

# COUNCIL MEETING MINUTES



**6:00 pm on Monday June 24, 2024**

Livestreaming at <https://www.bendigo.vic.gov.au/about-us/council/council-meetings#live-stream>  
Broadcast live on Phoenix FM 106.7 \*\*\*

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**NEXT MEETING:**

July 22, 2024



## COMMUNITY VISION 2021–2031

*Greater Bendigo celebrates our diverse community.*

*We are welcoming, sustainable and prosperous.*

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

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

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

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## COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

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## STAFF VALUES AND BEHAVIOURS

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

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

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



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This Council Meeting is conducted in accordance with the

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

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## **1. ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

## **2. TRADITIONAL LANGUAGE STATEMENT**

Bangek Knoorarook Bunjil Dja Dja Wurrung  
William Talle tallingingorak wirrbool bunjil

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

## **3. OPENING STATEMENT**

## **4. MOMENT OF SILENT REFLECTION**

## 5. ATTENDANCE AND APOLOGIES

### Attendance

- Mayor Cr Andrea Metcalf
  - Cr Dr Jennifer Alden
  - Cr David Fagg
  - Cr Margaret O'Rourke OAM
  - Cr Greg Penna
  - Cr Julie Sloan
  - Cr Vaughan Williams
- 
- Andrew Cooney, Chief Executive Officer
  - Brian Westley, Director Presentation and Assets
  - Stacy Williams, Director Healthy Communities and Environments
  - Rachel Lee, Director Strategy and Growth
  - Chris Mitchell, Acting Manager Governance

### Apologies

- Cr Evans and Cr Fyffe

## MOTION

That any apologies are accepted.

Moved: Cr O'Rourke

Seconded: Cr Penna

**Resolution No. 2024-94**

**CARRIED**

## 6. LEAVE OF ABSENCE

Nil

## 7. SUSPENSION OF STANDING ORDERS

### MOTION

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

Moved: Cr O'Rourke

Seconded: Cr Alden

**Resolution No. 2024-95**

**CARRIED**

## 8. COMMUNITY RECOGNITION

We start tonight's community section by acknowledging the passing of esteemed local Traditional Owner Elder, Aunty Fay Carter OAM.

Aunty Fay was an incredible advocate for her community and her career contributed to enhancing programs and services that supported Aboriginal people through key ages and stages of life.

In later years, she would strongly support the Dja Dja Wurrung Recognition and Settlement Agreement, a significant milestone that recognised more than 1,000 generations of Aboriginal history in Victoria and the Dja Dja Wurrung as the Traditional Owners of much of central Victoria.

Her expertise and lived experience meant she was a much sought-after advisor for State and Federal governments and Victorian community organisations on a range of matters, with the City of Greater Bendigo also benefitting from her guidance, including when establishing our First Nations art gallery, Djaa Djuwima.

Importantly, Aunty Fay was a much loved mother and grandmother and this was evident when her family spoke so beautifully at her recent state funeral at Ulumbarra.

Aunty Fay's extraordinary passion and determination to look after her people and culture are seen in the next generations of her family; and her spirit and outstanding contribution lives on in them.

Tonight, we also acknowledge the passing of local jeweller, Tony Kean, who for many years designed the links of the Mayoral chain. Tony's legacy lives on in this beautiful and ornate chain, which is essential to the symbolism of the Mayoral role. Our thoughts are with his family at this time as we acknowledge his amazing expertise and craftsmanship, and contribution to representing civic leadership in our community.

And Bendigo lost a giant of our football community earlier this month with the passing of Danny Ellis, a 40-year veteran of the Sandhurst Football Club. This year he was named a 'legend' of the club and was remembered for his on-field heroics as a leading goal kicker and as a remarkable volunteer when his playing days were over, including serving as President, Treasurer and Secretary. His volunteer effort was a double act with his wife Kylie, and tonight we are thinking of Danny's family and the broader Sandhurst football netball community.

To some happier news and the City is delighted to congratulate recent recipients of the King's Birthday Honours, including our very own Cr Margaret O'Rourke who received an OAM for her service to the community, not only as a Mayor and Councillor, but also on many boards, including Bendigo TAFE, Bendigo Health and Goulburn Murray Water.

Cr O'Rourke has said it was a huge surprise and honour to be nominated and we warmly congratulate her on this well-deserved recognition.

She was joined this year by Dr John Gault OAM, who was nominated for his services to the Bendigo community through medicine and music. Dr Gault was a cardiac physician at Bendigo Health for 50 years and was a founding member of the Bendigo Symphony Orchestra, where he still plays the violin and viola. Congratulations also to Dr Gault.

Our City and Region of Gastronomy has another award-winning chef, Kangaroo Flat resident Rory Brown, who is the head chef at the Five Flags Hotel at Campbells Creek. He has been recognised as the 2024 Chef of the Year at the Australian Hotels Association Victorian awards – a fantastic achievement that celebrated Rory's 'fancy but honest food'.

And we are weeks away from the Paris Olympics where Bendigo's own Jenna Strauch will take the pool with the Australian Dolphins, while basketballer Dyson Daniels will play for the Boomers, and the Bendigo Braves Women and Bendigo Spirit's Alex Wilson will represent Australia in 3x3 basketball, together with former Spirit players Anneli Maley and Marena Whittle.

There may be other locals associated with the Olympics or going to the Games that we are not yet aware of but we wish all Australian athletes, particularly those from Bendigo, the very best.

And that rounds out our community section.



## 9. PUBLIC QUESTION TIME

### 9.1. PUBLIC QUESTION TIME GUIDELINES

Council allows up to 30 minutes for question time on any matter except for planning items that are on the agenda tonight or anything that is defamatory, otherwise inappropriate or outside the scope of Council. If your question is about routine or operational Council requests, you should instead make a request through our [Customer Request system](#).

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

Regardless, any member of the community may ask a question in person. The preferred format is to state your name, suburb and briefly identify your topic (ie parking or Lake Weeroona Playspace, etc). Then, without preamble or statements, please ask one relevant question only.

To ensure fairness, given time constraints, only one question per community member will be accepted each month, inclusive of pre-registered questions, and questions on the night. Public Question time is only one of many ways the community is able to communicate with Council, other options include:

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

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

## 9.2. PRE-REGISTERED QUESTIONS

### Question 1:

**From:** David of California Gully

**Topic:** Rubbish dumping on public land

**Question:**

What evidence-based policies does Bendigo city council have in place (or are planning to enact) to help ease the dumping of rubbish on public land, particularly land managed by Parks Victoria?

**Answer:**

The City is aware of the challenges posed by illegal dumping from an environmental, social and economic perspective. The City works closely with land managers and agencies, including Parks Victoria to proactively address illegal dumping through education and compliance activities.

Evidence suggests most of the illegal waste dumped can be received by our Transfer Stations for free. This free disposal services extends to e-waste, green waste, white good, soft plastics, textiles, polystyrene, chemicals and paint.

## 9.3. GALLERY QUESTIONS

### Question 1:

**From:** Kaylene of Long Gully

**Topic:** Eaglehawk Landfill Closure

**Question:**

Does Council have a date yet for when Eaglehawk Landfill will close?

**Answer:**

There is not a definitive date and closure has been pending for many years now.

## 10. RESUMPTION OF STANDING ORDERS MOTION

That Standing Orders be resumed.

Moved: Cr Sloan

Seconded: Cr Penna

**Resolution No. 2024-96**

**CARRIED**

## **11. WARD REPORTS**

### **11.1. EPPALOCK WARD - CR EVANS**

Eppalock Ward - Cr O'Rourke OAM presented a report, on behalf of Cr Evans, on various issues and meeting/events, including:

#### **Call for volunteers**

- I would like to start the Eppalock Ward report by making a desperate call-to-arms for our community, and that's to volunteer for your local community organisations.
- It is with great concern that the Lions Club of Heathcote have informed its members that it has made the difficult decision to not continue, unless it can attract new members.
- The Mayor and the Eppalock Ward Councillors attended their changeover dinner last Friday, when we read this in their annual report.
- Community volunteer organisations like the Heathcote Lions are so vital for our community. Without them, many other organisations in our community would be impacted.
- For example, the Heathcote Lions have donated/pledged to support 19 different organisations to the tune of \$50,000. That included purchasing a dust extracting unit for the Heathcote Men's Shed.
- This is a substantial contribution.
- I encourage local residents in Heathcote and the surrounding area to join the Heathcote Lions, or any community organisation that interests you.
- The impact that you can make is profound and can make the difference in someone's lives. Our community is enriched by volunteerism, and it would be nothing without it.

#### **Engagements with most/all Eppalock Ward Councillors**

- Attended the Announcement of the Heathcote Civic Precinct.
- Listening Post at the Heathcote Bush Market.
- Joint Meeting with the City of Greater Bendigo Youth Council.
- The Official Planting Ceremony of the First Authenticated Jaya Sri Maha Bodhi Sapling from Sri Lanka, at The Great Stupa
- The State Funeral for Aunty Fay Carter OAM at the Ulumbarra Theatre.
- A facilitated meeting with developers and landowners regarding the Managed Growth Strategy.

- Attended the Splitters Creek Forum at the Bendigo Baptist Church.
- The Lions Club of Heathcote Changeover Dinner at the Heathcote Bowls Club.
- Several briefings, meetings, and catch ups with local residents and ratepayers.

**In addition, Cr Penna:**

- Attended the Showgrounds Agricultural Society Meeting
- Judged the Councillor's Choice of Car Award at the Mopars event
- Attended the Fosterville Gold Ground Vibration Public Forum.
- Attended an online forum on Busting Battery Myths

**In addition, Cr O'Rourke:**

- Geelong Manufacturing Council visit to Bendigo
- Official Launch of the Bendigo Breast Clinic
- Bendigo Regional Manufacturing Monthly Meeting
- Bendigo East Urban Renewal Precinct
- National Chinese Museum of Australia Board Meeting

**In addition, Cr Evans:**

- Participated as a guest speaker at two Candidate Information sessions in the lead-up to the upcoming Local Government elections: one in Mooroopna in Greater Shepparton, and one for Greater Bendigo with Cr Rosie Annear and Peter Harriot.
- Attended the RAW Arts Awards with the Mayor.
- Bendigo Tourism Board Meeting.

Attended the Changeover Dinner for the Rotary Club of Bendigo South.

## **11.2. LOCKWOOD WARD - CR WILLIAMS**

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

- Condolences to the family of Aunty Faye Carter
- Buddhist Bodhi tree planting ceremony
- Youth crime

### **11.3. WHIPSTICK WARD - CR SLOAN**

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

I am pleased to present the June Whipstick Ward Report on behalf of Ward Cr's Mayor Cr Metcalf & Cr Fagg. Community events and activities attended this month included National Reconciliation Week , a time for all Australians to learn about our shared histories, cultures, and achievements; and celebrating Volunteer week with a shout out to all community groups, service clubs, and first responders for their community service. I visited with the team at Long Gully Neighbourhood Centre where the new playground & renovated kitchen area are being well used to facilitate better outcomes for the community, and Crs Metcalf & Fagg attended the fantastic 40th LGNC year celebration dinner; our congratulations go to the LGNC team, volunteers & community for amazing achievements supporting the community over 40 years.

Along with other Cr's I am pleased to participate in Phoenix FM councillor interviews that go to air during Anne Conway's Music & Musing Program. Radio is another way Cr's disseminate information within our community. Thank you Phoenix FM community radio for this great opportunity enabling Cr's to reach out & connect with the Phoenix & broader community. \*Mayor Metcalf, Cr O'Rourke and I attended the Bendigo regional launch of Our Equal State: Victoria's gender equality strategy and action plan 2023-27. Our Equal State is the Victorian Government's new strategy to address gender inequalities and improve outcomes for Victorian girls and women. The launch was attended by MP & Speaker Maree Edwards, the Hon Natalie Hutchins Minister for Women & Dr Niki Vincent – Public Sector Gender Equality Commissioner, all working together with the common goal of achieving gender equality in Victoria.

Along with Crs I was privileged to attend the BODHI SAPLING PLANTING CEREMONY at the Great Stupa of Universal Compassion where, along with Djarra Welcome and Smoking, Victorian Premier Minister Allan, Parliamentarians, delegates from Sri Lanka, India and Tibet, monks, nuns & community members, we witnessed the profoundly significant Planting Ceremony of the Authenticated Sapling of the Sacred Maha Bodhi Tree from Sri Lanka. This Sapling is a direct descendant of the tree beneath which Gautama Buddha attained enlightenment & carries immense spiritual & cultural significance. The event highlighted the importance of culture & the welcome diversity present across GB.\*I attended the brilliant Bendigo Symphony Orchestra's concert at Ulumbarra Theatre, where musicians of this community orchestra continue to deliver the joy of music for the community. The orchestra provides a platform for local conductors & guest musicians, along with many young musicians who have joined the orchestra & gone on to enjoy orchestral & solo careers. Congratulations Luke Severn & Will Slow for great conducting. \*This month I chaired the GB Environment Partnership meeting where biodiversity, ecosystem & climate health fronted discussions and attended The Robots are Coming Exhibition opened by Mayor Cr Metcalf & The Hon. Maree Edwards at

Dudley House. This free exhibition of creative works integrate art, technology & education, & features a unique mix incl: paintings, 2D works, video, virtual artworks & an animation video with artistic archivals will be sealed in a digital time capsule & presented to CoGB to be reopened 2036. The Curator said the exhibition reflected an interesting moment in society with fast-moving advances in technology.

\*Mayor Cr Metcalf & I met with the community at the Raywood List Post where matters raised by residents included gravel roads, drainage, flood studies, public buildings and community halls; key matters were referred back to the organisation for review and actioning. Cr's Fagg, Metcalf, & I look forward to upcoming List. Posts in Huntly & Goornong & meeting with local communities over Winter. \* Finally, my Winter call-out on behalf of Bendigo Animal Relief Centre BARC for donations of clean TOWELS & WARM BLANKETS for the animals in care during the cold winter months. Donations are welcomed and may be left at BARC, Piper St. East Bendigo.

#### **11.4. EPPALOCK WARD - CR O'ROURKE**

After much consideration and in consultation with my family, I have decided to not recontest the next Local Government elections later this year in October....

Being a Councillor has been a privilege and these past 8 years I have had the opportunity to meet so many people in our amazing community and beyond.

I have been so proud to make a contribution to the Greater Bendigo community and am honoured to have been Mayor over 4 terms during my time as a Councillor. Something I never looked for or thought would happen when I was elected back in 2016. I just wanted our community to feel supported again and return good governance to the Councillors table.

We are but custodians for a period of time, all we can hope is that when we leave this privileged seat at the table that we leave it in better shape than when we came.....I feel I can do that at this point in time, with this announcement this evening.

There will be time in the coming months to say more about achievements and legacies, however I would like to say thank you to past and present Councillors and the Council staff.

The staff at City of Greater Bendigo do an incredible amount of work to support Councillors – it is an interesting role having a 'new board' every four years, some faces maybe the same but the make up changes every 4 years with elections.

The respect, contribution and support staff have shown has never been wasted on me. I know they want us to be the best Councillors we can....

To my family and the residents of Eppalock Ward. Thank you for your unwavering support, family take this job on too!

It is not a one person show; they share their time with us and the community; and my family have always been committed to me being a Councillor....

Finally, to the residents of Eppalock Ward, thank you for the honour to represent you. For your trust and support in our ward. There are decisions at times that are not easy; however, I have always sought to understand, and know that my deliberations have been for the whole municipality.

I have met and made some great connections along the way and now look forward to calling you friends as I step down....

For anyone thinking of being a Councillor I am very happy to share my experiences and assist in anyway I can – good and fair representation is important for a community to thrive.....

I look forward to working for the community from the sidelines now, and champion the great work of Greater Bendigo and the region. Thank You! Marg

## 12. DECLARATIONS OF CONFLICT OF INTEREST

No attendee declared a conflict of interest.

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

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

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

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

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

## 13. CONFIRMATION OF PREVIOUS MINUTES

### RECOMMENDED MOTION

That the Minutes of the Council Meeting held on May 27, 2024, as circulated, be taken as read and confirmed.

Previous minute location:

<https://www.bendigo.vic.gov.au/about-us/council/council-meetings#past-meetings>

### MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Alden

**Resolution No. 2024-97**

**CARRIED**



## 14. PETITIONS AND JOINT LETTERS

### 14.1. Petition Response - Request to establish an LGBTIQA+ Advisory Committee

Author:	Nikki Williams, Coordinator Community Inclusion and Rebecca Lee, Senior Planning and Policy Officer
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

#### Purpose

To respond to a recent petition tabled at the Council Meeting Monday April 22, 2024 - requesting the establishment of an LGBTIQA+ Advisory Committee.

#### Recommended Motion

That Council advise the lead petitioner that:

1. The City will proceed with current Council-endorsed LGBTIQA+ Inclusion Action Plan actions 3.2 and 3.3 which outline its commitment to incorporating the voice of LGBTIQA+ community members in council planning processes.

#### MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Williams

#### Resolution No. 2024-98

**CARRIED**

#### Executive Summary

A petition signed by 18 residents was received on 22 April 2024 calling for:

The establishment of an LGBTIQA+ Advisory Committee at the City of Greater Bendigo.

#### Background

At the April 22, 2024, ordinary meeting of Council, a petition was tabled from Rainbow Local Government to request that Council establish an LGBTIQA+ Advisory Committee. The petition was signed by a total of 18 community members.

Currently, the City's LGBTIQA+ Inclusion Action Plan 2023-2025 is directing efforts to ensure LGBTIQA+ community member voices are represented through the following actions:

- 3.2 Establish mechanisms for LGBTIQA+ community members to provide advice and feedback on the City's policies, programs and services and promote community engagement processes (including Let's Talk) to LGBTIQA+ communities, so the voice of LGBTIQA+ community members is heard in council planning processes.
- 3.3 Promote recruitment processes for City committees to LGBTIQA+ communities and consider LGBTIQA+ representation, alongside other diversity demographics.

## **Report**

At the April 22, 2024, ordinary meeting of Council, a petition was tabled from Rainbow Local Government to request that Council establish an LGBTIQA+ Advisory Committee.

Rainbow Local Government is a campaign created by the Victorian Pride Lobby. Victorian Pride Lobby is a volunteer advocacy group working toward equality and social justice for the Victorian LGBTIQA+ community.

Rainbow Local Government campaign was launched in August 2020 and one goal was to identify councillors and candidates who will stand for the rights, safety and inclusion of LGBTIQA+ Victorians and sign the Rainbow Pledge. The Pledge was a list of asks for candidates which included developing and implementing an LGBTIQA+ action plan for council, Rainbow tick accreditation and flying the rainbow flag from council buildings on LGBTIQA+ awareness days.

From November 2023 until January 2024, the Rainbow Local Government started over 45 change.org petitions across Victoria, asking different local government areas to:

- establish an LGBTIQA+ Advisory Committee
- explore options for continuing engagement with the LGBTIQA+ community
- develop and implement an LGBTIQA+ Action Plan
- Councils to march in the ChillOut Pride Parade
- Councils to publish an official statement condemning vilification, hate speech and prejudice against all marginalised groups.

The City of Greater Bendigo adopted its first ever LGBTIQIA+ Inclusion Action Plan 2023-2025 (LGBTIQIA+ Plan) on the 20 November 2023. This plan provides clear and achievable objectives which demonstrates the City's commitment to the Greater Bendigo LGBTIQIA+ community.

The adoption of the LGBTIQIA+ Inclusion Plan was the culmination of many years of work and demonstrates the City's significant commitment and leadership in supporting the Greater Bendigo LGBTIQIA+ community.

The Council Plan 2021-2025, *Mir wimbul* includes a goal of being a community that values and engages with people of all genders and sexualities and an objective of celebrating our LGBTQIA+ community. The Municipal Health and Wellbeing Plan (*Healthy Greater Bendigo 2021- 2025*) included an outcome of the Greater Bendigo community being a place where people can safely identify and connect with their culture and identity and identified access and inclusion for people who identify as LGBTQIA+ as an action area.

Since January 2022, the City has taken many steps towards becoming LGBTIQIA+ inclusive, including:

- The endorsement of painting of the Progress Pride Flag in front of the Bendigo Town Hall (January 2022).
- The adoption of the Social Justice Framework and commitment to LGBTIQIA+ people and to stand up against homophobia, biphobia, transphobia and intersex discrimination (27 June 2022).
- Mayor or Councillors speaking at pride flag raising events on IDAHOBIT, Trans Day of Visibility and opening of Bendigo Pride Festival
- Providing LGBTIQIA+ inclusion training to staff
- Encouraging staff to wear Rainbow Lanyards
- CEO messages to staff supporting LGBTIQIA+ inclusion on LGBTIQIA+ days
- of significance
- Supporting Bendigo Pride Festival in 2023 and 2024 with a sponsorship agreement and hosting several events during the festival
- Working with Loddon Campaspe Multicultural Services and Centre for Non-Violence to offer staff across the three organisations a LGBTIQIA+ 101 for Culturally Diverse and Faith Communities workshop
- Supporting community events on Wear it Purple Day, Transgender Day of Visibility and Transgender Day of Remembrance
- Many youth events through Yo Bendigo being overtly inclusive, celebrating, accepting and supporting young people to be involved - TGD pool Party/Dive in Movie (Fruit Punch), Bendigo Pride Festival All Ages Dance Party (Disco Queer),

- Wear it Purple Day Fashion Parade and Dance Party
- Silver Rainbow Flicks event during Victorian Seniors Week 2023
- Worked with key partners including Proud2PLay to deliver the Bendigo LGBTIQA+ Inclusion in Sport Workshop

This LGBTIQA+ Inclusion Plan was created utilising the Victoria Governments **Rainbow Ready roadmap - Setting guide for local government** to specifically address local governments' needs and respond to calls from rural and regional Victorians to build LGBTIQA+ inclusion by equipping communities with practical resources.

The LGBTIQA+ Inclusion Plan contains 46 actions. The following actions relate specifically to the petition request:

- 3.2 Establish mechanisms for LGBTIQA+ community members to provide advice and feedback on the City's policies, programs and services and promote community engagement processes (including Let's Talk) to LGBTIQA+ communities, so the voice of LGBTIQA+ community members is heard in council planning processes.
- 3.3 Promote recruitment processes for City committees to LGBTIQA+ communities and consider LGBTIQA+ representation, alongside other diversity demographics.

Action 3.2 - The City is committed to (and obligated under the Local Government Act) the community being well informed on major issues, plans and projects. Currently there is a range of methods and tools that the City's Community Connections – Community Engagement Team can provide that are flexible, inclusive and more cost effective than a traditional community advisory group model.

The City offers a range of ways for community to provide feedback to be inclusive and accessible. When a project opens for community feedback there are multiple ways to provide feedback for the project. This multifaceted engagement approach includes: the City's engagement platform Let's Talk, letters to affected residents, workshops, listening posts, direct email to relevant staff, media release, newspaper notification, pathways requests, signage where appropriate, social media etc. This mixed-method, project-focussed approach to engagement not only ensures broader capture of community voices but directs the engagement in a purposeful way and is more cost effective and efficient than a community advisory group.

The City also has strong connections to key community agencies including headspace and Thorne Harbour Country and supported the establishment of the Greater Bendigo Rainbow Coalition.

The Coalition is a diverse collective of organisations and groups, from community, health, government, education and business sectors, dedicated to creating the inclusive and safe services, spaces, programs and resources LGBTQIA+ people need to thrive. It is a voice of LGBTQIA+ people and Rainbow Allies in Greater Bendigo, for LGBTQIA+ people in the Bendigo region.

As per the group's *Terms of Reference*, the City of Greater Bendigo provided administrative support during the first year July 2022 – 2023, and now attends meetings as a partner/stakeholder. This demonstrates an existing avenue for consultation and to hear the voices of LGBTQIA+ community members. City staff have routinely presented to the Coalition to get feedback and reflections on City programs/services/plans.

Action 3.3 - The current Gender Equity Action Plan includes the action - *GE 8.4.9 Capture gender disaggregated data on the composition and assigned roles within volunteer/community groups/advisory groups that the City auspices*. This data will assist in ensuring advisory groups membership incorporates representational voices from multiple cohorts and/or cohorts with diverse, intersectional viewpoints.

### ***Priority/Importance***

The LGBTQIA+ Inclusion Plan was formally adopted by Council on Monday November 20, 2023, demonstrates the City's ongoing commitment to LGBTQIA+ equity and inclusion.

### ***Options Considered***

- Option 1 -
  - Proceed with current Council-endorsed LGBTQIA+ Plan actions 3.2 and 3.3 and continue to be intentional in creating opportunities for engagement. (recommended).
- Option 2 -
  - Future budget considerations for establishing an additional advisory group, requiring additional resources (not recommended).

### ***Timelines***

N/A - no change to delivery of the LGBTQIA+ Inclusion Plan.

### ***Communications/Engagement***

During the development of the LGBTQIA+ Inclusion Plan, there was extensive consultation undertaken with internal and external stakeholders to inform the action

plan. Feedback on the draft LGBTIQ+ Inclusion Plan opened from May 17, 2023, to June 23, 2023, and a total of 127 contributions were received with 78% of engagement through the online Let's Talk portal.

The final Action Plan was adopted by Council 20 November 2023.

### **Financial Sustainability**

No financial impact with recommended option to maintain the delivery of the LGBTIQ+ Plan and actions 3.2 and 3.3.

### **Risk Assessment**

N/A

### **Policy Context**

#### ***Primary Council Plan Reference***

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

Outcome 7 - A safe, welcoming and fair community

#### ***Secondary Council Plan Reference(s)***

Goal 1 - Strengthened community health and wellbeing

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

#### ***Other Reference(s)***

Social Justice Framework (2022 – 2032)

Equity For All: Gender Equity Action Plan, 2021-2025 (City of Greater Bendigo)

LGBTIQ+ Inclusion Action Plan, 2023-2025

### **Conflict of Interest**

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

### **Attachments**

1. City of Greater- Bendigo- LGBTIQ+ Inclusion Action Plan 2023-2025

## 14.2. Petition Response - Epsom Huntly Flooding Issues

Author:	Ian McLauchlan, Manager Flood Resiliency and Recovery
Responsible Director:	Brian Westley, Director Presentation and Assets

### Purpose

Respond to a community petition calling for the cessation of further development approvals within floodplain areas across the municipality and the clearing/dredging of Back Creek, Epsom/Huntly.

### Recommended Motion

That Council advise the lead petitioner that:

1. Any development applications, regardless of their location within the municipality, will continue to be assessed on their merits against the policies and provisions outlined within the Greater Bendigo Planning Scheme and in accordance with the Planning and Environment Act 1987.
2. Requested broadscale clearing and/or reshaping of Back Creek, Epsom is not currently supported, however the City is working towards the identification and delivery of targeted remediation or debris removal projects at various locations along this waterway, including subsequent advocacy with State Government and other stakeholders/land managers as required to facilitate funding and delivery of these works.

### MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Sloan

### Resolution No. 2024-99

**CARRIED**

### Background

Many residential, commercial, and industrial areas across the municipality have a long history of flooding. This includes historical and emerging development areas within the precincts of Epsom, Ascot, and Huntly as well as their peripheral rural floodplain areas.

Historical flooding within the above precincts predominately relates to runoff generated during intense thunderstorms feeding into Bendigo Creek via local tributaries, such as Racecourse Creek and Back Creek. There is a growing sentiment within some areas of the community that upstream residential development or development within the tributary floodplain areas, has exacerbated the impact of flooding upon existing properties, even during minor rainfall events.

Recent heavy rainfall events in both October 2022 and January 2024 again resulted in widespread flooding and infrastructure damage across the municipality. These events have led to a heightened community focus on flood risk and renewed calls for further flood mitigation interventions to be undertaken across impacted areas of the municipality.

This sentiment is evidenced by a petition (see Attachment 1) recently received from local Epsom, Ascot and Huntly residents, calling for the cessation of any further development approvals within floodplain areas, as well as the clearing and re-shaping of Back Creek between 302 Station Street, Epsom and Bendigo-Tennyson Road, Huntly.

Previous Council decision dates: The petition was tabled at Council's ordinary meeting on 22 April 2024, at which time it was resolved to receive the petition and that a response be prepared within two (2) meetings.

## **Report**

Consistent with the April 2024 resolution, the following response has been prepared in the context of both elements of the petition.

### *Call for a halt to any future development within floodplain areas:*

The primary focus of the petition is taken to be the limitation of further development along the Back Creek floodplain corridor extending between Epsom/Ascot to north of Huntly, however it is noted that it calls for the blanket refusal of any development applications within floodplain areas more broadly.

The Greater Bendigo Planning Scheme controls the use and development of land through zones and overlays. A significant portion of the Back Creek catchment north of Taylor Street, Epsom is currently zoned to allow for future residential development. This includes residential, low density residential and industrial zoned land which is yet to be developed. Peripheral land is zoned for Rural purposes with land zoned Farming and Rural Living.

To manage specific localised planning concerns, overlay controls are imposed over the zones and properties therein. Such overlays in Epsom and Huntly include the



Bushfire Management Overlay and more pertinently the Land Subject to Inundation Overlays (LSIO's). The Special Building Overlay (SBO1) also imposes controls on development within certain flood prone areas across the municipality, however, has not been applied within the Epsom, Ascot, Huntly precinct.

The LSIO's have existed in varied formats for many years and have provided a layer of planning control that has guided planning decisions, particularly regarding flooding, for decades. That guidance has resulted in the way that both Epsom and Huntly have developed over time.

Several flood studies have also been undertaken across the Bendigo Creek catchment and its tributaries, including Back Creek, to provide a better understanding of local flooding conditions and allow for the appropriate planning and control of development activities to ensure that future development is compatible with the flood risk.

Specifically, the Bendigo Urban Flood Study (2013) (BUFS) determined flood levels, extents, velocities and depths for Bendigo Creek and its tributaries for a range of flood events. The BUFS advanced the City of Greater Bendigo's (the City's) understanding and assessment of flood risk, preliminary feasibility assessment of mitigation measures and was used to update the Greater Bendigo Planning Scheme via Planning Scheme Amendment C221 (2018). The Scheme Amendment resulted in changes to the local planning policies and application of the LSIO and SBO to more than 5,700 properties identified as being subject to flooding in the Bendigo area.

The Study also produced detailed flood modelling to support the North Central Catchment Management Authority (NCCMA) and Council to undertake rigorous feasibility and impact assessment of future developments within the floodplain or any proposed changes to local stormwater infrastructure prior to approval or construction.

Combined with other industry and engineering controls such as those outlined within the Australian Rainfall and Runoff (ARR) guidelines and Infrastructure Design Manual (IDM), this ensures that new development is designed appropriately, that the flood risk to existing development is not exacerbated, and that proposed changes to local stormwater infrastructure meet relevant industry standards.

The Planning and Environment Act 1987 (the Act) outlines the powers, duties, and functions of a council acting as a Responsible Authority (Authority) in relation to applications for planning permits. Each Authority is responsible for considering and determining planning permit applications and for ensuring compliance with the planning scheme, permit conditions and agreements.

