

# AGENDA

## Council Meeting

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**Monday, 15 February 2021 commencing at 6:00 PM**

Livestreaming at [www.bendigo.vic.gov.au/councilmeeting](http://www.bendigo.vic.gov.au/councilmeeting)  
\*\*\* Broadcast live on Phoenix FM 106.7 \*\*\*

**VENUE:**

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

**NEXT MEETING:**

Monday, 15 March 2021  
Livestream

Copies of the City of Greater Bendigo Council's Agendas & Minutes  
can be obtained online at [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

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

## **Council Vision**

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

## **Council Values**

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

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

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

## **Goals**

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

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**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. TRADITIONAL LANGUAGE STATEMENT**

**3. OPENING STATEMENT**

**4. MOMENT OF SILENT REFLECTION**

**5. ATTENDANCE AND APOLOGIES**

**6. SUSPENSION OF STANDING ORDERS**

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

**7. COMMUNITY RECOGNITION**

**8. PUBLIC QUESTION TIME**

**9. RESUMPTION OF STANDING ORDERS**

That Standing Orders be resumed.

**10. CR FYFFE'S REPORT**

**11. DECLARATIONS OF CONFLICT OF INTEREST**

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

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

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

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

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

## 12. CONFIRMATION OF PREVIOUS MINUTES

### 12.1. Confirmation of Minutes

The following items were considered at the Council Meeting held on Monday 25 January 2021 at 6:00pm:

#### Summary

Monday 25 January 2021

Report No.	Item	Recommendation
14.1	128 Victoria Street, Eaglehawk	<p>That:</p> <p>A. Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for the use of the land for a retail premises (sale, hire and associated storage of motor vehicles, trailers, machinery, portable buildings and shipping containers), warehouse, and industry (construction and refurbishment of portable buildings); construction of a fence; display signage; and car parking to the satisfaction of the responsible authority at 128 Victoria Street, EAGLEHAWK 3556 on the following ground:</p> <p>The proposal is not consistent with the purpose of decision guidelines of the Industrial 3 Zone and would result in unreasonable visual amenity impacts on the surrounding area.</p> <p>B. If an application to review the decision of refusal is not lodged with the Victorian Civil Administrative Tribunal (VCAT) within 60 days of the refusal being issued, the City is to commence enforcement action requiring cessation of the use.</p>
15.1	Sport and Recreation Opportunities Active Grant	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorse submitting grant applications for: <ol style="list-style-type: none"> <li>a. Barrack Reserve lighting upgrade;</li> <li>b. Spring Gully Soccer lighting upgrade;</li> <li>c. White Hills netball change room upgrade;</li> </ol> </li> </ol>

Report No.	Item	Recommendation
		<ol style="list-style-type: none"> <li>2. Submit an application to the Community Sports Infrastructure Stimulus package for Ewing Park Redevelopment – Stage 2;</li> <li>3. Commit the necessary financial contribution from the City as part of the 2021-2022 Budget if the grants are successful;</li> <li>4. Acknowledge the considerable contributions from the Spring Gully Soccer Club and Heathcote Football &amp; Netball Club towards the projects and the importance of partnerships to deliver community infrastructure for the benefit of Clubs and the Bendigo Community; and</li> <li>5. Retain as confidential items the Attachment to this report pursuant to Section 3 (1) (a) of the Local Government Act 2020 as they contain business information that would prejudice Council's position in commercial negotiations if prematurely released.</li> </ol>
15.2	Youth Council Appointments	That Council acknowledge the Youth Council's valuable contribution to the community in their first term and Council endorse the 18 new Youth Councillors, as outlined in this report, for the 2021-2022 Youth Council term.
15.3	Community Grants Program - Large Grants 2020-2021	That Council approve the Community Assessment Panel's recommendations to allocate \$302,592 funding in the Large Grant category to fourteen applicants in 2020/21.
19.1	Audit and Risk Committee Chairperson's Biannual Report and Appointment of Chairperson	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Note the Audit and Risk Committee Chairperson's first biannual report for 2020/21.</li> <li>2. On the recommendation of the Audit and Risk Committee, approve the reappointment of Warren Pollock as the Audit and Risk Committee Chairperson for the next 12 months concluding at the first meeting post 1 October 2021.</li> </ol>

## RECOMMENDATION

That the Minutes of the Council Meeting held on Monday 25 January 2021, as circulated, be taken as read and confirmed.

### 13. PETITIONS AND JOINT LETTERS

#### 13.1. Petition: Kentucky Fried Chicken Establishment at the Corner of Howard Street and Midland Highway, Epsom - Traffic Issues

*[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA 1989) Further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officer reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories.]*

The following petition has been received from Open Access Training and Management Pty Ltd regarding existing traffic conditions at the corner of Howard Street and Midland Highway, Epsom, as outlined below:

"At the Greater Bendigo City Council meeting on Monday the 14th December, Council decided to approve the establishment of a KFC on the corner of Howard Street and Midland Highway, Epsom. The Council did not attach any conditions to this Planning Permit regarding existing traffic issues at this intersection.

Do you think such conditions should be attached to such development?"

Names: 192

#### **RECOMMENDATION**

That Council:

1. Receive the petition and advise the lead petitioner of the response as outlined in the report;
2. Forward a copy of this report to the Department of Transport.

#### **Officer Response:**

- The application was referred to the Department of Transport (DoT) as part of the planning process and DoT supported the proposal subject to conditions. At no point did DoT indicate that delaying the proposal until upgrades to the intersection were completed would be necessary.
- These conditions were included on the Notice of Decision issued by the Council.
- The City cannot impose conditions on a planning permit that do not relate specifically to the site in question.

- All parties were provided with a 28 day period in which to appeal the decision and/or the conditions to the Victorian Civil and Administrative Tribunal (VCAT).
- No appeals were lodged, and the Planning Permit has now been issued.
- In relation to potential traffic impacts the development may have on the Howard Street and Midland Highway intersection, the responsible authority for the intersection is the DoT, not the City of Greater Bendigo.
- Council will continue to bring the community concerns regarding this intersection to the attention of the DoT in its strategic discussions with that agency.

## **Attachments**

1. Petition



19.1.2021

**Open Access**  
Training & Management Pty Ltd

*Please find enclosed petition organised  
by Open Access Training & Management Pty  
Ltd and D.C.A. Investments Pty Ltd in  
reference to Development Application  
DV/807/20R approved by the Council  
on the 14.12.2020*

*Regards  
W. LOPATINSKY*

167 Midland Highway, Epsom, Vic, 3551  
Telephone: (03) 5448 4200 Fax: (03) 5448 4138  
Email: ~~info@datmpl.com.au~~

**INFO@DATMPL.COM.AU**

PETITION

Developed 13/01/2021

At the Greater Bendigo City Council meeting on Monday the 14<sup>th</sup> December, Council decided to approve the establishment of a KFC on the corner of Howard Street and Midland Highway, Epsom. The Council did not attach any conditions to this Planning Permit regarding the existing traffic issues at this intersection.

Do you think such conditions should be attached to such development?

