

# AGENDA

## Ordinary Meeting of Council

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6.00pm Wednesday 19 August 2020

Livestreaming at [www.bendigo.vic.gov.au/councilmeeting](http://www.bendigo.vic.gov.au/councilmeeting)

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

### VENUE:

[www.bendigo.vic.gov.au/councilmeeting](http://www.bendigo.vic.gov.au/councilmeeting)

### NEXT MEETING:

Wednesday 16 September 2020

[www.bendigo.vic.gov.au/councilmeeting](http://www.bendigo.vic.gov.au/councilmeeting)

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can be obtained online at [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

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

## *Council Vision*

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

## *Council Values*

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

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

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

## *Goals*

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



# ORDINARY MEETING

WEDNESDAY 19 AUGUST 2020

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**CRAIG NIEMANN**  
**CHIEF EXECUTIVE OFFICER**

## **ACKNOWLEDGEMENT OF COUNTRY**

## **PRAYER**

## **OPENING MOTION**

That Council:

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

## **PRESENT**

## **APOLOGIES/LEAVE OF ABSENCE**

## **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**

The public question time is held at every Ordinary Meeting of Greater Bendigo City Council.

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 questions.

Due to the COVID19 restrictions, only written questions, lodged by 5.00pm on the day prior to the meeting can be accommodated at this time.

Questions lodged in writing by the deadline will be read out and answered by the Mayor or CEO or where appropriate, Councillors or Council Officers.

### **Acceptance of Questions**

Each person lodging a question of Council is required to include their name, and address. Public Question Time is not an opportunity for making of statements or other comments. Council's Meeting Procedure Local Law does not allow for comments as part of the question.

1. An individual may only ask one question per meeting.
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 day of 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 HAWKE'S 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 15 July 2020.

The following items were considered at the Ordinary Council meeting held on Wednesday 15 July 2020 at 6:00pm.

<b>NO.</b>	<b>TITLE</b>	
<b>1.1</b>	<b>Adoption of 2020/2021 Budget</b>	

# **RECOMMENDATION**

That the Greater Bendigo City Council, having considered the submissions to the 2020/2021 Proposed Budget:

1. Adopt the Budget, annexed to this resolution, being the Budget prepared for the 2020/2021 financial year for the purposes of Section 127 of the *Local Government Act 1989*, including adjustments made as a result of the exhibition period noted in the Report following.
2. Gives public notice of the adoption of the 2020/2021 Budget, in accordance with Section 129 of the *Local Government Act 1989*, and makes available for public inspection the information required by the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*, to display the Budget at the City of Greater Bendigo offices (or make available by request) and on the City of Greater Bendigo website.
3. Acknowledges the contribution of submitters to the budget process, and thanks them for their contribution.
4. Authorises officers to provide a formal response to each submitter.
5. Notes that at the time the general valuation was supplied for the annual proposed budget in May 2020, it was comprised of preliminary valuations by the contractor, which were submitted to the Valuer-General for review. Final valuations have now been received. The variance between the preliminary and final valuations were assessed. As a result, minor adjustments have been made to the differential rates from the proposed budget.
6. Implements differential rates as detailed in the Report following.
7. Declares the following, in accordance with the Cultural and Recreation Lands Act 1963:

Classes 1 to 5:	0.0% of Capital Improved Value
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8. Adopts service charges as detailed within the Report following.
9. Grants an early full rate payment discount of 1.5% on current year rates and charges, if full payment (including any arrears and interest) is received on or before 30 September 2020.
10. Notes that the Annual Plan; Budget and Strategic Resource Plan be the Budget prepared for the 2020/2021 financial year for the purposes of Section 126 and 127 of the *Local Government Act 1989*.
11. Note that the Community Plan has been reviewed and no changes are required. Annual Actions for 2020/2021 are included in the Budget.

<b>3.1</b>	<b>Planning Scheme Amendment C42 - Eaglehawk Landfill Buffer Project Consider Authorisation Request</b>
<b><u>RECOMMENDATION</u></b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Request the Minister for Planning to authorise Council to prepare Amendment C242 to the Greater Bendigo Planning Scheme.</li> <li>2. When Authorised by the Minister, publicly exhibit Amendment C242 to the Greater Bendigo Planning Scheme as required under the Planning and Environment Act but extending the period from the minimum of one month to six weeks.</li> <li>3. Support the inclusion of conditions on planning permits to implement the recommendations of the 53V Audit while the planning scheme amendment process is undertaken.</li> </ol>	
<b>4.1</b>	<b>Golden Square Recreation Reserve Master Plan</b>
<b><u>RECOMMENDATION</u></b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Adopt a position in line with Option 1 of the Golden Square Recreation Reserve Master Plan, whereby the Golden Square Pool is retained and existing arrangements between Council and Golden Square Pool Committee be maintained;</li> <li>2. Progress priority plans of all user groups with a solution developed that creates certainty;</li> <li>3. Utilise this information to provide a fully costed plan to put in place for the purposes of advocacy to all potential funding avenues; and</li> <li>4. Acknowledge the engagement, effort and input of all of the Golden Square Recreation Reserve user groups under constraints of COVID-19 to contribute to this outcome.</li> </ol>	
<b>4.2</b>	<b>Draft Community Aquatic Facilities Strategy</b>
<b><u>RECOMMENDATION</u></b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Endorse the release of the DRAFT Greater Bendigo Community Aquatic Facilities Strategy for community feedback;</li> <li>2. Seek community feedback for a minimum of 4 weeks; and</li> <li>3. Receive a further report and recommendations following community feedback.</li> </ol>	
<b>4.3</b>	<b>Community Sports Infrastructure Stimulus Program</b>
<b><u>RECOMMENDATION</u></b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Endorse the funding applications for Ewing Park Redevelopment, Catherine McAuley College Joint Sporting precinct and Ken Wust Reserve pavilion as part of the Community Sports Infrastructure Stimulus Program; and,</li> <li>2. If funded, contribute the necessary financial allocations for these project/s; and</li> <li>3. Authorise the Chief Executive Officer to enter into the necessary contractual arrangements to deliver these projects as soon as practical.</li> <li>4. Retain as confidential items all the Attachments to this report pursuant to Section 3 (1) (a) of the Local Government Act 2020 as they contain business information that would prejudice Council's position in commercial negotiations if prematurely released.</li> </ol>	
<b>8.1</b>	<b>Community Satisfaction Survey 2020</b>
<b><u>RECOMMENDATION</u></b>	
That Council note the report of the 2020 Community Satisfaction Survey and continue to use the results and other data to inform improvements for our community; and secondly, a report be brought back to a Council meeting with all of the information to show what Council does with its customer service activities.	



<b>8.2</b>	<b>Record of Assemblies</b>
<b><u>RECOMMENDATION</u></b>	
That Council note the record of assemblies of Councillors as outlined in this report.	
<b>9.</b>	<b>Urgent Business</b>
<b><u>RECOMMENDATION</u></b>	
That Council consider, as an item of urgent business, a report on the Draft Itinerant Trading Policy.	
<b>9.1</b>	<b>Draft Itinerant Trading Policy</b>
<b><u>RECOMMENDATION</u></b>	
That Council:	
1. Endorse the draft Itinerant Trading Policy; and	
2. Support the release of the draft Itinerant Trading Policy for public consultation for a period of 21 days.	
<b>11.1</b>	<b>Confidential Section 66 Report relating to Council business information</b>

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 15 July 2020, as circulated, be taken as read and confirmed.

## 1. PETITIONS AND JOINT LETTERS

### 1.1 RESPONSE TO PETITION - BROUGHAM STREET TREES

#### Document Information

**Author** Tania MacLeod, Urban Forester, Parks and Open Space

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

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#### Purpose

This report responds to a petition received by Council at the June ordinary Council meeting requesting the City of Greater Bendigo to replant trees in the centre of Brougham Street, Bendigo between Miller Street and Williamson Street.

#### Summary

The following petition has been received from residents of Brougham Street, Bendigo requesting the replanting of trees in the centre median, as outlined below:

*"We, the undersigned residents and ratepayers of Greater Bendigo City Council, formally request Council to replant trees in the centre of Brougham Street between Williamson and Miller Street. We note the following: Brougham St had median street trees until they were removed by Council about 8 years ago.*

*The City's draft Greening Bendigo Strategy notes that around the corner in Marks St, the cooling effect of trees is quite remarkable. By contrast, Brougham St is a wide expanse of heat-generating asphalt. The heat is oppressive, detracts from our amenity, and places existing trees under stress.*

*A number of us water the existing trees in dry times. We are also keen to assist in watering and keeping an eye on any new plantings".*

#### **RECOMMENDATION**

That Council:

1. Endorse for a detailed design to be prepared to construct a treed median between Miller and Williamson Street and costed for consideration in the 2021/2022 Budget; and
2. Advise the lead petitioner of the outcome of this report.

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## Policy Context

### Community Plan Reference:

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

Goal 4                      Presentation and managing growth.

Objective 4.4.      Keep Greater Bendigo attractive with good quality public facilities and places.

4.4.3. Increase urban shade and provide protection for significant and heritage trees through the development of a Greater Bendigo Tree Strategy.

### Strategy Reference (include weblink as applicable):

[Greening Greater Bendigo 2020 – 2070](#)

Action 1.1.      Prepare and implement a ten-year program to increase tree canopy cover across urban areas and townships informed by;

- Local heat vulnerability indexing
- Lack of existing tree cover
- Projected tree losses and the need for succession planting
- Greater Bendigo Public Space Plan (2019)
- Walk Cycle Greater Bendigo infrastructure hierarchy (2019)
- Related strategies and master plans
- Community priorities.

Action 3.2.vi.      Minimise the provision of hard surfaces in public open spaces and where hard surfaces are provided, break these up with vegetation and encourage the use of porous and lightly coloured surfaces.

## Background Information

A petition was received at the June Council meeting requesting the City of Greater Bendigo replant street trees in the centre of the roadway in Brougham Street, Bendigo, between Miller Street and Williamson Street. The petition was signed by 29 people representing 20 houses in this section of Brougham Street and the adjacent Palmerston Street.

Plane trees were planted in tree plots in the centre of the roadway in Brougham Street in the early 2000s. By 2012, these trees had been removed and the tree plots covered over. Anecdotal evidence suggests the trees failed to establish, likely due to a combination of poor below-ground conditions and extreme temperatures over summer.

The residents are petitioning for the replanting of trees in the centre of the roadway in response to the wide expanse of asphalt in the street leading to oppressive summer-time

heat, detracting from streetscape amenity and placing existing nature strip trees under stress.



*Figure 1 (left). A 2007 Google street view photo shows the presence of Plane trees in the centre of Brougham Street.*

*Figures 2-4 (below). Aerial imagery shows the presence of trees in the centre of Brougham street in the early 2000s. These were removed and tree plots sealed over by 2012.*



Fig 2. 2001



Fig 3. 2010



Fig 4. 2012



## Report

The community's request for a treed median in Brougham Street aligns with the principles and targets of the recently endorsed Greening Greater Bendigo strategy to increase tree cover in urban areas and to reduce the impact of extreme heat on the community. Thermal imagery taken of Brougham Street on a day of extreme heat in January 2019 shows that surface temperatures are about 20 degrees hotter here than in the adjacent, heavily treed Marks Street.



*Figure 5. Two thermal images taken in Bendigo in January 2019 demonstrating the effect that street trees have on cooling the surrounding streetscape. Brougham Street is shown on the left; Marks Street on the right.*

Priority/Importance:

Given the lack of tree cover and shade along Brougham Street, this street is a perfect candidate for tree planting in the centre of the road. Due to the width of the road and the presence of above-ground wires, planting additional trees in the nature strip alone would not provide enough shade to cover the roadway to sufficiently decrease local temperatures.

Brougham Street is lacking in shade and suffers from extreme localised temperatures, however, ranks lower on the list of priorities for greening as the immediate community is not as predisposed to heat related illness relative to others across the municipality.

Attention too should be given to other wide streets across Greater Bendigo where a lack of tree cover coincides with heat vulnerable communities. Mapping has been undertaken across Greater Bendigo to identify and prioritise street tree planting in the most 'heat vulnerable' streets. Some identified streets in which a centre-of-the-road treatment would be required to break up the expansive bitumen and introduce shade trees are Grenfell Avenue and Panton Street in Eaglehawk and Gordon Street in Kangaroo Flat.



*Fig 6. Gordon Street, Kangaroo Flat has been identified as priority street for the introduction of shade trees given the lack of shade, expanse of hard surfaces and vulnerability of the surrounding community to extreme heat.*

### Options/Alternatives:

1. Design and prepare a budget submission for the construction of a centre-of-the-road treatment for this section of Brougham Street in the 2021/22 financial year. Consider water sensitive urban design measures to intercept stormwater and passively irrigate new trees.
2. Also include centre-of-the-road treatments for several other heat vulnerable streets as part of the above-mentioned budget submission.
3. Plant trees in vacant spots in the nature strip only.
4. Do nothing.

### Timelines:

|                       |                                                          |
|-----------------------|----------------------------------------------------------|
| August-September 2020 | Design and cost project                                  |
| October-November 2020 | Prepare and submit budget bid for 2021/22 financial year |
| July 2021             | Construction                                             |
| August 2021           | Plant trees and complete landscaping                     |

### Progress:

N/A

### Risk Analysis:

Reinstating street trees to the centre of Brougham Street is a great opportunity to increase canopy cover and reduce summer-time temperatures in the local area, thereby helping to achieve the vision the targets of Greening Greater Bendigo. Furthermore, this project has the support and stewardship of the immediate community.

By not acting on the petition or by planting trees only in vacant sites in the nature strip, insufficient shade will be produced to significantly reduce summer-time temperatures and realise the full benefits of creating a shady, tree-lined street. It would also show a reluctance of Council to implement this newly endorsed strategy.

Delivering urban forest projects in locations across Greater Bendigo, including streets with the greatest need for natural shade, would demonstrate the City's commitment to an equitable distribution of greening outcomes across the municipality.

### **Consultation/Communication**

Should Council support a bid for the construction of any centre-of-the-road treatment, the project will be a collaboration between Engineering and Public Space Design staff.

Affected residents will be informed of the eventual design and project details prior to any works commencing.

**Resource Implications**

A budget to plant 1,800 trees has been allocated for the 2020/21 financial year. This budget does not allow for the design and construction of the type of civil infrastructure that would be required to introduce a centre-of-the-road treatment to Brougham Street.

It is proposed that Presentation and Assets staff design and cost the project for consideration for delivery in the 2021/22 financial year.

Tree planting and maintenance activities can be covered as part of the operational budget for tree planting.

**Attachments**

Nil



## 2. PRESENTATION AND MANAGING GROWTH

### 2.1 10 WILSON STREET, LONG GULLY 3550 - USE OF LAND FOR FOOD AND DRINK PREMISES, AND REDUCTION OF CAR PARKING

#### Document Information

**Author** Beth Lavery, Planner

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

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#### Summary/Purpose

Application details: Use of land for food and drink premises, and reduction of car parking requirements

Application No: DU/108/2020

Applicant: D Scoble Investment Trust

Land: 10 Wilson Street, LONG GULLY 3550

Zoning: General Residential Zone

Overlays: Bushfire Management Overlay 1  
Heritage Overlay 28

No. of objections: 1

A petition containing 92 signatures in support of the application has also been received.

Consultation meeting: No formal consultation meeting was held.

Key considerations:

- Whether the proposed use is consistent with the purpose and objectives of the General Residential Zone;
- Whether the proposed use is likely to result in adverse amenity impacts to surrounding property owners and occupiers;
- Whether the proposed reduction of car parking requirements is acceptable given the context of the land;
- Whether there are any heritage impacts or implications; and
- Whether the proposal represents an orderly planning outcome.

Conclusion: The proposed use of land for a food and drink premises will result in unacceptable amenity impacts to surrounding

property owners both now and into the future in terms of increased emissions from the site, and does not represent an orderly planning outcome for the area.

## **RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Refusal for the use of land for a food and drink premises and reduction of car parking requirements at 10 Wilson Street, LONG GULLY 3550 on the following grounds:

1. The General Residential Zone has a purpose to 'allow... a limited range of other non-residential uses to serve local community needs in appropriate locations'. The location is not appropriate nor consistent with the decision guidelines of the General Residential Zone. The use will result in unacceptable amenity impacts in terms of increased noise and other emissions from the site.
2. The proposed use is not consistent with the decision guidelines of Clause 65 of the Greater Bendigo Planning Scheme, and will not result in an orderly planning outcome for the area.

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## **Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

## **Background Information**

A food truck fitted with coffee making equipment has been operating from the site serving takeaway coffee and packaged foods since June 2019. Planning compliance officers have visited the site a number of times to discuss the existing operations, potential expansion and associated planning (and other) requirements. While there are existing food safety and street trader approvals, no planning permit has been granted for this use of the land.

## Report

### Subject Site and Surrounds

The subject land is a rectangular allotment of 1,012m<sup>2</sup>, with a depth of approximately 50m and a frontage of approximately 20m to both Wilson Street and Bennett Street. An existing single storey dwelling is located along the Wilson Street frontage, with vehicle access to the site existing from both Wilson Street and Bennett Street, with the latter providing access to an existing outbuilding which abuts Bennett Street. A shipping container is located near the outbuilding. The remainder of the land contains an established garden and vegetation.

The land is surrounded by residential properties to the immediate north, south and east, while land opposite the site in Bennett Street is the site of the former Long Gully Swimming Pool. Further west of the land is a strip of commercial properties which run along Eaglehawk Road (Loddon Valley Highway), containing a discount chemist, car park, fish and chip shop and post office outlet on the eastern side of the road, and a vet and cleaning company along the western side of the road.

A church is located north of the land at the corner of Daly Street and Wilson Street, which is included on the Victorian Heritage Register (Uniting Church and Sunday School, reference: H1373).

Bennett Street is a wide, sealed, single carriageway with a wide verge on both sides of the road and a generous nature strip. There is no kerb and channel or sealed footpath.



**Figure 1:** Location map showing subject site. Objector's property is marked with a star.



**Figure 2:** Existing coffee truck operating from the site along Bennett Street frontage.

### Proposal

This application seeks to use the existing outbuilding along the Bennett Street frontage for a food and drink premises. The building would be fitted out with a kitchen for the preparation of food and drink for consumption on and off the premises, along with formalising seating areas and drinks service areas.

A minor change to the façade of the shed is also proposed, fitting a large window and door to the existing opening along Bennett Street. A pizza oven is also proposed to the south of the outbuilding, near the property boundary.

Toilet facilities will be provided adjoining the existing building to the north.

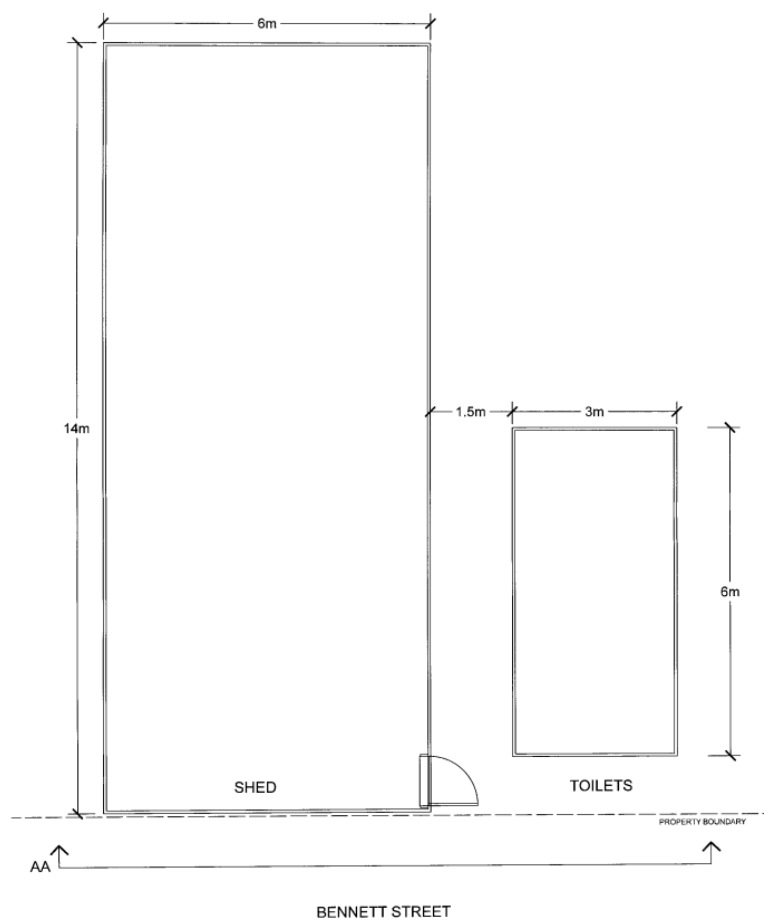
No parking for the proposed use would be provided on site, and as such, the application also seeks to waive the parking requirement set out at Clause 52.06 of the Planning Scheme.

It is important to note this proposal is not just looking to formalise the current (unpermitted) use, it proposes to intensify and expand the existing use.

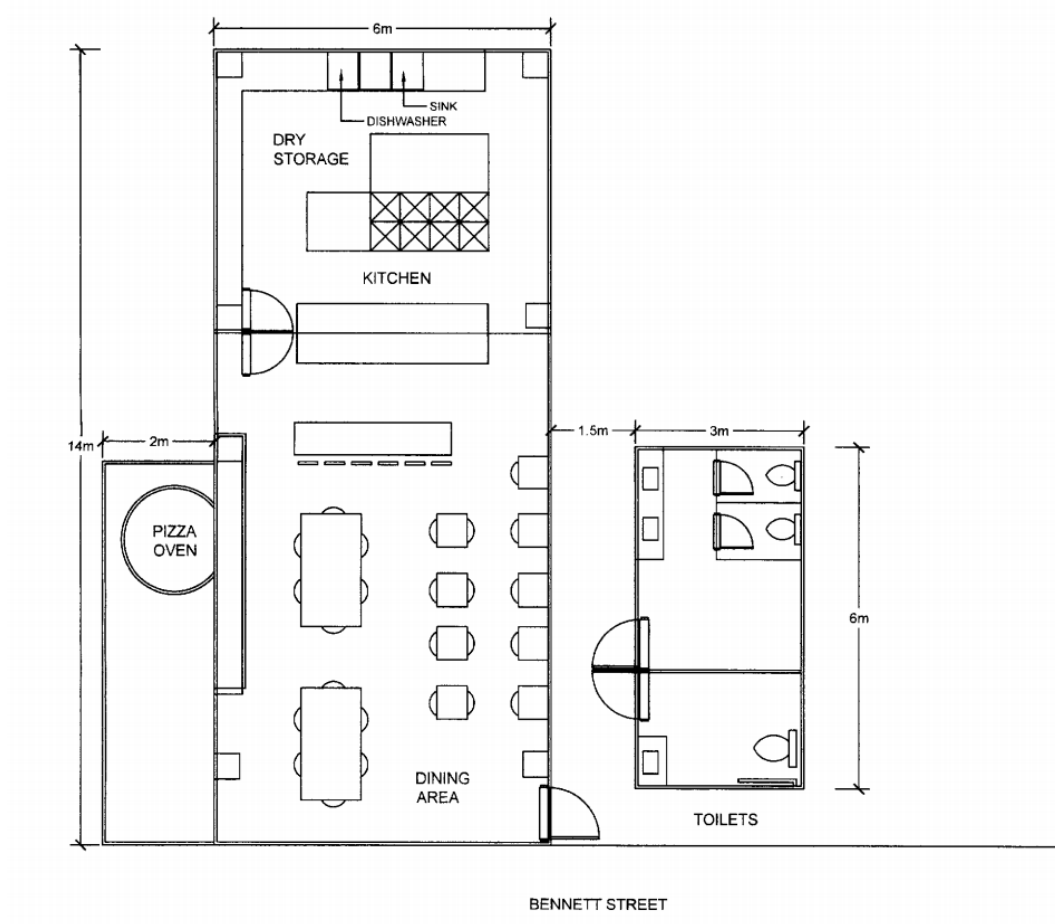




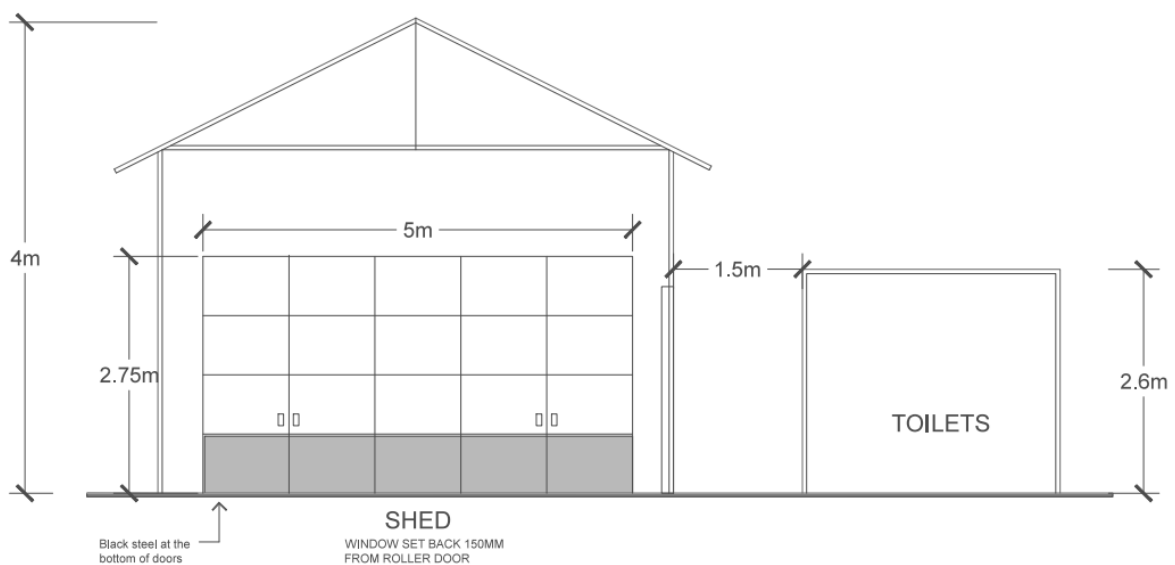
**Figure 3:** Aerial view of site marked up to show existing conditions and proposed works.



**Figure 4:** Proposed site plan



**Figure 5:** Proposed floor plan.



**Figure 6:** Proposed elevation plan.

## Planning Controls - Greater Bendigo Planning Scheme

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

### State Planning Policy Framework

- 11.03-1S – Activity Centres
- 11.03-6S – Regional and local places
- 13.02-1S – Bushfire planning
- 13.05-1S – Noise abatement
- 13.07-1S – Land use compatibility
- 15 – Built environment and heritage
- 15.01-1S – Urban design
- 15.01-5S – Neighbourhood character
- 15.03-1S – Heritage conservation
- 17 – Economic development
- 17.01-1R – Diversified economy – Loddon Mallee South
- 17.02-1S – Business
- 18.02-4S – Car parking

### Municipal Strategic Statement

- 21.02-1 – Compact Greater Bendigo
- 21.02-3 – Economic development
- 21.05-3 – 10 minute neighbourhoods
- 21.05-9 – Managing risk
- 21.07-2 – Activity centres

### Local Planning Policies

- 22.06 – Heritage policy

### Other Provisions

- 52.06 – Car parking
- 65 – Decision guidelines
- 65.01- Approval of an application or plan

## Consultation/Communication

### Referrals

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

Referral	Comment
CFA	Not yet received.
Heritage Advisor	No objection.

Referral	Comment
Environmental Health	No objection from a Food Act registration point of view, however significant concerns raised regarding increased emissions from the site and how these will be appropriately managed.

### Public Notification

The application was advertised by way of notices to adjoining and nearby owners and occupiers.

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

- Excessive noise generated from the existing (unpermitted) use, particularly early in the morning, from the site itself and visitors arriving to and from the site.
- Not consistent with home business regulations.
- Use better suited to an existing café in a commercial area, not in a quiet residential area.

The elements outlined in the objection are discussed further in the planning assessment below.

A petition containing 92 signatures in support of the proposal was also received.

### **Planning Assessment**

#### Is the proposed use appropriate in a residential area?

The purpose of the General Residential Zone includes allowing ‘...*educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*’.

To assist in the assessment of non-residential use and development, the Zone sets out a number of decision guidelines, which include:

- Whether the use or development is compatible with residential use;
- Whether the use generally serves local community needs;
- The scale and intensity of the use and development; and
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Of particular relevance to the assessment of this application are the questions of compatibility with residential use, and the scale and intensity of the proposed use. The impacts of traffic will be discussed later in this report in response to the proposed reduction of car parking requirements.



The proposal involves fitting out the existing outbuilding to contain a food and drink premise. While an outbuilding is a common and often visible presence in the residential context, the conversion of one into a place where the public will gather is not. Indeed, an outbuilding is constructed to a much different standard than a commercial premise and in this regard it is noted that the work required to amend the class of building is likely significant.

While the current (unpermitted) use of the site with the coffee truck has acted as a 'test' for the viability and popularity of such a venture, the current operations do not reflect a true test of the potential amenity impacts that may be generated from the permanency and proposed intensified use of such a venue.

The proposed use will result in increased emissions from the site than are generally expected in a residential setting, and an increase in those currently being created with the coffee truck – with these emissions including potential noise from amplified music, fixed plant equipment (for example air conditioning or fridge compressors), increased vehicles and patrons in the area, and smoke from a pizza oven – with the latter being located precariously close to the property boundary shared with 8 Wilson Street.

No evidence has been provided with the application to demonstrate the ability of the proposal to manage these emissions and comply with State Environmental Protection Policies regarding noise and smoke. While there is the potential for these matters to be controlled via condition in any permit granted, it makes good planning sense to ensure that these can in fact be met prior to granting approval, rather than dealing with a lack of compliance once a permit is granted. This is especially the case where a use is already operating. The application also fails to provide adequate detail on where such noise generating plant may be located and any measures proposed to mitigate any emissions, or what measures will be implemented to ensure that waste management or deliveries to the site will be conducted within suitable residentially compatible hours.

It is also important to note in assessing the proposal that while a permit *may* be granted for such uses within the Zone, this does not imply that a permit *should* be granted (emphasis added). It is conceded that the use may serve a local community need and indeed that there may be some social benefits to the proposal from a community point of view, however it is not considered that this need should override the need for orderly planning of the area, nor the rights of adjoining property owners to have their amenity protected and not impacted upon through an inappropriately located use. In this instance it is considered that the granting of a permit would represent an unacceptable planning outcome for the site and broader area.

Further, the approval of such a proposal would result in the constant need for regulation of the use – any future expansion or growth of the premises would require continued planning permission, a frustrating exercise for an entrepreneurial business owner and a drain on the resources of the regulators (the City) to be continually assessing piecemeal changes to the site and how it is used. In contrast, a commercial zone allows such uses without the need for a planning permit, ensuring that commercial growth is encouraged without unnecessary ‘red tape’. For these reasons, a commercially zoned property to house the proposed use would be considered a much more suitable alternative, or potentially a former commercial premise in a residential area which has been constructed and/or fitted out to address many of the concerns outlined above, or by virtue of location has lesser residential impact such as being located along a main thoroughfare.

The proposed use of the land for a food and drink premise will result in impacts to amenity beyond those which could be reasonably expected in a residential setting, and invites potential land use conflict both now and into the future as the premise seeks to expand. It is considered that the application fails to meet the tests set out within the zone for non-residential uses.

Are there any heritage implications resulting from the proposal?

The extent of external buildings and works proposed as part of the application are minor and limited to the installation of a new window/door along the Bennett Street frontage. The outbuilding itself does not have any heritage significance and these changes to the building will not interfere with the heritage fabric of the precinct, particularly the heritage listed church to the north of the land. It is considered that the proposed works are acceptable in terms of the objectives of the Heritage Overlay and heritage policies within the Planning Scheme.

Is the reduction in car parking requirements appropriate?

Car parking requirements which apply to a use are set out in Table 1 at Clause 52.06 of the Greater Bendigo Planning Scheme. For a food and drink premises, a rate of 4 spaces to each 100 square metres of leasable floor area is required, which equates to a total of 3 car parking spaces to service the proposal. The application seeks a full waiver of this requirement, with no on site car parking provided to support the proposed use. Instead, the existing informal parking located adjoining the site on both sides of Bennett Street is proposed to be utilised.

A number of decision guidelines must be considered by the responsible authority prior to granting any permit to reduce the number of spaces required under the clause, such as the availability of alternative car parking in the locality; the impact of fewer car parking spaces on local amenity; and the character of the surrounding area and whether reducing the car parking provision would result in a positive urban design outcome.

The site is fortunate to adjoin Bennett Street which is wide with a generous verge on both sides which currently allows informal parking comfortably with minimal impact on the road itself. In the context of this application, the proposal to not supply any parking on site and to rely on these existing conditions is not considered unreasonable, and is unlikely to exceed the capability of the area to safely contain this extra traffic. As such, a reduction in car parking requirements to support such a proposal is considered reasonable.

#### Consistency with planning policy

The protection of community amenity, whilst also facilitating appropriate commercial development, is considered at Clause 13.07-1S of the Planning Scheme. This is to be achieved through ensuring that use and development of land is compatible with adjoining and nearby land uses, avoiding locating inappropriate land uses in areas that may be impacted by adverse off-site impacts from commercial uses, and avoiding these impacts through land use separation, siting, building design and operational measures. Similarly, Clause 13.05-1S (Noise abatement) seeks to control the impacts of noise on sensitive land use, through ensuring that community amenity is not reduced by noise emissions, and by using a range of building design, urban design and land use separation techniques as appropriate.

The proposed use of the land for a food and drink premise will generate adverse amenity impacts through an increase of noise and other emissions from the site, within a sensitive environment (residential area). No design techniques or other measures to mitigate potential emissions from the site have been detailed in the application, making it difficult to be satisfied that the intentions of both of these policies can be achieved.

State and local planning policy also refers to the use of 'Activity Centres' to direct development into areas which are highly accessible by the community. *The Commercial Land and Activity Centre Strategy, 2015* has been prepared by the City to provide a framework for how the activity centres are planned, and seeks to support a strong and diverse network of activity centres throughout the city and the municipality. The Strategy identifies the Long Gully commercial precinct as a 'neighbourhood activity centre' - a small centre with a small number of shops that meet common day to day needs. A key strategy of the Activity Centre policy at Clause 21.07-2 includes avoiding further expansion and encroachment of small scale commercial developments into adjoining residential areas. The current proposal would see a commercial development located outside of this commercially zoned centre into the nearby residential area, and would therefore be at odds with the intent of this policy.

While policy relating to economic development encourages the growth and diversification of local economies (Clauses 17.01-1S, 17.01-1R and 21.07-1), it is important this growth is directed into appropriate areas, such as designated activity centres.

As noted earlier within this report, the proposal is consistent with policy surrounding heritage conservation, with proposed works to the existing shed having minimal impact on the streetscape and heritage precinct. Likewise, in terms of parking, the proposal to waive parking requirements for the proposal is considered consistent with the intent of local and State policies regarding car parking. Bushfire risk to the site can also be appropriately mitigated.

## **Conclusion**

The application is acceptable in terms of the requirements of heritage policy and the Heritage Overlay, as well as the proposed reduction in car parking requirements, with parking generated by the proposal expected to be reasonably contained within existing informal parking areas adjoining and nearby to the site. The proposal will, however, result in significantly increased emissions from the site in the form of patron noise, plant noise, traffic and smoke, beyond that which would be normally and reasonably expected in a residential setting, and is considered incompatible with surrounding residential uses. The application has failed to adequately demonstrate how the proposal will address these threats to amenity and is likely to result in unacceptable amenity impacts to surrounding property owners and occupiers. Further, there is the potential for these amenity impacts to increase as the proposed use evolves, inviting future land use conflicts. Approval of the application will not result in an orderly planning outcome for the area, and refusal of the application is recommended on this basis.

## **Options**

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

## **Attachments**

- Objection
- Petition

## 2.2 PLANNING SCHEME AMENDMENT C222 - HUNTLY DCP CONSIDER PANEL REPORT AND ADOPTION OF AMENDMENT

### Document Information

**Author** Alison Kiefel, Amendments Planner

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

### Summary/Purpose

**Amendment details:** Amendment C222 proposes to implement the *Huntly Development Contributions Plan* August 2020 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 two existing playgrounds.

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.

Amendment C222 and submissions made to it, were forwarded to Planning Panels Victoria for a recommendation. The Panel recommended that the Amendment be adopted with minor changes.

This will be the first residential development contributions plan for the City.

**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:

1. Adopt Greater Bendigo Planning Scheme Amendment C222 with changes.
2. Forward the adopted Amendment to the Minister for Planning for Approval.

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## **Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 1: Lead and govern for all

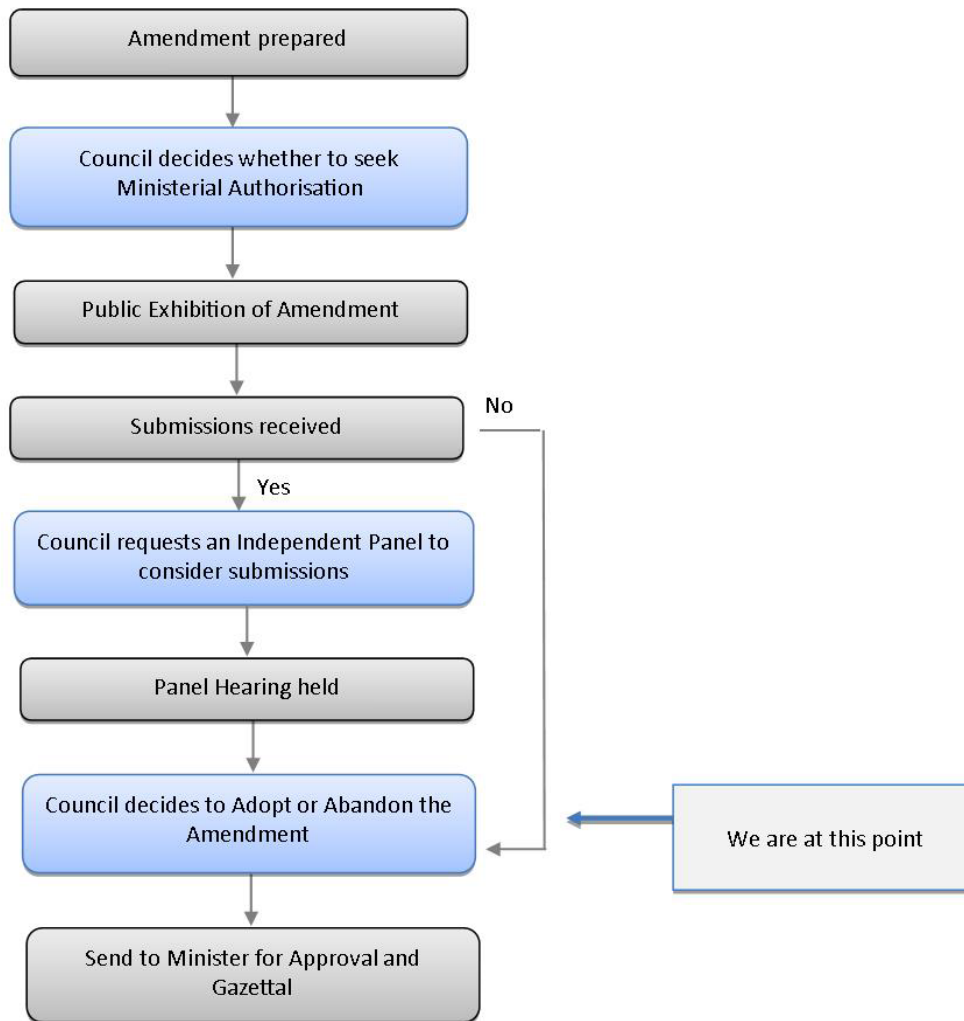
- Be innovative and financially responsible.
- Be accountable and efficient in its use of the community's money.

Goal 4: Presentation and managing growth

- Plan for a growing population; specifically; optimise 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 2020 (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 or drainage.

The Huntly growth area is proposed to accommodate 6,000 people and deliver infrastructure to the value of \$23.7 Million. Development Contribution Plans (DCPs) are not a full cost recovery model and there will be obligations on Council to also contribute to the delivery of infrastructure.