The petitioners call for a blanket refusal of any development application located within areas to which the LSIO or SBO applies is contrary to the Act, with each development application required to be assessed on its merits against the Planning Scheme. Such assessment often includes referral to subject matter experts, namely the NCCMA and the City's Engineering unit, for determination of an applications compliance against planning policies, controls, and industry standards.

Imposition of further restrictions on development within floodplain areas within Epsom and Huntly would require the introduction of the Urban Floodway Zone (UFZ) via a formal planning scheme amendment. Notably, the UFZ control was not imposed following development of the BUFS or subsequent flood studies for Epsom and Huntly, as available flood modelling data does not support its introduction. To do so would restrict almost all types of development in Epsom or Huntly and likely not be supported by the Minister for Planning.

In summary, officers believe that that based upon the outputs from the BUFS adequate planning controls and application assessment processes currently exist, to appropriately manage development within the Epsom, Ascot, and Huntly areas.

Further opportunity for the community to express their views on the way the city may grow into the future, including how development in areas known to be susceptible to overland flows or flooding is managed, will be considered through development of the Managed Growth Strategy.

*Requested Clearing of Back Creek:*

Investigation and assessment of potential flood mitigation interventions along both Back Creek and Racecourse Creek tributaries was completed as part of the Epsom, Ascot, Huntly Floodplain Management Study (2019) (EAHFMS). This Study subsequently informed the prioritisation and scope of those mitigation options believed to be both practically viable and offer greatest benefit in the context of flood risk mitigation within this precinct.

The petitioners request for clearing and reshaping along the Creek between 302 Station Street, Epsom and the Bendigo-Tennyson Road, Huntly (approximately 6.8km) is generally consistent with Mitigation Option 47 (M47), as detailed within the EAHFMS - Detailed Mitigation Assessment Summary (2019) (see extract within Attachment 2).

Option M47 proposed significant vegetation removal and waterway re-shaping (including widening and desilting) along Back Creek to improve to improve the flow conveyance along the Back Creek system from Howard Street, Ascot to the confluence of Back Creek with Bendigo Creek north of Huntly. Modelling of this

mitigation option for a 1% AEP event, indicated a potential reduction in flood depths ranging between 50mm and 500mm along various sections of Back Creek.

At the time of preparing the EAHFMS, the preliminary cost estimate for this concept project was in the order of \$32 million. This project provided for a comparatively minor reduction in expected Average Annual Damage (AAD) when measured against many other mitigation options considered, as well as a low cost/benefit ratio.

Further, significant complexities have been identified with respect to implementation of Option M47, in the context of land tenure/management (i.e. crown and freehold land), required statutory and regulatory approvals/controls and potential impacts to biodiversity/ecology and cultural considerations. As such this option was not identified as a viable or priority project for further investigation, with the City's current focus being upon design and construction of the Racecourse Creek Levee.

Further, as identified by the petitioners the majority of Back Creek traverses Crown Land or freehold land for which the City has no operational or management responsibilities/authority. Accordingly, any project involving the clearing of vegetation and/or reshaping of the creek would likely need to be led by, or at a minimum have strong support of, the State Government and their agents (e.g. Department of Energy, Environment and Climate Action (DEECA) and NCCMA).

The City is however currently collating a list of potential targeted waterway remediation/improvements along Back Creek which may aid in reducing the extent or severity of localised flood impacts. These projects, along with various minor culvert and drainage network improvements across the municipality, form part of a broader program of works for which the City has applied for federal grant funding.

Accordingly, Officers are intending to continue to advocate for and pursue potential improvement opportunities along Back Creek in collaboration with state government agencies (e.g. NCCMA, DEECA) and responsible landowners.

### ***Priority/Importance***

Broadscale clearing of Back Creek has not been identified as a priority project within the EAHFMS or the NCCMA's North Central Floodplain Management Strategy.

### ***Options Considered***

Several flood mitigation options were considered and prioritised during development of the BUFS and EAHFMS. The City is currently pursuing design and construction of the Racecourse Creek Levee as the highest priority flood mitigation project for the Epsom/Ascot precinct.

Some targeted waterway remediation/improvement works to support improved flood risk outcomes are being identified and pursued as an initiative under the City's flood resilience and recovery program. A funding application to the federal governments Disaster Ready Fund (DRF) has been submitted to facilitate the delivery of high priority waterway clearing/remediation and culvert upgrade projects identified across the municipality, including along sections of Back Creek.

The City is also pursuing development of a waterway management framework as a separate project under the DRF. The purpose of this framework will be to clarify roles, responsibilities and authorised actions of various land managers for Back Creek as well as other tributaries across the municipality.

The City continues to collaborate with the NCCMA in the periodic review and ongoing implementation of the North Central Regional Floodplain Management Strategy. Officers will continue to advocate for priority waterway and flood mitigation improvements across the municipality.

### ***Timelines***

It is anticipated that subject to funding and obtaining relevant statutory and land manager approvals, some localised improvement projects along Back Creek may be programmed for delivery over the next 12 to 36 months.

### **Communications/Engagement**

Extensive community engagement was undertaken during development of both the BUFS and EAHFMS.

Several areas of Back Creek have been identified for further investigation/assessment as part of a targeted waterway remediation/clearing program following community meetings and requests received following the January 2024 flood event.

### **Financial Sustainability**

The EAHFMS identified the estimated cost of broadscale reshaping and clearing of Back Creek between Ascot and north Huntly to be in the order of \$32 million. Funding of this magnitude is not currently available, nor is this project likely to be recommended as a priority for funding under programs such as Risk and Resilience Grants program given its low cost/benefit ratio.

Funding for targeted minor clearing works along Bak Creek, subject to regulatory approvals and Traditional Owner engagement, may be possible using DRF funding if the City's recent grant application proves successful.

## **Risk Assessment**

Extensive risk assessment in the context of flooding was undertaken during development of the BUFS. This study identified that flood risk can be reduced at a several locations around Bendigo, using local structural works/interventions, provided further investigation demonstrates that there are no unreasonable detrimental impacts to other properties.

The Act and Planning Scheme do not enable adoption of a default position to refuse further development applications within floodplain areas i.e. where the LSIO of SBO applies. Any such, applications are required to be assessed on their merits against the Planning Scheme. Failure to do so could potentially jeopardise the City's position as an Authority.

## **Policy Context**

### ***Primary Council Plan Reference***

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

Outcome 1 - Lead and govern for all.

Outcome 2 - Healthy, liveable spaces and places.

### ***Secondary Council Plan Reference(s)***

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

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

Goal 7 - Sustainable population growth is planned for.

### ***Other Reference(s)***

Bendigo Urban Flood Study 2013

Epsom Ascot Huntly Floodplain Management Study 2019

Back Creek Flood Study 2007

Planning and Environment Act 1987

## **Conflict of Interest**

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

## **Attachments**

1. Petition [**14.2.1** - 22 pages]
2. EAHFS Mitigation Option 47 Flood Modelling Results - Back Creek [**14.2.2** - 5 pages]

## 15. LEAD AND GOVERN FOR ALL

### 15.1. Councillor Led Motion for MAV State Council Meeting (Cr O'Rourke OAM)

Author:	Tiffany O'Connell, Governance Officer - Mayoral Support
Responsible Director:	Jessica Howard, Director Corporate Performance

#### Purpose

The purpose of this Report is for Council to endorse the Motion, drafted by Councillor Margaret O'Rourke OAM, for submission to the Municipal Association of Victoria (MAV) State Council Meeting.

#### Recommended Motion

That Council:

1. Endorse the Motion prepared by Cr Margaret O'Rourke OAM for submission to the Municipal Association of Victoria State Council Meeting on August 23, 2024; and
2. Authorise the Chief Executive Officer to make any minor changes to improve the wording of the motion and/or to update the motion relative to any changes to the issue that may have occurred between the Council Meeting and the date of lodgement with the MAV.

#### MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Alden

#### Resolution No. 2024-100

**CARRIED**

#### Background

The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for local government in Victoria.

The MAV Rules 2022 ([the Rules](#)) require motions to be of strategic relevance to the MAV or of such significance to local government that they should be considered by State Council. It is encouraged that motions be aligned with the 10 enabling priorities in the new [MAV Strategic Plan 2024-2027](#).

Motions received and initially assessed as **not** of strategic relevance or of significance to local government in line with the Rules will be the subject of follow-up communication with the submitting council's designated representative, then reviewed by the MAV CEO, and finally by the MAV Board, who will determine whether the motion is submitted for State Council consideration.

Motions or items which relate to the same subject may be consolidated into a single matter, with such amendments as the Board in its discretion determines are warranted, prior to inclusion in the business papers and circulation to delegates.

The resolutions passed at previous MAV State Council meetings can be found on the [MAV State Council website](#).

## **Report**

The MAV State Council Meeting will be held in Melbourne August 23, 2024. Motions for the August meeting must be submitted online using the State Council Motion Submission Form.

The form requires the submitting Council to confirm:

1. the motion has been the subject of a council resolution (and the date of the council meeting);
2. whether the motion or item is of strategic relevance to the Association or of such significance to local government that it ought to be considered at the meeting;
3. the motion is not repetitive in form or substance of a motion or item considered at the most recently held meeting of the State Council; and
4. a primary and secondary contact details for each motion to enable MAV communication on the motion prior to the State Council meeting.

Cr Margaret O'Rourke OAM has prepared the following submission:

***Motion Title:***

*Requesting MAV to provide the outcomes from previous MAV Motions from State Council meetings within the 2020-2024 Council term, and the status of these motions.*

***Motion Text:***

*The City of Greater Bendigo is seeking data on the number of motions received and adopted by the MAV. The number that have been resolved; and a summary of the outcomes that have resulted through these motions.*

***Rationale for Motion:***

*The City of Greater Bendigo would like to understand the completion rate and value that MAV offers for Local Government Areas through State Council process. What significant outcomes and policy changes have occurred through the advocacy of State Council in the current Council term. How often are outstanding motions reviewed that do not progress and what happens to these. Considering the tight financial constraints Councils are finding themselves in, how do we ensure the continued value of MAV or this model.*

**Priority/Importance**

All Motions must be submitted by midnight June 24, 2024 after endorsement by Council.

**Timelines**

<b>Task</b>	<b>Due Date</b>
Motion submissions close	June 24, 2024
MAV State Council Meeting	August 23, 2024

**Policy Context**

**Primary Council Plan Reference**

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
 Outcome 1 - Lead and govern for all

**Secondary Council Plan Reference(s)**

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

**Other Reference(s)**

[About MAV](#)  
[MAV Strategic Plan 2024-2027](#)

**Conflict of Interest**

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

**Attachments**

Nil



## 15.2. Councillor Led Motion for MAV State Council Meeting (Cr Alden)

Author:	Tiffany O'Connell, Governance Officer - Mayoral Support
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The purpose of this Report is for Council to endorse the Motion, drafted by Councillor Jennifer Alden, for submission to the Municipal Association of Victoria (MAV) State Council Meeting.

### Recommended Motion

That Council:

1. Endorse the Motion prepared by Cr Jennifer Alden for submission to the Municipal Association of Victoria State Council Meeting on August 23, 2024; and
2. Authorise the Chief Executive Officer to make any minor changes to improve the wording of the motion and/or to update the motion relative to any changes to the issue that may have occurred between the Council Meeting and the date of lodgement with the MAV.

### MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Sloan

### Resolution No. 2024-101

**CARRIED**

### Background

The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for local government in Victoria.

The MAV Rules 2022 ([the Rules](#)) require motions to be of strategic relevance to the MAV or of such significance to local government that they should be considered by State Council. It is encouraged that motions be aligned with the 10 enabling priorities in the new [MAV Strategic Plan 2024-2027](#).

Motions received and initially assessed as **not** of strategic relevance or of significance to local government in line with the Rules will be the subject of follow-up communication with the submitting council's designated representative, then reviewed by the MAV CEO, and finally by the MAV Board, who will determine whether the motion is submitted for State Council consideration.

Motions or items which relate to the same subject may be consolidated into a single matter, with such amendments as the Board in its discretion determines are warranted, prior to inclusion in the business papers and circulation to delegates.

The resolutions passed at previous MAV State Council meetings can be found on the [MAV State Council website](#).

## **Report**

The MAV State Council Meeting will be held in Melbourne August 23, 2024. Motions for the August meeting must be submitted online using the State Council Motion Submission Form.

The form requires the submitting Council to confirm:

1. the motion has been the subject of a council resolution (and the date of the council meeting);
2. whether the motion or item is of strategic relevance to the Association or of such significance to local government that it ought to be considered at the meeting;
3. the motion is not repetitive in form or substance of a motion or item considered at the most recently held meeting of the State Council; and
4. a primary and secondary contact details for each motion to enable MAV communication on the motion prior to the State Council meeting.

Cr Jennifer Alden has prepared the following submission:

***Motion Title:***

*Circular Economy*

***Motion Text:***

*That the MAV advocates to the Victorian Government for greater investment in programs, policy, community education, infrastructure and market development that achieves higher order outcomes under the waste hierarchy. This includes waste avoidance, reuse and recycling, to help accelerate the transition to a circular economy.*

***Motion Rationale:***

*State Government support for expansion of thermal Waste to Energy facilities, with a 1 million tonne cap on Waste to Energy, appears to be at odds with the achievement of higher order outcomes under the waste hierarchy of waste reduction, reuse and recycling. Certain waste products, such as those derived from fossil fuels eg. plastics, are not deemed eligible renewable energy sources under the Victorian Renewable Energy Act 2006, and ‘renewable energy source’ is not a concept in the Circular Economy (Waste Reduction and Recycling) Act 2021. The rationale for any proposed advantage of Waste to Energy technology that bypasses increased emphasis on resource recovery requires justification from both an economic and environmental viewpoint in the state’s transition to a Circular Economy.*

**Priority/Importance**

All Motions must be submitted by midnight June 24, 2024 after endorsement by Council.

**Timelines**

<b>Task</b>	<b>Due Date</b>
Motion submissions close	June 24, 2024
MAV State Council Meeting	August 23, 2024

**Policy Context**

**Primary Council Plan Reference**

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
 Outcome 1 - Lead and govern for all

**Secondary Council Plan Reference(s)**

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

**Other Reference(s)**

[About MAV](#)

[MAV Strategic Plan 2024-2027](#)

**Conflict of Interest**

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

**Attachments**

Nil

### 15.3. Contracts Awarded Under Delegation

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

#### Purpose

To inform Council of contracts signed under Delegation.

#### Recommended Motion

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

#### MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Alden

#### Resolution No. 2024-102

**CARRIED**

#### Policy Context

##### ***Primary Council Plan Reference***

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

Outcome 1 - Lead and govern for all

##### ***Secondary Council Plan Reference(s)***

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

#### Conflict of Interest

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

#### Attachments

1. Contracts Awarded Under Delegation Council Report June 2024 [**15.3.1** - 1 page]

## 15.4. Update to Instrument of Delegations

Author:	Therese Pritchard, Legal Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The purpose of this report is to seek endorsement of amendments to instruments that govern delegations and the appointment of authorised officers under the planning legislation.

### Recommended Motion

It is recommended that Council:

1. approve the attached updates to the S6 Instrument of Delegation, noting the balance of S6 remains unchanged;
2. approve the attached S11A Instrument of Appointment and Authorisation; and
3. authorise Council officers to take the necessary administrative steps to incorporate the approved amendments and have the instruments signed by the CEO as new versions.

Each instrument will come into force immediately upon being executed by the CEO.

### MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr O'Rourke

### Resolution No. 2024-103

**CARRIED**

### Executive Summary

#### S6 Instrument of Delegation

The S6 Instrument delegates certain powers directly from the Council to members of Council staff and is updated to reflect legislative and organisational changes. Whilst most statutory powers vested in Council are delegated to the CEO (and subsequently sub-delegated to staff), some legislation includes its own specific provisions regarding delegation which trump the general powers of CEO sub-delegation under the *Local Government Act*. Therefore, the updated S6 Instrument of Delegation requires approval from Council.

S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

Due to the specific nature of the power to appoint under the *Planning and Environment Act 1987*, this S11A Appointment and Authorisation is to be made by Council and not by delegates.

**Background**

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 specialised knowledge required.

Council currently delegates:

- 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 19 August 2020 and reviewed and approved by Council on 19 July 2021.
- Legislative powers to specific members of staff. These powers are set out in the S6 Instrument of Delegation from Council to Members of Council Staff last authorised by Resolution of Council on 11 December 2023.
- S18 Instrument of Sub-Delegation from Council to Members of Council Staff under the *Environment Protection Act 2017* authorised by Resolution of Council on 11 December 2023.

Appointment as an Authorised Officer involves Council appointing a person to a statutory position. Once a person is appointed as an Authorised Officer by Council, that person has the statutory powers of that position.

Whilst Authorised Officers are not exercising the powers of Council, they are employees of Council and therefore exercise the powers of their statutory position on behalf of Council in accordance with policies, business rules and usual practices.

**Report**

The S6 Instrument relates to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

The following changes have been made to the S6:

- Sections 125 and 149B of the *Planning and Environment Act 1987* have been inserted.
- The CEO is named as a delegate in this instrument (in addition to having a S7 instrument) on advisement from Maddocks Lawyers.

Typically, appointments of Council's Authorised Officers are made by Directors, under sub- delegation from the CEO. This process keeps the decision of appointment at an appropriate level and enables the timely appointment of Council staff moving into positions which require them to be Authorised Officers.

The S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) appoints and authorises an officer/s to institute proceedings for offences against the *Planning and Environment Act 1987*. The Act specifically requires that the appointment of authorised officers is made by Council.

The updated instruments were amended to incorporate changes in position titles and other information provided by work units.

## **Communications/Engagement**

Consultation was undertaken with the units impacted by the legislative amendments. With the feedback received, the instruments were revised prior to a final version being developed. The suite of instruments was then considered by EMT.

## **Policy Context**

### ***Primary Council Plan Reference***

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

Outcome 1 - Lead and govern for all

### ***Secondary Council Plan Reference(s)***

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

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

***Other Reference(s)***

Adherence to legislative obligations under the *Local Government Act 2020* and the Delegations and Authorisations Policy.

**Conflict of Interest**

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

**Attachments**

1. S 6 Instrument of Delegation - Council (new) [15.4.1 - 3 pages]
2. S 11 A - Instrument of Appointment PE Act [15.4.2 - 2 pages]



## 15.5. Goldfields Library Transition

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

### Purpose

To provide information on actions and proposed process in transitioning public library services (Goldfields Library Corporation) to a Beneficial Enterprise under Section 110 and 111 of the Local Government Act 2020.

### Recommended Motion

That Council:

1. Commit to establishing and transitioning service to a new Library Service Beneficial Enterprise under section 110 and 111 of the Local Government Act, 2020
2. Delegate the GLC Board to undertake the necessary steps to progress the relevant legal and financial steps required to transition to Library Service Beneficial Enterprise under section 110 and 111 of the Local Government Act, 2020
3. Note that a further report will come back to Council to endorse the new Beneficial Enterprise constitution.

### MOTION

That Council:

1. Commit to establishing and transitioning service to a new Library Service Beneficial Enterprise under Section 110 and 111 of the Local Government Act 2020
2. Delegate the CEO to undertake the necessary steps to progress the relevant legal and financial steps required to transition to Library Service Beneficial Enterprise under section 110 and 111 of the Local Government Act 2020.
3. Request that Council officers:
  - a) work with the Board of GLC to refine and clarify the proposed model for incorporation, including the proposed rules and governance of the entity and Council's proposed investment; and
  - b) independently of GLC, assess the proposed model against the Beneficial Enterprise pre-conditions set out in section 111 of the Act.
4. Request that Council officers bring a further report to Council regarding the work undertaken to satisfy Recommendation 4 and, if appropriate at that time,

seeking Council's consideration of formally endorsing Council taking an interest in the new GLC entity.

Moved: Cr O'Rourke  
Seconded: Cr Williams

**Resolution No. 2024-104**

**CARRIED**

**Executive Summary**

With current Regional Library Corporations no longer covered in the Local Government Act 2020, all Councils currently part of a Regional Library Corporation, are required to transition their public library service to a new service model by 2030. Some Corporations have now undertaken that work and the GLC Board and CEO have undertaken preliminary work in preparation for this change.

This report provides an overview of the best value analysis and risk assessment undertaken to help inform Council decision making to progress the establishment of a Beneficial Enterprise for the purpose of collectively managing library services.

The report provides multiple evidence sources that support the following conclusions:

1. Broadly, a collective model produces an economy of scale that results in savings for member Councils.
2. Specifically, GLC is one of the most effective and efficient public library services in Victoria resulting in some of the highest levels of service in the state.
3. The VAGO report on all Council libraries in Victoria **found that GLC was the most efficient service in the state** based on comparable and measurable data across all services.
4. GLC cost per capita is \$36.39 compared to a state average of \$41.36. This cost is \$5.00 less per capita, equating to a \$1Mil saving annually compared to the average cost to run public library services in Victoria.
5. GLC delivers a quality service at a cost to Council that is relatively very low and also attracts funding from other sources at a substantial level, to supplement this core Council funding.

This assessment enables the GLC Board to conclude that the public library service should continue to be delivered using a collective approach as it represents best value, with the preferred approach being that of a Not-for-Profit Company limited by guarantee.

This model was preferred as it provides a very close fit to the existing operation and meets the requirements of the Local Government Act 2020 for a Beneficial Enterprise. Seven of the ten Regional Library Corporations have either completed or are in the process of transferring services to this management model.

The process of transitioning GLC to this new model is also outlined in the report.

Given two Regional Library Corporations have now completed this process and are operating under this model as new entities, the detail available is adequate to give a clear picture of how the new entity would operate.

GLC Board have set aside funding to cover the costs associated with the transition to a new entity under the Not-for-Profit Company model.

## **Background**

The Local Government Act 2020 removes the sections from the Local Government Act 1989 (s.196) providing for Regional Library Corporations and instead provides for the establishment of Beneficial Enterprises (s.110 and 111 of the LG Act 2020).

This approach is aimed at allowing Councils to consider delivering any service, including libraries, that might benefit from a collective approach with other Councils to provide economies of scale or improved service levels for any Council delivered service.

Due to the removal of Regional Library Corporations sections within the Local Government Act 2020, Regional Library Corporations must be dissolved by July 1 2030 as part of a sunset clause provided in the legislation.

Prior to the Local Government Act 2020, just over half the public library services in Victoria were provided through Regional Library Corporations (44 of 79 services) and the model particularly served regional areas well in creating collective economic benefit.

Since this change to the Act, the following actions have taken place across the Regional Library Corporations.

<b>West Gippsland RLC</b> New entity: Myli	Bass Coast Shire, Baw Baw Shire and South Gippsland Shire	Moved all Councils and combined Cardinia Shire into an NFP Company limited by guarantee.
<b>Eastern RLC</b> New entity: Your Library	Knox City, Maroondah City, Yarra Ranges Shire	Moved all Councils into an NFP Company limited by guarantee.
<b>Casey Cardinia RLC</b> New entity: Connected Libraries	Casey City, Cardinia Shire	City of Casey has approved the NFP model and will be a single member of this company whilst Cardinia has merged with the new West Gippsland model also an NFP Company limited by guarantee.
<b>Geelong RLC</b>	Golden Plains Shire, Greater Geelong City, Borough of Queenscliffe, Surf Coast Shire	Resolution by Board move to a Not for Profit (NFP) Company limited by guarantee and this now includes Colac Otway Shire.
<b>Goulburn Valley RLC</b>	Moira Shire, Greater Shepparton City, Strathbogie Shire	All member Councils, have approved the move to an NFP company and will remain a shared service.
<b>Yarra Plenty RLC</b>	Banyule City, Nillumbik Shire, Whittlesea City	All Councils committed to a shared service and Board has recommended moving to an NFP limited by guarantee. Legal consultants are now drafting a constitution.
<b>Whitehorse Manningham RLC</b>	Manningham City, Whitehorse City	Currently still operating as an RLC without further action at this time.
<b>Wimmera RLC</b>	Hindmarsh Shire, Horsham Rural City, Northern Grampians Shire, West Wimmera Shire, Yarriambiack Shire	RLC dissolved. Hindmarsh Shire now run a Council service. Northern Grampians has joined the Central Highlands Library Network (administered by Ballarat Council). Horsham Council runs services for Horsham and West Wimmera Shire. Yarriambiack Shire runs small libraries and a library van service.
<b>Corangamite RLC</b>	Colac Otway Shire, Corangamite Shire, Moyne Shire, Warrnambool City	Dissolved – Warrnambool Council run their single library service (Warrnambool Library) with some services purchased from Yarra

		<p>Plenty RLC. Colac Otway Shire have joined with Geelong RLC and will move to the new NFP company.</p> <p>Corangamite and Moyne Shire provide a combined service, coordinated by Moyne Shire Council, with each Council employing staff directly.</p>
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The Goldfields Library Corporation Board and CEO have undertaken preliminary work to both review the current library service and provide for informed decision-making for each member Council in considering a commitment to continue providing services as a collective.

This preliminary work by GLC has included the following elements:

***Service Review/Value Analysis (see Attachment 1):***

An independent review of service level and investment for GLC member Councils compared to statewide library services and other Regional Library Corporations. This includes findings from the statewide service review undertaken by the Victorian Auditor General’s Office as well as statewide figures collated by Public Libraries Victoria.

***Financial Analysis:***

Specific financial analysis of the cost of the service compared across the state and comparative to individually delivered Council services. Developed independently by City of Greater Bendigo Financial Services using financial data from GLC.

***Risk Assessment (see Attachment 2):***

Assessing and mitigating risk associated with movement to any new model with particular questions answered on the most common and preferred model- a not for profit company limited by guarantee.

***Accounting and legal service support requirements:***

Ensuring expert advice on any transition to enable all accounting standards and legal requirements for dissolution and transfer of business to a new service model to be met under Section 110 and 111 of the Local Government Act, 2020.

***Environmental Analysis :***

Analysis of the public library sector and the approaches taken, including research findings on those Regional Library Corporations that have moved to a new model.

The finding of these reports are summarised in the body of the report below and detailed in the attachments to this report.

## Report

### Service Review and Value Analysis

The Service Review and Value Analysis for GLC has been completed by independent consultants, I and J Management Services who also collate and analyse annual statewide library performance data in Victoria and developed the National Standards and Guidelines for Australian Public Libraries. (Full service review provided as Attachment 1 to this report)

The report noted the following key findings:

1. The statewide VAGO audit released in November 2019 ranked Goldfields Library Corporation as the **most efficient service at delivering core services compared to all other public libraries in Victoria.** (see Data Envelopment Analysis Results, pg. 79, VAGO Council Libraries Audit)
2. The VAGO report noted that *“Sharing services makes libraries more efficient, enabling them to deliver more services to the community with fewer resources. Our data analysis shows that, overall, RLCs and co-operative models deliver core library services more efficiently than most standalone council libraries.*“(VAGO Council Libraries Audit, page 23)
3. The cost per capita to fund GLC services is around \$5.00 per capita **less** than the Victorian average. This equates to an approximate \$1,000,000 saving in comparison to the average cost to provide library services in Victoria. GLC funding per capita is \$36.39 inclusive of both Council and other funding sources. Regional Library Corporations in general had far lower average per capita expenditure than stand-alone services:
  - Goldfields Libraries: \$36.39 per capita
  - Victorian Library Average: \$41.36 per capita
4. GLC is able to invest in a dedicated group of managers and strategic leadership to coordinate effort across the region because of the collective investment and management approach. This leads to efficiencies in service delivery through coordinated and shared programs, staff and physical resources.
5. GLC has capacity to attract diverse funding sources using internal resources. Of all services, GLC had the fifth highest income from other sources outside government of all services in Victoria.

6. GLC attracts and retains staff because (unlike single-LGA libraries, especially those in regional and rural areas) it can leverage the resources of the four member Councils' collective investment in people and systems that deliver a community and customer focused service.
7. A collective approach has specific areas where collective benefits are tangible and can be supported with evidence. These include:
  - i. Movement of staff across municipalities to ensure continuity of operations, allowing efficiency in direct service delivery workforce and ensuring smaller libraries are staffed and are backed up and remain open when absences occur. GLC regularly has staff crossing municipal boundaries and working across multiple branches.
  - ii. Collective arrangements and partnerships that benefit all municipalities are negotiated with partners at local, state and national levels. GLC negotiates services with organisations such as the Sydney Writers Festival, Orchestra Victoria, Australian Ballet to deliver programs across the region.
  - iii. Agility to shift focus and respond to community without high level approval or delays that may be required in Council decision making. GLC rapidly develops partnerships and programs that can benefit Council and community, such as story walks and Healthy Loddon Campaspe initiatives that link directly to delivering Council outcomes.
  - iv. Dedicated collective resources to strategically plan a community driven service, alongside and aligned with member Councils. In 2019, VAGO noted that "...audited Councils do not document their service plans or link library services to the achievement of overall Council objectives." GLC has consistently developed a defined strategy that outlines measurable outcomes and explicitly aligns with Council plans.
  - v. Providing a skilled workforce with a diversity of capacity to match library service delivery requirements. GLC has 100 staff with a range of professional accreditation and experience that transfers across the region, supporting management, program delivery and IT support.
  - vi. Collective agreements with partners and service providers deliver a coordinated and economically scaled level of service across all member Councils. Agreements for library management systems (catalogue, collection management, rostering, IT security, email, website) are all collectively negotiated by GLC at significant saving.

- vii. A dedicated management structure focused on library industry best practice and library operations management. Collective structures provide dedicated management resources, focused solely on library services. GLC provides a CEO, senior operational managers and dedicated technical managers for IT, Collections, Programs and Communications, removing the need for any day-to-day management resource from Council at any level.

### ***Priority/Importance***

The GLC Board sees this step as a commitment from each member Council to progressing the formation of a Beneficial Enterprise. This step is crucial for several reasons. This includes:

1. The collective commitment from all member Councils toward a clear outcome allows GLC to confidently invest funds in the process- there are significant costs associated with undertaking this work that will require legal and accounting consulting services.
2. Certainty for library staff – providing a commitment to move to a Beneficial Enterprise provides certainty and stability for all 100-library staff across the region.
3. Based on the experience of both RLC's that have completed the process, the transition has taken around 18 months to two years to move from establishing a new entity through to transferring resources and winding up the existing RLC. With a deadline of 2030, this work is seen as important to get underway, so completion occurs in 2026/27 at the latest.

### ***Options Considered***

The GLC Board explored several options as part of the transition planning.

#### ***Option 1 – Not recommended***

Dissolve the Library Corporation and member Councils deliver individual library services. This option is not recommended as financial and service review and value analysis suggest that there is greater benefits across the board for the collective service delivery model.

#### ***Option 2 – Recommended***

GLC Board undertake the necessary work to develop a beneficial enterprise and transition GLC to the new entity.



## ***Timelines***

The following briefly outlines the work to date and expected process following this report.