Date	Name	Address	Y/N	Comments
13/01/21	cassandra	[REDACTED]		<u>NO.</u>
13/01/21	Amy	[REDACTED]		yes.
13/01/21	Robert Trewartha	[REDACTED]		
13/1/21	Naomi	[REDACTED]		yes
13/1/21	Paul	[REDACTED]		yes
13/1/21	LINDRAY	[REDACTED]		YES
13/1/21	Kelly C.	[REDACTED]		yes.
13/1/21	D. Healey	[REDACTED]		
13/1/21	A. Hall	[REDACTED]		
13/1/21	J. Flynn	[REDACTED]		YES
13/1/21	D. HARRISON	[REDACTED]		
13/1/21	M Swift	[REDACTED]		
13/1/21	A. Walker	[REDACTED]		
13/1/21	R. Jesta	[REDACTED]		✓
13/1/21	R London.	[REDACTED]		
13/1/21	A Lane	[REDACTED]		

Date	Name	Address	Y/N	Comments
12/1/21	Breane	[REDACTED]	NO	too much traffic.
13/1/21	ADAM	[REDACTED]	NO	WAY TOO MUCH TRAFFIC.
13/1/21	Kristian	[REDACTED]	NO	Traffic is already a concern.
13/1/21	Chas	[REDACTED]	-	<del>CR</del>
13/1/21	Alsha	[REDACTED]	Y	
13/1/21	Diomek.	[REDACTED]	YES	Traffic + paths.
13/1/21	J. Manning	[REDACTED]	N.	
13/1/21	D. Whitehead	[REDACTED]	N	TRAFFIC + PATHS
13/1/21	m. Farrar	[REDACTED]	Y	MP
13/1/21	R. J. Symes	[REDACTED]	YES	
13/1/21	Matt Nuttin	[REDACTED]		
13/1/21	Don Curney	[REDACTED]	Y.	School needs
13/1/21	Hilary Dilleff	[REDACTED]	N	car parking first traffic
14/1/21	heane Griffiths	[REDACTED]		Not necessary
14/1/21	Craig Matthews	[REDACTED]		PERSON VIL.
14/1/21	Natalie Bolt	[REDACTED]	NO	TO MUCH TRAFFIC
14/1/21	KAT TAINOR	[REDACTED]	YES	NO.
14/1/21	Dobbie Nulty	[REDACTED]		Traffic congestion a concern.
14/1/21	Mary Burns	[REDACTED]		
14/1/21	[REDACTED]	[REDACTED]		need's turning lanes.
14/1/21	[REDACTED]	[REDACTED]		Busy intersection.
14-1-21	Sulie Hopkins	[REDACTED]	NO	



Date	Name	Address	Y/N	Comments
14/1/21	Aileen Keebler	[REDACTED]		Yes. Busy Intersection.
14/1/21	Stacey Chessum	[REDACTED]	Y	Busy intersection
14.1.21	Margaret Ephgrave	[REDACTED]	Y	very Busy Intersection.
14.1.21	John Daley	[REDACTED]	Yes.	Heavy vehicles present.
14/1/21	Bruce Wang	[REDACTED]	Y	
14/1/21	Angus Levett	[REDACTED]	Yes	Too much traffic Dangerous intersection
14/1/21	PETER McKENNAN	[REDACTED]	YES.	TO MUCH TRAFFIC TO DANGEROUS.
14/1/21	Shawn Hias	[REDACTED]	Yes.	too much traffic.
14/01/21	Janielle	[REDACTED]	MRS.	
14/01/21	Bronwyne	[REDACTED]	-	NO
14/01/21	Rachel	[REDACTED]	Y	Busy Intersection
14/01/21	Wendy S.	[REDACTED]		
14/01/21	Mark Chapman	[REDACTED]		Needs upgrade
14/01/21	Seth Calvin	[REDACTED]		Too dangerous
14-1-21	JOHN STEEL	[REDACTED]		To Busy.
14-1-21	RAY CHAM	[REDACTED]		EPSON.
14.1.21	STUART JOHNSON	[REDACTED]		EPSON Y

Date	Name	Address	Y/N	Comments
14/1/21	Paenrich Cole	[REDACTED]		
14-1-21	Tracey Page	[REDACTED]		yes please
14-1-21	Skye Bennett	[REDACTED]		yes.
14-1-21	Nicole S	[REDACTED]		yes
15-1-21	Nicole D	[REDACTED]		yes
15-1-21	LEILAH PERRY	[REDACTED]		YES Busy intersection
15.1.21	Liam Tonzing	[REDACTED]		
15/1/21	Lyn Wright	[REDACTED]		Yes yes.
15/1/21	Alison Atherton	[REDACTED]		Yes
15/1/21	odan Cornhill	[REDACTED]		yes
15-1-21	Rod Arnold	[REDACTED]		Bad unsafe intersection
15-1-21	PAUL DAVIES	[REDACTED]		NOT Good!
15-1-21	DANNY ELLERTON	[REDACTED]		TRAFFIC CONDITIONS NEED TO BE REVIEWED DUE TO SLOWNESS OF TRAFFIC
15-1-21	Bruce Nicholls	[REDACTED]		
15-1-21	Helen Ropson	[REDACTED]		Yes.
15-1-21	Alysa Chide	[REDACTED]		Yes, review + improve traffic conditions.
15-1-21	Vivian Jones	[REDACTED]		

Date	Name	Address	Y/N	Comments
15/1/21	NOPTON	[REDACTED]	NO	
15/1/21	RIGBY	[REDACTED]	NO	TRAFFIC IN THE ENTIRE AREA NEEDS TO BE ADDRESSED FIRST.
15/1/21	RAY	[REDACTED]	NO	
15/1/21	B. WINDGOMBE	[REDACTED]	No	
15/1/21	E. HALEY	[REDACTED]	Yes	Please address traffic
15/1/21	D. TROY	[REDACTED]	Yes	Traffic Issues
15/1/21	S. BOOTHY	[REDACTED]	YES	ADDRESS TRAFFIC
15/1/21	J. MICHELLE	[REDACTED]	Y	Traffic
15/1/21	T. THORNTON	[REDACTED]	N	Traffic
15/1/21	P. STURNI	[REDACTED]	Y	Traffic Issues
15/1/2021	M. LAW	[REDACTED]	N	Traffic issues
15/1/21	K. JOHNSON	[REDACTED]	N	Traffic
15/1/21	T. AGGIE	[REDACTED]		
15/1/21	BRETT QUIN	[REDACTED]		TRAFFIC
<del>15/1/21</del>	<del>ALAN MILLAR</del>	[REDACTED]		
15/1/21	KERRY BROWN	[REDACTED]		TRAFFIC ISSUES
"	PETER BROWN	[REDACTED]		"
15/1/21	Megan Trenchard	[REDACTED]	<del>PERSON</del>	
15/1/21	Joel Pagen	[REDACTED]		

Date	Name	Comments
15/1/21	Natasha	YES.
16/1/21	SMITH	YES.
16-1-21	PATON	YES.
17-1-21	NANCY	YES.
18-1-21	Joyce Watts	yes.
18-1-21	Lyn Rowles	Yes.
18/1/21	BEN NEWBY	YES
18/1/21	DENIS MURPHY	ASCOT
18/1/21	Erica Elliott	Yes
18/1/21	Julie Mulcahy	Yes
18/1/21	DON MOSE	Yes
18/1/21	CHRISTINA	Yes
18/1/21	C'DISS	YEATH
18/1/21	ADAM	YES
19/1/21	Kathleen Howard	Yes

PETITION

Developed 13/01/2021

At the Greater Bendigo City Council meeting on Monday the 14<sup>th</sup> December, Council decided to approve the establishment of a KFC on the corner of Howards Street and Midland Highway, Epsom. The Council did not attach any conditions to this Planning Permit regarding the existing traffic issues at this intersection.

Do you think such conditions should be attached to such development?