### Previous Council Decisions

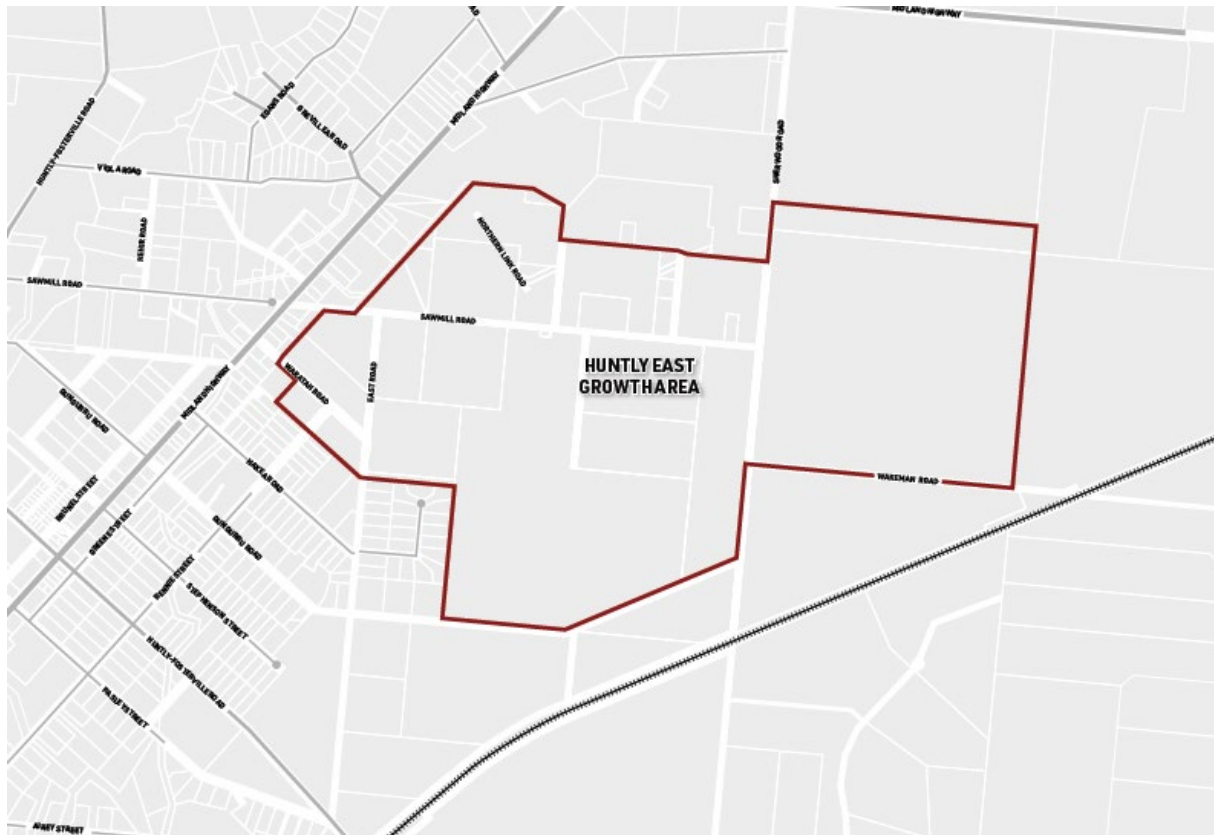
21 August 2019 – Council resolved to adopt Huntly DCP, seek authorisation and exhibit C222.

18 March 2020 – Council resolved to accept all late submissions and refer outstanding submissions to an independent Panel.

## Report

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

### Land affected by the Amendment



The Huntly DCP Overlay (DCPO) is proposed to apply to the growth area north of the existing town centre, on the eastern side of the Midland Highway. The area impacted includes approximately 32 properties, covering a total of 247ha of land.

An additional 400 properties (approximately) at Viewpoint, within the growth area, that have already been developed will also have the DCPO applied but will not be required to pay a contribution as the developer has already done this at the time of subdivision.

There are also 6 private landholders that will be impacted by future works to upgrade the existing Midland Highway/Waratah Road intersection. These properties are outside the DCP area and the City is in discussions with the landowners regarding future purchase by agreement.

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 and Development Overlay Schedule 11 (Huntly Transition Area), and a Native Vegetation Precinct Plan. Two areas (approximately 30ha 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 to include a new sub-clause for Development Contributions Plans.
- Rezones Reserve 1, Sawmill Rd, Huntly (district park) and 1 Autumn Close (neighbourhood park) to Public Park and Recreation Zone.
- Rezones Whirrakee Parade Road Reserve, Reserve 2, Whirrakee Parade, Part of Lots 324, 325 and 326 PS701835 (Whirrakee Parade) to General Residential 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.
- Amend the Schedule to Clause 72.03 to insert Planning Scheme Maps 9DCPO and 12DCPO.
- Amend the Schedule to Clause 72.04 to insert *Huntly Development Contributions Plan*, Mesh, July 2020, into the Incorporated Documents Schedule.

#### **Consultation/Communication**

##### Exhibition Procedures

The Amendment was exhibited for one month from 14 November to 16 December 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 13 November and 15 November 2019.
- Publication of the notice of the Amendment in the Government Gazette on 14 November 2019.
- Access online.
- An information session held 25 November 2019 at Huntly Strauch Reserve.

##### Submissions

Six submissions were received during the exhibition period. Two submissions were referred to the independent panel.

The key issues raised by the submitters included:

- The location and related issues of the proposed Midland Highway and Waratah Road intersection.
- The nexus between some proposed projects and future users of the infrastructure to be provided.
- Whether there is an equitable distribution of costs between existing users, new development and other development external to the DCP area.
- Whether it is appropriate to fund some existing infrastructure through the DCP.

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

### The Panel Hearing

The Minister for Planning appointed an Independent Panel to consider the Amendment. The Hearing was held on 9 and 10 June 2020 via video conference (due to COVID-19 restrictions). The Panel (of one member, Mr Roger Eade) has considered all written and oral submissions and material presented to it in connection with the Amendment. Council was represented by Maddocks and called expert evidence by MESH.

### The Panel Report and Recommendations

The Panel Report was received on 30 June 2020 and contained 2 recommendations. Under Section 26 of the *Planning & Environment Act 1987*, the Panel Report was automatically released to the public on 28 July 2020, 28 days following its receipt and is available on the City's web page.

In summary, the Panel supported the Amendment as exhibited with minor changes.

The Panel Report summary concludes:

- The Development Contributions Plan is broadly strategically justified through the Planning and Policy Framework.
- The Development Contributions Plan is appropriately based around approved development plans for significant part of the Development Contributions Plan area.
- The location of and planning for the intersection of Midland Highway and Waratah Road is appropriate.
- The inclusion of proposed Development Contributions Plan projects is appropriate.
- The funding of Development Contributions Plan projects is appropriately allocated between existing users, future residents and residents current and future external to the Development Contributions Plan area.

The following table lists the Panel's recommendations, which are of a minor nature, and all recommendations are proposed to be adopted.

| Rec. No. | Panel Recommendation                                                                                                                                     | Officer Recommendation             |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1a       | Amend the reference to the length of the shared path in project PC02 on pages 20, 34 and 39 to 2,075 lineal metres.                                      | Accept the Panel's recommendation. |
| 1b       | Replace the last sentence in column 2 of section 4.1 with 'In summary, 9% of project IT01b is attributed to the UGZ land. Therefore, the Huntly DCP area | Accept                             |

| Rec. No. | Panel Recommendation                                                                                                                                                                                                                                                                       | Officer Recommendation |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|          | generates 74% of the demand for project IT01b.'                                                                                                                                                                                                                                            |                        |
| 1c       | Replace the text in column 2 of Table 6 for the section on 'land' with 'Estimates of land value will be revised annually by a registered valuer based on a site-specific methodology for each lot that includes land for a Development Contributions Plan project.'                        | Accept                 |
| 1d       | Add the following to Column 2 of Table 6 to the 'Road drainage and shared paths section', 'Project RD01a will be indexed subject to CPI (All groups Melbourne) as this land has already been provided and applying consumer Price Index will ensure the charges keep pace with inflation.' | Accept                 |
| 1e       | Amend the first sentence of section 8.2.1 to replace the word 'five' with 'four'.                                                                                                                                                                                                          | Accept                 |
| 1f       | Append all project sheets to the Development Contributions Plan and replace all references to the Concordance Confidence Index in indexation sections by the Producer Price Index.                                                                                                         | Accept                 |
| 1g       | Add figure 6 from the evidence of Mr De Silva to section 4, together with a sentence explaining what the figure represents.                                                                                                                                                                | Accept                 |
| 1h       | Amend the table on page 39, with reference to project IT01b to add the words 'Precinct 3' to the second last column and delete the words 'external apportionment' from the last column.                                                                                                    | Accept                 |
| 1i       | Amend all table to update all project costs prior to adoption, following completion of Council's review.                                                                                                                                                                                   | Accept                 |
| 2.       | Amend Development Contributions Plan Overlay Schedule 2 to reflect project cost updates set out in Recommendation 1i.                                                                                                                                                                      | Accept                 |

The Panel also considered the Ministerial Directions for DCPs and agreed that Council has appropriately met the guidelines. Specifically, the Panel concluded:

- *The use of a single charge area for the Huntly DCP is appropriate.*
- *That the inclusion of planning costs associated with the Huntly DCP is an appropriate project for inclusion in the DCP.*
- *That the connectivity suggested by the Department of Transport can be provided [for the proposed Huntly Railway Station].*
- *That the indexation approaches in the exhibited DCP amended proposed at the Hearing are appropriate.* (As detailed in the above table of recommendations).

The Panel considered the 2 outstanding submissions, by Huntly Property Holdings and Ms Amory. An overview of the Panel's commentary is further discussed below.

#### Huntly Property Holdings

Huntly Property Holdings (HPH), who did not present at Panel, raised concerns that were summarised as:

- Nexus between development and need for infrastructure, together with the need for interim and ultimate works.
- External apportionment

HPH challenged the justification of projects OS01 (district park), IT03 (Epsom Barnadown Road/ Huntly – Fosterville Road/Inglis Road intersection), and RD05 (Wakeman Road) in the DCP and inclusion of both an interim and ultimate works (RD01a/RD01b – Waratah Road, and IT01a/IT01b – Waratah Road and Midland Highway intersection).

The City submitted and called evidence by MESH, which identified support for all DCP items, including the district park and those intersections and roads specifically questioned by HPH. The City's submission identified the following key justifications:

1. The supporting Traffic Impact Assessment by Trafficworks that identified:
  - The Waratah Road/Midland Highway intersection is likely to require upgrade to signalisation to manage queue times and length, and ultimately later to require additional lanes along the Midland Highway to adjust for increased development vehicles and normal growth in traffic volumes along the Midland Highway.
  - Over 30 times the daily vehicle movement along RD05 as a result of development, triggering the need to upgrade Wakeman Road.
  - Clear increase in traffic at intersection IT03 from Inglis Road, in direct proportion to the increase in development anticipated by the DCP area. This will increase queue times and lengths, and the intersection will operate at 'very poor' conditions in the AM peak.
2. It is also acknowledged, that it's common to have interim treatments in DCPs for projects for various reasons such as costs, the need to secure additional land that is privately owned, and where the intersection is with an existing highway or arterial road.
3. In regard to the district play space (OS01) the City submitted; *'the provision of smaller neighbourhood or local level open spaces does not obviate the need to contribute towards a higher order district level space. Not only would the Provenance Estate fall within the catchment of the district open space, but it would serve a different and higher order function than that which is anticipated to be delivered in Provenance'* [HPH development]. This was further supported by MESH evidence and the *Public Space Plan 2019* adopted by Council.

The City explained the external apportionment breakdowns for each project; specifically, 18% for most projects relate to the portion attributed to the Urban Growth Zone, and an additional 9% for IT01b (ultimate intersection at Waratah Road /Midland Highway) for the portion attributed to future growth on the western side of Midland Highway. The Panel was satisfied with this and concluded that *'external apportionment proposed for all projects is appropriate'*.

## Ms Amory

Ms Amory who presented at the Panel Hearing, raised several issues on how the proposal will impact her and the property at 705 Midland Highway. The Panel separated the issues into 2 categories; issues directly relevant to the amendment and those that are a matter for resolution otherwise, either with the City or via detailed design. The latter included issues related to the future vehicle access point, the suitability and safety of the future access, the value/price for acquisition of the portion of land requested, and an increase in noise from traffic.

The Panel considered Ms Amory's proposal to have the Midland Highway and Waratah Road ultimate/signalised intersection 'offset' to avoid property acquisition, and/or redirect traffic to have the ultimate intersection at Gungurru Road (to the south of the area). The Panel agreed with the City and concluded *'that the proposed intersection works at the intersection of the Midland Highway and Waratah Road are appropriate as there was no viable alternative proposed.'*

## **Conclusion**

The adoption of the City's first residential DCP (and Amendment) will provide timely delivery of infrastructure such as roads, paths and play spaces for new development areas. Together with a fairer method of funding, where developers pay a portion or deliver the infrastructure, that directly benefits their development/s.

It is recommended that Council adopt the Amendment with changes recommended by the Panel and forward the adopted Amendment to the Minister for Planning to approve. This will complete the Amendment process and the new Development Contributions Plan Overlay and minor zoning changes will apply.

## **Options**

Council has the option of:

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

## **Resource Implications**

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

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

## **Attachments**

1. Explanatory report.
2. Huntly DCP
3. Amendment documents.
4. Panel report.

## 2.3 VICTORIAN SERIAL LISTINGS HERITAGE REPORT AND FORMER SHIRE OF HUNTLY HERITAGE STUDY STAGE 1 - ADOPTION

### Document Information

**Author** Emma Bryant, Amendments and Heritage Coordinator

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

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### Summary/Purpose

The purpose of this report is to recommend that Council adopt *A report into Heritage Serial Listings for Victorian Houses* July 2020 prepared by Amanda Jean and Dr Charles Fahey. This is ground breaking historical research conducted by two highly regarded heritage professionals and will be used to support the justification of heritage serial listings in future heritage studies.

This report also recommends the adoption of the *Former Shire of Huntly Heritage Study Stage 1 Volumes 1 and 2*, Dr Robyn Ballinger, History Making Pty Ltd. June 2020. This Study provides, for the first time, a comprehensive history of the former Shire of Huntly and recommends potential heritage places for further assessment and protection. This Study will be used to inform and engage with the community when undertaking the Former Shire of Huntly Heritage Study Stage 2.

### **RECOMMENDATION**

That Council:

1. Adopt the *A report into Heritage Serial Listings for Victorian Houses*. Amanda Jean and Dr Charles Fahey, July 2020
2. Adopt the *Former Shire of Huntly Heritage Study Stage 1 Volumes 1 and 2*. Dr Robyn Ballinger, History Making Pty Ltd. June 2020.

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### Policy Context

#### Greater Bendigo Community Plan 2017 – 2021

Goal 6: Embracing our culture and heritage

Objective: Celebrate our unique heritage

Major initiative: Undertake relevant heritage studies in accordance with Council's Built Heritage Strategy.

## City of Greater Bendigo Planning Scheme

### *State Planning Policy*

#### Clause 15 Built Environment and Heritage

- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

#### Clause 15.03-1S Heritage conservation

The objective of this clause is to:

- *To ensure the conservation of places of heritage significance.*

### *Local Planning Policy*

#### Clause 21.02-2 Environment

##### Managing heritage sites and places

- *The heritage places of Greater Bendigo can be considered as some of the region's most valuable assets which set the city apart. The municipality has one of the highest numbers of State significant buildings, with some assets of potential international significance. These assets reflect the major role that Bendigo played in one of the biggest gold rushes and migrations in the world. Heritage places in Greater Bendigo encompass buildings, structures, gardens and vegetation, landscapes and other items associated with the history and settlement of the area. These places are located on private and public land, including sites in parks, conservation reserves and forests. Some of these may be indigenous sites, or ruins such as historical archaeological sites. Sites of natural significance, specifically of geological value, are also within the Greater Bendigo area.*

#### Clause 22.06 Heritage policy

The objectives of this clause are:

- *To retain heritage assets for the enjoyment, education and experience of residents, visitors and future generations of the municipality.*
- *To ensure that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts.*
- *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*

## Previous Council Decisions

21 August 2019 - Council resolved to adopt the *City of Greater Bendigo Heritage Gap Analysis*.

## Background Information

The *City of Greater Bendigo Heritage Gap Analysis 2019* (Gap Analysis) identified as high priority for completion, a heritage study into potential heritage overlay serial listings for Victorian housing, particularly mining related, and a heritage study of the Former Shire of Huntly, as one has never been formally undertaken.

Geographical heritage studies are undertaken in two stages:

- Stage 1 compiles a general history of the area, provides a thematic history that identifies the historic themes of how an area has developed, and lists potential places of heritage significance.
- Stage 2 then assesses in detail the heritage significance of individual places and precincts.

## Report

### Victorian Serial Listings

The objective of *A report into Heritage Serial Listings for Victorian Houses* (Serial Listing Study, see Attachment 1), was to determine whether some dwellings constructed in Bendigo from 1850 to around 1910, could be included in a serial listing heritage overlay or overlays.

Heritage overlay serial listings are another form of heritage protection in the planning scheme, as opposed to individual heritage overlays for highly significant places and precinct overlays, for broad consistent areas, which are more commonly used. Serial overlays can give heritage protection to a collection of places that have a unifying theme but may not be geographically adjacent. They can be a very efficient way of identifying and protecting heritage places, rather than assessing places individually.

The City currently only has one existing serial listing; HO999 Miners' cottages – Bendigo, Ironbark, Long Gully, North Bendigo and West Bendigo, which was developed as part of the *Ironbark Heritage Study 2010*.

Because of Bendigo's mining history, Bendigo developed in a haphazard fashion rather than in the usual uniform way of whole suburbs being built over a particular era, as in Melbourne. The result being that uniform heritage precincts are difficult to identify and justify in Bendigo.

The Serial Listing Study has undertaken ground breaking research by finding that Bendigo is almost unique in its pattern of development, with early housing developing across the City around creeks, mine shafts and geological reefs. No previous heritage studies undertaken by the City have identified this development pattern before.

The Study found that in Bendigo:

- Settlements occurred along lines of reef and around mine shafts all over the City rather than in suburbs.
- Bendigo was an unusually working-class town with almost half the population working in mining or related industries for many decades.
- Bendigo did not experience the economic patterns of 'Boom and Bust' associated with Melbourne, as the gold market caused different cycles.



- Bendigo's development pattern was largely determined from the 1860s to 1920s.
- There were different phases of development that were closely aligned to the different mining acts that controlled how miners worked and lived. Crown land reserved for mining was tightly controlled by the different Mines Act and the Residence Areas Act.
- In the 19<sup>th</sup> century, the Sandhurst Mining District was the largest Crown land goldfield in Victoria and nearly 90% of Bendigo's population constructed their homes there.
- Previous heritage studies have focussed more on private building development on private land.
- Serial listings are justified because of the scattered nature of development and the amount of infill and house removal that has occurred over time, leaving gaps in potential precincts.

The Study recommends the creation of three new serial listings and expansion of the existing miners' cottages serial listing to make four serial listing heritage overlays, as described below:

1. Quartz Gold Boom Miners' Houses.

Modest timber frame, weatherboard, hip roof houses associated with the 1870s quartz mining boom and the 1865 Mines Act and 1181 Residence Areas Act.



Quartz Boom Miners' Houses in Golden Square

2. Workers and Mine Speculator's Houses.

Increasingly opulent housing styles due to increased security of tenure. Housing associated with later opening of mining land to non-mining manual and skilled workers, and widows of miners, associated with the Mines Acts of 1890, 1892, 1897 and 1910.



Workers and Mine Speculator's Houses in Golden Square

### 3. Quartz Reefers' Houses.

Early colonial regency style houses built by successful miners, speculators and quartz reefers. Usually built very close to their mines. Usually built of brick or stone. Fortuna is a prominent and large example. This listing could be of State significance.



Quartz Reefers' Houses in Golden Square

### 4. Ironbark Miners' Cottages amended for wider expansion.

All early gable roofed miners' cottages associated with the Miner's Rights Act 1855 and the Mines Act 1856, and with alluvial, puddling and early quartz reef mining.



Miners Cottages in Golden Square

These serial listings have been tested in the Golden Square area and will be introduced into the Planning Scheme as part of the Golden Square Heritage Study and will be used in other future heritage studies where relevant.

### Former Shire of Huntly Heritage Study

The *Former Shire of Huntly Heritage Study Stage 1* (Huntly Heritage Study Stage 1, see attachment 2) was commissioned to:

- Prepare a Thematic Environmental History of post-contact settlement and development of the study area up until the 1980s that can be used for a Stage 2 study; and
- Identify post-contact historical places of potential cultural heritage significance in the study area that were discovered in the course of research and that are not protected by a heritage overlay.

This comprehensive Study was undertaken with extensive community engagement over the period of December 2019 to early March 2020, including discussions with local, long time residents, the Huntly and Districts Historical Society, the Elmore Progress Association Museum and public information sessions. Unfortunately, the consultation had to stop due to the COVID 19 outbreak, but a lot of valuable input was obtained.

As the Former Shire of Huntly has never been comprehensively studied for heritage places, except for the southern corner south of Howard Street that was assessed in the *White Hills and East Bendigo Study Part 2* 2017, the only heritage overlays currently in the area are Victorian Heritage Register (VHR) places, eg former Huntly Court House and Shire Chambers, Elmore Railway Station, Bendigo Pottery.

The Former Shire of Huntly was proclaimed in 1866 and amalgamated into the City of Greater Bendigo in 1994. It covers an area of 878 square kilometres and incorporates two geomorphic divisions: the Midlands region of the Western Victorian Uplands and the Murray Basin Plains.

Sheep and cattle grazing were established by pastoralists on large runs from the 1830s, displacing the original inhabitants; the Dja Dja Wurrung, Barapa Barapa and Taungurung Aboriginal peoples. Homesteads from this time are still existing today including Campaspe Park which is on the VHR.



Campaspe Park homestead

European occupation intensified with the discovery of gold in the 1850s and the mining of the deep lead at Huntly in 1859. Goldmining extended to May Reef in 1869, and to the Kamarooka and Fosterville areas in the 1890s, where townships were formed. The former mines were significant contributors to the wealth of the Bendigo-Eaglehawk region and their remains and early associated residences can be seen in the landscape today.





Miners at Fosterville in 1886.

From the 1860s the pastoralist runs were broken up to provide land for farms to support the burgeoning goldfield population and a significant wheat and sheep industry was established. Subsequently, several settlements and townships were founded to provide services to their agricultural hinterlands.

The Riverine Plain of the study area has been the focus of agricultural activity since the early 1870s with several farm complexes, built from the Victorian era through to the 1960s, still in evidence. Essentially a flood plain characterised by myriad waterways, early infrastructure also comprised the building of fords and bridges, which have been upgraded and are still in use. At the same time, local creeks and water supplied by the Coliban scheme, supported market gardens and orchards in the southern part of the Shire to supply the needs of miners on the Bendigo goldfield. Gold immigrants supported a strong horticultural industry; Chinese migrants in market gardening and Swiss-Italians making wine, with a large tomato growing industry establishing from the 1920s.

Foundries and manufacturing industries were also established to support the mining and agricultural industries, with HV McKay at Drummartin, the most well-known with the invention of his Sunshine Harvester in 1884. In 1864 George Guthrie established the Bendigo Pottery, already on the VHR.

The opening of the Melbourne-Murray River railway line in 1864 saw the surveying of townships at Elmore (originally named Runnymede) and Goornong, and the establishment of settlements at Bagshot and South Elmore (today's Avonmore), and the construction of several railway stations.

Immigrant German architect William Vahland designed churches, civic buildings and residences in Huntly and Elmore. Melbourne architects were also responsible for bank and hospital designs in Elmore. Many of these buildings still exist in Elmore today and contribute to the area's architectural/aesthetic and social significance.

After World War I, soldier settlement and the economic boom of the 1920s brought further development to the Shire but this slowed with the widespread economic depression of the 1930s.

Since the 1960s, advances in agriculture coupled with farm aggregation, has led to many districts of the study area experiencing a decrease in population. Conversely, the populations of the Huntly township and Epsom have increased since the 1980s, with recent greenfield residential developments giving these areas a more suburban appearance.

Residences in the Former Shire of Huntly range from small miners' cottages built in the period 1850s-1870s, to houses and farm complexes, many constructed during the boom years of the 1880s, 1920s and 1950s. Some of the former small towns are now hard to distinguish, but the areas of Huntly and Epsom are distinguished by their post-World War II residential development and Elmore has a particularly rich and intact housing stock dating from the Victorian era. The Victoria Hotel, now trading as the Huntly Hotel, was constructed in 1860 and is the oldest surviving building in Huntly. Almost all of these historic buildings have no current heritage protection in the Planning Scheme.

Numerous archaeological sites associated with the gold mining and forestry industries, including the eucalyptus industry, remain as do natural sites of regional and State significance including the Sugar Loaf Reserve at Fosterville, remnant grasslands in the Hunter Rail Reserve and the Whipstick Forest.

The Huntly Heritage Study Stage 1 has found a wealth of post contact places of potential heritage significance including 208 individual places, 7 heritage precincts in Elmore, Goornong and Kamarooka, serial listings for silos and farm complexes, archaeological sites and trees for further future study (see examples below). These places will be assessed in more detail as part of the Huntly Heritage Study Stage 2, and the Stage 1 Study will become a background document in the planning scheme when the Stage 2 Study is included in the Scheme.



Former Methodist Church, Drummartin



Murray pine chock and log fence





Former general store, Goornong



Catholic Church rectory, Elmore



Former Yeaman Brothers store, Elmore



Shamrock Hotel, Elmore



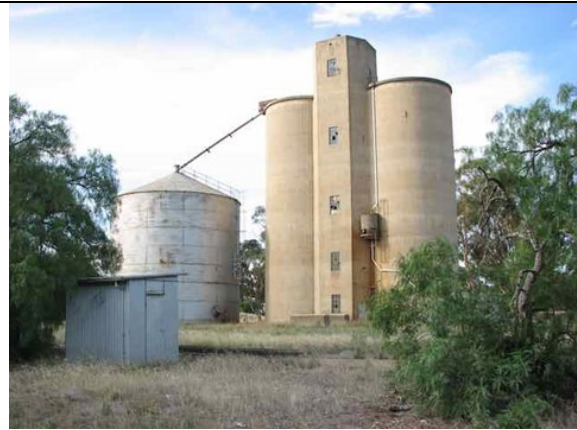
Water tower and residence, Elmore



Railway bridge, Huntly



Huntly Hotel



Former Hunter Railway Station and Silos

### Consultation/Communication

It is essential that effective community consultation is part of preparing and implementing heritage studies so that the community has a sense of ownership, understands what is proposed and can contribute information about places.

Considerable consultation was undertaken for the Huntly Heritage Study, to gather as much community input into the history as possible. Various methods of communication were used, including a media release, features in the local papers, posters in the local communities, announcements on local radio and two community drop in sessions at Huntly and Elmore in early March with the consultant Robyn Ballinger in attendance

The Victorian Serial Listings Study was a research study so no broad community engagement has occurred yet. Engagement will occur once the serial listings are used in geographical studies such as Golden Square and others.

There is an internal Project Control Group for all heritage studies to ensure input from across the City.

### Conclusion

The built heritage assets of the City are well known and highly regarded. They tell the story of our past and help to attract visitors and new residents. It is important that we protect them in balance with facilitating good development. To achieve this we need high quality heritage assessment information that can be readily accessed and understood by the community and utilised by the statutory planning process.

These two studies contribute to our broader heritage knowledge and will be used to support heritage overlay controls in future detailed heritage studies and planning scheme amendments.

## Options

Council has the option of:

- Supporting the recommendation.
- Rejecting the recommendation.

## Resource Implications

A budget of approximately \$80,000 is available for the Huntly Stage 2 Study, to be commenced this financial year.

## Attachments

- *A report into Heritage Serial Listings for Victorian Houses.* Amanda Jean and Dr Charles Fahey, July 2020
- *Former Shire of Huntly Heritage Study Stage 1 Volumes 1 and 2.* Dr Robyn Ballinger, History Making Pty Ltd. June 2020.



## 2.4 DRAFT AFFORDABLE HOUSING ACTION PLAN

### Document Information

**Author** Stacey Poulter, Strategic Planner

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

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### Purpose

The purpose of this report is to seek endorsement of the Draft Affordable Housing Action Plan for consultation with the community.

### Summary

Following the release of an Affordable Housing Background Paper and extensive internal, stakeholder and community consultation, a Draft Affordable Housing Action Plan (Draft Action Plan) has now been prepared.

Greater Bendigo has a growing affordable housing problem. The Draft Action Plan establishes a clear set of actions over the next four years to improve affordable housing outcomes for the community. The Draft Action Plan identifies the City's role as a leader, advocate, facilitator and partner, to deliver on three objectives:

1. Better understand affordable housing issues;
2. Increase supply and improve the quality of affordable housing;
3. Improve Council processes and timeframes that affect affordable housing.

A target to increase the supply of social housing from 4.9 per cent to 9.5 per cent by 2036 has been developed. This will assist in negotiations with developers for community housing through Planning Scheme mechanisms as well as government generally and DHHS specifically for public housing.

### **RECOMMENDATION**

That Council endorse the Draft Affordable Housing Action Plan for consultation with key stakeholders and the community.

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### Policy Context

#### Greater Bendigo Community Plan 2017-2021

As part of the 2017-2018 actions set out in the Community Plan, the following objective and action are intended to achieve Goal 4 Presentation and managing growth:

- Objective 4.2 Plan to meet future housing needs
  - o Action 4.2.3 Develop a Social and Affordable Housing and Living Strategy and commence implementation

### Greater Bendigo Health and Wellbeing Plan 2017-2021

Goal 2 Safe and secure: The Greater Bendigo community lives free from violence and abuse, is protected from environmental risks and is supported to live affordably.

- Objective: Reduce socio-economic disadvantage by increasing access to and affordability of;
  - o Nutritious food
  - o Diverse housing
  - o Energy.

Goal 5 Liveable: The Greater Bendigo community is adaptable and resilient and has access to sustainable natural, built, social and economic environments that support and enhance health and wellbeing.

- Objective: Improve accessibility;
  - o Health and community services
  - o Transport
  - o Technology and information
- Objective: Facilitate supportive built and natural environments.

### Residential Development Strategy

- Objective: To provide and support affordable housing opportunities
- Objective: To provide for a range of housing types and densities that responds to the changing needs of the community

### Housing Strategy

The Housing Strategy adopted by Council in 2016 (amended in 2018) identified strong community support for Council to play a role in ensuring our municipality advocates for the provision of affordable housing. The Housing Strategy set out a number of issues and opportunities that have helped to inform the development of an Affordable Housing Action Plan.

In particular, the Housing Strategy recommended that the *"development of an affordable housing policy will commence in 2017/18 and will involve engaging with a range of stakeholders and government agencies"*.

### **Background Information**

Housing is a human right and without it many other basic human rights are compromised. Being able to access affordable and appropriate housing helps people secure and maintain a job, keep families safe, raise happy and healthy children, enjoy a better standard of living and contribute to their community.

In Victoria the *Planning and Environment Act 1987* defines affordable housing as housing (including social housing) that is appropriate for the needs of very low income households, low income households and moderate income households. Across Greater Bendigo in 2016, there were 32,323 households (or 73.5% of all households) within the affordable housing income ranges.

In Victoria, councils have an important role in ensuring there is an adequate supply of housing to meet community needs. However, there is no set policy or role for the provision of affordable housing and it is therefore the responsibility of each individual council to determine what their policy or role will be. It is clear there is an appetite in the community for the Greater Bendigo City Council to be more active in encouraging and supporting affordable housing.

Despite increasing awareness of the importance of housing, both among the community and across all levels of government, the evidence indicates that there is a growing housing affordability problem in many parts of Australia, including Greater Bendigo.

Between 2011 and 2016 (latest census years) there was growth in the number and proportion of households within the low income range in Greater Bendigo, from 6,098 (18%) to 9,275 (25%) of households.

There was also a significant proportion of households experiencing rental or mortgage stress in 2016, meaning 25.9 per cent of all households in Greater Bendigo were vulnerable to a housing crisis or eviction.

Those experiencing homelessness or waiting to be housed in social housing has also increased. Homelessness in Greater Bendigo is estimated to be approximately 318 people and in 2019 there were 2,183 people on the social housing wait list.

While affordable housing is part of a much broader and complex housing system, there are a number of different factors contributing to this issue, including:

- Land and suitable dwelling supply not keeping up with population growth;
- Increasing development costs and land values;
- Larger and more expensive homes;
- Poor quality housing that has high running costs;
- Decreasing supply of rental housing;
- Significant legislative changes to housing.

## **Report**

The City is developing an Affordable Housing Action Plan which is proposed to be presented to Council for adoption in December 2020.

The purpose of the Action Plan is to set out the role and actions the City will implement to support an increase in the supply and provision of affordable housing to meet the community's needs. Although the City is not (and is not proposed to be), a supplier of affordable housing there are many ways in which we can influence outcomes in this area.

Aspects of the Action Plan are intended to be included in the Municipal Planning Strategy and will also become a Background Document within the Greater Bendigo Planning Scheme. Data and key issues included within the Action Plan will provide justification for the social housing targets, a Planning Scheme Amendment, and any strategic or statutory negotiations the City undertakes with developers, Registered Housing Agencies, State and Federal Governments.

The project is currently in stage 3 and a Draft Affordable Housing Action Plan has been prepared for consultation with key stakeholders and the community.

Two rounds of community consultation have already been undertaken as part of this project. Stage 1 engaged almost 50 key stakeholders and community members to help refine the project scope. A Background Paper was released for stage 2 of the project, and 102 people participated in workshops, meetings, an online survey and written submissions. The feedback gathered helped to inform the Draft Action Plan.

While developing the Draft Action Plan, the City has engaged further with key stakeholders such as DHHS and Registered Housing Agencies, as well as internally with City staff. This engagement has helped to explore issues in further detail, develop proposed actions in partnership, and strengthen relationships and commitment to the Action Plan.

Based on all research and community consultation undertaken during this project, the key issues in Greater Bendigo are summarised as:

- Insufficient housing supply;
- Rising cost of housing and housing stress;
- Increasing pressure in the private rental market;
- Increasing homelessness and demand for social housing.

Each of these key issues have worsened over the past four to fourteen years. Without a change in the overall approach to affordable housing this worsening trend is very likely to continue.

In response, the Draft Action Plan clearly defines the City's role and sets out objectives, targets and actions to collectively increase the supply and provision affordable housing.

The City's role will include leader, advocate, facilitator and partner:

- Leader – establishing a clear position on affordable housing and building an increased understanding of the issues.
- Advocate – advocating across community, industry and all levels of government to improve outcomes in all areas relating to affordable housing.
- Facilitator – bringing together key stakeholders and reducing barriers to facilitate an increase in the supply of affordable housing.
- Partner – partnering with key stakeholders to leverage assets and resources to increase the supply of affordable housing.

A total of 29 City led actions will be implemented to achieve the following three key objectives:

1. Better understand affordable housing issues;
2. Increase supply and improve the quality of affordable housing;

### 3. Improve City processes and timeframes that affect affordable housing.

Given the acute need for our most vulnerable community members, a target to increase the supply of social housing has been developed:

*To increase current supply of social housing from 4.9 per cent to meet demand of 9.5 per cent by 2036.*

Setting this target will assist in negotiations with developers for community housing through Planning Scheme mechanisms as well as government generally and DHHS for public housing.

Development of the social housing target is based on the following approach:

- Estimated number of people experiencing homelessness in Greater Bendigo, based on ABS estimates (318);
- Those persons on the DHHS social housing waiting list in the North Division – Loddon, Bendigo (2,183);
- Existing social housing dwellings in Greater Bendigo, based on the City of Greater Bendigo database (2,386).

These indicators bring the total acute social housing need to 4,887 or 9.5 per cent of the total estimated dwellings in Greater Bendigo in 2019. It is acknowledged that this estimate is likely to be considered relatively conservative given the likely significant undercount of those experiencing homelessness.

#### Priority/Importance:

High – the development of the Action Plan is a commitment of the Community Plan 2017-2021.

#### Options/Alternatives:

Options available to Council include the following:

1. Endorse the Draft Affordable Housing Action Plan for consultation with key stakeholders and the community.
2. Take no further action.

#### Timelines:

This project commenced in August 2018 and is proposed to be presented to Council for adoption in December 2020. The major milestones for this project are as follows:

Stage 1: August 2018 – Project Scope  
Stage 2: February 2019 – Background Paper  
Stage 3: August 2020 – Draft Action Plan  
Stage 4: December 2020 – Final Action Plan

#### Progress:

The project is currently in stage 3, where a Draft Affordable Housing Action Plan has been prepared and is planned to be released for community consultation.

### Risk Analysis:

There is limited risk associated with progressing this project and these risks will be mitigated through extensive consultation on the action plan. Without looking at addressing the provision and quality of affordable housing it is likely to be a growing problem in Greater Bendigo with associated social, economic and environmental implications.

### **Consultation/Communication**

#### *Previous Engagement*

Community engagement on the Affordable Housing Background Paper was undertaken for seven weeks in February and March 2020. A total of 102 individuals and organisations participated in one of four ways; an online survey, workshops, meetings and written submissions. Participants included City staff, industry stakeholders and community members.

Feedback focussed on the current state of affordable housing, key challenges and key actions for the Draft Action Plan. Overall there are a significant number of different types of organisations contributing to the support network of affordable housing in Greater Bendigo. There is a clear desire for the City to define its role in affordable housing and play a more active role in supporting the community organisations and advocating on their behalf. Supply of housing, legislative requirements and processes, and funding were identified as the main challenges for affordable housing. Suggested actions related to the City's role as a leader, advocate, facilitator and partner.

#### *Upcoming Engagement*

Given the current social distancing restrictions as a result of the COVID-19 pandemic the existing Community Engagement Plan for this project has been altered to ensure the health of staff and the community is protected.

An online survey will be made available to the community and virtual meetings and discussions with key internal and external stakeholders will be undertaken. The Draft Action Plan will be advertised in the Bendigo Advertiser and Mclvor Times, as well as through social media (Facebook, newsletter, etc) and to the project mailing list.

### Internal Consultation:

A Project Steering Committee and Project Working Group were established at the beginning this project to assist with development of the Affordable Housing Action Plan. Both the Committee and Group have representatives from across the organisation who contribute to the project direction and document content during each stage of the project.

Extensive internal consultation has been undertaken since the release of the Background Paper in February, including emails, promotion in the staff newsletter, workshops and frequent one on one virtual meetings with appropriate stakeholders. It is proposed to continue this approach upon release of the Draft Action Plan.

**External Consultation:**

There has also been extensive external consultation during the previous stage (Background Paper) of this project and development of the Draft Action Plan. This includes project updates to the project mailing list, advertising in newspapers and social media, individual meetings with key stakeholders, including State Government and Registered Housing Agencies. It is proposed to continue this approach upon release of the Draft Action Plan.

**Resource Implications****Budget Allocation in the Current Financial Year:**

This project will be delivered within the Regional Sustainable Development Unit operational budget.

**Attachments**

Nil

### 3. WELLBEING AND FAIRNESS

#### 3.1 DRAFT COMMUNITY BUILDINGS POLICY

##### Document Information

**Author** Deb Simpson, Project Manager

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

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##### Purpose

For Council to:

1. review the Final Draft Community Buildings Policy (Policy) with a view to adopting it as Council policy;
2. formally acknowledge and thank the 11 Community Champions who were integral to the Policy development process.

##### Summary

Community buildings make important contributions to Greater Bendigo's liveability. They are commonly recognised as places that support community health and wellbeing, social connectivity and lifelong learning needs. Examples of community buildings include halls, libraries and pavilions at recreation reserves.

Some of the many considerations that have prompted the Policy's development include:

- inequities in existing community building service levels;
- changing community needs and legislated standards;
- some existing community buildings no longer being fit for purpose;
- differing views as to whether the City of Greater Bendigo (City) should provide a level of support for community buildings that are not City assets or City managed; and
- changing patterns of community volunteering.

The Policy's purpose is to establish the vision for Greater Bendigo's community buildings plus the principles and decision-making framework that will guide the future planning, design, construction, resourcing, management and use of community buildings to enable achievement of the vision.

The Policy proposes the vision for Greater Bendigo's community buildings as:

*'By 2036, Greater Bendigo will have an equitable network of safe, welcoming and inclusive community buildings where all people can:*

- *connect with other people, culture, activities and programs;*
- *play and create;*
- *learn and contribute; and*
- *rest.'*



The Policy proposes the principles to guide future decision-making about Greater Bendigo's community buildings as:

- equity;
- accessibility;
- promote wellbeing;
- partnering; and
- sustainability.

## **RECOMMENDATION**

That Council:

1. adopt the attached Final Draft Community Buildings Policy as Council policy;
2. formally acknowledge and thank the 11 Community Champions who were integral to the Policy development process:
  - a) Annika Ritchie (Youth Councillor)
  - b) Andrew Reid (Eaglehawk)
  - c) Christopher Jackman (Bendigo)
  - d) Colin Lambie (Strathdale)
  - e) Dennis Robinson (Kangaroo Flat)
  - f) Gloria Pocock (Redesdale)
  - g) John Beurle (Redesdale)
  - h) Matthew Parkinson (Axedale)
  - i) Ryan Peterson (Youth Councillor)
  - j) Sam Kane (Golden Square)
  - k) Sherrie Coote (Heathcote)

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## **Policy Context**

The Policy is consistent with many strategic objectives as follows:

### Community Plan Reference:

#### *Greater Bendigo Community Plan 2017 – 2021*

- Goal 1: Lead and govern for all  
Goal 2: Wellbeing and fairness  
Goal 4: Presentation and managing growth

#### *Greater Bendigo Health and Wellbeing Plan 2017 - 2021*

- Goal 3: Able to participate  
Goal 4: Connected to culture and community  
Goal 5: Liveable

#### *Greater Bendigo Municipal Strategic Statement*

- 21.09-7: Provide adequate community buildings within existing and new neighbourhoods

#### *Greater Bendigo Environment Strategy 2016 – 2021 (Environment Strategy)*

Zero Carbon goal: Improve the energy performance of City facilities and precincts (including energy efficiency and energy management)

*Greater Bendigo Community Volunteering Strategy 2019 - 2023*

Goal 4: Improved and increased capability of volunteer leaders, community organisations and groups

*Walk, Cycle Greater Bendigo Strategy 2019*

Action Area 2: Activating community, culture and capacity – more people are connected to walking and cycling communities, discovering infrastructure, programs and events

*Greater CREATIVE Bendigo Strategy 2019*

Goal 2: Create more activated spaces

Goal 4: Champion inclusion and access

*Loddon Campaspe Councils 2019 Strategic Work Plan*

The Loddon Campaspe Councils 2019 Strategic Work Plan denoted a 'Community Buildings and Assets Policy and Strategy: towards a sustainable model for future management and funding' as one of six work plan priorities

Other inter-related policies, strategies and plans include:

- Asset Management Policy;
- Community Engagement Policy;
- Place Interpretation and Naming Policy;
- Sustainable Buildings Policy;
- Greater Bendigo Public Toilet Strategy 2017;
- 'Connecting Greater Bendigo': Integrated Transport and Land Use Strategy 2015;
- Long-term Financial Plan 2019 (LTFP); and
- Greater Bendigo Public Space Plan 2018.

