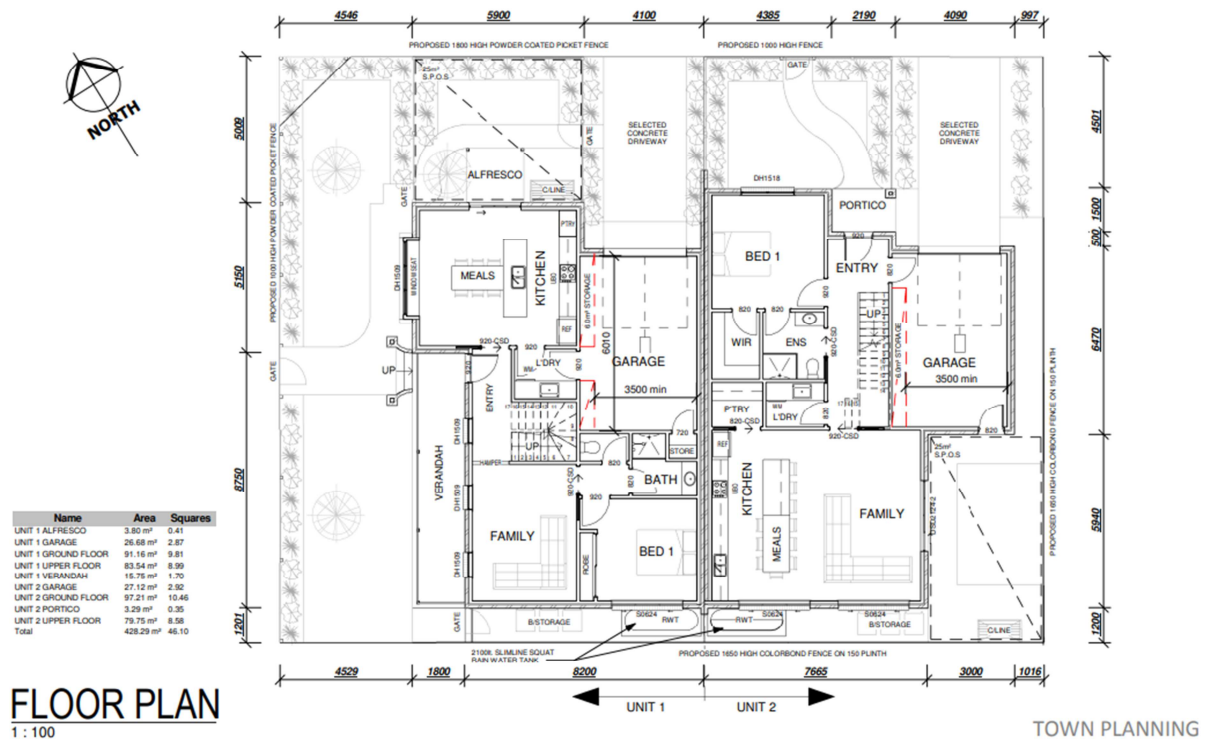


Figure 5: Proposed site layout and ground floor plan

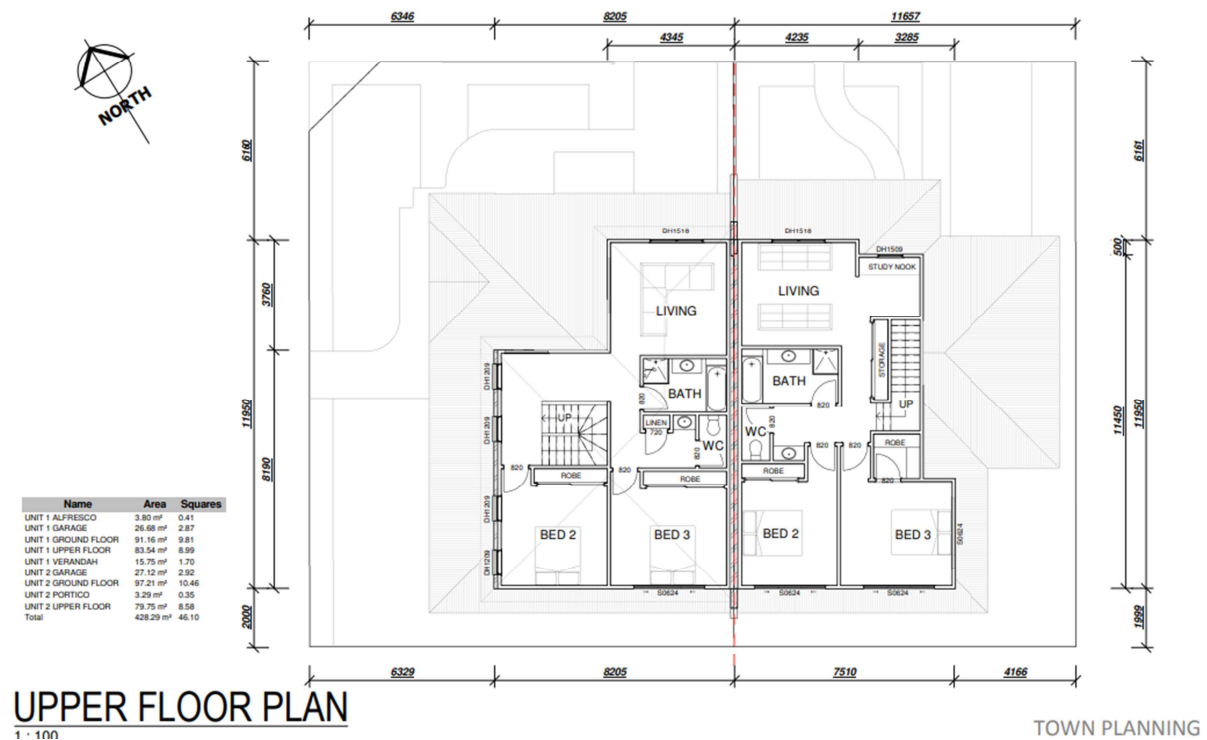
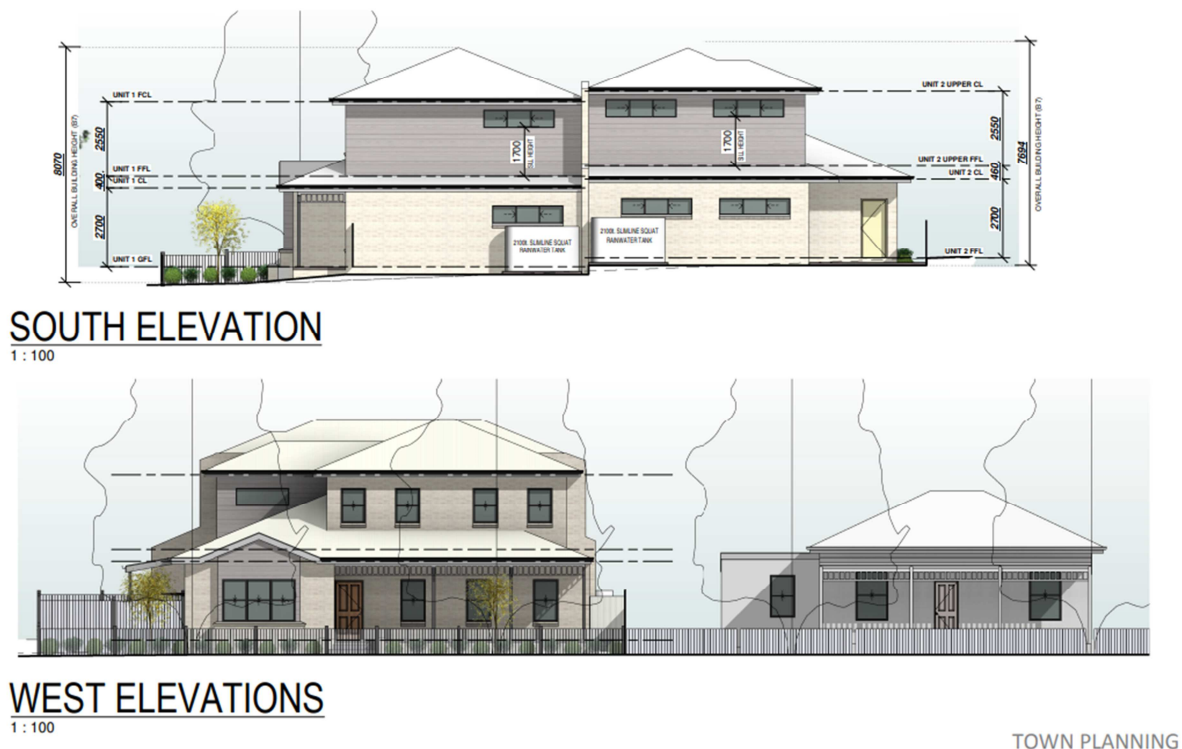


Figure 6: Proposed first floor plan





**Figure 7:** Proposed North and East elevations



**Figure 8:** Proposed South and West elevations

## 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 15.01-3S Subdivision design
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1S Heritage conservation
- Clause 16.01 Residential development
- Clause 16.01-1S Integrated Housing
- Clause 16.01-3S Housing diversity

### Municipal Strategic Statement

- Clause 21.05 Compact Greater Bendigo
- Clause 21.08 Environment

### Local Planning Policies

- Clause 22.06 Heritage Policy

### Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road.
- Clause 55 Two or more dwellings on a Lot
- Clause 56 Residential Subdivision

### Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.08-3 of the General Residential Zone, which states that a permit is required to subdivide land.
- Clause 32.08-6 of the General Residential Zone, which states that a permit is required to construct more than one dwelling on a lot and that a development must meet the requirements of Clause 55.
- Clause 43.01-1 of the Heritage Overlay which states a permit is required to subdivide land, construct a building/carry out works, demolish and construct a fence.
- Clause 52.29 which states a permit is required to subdivide land adjacent to a road in a Road Zone 1.

## Consultation/Communication

### Referrals

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

| Referral         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| VicRoads         | No objection, subject to conditions of permit requiring the plan of subdivision submitted for certification to show a splay at the intersection of Napier and Buller Streets as a road vested in Council, and no drainage from the development onto Napier Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Traffic & Design | No objection subject to a condition requiring a splay as per VicRoads response and standard conditions relating to sight lines, construction of driveways and tree protection zones for street trees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Drainage         | No objection subject to conditions requiring detailed drainage plans, construction of underground drainage, a paved path on the Buller Street frontage and standard conditions for consent for works on road reserves.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Heritage Advisor | <p>Proposal not supported. Demolition of the existing dwelling is supported subject to an appropriate design for the site, however there are concerns with the proposed development.</p> <p>The excessive visual bulk will dominate the immediate streetscape and will have a severe detrimental impact on the heritage values of the place. Extensive redesign, particularly of the upper floor, is recommended to reduce the dominance of the new works. Reconsideration of the scale/programme of the development may be required.</p> <p>The reductions to the upper level have not been substantial enough to reduce the visual dominance of the proposal and the resulting detrimental impact to the heritage precinct. The site is not large enough to accommodate the desired programme without compromising the integrity of the precinct and the proposal is not supported.</p> |

### Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers. No objections were received as a result of advertising.

## Planning Assessment

### Planning policy

The site at 330 Napier Street, Bendigo is identified as being within the urban growth boundary. It is located relatively centrally in Bendigo, within walking distance to the city centre. It is located on a major route through the municipality within an established residential area.

The location of the site is well placed to take advantage of services, utilities, existing open space and recreation facilities, schools, public transport and sustainable transport modes such as walking and cycling. The proposal is supported by Clause 16 (Housing) of the Planning Policy Framework which seeks to encourage infill development within appropriate locations.

The proposal is supported by Clause 21.05-3 (10-minute neighbourhoods) of the MSS which seeks to promote neighbourhoods where people can access many of their daily needs within a 10 minute walk or cycle trip from where they live. Clause 21.05-4 (Housing density and diversity) of the MSS also encourages development that provides greater choice in housing types and densities that respond to community needs. The proposal is consistent with this policy objective.

From a strategic planning perspective, there is no dispute that the site is appropriately located for higher density development close to the city centre, in an area which is well serviced by existing infrastructure and facilities.

However, consideration must also be given to the site's context and the appropriateness of the design response, taking into account the site's location within a heritage precinct and the existing neighbourhood character.