### **June 2023: Completed**

Undertake analysis and review of service value and financial analysis for Board decision and support due diligence for Councils.

### **December 2023: Completed**

Board decision to recommend to member Councils a transition to a Not-for-Profit Company as a preferred collective approach under the Beneficial Enterprise (s. 110 of the 2020 LG Act).

### **March 2024: Completed**

Invitation to attend information session for all member Councils as a Q and A session on findings and information.

### **May/June 2024: Outlined in this report**

Reports to each member Council to formally endorse commitment to and progress of Beneficial Enterprise transition.

### **July 2024:**

Proceed with both legal and accounting consultation to develop new library agreements and undertake dissolution of Regional Library Corporation.

### **May 2025:**

Return to Councils with agreed constitution and library service agreement for final endorsement.

### **July 2025:**

Commence operations of new Beneficial Enterprise.

### **December 2025:**

Finalise winding up of North Central Goldfields Regional Library Corporation.

The commencement of legal proceedings to establish a new entity through to the final winding up of the existing Corporation has involved an 18-month process with other RLC's and has associated costs of around \$100,000-150,000. All costs will be covered by GLC.

## **Communications/Engagement**

Consultation and work to date has been done by GLC Board who represent the member Councils.

Further community consultation may be considered throughout the transition period.

### **Financial Sustainability**

This model of service delivery has been analysed at a local and state level with results consistently showing that the provision of library services as a collective approach is highly efficient and provides a valued and effective service.

Moving to a library service delivered through a single Council approach is noted as less effective and/or more costly based on data analysed and evidence presented by VAGO and the Service and Value Analysis commissioned by the GLC Board.

The cost to make the transition is covered by the existing Corporation and will require no further funding from Council.

### **Risk Assessment**

As noted above, several independent reviews have assessed the risk of not continuing to provide a shared service approach with the requirement for each Council to establish a new leadership and management structure, increase requirements for Corporate Services and ensure staffing levels are increased locally to cover absences and specialist roles. The risk assessment undertaken by Know Council is provided as an example and case study of the internal risk assessment undertaken.

GLC has also undertaken an initial risk assessment based on risk assessments provided by the Regional Library Corporations that have transitioned to new entities. This can be viewed in its entirety at Attachment 2.

### **Policy Context**

#### ***Primary Council Plan Reference***

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
Outcome 1 - Lead and govern for all

#### ***Secondary Council Plan Reference(s)***

Goal 1 - Accountable, financially responsible, equitable, transparent decision making  
Goal 4 - Leadership that sets a standard for good governance and integrity in action, working in partnership with regional Councils

### **Conflict of Interest**

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

### **Attachments**

1. Goldfields Library Corporation - A Value and Efficiency Analysis of Collective Services [**15.5.1** - 22 pages]
2. GLC Collective Model Transition Risk Assessment [**15.5.2** - 13 pages]

## 15.6. Rates Payment Options and Revenue and Debt Collection Policy

Author:	Katelyn Stone, Senior Coordinator - Rates
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

This report updates Councillors on recent increased financial hardship and rates collection activity, updates the City's Revenue and Debt Collection Policy and Financial Hardship Guidelines and proposes a change to payment options for Rates notices.

### Recommended Motion

That Council:

1. Endorses the changes to payment options for Rates notices for the 2024/2025 financial year.
2. Adopts the revised Revenue and Debt Collection Policy (including Hardship).

### MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Penna

### Resolution No. 2024-105

**CARRIED**

### Executive Summary

This year has seen a marked increase in unpaid rates notices referred to next stages of debt collection. Hardship issues are most stark for ratepayers where there is no engagement until *after* the February (Pay in Full) date for rates.

Until recently, the plan was to progress any changes to rate payments as part of the next Council Plan, Financial Plan and Revenue and Rating Plan cycle – with new Councillors and in advance of the 2025/2026 Budget.

However, the significant and material increase in hardship and debt collection issues in 2024 (which crystallised in March 2024) has prompted officers to propose bringing this change forward in line with reviewing the associated policy.

The Revenue and Debt Collection Policy (the Policy) requires review every four years. Council endorsed the last policy on June 15, 2021. This Policy outlines and details the City's debt management and recovery decisions, process and practices. The Policy aims to ensure overdue general debts, rates and charges are collected in a fair and reasonable manner and, where required, in line with the City's Financial Hardship Guidelines.

## **Background**

The *Local Government Act 1989* (Vic) states that the City "must" offer payments by four instalments and "may" offer a pay in full option. The City must also send rates notices 14 days prior to a notice due date. Note that despite the introduction of the *Local Government Act 2020* (Vic), much of the legislation guiding rates and charges still refers to the 1989 Act as the State government continues to work through legislative and guideline changes recommended by the 2019 [Rating Review](#).

The City generates around 62,000 assessments annually, and has three primary payment options for all ratepayers, these being:

1. Pay in full with discount, due September 30 (currently 32% of ratepayers);
2. Pay by four instalments, due dates September 30, November 30, February 28 and May 30 (42% of ratepayers); and
3. Pay in full, due February 28 (26% of ratepayers).

The City encourages other flexible payment options such as fortnightly and monthly direct debits and Centrepay – these are also highly popular amongst the City's ratepayers.

## **Report**

### *Change in payment options*

The 2024/2025 Rate Notices will be issued at the end of August 2024. Over recent financial years we have seen 26 per cent of ratepayers opting to pay in full in February with the remaining 74 per cent either opting to pay in full with discount (early, in September, at the time the first instalment is due), via quarterly instalments or via other flexible options.

In the current year, as at March 2024, 6,748 final notices were issued totalling \$15.6M. This is an increase of 33 per cent (or \$4.8M) compared to last year for those that had not yet made payments as at March. There has also been a significant year on year increase of 88 per cent (or \$4.3M) in outstanding debts being sent to the next stage of collection with an external agency.

Removing the pay in full (February 2025) option aims to assist ratepayers and collection processes for those who may experience financial hardship by engaging earlier, as opposed to the current trend - with engagement by those experiencing financial hardship not commencing until *after* the pay in full deadline has passed. The intent is to smooth the larger financial burden of an annual payment, as hardship issues are most stark where there is no engagement until after the February (pay in full) date.

Historically, in March each year there is a significant increase in payment arrangements, particularly this year, with ratepayers citing varying degrees of financial stress around current costs of living, increased mortgage interest rates and personal and/or business cash flow. These are generally ratepayers who have opted to pay in full (February) who are now struggling financially to pay.

The primary options for payment would become the full payment on September 30, (which would retain a small discount) or quarterly instalments. As is the case currently, direct debit and other deduction arrangements are also available fortnightly or monthly.

#### *Considerations in changing to Quarterly Instalments*

A greater proportion of the community is facing financial stress. As a City we must take into consideration how we can best support our community in the current financial climate in a way that is still equitable between ratepayers, and which enables City service provision.

A greater emphasis on instalments offers several advantages. It enables earlier engagement with ratepayers who may be facing financial difficulty and for appropriate supports and arrangements to be put into place. Longer term, this can lead to greater ratepayer satisfaction by engaging people more flexibly for payment options and reduce the burden for those who cannot manage a larger annual payment.

It is also important that the City preserves financial viability and cashflow to fund services to the community. Note there is no City-wide liquidity or cash flow requirement to collect additional rates earlier – however, decreases in collection rates over many years would impact available funds. For the City to continue to deliver its services, ongoing debt collection remains essential. However, being able to follow up earlier and more regularly with ratepayers on outstanding debts will assist in managing debts while they are smaller.

Utility companies, insurance, telecommunication companies and Vic Roads all offer monthly or quarterly billing. This provides their customers with more predictable and manageable payment schedules which support budgeting. Council rates and

charges is one of the few remaining bills that continues to also offer a deferred annual payment option.

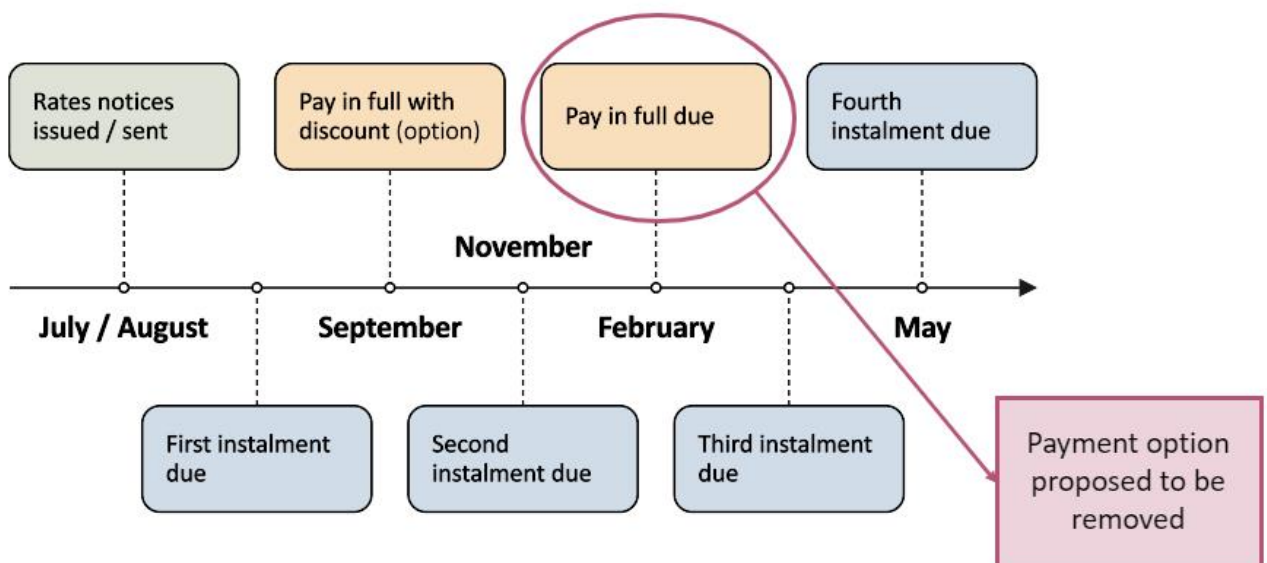
Other Councils who have removed the pay in full (February) option include Mt Alexander Shire, Greater Shepparton, Mitchell Shire, Strathbogie, Hepburn Shire and Macedon Shire, noting that two of these (Mt Alexander and Macedon Shire) have also kept the pay in full (September) option.

*Impact assessment of the proposed change*

The following table sets out the largest ‘category’ of ratepayer payment types and the impact of the change:

Payment options w/ current ratepayers	Approx. # of ratepayers	Change / high level comments
Pay in full with discount	21,000	No change required (September payments).
Quarterly Instalment	26,000	No change required.
Pay in Full	16,000	<ul style="list-style-type: none"> <li>Communication via social media, comms and advertising on making it easier to manage payments</li> <li>These ratepayers who miss the quarterly date will receive reminders in October and January for missed Q1 and Q2 instalments. SMS reminders that payments are now due quarterly would be sent.</li> <li>In year 1 of the change (2024/2025), for those that pay or engage in February, there would be no late-payment interest or fees charged for the first two missed instalments.</li> </ul>

Figure 1: Primary payment options\*



\* Fortnightly/monthly direct debits and other flexible arrangements (including payment plans) remain available as they are currently.

**Pros**

- Reduces the financial burden (earlier intervention) for those ratepayers experiencing financial hardship
- Longer term, supports ratepayers with more regular control and flexibility over finances
- An ability for the City to communicate with more ratepayers more frequently
- Increased convenience for ratepayers
- Allows discrepancies to be picked up regularly and fixed quickly
- Streamlines processes and spreads work for key internal call centres across the year which is more efficient and provides a better service to ratepayers (currently annually these centres can be overwhelmed)
- Supports the City following up on small balance debts more regularly.

**Cons**

- Less flexibility for some ratepayers in removing a payment option Perception that Council is seeking more cashflow earlier
- Some additional costs associated with sending out more frequent rates notices of approximately \$30,000 per year – noting this would likely be offset by spreading the internal call centre load more evenly through the year
- This is a change ‘outside’ of the regular refresh of the City’s Rating & Revenue Plan that occurs every four years with a new Council
- This is an additional change on top of the Waste/Bin charge changes being implemented in July for 2024/2025
- Potential minor additional fees and charges from payee banks and BPay / BPoint.

*Revenue and Debt Collection Policy (the Policy) update*

The attached Revenue and Debt Collection Policy including Hardship outlines the City’s debt management and recovery decisions, process, and practices and was last updated in June 2021.

Two key principles in this policy are:

- *Equity* – ensuring the fair and consistent application of lawful recovery principles without bias, taking into account all relevant considerations; and
- *Financial Viability* – that the ongoing financial viability of the City is ensured.

The Policy aims to ensure overdue general debts, rates and charges are collected in a fair and reasonable manner and, where required, in line with the City’s Financial Hardship Guidelines (the Guidelines).



The Guidelines are contained within the Policy, at Appendix 1 and outline how the City supports community members who may be having difficulty paying their debts with the City.

The Guidelines aim to provide transparency, fairness and consistency when dealing with ratepayers experiencing financial hardship. Financial hardship is deemed to be a situation where a ratepayer or debtor is having difficulty providing for themselves, their family or other dependents, and the financial hardship is likely to continue for more than one year. Causes of financial hardship can include prolonged illness or injury; unemployment; family violence, decreased income or loss of income; or natural disaster.

To enable the City to balance the need to fund services with the need to support those experiencing financial hardship, the following principles are included:

- **Transparency and accountability** – the City will provide targeted and consistent information, payment terms and advice for the type of service being charged. This includes processes around the follow-up of non-payment, and decisions made in accordance with the relevant legislation. This Policy provides the community with the overarching principles associated with applying for hardship ensuring transparency of the process.
- **Consistency** – the City will consistently apply and interpret the Policy across all debts.
- **Equity** – the City will ensure the fair and consistent application of lawful recovery principles without bias, taking account of all relevant considerations.
- **Fairness and sensitivity** – the City will treat requests for assistance consistently, objectively and in a sensitive and confidential manner.
- **Financial Viability** – the City will ensure the ongoing financial viability of the City. Providing hardship does not affect the ongoing financial viability of the City.

In response to the changes in the *Local Government Act 2020* (the Act), “Rating and Other Matters”, the Policy and Guidelines have been significantly revised.

The City’s Guidelines adhere to the changes in the Act. The City also completed its own Equity Impact Assessment and determined that we should provide more consistency and clarity around our processes. Key changes to the Policy and the Guidelines include more detail on the City’s debt collection processes.

### ***Priority/Importance***

This is a key Policy supporting the City’s compliance with s101(1c) of the Act, which states ‘financial policies and strategic plans, including the Revenue and Rating Plan,

must seek to provide stability and predictability in the financial impact on the municipal community’.

### **Communications/Engagement**

Engagement with local Financial Counsellors has been completed. There has been internal consultation with key business areas on the Policy and the Guidelines. The draft Guidelines have also been sent to the agencies that provide financial counselling in Bendigo. At the time of drafting this report, no feedback has been received. As noted earlier in the report, the Policy was subject to an internal Equity Impact Assessment.

### **Financial Sustainability**

Financial sustainability remains a key City strategic risk, currently assessed as ‘Medium’. Having financial policies in place that are reviewed frequently assists in mitigating this risk.

### **Policy Context**

#### ***Primary Council Plan Reference***

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

Outcome 1 - Lead and govern for all

#### ***Secondary Council Plan Reference(s)***

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

#### ***Other Reference(s)***

Revenue and Rating Plan 2021-2025

Local Government Act 1989

Local Government Act 2020

### **Conflict of Interest**

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

### **Attachments**

1. Draft Revenue and Debt Collection Policy Including Hardship [**15.6.1** - 16 pages]

## 15.7. Draft Good Governance Framework - Adoption

Author:	Geoff Fallon, Coordinator - Governance
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The purpose of this Report is to present to Council the final draft of the Good Governance Framework and to seek adoption.

### Recommended Motion

That Council:

- **Adopt** the Good Governance Framework content.
- **Note** that the published document is yet to be graphically designed.

### MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Sloan

### Resolution No. 2024-106

**CARRIED**

### Executive Summary

This Report presents a final draft of the Good Governance Framework (**Attachment 1**). It addresses relevant good governance guidance material reviewed to date, including public feedback.

### Background

Governance is the framework of structures, rules, and processes by which an organisation is directed and controlled. Good governance is about the processes for making and implementing sound decisions.

Previous Council decision dates: April 22, 2024 – released for public consultation.

### Report

#### Overview

The *Local Government Act 2020* (Vic) (the 2020 Act) addresses many of the better practice principles identified in earlier good governance guidance material.

Compliance with the 2020 Act is, in itself, evidence of good governance, noting that we should always:

- Strive to continually assess how we could better address each good governance principle.
- Acknowledge the importance of, and limitations to measuring, culture and leadership on good governance.

Please note that the Good Governance Framework does not cover election content.

The City would like to acknowledge the substantial body of work done by the [Victorian Local Governance Association \(VLGA\)](#) and partners in their [2012 Good Governance Guide](#) that informed our Framework.

### ***Priority/Importance***

Good governance is important and should remain a priority of Council, Councillors and the organisation.

A Good Governance Framework could make an important contribution to good governance at the City.

### ***Communications/Engagement***

External engagement on the draft Good Governance Framework was undertaken during April and May 2024. There were:

- 153 unique visitors to Let's Talk page
- 36 downloads of the Framework itself
- 1 person complete the survey and provide the following comment:
- Would like to see how this document is championed across the whole organisation. I believe there needs to be a reset on governance culture across COGB and highlight the important of good effective governance. Effective decisions, communication and engagement.

This comment regarding the importance of ownership and championing of good governance is important. As documented in the Framework, leadership and culture is critical to good governance.

Following adoption (if Council resolves) this Framework will be instrumental in the induction of both new staff and new Councillors. It will remain a document that can be referenced by decision-makers. It will be publicly available for community and integrity agencies to measure us against.

### ***Financial Impacts***

There are no financial impacts.

### ***Risk Assessment***

There is a risk that our reputation with community is compromised if the Good Governance Framework falls short of community expectations. This is assessed as LOW risk (and lower than failing community expectations by not having a Framework).

### **Policy Context**

#### ***Council Plan Reference***

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

- Outcome 1 - Lead and govern for all
  - Goal 1 - Accountable, financially responsible, equitable, transparent decision making
  - Goal 2 - Commitment to innovation, systems improvement and learning

#### ***Other Reference(s)***

Not applicable.

### **Conflict of Interest**

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

### **Attachments**

1. Good Governance Framework [15.7.1 - 38 pages]

## 15.8. CEO Employment and Remuneration Policy Review

Author:	Kylie Cheal, Manager People & Culture
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The purpose of this report is to seek Council approval of the reviewed CEO Employment and Remuneration Policy.

### Recommended Motion

That Council approves the reviewed CEO Employment and Remuneration Policy.

### MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr O'Rourke

### Resolution No. 2024-107

**CARRIED**

### Executive Summary

The CEO Employment and Remuneration Policy is due for review in December 2025. Following the CEO recruitment process in late 2023, consultation was undertaken with involved parties to review its effectiveness and efficiency.

In response to feedback obtained and identified key themes, the requirement for a review to the policy was identified to:

- Provide clarity on roles and responsibilities for all parties involved in the CEO recruitment process and the CEO performance review process.
- Correct inconsistencies within the policy document.
- Incorporate findings from benchmarking and include additional sections.

Proposed changes to the Policy will result in the revision of additional related documents. To further support clarity of roles and responsibilities, procedure documents have been developed.

### Background

The CEO Employment and Remuneration Policy is a requirement of the *Local Government Act 2020* (the Act) (Section 45 (1): *A Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy*) and describes how CEO employment matters (recruitment, performance and development plan, performance monitoring and remuneration) will be managed.

The current policy was approved in December 2021 and administratively updated in March 2023 to correct inconsistencies with the CEO Employment and Remuneration Advisory Committee Terms of Reference (i.e. quorum number and nominated Chairperson).

Previous Council decision dates: N/A

## Report

### ***CEO Employment and Remuneration Policy***

The CEO Employment and Remuneration Policy (**Attachment 1**) has been reviewed. In summary, the changes are:

- Revision of formatting for policy template consistency, revision of some definitions, correct grammatical errors and duplication of content.
- Deleted *5.1.1 Establishment*: content covered elsewhere in document.
- Revision of *6. Roles and Responsibilities* for clarity: expanded listed responsibilities, added roles; The Committee, Director Corporate Performance and Council Officer (as delegated).
- Integrated *5.3. Remuneration and Expenses* content into relevant sections within document.
- Separated *CEO Recruitment* and *CEO Appointment* sections and expanded, including delegation of a CEO Recruitment Sub-Committee who will participate in recruitment activities and make related recommendations to Council on behalf of the Committee.
- Added *5.4. CEO Induction and Onboarding Program*.
- Revised *5.4 CEO Performance Plan* to *5.5. CEO Performance Monitoring* (to ensure meeting obligations of the Act Section 45 (2): *A Chief Executive Officer Employment and Remuneration Policy must – (b) provide for the following (iii) performance monitoring*) and expanded sections therein.
- Added *5.6 Reappointment of the CEO*.
- Added *5.7 Appointment of Acting CEO* (to ensure meeting of obligations of the Act, Section 11 (3): *A Council may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period not exceeding 28 days* and the Act, Section 44 (4) *If there is a vacancy in the office of Chief Executive Officer or the Chief Executive Officer is unable to perform the duties of the office of Chief Executive Officer, the Council must appoint a person to be the Acting Chief Executive Officer*).

- Added 5.8 *Provision of Independent Advice* (to ensure meeting of obligations of the Act Section 45 (2): *A Chief Executive Officer Employment and Remuneration Policy must – (a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration policy*).
- Added 5.9 *Confidentiality*.

### **Risk Assessment**

Effective review of the CEO Employment and Remuneration Policy ensures the City meets related obligations under the Act.

### **Policy Context**

#### ***Primary Council Plan Reference***

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
Outcome 1 - Lead and govern for all

#### ***Secondary Council Plan Reference(s)***

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

### **Conflict of Interest**

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

### **Attachments**

1. CEO Employment and Remuneration Policy [**15.8.1** - 9 pages]



## 16. HEALTHY, LIVEABLE SPACES AND PLACES

### 16.1. 47 Hunt Road, Lockwood South - Construction of a Dwelling

Author:	Tiffany Bussem Jorgensen, Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

#### Summary/Purpose

Application No:	DR/603/2023
Applicant:	Inception Planning
Land:	47 Hunt Road, LOCKWOOD SOUTH 3551
Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay 1
No. of objections:	0
Consultation meeting:	Nil.
Key considerations:	<ul style="list-style-type: none"> <li>• Whether the proposed use and development of a dwelling on the land is appropriate in the Farming Zone.</li> <li>• Whether the dwelling will be supporting a viable agricultural use.</li> <li>• Whether the use of the land for Horse Husbandry is considered the primary use.</li> <li>• Whether an agricultural focus will be retained over time.</li> </ul>
Conclusion:	<p>The applicant has failed to demonstrate the land will be used for a genuinely viable agricultural use that warrants the need for a dwelling.</p> <p>The Greater Bendigo Planning Scheme has clear strategies and policy guidelines regarding the development of dwellings in the Farming Zone, and to support this application would be simply contrary to the Scheme.</p> <p>The applicant's insufficient evidence does not suggest the dwelling would enhance or support a genuinely viable agricultural use, or that the agricultural use of the land is being treated as the primary use and the dwelling is secondary or ancillary to the agricultural use.</p> <p>It is recommended that the Council issue a Notice of Decision to Refuse to Grant a Permit as the proposal</p>

	presents an unacceptable planning outcome.
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### **Recommended Motion**

That Council issue a Notice of Decision to Refuse to Grant a Permit for the use and development of land for a dwelling at 47 Hunt Road, LOCKWOOD SOUTH 3551 on the following grounds:

1. The proposal is inconsistent with the purposes of the Farming Zone as it does not;
  - a. Propose the primary use of the land for agriculture.
  - b. Ensure that non-agricultural uses do not adversely affect the use of land for agriculture.
  - c. Provide for the retention of productive agricultural land.
2. The proposal is inconsistent with the strategies of Clauses 14.01-1S and 14.01-1L as it does not;
  - a. Protect productive agricultural land from unplanned loss due to permanent changes in land use.
  - b. Provide sufficient evidence to demonstrate the dwelling is to support a genuinely viable agricultural use of the land that requires permanent and continuous care, supervision or security.
  - c. Demonstrate that the agricultural use has been established on the land.
3. The proposal is inconsistent with the Rural Areas Strategy 2009 as the proposal does not demonstrate:
  - a. Why the proposal should be approved contrary to the City's position of minimising housing in farming areas.
  - b. That agriculture would remain the primary land use.
  - c. That it is likely that the land would remain in agricultural use into the future following development of the dwelling.

### **MOTION**

That Council issue a Planning Permit for the construction of a dwelling at 47 Hunt Road, Lockwood South subject to the following conditions:

1. MODIFIED PLAN REQUIRED

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and 2 copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) An Infrastructure Staging Plan in accordance with Condition 3.
- (b) Land management and revegetation plans in accordance with Condition 4.

2. NO LAYOUT ALTERATION

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

3. INFRASTRUCTURE STAGING PLAN

Before a building permit is issued for any dwelling on the property, an infrastructure Staging Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The documents must include a clear site plan of the whole site, and be drawn to scale with dimensions, indicating all proposed infrastructure. The infrastructure staging plan must be generally in accordance with the Land Management Plan prepared by Cumbre Consultants dated 12 September 2023.

The Infrastructure Staging Plan must include:

- (a) Prior to the commencement of the construction of the dwelling, infrastructure to be completed must include, at a minimum:
  - i. All utility areas/paddocks are fenced and established with shelters and water access.
- (b) Prior to the completion of the dwelling, infrastructure to be completed must include, at a minimum:
  - i. Storage facilities associated with the horse husbandry enterprise.

When approved, the plan will be endorsed and will then form part of the permit. Once endorsed the Infrastructure Staging Plan or the timing for works must not be altered without written consent of the responsible authority and must be implemented to the satisfaction of the responsible authority.

4. LAND MANAGEMENT AND REVEGETATION PLAN

Before the development starts, a land management and revegetation plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the Land Management Plan prepared by Cumbre Consultants P/L dated 12 September 2023.

The plans must include:

- (a) A revegetation plan for the site, including specific species and quantities.
- (b) A management plan detailing that the owner will monitor and eradicate pest plants and animals on the property for a minimum of five years from the date of endorsement in accordance with the Land Management Plan prepared Cumbre Consultants P/L.
- (c) Methods of interim protection for newly established vegetation until established.

(d) Prior to the commencement of the construction of the dwelling, infrastructure to be completed must include, at a minimum:

i. All conservations zones are fenced.

(e) Prior to obtaining the certificate of occupancy works to be completed must include, at a minimum:

- 30% increase in deep rooted native vegetation cover.

(f) Infill or replacement planting of any plants that may die for a minimum of five years from the date of endorsement.

All species selected must be in accordance with species from EVC 175\_62.

When approved, the plan will be endorsed and will then form part of the permit. Once endorsed the Staging and Land Management Plan or the timing for works must not be altered without written consent of the responsible authority and must be implemented to the satisfaction of the responsible authority.

#### 5. SIGHT DISTANCE AT PROPERTY BOUNDARY

Sight distance at the access driveway must comply with AS/NZS 2890.1:2004 Fig 3.2.

#### 6. VEHICLE CROSSINGS/ DRIVEWAYS

(a) Any vehicle crossing must be constructed in accordance with the Infrastructure Design Manual standard drawing SD255. The final location of the crossing is to be approved by the responsible authority via 'Consent for Works on Road Reserves'.

(b) The driveway will need to be upgraded with 100mm of compacted crush rock, minimum 3.5m wide trafficable width to provide all weather access for fire trucks. Table drain required on the high side. A turn around area at the end is required.

(c) Vehicle crossings need to be at 90° to the road and the property boundary.

(d) All vehicles must enter and exit the site in a forwards direction.

#### 7. GENERAL DRAINAGE – BUILDINGS AND HOUSES

The proposed building(s) and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

#### 8. ELECTRICITY SUPPLY

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

#### 9. EXPIRY OF PERMIT

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

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

Moved: Cr Williams  
Seconded: Cr Alden

**Resolution No. 2024-108**

**LOST**

**MOTION**

That the recommended motion be adopted.

Moved: Cr Fagg  
Seconded: Cr O'Rourke

**Resolution No. 2024-109**

**CARRIED**

**Report**

Subject Site and Surrounds

The site is located on the southern side of Hunt Road and is formally known as Crown Allotment 11 Section 31 Parish of Lockwood (Volume 12229 Folio 936). The allotment is rectangular in shape and bounds Hunt Road for 701.3 metres. The depth of the allotment extends for 402.34 metres giving an overall site area of 28.21 hectares.

In the northwest corner of the site is an existing shed, previously used as a shearing shed associated with the historic broad acre grazing that occurred throughout the site and surrounding area. Around the shed are two shipping containers, water tanks, a caravan and children's play equipment. A pony was observed on site during the site visit. There is some established fencing on the site. No infrastructure associated with Horse Husbandry was observed. The site is fenced and contains a gate near the existing shearing shed where access to the site is gained.

Hunt Road is a dead-end, gravel, local access road and provides access to one other property, 52 Hunt Road to the north. A dwelling, associated outbuilding, and two dams are within this property, which is formally known as Allot. 7 Sec. 31 PARISH OF LOCKWOOD. 52 Hunt Road is the original farmstead for a larger land holding, which included the subject site and land further south. Collectively, the farmstead, subject site and adjoining parcels provided sufficient land to graze sheep at a viable scale. The individual Crown allotments that formed this larger landholding

have recently been sold, with new landowners throughout the area now seeking approval for the use and development of these parcels for dwellings associated with various agricultural style pursuits.

The site is mostly cleared of vegetation with scattered trees more prominently in the southeast corner of the site and along the waterway which cuts through the middle of the allotment. The land slopes down west to east. Four dams are within the site. The site is partially affected by the Environmental Significance Overlay which spans either side of the waterway for a distance of 50 metres. The Salinity Management Overlay is present within the site in the southeast corner.

Broiler farms are within 2 kilometres of the site to the southeast.

The township of Lockwood South is northeast of the site and contains pockets of residentially zoned land. Approximately 1.5 kilometres south of the site is an area of Rural Living Zone with an approximate overall area of 780.56 hectares, both these areas are developed to a density appropriate for their zoning. The site and abutting lots are zoned Farming and there is a clear separation between these lots and the rural lifestyle properties.

The bordering properties to the west, south and east are all vacant parcels and previously part of a single larger landholding under one ownership, which included the subject site. The larger land holding was previously utilised as part of broad acre farming practices. All parcels individually are below the minimum lot size within the Farming Zone, collectively the parcels create a generous area suitable for genuine agricultural uses.