## **Background Information**

Greater Bendigo has a large number of existing community buildings. There are a range of ownership and management arrangements in place for them, including:

- owned by the City or Department of Environment, Land, Water and Planning (DELWP);
- managed by the City or DELWP;
- managed by the community under delegated authority from the City or DELWP;
- on land owned by the education sector, where community access is managed through joint use agreements;
- managed under commercial or service contracts.

Most of Greater Bendigo's community buildings can be accessed and used by the community through a form of agreement, such as a lease, licence, seasonal use agreement or casual hire agreement.

The Policy's development has been guided by:

- a literature review;
- benchmarking of other Council's policies;

- consultation with an Internal Project Working Group (IPWG) comprised of a Councillor from each of the three Wards and key staff from across the City (including staff at Director, Manager and Coordinator levels);
- consultation with a Loddon Campaspe Councils Working Group (LCCWG) comprised of a mix of Chief Executive Officers and Directors from the member organisations;
- collaboration with Community Champions, nine of whom were appointed following a public expression of interest (EOI) process and two of whom were co-opted from the Youth Council; and
- consultation with key staff from various state government agencies, including DELWP, the Department of Education (DET), the Department of Health and Human Services (DHHS, Infrastructure Victoria (IV) and Regional Development Victoria (RDV).

## Report

The Policy was collaboratively developed with the Community Champions. Information gathered through the literature review and benchmarking, consultation with the various state government agencies and several focused workshops with the Community Champions supported the collaborative process.

Consistent themes identified through the literature review and benchmarking were that community buildings should:

- be strategically aligned within a hierarchy framework;
- promote wellbeing;
- be accessible;
- be flexible/multi-purpose and multi-use;
- promote partnerships, including with the community;
- promote co-location and integrated activity and program delivery;
- involve accountability measures; and
- be sustainable from both economic and environmental perspectives.

A shift towards having fewer but higher quality and more flexible community buildings was also identified, with the intent of providing infrastructure that can support a diverse range of community service needs and demonstrate value for money.

Consultation with DELWP staff indicated a desire for the Policy to reflect a 'one community' approach, with the intent of improving community-centred outcomes by providing safe community buildings that are aligned to community needs, irrespective of who owns or manages those community buildings.

Consultation with IV staff identified they are *"investigating infrastructure investment in regional Victoria that builds on the economic strengths of a region, or that reduces disadvantage, primarily through providing greater access to services and economic opportunities."*

Consistent themes that emerged through the workshops with the Community Champions were that community buildings should:

- be equitable, including providing core service levels within both rural and urban contexts;
- be safe;

- be welcoming;
- incorporate universal design;
- be flexible/multi-purpose and multi-use;
- promote wellbeing;
- promote civic and economic participation;
- promote partnerships; and
- be sustainable.

The above culminated in the proposed vision for Greater Bendigo's community buildings being:

*'By 2036, Greater Bendigo will have an equitable network of safe, welcoming and inclusive community buildings where all people can:*

- connect with other people, culture, activities and programs;*
- play and create;*
- learn and contribute; and*
- rest.'*

and the proposed principles to guide future decision-making about Greater Bendigo's community buildings being:

- equity;
- accessibility;
- promote wellbeing;
- partnering; and
- sustainability.

In April 2020 Councillors supported the release of the Draft Policy for public comment. The public comment period ran from 22 April 2020 to 29 May 2020.

35 submissions regarding the Draft Policy were received. The feedback was overwhelmingly supportive of the Policy intent, vision and principles. Other key feedback received related to:

- greater emphasis being placed on Environmentally Sustainable Development (ESD) and climate resilient community buildings;
- the urban growth boundary being a distinguishing feature to guide the hierarchy catchment indicators (travel times) and core service levels; and
- some clarification / simplification of several terms, including the 'one community' term.

It is intended the Policy will provide the basis for development of a Greater Bendigo Community Hubs Strategy (Strategy).

It is also intended the Policy and Strategy will be linked to the Greater Bendigo Planning Scheme to provide a basis for future developer contributions to community buildings and community hubs. Additionally, they will also be considered as a foundation for a Loddon Campaspe Councils regional approach to community buildings.

### Priority/Importance:

The Environment Strategy and LTFP indicates a community buildings future of 'status quo' is non-viable. The Policy seeks to establish a vision for Greater Bendigo's community buildings and principles and a decision-making framework that will guide the future planning, design, construction, resourcing, management and use of community buildings to enable achievement of the vision.

### **Consultation/Communication**

In 2019 Councillors endorsed a deliberative engagement approach to the Policy's development. Undertaking deliberative engagement is consistent with the Local Government Act 2020 and is reflective of the 2017 Victorian Auditor General's Office report on Public Participation and Community Engagement: Local Government Sector: *"the real-life experiences of community stakeholders can make a valuable contribution to decision making, and an open and deliberative process can enhance community stakeholders' perceptions of the credibility of the decision."*

The objectives of the deliberative engagement approach were to:

- promote shared learning on the challenges and opportunities associated with the planning, design, construction, resourcing, management and use of community buildings;
- ensure that community aspirations and apprehensions regarding the future of community buildings are consistently understood and appropriately considered; and
- support a collaborative approach to planning for a community buildings future which best responds to diverse and evolving community needs and expectations.

To enact the deliberative engagement approach, a public expression of interest process seeking up to 10 Community Champions was undertaken. The selection criteria were focused on capability and capacity for strategic thinking, community engagement and leadership plus experience in community building planning, design, governance and/or use.

Nine Community Champions from across rural and urban Greater Bendigo were recruited through the expression of interest process. Two Youth Councillors were also co-opted. Collectively they participated in three facilitated workshops and led 'kitchen table' conversations as follows:

- October 2019 - Workshop 1: perspectives on why a policy is needed; issues and opportunities
- November 2019 - Workshop 2: vision and principles; broader community engagement planning
- November 2019 to February 2020: broader community engagement, led by the Community Champions
- February 2020 - Workshop 3: broader community engagement outcomes; how learnings could be reflected within the Policy

It is understood this was the first instance of the City undertaking a deliberative engagement approach. In addition to wanting to ensure the Policy was collaboratively developed with community representatives, the City had anticipated that deliberative engagement may form part of the Local Government Act 2020 and wanted to trial the approach and learn from the trial. To add rigour to the evaluation process, a City staff member with evaluation expertise but not directly involved in the Policy's development was co-opted to lead the evaluation process. The evaluation report identified many learnings and opportunities for continuous improvement, but importantly also identified that the deliberative engagement approach authentically engaged the community representatives. The evaluation report noted it "influenced the power dynamics often seen in politics, and decision making. Importantly, they could see their influence in the Policy".

The opportunity to make a submission regarding the Draft Policy was promoted through a media release, the City's website, posts on the City's social media pages, various City e-newsletters and direct email contact with numerous community service providers, community organisations, community building management committees and community building user groups. Following specific requests, online presentations were also made to the Southern Loddon Mallee Sport and Recreation Special Interest Group, Council's Farming Advisory Committee and Council's Rural Communities Committee.

A feedback summary was provided to the Community Champions, IPWG and DELWP staff. The Policy reflects their collective perspectives as to which feedback should be incorporated.

## Resource Implications

It is anticipated that much will be learnt about potential Policy implications and potential Policy improvement / strengthening opportunities through the proposed Strategy's development. It is considered that a Policy review should occur concurrently to any Strategy adoption to ensure alignment. This is reflected by the suggested maximum two year Policy review cycle / date.

It may be that the Strategy's development will identify a need for some community building service and service level changes across Greater Bendigo. Analysis of linked budget impacts would need to occur as part of this.

The LTFP outlines that it is *"clear from the modelling undertaken that expenditure growth must be matched to the City's own source revenue. This will require efficiencies, continued budget discipline and ongoing review of service levels and delivery methods over the 10 years. Rationalisation of the City's asset base must be explored as a credible option for meeting these requirements."*

### Projected costs for future financial years:

A 2020/21 budget bid seeking resources to enable development of the proposed Strategy was submitted. At the time of writing this report the budget bid outcome was not yet finalised.

## Attachments

1. Final Draft Community Buildings Policy



## DRAFT COMMUNITY BUILDINGS POLICY

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Council
<b>Approval Date:</b>	19/08/2020
<b>Review cycle:</b>	Biennially
<b>Review Date:</b>	18/08/2022
<b>Responsible Officer:</b>	Manager Community Partnerships
<b>Owner:</b>	Community Partnerships
<b>Responsible Director:</b>	Health and Wellbeing
<b>Relevant Legislation/Authority:</b>	<i>Local Government Act 2020 (Vic)</i>
<b>DOCSETID:</b>	4418669

## 1. PURPOSE

The purpose of this policy is to:

- 1.1. outline Council's vision for Community Buildings; and
- 1.2. outline the principles and decision-making framework that will be applied in the planning, design, construction, resourcing, management and use of Community Buildings to enable achievement of that vision.

## 2. BACKGROUND

- 2.1. Council's vision is for Greater Bendigo to be '*the world's most liveable community*'. This policy outlines how Council's and the City's approach to Community Buildings can contribute to that vision.
- 2.2. Community Buildings are commonly recognised as places where the Municipal Community can gather for a range of purposes, including for health and wellbeing, social connectedness and life-long learning activities and programs. Some examples of Community Buildings include halls, libraries and pavilions at recreation reserves.
- 2.3. There are a large number of existing Community Buildings with a range of ownership and management arrangements in place for them, including:
  - 2.3.1. ownership by the City or DELWP;
  - 2.3.2. management by the City or DELWP;



- 2.3.3. management under delegated authority, where the Municipal Community is empowered by the City or DELWP to carry out various Community Building related roles, responsibilities and decision-making outlined within a form of agreement, such as a lease, licence or management agreement;
- 2.3.4. ownership by education sector partners, where the Municipal Community's access is managed through a joint use agreement; and
- 2.3.5. management under a commercial or service contract.
- 2.4. Most Community Buildings can be accessed and used by the Municipal Community through a form of agreement, such as a lease, licence, seasonal use or casual hire agreement.
- 2.5. The City has developed this policy in response to:
  - inequities in existing Community Building Service Levels;
  - challenges in supporting the maintenance and operation of a large and ageing civic infrastructure base;
  - some existing Community Buildings no longer being fit for purpose;
  - changing Municipal Community needs and legislated standards;
  - challenges in responding to Municipal Community needs within financial constraints;
  - changing patterns of Municipal Community volunteering;
  - a changing climate where extreme weather events are expected to increase in both frequency and severity; and
  - lack of clarity as to whether the City should be supporting Community Buildings that are not City owned and/or managed.
- 2.6. This Policy has been developed to:
  - strengthen the Municipal Community and reduce disadvantage by increasing access to life-long learning, jobs and enterprise, health and social services and civic infrastructure that helps to build social capital;
  - promote Community Engagement and partnerships regarding Community Buildings;
  - ensure safe, healthy, enjoyable and efficient Community Buildings for the Municipal Community to use;
  - minimise the impacts of Community Buildings on the environment; and
  - maximise the cost efficiencies and value for money of Community Buildings.

### 3. SCOPE

- 3.1. This policy applies to the planning, design, construction, resourcing, management and use of Community Buildings.
- 3.2. This policy applies to Council, all City staff, contractors and Municipal Community members involved in any decision-making relating to the planning, design, construction, resourcing, management and/or use of Community Buildings.
- 3.3. Exemptions to this policy include:
  - 3.3.1. public spaces identified within the Greater Bendigo Public Space Plan 2018 that do not include Community Buildings; and
  - 3.3.2. Community Buildings that can be accessed and used without a form of agreement. e.g. barbecue shelters, public toilets and spectator shelters.





#### 4. DEFINITIONS

In this policy:

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

**Climate Resilient Community Building** means a Community Building that is designed to withstand current and future risks from extreme weather events. A Community Building able to withstand these shocks and stresses will be more safe, healthy and enjoyable for the Municipal Community both now and into the future.

**CPTED** means Crime Prevention Through Environmental Design. It uses urban and architectural design and the management of built and natural environments to achieve a multi-disciplinary approach to crime prevention.

**Community Capacity Building** means approaches aimed at strengthening the Municipal Community's ability to apply knowledge, skills and processes with the intent of enhancing its ability to influence outcomes.

**Community Building** means a public building and any immediately surrounding public space that provides the civic infrastructure to enable the delivery of activities and programs for the Municipal Community.

A Community Building is characterised by:

- a) Municipal Community involvement in its management; and
- b) being able to be accessed and used by the Municipal Community through a form of agreement; and
- c) having capacity to be used by people of all ages and abilities and/or for a diversity of purposes.

Many of the activities and programs that occur in a Community Building may be delivered by organisations other than the City.

**Community Hub** means a Community Building (or a cluster of Community Buildings linked through Placemaking approaches) that supports the co-location of organisations who wish to utilise the diverse Services available in order to deliver activities and programs for the Municipal Community's benefit.

**Community Engagement** means the processes in which the City and Municipal Community connect with each other to exchange views, ideas and information to:

- a) inform decisions;
- b) build capacity; and
- c) strengthen relationships.

**Council** means all the Councillors collectively.

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

**DELWP** means the Victorian Government's Department of Environment, Land, Water and Planning.

**DET** means the Victorian Government's Department of Education and Training.



ESD means Environmentally Sustainable Development. It focuses on infrastructure provision and operation that attempts to minimise impacts on the environment and to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

Greater Bendigo means the municipal district governed by the Greater Bendigo City Council.

Hierarchy means a model for aligning Service Level planning to catchments.

'One Community' means an approach that promotes consistency in how Community Buildings are planned, designed, constructed, resourced, managed and used based on their potential to enable positive community outcomes, irrespective of their ownership or management arrangements.

This approach creates some potential for future Service Level changes over time (including Community Building consolidation or rationalisation), with business cases for such to be developed in collaboration with the Municipal Community and to demonstrate sound social, environmental and/or economic rationale.

**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.

**Placemaking** means people-centred approaches to public buildings and public spaces. It involves analysing which Municipal Community members may need/want to use the respective public buildings and public spaces and then progressing Community Engagement with those Municipal Community members.

Placemaking seeks to promote Municipal Community connection to/pride in public buildings and public spaces and shared responsibility for them.

**Service** means the physical elements that may make up a Community Building and may include:

- multi-purpose activity/program rooms;
- administration/office spaces;
- dedicated early years spaces;
- consulting rooms with handbasins;
- drinks and food preparation/serving spaces;
- first aid rooms;
- toilets;
- change rooms/showers;
- storage spaces, including personal belongings lockers;
- heating/cooling;
- internet access;
- charging points; and
- landscaping of any immediately surrounding public space.

**Service Level** means the quantum of Community Building Services to be provided.

**Average Travel Time** means the period of time it would generally take for a person to travel from their place of residence to a Community Building using travel modes that may include walking, cycling, public transport or driving (or a combination of these). It is considered that



driving is likely to be the most common travel mode to a Community Building in areas outside of the Greater Bendigo urban growth boundary, or for travel to a Community Building within the municipal, regional and state/national Service Level Hierarchy.

**Universal Design** means a design philosophy that ensures that public buildings and public spaces and experiences within them are innately accessible to as many people as possible, regardless of their age, level of ability, cultural background, or any other differentiating factors that contribute to the Municipal Community's diversity.

## 5. PRINCIPLES

- 5.1. Council's vision for Community Buildings is:  
*'By 2036, Greater Bendigo will have an equitable network of safe, welcoming and inclusive Community Buildings where all people can:*  
 a) *connect with other people, culture, activities and programs;*  
 b) *play and create;*  
 c) *learn and contribute; and*  
 d) *rest'.*

The principles that will be applied to enable achievement of that vision are:

- equity;
- accessibility;
- promote wellbeing;
- partnering; and
- sustainability.

- 5.2. Community Buildings are not considered to be an outcome in their own right: they exist to promote the Municipal Community's health and wellbeing, social connectedness and life-long learning.
- 5.3. It is considered that resourcing of Community Buildings is shared responsibility across the government, private and not for profit sectors, as well as the broader Municipal Community.

## 6. POLICY

- 6.1. It is considered that there will need to be some Service Level changes over time to achieve Council's vision for Community Buildings.
- 6.2. Commitment to this policy's vision and principles will be demonstrated by:

<i>Principle</i>	<i>Commitment</i>
Equity	<ul style="list-style-type: none"> <li>○ Applying a Hierarchy to future Community Building Service Level planning.</li> <li>○ Advocating for a 'One Community' approach to the achievement/maintenance of core Service Levels.</li> <li>○ Investing in Community Building capacity to be used by people of all ages and abilities and/or for a diversity of purposes.</li> <li>○ Only supporting single use of a Community Building (or single use of a Service within a Community Building) where a sound business case for such can be demonstrated e.g. it is not practical to regularly move billiard tables.</li> </ul>



Accessibility	<ul style="list-style-type: none"> <li>○ Promoting strategic alignment in Community Building location, including consideration of public transport and/or active transport (walking and cycling) links.</li> <li>○ Ensuring Community Buildings incorporate Universal Design and CPTED, and are physically safe and accessible, culturally safe and gender equitable, and comply with relevant legislation.</li> <li>○ Advocating for a level of public internet access at all Community Buildings.</li> <li>○ Promoting 24/7 public access to some toilets, change rooms/showers, personal belongings lockers, Wi-Fi and electronic device charging points at 'Municipal' Service Level Community Buildings, to reflect the diversity of Municipal Community lifestyles.</li> <li>○ Advocating for a centralised Community Buildings data base and booking system that is digitally accessible, easy to navigate and in Easy English.</li> <li>○ Advocating for a consistent and tiered approach to Community Building usage fees.</li> <li>○ Promoting information sharing at Community Buildings about community volunteering and participation opportunities.</li> </ul>
Promote wellbeing	<ul style="list-style-type: none"> <li>○ Promoting alignment with the Healthy Facilities Policy (currently in development) in all Community Building related decision-making.</li> <li>○ Encouraging and maximising the use of Community Buildings for a diverse range of health and wellbeing promoting activities and programs.</li> <li>○ Recognising the importance of enabling opportunities for community-based food production in public spaces as a means to improve community health and wellbeing, improve food security and promote Placemaking.</li> <li>○ Ensuring access to free drinking water at all Community Buildings as well as promoting free access to nutritious food.</li> <li>○ Ensuring drinks and food preparation and serving at all Community Buildings complies with relevant legislation.</li> <li>○ Developing and implementing a code of conduct for Community Buildings access and use.</li> <li>○ Investing in regular maintenance and cleaning so Community Buildings remain desirable places for the Municipal Community to gather.</li> </ul>
Partnering	<ul style="list-style-type: none"> <li>○ Recognising the Traditional Owners of the land on which Community Buildings are situated.</li> <li>○ Protecting and celebrating the cultural heritage of First Nations People at Community Buildings.</li> <li>○ Promoting Community Engagement and partnerships in Community Building planning, design, construction, resourcing, management and use.</li> <li>○ Investing in Community Hub provision and operation that has capacity to support cross-cultural, intergenerational and cross-sectoral activities and programs.</li> <li>○ Supporting Community Capacity Building needs assessments, particularly where Community Building management under delegated authority exists.</li> <li>○ Investing in needs aligned Community Capacity Building.</li> <li>○ Considering Greater Bendigo Planning Scheme opportunities to achieve developer contributions to Community Buildings.</li> <li>○ Considering Greater Bendigo Planning Scheme and Building Code of Australia opportunities to support utilisation of infrastructure</li> </ul>



	<p>owned and/or managed by the government, private and not for profit sectors for Municipal Community use.</p> <ul style="list-style-type: none"> <li>Supporting some commercial tenancies within Community Hubs where the commercial tenant's core business could increase access to life-long learning, jobs and enterprise, health and social services and civic infrastructure that helps to build social capital. (The ability to include commercial tenants would be contingent upon Greater Bendigo Planning Scheme and Building Code of Australia permitted use considerations).</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>Considering Community Building provision and operation costs in alignment with the Asset Management Policy, Long-term Financial Plan 2019 and catchment capacities.</li> <li>Exploring Placemaking and adaptive re-use opportunities for existing Community Buildings, particularly in instances where there are heritage considerations.</li> <li>Applying ESD and the Sustainable Buildings Policy to achieve more Climate Resilient Community Buildings.</li> <li>Developing and implementing processes for monitoring, evaluating and reporting ESD and Climate Resilient Community Buildings linked data and outcomes.</li> <li>Investing in Community Building resilience to changing climatic conditions.</li> <li>Supporting procedures and practices to maximise resource recovery, minimise waste generation and minimise greenhouse gas emissions.</li> <li>Advocating for the re-investment of any proceeds from a Community Building consolidation or rationalisation process back into the respective catchment.</li> </ul>

6.3. The Hierarchy that will be applied to future Community Buildings Service Level planning will be:

Service Level Hierarchy	Community Building characteristics	Catchment indicators	Core Service Level
Suburb within the Greater Bendigo urban growth boundary.	Capacity to be used by people of all ages and abilities, including for health and wellbeing, social connectedness and life-long learning activities and programs.	Primarily attracts people from within or around the suburb/township within which it is based, as well as some people from neighbouring areas.	350m <sup>2</sup> of floor space.
Small township outside of the Greater Bendigo urban growth boundary e.g. Raywood, Redesdale.		10 minutes Average Travel Time.	<p>Services:</p> <ul style="list-style-type: none"> <li>1 x multi-purpose activity/program room;</li> <li>1 x administration/office space;</li> <li>1 x consulting room with handbasin;</li> <li>1 x drinks and food preparation/serving space;</li> <li>toilet/s;</li> <li>2 x storage spaces;</li> <li>heating/cooling;</li> <li>public internet access;</li> <li>electronic device charging point; and</li> <li>a moderate level of landscaping of any</li> </ul>



			immediately surrounding public space.
Large township outside of the Greater Bendigo urban growth boundary e.g. Elmore, Heathcote.	Capacity to be used by people of all ages and abilities, including for health and wellbeing, social connectedness and life-long learning activities and programs.	Primarily attracts people from within or around the township within which it is based, as well as some people from neighbouring areas.  10 minutes Average Travel Time.	1,050m2 of floor space.  Services: <ul style="list-style-type: none"> <li>○ 2 x multi-purpose activity/program rooms;</li> <li>○ 2 x administration/office spaces;</li> <li>○ 1 x dedicated early years space;</li> <li>○ 1 x consulting room with handbasin;</li> <li>○ 1 x drinks and food preparation/serving space;</li> <li>○ 1 x first aid room;</li> <li>○ toilet/s;</li> <li>○ 1 x change rooms/showers;</li> <li>○ 4 x storage spaces;</li> <li>○ heating/cooling;</li> <li>○ public internet access;</li> <li>○ electronic device charging point;</li> <li>○ mobility device charging point;</li> <li>○ electric vehicle charging point; and</li> <li>○ a high level of landscaping of any immediately surrounding public space.</li> </ul>
Municipal	Usually has some level of uniqueness in terms of the range of experiences, activities and programs offered within Greater Bendigo.  Usually occupies strategically important and highly accessible locations within the Greater Bendigo urban growth boundary.	Attracts people from across Greater Bendigo.  20 minutes Average Travel Time for people living within the Greater Bendigo urban growth boundary.  30 minutes Average Travel Time for people living outside of the Greater Bendigo urban growth boundary.	1,050m2 floor space.  Services: <ul style="list-style-type: none"> <li>○ 3 x multi-purpose activity/program rooms;</li> <li>○ 3 x administration/office spaces;</li> <li>○ 1 x dedicated early years space;</li> <li>○ 2 x consulting rooms with handbasins;</li> <li>○ 1 x drinks and food preparation/serving space;</li> <li>○ 1 x first aid room;</li> <li>○ toilet/s;</li> <li>○ 1 x change rooms/showers;</li> </ul>

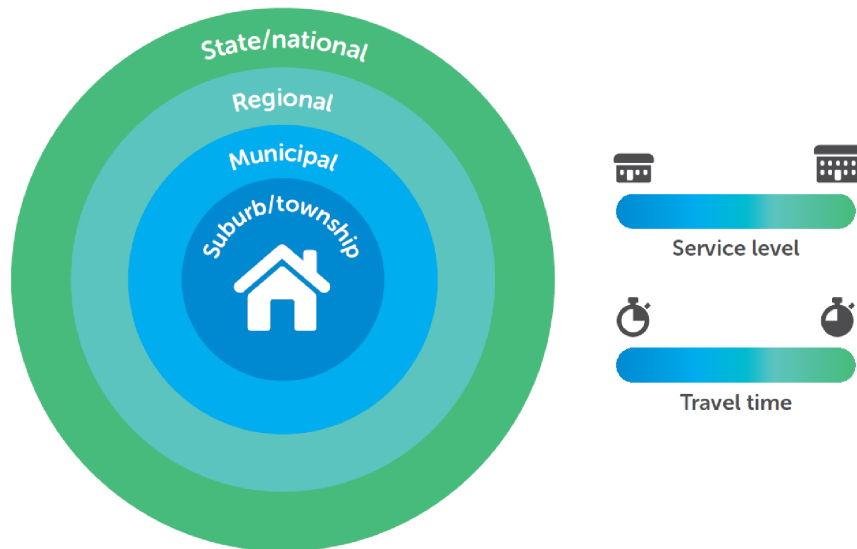




			<ul style="list-style-type: none"> <li>○ 6 x storage spaces, including personal belongings lockers;</li> <li>○ heating/cooling;</li> <li>○ public internet access, including Wi-Fi;</li> <li>○ electronic device charging point;</li> <li>○ mobility device charging point;</li> <li>○ electric vehicle charging point;</li> <li>○ 24/7 public access to some toilets, change rooms/showers, personal belongings lockers, Wi-Fi and electronic device charging points; and</li> <li>○ a high level of landscaping of any immediately surrounding public space.</li> </ul>
Regional	<p>Usually has a moderate level of uniqueness in terms of the range of experiences, activities and programs offered within Greater Bendigo.</p> <p>Usually has significance connected variously with sport and recreation, cultural heritage, the arts or other special values.</p> <p>Usually occupies strategically important and highly accessible locations within the Greater Bendigo urban growth boundary.</p>	<p>Attracts people from across Greater Bendigo plus central Victoria.</p> <p>Up to 1 hour Average Travel Time.</p>	To be negotiated through comprehensive needs assessment, feasibility study and business case processes.
State/national	Usually has a high level of uniqueness in terms of the range of	Attracts people from across Greater Bendigo plus Victoria and interstate.	To be negotiated through comprehensive needs assessment, feasibility study and business case processes.



	<p>experiences, activities and programs offered within Greater Bendigo.</p> <p>Usually has significance connected variously with sport and recreation, cultural heritage, the arts or other special values.</p> <p>Usually occupies strategically important and highly accessible locations within the Greater Bendigo urban growth boundary.</p>	<p>More than 1 hour Average Travel Time.</p>	
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#### Decision-making Framework

- 6.4. In scenarios involving the use of existing Community Buildings or other existing infrastructure to provide a core Service Level (applying the 'One Community' approach), resources will be prioritised to:
- potential partnerships with the Municipal Community and other sectors;
  - Universal Design, CPTED and compliance with relevant legislation;
  - sustainability credentials and climate resilience;





- a level of public internet access;
- public transport and/or active transport (walking and cycling) links; and
- Community Capacity Building.

6.5. Proposals for improvements to Service Levels will involve the following interdependent steps to support decision-making:

6.5.1. Demand analysis:

- determine if there is a Municipal Community need for a Service Level improvement; and
- determine if an infrastructure response versus a management response is required to deliver a Service Level improvement.

6.5.2. Service Level benchmarking:

- undertake a Service requirement analysis;
- compare the results of the Service requirement analysis with this policy's Hierarchy;
- determine the required Hierarchy; and
- consider the Hierarchy indicative life cycle cost in the context of Long-term Financial Plan 2019 and catchment capacities.

6.5.3. Supply analysis:

- determine if any existing infrastructure (including other sector infrastructure) could potentially be utilised as a Community Building and contribute to Placemaking;
- determine the condition and Community Building 'fit for purpose' of any existing infrastructure, including any Greater Bendigo Planning Scheme and Building Code of Australia considerations;
- determine the scope of work and indicative life cycle cost to bring any existing infrastructure up to required Community Building standards;
- undertake a comparative analysis for a greenfield/brownfield development using the Victorian Planning Authority's benchmark costs; and
- consider options for consolidation or rationalisation of other Community Buildings where they are demonstrated to exceed the core Service Level.

#### Community Engagement

- 6.6. The City is committed to Community Engagement as outlined in the Community Engagement Policy and *Local Government Act 2020 (Vic)*.
- 6.7. Community Engagement is considered integral to future Community Buildings Service Level planning.
- 6.8. Where possible, the City will work with the Municipal Community in Community Capacity Building, with the intent of empowering the Municipal Community to manage Community Buildings under delegated authority.
- 6.9. Community Capacity Building is considered integral to effective future management and use of Community Buildings.

## 7. ROLES AND RESPONSIBILITIES

- 7.1. Council has primary responsibility for this policy's implementation at a governance level. This means Council should apply this policy in any decisions it is required to make that relate to the planning, design, construction, resourcing, management and/or use of Community Buildings.



- 7.2. The Manager Community Partnerships has primary responsibility for this policy's implementation at an operational level, and for policy implementation reporting. This means:
- a) supporting Community Engagement where the outputs/outcomes of that Community Engagement relate to the planning, design, construction, resourcing, management and/or use of Community Buildings;
  - b) ensuring respective Asset Management Plans are updated to reflect Services and Service Levels; and
  - c) reporting through established organisational systems on policy implementation progress, including issues and opportunities that have assisted or impeded policy implementation and review.
- 7.3 All City staff have responsibility for policy application, whether that be through the various roles and responsibilities outlined within the City's Project Management Framework, during the course of developing, reviewing or implementing City policies, plans or strategies, and/or during the course of Community Engagement.

## 8. RELATED DOCUMENTS

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

These include:

- Asset Management Policy;
- Community Engagement Policy;
- Healthy Facilities Policy (currently in development);
- Place Interpretation and Naming Policy; and
- Sustainable Buildings Policy.

This Policy is intended to complement and contribute to the achievement of the following inter-related City plans and strategies:

- Greater Bendigo Community Plan 2017 – 2021;
- Greater Bendigo Health and Wellbeing Plan 2017 – 2021;
- Greater Bendigo Municipal Strategic Statement;
- Greater Bendigo Planning Scheme;
- Greater Bendigo Long-term Financial Plan 2019;
- Greater Bendigo Public Space Plan 2018;
- All Ages All Abilities Plan;
- Asset Management Plans (respective);
- Greater Bendigo Food System Strategy 2020 – 2030;
- Gender Equity Strategy 2020 – 2025;
- Greater Bendigo Community Volunteering Strategy 2019 – 2023;
- Greater Bendigo Environment Strategy 2016 – 2021;
- Greater CREATIVE Bendigo Strategy 2019;
- Walk, Cycle Greater Bendigo Strategy 2019;
- Greater Bendigo Public Toilet Strategy 2017; and
- Integrated Transport and Land Use Strategy 2015.

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 EMT or where required, resolution of Council.

## 11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
March 2020	DS	Community Partnerships	Develop	1	
April 2020	DS	Community Partnerships	Review - significant	2	
July 2020	DS	Community Partnerships	Review - significant	3	July 2022

### 3.2 EXHIBITION OF THE GOLDEN SQUARE STRATEGIC PLAN

#### Document Information

**Author** Wonona Fuzzard, Coordinator Public Space and Place Making and Kahlia Reid, Senior Strategic Planner

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

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#### Purpose

The purpose of this Report is to seek Council endorsement to publically exhibit the Draft Golden Square Background Report, Framework Plan, Urban Design Framework and Planning Scheme Amendment documentation. This suite of documents provide both the strategic and implementation information to manage the growth of Golden Square.

#### Summary

The Draft Golden Square Background Report and Framework Plan aim to develop a land use framework to transform the suburb over time. The plan will help to drive employment, improve liveability, make better use of existing vacant land and consider a plan for residential, commercial and industrial growth.

The plan considers matters including:

- Movement and Transport
- Heritage and Character
- Built Form and Public Realm
- Economic Growth and Employment
- Community Facilities, Open Space and Recreation
- Environmental Considerations
- Social Infrastructure

To support the implementation, an Urban Design Framework (UDF) has been prepared for the Golden Square Town Centre, former Primary School site and Station precinct. The aim of the UDF is to provide certainty in the guidance of future development within the UDF area. The goals of the UDF are to:

- Establish a clear and integrated vision for the Golden Square Town Centre and Station Precinct;
- Guide the use and development of the area through objectives, planning and design requirements and guidelines;
- Establish an implementation program of statutory and strategic initiatives; and
- Define key projects and infrastructure required to support sustainable growth and development.

While a formal Planning Scheme Amendment is not proposed as part of this stage of the project, draft amendment documentation has been prepared to accompany the consultation phase. This will allow the community to have an understanding of recommended changes.

A formal Planning Scheme Amendment will be undertaken separately and will include a formal exhibition process.

## **RECOMMENDATION**

That Council:

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

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## **Policy Context**

### **Community Plan 2017-2021**

|               |                                                                                                                                                                                  |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal 2        | Wellbeing and Fairness                                                                                                                                                           |
| Objective 2.2 | Promote positive wellbeing across the Greater Bendigo community                                                                                                                  |
| Objective 2.5 | Create safe and resilient communities                                                                                                                                            |
| Goal 3        | Strengthening the Economy                                                                                                                                                        |
| Objective 3.1 | Support our local businesses and industry to be strong, vibrant and to grow and develop                                                                                          |
| Goal 4        | Presentation and Managing Growth                                                                                                                                                 |
| Objective 4.1 | Plan for a growing population                                                                                                                                                    |
| Objective 4.2 | Plan to meet future housing needs                                                                                                                                                |
| Objective 4.3 | Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourage walking, cycling and the use of public transport |
| Goal 6        | Embracing our Culture and Heritage                                                                                                                                               |
| Objective 6.1 | Celebrating our unique heritage                                                                                                                                                  |

### **Connecting Greater Bendigo – Integrated Transport and Land Use Strategy 2015**

*Healthy Greater Bendigo* - Advocate for the reopening of the Golden Square Railway Station.

## Commercial Land and Activity Centre Strategy 2015

Action 11 Prepare an Urban Design Framework for the Golden Square commercial centre to attract investment and to guide development in and around this Neighbourhood Activity Centre, former primary school site and potential train station precinct

There are also a number of other City of Greater Bendigo projects which are currently underway in Golden Square. These include the Recreation Reserve Master Plan and Heritage Study. The outcomes of these plans will be integrated into the final documentation if a Council resolution has occurred.

### **Background Information**

The need for a Plan and Urban Design Framework for Golden Square has been identified in a number of the City's strategic documents, including the Community Plan 2017-2021, Commercial Land and Activity Centres Strategy 2015 and Integrated Transport and Land Use Strategy 2015 (ITLUS).

The original scope of the project was only to prepare a Revitalisation Framework Plan for the suburb with additional work required to be prepared at a later stage, however, the preparation of all relevant work (Background Report, Framework Plan, Urban Design Framework and Draft Amendment documentation) has now been prepared as part of this package to ensure the vision is clear and in depth consultation can occur with the community.

### **Report**

The suite of documents undertaken is to provide a framework for the future growth and revitalisation of Golden Square and is comprised of a:

1. Background Report
2. Framework Plan
3. Urban Design Framework
4. Planning Scheme Amendment documentation

### Draft Background Report

The purpose of the Draft Golden Square Background Report is to provide a suburb profile, land use summary and detailed information across the following seven key themes.

#### *Movement and Transport*

This section considers three aspects which are vital to movement and transport within the suburb; Public Transport, Walking and Cycling, and Roads.

- Public Transport

At the 2016 Census it was identified that almost 80 percent of Golden Square residents use a car to get to work, with only 2 percent using public transport and 3 percent walking or cycling. With the City looking to promote growth in the suburb, it is clear there needs to be a significant shift in the mode of travel in Golden Square.

As highlighted by previous strategies including ITLUS, a key opportunity to shift the mode of travel and increase activity in the town centre lies in the reopening of the Golden Square train station.

Not only would the reopening of the station allow for the Bendigo – Melbourne service to stop in Golden Square but it would continue the concept of progressively reopening and developing new train stations, utilising the existing rail network to create Bendigo Metro Rail.

Bendigo Metro Rail was initially conceived as making better use of the existing infrastructure and services to assist in meeting Bendigo's growing urban transport needs. The concept was boosted with the reopening of the Kangaroo Flat and Eaglehawk stations, the construction of a new station at Epsom and the planned new stations at Huntly, Goornong and Raywood.

The concept of progressively reopening and developing new train stations, utilising the existing rail network and services is a logical progression of investment and is key to supporting population growth in a coordinated way.

The public bus network also provides opportunities to improve access both to and from Golden Square and within the suburb. Opportunities to review these routes, their frequencies and connection are considered a priority.

- Walking and Cycling

Walking and cycling options in Golden Square are mixed and inconsistent, ranging from a high standard of local connectivity to the lack in some locations of even basic infrastructure. Walk, Cycle Greater Bendigo (2019) and the Greater Bendigo Public Space Plan (2019) provide a strategic platform for further improvements to this network to encourage walking and cycling as a safe and comfortable option of transport.

It is also important within Golden Square to further establish and improve these connections to key local destinations and the primary public space corridor of Bendigo Creek.

- Roads

The road network within Golden Square is well established and generally operates efficiently, allowing for vehicle movements with minimal disruptions. The main priority for the suburb is to ensure the road network is maintained to a safe and efficient standard, however, its other functions must also be considered, including the movement of pedestrians and cyclists, especially around the town centre.

### *Heritage and Character*

Aboriginal cultural heritage, post contact heritage and streetscape character are all aspects of Golden Square which contribute to the image and community value of the suburb.

Aboriginal Clans of the Dja Dja Wurrung occupied the country of Golden Square and its environs before the arrival of pastoralists in the late 1830s and continue to maintain a strong connection to this country.

There are opportunities within Golden Square to continue to tell the stories of the Traditional Owners, most notably along the two primary creek corridors of Bendigo Creek and Golden Gully. The Reimagining Bendigo Creek Plan 2020 especially acknowledges the importance the creek corridor holds to the Dja Dja Wurrung people. This work is consistent with the Plan.

In relation to post contact heritage, running concurrently to this project is a heritage study for Golden Square. The study aims to:

- Identify sites of individual significance;
- Review the extent of the existing Heritage Overlay;
- Make recommendations of any changes to the Overlay (including for precincts).

While the detailed work is being undertaken as a separate project it will be important to ensure the implementation of this plan considers its recommendations.

### *Built Form and Public Realm*

This section investigates the built form and public realm which contributes to the makeup of the suburb and offers opportunities in regard to revitalisation and meeting the ongoing needs of the community.

- Town Centre

The Golden Square town centre is the civic, commercial and retail core of the suburb. It extends along High Street with its main focus between Cedar Street and Laurel Street. It is identified within the Bendigo Activity Centre Hierarchy as a Neighbourhood Activity Centre which primarily services the needs of local residents with a range of businesses and everyday amenity shops available.

There are a number of challenges which the area currently faces. These are identified as:

- Separation by a four lane main road;
- Car dominated streets with poor walking and cycling options;
- Tired presentation of the private and public realm;
- Empty shops;
- Lack of vibrancy and activity.

The key elements which need to be considered to address these challenges and revitalise the town centre are:

- Creating a Sense of Arrival



- Connection of the Town Centre
  - Car Parking
  - Public Transport, Walking and Cycling
  - Urban Design, Landscaping and Built Form
  - Community Space
- 
- Housing

The focus of this section is on the consideration of residential infill opportunities which take into account diversity, affordability, environmentally sustainable design and the appropriate use of the residential zones available under the planning scheme.

Research undertaken by .id community profile indicates that the greatest housing demand between 2016 and 2036 is going to be for couples without dependents and lone person households. Based on the current housing stock in the suburb, the location of housing, type and size need to be further diversified to meet the changing needs of the community.

- Transit Orientated Development

Transit Oriented Development is about creating higher density and mixed use developments that are close to transport nodes and activity centres. City of Greater Bendigo strategies provide a framework for encouraging increased density development around train stations and transport corridors and ensuring that new residential developments have good walking, cycling and public transport access that links with existing networks.

Around the Golden Square Train Station there is substantial underutilised land that could be redeveloped, in particular the former Golden Square Primary School site and rail reserve land. The rail reserve land would need to be considered surplus by relevant State agencies, however it provides an opportunity for the integration of residential development which supports the rail corridor and the growth of the town centre.

- Key Sites for Urban Renewal

Across the suburb there are a number of larger sites that contain significant opportunity for urban renewal and redevelopment and are a mix of both Crown and privately owned land. While there is also opportunity on smaller sites scattered throughout the suburb, the renewal of these sites would provide significant opportunities for development to service the needs of the community and the creation of open space corridors / connections.

Key sites which have been identified include:

- The rear of properties between Laurel Street and the Bendigo Creek underpass (providing for creek side development opportunities, consistent with the Reimagining Bendigo Creek Plan);
- 6 Laurel Street – Former Golden Square Primary School;
- 9-43 Chum Street – Former mine site;
- 2-20 Chum Street and 161 Lily Street – Southern Cross Austereo;
- 2 Alder Street – Former Coliban Water site.