Date	Name	Address	<input checked="" type="radio"/> Y <input type="radio"/> N	Comments
13/1/21	J. LESTER	[REDACTED]	Y	
13/1/21	R. Craig	[REDACTED]	Y	
13/1/21	R. Street	[REDACTED]	Y	Especially with Primary school pickup/drop off traffic gets backed up past Gaynes road.
13/1/21	A. Curran R. Pocock	[REDACTED]	Y	
13/1/21	Ash Ryan	[REDACTED]	Y	
13-1-21	LYNDON FERROVARI.	[REDACTED]	Y	
13/1/21	Nicob Fisher	[REDACTED]		
13/1/21	Ebony	[REDACTED]	Y	
		[REDACTED]	Y	
		[REDACTED]	Y	

Date	Name	Address	Y/N	Comments
13/01	Tegan	[REDACTED]	Y	
13/01	Danny	[REDACTED]	Y	
13/01	Brett Allender	[REDACTED]	Y	Need to install RT turn arrows on the Howard Street intersections - there is a RT turn lane, but no arrows.
13/01	Scott toll	[REDACTED]	Y	
13-1	Lana Jackson	[REDACTED]	Y	
13/01	Dee McKewen	[REDACTED]	Y	Dangerous intersection
13/1	ANDREW CHAMBERS	[REDACTED]		
13/1	Carly Frew	[REDACTED]	Y	Terrible intersection
13/1	Emily Crawford	[REDACTED]	Y	Yes conditions attached please
14/1	Geoffrey Wakeling	[REDACTED]	Y	Dangerous intersection
14/1	Fran Cecil	[REDACTED]	Y	

Date	Name	Address	Y/N	Comments
14/1/21	Anthony	[REDACTED]	Y.	
14/1/21	Patricia	[REDACTED]	Y	
14/1/21	Shirley Mc DONALD	[REDACTED]		Yes I agree. this is MAJOR TRUCK interfection for HUGE TRUCKS
14/1/21	LYNETTE DONN.	[REDACTED]		(YES I Agree 3551.
14/1/21	RITA	[REDACTED]		YES. I AGREE TO conditions
14/1/21	V.A. FAHEY	[REDACTED]	Y.	
14/1/21	A. WALK	[REDACTED]	Y	
14/1/21	K. HANCOCK	[REDACTED]	Yes	
14/1/21	J. PAGE	[REDACTED]	YES	
14/1/21	J. WHEAT	[REDACTED]	Yes.	
14/1/21	Pamela O'Riley	[REDACTED]	no YES	
14/1/21	J. FALLON	[REDACTED]	No	

Date	Name	Address	Y/N	Comments
14-01-21	D. MURDO	[REDACTED]	(Y)	
14-01-21	Kearney	[REDACTED]	(Y)	
14-01-21	M. Cantillari	[REDACTED]	(Y)	ASCOFT
14-01-21	S. Whyford	[REDACTED]	(Y)	
14-01-21	B. Sanderson	[REDACTED]	(Y)	
14-1-21	J. WOODEN	[REDACTED]	(Y)	ASCOFT
14-1-21	K. GURNEY	[REDACTED]	(Y)	Traffic issues
14-1-21	A. Lowndes	[REDACTED]	(Y)	NEED resolved.
14-1-21	L. Horton	[REDACTED]	(Y)	Protect small businesses
14/1/2021	K. Spry-erland	[REDACTED]	(Y)	Traffic issues Small business will be severely effected.
14/1/2021	TYATES	[REDACTED]	(Y)	
14/1/2021	Liam Hall	[REDACTED]	(Y)	Congestion conc. Traffic issues. Very dangerous intersection.
14/1/2021	CARIS JUBBER	[REDACTED]	(Y)	
14/1/2021	Lyn	[REDACTED]	(Y)	
14/1/2021	B. Hassett	[REDACTED]	(Y)	TRAFFIC IS TERIBLE AND DANGEROUS.



Date	Name	Address	Y/N	Comments
14-1-21	Simone	[REDACTED]	Y	
14-1-21	STUART BALAGUER	[REDACTED]		
14-1-21	DAVID MARTIN	[REDACTED]		
14-1-21	Crystal Gordais	[REDACTED]		
15-1-21	John MURPHY	[REDACTED]		
15-1-21	Josh West	[REDACTED]	Y	
15-1-21	Dawn McBride	[REDACTED]	Y	
15-1-21	Suzie PAVAN	[REDACTED]		livea
15-1-21	Peter Rowell	[REDACTED]		choco
15-1-21	Ran Cassidy	[REDACTED]		
15/1/21	A. Wilson	[REDACTED]		
15/1/21	MAY COLPWELL	[REDACTED]	Y	
15.1.21	Elaine Bell	[REDACTED]		
15.1.21	Ranj Bell	[REDACTED]		
15/1/21	K. Mayer	[REDACTED]		Action needed ASAP Re: traffic lights before KFC is considered! #EPSOMBLACKSPOT
15/1/21	As you know this is a dangerous intersection IN 4 YEARS 4 CRASHES - NEW GARDENS			
	Lynette PATTERSON			
15/1/21	Geoff Lockman	[REDACTED]		CRASH
15/1/2021	Bree Holmes	[REDACTED]	(4)	
15-1-2021	Jimmy	[REDACTED]		John A

Date	Name	Address	Y/N	Comments
15/1/21	BEVERLEY MCLEISH	[REDACTED]	YES	
15/1/21	Joyce McKinstry	[REDACTED]	yes	
15/1/21	ADRIAN FALL	[REDACTED]	YES.	
15/1/21	Tony Cook	[REDACTED]	YES	↳ TSON DANGEROUS CORNER
15/1/21	Leeanne O'hay	[REDACTED]	yes	
15/1/21	Patric Stark	[REDACTED]	Yes.	
15/1/21	Thomas Peters	[REDACTED]		
15/1/21	Ranee Flannery	[REDACTED]		
15/1/21	T. Graham	[REDACTED]		
15/1/21	S. Ryan	[REDACTED]	Yes.	
15-1-21	D. Keen	[REDACTED]		
15/1/21	K Steel	[REDACTED]	Yes	
16/1/21	Y. Boseleg	[REDACTED]	YES	
18/1/21	T. Schewerme	[REDACTED]	Yes	
18/1/21	R. HANCOCK	[REDACTED]	YES	
18/1/21	Vicki Cooney	[REDACTED]	YES	

Date	Name	Address	Q/N	Comments
18-1	J-SL (PTU)	[REDACTED]	YES	
18-1	Brendon Cox	[REDACTED]		YES
19-1	YASMIN PEARCE	[REDACTED]		. YES.
19-1	MARC BENNET.	[REDACTED]		YES

PETITION

Developed 13/01/2021

At the Greater Bendigo City Council meeting on Monday the 14<sup>th</sup> December, Council decided to approve the establishment of a KFC on the corner of Howards Street and Midland Highway, Epsom. The Council did not attach any conditions to this Planning Permit regarding the existing traffic issues at this intersection.

Do you think such conditions should be attached to such development?