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



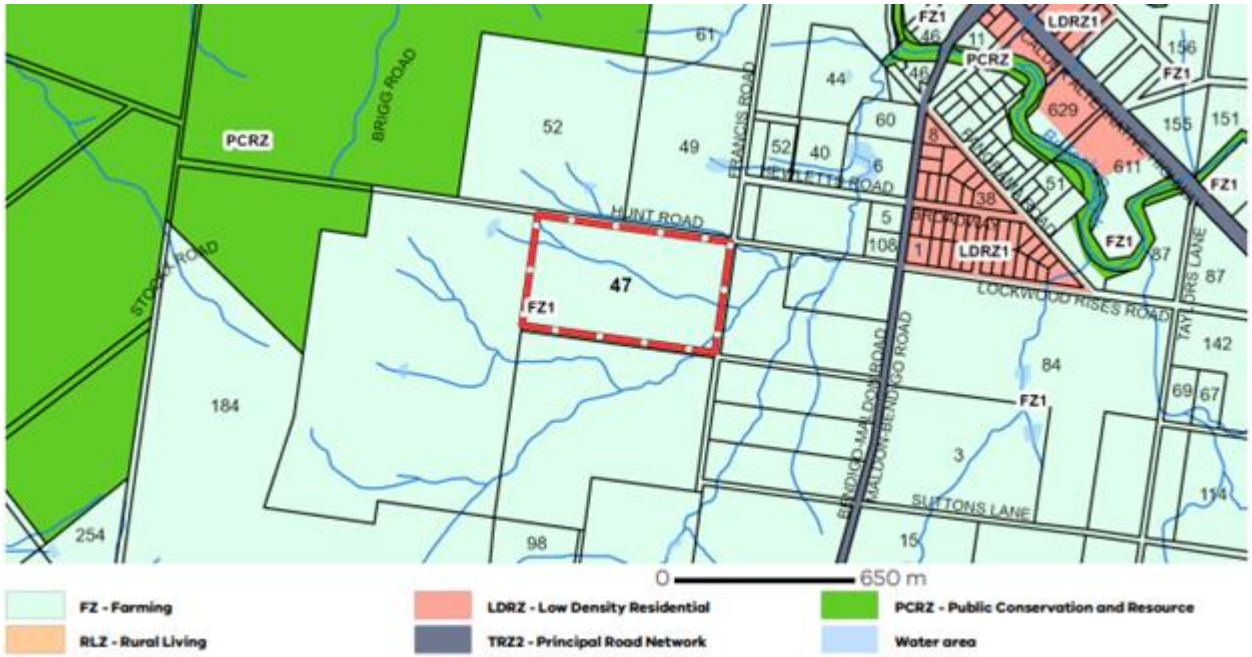


Figure 2: VicPlan planning zones map.



Figure 3: View facing east midway along Hunt Road.





**Figure 4:** View facing southeast midway along Hunt Road.



**Figure 5:** View facing southwest at the end of Hunt Road.





**Figure 6:** View facing the structures on site looking east from the end of Hunt Road.

Proposal

The proposal is for the use and development of the land for a dwelling. The application states the dwelling is to support horse husbandry activities already established on the site.

The dwelling is proposed to be set back 32.2 metres from the north boundary and 353.2 metres from the east boundary. A new crossover to the site would be required. The dwelling is proposed within 100 metres of the waterway on the property.

The dwelling proposed is a single storey brick veneer with a Colorbond roof. It is laid out with four bedrooms and a study, open plan kitchen, meals and living area, alfresco, two bathrooms, separate lounge and retreat and double bay garage. The total area including garage and external living areas is 343.44 square metres. Two 22,500-litre water tanks are also proposed.

There are no outbuildings proposed. There is no infrastructure associated with the horse husbandry shown or described in the application.

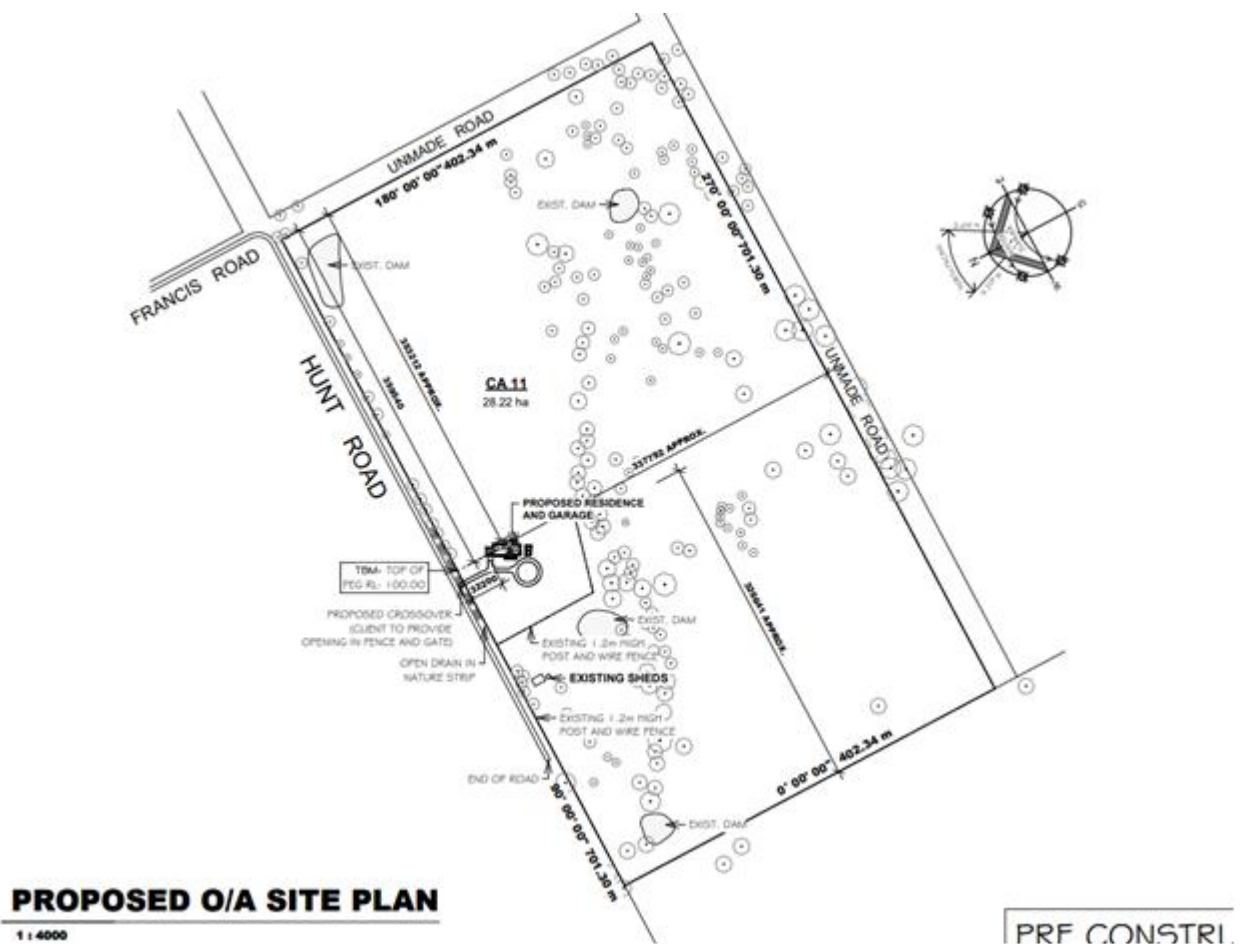


Figure 7: Site plan.

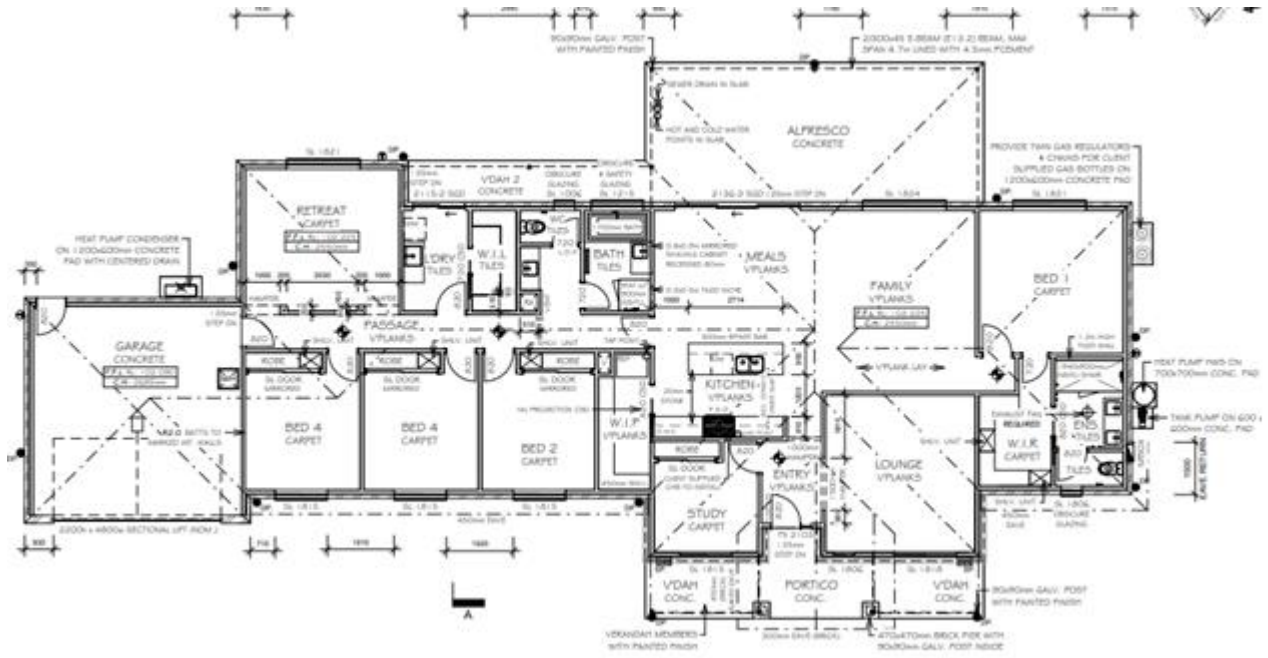


Figure 8: Dwelling floor plan.

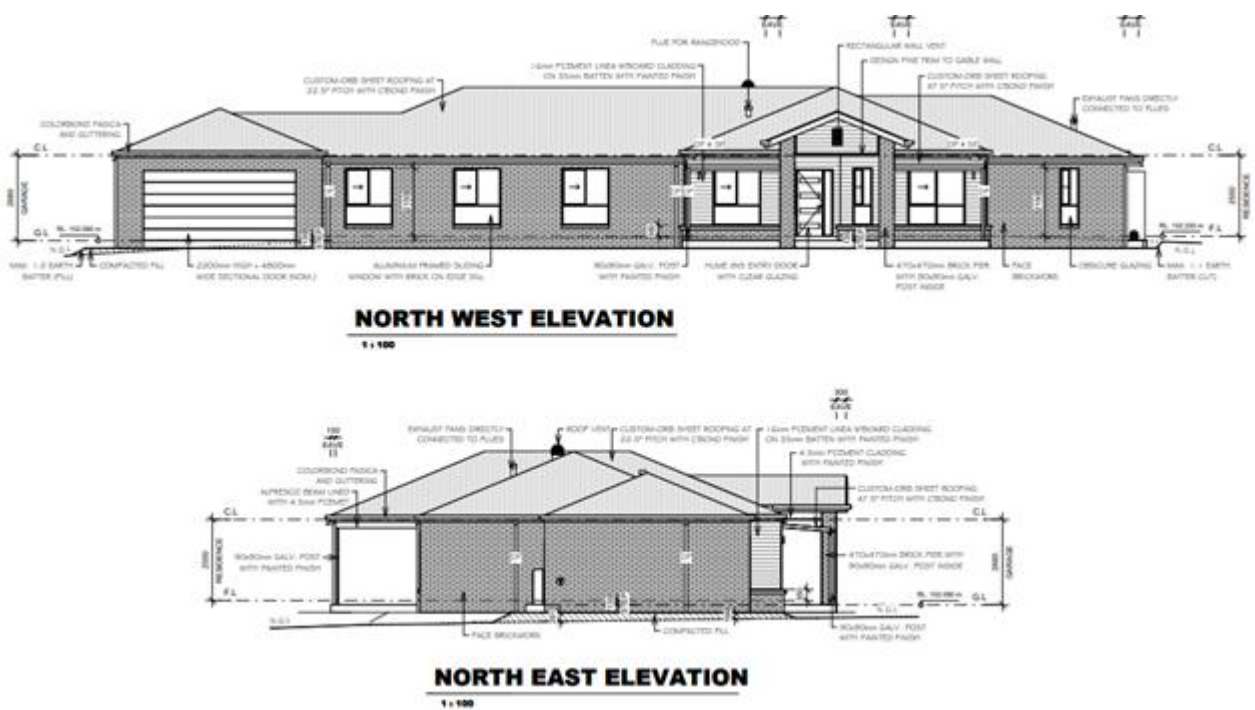


Figure 9: Northwest and northeast elevation.

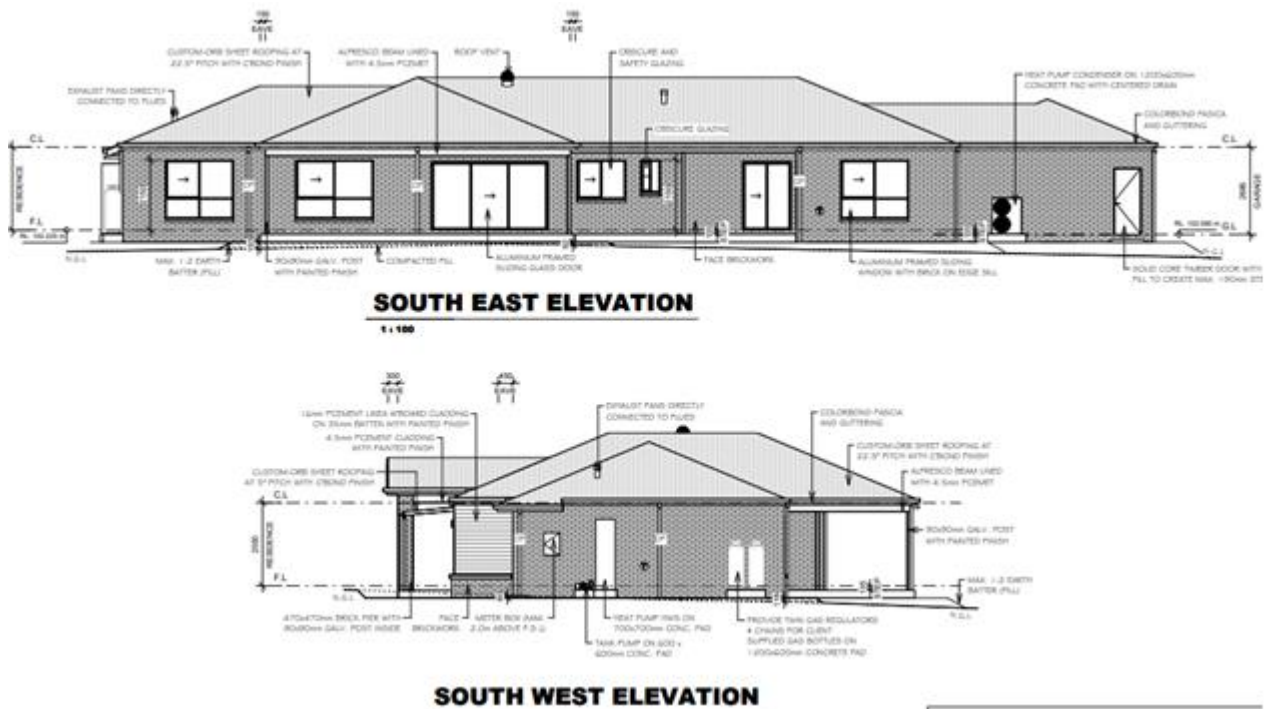


Figure 10: Southeast and southwest elevation.

### Planning Controls - Greater Bendigo Planning Scheme

#### Why is a planning permit needed?

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

Clause	Permit trigger
35.07-1 Farming Zone	<ul style="list-style-type: none"> <li>A permit is required to use the land for a dwelling as the minimum lot size of 40 hectares is not met.</li> </ul>
35.07-4 Farming Zone	<ul style="list-style-type: none"> <li>A permit is required to construct a building or carry out works with a use in Section 2 of Clause 35.07-1.</li> <li>A permit is required to construct or carry out works within 100 metres of a waterway.</li> </ul>

**Note:** A permit is not required under the provisions of the Environmental Significance Overlay as the proposed works are located wholly outside the overlay’s extent.

Consideration of cultural heritage sensitivity is not required in association with this application in accordance with the requirements of the *Aboriginal Heritage Regulations 2018*.

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

Municipal Planning Strategy

Clause 02.03	Strategic directions
Clause 02.03-1	Settlement
Clause 02.03-3	Environmental risks and amenity
Clause 02.03-4	Natural resource management
Clause 02.03-6	Housing
Clause 02.04	Strategic framework plans

Planning Policy Framework

Clause 11.01-1S	Settlement
Clause 12.01-1S	Protection of biodiversity
Clause 13.02-1S	Bushfire planning
Clause 14.01-1S	Protection of agricultural land
Clause 14.01-1L	Protection of agricultural land – Greater Bendigo
Clause 14.01-2S	Sustainable agricultural land use
Clause 14.02-1S	Catchment planning management
Clause 15.01-6S	Design for rural areas
Clause 16.01-3S	Rural residential development
Clause 16.01-3L	Rural residential – Greater Bendigo

Other Provisions

Clause 35.07	Farming Zone
Clause 42.01	Environmental Significance Overlay – Schedule 1
Clause 65.01	Approval of an application
Clause 71.02-3	Integrated decision making

**Policy Context**

***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

***Secondary Council Plan Reference(s)***

Goal 7 – Sustainable population growth is planned for



**Consultation/Communication**

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Engineering -Traffic and Infrastructure	<p><b>No objection</b> Subject to conditions relating to vehicle crossings and driveways.</p>
Environmental Health	<p><b>No objection</b> Provided notes to be included at the end of a permit.</p>
Agribusiness Officer	<p><b>Unsupportive</b> Unsupportive of the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• Inconsistent with the purpose of the zone as it does not encourage the retention of agricultural land or ensure impacts from non-agricultural uses are avoided.</li> <li>• Inconsistent with clause 14.01-1L as it does not demonstrate the dwelling is required to support a genuinely, economically viable agricultural use of the land.</li> <li>• The dwelling and associated infrastructure would result in the loss of the land as productive agricultural land.</li> <li>• The surrounding areas are Farming Zone – approving this proposal may lead to additional concentration of small hobby dwellings in the area.</li> </ul>

Public Notification

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

As a result of advertising, no objections were received.

## Planning Assessment

### Introduction

Rural lifestyle development poses an ongoing risk to agricultural land. Planning Schemes in rural municipalities will usually seek to address these challenges through directing 'rural lifestyle' development to appropriately zoned land (i.e. the Rural Living Zone) and using local planning policies to manage the development of dwellings in other rural zones, to protect the primacy of agriculture. Clause 16.01-3S and 16.01-3L of the Greater Bendigo Planning Scheme address rural residential development policy and have been developed for the purpose of managing the large number of vacant rural parcels present across the municipality. This Policy will be further discussed in the sections below alongside the Statewide Farming Zone provisions.

The *Rural Areas Strategy, September 2009* notes that “*the use of discretion to approve new houses in rural areas is still being generously applied, despite an over supply of zoned Rural Living land (estimated to be an 80 year supply) to cater for such demand.*”

Such decision making poses a significant threat to the viability of the local agricultural sector as it progressively compromises the ability of local agricultural businesses to grow and operate relatively unhindered. It should also be noted that the Farming Zone has been facing increasing pressures in more recent years for subdivision and residential development, primarily for rural lifestyle opportunities rather than for farming purposes. Policy requires that rural residential development, where the dwelling does not support genuine agricultural use, be directed to existing planned rural living areas.

The subject site is partially affected by the Environmental Significance Overlay – Schedule 1 (Watercourse protection), spanning approximately 50 metres either side of the waterway which transverses through the centre of the site. Development is proposed outside this overlay and as such will not form part of this application's considerations.

Horse husbandry is identified as the agricultural use which the dwelling is proposed to support. Horse husbandry in the Planning Scheme is defined as *Land used to keep, breed, board or train horses*. The land use term is nested under agriculture and is a Section 1 use in the Farming Zone, otherwise described as a use not requiring a planning permit under the zone. The horse husbandry component is not up for consideration, however, it forms the basis of justification for the proposed use and development of the land for a dwelling. This aspect of the site's use is discussed in greater detail below.

## Planning Scheme Policy Context

Any application under the provisions of the Farming Zone must address the purpose of the zone. This is the primary basis for any decision-making process for the responsible authority.

The purposes of the Farming Zone are as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

[emphasis added]

The use and development of the land for a dwelling requires planning approval in this instance due to the subject site being located in the Farming Zone and the lot being less than 40 hectares in size. The right to apply for a permit in this circumstance does not denote support or approval of an application nor confirm the viability of the agricultural use and this is further reinforced by Clause 65 of all planning schemes in Victoria which states:

*"Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause."*

In addition to the purpose of the Farming Zone outlined above, the provisions of the Farming Zone direct that consideration must be given to specified decision guidelines under the Zone. These decision guidelines inform the consideration of the question of how rural dwellings fit within the purposes of the zone.

The decision guidelines provide a means by which to assess such applications and require consideration to be given to matters such as:

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*



- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

In considering the proposal in respect of the purpose and decision guidelines of the Farming Zone, consideration of whether the proposal is consistent with the Planning Policy Framework is required.

Statewide policy at Clause 14.01-1S – Protection of agricultural land seeks ‘to protect the state’s agricultural base by preserving productive farmland.’ Some of the main strategies in response to this objective seek to:

- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*

Specific to Greater Bendigo, Clause 14.01-1L – Protection of agricultural land reiterates the statewide themes to provide a consistent basis for considering the use of dwellings in rural zones. Specific strategies pertinent to this proposal are:

- *Avoid the construction of a dwelling unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision or security.*
- *Ensure that where a dwelling is deemed necessary to support an agricultural use, that the use is viable based on the level of investment required and the estimated return as shown in an integrated land management plan.*
- *Ensure that where a dwelling has been deemed necessary to support an agricultural use, that the agricultural use has been established on the land prior to the construction of a dwelling.*
- *Avoid the construction of a dwelling on existing small lots (lots smaller than the zone schedule minimum) in the Farming Zone, except if allowed under a Restructure Overlay.*

[emphasis added]

It is apparent the overall objective of the State and local policies seeks to ensure that agricultural land is carefully managed in order to prevent adverse impacts on agricultural production, prevent the fragmentation of rural land and to ensure an orderly development of appropriate residential development in rural areas so that agricultural production of these areas is not disadvantaged or prejudiced by ad hoc and unplanned residential development.

With consideration of policy and historical land use, the subject site and surrounding land is suitable for productive agricultural land uses and a proposal for a non-agricultural land use (dwelling) runs counter to these policies. The Greater Bendigo Planning Scheme clearly encourages that, unless required to support a genuinely economically viable agricultural land use, the construction of dwellings should be avoided.

There are a range of other zones within the Greater Bendigo area which encourage residential development and it is evident the Farming Zone is not one of them. Where a dwelling cannot demonstrate consistency with the purpose of the zone, nor demonstrate the dwelling is secondary or ancillary to the agricultural use, the appropriateness of the dwelling is without a doubt in question.

In preparing a decision, consideration also should be given to why there is a need for a dwelling on the subject site and how the presence of a dwelling would support and enhance agricultural use or production and whether it is likely that an agricultural focus will be retained into the future. The applicant has not produced an acceptable planning argument that persuades this assessment to recommend approval which would be contrary to planning policy and the decision guidelines of the Farming Zone.

### Assessment Findings

In summary, the application is recommended for refusal as a dwelling on the site would be contrary to policy with the Planning Policy Framework and the provisions of the Farming Zone. Specifically, to the City's policy at Clause 14.01-1L which states:

*Avoid the construction of a dwelling unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision or security.*

At present, the subject site could be consolidated with adjoining parcels to create a suitably sized land holding for a viable agricultural land use to occur. The development of a dwelling on this parcel of land is a permanent commitment and where a dwelling is not an as-of-right use, the applicant must show how the dwelling's use and development would support and enhance agricultural production of the site and surrounding area.

In assessing this application, the applicant has not provided sufficient documentation to demonstrate this and therefore the effect of supporting a dwelling in the Farming Zone would de-couple the land from its agricultural value and encourage a precedence to support dwellings over agricultural production, straying from the primary purpose of the zone. Not only does this impact the subject site's ability to be used for agricultural purposes but also for adjoining parcels.

The Planning Report provided with the application explained that the dwelling would support the keeping and breeding of Timor ponies for exclusive use in equine facilitated learning and therapy for a business operating in Taradale. The equivalent of 8 adult Timor ponies would be kept on site, some ponies would be rotated from the subject site to the Taradale business.

A Farm Management Plan was absent from the application; however, a Land Management Plan was provided. The Land Management Plan has a specific focus on weed and pest eradication and revegetation of the site. The plan failed to demonstrate the need for a dwelling to support a genuine and viable agricultural use. The plan excluded necessary details such as:

- The business logistics of the horse husbandry land use;
- The economic viability of the operation;
- The extent of existing or proposed facilities to support the breeding and keeping of Timor ponies.

The lack of business information and facilities does not provide reassurance that once the dwelling is constructed an agricultural use will occur. Nor does it persuade the assessor that should the current landowner sell the property or the Taradale business cease, that in future the land would retain an agricultural focus. In both the site plan and accompanying reports, the applicant failed to provide information regarding shelters for the protection of the ponies, feeding and watering troughs, fencing or any form of storage for the tack, equipment or feed. The plan has also failed to highlight budget details, future growth or projections for the said enterprise.

The application was referred to the City's Agribusiness Officer for comment. The response provided also highlighted the inconsistencies between the proposal and the requirements of the Greater Bendigo Planning Scheme, including relevant planning policy and the provisions of the Farming Zone.

The officer's assessment contends that:

- The capability of the land to graze up to 12 adult ponies is an overestimation of the carrying capacity of the land.
- There are no details on the breeding program and the management of the increase in nutrition demand.

- Horses generally contribute significantly to erosion, however, the land management plan does not provide clear timelines on the implementation of protective measures. The protective measures would need to be established well before the introduction of stock.
- Without explaining the economic viability of the enterprise, the agricultural use appears to operate more as a hobby farm rather than as a commercial agricultural venture.

Further, the officer stated:

*“Greater Bendigo’s top two most important broadacre commodities by value are sheep and lamb production (\$148.3M) and wheat production (\$77.7M), both require economy of scale to be efficient. Historically the land was used for sheep and lamb production, infrastructure such as the shearing shed is still present. Approving this proposal may lead to additional concentration of small hobby dwellings in the area and set a precedent for fragmentation that would impact the use of the area as effective, productive farming land.”*

The proposal would result in the loss of this type of agriculture venture with no viable agricultural use proposed in its stead.

#### *Dwelling siting, design and servicing*

Irrespective of the above assessment, the siting of the proposed dwelling is deemed to respond to the constraints of the site (i.e. it is positioned in the best location within the confines of this specific allotment ignoring the impact to agricultural activities for the site and surrounding area). The siting of the building envelope has taken into account landscape features, vistas, access and road location. Materials used would be of a natural palate, non-reflective and designed to integrate with the natural environment.

The proposal is also able to meet the mandatory requirements outlined in Clause 35.07-2 of the Farming Zone to use the land for a dwelling which includes the following:

- *Access to the dwelling provided via an all-weather road with dimensions adequate to accommodate emergency vehicles;*
- *The wastewater generated from the dwelling treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system;*
- *The dwelling connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes; and*

- *The dwelling connected to a reticulated electricity supply or have an alternative energy source.*

The dwelling is within 100 metres of the waterway which transverses the site. However, the dwelling is proposed outside the Environmental Significance Overlay and close to the property boundary adjacent to Hunt Road. All other setback requirements are met. The siting minimises site cut requirements and avoids vegetation removal and is generally appropriate. A Land Capability Assessment accompanied the application to determine a suitable site for wastewater disposal. This was supported by the City's Environmental Health team and is also deemed appropriate. The design and siting of the dwelling is considered appropriate in this regard; however, this does not justify support for the dwelling at the expense of the inconsistencies outlined in the section above.

The absence of comprehensive documentation about the agricultural use of the land and why a dwelling might be justified presents as nothing more than an attempt to create a rural lifestyle property with the potential for keeping and breeding of ponies at a hobby farm level. This application has not demonstrated that an agricultural use is being treated as the primary use of the land and has failed to display that the horse husbandry agricultural undertaking is viable based on the level of investment and estimated return.

The land has historically been used for broad acre agriculture without a dwelling and the refusal of the application would not in any way hinder the ability for the land to continue to be used for similar agricultural undertakings. In contrast, allowing the dwelling, which has not demonstrated to be supporting a genuine agricultural enterprise, leads to permanent fragmentation of this area, which is strongly discouraged in the Greater Bendigo Planning Scheme.

## **Conclusion**

The Greater Bendigo Planning Scheme recognises that agricultural land is a valuable and finite resource that must be protected from fragmentation and encroachment by conflicting land uses.

The application proposes a dwelling on an undersized lot within the Farming Zone in an area that has historically been used for broadacre farming practices.

The application has not demonstrated that the proposed dwelling will support and enhance an economically viable agricultural use; rather, the horse husbandry use indicated in application material depends on the presence of the dwelling. If the agricultural use is dependent on the dwelling, the dwelling is considered the land's primary use.

Regarding the Farming Zone, the agricultural use of the land must be the primary use and any dwelling must be secondary or ancillary. The applicant has failed to:

- Show a genuinely viable agricultural use is established (or will be prior to a dwelling) on the land and that the dwelling would enhance or support that agricultural use.
- Provide evidence of any infrastructure or facilities required to operate a horse husbandry land use.
- Provide information regarding the economic viability of agricultural use.

Without supplying the above, it is considered the applicant has not justified the use of land for a dwelling in the Farming Zone. As such, the application has been deemed to be inconsistent with the Planning Scheme. For these reasons the application cannot be supported.