Clause 15.01-5S (Neighbourhood character) of the Planning Scheme seeks to ensure development contributes to existing or preferred neighbourhood character, and ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision;
- Underlying natural landscape character and significant vegetation;
- Heritage values and built form that reflect community identity.

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

Clause 22.06 (Heritage Policy) sets out objectives which include the need to ensure that Greater Bendigo's heritage assets are maintained and protected and to ensure developments are sympathetic with the appearance and character and maintain the significance of heritage places.



There are concerns that the proposal will adversely impact the existing neighbourhood character and the significance of the heritage precinct. These matters are discussed in detail below.

### Heritage impacts

The site forms part of Heritage Overlay (HO894 – Buller Street Precinct). The purposes of the Heritage Overlay include conserving and enhancing heritage places of natural or cultural significance and ensuring that development does not adversely affect the significance of heritage places.

The statement of significance for this heritage precinct is contained within the *White Hills and East Bendigo Heritage Study*. The Study states that the Buller Street precinct comprises detached houses dating from the Victorian and Edwardian eras and includes significant houses in Buller, Bobs and Napier Streets. It further states that:

*“Buller Street is significant as a predominantly late nineteenth century development linking White Hills to Bendigo. It represents urban development as a result of agricultural and industrial development to the north of Bendigo. (Criterion A)*

*Located between Napier and Bobs Streets, Buller Street is significant for its wide gravel verges and terminating views to the railway workshops and to Lake Weeroona, the view framed by street trees at the corner of Napier Street.*

*The Buller Street precinct is significant for its demonstration of the highly decorative and sophisticated approach to Victorian architecture that has been characterised as the ‘Bendigo Boom’ style. This style, sometimes applied to basic timber or brick villas but derived from the work of migrant architects such as William Carl Vahland and later William Beebe, is significant for its way of lending a higher degree of sophistication to more modest dwellings, mainly through applied ornament. Architectural qualities are expressed in several properties including 324 Napier Street and 5 Buller Street, both houses displaying elaborate architectural detailing in the form of cast iron verandah friezes, small gablets over the front door, and cream and red brick chimneys. (Criterion E)*

*Contributory elements of the precinct include several other representative Victorian timber houses and a large timber Edwardian house as a prominent landmark at 332 Napier Street and the street trees that frame the entrance to Buller Street.”*

The City’s Heritage Policy requires new developments to be assessed against the relevant design suggestions in the *Greater Bendigo Heritage Design Guidelines, August 2015*. An assessment against the relevant policy objectives and guidelines, incorporating comments received from the City’s Heritage Advisor, is provided below.

### *Demolition*

The existing dwelling is identified as non-contributory to the precinct within the White Hills and East Bendigo Heritage Study. A permit exemption applies for the demolition of non-contributory buildings in Precinct HO894 within the Greater Bendigo Heritage Incorporated Plan – Permit Exemptions (2018). The demolition of the existing dwelling is

supported given that it is noncontributory, however an appropriate replacement design should be achieved.

#### *Infill development/New buildings*

The Heritage Policy and Guidelines contain objectives which:

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

#### *Setbacks (front and side)*

The Guidelines state that front setbacks should be consistent with adjoining contributory elements and development should adopt side setbacks which are common within the precinct. The development will sit forward of the adjoining heritage dwelling, which is not consistent with the Heritage Guidelines.

The proposal's ground floor setback on Napier Street (4.54 metres) is considerably smaller than that of the neighbouring significant property at 328 Napier Street (7.4 metres). At a minimum, the setback of the new dwelling should be no further forward than the existing dwelling on the site (6.18 metres). There is also concern that the setback of the upper floor is not sufficiently recessed to respond to the predominantly single storey context of the site.

#### *Height and scale*

The height of the proposed dwellings is not in keeping with the existing heritage context. The upper floor setback is not sufficient to lessen their dominance within the streetscape, particularly on Napier Street. The Guidelines state that on corner sites and open situations, the overall new building height should not dominate adjoining contributory buildings when viewed from the footpath directly opposite in both streets.

The City's Heritage Advisor noted that while the amended design has reduced the upper floor and pulled back from the corner of Napier and Buller Streets, there is still significant visual bulk at the upper level. The scale of the proposed development does not allow for a single storey presentation with a recessive upper floor. The impact of this is particularly detrimental to the adjoining heritage building on Napier Street where the proposed two storey structure, with a substantial roof form, is located 2 metres from the boundary. The height, in combination with the corner location, means that the proposal will dominate two streetscapes in the Heritage Overlay, in spite of reductions to the upper level and roof.

### *Form and massing*

The Guidelines state that the overall shape, volume and the arrangement of the parts of any new development should not dominate the contributory buildings within the heritage precinct.

While the forms and materials palette of the proposed new dwellings are generally sympathetic to the heritage precinct, the scale of the proposed development is disproportionate to the setting.

### *Rhythm, orientation to the street*

The development has been designed such that one dwelling presents to Napier Street. Whilst the side setback of the development is minimal, and sufficient separation between dwellings is maintained along Napier Street at ground level, the two storey form of the development is not consistent with the precinct as outlined above.

### *Subdivision*

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

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

The subdivision will not result in the loss of significant features of the heritage place, in terms of large trees or original garden areas. The subdivision will not alter the width of the frontage to Napier Street. Lot widths for dwellings fronting Buller Street range between approximately 12 and 19 metres. The proposed lots will have frontages of 12.09 metres and 11.68 metres to Buller Street, therefore the proposed lots are comparable to existing small lots in the street.

### *Car parking*

The proposed garage locations and crossovers are generally supported. The proposed garages are single car garages accessed off Buller Street and will be positioned behind the front walls of the dwellings to ensure they are not dominant features within the streetscape. The existing street trees are not likely to be impacted by the location of the driveways.

## *Fences*

A 1 metre high, powder-coated picket fence is proposed along the site's frontage to Napier Street and in front of Dwelling 2 on Buller Street. It is proposed to enclose the secluded private open space for Dwelling 1 with a 1.8 metre high powder-coated picket fence on Buller Street. The Guidelines recommend that front fences be low scale, although it is acknowledged that Dwelling 1 has been designed to front Napier Street and Buller Street is its side boundary and there is an existing high fence.

Overall, there are concerns that the development will be dominant within the streetscape due to its scale, form and massing. The proposed development is not sympathetic to the values of the heritage precinct and it does not comply with the objectives of the City's Heritage Policy.

## Rescode

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.

The principal purpose of Clause 56 (Residential subdivision) is to create liveable and sustainable neighbourhoods and urban places with character and identity.

It is a requirement of Clauses 55 and 56 that a development/subdivision must meet all of the objectives of the clauses and should also meet all of the standards. A number of Clause 55 ResCode objectives have been assessed as not being met in relation to this application and these are discussed below. The proposal generally meets the objectives and standards of Clause 56.

### *Clause 55 – Two or more dwellings on a lot and residential buildings*

- *Clause 55.02-1 Standard B1 - Neighbourhood character*

The subject site does not form part of a residential character policy; however the surrounding residential area is characterised by predominately detached single storey dwellings set within gardens, many of which are heritage buildings. Dwelling styles and materials vary according to era, but materials are typically weatherboard or brick. Roof forms are mostly hipped, with a few gable forms.

The proposed development will present to Napier Street and Buller Street. Whilst the design of the development reflects elements of the existing residential development in the surrounding area in terms of the proposed hipped roof forms, the incorporation of a verandah presenting to Napier Street and through the use of brick and weatherboard materials and metal sheet roofing, the scale of the development is of concern and not reflective of development in the surrounding area.

Given the predominance of single storey dwellings within the immediate vicinity of the site, the two-storey height and the attached nature of the development will mean that it will dominate the adjoining and nearby heritage dwellings.

- *Clause 55.03-1 Standard B6 Street setbacks*

Under this standard, the required minimum setback to Napier Street is 7.4 metres and the required setback to Buller Street is 3 metres. The proposal provides for a setback of 4.54 metres to the front wall of the dwelling facing Napier Street and 4.5 metres to Buller Street. As such, the proposal does not fully comply with this standard.

The 4.54 metre setback to Napier Street is considerably smaller than that of the neighbouring significant property at No. 328 Napier Street (7.4 metres). Whilst a verandah has been included on this façade, the front wall and the upper storey sit forward of the adjoining dwelling. Given the development is not set back behind the adjoining single storey heritage dwelling, the development will be visually dominant when viewed from the Napier Street.

- *Clause 55.03-2 Standard B7 Building height*

The maximum height allowed under this standard is 9 metres. The overall height of the development is 7.64 metres to natural ground level. The proposal therefore complies with the standard; however the proposal has failed to meet the overall objective of this clause which is to ensure that the height of buildings respects the existing or preferred neighbourhood character.

In assessing whether the proposal meets this objective, the relationship between the proposed building height and the height of existing adjacent buildings, and the visual impact of the building when viewed from the street and adjoining properties has been considered.

The development will dominate both the Napier Street and Buller Street streetscapes, which are characterised by single storey development, in addition to the adjoining dwelling at 328 Napier Street.

With regards to the view of the site from the adjoining property to the south, the upper storey will be recessed in by approximately 800mm from the ground floor level on the southern side of the dwellings. As such, the walls on the southern elevation will be quite sheer, and the pitched roof forms whilst reflective of those in the surrounding area, will also add to the overall height and bulk.

- *Clause 55.04-1 Standard B17 Standard side and rear setbacks*

The objective of this standard 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.

While the proposal meets the required minimum setbacks of 1 metre for the ground floor and 1.6 metres for the upper floor to the rear (southern) boundary, there is concern that the overall objective of this clause is not met. The proposed setbacks negatively impact on the adjoining property to the south with regards to visual bulk, and to some degree overshadowing. The upper storey has not been sufficiently recessed to reduce the visual bulk and the proposed setbacks are not consistent with the established neighbourhood character.

- *Clause 55.05-4 Standard B28 Private open space*

The objective of this clause is to provide adequate private open space for the reasonable recreation and service needs of residents. Each dwelling meets the minimum requirement of 40 square metres of private open space with 25 square metres of this being secluded private open space. The location of the secluded private open space for Dwelling 1 adjacent to Buller Street, with a 1.8 metre high picket fence proposed along the boundary with the street, is not ideal. Low fences along both the street frontages would be preferable.

- *Clause 55.05-5 Standard B29 Solar access to open space*

Whilst the size of the yards will provide a reasonable level of amenity for residents, the orientation for the private open space of Dwelling 2 is not optimal given it is located to the south east of the dwelling and much of this area will be in shadow throughout the day.

- *Clause 55.06-1 Standard B31 Design detail*

The proposed materials, including the brickwork, weatherboard cladding and roof materials, together with the window proportions, the proposed verandah, hipped roof forms and eaves are appropriate and reflective of elements of the existing neighbourhood character, but the overall visual bulk of the development is not acceptable in this setting and the design is not consistent with the established neighbourhood character.

## **Conclusion**

Whilst the site is well located within central Bendigo to take advantage of existing infrastructure, services and facilities, public open space, schools and transport, and planning policy supports higher density development close to activity centre locations; the General Residential Zone and Clause 55 of the Planning Scheme require that new development respects the neighbourhood character of the area.

The site forms part of a heritage precinct and is situated in a prominent location. The scale and height of the proposal is not consistent with the surrounding development and will dominate the precinct. In particular, the upper storey of the development is too large and the development will not be visually recessive within the streetscape.

The proposed development also fails to satisfy a number of ResCode objectives.

It is recommended that this application be refused on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character, ResCode, heritage policies, the City's Heritage Design Guidelines and the Heritage Overlay.

## **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.



### **3. WELLBEING AND FAIRNESS**

#### **3.1 COMMUNITY ENGAGEMENT POLICY REVIEW 2020**

##### **Document Information:**

**Author** Fiona Jemmett, Community Engagement Advisor

**Responsible Director** Vicky Mason, Health and Wellbeing Director

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##### **Purpose**

To provide an update on the community engagement policy review and seek approval to adopt the City of Greater Bendigo Community Engagement Policy (2020) as outlined in the Recommendation.

##### **Summary**

The City of Greater Bendigo Community Engagement Policy (2016) has been reviewed.