Date	Name	Address	Y/N	Comments
15/1/21	colby	[REDACTED]		[REDACTED]
15/1/21	DAVID	[REDACTED]		[REDACTED]
18-21	ASHLEY SCOTT	[REDACTED]		[REDACTED]

## 14. PRESENTATION AND MANAGING GROWTH

### 14.1. 603 Midland Highway, Huntly 3551 - Display Major Promotion Sign

Author	Kahlia Reid, Senior Statutory Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

#### Summary/Purpose

Application details:	Display major promotion sign
Application No:	DA/699/2020
Applicant:	Transad Australia Pty Ltd
Land:	603 Midland Highway, HUNTLY 3551
Zoning:	Commercial 1 Zone
Overlays:	No Overlays
No. of objections:	0
Consultation meeting:	A consultation meeting was not undertaken.
Key considerations:	Does the proposal represent an acceptable outcome taking into account the surrounding context?  Is the proposal in accordance with Clause 22.29 Advertising and Signage Policy of the Greater Bendigo Planning Scheme?  Does the proposal meet the purpose and decision guidelines of Clause 52.05 Signs?
Conclusion:	The proposed major promotion sign represents an unacceptable outcome taking into account the context of the site and the relevant provisions of the Greater Bendigo Planning Scheme. The application is therefore recommended for refusal.

#### RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for Display of Major Promotion Sign at 603 Midland Highway, Huntly 3551 subject to the conditions at the end of the report / on the following grounds:

- The proposal will result in an unacceptable outcome for the streetscape and surrounding context and the Highway Entrances and Boulevards Policy.
- The proposal fails to meet the provisions of Clause 22.29 Advertising and Signage Policy and Clause 52.05 Signs of the Greater Bendigo Planning Scheme.

## **Policy Context**

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

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

## **Attachments**

1. Planning Assessment Report

## Attachment 1 - DA-699-2020 - 603 Midland Highway - Planning Assessment Report

### PLANNING ASSESSMENT REPORT

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#### Report

##### Subject Site and Surrounds

The site is a rectangular shaped allotment located on the north west side of Midland Highway. It is bounded by Brunel Street on its north western boundary and is comprised of six parcels, with a total area of 6,115 square metres.

The site is utilised by Keans Free Range Eggs and contains numerous sheds, silos and ancillary structures to support this use. The Midland Highway frontage is predominantly denoted by a colorbond fence.



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

Although being within the Commercial 1 Zone (with the exception of the CFA Station opposite), properties directly adjoining the site to the north east, south west and those located opposite are primarily utilised for residential purposes.

The central commercial hub of Huntly is located approximately 75 metres to the north east of the site.

Land to the north and north west is within the General Residential Zone. Significant residential development has occurred within this area over the past five years.

Midland Highway is a Category 1 road and is managed by the Department of Transport.



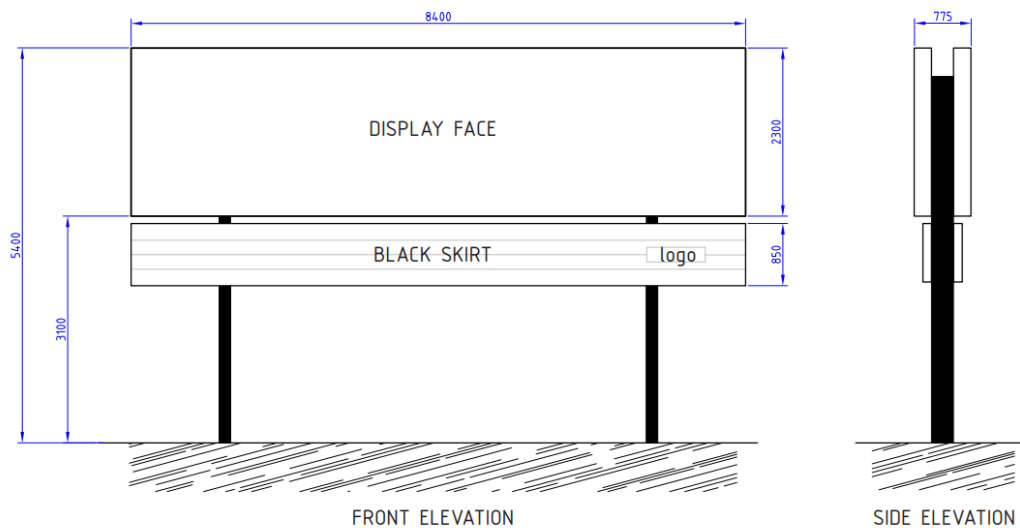
## Proposal

The application seeks planning approval for the installation of a major promotion sign along Midland Highway.

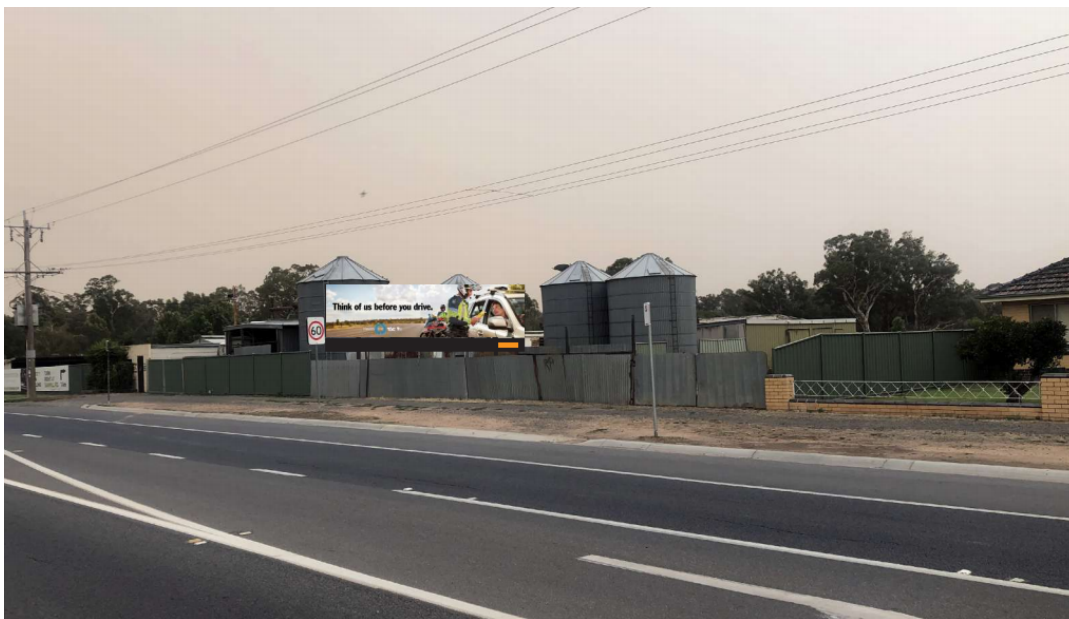
A Major Promotion Sign is defined at clause 73.02 of the Scheme as “A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.”

The main display area would be 8.4 metres in length and 2.3 metres high, with a smaller skirt area located underneath with a length of 8.4 metres and a height of 0.85 metres.

The sign would have a maximum height above ground level of 5.4 metres. Its contents would be varied and it is not proposed to promote one specific item.



**Figure 2:** Proposed sign elevations



**Figure 3:** Photo montage of proposed sign



## Planning Controls - Greater Bendigo Planning Scheme

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

### State Planning Policy Framework

- Clause 11.01-1S Settlement

The objective is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

### Local Planning Policies

- Clause 22.08 Highway Entrances and Boulevards Policy

The objectives are:

- To ensure that the use and development of land does not lessen the service, safety, role and amenity of main roads.
- To encourage an appropriate scale, intensity, design, appearance and presentation of land uses and developments along highways and main roads.
- To limit the number of access points to highways and main roads and to ensure that new access points do not interfere with the safety of such roads.
- To avoid further linear or ribbon development along highways and main roads.
- To protect existing areas of vegetation along and adjacent to highways and main roads.
- To ensure that new uses and developments do not detract from the value of existing landscapes.
- To provide for value adding and related commercial development within existing nodes.