### **Options**

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

### **Conflict of Interest**

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

### **Attachments**

Nil

## 16.2. 134 Condon Street, Kennington - Development of a Telecommunications Facility

Author:	Michael St Clair, Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

### Summary/Purpose

Application No:	DM/668/2023
Applicant:	Waveconn
Land:	134 Condon Street, KENNINGTON 3550
Zoning:	Commercial 1 Zone
Overlays:	No overlays apply
No. of objections:	5
Consultation meeting:	A consultation meeting was not undertaken for this application. Written correspondence between the objectors and applicant was exchanged. The nature of the concerns raised meant that a satisfactory resolution was not possible. As such, a consultation meeting was not undertaken.
Key considerations:	<ul style="list-style-type: none"> <li>• Whether the proposed telecommunications facility is supported by the relevant provisions of the Greater Bendigo Planning Scheme.</li> <li>• Whether the design and siting of the proposed telecommunications facility is appropriate.</li> <li>• Whether the proposed telecommunications facility will have unreasonable effects on adjacent land.</li> <li>• Whether all objector concerns have been addressed.</li> </ul>
Conclusion:	<p>An effective telecommunications network is a key driver for commercial development throughout the municipality, especially within the City's defined Large Activity Centres.</p> <p>The proposed telecommunications facility is assessed as having been sited to minimise all impacts to the surrounding public and private domains to the greatest extent possible. A small number of dwellings will be visually impacted by the proposal, but to a level that is not unreasonable within this urban context.</p> <p>The proposed Telecommunication facility has been designed as an appropriate response to the relevant planning considerations under the Greater Bendigo Planning Scheme and is recommended for approval by Council.</p>

### **Recommended Motion**

That Council issue a Notice of Decision to Grant a Permit for the Development of a Telecommunications Facility at 134 Condon Street, KENNINGTON 3550, subject to the conditions at the end of this report.

### **MOTION**

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Penna

### **Resolution No. 2024-110**

**CARRIED**

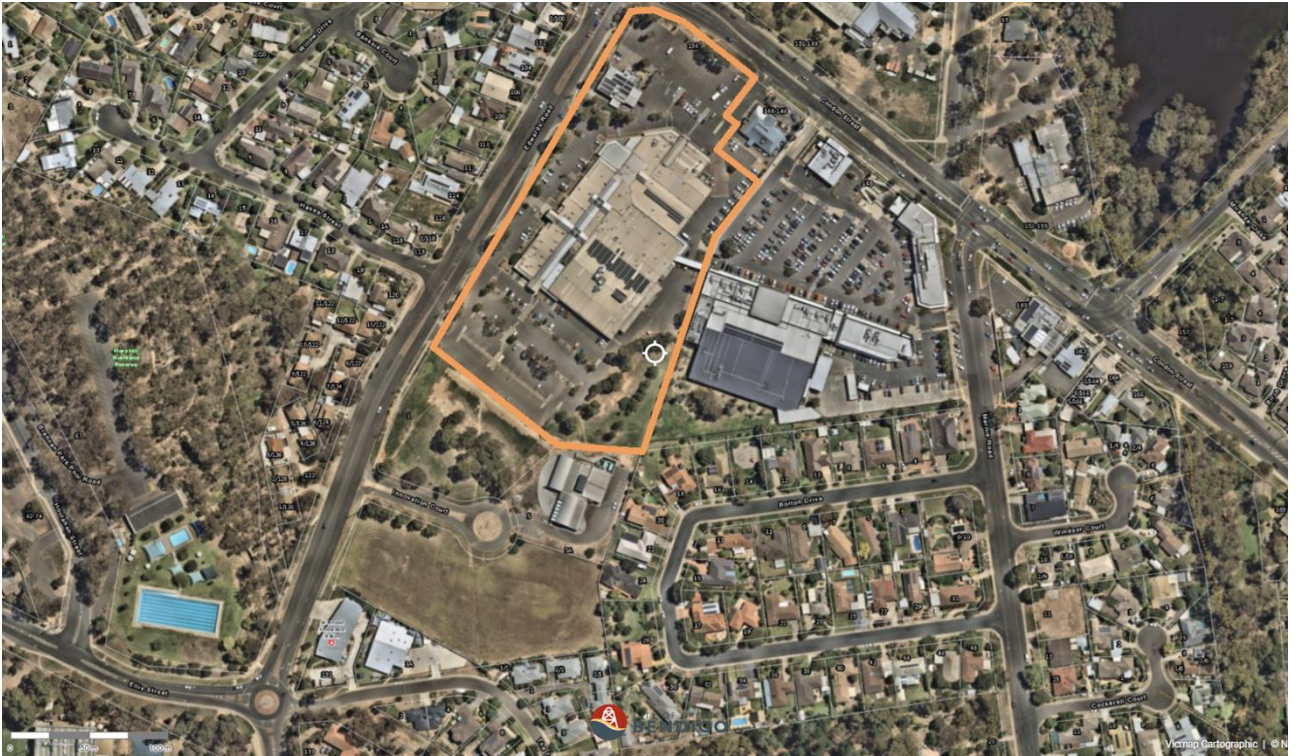
### **Report**

#### Subject Site and Surrounds

The subject site is an irregular shaped allotment located on the southern corner of the intersection of Condon Street and Edwards Road, Kennington. The subject site contains the Strath Village Shopping Centre, which has an overall area of 31,725 square metres. The site and surrounding area are shown in figure 1 below.

The proposal only affects a small portion of the overall site, with the area approximately 100 square metres in size. This is located within the loading bay area at the rear of Strath Village, in the area between Kennington Village and the shopping centre on the subject site.





**Figure 1:** Aerial image of subject site (white symbol showing approximate location of telecommunications facility)



**Figure 2:** View to the site of the telecommunications facility from the southern (rear) carpark to Strath Village (facility to be located behind, and not impacting on, the large native tree in centre of image)

The area impacted by the proposal is shown in figure 2 above. It is well removed from the public focused spaces within the Strath Village site, located in an unutilised area within the operational loading bay area. This area is used for loading and unloading facilities for the various tenancies of Strath Village.

60 metres to the south of the proposed telecommunication facility is the closest boundary for a residential allotment (18 Bolton Drive). This allotment fronts onto Bolton Drive, which comprises a standard residential street connecting to Marnie Road. Allotments along Bolton Drive all contain single storey dwellings set within lots ranging in area from 750 to 1,200 square metres.

The broader area is characterised by the Large Activity Centre of Strathdale. In addition to the Strath Village and Kennington Village shopping centres mentioned above, the area contains Strath Hill shopping centre, Strath Haven aged care facility, Bendigo Community Telco and a range of other, smaller commercial developments reflective of the commercial zoning for the area.

### Previous application history

A previous planning permit application was lodged by the applicant for the development of a telecommunications facility on 28 February 2023. This application was for a tower similar to that proposed under this application. The only real difference being the location of the facility, with the earlier application seeking to develop the tower behind the Kennington Village Shopping centre. This location was closer to the residential dwellings on Bolton Drive, with a higher relative height to what is currently proposed.

This previous application proceeded to notice, with a total of nine objections being received.

Following review of the objections received, and discussions with the operator of Strath Village shopping centre (an objector), the earlier application was withdrawn. This was prefaced on the relocation of the proposed tower to a better location within the Strath Village shopping centre site (better access and greater distance from residential properties). The earlier application was withdrawn 30 August 2023 (not refused as indicated by objectors).

### Proposal

The proposal seeks to establish a new telecommunications facility in the form of a monopole (tower), equipment shelter and equipment cabinets.

The proposal consists of the following elements:

- 30-metre tall, steel monopole and compound located at the rear of the shopping centre along the eastern boundary;
- A triangular headframe mounted at the top of the monopole to accommodate up to nine (9) panel antennas;



- An equipment shelter (dimensions 3.0 metres high x 2.5 metres wide x 3.0 metres deep), connected to the monopole by an overhead cable tray;
- A 4-bay equipment cabinet (dimensions 2.32 metres high x 0.75 metres deep x 2.87 metres long), connected to the monopole by a cable tray; and
- Security fencing with double gates for access.

All cables connecting the antennas to the various cable trays will be internal to the monopole, except where they exit the monopole to connect to the relevant antennas. The monopole does not have any provision to allow it to be climbed and will be specifically designed to allow for collocation to occur.

Figures 3 to 5 show the location of the telecommunication facility in relation to Strath Village and Kennington Village shopping centres, the site layout for the facility and the northern elevation for the tower.



**Figure 3:** Site location in respect of both shopping centres

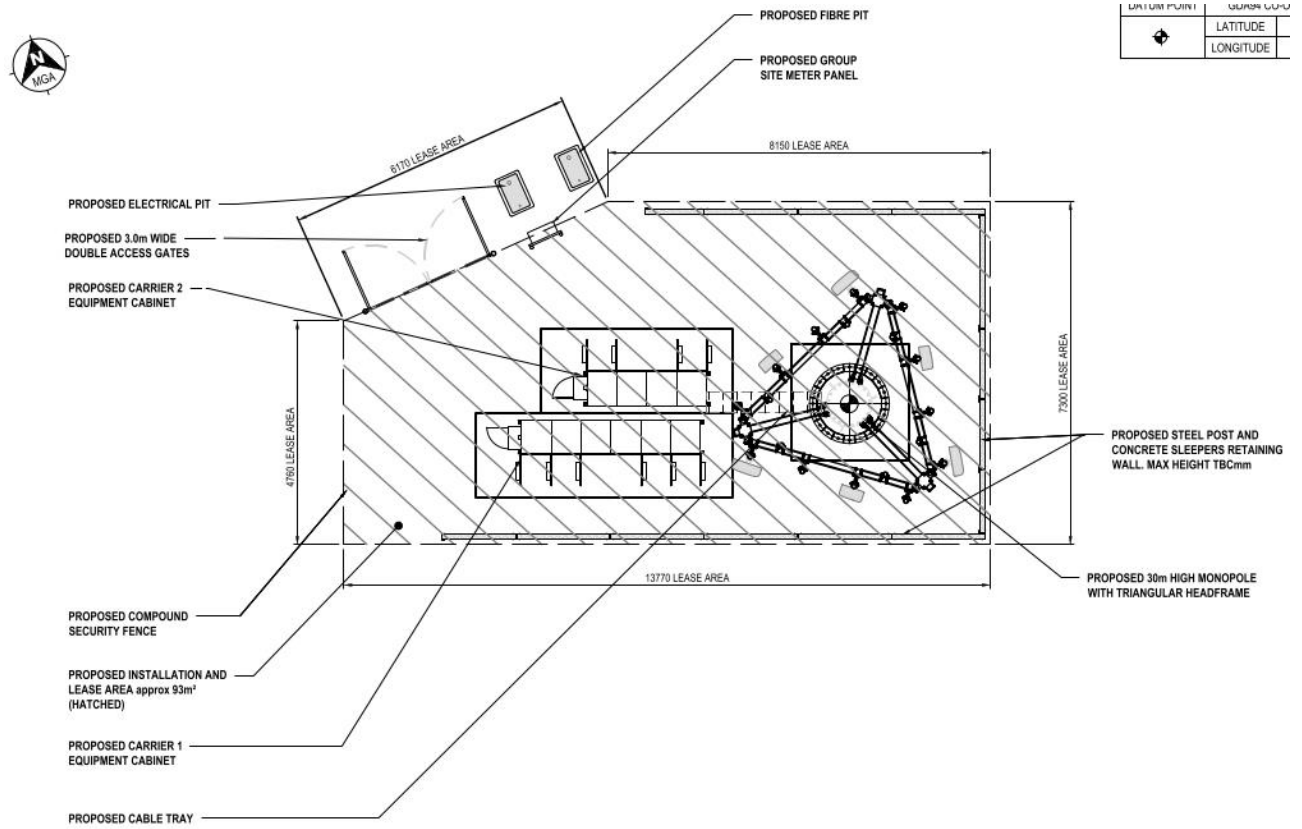


Figure 4: Telecommunications facility proposed layout

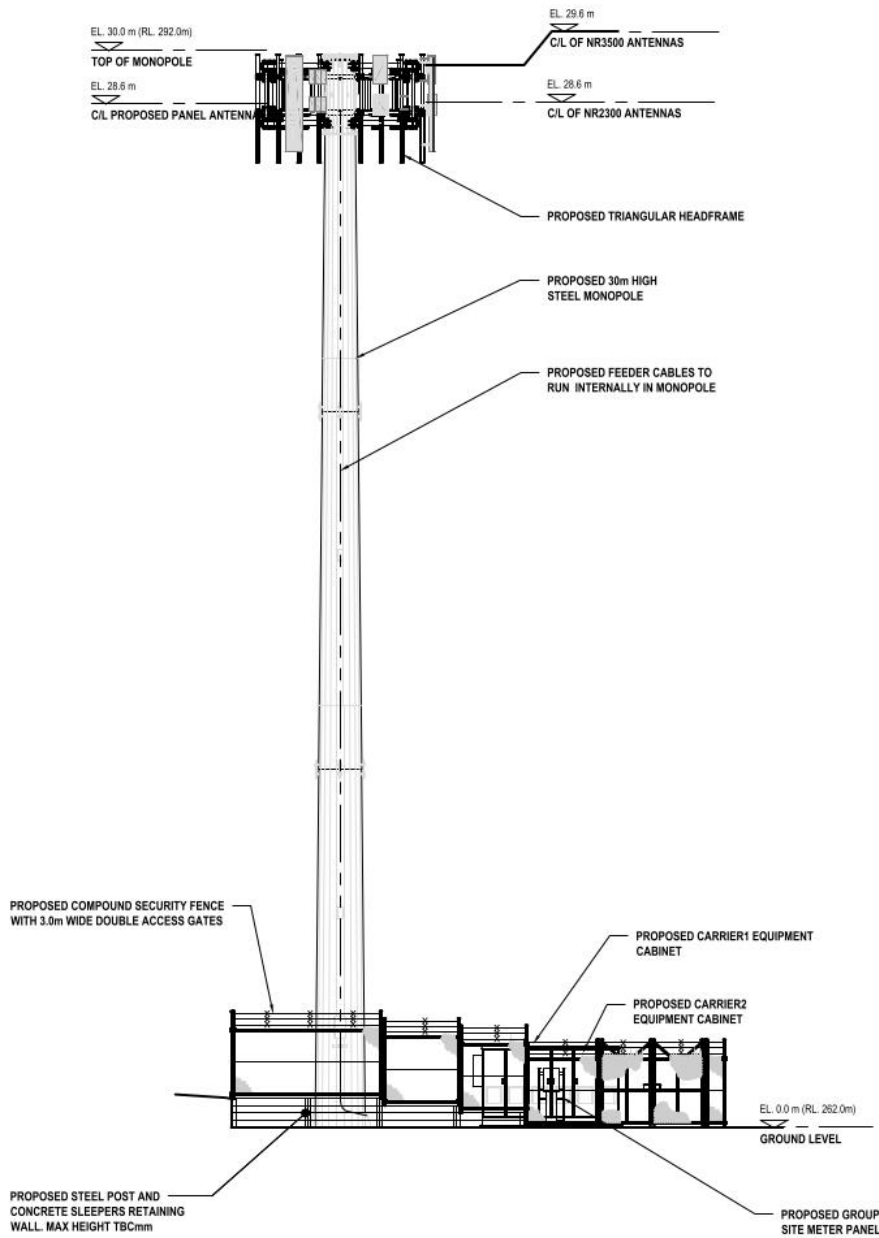


Figure 5: Northern elevation plan of telecommunication facility

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a permit needed?

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

Clause	Permit Trigger
Clause 34.01-4 Commercial 1 Zone	<ul style="list-style-type: none"> <li>Construct a building or construct or carry out works.</li> </ul>

Clause	Permit Trigger
Clause 52.19-1 Telecommunications facility	<ul style="list-style-type: none"> <li>Construct a building or construct or carry out works for a telecommunications facility.</li> </ul>

**Note:** No permit is required to use the land for a telecommunications facility as this is exempt under Clause 62.01: Uses not requiring a permit.

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

Municipal Planning Strategy

- 02.03 Strategic directions
- 02.03-1 Settlement
- 02.03-5 Built environment and heritage
- 02.03-7 Economic development
- 02.03-9 Infrastructure
- 02.04 Strategic framework plans

Planning Policy Framework

- 11.03-1S Activity centres
- 11.03-1L Activity centres – Greater Bendigo
- 13.07-1S Land use compatibility
- 15.01-1S Urban design
- 15.01-5S Neighbourhood character
- 17.02-1L Business – Greater Bendigo
- 19.03-4S Telecommunications

Other Provisions

- 34.01 Commercial 1 Zone
- 52.19 Telecommunications facility
- 62.01 Uses not requiring a permit
- 65 Decision Guidelines
- 71.02-3 Integrated decision making

**Policy Context**

***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

**Secondary Council Plan Reference(s)**

Goal 7 – Sustainable population growth is planned for

**Consultation/Communication**

Referrals

The following internal department has been consulted on the proposal:

Referral	Comment
Bendigo Airport (Internal comment sought)	<p>No objection subject to conditions.</p> <p>Conditions requiring that the tower must be lit in accordance with international requirements for structures that breach the Operational Limitation Surface (OLS) for the Bendigo Airport.</p>

Public Notification

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

As a result of advertising, five (5) objections were received with the grounds of objection summarised as follows:

- Impact on residential amenity relating to visual impact of the structure due to its height and utilitarian appearance.
- Seeks to duplicate telecommunication facilities already in operation within the surrounding area.
- Health and safety concerns from exposure to electromagnetic radiation.
- Overlooking and loss of privacy associated with maintenance activities.
- Overshadowing of residential properties.
- Need for the facility.
- Carparking and traffic congestion would increase as a result of the new facility.
- Noise produced by the facility increasing noise impacts from the commercial area on residential properties.
- Repeat application seeking the same facility as previously applied for which was 'knocked back'.
- Impact to property values.



Consultation between parties was undertaken through the exchange of written correspondence. No resolution was reached as a result of this process, with no objections withdrawn.

The objections are discussed through the planning assessment, with Figure 6 showing the properties that objected to the proposal.



**Figure 6:** Objector properties (site delineated by the blue star, objectors properties delineated by red stars)

## Planning Assessment

The planning assessment for an application of this nature requires consideration of a broad range of matters. The key matters for consideration are:

- Whether the proposed telecommunications facility is supported by the relevant provisions of the Greater Bendigo Planning Scheme.
- Whether the design and siting of the proposed telecommunications facility is appropriate.
- Whether the proposed telecommunications facility will have unreasonable effects on adjacent land.
- Whether all objector concerns have been addressed.

Any application under the provisions of the Commercial 1 Zone must accord with the purpose of the zone. This is the primary basis for any decision-making process of the responsible authority.



The purposes of Commercial 1 Zone are as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

These purposes are referenced throughout the discussion below.

Whether the proposed telecommunications facility is supported by the relevant provisions of the Greater Bendigo Planning Scheme.

The purpose of Clause 52.19 – Telecommunications facility is as follows:

- *To ensure that telecommunications infrastructure is provided in an efficient and cost-effective manner to meet community needs.*
- *To facilitate an effective state-wide telecommunications network consistent with proper and orderly planning.*
- *To support the provision of telecommunications facilities with minimal impact on the amenity of the area. [Emphasis added]*

Under the decision guidelines of the zone, consideration is required to be given to applicable policy within the Municipal Planning Strategy and Planning Policy Framework. Of note to this application is the siting of the proposed telecommunications facility within the defined 'Large Activity Centre' of Strathdale.

Under the City of Greater Bendigo *Commercial Land and Activity Centre Strategy (November 2015)*<sup>1</sup>, a Large Activity Centre is described as follows:

*These centres provide a range of economic, social and some civic activities, together with goods and services to meet the daily and weekly needs of their suburban catchments. Some are town centres while others are larger suburban centres strategically located around the city on or adjacent to arterial roads. Some include 'destination based retailing' that draws people from a much larger catchment. They are connected to one another, and to the City Centre, by the urban bus system, while some also have a train station which encourages regional connections.*

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<sup>1</sup> The Commercial Land and Activity Centre Strategy is listed as a Policy Document to Clause 11.03-1L: Activity Centres – Greater Bendigo within the Greater Bendigo Planning Scheme.

These centres form the second layer in the activity centres hierarchy within the City of Greater Bendigo (behind the central city area). By providing for the daily and weekly needs of their suburban catchments, they are envisaged to be well-utilised locations within the urban structure of Bendigo. The supporting infrastructure needs for these areas are therefore imperative for their success.

This is supported by policy contained within Clause 19.03-4S: Telecommunications which seeks '*To facilitate the orderly development, extension and maintenance of telecommunications infrastructure*'. A key strategy under this objective is to:

*Ensure that modern telecommunications facilities are widely accessible and that the telecommunications needs of business, domestic, entertainment and community services are met.*

The applicant has indicated that there is at present a lack of appropriate telecommunications service within the Strathdale Large Activity Centre, in particular within both Strath Village and Kennington Village shopping centres. This lack of service results in both customers and businesses alike experiencing low (or no) mobile phone reception within the respective buildings. The positioning of the proposed telecommunications facility has been located within an appropriate location to rectify this service shortfall.

The proposal is also designed to facilitate co-location of a number of different service providers (i.e. Telstra, Optus, Vodafone or others) on the same tower. This approach seeks to avoid numerous telecommunications towers being constructed within the same location. This approach is encouraged by the strategy under clause 19.03-4S to:

*Co-locate telecommunications facilities wherever practical.*

A number of objectors raised concerns about the existing telecommunications facilities in the area and that there was therefore no need for a new site to be established. The closest existing facility to the site is at 108 Lowndes Street, 500 metres to the north, operated by Telstra. This service is only 14 metres above ground level and is not sufficient to service the internal areas of both shopping centres. The next closest facility is 1 kilometre to the south on a high voltage transmission tower and is of no benefit to either shopping centre.

To supplement this poor service, there are a number of 'In Building Communication' (IBC) facilities in the immediate area (both to the south, one in the Ambulance Victoria building and the other in the Bendigo Telco building). The presence of these facilities provides further weight to the need for the proposed telecommunications facility as these building owners have had to provide their own service to supplement

their operations. The in-building nature of these services provides no benefit to the wider area.

A balance in telecommunication facility delivery is required in respect to any potential impacts to the environment. This is required by the following strategy:

*Ensure a balance between the provision of telecommunications facilities and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.*

The proposed facility has been located within an area to the rear of the existing Strath Village shopping centre adjacent to the building's main loading dock. As an existing service area, there is little environmental value in this space. Planted vegetation exists along this interface with residential properties to the southeast. This vegetation is not proposed to be impacted in any way, with the existing topography of the area to be maintained.

The proposed telecommunication facility is located 60 metres from the nearest residential boundary (85 metres from the rear wall of the dwelling at 18 Bolton Drive, Strathdale). Policy at Clause 15.01-1S: Urban design seeks to:

*Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*

This strategy does not seek to avoid impacts, only requiring that they be minimised. As a starting point in assessing whether this has been met, it is relevant to note the earlier application for a telecommunications facility in this location, DP/110/2023<sup>2</sup> sought approval for the same facility to the rear of Kennington Village. It was subsequently withdrawn due to access constraints. This previous location was positioned approximately 40 metres from the rear walls of the dwellings at 16 and 18 Bolton Drive.

By relocating the telecommunication facility further away from residential properties the proposed facility was able to benefit from a number of improvements to the proposal in relation to the strategy above. Firstly, it was able to benefit from additional screening from the residential properties by the existing vegetation within the Strath Village site. Secondly, by a reduction in the relative height of the tower

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<sup>2</sup> This application was lodged by the same applicant as this current application. It was subsequently withdrawn following negotiations with the body corporate for Strath Village for access to the site. These negotiations identified a better location within the Strath Village site in relation to access and also increased the distance between residential properties and the tower, which had been raised as an issue by objectors to the earlier permit application.

through construction on land that is lower than the land that is to the rear of Kennington Village. Thirdly, through the doubling of the distance between the tower and residential properties.

When these policy outcomes are considered in concert, it is officer assessment that the proposal satisfies the policy intent of the Municipal Planning Strategy and Planning Policy Framework.

Whether the design and siting of the proposed telecommunications facility is appropriate.

The utilitarian nature of the proposed tower was raised as a point of objection in a number of the submissions received. This was in relation to visual impact concerns for residents who will be able to see the structure from their rear private open space areas as they look out to the north-west.

Clause 15.01-2S: Building design seeks *'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development'*. Key strategies as they relate to this proposal are as follows:

- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Encourage development to retain existing vegetation.*

Whilst the objectors' concerns in this matter are valid, the proposed building design must be assessed in a broader sense. The visibility of this proposed tower will likely be limited to the private open space of only 4 to 5 dwellings located on Bolton Drive.

In a broader context, the applicant has sought to ensure that the proposed tower is located in a site that is as far removed as possible from the public domain. It is proposed within a service loading area to the rear of the existing Strath Village shopping centre. This area is to the southeast of the existing building and is as far removed from both Condon Street and Edwards Road as is possible within the site. It is located adjacent areas of existing vegetation, which are all proposed to be retained.

The tower structure itself is narrow in stature, with the proposed antenna panels located at the top being the main feature that will be visible. These panels are sized to the minimum dimensions necessary to do the task they are designed to achieve.

As such, there is no scope to further reduce the visual impact of the tower. There is also no better site for the tower to be located when balancing both public and private visual impact.

Officer assessment is that the design and siting within Strath Village shopping centre site is appropriate.

Whether the proposed telecommunications facility will have unreasonable effects on adjacent land.

Under Clause 52.19; Telecommunication facilities, the responsible authority is required to consider whether there will be any unreasonable effects on adjacent land. In relation to this application, this is in relation to all potential amenity impacts raised by objectors within their submissions. The following section provides discussion on potential noise, traffic, privacy and overshadowing impacts that have been raised as areas of concern.

*Noise*

A number of objectors raised concerns with the potential noise impacts from the proposed facility, and with noise impacts from construction activities.

The applicant has provided further information as to the noise impacts from the operation of the facility. The facility will comprise of two main components, the tower structure and a building containing the required electronic equipment.

The tower itself will not produce any noise, with no moving plant. The panels themselves do not generate noise when in operation.

The building will house electronic equipment in the form of computer server racks and computer systems. These systems produce noise that is not perceivable external to the building. To maintain operating temperatures for the building, air conditioning equipment is required to be installed. This equipment is identified as standard air conditioning equipment that is common on residential properties.

The nature of the equipment proposed is not out of the ordinary for the area. The equipment will not be audible above the ambient noise levels of the site, especially noting the 80 metres plus that separates the air conditioners from the nearest dwelling.

Construction activities will have the potential to generate noise that will be audible at the nearby dwellings. It must be noted that construction activities occur all over the municipality on a daily basis, with the works required here no different. These construction activities will occur during daylight hours and are not expected to extend

beyond a couple of months. A Construction Management Plan will be required that will ensure noise impacts from construction activities are controlled in accordance with standard EPA requirements.

### *Traffic*

Some objectors raised concerns that the traffic generated by the facility would impact the operation of the surrounding road network.

The facility will not be manned once constructed. It will be visited a couple of times a year by 2 personnel to undertake periodic inspections. This level of traffic generation is negligible and will not impact the operation of the surrounding road network.

The greatest traffic impact associated with the development of the site will occur during construction. These impacts are also deemed to be negligible when compared against the existing traffic generation of the two shopping centres.

### *Privacy*

A number of the objectors raised concerns with privacy and overlooking from the tower into their individual properties.

There will be a direct line of sight between the top of the tower and the rear areas of 4 to 5 dwellings. These views range in distance from 80 metres through to 110 metres.

The opportunity for these direct views to occur would only result when someone is at the top of the tower. Ready access to this area is not provided. All maintenance activities at the top of the tower will be controlled activities and occur infrequently. Maintenance personnel will not be allowed to dwell at the top of the tower to enjoy the view, and when up there will be focused on their task. These maintenance activities are no different to what occurs on the adjoining shopping centre roof or that of any neighbouring property.

### *Overshadowing*

Objectors raised concerns that the tower would overshadow their properties.

The proposed tower is 30 metres high. It is proposed a minimum distance of 80 metres from the nearest dwelling to the northwest. The structure itself is minimal and would not cast a large shadow.

Due to the distance between the tower and the nearest dwelling, the likelihood of any shadow being cast on a residential property is minimal. It would be confined to a brief few minutes just prior to sunset in the winter months. This impact is negligible.

Officer assessment is that there are no unreasonable effects on adjoining land from the proposed development of the telecommunications facility on this land.

Whether all objector concerns have been addressed.

#### *Repeat application*

Objectors raised issues with the repeat applications being lodged for the same proposal, stating that the previous application had been 'knocked back'. Objectors stated that if the previous application has been 'knocked back' why were they allowed to lodge a fresh application.

For clarity, the previous application had not been 'knocked back' (refused). The previous application was withdrawn by the applicant on their own for commercial reasons. This decision was two-fold, to provide improved access to the facility and in consideration of some of the relevant planning matters raised through the notice process for the earlier application.

It is also noted that this application is materially different to the first application, as it relates to a different property and location for the proposed facility.

#### *Level of electromagnetic radiation*

The majority of objectors raised concern with electromagnetic radiation exposure from the proposed tower within their respective properties.

This aspect of the proposal is not a valid planning consideration in assessing this application. It has not, and cannot, be considered as part of this proposal.

Electromagnetic Radiation is regulated by the Australian Government's Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). Specifically, the facility must comply with the *Radiation Protection Series S-1 (Rev. 1)* which relates to the 'Standard for Limiting Exposure of Radiofrequency Fields – 100 kHz to 300GHz'.

Whilst not required to support this planning application, the applicant indicated that the proposed facility easily complies with this standard. This is demonstrated by the facility only emitting up to 2% of the allowable Electromagnetic field allowable under this standard.

### *Impact on property values*

It is a well-established principle of planning permit application assessment that the potential/perceived impacts on property values is not a valid planning consideration. As such, no assessment of this objector concern is possible without any valid evidence.

### *Summary*

Whilst the concerns raised by objectors are reasonable, they are not considerations that can be considered in a planning context. Officer assessment is that the proposal has adequately responded to these concerns.

### **Conclusion**

Officer assessment is that the application should be supported, subject to the conditions contained at the end of this report.

The application has come before Council for decision due to the number of objections raised throughout the assessment of the proposal. Objector concerns are detailed above and have been addressed throughout the subsequent discussion in this report.

The proposal seeks to construct a telecommunications facility within an identified Large Activity Centre within Strathdale that has identified issues with mobile phone service coverage. The development of this tower is proposed to collocate a number of service provider infrastructure to support the commercial activities within this defined activity centre.

The tower has been sited to minimise all impacts to both the surrounding public and private domains to the greatest extent possible. A small number of dwellings will be visually impacted by the proposal, but to a level that is not unreasonable within this urban context.

The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, Commercial 1 Zone, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme.

### **Options**

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



## **Conflict of Interest**

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

## **Proposed Notice of Decision Conditions**

### **1. NO LAYOUT ALTERATION**

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

### **2. OBSTACLE LIGHTING**

The Tower Mast must be a lit in accordance with the Obstacle Marking Standards contained within the Manual of Standards Part 139 – Aerodromes (MOS139) immediately upon erection of the monopole tower.

The installed lighting must be maintained to the satisfaction of the responsible authority.

### **3. GENERAL DRAINAGE**

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

### **4. AMENITY OF THE LOCALITY**

The facility permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the emission of noise, artificial light or vibration.