Internal and specialist consultation resulted in a draft policy which was placed on public exhibition seeking feedback up until February 14, 2020.

Feedback received from the public exhibition period was collated and a final draft policy developed.

The final City of Greater Bendigo Community Engagement Policy (2020) draft is tabled for approval and adoption.

##### **RECOMMENDATION**

That Council

1. Approve the removal of the City of Greater Bendigo Community Engagement Policy (2016).
2. Approve and adopt the City of Greater Bendigo Community Engagement Policy (2020).

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Policy Context

City of Greater Bendigo Community Engagement Policy (2016)

City of Greater Bendigo Community Plan 2017-2021:

Goal # Lead and govern for all

Objective # Engage with all communities

Background Information

The Community Engagement Policy (2016) which outlines our commitment to effective and relevant community engagement is due for review.

The Local Government Bill 2019, which proposes to replace the Local Government Act (1989) is awaiting vote at the Legislative Council. This legislation, specifically sections 55 and 56, outlines the requirement of Local Government Authorities to have a community engagement policy and community engagement principles.

Previous Council Decision(s) Date(s):

1. Council Briefing October 21, 2019
2. Council Briefing March 2, 2020

Report

The Community Engagement Policy (2016) which outlines our commitment to effective and relevant community engagement is due for review.

In May 2017, the Victorian Auditor-General Office (VAGO) published the report [Public Participation and Community Engagement: Local Government Sector](#). The report informs and guides best practice for Community Engagement in the Local Government Sector.

The [Department of Premier and Cabinet \(DPC\) circulated a draft Public Engagement Framework](#) in February 2020 seeking feedback. This framework shows the government's commitment to public engagement, embeds the Victorian Public Service Values and the way they undertake engagement with the public.

A draft Exposure Local Government Bill 2018 was developed and subsequently a Local Government Bill 2019 which is currently with the Legislative Council for vote. If passed this legislation will replace the Local Government Act (1989). Part 3, Division 1 – Community accountability, sections 55 and 56 of this Bill specifically outlines the requirement of Local Government Authorities to have a community engagement policy and community engagement principles (Attachment 1).

The policy review and subsequent draft policy was developed with consideration to the [VAGO report](#), [DPC draft Public Engagement Framework](#), [Local Government Act \(1989\)](#), and the [Local Government Bill 2019](#).

On October 21, 2019 Council supported the progression of the review and public consultation.

The review process included:

1. Desk top research collating all Victorian Local Government Associations (LGA) community engagement policies and principles to identify emerging trends.
2. Testing the current City of Greater Bendigo Community Engagement Policy (2016) with an internal working group, engagement community of practice and content specialist staff.
3. Development of a draft community engagement policy which consolidates feedback received and alignment to the Local Government Act 1989 and Local Government Bill 2019.
4. Promoting the review with presentations across the organisation during November to January 2019, via The Insider and Engagement intranet site, and direct emails to the Organisation Leadership Team (OLT) and members of the engagement community of practice encouraging feedback on the draft community engagement policy.
5. Reviewing the fourteen internal submissions received and revising the draft community engagement policy.
6. Providing a public exhibition period from January 17 to February 14, 2020 encouraging feedback from our community on the draft community engagement policy. A variety of methods were used to promote the public exhibition period, which included social media, E-newsletters, emails to specific target groups and organisations such as; youth, disability, multicultural, early years, positive aging, business, service providers and the regional engagement network. The draft policy was available online www.bendigo.vic.gov.au/Your-Say/Community-Engagement-Policy-Review and social media directed to the site, with hard copies displayed at the Bendigo, Heathcote and Eaglehawk libraries and the City's customer service centres. An all staff email was also circulated encouraging staff to provide any additional feedback.
7. Providing a Bulletin Item on January 29, 2020 updating Councillors on the progress of the policy review.
8. Reviewing the five public exhibition submissions received and consolidation into a finalised community engagement policy (Attachment 2).

The finalised draft policy is to be tabled for approval and adoption. It is proposed that Council approve the removal of the Community Engagement Policy (2016) and replace it with the Community Engagement Policy (2020) as provided in Attachment 2.

Once the policy is adopted, the Community Engagement Guidelines and Toolkit, which outlines how the City will engage with our community will be reviewed. To capitalise on the interest and traffic directed to the website during the policy review, a registration form was provided for those interested in being involved.

It is anticipated that the Community Engagement Guidelines and Toolkit review will be undertaken during 2020/21.

Priority/Importance:

The City of Greater Bendigo Community Engagement Policy 2016 was to be reviewed every two years (generally), however delayed pending clarity on the proposed Local Government Bills. Given the delay and section 55 (3) of the Local Government Bill 2019 that states “A Council must adopt the first community engagement policy under this section on or before 1 March, 2021” it is time to review our community engagement policy.

Options/Alternatives:

N/A

Timelines:

A community engagement policy to be approved by March 1, 2021.

Progress: Completed

Risk Analysis:

Should the Local Government Bill 2019 be passed in the Legislative Council it will become an Act and replace the Local Government Act 1989. If the City does not have a current community engagement policy and principles in place by March 1, 2021 it will be at risk of not complying.

Consultation/Communication

Internal Consultation: The Engagement Community of Practice, internal specialists, and an internal working group have helped shape the policy review process and provided feedback on the draft policy and principles. All staff have been informed about the policy review via the Insider, unit presentations and direct emails. A total of fourteen submissions were received and from this feedback the draft policy was revised in preparation for a public exhibition period.

External Consultation: A Public Exhibition period was held from January 17 to February 14, 2020. Notification of the opportunity to provide feedback on the draft policy was publicised through a variety of methods, including social media, E-newsletters, emails to target groups, committees and networks, and hard copies at strategic locations across the municipality. A total of five submissions with the feedback consolidated into a finalised community engagement policy.

Resource Implications

N/A

Attachments

1. Local Government Bill 2019 exert displaying sections 55 and 56
2. City of Greater Bendigo Community Engagement Policy (2020)

Part 3—Council decision making

Division 1—Community accountability

55 Community engagement policy

- (1) A Council must adopt and maintain a community engagement policy.
- (2) A community engagement policy must—
 - (a) be developed in consultation with the municipal community; and
 - (b) give effect to the community engagement principles; and
 - (c) be capable of being applied to the making of the Council's local laws; and
 - (d) be capable of being applied in relation to the Council's budget and policy development; and
 - (e) describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and
 - (f) specify a process for informing the municipal community of the outcome of the community engagement; and
 - (g) include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan and
 - (h) include any other matters prescribed by the regulations.

- (3) A Council must adopt the first community engagement policy under this section on or before 1 March 2021.

56 The community engagement principles

The following are the community engagement principles—

- (a) a community engagement process must have a clearly defined objective and scope;
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- (e) participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

57 Public transparency policy

- (1) A Council must adopt and maintain a public transparency policy.
- (2) A public transparency policy must—
 - (a) give effect to the public transparency principles; and
 - (b) describe the ways in which Council information is to be made publicly available; and

COMMUNITY ENGAGEMENT POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	18/03/2020
Review cycle:	Every four years
Review Date:	18/03/2024
Responsible Officer:	Community Engagement Advisor
Owner:	Community Partnerships
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	Local Government Act 1989
DOCSETID:	3304829

1. PURPOSE

The purpose of this policy is to:

- 1.1. detail the City's commitment to effective and relevant Community Engagement;
- 1.2. facilitate informed and sustainable decision making;
- 1.3. improve information delivery and sharing; and
- 1.4. promote a consistent inclusive and accessible approach to engagement.

2. BACKGROUND

- 2.1 The City is committed to ensuring that the Municipal Community is as well informed as they can be on major issues, plans and projects. Where the Municipal Community can influence part or all of a decision, that they are provided the necessary information to form an opinion and opportunity to provide input through a community engagement process.
- 2.2 Community Engagement plays a vital role in assisting Council and the City of Greater Bendigo as an organisation to work together with the Municipal Community and other stakeholders to achieve the vision: *Greater Bendigo – Creating the world's most liveable community*.
- 2.3 In May 2017, VAGO published the report *Public Participation and Community Engagement: Local Government Sector*. The report informs and guides best practice for Community

Engagement in the Local Government Sector and this policy incorporates the recommendations.

3. SCOPE

This policy applies to Councillors and all Workplace Participants.

4. DEFINITIONS

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

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 1989* (Vic).

Council means all of the Councillors collectively.

Councillor means the individual holding the office of a member of Greater Bendigo City Council.

Community Engagement means the process in which the City and Municipal Community connect with each other to exchange views, ideas and information to (i) inform decisions (ii) build capacity and (iii) strengthen relationships.

Deliberative Engagement means a method of engagement process with a select group of participants. The process focuses on a defined issue. It weighs up options and provides recommendations to decision-makers.

International Association for Public Participation Australasia (IAP2)

IAP2 is a leading organisation in public engagement practice and has a series of tools which support the delivery of engagement, specifically core values, public participation spectrum, code of ethics for public participation practitioners, and quality assurance standards.

IAP2 Spectrum of Participation defines the level of participation and the public's role in an engagement process ranging from inform, consult, involve, collaborate and empower.

Municipal Community means:

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

VAGO means the Victorian Auditor-General Office.

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

5. PRINCIPLES

The following six principles underpin this policy:

- 5.1 **Transparency** - A Community Engagement process must have clearly defined objectives and scope.
- 5.2 **Clarity of purpose and scale** - Participants in Community Engagement activities are provided relevant and timely information in order to inform the level of participation and Community Engagement is scaled proportionate to the issue at hand.
- 5.3 **Inclusion** - Participants in Community Engagement must be representative of the people or groups affected by the Community Engagement subject matter.
- 5.4 **Access and Participation** - Participants in Community Engagement are provided a variety of engagement methods that suit their needs to enable meaningful and informed engagement.
- 5.5 **Closing the loop** - Participants in Community Engagement are informed of the ways in which the community engagement process has or will influence the City's decision making.
- 5.6 **Evaluation** – Community Engagement is evaluated to assess whether the objectives and outcomes have been achieved and for improvement opportunities.

6. POLICY

- 6.1 The Council and City is committed to:
 - 6.1.1 ensuring that the purpose of Community Engagement is genuine and adheres to the principles of this policy;
 - 6.1.2 using the IAP2 Public Participation Spectrum to assist with selecting the level of participation;
 - 6.1.3 ensuring there is consideration given to value for money, principles and scale of engagement required, in line with the IAP2 spectrum;
 - 6.1.4 ensuring the information provided to the community is clear, easy to understand and accessible to all people, and delivered in consultation with the Communications unit;
 - 6.1.5 clearly communicating which aspects of the engagement are negotiable, and which are not negotiable;
 - 6.1.6 using various techniques and approaches to maximise public participation within reasonable timeframes;
 - 6.1.7 informing the community about how their input has influenced the final outcome or decision; and

6.1.8 undertaking evaluation processes to learn from each Community Engagement experience and ensure continuous improvement of our consultation practices.

6.2 The City recognises that no single model or formula fits all situations. The method, extent and depth of Community Engagement will vary according to the scope and scale of the issue, strategy or plan.

7. ROLES AND RESPONSIBILITIES

It is the responsibility of Councillors and all workplace participants to plan, design and deliver Community Engagement suitable for the scope and scale of the issues, strategy or plan and in line with the principles and commitments in this policy. Where a practice is prescribed by regulations, such as Deliberative Engagement, that it is delivered in accordance to the legislation.