- Clause 22.29 Advertising and Signage Policy

The objectives are:

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

Other Provisions

- Clause 52.05 Signs

The purpose of the Provision is:

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

- Clause 52.29 Land Adjacent to a Road Zone, Category 1

The purpose of the Provision is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

- Clause 65 Decision Guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: (inter alia)

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.

**Consultation/Communication**

Referrals

The following authority has been consulted on the proposal:

Referral	Comment
Department of Transport	No objection subject to conditions

Public Notification

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

Following advertising and at the time of the drafting of this report, no objections have been received.

## **Planning Assessment**

*Does the proposal represent an acceptable outcome, taking into account the surrounding context and the Highway Entrances and Boulevards Policy?*

This section of the Midland Highway corridor contains predominantly low scale development with scattered open paddocks also still evident. Unlike other areas of Huntly, development along the Highway corridor has seen slower / more limited change in its built form.

The proposed major promotion sign would be located within an area that contains very minimal signage, generally limited to the identification of CFA and Keans Free Range Eggs. Its scale and form would be out of context with the streetscape and unsympathetic to surrounding land uses and built form.

The highways and other main roads located in Greater Bendigo are a significant asset used by residents and visitors. These traffic routes provide important transport opportunities and create an impression of the municipality. Proposals at highway entrances and along the boulevards are required to recognise, support and enhance:

- The preservation and aesthetic presentation of Bendigo's natural environment, built heritage and historical areas;
- The traffic function and road safety;
- The overall appearance of public and private land including commercial development sites;
- The promotion of Bendigo as a tourist destination;
- The role of highway entrances and boulevards in establishing the character and image of the municipality.

The type of sign proposed by this application does not recognise, support or enhance any of the above points and would detract from the appearance / amenity of the area. It is therefore not supported.

*Is the proposal in accordance with Clause 22.29 Advertising and Signage Policy?*

This policy seeks to protect the public amenity of the municipality from distracting and dominating signage and advertising, particularly in areas of high sensitivity including areas of heritage significance, neighbourhood character, and along City and township entrances.

Importantly, the Policy specifically discourages the following types of signage and advertising:

- Major promotion signs;
- Advertising which is not related to activities conducted on the site.

The Policy additionally requires applications that:

- Encourage rationalisation of the number of signs and forms of advertising on a site, including permanent, removable and temporary forms of advertising.
- Encourage advertising that complements the architectural style, built form and character of the place.
- Encourage signage that is located to:
  - Maintain views and vistas along streetscapes;
  - Minimise visual distraction and saturation of advertising in public areas.

The proposal seeks to install a major promotion sign on the site, orientated to present towards south bound traffic heading along Midland Highway. The sign is intended to assist business activity and/or convey community messages as a result of current public campaigns by local, state or federal agencies. It is not proposed to advertise an activity occurring on the site. It is important to acknowledge that the City would not have control over the future content of the display area.

Although proposed to be located within an area zoned Commercial 1, the area between Burgoyne Street and Pasley Street contains a mixture of development including residential properties, with no shop fronts and / or commercial developments. The established commercial hub of Huntly is located to the north east of Burgoyne Street.

While the applicant has stated that this type of signage is *“a natural part of the function of growing urban areas and that the proposal activates the commercial street frontage, adding visual interest to the immediate local area”* it is considered that the proposed major promotion sign is not in accordance with the City’s Advertising and Signage Policy for the following reasons:

- It is not catering for any specific business.
- The height, scale and form of the sign is out of character with the context of the streetscape and is not complementary to the broader built form.
- The proposal does not contribute to the activation of the streetscape, nor maintain views and vistas along the streetscape as sought by the policy.
- It may lead to the visual distraction of drivers along Midland Highway, noting that the policy seeks to avoid this outcome by *“minimis(ing) visual distraction and saturation of advertising in public areas.”*
- This type of Major Promotion signage is specifically discouraged by Council’s Policy.

*Does the proposal meet the purpose and decision guidelines of Clause 52.05 Signs?*

The purpose of the Provision has previously been identified in this report while the decision guidelines set out a number of considerations related to:

- The character of the area;
- Impacts on view and vistas;
- Relationship to the streetscape, setting and landscape;
- Relationship to site and building;
- Impact of structures associated with the sign;
- Impact of illumination;

- Impact of logo box;
- Need for identification;
- Impact on road safety.

The provision also sets out decision guidelines which relate specifically to major promotion signs in addition to those above.

The sign would sit 5.4 metres above ground level, have a length of 8.4 metres and display varying materials (no specific proposal was provided as part of this application).

It would be located on a property currently occupied by Keans Free Range Eggs which contains numerous sheds, silos and ancillary structures to support this use. This type of development is the anomaly within the context of the area, which is predominately denoted by residential properties and low scale commercial development to the north east.

While the height and scale of the sign is somewhat compatible with the current built form on the application site, it is out of scale and context with the broader pattern of development along the streetscape. The proposed sign would not complement or enhance the character of the area.

The sign is not proposed to be illuminated, however its positioning in close proximity to the Midland Highway and its unknown appearance in terms of material being promoted could lead to an unreasonable visual impact, especially to drivers.

It is considered that the proposal is not in accordance with Clause 52.05 Signs as:

- The proposal is not compatible with the amenity and visual appearance of the area.
- The sign will contribute to visual clutter.
- The site is in close proximity to residential development and is out of context with the main pattern of development.
- The proportion, scale and form of the sign is out of context relative to the streetscape and surrounding area.
- The sign does not display innovation or have any link to the host site's operation.

## **Conclusion**

The installation of a major promotion sign on the Midland Highway corridor of Huntly is an unacceptable outcome, taking into account the context of the site and the relevant provisions of the Greater Bendigo Planning Scheme.

The sign is not compatible with the surrounding land uses and development, is not required for a specific advertising purpose and has no benefit to the appearance or function of the public realm.

The proposal is therefore not supported and it is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit.

## **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.

**14.2. 5718 Calder Highway, Kangaroo Flat 3555 - Construction of 32 Dwellings, Removal of Native Vegetation and Alterations to an Access to a Road in a Road Zone - Category 1**

Author	David Burrow, Statutory Planner
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

**Summary/Purpose**

Application details:	Construction of 32 dwellings, removal of native vegetation and alterations to an access to a road in a Road Zone - Category 1
Application No:	DR/289/2020
Applicant:	Rankin Holdings (Vic) Pty Ltd
Land:	5718 Calder Highway, KANGAROO FLAT 3555
Zoning:	General Residential Zone
Overlays:	Bushfire Management Overlay
No. of objections:	6
Consultation meeting:	Nil
Key considerations:	<ul style="list-style-type: none"> <li>• Bushfire planning;</li> <li>• Native Vegetation;</li> <li>• Compliance with 'ResCode';</li> <li>• Neighbourhood character.</li> </ul>
Conclusion:	The application does not present an acceptable outcome under the Greater Bendigo Planning Scheme for reasons including the excessive removal of native vegetation, 'ResCode' non-compliance and neighbourhood character, and it is recommended that the application be refused.

## **RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for construction of 32 dwellings, removal of native vegetation and alterations to alter an access to a road in a Road Zone (Category 1) at 5718 Calder Highway, KANGAROO FLAT 3555, on the following grounds:

1. The proposal results in the removal of an excessive amount of native vegetation and has not reasonably sought to avoid or minimize its impact on native vegetation.
2. The proposal does not adequately recognise, support, or protect the neighbourhood character as a peri-urban interface.
3. The proposal fails to support the Highway Entrances and Boulevards Policy, pursuant to Clause 22.08.
4. The proposal does not provide convenient parking for visitors to all dwellings within the subject land.
5. The proposal does not provide an adequate diversity of dwellings.
6. The proposed development's layout and form is not responsive to the site and local context and constitutes an overdevelopment of the land.