### **5. CONSTRUCTION MANAGEMENT PLAN**

Prior to commencement of works the owner or applicant must submit a Construction Management Plan (CMP) for approval by the responsible authority. This plan shall include, but not be limited to:

- (a) A site specific plan showing proposed erosion and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention.
- (e) Management of noise impacts associated with construction activities
- (f) Management of traffic related impacts associated with construction activities

During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority and the Environment Protection Agency.

6. EXPIRY OF PERMIT

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

**Permit Notes:**

ELECTRO MAGNETIC EMISSIONS

The facility must comply with *Radiation Protection Series S-1 (Rev. 1) – Standard for Limiting Exposure of Radiofrequency Fields – 100 kHz to 300GHz*, ARPANSA, Feb 2021 or any subsequent standard.

**Attachments**

Nil

### 16.3. O'Keefe Rail Trail Plan

Author:	Matthew Kerlin, Coordinator, Strategy and Policy
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

#### Purpose

To inform Council of changes made to the O'Keefe Rail Trail Plan following community engagement and seek adoption of the Plan.

#### Recommended Motion

That Council adopt the O'Keefe Rail Trail Plan.

#### MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

#### Resolution No. 2024-111

**CARRIED**

#### Executive Summary

The O'Keefe Rail Trail Plan (the Plan) has been developed to guide the ongoing development and management of the O'Keefe Rail Trail and to promote increased usage by local residents and visitors to the region.

Key actions and elements of the draft Plan include:

- Improving amenities along the Rail Trail (toilets, drinking fountains, wayfinding signage and seating)
- Improving safety along the Rail Trail (improved road crossings at high traffic areas, reviewing areas of shared use with motor vehicles)
- Ongoing management including detailing how the City will manage and maintain the Rail Trail along with confirming a commitment to continue working with the Friends of the Bendigo Kilmore Rail Trail (FBKRT)
- Ongoing marketing and promotion of the Rail Trail
- Defining level of infrastructure and maintenance service standards to help clearly define the expectations for the Rail Trail.

A draft version of the Plan was released for community engagement for a period of four weeks in February and March 2024, which resulted in the following key changes to the Plan:

- A greater emphasis on the importance the O’Keefe Rail Trails in supporting biodiversity values, including a number of new actions linked with the City’s Biodiversity Strategy and Action Plan (2023-2033).
- A broader consideration on reducing conflicts at road crossings on the section of the trail between the Bendigo Creek Trail and Junortoun.

## **Background**

The O’Keefe Rail Trail is one of the City of Greater Bendigo’s primary nature-based attractions for both local residents and visitors to the region. The 49km long rail trail is located along the decommissioned rail corridor between Bendigo and Heathcote, passing through Axedale.

Although the trail’s surface is mostly sandy gravel, there are small sections of asphalt. The rail trail is used by a wide variety of local residents and visitors for walking, cycling, trail running and horse riding in some sections. Key attractions along the rail trail include Bendigo, Axedale, the Campaspe River, Lake Eppalock, Heathcote, replica railway stations, an original railway wagon and peaceful bush and farm vistas.

The original railway line on which the O’Keefe Rail Trail is constructed, was developed by Andrew O’Keefe in 1887 using funds from the Victorian Railways and opened in October 1888. The line featured 13 stations and platforms (not all operational over the life of the line) and 50 bridges. Due to the proposed construction of Lake Eppalock across a section of the railway line, along with a decline in service demand and maintenance neglect, the line was permanently closed in December 1958.

A 19km stretch of the O’Keefe Rail Trail was initially constructed between Bendigo and Axedale in the early 1990’s over a number of years and was officially opened in 1993. In 2015, the trail was extended an additional 30km to Heathcote.

At a regional trail level, the O’Keefe Rail Trail connects with the 65km trail that circles Bendigo, the Bushland Trail, and indirectly links with the 210km long Goldfields Track that extends south of Ballarat via Castlemaine and Daylesford. There are also plans to potentially develop a link from Heathcote to Rushworth in the east and Kilmore and Wallan in the south.

Part of the O’Keefe Rail Trail around Knowsley has been constructed on private farming land. There is a legally binding licence agreement with a number of

landowners outlining, should these landowners choose to sell their property in the future, the City of Greater Bendigo will have first right of refusal.

An economic impact study that was conducted in 2016 determined that the average domestic overnight expenditure by users of the O'Keefe Rail Trail was \$134 per person and was \$123 for domestic day visitors. The study stated that the overall annual benefit to the region in 2016 was \$669,000.

Usage of the O'Keefe Rail Trail has grown strongly with usage by bike riders doubling since 2016 (12,700 to 26,735), while walking usage in 2023 was its highest (at 20,540) of the three years data we have. Data is currently measured at Cashens Road, with a safe assumption that there is additional usage along the trail at different points such as Axedale and Heathcote.

The City has made a significant financial investment into the O'Keefe Rail Trail over the years, supported by a significant amount of volunteer support from the Friends of the Bendigo Kilmore Rail Trail (FBKRT).

Previous Council decision dates:

*26 February 2024 - That Council release the draft O'Keefe Rail Trail Plan for a minimum period of four weeks for the community to review and provide feedback on the plan.*

## **Report**

The Rail Trail is already well established both locally and as a tourist destination, with significant infrastructure and investment already having occurred to develop it into what it is today. The draft Plan looks to build on this solid foundation to guide the ongoing development and management of the O'Keefe Rail Trail and to promote increased usage by local residents and visitors to the region. To ensure that the Rail Trail can achieve its full potential as a recreational and tourist trail and at the same time be sustainable, this plan outlines some key actions to improve the way the rail trail is governed, managed, maintained, promoted, funded, activated and evaluated.

Key actions and elements of the draft Plan include:

- Improving amenities along the Rail Trail (toilets, drinking fountains, wayfinding signage and seating)
- Improving safety along the Rail Trail (improved road crossings at high traffic areas, reviewing areas of shared use with motor vehicles)
- Ongoing management including detailing how the City will manage and maintain the Rail Trail along with confirming a commitment to continue working with the FBKRT

- Ongoing marketing and promotion of the Rail Trail
- Defining level of infrastructure and maintenance service standards to help clearly define the expectations for the Rail Trail.

Significant community engagement was first undertaken in 2020 with the draft Plan developed in 2021 before work on the project was paused, refined and finalised in partnership with the FBKRT in 2023.

Development of the plan also considered existing strategic documents of the City, including the engagement that informed those, with actions included from the Greater Bendigo Public Space Plan and Greater Bendigo Public Toilet Strategy, while an action of the Walk, Cycle Greater Bendigo Strategy was to develop a sustainable trail plan for the O'Keefe Rail Trail.

Council resolved in February 2024 to release the draft Plan for a period of community engagement, which was undertaken over a 4 week period with signage posted along the length of the Trail, media release, social media, targeted engagement with key stakeholders and previously interested community members undertaken as part of the engagement process.

Key questions as asked as part of the engagement were:

- What's good about the Trail?
- What's missing from the Trail?
- Any other feedback?

The majority of the feedback was positive with regards the existing trail and the plan, with a number of comments echoing key challenges previously identified and already included in the Plan.

Two key themes emerged from the engagement period that have resulted in significant changes to the Plan, with the community requesting that a greater acknowledgement of the role the Trail plays in supporting positive biodiversity outcomes be included and the need for all road crossings between Bendigo and Junortoun be reviewed to ensure safer crossings for pedestrians and bike riders.

Key changes with regards biodiversity include the inclusion of a dedicated Biodiversity section within the document at 6.0, which reflects the important role the trail plays and the great work that a number of community groups play within this space. While four new prioritised projects were included that relate improving biodiversity outcomes along the trail.

For safer crossings between Bendigo and Junortoun the priority for the McIvor Road crossing was increased from medium to high, while a new action to review all other

minor road crossings between Bendigo and Junortoun as part of the City's Protected Walking and Cycling Network program was added.

### ***Priority/Importance***

The Plan will ensure that a clear, proactive and planned approach is taken to the ongoing development and management of the O'Keefe Rail Trail and to promote increased usage by local residents and visitors to the region.

The recommendations and content of the Plan will also help create clarity with the City and key stakeholders, and reaffirm the City's commitment to working with the FBKRT.

### ***Options Considered***

Council may adopt the O'Keefe Rail Trail Plan or alternatively seek amendments or further information and/or work from officers prior to considering it for adoption.

### ***Timelines***

Following adoption, officers will utilise the Plan to inform next steps for the Rail Trail. The key next step is development of an MOU with the FBKRT.

### ***Communications/Engagement***

To ensure that relevant issues and opportunities were identified and so that a sustainable management plan could be developed, engagement was undertaken with several key stakeholders and the broader community in late 2020, with further engagement undertaken with the FBKRT and via user surveys in an ongoing manner since.

The first round of engagement included:

- 7 written submissions from individual community members or groups
- 290 completed community surveys
- 4 surveys from tourism operators located near the rail trail
- 22 participants involved in key stakeholder meetings (FBKRT; City of Greater Bendigo staff; Department of Energy, Environment and Climate Action (DEECA); Parks Victoria; Sport and Recreation Victoria; Department of Transport and Planning and Coliban Water).

The second round of engagement, undertaken in February-March 2024, which was designed to receive feedback on the draft report, included:

- 31 survey responses

- 7 written submissions from individual community members, groups and organisations, (including FBKRT, Junortoun Community Action Group, Rail Trails Australia).

Some of the key areas identified included:

- Positive aspects of the rail trail, e.g. safe off-road cycling and walking experience away from cars; bush environment; relatively flat surface; and opportunities for short loops
- Suggested infrastructure upgrades, e.g. toilets and drinking water
- Mapping and signage
- Promotion, marketing and development of packages / experiences
- Potential safety issues, e.g. Bobs Street and Mclvor Road crossings
- Potential realignments and extensions to the trail
- Usage data
- Potential governance, management and maintenance improvements.

These issues and opportunities have been considered and formulated into the actions and elements contained within the draft Plan. A background report was also prepared which incorporates the evidence base behind this plan, i.e. community engagement analysis and a literature review.

In addition to community engagement, the results of previous evaluation reports, surveys (including ongoing visitor experience surveys) and plans (e.g. information about road crossings and lack of signage in specific areas) were also considered and helped to formulate key action areas.

### **Financial Sustainability**

The implementation of the Plan is subject to future budget and resourcing allocations. Budget bids will be generated and administered through the City's budgetary process. There is an acknowledgement of the City's constrained financial environment and where appropriate officers will work to support any projects with grant funding.

The draft Plan also identifies a number of advocacy projects that will need to be delivered by partners, such as the Department of Transport and will be dependent on their future budget and resource availability also.

From a long-term perspective, with regards the extension from Heathcote to Wallan, the majority of the trail extension sits within Mitchell Shire who will be the appropriate lead for development. Mitchell Shire have previously acknowledged that there are further challenges to work through within their municipality and when Mitchell Shire Council endorsed the feasibility study they committed to progress further engagement, planning, feasibility and investigations.



## **Risk Assessment**

The plan mitigates the chances of inappropriate assets being developed along the Rail Trail. Failure to adopt the plan may lead to ongoing, haphazard planning and implementation of improvements, and a disconnected or uneven level of service for the Rail Trail.

Primary risks associated with the draft Plan include the failure to adequately fund the implementation and the need to ensure that partners deliver works along the Rail Trail that are consistent with the vision for the Rail Trail.

## **Policy Context**

### ***Primary Council Plan Reference***

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
Outcome 2 - Healthy, liveable spaces and places  
Outcome 3 - Strong, inclusive and sustainable economy

### ***Secondary Council Plan Reference(s)***

Goal 1 - Strengthened community health and wellbeing  
Goal 3 - Everyday walking and cycling is easier for all ages and abilities.  
Goal 5 - A strong vibrant tourism sector

### ***Other Reference(s)***

- [Greater Bendigo Public Space Plan \(2019\)](#)  
Action: Support the extension of the O'Keefe Rail Trail from Heathcote to Kilmore
- [Greater Bendigo Public Toilet Strategy \(2017\)](#)  
Recommendation: Investigate a location for a new public toilet in along the O'Keefe Trail
- [Walk, Cycle Greater Bendigo \(2019\)](#)  
Action 1.3: Progress and/or prioritise planning and implementation of key walking and cycling infrastructure projects
  - Develop sustainable plans for existing regional trails
- [Greater Bendigo Biodiversity Strategy and Action Plan \(2023-2033\)](#)

## **Conflict of Interest**

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

**Attachments**

1. O' Keefe Rail Trail Plan [**16.3.1** - 28 pages]
2. O' Keefe Rail Trail Plan Engagement Summary 3 April 2024 [**16.3.2** - 5 pages]

## 16.4. C263gben Marong Structure Plan

Author:	Alison Kiefel, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

### Purpose

This report seeks consideration of the Panel Recommendations and City officer responses for Planning Scheme Amendment C263gben and recommends that the updated Amendment C263gben is adopted by Council and submitted to the Minister for Planning for approval.

### Recommended Motion

That Council:

1. Having considered the Planning Panel report and the Panel Recommendations for Amendment C263gben provided at Attachment 1, endorses the officer's response to the issues and recommendations as outlined in this report.
2. Adopts Amendment C263gben in accordance with Section 29 of the *Planning and Environment Act 1987*, with changes as reflected in the final Amendment C263gben documentation provided at Attachment 2.
3. Adopts the revised Marong Township Structure Plan (June 2024) and revised Heritage Citations (June 2024) at Attachment 3.
4. Submits the adopted Amendment C263gben, together with the prescribed information, to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*.
5. Advises parties who made written submissions to Amendment C263gben of Council's decision.

### MOTION

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Williams

### Resolution No. 2024-112

**CARRIED**

### Executive Summary

Amendment C263gben proposes to implement the Marong Township Structure Plan (June 2024) and the Marong Flood Study 2018 by:

- Revising the Planning Policy Framework in the Greater Bendigo Planning Scheme to make policy changes including a new local places policy for Marong;
- Making several rezoning changes to land within and adjoining the existing township, including from the Township Zone to more specific residential and commercial zones; and
- Applying the Heritage Overlay, Design and Development Overlay, Development Plan Overlay and Flood Overlays to land within the township and the surrounding area.

The Amendment has met the requirements for the relevant Ministerial Directions and *Planning and Environment Act 1987*, including public exhibition of the Amendment for six (6) weeks from 25 May to 7 July 2023. A total of 34 submissions were received, including two late submissions following consideration of 32 submissions by Council on 23 October 2023.

At this meeting, Council resolved to request an independent planning panel to consider all submissions. A directions hearing was held in November 2023, and a four day panel hearing was held in February 2024 (both online and in person at Galkangu, Bendigo).

The Panel report was publicly released on 28 March 2024. Overall, the Panel was complimentary of the Amendment and proposed changes to address the submissions received. The majority of changes proposed by the City were supported with minor modifications by the Panel.

Officers recommend adopting the Amendment with changes as per the Panel recommendations. Refer to Attachment 4 for specific details on the changes to the amendment documentation.

## **Background**

Marong is located approximately 15 kilometres west of the Bendigo City Centre. The township supports a large rural hinterland for public and private services and infrastructure. Marong is positioned at a key State and regional road transport corridor intersection with three major highways (the Calder, Calder Alternative and Wimmera Highways) converging at the township. These important transport networks provide connections between Melbourne, Mildura, Swan Hill, Echuca and other northwestern regions. The former Bendigo to Inglewood broad gauge railway also traverses east-west through the township. This railway is currently not operational.

The Marong Township Structure Plan was prepared to accommodate population growth and development in accordance with City of Greater Bendigo strategic

policies. Marong has long been identified for growth through the *Bendigo Residential Development Strategy 2004*, and the subsequent revised *Greater Bendigo Residential Strategy 2014*, which recommended that Marong be planned as a self-contained, satellite township accommodating a population of 8,000 people. The proposed residential growth precincts in Marong will provide for continued population growth that will meet existing market demand and provide greater housing diversity within the municipality.

To inform the Marong Township Structure Plan, the North Central Catchment Management Authority (NCCMA) prepared the *Marong Flood Study* (November 2018), and the City of Greater Bendigo engaged a consultant to prepare the *Marong Heritage Citations 2018*. The Marong Township Structure Plan, together with these two studies, have informed the proposed Amendment C263gben.

Amendment C263gben proposes to make the following changes to the Greater Bendigo Planning Scheme (the Scheme):

- Rezone land within Marong from Township Zone to more specific residential and commercial zones, including the Neighbourhood Residential Zone.
- Rezone public land used for recreation, sport and vegetation conservation to Public Park and Recreation Zone or Public Conservation Resource Zone.
- Rezone land in the Fletchers Creek Road area to apply a new schedule to the Low Density Residential Zone.
- Remove the existing Development Plan Overlay Schedule 6, Townships, from Marong and delete it from the Scheme.
- Apply overlays to guide development, protect historical places and identify land subject to flooding, including through the introduction of the Floodway Overlay to the Scheme.
- Insert a local area policy for Marong with strategies to achieve the outcomes sought by the *Marong Township Structure Plan* and to identify four future residential growth precincts to the east, west and south of the township.
- Amend existing local policy relating to activity centre classification and commercial floor areas, floodplain management and the walking and cycling network.
- Amend operational provisions to introduce incorporated and background documents, new map pages and revise further strategic work clauses to reflect the work undertaken as part of this amendment.

Amendment C263gben is the first in a sequence of likely planning scheme amendments to support the future growth of Marong. Other projects currently underway include:

- The preparation of a Development Contributions Framework for Marong by City officers.

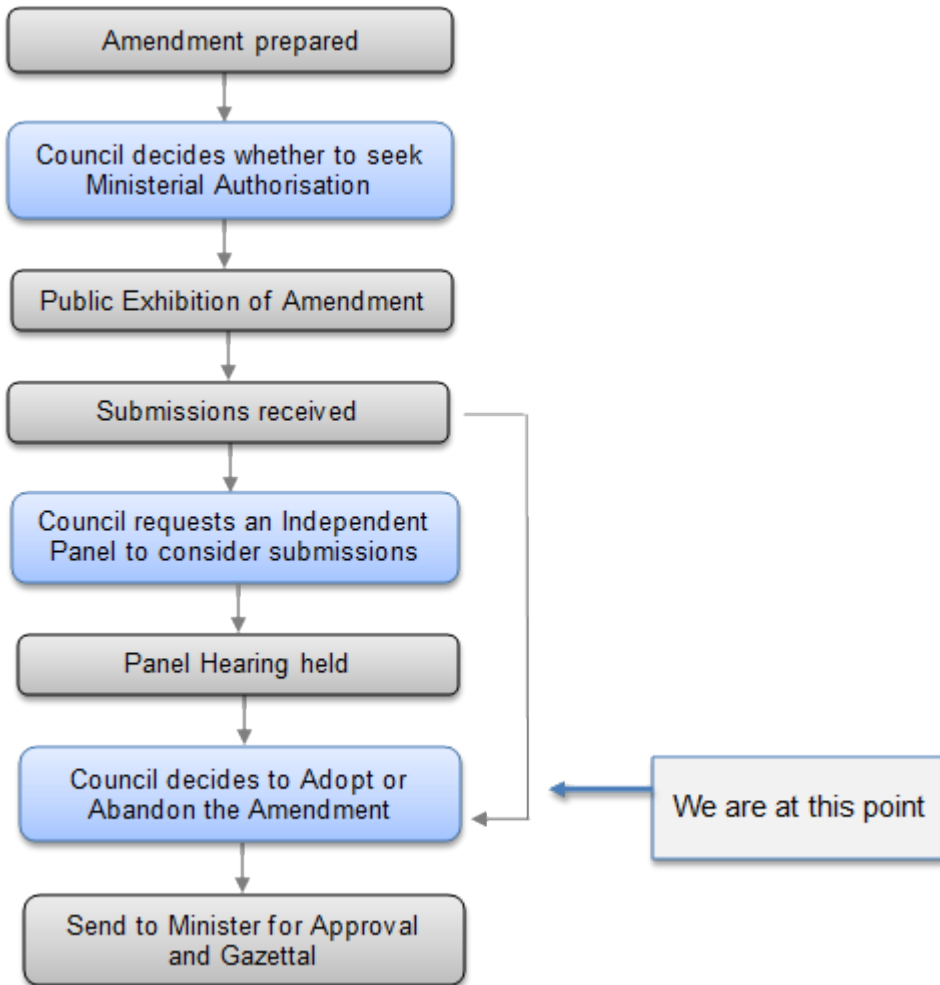
- Planning for the Bendigo Regional Employment Precinct (BREP) by the Victorian Planning Authority.
- Planning for the Marong Western Freight Corridor by the Department of Transport and Planning – Transport.
- The rezoning of the residential growth precincts in accordance with the City's Private Amendment policy.

Since the Marong Township Structure Plan was adopted in 2020 the City has purchased 155 hectares of land within a broader 294 hectare precinct to the south of the Marong township to progress the BREP. The Minister for Planning appointed the Victorian Planning Authority (VPA) as the Planning Authority for BREP and since then City officers have worked with the VPA to progress the planning for the precinct, with stakeholder engagement and technical background reports being undertaken.

Amendment C263gben was submitted to the Department of Transport and Planning (DTP - Planning), (previously the Department of Environment, Land, Water and Planning) on 4 August 2022. Authorisation to prepare the Amendment was received with conditions on 31 October 2022.

Amendment C263gben was publicly exhibited for six (6) weeks from 25 May to 7 July 2023, and a total of 34 submissions were received to the Amendment. In general, the Amendment received support and several submitters sought progression of the project as soon as possible. No objections were received to rezoning the existing township area, the introduction of flooding controls, the application of the Neighbourhood Residential Zone or the expansion of the Commercial 1 Zone.

At its 23 October 2023 meeting, Council resolved to request the Minister for Planning to appoint an independent planning panel to consider all submissions to the Amendment.



Previous Council decision dates:

- |                   |  |
|-------------------|--|
| 16 September 2020 | Adopted the Marong Township Structure Plan and sought authorisation from the Minister for Planning to prepare and exhibit planning scheme amendment C263gben. Specifically that Council: <ol style="list-style-type: none"> <li>1. Adopt the Marong Township Structure Plan</li> <li>2. Adopt the Marong Township Structure Plan Background Report.</li> <li>3. Seek authorisation from the minister for Planning to prepare a planning scheme amendment to commence implementation of the first stage of the Marong Township Structure Plan.</li> </ol> |
| 15 November 2021  | Requested the Minister for Planning to appoint the Victorian Planning Authority as the Planning Authority for the BREP.  |
| 3 May 2023        | Removal of the proposed Vegetation Protection Overlay within Amendment C263gben under delegation.  |

23 October 2023

Council considered submissions received to Amendment C263gben and resolved to request the Minister for Planning to appoint an independent Planning Panel.

Specifically that Council:

1. Having formally considered all written submissions received to Amendment C263gben, notes the issues raised by the submissions and the officer's response to those issues as outlined in this report.
2. Having formally considered the late submissions received to Amendment C263gben, notes the issues raised by the submissions and the officer's response to those issues, as outlined in this report.
3. Requests the Minister for Planning appoint a planning panel to consider submissions received for Amendment C263gben, in accordance with Part 8 of the Planning and Environment Act 1987.
4. Endorses the officer's response to the issues raised by submissions and the recommended changes to Amendment C263gben as the basis for Council's submission to the planning panel.
5. Advises those persons who made a written submission to Amendment C263gben of Council's decision.

22 January 2024

Consideration and referral of two late submissions under delegation of the Manager Strategic Planning to the Panel.

## **Report**

### Consideration of submissions

At the 23 October 2023 Council meeting, Council considered 32 submissions (including five late submissions) to Amendment C263gben, endorsed the officer's response to the issues raised by these submissions and endorsed the recommended changes to the Amendment in response to these. This included minor changes to the Amendment C263gben documentation and drafting annotations to the Marong Township Structure Plan. These changes are listed in Attachment 4. At this meeting, Council resolved to request the Minister for Planning to appoint an independent planning panel to consider all submissions to Amendment C263gben.

### Panel appointment



Following the Council meeting on 23 October 2023, the City requested the Minister for Planning to appoint a Panel on the 27 October 2023. A Panel consisting of two members, Tim Hellsten (Chair) and Shelley McGuinness was appointed on 1 November 2023.

A directions hearing was held online on 30 November 2023.

Two late submissions were received after the directions hearing, relating to properties 12 Leslie Street, Marong and 74 Barnes Road, Willsons Hill. These submissions were considered under delegation by the Manager Strategic Planning and referred to the Panel for consideration. This enabled an opportunity for these late submitters to present to Panel.

### Panel hearing

The Panel hearing was conducted in person at Galkangu (Bendigo Gov Hub) and online on Monday 12 – Thursday 15 February 2024. The Panel considered all written submissions for Amendment C263gben, conducted unaccompanied site visits and reviewed all hearing materials submitted.

The City of Greater Bendigo was represented by Maddocks Lawyers and called one expert witness, Dr Gary Hill of Minerva Heritage regarding heritage. A second expert witness, Dr Iain Cowan of Zephyr Environmental, was used to support the City's submission in relation to air quality, however as resolution between parties on this matter was agreed on Day 1 of the hearing, Dr Cowan was not called. For more details on this, refer to the further discussion below under 'Panel Hearing: Key Issues' regarding the odour buffer.

The City's submission to the Panel was in several parts as requested by the Panel. A chronology of events, conditions of authorisation and procedural matters were circulated to parties on 29 January 2024 (Part A submission). This included details of proposed changes to the Marong Township Structure Plan and Amendment C263gben in response to submissions. During the Panel a further submission which documented the verbal presentation by the City's representatives was submitted. This focussed on the issues and response to submissions (Part B submission). The Panel sought further clarification of items which was provided by the City at the conclusion of the Panel (Part C). A list of all changes to the amendment documentation throughout the amendment process has been collated and detailed in Attachment 4 to this report.

### Panel report: Summary of Panel findings and recommendations

The Panel report was received on 14 March 2024 and publicly released on the City's web page and Planning Panels Victoria web page on 28 March 2024. All submitters

and parties to the Panel hearing were notified via email of the Panel report's public release.

A copy of the Panel report is provided in Attachment 1.

Overall, the Panel was complimentary of the Amendment and the City's proposed changes to address submissions. The majority of changes proposed by the City in response to submissions were supported with minor modifications by the Panel.

The Panel complimented the City for its work on both the Marong Township Structure Plan and the Amendment:

*The strategic basis for the Amendment and the overall framework for the Marong TSP was broadly supported. The Panel considers that subject to addressing specific issues, the Marong TSP is sound and provides a solid foundation for the Amendment and will provide for the orderly growth of Marong. Council is to be commended for its in-house development of the structure plan and working with the community and other stakeholders to resolve key issues.*

Pages 9-10 of Amendment C263gben Panel report

In the Panel report, the Panel recommends that Greater Bendigo Planning Scheme Amendment C263gben be adopted as exhibited subject to the following:

1. Amend Clause 11.03-6L-04 as shown in Appendix F.
2. Amend Design and Development Overlay Schedules 31, 32 and 35 and Development Plan Overlay Schedule 31 as specified in Appendix D.
3. Amend the Clause 72.04 Schedule as specified in Appendix D.
4. Amend the Clause 74.02 Schedule as specified in Appendix D.
5. Amend the Statement of Significance: 1329 Calder Highway, Marong, September 2020 as shown in in Appendix E.

The Panel also recommended the following:

6. Amend the Marong Township Structure Plan as specified in Appendix D with the following additional changes:
  - a) Provide greater recognition of Aboriginal cultural heritage values and to guide appropriate planning responses to understand, protect, acknowledge and celebrate cultural heritage values and engage with Traditional Owners.
  - b) Include an additional objective under 'Medium density residential development' that allows for the development plan process for new residential development precincts to identify additional opportunities for medium density housing inappropriate locations.
  - c) Amend guideline G42 to read as follows (or similar):

*The planning for the Marong Western Freight Investigation Corridor (RD4) should be completed so that the alignment is confirmed prior to rezoning Precinct 1 or the Precinct 2 (west of Calder Alternative Highway).*

- d) Include the following additional actions in the Action Implementation Plan, and retain the lead responsibility, partners and timeframes identified in Document 53a):

*Action A11:*

*Continue to monitor and consider whether the boundaries of Precinct 1 can be extended to include the balance of parcels 1A, 1B, 1C, 1D (to McCreddons Road) having regard to resolution of:*

- *the alignment of the potential Marong Western Freight Investigation Corridor and interface with the Bendigo Regional Employment Precinct;*
- *the completion of an odour risk assessment to the satisfaction of Council and the EPA, which assesses the operations of the broiler farm at 74 Barnes Road, Marong and which demonstrates there is additional land suitable for residential development; and*
- *infrastructure and servicing constraints, bushfire management and drainage.*

*Action A12:*

*Continue to monitor whether the boundaries of Precinct 4 can be extended to include the balance of parcel 4I (to Salvarezza Road and Birchalls Road) and parcels 4K and 4J (to Birchalls Lane) having regard to resolution of:*

- *biodiversity values within the property and abutting road reserves; and*
- *infrastructure and servicing constraints, bushfire management and drainage.*

*Action A13:*

*Continue to monitor land supply and take up of residential land within Marong, including within Precincts 1-4 of the TSP. Any additional future residential development areas considered for growth beyond Precincts 1-4 will prioritise the land to the immediate west of the existing township, south of Calder Highway and east of McCreddons Road, and must demonstrate:*

- *sufficient demand for additional residential development in Marong;*
- *the suitability of the land for development, including the resolution of infrastructure and servicing constraints, bushfire management and drainage; and*
- *that the development of the land would not conflict with a potential Marong Western Freight Investigation Corridor, the operations of the broiler farm at 74 Barnes Road, Marong, the Marong Business*

*Park, the Calder Highway and the Eaglehawk to Inglewood railway line.*

7. Amend the Marong Heritage Citations (Minerva Heritage, 2018) to include the amended citation for 1329 Calder Highway, Marong with any further changes to ensure consistency with the Statement of Significance in Appendix E.

Recommended changes to the Amendment following Panel

Officers recommend supporting all the Panel's recommendations above as per the changes made in Attachments 2 and 3 and outlined in Attachment 4.

Further additional changes to Amendment C263gben include:

- Updating relevant ordinance, clauses and maps to align with changes by gazetted Amendments that have occurred to the Greater Bendigo Planning Scheme over time.
- Removing the proposed Heritage Overlay Schedule 939 (HO939), which applies the Heritage Overlay to 1320 Calder Highway, Marong, as notice was incorrectly given to a neighbouring property. The Overlay is proposed to be applied in Amendment C285gben, which was considered by Council at its meeting of 22 April 2024, and which will include a new exhibition period.

Panel report: Key issues

The Panel categorised the main submission issues as relating to matters of detail and implementation including:

- The consideration of cultural heritage and the impact of heritage controls;
- Contamination;
- The planning for the BREP and Marong Western Freight Corridor;
- Directions for housing growth including the impacts on the Scott's Gallus Lane broiler farm, bushfire buffers, BREP and planning for the western Freight Corridor on the provision of residential land supply;
- Transport and community infrastructure.