8. RELATED DOCUMENTS

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

These include:

- [Local Government Act 1989](#)
- Local Government Bill 2019
- [Planning and Environment Act 1987](#)
- [Essential Services Commission Act 2001](#)
- [Public Health and Wellbeing Act 2008](#)
- [Road Management Act 2004](#)
- [Victorian Disability Act 2006](#)
- [Equal Opportunity Act 2010](#)
- [Gender Equality Bill 2018](#)
- [Victorian Aboriginal Heritage Act 2006](#)
- [Victorian Aboriginal Heritage Amendment Act 2016](#)
- [Traditional Owner Settlement Act 2010](#)
- [Multicultural Victoria Act 2011](#)
- Department of Premier and Cabinet – Public Engagement Framework (2020)
- [City of Greater Bendigo Community Plan \(2017-2021\)](#)
- [City of Greater Bendigo Health and Wellbeing Plan \(2017 – 2021\)](#)
- [City of Greater Bendigo Youth Strategy \(2017-2021\)](#)
- [City of Greater Bendigo Community Engagement Guidelines and Toolkit \(2016\)](#)

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

9. HUMAN RIGHTS COMPATIBILITY

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

10. ADMINISTRATIVE UPDATES

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

DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>April 2016</i>	<i>LW</i>	<i>Health and Wellbeing</i>	<i>Development of Community Engagement</i>	<i>1</i>	<i>2019</i>
<i>March 2020</i>	<i>FJ</i>	<i>Community Partnerships</i>	<i>Review</i>	<i>2</i>	<i>2024</i>

3.2 CATHERINE MCAULEY COLLEGE JOINT USE AGREEMENT

Document Information

Author **Brett Flavell, Coordinator Community Projects
Lincoln Fitzgerald, Manager Active and Healthy Lifestyles**

Responsible Director **Vicky Mason, Director Health and Wellbeing**

Purpose

To seek Council endorsement to proceed with the Joint Development and Use Agreement (JDUA) with Mercy Education Limited (MEL) and McAuley Property Limited (MPL) to construct in partnership a joint use sporting and community facility at the Catherine McAuley College (CMC) Coolock Campus in Junortoun.

Summary

Mercy Education Limited (MEL) is the owner and operator of several schools in Australia, including Catherine McAuley College. Over the past 18 months staff have been working in partnership with MEL in order to plan, design and cost a joint use sporting and community facility at Catherine McAuley College (Junortoun). The design work has advanced to schematic design inclusive of quantity surveyor cost estimation. A Council decision is now required to continue the development in accordance with a proposed joint development and use agreement or opt out of the development.

With population and participation growth, additional sporting facilities are required to support the needs of the Bendigo community. The proposed development will deliver the following joint use recreation and community facilities:

- Two junior sports ovals that can be utilised for multiple green field sports
- Two synthetic cricket pitches
- Two netball courts
- Sports lighting for training standard on all sports surfaces
- Car parking
- Internal road access
- Multipurpose community and sporting facilities
 - Social room/community space
 - Kitchen/Kiosk
 - Player and umpire change rooms and amenities
 - Visitor amenities
 - Storage
 - First Aid room
 - Administration hub
 - Storage
 - Accessible WC /Change
 - External viewing areas

In addition to the joint use facilities CMC will be developing in Stage 1:

- Indoor Cricket training facilities
- Indoor multisport stadium with two basketball courts
- Northern Rivers Cricket administrative hub, reception and storage
- School PE store
- School staff work space
- Accessible WC / Change

Planning has also been undertaken to understand what a future Stage 2 could deliver to provide additional sporting facilities to the community as population growth continues, this is outside of the current scope of the proposed Stage 1 development for Council decision.

RECOMMENDATION

That Council:

1. Agree to the joint development and use of sporting and community facilities between the City of Greater Bendigo and Mercy Education Limited at the Catherine McAuley College Coolock Campus for a term of 35 years;
2. Authorise the City of Greater Bendigo Chief Executive Officer to undertake the necessary administrative steps to enter into a Joint Use and Development Agreement with Mercy Education Limited and McAuley Property Limited;
3. Commit to funding 50% of the detail design and construction costs of the Joint Use Facilities up to a total of \$7,000,000;
4. Authorise Council Staff appointed to the Catherine McAuley College Construction Project Control Group to approve variations to construction costs for the project within the agreed Council funding commitment;
5. Commit Council's 50% share of ongoing operational cost of the Joint Use Areas.

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## **Policy Context**

### **Community Plan Reference:**

*City of Greater Bendigo Community Plan 2017-2021:*

#### **Goal 1**

#### **Lead and govern for all**

Effective community engagement will guide well-informed, responsive decision-making and financially responsible resource allocations, which are transparent and accountable.

#### **Objective 1.3**

Be innovative and financial responsible

Advocate on priority issues including public transport, regional development, planning for liveable communities and population growth

Ensure value for investment on behalf of the community

- Objectively seek more funding opportunities from Federal, State and private investors.
- Objective 1.4 Be accountable and efficient in its use of the community's money
- Allocate resources to meet needs that strengthen communities and improve the quality of people's lives

Goal 2 Wellbeing and Fairness

Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities, by building better connections and quality of life for all.

- Objective 2.1 Create a much healthier Greater Bendigo.
- Implement the Municipal Public Health and Wellbeing Plan.
- Plan for fairer health outcomes.
- Objective 2.2 Promote positive wellbeing across the Greater Bendigo community.
- Prioritise efforts to promote physical and mental wellbeing.
- Design settings and environments that can create better health outcomes.
- Objective 2.3 Promote community connection
- Support the development and implementation of local community plans.
- Partner to encourage opportunities that enable community access and inclusion.
- Ensure there are facilities that allow people to come together for social and learning purposes and to have fun.

Goal 3 Strengthening The Economy

- Objective 3.1 Support our local businesses and industry to be strong, vibrant and grow and develop.
- Work closely with all sectors, including manufacturing, tourism, retail, education, health, creative industries and agriculture to enhance their success.

Goal 4 Presentation and Managing Growth

- Objective 4.4 Keep Greater Bendigo attractive with good quality public facilities and places.
- Ensure open spaces are accessible and fit for purpose.

*Greater Bendigo Health & Wellbeing Plan 2017 – 2021*

- Promote healthy lifestyles, increase physical activity and decrease sedentary behaviour.
- Promote positive mental wellbeing.

- Able to participate, promote educational attainment and support positive ageing.
- Facilitate supportive built and natural environments.

#### *Junortoun Community Plan 2017 – 2021*

The 2015-16 survey identified “*support for parks and picnic facilities, playgrounds and resources for sporting activities.*” The 2017 action plan includes ‘*Liaison with Catholic College over development plans*’ as an ongoing action.

#### Regional Strategic Plan Reference

##### *AFL Central Victoria Regional Strategy (2017)*

Consideration of appropriately developed school venues, co-planning and investment of school facility upgrades and new developments that are fit for football and netball provides further opportunity to address potential facility gaps, particularly in land locked municipalities or where ground shortages exist due to rapid participation growth.

##### *AFL Victoria Growing the Heartland Football Facilities Development Strategy 2017 – 2022*

The need for infrastructure to support the growth in population and participation for women and girls, club based, and school based football.

##### *Victorian Cricket Infrastructure Strategy (2018)*

The recommended strategic response to cricket infrastructure in the Northern Rivers Region is:

- Deliver and activate a regional level Cricket and Community Centre to extend cricket service provision across the Region.
- Access to additional traditional synthetic pitch playing fields (e.g. within schools, identification of sites for new facility development). The Mitchell Shire and City of Greater Bendigo will be key focus areas for increased provision due to strong forecast population growth over the next 10-15 years.
- Increase the provision of unisex change room areas, supporting amenities and more inclusive social spaces.

## **Background Information**

Council Staff commenced negotiations with Catherine McAuley College (CMC) in 2017 for the joint development and use of facilities at the Coolock Campus Junortoun for sporting and community purposes. CMC completed a whole of site master plan and this identified opportunities for community and sporting facility development.

The City of Greater Bendigo on reviewing the CMC draft master plan agreed to enter into a funding agreement on the 1 November 2018 with Mercy Education Limited (MEL), to undertake further design of a joint use sporting and community facility.

Mercy Education Limited is the governor and operator of CMC and occupies the Land pursuant to the Lease with McAuley Property Limited the owner of the land.

MEL and Council discussed the possibility of entering into a long-term Joint Use Agreement (JUA) in relation to this development with the preliminary step to undertake design work. The design work along with cost estimates provides Council the

opportunity to consider opting-in or out of further participation or contribution to the construction of facilities.

In addition to the development of joint use community and sporting facilities with the City, CMC has established a relationship with Cricket Victoria and agreed to the development of the Northern Rivers Regional Cricket Hub at the same location. The City has supported this initiative by successfully securing \$500,000 from the Victorian State Government through the Sport and Recreation Victoria Community Cricket Program on behalf of CMC. The development of the cricket hub will make up part of the overall facilities to be developed at CMC, but does not make up the Joint Use Facilities that Council will be a partner in funding.

COGB Staff, representatives from CMC and MEL have advanced the development of a Joint Development and Use Agreement, schematic designs and cost estimates for the construction of sporting and community facilities at the CMC Junortoun Coolock Campus. This report provides Council with the scope of works, schematic designs, informed cost estimates, and options to be considered prior to making a decision to opt in or opt out of partnering in the future development.

#### Previous Council Decision(s) Date(s):

Council has been formally briefed on the proposed joint use facility development with CMC on three separate occasions.

Council Briefing 9 October 2017 authorised City of Greater Bendigo Staff to continue working with Catherine McAuley College to develop their College site master plan to accommodate potential community use and to draft a joint use and development agreement for consideration by Council. City Staff were requested to brief Council at key stages with the opportunity to opt in/out of the proposal.

Council Briefing 30 July 2018 provided Council an update on progress and authorised City Staff to:

- Write to Catherine McAuley College expressing interest in the joint project;
- Outline a commitment to jointly fund schematic design and costing of the joint facilities to inform Council's decision making;
- Seek that Catherine McAuley College fund schematic design and costing with the City to repay 50% of that design cost.

Council Briefing 4 November 2019 provided an update on the progress of the project including scope of works schematic designs and estimated costs based on Cost Plan A.

#### **Report**

The development of joint use sporting and community facilities at the CMC Coolock campus will occur over Two Stages. This report relates specifically to the development of Stage 1 facilities and the establishment of a long-term agreement for all parties to manage and deliver all facilities in partnership.

**Stage 1** development will deliver the following Joint Use recreation and community facilities:

- Two junior sports ovals that can be utilised for multiple green field sports

- Two synthetic cricket pitches
- Two netball courts
- Sports lighting for training standard on all sports surfaces
- Car parking
- Internal road access
- Multipurpose community and sporting facilities
  - Social room/community space
  - Kitchen/Kiosk
  - Player and umpire change rooms and amenities
  - Visitor amenities
  - Storage
  - First Aid room
  - Administration hub
  - Storage
  - Accessible WC /Change
  - External viewing areas

In addition to the joint use facilities CMC will be developing in Stage 1:

- Indoor Cricket training facilities
- Indoor multisport stadium with two basketball courts
- Northern Rivers Cricket administrative hub, reception and storage
- School PE store
- School staff work space
- Accessible WC / Change

**Stage 2** joint use facilities development to be delivered later at a date to be determined will include:

- Senior and junior sports oval
- Senior club change rooms and amenities
- Umpire change rooms
- Trainers rooms
- Social/community space (senior club service level)
- Storage
- External viewing areas
- Visitor amenities

An overall Joint Use Plan is provided as **Attachment 1** to illustrate the layout and areas of joint and non-joint use spaces in relation to shared construction and operational maintenance costs.

The Project Control Group and Design Project Team has been working on the design of this project from January 2019. Stakeholders include Catherine McAuley College Principle and senior staff, CMC appointed project management group and civil design lead RMG, Cricket Victoria, Sport and Recreation Victoria, City Staff and Clarke Hopkins Clarke the lead architect.

Joint Development and Use Agreement



The land and facilities that joint use will apply is set out in the Joint Use Plan see **Attachment 1**. The land will remain in McAuley Property Limited's ownership and the buildings will be owned by Mercy Education Limited. The sporting surfaces and supporting infrastructure will be managed by Council including the overall facility booking including the areas not identified as joint use for the purpose of a single facility management function. The intent of the Joint Development and Use Agreement is to balance the construction and ongoing operating costs to be approximately 50% each from Mercy Education Limited and Council for the term of the agreement for the joint use facilities. The initial term proposed is for 15 years with an additional term of 20 years based on MEL's existing lease agreement with McAuley Property Limited.

The land will be considered as part of the Catherine McAuley College grounds and will continue to support school use generally between 8:30am and 4pm Monday to Friday during the school term. Outside of those times the land will be considered a community facility, open to the public for formal and informal community use.

Priority/Importance:

As the population of Bendigo continues to grow so does the demand for sporting and community facilities throughout the City with additional pressure in growth areas. The City needs to plan for this demand and invest in infrastructure in growth areas to support participation and access to community facilities.