## **Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

## **Attachments**

1. Planning Assessment Report



**Attachment 1 - DR-289-20205 - 718 Calder Highway KANGAROO FLAT - Planning Assessment Report**

**PLANNING ASSESSMENT REPORT**

**Report**

Subject Site and Surrounds

The subject land is identified as 5718 Calder Highway, Kangaroo Flat, located wholly within the General Residential Zone and Bushfire Management Overlay with access to a road in a Road Zone – Category 1. The subject land is partially vegetated with a dam, dwelling, and associated outbuildings. The subject land abuts the Urban Growth Boundary and is adjacent to the Farming Zone, however it is otherwise surrounded by the General Residential Zone. The subject land is an irregular shape with a maximum width of 74 metres and maximum length of 235 metres, orientated east to west with a total area of 14,140 square metres. The site slopes upward from west to east.



**Figure 1:** Location map showing subject site. Objector's properties marked with a star. The 6<sup>th</sup> objector is located further north along Calder Highway.

Proposal

The proposal is for the construction of 32 dwellings, removal of native vegetation and the alteration to access to a road in a Road Zone – Category 1.



A central accessway is 6 metres wide and would provide access to all 32 proposed dwellings. The site would be terraced with retaining walls ranging from 300 millimetres to 1.5 metres in height, with the rear of the subject land 'cut in' to the slope by approximately 3 metres by way of 4 retaining walls, each approximately 800 millimetres in height.

The proposal provides 7 visitor parking spaces and storm water detention basins at the western end of the subject land which separates the proposed dwellings from Calder Highway by a minimum of 9.5 metres.



Figure 2: Proposed Site Plans.

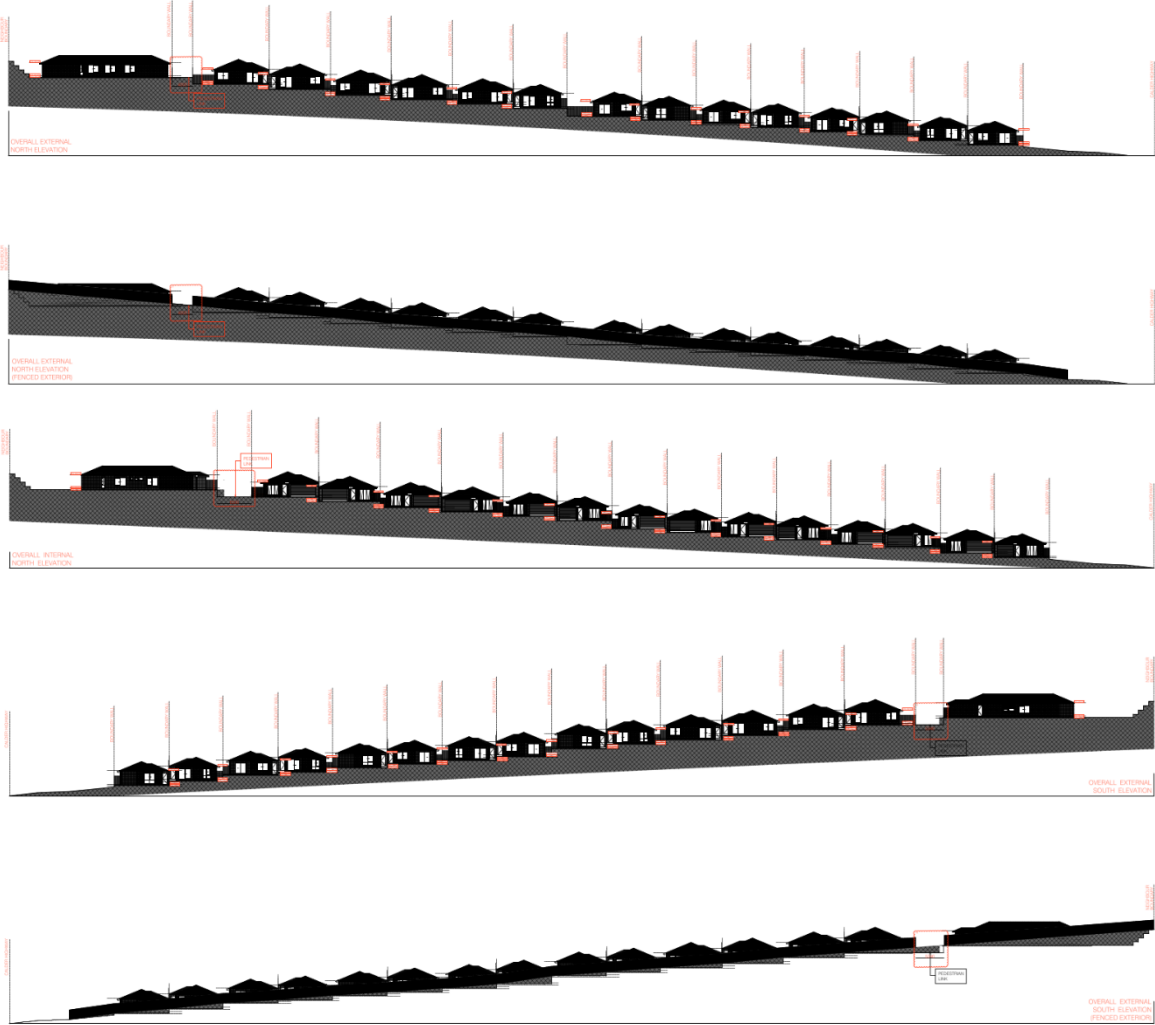


Figure 3: Elevations.



Figure 4: Excerpt from the Native Vegetation Removal Report provided showing proposed native vegetation to be removed in yellow.

## Planning Controls - Greater Bendigo Planning Scheme

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

### State Planning Policy Framework

- 11.01-1R Settlement – Loddon Mallee South
- 12.01-1S Native vegetation management
- 13.02-1S Bushfire planning
- 15.01-1S Urban design
- 15.01-2S Building design
- 16.01-2S Location of residential development
- 18.01-1S Land use and transport planning

### Municipal Strategic Statement

- 21.05 Compact Greater Bendigo

### Local Planning Policies

- 21.08 Environment
- 21.09 Integrated Transport and Infrastructure
- 22.08 Highway Entrances and Boulevards Policy
- 22.10 Environmentally Sustainable Development

### Other Provisions

- 32.08 General Residential Zone
- 44.06 Bushfire Management Overlay
- 52.06 Car parking
- 52.17 Native vegetation
- 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- 53.02 Bushfire planning
- 55 Two or more Dwellings on a lot and Residential Buildings

## Consultation/Communication

### Referrals

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

Referral	Comment
Powercor	No objection subject to conditions
Coliban Water	No objection subject to conditions
Downer	No objection subject to conditions
Country Fire Authority	No objection subject to conditions
Department of Transport	No objection subject to conditions

Referral	Comment
Department of Environment, Land, Water and Planning	No objection subject to conditions
Traffic & Design	No objection subject to conditions
Drainage	No objection subject to conditions
Waste Services	No objection subject to conditions
Parks	No objection subject to conditions
Environmental Sustainable Design	No objection subject to conditions

### Public Notification

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

As a result of advertising, 6 objections were received, with the grounds of objection summarised as follows:

- Increased density;
- Impact on property values;
- Increased noise;
- Increased traffic;
- Lack of diversity in dwelling design;
- Impact on highway entrance to Bendigo;
- Consultation process;
- Safety, through potential increase in crime;
- Lack of spacing between dwellings;
- Removal of vegetation;
- Impact on (rural) neighbourhood character;
- Drainage and potential flooding on Calder Highway;
- Impact on Buddhist Temple;
- Inaccurate development costing;
- Inadequate waste management;
- Insufficient parking;
- Lack of detail to meet Clause 55 objectives.