### *Economic Growth and Employment*

Supporting existing and future economic growth and employment within Golden Square will be important in promoting a viable and sustainable community. There is already significant diversity in the employment available within the area including retail, health services such as Bendigo Day Surgery and industry.

In order to support existing employment industries as well as the future employment and economic growth opportunities it is important to ensure:

- There is an appropriate amount of land zoned to facilitate a diverse range of businesses / industries;
- Land that has site specific controls continues to be considered for rezoning based on the strategic justification;
- Land use conflicts are minimised; and
- There is flexibility to encourage diverse, unique and new enterprises.

An analysis of the current land zoned Commercial 1 indicates there is approximately 1.2 hectares (12,385 square metres) of underutilised land. This land could be utilised to facilitate the anticipated demand to 2031 and beyond.

Based on the anticipated demand from the Commercial Land and Activity Centres Study (CLACS) there is sufficient commercial land to meet the demand.

Given the linear nature of High Street it is important that future commercial uses and development do not sprawl along the corridor of the suburb. In particular, three areas have been highlighted where review of the current land zonings are required to either reduce the sprawl of commercial development or protect an established residential context. These areas are discussed in detail within the Draft Background Report.

Golden Square has a significant amount of land zoned Commercial 2 that is confined to the eastern portion of the suburb. The area facilitates a broad range of businesses, many of which contain warehousing or manufacturing components. In essence, this zone partly acts as a transition to industrial areas but still allows for industrial type of uses which have minimal amenity impacts.

An analysis of this area identified that there is still significant opportunity for the development / redevelopment of land to facilitate business growth, with in excess of 10 hectares of land zoned Commercial 2 available.

In regards to industrial land, it is essentially divided into two precincts, to the south of Hattam Street (adjacent to Allingham Street) and north of Hattam Street, west of Belle Vue Road and east of MacDougall Road.

It encompasses a total of 62.5 hectares, with 40.5 hectares of land zoned Industrial 1 and 22 hectares zoned Industrial 3.

In order to support the existing industrial operations, as well as future development, a number of planning scheme recommendations are outlined in the attached documentation for these precincts.

### Community Facilities, Open Space and Recreation

The ability to access community facilities, open space and recreation facilities is important to the health and wellbeing of any community.

There is a diverse range of community facilities currently established in Golden Square including formalised ovals, halls and playgrounds with many running parallel to the main spine of the suburb (High Street). Key facilities include Wade Street Recreation Reserve, Allingham Street Reserve and Drill Hall and Golden Square Community Hall (Senior Citizens Centre).

The Greater Bendigo Public Space Plan 2019 identifies key areas of public open space as well as specific public open space strategies for the Golden Square area which this plan seeks to support. Key strategies include:

- Improve the walkability and amenity of the town centre;
- Incorporate dedicated pedestrian access and a prominent, pedestrian-focussed public plaza / meeting space in association with the station building;
- Continue to maintain Allingham Street Reserve as a venue for organised sport, incorporating a Neighbourhood play space;
- Retain and develop a public space corridor through the former Chum Street mine site as part of any future housing development;
- Develop a public space corridor through the Crown land sites forming part of Golden Gully.

In order to continue to support the health and wellbeing of the community it is recommended that the actions for Golden Square outlined in existing strategic plans such as Greater Bendigo Public Space Plan 2019 and Reimaging Bendigo Creek Plan 2020 be implemented and linkages continue to be improved.

### *Environmental Considerations*

In Golden Square there are four main environmental considerations which have been discussed in the Draft Background Report:

- Bushfire Management
- Water Management
- Vegetation
- Contamination

These four matters are already considered under separate legislation.

### *Social Infrastructure*

Across Golden Square there is a range of social infrastructure including:

- Formal recreation reserves and passive open space corridors;
- Golden Square and Specimen Hill Primary Schools;
- Aged care facilities such as Mercy Health and Carshalton House;
- Early learning centres and kindergarten;
- Medical centres such as general practitioners and Bendigo Day Surgery.

Many of these facilities are scattered across the suburb, providing greater opportunity for community access. In comparison to other suburbs of Bendigo, Golden Square is considered to be well serviced by social provisions.

Given the projected growth there will be some demand for social infrastructure, with significant capacity within the suburb for this to be facilitated.

This diversity in social infrastructure and its spread across the suburb provides for a well serviced community, which helps to support quality of life and wellbeing. The suburb's well positioned location also means that much of this infrastructure also services a broader community catchment.

### Framework Plan

The Framework Plan draws on the detailed work provided in the Background Report and highlights key objectives and strategies to achieve the vision of the suburb.

It provides a more detailed analysis by breaking the suburb down into 19 precincts and outlining specific recommendations for each area.

### Urban Design Framework

A Draft Urban Design Framework has been prepared for the Town Centre and Station Precinct. The purpose of the Framework is to:

- Establish a clear and integrated vision for the Golden Square Town Centre, future Station Precinct and strategic redevelopment sites;
- Guide the use and development of the area through objectives, planning and design requirements and guidelines;
- Establish an implementation program of statutory and strategic initiatives;
- Define key projects and infrastructure required to support sustainable growth and development.

Key directions are:

- Buildings and areas of heritage significance which are valued by the community will be protected;
- Creation of a space for community events and social interaction in the heart of the retail and commercial core;
- Support the construction of contemporary shop-top apartments within the retail and commercial core;
- Reopen the Golden Square Train Station. The new station is to be located to the east of the former station, between Maple and Laurel Streets and will have a strong connection to the town centre;
- Support the construction of 2-3 storey townhouse or apartment-style dwellings on the underdeveloped land fronting Bendigo Creek. Encourage these properties to have an address to and outlook onto the Bendigo Creek.

### Draft Planning Scheme Amendment

Draft Planning Scheme Amendment documentation has also been prepared to allow the community to understand what changes the recommendations would result in to the Greater Bendigo Planning Scheme. A formal Planning Scheme Amendment process is expected to occur in 2021 with public exhibition occurring again at this time.

### Priority/Importance:

Undertaking strategic work for Golden Square has been identified as a priority in a number of Council adopted plans. Progressing the Draft Golden Square Background Report, Framework Plan and Urban Design Framework is a matter of high importance to encourage the revitalisation of the suburb, advocate for new infrastructure, diversify housing and promote economic growth opportunities.

### Options/Alternatives:

1. Endorse the Draft Golden Square Background Report, Framework Plan, Urban Design Framework and Planning Scheme Amendment documentation for public exhibition for a minimum period of 28 days.
2. Take no further action.

### Timelines:

The final documentation is to be presented to Council for adoption in the last quarter of 2020.

Following adoption it is anticipated that a formal Planning Scheme Amendment process would commence in the first half of 2021.

### Risk Analysis:

The risk of not progressing this work is that key opportunities currently available in Golden Square for development and revitalisation do not occur in a coordinated manner.

The need for a Strategic Plan and Urban Design Framework for Golden Square has been highlighted in a number of Council adopted Strategies / Plans.

## **Consultation/Communication**

This report is seeking Council's endorsement to undertake community consultation on the Draft Plan. Higher level internal and external consultation was undertaken to inform the preparation of the Draft Plan.

### Internal Consultation:

A Project Control Group was established at the commencement of the project and includes members from the Victorian Planning Authority, Regional Sustainable Development, Statutory Planning, Engineering, Parks and Open Space and Active and Healthy Lifestyles.

More targeted one-on-one discussions have also occurred with a range of other internal stakeholders.

### External Consultation:

The first phase of community engagement asked the community and stakeholders to express:

- What they love about Golden Square;
- What they imagine for the future of Golden Square;
- How they'd like Golden Square to change into the future.

The key messages from this engagement which has informed this draft plan were:

- There is a strong sense of community, particularly with links to sporting groups;
- Great location – access to City Centre, services and facilities;
- Value the heritage and character of the area;
- Improvements and upgrade of town centre needed;
- Want more commercial activity;
- Support moderate sensitive change;
- Want improved public transport and reopening of the train station; and
- Don't want to lose the village feel of the area.

Consultation has occurred with relevant government stakeholders and other parties and their feedback has been utilised in the preparation of this draft documentation.

A second round of community consultation will occur upon release of the draft documentation. Due to the current circumstances an Engagement Plan will be developed with the support of the City's Community Engagement Officer.

The plan will seek to include a diverse range of consultation methods to ensure a broad cross section of the community has the opportunity to be part of the process.

### **Resource Implications**

Existing staff resourcing and budget allocation has been used to develop the Draft Plan. No additional funding is requested for the finalisation of the Draft Plan, however, the future Planning Scheme Amendment will require the use of staff resources and budget allocation.

### External Funding Sources:

The City of Greater Bendigo received \$70,000 cash and \$10,000 in kind support from the Victorian Planning Authority to deliver this project through its Streamlining for Growth Program.

### Budget Allocation in the Current Financial Year:

The City has committed a further \$10,000 in cash and \$52,000 in kind support towards the project. This will be covered within the Regional Sustainable Development operating budget.

## **Attachments**

Nil

## **4. STRENGTHENING THE ECONOMY**

### **4.1 CITY OF GASTRONOMY IMPLEMENTATION FRAMEWORK AND ACTION PLAN**

#### **Document Information**

**Author** Anna Knight, Creative Cities Officer

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

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#### **Purpose**

The purpose of this report is to recommend that Council endorse the City of Gastronomy Implementation Framework and Action Plan 2020-2024.

#### **Summary**

The City of Greater Bendigo was designated a UNESCO Creative City of Gastronomy in October 2019, recognising both the city and broader region for its diverse and innovative food and beverage culture and economy. In order to gain this international recognition, an application was submitted in June 2019 outlining the City's achievements and aspirations, and committing the City to take the lead in collaborative projects across the region to further develop our gastronomic assets. Membership to the UNESCO Creative Cities Network (UCCN) is a long-term commitment and Membership Monitoring Reports are required every four years. In order to ensure we meet our obligations as a member of the UCCN and to capitalise on this prestigious title, an Implementation Framework and Action Plan has been developed to set out the vision, goals and actions for the City of Greater Bendigo as a City (and region) of Gastronomy.

The Implementation Framework and Action Plan was developed in consultation with the Creative City of Gastronomy Advisory Committee. A sub-committee was formed to work closely with the Creative Cities Officer to craft the final document, providing expert advice and guidance for the framework and plan's development. The finalised document has been endorsed by the Creative City of Gastronomy Advisory Committee.

#### **RECOMMENDATION**

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

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## Policy Context

This Implementation Framework and Action Plan is the result of several years of consultation with key stakeholders. First, a Gastronomy Application Management Team (GAMT) was set up to oversee development of the application to the UNESCO Creative Cities Network (UCCN). The GAMT was chaired by the Mayor of Greater Bendigo and included Councillors, Directors, Managers and staff from relevant areas of the City of Greater Bendigo. A key part of developing the application was agreeing on the actions and projects which the City would undertake if designated.

During the application development, a second group – the Gastronomy Application Reference and Advisory Group (GARAG) – was convened to provide input and feedback on the application and its proposed projects. This group was drawn from key stakeholders (including education, hospitality, food and beverage production and tourism) and community members and also included three Councillors, who helped develop the themes and initiatives of the final application.

Following designation in late 2019, an Expression of Interest process was undertaken to select members of the new Creative City of Gastronomy Advisory Committee (CCGAC). A sub-committee was formed out of this Committee to develop the Implementation Framework and Action Plan, which was then further refined with input from the broader Committee.

## RELEVANT POLICY AND STRATEGY

- City of Greater Bendigo Community Plan 2017-2021
- Health and Wellbeing Plan 2017-2021
- One Planet Living Principles
- Healthy Greater Bendigo Strategic Plan
- Healthy Heart of Victoria Framework
- Food System Strategy 2020-2030 and Food Hub development
- Greater *CREATIVE* Bendigo
- Environment Strategy
- Reconciliation Action Plan
- Cultural Diversity Inclusion Plan
- Rural Communities Strategy
- Economic Development Strategy 2020-2030
- International Relations Policy – in development

### Community Plan Reference

Designation as a Creative City of Gastronomy aligns strongly with the goals of the Community Plan and the Implementation Framework and Action Plan has been developed to ensure we remain focused on our collective aspirations.

- **Goal 1: Lead and govern for all** - Food is fundamental to the wellbeing of every member of our community. Designation as a UNESCO Creative City of Gastronomy highlights, develops and promotes the region's food culture and economy, with a strong focus on food equity, food security and sustainable agriculture.

- **Goal 2: Wellbeing and fairness** – focusing on increasing access to healthy local produce, improving community health through education and access to food, nutrition and cooking.
- **Goal 3: Strengthening the economy** – attracting and retaining food businesses in the region – cafes, restaurants, wineries and breweries, food and wine tours drawn to the region of gastronomy – and supporting agriculture, artisanal production and innovation in farming:
  - Diversifying the local and regional economy
  - Supporting local business and working towards a more circular economy
  - Bringing together all sectors, including manufacturing, tourism, retail, education, health, creative industries and agriculture
- **Goal 4: Presentation and managing growth** – considering food systems as we plan for an increased population – how will we ensure access to healthy, environmentally sustainable food and attract people to our region?
- **Goal 5: Environmental sustainability** – consider food and beverage production and its impacts on greenhouse gas emissions, promote sustainable land use practices, educate about where food comes from, encourage 'low-food miles' food and locally sourced products.
- **Goal 6: Embracing our culture and heritage** – Celebrating and elevating our First Nations' culture, heritage and relationship to Country, embracing this culture as part of building a more sustainable relationship with our food system and environment.

## Background Information

The City of Greater Bendigo was designated a UNESCO Creative City in October 2019, in the category of Gastronomy. The City's application embraced everything that is happening across the city and region in terms of food and beverages and proposed ambitious projects to further the mission of UNESCO and the Creative Cities Network.

The application was developed with four pillars at its heart:

- Recognition and elevation of our Indigenous heritage and living culture;
- Creativity, innovation and diversity;
- Health and Wellbeing;
- Sustainability.

The UNESCO Creative Cities Network (UCCN) was created in 2004 to foster international cooperation with and between cities that have recognised culture and creativity as a strategic factor for sustainable urban development. The Network recognises seven areas of creativity, one of which is Gastronomy. There are currently 246 cities in the UCCN, with 36 recognised in the category of Gastronomy – including Tucson (USA), Parma (Italy), Östersund (Sweden), Bergen (Norway) and Chengdu (China).

The network works together, foregrounding creativity and culture in development at both a local and international level. The member cities come from diverse regions and work towards a common mission: placing creativity and cultural industries at the core of their development plans to make their cities and regions safe, resilient, inclusive and sustainable.

The UNESCO Creative Cities brand is globally recognised and is significantly raising the national and international profile of our City and region. Of all the creative categories, Gastronomy offers the most potential to benefit the community and economy – through developing and promoting our already thriving food, beverage and creative industries.

The establishment of a Creative City of Gastronomy Advisory Committee, combining various specialist skills from within the City of Greater Bendigo and across the region with the expertise, knowledge and interest of technical experts and community-based participants, has been a key to developing strategic directions to best capitalise on our new status as a UNESCO Creative City. The Implementation Framework and Action Plan reflects our aspirations and our commitment to using this designation for the benefit of our entire community.

## Report

The Implementation Framework and Action Plan is deliberately short, aiming to clearly articulate why we pursued designation as a City of Gastronomy, what the recognition means for us and how we can best capitalise on the opportunities this global recognition affords us. The Implementation Framework provides the background and guiding principles for the planning, resourcing and operational decisions and actions of the City and region of gastronomy now and into the future, and includes an Action Plan for the next four years 2020-2024.

This Implementation Framework sets out the strategic direction for current and future projects under the City and region of Gastronomy scope. The City of Greater Bendigo is required to provide the UCCN with a monitoring report at the end of 2023, outlining the progress made on projects detailed in the City's 2019 application. Following our report to UNESCO in 2023 we will develop a new plan for the subsequent four years – this designation is an ongoing commitment to work towards a creative, inclusive and sustainable community. The guiding principles laid out in the Implementation Framework will help inform future decisions and allow us to respond to new opportunities while not losing sight of our obligations and ambitions.

The unprecedented changes during the COVID-19 pandemic have brought the issues around equitable and affordable access to food – especially healthy, fresh and locally sourced food – to the fore. Lessons learned during the crisis will help inform our recovery efforts. We know that food security and healthy, sustainable food, as well as different ways of connecting and supporting communities, have emerged as key concerns in every part of the region. Reconnecting with our local environment, learning to grow, share and be innovative with resources, understanding the role of creativity and human interaction – all these lessons can help us grow as a creative city and focus with more clarity on the UN goals for sustainable development.<sup>1</sup>

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<sup>1</sup> The UN 17 Sustainable Development Goals (SDGs): <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

Food plays a vital role in culture, creativity, social exchange and mental wellbeing. The production, processing, distribution, preparation and consumption of food contributes significantly to the region's economy and employment. Further to this, gastronomic tourism (including farm-gate and cultural experiences) is quickly becoming a vital part of our visitor economy. To be resilient in an era of climate change we must safeguard our food systems – which means focusing on local, sustainable food and beverage production, valuing local creativity and supporting the local economy and environment.

The concept of gastronomy is integral to:

- Health and wellbeing – equitable access to affordable healthy food is vital to physical and mental health;
- Economy – large-scale and artisanal agriculture, food manufacturing, hospitality;
- Sustainability – how we feed the population while caring for the environment;
- Culture – social cohesion, ritual, cultural expression;
- Tourism – our food experiences, produce, restaurants, cafes and bars attract people from all over the world.

Guided by the Implementation Framework and Action Plan, we will use our designation as a creative city to;

- Further develop and build on our reputation and achievements;
- Advocate for better health and liveability outcomes;
- Take a regional approach;
- Foreground health and wellbeing and the role food plays in social cohesion;
- Value and celebrate First Nations' culture, knowledge and history;
- Celebrate the City and region's growing multicultural community;
- Learn from other cities and share our knowledge globally;
- Value creative industries and include other forms of creativity in our projects;
- Collaborate and share across organisations;
- Support and build the local economy while protecting and enhancing our natural environment.

#### Priority/Importance:

Endorsement of the Implementation Framework and Action Plan is a high priority to ensure the opportunities generated from Bendigo's designation as a Creative City of Gastronomy are fully realised. It is also necessary to ensure we remain focused on key priorities rather than trying to do everything, while still allowing for some flexibility to respond to opportunities as they arise.

#### Options/Alternatives:

The options are to agree upon the goals, guiding principles and proposed actions in the Implementation Framework and Action Plan by endorsing the document, or to return to the Advisory Committee and request work be done to further refine the document.

#### Timelines:

Once the Implementation Framework and Action Plan is formally endorsed, the Creative Cities Officer can begin implementing the proposed plans and projects.

## **Consultation/Communication**

### External Consultation:

The Implementation Framework and Action Plan is the result of several years of consultation with key stakeholders.

During the application development, an external advisory group – the Gastronomy Application Reference and Advisory Group (GARAG) – was convened to provide input and feedback on the application and its proposed projects. This group was drawn from key stakeholders (including education, hospitality, food and beverage production and tourism) and community members, and also included three Councillors, who helped develop the themes and initiatives of the final application.

In developing the application and the projects it outlined, consultation was also undertaken with the Mayors and CEOs of the eight other Local Government Areas which make up our 'Bendigo Gastronomy region'. Further to this, economic development and tourism officers were consulted and continue to work with the City of Greater Bendigo on shared projects linked to the designation. Consultation was also undertaken with other Cities of Gastronomy around the world – particularly with Östersund, Parma, Alba, Tucson and San Antonio – and other cities in the Network such as Dunedin, Geelong, Bologna, Adelaide and Melbourne. Engaging with these cities informed our action plan and the development of our themes.

Following designation in late 2019, the new Creative City of Gastronomy Advisory Committee (CCGAC) was formed to provide guidance to Council as the City plans and implements projects under the City and region of Gastronomy scope. A sub-committee, comprising Cr Jennifer Alden (Councillor and Public Health expert), Rodney Carter (CEO Dja Dja Wurrung Clans Aboriginal Corporation), Rose Vincent (Interim Executive Officer Loddon Campaspe Multicultural Services) Amy Brown (Executive Officer Healthy Greater Bendigo) and Anna Knight (Creative Cities Officer) was formed to develop the Implementation Framework and Action Plan, which was then further refined with input from the broader Committee.

The Advisory Committee were given two weeks to provide feedback on the draft Implementation Framework and Action Plan and the final document, incorporating their changes, was endorsed at the Advisory Committee meeting on 11 June 2020.

### Internal Consultation:

An internal Gastronomy Application Management Team oversaw the development of the UNESCO Creative Cities Application and the projects the City would undertake if its application were successful.

This group was set up to oversee development of the application, was chaired by the Mayor of the City of Greater Bendigo and included Councillors, Directors, Managers and staff from relevant areas of the City. A key part of developing the application was agreeing on the actions and projects which the City would undertake if designated.

**Resource Implications**

The proposed 2020/21 budget makes provision for the salary and on-costs for a Creative Cities Officer and for operational expenses of \$64,000 to cover ongoing costs including; website development, support for gastronomy events, attendance by the Mayor and the Creative Cities Officer at the annual UNESCO Creative Cities meeting and costs associated with implementing the first year of the Action Plan.

**Attachments**

1. City and region of Gastronomy Implementation Framework and Action Plan
2. Progress Report November 2019 – June 2020

## 4.2 GREATER BENDIGO ECONOMIC DEVELOPMENT STRATEGY

### Document Information

**Author** Trevor Budge, Manager Regional Sustainable Development

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

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### Purpose

The purpose of this report is to recommend that Council endorse the Greater Bendigo Economic Development Strategy - *A stronger Greater Bendigo 2030*.

### Summary

The City of Greater Bendigo commenced the preparation of a new Economic Development Strategy in late 2018 by convening a Steering Committee chaired by the Mayor and comprising leaders from key organisations. The Steering Committee oversaw the development of the Strategy. The Strategy was ready for launch on 2 April 2020, however this was delayed due to the pandemic lockdown. Since then the Steering Committee has overseen some revisions to the Strategy to incorporate material relevant to the pandemic. The Strategy is scheduled for a public launch at the Council meeting on 19 August and then with the media on 20 August 2020. This report is to recommend that Council now formally adopts the Strategy.

### **RECOMMENDATION**

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

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### Policy Context

#### Community Plan Reference

- Goal 3 Strengthening the Economy - Advocacy, innovation and support to grow jobs, attract visitors and diversify the local and regional economy.  
Action 3.1.4 Refresh the Economic Development Strategy and ensure it encompasses a wider scope and is more inclusive of the range of economic development opportunities in Greater Bendigo and the region.
- Goal 4 Presentation and Managing Growth - Planning developments and infrastructure that increase our liveability and pride in where we live.

## Background Information

At a Councillor Briefing in 2018, a paper setting out a proposed governance arrangement and focus for a revision of the Greater Bendigo Economic Development Strategy was presented, discussed and agreed. A Steering Committee with membership in accordance with the proposal was formed. The Steering Committee held its first meeting on 13 December 2018. The Steering Committee released a full discussion paper and executive summary version of '*Greater Bendigo - where people thrive*' at an event on 25 July 2019.

The Steering Committee was chaired by the Mayor and comprised the CEOs or equivalent of the following organisations:

|                           |                                              |
|---------------------------|----------------------------------------------|
| City of Greater Bendigo   | Dja Dja Wurrung Clans Aboriginal Corporation |
| Bendigo and Adelaide Bank | Loddon–Campaspe Regional Partnership         |
| Bendigo Health            | Bendigo Education Council                    |
| Coliban Water             | Be.Bendigo                                   |

At its first meeting the Steering Committee agreed to invite the Youth Council Mayor onto the Committee.

It has been a significant step to bring this group together and meetings have been very supportive of the whole plan of how the Strategy is to be developed, the concepts and proposed content.

The Steering Committee met 7 times during the project which was to culminate in the launch of the Strategy on 2 April 2020. The launch was delayed because of the pandemic lockdown. The Strategy was formally launched on 6 August 2020.

The Steering Committee embraced the following concepts for the Greater Bendigo Economic Development Strategy:

- The document would be owned by the Council.
- The City will have overall responsibility and carriage of the implementation of the document.
- Each of the CEOs or equivalents of the various organisations would sign off on the final Greater Bendigo Economic Development Strategy with the logos of the organisation on the Strategy document. This would be evidence of shared ownership and a commitment to implement those actions which are within their organisation's capacity, roles and responsibilities. The Steering Committee has now repositioned itself as a Steering and Implementation Committee.

The Steering Committee noted that the whole project embraces a *Collective Impact Approach*. Such a model encompasses the following elements:

- Common agenda: a shared vision which results from a mutual understanding of the problem and an agreed agenda for its solution.



- Shared measurement system: an agreed set of key indicators to measure performance.
- Mutually reinforcing activities: a set of coordinated activities defined in a joint plan of action.
- Continuous communication: processes to keep all stakeholders informed.

The Steering Committee agreed that the role of the City of Greater Bendigo in an Economic Strategy is reflected in the following statement.

*“Local government is a natural leader in local economic development but we do not, cannot and should not know it all. There are many other valuable perspectives and it’s our role to let others do what they do best.*

*We see the role of local government is to lead the discussion, harness ideas and knowledge, facilitate robust debate and ultimately gain collective commitment in the creation of a multi-stakeholder partnership agreement to work together to implement the Strategy. This agreement documents significant goals, milestones and measureable outcomes. This agreement is an important tool in delivering shared accountability in terms of reviewing the strategy progress at regular intervals, providing a forum for feedback and an opportunity to recalibrate if and when required.”*

Council’s available economic development tools include:

- Advocating for the community.
- Working with other tiers of government and partners to promote major infrastructure needs.
- Facilitating meetings and bringing core organisations to the table.
- Taking a lead in the delivery of the ‘One Planet Living Ten Principles’ framework.
- Facilitating access to business assistance programs of other tiers of government.
- Assisting the business improvement associations.
- Providing information and data to assist business.

The Steering Committee readily embraced the concept that the Greater Bendigo Economic Development Strategy does not appear in isolation from other strategic work undertaken by the City and others.

The Steering Committee noted that as part of the development of its Community Plan 2017 – 2021 Council adopted an overall vision of ‘*creating the world’s most liveable community*’. Council also adopted six overarching principles / goals to guide its policy and priority setting during its term. These goals are:

- |                              |                                       |
|------------------------------|---------------------------------------|
| 1. Lead and govern for all   | 4. Presentation and managing growth   |
| 2. Wellbeing and fairness    | 5. Environmental sustainability       |
| 3. Strengthening the economy | 6. Embracing our culture and heritage |

The Greater Bendigo Economic Development Strategy pursues and delivers on these six principles / goals. They are each relevant to the Strategy and have guided its content.

- Lead and govern for all –the Strategy leads a collaborative process embracing our urban and rural communities, reaches out to the wider region and works with a group of organisations who represent the diversity of interests across Greater Bendigo.

- Wellbeing and fairness – the Strategy has a strong focus on supporting a healthier population and greater levels of wellbeing, it will ensure inclusive growth – that means there is a greater sharing of the opportunities and wealth that comes from growth and investment and that there is a strong focus on building enhanced sustainable employment prospects for all.
- Strengthening the economy – the Strategy places a strong emphasis on retaining existing jobs while securing future employment by diversifying the local and regional economic base and it will enhance education and training opportunities, and the skills base, particularly those that are relevant to the new economy.
- Presentation and managing growth – the Strategy focuses on the comparative advantages of the City and region, builds the national and global reach of the City and ensures that there are net benefits from growth.
- Environmental sustainability – the Strategy supports continuing growth and development that is within the sustainable capacity of the regional and local environment, consistent with Council's adopted Environment Strategy and measured as a positive gain against the *One Planet Living* principles.
- Embracing our culture and heritage – the Strategy enhances and celebrates our culture and heritage as key elements of the City and region's development.

The Steering Committee noted that in adopting its Community Plan, Council embraced the *One Planet Living Framework* and its ten principles to guide decision making and measuring progress. The Steering Committee noted that the ten principles also form the basic structure, direction and actions in Council's Environment Strategy. The Steering Committee noted that Council has determined that these ten principles will also form a framework for the new Greater Bendigo Economic Development Strategy.

Each principle readily translates into directions and priorities relevant to:

- Greater liveability;
- More inclusive growth; and
- Better jobs for a sustainable future.

The Steering Committee noted and agreed that the Greater Bendigo Economic Development Strategy needs to integrate with other key Strategies, Plans and Policies adopted by Council and other lead organisations' documents. These other documents include the Loddon Campaspe Regional Partnership Economic Strategy and the Coliban Water Strategy 2030.

Core Council strategies and plans include:

- Arts and Creative Industries Strategy (Greater *Creative* Bendigo);
- Commercial Land and Activity Centre Strategy;
- City of Greater Bendigo Reconciliation Plan 2016-2019;
- Greater Bendigo Residential Strategy;
- Greater Bendigo Cultural Diversity and Inclusion Plan 2016–2019;
- Greater Bendigo Environment Strategy 2016-2021;
- Greater Bendigo Industrial Land Development Strategy;
- Integrated Transport and Land Use Strategy (ITLUS);
- Plan Greater Bendigo;
- Re-imagining Bendigo Creek;
- The Municipal Health and Wellbeing Plan;

- The Bendigo Region Destination Management Plan;
- The Rural Communities Strategy;
- The Bendigo City Centre Plan.

## Report

The dot points below set out the narrative that underpins the Economic Development Strategy:

- Taking action to improve Greater Bendigo's liveability depends in part on defining and acknowledging the core challenges the City is facing.
- Greater Bendigo, like cities and nations around the world, is being impacted by new agendas and challenges as the economy, technology and the environment changes.
- In the emerging new economy, new skills are in demand while old skills are being made redundant.
- There is a significant and widening gap between those in the community who are equipped to embrace change and those who are not – with people, households and communities already being 'left behind'.
- Those without the skills or the capacity to acquire them are being marginalised in their job prospects. Wealth and opportunities are not shared. An increasing number of people are unable to break out of this cycle of disadvantage and disengagement.
- Climate change is now more than a 'disruptor', it threatens our economy, our way of life and our future prosperity.
- The social and economic divide between those who are marginalised by change and those who are equipped to deal with it is widening. Understanding these key issues is the first step in developing a strategy to tackle them.
- As a regional city that takes a collaborative approach, we have an advantage and a unique opportunity to address these challenges as a whole community and affect meaningful change.
- At the same time, environmental challenges made greater by climate change pose a huge risk to our economic performance and the liveability of Greater Bendigo. In many cases climate change will impact greatest on those least able to cope.
- On a national and international scale, we are a relatively small city. We can use this to our advantage because we have the capacity to collectively embrace these challenges by mobilising our resources and our community to seriously address them.
- Collaboration is in our DNA and our networks of people and organisations give us a comparative advantage on the national and international stage.
- Working together we can make changes and provide opportunities to strengthen Greater Bendigo's economy, reduce the social and economic divide and embrace a collective approach to the environmental and economic challenges posed by climate change.
- If we fail to meet these challenges we will fall behind, relative to other cities nationally and internationally, we will fail our people and communities, and our goal of creating the world's most liveable community will not be met.
- While the pandemic is a major disruptor and has impacted many people and businesses, the emerging evidence is that the impact is less in regional centres with diverse economies such as Bendigo. Some important new opportunities have emerged as a result of the pandemic. An upfront section in the Strategy explores these opportunities.

The Strategy's vision is to - *shape an inclusive, sustainable and prosperous community where all people can thrive.*

The Strategy is based on a Framework which is to:

- Grow from within;
- Invest in all our people;
- Attract investment;
- See the bigger picture.

The Four Strategic Directions are:

1. Grow sustainable jobs and investment;
2. Increase liveability for all;
3. Better link jobs, education, skills and training offerings to the city and region;
4. Be widely envied as a leader in innovation, environmental and climate change initiatives.

The Strategy is based on 14 actions (which are detailed in the Strategy). There is progress already occurring on each of these actions. Actions are prioritised. As stated above, there is a collective approach in the Steering / Implementation Committee to advance each of the actions – they do not fall back on Council to lead and implement each action. There are some actions where Council will be the lead agency. Each action has nominated lead and support agencies.

The Strategy establishes measurable benchmarks and a series of statements about progress, which are detailed in the Strategy.

#### Priority/Importance

Progressing this Strategy, particularly given the pandemic, is a high priority.

#### Options/Alternatives

Council can choose not to adopt the Strategy and ask the Steering Committee to undertake further work.

#### Risk Analysis

The uncertainty in respect to the pandemic means that there may be additional challenges and changes that the Strategy does not address.

### **Consultation/Communication**

#### External Consultation:

The Steering Committee agreed that the Strategy would be informed by:

- Input and feedback from Councillor Briefings;
- Comments and submissions through community engagement;
- A major forum with over 80 students representing a wide range of schools in Greater Bendigo;

- Input and feedback from relevant Council Advisory Committees;
- Input and feedback from Directorates and Units within the City;
- Comments and submissions on the Discussion Paper which was released in July / August 2019;
- A consultation program with relevant State and Federal departments and agencies;
- Input and feedback from an Economic Strategy Advisory and Reference Group. That group, following an invitation to self-nominate, comprised the following organisations:
  - Goldfields Library Corporation
  - Department of Education and Training Bendigo
  - La Trobe University
  - Bendigo Manufacturing Group
  - Bendigo Sustainability Group
  - Maiden Gully Progress Association
  - RMCG Consultants
  - Bendigo Telco
  - Price Waterhouse Coopers
  - Kirkland Lake Gold Ltd
  - Goldfields LLEN
  - Central Victorian Agribusiness Forum
  - Fairbrother Construction
  - Tweed Sutherland Real Estate
  - Food Share
  - Small Business Victoria
  - Mclvor Times
  - The Discovery Centre
  - Real Estate Institute of Victoria

#### Internal Consultation:

The Discussion Paper and Draft Strategy were workshopped with a reference group formed from representatives of all relevant units across the City and from an open invitation to anyone who wanted to attend. The Discussion Paper was workshopped with the Managers of each Directorate.

#### **Resource Implications**

The Strategy was developed within the operating budget of the Regional Sustainable Development Unit. The initial implementation of the Strategy in 2020/2021 is also covered within the RSD Unit operating budget.

#### **Attachments**

Greater Bendigo Economic Development Strategy - *A stronger Greater Bendigo 2030 – embargoed until the Council meeting.*

## **5. ENVIRONMENTAL SUSTAINABILITY**

### **5.1 SINGLE-USE PLASTIC POLICY**

#### **Document Information**

**Author**            **Bridgette McDougall**

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

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#### **Purpose**

The purpose of this report is to present the Single-use Plastics Elimination Policy and seek approval for the implementation.

#### **Summary**

The City hosts, sponsors and provides access to a variety of events across the municipality throughout the year. Large events generate a significant amount of waste, predominantly Single-Use Plastic.

Single-Use Plastics includes but is not limited to plastic bags, balloons, straws, plastic bottled water, sauce sachets, plastic cutlery/plates/cups, takeaway containers such as polystyrene boxes and trays, disposable paper cups with plastic lining, plastic glitter, glow sticks, plastic promotional items and cling wrap. These items have a significant negative effect on the environment when disposed in landfill. Plastic of this kind is typically not recyclable in the kerbside stream, with few exceptions.

It is recommended that Council approve the elimination of Single-Use Plastic products from Events, and supports the promotion of viable alternatives (reusable, recyclable and compostable) where possible to assist the City in significantly reducing waste to landfill, reduce litter and encourage residents and event holders to act in a more sustainable way.

#### **RECOMMENDATION**

That Council approve the Single-use Plastics Elimination Policy.

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#### **Policy Context**

Community Plan Reference:

Greater Bendigo Community Plan 2017-2021

## Goal # 5 Environmental sustainability

Objective # 5.1 Drawing on the One Planet Living\* framework work to connect the health of the natural environment to the health and prosperity of our community

### One Planet Living Framework

### Greater Bendigo Environment Strategy 2016-2021

## Background Information

The City hosts, sponsors and provides access to a variety of events across the municipality throughout the year. Large events generate a significant amount of waste, predominantly Single-Use Plastic.

Under the One Planet Living Framework, the City has a target for zero waste to landfill, this policy will assist in decreasing waste generated that is not recoverable and will encourage more sustainable practices within the organisation and the wider community.

A report was presented at Council Briefing on Monday July 20 to discuss the implementation of the policy to eliminate Single-Use Plastic from City held and supported Events.

## Report

The City hosts, sponsors and provides access to a variety of events across the municipality throughout the year. Large events generate a significant amount of waste, predominantly Single-Use Plastic.

Single-Use Plastic has a significant negative effect on the environment when disposed in landfill. Plastic of this kind is typically not recyclable in the kerbside stream, with few exceptions.

The elimination of Single-Use Plastic products and the promotion of viable alternatives (reusable, recyclable and compostable) where possible will assist the City in significantly reducing waste to landfill, reduce litter and encourage residents and event holders to act in a more sustainable way.

Single-Use Plastic includes, but is not limited to, plastic bags, balloons, straws, plastic bottled water, sauce sachets, plastic cutlery/plates/cups, takeaway containers such as polystyrene boxes and trays, disposable paper cups with plastic lining, plastic glitter, glow sticks, plastic promotional items and cling wrap.

### Options/Alternatives:

Approval of the Single-Use Plastic Elimination Policy will significantly reduce the amount of harmful litter generated and waste sent to landfill as a result of Events held across Greater Bendigo each year. This policy ties into the One-Planet Living principle of Zero

Waste and will promote a positive focus on reducing waste that cannot be recycled or composted.

Not approving the Single-Use Plastic Elimination Policy will enable single-use plastic to continue to be generated at Events across Greater Bendigo. This plastic is not recyclable in the kerbside stream, plastic is also not degradable and can break down into smaller, more harmful fragments and fibres that have a significant negative impact on our local environment.

Timelines: Commencement date is 1 September 2020.

Risk Analysis:

There is potential for adverse community reaction, this includes event attendees and event holders viewing the elimination of single-use plastic to be a challenge, change in attitude and behaviour is required to make this successful. In order to reduce this risk internal education will take place, the Resource Recovery and Education unit will meet with teams to advise of the changes and what they mean for Event holders and organisers. Ongoing support will be provided to all units and community groups who require advice and guidance with this change. A guide that provides easy to understand information about the changes has also been developed to assist in the transition.

**Consultation/Communication**

*The Resource Recovery and Education extended team was present at two Moonlight Markets to discuss the changes with vendors as well as to engage with the community around correct sorting and waste disposal. This saw a significant decrease in diversion of waste from landfill.*

*Wording from this Policy also flows into the Healthy Facilities Policy and the Healthy Food and Catering Policy.*

Internal Consultation: Internal consultation regarding the Single-Use Plastics Elimination Policy and has been undertaken with the Waste Project Control Group, the Manager and Coordinator group from the Tourism and Major Events Unit and the Manager of Community Partnerships.

External Consultation:

Prior to the cancellation of the 2020 Easter Festival, the food vendor provider 'Fiesta Catering' was consulted regarding the elimination of single-use plastics, they advised that this was certainly achievable, and several other Council areas already required this for festivals and events, therefore vendors were prepared to make the changes. Resource Recovery and Education staff also attended the Moonlight Market during December 2019 and January 2020 to understand what kind of products were being used and to discuss changes with vendors, as well as to help the community understand how to sort waste properly. Most acknowledged that many Councils were heading in this direction so they had already made changes or were looking into how they could transition packaging to be acceptable.



## **Resource Implications**

Budget Allocation in the Current Financial Year: *Ongoing education and evaluation of the Policy budget is included in our existing education and engagement budget.*

## **Attachments**

1. Single-Use Plastic Policy



### WASTE WISE EVENTS SINGLE-USE PLASTIC POLICY

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Council
<b>Approval Date:</b>	20/07/2020
<b>Review cycle:</b>	Annual
<b>Review Date:</b>	20/07/2021
<b>Responsible Officer:</b>	Resource Recovery Development Coordinator
<b>Owner:</b>	Resource Recovery and Education
<b>Responsible Director:</b>	Presentation and Assets
<b>Relevant Legislation/Authority:</b>	Environment Protection Act 1970
<b>DOCSETID:</b>	<a href="#">Click here to enter text.</a>

#### 1. PURPOSE

This policy provides a framework for the elimination of Single-Use Plastics where possible at Events run by the City and Events held on City owned or managed property including open space such as parks and gardens, buildings, venues and roads.

#### 2. BACKGROUND

- 2.1 The City hosts and sponsors a variety of Events across the municipality throughout the year. The City also provides access to a variety of different venues for the community to hold Events. Large Events generate a significant amount of waste, predominantly Single-Use Plastic.
- 2.2 Single-Use Plastic has a significant negative effect on the environment when disposed in landfill. Plastic of this kind is typically not recyclable in the kerbside stream, with few exceptions. Plastic also is not degradable and can break down into smaller, more harmful fragments and fibres. Those plastic fragments and fibres are being found in marine and human food chains.
- 2.3 The elimination of Single-Use Plastic products and the promotion of viable alternatives (reusable, recyclable and compostable) where possible will assist the City in significantly reducing waste to landfill, reduce litter and encourage residents and Event holders to act in a more sustainable way.



- 2.4 This policy aligns with the One Planet Living Framework and Zero Waste, reducing waste, reusing where possible, and ultimately sending zero waste to landfill.

### 3. SCOPE

This policy applies to all Events conducted on land, in buildings, at venues and on roads owned or managed by the City. This policy also applies to all Events sponsored by the City.

This policy applies to all staff and non-staff Events at the City of Greater Bendigo.