Rural East Bendigo inclusive of Strathfieldsaye and Junortoun has experienced considerable population growth and will continue to grow in future years.

- Strathfieldsaye population of 6,110 (June 2016) with a growth rate of 4.59% p.a. will result in a projected population of 13,286 by 2036
- Junortoun (Rural East id area) has a population of 7,762. With a growth rate of 4.04% the 2036 population is expected to reach 9,407.

Development in these two areas is larger 'family' housing which is reflected in participation statistics that are generally higher than Greater Bendigo. The following sport penetration rates relate to the Rural East Id area:

- Soccer 2.4% (Active Living Census 2014)
- Cricket 3.8% (Active Living Census 2014)
- AFL 4.8% (AFL Victoria Regional Strategy, 2017)
- Netball 4.7% (AFL Victoria Regional Strategy, 2017)
- Strathfieldsaye Football Club has 24 teams registered in the 2018 competition which is beyond the capacity of the facilities in the suburb. The Club has commenced discussions regarding expansion of sporting facilities in Strathfieldsaye which is interdependent with Council considering Junortoun.
- 37.4% of rural east respondents to the 2014 Active Living Census reported using open space for organised sport this is higher than the average for rural (30.9%) or urban (29.9%) and 73.4% reported using open space for Health & Fitness which is above the rural average (65%) and urban average (73.1%).

Cricket Victoria through the Cricket Victoria Infrastructure Strategy (2018) identified and recommended the need to deliver and activate a regional level cricket and community centre to extend cricket service provision across the region identifying Bendigo as a key strategic location. The Strategy also recognised the need to increase access to synthetic

cricket pitch playing fields to accommodate increased participation driven by population growth and existing penetration rates and the increase in female participation in cricket.

Bendigo District Cricket Association currently has difficulty meeting the demand for irrigated grounds across the 24 clubs that have synthetic pitches. Competition growth for clubs that play on synthetic pitches is growing, this growth is related to increased female participation, junior competition and population growth.

The AFL Central Victoria Regional Facilities Strategy (2017) developed in partnership with neighbouring Local Governments and AFLCV identifies the need for increasing the capacity of existing sporting facilities to support growth and the development of additional (new) sports fields to be developed in Bendigo to support projected participating growth. The report concludes Greater Bendigo's increases in participation based on current penetration rates will require an additional 3 grounds in Greater Bendigo by 2026.

#### Options/Alternatives:

##### Opt Out:

Council may choose to opt out of the joint development and as a result the partnership would not proceed. This would result in CMC significantly reducing the scope of the project to support school use only, resulting in sports field, stadium and cricket facility development with a reduced service standard including the number of change spaces and other sporting infrastructure required to support local level club training/competition. This will result in continued under provision of sports facilities to accommodate existing and future growth in a high growth area. Council will still need to develop sporting fields and supporting infrastructure to meet existing and future growth. This would result in a 100% funding requirement by Council, far greater than the current 50% cost proposal. Council would also have no return on the 50% of design costs already allocated to schematic designs.

##### Opt In:

This would result in Council committing funds towards 50% of the Stage 1 development and operational costs of the Joint Use Facilities as set out in **Attachment 1** and entering into a 35-year agreement for the joint management and operation of the sporting and community facilities at Catherine McAuley College Coolock Campus. The resulting staged development will address existing and future demand for new community and sporting facility requirements.

#### Timelines:

Key milestones for the development of the facilities based on current project plan:

- Detail Design external works – In progress to March 2020
- Detail Design building works – In progress to June 2020
- Construction works external – September 2020 to February 2021
- Construction works building – October 2020 to November 2021

#### Progress:

The project has achieved schematic design and a Draft Joint Development and User Agreement for all party's consideration prior to finalising and sign off. RMG on behalf of Mercy Education has consulted with Councils Planning Department and has undertaken

all site due diligence in preparation for detail design and construction subject to approvals and funding.

### Risk Analysis:

#### Partnership Disagreement

The Joint Development and Use Agreement has provisions to protect both parties' interests for the life of the agreement including dispute resolution, exit clauses and reimbursement to Council for construction and operational costs. The agreement also ensures any change in land ownership cannot remove Councils access to the developed facilities for the life of the agreement. A steering committee is to be established based on the terms and conditions set out in the JDUA to also support ongoing facility decisions related to day to day operations and facility activation outside of school hours.

#### Opting Out of the Development

As presented in the Options above this would result in continued under provision of sporting and community facilities and result in 100% of funding requirement by Council to address service demand driven by increased community participation and population growth. A green field site based on Victorian Planning Authority Benchmarking Infrastructure Costs for a recreation reserve of similar service would cost around \$15,000,000 not including land purchase. Councils reputation in progressing partnerships with schools in the development of joint facilities would be damaged and this may lead to future opportunities to work with Council being ignored. Council would have no return on the shared costs of design, estimated loss of \$250,000.

#### Project Cost Overrun

A Project Management Plan, Project Governance and Project Control Group (PCG) has been established since the facility design commenced in January 2019 with representation from all funding partners. The PCG will oversee the project at all stages and be supported by an established design team inclusive of City Staff, contracted Quantity Surveyor and contracted Design Services team with extensive industry knowledge and experience in design and construction to support the project. The current funding proposal is based on Cost Plan B refer to Summary in Confidential **Attachment 2**. It is expected that the contribution by Council is the maximum amount of funds likely to be required and allows for construction contingency and escalations.

#### Adverse Community Reaction

As this project is not a club specific initiative clubs may see this as disadvantaging their own individual development aspirations. The City has engaged with Cricket Victoria and AFLCV to ensure communication is shared in relation to sporting and community facility development in response to senior sporting association strategic directions. The joint facility development addresses both AFLCV and Cricket Victoria's directions and will result in benefits for all sporting clubs that require access to facilities. A Communication Plan will be developed in partnership with CMC and senior sporting associations to ensure coordinated and consistent information to the community. Access to the facility will be coordinated by the City's Active and Healthy Lifestyles Facilities Team in partnership with the facility steering community ensuring equitable access.

## **Consultation/Communication**

### Internal Consultation:

#### Finance

The Finance Unit has advised on the funding proposal and considered the impact on Councils 10 year financial plan.

#### Property Services

Property services has reviewed all project design documentation, advised on the fixtures and fittings schedule in accordance with Councils product selections and informed maintenance considerations. Property Services will continue to support the project throughout the detail design stage and during construction including the development of facility user agreements and coordination of building maintenance activities as per the JDUA.

#### Regional Sustainable Development

The RSD team has reviewed the schematic designs and informed Environmentally Sustainable Design considerations in accordance with the Cities Policy and the Environmental Sustainable Design checklist.

#### Engineering

The engineering team has reviewed preliminary and schematic designs and informed design solutions to the civil infrastructure components of the development. The team will continue to support the project throughout the detail design stage and during construction

#### Parks and Open Spaces

The Parks and Open Space team has reviewed and informed the oval infrastructure design and will continue to support and inform the project as it progresses through detail design and construction. The team will also have ongoing responsibility for maintenance of the playing surfaces in accordance with the JDUA.

#### Governance

The Governance Unit has assisted in preparing the draft JDUA including the engagement of legal support. The unit will continue to provide support up until the finalisation of the Agreement

### External Consultation:

#### Cricket Victoria

Cricket Victoria has been engaged in the project since inception. CV has local and state representation on the project design team and will have ongoing involvement with the facility steering committee. Cricket Victoria has signed off on the schematic designs.

#### Catherine McAuley College

The partnership between the City and CMC has continued to develop since the initial inception of a joint use facility. CMC and the City are key members of the Project Control Group and Design Team. CMC and their governing body Mercy Education Limited has

worked closely with the City to develop the Draft JUDA. CMC has outlined the importance of this project in a letter provided in **Attachment 3**.

#### Junortoun Community Action Group

Catherine McAuley College has engaged with the Junortoun Community Action Group who has awareness of this project but has not been formally engaged by the City. As the project progresses further engagement with the broader community and potential user groups will occur as part of a facility community engagement plan prior to completion of construction.

#### AFL Central Victoria

The City has engaged with and maintained communication with AFLCV to ensure the sporting association is up to date with the designs and projected project schedule. AFLCV identified through the regional facilities strategy the need for facilities being designed within this project to support future participation.

#### Football Victoria

Football Victoria are aware of the proposed development and have been informed of the designs and projected project schedule.

#### Sport and Recreation Victoria

SRV is a key participant on the PCG and key funding provider of the Regional Cricket Hub.

#### Other Stakeholders

Engagement with Bendigo sporting clubs has been occurring informally since the project proposal was first identified. There is a considerable amount of interest in the development from community groups that already have relationships with CMC and an interest in greater access to facilities. Engagement with these groups will become more formal once the City and CMC are certain about the project progressing. This will include the establishment of user agreements in accordance with the JUDA.

### Resource Implications

Council has previously committed \$250,000 to progress the project to Schematic Design.

Council has successfully secured \$500,000 from Sport and Recreation Victoria as auspice on behalf of McAuley Education Limited to develop the Northern Rivers Regional Cricket Hub a key element of the overall sporting facility development.

The cost of delivering the entire Stage 1 of the facility development is outlined in more detail within Cost Plan B, refer to Summary in **Confidential Attachment 2**

Council are being requested to contribute up to \$7,000,000 to the Joint Use Facilities to be constructed in Stage 1 as set out in **Attachment 1**. Council will also enter into a Joint Development and Use Agreement that will commit Council to partnering in 50% of the ongoing operational costs of the Joint Use Facilities.

McAuley Property Limited will be providing the land for the facilities at no additional cost to Council and funding the remaining construction costs including the non-joint use facilities as set out in **Confidential Attachment 2**.

Stage 2 will not proceed until future demand is identified and will be subject to future budget decision of Council and Mercy Education. The cost of stage 2 has been included in **Confidential Attachment 2**. Stage 2 is identified within the Joint Development and Use Agreement as without this future development the site would not meet Councils identified longer term service provision requirement for this area.

Catherine McAuley College is prepared to fund most of the initial payments for constructing the facility, with contributions from the Council 'back ending' the project.

It is recommended that the 50% Council contribution toward joint use areas will occur over a number of years. This repayment timeline minimises the financial impact on Councils existing forward capital works program and fits within the 10-year financial plan.

Council will have responsibility for 50% of the ongoing maintenance costs of the joint use facilities based on the areas set out in **Attachment 1**. Specific details in relation to utilities, cleaning, and maintenance are included in the Draft Joint Development and Use Agreement. It is estimated that Councils ongoing resources for the facility will be up to \$160,000 per annum. This will be achieved through direct maintenance activities and/or a cash contribution to CMC for maintenance undertaken.

#### **Attachments**

1. Joint Use Plan – Building Areas [ID 4684811](#) – Site Plan [ID 4348757](#)
2. Cost Plan B Summary – [ID 4348758](#)
3. Letter of Support Catherine McAuley College – [ID 4362540](#)

### **3.3 GOLDEN SQUARE SWIMMING POOL COUNCIL REPORT FIRE DAMAGE**

#### **Document Information**

**Author** Lincoln Fitzgerald, Manager Active & Healthy Lifestyles

**Responsible Director** Vicky Mason, Director Health and Wellbeing

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#### **Purpose**

For Council to consider the future operation, management, and resourcing of Golden Square Swimming Pool

#### **Summary**

At the meeting of **21 February 2018** Council resolved to:

1. Defer a decision on the Golden Square Pool for two years subject to:
  - a. The facility continuing to be managed by Golden Square Pool Inc.
  - b. Responsibility for maintaining and repairing of pool infrastructure remaining with Golden Square Pool Inc.
  - c. Continued provision of \$50,000 in annual funding from Council
  - d. Any repairs, works or replacement due to infrastructure failure are to be funded by Golden Square Pool Inc.
2. Monitor the patronage of the Golden Square Pool over the 2018-19 and 2019-20 outdoor pool seasons and revisit this decision in April 2020.
3. Continue to undertake Master Planning for the Golden Square Recreation Reserve including options that include retention of the pool and/or replacement with other recreation opportunities.
4. Review the Greater Bendigo Aquatic Facilities Strategy 2010.

With the current pool season coming to an end in March, evidence of good attendances over the past two years and the new Aquatic Facilities Strategy not yet finalised, it is recommended that the decision on the future operation of the Golden Square Swimming Pool is extended for a further 4 years.