These issues are further summarised below under the following sub-headings:

- Bushfire
- Odour buffer
- Potentially contaminated land
- Native vegetation
- Aboriginal cultural heritage
- Post contact heritage
- BREP and Western Freight Corridor

- Extension of Precinct 4
- Additional growth - north of Precinct 1
- Additional growth - north of township
- Local transport infrastructure and development contributions
- Future education facility and open space provision

### *Bushfire*

Three submissions regarding the application of mandatory setbacks for bushfire were received and considered at the 23 October 2023 Council meeting.

The Panel summarises the issues as:

- Whether the guidelines and requirements of the Marong Township Structure Plan relating to bushfire are appropriate.
- Whether the mandatory bushfire buffer and exposure levels requirements are appropriate for inclusion within the proposed Design and Development Overlay Schedule 31 (DDO31), Design and Development Overlay Schedule 32 (DDO32), Design and Development Overlay Schedule 35 (DDO35) and Development Plan Overlay Schedule 31 (DPO31).

In consideration of the issues and submissions, the Panel referred to relevant Planning Scheme provisions and guidance, and the CFA's satisfactory views on the amendment.

As part of the City's recommended changes to the Amendment following submissions, changes were proposed to the controls (DDO31, DDO32, DDO35 and DPO31) that would allow consideration of a bushfire assessment by a qualified professional demonstrating that the proposal achieves bushfire exposure levels of no more than 12.5 kilowatts per square metre with a reduced setback than specified.

The Panel concluded and agreed that the proposed changes to the DDO31, DDO32, DDO35 and DPO31 put forward by the City are appropriate and supported. The Panel also advised that using the DDO or DPO to manage bushfire risk is appropriate and consistent with Planning Practice Note 64.

City officers support the Panel's recommendation to the amendment in relation to bushfire (Panel recommendation 2).

### *Odour buffer*

The panel summarises the issue as:

- How the buffer to the Scott's Gallus Lane broiler farm should be managed in the Marong Township Structure Plan.

The separation distance between the existing broiler farm and potential residential land is a complex issue and was raised in submissions.

City officers maintained support for the 1 kilometre buffer/separation distance from the broiler farm located at 74 Barners Road, Marong. This position was further supported by the EPA and expert evidence, in the absence of further testing from submitters.

A submitter sought a reduction in the separation distance and provided two expert evidence statements that both supported a significant reduction in the separation distance (approximately half of this distance). A late submission was received after the 23 October Council meeting from the broiler farm owners, which opposed a reduced separation distance.

The contention between experts related to the interpretation of the relevant guidelines and regulations, particularly given the age of the broiler farm. Representatives of the three experts met on site at the broiler farm in January 2024 with cooperation from the landowner. The week before the panel hearing, alternative wording for the Marong Township Structure Plan was proposed to the City by a submitter’s representative, that would allow for further testing and consideration of the issue at a later date. This wording was further negotiated with City officers and as a result the City’s expert witness was no longer required to be called for the hearing.

The wording agreed by parties and put to the Panel makes additions and changes to the Action Implementation Plan section of the Marong Township Structure Plan on page 91 (as shown in Figure 1 below).

	Action	Type of action	Lead responsibility	Partners	Timeframe	Resources
A11	<p>Continue to monitor whether the boundaries of Precinct 1 can be extended to include the balance of Precincts 1A, 1B, 1C, 1D (to McCreddons Road) having regard to resolution of:</p> <ul style="list-style-type: none"> <li>the alignment of the potential Marong Western Freight Corridor;</li> <li>the completion of an odour risk assessment to the satisfaction of Council and the EPA, which assesses the operations of the broiler farm at 74 Barnes Road, Marong and which demonstrates there is additional land suitable for residential development; and</li> <li>infrastructure and servicing constraints, bushfire management and drainage.</li> </ul>	Council collaboration	City of Greater Bendigo Strategic Planning	<p><u>Internal</u> Engineering</p> <p><u>External</u> EPA Coliban Water CFA DEECA DTP NCCMA Powercor</p>	Ongoing	OT + \$

Figure 1: Proposed changes to the Action Implementation Plan for the Marong Township Structure Plan

The Panel supports the proposed changes with further minor changes (Panel recommendation 6(d)), amending the first dot point to (underline added by Panel):

- the alignment of the potential Marong Western Freight Investigation Corridor and interface with the Bendigo Regional Employment Precinct;

City officers support the Panel's recommendation in relation to the odour buffer (Panel recommendation 6(d)).

#### *Potentially contaminated land*

Part of the submission by the Environmental Protection Authority (EPA) questioned whether suitable investigations had been carried out in accordance with *Ministerial Direction 1 – Potentially Contaminated Land*. The City undertook a Contaminated Land Assessment (September 2023) which found no evidence to suggest land being rezoned was potentially contaminated. The Panel agreed that the work undertaken by the City following receipt of the EPA's advice met the requirements and had no further recommendations.

#### *Native vegetation*

Following authorisation, the application of the Vegetation Protection Overlay (VPO) was removed from Amendment C263gben, however the Marong Township Structure Plan retained a section and background on vegetation with recommendations to apply the VPO to roadsides and two patches throughout the new growth precincts.

One submission identified that the background document did not provide the relevant evidence to support the patch in Precinct 4 as being of high biodiversity quality and therefore requiring retention.

In response to the submission, the City proposed to alter the wording in the Marong Township Structure Plan to acknowledge that further assessment is required to determine the vegetation's biodiversity value. The submitter's representative at Panel provided in-principle support for the proposed change.

The Panel agreed that further assessment to confirm if retention of vegetation is required in this area is warranted and supported changes to the Marong Township Structure Plan (Panel recommendation 6(d) and further detailed in Section 4.3(v) of the panel report).

#### *Aboriginal cultural heritage*

Marong is located on Dja Dja Wurrung Country. A submission from the Dja Dja Wurrung Aboriginal Corporation (DJAARA), the Registered Aboriginal Party

representing the Dja Dja Wurrung people, was received which advised of no objection to the Amendment and sought earlier consideration of Aboriginal cultural heritage in the development process, particularly for the future growth areas and for Precincts 2 and 3 adjacent to Bullock Creek.

As part of the City's recommended changes to the Amendment following submissions, the City proposed to require an Aboriginal Cultural Heritage Assessment to be submitted with the privately sponsored amendments for new development precincts to ensure that Aboriginal cultural heritage is considered early in the planning and design phase.

The Panel enquired further with the City about the scope of an Aboriginal Cultural Heritage Assessment and how this could be better reflected in the Marong Township Structure Plan. The Panel recommends a series of additions throughout the Marong Township Structure Plan to support early consideration of Aboriginal cultural heritage in the planning process (recommendation 6(a)):

- Amend the Marong Township Structure Plan to provide greater recognition of Aboriginal cultural heritage values and to guide appropriate planning responses to understand, protect, acknowledge and celebrate cultural heritage values and engage with Traditional Owners.

In making this recommendation the Panel also advised which sections of the Marong Township Structure Plan this could be considered.

City officers support the Panel's recommendation in relation to Aboriginal cultural heritage (Panel recommendation 6(a)). Additional text has been prepared for the Plan in consultation with DJAARA and DJAARA has confirmed that the additions are appropriate and satisfactory.

#### *Post contact heritage*

Two objecting submissions related to the proposed application of the Heritage Overlay to 1329 Calder Highway and 12 Leslie Street.

The submitter opposing the application of the Heritage Overlay to 1329 Calder Highway, disputed the accuracy of the statement of significance for the site, stating that the City did not have substantial evidence about the history of the dwelling on the property. Furthermore, since the original citation was completed in 2018, the house had undergone renovation (with permission), which meant that aspects of the Statement of Significance that referred to components of the dwelling were no longer accurate.

As part of the City's recommended changes to the Amendment following submissions, a revised citation and Statement of Significance was prepared. This



had regard to the renovation of the dwelling and concluded that the dwelling still meets the threshold for local heritage significance.

The submitter opposing the application of the Heritage Overlay to 12 Leslie Street did not agree that the dwelling is of heritage significance and advised that the dwelling was not rare, that remnants of the former dairy were no longer associated with the site as it had been subdivided, that the dwelling was unremarkable and would require a rebuild to be livable, and the link to William Holland was not significant as he was not recognised elsewhere in Marong.

The City's expert witness Dr Gary Hill of Minerva Heritage provided expert evidence in relation to both submissions. Dr Hill supported the amended Statement of Significance and citation for 1329 Calder Highway and outlined why the property at 12 Leslie Street meets the significance threshold of local significance.

The Panel supported the revised citation and statement for 1329 Calder Highway with minor typographical corrections (Panel recommendations 5 and 7). The Panel agreed with the City that 12 Leslie Street is of historic and rarity significance and that the Heritage Overlay should be applied.

### *Bendigo Regional Employment Precinct and Western Freight Corridor*

Several submissions referred to the BREP land, south-west of the Marong township.

One submitter, a landholder in the BREP designation, sought that a portion of the land located in the north-east corner, known as 'Precinct 2A' be identified in the Marong Township Structure Plan and Amendment C263gben for residential growth. This portion of land doesn't align with a titled parcel, rather it is a portion that is divided by an arbitrary alignment of the yet to be determined Marong Western Freight Corridor. The submitter called an economic expert and a town planning expert in support of their submission.

The VPA submitted that it would be premature to identify this for residential growth and the ultimate uses for all the BREP land should be master planned as a whole. The City supported these views. The Department of Transport and Planning advised they are currently investigating the preferred options for alignment of the future Marong Western Freight Corridor.

As part of the City's recommended changes to the Amendment following submissions, the City proposed changes to the Marong Township Structure Plan and Amendment C263gben documentation to update the mapping to show the extent of BREP and to identify the Precinct 2A land as being subject to investigation, with the ultimate land use to be determined through the BREP process, having regard to the

alignment of the Marong Western Freight Corridor and other infrastructure as relevant.

The Panel agreed that Precinct 2A has qualities that would make it suitable for residential development in the future, such as its proximity to the Marong town centre and open space and being adjacent to future residential areas. The Panel acknowledged, however, that the need for further residential growth in Marong can be accommodated in the township and other precincts in the short to medium term. It further noted that the planning for BREP and the Marong Western Freight Corridor were substantially progressed and will be known in 2024/2025. Given their significance to the region and influence on the development of Precinct 2A and Precinct 1 (which also interfaces with both projects) it would be appropriate to await the outcomes of these projects.

The Panel recommends changes to Clause 11.03-6L-04 in Amendment C263gben and the Marong Township Structure Plan in relation to BREP, the Marong Western Freight Investigation Corridor and Precinct 2. Details of changes are attached to this report and generally relate to clarifying the mapping for BREP and Precinct 2A (to be shown as 'Precinct 2') and adjusting wording of guideline (G42) to:

*The planning for the Marong Western Freight Investigation Corridor (RD4) should be completed so that the alignment is confirmed prior to rezoning Precinct 1 or the Precinct 2 (west of Calder Alternative Highway).*

The Panel also recommends additions to the 'Action Implementation Plan' in the form of a new proposed Action 11 (as discussed above in *Odour buffer*) relating to the potential extension of Precinct 1.

City officers support the Panel's recommendations in relation to the Marong Western Freight Investigation Corridor and BREP (Panel recommendations 1 and 6(c)).

#### *Extension of Precinct 4*

One submission was received to extend the boundary for future growth to the south-east in Precinct 4 (extend to include Precinct 4I).

As part of the City's recommended changes to the Amendment following submissions, the City advised that the extension was not supported at this time and would require constraints assessment and consideration by authorities.

The submitter's planning expert advised that the site is well suited for residential development. Mr Woodland identified that the area is largely cleared and used for agriculture, had no known servicing, drainage or flooding constraints, had considered the bushfire risk, and provided a more logical boundary for the Precinct than the current water race.

As part of its submission to the Panel, the City proposed to include a new action in the Action Implementation Plan of the Marong Township Structure Plan that would consider the future extension of Precinct 4 subject to resolution of issues relating to biodiversity values within the property and abutting road reserves, infrastructure servicing constraints, bushfire management and drainage.

The Panel supported the additional Action (A12) with minor changes, as the expanded Precinct 4 does not form part of the exhibited documentation, and bushfire and biodiversity considerations need further investigation (Panel recommendation 6(d)).

*Additional growth- north of Precinct 1*

Four submissions sought to extend the new development precincts to include land west of the township bound by McCreddons Road, Landry Lane, the railway line and the Calder Highway.

The City advised that the extension was not supported at this time and could be considered in the long-term following realisation of this structure plan's growth.

As part of the City's recommended changes to the Amendment following submissions, a new action in the Action Implementation Plan was proposed (A13) to continue to monitor land supply and that additional growth beyond that already designated should prioritise this land for consideration. The Action includes several conditions, including demonstrating the need for additional development, assessment of the suitability of the land including servicing, drainage and bushfire management, and consideration given to the final alignment of the Marong Western Freight Corridor and the odour buffer. The Panel supports the proposed Action (Panel recommendation 6(d)).

*Additional growth – north of township*

Two submissions requested to extend the new development precincts to include land north of the township.

The City advised that an extension to the north of the township was not supported as the sites are geographically removed from the township, superfluous to land supply needs and would result in inefficient delivery of infrastructure. It is also noted that the views and considerations by relevant authorities particularly in relation to the bushfire risk, flooding and Aboriginal cultural values had not been undertaken.

The Panel agreed with the City's position and states:

*'...while the land may have few constraints and possess qualities to offer such as additional open space along Bullock Creek or providing downstream drainage solutions that make it attractive for potential development, this does not mean it is strategically suitable for growth.'*

No changes to the amendment documentation were recommended by the Panel.

### *Medium density*

One submission requested that additional wording regarding medium density housing locations be provided to allow other locations by agreement.

This was supported by the City and changes were proposed in Clause 11.03-6L-04. However, the Panel has suggested further changes to the Marong Township Structure Plan in the 'Medium density residential development' objectives section (Panel recommendation 6(b)), which are supported by City officers.

### *Local transport infrastructure and development contributions*

Three submissions requested deletion of the infrastructure map in Clause 11.03-6L-04 and deletion of specific infrastructure.

When the Marong Township Structure Plan was prepared, a Development Contributions Plan (DCP) was proposed to fund community infrastructure, recreational spaces, arterial and collector road networks with intersection upgrades and drainage infrastructure. This intent was therefore translated into planning policy and controls in Amendment C263gben. City officers later determined that a Development Contributions Framework, that requires developer contribution by agreement at rezoning rather than being a requirement of the Scheme, is more appropriate and provides greater flexibility for developers and the City. The Development Contribution Framework for Marong is being finalised and will be presented to Council for consideration later in 2024.

In response to this, the City recommended the following changes to the Amendment and the Marong Township Structure Plan following submissions:

#### Amendment C263gben

- Delete the infrastructure map at Clause 11.03-6L-04 and move relevant information to the Marong development map.
- Update reference in Clause 74.02 to replace 'development contributions plan' with 'development contributions framework'.

#### Marong Township Structure Plan

- Replace Development Contributions Plan with Development Contributions Framework (also referenced as Shared Infrastructure Funding Plans) and new text explanation.
- Update notes for State infrastructure projects to be subject to future approval.
- Update Movement and Access text to correct typographical errors in daily movements, incorporate BREP and freight network.
- Update infrastructure tables to align with proposed Development Contributions Framework and related 'requirement' wording.
- Update maps and infrastructure references to refer to 'intersection upgrade'.

The Panel supported the changes and the City's approach to development contributions.

#### *Future education facility and open space provision*

One submission sought certainty regarding timing and mechanisms for rezoning of the land which is identified for a future education facility and open space. The submission sought direction in the Marong Township Structure Plan that the land be rezoned for residential, or a greater commitment be made to acquiring the land.

The City is not obligated to acquire the land and the Department of Education indicated they do not purchase prospective school sites. Furthermore, the site could be privately purchased for the use as an education facility. The City maintains support for the future use designation as per the Marong Township Structure Plan.

The Panel observed that the designated site is appropriate because it is located central to existing and future growth areas, existing and proposed transport and open space networks. The overall development of Precinct 4 will require consideration of the education facility, open space and infrastructure requirements in preparation of development plan/s, and the development contributions framework. The Panel acknowledged that this does not address the landowners' requests, however confirmed that an acquisition process within the Marong Township Structure Plan is not needed for a strategic document of this nature.

The Panel supported changes proposed by the City to the Marong Township Structure Plan and Amendment C263gben to change the name of the site from new government primary school and open space, to education facility and open space (detailed in Section 7.2(v) of the panel report).

#### ***Priority/Importance***

Timely progression of amendments is required as per Ministerial Direction No. 15 – the planning scheme amendment process.

The completion of the project is required to meet the growth needs of urban Bendigo and to support key associated projects that are underway, including BREP.

### ***Options Considered***

Council has the option of:

1. (Recommended option) Adopting Amendment C263gben in accordance with the Panel's recommendations and the officer's additional recommendations as outlined earlier in this report and sending Amendment C263gben to the Minister for Planning for approval.
2. Adopting Amendment C263gben with changes contrary to the Panel's recommendations, with supporting justification and sending Amendment C263gben to the Minister for Planning for approval.
3. Abandoning all or part of Amendment C263gben.

### ***Timelines***

If adopted by Council, Ministerial Direction No. 15 – the planning scheme amendment process, requires that a planning authority must submit an adopted amendment under Section 31 of the Act, together with the prescribed information, within 10 business days of the date the amendment was adopted.

### **Communications/Engagement**

As required under Section 19 of the Planning and Environment Act 1987, Amendment C263gben was publicly exhibited for six (6) weeks from 25 May to 7 July 2023. This is two weeks longer than required by the Act.

The Panel process invited anyone who had made a submission to be heard at the hearing and the hearing could be attended online or in person. The City updated its website during the process and published the Panel report as required within 10 days following receipt, on the 28 March 2024. Officers also notified submitters and parties via email of the availability of the Panel report.

A draft version of the Marong Township Structure Plan was open for public comment in March 2017 and June 2018 before being adopted in 2020. This plan formed the basis of the Amendment.

### **Financial Sustainability**

Amendment C263gben is covered by the Strategic Planning Unit's operational budget, including the costs associated with the Panel Hearing, officer time in preparing and submitting the Amendment to the Minister for Planning for approval and statutory fees for submitting for approval.

### **Risk Assessment**

As this is one of the final stages of the planning scheme amendment process, most risks associated with the Amendment have been managed throughout the process.

### **Policy Context**

#### ***Primary Council Plan Reference***

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

Outcome 1 – Lead and govern for all

Outcome 2 – Healthy, liveable spaces and places

Outcome 3 – Strong, inclusive and sustainable economy

Outcome 6 – A vibrant, creative community

#### ***Secondary Council Plan Reference(s)***

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

Goal 7 - Sustainable population growth is planned for

Goal 1 - Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy

Goal 6 - Improved safe freight networks

Goal 5 - Recognise and celebrate our significant national and international heritage

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

Goal 7 - Emergencies are prevented or mitigated

### **Conflict of Interest**

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

### **Attachments**

Attachments can be found on the City website along with the Agenda.

## 17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

### 17.1. Planning Scheme Amendment C282 - Greater Bendigo Industrial Land Development Strategy Updates

Author:	Richie Dean, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

#### Purpose

This report seeks adoption of the revised Greater Bendigo Industrial Land Development Strategy (Amended 2024) and the Addendum (2024) to the Greater Bendigo Industrial Land Development Background Report 2020.

This report also recommends that Council requests authorisation from the Minister for Planning to prepare and exhibit planning scheme amendment C282gben to implement the recommendations of the Greater Bendigo Industrial Land Development Strategy (Amended 2024) and seeks endorsement of the draft Greater Bendigo Industrial Development Guidelines 2024 for the purpose of exhibition.

#### Recommended Motion

That Council:

1. Adopt the revised *Greater Bendigo Industrial Land Development Strategy (Amended 2024)* and the *Addendum (2024)* to the *Greater Bendigo Industrial Land Development Background Report 2020*.
2. Request authorisation from the Minister for Planning to prepare and exhibit Amendment C282gben to the Greater Bendigo Planning Scheme, in accordance with section 8A of the *Planning and Environment Act 1987*.
3. Endorse the draft Greater Bendigo Industrial Development Guidelines 2024, for public exhibition as part of Amendment C282gben.
4. Note that the associated background documents *Review of Future Industrial Land Supply in Bendigo, March 2023* and the *Bendigo Industrial Land Review – Strategic Economic Inputs, January 2019* will be exhibited with Amendment C282gben.
5. Place Amendment C282gben on exhibition in accordance with the requirements of section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.
6. Authorise the Director Strategy and Growth to make minor changes to Amendment C282gben if those changes do not alter the overall intent of the Planning Scheme Amendment, or if the changes are requested by the Department of Transport and Planning.



## **MOTION**

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

## **Resolution No. 2024-113**

**CARRIED**

## **Executive Summary**

The *Greater Bendigo Industrial Land Development Strategy (GBILDS)* and the accompanying *Greater Bendigo Industrial Land Development Strategy Background Report (the Background Report)* were originally adopted by Council in June 2020.

The *Greater Bendigo Industrial Land Development Strategy (GBILDS)* has been updated (see Attachment 1) to include the details of the Bendigo Regional Employment Precinct (BREP) and other minor changes to ensure the strategy reflects the current state of industrial land supply in Greater Bendigo. A list of corresponding changes to the *Background Report 2020* have been included in the *Addendum 2024* (see Attachment 2).

Amendment C282gben has been prepared (see Attachment 3) and proposes to implement the *GBILDS* by making changes to the Municipal Planning Strategy and the Planning Policy Framework of the Greater Bendigo Planning Scheme. It also proposes to rezone a 21.27-hectare property at 1029 Calder Highway, Maiden Gully from Industrial 1 Zone to Public Conservation and Resource Zone, consistent with the *GBILDS*.

As well as making updates to the *GBILDS*, the City has prepared *draft Greater Bendigo Industrial Development Guidelines 2024* (see Attachment 4). These were recommended by the *GBILDS* and are proposed to replace the *Good Design Guide for Industry 1997*. Public exhibition on the *draft Greater Bendigo Industrial Development Guidelines 2024* is intended to be undertaken as part of the exhibition process for Amendment C282gben.

## **Background**

The *Greater Bendigo Planning Scheme Review 2019* recommended a comprehensive review and update of the *Bendigo Industrial Land Strategy 2002* along with an update to supporting documents including the *Good Design Guide for Industry 1997*.

The City, supported by the Victoria Planning Authority (VPA), in 2018 prepared the *GBILDS* and the associated *Background Report*. *GBILDS* provides a strategic framework and roadmap to identify a 30-year pipeline of future industrial land to meet industry needs, reduce land use conflicts and to plan for the future of Greater Bendigo's industrial precincts. The implementation of this strategy will provide more certainty to existing and future industries in Greater Bendigo. *GBILDS* was informed by the *Bendigo Industrial Land Review – Strategic Economic Inputs* which identified a significant shortfall, particularly in larger industrial lots in the municipality. It identified the need for a pipeline of additional industrial land over and above current supply. Without this the number of industry jobs would be negatively impacted.

Public consultation on the draft Strategy was undertaken between June and August 2019. During the consultation period 16 submissions were received from businesses, landowners, and consultants acting for landowners, as well as State Government agencies. Changes were made to the strategy in response to submissions. *GBILDS* and the *Background Report*, were adopted by Council in June 2020.

The *GBILDS* identified the need for additional industrial land supply in Greater Bendigo. While it identified criteria for future industrial land supply, it did not go as far as identifying a site for this additional supply.

Since the adoption of the *GBILDS*, the City has completed further detailed investigations and identified a 294-hectare site to the south of the Marong township for a future employment precinct to meet long term industry needs, known as the Bendigo Regional Employment Precinct (BREP). Further investigation as to the ultimate land use for all of the BREP investigation area is being considered by the VPA, including an area identified in the north-east corner as Precinct 2A in the Marong Township Structure Plan.

In November 2021, Council resolved to fast track the delivery of the BREP and request the Minister for Planning to appoint the VPA as the planning authority for the precinct, with confirmation of the VPA's appointment being received on 6 February 2022.

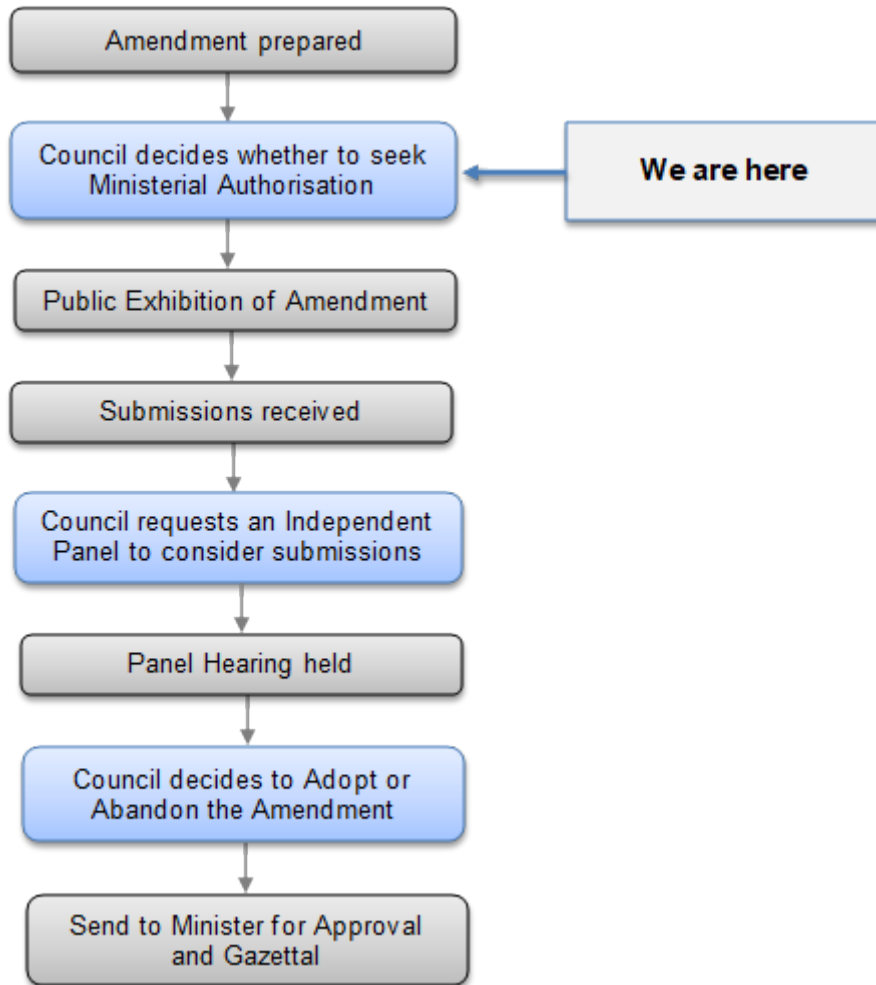
The recent update to *GBILDS* was largely undertaken to include the new details of BREP. Other changes are proposed to *GBILDS* to ensure the strategy reflects the current state of industrial land supply in the municipality, including updating statistics and references to recent strategic work undertaken. In conjunction with the 2024 updates to *GBILDS*, a number of corresponding changes to the accompanying Background Report have been included in an addendum.

In 2023 City officers commissioned an independent strategic assessment of future industrial land supply in Greater Bendigo. The *Review of Future Industrial Land*

*Supply in Bendigo* was undertaken to further confirm the need for both the BREP and the Marong Business Park for longer term industrial land supply. The report supported the need for both sites, providing further justification for the recommendations in *GBILDS*.

There is one change worth noting that has been made to the most recent version of *GBILDS* following the receipt of the *Review of Future Industrial Land Supply* report. The report identified a forecasted industrial land consumption rate of up to eleven hectares per year. The previous adopted *GBILDS 2020* forecasted the consumption rate at nine hectares per year. The updated *GBILDS* refers to an additional industrial land supply total needed of between 170 and 270 hectares over and above the existing supply over the next 30 years. Previously the report stated 170 hectares was needed.

A recommended action under *GBILDS* was to review and update the *City of Greater Bendigo Good Design Guide for Industry 1997*. An extensive review of the guide has been undertaken, and the *Greater Bendigo Industrial Development Guidelines* (the Guidelines) have been prepared.



Previous Council decision dates:

- 20 March 2019 – Council adopted the final review report and recommendations of the *Greater Bendigo Planning Scheme Review 2019*.
- 19 June 2019 - Council endorsed the draft *GBILDS* and *Background Report* for community consultation.
- 17 June 2020 – Council adopted *GBILDS* and the *Background Report*.
- 15 November 2021 – Council resolved to fast track the delivery of the BREP and request the Minister for Planning to appoint the VPA as Planning Authority for the proposed BREP.

## Report

The changes proposed to the *GBILDS* from the previously adopted version are relatively minor in nature. For clarity, table 1 provides an overview of each of these proposed changes.

Table 1 – GBILDS proposed changes

<b>Greater Bendigo Industrial Development Strategy – proposed updates to May 2020 version</b>	
<b>Foreword</b> (page 4)	<p>Foreword and photo updated to reflect incumbent Mayor.</p> <p>Text updated to remove reference to a growing population “of 2,000 more residents each year” in Greater Bendigo given the statistic is outdated.</p>
<b>List of abbreviations, acronyms and terms</b> (page 7)	Four strategic land use categories / hierarchy with definitions added.
<b>Executive Summary</b> (page 8)	ABS 2021 Census data updates included to reflect population growth forecasts.
	Text updated to introduce industrial land supply investigations, to identify BREP as the preferred site and future precinct to meet long-term industrial land needs, and to identify that the planning and rezoning of BREP is to be led by the Victorian Planning Authority (VPA). Current population growth trends amended from “121,000 people to around 200,000 people over the next 30 years” to “124,000 people to over 200,000 people over the next 30 years.”
	Deleted ‘Demand for industrial development rose during 2019’ as the specific reference for this was unclear. The report more broadly discusses the increasing demand for industrial development.
	In the last paragraph, the Industrial land 30 year pipeline requirement has been amended from “170-230 hectares” to “170-270 hectares” in consistency with the <i>Review of Future Industrial Land Supply in Bendigo 2023</i> . A footnote was also added.