The objections are discussed further below.

## Planning Assessment

### Introduction

The proposal is for the construction of 32 dwellings, removal of native vegetation, and an alteration to access to a road in a Road Zone - Category 1 at 5718 Calder Highway, Kangaroo Flat.

The subject land has a total area of 14,140 square metres and is located on the edge of the Bendigo Urban Growth Boundary.

The *use* of the land for dwellings does not trigger the need for a planning permit. However, a planning permit is required to;

- Construct two or more dwellings within the General Residential Zone and the Bushfire Management Overlay,
- To remove native vegetation, and
- To alter an access to a road in a Road Zone – Category 1.

Subsequently, this assessment will focus on;

- The removal of native vegetation;
- Bushfire planning;
- Access to a road in a Road Zone – Category 1; and
- The construction of dwellings, pursuant to Clause 55 (ResCode) and the General Residential Zone; with further discussion regarding:
  - Neighbourhood character objectives;
  - Residential policy objectives; and
  - Dwelling diversity objectives.

### Native Vegetation

The proposal includes the removal of native vegetation. The applicant has provided a 'Development Impact Report' by Axiom Tree Management Pty Ltd which indicated that 90 of the 135 trees would need be removed. However, the total number of trees in the report includes trees located both within the subject land and within the neighbouring allotments and road reserve where the tree protection zones (TPZ's) extend into the subject land. None of the trees on neighbouring properties or road reserve ('third party') will be physically removed as part of this proposal. These trees make up 36 of the total 135 trees which were considered.



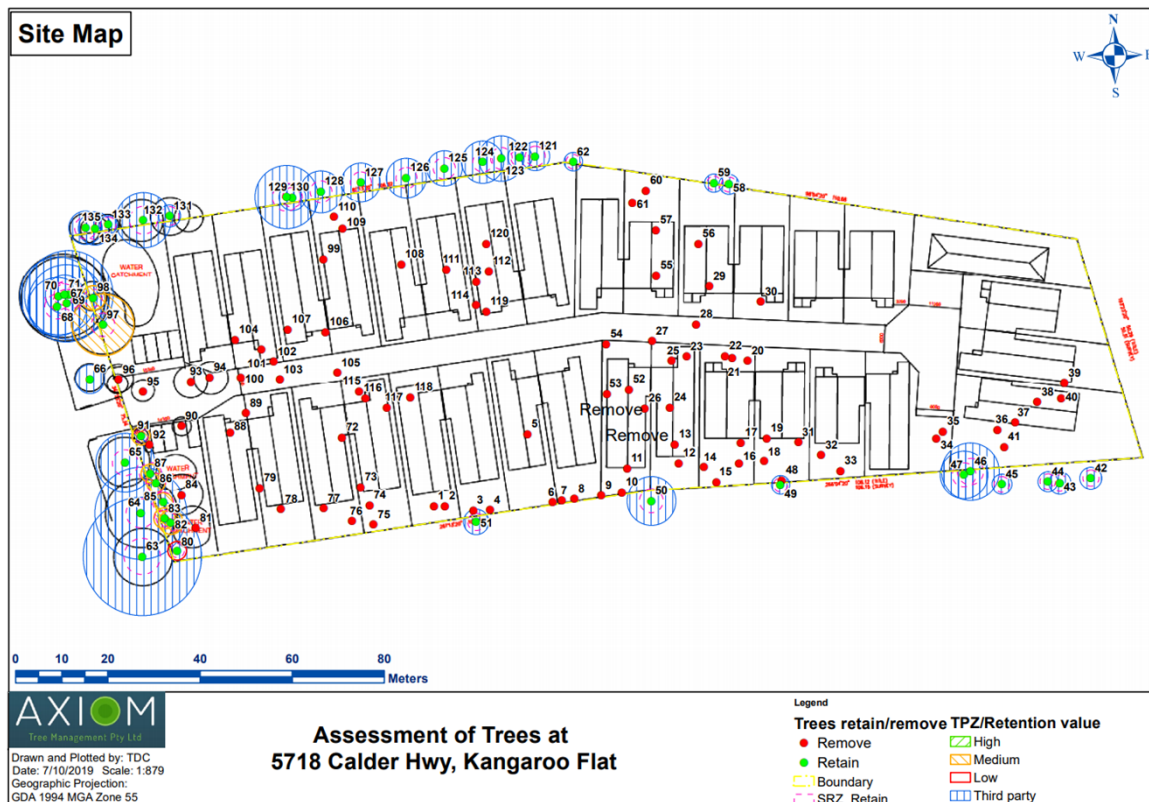


Figure 5: Site map from Development Impact Report

Therefore, the proposal would require the removal of all vegetation within the subject land, excluding some vegetation within 10 metres of the Calder Highway, 9 trees in total.

The application was referred to the Department of Environment, Land, Water and Planning (DELWP), who indicated that it had no objection to the granting of a planning permit, subject to conditions.

DELWP's response is acknowledged as an assessment by the 'recommending referral authority' under Clause 66.02-2. However, in this instance the City of Greater Bendigo as the responsible authority considers the application to fail the 'three-step approach,' pursuant to the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land Water and Planning):

1. To avoid the removal of native vegetation.
2. If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.
3. To appropriately offset the loss of native vegetation.

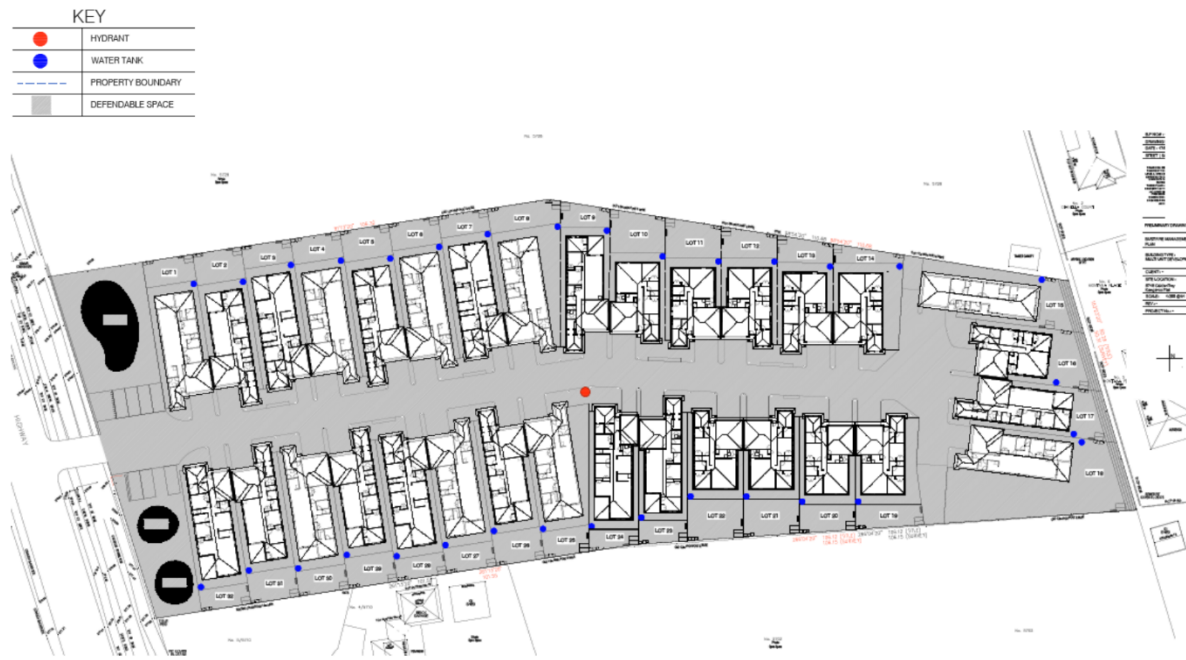
It is recognised that some native vegetation may need to be removed in order to develop the subject land. However, given that the proposal would result in all vegetation, aside from that directly adjoining Calder Highway and that on neighbouring allotments, being removed the proposal appears to have not sufficiently considered alternatives that might minimise the removal of native vegetation.