Following a fire at the facility in January 2020 that damaged the staff and store rooms, Officers are seeking a direction with regard to making an insurance claim to facilitate rectification. The estimated costs for repairs is \$70,000 - \$80,000. Golden Square Pool Inc. have indicated they cannot fund this work. Under the resolution above, Officers cannot proceed without authorisation from Council.

#### **RECOMMENDATION**

That Council:

1. Continue operation of the Golden Square Swimming Pool for a further four years subject to:
  - a. The facility continuing to be managed by Golden Square Pool Incorporated;
  - b. Council taking on responsibility for asset maintenance;
  - c. Provision of \$35,000 in annual funding from Council;
  - d. The facility will close earlier than 4 years in the event of asset failure resulting in repairs or replacement valued at more than \$20,000;
2. Authorise Council Officers to progress an insurance claim to facilitate repair of damage caused by fire at the Golden Square Pool site subject to provision of the \$20,000 excess by Golden Square Pool Inc.
3. Within 4 years, finalise master planning for the reserve and prepare designs for alternative community facilities to support community needs.

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Policy Context

This recommendation is supported by the following City of Greater Bendigo strategic documents, plans and actions.

Greater Bendigo Community Plan 2017-2021

Goal 1: Lead and govern for all –making and financially responsible resource allocations, which are transparent and accountable.

Goal 2: Wellbeing and fairness – Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities by building better connections and quality of life for all.

Goal 3: Strengthening the economy – Advocacy, innovation and support to grow jobs, attract visitors and diversify the local and regional economy.

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

Goal 5: Environmental sustainability – Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.

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

Greater Bendigo Health and Wellbeing Plan 2017 – 2021

Objective: Healthy and well

- Promote healthy lifestyles
- Promote positive mental wellbeing
- Reduce harm from tobacco, alcohol and gambling

Objective: Able to participate

- Support early years learning and development

- Support positive ageing

Objective: Connected to culture and community

- Support inclusive communities
- Strengthen community participation and belonging
- Increase social connection and reduce loneliness

Objective: Liveable

- Facilitate supportive built and natural environments

Greater Bendigo Cultural Diversity and Inclusion Plan 2016 - 2019

- Residents from culturally, linguistically and religiously diverse backgrounds have equal opportunities to access culturally appropriate services and participate fully in the Greater Bendigo community.

Community Access and Inclusion Plan 2015-2018

Reduce barriers to persons with a disability accessing goods, services and facilities

Youth Strategy 2017 - 2021

We create spaces that are inclusive, safe and welcoming for all the community.

Greater Bendigo Environment Strategy 2016 – 2021

Encourage people to use natural environments to improve physical and mental wellbeing through education and support for community activities.

Greater Bendigo Public Space Plan 2018

- Activated public spaces
- Integrated organised sports

State Policy

Acknowledgement of the important role that sport and active recreation plays in improving community health and wellbeing is reflected in the following key policy documents:

- Victorian Public Health and Wellbeing Plan 2015-2019
- Active Victoria – A strategic framework for sport and recreation in Victoria 2017-2021
- Healthy choices: policy guidelines for sport and recreation centres 2016
- Safe and Strong: A Victorian Gender Equality Strategy
- VicHealth Healthy Eating Strategy 2017-2019
- VicHealth Gender equity, health and wellbeing strategy 2017-2019
- VicHealth Physical Activity Strategy 2018-2023

Background Information

Golden Square Swimming Pool is located off Maple Street, Golden Square. The site is part of the Golden Square Recreation Reserve which is Crown Land Reserved for Public Recreation and was Vested in Council as a Trustee in 1979. The responsibility of Council

under a vesting arrangement is more onerous than that as a Committee of Management. Under the vesting arrangement, Council manages the site for the purpose of public recreation and is responsible for matters such as public liability, day to day management of the facility and general maintenance.

The site was is currently managed by Golden Square Pool Inc. a not for profit volunteer led organisation.

Constructed in the mid-1960's the fenced pool area is approximately 4,200sqm which includes a 50m (5 lane) main pool, a 19.8m learner pool and an 8.2m toddlers pool.

As Golden Square Swimming Pool was constructed in the mid-1960's, some of the infrastructure is approaching or past the end of the expected design life and will require increasing maintenance or ultimately replacement. In addition to the asset condition, standards of construction have changed with some pool infrastructure no longer meeting industry expectations. In January 2013 a list of works to meet minimum health and safety standards/expectations was developed by an external engineer based on an earlier audit. The estimated cost to undertake these works at that time was \$292,150.

Golden Square Pool Inc. has undertaken a number of these works as volunteers, by sourcing grants or through donations from local businesses. These include:

Description of Work	Original Cost Estimate
Painting of the pools	\$20,200
Installation of a foot pedal on the chemical dump shower	\$ 1,600
Provision of personal protective equipment	\$ 450
Update of Material Safety Data Sheets	\$ 0
Development of an Operations Manual	\$ 2,500
Swimming pool signage	\$ 2,500
Servicing of the circulation pump	\$ 4,050
Total	\$31,300

This work has allowed the facility to continue operating and improved the aesthetic appearance of the facility for visitors but has not addressed the long-term concerns at this site, the most critical being:

- Increasing the water turnover rate from the current 10.6 hours to the industry standard of less than 4 hours;
- Installing appropriate chemical spill areas for delivery and separated storage;
- Upgrading electrical switchboards;
- Improving the structural integrity of the plant room
- Addressing compliance with other legislation such as the Disability Discrimination Act.

There are also concerns with regard to the on-going integrity of the pool shell as the engineering standard for water retaining concrete structures indicates a theoretical asset life of 50 years. Golden Square Pool is approaching the end of this theoretical asset life.

Many of these items involve significant cost and are likely to be beyond the capacity of a volunteer group to fund or deliver. If the facility is retained over the longer term it is likely that Council will be required to make a significant financial contribution.

In considering the future of the Golden Square Swimming Pool, it should be noted that these infrastructure and plant issues are not unique to this site. Many of the City's aquatic facilities are approaching end of life, do not meet legislative requirements such as the Disability Discrimination Act and have water turnover rates of more than 4 hours. Rectifying these issues will have a significant impact on the Council's Long Term Financial Plan.

Golden Square Pool is approximately half way between Faith Leech Aquatic Centre (approximately 2.8km) and the new Gurri Wanyarra Wellbeing Centre (approximately 2.6km). The site is also adjacent the Bendigo Creek Linear Trail. Council's current Aquatic Facilities Strategy (2008) includes the proposed closure of Golden Square and Kangaroo Flat swimming pools upon the opening of a new modern aquatic and leisure facility at Kangaroo Flat given the improved level of accessibility to contemporary aquatic facilities that this would provide. This has progressed for Kangaroo Flat Pool but the Golden Square Pool has continued to operate with strong support from the local community.

The following table outlines attendance per season at Golden Square Pool since it has been operated by Golden Square Pool Inc.

Season	Attendance
2013/14	12,147
2014/15	10,321
2015/16	15,548
2016/17	14,598
2017/18	18,216
2018/19	18,793

Previous Council Decision(s) Date(s):

The future of the Golden Square Pool has been the subject of a number of previous Council decisions.

At the Ordinary Council meeting on **1 December 2010**, Council adopted a suite of recommendations in order to achieve a sustainable municipal wide Aquatic Strategy that intends to provide a mix of aquatic opportunities which meet modern expectations across Greater Bendigo. Included in the recommendations were the actions to develop a new indoor aquatic leisure centre and close the Golden Square Swimming Pool.

At the Ordinary Council meeting of **14 November 2012** Council resolved amongst other things to...2. *Permanently decommission the Long Gully and Golden Square Swimming Pools...*

At the meeting of **19 December 2012** Council resolved: *That the Golden Square Swimming Pool not be demolished or removed until such time as the eight (8) questions submitted on behalf of the attendants at the public meeting held on 10 December 2012, have been addressed and a decision made by the Council as to the future use of the land.*

At the meeting of **13 February 2013** Council resolved:

That having considered the petition received from members of the Golden Square community in relation to the closure of the Golden Square swimming pool that Council:

- i. Acknowledge and greatly appreciate the efforts made by a number of Golden Square residents for their willingness to volunteer in order to reopen the Golden Square pool for the 2013-14 season, however note that the overall costs of pools needs to be balanced with Council's finite resources and the competing demands of all other recreational pursuits.
- ii. Adopt Option 3 which is to:
 - a) Proceed with the permanent closure and demolition of Golden Square Swimming Pool,
 - b) Allocate funding as part of the 2013/14 budget for the development of a Recreation and Opens Space Master Plan including the Golden Square Swimming Pool site, walking track, recreation reserve and Bowling / Croquet Club, and
 - c) Notify the submitters of Council's decision.

That Council conduct a mediation meeting with representatives of the Save the Golden Square Pool Committee to further discuss the outcomes of the Council decision tonight.

That people with Golden Square Swimming Pool seasons ticket for the 2011/2012, be given free access to either the Bendigo Aquatic Centre or the Kangaroo Flat Swimming Pool for the season 2013/14.

At the Ordinary Council meeting of **6 March 2013** Council resolved that:

1. Council recognise the enthusiasm and commitment of the Golden Square Save our Pool Committee in relation to the future of the Golden Square Swimming Pool and, in response to the Group's commitment to raise funds, re-open and operate the pool.
2. In accordance with Council's resolution of 14 November 2012 the decommissioning of the Golden Square Pool be postponed to a date no earlier than 6 March 2014.
 - a) Other than reinstating the items already removed as part of the decommissioning, the group undertake all capital and maintenance works required to restore the pool to a safe and compliant standard for operation by 1 December 2013;
 - b) As soon as the pool is in a safe and compliant condition, Council commence to negotiate a process to relinquish its Committee of Management status in relation to the property with the Department of Sustainability and Environment and recommend that responsibility for management be transferred to the Pool Group, while the pool is operational until the opening of the proposed new Kangaroo Flat Aquatic Centre.
3. Council issue a Lease to the Golden Square Pool Committee under section 16(2) of the Crown Land (Reserves) Act 1978 for a period of one year ending 6 March 2014.

The Lease to include special conditions to cover:

 - a) Development and safety requirements to ensure the pool meets and maintains the required standard, ie the pool be operated in accordance

with all relevant health and safety and water quality standards including the required standard in accordance with current legislative requirements of the Public Health and Wellbeing, Dangerous Goods, Occupational Health & Safety Acts and Guidelines for Safe Pool operations and undertake a Lifesaving Victoria Safety Audit and implement any recommendations;

- b) The provision by council of financial support for recurrent expenses similar to which is provided for the Committee of the White Hills Pool'
- c) The Council will not pay for any ongoing maintenance or capital works for the Golden Square Pool;
- d) The pool will be permanently closed and be decommissioned:
 - i. In the event that conditions of the lease cannot be met; or
 - ii. In the event of continued successful operation, no later than the opening of the proposed new Kangaroo Flat Aquatic Centre.

- 4. Immediate action be taken to secure the Golden Square pool property including plant room and all fixtures related to the pool's operation.

At the meeting of **21 February 2018** Council resolved to:

- 5. Defer a decision on the Golden Square Pool for two years subject to:
 - a. The facility continuing to be managed by Golden Square Pool Inc.
 - b. Responsibility for maintaining and repairing of pool infrastructure remaining with Golden Square Pool Inc.
 - c. Continued provision of \$50,000 in annual funding from Council
 - d. Any repairs, works or replacement due to infrastructure failure are to be funded by Golden Square Pool Inc.
- 6. Monitor the patronage of the Golden Square Pool over the 2018-19 and 2019-20 outdoor pool seasons and revisit this decision in April 2020.
- 7. Continue to undertake Master Planning for the Golden Square Recreation Reserve including options that include retention of the pool and/or replacement with other recreation opportunities.
- 8. Review the Greater Bendigo Aquatic Facilities Strategy 2010.

Report

Fire event

On Sunday 5 January 2020 there was a building fire within the staff and storage room of Golden Square Swimming Pool. The estimated cost of rectification is approximately \$70,000 - \$80,000 and officers are currently seeking quotations for this work. This amount is beyond the financial resources of Golden Square Swimming Pool Inc. to fund and in accordance with part 1 b) and d) of the 2018 Council resolution the City is not currently authorised by Council to provide financial support for these repairs.