<b>Greater Bendigo Industrial Development Strategy – proposed updates to May 2020 version</b>	
<b>Section 1 – Overview</b>	
1.5 Consultation outcomes (page 13)	Text added that the community has been notified of BREP and that extensive community engagement will be undertaken in future as part of the planning process for the precinct.
<i>Strategic Land Use Categories map / Study area</i> Figure 1 (page 14)	The map has been revised to categorise industrial areas by strategic land use categories and hierarchy (municipal, secondary, local and specialised areas) with colour coding instead of by industrial zoning. The map has also been revised to add the proposed BREP.
<b>Section 2 - Vision, principles, objectives and rationale</b>	
<i>Objective 2A: Reduce industry-residential land use conflicts</i> (page 18)	Corrected the linking of Objective 2A with Objective 2B instead of Objective 3 in last sentence.
<i>Objective 5: Promote sustainable industrial land use and development</i> (page 19)	Third paragraph added that outlines sustainability potential of BREP, given the scale of the future precinct.
<i>Objective 7: Advocate for State and Commonwealth funding both for core infrastructure and for priority economic initiatives</i> (page 20)	Second and third paragraphs deleted from the Rationale.  New paragraph added noting the \$6 million State Government funding investment towards BREP.  New paragraph added outlining support and investment in BREP, and that other economic initiatives are important to the ongoing growth of the region.
<b>Section 3 - General recommendations</b>	

<b>Greater Bendigo Industrial Development Strategy – proposed updates to May 2020 version</b>	
<b><i>and actions for industrial land</i></b>	
<i>Objective 1: Provide for 30 years of industrial land supply (page 22)</i>	Implementation timeframes and actions to reflect BREP and the VPA role have been included.
<i>Objective 4: Improve the function, design and amenity of existing and new industrial areas (page 23)</i>	Reference to the ‘Good Design Guide for Industry’ revised to ‘Greater Bendigo Industrial Development Guidelines’.
<i>Objective 7: Advocate for State and Commonwealth funding both for core infrastructure and for priority economic initiatives (page 23)</i>	First dot point removed.
<b>Section 4 - Precinct-specific recommendations and actions</b>	
<i>4.1.1 Precincts (page 25)</i>	A 23rd precinct added to the precinct list to reflect the proposed BREP.
<i>Industrial land precincts map (Figure 2) (page 26)</i>	The map has been revised to include the proposed BREP site.
<i>P10 – Heathcote (page 30)</i>	Action added: “ <i>Support the Heathcote Township Plan recommendation for the longer-term industrial development of land at 2-24 Back Kyneton Road subject to an environmental audit being undertaken.</i> ”
<i>P11 – Golden Square (page 32)</i>	Reference to rezoning “ <i>all 11 GRZ properties in the south west of the precinct</i> ” amended to include specific property addresses consistent with Amendment C270gben and the recommendations of the <i>Golden Square Structure Plan</i> .  A recommendation and action added to support the rezoning of land at 66, 68 and 70 Belle Vue Road and 21 and 123 Hattam Street from General Residential Zone and Industrial 1 Zone to Industrial 3 Zone

<b>Greater Bendigo Industrial Development Strategy – proposed updates to May 2020 version</b>	
	<p>consistent with Amendment C270gben and the recommendations of the <i>Golden Square Structure Plan</i>.</p> <p>Spelling of ‘McDougall Road’ corrected to ‘MacDougal Road’.</p>
<i>P17 - Rowe Lane, Maiden Gully (page 34)</i>	<p>Recommendations and actions updated to reflect a rezoning of the precinct from Industrial 1 Zone to Public Conservation and Resource Zone.</p> <p>This land is unsuitable for future industrial use due to its isolated location, heavy vegetation, bushfire risk and sensitive natural surroundings.</p>
<i>P23 – BREP (page 36)</i>	<p>A 23rd precinct added to reflect the proposed BREP with accompanying recommendations and actions.</p>
<i>Future industrial land precincts (page 38)</i>	<p>Industrial land supply needs/ forecasts updated.</p> <p>Figures provided in the second paragraph with a footnote referencing the <i>Review of Future Industrial Land Supply in Bendigo 2023</i>.</p> <p>Economic growth statistics updated to reflect \$4.3 billion from 2015-2023 and economic output stats in accordance with 2024 REMPLAN data.</p> <p>Reference to 5 year review of GBILDS in relation to Marong Business Park (MBP), removed. MBP to be retained as Comprehensive Development Zone.</p> <p>Reference to future industrial land investigations revised to update the</p>



<b>Greater Bendigo Industrial Development Strategy – proposed updates to May 2020 version</b>	
	identification of BREP as key future industrial precinct to meet industrial land needs.
<b>Monitoring and review framework</b> (page 40)	Timeframe for monitoring actions (sections 3 and 4) updated from 6 to 12 months.
<b>Throughout the document</b>	<p>References to ‘Settlement Strategy’ changed to ‘Managed Growth Strategy’.</p> <p>References to State Government departments and agencies updated to reflect current names.</p> <p>References to Greater Bendigo units updated to reflect current names.</p>

The implementation of GBILDS requires changes to the Municipal Planning Strategy, Planning Policy Framework and Operational Provisions of the Greater Bendigo Planning Scheme. Planning Scheme Amendment C282gben proposes the following changes:

- Amend Clause 02.03-7 (Economic development) of the Municipal Planning Strategy
- Amend Clause 14.01-1L (Protection of agricultural land – Greater Bendigo)
- Amend Clause 15.01-1L-02 (Urban design in industrial areas – Greater Bendigo)
- Amend Clause 17.03-1L (Industrial land supply – Greater Bendigo)
- Amend the Schedule to Clause 72.08 (Background documents)
- Amend the Schedule to Clause 74.02 (Further strategic work)
- Rezone 1029 Calder Highway, Maiden Gully from Industrial 1 Zone (INZ1) to Public Conservation and Resource Zone (PPRZ).

It is proposed to amend two of the existing strategic directions under Clause 02.03-7 (Economic Development) to integrate objectives from *GBILDS* into the Municipal Planning Strategy.

Existing strategies listed under Clause 17.03-1L (Industrial land supply – Greater Bendigo) are proposed to be restructured and rewritten to translate the hierarchical roles and functions of industrial precincts from *GBILDS* into local policy under the Planning Policy Framework. Industrial precincts / areas have been classified under

four strategic land use categories (Municipal, Secondary, Local and Specialised areas) with corresponding strategies to better identify existing and future industrial land uses for those areas. This creates clearer policy for future industrial land uses and intensities across Greater Bendigo's industrial areas.

An existing strategy relating to industrial use in rural areas is proposed to be moved from Clause 17.03-1L (Industrial land supply – Greater Bendigo) to Clause 14.01-1L (Protection of agricultural land – Greater Bendigo) as this is more relevant to the protection of rural or agricultural land.

It is proposed to translate the draft *Greater Bendigo Industrial Development Guidelines 2024* into the list of strategies in the local policy under Clause 15.01-1L-02 (Urban design in industrial areas – Greater Bendigo).

It is also proposed to amend the schedule to Clause 74.02 (Further strategic work) to delete the first item, 'The Industrial Land Strategy and Good Design Guide for Industry', as the strategic work has been completed.

#### 1029 Calder Highway, Maiden Gully (Rowe Lane)

The land at 1029 Calder Highway and 39 Rowe Lane, Maiden Gully was originally purchased by the Rural City of Marong around 1984 and rezoned to Special Use (Stock Saleyards) for the purpose of proposed saleyards. In 1992 it was proposed to sell the land for a proposed aluminium rolling mill and the property was rezoned to an industrial zone although the sale of the land did not proceed. In 2007 the southern part of the property at 39 Rowe Lane was subdivided and set aside for vegetation offsets and later rezoned from Industrial 1 Zone to Public Conservation and Resource Zone, with the Lot 1 1029 Calder Highway, Maiden Gully remaining as Industrial 1 Zone. In 2008 it was proposed to sell 1029 Calder Highway, Maiden Gully to another manufacturing business although this sale also did not proceed.

A recent review of this precinct by City officers concluded that the land is no longer suitable for potential industrial use and development given its isolated location, high bushfire risk and established high-value vegetation and biodiversity values. It was determined that the most appropriate zoning is the Public Conservation and Resource Zone to protect and conserve the natural environment and natural processes on the land and surrounds. The site contains established native vegetation and there is future revegetation potential for future native vegetation offset credits. Accordingly, it is proposed to rezone the land from Industrial 1 Zone to Public Conservation and Resource Zone.

#### Draft Greater Bendigo Industrial Development Guidelines 2023

The current *Good Design Guide for Industry 1997* is referenced in the Greater Bendigo Planning Scheme under Clause 15.01-1L-02 (Urban design in industrial areas – Greater Bendigo) and as a background document under Clause 72.08. In line with the recommended actions in GBILDS, the guide has undergone a comprehensive review and major update. The guide's look and feel has been refreshed, providing examples of best practice industrial development and subdivision, and includes a suite of revised development and subdivision standards, including Environmentally Sustainable Development. It is proposed to translate the objectives of the new Guidelines into the list of strategies under Clause 15.01-1L-02 (Urban design in industrial areas – Greater Bendigo) and to replace the previous guide as a background document under Clause 72.08.

These draft guidelines provide direction to planning permit applicants undertaking industrial subdivision and development in Greater Bendigo. The guidelines outline how future industrial areas should look, function and perform relative to the surrounding context and environment through a series of objectives and guidelines that must be considered and addressed in future planning permit applications.

### ***Priority/Importance***

The *GBILDS* and its implementation is of high importance given the need to plan for a future pipeline of industrial land and enable employment growth to occur, and to provide certainty to industry across Greater Bendigo. The inclusion of the BREP into the Strategy will provide further support for the planning and development of the precinct.

### ***Options Considered***

Although Council has the option of not adopting *GBILDS* (amended 2024) or the *Addendum 2024* to the Background Report, this is not recommended for the reasons outlined in this report. Council also has the option to not endorse the draft *Greater Bendigo Industrial Development Guidelines 2024* or not request to the Minister for Planning to authorise Council to prepare Amendment C282gben to the Greater Bendigo Planning Scheme. Similarly, this is not recommended for the reasons outlined in this report.

### ***Timelines***

If the recommendations are supported, a request will be made to the Minister for Planning to authorise and exhibit planning scheme amendment C282gben.

The time required to undertake the planning scheme amendment will be approximately 18-24 months.

## **Communications/Engagement**

Consultation commenced on GBILDS in 2018 (with stakeholders, landowners and government agencies) and continued through to the finalisation of the Strategy in 2020. Given the extensive consultation being undertaken as part of the BREP project and the minor nature of the other changes proposed, further consultation on the changes to *GBILDS* and Background Report wasn't considered necessary at this stage.

Subject to the Minister for Planning authorising the preparation of Amendment C282gben, the amendment will be placed on public exhibition. Public consultation on the draft *Greater Bendigo Industrial Development Guidelines 2024* is yet to be undertaken and is intended to occur through the exhibition of Amendment C282gben. Any comments and submissions received in relation to the exhibition of Amendment C282gben and the Guidelines will be reported to Council for further consideration.

## **Financial Sustainability**

Any costs incurred under the project can be covered within the Strategic Planning operational budget.

## **Risk Assessment**

The proposed update to the *GBILDS*, Greater Bendigo Industrial Development Guidelines 2024 and all changes proposed under Amendment C282gben presents a low risk to the City as it is implementing a previously adopted strategic direction.

## **Policy Context**

### ***Primary Council Plan Reference***

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

Outcome 3 - Strong, inclusive and sustainable economy

### ***Secondary Council Plan Reference(s)***

Goal 4 - Employment land available for industry expansion and attraction

## **Conflict of Interest**

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

## **Attachments**

Attachments can be found on the City website along with the Agenda.

## **18. ABORIGINAL RECONCILIATION**

Nil

## 19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

### 19.1. Landscape Development Guidelines

Author:	Tyrone Downie, Coordinator Sportsfields and Passive Reserves
Responsible Director:	Brian Westley, Director Presentation and Assets

#### **Purpose**

To present the recently revised Landscape Design Guidelines for Subdivisions (LDG).

#### **Recommended Motion**

That Council:

- Approve the Landscape Design Guidelines for Subdivisions;
- Note that, following Council approval, City Officers will publish the Guidelines on Council’s website; and
- Note that, following Council approval, the Guidelines will be used as a Reference Design document by the Statutory Planning unit when assessing planning applications.

#### **MOTION**

That the recommended motion be adopted.

Moved: Cr Alden

Seconded: Cr Fagg

#### **Resolution No. 2024-114**

**CARRIED**

#### **Executive Summary**

The Landscape Design Guidelines for Subdivisions (LDG) has been prepared to communicate the City’s expectations with respect to the planning, design, construction, and maintenance of public landscapes in new subdivisions.

The LDG is intended to be a reference document that provides consistent advice to developers, design consultants and contractors on the City’s expectations for landscapes in new subdivisions. It will also assist the City’s staff when assessing and approving plans, and during construction, maintenance and handover phases.

The LDG will:

- Be referred to in planning permit conditions.
- Be a reference for the preparation and assessment of landscape plans.
- Clearly articulate the City's standards for all types of landscape construction works in subdivisions.
- Support the efficient handover of public space and landscape assets.
- Support consistency and equity in the provision of landscape features across the City.
- Support the creation of environmentally sustainable, safe, and engaging public spaces to improve community wellbeing and enhance the natural environment.

## **Background**

In recent years, feedback from the development sector has confirmed the need for a resource to guide the planning and design of new open space assets in subdivisions – like other guides and design manuals already in use in other cities and municipalities.

In late 2020, Parks and Open Space and Engineering Officers met to discuss subdivision quality standards and opportunities for improvements in relation to subdivision planning, design and asset handover.

A series of officer-level workshops were held to refine the scope and issues covered in the document, and a bus tour was arranged to facilitate cross-Council onsite discussion about design and maintenance 'pain-points'. These workshops and the bus tour were attended by representatives from all Council units involved in subdivision planning and design, planning assessment, asset handover and management; namely, Engineering, Parks and Open Space (all teams represented) and Statutory and Strategic Planning.

In May 2021, a Landscape Architectural consultancy with experience in subdivision design was appointed to draft Guidelines. Once drafted, the final guidelines were refined by a small Project Working Group and forwarded to Council's Communications unit for graphic design and imagery.

A presentation on the purpose and scope of the forthcoming Guidelines were provided to a Development and Planning Industry Forum in early June 2022. The discussion generated excitement, particularly from private sector landscape architects – many of whom were aware the guidelines were in development and eagerly awaiting their release.

It was communicated to the Development and Planning Industry Forum that following the release of the Guidelines, Council will undertake an 18-month review of the document. This review will involve inviting feedback from developers and development sector design professionals plus relevant internal staff on its usability and to identify any gaps.

The Landscape Design Guidelines have been well received by the development industry. Since the Guidelines were released in June 2022 it has become obvious, during discussions with Statutory Planning, that it must be approved by Council to have more weight in the planning process.

## **Report**

In October 2021 the review of the Guidelines began with internal staff invited to add comments to the document. An article was included in Planning Talk in November 2023 inviting feedback from developers and their consultants and contractors.

Changes made to the Guidelines include:

- Strengthening the protection of remnant trees to be retained by requiring Arborist report on the effect of subdivision works on trees, within private property and adjoining Council land.
- Removing the Preferred Street Tree List and Wetland Plant Species List from the Guidelines, to enable staff to review more frequently (but still making it available on Council's website).
- Strongly encouraging the use of indigenous plants in natural reserves to provide bio-links through the suburbs.
- Highlighting the process for designing more complex open space reserves, e.g. play spaces, requiring several rounds of consultation between consultants, developers and Council staff.

Following any Council approval, another presentation on the Guidelines will be provided to the Developers Forum explaining how they will be referred to in planning permits which will require for greater adherence to them in plans and construction work.

A copy of the revised Landscape Design Guidelines for Subdivisions is attached to this report.

## ***Priority/Importance***

The review of the Guidelines responds to issues raised by City staff, developers and consultants and has strengthened the wording of the document and clarified



processes. Important feedback from Statutory Planning recommended the Guidelines be approved by Council to give it more weight when assessing planning permits and writing permit conditions. The Guidelines will continue to be a significant resource for developers, design consultants, and landscape and civil contractors, and a useful tool for Council officers involved in subdivision planning and design and assessment.

### ***Options Considered***

This is the best outcome to ensure consistent messaging to developers delivering growth and assets across our City.

### ***Timelines***

The document is considered ready to be published.

### **Communications/Engagement**

Internal stakeholders were asked to comment on the revision of the Guidelines. Stakeholders included staff working in the subdivision area from Engineering, Statutory Planning, Climate Change and Environment and Parks and Open Space.

External stakeholders, developers and their consultants, were informed of the review via an article in Planning Talks. This newsletter is produced every six months by for the City's Statutory Planning team for the development industry.

The Guidelines will be available on the City's website for downloading. Other related documents on the website with the Guidelines will be the Preferred Urban Tree List, Preferred Wetland Species List, Standard Landscape Details, and Landscape Bond Agreement template.

Release of the Guideline will be promoted through Bendigo's Development and Planning Industry Forum communication channels.

### **Financial Sustainability**

Ensures City of Greater Bendigo are able to manage future development growth.

### **Risk Assessment**

Following the 18 month review period the Guidelines have been updated to reflect feedback and strengthen the content. By inviting feedback from internal and external stakeholders the risk of non-compliance has been reduced.

## **Policy Context**

### ***Primary Council Plan Reference***

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
Outcome 1 - Lead and govern for all

### ***Secondary Council Plan Reference(s)***

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

### ***Other Reference(s)***

No other references

## **Conflict of Interest**

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

## **Attachments**

1. Landscape Design Guidelines FINAL [19.1.1 - 36 pages]

## 19.2. Submission to the Victorian Government Inquiry into Climate Resilience

Author:	Ashley Fletcher, Climate Change Resilience Officer
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

### Purpose

To seek endorsement from Council for the City of Greater Bendigo's submission to the Parliament of Victoria's Inquiry into Climate Resilience.

### Recommended Motion

That Council endorse the officer submission to the Parliament of Victoria's Inquiry into Climate Resilience as attached to this report.

### MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Alden

### Resolution No. 2024-115

**CARRIED**

### Executive Summary

The Parliament of Victoria's Legislative Council Environment and Planning Committee is currently seeking submissions to their Inquiry into Climate Resilience. Submissions are due 28 June 2024.

Officers from the Climate Change and Environment Unit have prepared the submission in collaboration with relevant staff from Engineering, Risk and Assurance, Finance and Strategic Planning.

The submission responds to all aspects of the Terms of Reference provided by the State Government and focuses on:

- The barriers Council faces to ensuring the City's infrastructure is resilient to the impacts of climate change, including the challenges associated with post-disaster reconstruction funding.
- The challenges hazard based funding programs present when supporting communities with recovery and community resilience.

- The barriers rural and regional local governments face in preparing or updating flood modelling.
- The need to support households to retrofit existing homes for climate resilience.

## **Background**

On 4 October 2023, the Legislative Council resolved to require the Environment and Planning Committee to inquire into:

*(a) the main risks facing Victoria's built environment and infrastructure from climate change and the impact these will have on the people of Victoria;*

*(b) how the Victorian Government is preparing for and mitigating the impacts of climate change on our built environment and infrastructure;*

*(c) the barriers facing Victoria in upgrading infrastructure to become more resilient to the impacts of climate change, including barriers in rebuilding or retrofitting infrastructure, including but not limited to, issues relating to insurance and barriers faced by local government;*

*(d) the adequacy of the current Victorian planning system as it relates to its adaptation to, preparation for, and mitigation of climate change impacts;*

*(e) what more could be done to better prepare Victoria's built environment and infrastructure, and therefore the community, for future climate disaster events; and*

*(f) whether further inquiries or investigation may be needed into other aspects of climate change adaptation and climate disaster preparedness in Victoria, noting that climate change will have far-reaching impacts on all aspects of Victorian life, including but not limited to biodiversity, human health, primary production, industry, emergency services and more, and that while these areas may overlap with the matters covered in this inquiry, they may also warrant further investigation in their own inquiries.*

## **Report**

Council's submission responds to the above Terms of Reference with particular focus on items (a), (c) and (e).

The key messages outlined in the submission are as follows:

1. **Risks facing the built environment and infrastructure** - Council managed road, drainage and tree assets are particularly at risk from flooding, drought and extreme heat. The municipality's built environment more broadly (e.g. homes and

commercial and industrial buildings) are at risk from all climate change related hazards. The risks facing the City's infrastructure and built environment impact on our community in many ways, including through potential disruption to transport routes and community services. Community health and wellbeing is also impacted from living and working in buildings that are not resilient to extreme temperatures or which are at risk from flooding, storms and bushfires.

2. **Reconstruction funding does not enable 'betterment'** - The current criteria for reconstruction funding is a barrier to achieving climate resilient public assets and infrastructure. Reconstruction funding is complex and resource intensive to administer and currently does not fund 'betterment'. In response the Victorian Government could seek to establish a Victorian Betterment Fund, similar to the Queensland Betterment Fund, to help overcome some of the above-mentioned reconstruction challenges.
3. **Resource constraints limits Council's capacity to retrofit infrastructure for resilience** - The financial constraints faced by Council limits our capacity to take a proactive approach to retrofitting assets for climate resilience. This is particularly evident in relation to drainage where Council often struggles to upgrade infrastructure to the new, climate informed design standards due to our limited renewal budget. These financial constraints limit the capacity for Council to implement proactive upgrades, instead resulting in upgrades only occurring after an asset fails.
4. **Insurance costs are increasing while coverage is decreasing** - Council's insurance premiums continue to increase as a result of the organisation's increased natural disaster related claims. In addition, Council's insurer has reduced coverage for local governments who have made flood claims in the past 12 months.
5. **Centralising flood modelling would expedite the introduction or review of flooding overlays to ensure they reflect new climate informed modelling** - Greater support is required for rural and regional councils and / or catchment management authorities to conduct or update their flood modelling. While Melbourne Water completes the bulk of flood studies in metropolitan Melbourne, this responsibility sits with local government or catchment management authorities in rural and regional areas who are often subject to significant resource constraints. Centralising flood studies and the associated planning scheme amendments (as occurred when Bushfire Management Overlays were updated) may be a more efficient way to ensuring planning provisions across the state reflect current climate change informed flood modelling.
6. **Most homes require investment in retrofitting to be climate resilient** - Retrofitting housing stock to be more resilient needs to be a priority for state and

federal governments. Most homes in the City are poorly sealed and insulated, exposing residents to extreme heat and cold. In addition, many homes were constructed before current climate change adjusted flood and bushfire modelling and, therefore, are not built to withstand these hazards. A state-wide retrofitting program would help enhance the resilience of existing homes to climate risks such as extreme heat, flooding and bushfire while improving energy efficiency and reducing utility costs to the community. This could be in the form of loans, grants, rebates and / or direct program delivery. Introducing minimum standards for rental properties and prior to sale could also help enhance resilience in the built environment.

7. **Integrated recovery and resilience programs would help build climate resilience in the community** - Currently most climate adaptation and community recovery programs and funding relate to single incidents or specific climate hazards such as bushfires, flooding, drought or heat waves. This makes it difficult for councils to work with communities to build resilience to all climate change related hazards which may affect their township or locality. Integrated community recovery and climate resilience funding and programs would enable councils to take a holistic approach to working with our communities. For example, programs dedicated to delivering local community climate vulnerability assessments and action plans could help accelerate work many local governments and agencies are keen to undertake.
  
8. **Climate change is impacting the natural environment and biodiversity** - The rapidly heating climate will result in greater disease and death of native animals, reduced capacity for plant establishment and survival and increased bushfire risk, putting our natural environments under huge stress. Mitigating these impacts will require continued implementation and enforcement of environmental legislation, increased investment in works that protect and enhance existing remnant native vegetation on public and private land, investment in revegetation that enhances connectivity and protection of natural assets through emergency management planning and response processes.

The full submission is attached to this Council Report.

### ***Timelines***

Submissions are due 28 June 2024.

### **Communications/Engagement**

Council's submission is being prepared by the Climate Change and Environment Unit with input from various internal departments including Engineering, Finance, Risk and Assurance and Strategic Planning. Officers have also reviewed the draft

submissions by the Victorian Greenhouse Alliances and the Council Alliance for a Sustainable Built Environment.

## **Policy Context**

### ***Primary Council Plan Reference***

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
Outcome 5 - A climate resilient and healthy landscape

### ***Secondary Council Plan Reference(s)***

Goal 7 - Emergencies are prevented or mitigated

### ***Other Reference(s)***

N/A

## **Conflict of Interest**

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

## **Attachments**

1. Draft Submission from Greater Bendigo City Council Inquiry into Climate Resil (1) [19.2.1 - 20 pages]

**20. A VIBRANT, CREATIVE COMMUNITY**

Nil

**21. A SAFE, WELCOMING AND FAIR COMMUNITY**

Nil

**22. URGENT BUSINESS**

Nil

**23. NOTICES OF MOTION**

Nil



## 24. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf, tabled a report on attendance at the following meetings and events:

- Regional Cities Victoria Executive Management Group online meeting.
- Spoke at the Life Saving Victoria - Inland Waterways Forum.
- Municipal Association of Victoria (MAV) Mayor and CEO Dinner.
- Spoke at the announcement of the successful grant application to help deliver stage 1 of the Heathcote Civic Precinct attended by Lisa Chesters MP, Federal Member for Bendigo.
- Spoke at the launch of the new gym at Gurri Wanyarra Wellbeing Centre.
- Spoke at the Regional Arts Victoria's Annual Board strategy meeting.
- Co-chaired the Joint Council and Youth Council Meeting.
- Spoke at the groundbreaking ceremony for the Huntly Lifestyle Estate's new \$5 million Clubhouse.
- Met with the Hon. Natalie Hutchins, Minister for Jobs and Industry, Minister for Women, Minister for Treaty and First Peoples, and the Hon. Maree Edwards, Member for Bendigo West.
- The Hon. Maree Edwards MP, Member for Bendigo West & The Hon. Natalie Hutchins MP, Minister for Women regional launch of the Bendigo Our Equal State: Victoria's gender equality strategy and action plan 2023-27.
- Official Launch Party of the Bendigo Breast Clinic.
- Whipstick Ward Engagement – Raywood listening post held at the Raywood Post Office.
- Recycling Victoria Local Government Advisory Committee Meeting #2 (online).
- Spoke at the Planting ceremony of first authenticated bodhi tree sapling from Jaya Sri Maha Bodhi (Anuradhapura) held at the Bodhi Dhamma Vihara site, Great Stupa of Universal Compassion.
- State Funeral service for Aunty Fay Carter OAM held at Ulumbarra Theatre.
- Regional Cities Victoria meeting held in Shepparton.
- Chaired the Loddon Campaspe Councils group meeting held in Bendigo.

- Participated in media opportunity for the announcement of the Low Line Project.
- Spoke at the 40th Anniversary Dinner for the Long Gully Neighbourhood Centre.
- Spoke at the launch of The Robots are Coming! Exhibition held at Dudley House.
- Girls' Brigade Victoria Bendigo Variety Concert held at the Bendigo Baptist Church.
- Spoke at the Sunday Sweet Session held at The Capital Theatre.
- Managed Growth Strategy – Councillors meeting with developers session.
- Dinner with the Consul General of India, Dr Sushil Kumar.
- Spoke at the 2024 Refugee Week held in the Library Gardens.
- Spoke at Carlton Football Club AFLW Team Community Camp welcome event.
- Elmore Community Reference Group meeting at Elmore Bowls Club.
- Lions Club of Elmore 26th Changeover Dinner held at Victoria Hotel Elmore.
- Relaunch of Bendigo Market Place Woolworths.
- City of Greater Bendigo hosted Splitters Creek Forum held at the Bendigo Baptist Church.
- Meeting with the Hon. Jacinta Allan MP, Premier of Victoria, Member for Bendigo East.
- Media event by the Hon. Jacinta Allan, Premier of Victoria to announce the Origin Australian Diamonds netball team will host the England Roses final match at Bendigo Stadium in September.
- Lions Club of Heathcote Changeover Dinner held at the Heathcote Bowling Club.
- Rotary Club of Bendigo Changeover Dinner.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

## 25. CHIEF EXECUTIVE OFFICER'S REPORT

### ***Thank you Councillors***

- You have approved some significant work this evening
- Has been the culmination of long term work that we have worked on
- Marong Structure Plan, Planning Scheme Amendment for Industrial Land, Good Governance Framework
- Important strategic work which will help advance our community provide and provide good governance for the organisation

### ***Candidate Information Sessions***

- The City has held two candidate information sessions over the past month in the lead up to the Local Government elections which will be held in October this year
- These have been an opportunity for potential candidates to learn more about the role of a Council and the Council
- The next session to be held on 17 July will be run by the MAV and will be held at The Capital.

### ***Guest Speaker at the Rotary Club of Bendigo, Rotary Club of Bendigo Sandhurst and Heathcote Community Capacity Builders***

Provided an opportunity to updates -

- Council Elections including review of ward boundaries; key dates of the election process; information on what makes an effective Councillor;
- Current projects City of Greater Bendigo are undertaking such as Municipal Baths; Heathcote Civic Precinct; Marong Community Hub and Kindergarten;
- Major strategic work underway - Managed Growth Strategy; Bendigo Regional Employment Precinct; Bendigo City Centre Plan.

### ***Planting Ceremony of the Sri Maha Bodhi Sapling***

- Attended the plantation ceremony of the Bodhi Dhamma Buddhist Association of the first direct sapling of the Bodhi tree at the Bodhi Dhamma Viharra at the Great Stupa
- It was a special occasion with nearly 3,000 visitors celebrating the momentous event which was also live streamed direct to Sri Lanka.

### ***State Funeral for Aunty Fay Carter***

- Attended the state funeral for Aunty Fay Carter.
- The service honoured the life of Aunty Fay and her memory will live on through stories shared.

### ***Bendigo Lowline funding agreement***

- Welcomed the announcement of \$5m by Maree Edwards on behalf of the Allan Government for the Bendigo Lowline

- The Bendigo Lowline is a 4.4km path between Golden Square and White Hills which will provide safe and active travel through the Bendigo city centre, increase active travel and reduce reliance on motor vehicles for everyday use
- We know that we have 95,000 members of our community live within 5 km of the Bendigo Creek
- We know that many members of our community enjoy walking and cycling
- The Lowline project has been a legacy priority project for this Council and this funding will enable further progress

**Heathcote Civic Precinct project**

- Was a special morning in Heathcote to hear the news of the successful funding for the Heathcote Civic Project and Library redevelopment
- Community have been very potential and determined
- Our staff have worked closely with the community and submitted a compelling application to the Federal Government's *Growing the Region* Fund

**Stars on Ice at the Hargreaves Mall**

- Hargreaves Mall will be transformed into a winter wonderland for the upcoming school holidays
- *Stars on Ice* will feature a pop-up mobile ice skating rink to be placed in the middle of the Mall and be open for business from June 28 – July 14
- The rink will be open daily, 10am – 9pm, skate sessions run for 45 minutes and start on the hour, last session at 8pm.

## **26. CONFIDENTIAL (SECTION 66) REPORTS**

### **RECOMMENDED MOTION**

That Council close the meeting to members of the public pursuant to Section 66(2) of the Local Government Act 2020, to consider (a) report(s) relating to:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that
  - (i) relates to trade secrets; or
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- (j) Councillor Conduct Panel confidential information being information specified in section 169;

### **MOTION**

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Williams

**Resolution No. 2024-116**

**CARRIED**

## **27. CLOSE OF MEETING**

There being no further business, this Council Meeting closed at 8:35 pm.