It applies to:

- meetings, events and functions (for internal and external attendees)
- fundraising occurring on the City's premises
- Council briefings and meetings
- prizes and giveaways
- sponsorship deals
- food and drink items sold within the premises i.e. employee kitchens, tearooms and office areas
- food provided by external groups or individuals utilising Council run or managed buildings or facilities
- All staff Christmas party/s
- Venues where Council has on-site catering under a commercial arrangement (i.e. Ulumburra, The Capital, Town Hall)

### 4. DEFINITIONS

In this policy:

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

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

Event means any planned activity that occurs in a certain place, during a certain time, which involves a small or large gathering of people and has some level of impact on the immediate surroundings. This includes, but is not limited to, markets, festivals, parties, conferences, meetings, workshops, functions and civic, commercial and community events.

Single-Use Plastic means a disposable plastic product that designed to be used once or for a short period of time before disposal. Single-Use Plastic includes, but is not limited to, plastic bags, balloons, straws, plastic bottled water, sauce sachets, plastic cutlery/plates/cups, takeaway containers such as polystyrene boxes and trays, disposable paper cups with plastic lining, plastic glitter, glow sticks, plastic promotional items and cling wrap.

Staff means employees, students, agents, and volunteers engaged directly by the City as well as all contractors either engaged by the City or by an authorised contractor of the City.



## 5. PRINCIPLES

5.1 The City's waste management and resource recovery activities need to align with the waste management hierarchy, this hierarchy highlights the most preferred option for the management of waste starting with the need to avoid waste altogether, it moves through stages of reducing, recycling, recovery and treatment before the least preferred option for waste management is used which is disposal in landfill. The principles of this policy are to avoid and reduce waste generated at Events that are then unable to be recycled or recovered and must be disposed of in landfill.

5.2 The following principles underpin this policy:

- waste minimisation;
- maximise the use of resources by recycling and composting;
- sustainability; and
- shared responsibility.

## 6. POLICY

### 6.1 General

- 6.1.1 With the exception of clause 6.2, Single-Use Plastic must not be used or distributed at Events conducted on land, in buildings, at venues and on roads owned or managed by the City.
- 6.1.2 Access to free drinking water must be provided where possible with clear signage available around the Event.
- 6.1.3 Event organisers should seek certified compostable items as an alternative to Single-Use Plastics.
- 6.1.4 Event organisers are required to submit a waste management plan to secure an Event booking.
- 6.1.5 Consideration must be given when supplying promotional giveaways at City run or managed Events, buildings and facilities to avoid plastic material.
- 6.1.6 Event organisers are required to educate Event staff and Event attendees on Single-Use Plastic free practices, promoting re-use and a litter free event environment.
- 6.1.7 Event signage (including promotional banners and flags) is to be re-used where possible.
- 6.1.8 The Event site, road or venue must be left litter free and returned to the conditions pre-Event.



## 6.2 Exemptions

- 6.2.1 Exemptions can be made for health and safety reasons where there is no viable alternative or substitute product. All exemptions need to be approved by the Resource Recovery and Education prior to the Event.
- 6.2.2 Bottled water is permitted to be sold by stallholders at Events.
- 6.2.3 Plant based plastics that meet the Australian Composting Standards are permitted if no alternative products can be found, approval is required by the Resource Recovery and Education unit prior to the Event.

## 6.3 Non compliance

- 6.3.1 The City will support and assist organisations or individuals organising an Event to comply with this policy.
- 6.3.2 If an organisation or individual does not comply with this policy, the Event may not be supported or approved by the City in the future.
- 6.3.3 Events on City managed land will need to commit to comply with the policy before any City sponsorship for that Event is approved.

# 7. ROLES AND RESPONSIBILITIES

## 7.1 Staff Responsibilities

- the Resource Recovery and Education team and will assist and provide guidance to Event planners, organizers, and participants;
- all City Staff will ensure that Events run by their unit or team comply with all Single-Use Plastic policy requirements;
- City Event staff ensure that Events sponsored by the City comply with all Single-Use Plastic policy requirements during the planning and organizing and delivery phases; and
- City Event staff and the Resource Recovery and Education team ensure that poor adherence to the policy is addressed and guidance is provided to rectify this. Where necessary the Resource Recovery and Education team and City Event staff make recommendations that these Events are not supported or approved by the City.

## 7.2 Community Members, Groups and other Organisations Responsibilities

- ensure that vendors and Event attendees are aware of, and understand the Single-Use Plastics Policy and that they comply with the policy;

## 7.3 Councillor Responsibilities

- advocate for compliance with the Single-Use Plastics Policy within the community; and
- support the ongoing implementation of the Single-Use Plastics Policy



## 8. RELATED DOCUMENTS

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

These include:

*Waste Wise Events Guide*

*Greater Bendigo Environment Strategy*

Further information or advice on this policy should be directed to Resource Recovery and Education

## 9. HUMAN RIGHTS COMPATIBILITY

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

## 10. ADMINISTRATIVE UPDATES

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

## 11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
Month, year	Insert initials	Business Unit	Eg. Develop, Review (significant) Review (administrative), Update	Increase version number each time document is updated/changed	Month, year
Month, year	Insert initials	Business Unit	Eg. Develop, Review (significant) Review (administrative), Update	Increase version number each time document is updated/changed	Month, year

**6. EMBRACING OUR CULTURE AND HERITAGE**

Nil.

## 7. LEAD AND GOVERN FOR ALL

### 7.1 IMPLEMENTATION OF THE LOCAL GOVERNMENT ACT 2020

#### Document Information

**Author** Peter Hargreaves, Coordinator Civic and Governance Support; Jen Nolan, Policy and Legal Support Officer; Rebecca Maple, Legal Support Officer

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

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#### Purpose

The purpose of this report is to seek Council adoption of key documents that form part of the *Local Government Act 2020* and must be implemented by 1 September 2020.

#### Summary

The *Local Government Act 2020* (**the 2020 Act**) received Royal assent on 24 March 2020 and replaces to a large extent the *Local Government Act 1989* (**the 1989 Act**) in governing the way Councils operate in Victoria.

The 2020 Act specifies overarching governance principles for Councils including:

- Achieving the best outcomes for the municipal community, including future generations;
- Promoting the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks,
- Engaging the municipal community in strategic planning and strategic decision making;
- Ensuring Council's ongoing financial viability;
- Ensuring the transparency of Council decisions, actions and information.

The 2020 Act is being proclaimed in four key stages. Stage one enacted the Overarching Governance Principles. Stage two requires Council develop and implement several key documents by 1 September:

1. Public Transparency Policy
2. Governance Rules
3. Election Period Policy
4. Council Expenses and Councillor Support Policy
5. Audit and Risk Charter
6. Updated delegations



7. Integration of new provisions for Delegated Committees/Community Asset Committees. See separate report following.

Adoption of each of these key documents will ensure Council's legislative compliance during the transition period.

## **RECOMMENDATION**

That Council:

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

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

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

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## **Policy Context**

Adherence to Council's legislative obligations under the *Local Government Act 2020* (Vic).

Community Plan Reference:

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

Goal 1: Lead and govern for all

## Report

The details of the attached Public Transparency Policy, Governance Rules, Election Period Policy, Councillor Expenses and Support Policy and Audit and Risk Committee Charter are provided below. You will see the key points highlighted and the process of community engagement including submissions, if any.

### 1. Public Transparency Policy

The adoption and maintenance of a Public Transparency Policy is a new requirement of Victorian Councils.

The purpose of the Policy is to support open and accountable conduct and the public availability of council information. It will also foster timely access to information and community awareness and understanding of what Council information is available and how to access it.

The draft Policy (**Attachment 1**) was developed drawing on the model Public Transparency Policy prepared by the Department of Environment, Land, Water and Planning (DELWP) in collaboration with the local government sector. The policy applies to Councillors and Council staff.

The draft Policy gives effect to the following public transparency principles set out in the 2020 Act:

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

#### *Policy Implementation*

In order to achieve the goals of the Policy, a significant amount information will be placed online for public access. This process will take some time to achieve and will be monitored over the first 12 months of operation.

### Consultation/Communication

#### Internal Consultation:

In developing the draft Policy consultation was undertaken internally and feedback incorporated into the draft that was placed on public exhibition.

External Consultation:

The draft Policy was placed on public exhibition for community consultation on the City website from 8 to 29 July 2020. Information in relation to the draft Policy was also promoted through five public notices in local print media, notice in a Council e-newsletter with approximately 850 subscribers, media releases, the City's website and social media platforms.

In total one submission was received during the exhibition period:

#### Submission by Kathryn Stanislawski

##### Questions on Public Transparency Policy

What is the step change this policy brings to the organisation?

How will you measure successful achievement of the policies objectives/purpose?

Will you review your current information delivery strategies?

Will you actively seek to demonstrate/communicate, that your decisions are in the interests of the greater good?

How will you share this and other policies in a manner that is better suited to the general public?

##### Comments/questions regarding the intersection with the Community Engagement Policy

CoGB has many many many policies, strategies and plans. Sometimes over-information prohibits understanding and engagement as much as a lack of information.

The COGB produces beautiful documents, most often with great intent, but there are so many of them. It is exhausting wading through them all and creates confusion and lack of transparency.

The policy should explicitly recognise the types of decisions that the community will be engaged about and the public participation goals (inform, consult etc), and how and why they are applied - rather than leave the reader to find these in the Community Engagement Policy.

What will you be doing differently to what has already been delivered (eg. via the Community Engagement Policy, or what is already available on the website?).

Will you actively pursue information from all sectors of the community, not just the loudest voices, deepest pockets or the same olds? This is an endless challenge for the public sector bringing in more voices and perspectives to decision making, but it is something that genuinely engagement attempts to achieve.

Will you review your current information delivery strategies and seek advice from the community about how they would like to be engaged, and seek continuous feedback about how you are going?

#### Officer Response and Recommendation

The submission poses a number of questions regarding the operation of the draft policy and the intersection with the Community Engagement Policy. Some comments and questions relate to the Community Engagement Policy and not the policy under review. No changes are recommended in response to the submission. A formal response will be provided to the submitter which addresses the questions raised.

## 2. Governance Rules

Section 60 of the 2020 Act requires that Council develop, adopt and apply Governance Rules that describe the way it will conduct Council meetings and make decisions.

The draft Rules largely replace the Council's Local Law – Process of Municipal Government (2020) which currently governs meeting procedure, election of the Mayor and Deputy Mayor and use of the common seal.

The proposed Governance Rules (**Attachment 2**) have been prepared based on both the current Local Law, the DELWP model rules developed in consultation with local government sector. The Rules address all areas mandated by the 2020 Act including:

- the conduct of Council meetings;
- the conduct of meetings of delegated committees;
- the form and availability of meeting records;
- the election of the Mayor and the Deputy Mayor;
- the appointment of an Acting Mayor in circumstances where the Mayor is unable to undertake his/her duties;
- the procedures for the disclosure of a conflict of interest by a Councillor; and
- the disclosure of a conflict of interest by a member of Council staff.

The Rules also include:

- expanded provisions on the role of the Chairperson;
- the roles at Council Meetings of Councillors, the CEO and members of the public, members of delegated committees;
- more guidance on the standard of behaviour expected of Councillors, staff and members of the public attending Council meetings, and
- time limits for meetings.

Under the 2020 Act the Governance Rules must also include rules for the conduct of Council during election or caretaker periods, through an Election Period Policy. See item 3 below.

Once adopted the Governance Rules will replace all sections of the Council Local Law – Process of Municipal Government 2020 except those dealing with use of the common seal, maintenance of order, removal of a person from chambers and infringement notices.

### Consultation/Communication

#### Internal Consultation:

In developing the draft Rules internal consultation was undertaken with Councillors including through an informal workshop and feedback was incorporated into the draft Rules that were placed on public exhibition.

### External Consultation:

The draft Rules were placed on public exhibition for community consultation on the City website from 15 to 29 July 2020. Information in relation to the draft Governance Rules was also promoted through five public notices in local print media, notice in a Council e-newsletter with approximately 850 subscribers, media releases, the City's website and social media platforms.

No public submissions were received during the exhibition period.

### **3. Election Period Policy**

Section 60 of the 2020 Act requires that an Election Period Policy be included Council's Governance Rules.

In drafting the new Policy, Governance staff took into account the requirements of the 2020 Act and benchmarked the existing Policy against those of other Victorian Councils and incorporated numerous improvements.

The draft new Policy (Attachment 3) is designed to ensure that the general elections for the City are conducted in a manner that is ethical, fair and equitable.

The Policy specifies procedures intended to prevent the Council from making inappropriate decisions, taking inappropriate actions or using resources inappropriately during the Election Period before a general election, a by-election and at other times as specified

In accordance with Section 69 of the 2020 Act the Policy prohibits the following during the election period:

- decisions regarding the appointment or remuneration of the Chief Executive Officer but not to the appointment of or remuneration of an Acting Chief Executive Officer;
- decisions committing Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
- decisions on items where Council considers could be reasonably deferred until the next Council is in place;
- decisions the Council considers should not be made during an election period; and
- decisions that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

The Policy also:

- prohibits the use of Council resources for any election campaign, including Federal, State or Council elections.
- sets out the conditions for any community engagement required to be undertaken during an election period;

- sets out the requirements for any Council publications during the election period to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
- defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and
- proposes the suspension of Council Advisory Committees during the Election Period ahead of a general Council election.

### **Consultation/Communication**

#### Internal Consultation:

In developing the draft Policy consultation was undertaken internally and feedback incorporated into the draft Policy that was placed on public exhibition.

#### External Consultation:

The draft Policy was placed on public exhibition for community consultation on the City website from 15 to 29 July 2020. Information in relation to the draft Election Period Policy was also promoted through five public notices in the local print media, notice in a Council e-newsletter with approximately 850 subscribers, media releases, the City's website and social media platforms.

No public submissions were received during the exhibition period.

## **4. Councillor Expenses and Support Policy**

Section 40 of the 2020 Act provides that a council must reimburse out of pocket expenses of Councillors and members of a delegated committee and that a council must provide details of these reimbursements to the Audit and Risk Committee (see item 5).

To support this requirement the 2020 Act requires that Council must adopt and maintain an expenses policy in relation to the reimbursement of these out-of-pocket expenses.

Council adopted an Expenses and Support Policy in 2015 but a new draft was developed in response to new requirements under the 2020 Act, provisions recommended in a DELWP model policy and process improvements identified by the Governance Unit.

The proposed Policy is based on the principle that Councillors will be reimbursed for out-of-pocket expenses that are:

- bona fide expenses; and
- have been reasonably incurred in the performance of the role of Councillor; and
- are reasonably necessary for the Councillor to perform this role

In accordance with the 2020 Act the draft Policy (**Attachment 4**):

- includes procedures to be followed in applying for reimbursement and in reimbursing expenses;
- provides for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and

- has regard to expenses incurred by a Councillor who is a carer (in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012).

The draft Policy also includes process improvements regarding:

- how claims are lodged;
- documentation; and
- supporting evidence.

The draft Policy is supported by new administrative procedures providing for more efficient processing and handling of claims via an online method.

The draft Policy and procedures provide clearer guidance on what are reasonable expenses for approved travel and accommodation. For the first time they link the level of entitlements to the Australian Tax Office schedule.

Councillors receiving travel funding will be required to submit a verbal and written report within one month of travel including the purpose of the trip and the benefits to the Council/community.

## 5. Audit and Risk Charter

Similarly to the 1989 Act, the 2020 Act requires that Councils establish an Audit and Risk Committee to support Council to discharge its responsibilities in complex areas where specialist skills and experience are needed.

The draft Charter (**Attachment 5**) was developed using the DELWP model Audit and Risk Committee Charter developed following a sector-led engagement process. Consideration was also given to the current charter developed in 2018 and engagement with the current committee on methods to continue to improve the operation of the committee.

In accordance with the 2020 Act the draft Charter specifies the following functions and responsibilities:

- monitor the compliance of Council policies and procedures with the overarching governance principles and the Act and any regulations and Ministerial directions;
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls; and
- oversee internal and external audit functions.

The 2020 Act also requires the Committee undertake an annual assessment of its performance against the Audit and Risk Committee Charter. A workplan for the Committee has also been developed and addresses the key areas of the Charter.

The workplan and a document outlining the review of the City's Internal Control Environment will be presented at the next Audit and Risk Committee meeting to be endorsed. These documents will provide the structure for the legislated reporting through to Council.

### *Audit and Risk Committee Membership*

The Audit and Risk Committee consists of the following members:

#### ***Independent Members***

| Committee Member           | Appointment    | Date Re-appointed | Review Date    |
|----------------------------|----------------|-------------------|----------------|
| Mr Warren Pollock          | 1 October 2016 | 1 October 2019    | 1 October 2022 |
| Mr Graham Bastian          | 1 October 2014 | 1 October 2017    | 1 October 2020 |
| Mr Shannon Buckley         | 1 October 2018 | N/A               | 1 October 2021 |
| Ms Jovana Obradovic-Tantra | 1 October 2018 | N/A               | 1 October 2021 |

#### ***Council Representatives***

| Committee Member     | Initial Appointment | Date Re-appointed | Review Date |
|----------------------|---------------------|-------------------|-------------|
| Cr Margaret O'Rourke | 19 December 2016    | 20 November 2019  | Annually    |
| Cr Jennifer Alden    | 12 December 2018    | 20 November 2019  | Annually    |
| Cr Andrea Metcalf    | 20 November 2019    | N/A               | Annually    |

The current membership of the Audit and Risk Committee meets the requirements of the Act. It is proposed that the membership of the current Committee continue unchanged under the revised Charter, noting that the appointment of the current Council representatives will be reviewed following the election in November 2020.

### **Consultation/Communication**

Independent and Council members of the Audit and Risk Committee participated in consultation with their feedback being incorporated into the draft Audit and Risk Committee Charter.

## **6. Updated delegations**

An instrument of delegation is a written document that specifies what powers are delegated and to whom.

Delegations empower employees with the authority to make binding decisions on behalf of the Council. This enables timely decisions to be made on the front line, by employees or committees with the required specialised knowledge. For example most decisions on planning permit applications are made by planning officers with the right level of expertise or qualification, subject to appropriate oversight.

Council currently provides a broad delegation of duties and powers to the CEO (subject to several limitations). The delegation is set out in the S5 Instrument of Delegation from Council to Chief Executive Officer authorised by Resolution of Council on 21 November 2018.

Council also delegates legislative powers to specific members of staff. These delegations are set out in the S6 Instrument of Delegation from Council to Members of Council Staff authorised by Resolution of Council on 17 July 2019.



Section 11 of the 2020 Act gives Council the authority to delegate any power, duty or function to the CEO and provides that unless revoked sooner, a delegation made under the 1989 Act will expire on 1 September 2020.

Decisions made without proper authority due to expiry can put the City at risk, both legally and financially.

With the introduction of the 2020 Act the opportunity was taken to review all existing delegations against the new Act and to incorporate changes in any other legislation made, on or after 28 January 2020 to ensure employees have authority to continue making binding decisions on behalf of the City after 1 September 2020.

As a result, updated instruments of delegation have been prepared for Council's consideration:

- S5 Instrument of Delegation from Council to Chief Executive Officer (Attachment 6(a))
- S6 Instrument of Delegation from Council to Members of Council Staff (Attachment 6(b))

The updated instruments do not significantly change the way the City operates or materially increase the authority delegated from Council. The delegation from Council to Chief Executive Officer clarifies the limitations on a CEO's powers through minor amendments and the delegation from Council to members of staff was updated to reflect the commencement of the 2020 Act, as well as the commencement of some changes to the *Residential Tenancies Act 1997* (Vic).

## **Consultation/Communication**

### Internal Consultation:

Consultation was undertaken across the organisation. The draft instruments were circulated to all managers and directors for review. With that feedback received, the instruments were revised prior to a final draft being developed.

### External Consultation:

No external consultation was necessary

### Risk Analysis:

*Public Transparency Policy, Governance Rules, Election Period Policy, Councillor Support and Expenses Policy, Audit and Risk Committee Charter*

Council has a statutory obligation to prepare and implement these Policies, rules and Charter by 1 September or risk non-compliance with the 2020 Act.

### *Updated delegations*

If Council delegations are not updated prior to 1 September 2020, decisions made without proper authority can put the city at risk both legally and financially.

### **Resource Implications**

*Public Transparency Policy, Governance Rules, Election Period Policy, Councillor Support and Expenses Policy, Audit and Risk Committee Charter*

The adoption of the Policies, Rules and Charter are estimated to be budget neutral.

### **Attachments**

1. Draft Public Transparency Policy
2. Draft Governance Rules
3. Draft Election Period Policy
4. Draft Councillor Expenses and Support Policy
5. Audit and Risk Charter
6. a) S5 Instrument of Delegation from Council to Chief Executive Officer
6. b) S6 Instrument of Delegation from Council to Members of Council Staff (separated document)



## PUBLIC TRANSPARENCY POLICY

|                                        |                                                                                        |
|----------------------------------------|----------------------------------------------------------------------------------------|
| <b>Approval Level:</b>                 | Council                                                                                |
| <b>Policy Type:</b>                    | Council                                                                                |
| <b>Approval Date:</b>                  | 19/08/2020                                                                             |
| <b>Review cycle:</b>                   | Annually                                                                               |
| <b>Review Date:</b>                    | 19/08/2021                                                                             |
| <b>Responsible Officer:</b>            | Manager Governance                                                                     |
| <b>Owner:</b>                          | Governance                                                                             |
| <b>Responsible Director:</b>           | Corporate Performance                                                                  |
| <b>Relevant Legislation/Authority:</b> | <i>Freedom of Information Act 1982 (Vic)</i><br><i>Local Government Act 2020 (Vic)</i> |
| <b>DOCSETID:</b>                       | 4417903                                                                                |

**1. PURPOSE**

The purpose of this policy is to:

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

**2. BACKGROUND**

- 2.1 Transparency and access to government information is a core principle of democratic governance. Systems that are open, accountable and honest are fundamental to building trust within the community and enabling fully informed engagement in the democratic process. Without Transparency and engagement, the core responsibilities of local government cannot be achieved.



- 2.2 Importantly, Transparency and information sharing better enable the Municipal Community to contribute to policy formulation, assist regulation compliance, participate in program administration, support decision making and evaluate service delivery performance.
- 2.3 The *Local Government Act 2020* (Vic) (**Act**) supports the City's commitment to the principles of open, honest and accountable governance. One of the overarching principles of the new Act is that the Transparency of Council decisions, actions and information is to be ensured. This policy formalises the City's commitment to Transparency in its decision-making processes and the public awareness of the availability of City information.
- 2.4 This policy fulfils the City's requirement to adopt and maintain a public transparency policy under section 57 of the Act and gives effect to the Public Transparency Principles outlined in section 58.

### 3. SCOPE

This policy applies to all Councillors and Workplace Participants.

### 4. DEFINITIONS

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

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

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

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



|                                                   |                                                                                                                        |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Councillor Conduct Panel confidential information | Confidential information relating to a Councillor Conduct Panel matter.                                                |
| Confidential information under the 1989 Act       | Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> . |
| Information prescribed by regulations             | Information prescribed by the Act's regulations to be confidential information.                                        |
| Confidential information under other legislation. | Information that is deemed confidential by virtue of any other legislation.                                            |

Council means all of the Councillors collectively.

FOI means freedom of information.

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

Municipal Community means:

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

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

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

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

## 5. PRINCIPLES

This policy is guided by the following principles:

- 5.1 Open access to City information – If there is no legal or commercial requirement to protect the information, it should be open to public access;
- 5.2 Promotion of integrity and accountability – The City's decisions, actions and performance are open to public scrutiny; and



5.3 Increased awareness around decision-making processes – The City's decisions, actions and performance are clearly explained, and this policy is easily accessible to the public.

5.4 Council decisions are made within the legal framework within which it must operate.

## 6. POLICY

### Council meetings

6.1 Decision making at Council meetings will be:

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

### Documents held by the City

6.2 City information

- 6.2.1 A list of available information is provided in the Part II Statement published in accordance with the FOI Act. Part II of the FOI Act requires government agencies and local councils to publish several statements designed to assist members of the public in accessing the information it holds. The Part II Statement is available on the City's website by accessing the following link:  
<https://www.bendigo.vic.gov.au/About/Document-Library/part-ii-statement>
- 6.2.2 Consistent with the Part II Statement, the City will make the following types of records publicly available either by way of electronic publication or inspection:
- codes of conduct;
  - Council policies and organisational policies;
  - annual reports;
  - election campaign donation returns;
  - interstate and international travel details of Councillors and City staff;
  - returns of interest during the financial year;
  - submissions received under Section 223 of the *Local Government Act 1989* (Vic) during the previous 12 months until its repeal;
  - donations and grants made by the City during the financial year;
  - agreements to establish regional libraries;
  - register of leases entered into by the City as a lessor (where the City is the owner);
  - register of authorised officers appointed by Council;
  - organisations of which the City was a member during the financial year and details of membership fees and services provided;



- instruments of delegation;
- register of processes and operating procedures where appropriate;
- application processes for approvals, permits, grants, access to Council services;
- decision making processes;
- guidelines and manuals;
- road management plans;
- register of roads;
- community engagement processes; and
- complaints handling processes.

#### 6.2.3 Publications

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

#### Access to information

#### 6.3 General

- 6.3.1 The information referred to in clause 6.2.2 will be made available in a variety of ways including on the City's website or at the City offices. Some information may only be available by request.
- 6.3.2 Members of the public can make various kinds of information requests to the City. For example, informal requests for documents and information or formal requests under the FOI Act.
- 6.3.3 If the request is deemed unreasonable or too voluminous, consideration will be given to charging a reasonable fee for accessing the documents. Such requests may also be required to be processed under FOI. If a decision is made that a request is unreasonable or too voluminous the applicant will be provided with reasons for this decision.
- 6.3.4 Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).
- 6.3.5 The City will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.
- 6.3.6 This policy will be published on the City's website and will be made available in hard copy upon request.

#### 6.4 FOI applications

The FOI Act gives everyone the right to access documents held by governmental agencies and Ministers, including the City. If a member of the public cannot locate a particular document they are seeking, the City encourages them to make contact before lodging an FOI



application. In some instances, the City will be able to provide the information without going through the formal FOI process.

#### **Information not available**

#### **6.5 City information may not be publicly available if:**

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

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

#### **6.7 Public Interest Test**

- 6.7.1 When determining whether release would be contrary to the public interest, the City will apply the Public Interest Test.
- 6.7.2 The City is not required to make publicly available information if the release would be contrary to the public interest. The City may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.
- 6.7.3 Information that might be withheld because it is contrary to the public interest may include:
  - a) internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public or cause ill-informed debate;
  - b) directions to Workplace Participants regarding negotiations in contractual or civil liability matters, where release may damage the City's capacity to negotiate the best outcome for the community; or
  - c) correspondence with members of the community, where release may inappropriately expose a person's private dealings.

#### **Non-compliance with this policy**





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

#### **Monitoring, evaluation and review**

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

### **7. ROLES AND RESPONSIBILITIES**

#### **7.1 Workplace Participants**

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

#### **7.2 Managers**

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

#### **7.3 Manager Governance**

- 7.3.1 To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
- 7.3.2 Communicate this policy to the organisation.



7.3.3 Provide educational resources and training to the organisation on the importance of transparency.

#### 7.4 Executive Management Team

7.4.1 Champion behaviours that foster Transparency and drive the principles through policy, process and leadership.

7.4.2 Monitor implementation of this policy.

#### 7.5 Council

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

### 8. RELATED DOCUMENTS

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

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

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

### 9. HUMAN RIGHTS COMPATIBILITY

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

### 10. ADMINISTRATIVE UPDATES

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

### 11. DOCUMENT HISTORY

| Date Approved | Responsible Officer | Unit       | Change Type | Version | Next Review Date |
|---------------|---------------------|------------|-------------|---------|------------------|
| June, 2020    | JN                  | Governance | Develop     | 1       | Aug 2021         |



|           |     |            |             |   |           |
|-----------|-----|------------|-------------|---|-----------|
| Aug, 2020 | JCH | Governance | Development | 2 | Aug, 2021 |
|-----------|-----|------------|-------------|---|-----------|

DRAFT



**GREATER BENDIGO CITY COUNCIL**  
**GOVERNANCE RULES**



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## 1. TITLE

Greater Bendigo City Council Governance Rules

## 2. OBJECTIVES

The objectives of the Governance Rules are to –

- (a) provide for the peace, order and good government of the Greater Bendigo municipal district;
- (b) provide for the administration of Council's powers and functions;
- (c) regulate proceedings at meetings of Council, a Delegated Committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply;
- (d) regulate the procedure for the election of the Mayor and Deputy Mayor; promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for council to ascertain the local community's views and expectations; and
- (e) provide an Election Period Policy to regulate compliance in the lead up to local government elections.

## 3. AUTHORISING PROVISION

The Governance Rules are made under section 60 of the Act.

## 4. OPERATION DATE

The Governance Rules comes into operation on 1 September 2020 and review by 1 December 2021.

## 5. DEFINITIONS

**Act** means the *Local Government Act 2020* (Victoria);

**Advisory Committee** means a committee established by the Council, that provides advice to:

- (a) the Council; or
- (b) a member of Council staff who has been delegated a power, duty or function of the Council;
- (c) that is not a Delegated Committee

**Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

**Agreement of Council** means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.



**Audit and Risk Committee** means the Audit and Risk Committee established by a Council under section 53 of the Act.

**Authorised Officer** has the same meaning as in the *Local Government Act 1989* (Victoria) or any other relevant Act;

**Chairperson** means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

**Chamber** means any room where the Council holds a Council Meeting

**Chief Executive Officer** means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

**Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules;

**Committee Meeting** means a Meeting of a Delegated Committee;

**Common Seal** means the common seal of Council;

**Council** means Greater Bendigo City Council;

**Councillor** means a Councillor of Council;

**Code of Conduct** has the same meaning as in the Act;

**Council Meeting** means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled Meeting and unscheduled Meeting;

**Delegate** means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

**Delegated Committee** has the same meaning as in the Act;

**Delegated Committee Meeting** means a Meeting of a Delegated Committee

**Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

**Director** means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

**Disorder** means any disorderly conduct of a Member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting;





**Foreshadowed Item** means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting;

**Majority of the Votes** means a majority of Councillors present at the time of a vote voting in favour of a matter;

**Mayor** means the Mayor of Council and any person appointed by Council to be acting as Mayor;

**Meeting** means a Council Meeting or a Delegated Committee Meeting;

**Member** means a member of any committee to which these governance rules apply;

**Minister** means the Minister for Local Government;

**Minutes** means the official record of the proceedings and decisions of a Meeting;

**Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

**Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;

**Notice of Rescission** means a Notice of Motion to rescind a resolution made by Council;

**On Notice** means held or deferred to enable preparation of a response;

**Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

**Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

**Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting;

**Unscheduled Meeting** means a Meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council Meetings set by Council.

## 6. MEETING PROCEDURE

### 6.1 Purpose of Council Meetings

6.1.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.

6.1.2 In accordance with the *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the public and the community are able to attend.

6.1.3 In accordance with section 66 of the Act, Meetings will only be closed to members of the public if:

(a) there are clear reasons for matters to remain confidential; or



- (b) a Meeting is required to be closed for security reasons; or
- (c) it is necessary to enable the Meeting to proceed in an orderly manner.

6.1.4 If a Meeting is closed to the public for the reasons outlined in Sub-Rule 2.1.3(b) or (c), the Meeting will be livestreamed. In the event a livestream is not available the Meeting may be adjourned, or a recording of the proceedings may be available on Council website.

## **7. MEETING ROLES**

### **7.1 Chairperson and Members**

7.1.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:

- (a) The Decision making is transparent to Members and observers;
- (b) Meeting Members have sufficient information to make good decisions;
- (c) Every Member is supported to contribute to decisions;
- (d) Due process and natural justice in decision making for any person whose rights are affected;
- (e) Debate and discussion is focussed on the issues at hand;
- (f) Meetings are conducted in an orderly and respectful manner.
- (g) Decisions should be made on the merits of the matter.

### **7.2 Mayor to take the Chair**

- 7.2.1 The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- 7.2.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
- 7.2.3 If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, the immediate past Mayor or immediate past Deputy Mayor will Chair the Meeting.

### **7.3 Delegated Committee Chairperson**

- 7.3.1 At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson.
- 7.3.2 The Chair of a Delegated Committee must be a Councillor.
- 7.3.3 For the avoidance of doubt, Sub-Rule 3.3.1 does not intend to limit the powers of the Mayor provided in the Act.

### **7.4 The Chairperson's Duties, Responsibilities and Discretions**



In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- 7.4.1 must preside over and control the Meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business.
- 7.4.2 must not accept any Motion, question or statement which is:
  - (a) vague or ambiguous;
  - (b) defamatory, malicious, abusive or objectionable in language or substance; or
  - (c) outside the powers of Council;
- 7.4.3 must allow the CEO the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
- 7.4.4 must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- 7.4.5 must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result; and
- 7.4.6 must decide on all points of order.

## **7.5 CEO**

- 7.5.1 The CEO, or delegate, may participate in the Meeting to provide support to the Chairperson.
- 7.5.2 The CEO should:
  - (a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
  - (b) Advise if there are operational, financial or risk implications arising from a proposed resolution;
  - (c) Help clarify the intent of any unclear resolution to facilitate implementation;
  - (d) On request, assist with procedural issues that may arise.

## **7.6 Councillors and Members of Delegated Committees**

- 7.6.1 Councillors and Members of Delegated Committees contribute to good governance and decision making by:
  - (a) Reading and understanding items in the Agenda and being aware of the community impact of these Meeting;
  - (b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers;



- (c) Attending Meetings and participating in debate and discussion;
- (d) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making;
- (e) Being courteous and orderly.

## **7.7 Community**

- 7.7.1 Council Meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- 7.7.2 Community Members may only participate in Council Meetings in accordance with these rules.
- 7.7.3 Community Members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

## **7.8 Apologies and absences**

- 7.8.1 Councillors and Members of Delegated Committees who are unable to attend a Meeting may submit an apology in writing or verbally to the Chairperson, the CEO or the Manager Governance:
- 7.8.2 An apology submitted to a Meeting will be recorded in the minutes.
- 7.8.3 A Councillor intending to take a leave of absence should submit a request in writing to the Mayor, CEO or the Manager Governance and the request will be included in the Agenda of the next Council Meeting.
- 7.8.4 A leave of absence not included in a Council Meeting Agenda may still be considered by Council if a written request has been received by the Mayor, CEO or the Manager Governance prior to the Meeting.
- 7.8.5 Council will not unreasonably withhold its approval of a leave of absence requests for reasonable periods of time.
- 7.8.6 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent.

## **8. NOTICE AND AGENDA**

### **8.1 Scheduled Meetings**

- 8.1.1 At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- 8.1.2 The schedule of Council Meetings must be posted on the Council website and also be available from Council's Customer Service Centres.



- 8.1.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website
- 8.1.4 The Council, or the CEO, may change the date, time and place of any Council Meeting which has been fixed and must provide at least seven days' notice of the changes to the public by the Council website.
- 8.1.5 The notice necessary to call a scheduled Meeting in accordance with the Act must be delivered to the CEO in sufficient time to enable seven days' notice to be given to Councillors.
- 8.1.6 A notice of Meeting incorporating or accompanied by an Agenda of the business to be dealt with must be sent electronically to every Councillor:
  - (a) at least five days before a scheduled Meeting, or
  - (b) at least two days before an unscheduled Meeting.
- 8.1.7 Agendas will be available to the public on the Council website at least five clear days before the Meeting.
- 8.1.8 It will not be necessary for a notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of his or her absence.
- 8.1.9 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO, the CEO or, in the absence of the CEO, a delegate of the CEO may without the requisite notice stated above:
  - (a) call or postpone a Meeting of the Council,
  - (b) change the place of a Meeting.

## **8.2 Unscheduled Meetings**

- 8.2.1 Council may by resolution call an unscheduled Meeting of the Council.
- 8.2.2 The Mayor, or three Councillors may by written notice call an unscheduled Meeting of the Council.
- 8.2.3 The CEO, following consultation with the Mayor, may call an unscheduled Meeting.
- 8.2.4 The CEO must determine the time and date for the Meeting, giving consideration to:
  - (a) the urgency of the business to be transacted
  - (b) the availability of Councillors
  - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted



- 8.2.5 The CEO must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with Section 26 of the Act.
- 8.2.6 The unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the CEO.
- 8.2.7 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

### **8.3 Quorum**

- 8.3.1 The quorum required for Ordinary Council Meetings will be not less than half the total number of elected Councillors.
- 8.3.2 The quorum required for Special Council Meetings will be not less than half the total number of elected Councillors.
- 8.3.3 The quorum for Special Committee Meetings will be determined by the Committee but in the absence of the Committee determination, the quorum required will be not less than half of the total number of persons elected to the Committee.
- 8.3.4 In the case of an emergency where the CEO or, in the absence of the CEO, a delegate of the CEO, has called a Meeting, the quorum for a Special (Emergency) Meeting will be not less than half of the total number of elected Councillors.
- 8.3.5 If after thirty (30) minutes of the scheduled starting time of any Meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the adjournment.
- 8.3.6 If during any Meeting or any adjournment of the Meeting a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the Meeting for a period not exceeding ten (10) days from the date of the adjournment.
- 8.3.7 If during any Meeting or adjournment a quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Councillors, the CEO, or in the absence of the CEO, a delegate of the CEO, may adjourn the Meeting for a length of time sufficient to enable special dispensation for the affected Councillors to be obtained from the Minister.
- 8.3.8 The CEO may provide written notice of an adjourned Meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each Member, notice by telephone, email, in person or by some other measure will be sufficient.



## 9. ELECTION OF MAYOR

The Mayor must be elected in accordance with Sections 25 and 26 of the Act which states:

### 9.1 Section 25 – Election of Mayor

- (1) *At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.*
- (3) *The election of the Mayor must—*
  - (a) *be chaired by the CEO; and*
  - (b) *subject to this section, be conducted in accordance with the Governance Rules.*
- (4) *Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.*
- (5) *If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.*
- (6) *If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.*
- (7) *In this section, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.*

### 9.2 Section 26 – When is a Mayor to be elected

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *The Mayor of the Greater Geelong City Council must be elected for a 2 year term. (Not applicable to Greater Bendigo City Council).*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- (5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*





- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

### **9.3 Time and date for election of Mayor**

- 9.3.1 The CEO must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- 9.3.2 The CEO will preside during the election of the Mayor.
- 9.3.3 The CEO must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.

### **9.4 Determining the Mayor-Elect and the Mayor**

- 9.4.1 Voting is by an informal process involving a secret ballot at a Councillors Forum (Assembly of Councillors) to determine the Mayor-Elect.
- 9.4.2 The CEO or a Member of Council staff will act as a Returning Officer. One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors will nominate one scrutineer.
- 9.4.3 All Councillors present are required to vote.
- 9.4.4 If a candidate receives an absolute majority of total number of votes he or she is declared Mayor-Elect.
- 9.4.5 If a candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated.
- 9.4.6 If at any stage there are an equal number of votes, Councillors vote to eliminate a candidate. If there is an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will have to be eliminated by lot.
- 9.4.7 If there is an even number of Councillors present and at the end of the process there is still an equal number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again; if there is still an equal number of votes for the two (2) remaining candidates the Mayor-Elect will be drawn by lot.
- 9.4.8 At the Meeting of Council to elect the Mayor the Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor
- 9.4.9 Where only one candidate is nominated that candidate must be declared elected.
- 9.4.10 If there is more than one nomination at the Council Meeting, the election of the Mayor will follow the same process as for the Mayor-Elect. In this event voting must be carried out by a show of hands.





## **9.5 Role and Election of Deputy Mayor**

- 9.5.1 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 9.5.2 The predominant role of the Deputy Mayor is to support the Mayor as required during his/her Mayoral term.
- 9.5.3 In order to support the Mayor, the role of the Deputy Mayor is to:
  - (a) Chair Meetings in the absence of the Mayor in accordance with these Rules;
  - (b) At the Mayor's request, deputise for the Mayor at civic, social and other functions, ceremonies and engagements
  - (c) Preside at Citizenship Ceremonies in the absence of the Mayor.
- 9.5.4 If the Council resolves to elect a Deputy Mayor the provisions contained in this part for the election of the Mayor will apply to the election of Deputy Mayor.
- 9.5.5 As outlined in clause 3.2.2, if the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- 9.5.6 The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- 9.5.7 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in this these Governance Rules relating to the Deputy Mayor have no effect.

## **9.6 Election of Acting Mayor**

- 9.6.1 From time to time it may be necessary Council to appoint an Acting Mayor if:
  - (a) the Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation
  - (b) the Mayor is on leave, interstate or overseas for more than one week
  - (c) Other unforeseen circumstances require.
- 9.6.2 In these circumstances the Deputy Mayor will be Acting Mayor.
- 9.6.3 If the Deputy Mayor is unable to fulfil the role of Acting Mayor the position of Acting Mayor will be filled by the immediate past Mayor or failing that the immediate past Deputy Mayor.
- 9.6.4 If the position of Acting Mayor is still unable to be filled Council will appoint an Acting Mayor in accordance with Sections 25 and 26 of the Act.



## **10. BUSINESS OF MEETINGS**

### **10.1 Order of Business**

- 10.1.1 The order of business will be determined by the CEO to facilitate and maintain open, efficient and effective processes of government.
- 10.1.2 Once an Agenda has been sent to Councillors the order of business for that Meeting may only be altered by resolution of the Council.
- 10.1.3 Notwithstanding Clause 18(1), the CEO may include any matter on an Agenda which he or she thinks should be considered by the Meeting.
- 10.1.4 No business may be conducted at an Ordinary Meeting of Council unless it is business:
  - (a) notice of which has been given either by inclusion in the Agenda or any report accompanying the Agenda or
  - (b) in a Notice of Motion or
  - (c) the Council agrees to consider as an item of urgent business.