To proceed with rectification, the City would make an insurance claim. The excess for this claim would be \$20,000. It is proposed that Golden Square Pool Inc. meet this cost and they have requested extension of their tenancy agreement by 3 to 5 years in order to ensure a return to them on their investment.

Funding extension

Aquatic Strategy workshop discussions with Councillors undertaken late 2019 (prior to this fire event) indicated a preference by Councillors to treat Golden Square Swimming Pool in the same way as all other swimming facilities and to consider its role as part of the updated Aquatic Strategy.

Given the Aquatic Strategy has not yet been finalised, the above proposed investment post the fire and the current levels of attendance at the pool, Council Officers propose that the previous decision by Council to defer its decision on pool closure be extended for a further two year.

In previous years the Greater Bendigo City Council has provided Golden Square Pool Inc with a \$50,000 annual grant. This grant was provided to fund utilities, chemicals, staffing and maintenance. This amount is significantly higher than other volunteer managed seasonal facilities such as White Hills, Goornong, Elmore or Raywood. It is proposed that the grant be reduced to \$35,000 with Council taking up responsibilities for maintenance and renewal.

Strategic Plan

Golden Square Pool Inc. Has developed a strategic plan which identifies the actions that they propose to undertake over the next 4 years. Actions aim to meet compliance requirements, enhance use of the site and provide the best possible level of service. The plan focusses on both aquatic needs but also seeks to create the swimming pool as a community space / hub.

Master Plan

In consultation with existing tenants of Golden Square Recreation Reserve (including the cricket club, football & netball club, bowling and croquet club, and swimming pool), master plan options have been developed for the site. Given the size and landlocked nature of the site, each option has a significant impact on an existing use. It is likely that whichever option is preferred, significant planning, negotiation, design and funding will be necessary. Given this complexity a 4 year period to undertake this process is a reasonable time frame to prepare for implementation of the final master plan.

Priority/Importance:

Without financial support from Council repairs to the facility will likely not proceed.

Options/Alternatives:

- a) Status quo - Council can resolve not to access the City's insurance and close the Golden Square Pool at the end of the 2019 – 2020 pool season;
- b) Extend funding to another two years at a lower rate of \$35,000 per annum and progress an insurance claim to rectify the buildings subject to Golden Square Pool Inc. paying the \$20,000 excess
- c) Extend funding to another two years at the current rate of \$50,000 per annum and progress an insurance claim to rectify the buildings subject to Golden Square Pool Inc. paying the \$20,000 excess

- d) Extend funding to another two years at the current rate of \$50,000 per annum and progress an insurance claim to rectify the buildings with Council paying the \$20,000 excess;
- e) Extend the pool indefinitely and with a funding contribution of either \$50,000 or \$35,000

Timelines:

Golden Square Swimming Pool closes for season 2019/20 on 9 March 2020.

The Council resolution of 21 February 2018 includes part 2:

2. Monitor the patronage of the Golden Square Pool over the 2018-19 and 2019-20 outdoor pool seasons and revisit this decision in April 2020.

It is unlikely that the Aquatic Strategy review will be complete by April 2020. As Golden Square Swimming Pool will be closed for the season prior to the finalisation of the Aquatic Strategy, if the strategy recommends closure, this facility should be supported for a further two years to allow the community time to celebrate achievements since 2013 and support planning for the site post-closure.

Repairs to this facility are likely to require a period of up to 3 months subject to insurance claim requirements.

Risk Analysis:

As per previous reports, this facility is close to the end of its asset life and is not compliant with contemporary aquatic facility standards.

Consultation/Communication

City of Greater Bendigo staff are in regular contact with representatives of Golden Square Swimming Pool Inc. There has been regular contact following the building fire to ensure continued operation of the swimming pool and to discuss rectification options.

Resource Implications

Budget Allocation in the Current Financial Year: \$50,000 grant to Golden Square Pool Inc.

Previous Council Support: \$50,000 per year since 2013

External Funding Sources: Golden Square Pool Inc has been successful in receiving grants for facility improvements and sponsorship from local businesses.

Current Estimate or Tender Price: Rectification from fire \$70,000 - \$80,000 estimated.

Any known or anticipated variance to budget:

None known.

Projected costs for future financial years:

Included below.

Any ongoing recurrent expenditure required:

If Council continues operation of Golden Square Swimming Pool and supports maintenance/renewal at this facility additional renewal funding may be required. Some of this cost can be offset by providing a lower operational grant to Golden Square Pool Inc. in recognition that Council will be providing additional assistance with maintenance.

4. STRENGTHENING THE ECONOMY

4.1 RAIL TRANSPORT LINK

Document Information

Author **Craig Niemann**

Responsible Officer **Craig Niemann, Chief Executive Officer**

Purpose

This report is submitted for consideration by the Council to provide clarity on City of Greater Bendigo's core principles and role in advocacy for a better rail network for Bendigo and Northern Victoria. It is important that this position is clarified during a period where specific options and engineering solutions are being debated which may or may not be to the benefit of Bendigo in the long term.

Summary

It is proposed that Council affirm that the City of Bendigo's core principle is that any solution(s) for future development of rail infrastructure and networks throughout Victoria, including the Melbourne Airport Rail Link (MARL), should not disadvantage the future growth and prosperity of Greater Bendigo and the Calder corridor region, nor impact in a negative way, Bendigo's ability to connect with and travel to and from this State's Capital City.

On this basis, Council does not intend to promote any one or single proposed solution, but instead continue to advocate for the best solution for City of Greater Bendigo and the region, whatever that solution might be.

RECOMMENDATION

That Council:

1. Adopt the core principle that any solution(s) for future development of rail infrastructure and networks throughout Victoria, including the Melbourne Airport Rail Link (MARL) should not disadvantage the future growth and prosperity of the Greater Bendigo region, nor impact in a negative way, Bendigo's ability to connect with and travel to and from this State's Capital City;
2. Advocate to both the State and Commonwealth Governments, the importance of both levels of government committing to a Melbourne Airport Rail Link (MARL) that provides for world-class airport train connectivity; that takes pressure off congested rail networks; that improves regional rail services to the State's largest regional

centres; that supports State and Commonwealth Government policies to strengthen regional Australia; and positions Sunshine as the only stop on an express service between the airport and Melbourne;

3. Advocate for further improvements to the Bendigo Rail line (including duplication of the rail track between Bendigo and Kyneton), the Echuca line and the Swan Hill line to improve services for Northern Victoria to and from Melbourne; and
4. Write to the Prime Minister, the Premier, the Victorian Minister for Transport Infrastructure and the Commonwealth Minister for Infrastructure, Transport and Regional Development, advising Council's position.
5. Support the further development of the Bendigo Metro Rail project and the future upgrade to the Eaglehawk to Inglewood to Dunolly line when passenger and freight demand warrants such an upgrade.

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## **Policy Context**

### Community Plan Reference:

*City of Greater Bendigo Community Plan 2017-2021: Advocate on priority issues including public transport, regional development, planning for liveable communities and population growth.*

### Goal 1

### Objective 1.3

### Plan Greater Bendigo

Upgrade the rail track between Bendigo and Kyneton.  
Enable more frequent train services and faster speeds along the Bendigo line by upgrading part of the track between Bendigo and Kyneton

## **Report**

Over recent months discussions throughout the state and nationally have gathered momentum in relation to planning for the future development of rail infrastructure and networks throughout Victoria.

Following increasing media reporting and speculation regarding the demands on the rail network, both for passenger and freight movement, the City of Greater Bendigo has been involved in a range of forums and discussions and has joined with others to ask for further clarity from both the Commonwealth and State Governments.

On 22 January 2020, the Mayor and Chief Executive Officer attended a meeting with the Minister for Transport, the Hon. Jacinta Allan MP to discuss the current options for rail infrastructure projects in Melbourne and how they support the needs of people in the Greater Bendigo region. Subsequent to that meeting there has been discussion amongst Victoria's Regional Cities Mayor's and CEO's to ensure that the best possible solution is put in place that advantages regional Victorians and supports their current and future transport needs to and from the State's Capital City.

It is proposed that Council affirm that the City of Greater Bendigo's core principle is that any solution(s) for future development of rail infrastructure and networks throughout Victoria, including the Melbourne Airport Rail Link (MARL), should not disadvantage the future growth and prosperity of Greater Bendigo, nor impact in a negative way Bendigo's ability to connect with and travel to and from this State's Capital City.

Further, it is proposed that Council continue to advocate to both the State and Commonwealth Governments the importance of both levels of government committing to a Melbourne Airport Rail Link (MARL), that provides for world-class airport train connectivity; that takes pressure off congested rail networks; that improves regional rail services to the State's largest regional centres; that supports State and Commonwealth Government policies to strengthen regional Australia; and positions Sunshine as the only stop on an express service between the airport and Melbourne.

#### Priority/Importance:

Sound decisions made now on the planning for the future development of rail infrastructure and networks throughout Victoria will be critical to the long term future of supporting growth in regional Victoria and influencing how regional Victorians in cities like Bendigo can positively connect with and travel to and from the State's Capital City.

#### Options/Alternatives:

Council does not intend to promote any one or single proposed solution, but instead continue to advocate for the best solution for the City of Greater Bendigo and the region, whatever that solution might be.

#### Timelines:

It is important that Council's position is clarified now, during a period where specific options and engineering solutions are being proposed and debated, which may or may not be to the benefit of Greater Bendigo in the long term.

#### Risk Analysis:

By clarifying its position, Council is seeking to promote sound State and Commonwealth Government decision making and collaboration that will advantage the long term future growth and prosperity of the Greater Bendigo region, and its ability to easily connect with and travel to and from this State's Capital City.

## **Consultation/Communication**

The Council's Mayor and Chief Executive Officer have been involved in a range of meetings, including with the Regional Cities Mayors and CEOs, where the importance of this matter has been discussed. Discussions have also occurred with the Victorian Minister for Transport Infrastructure.

### Internal Consultation:

Councillors and the Executive Management Team have periodically been briefed on this matter.

### External Consultation:

As above.

## **Resource Implications**

There are no resource implications for Council on this matter at this point in time, other than staff time to respond to the issue and ensure Greater Bendigo's views are well represented.

**5. ENVIRONMENTAL SUSTAINABILITY**

Nil.

**6. EMBRACING OUR CULTURE AND HERITAGE**

Nil.

## **7. LEAD AND GOVERN FOR ALL**

### **7.1 INTERNAL AUDIT PLAN 2019-23**

#### **Document Information**

**Author** Anna Connolly, Risk and Assurance Advisor

**Responsible Director** Andrew Cooney, Director Corporate Performance

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#### **Purpose**

The purpose of this report is for Council to approve the Internal Audit Plan for 2019-23.

#### **Summary**

- Council approved AFS as the City's Internal Auditor for 3 years from 1 July 2019.
- AFS have now developed the attached Internal Audit Plan (see attachment 2) by undertaking a risk assessment to gain an understanding of the risk environment at the City to:
  - allocate internal audit resources to the areas of greatest risk for the proposed 4 year plan (draft of 2022-23 included to ensure continuity if Internal Auditor changes during that year);
  - to accurately scope topics; and
  - to maximise the value of the internal audit budget.
- The independent risk assessment involved a review of relevant documentation and the distribution of an Independent Risk Assessment survey for the members of Audit and Risk Committee and senior management. In addition to the responses to the survey, AFS reviewed the City's Risk Management Policy, Risk Management Framework and the Strategic, Operational and Fraud Risk Registers.
- AFS have assessed the maturity of the City between 'initial' and 'repeatable' (definitions are in attachment 2).

#### **RECOMMENDATION**

That Council:

1. On the recommendation of the Audit and Risk Committee approve the Internal Audit Plan for 2019-23.

2. Approve for the Audit and Risk Committee to make non material changes to the plan.
3. Note that the Audit and Risk Committee have endorsed the plan and committed to reviewing the plan annually.

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Policy Context

The Audit and Risk Committee charter states that Council is required to have an Internal Audit Plan, which is to be approved by Council.