### **10.2 Urgent Business**

- 10.2.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
  - (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
  - (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
  - (c) the item involves a matter of urgency as determined by the CEO; and
  - (d) it cannot be addressed through an operational service request process.
  - (e) Provided the matter does not:
    - substantially affect the levels of Council service;
    - commit Council to significant expenditure not included in the adopted budget;
    - establish or amend Council Policy; or
    - commit Council to any contractual arrangement.
- 10.2.2 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the CEO no later than 3pm on the day of the Meeting.
- 10.2.3 The CEO will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.



## **11. MEETING TIME LIMITS AND ADJOURNMENTS**

### **11.1 Time Limits**

- 11.1.1 A Meeting must not continue after four hours from the time it commences unless a majority of Councillors/Members present vote in favour of its extension in accordance with this Clause.
- 11.1.2 Extensions of a Meeting will be in block periods of 30 minutes.
- 11.1.3 After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- 11.1.4 A Meeting may only be continued for a maximum of two 30-minute extensions.
- 11.1.5 In the absence of such extensions as provided for in sub-clauses 7.1.1, 7.1.2 and 7.1.3, or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6pm on the following day.
- 11.1.6 Notwithstanding sub-clause 7.1.5, the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

### **11.2 Chairperson may temporarily adjourn a Meeting exceeding two hours**

- 11.2.1 The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after three hours has elapsed.
- 11.2.2 Notwithstanding sub-clause 7.2.1, the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

## **12. OTHER MEETING MATTERS**

### **12.1 Questions of Council**

- 12.1.1 The Council will hold a period of public question time for questions of Council for up to 30 minutes duration at each Council Meeting (except those Meetings called for a special purpose such as to elect the Mayor). Extension of time may be granted by resolution of Council.
- 12.1.2 Questions are limited to one per person.
- 12.1.3 Questions can be submitted in writing prior to the Meeting or presented in person at the Meeting. Answers to written questions submitted prior to the Meeting will have priority at the Meeting.
- 12.1.4 Questions will not be accepted if they relate to planning matters listed on the agenda for that Meeting.
- 12.1.5 Council by resolution will determine the rules governing question time. The Mayor in consultation with Councillors may set aside these rules from time to



time for reasons such as to protect the orderly and/or safe conduct of the Meeting.

12.1.6 Questions of Council will not apply during any period when the Council has resolved to close the Meeting in respect of a matter under section 66 (1) of the Act.

12.1.7 Questions of Council may be on any matter except if it:

- (a) relates to a planning matter listed on the Agenda for that Meeting is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) relates to confidential information as defined under the Act;
- (c) relates to the personal hardship of any resident or ratepayer;
- (d) breaches any obligations of the Council under legislation; or
- (e) relates to any other matter which the Council or the CEO considers would prejudice the Council or any person. Where the CEO or his or her delegate does not accept a written question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

12.1.8 Copies of all written questions allowed by the CEO or his or her delegate will be provided in writing to all Councillors.

12.1.9 A question submitted in writing by a member of the public, which has been disallowed by the CEO or his or her delegate will be provided to any Councillor on request.

12.1.10 The Mayor reserves the right to cease or reject a verbal question that he or she deems inappropriate.

## **12.2 Petitions and joint letters**

12.2.1 Petitions and joint letters with more than 10 signatures are presented at the Council Meeting and a report is to be provided within two Meetings, unless otherwise resolved. Petitions or joint letters relating to planning issues are considered as part of the planning process.

12.2.2 Every petition submitted to Council must:

- (a) be in legible and in permanent writing;
- (b) is clear and on each page the matter and action sought from Council is stated
- (c) not be derogatory, defamatory or objectionable in language or nature;
- (d) not relate to matters outside the powers of Council; and
- (e) include the names, addresses and original signatures



- 12.2.3 Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- 12.2.4 Any Councillor presenting a petition is responsible for ensuring that:
- (a) he or she is familiar with the contents and purpose of the petition; and
  - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- 12.2.5 Unless sub-clauses (5) or (6) apply, the only Motions that may be considered by Council on any petition are:
- (a) that the petition be received; and
  - (b) that the petition be referred to the CEO or relevant Director for consideration and response; or
  - (c) that the petition be referred to the CEO or relevant Director for a report to a future Council Meeting.
- 12.2.6 If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- 12.2.7 If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- 12.2.8 The CEO may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.
- 12.2.9 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- 12.2.10 An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.

### **12.3 Display of placards, banners and posters**

- 12.3.1 It is prohibited to display any placards, posters, banners or other signage in the Council Chamber or in any building where a Meeting is being, or is about to be, held.
- 12.3.2 The Chairperson may order and cause the removal of any placard, poster, banner or other signage that is displayed in the Council Chamber or in any building where a Meeting is being, or is about to be, held in breach of 12.3.1.



#### **12.4 Chairperson may remove**

- 12.4.1 Members of the public present at a Council Meeting must not interject during the Council Meeting.
- 12.4.2 The Chairperson or the Council in the case of a suspension, may ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council.
- 12.4.3 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.
- 12.4.4 It is an offence under the Act for a Councillor to refuse to leave the Chamber on suspension.
- 12.4.5 The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

#### **12.5 Joint Council Meetings**

- 12.5.1 Council may resolve to participate in a Joint Council Meeting to consider:
  - (a) Matters of joint interest
  - (b) Collaborative procurement
  - (c) Emergency Response
- 12.5.2 If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- 12.5.3 Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting
- 12.5.4 No fewer than five Councillors will be appointed to represent Council at a Joint Council Meeting.
- 12.5.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- 12.5.6 A joint briefing arranged in accordance with Sub-Rule 8.5.5 may be held electronically.

#### **12.6 Adjournment of Meeting**

- 12.6.1 The Chairperson or the Council may adjourn any Meeting until a time and place to be determined.



### 13. VOTING, CASTING VOTES AND DIVISIONS

#### 13.1 Voting

13.1.1 A question before a Council Meeting is to be determined as follows:

- (a) each Councillor present at a Council Meeting who is entitled to vote is entitled to one vote;
- (b) voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public;
- (c) the question is determined in the affirmative by a majority of the Councillors present at a Meeting at the time the vote is taken voting in favour of the question;
- (d) for the purpose of determining the result of a vote, a Councillor present at the Meeting who abstains from voting is to be taken to have voted against the question.
- (e) To determine a motion before a Meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result of the motion.
- (f) Unless the Council resolves otherwise voting on any matter will be by show of hands.
- (g) Once a vote on a motion has been taken no further discussions relating to the motion will be allowed unless the discussion is:
  - (i) For a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
  - (ii) Where Notice of Motion is given to rescind.

#### 13.2 Casting Vote

- 13.2.1 In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.
- 13.2.2 The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

#### 13.3 Procedures for a Division

- 13.3.1 A division may be requested by any Councillor on any matter.
- 13.3.2 The request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- 13.3.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and then those Councillors opposed to the motion, to raise their hand.





13.3.4 The vote taken during this division is a final vote for the purpose of Sub-Rule 9.3.5.

13.3.5 The CEO must record in the Minutes the names of Councillors and whether they voted for or against the motion.

## **14. MEETING PROTOCOLS**

### **14.1 Addressing the Meeting**

14.1.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must stand and direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.

14.1.2 The Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson.

14.1.3 A Councillor who has the floor must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the points of order has been heard and the question disposed of.

### **14.2 Councillor allowed to speak uninterrupted**

14.2.1 A Councillor who has the floor must not be interrupted unless called to order, or given notice by the Chairperson his speaking time has elapsed or is about to elapse, when he or she must sit down and remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with.

## **15. MOTIONS AND DEBATE**

### **15.1 Motions**

15.1.1 Any motion or amendment which:

- (a) Is defamatory; or
- (b) Is objectionable in language or nature; or
- (c) Is outside the powers of the Council; or
- (d) Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- (e) Is intended to be an amendment but is not, must not be accepted by the Chairperson.

15.1.2 The procedure for any motion is:

- (a) The mover must state the motion without speaking to it;
- (b) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (c) "If the motion is seconded, the Chairperson must ask:





- (i) If the Mover wishes to address the Council on the motion;
  - (ii) The Seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
  - (iii) Any Councillor opposed to debate the motion; and
  - (iv) Any other Councillors for and against the motion to debate in turn."
- 15.1.3 The mover of a motion shall have a right of reply, after which the motion shall be immediately put. No right of reply is available where an amendment is before the Council.
- 15.1.4 An amendment may be proposed or seconded by a Councillor, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- 15.1.5 If the mover and seconder for the original motion accept an amendment, the amendment does not have to be put to a vote.
- 15.1.6 A Councillor may address the Meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- 15.1.7 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- 15.1.8 If the amended motion is carried, it then becomes the final motion before the Chair.
- 15.1.9 At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed motion.
- 15.1.10 Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 15.1.11 The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- 15.1.12 Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- 15.1.13 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- 15.1.14 Unless a motion for an extension of time has been carried, the maximum speaking times will be:



- (a) The mover of a motion - 5 minutes;
- (b) The mover of a motion when exercising their right of reply - 2 minutes
- (c) Any other Councillor - 3 minutes

15.1.15 Any one or more of the subclauses contained in this Clause may be suspended for a particular purpose by resolution of the Council.

15.1.16 No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

## **15.2 Formal Motions**

15.2.1 A formal motion may be moved and seconded at any time and must be dealt with immediately by the Chairperson.

15.2.2 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it

15.2.3 A formal motion cannot be moved by the Chairperson.

15.2.4 Debate on a formal motion is not permitted and the mover does not have a right of reply.

15.2.5 A formal motion cannot be amended.

15.2.6 A motion "That the (motion, report etc.) be deferred" is a formal motion which if carried, has the effect of deferring any further debate on the matter until such time (if any) as the Council resolves to consider the motion, report."

15.2.7 A motion "That the motion be now put":

- (a) Is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment
- (b) The Chairperson has the discretion to reject the motion upon which it is proposed has not been sufficiently debated.

15.2.8 A motion "That the motion and amendments now before the Meeting be deferred until:

- (a) Is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (b) Is a motion on which debate is permitted, but may only be amended in relation to the time, date and place of proposed adjournment.

## **15.3 Notices of Motion**

15.3.1 Notices of Motion are submitted in time for the Meeting of Councillors convened to consider the draft agenda.

15.3.2 The following items cannot be considered in a notice of motion:



- (a) the sale or lease of any asset;
- (b) the declaration of any rate or charge
- (c) the creation, alteration or abolition of any strategy or policy;
- (d) any direction without a researched report for an investigation which will unreasonably or substantially divert staff resources;
- (e) the commitment of funds, or in kind contributions, for any purpose exceeding \$5,000

15.3.3 The CEO:

- (a) May reject any Notice of Motion that is too vague against public order or safety or may have an adverse impact on the community and give the Councillor delivering the notice an opportunity to amend it prior to its rejection; and
- (b) Must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection and discuss the matter with the Mayor and Councillors at the earliest opportunity.

15.3.4 A Notice of Motion listed on a Meeting Agenda may be moved by any Councillor present and may be amended, except if the Notice of Motion is to confirm a previous resolution of the Council.

15.3.5 If a recorded Notice of Motion is not moved or postponed it will be struck out.

15.3.6 If a Notice of Motion is lost, a similar motion cannot again be put before the Council unless there is new information.

15.3.7 If a Councillor who has given a notice of motion is absent from the Meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may himself or herself move the motion.

15.3.8 The Notice of Motion may be accompanied by supporting information.

15.3.9 An officer comment may be provided for the business papers to provide comments on the Notice of Motion submitted.

**15.4 Notices of Rescission**

15.4.1 A Councillor may propose a motion to rescind a decision of the Council provided the previous Motion has not been acted upon.

15.4.2 A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.

15.4.3 Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.



15.4.4 A Notice of Rescission must be lodged in writing with the CEO or Manager Governance within two business days of the decision of the Council or such Notice is deemed to have lapsed, and must include:

- (a) The decision to amended or rescinded; and
- (b) The meeting and date when the decision was made; and
- (c) Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:
  - (i) the vote may not have accurately reflected the opinion held by the Meeting due to the misunderstanding of the motion or for some other reason, or,
  - (ii) new information to hand, or,
  - (iii) some vital information has been overlooked.

15.4.5 A Notice of Rescission Motion must include the written endorsement of one other Councillor.

15.4.6 The CEO must inform the Councillor whether or not the motion has been accepted or not, and any grounds for refusal and discuss the matter with the Mayor and Councillors at the earliest opportunity.

15.4.7 Once a Notice of Rescission Motion is accepted by the CEO, consideration must be given to notifying relevant or effected residents or parties who may be impacted by such notice.

15.4.8 For a decision of the Council to be rescinded, the motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).

15.4.9 If a motion for rescission is lost, a similar motion may not be put before Council unless there is new information.

15.4.10 If a motion for rescission is not moved at the Meeting for which it is listed, it lapses.

15.4.11 A motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

#### **15.5 Change of Council Policy**

15.5.1 Council regularly reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.

15.5.2 Such reviews may lead to change in policy position.

15.5.3 If Council wishes to change a Council policy, a formal notice of rescission is not required.



### 15.6 Foreshadowed Items

- 15.6.1 At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- 15.6.2 The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- 15.6.3 No discussion or debate is allowed on a Foreshadowed Item.
- 15.6.4 A Foreshadowed Item will have no further formal status at that Council Meeting.
- 15.6.5 Foreshadowed Items are not Notices of Rescission and are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.

### 15.7 Points of Order

- 15.7.1 A point of order may be raised in relation to:
  - (a) A procedural matter;
  - (b) A Councillor who is or appears to be out of order; or
  - (c) Any act of Disorder.
  - (d) An error in fact
  - (e) Objectionable/offensive language
  - (f) Lack of relevance to the motion before the Council
- 15.7.2 The Chairperson will decide all points without entering into any discussions or comment.
- 15.7.3 The Chairperson may adjourn the Meeting to consider a point of order otherwise he or she must rule on it as soon as it is raised.
- 15.7.4 All other matters before the Council will be suspended until the point of order is decided.
- 15.7.5 A Councillor raising a point of order must state:
  - (a) The point of order; and
  - (b) The reason for the point of order.
- 15.7.6 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.



### 15.8 Disorderly Conduct

- 15.8.1 The conduct of Councillors and Members at Meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.
- 15.8.2 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if:
- (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
  - (b) when a Meeting has been in progress for longer than 4 hours.
- 15.8.3 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
- (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
  - (b) The Mayor, under section 19 of the *Act*, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.
- 15.8.4 Where Council suspends a Councillor under Sub- Rule (1)(a), or the Mayor directs a Councillor to leave the Meeting under Sub-Rule (1)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 15.8.5 If a Councillor has been suspended from a Meeting or directed to leave in accordance with Sub-Rule 11.8.3 the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

The *Act* (section 19(1)(b)) provides the power to the Mayor to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

## 16. MINUTES AND CONFIRMATION

### 16.1 Minutes

- 16.1.1 In keeping the minutes of any Meeting, the CEO must arrange the recording of minutes so as to show:
- (a) The names of Councillors and whether they are PRESENT, and APOLOGY, on LEAVE OR ABSENCE, etc; and
  - (b) The names of officers present;



- (c) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals);
  - (d) The outcome of every motion and amendment, that is,
    - Whether it was put to the vote;
    - If it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN OR LAPSED)
  - (e) Procedural motions (which might be highlighted);
  - (f) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
  - (g) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (h) The time and reason for any adjournment of the Meeting or suspension of standing orders; and
  - (i) Disclosure of any conflict interest and the reason for the conflict of interest prior to the report being considered.
- 16.1.2 Confidential items considered under the Act are maintained in a separate Minute book.
- 16.1.3 In addition the minutes should:
- (a) bear the date and time the Meeting was commenced, adjourned, resumed and concluded;
  - (b) be consecutively page numbered;
  - (c) contain consecutive item numbers which are clearly headed with
  - (d) subject titles and, where appropriate, sub-titles; and
  - (e) be indexed and be supplemented by an annual cumulative index.
- 16.1.4 The CEO is responsible for the keeping of minutes on behalf of the Council.

## 16.2 Confirmation of Minutes

- 16.2.1 The Minutes as recorded by the CEO, or Delegate, will be made available as the proposed Minutes to:
- (a) Councillors, within 7 business days;
  - (b) members of the public, by publishing them on Council's website, within 9 business days (with the exception of confidential items)
  - (c) of the Council Meeting they relate to.





- 16.2.2 At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with through a motion to confirm the minutes.
- 16.2.3 If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
  - (a) State the item or items with which they are dissatisfied; and
  - (b) Propose a motion clearly outlining the alternative wording to amend the minutes.
- 16.2.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- 16.2.5 Once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
- 16.2.6 The Minutes must be entered in the minute book and each item in the minute book must be entered consecutively.
- 16.2.7 A master set of Council Meeting minutes, agenda, and associated reports will be retained and stored in accordance with the Public Records of Victoria Act 1973 and Clause 8.4.1 of the Retention and Disposal Authority for Records of Records of Local Government Function (PROS 09/05 VAR2)

### 16.3 Recording of Proceedings

- 16.3.1 The CEO (or other person authorised by the CEO), may record on suitable audio recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.
- 16.3.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- 16.3.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

### 16.4 Suspension of Standing Orders

- 16.4.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the Meeting.
- 16.4.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- 16.4.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.





16.4.4 It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be: "That standing order be suspended to enable discussion on....."

16.4.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be: "That standing orders be resumed."

## **17. COMMITTEES**

### **17.1 Establishment of a Delegated Committee**

If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

17.1.1 For the purpose of sub- clause (1):

- (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
- (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
- (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

17.1.2 If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

### **17.2 Community Asset Committees**

17.2.1 The Governance Rules may apply to any Community Asset Committee established by Council.

17.2.2 Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Chapters 12 (Minutes).

17.2.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.

17.2.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

### **17.3 Audit and Risk Committee**

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

17.3.1 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.



- 17.3.2 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.
- 17.3.3 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council Meeting.
- 17.3.4 Agendas of all Audit and Risk Committee Meetings are to be made available to all Councillors.
- 17.3.5 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

## **18. POLICY AND PROCEDURES**

### **18.1 Election Period Policy**

- 18.1.1 Council will have in place an election period policy that:
  - (a) Governs decision making during a local government election period, including what may be considered at a Council Meeting
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council
  - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
  - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
  - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- 18.1.2 At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- 18.1.3 The Election Period Policy forms part of these Governance Rules.
- 18.1.4 The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 18.1.5 Any outstanding Delegate's Reports may still be reported to an ordinary Meeting of Council during this period.
- 18.1.6 Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.
- 18.1.7 See Appendix One for Council's Election Period Policy



## 18.2 Conflict of Interest

### 18.2.1 Definition

- (a) The *Act* defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.
- (b) These Rules provide the procedures for disclosures of conflicts of interest.
- (c) Further guidance is available from the Managing Conflicts of Interest guideline.

### 18.2.2 Obligations with regard to conflict of interest

- (a) Councillors, members of Delegated Committees and Council staff are required to:
  - Avoid - all situations which may give rise to conflicts of interest;
  - Identify - any conflicts of interest; and
  - Disclose – or declare all conflicts of interest.
  - Manage – any potential, perceived or actual conflicts of interest.

### 18.2.3 Councillors and Members of Delegated Committees

- (a) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (b) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (c) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- (d) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

### 18.2.4 Procedure at a Council or Delegated Committee Meeting

- (a) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest by clearly stating:
  - (i) The item for which they have a conflict of interest; and
  - (ii) Whether their conflict of interest is general or material; and
  - (iii) The circumstances that give rise to the conflict of interest.



- (b) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (c) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1) prior to leaving the Meeting.
- (d) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Meeting while the decision is being made.

#### 18.2.5 Procedure at other Meetings organised, hosted or supported by Council

- (a) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (b) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (c) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (d) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the Meeting for the duration of the discussion.
- (e) The existence of a conflict of interest will be recorded in the minutes of the Meeting.
- (f) If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a Meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (g) The Meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.
- (h) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

#### 18.2.6 Council staff

- (a) Must act in accordance with the Employee Code of Conduct.
- (b) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (c) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.



#### 18.2.7 Procedure for disclosures of conflicts of interest by Council Staff

- (a) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the CEO.
- (b) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (c) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - (i) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - (ii) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - (iii) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
  - (iv) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

#### 19. DOCUMENT HISTORY

| Date Approved | Responsible Officer | Unit       | Change Type | Version | Approved by | Next Review Date |
|---------------|---------------------|------------|-------------|---------|-------------|------------------|
| Aug, 2020     | Manager Governance  | Governance | Review      | Draft   |             |                  |
|               |                     |            |             |         |             |                  |
|               |                     |            |             |         |             |                  |



## COUNCIL ELECTION PERIOD POLICY

|                                        |                                                                                                                  |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Approval Level:</b>                 | Council                                                                                                          |
| <b>Policy Type:</b>                    | Council                                                                                                          |
| <b>Approval Date:</b>                  | 19/08/2020                                                                                                       |
| <b>Review cycle:</b>                   | At least once in each Council term and not later than 12 months prior to the commencement of an election period. |
| <b>Review Date:</b>                    | 1/05/2023                                                                                                        |
| <b>Responsible Officer:</b>            | Manager Governance                                                                                               |
| <b>Owner:</b>                          | Governance                                                                                                       |
| <b>Responsible Director:</b>           | Corporate Performance                                                                                            |
| <b>Relevant Legislation/Authority:</b> | <i>Local Government Act 2020 (Vic)</i><br><i>Freedom of Information Act 1982 (Vic)</i>                           |
| <b>DOCSETID:</b>                       | 4418228                                                                                                          |

## 1. PURPOSE

- 1.1 This policy has been developed in order to ensure that general elections and by-elections for the Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.
- 1.2 It specifies procedures intended to prevent the Council from making inappropriate decisions, taking inappropriate actions or using resources inappropriately during the Election Period before a general election, a by-election and at other times as specified in this policy.
- 1.3 Further, this policy:
  - 1.3.1 Facilitates the continuation of the ordinary business of local government in the Council throughout the Election Period in a responsible and transparent manner.
  - 1.3.2 Ensures the authority of an incoming council is not restricted by decisions to which it may find itself unreasonably bound and unable to change. This could include significant contractual matters.
  - 1.3.3 Requires that materials produced by the Council and the City must not contain matter that will affect voting at the election.



## 2. BACKGROUND

This policy has been prepared in accordance with the Local Government Act 2020 (Vic) which requires Council to include an election period policy in its Governance Rules to be applied by Council during the election period for a general election, a by-election and at other times as specified in this policy.

## 3. SCOPE

- 3.1 This Policy applies to the Council, Councillors, Council Committees, the CEO and City employees.
- 3.2 This Policy replaces and overrides any previous policy that refers to the Election Period.

## 4. DEFINITIONS

In this policy:

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

**Candidate** means a person who is nominated to stand for a Federal, State or Local election.

**Chief Executive Officer** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.

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

**Community Consultation** means the process in which the City and Municipal Community connect with each other to exchange views, ideas and information to:

- a) inform decisions;
- b) build capacity; and
- c) strengthen relationships.

**Council** means all of the Councillors collectively.

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

**Councillor Candidate Information Kit** means the Councillor Candidate Information Kit provided by the Victorian Electoral Commission.

**Council Meeting** means a Council meeting that complies with the Act.

**Delegate** means the Director, Corporate Performance or another Director or Manager as appointed.

**Election Day** means the day of an election as determined under the Act.



**Election Period** has the same meaning as 'election period' in the Act. The Election Period for the 2020 local government elections will commence at 12.00pm on 22 September 2020 and end 6.00pm on 24 October 2020.

**Electoral advertisement, handbill, pamphlet or notice** means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as:

- a) newsletters and other circulars (including those sent by email);
- b) media releases;
- c) leaflets, pamphlets, handbills, flyers, magazines and brochures;
- d) any new email, web-based publications or social media posts; and
- e) mailouts to multiple addresses

**Electoral Material** means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

**Electoral Matter** means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election. Electoral matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on;

- a) The election; or
- b) A candidate in the election; or
- c) An issue submitted to, or otherwise before, the voters in connection with the election

**Information Request Register** this Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.

**Member of Council Staff** means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable:

- a) The functions of the Council to be carried out; and
- b) The Chief Executive Officer to carry out their functions;

The Chief Executive Officer is also a member of Council staff.

**Publish** means publish by any means including by publication on the internet.

## 5. PRINCIPLES

The City is committed to fair, transparent and democratic elections and therefore adopts and endorses the legislative requirements.





## 6. POLICY

### 6.1 Role of Councillors

During the Election Period, Councillors will:

- 6.1.1 be supported to continue to undertake their role as Councillor;
- 6.1.2 continue to fulfil their Councillor duties (unless granted a leave of absence); and
- 6.1.3 continue to engage and communicate with the community in their Councillor role.

### 6.2 Role of the Chief Executive Officer (CEO)

In addition to the CEO's statutory responsibilities, the CEO has the following responsibilities in supporting the implementation and application of the Policy:

- 6.2.1 All Councillors and Officers are informed of and supported in the application of this Policy 30 days prior to the commencement of the Election Period;
- 6.2.2 Matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act are, where possible, scheduled for Council to enable resolution prior to the commencement of the Election Period or deferred where appropriate for determination by the incoming Council; and
- 6.2.3 Not include in the order of business for any Council Meeting any matter requiring a decision that could be considered to contravene this Policy or the Act.

### 6.3 Decision making

- 6.3.1 In accordance with Section 69 of the Act Council is prohibited from making any decision during the election period for a general election that:
  - a) relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
  - b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
  - c) the Council considers could be reasonably deferred until the next Council is in place; or
  - d) the Council considers should not be made during an election period.
- 6.3.2 Council is prohibited from making any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 6.3.3 During the Election Period, the Council, a Committee of Council, the CEO or a City employee acting under delegation will not:



- a) approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Greater Bendigo Planning Scheme, which has been adopted by Council; or
- b) use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

6.3.4 A Council decision made in contravention of subsection (a) or (b) above is invalid under the Act.

6.3.5 Under the Act, any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of this clause is entitled to compensation from the Council for that loss or damage.

#### 6.4 Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances which require the making of a decision during the Election Period that in doing so would breach the Act, the Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

#### 6.5 Council Meetings

Ordinary Council Meetings will continue to take place during the Election Period. However, the following adjustments will be made to the Agenda:

- 6.5.1 Public Question Time will be suspended;
- 6.5.2 General Business and Notice of Motion will not be allowed where the matter is an Electoral Matter;
- 6.5.3 Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter; and
- 6.5.4 Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

#### 6.6 Application of Resources

- 6.6.1 The use of Council resources including, but not limited to, vehicles, staff, services, property, equipment, stationery, websites, social media and hospitality for any Federal, State or Council election campaign purposes is prohibited.
- 6.6.2 Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his/her delegate.
- 6.6.3 In accordance with Section 304 of the Act, a Councillor or member of Council staff must not use Council resources in a way that is intended to or is likely to affect the result of an election under this Act.



6.6.4 A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

6.7 Use of Council Equipment by Councillors

6.7.1 Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Councillor duties, subject to existing protocols and terms of use.

6.7.2 Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. Specifically, Council resources, including (but not limited to) fleet vehicles, ipads, iphones, offices, IT, meeting rooms, support staff, hospitality services, photographs, equipment and stationery will be used exclusively for normal Council business during the Election Period and will not be used in connection with any election campaign.

6.8 Councillor Allowance and Reimbursement

6.8.1 Payment of Councillor Allowances continues during the Election Period.

6.8.2 Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council business, in accordance with the Councillor Expenses Policy and not for expenses that support or relate to a Candidate's election campaign.

6.9 Community engagement

6.9.1 As a general rule, community consultation/engagement activity will be suspended during the Election Period and/or organised so as not to fall within this period.

6.9.2 Some community consultation activities may be necessary during the Election Period to facilitate the day to day business of Council and must be approved by the CEO or his/her delegate.

6.9.3 Any such community consultations will avoid express or implicit links to the election or an Electoral Matter. Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Election Period.

6.9.4 In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to become an Electoral Matter.



6.9.5 The requirements of this clause do not apply to community consultation required under the Planning and Environment Act 1987 or matters where Council, by public notice, has invited public submissions.

#### 6.10 Council Publications

6.10.1 Council is prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been approved by the CEO, the Manager Communications (or the equivalent) or their delegate.

6.10.2 The publication of any material containing Electoral Matter is prohibited unless that material is only about the election process.

6.10.3 Publications which require approval include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes);
- Advertisements, newsletters and notices except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook and Twitter posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to many people by or on behalf of Council;
- Media releases
- Material to publicise a function or event; and
- Any publication or distribution of speeches.

6.10.4 A publication is taken to contain Electoral Matter if it contains an express or implicit reference to, or comment on:

- The election; or
- A Candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

#### 6.11 Media Releases

Media releases must be approved by the CEO or the Manager Communications or his/her delegate.

#### 6.12 Councillor Information

Any reference to Councillors standing for re-election in Council publications printed, published or distributed during an Election Period must not include promotional text.



#### 6.13 Website

6.13.1 Material published on Council's website in advance of the Election Period is not subject to approval as set out above, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that could be considered Electoral Matter, were it to be published during the Election Period.

6.13.2 Councillor contact information will remain available on the website during the Election Period, but Councillors' profiles will be removed.

6.13.3 Any material published on Council's website during the Election Period must be approved by the CEO or the Manager Communications (or equivalent) or their delegate.

#### 6.14 Annual Report

6.14.1 Council is required by the Act to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the Election Period with the approval of the CEO.

6.14.2 The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

#### 6.15 Ward Specific Publications

Ward-specific publications, or Councillor profiles and articles in the Council Newsletter, will be suspended during the Election Period.

#### 6.16 Council and Committee Agendas and Minutes

Agendas and minutes of Council and Committee meetings do not require approval by the CEO or the Manager Communications (or equivalent) or their delegate unless they are printed or published for a wider distribution than normal.

#### 6.17 Social Media

6.17.1 Any publication on social media sites including Facebook, Twitter, Instagram, blogs and Wikipedia pages during the election period must be approved by CEO or the Manager Communications (or equivalent) or their delegate.

6.17.2 Staff responsible for administering individual social media sites will monitor their respective sites during the Election Period and use moderation features where available to ensure no Electoral Matter is posted.

#### 6.18 Council Branding

No Council logos, letterheads, or other corporate branding will be used for, or linked in any way to, a Candidate's election campaign.



#### 6.19 Photographs and Images

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any Candidate. This includes images of Councillors, Council events and Council owned or maintained infrastructure.

#### 6.20 Council spokesperson

6.20.1 It is recognised that during the Election Period it may be necessary to release information on the day-to-day business and events of the Council.

6.20.2 During an Election Period the primary spokesperson for the Council will be the CEO supported by the Mayor, where appropriate such as in representing Council at civic functions, etc.

6.20.3 Only the CEO or their delegate will speak on behalf of Council on matters relating to the election process.

6.20.4 Media releases and speeches issued/delivered by the CEO or Mayor (as above) will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election Candidate.

6.20.5 During the election period no Council employee may make any public statement that relates to an Electoral Matter unless prior approval has been obtained by the CEO or his/her delegate.

#### 6.21 Council Advisory and Reference Committees and Working Groups

6.21.1 With the exception of the Audit and Risk Committee, the operation of Council Advisory and Reference Committees and Working Groups shall be suspended upon the commencement of the election period ahead of a general Council election.

6.21.2 Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.

6.21.3 Such Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

#### 6.22 Access to Information & Candidate Information

6.22.1 A Councillor may continue to access Council information only as it is necessary for them to perform their role as Councillor and in accordance with the Councillor Access to Information Policy.

6.22.2 All election Candidates have equal rights to Council information relevant to their election campaigns from the Council administration in accordance with the Council's Public Transparency Policy and the *Freedom of Information Act 1982* (Vic).



6.22.3 Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the elections.

6.22.4 Council will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.

6.22.5 Council will provide Candidates with a copy of this policy. A copy of this policy will be available at all Customer Information desks.

#### 6.23 Information Request Register

The Governance unit will maintain an Information Request Register during the Election Period.

#### 6.24 Staff

Members of staff are discouraged from engaging with candidate hosted on-line media platforms including, but not limited to websites and all forms of social media.

#### 6.25 Staff member as a candidate

6.25.1 Section 34 of the Act prohibits a person who is a member of Greater Bendigo City Council Staff serving as a Greater Bendigo City Councillor.

6.25.2 Under Section 256(8) of the Act a member of Staff is not prevented from nominating as a candidate at an election if for the duration of the Election Period for that election if:

- a) the person has taken leave from that office or position; and
- b) the person does not perform any of the duties of that office or position.

6.25.3 A Staff Member cannot take the oath or affirmation of office as a Greater Bendigo City Councillor unless they resign from that office or position before taking the oath or affirmation of office.

6.25.4 In the event that a member of Staff nominates as a candidate for a Federal, State or Local election, the Staff member will immediately notify their manager in writing with a copy to the Manager Governance. On receiving such notice the relevant manager will enter into an agreed work plan with the staff member to ensure:

- There is no conflict of interest between the staff member's duties as a Council employee or access to information and his/her role as an election candidate;
- The staff member does not have access to information that would place them at an advantage over other candidates in the election; or
- No Council resources are used in support of the staff member's candidacy.

6.25.5 The agreed work plan must be approved by the relevant Director and forwarded to the CEO and Manager Governance.





## 7. ROLES AND RESPONSIBILITIES

See clauses 6.1, 6.2, 6.24 and 6.25

## 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 2020 (Vic)*  
*Freedom of Information Act 1982 (Vic).*  
*City's Public Transparency Policy*  
*City's Community Engagement Policy*  
 Councillor Candidate Information Kit, Victorian Electoral Commission

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

## 9. HUMAN RIGHTS COMPATIBILITY

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

## 10. ADMINISTRATIVE UPDATES

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

## 11. DOCUMENT HISTORY

| Date Approved | Responsible Officer | Unit       | Change Type | Version | Next Review Date |
|---------------|---------------------|------------|-------------|---------|------------------|
| Aug, 2020     | Manager Governance  | Governance | New Rules   | V1      |                  |
|               |                     |            |             |         |                  |



**APPENDIX 1*****Relevant sections from the Local Government Act 2020 (Vic)******Section 69 – Governance Rules to include election period policy***

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that –
  - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
  - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (c) the Council considers could be reasonably deferred until the next Council is in place; or
  - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.

***Section 304 – Prohibition on Councillor or member of Council staff***

- (1) A Councillor or member of Council staff must not use Council resources in a way that –
  - (a) Is intended to; or
  - (b) Is likely to –

Affect the result of an election under this Act.
- (2) A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.



***Model Governance Rules- prepared by the Department of Environment, Land, Water & Planning***

***Election Period Policy***

- (1) Council will have in place an election period policy that:
  - (a) Governs decision making during a local government election period, including what may be considered at a Council meeting
  - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council
  - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns
  - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period
  - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- (6) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.



## COUNCILLOR EXPENSES AND SUPPORT POLICY

|                                        |                                 |
|----------------------------------------|---------------------------------|
| <b>Approval Level:</b>                 | Council                         |
| <b>Policy Type:</b>                    | Council                         |
| <b>Approval Date:</b>                  | 19/08/2020                      |
| <b>Review cycle:</b>                   | Within 12 months of an election |
| <b>Review Date:</b>                    | 1/07/2024                       |
| <b>Responsible Officer:</b>            | Manager Governance              |
| <b>Owner:</b>                          | Governance                      |
| <b>Responsible Director:</b>           | Corporate Performance           |
| <b>Relevant Legislation/Authority:</b> | Local Government Act 2020       |
| <b>DOCSETID:</b>                       | 4428662                         |

## 1. PURPOSE

- 1.1 This policy supports Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020* (Vic), by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:
- entitlements;
  - processes for reimbursement;
  - reporting requirements; and
  - other measures supporting Councillors to fulfil their duties.

## 2. BACKGROUND

- 2.1 In accordance with section 41 of the Act, the City must adopt and maintain a policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Council committees and must make a copy available for inspection at the City office.
- 2.2 Councillors and members of delegated committees are entitled, under section 40 of the Act to reimbursement of expenses reasonably incurred in the performance of their duties.
- 2.3 This policy has been developed to establish clear guidelines and enable claims for reasonable out of pocket expenses to be processed without the need to seek Council approval for individual claims.



### 3. SCOPE

This policy applies to:

- Councillors
- Members of delegated committees.

### 4. DEFINITIONS

In this policy:

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

**Carer** A carer is defined under section 4 of the *Carers Recognition Act 2012*.

**Chief Executive Officer** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.

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

**CTM** means Corporate Travel Management.

**Council** means all the Councillors collectively.

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

**Delegated Committee** means delegated committees defined under section 63 *Local Government Act 2020* (Vic).

**Delegated Committee member** means a person appointed to a Delegated Committee.

**Mayor** means the Councillor elected to the Office of Mayor of the City.

**Municipality** means the Greater Bendigo municipality.

**Out-of-pocket expense** means an expense that has been met by the Councillor or delegated committee member, using their own funds, which may later be reimbursed.

### 5. PRINCIPLES

The general principles underpinning this policy are as follows:

- the Councillor Code of Conduct prescribed under Section 139 of the Act
- encouraging diversity in participation, equity, inclusion and access; and
- accountability and transparency.

### 6. POLICY

#### Councillors

- 6.1 This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the Council.



- 6.2 Councillors will be reimbursed for out-of-pocket expenses that are:
- bona fide expenses; and
  - have been reasonably incurred in the performance of the role of Councillor; and
  - are reasonably necessary for the Councillor to perform this role.
- 6.3 All claims for expenses must be lodged within three months of the expenses being incurred. At the end of the financial year all claims must be received no later than one month after the financial year. Any claims received after this time will require a Council resolution to pay in the current financial year.
- 6.4 Travel Expenses
- 6.4.1 Private vehicle use
- (a) Councillors may use their own vehicle when performing duties within the municipality; and
  - (b) Councillors, whenever possible to use a City fleet vehicle or public transport when performing duties outside the municipality; and
  - (c) Anything else in accordance with section 6.10 of the policy.
- 6.4.2 Intrastate travel
- Travel preferably utilising fleet vehicle/public transport
- (a) The City will arrange on request from the Councillor and cover the cost of approved travel expenses as set out in section 6.6.5 of this policy; and
  - (b) Private travel arrangements in conjunction with approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from funded travel arrangements; and
  - (c) Anything set out in section 6.6.5(d) of this policy that relates to spouse/partners; and
  - (d) Within one month of funded travel, the Councillor will report to Council verbally and in writing outlining:
    - Purpose for the travel;
    - Its relevance to any Council plan, strategy, program or project;
    - Perceived benefits to the Council and/or the community and/or the individual;
    - Any other aspects deemed relevant; and
  - (e) Anything else in accordance with section 6.10 of the policy.
- 6.4.3 Interstate travel
- Where duties are required to be performed interstate:
- (a) Councillors must obtain approval from the Mayor prior to travel; and
  - (b) The City will arrange prepaid travel, where possible through CTM; and



- (c) Private travel arrangements in conjunction with approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from funded travel arrangements; and
- (d) Anything set out in section 6.6.5(d) of this policy that relates to spouse/partners; and
- (e) Within one month of funded travel, the Councillor will report to Council verbally and in writing outlining:
  - Purpose for the travel;
  - Its relevance to any council plan, strategy, program or project;
  - Perceived benefits to the Council and/or the community and/or the individual;
  - Any other aspects deemed relevant; and
- (f) Anything else in accordance with section 6.10 of the policy.

#### 6.4.4 International Travel

Where duties are required to be performed overseas:

- (a) Councillors must obtain approval from Council prior to travel; and
- (b) The City will arrange travel (including insurance) where possible through CTM; and
- (c) Telecommunications – In order to minimise costs international travel pass, calling cards and local SIM cards must be considered as an alternative to hotel phones and mobile phone roaming for travel and the City will reimburse the cost of such cards.
- (d) Private travel arrangements in conjunction with approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from funded travel arrangements; and
- (e) Within one month of funded travel, the Councillor will report to Council verbally and in writing outlining:
  - Purpose for the travel;
  - Its relevance to any Council plan, strategy, program or project;
  - Perceived benefits to the Council and/or the community and/or the individual;
  - Any other aspects deemed relevant; and
- (f) Anything else in accordance with section 6.10 of the policy.

#### 6.5 Carer and dependent-related expenses

- 6.5.1 The City will provide reimbursement of out-of-pocket expenses where the provision of childcare is reasonably required for a Councillor to perform their role (s 41).
- 6.5.2 This applies to the care of a dependent, while the Councillor is undertaking their duties; and may include expenses such as hourly fees and booking fees, if applicable.



- 6.5.3 Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor, who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties.
- 6.5.4 By prior agreement, and between the Councillor and the Manager Governance, the City may pay expenses directly to provider services and where appropriate.
- 6.5.5 Except by prior written agreement of the Manager Governance, payments for carer and childcare services will not be made:
- to a person who resides with the Councillor;
  - has any financial or pecuniary interest with the Councillor;
  - has a relationship with the Councillor or their partner (ie immediate family member); or
  - has recognised care responsibility (ie parent or other regular care giver).
- 6.5.6 Evidence of out of pocket costs incurred by the Councillor must be provided with any claim.
- 6.5.7 The level of financial support shall be determined by the Manager Governance in consultation with the claimant.
- 6.6 Councillor Support
- 6.6.1 Information Technology
- The City will provide information technology items including:
- Equipment
  - software
  - support and basic training
- (a) All information technology provided remains the property of the City unless other arrangements have been agreed upon by the Councillor and the Manager Governance.
- (b) The Information Management Unit may audit and update the information technology from time to time. Councillors are required to regularly provide items for maintenance.
- (c) Councillors to maintain equipment in fair/reasonable condition.
- (d) Faulty equipment, breakages or issues are to be reported to Civic and Governance Support as soon as practicable.
- (e) Lost, stolen or misplaced equipment must reported to the Manager Governance as soon as practicable.
- (f) Reasonable personal use up to a maximum of 25 per cent of total usage is permitted as long as it does not affect the primary use of the equipment.
- (g) All items to be returned to the City on the next business day at the conclusion of a Councillor's term, unless otherwise agreed by Manager Governance.