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal #1 Lead and Govern for all

Objective #1.4 Be accountable and efficient in its use of the community's money

Background Information

AFS and Associates Pty Ltd were appointed as the Internal Auditor on the 1 July 2019 following a competitive tender process. They have completed two Internal Audits to date in 2019/20 and have undertaken a Risk Assessment to guide the development of the Internal Audit Plan from 2019-23.

Previous Council Decision(s) Date(s): 19 June 2019, appointment of the Internal Auditor, AFS and Associates Pty Ltd.

Report

The City has maintained an Internal Audit Program as part of the organisation's overall good governance program for many years as it provides independent assurance that the City's risk management, governance, and internal control processes are operating effectively.

AFS was appointed as the Internal Auditor to begin their contract with the City from July 2019 for a 3 year period. An initial Internal Audit Plan, comprising two audits was developed and presented to the Audit and Risk Committee and EMT shortly after the appointment of AFS. The topics on the initial plan recommended were Waste Services and Long Term Financial Planning.

With the audits from the initial plan now complete, AFS has now undertaken a risk assessment and developed a comprehensive and detailed draft Internal Audit Plan for the next four years, which is attached (refer to page 12, attachment 2). The Internal

Audit plan was presented to the Audit and Risk Committee at its meeting on the 20th February and endorsed. This is a four year plan that will be reviewed annually.

For additional information, previous audit topics dating back to 2015 are outlined in Attachment 1. AFS have provided an overview on a number of topics in their report with options of Internal Audits that could be undertaken.

To assist in the development of this plan, AFS undertook a risk assessment to gain an understanding of the risk environment at the City, to ensure appropriate allocation of internal audit resources to the areas of greatest risk for the plan, to accurately scope topics and to maximise the value of the internal audit budget.

The independent risk assessment involved a review of relevant documentation and the distribution of an Independent Risk Assessment Survey for the members of ARC and senior management. In addition to the responses to the survey, AFS reviewed the City's Risk Management Policy, Risk Management Framework and the Strategic, Operational and Fraud Risk Registers.

AFS have assessed the maturity of the City using a similar maturity assessment scale as outlined in the Risk Management Policy and have assessed it similarly as between 'initial' and 'repeatable'.

Priority/Importance:

The Audit and Risk Committee Charter states that Council is required to have an Internal Audit Plan, approved by Council.

Options/Alternatives:

The Audit and Risk Committee Charter states that Council is required to have an Internal Audit Plan.

Timelines:

The Internal Audit Plan has been developed for 2019-23.

Progress:

Internal Audits have continued to be undertaken, whilst developing the Internal Audit Plan. There have been two Internal Audits undertaken in the 2019/20 year, which included Waste Services and Long Term Financial Planning.

Risk Analysis:

The Internal Audit Plan has been developed based on the knowledge of the risks that the City is facing at a point in time and therefore may change. This may result in changes being made to the plan or additional Audits being undertaken which may impact on the budget allocation for the Internal Auditor as well as Council Officer time, being involved in the Audits and allocating time to action findings from the Audits. Council may also be exposed to risks that have not been identified at that time and therefore are not being treated.

Consultation/Communication

The Internal Audit Plan has been developed using the Strategic, Operational and Fraud Risk Registers, which were developed through meetings with OLT and other key stakeholders. To assist in the development of this plan, a survey was distributed to the Audit and Risk Committee, EMT and OLT to provide input.

Internal Consultation:

The Internal Audit Plan has been developed in consultation with OLT, EMT and the Audit and Risk Committee through both discussions and via a survey that was distributed.

External Consultation:

The Internal Audit Plan has been developed through internal consultation managed by AFS and Associates Pty Ltd, who have expertise in this area.

Resource Implications

There is an annual fee for the Internal Audit Services Contract. The plan has been prepared to fit within the available budget. Any Internal Audits that are requested in addition to the developed plan will require additional budget. The budget for Internal Audit was presented to Council when AFS and Associates was appointed at the meeting in June 2019.

Attachments

Attachment 1 - Internal Audits Completed 2015 to 2019

Attachment 2 – Risk Assessment and Internal Audit Plan Development for 2019 – 23 Report (refer to section 7; page 12 for the 2019-2023 draft planned audits)

7.2 Record of Assemblies

Document Information

Author Jessica Clarke-Hong, Manager Governance

Responsible Director Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.

RECOMMENDATION

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

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### Policy Context

*City of Greater Bendigo Community Plan 2017-2021:*

Goal 1 Effective community engagement will guide well informed, responsive decision-making and financially responsible resource allocations, which are transparent and accountable.

### Background Information

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. An advisory committee of the Council where one or more Councillors are present.

The requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

## Report

| Meeting Information              |                                                                                                                                                                                     |                                 |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | Councillors' Briefing                                                                                                                                                               |                                 |
| Meeting Date                     | 20 January 2020                                                                                                                                                                     |                                 |
| Matters Discussed                | 1.Review Forward Agenda/Final Agenda Review<br>2.Maiden Gully DCP<br>3.Bendigo Art Gallery<br>4.Update from Regional Roads Victoria<br>5.City Centre Plan and Heritage Study        |                                 |
|                                  |                                                                                                                                                                                     |                                 |
| Attendees/Apologies              |                                                                                                                                                                                     |                                 |
| Councillors                      | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams |                                 |
| Staff/Community Representatives  | Mr Craig Niemann<br>Ms Debbie Wood<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Ryan Millard                                                                 |                                 |
|                                  |                                                                                                                                                                                     |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                     |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                | Councillor/officer left meeting |
|                                  | Nil                                                                                                                                                                                 |                                 |

| <b>Meeting Information</b> |                                                                                                                                   |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Name/Type</b>   | Councillors' Briefing                                                                                                             |
| <b>Meeting Date</b>        | 3 February 2020                                                                                                                   |
| <b>Matters Discussed</b>   | Budget Session # 1<br>GovHub Update<br>Greening Greater Bendigo Strategy Update<br>Review of Forward Agenda/Draft Ordinary Agenda |
| <b>Attendees/Apologies</b> |                                                                                                                                   |
| <b>Councillors</b>         | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM                             |

|                                         |                                                                                                                         |                                        |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
|                                         | Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams                                          |                                        |
| <b>Staff/Community Representatives</b>  | Mr Craig Niemann<br>Ms Debbie Wood<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Peter Hargreaves |                                        |
|                                         |                                                                                                                         |                                        |
| <b>Conflict of Interest Disclosures</b> |                                                                                                                         |                                        |
| <b>Matter No.</b>                       | <b>Councillor/officer making disclosure</b>                                                                             | <b>Councillor/officer left meeting</b> |
|                                         | Nil                                                                                                                     |                                        |

|                                        |                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Information</b>             |                                                                                                                                                                                                                                                                                                                                                                |
| <b>Meeting Name/Type</b>               | Sustainability and Environment Advisory Committee                                                                                                                                                                                                                                                                                                              |
| <b>Meeting Date</b>                    | 4 February 2020                                                                                                                                                                                                                                                                                                                                                |
| <b>Matters Discussed</b>               | 1. One Planet Report<br>2. Greater Bendigo Food Systems Strategy<br>3. Reimagining Bendigo Food Systems Strategy<br>4. Greening Greater Bendigo<br>5. Wood4Good Presentation<br>6. Casual committee appointment<br>7. Sustainable Summer at Bendigo Library<br>8. Bendigo Sustainable Living Festival and Awards<br>9. CoGB Community Engagement Policy Review |
| <b>Attendees/Apologies</b>             |                                                                                                                                                                                                                                                                                                                                                                |
| <b>Councillors</b>                     | Cr Jennifer Alden<br>Cr Margaret O'Rourke<br>Cr Andrea Metcalf                                                                                                                                                                                                                                                                                                 |
| <b>Staff/Community Representatives</b> | Mr Bernie O'Sullivan<br>Mr Anthony Sheean<br>Mr Mark Stubbs<br>Ms Tania Macleod/<br>Mr James Shaddick<br>Mr Colin Smith<br>Mr Mal Brown<br>Ms Lillian Maher<br>Ms Karin Harding<br>Ms Lisa Gormley<br>Mr Trevor Smith<br>Mr Jemille McKenzie<br>Mr Geoff Caine<br>Mr Ben Boxshall<br><b>Apologies:</b><br>Mr Glenn Pomeroy                                     |

|                                                |                                                            |                                        |
|------------------------------------------------|------------------------------------------------------------|----------------------------------------|
|                                                | Mr Trevor Budge/<br>Mr Peter Foster<br>Mr Alistair Stewart |                                        |
|                                                |                                                            |                                        |
| <b><i>Conflict of Interest Disclosures</i></b> |                                                            |                                        |
| <b>Matter No.</b>                              | <b>Councillor/officer making disclosure</b>                | <b>Councillor/officer left meeting</b> |
| 5                                              | Mr Mal Brown                                               | No                                     |

| Meeting Information              |                                                                                                                                                                                                            |                                 |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | Councillors' Briefing                                                                                                                                                                                      |                                 |
| Meeting Date                     | 10 February 2020                                                                                                                                                                                           |                                 |
| Matters Discussed                | Budget Session # 2<br>Climate Change Workshop<br>GovHub<br>Review of Forward Agenda/Semi-Final Agenda Review                                                                                               |                                 |
|                                  |                                                                                                                                                                                                            |                                 |
| Attendees/Apologies              |                                                                                                                                                                                                            |                                 |
| Councillors                      | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br><b>Apology:</b><br>Cr George Flack OAM |                                 |
| Staff/Community Representatives  | Mr Andrew Cooney<br>Ms Debbie Wood<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Peter Hargreaves<br><b>Apology:</b><br>Mr Craig Niemann                                                                 |                                 |
|                                  |                                                                                                                                                                                                            |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                                            |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                                       | Councillor/officer left meeting |
|                                  |                                                                                                                                                                                                            |                                 |

## 7.3 CONTRACTS AWARDED UNDER DELEGATION

### Document Information

**Author** Lee Taig, Contract Support Administrator, Governance Unit

**Responsible Director** Andrew Cooney, Director Corporate Performance

### Purpose

The purpose of this report is to provide information on contracts recently awarded under delegation.

### RECOMMENDATION

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

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Policy Context

Delivery of programs, projects and services that respond to community needs.

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021

Goal 1: Lead and govern for all

Objective: 1.2 Be innovative and financially responsible

Report

Contract No	Project	Successful Contractor	Delegated Officer	Date Signed
Capital Contracts				
CT000499	Racecourse Creek Midland Highway Pedestrian Bridge Construction	OpenSpace Infrastructure	Debbie Wood	14 January 2020
	Price: \$173,500.00	Practical Completion: 15 May 2020		
CT000500	Epsom Village Green Skate Park Construction	Drover Projects Pty Ltd	Vicky Mason	31 January 2020
	Price: \$491,450.00	Practical Completion: 29 May 2020		

Service Contracts				
Contract Number	Project:	Successful Contractor:	Delegated Officer:	Date Signed
CT000497	Provision of Various Concreting Works Services	Panel Contract 1. Groundswell 2. Rainbow Concrete Solutions	Craig Niemann	28 January 2020
	Price: Schedule of Rates	Initial Term: 3 Years	Extension Options: 2 Years (1+1)	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$1,400,00.00			
CT000496	Provision of Car Parking Technology	Database Consultant Australia	Vicky Mason	14 February 2020
	Price: Schedule of Rates	Initial Term: 3 Years	Extension Options: 2 Years (1+1)	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$370,000			
CT000479	Provision of Veterinarian Services	Bendigo Animal Hospital	Vicky Mason	25 June 2019
	Price: Schedule of Rates	Initial Term: 2 Years	Extension Options: 2 Years (1+1)	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$300,000.00			

Note: Delay in contract approval for CT000479 was waiting on the prequalification of the company **only**)

8. URGENT BUSINESS

Nil.

9. NOTICES OF MOTION

Nil.

10. COUNCILLORS' REPORTS

11. MAYOR'S REPORT

12. CHIEF EXECUTIVE OFFICER'S REPORT

13. CONFIDENTIAL (SECTION 89) REPORTS

- 13.1 Confidential Report in accordance with Section 89(2)(d) of the Local Government Act relating to a contractual matter.

RECOMMENDATION

That Council close the meeting to members of the public pursuant to Section 89(2)(d) of the **Local Government Act 1989** to consider reports relating to a contractual matter.

APPENDIX / ATTACHMENTS