#### 6.6.2 Office and Meeting Facilities

- (a) The City will provide Councillors with access (individual fob/security tag) to the City's office and designated spaces.
  - (i) Designated spaces may be used by all Councillors for related Council business during usual business hours or by prior arrangement with Civic and Governance Support.
  - (ii) Councillors may book rooms for meeting with external parties through Civic and Governance Support.
  - (iii) Where a fob or security tag is misplaced or stolen, Councillors must contact Manager Governance as soon as practicable (and may be responsible for replacement costs).

#### 6.6.3 Training and Development

##### (a) Professional Development

The City will meet the cost of training and development courses, seminars and activities of professional and personal development within the limits of the budget approved by Council and the relevance of the course for the Councillor and the Council.

- (i) The budget and the individual allocations will be set as agreed by Council on a yearly basis following assessment of professional development
- (ii) To assist this process, the Mayor will undertake a professional development assessment with each Councillor

##### (b) Memberships

The City will pay professional membership where there is a demonstrated or perceived benefit to the Councillor performing their duties, and to the City as agreed by the Council.

#### 6.6.4 City Vehicles

##### (a) Mayoral Vehicle

The City may provide the Mayor with a vehicle for his/her exclusive use during their term. The provision of the vehicle is subject to the following terms and conditions:

- (i) Use of vehicle in accordance with *Fleet Policy* and *Driver's Licence Policy*;
- (ii) The Mayor may use the vehicle for reasonable private use.
- (iii) Any damage, accident or fault to be reported to Manager Governance as soon as practicable.

##### (b) Fleet Vehicles





Use of fleet vehicles in accordance of Fleet policy and Driver's Licence policy.

- (i) Councillors may book fleet vehicles for use when performing duties and may be arranged through Civic and Governance Support
- (ii) Where required, a designated fleet vehicle will be made available for use by a Councillor with disability for the purpose of supporting that Councillor to effectively undertake their role as a Councillor.

#### 6.6.5 Conferences and Functions

##### (a) Conferences, Seminars and Meetings –

- (i) The City will bear reasonable costs enabling Councillors to attend an event whilst performing duties
- (ii) Reasonable costs may include:
  - Registration fees
  - Main conference dinner (if not covered by registration cost)
  - Accommodation
  - Transfer to and from event (taxi, public transport) and in accordance with section 6.4 of this policy.

##### (b) Charity Events

- (i) The City may cover the costs to allow attendance of the Mayor (Acting Mayor or Deputy Mayor in the absence of the Mayor), as representative for the City.
- (ii) Where Councillors attend a charity fundraising event for which contribution is required, Councillors attend at their own expense.

##### (c) Political Functions

- (i) The City will not financially support any political party. However, the City may cover the costs to allow attendance of the Mayor (Acting Mayor or Deputy Mayor in the absence of the Mayor), as representative for the City where there is a demonstrable benefit to the City.
- (ii) With the exception of (c)(i), where Councillors attend a political party fundraising event for which payment is required, Councillors attend at their own expense.

##### (d) Spouse/Partner Accompanying Councillor

The City may cover cost of a spouse or partner's attendance to functions where expressly invited and appropriate when accompanying a Councillor:

- (i) Within the Municipality
- (ii) Intrastate, when a Councillor is fulfilling authorised duties, the payment of expenses for a spouse or partner to attend



appropriate functions shall be limited specifically to the entry fee and meal.

- (iii) If the spouse or partner is the Councillor's carer, support will be provided in accordance with section 6.6.6 and 6.6.7 of this policy.

#### 6.6.6 Access and Inclusion

The City is committed to ensuring equitable access, social inclusion and respect for human rights and may provide appropriate support to ensure Councillors can complete their duties proficiently.

- (a) The City will provide support to a Councillor upon consideration of written report from a medical practitioner or other relevant qualified professional or the Councillor making the claim where appropriate.
- (b) The level of support provided by the City will be approved by the Manager Governance.
- (c) The level of financial support shall be determined by the Manager Governance in consultation with the claimant.

#### 6.6.7 Councillors' Welfare

- (a) Councillors may approach the Mayor or CEO regarding any specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.
- (b) A Councillor is able to seek counselling on a confidential basis through City's approved Staff Counselling Services.

#### 6.6.8 Insurance

- (a) Councillors are covered by the following Council Insurance Policies, whilst performing duties:
  - Personal Accident Insurance
  - Public Liability Insurance
  - Professional Indemnity Insurance
  - Councillors and Officers Liability Insurance
  - Travel Insurance; and
  - WorkCover (as a deemed employee).
- (b) The City will pay the insurance policy excess in respect of any claim made against a Councillor arising whilst performing duties, where the claim is accepted by the City's insurers. The insurance does not cover criminal or wilful acts.
- (c) Spouses and partners are covered by the City's Personal Accident Insurance when accompanying Councillors whilst performing.

#### 6.6.9 Legal Expenses

Legal expenses incurred by a Councillor shall be the responsibility of that Councillor unless with the prior approval of:

- Mayor; or
- CEO; or



- Council resolution.

#### 6.7 Monitoring, Evaluation and review

- 6.7.1 Quarterly reports of all Councillor and delegated committee member expenses will be provided to Council, and the Council's Audit and Risk Committee.
- 6.7.2 The report will include:
  - expenses incurred by Councillors during the quarter
  - reimbursement claims made by Councillors during the quarter
  - reimbursements made to Councillors during the quarter.
- 6.7.3 Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.

#### Members of Delegated Committees

- 6.8 Members of Delegated Committees will be reimbursed for out-of-pocket expenses that are:
  - (a) bona fide expenses;
  - (b) have been reasonably incurred in the performance of the role; and
  - (c) are reasonably necessary for the member of a Delegated Committee to perform this role.
- 6.9 Carer and dependent-related expenses
  - 6.9.1 The City will provide reimbursement of costs where the provision of care for a dependent is reasonably required for a member of a delegated committee to perform their role (s 41)
  - 6.9.2 The city will provide reimbursement of costs where the provision of carer services is reasonably required when a delegated committee member who is a carer (see definition section) incurs reasonable expenses in the performance of their duties.
  - 6.9.3 This applies to the care of a dependent, while the Councillor or delegated committee member is undertaking their duties; and may include expenses such as hourly fees and booking fees, if applicable.
  - 6.9.4 Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or delegated committee member who is a carer (see Definitions) incurs reasonable expenses in the performance of their duties.
  - 6.9.5 Claims under this section must be made in the prescribed form as outlined in 6.10.
  - 6.9.6 Except with the prior written agreement of the Manager Governance, payments for carer and childcare services will not be made:
    - (a) to a person who resides with the delegated committee member;



- (b) has any financial or pecuniary interest with the delegated committee member;
- (c) has a relationship with the delegated committee member or their partner (ie immediate family member); or
- (d) has recognised care responsibility (ie parent or other regular care giver).

6.9.7 The level of financial support shall be determined by the Manager Governance in consultation with the claimant.

#### 6.10 Procedure

Payment of out-of-pocket expenses will be made in accordance with the *Councillor Expenses Procedure*.

### 7. Review

A Councillor may request the CEO review of a decision made by the Manager Governance under this Policy.

### 8. ROLES AND RESPONSIBILITIES

For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:

- attendance at meetings of Council and its committees
- attendance at briefing sessions, workshops, civic events or functions convened by Council
- attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor
- attendance at meetings, events or functions representing Council
- duties in relation to constituents concerning Council business.

This Policy also applies to members of Council Delegated Committees when undertaking approved travel in accordance with their agreed role.

### 9. RELATED DOCUMENTS

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

These include:

- *Code of Conduct*
- *Council Expenses Procedure*
- *Driver's licence Policy*
- *Fleet Policy*
- *Governance rules*
- *Public transparency policy*
- *Governance framework*
- *Information privacy policy*
- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*



- *Equal Opportunity Act 2010*
- *Gender Equity Bill 2020*

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

#### 10. 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.

#### 11. ADMINISTRATIVE UPDATES

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

#### 12. DOCUMENT HISTORY

| Date Approved | Responsible Officer   | Unit       | Change Type | Version | Next Review Date |
|---------------|-----------------------|------------|-------------|---------|------------------|
| Aug, 2020     | Manager<br>Governance | Governance | Review      | V1      |                  |

# **CITY OF GREATER BENDIGO**

## **AUDIT AND RISK COMMITTEE CHARTER**

**Date approved by Council: tba**

**Date of next review: tba**

Document Set ID: 4424008  
Version: 16, Version Date: 27/07/2020

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The City of Greater Bendigo has established an Audit and Risk Committee (the Committee) in accordance with section 53(1) of the *Local Government Act 2020* (the Act).

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## 1. Purpose

Council is committed to good governance, public transparency and accountability to the City of Greater Bendigo's community. The Audit and Risk Committee (the Committee) has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
  - the overarching governance principles
  - the Act and the regulations and any Ministerial directions
  - other relevant laws and regulations
- monitor internal controls
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal audit function
- oversee external audit functions.

The Committee will engage with management in a constructive and professional manner in discharging its responsibilities and formulating its advice to the Council.

The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.

The overarching Governance Rules will not apply to the Committee, with the exception of the section that specifically relates to the Audit and Risk Committee.

## 2. Authority

2.1 The Council authorises the Committee, within its responsibilities, to:

- 2.1.1 endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment
- 2.1.2 endorse the 3 year Strategic Internal Audit Plan, which will then be adopted by Council. The Committee will have the authority to make necessary changes throughout the year to adapt to new information and risks as they arise
- 2.1.3 obtain any information it requires from any official or external party (subject to any legal obligation to protect information)
- 2.1.4 discuss any matters with the Victorian Auditor General's Office (VAGO), or other external parties (subject to confidentiality considerations)
- 2.1.5 request the attendance of any official, including Councillors and Council Officers at Committee meetings
- 2.1.6 obtain legal or other professional advice at the City's expense, as considered necessary to meet its responsibilities, subject to prior agreement with the Chief Executive Officer
- 2.1.7 meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.



### 3. Membership

#### 3.1 Composition of membership

The Committee comprises of seven members (three Councillors and four independent, external members), appointed by Council. In accordance with the Act the members must:

- include members who are Councillors of the Council (section 53(3)(a))
- consist of a majority of members who are not Councillors of the Council and who collectively have:
  - expertise in financial management and risk (Section 53(3)(b)(i))
  - experience in public sector management; (Section 53(3)(b)(ii))
- not be a member of Council staff (Section 53(3)(c)).

##### 3.1.1 Independent Members

- Each independent member will be appointed for an initial period of three years
- ARC members terms commence and are reviewed on the 1 October each year
- Each independent member may be reappointed for one additional term subject to satisfactory performance, that is, a maximum of six years
- The Chair, in conjunction with management, will undertake formal reviews of performance and review the independence of independent audit and risk committee members before re appointing them for additional terms
- Following the completion of the terms, the position must be publicly advertised. This does not preclude existing members from being re-appointed through a competitive process
- The position will be publicly advertised by no later than 20 August each year for vacating members. A recruitment process is then undertaken with interviews of potential candidates by the Chairperson of the ARC, the Mayor and the Chief Executive Officer
- Upon selection of the newly proposed independent member, the appointment will be recommended to Council. Council must resolve to accept the recommended appointment
- The appointment terms of each independent member will be set so that as far as possible only one member's term concludes at a time in to maintain a level of continuity and minimise the loss of knowledge of Council's business
- Independent members must collectively have expertise in financial management and reporting and risk management and experience in public sector management
- Remuneration paid to independent members will be reviewed by Council on at least one occasion during its term.

##### 3.1.2 Councillor Members

- Councillor members will be appointed to the Committee by Council annually
- Should an appointed Councillor member not be able to attend a Committee meeting, Council can appoint an alternate member to act in such circumstances, either on a meeting by meeting basis or for the entire year
- All Councillors are able to observe Committee meetings and will have access to Committee agendas and minutes
- Only Councillors formally appointed to the Committee, or appointed as an alternate member in the absence of an appointed member, are able to vote on resolutions.

##### 3.1.3 Chairperson

- The Chairperson of the Committee must be an independent member

- The Committee will appoint the Chairperson who in accordance with section 53 of the Act must not be a Councillor (Section 53(4)) and must not be a member of Council staff (Section 53(3)(c)). The appointment will then be approved by Council.
- The Chairperson will be appointed for a one year term and will be appointed at the first meeting post the 1st October each year. Upon their election, the new Chair will take over as Chairperson of the meeting
- For the appointment of the Chair, if only one independent member nominates for the position, the Acting Chairperson of the meeting must declare that independent member is elected to the position. If more than one of the independent members are nominated, a secret ballot must be held. The candidate who receives the most votes through the ballot will be elected as the Chairperson
- In the absence of the Chairperson, independent members of the Committee may be contacted prior to the committee to seek their interest to Chair the meeting, so they can attend the pre Committee meeting or if notified of the Chairpersons absence at short notice the Committee will elect a temporary Chairperson for the meeting from the remaining independent members who are present.

#### **3.1.4 Quorum for Meetings**

- A quorum shall comprise of at least one Councillor member and two independent members.

## **4. Functions**

In accordance with section 54(2) of the Act, the functions and responsibilities of the Committee include:

### **4.1 Monitor compliance (Section 54(2)(a)).**

- 4.1.1 Review the systems and processes implemented by the City for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance
- 4.1.2 Review the processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code
- 4.1.3 Obtain briefings on any significant compliance matters
- 4.1.4 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.

### **4.2 Monitor internal controls**

- 4.2.1 Review the effectiveness of key policies, systems and controls for providing a sound internal control environment over a three year period and determine if the systems and controls are reviewed regularly and updated where required
- 4.2.2 Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile
- 4.2.3 Ensure that a program is in place to test compliance with systems and controls
- 4.2.4 Assess whether the control environment is consistent with Council's Governance Principles.

### **4.3 Monitor Council financial and performance reporting (Section 54(2)(b))**

- 4.3.1 At least annually review significant accounting and external reporting issues, including material or unusual transactions, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report

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- 4.3.2 At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes
- 4.3.3 Review with management and the external auditors the results of audits, including any difficulties encountered by the auditors and how they were resolved
- 4.3.4 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position
- 4.3.5 Recommend the adoption of the annual financial report and annual performance statement to Council
- 4.3.6 To review and be briefed on the City's annual budget processes and Financial Plan
- 4.3.7 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.

**4.4 Monitor and provide advice on risk management and fraud prevention systems and controls. (Section 54(2)(c))**

- 4.4.1 Review the City's risk management framework and implementation strategy annually
- 4.4.2 Review the management of strategic risks and other significant risks, including controls in place and treatment plans
- 4.4.3 Assess adequacy of Council processes to manage insurable risks and to review the insurance program annually
- 4.4.4 Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested
- 4.4.5 Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programs at least every two years
- 4.4.6 Receive summary reports from management on fraud, thefts and material breaches of legislation, ensuring reporting to the Council and/or relevant authorities
- 4.4.7 Review reports by management about the actions taken by the City to report such matters to the appropriate integrity bodies.

**4.5 Oversee internal audit function (Section 54(2)(d))**

- 4.5.1 Review the Internal Audit Charter to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively
- 4.5.2 Review and endorse the three year strategic internal audit, the annual internal audit plan and make required changes to the plan as it may arise throughout the year. The progress against this plan will be reported to the Committee at each meeting
- 4.5.3 Review and approve proposed scopes for each review in the annual internal audit plan
- 4.5.4 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews
- 4.5.5 Meet with the Internal Auditor at least annually in the absence of management
- 4.5.6 Monitor action by management on internal audit findings and recommendations
- 4.5.7 Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work

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- 4.5.8 Ensure that the Committee is aware of and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change
- 4.5.9 Recommend to Council, if necessary, the termination of the internal audit contractor.

#### **4.6 Oversee external audit function (Section 54(2)(d))**

- 4.6.1 Annually review the external audit strategy and plan proposed by the external auditor
- 4.6.2 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information
- 4.6.3 Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner
- 4.6.4 Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and ensure the recommendations are distributed to appropriate areas for action/implementation where appropriate
- 4.6.5 Meet with the external auditor at least annually in the absence of management.

### **5. Reporting**

- 5.1.1 In alignment with the Governance Rules, Public Transparency principles and Governance principles in the Act, minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting
- 5.1.2 The Chairperson will prepare a report to Council on the Committee's activities twice per annum including the Committee's findings and recommendations along with agreed actions. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption. This report should also include how the Committee has discharged its responsibilities as set out in this Charter for the year. The reports will be provided to the Chief Executive Officer for presentation to Council
- 5.1.3 The Chair of the Committee, or a representative on behalf of the Committee, will present the Annual Committee Performance Report to a Councillor Briefing prior to the report being presented to Council
- 5.1.4 Internal audit reports and external audit reports shall not be made public
- 5.1.5 Management will assist the Committee to initiate a self-assessment of the performance of the Committee annually. The review will invite input from the Council, each Committee member, senior management, internal audit, VAGO (or their contracted representative), and any other relevant stakeholders. The self-assessment will be reported through the Annual Committee Performance Report.

### **6. Administrative Arrangements**

#### **6.1 Meetings**

- 6.1.1 The committee will meet at least four times per year. One or more special meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee
- 6.1.2 The Committee will invite members of Council's management team, the internal and external auditors and other personnel as appropriate to attend meetings, particularly if there are reports/ audits being presented relevant to their area

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- 6.1.3 The Chief Executive Officer, Director Corporate Performance, Manager Financial Strategy, Manager Governance as well as other nominated representatives will attend all meetings, except for confidential matters
- 6.1.4 All committee members are expected to attend each meeting, in person or via tele-or-video conference. Failure to attend a meeting will result in non-payment of members fees for the associated meeting
- 6.1.5 Committee members and the internal and external auditors can request the Chairperson to convene additional meetings if they feel that is justified to address unexpected matters that may have arisen
- 6.1.6 The Chair is required to call a meeting if asked to do so by the Council and decide if a meeting is required if requested by another member, internal audit or the VAGO.

## **6.2 Planning**

- 6.2.1 The Committee will develop a forward meeting schedule that includes the dates and location for each meeting for the forthcoming year
- 6.2.2 In accordance with section 54(3) of the Act the Committee will develop an annual work program that includes the timing of reporting for all of the responsibilities outlined in this charter.

## **6.3 Secretariat**

- 6.3.1 In accordance with section 54(6)(a) of the Act, the CEO will appoint a Council Officer to provide secretariat support to the Committee to ensure the preparation and maintenance of agendas, minutes and reports. The secretariat will:
  - ensure the agenda for each meeting is approved by the Director, Corporate Performance and Committee Chair
  - the agenda and supporting papers are circulated at least one week before the meeting
  - ensure the minutes of the meetings are prepared and maintained. Minutes to include relevant elements of the Committee's discussion
- 6.3.2 Minutes must be reviewed by the Director, Corporate Performance of Council and the Committee Chair and circulated within three weeks of the meeting to each member and committee observers, as appropriate and then provided to Council at the next opportunity.

## **6.4 Induction**

- 6.4.1 The Committee will adopt and maintain a program of induction, training and awareness raising for its members, with the objective of enabling the Committee to keep abreast of contemporary developments and leading practices in relation to its functions.

## **6.5 Removal of a member**

- 6.5.1 If the Council proposes to remove a member of the ARC, it must give written notice of its intention to do so and afford the member an opportunity to be heard by Council. However, ultimately Council retains the discretion to remove a member by resolution, provided that a replacement member is promptly appointed using the process described in clause 6.4.

# **7. Conflicts of Interest**

Committee recommendations must be transparent and accountable, to protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly. If a conflict of interest exists, it must be declared and managed. Committee members are required to provide written declarations, through the Chair, to the Council declaring any material personal interests they may have in relation to their responsibilities.

8

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. An independent member has a **conflict of interest** if they have:

- (a) a general conflict of interest within the meaning of section 127 of the Act
- (b) a material conflict of interest within the meaning of section 128 of the Act

Members of the Committee will provide declarations in accordance with statutory requirements.

External members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

At the beginning of each committee meeting, members are required to declare any material personal interests that may apply to specific matters on the meeting agenda. Where required by the Chair, the member will be excused from the meeting or from the committee's consideration of the relevant agenda item(s). The Chair is also responsible for deciding if he/she should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s). Details of material personal interests declared by the Chair and other members, and actions taken, will be appropriately recorded in the minutes.

## 8. Misuse of Position

Section 123 of the Act applies to Independent Members, as if the member were a member of a delegated Committee. The Independent Member must not intentionally misuse their position (section 123(1)):

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person or
- (b) to cause, or attempt to cause, detriment to the Council or another person.

Section 123(3) of the Act outlines circumstances involving misuse of a position by a member of the Committee, which include:

- a) Improper use of information acquired as a result of being a member of the Committee; or
- b) Disclosing information that is confidential information; or
- c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- e) Using public funds or resources in a manner that is improper or unauthorised; or
- f) Participating in a decision on a matter in which the member has a conflict of interest.

## 9. Confidential Information

Section 125 of the Act applies to Independent Members, as if the member were a member of a delegated Committee. The requirements include:

(1) Unless subsection (2) or (3) applies, a person who is, or has been, an Independent Member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

(2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

(3) A person who is, or has been, an Independent Member may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—

- (a) for the purposes of any legal proceedings arising out of this Act
- (b) to a court or tribunal in the course of legal proceedings
- (c) pursuant to an order of a court or tribunal

- (d) in the course of an internal arbitration and for the purposes of the internal arbitration process
- (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing
- (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor
- (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector
- (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry
- (i) to the extent reasonably required by a law enforcement agency.

## 10. Review of the Committee Charter

The Committee shall review and assess the adequacy of the Charter every two years or earlier if necessary and will submit requests for any substantial changes through to Council via the Chief Executive Officer for approval of any revisions and improvements.

## 11. Register of Audit and Risk Committee Members

### *Independent Members*

| Committee Member           | Appointment    | Date Re-appointed | Review Date    |
|----------------------------|----------------|-------------------|----------------|
| Mr Warren Pollock          | 1 October 2016 | 1 October 2019    | 1 October 2022 |
| Mr Graham Bastian          | 1 October 2014 | 1 October 2017    | 1 October 2020 |
| Mr Shannon Buckley         | 1 October 2018 | N/A               | 1 October 2021 |
| Ms Jovana Obradovic-Tantra | 1 October 2018 | N/A               | 1 October 2021 |

### *Council Representatives*

| Committee Member     | Initial Appointment | Date Re-appointed | Review Date |
|----------------------|---------------------|-------------------|-------------|
| Cr Margaret O'Rourke | 19 December 2016    | 20 November 2019  | Annually    |
| Cr Jennifer Alden    | 12 December 2018    | 20 November 2019  | Annually    |
| Cr Andrea Metcalf    | 20 November 2019    |                   | Annually    |



## 12. Revisions of the Charter

Council first adopted an Audit Committee Charter in April 2002. The following amendments have been made since that date:

| Date of Revision    | Changes made                                                                                                                                  |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| June 2009           | Update                                                                                                                                        |
| 7 December 2011     | Updated Committee Members                                                                                                                     |
| 5 April 2011        | Updated Committee Members                                                                                                                     |
| 23 May 2012         | The Audit Committee                                                                                                                           |
| 20 November 2014    | The Audit Committee reviewed the Charter, but no changes were made.                                                                           |
| 19 December 2016    | (Various amendments including changing of some Objectives). These amendments were as a result of a review conducted by the Committee.         |
| 9 March 2017        | Various amendments). These amendments were as a result of a review conducted by the Committee, in accordance with Section 6.8 of the Charter. |
| 2 March 2018        | These amendments were recommended by the Division of Local Government in their revised internal Audit Guidelines issued in September 2010.    |
| July 2018           | Expanded scope of Charter to include Risk Management.                                                                                         |
| 24 October 2018     | Updated Committee members                                                                                                                     |
| 12 December 2018    | Updated Councillor members                                                                                                                    |
| (Insert Month) 2020 | Full revision of the Charter to update as per the LG Act 2020                                                                                 |





## **S5 Instrument of Delegation to Chief Executive Officer**

### **Greater Bendigo City Council**

#### **Instrument of Delegation**

**to**

#### **The Chief Executive Officer**

Instrument of Delegation to CEO

July 2020

Document Set ID: 4390814  
Version: 4, Version Date: 10/08/2020

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## Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Greater Bendigo City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 19 August 2020.
2. the delegation:
  - 2.1 comes into force immediately upon the common seal of Council being affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

Dated this                      day of                      2020

The Common Seal of **Greater Bendigo City Council** was hereunto affixed in the presence of:

Chief Executive Officer

Instrument of Delegation to CEO

July 2020 Update

Document Set ID: 4390814  
Version: 4, Version Date: 10/08/2020



## SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 1.1 awarding and executing a contract which exceeds the value of \$1.65 million (inclusive of GST), for fixed deliverables and \$1.65 million per annum for schedule of rates and provided that any contract awarded following a public tender process is reported to Council within 2 ordinary Council meetings following the finalisation of the tender process;
  - 1.2 awarding and executing fixed deliverable contract variations which exceed 30% of the original contract sum in the aggregate, or \$495,000 (inclusive of GST) individually, whichever is the lesser.
  - 1.3 awarding and executing schedule of rates contract variations which exceed 30% of the original contract sum in the aggregate per annum, or \$495,000 (inclusive of GST), whichever is the lesser.
  - 1.4 executing a variation of contract which exceeds 30% of the original contract sum in the aggregate, or \$495,000 individually (inclusive of GST), whichever is the lesser, in accordance with Council policy;
  - 1.5 acquiring an option to purchase property for strategic municipal purposes where the option fee exceeds \$100,000 (exclusive of GST) and provided that Council is advised of the acquisition of the option within 2 ordinary Council meetings following the finalisation of the option acquisition;
  - 1.6 initiating or continuing legal proceedings under section 232 of the Act if the proceedings may:
    - 1.6.1 raise substantial issues of controversy in the community;
    - 1.6.2 affect the City's/ relationship with other bodies; or
    - 1.6.3 require substantial financial commitment from the City,unless, in the delegate's reasonable opinion, due to the urgency of the matter the decision cannot be referred to a meeting of Council for a decision and:
    - 1.6.4 the delegate has first consulted with the Mayor; and
    - 1.6.5 arrangements are put in place to report the matter to Council at the first opportunity;

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- 1.7 initiating or continuing legal proceedings, if the proceedings are likely (in the opinion of the delegate) to:
  - 1.7.1 raise substantial issues of controversy in the community; or
  - 1.7.2 require substantial financial commitment from the City,unless, due to the urgency of the matter the decision cannot be referred to a meeting of Council for a decision and:
  - 1.7.3 the delegate has first consulted with the Mayor; and
  - 1.7.4 arrangements are put in place to report the matter to Council at the first opportunity;
- 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
- 1.4 electing a Mayor or Deputy Mayor;
- 1.5 granting a reasonable request for leave under section 35 of the Act;
- 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- 1.7 approving or amending the Council Plan;
- 1.8 adopting or amending any policy that Council is required to adopt under the Act;
- 1.9 adopting or amending the Governance Rules;
- 1.10 appointing the chair or the members to a delegated committee;
- 1.11 making, amending or revoking a local law;
- 1.12 approving the Budget or Revised Budget;
- 1.13 approving the borrowing of money;
- 1.14 appointing councillor or community delegates or representatives to external organisations; or
- 1.15 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
  - 4.1 policy; or
  - 4.2 strategy,

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adopted by Council; or

5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise.

Instrument of Delegation to CEO

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## 7.2 DELEGATED COMMITTEE BENDIGO MAUBISSE FRIENDSHIP COMMITTEE

### Document Information

**Authors** Steven Abbott, Manager Community Partnerships, Peter Hargreaves, Coordinator Civic and Governance Support

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

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### Purpose

The purpose of this report is to seek Council endorsement for new documents and appointments governing the operations of the Bendigo Maubisse Friendship Committee in accordance with the new Local Government Act 2020.

### Summary

As mentioned in the previous report, the *Local Government Act 2020* (**the 2020 Act**) received Royal assent on 24 March 2020 and replaces to a large extent the *Local Government Act 1989* (**the 1989 Act**) in governing the way Councils operate in Victoria.

The 2020 Act is being proclaimed in four key stages. Stage two requires Council develop and implement new provisions for Delegated Committees by 1 September 2020.

Council has only one Special or Delegated Committee – the Bendigo Maubisse Friendship Committee (**BMFC**).

This report recommends the adoption of new governance documents, including instruments of delegation, to allow the Committee to operate as a Delegated Committee to comply with the provisions of the 2020 Act.

It is recommended that this delegation is approved to apply for 12 months, commencing the day the instrument of delegation is executed by the City. This will enable the Committee to transition to an Incorporated Entity independent of Council.

## **RECOMMENDATION**

That Council:

1. Approve for the Bendigo Maubisse Friendship Committee to be a delegated Committee of Council for the period of 12 months
2. Approve the attached C2 Instrument of Delegation and Appointment to Bendigo Maubisse Friendship Committee
3. Authorise the Chief Executive Officer to execute and affix Council's common seal to the C2 Instrument of Delegation and Appointment to Bendigo Maubisse Friendship Committee
4. Approve the attached C4 Instrument of Delegation from Council to Bendigo Maubisse Friendship Committee
5. Authorise the Chief Executive Officer to execute and affix Council's common seal to the C4 Instrument of Delegation from Council to Bendigo Maubisse Friendship Committee
  - a) Adopt the attached Terms of Reference relating to the operation of the Bendigo Maubisse Friendship Committee
  - b) Confirm the appointment of the following people to the Bendigo Maubisse Friendship Committee:

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

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### **Policy Context**

#### Community Plan Reference:

Adherence to Council's legislative obligations under the *Local Government Act 2020* (Vic).

#### Community Plan Reference:

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

Goal 1: Lead and govern for all

## Report

From time to time for a range of reasons, Councils form committees and delegate to them a range of powers to make decisions on behalf of the Council.

The 2020 Act recognises:

- Community asset committees – committees delegated with the powers of the council, for the purpose of managing a community asset in the municipal district.
- Delegated committees - a committee formed by a council and delegated to exercise a power or undertake a duty or function as if it is the council. These are highly controlled under the Act given their ability to exercise statutory functions and powers on behalf of the council.

The 2020 Act has changed the governance requirements for these committees.

There are no committees with delegated Council powers managing community Greater Bendigo assets and therefore there is no requirement for Council to take action under the revised provisions of the 2020 Act.

However, there is a special or delegated committee of Council impacted by the provisions of the 2020 Act.

The Bendigo Maubisse Friendship Committee (BMFC) is a Special Committee of Council and has operated through an Instrument of Delegation under section 86 of the 1989 Act since 2006/2007. This delegation expires on 1 September 2020.

The BMFC works with the Greater Bendigo community in undertaking significant community development activities across the sub-district of Maubisse, Timor Leste.

In 2019 the City and the BMFC recognised the need to carefully review the goals, sustainability and governance model of the BMFC in preparation for the 2020 Act and in recognition of the changing nature of needs in Timor Leste and the role of the City in continuing to significantly support those needs.

The *Bendigo-Maubisse Friendship Committee Strategy: 2020 – 2024* has been developed to enable ongoing sustainability of important work carried out by the BMFC for Maubisse, a Timorese community that whilst making progress is still very much in need.

Following consideration of the governance options, it is anticipated that the BMFC committee will continue in its current form as a Special Committee of Council for a twelve-month period while a transition to an Incorporated Entity is pursued.

It is recommended that the BMFC transition to a Delegated Committee to comply with provisions under the 2020 Act.

To ensure the BMFC continues to exercise its power, duties and functions after 1 September 2020 two instruments of delegation have been prepared for Council's adoption.



The proposed instruments are for a twelve-month period while a transition to an Incorporated Entity is pursued:

- C2 Instrument of Delegation and Appointment to Bendigo Maubisse Friendship Committee (Attachment 1).

This instrument sets out the powers and functions of the BMFC and recommendation appoints current members to the BMFC as a Delegated Committee:

Mayor Cr Margaret O'Rourke  
Cr Jennifer Alden  
Cameron Bell  
Deborah Blake  
Bradley Christian  
Jenny Feiss  
Rod Flavell  
Susan Griffiths  
John Jones  
Rebecca Lee – City of Greater Bendigo  
Amanda Lonergan  
Milton Long  
Sheree Pickles  
John Williams  
Vacant positions (4)

From the date of this Council Meeting, there are a number of vacancies for members of the Committee which will be filled by a resolution of Council at a later date.

Along with new Instruments of Delegation for the BMFC, new Terms of Reference are required to guide the operation of the Instrument. The draft Terms of Reference are attached (**Attachment 2**).

- C4 Instrument of Delegation from Council to Bendigo Maubisse Friendship Committee (Attachment 3)

This instrument sets out the Council powers and functions delegated to the BMFC along with exceptions, conditions and limitations.

#### Risk Analysis:

##### *Bendigo Maubisse Friendship Committee*

If the Council delegations are not updated prior to 1 September 2020 the committee will not have the necessary authority to carry out its functions on behalf of Council.

#### **Consultation/Communication**

##### Internal Consultation

Internal consultation was undertaken across the organisation by the Governance Unit in relation to Council's existing committees. Further consultation was undertaken in developing specific instruments for the BMFC.

### External Consultation:

The BMFC conducts monthly meetings, chaired by Mayor Cr Margaret O'Rourke and attended by Cr Jen Alden as the Councillor Representatives. The meetings are open to the public and are held on the first Friday of every month.

The Strategic Plan development process has been a collaborative activity undertaken across many months within the BMFC and led by the City's Community Partnerships Officer.

### **Resource Implications**

#### *Bendigo Maubisse Friendship Committee*

Council will need to consider additional internal resources to develop and support the new governance and administrative structure of the committee, and the implementation of the Strategic Plan.

A conservative estimate is that this support is likely to increase by 50% related to report writing and administrative functions. The additional work will impact on the ability to undertake other planned tasks.

Further, Council has funded the BMFC since the 2006/07 financial year with an initial establishment grant of \$65,000 and \$50,000 for each subsequent year, totalling \$715,000.

Council has included budget allocation of \$20,000 for a twelve-month continuation of the Community Partnerships Officer in the 2020/21 budget.

An additional request for Council to consider a budget proposal for the 2021/22 financial year to help the BMFC transition to a separate community organisation, including the establishment of an MOU outlining the ongoing relationship with City of Greater Bendigo is likely to be made and will be in the order of \$20,000 - \$50,000 with a portion of that extended over multiple years (e.g. for insurance coverage). This request will be considered alongside other community budget submissions in due course.

### **Attachments**

1. C2 Instrument of Delegation and Appointment to Bendigo Maubisse Friendship Committee
2. Terms of Reference for the Bendigo Maubisse Friendship Committee
3. C4 Instrument of Delegation from Council to Bendigo Maubisse Friendship Committee

## 7.3 BENDIGO STADIUM LIMITED FINANCIAL UPDATE

### Document Information

**Authors** Ben Devanny, Manager Business Services and  
Nathan Morsillo, Manager Financial Strategy

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

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### Purpose

Bendigo Stadium Limited (BSL) is considering refinancing its existing finance arrangements to take advantage of the current low variable interest rates and provide a level of cash flow relief for the organisation.

Council is the guarantor of BSL's existing loan. As part of the consideration of the revised financing arrangements, BSL has again requested Council to guarantee the proposed load.

### Summary

Like many businesses in community sport, hospitality, event and gaming, COVID-19 has forced the closure of all non-essential business activities since March 2020. This has significantly impacted BSL's financial performance.

BSL has an existing long-term loan, which the City guarantees. BSL is considering refinancing this existing loan to take advantage of the current low variable interest rates and provide a level of cash flow relief for the organisation.

An external firm engaged by the City has reviewed the models and scenarios relating to cashflow and budget prepared by BSL to provide assurance to the City of their accuracy. This review has now been completed.

### **RECOMMENDATION**

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

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### Policy Context

Loan Guarantee Policy

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

|               |                                                                                                                                                                                                         |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal 1        | Lead and govern for all<br>Effective community engagement will guide well-informed, responsive decision-making and financially responsible resource allocations, which are transparent and accountable. |
| Objective 1.4 | Be accountable and efficient in its use of the community's money.                                                                                                                                       |
| Goal 2        | Wellbeing and fairness<br>Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities, by building better connections and quality of life for all.    |
| Objective 2.3 | Promote community connection.                                                                                                                                                                           |
| Goal 3        | Strengthening the economy<br>Advocacy, innovation and support to grow jobs, attract visitors and diversify the local and regional economy                                                               |
| Objective 3.1 | Support our local businesses and industry to be strong, vibrant and to grow and develop.                                                                                                                |

## Background Information

The Bendigo Stadium is a major asset of the City of Greater Bendigo, hosting weekly community sporting programs along with major sporting and entertainment events.

BSL has been a tenant of the Council since approximately 1989, operating the West Bendigo Stadium which Council owns. The BSL has overseen the running of domestic basketball in Bendigo and also supports a successful national team to allow local basketballers to fulfil their ambition and provide an opportunity of playing basketball at the highest level.

BSL has positioned itself in the hospitality and events industry, with several venues that provide bistro, bar and poker machines.

Bendigo Stadium is recognised as one of the most progressive sporting venues in regional Australia. The Bendigo Stadium attracts over 12,000 patrons each week, through operating as a sports venue for domestic volleyball and basketball competitions as well as being a licensed club venue with 10,000 members.

Bendigo Stadium is also home to our very own Bendigo Spirit and Bendigo Braves elite basketball teams providing our grassroots athletes a chance to play at the highest level in Bendigo.

In 2016 Council agreed to guarantee BSL's loan of \$11M with a payback period of 10 years as part of enabling the redevelopment and building of the new Stadium.

Since March BSL has not operated bistro, gaming or hosted events due to COVID-19. This has hindered BSL's financial performance and will continue to have a profound effect for many months post-COVID.

## Report

BSL's business model is based on hospitality, events, and community sport. Within the current COVID restrictions, these have been considered non-essential and were forced to close by the State Government as at 23 March 2020.

The COVID-19 government restrictions will continue to inhibit BSL's revenue. The uncertainty of hosting events will have the greatest impact on the revenue growth. At the time of drafting this report, BSL has forecast a decrease in revenue across all departments with hospitality and events predicted to decrease by over 50%, while gaming is predicted to have at least an 18% reduction.

In 2016 Council agreed to guarantee BSL's loan of \$11M with a payback period of 10 years. There continues to be financial oversight of Council with one (1) COGB representative on the BSL Board, as well as representation on the BSL Finance Committee by the Director Corporate Performance and one other staff member, currently the Manager, Financial Strategy.

BSL is requesting approval to refinance their existing loans. The terms of the proposed new loan include a 12-year payback at a variable rate and will also consolidate other current loans (\$1.2M).

The revised loan will reduce the ongoing monthly payments for BSL by around \$16,000 per calendar month, providing cash flow relief post COVID -19.

There is strong and long standing interest in the community sports programs that are operated from within the Bendigo Stadium as well as a pipeline of events that prior to the closure were planned to be hosted from the venue. Whilst there are some immediate challenges, the diversity of what is offered from the Bendigo Stadium, the quality of the asset and the reputation to manage high quality events should provide confidence of a successful rebound in the medium and long term.

In addition to the ongoing financial oversight mentioned above, an external firm were appointed to complete a review of BSL budget and cash flow for 2020/2021 and 2021/2022, with the following objectives;

- a) Assurance over the accuracy, validity and appropriateness of assumptions used in the preparation of the BSL cash flow forecasts and budgets.
- b) Assurance over the accuracy of likely financial outcomes of different operating scenarios (as derived from BLS scenario analysis and stress testing).

Further commercial in confidence information related to this review and BSL operations is contained in the confidential section of this Council meeting agenda, to ensure that Councillors have all relevant information.

Timelines:

- 4 May 2016, Council approved \$11M BSL loan arrangement

Risk Analysis:*Risk of not approving the change:*

Currently there is a significant risk to BSL being able to manage cashflows and remain open. These risks include:

- BSL continues to not have the financial capacity to repay their current loans (business model impacted by COVID not financially sustainable), and repayments would be due by the City as guarantor.
- BSL does not have the cash flow to rebuild and recover post COVID-19.

*Risk of supporting a re-financed loan:*

Risks to the City in approving the change are around the principle; length and rates:

- Approved in total, this increases the overall exposure of a (current balance) guaranteed loan from \$9.48M to \$13M.
- Increases the term that the loan is being guaranteed – taking this over another 3 Council terms.
- The variable interest rate option increases interest rate “risk”. Hence in the future this could impact on the term of the loan and principle loan amount:
  - *Example:* Variable rate increase of 1% additional, will increase monthly loan repayment by approximately \$4,250
  - However, the variable loan – within the current economic context – may also enable ‘faster’ repayment.

Consultation/Communication:

This report has been a collaborative piece of work in conjunction with BSL Board and Senior Management Team in consultation with City of Greater Bendigo officers.

Councillors have received regular reports on the financial performance of BSL and the impacts of COVID-19 on BSL’s operations and finances.

**ATTACHMENTS**

N/A

## 7.4 PUBLIC INTEREST DISCLOSURE PROCEDURES

### Document Information

**Author** Ryan Millard, Coordinator Legal Services

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

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### Purpose

The purpose of this report is to seek Council's endorsement of the City's updated *Public Interest Disclosure Procedures*.

### Summary

The updated *Public Interest Disclosure Procedures* provide guidance for members of the public and City staff wishing to make a disclosure regarding alleged corrupt conduct by Councillors or City staff. They also provide guidance for certain City employees who are authorised to receive reports about improper conduct and detrimental action which could become public interest disclosures. The procedures incorporate the recent changes to the legislation around protected disclosures (now called 'public interest disclosures') and were drafted using guidance material published by the IBAC.

### **RECOMMENDATION**

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

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### Policy Context

#### Community Plan Reference:

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

Goal Goal 1 (Lead and Govern for all)

Objective Adherence to our legislative obligations

## Background Information

As public officials in local government, Councillors and Council Officers have a duty to uphold high standards of integrity. Conduct and behaviour must be, and be seen to be, transparent at all times. Without transparency, community trust is jeopardised and legitimacy that is required to deliver services on behalf of the government is jeopardised.

Actual and perceived corruption and misuse of public resources erodes public trust in the City. It also wastes public funds earmarked for important community projects, leads to an increase in regulation and contributes to increased costs of providing services to the community.

To help prevent corrupt or improper conduct at the City it is critical that people who may make a disclosure feel assured that should they do so it will be treated confidentially and seriously. Aside from meeting our legislative obligations, the adoption of these updated procedures signal to Councillors, staff and the community that the City takes allegations of corrupt conduct seriously.

## Report

Section 58 of the *Public Interest Disclosures Act 2012* (Vic) requires the City to develop procedures consistent with the guidelines issued by IBAC under section 57. The City is also required to ensure these procedures are readily available to members of the public as well as internally to all Councillors, employees, and City staff.

This is the first review of the City's *Protected Disclosure Procedure Manual* since it was adopted in 2013. The procedures reflect the recent changes to the *Public Interest Disclosures Act 2012* and were drafted using guidance from IBAC's *Guidelines for handling public interest disclosures* and *Guidelines for public interest disclosure welfare management*. We have drafted the procedures with an intent to be more user friendly and informative for staff and members of the public wishing to make a disclosure.

These procedures address the following questions:

- What is a public interest disclosure?
- Who can make a disclosure – and to who?
- How does the City assess if a public interest disclosure has been received?
- What does the City do if it receives a disclosure?
- What protections does the *Public Interest Disclosures Act 2012* provide?

The City's Governance unit will be creating additional materials, such as fact sheets, to help employees and the community identify, report and prevent corruption. The information will cover red flags of corruption and how people can report corruption, either internally or directly to the IBAC. Legal Services have already uploaded educational information for staff on the Legal section of the organisation's Share Point page and distributed material around staff tea rooms.



**Priority/Importance:**

As a legislative obligation relating to the prevention of corruption within the Council and organisation this is a highly important matter.

**Options/Alternatives:**

As this is a legislative requirement there are no relevant alternative options to consider.

**Risk Analysis:**

Failing to adopt procedures which comply with the *Public Interest Disclosures Act 2012* (Vic) would result in the City failing to meet its legislative obligations under the Act.

The absence of control measures (such as these procedures) for preventing, detecting and handling corrupt activity could mean that corrupt behaviour will go unreported, undetected or improperly managed.

**Consultation/Communication**

Procedures were reviewed by staff in the City's Legal and Risk and Assurance teams then circulated to the Organisational Leadership Team and broader Governance team for feedback.

**Resource Implications**

Only internal cost of staff time to prepare and administer procedures.

**Attachment**

1. Public Interest Disclosure Procedures



## PUBLIC INTEREST DISCLOSURE PROCEDURES

<b>Review cycle:</b>	Bi-annual
<b>Review Date:</b>	9 June 2022
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Owner:</b>	Governance
<b>Responsible Director:</b>	Corporate Performance
<b>Relevant Legislation/Authority:</b>	<i>Public Interest Disclosures Act 2012 (Vic)</i> <i>Local Government Act 1989 (Vic)</i> <i>Local Government Act 2020 (Vic)</i> <i>Independent Broad-based Anti-corruption Commission Act 2011 (Vic)</i>
<b>DOCSETID:</b>	3119555

## 1. PURPOSE

- 1.1 The purpose of these procedures are to establish processes for receiving and handling disclosures of improper conduct engaged in or detrimental action taken by the City or its employees.
- 1.2 These procedures explain:
  - (a) what a disclosure is;
  - (b) how to make a disclosure;
  - (c) how the City will assess and manage the disclosure; and
  - (d) how the City will manage and protect the person making the disclosure.

## 2. BACKGROUND

- 2.1 The City supports a workplace culture where people can feel safe to speak up without fear of reprisal. It is imperative that people who report Improper Conduct and corruption can do so knowing they will be protected from reprisal or Detrimental Actions.
- 2.2 The Public Interest Disclosures Act 2012 (Vic) (Act), formally known as the Protected Disclosure Act 2012 (Vic), came into effect on 1 January 2020. The Act supports the City's commitment to the principles of open, honest and accountable governance. The Act provides protections for people who make disclosures about improper conduct in the public sector (commonly known as 'whistleblowers').
- 2.3 For complaints that do not meet the criteria for a Public Interest Disclosure, the discloser should follow the process outlined in the City's complaint management procedure.



### 3. SCOPE

These procedures are a resource for all members of the public as well as employees, Councillors, contractors and volunteers of the City.

Note: All disclosures about Councillors must be made directly to IBAC or the Victorian Ombudsman. Disclosures about Councillors cannot be made to the City.

### 4. WHAT IS A PUBLIC INTEREST DISCLOSURE?

#### 4.1 Public interest disclosures are reports about:

- (a) improper conduct of public bodies (such as the City) or public officers (such as Councillors or City employees); or
- (b) detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

#### 4.2 A public interest disclosure can relate to conduct or action that:

- (a) may have already taken place;
- (b) may be occurring now; or
- (c) may happen in the future.

#### 4.3 Someone can still make a disclosure even if they can't identify the person or the organisation to which the disclosure relates.

### 5. WHAT IS IMPROPER CONDUCT?

#### 5.1 The Act defines improper conduct as corrupt conduct or any of the following conduct by a public officer or public body in their capacity as a public officer or public body:

- (a) criminal offence;
- (b) serious professional misconduct;
- (c) dishonest performance of public functions;
- (d) intentional or reckless breach of public trust;
- (e) an intentional or reckless misuse of information or material acquired in the course of the performance of public functions;
- (f) a substantial mismanagement of public resources;
- (g) a substantial risk to health or safety of a person;



- (h) a substantial risk to the environment;
- (i) conduct by a third party that adversely affects the honest performance of a public officer or public body or is intended to adversely affect effective performance of a public officer or public body while obtaining an advantage for the third party; or
- (j) conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.

5.2 Common examples of improper conduct include (this list is not exhaustive):

- taking or offering bribes;
- using internal information to buy farmland that is rezoned for housing;
- stealing or taking items from work without proper permission;
- contractors lying about their qualifications to win a City contract;
- using City credit cards to pay for holidays or non-work related items;
- suppliers or contractors claiming payment for work that was never delivered;
- employees receiving 'kickbacks' for giving City jobs to people;
- employees falsely declaring they have no conflict of interest when they do;
- selling a list of ratepayers' personal details online;
- employees engaging friends as contractors or employees without proper process;
- dishonestly using influence; and
- committing fraud, theft or embezzlement.

6. **WHAT IS DETRIMENTAL ACTION?**

6.1 It is an offence for a person to take, threaten to take or allow another person to take detrimental action against another person in reprisal for making a public interest disclosure.

6.2 Detrimental action includes:

- action causing injury, loss or damage;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; or



- threatening to take any of the above action or inciting or permitting someone else to do so.

## 7. MAKING A PUBLIC INTEREST DISCLOSURE

### 7.1 Who can make a disclosure?

- Anyone can make a disclosure about improper conduct or detrimental action - both members of the public and employees of a public body. A company or business cannot itself make a public interest disclosure, but its officers or employees can.
- A disclosure can be made as an individual or with a group of individuals who are making joint disclosures.
- A disclosure can be made anonymously (i.e. by using an unverifiable email address or through an anonymous phone call). See clause 7.3 for more information about making an anonymous disclosure.

### 7.2 Who can receive the disclosure?

- You may make your disclosure to the relevant person or body listed in the Reporting Table below (Fig. 1).

FIG. 1

REPORTING TABLE	
Person who is the subject of the disclosure	Person/body to whom the disclosure must be made
A <b>public officer</b> of the City (excluding a Councillor), such as an employee, contractor or volunteer.	<p>You can make your disclosure to:</p> <p><b>IBAC</b>  Level 1, North Tower  459 Collins Street  Melbourne Vic 3000  Telephone: 1300 735 135  Postal address: GPO Box 24234, Melbourne Vic 3001  Website: <a href="https://www.ibac.vic.gov.au/home">https://www.ibac.vic.gov.au/home</a></p> <p><b>Public Interest Disclosure Coordinator</b>  Mrs Jessica Clarke-Hong  Manager Governance  Greater Bendigo City Council  15 Hopetoun Street  Bendigo Vic 3550  Telephone: 03 4408 6566  Email: <a href="mailto:j.clarkehong@Bendigo.vic.gov.au">j.clarkehong@Bendigo.vic.gov.au</a></p>



	<p>There are a number of internal positions which are also authorised to receive your disclosure. They are as follows:</p> <p><b><u>Authorised Persons</u></b></p> <p><b>CEO</b>          Mr Craig Niemann          Greater Bendigo City Council          15 Hopetoun Street          Bendigo Vic 3550          Telephone: 03 5434 6106          Email: c.niemann@bendigo.vic.gov.au</p> <p><b><u>Public Interest Disclosure Officer</u></b>          Mr Andrew Cooney          Director Corporate Performance          Greater Bendigo City Council          15 Hopetoun Street          Bendigo Vic 3550          Telephone: 03 5434 6029          Email: a.cooney@bendigo.vic.gov.au</p> <p><b>Your manager</b> (for staff)</p> <p><b>The manager of the person subject to the disclosure</b>          (for staff)</p>
<b>A Councillor</b>	<p>You can make your disclosure to either IBAC or the Victorian Ombudsman. Details are directly below:</p> <p><b>IBAC</b>          Level 1, North Tower          459 Collins Street          Melbourne Vic 3000          Telephone: 1300 735 135          Postal address: GPO Box 24234, Melbourne Vic 3001          Website: <a href="https://www.ibac.vic.gov.au/home">https://www.ibac.vic.gov.au/home</a></p> <p><b>Victorian Ombudsman</b>          Level 9, North Tower          459 Collins Street          Melbourne VIC 3000          Telephone: 03 9613 6222          Website: <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>          Email: <a href="mailto:ombudvic@ombudsman.vic.gov.au">ombudvic@ombudsman.vic.gov.au</a></p>



(b) Public Interest Disclosure Coordinator

The Public Interest Disclosure Coordinator is the primary contact at the City for making a public interest disclosure as they have a central role in the internal reporting system and will:

- be the contact point for external and internal persons making disclosures and has the authority to make enquiries of officers within the organisation;
- receive disclosures from the Public Interest Disclosure Officer and Authorised Persons listed in the Reporting Table (Fig.1);
- make arrangements for a disclosure to be made privately and discreetly and (if necessary), away from the workplace;
- commit to writing any disclosure made orally;
- be a contact point for general advice about the operation of the Act and for integrity agencies such as IBAC;
- assess each disclosure impartially to determine whether it is a public interest disclosure and whether the disclosure should be notified to IBAC for assessment;
- take all necessary steps to ensure the identity of the person making a public interest disclosure and the identity of the person who is the subject of the disclosures are kept confidential at all times;
- advise the discloser, appropriately and in accordance with the Act, the progress of the disclosure and the stage reached at a given time (whether it has been notified to the IBAC for assessment etc);
- liaise with IBAC with regards to the Act;
- coordinate the centralised reporting system used by the City;
- be responsible for ensuring the City carries out its responsibilities under the Act and IBAC guidelines;
- liaise with the CEO of the City;
- collate statistics on disclosures made;
- establish and manage a confidential filing system; and
- offer a designated Welfare Manager to support and manage the welfare of the discloser and to protect them from any detrimental action taken in reprisal for making a public interest disclosure.



(c) Public Interest Disclosure Officer

If you make your disclosure to the Public Interest Disclosure Officer, they will:

- make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receive any disclosure made orally or in writing from internal or external sources;
- commit to writing any disclosure made orally;
- forward all disclosures and supporting evidence to the Public Interest Disclosure Coordinator for further action in accordance with the Act;
- take all necessary steps to ensure the information disclosed, including the identity of the discloser and any persons involved, is secured, remains private and confidential;
- offer to remain a support person for the discloser in dealing with the Public Interest Disclosure Coordinator; and
- if nominated by the Chief Executive Officer, act in the role of Public Interest Disclosure Coordinator in the absence or unavailability of that officer.

(d) Managers

If you make a disclosure to your manager or the manager of the person subject to the disclosure, they will:

- immediately bring the matter to the attention of the Public Interest Disclosure Coordinator for further action in accordance with the Act;
- commit to writing any disclosures made orally;
- take all necessary steps to ensure the information disclosed, including the identity of the discloser and any persons involved, is secured and remains private and confidential; and
- offer to remain a support person for the discloser in dealing with the Public Interest Disclosure Coordinator.

(e) Misdirected disclosures

If the City receives a disclosure about an employee, officer or member of another public body, the City will advise the person making the disclosure of the correct person or body to whom the disclosure must be made.

7.3 How can a public interest disclosure be made?





- (a) A disclosure must be made in accordance with Part 2 of the Act. Part 2 of the Act permits a person to make a disclosure verbally or in writing. The disclosure may also be anonymous. Details about how you can make your disclosure are below:

Private verbal disclosure	<p>A verbal disclosure may be made in person, by telephone or by leaving a voicemail.</p> <p><b>Verbal disclosures must be made in private.</b> This means that you must reasonably believe that only the following people (other than you) are present or able to listen to the conversation:</p> <ul style="list-style-type: none"> <li>• a lawyer representing you (if there is one, however this is not strictly required to make a disclosure)</li> <li>• one or more people to whom a disclosure can be made to listed in the Reporting Table (Fig. 1).</li> </ul> <p>This does not preclude a group of individuals from making a joint disclosure.</p> <p>If the disclosure is made verbally, the person receiving the disclosure should make notes at the time. This person can also record the conversation, but should give prior warning that the conversation will be recorded. The conversation should not be recorded if the discloser objects.</p>
Written disclosure	<p>A written disclosure can be provided to the relevant organisation by:</p> <ul style="list-style-type: none"> <li>• delivering it in person to the City office located at 15 Hopetoun Street, Bendigo Vic;</li> <li>• mailing it to the City of Greater Bendigo, PO Box 733 Bendigo, Vic 3552;</li> <li>• emailing to the email address of the Public Interest Disclosure Coordinator <a href="mailto:j.clarkehong@Bendigo.vic.gov.au">j.clarkehong@Bendigo.vic.gov.au</a>, or to the official email address of an Authorised Person nominated to receive a disclosure in the Reporting Table (Fig. 1).</li> <li>• completing online forms available on the IBAC website or the Victorian Ombudsman website.</li> </ul> <p>A disclosure cannot be made by fax.</p> <p>Written disclosure must be sealed in an envelope which is clearly marked with one or more of the following:</p> <ul style="list-style-type: none"> <li>• "To the personal attention of the Public Interest Disclosure Coordinator";</li> <li>• "Re: Public Interest disclosure"; or</li> </ul>



	<ul style="list-style-type: none"> <li>• “Private and Confidential: for Addressee Only”</li> </ul> <p>Where a public interest disclosure is sent via email, it is recommended that the subject line refer to ‘Public Interest Disclosure’.</p>
Anonymous disclosure	<p>A person doesn’t need to identify themselves to make a disclosure.</p> <p>An anonymous disclosure can be made by using unverifiable email addresses, through anonymous phone calls, or in a face-to-face conversation or meeting where the person refuses to identify themselves (provided the meeting or conversation takes place in private in accordance with the <i>Public Interest Disclosure Regulations</i>).</p> <p>If the disclosure comes from an email address where the identity of the person making the disclosure cannot be determined, the disclosure should be treated as an anonymous disclosure.</p>

(b) Keep your disclosure private

A public interest disclosure **must** be made in private so it is imperative that you are only making your disclosure to the Public Interest Disclosure Coordinator or a person/body listed in the Reporting Table (Fig.1). If your disclosure is made to someone who is not authorised to receive it, your disclosure will not be a public interest disclosure and you will not be protected under the Act. Where in doubt, you should always make your disclosure directly to IBAC.

(c) Disclosures which may not be protected

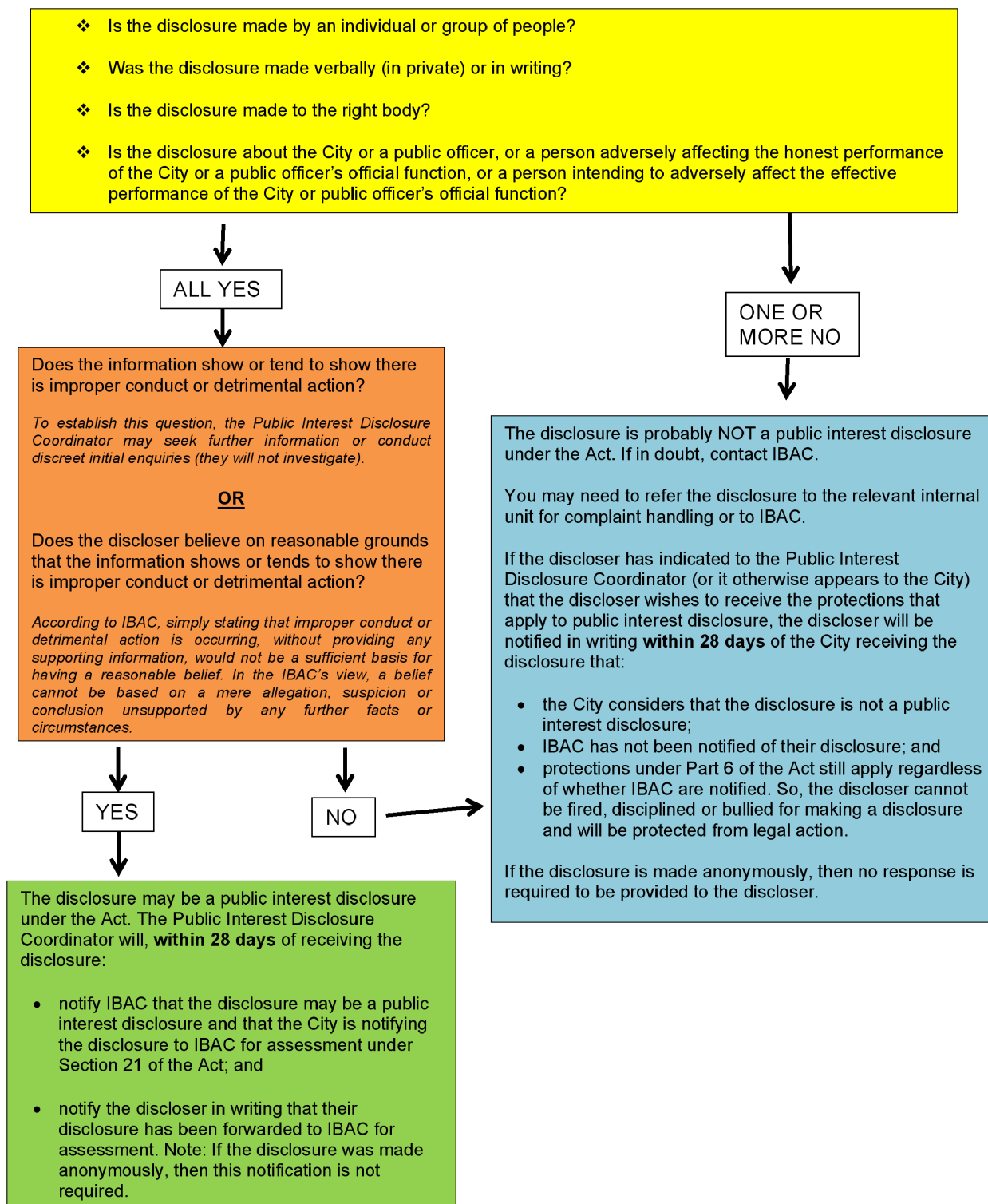
Your disclosure may **not** be protected under the Act if:

- you have made a disclosure to someone other than the Public Interest Disclosure Coordinator or a relevant person/body listed in the Reporting Table (Fig.1);
- the discloser expressly states in writing at the time the disclosure is made that it is not a disclosure for the purposes of the Act;
- the disclosure is made by an officer or employee of an investigative entity in the course of his or her duties or functions unless the person expressly states in writing at the time the disclosure is made that it is a disclosure and the disclosure is otherwise made in accordance with the Act; or
- the disclosure does not meet all the requirements under Part 2 of the Act and the prescribed guidelines.



## 8. HANDLING DISCLOSURES

The following flowchart explains how the City will assess and action each disclosure:



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8.1 Can a discloser ask that a complaint not be dealt with as a public interest disclosure?

Yes. A discloser can advise that they do not want the disclosure treated as a public interest disclosure by stating so in writing at the time of making the disclosure or within 28 days of making the disclosure.

8.2 If urgent action is required while assessing the disclosure

- (a) In some situations, the disclosure may be about conduct that may pose an immediate threat to the health and safety of individuals, preservation of property or may consist of serious criminal conduct. Examples could include a public officer lighting bush fires or threatening to poison the water supply or a child protection worker allegedly sexually assaulting children in care.
- (b) In the examples referred to in clause 8.22(a), the City can take immediate action while considering whether or not the disclosure is an assessable disclosure that should be notified to IBAC or where IBAC is assessing the disclosure. The appropriate action could include reporting the content of the disclosure to Victoria Police for immediate investigation or taking management action against an employee to prevent future conduct.
- (c) While the Act limits the release of information about disclosures, section 52(3)(a)(iii) of the Act allows the City to disclose the content of the disclosure "to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of the assessable disclosure including a disciplinary process or action". However, the identity of the discloser must remain confidential.

9. **ASSESSMENT BY IBAC**

9.1 Disclosure that is not deemed a public interest disclosure complaint

- (a) Once the City notifies the disclosure to IBAC, IBAC must determine whether it is, in its view, a public interest disclosure complaint. The IBAC must inform the City of its determination as to whether the disclosure is a public interest disclosure complaint in writing and within a reasonable time after making the determination. In making its assessment, the IBAC may seek additional information from the City or from the discloser if the IBAC considers there is insufficient information to make a decision.
- (b) If IBAC determines the disclosure is not a public interest disclosure complaint, IBAC must advise the discloser in writing and within a reasonable time that:
  - (i) IBAC has determined that the disclosure is not a public interest disclosure complaint;
  - (ii) the disclosure will not be investigated as a public interest disclosure complaint;
  - (iii) their identity does not have to be kept confidential; and



- (iv) regardless of whether the IBAC has determined that the disclosure is a public interest complaint, the protections under Part 6 apply to a public interest disclosure.
- (c) IBAC will advise the City of its determination.
- (d) IBAC may also consider treating the disclosure as a complaint under the IBAC Act which engages its powers to refer the matter to a more appropriate agency to investigate, including the agency the complaint is about. IBAC will consult with the discloser prior to doing so.

## 9.2 Disclosure that is deemed a public interest disclosure complaint

- (a) If IBAC determines that the disclosure is a public interest disclosure complaint, IBAC will decide whether to:
  - (i) dismiss the disclosure;
  - (ii) investigate the disclosure; or
  - (iii) refer the disclosure to another body for investigation, such as Victoria Police or the Ombudsman.
- (b) If IBAC decides to investigate or refer the complaint it must provide a written statement advising the discloser that it is an offence to disclose IBAC's action.
- (c) IBAC must advise the discloser in writing and within a reasonable time.
- (d) Regardless of whether the IBAC has determined that the disclosure is a public interest complaint, the protections under Part 6 apply to the discloser.
- (e) IBAC may decide not to notify the discloser or the entity that has notified the disclosure if it considers that notifying would cause the adviser consequences set out in section 49(4) of the Act. These consequences include prejudging an investigation or risk to health and safety.

## 10. WELFARE MANAGEMENT

### 10.1 Appointment of a Welfare Manager

- a) In appropriate circumstances, the City will appoint a suitable Welfare Manager to protect a discloser or a co-operator (someone who cooperates or intends to cooperate with an investigation of a disclosure). A Welfare Manager's role is to monitor the specific needs of the discloser or cooperate and provide them with practical advice and support.
- b) The following questions should be considered by the City in deciding if a Welfare Manager needs to be appointed:
  - Are there any real risks of detrimental action against the person, taking into account their particular circumstances?



- Can the City ensure that it will take the person seriously and treat them with respect?
  - Can the City ensure that it will give the person effective support? (This includes keeping them informed of the status of their disclosure).
  - Can the City protect the person from suffering repercussions by dealing with the matter discreetly and confidentially?
  - Can the City respond swiftly and fairly to any allegations the person has, in fact, suffered retribution?
- c) If the answer to the first dot point question above is 'yes' then the IBAC recommends the appointment of a Welfare Manager. If the answer to the first question is 'no' and the City can meet the needs set out in the remainder of the questions, IBAC suggests there may be no need for a Welfare Manager to be appointed for that particular case.
- d) In most circumstances, a Welfare Manager will only be required where a public interest complaint proceeds to investigation, but each public interest disclosure received by the City will be assessed on its own merits. In particular, a Welfare Manager will be appointed where the City believes that one is required to ensure that the appropriate support can be provided to the discloser or co-operator. If appointed, the Welfare Manager will, in addition to providing the general support:
- examine the immediate welfare and protection needs of a person making a disclosure and seek to foster a supportive work environment;
  - advise the discloser or co-operator of the legislative and administrative protections available to him or her;
  - listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure;
  - not divulge any details relating to the public interest disclosure to any person other than the Public Interest Disclosure Coordinator or the Chief Executive Officer;
  - ensure all meetings between the Welfare Manager and the discloser or co-operator are conducted discreetly to protect the person from being identified as being involved in the public interest disclosure;
  - keep contemporaneous records of all aspects of the case management of the person making the disclosure, including all contact and follow up action; and
  - ensure the expectations of the discloser are realistic and reasonable, and that the discloser or co-operator understands the limits of the support the City is able to reasonably provide in the particular circumstances. This is particularly the case





where a Welfare Manager has been appointed in relation to an external discloser or co-operator.

#### 10.2 Welfare management of persons who are the subject of the public interest disclosures.

- a) The City will afford natural justice to the subject of a disclosure prior to any decision being made about the allegations. If the matter has been investigated by an investigating entity, then the investigating entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her. It is important to remember that until a public interest complaint is resolved, the information about the person is only an allegation.
- b) The City will also meet the welfare needs of a person who is the subject of a public interest disclosure. The City will make a decision about whether or when the subject of a disclosure will be informed about a public interest disclosure involving an allegation made against them. It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a public interest complaint, or if a decision is made to dismiss the disclosure.
- c) The Act limits the disclosure of information about the content of an assessable disclosure and the identity of the discloser to certain specified circumstances set out in Part 7 of the Act. The City may give information about the disclosure to the subject of the disclosure if it is directed or authorised to do so by the relevant investigating entity, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action.
- d) Investigating entities may also inform the subject of the public interest complaint in the course of their investigation of the fact that the investigation is being conducted and of any actions that they propose to take as a result of the investigation.
- e) The person who is the subject of a disclosure and is made aware of their status as such may have a Welfare Manager appointed by the City. Alternatively, the Public Interest Disclosure Coordinator will provide support and advice to a person the subject of a disclosure, particularly in relation to their rights and obligations under the Act, City's internal reporting system, these procedures, and any other relevant law or code of conduct. The City will consider each matter on a case by case basis, taking into account the particular circumstances of the person and the disclosure.

### 11. PROTECTIONS FOR PERSONS MAKING A PUBLIC INTEREST DISCLOSURE

#### 11.1 Protections available to disclosers

- (a) Part 6 of the Act sets out the protections provided to persons who make a disclosure that is a 'public interest disclosure', that is, one that is made in accordance with Part 2 of the Act. In summary, they are as follows:
  - (i) the discloser is not subject to any civil or criminal liability for making the public interest disclosure;



- (ii) the discloser is not subject to any administrative action (including disciplinary action) for making the public interest disclosure;
  - (iii) by making the public interest disclosure, the whistle-blower is not committing an offence against the Constitution Act 1975 or any other law that imposes obligations of confidentiality or otherwise restricts the disclosure of information;
  - (iv) by making the public interest disclosure, the discloser is not breaching any other obligation (made by oath, rule of law or practice) requiring them to maintain confidentiality; and
  - (v) the discloser cannot be held liable for defamation in relation to information included in a public interest disclosure made.
- (b) The protections in Part 6 apply from the time at which the disclosure is made. They apply even if the City does not notify the disclosure to the IBAC, and even if the IBAC has determined that the public interest disclosure is not a public interest disclosure complaint. The protections also apply to further information relating to a public interest disclosure made by the original discloser, if further information has been provided verbally or in writing, to:
- (i) the entity to which the public interest disclosure was made;
  - (ii) the IBAC; or
  - (iii) any investigative entity investigating the public interest disclosure.

## 11.2 Limitations on protections

- (a) Several protections in Part 6 of the Act do not apply if a discloser:
- (i) provides information intending that it be acted on as a public interest disclosure, or further information that relates to a public interest disclosure, knowing it to be false;
  - (ii) claims that a matter is subject of a public interest disclosure knowing the claim to be false; or
  - (iii) falsely claims that a matter is the subject of a disclosure that IBAC has determined to be a public interest disclosure complaint.
- (b) A person who makes a disclosure is not protected against legitimate management action being taken in relation to them.

## 12. CONFIDENTIALITY

The Act imposes several confidentiality requirements in relation to the receipt and handling of assessable disclosures to minimise the risks of detrimental action for making a disclosure. Breaching these confidentiality restrictions, without lawful excuse, is an offence.





12.1 The content of a public interest disclosure must be kept confidential

- (a) The Act prohibits the disclosure of the content, or information about the content, of any disclosure that has been assessed as a public interest disclosure.
- (b) This restriction applies to a person or body that receives a disclosure or is provided information about the disclosure by an investigating entity assessing or investigating it.
- (c) This restriction does not apply to the discloser.

12.2 The identity of a person making a public interest disclosure must be kept confidential

- (a) The Act prohibits the disclosure of information that would be likely to lead to the identification of a person who has made a public interest disclosure.
- (b) This restriction applies to any person or body, other than the discloser.

12.3 Exceptions to confidentiality requirements

There are certain circumstance where the confidentiality requirements do not apply:

- when a body is exercising its functions under the Act;
- it is disclosed by an investigating entity for the purpose of the exercise of functions under the Act that authorises that investigating entity to investigate a public interest complaint;
- IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee determines the disclosure is not a public interest complaint;
- when a disclosure is to Victoria Police where an investigating entity has previously disclosed information to the Chief Commissioner of Police relating to actual or potential criminal conduct and the information is relevant to an investigation by Victoria Police of the criminal conduct;
- it is for the purpose of a proceeding or for a disciplinary process under a relevant legislation;
- the disclosure is necessary for the discloser to obtain legal advice or representation, interpretive services, the advice of a parent or guardian (for disclosers under 18 years), the advice of an independent person (for disclosers who are illiterate or have mental or physical impairments);
- the disclosure is for the purpose of assisting the discloser to seek advice or support from a registered health practitioner or trade union or employee assistance program;
- where the disclosure is in accordance with a direction or authorisation from the investigating entity that is investigating the public interest complaint;



- where the disclosure is necessary for taking lawful action in relation to the conduct that is the subject of the disclosure; or
- where the discloser gives written consent to waive confidentiality.

#### 12.4 Steps taken by the City to ensure confidentiality

##### (a) Receipt of disclosures

- (i) Any staff of the City receiving telephone calls that appear to amount to a public interest disclosure or public interest disclosure enquiry must not enquire into the circumstances of the disclosure and must refer the caller to the Public Interest Disclosure Coordinator or Public Interest Disclosure Officer.
- (ii) The contents of disclosure telephone calls or mail are confidential and a person divulging any matter relating to a disclosure will be subject to prosecution for offences and any penalties under the Act.
- (iii) If the disclosure is received in the mail or in some other written form, the letter must be immediately and personally delivered to the Public Interest Disclosure Coordinator without opening it or recording any details of the letter in any correspondence system (such as ECM). Hard copy documents will not be delivered by internal mail to a generally accessible area.

##### (b) Information management

- (i) The City will ensure all files are securely stored, whether electronic or paper. Those files will be accessible only by the Public Interest Disclosure Coordinator, the Public Interest Disclosure Officer or the Welfare Manager (if one is appointed) involved in a particular matter.
- (ii) All printed and electronic material will be kept in files that are clearly marked as Public Interest Disclosure Act matters and, where possible, warn of the criminal penalties that apply to any unauthorised access, use or divulging of information concerning a public interest disclosure;
- (iii) All meetings between any relevant persons, including Public Interest Disclosure Coordinator, the Welfare Manager and disclosers will be conducted discreetly to protect the confidentiality of the person making a public interest disclosure.
- (iv) Where necessary, a Welfare Manager may be able to gain access (where appropriate) to related welfare matters. The Welfare Manager will not divulge any details relating to the disclosed matter to any person other than the Public Interest Disclosure Coordinator or an investigator appropriately authorised under the Act or the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic).



(v) The City will not use unsecured email to transmit documents in connection with a disclosure and will ensure all telephone calls in connection to disclosures are conducted privately and in the strictest of confidence.

(vi) The Act provides that information held in relation to public interest disclosures is not subject to the *Freedom of Information Act 1982* (Vic).

(c) Training

The City will:

- (i) ensure that public officers have access to a copy of these procedures in hard or soft copy;
- (ii) incorporate into its induction procedures training about the City's general obligations under the Act and the rights and obligations of all public officers;
- (iii) introduce periodic refresher courses for existing public officers about their rights and obligations under the Act;
- (iv) provide additional training and assistance to any public officers with specific responsibilities and functions to handle and manage public interest disclosures under the Act, including the Public Interest Disclosure Coordinator and any Authorised Persons listed in the Reporting Table (Fig.1);
- (v) provide additional training and assistance to its complaint handling staff to ensure that any complaints received will be dealt with consistently and in accordance with the Act as required;
- (vi) provide additional training and assistance to any staff with responsibilities for information management, to ensure that no prohibited information is disclosed under the Act; and
- (vii) provide additional training and assistance to all public officers dealing with customers to ensure any potential disclosures received from external sources can be handled appropriately in accordance with the Act and these procedures.

### 13. OFFENCES

13.1 Taking disciplinary or other action against a person who has made a disclosure creates the perception that it is being taken in reprisal for the disclosure. Where disciplinary or other action is being contemplated, the Chief Executive Officer or other responsible public officer must be able to clearly demonstrate that:

- the fact that a person has made a public interest disclosure is not any part of the reason for taking action against the employee;



- there are good and sufficient grounds that would fully justify action against any other person in the same circumstances;
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

13.2 If the City cannot demonstrate the above conditions have been met, it leaves itself open to allegations of taking detrimental action against a person for having made a disclosure.

#### 14. COLLATING AND PUBLISHING STATISTICS

Council is required to publish certain statistics about the Act in its annual reports. That information relates mainly to how these procedures may be accessed, and the number of disclosures notified to the IBAC for assessment under s 21 of the Act during the financial year.

The Public Interest Disclosure Coordinator will establish a secure register to record such information, and to generally keep account of the status of disclosures made under the Act. The Act prohibits the inclusion of any details, in any report or recommendation, that is likely to lead to the identification of a discloser.

The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report or any reports to Parliament.

#### 15. RELATED POLICIES AND PROCEDURES

- Employee Code of Conduct
- Employee Assistance Program
- Fraud and Corruption Prevention Policy
- IBAC's Guidelines for handling public interest disclosures
- IBAC's Guidelines for public interest disclosure welfare management

#### 16. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
May 2013	CEO	Governance	Develop	1	2015
June 2020	CEO	Governance	Review	2	2022

## 7.5 CONTRACTS AWARDED UNDER DELEGATION

### Document Information

**Author** Lee Taig, Contract & Procurement Officer, 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 |                                                                       |                                        |                   |             |
| CT000517          | Bendigo Art Gallery Feasibility Study and Business Case               | SGS Economics and Planning Pty Ltd     | Craig Niemann     | 9 July 2020 |
|                   | Price: \$100,000.00                                                   | Practical Completion: 30 November 2020 |                   |             |
|                   | External Funded Project, Funding Agreement maximum value \$150,000.00 |                                        |                   |             |

| Service Contracts |                                                                                                             |                                       |                                    |              |
|-------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------|--------------|
| Contract Number   | Project:                                                                                                    | Successful Contractor:                | Delegated Officer:                 | Date Signed  |
| CT000506          | Provision of Priority Mowing & Trimming, High Presentation, Horticultural Maintenance                       | Electrical Resource Providers Pty Ltd | Debbie Wood                        | 15 May 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 \$360,000.00  |                                       |                                    |              |
| CT000514          | Vegetation Management                                                                                       | CT Rural Services Pty Ltd             | Debbie Wood                        | 21 May 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 \$446,401.00  |                                       |                                    |              |
| CT000501          | Provision of Maintenance Cleaning Services for Various Office Buildings and Other Facilities                | Happsa Group Pty Ltd                  | Craig Niemann                      | 26 May 2020  |
|                   | Price: \$1,082,810.45<br>Total contract sum (initial term & options)                                        | Initial Term: 3 Years                 | Extension Options: 2 Years (1 + 1) |              |
|                   | Current annual Council Budget for the goods/services contracted is \$216,562.09                             |                                       |                                    |              |
| CT000511          | Provision of Cleaning Services for Bendigo Art Gallery                                                      | The Bendigo Cleaning Company          | Bernie O'Sullivan                  | 4 June 2020  |
|                   | Price: \$326,748.40<br>Total contract sum (Initial Term and options)                                        | Initial Term: 3 Years                 | Extension Options: 2 Years (1 + 1) |              |
|                   | Current annual Council Budget for the goods/services contracted is \$65,349.68                              |                                       |                                    |              |
| CT000516          | Provision of Pay-by-Plate Parking Machines                                                                  | Global Integrated Solutions Limited   | Craig Niemann                      | 22 June 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 \$400,000.000 |                                       |                                    |              |

## 7.6 RECORD OF ASSEMBLIES

### Document Information

**Author**                **Jessica Clarke-Hong, Manager Governance**

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

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### 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	'Virtual' Councillors' Briefing	
Meeting Date	22 June 2020	
Matters Discussed	1. Budget Submissions 2020/2021 2. Golden Square Recreation Reserve Master Plan 3. Woodvale Recreation Reserve 4. COVID19 Update	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
Staff/Community Representatives	Mr Craig Niemann Ms Debbie Wood Mr Andrew Cooney Ms Vicky Mason Mr Bernie O'Sullivan Ms Kaye Williams	
Conflict of Interest Disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
1.	Cr Flack	Yes (part)
1.	Cr Emond	No
3.	Cr O'Rourke	No

<b>Meeting Information</b>	
<b>Meeting Name/Type</b>	Budget Submissions Review
<b>Meeting Date</b>	29 June 2020
<b>Matters Discussed</b>	Budget Submissions Review
<b>Attendees/Apologies</b>	
<b>Councillors</b>	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke



	Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
<b>Staff/Community Representatives</b>	Mr Craig Niemann Ms Debbie Wood Mr Andrew Cooney Ms Vicky Mason Ms Kate Fox Mrs Michelle Stedman Ms Kaye Williams <b>Apology:</b> Mr Bernie O'Sullivan	
<b>Conflict of Interest Disclosures</b>		
<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

Meeting Information		
Meeting Name/Type	'Virtual' Councillors' Briefing	
Meeting Date	6 July 2020	
Matters Discussed	1. Budget Submissions 2020/2021 2. Planning matters 3. Golden Square Recreation Reserve Master Plan 4. Aquatic Strategy 5. Local Government Act Implementation 6. Community Satisfaction Survey 2020	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
Staff/Community Representatives	Mr Craig Niemann Mr Andrew Cooney Mr Bernie O'Sullivan Ms Debbie Wood Ms Caroline Grylls Ms Kaye Williams <b>Apology:</b> Ms Vicky Mason	
Conflict of Interest Disclosures		
Matter No.	Councillor/officer making	Councillor/officer left meeting

	<b>disclosure</b>	
	Nil	

**Meeting Information**

<b>Meeting Name/Type</b>	'Virtual' Councillors' Briefing
<b>Meeting Date</b>	13 July 2020
<b>Matters Discussed</b>	1. DCP/Structure Plan update 2. Industrial Land update 3. Community Satisfaction Survey

**Attendees/Apologies**

<b>Councillors</b>	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams
<b>Staff/Community Representatives</b>	Mr Craig Niemann Mr Andrew Cooney Mr Bernie O'Sullivan Ms Debbie Wood Ms Caroline Grylls Mrs Tiffany O'Connell <b>Apology:</b> Ms Vicky Mason

**Conflict of Interest Disclosures**

<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

**8. URGENT BUSINESS**

Nil.

**9. NOTICES OF MOTION**

Nil.

**10. CONFIDENTIAL (SECTION 66) REPORTS**

- 10.1 Confidential Section 66 Report in accordance with Section 66(2)(g) of the Local Government Act 2020 relating to private commercial Information, being information provided by a business commercial or financial undertaking that if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.**