For example, trees 48 and 49 are shown to be approximately 1 metre apart from each other and of the same species, same width and same Tree Protection Zone (TPZ) of 2 metres. However, 48 is within the subject land and proposed to be removed, and 49 is on the neighbouring allotment and proposed to be retained. In addition, 48 is listed as being in better health than 49. Both trees are over 3 metres from any building. Trees 6, 10, 15, 33, 41 and 60 are all similarly listed for removal despite being well sited within the private open space of the proposed dwellings.

Furthermore, it is not considered unreasonable that the proposal could be reconfigured to further minimise the removal of native vegetation. Subsequently, the removal of vegetation currently proposed is not supported.

**Bushfire Planning**

The subject land is almost entirely affected by a Bushfire Management Overlay. The applicant has provided a Bushfire Management Plan. The Bushfire Management Plan requires the whole of the subject land to be defendable space, with a 2,500 litre water storage tank for each proposed dwelling and a proposed fire hydrant located centrally within the subject land. The application was referred to the Country Fire Authority who indicated that it had no objection to the granting of a planning permit, subject to conditions that include the endorsement of the Bushfire Management Plan.



Bushfire Management Plan – Proposed 32 Dwellings – 5718 Calder Highway Kangaroo Flat

**Figure 6:** Excerpt from Bushfire Management Plan



### Access to a Road in a Road Zone - Category 1.

The subject land's sole access is from Calder Highway which is in a Road Zone – Category 1. The application was referred to the Department of Transport (DoT) who indicated that it did not object to the granting of a planning permit, subject to conditions. The conditions required by DoT will likely result in access and egress to Calder Highway via left turn only. Given that DoT, as the relevant road authority and determining referral authority, considers the access for 32 dwellings acceptable, the proposed access to Calder Highway is considered generally acceptable with regard to public safety.

The subject land is also located within an area subject to Clause 22.08 Highway Entrances and Boulevards Policy. The objectives of this policy are:

- *To ensure that the use and development of land does not lessen the service, safety, role and amenity of main roads.*
- *To encourage an appropriate scale, intensity, design, appearance and presentation of land uses and developments along highways and main roads.*
- *To limit the number of access points to highways and main roads and to ensure that new access points do not interfere with the safety of such roads.*
- *To avoid further linear or ribbon development along highways and main roads.*
- *To protect existing areas of vegetation along and adjacent to highways and main roads.*
- *To ensure that new uses and developments do not detract from the value of existing landscapes.*

As mentioned before the proposal will obtain access from Calder Highway which has been assessed by DoT and deemed acceptable, subject to relevant conditions recommended by DoT. However, the subject land is located along the Calder Highway at what is a primary connection to and from Bendigo, and arguably the main southward entrance and exit to Bendigo. The applicant's client has stated that they "*would not support vehicle access through the site to other developments,*" therefore, the proposal is unlikely to be integrated into any other part of the urban road network. This and other recent developments at 5710 and 5692 Calder Highway, which created 4 and 13 allotments respectively with access solely from the Calder Highway, are arguably what Clause 22.08 is trying to avoid. This type of development does not contribute to the amenity of main roads and has a similar impact to linear or ribbon development by putting pressure on the main road as the sole access to all 32 dwellings. The applicant was asked to provide for potential integration with other streets and did so by providing pedestrian links at the rear of the subject land which could be integrated with future adjoining subdivisions if appropriate. However, alternative vehicle access remains unsupported by the applicant.

Furthermore, the proposal would result in the removal of most of the existing trees on the subject land which should in turn require compensatory planting, pursuant to Clause 22.08. However, neither landscaping plan, nor compensatory planting has been provided within the application. The provision of a landscape plan must be conditioned as part of any subsequent planning permit.



**Figure 6:** Aerial images from 2013 and 2020, showing allotments at 5710 and 5692 Calder Highway in yellow and the subject land in red.

Clause 55 – Two or more dwellings on a lot and residential buildings (ResCode)

The proposal is for the construction of 32 dwellings on a lot and subsequently requires an assessment against the objectives and standards of Clause 55 for two or more dwellings on a lot and residential buildings (ResCode). The following is a table addresses each of these objectives and standards.

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<b>Clause 55.02</b>		
<b>Neighbourhood Character</b>		
<b>B1 – Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	Appropriate design response to the neighbourhood and site.	<b>See further discussion below</b>
	Design respects the existing or preferred neighbourhood character and responds to site features.	
<b>B2 – Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF, MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	Application to be accompanied by written statement that explains consistency with relevant housing policy in SPPF, LPPF, MSS and local planning policies.	<input checked="" type="checkbox"/> An acceptable statement has been provided.

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<b>B3 – Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	Development of ten or more dwellings to provide for: <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling containing a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<b>See further discussion below</b>
<b>B4 – Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.	Connection to reticulated sewerage, electricity, gas and drainage services.  Capacity of infrastructure and utility services should not be exceeded unreasonably.  Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists.	<input checked="" type="checkbox"/> All dwellings will be appropriately serviced.
<b>B5 – Integration with the Street</b> Integrate the layout of development with the street.	Development orientated to front existing and proposed streets.  Vehicle and pedestrian links that maintain and enhance local accessibility.  High fences in front of dwellings should be avoided if practicable.  Development next to public open space should be laid out to complement the open space.	N/A – No residential street, only Calder Highway (Arterial Road) via an internal accessway.  <input checked="" type="checkbox"/> Accessibility is maintained.  <input checked="" type="checkbox"/> No high front fences are proposed.  NA
<b>Clause 55.03</b>		
<b>B6 – Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Walls of building should be set back from streets at least the distance specified in the schedule to the zone; or: <ul style="list-style-type: none"> <li>• If no distance is specified in the schedule to the zone, setbacks should be as set out below. <i>Porches, pergolas and verandahs less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i></li> </ul> Existing building on both the abutting allotments facing the same street and site is not on a corner. <ul style="list-style-type: none"> <li>• Min front setback - average setback of existing buildings on abutting allotments facing the front street or 9m, whichever is the lesser.</li> </ul>	<input checked="" type="checkbox"/> The proposed setback complies with the standard.
<b>B7 – Building Height</b> Building height should respect the existing or preferred neighbourhood character.	The maximum building height should not exceed that specified in the zone, schedule to the zone or any overlay that applies to the land.	<input checked="" type="checkbox"/> Building height does not exceed maximum allowable and heights are graduated where appropriate.

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
	Where no maximum height is specified, the max height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site is 2.5 degrees or more, in which case the max height should not exceed 10m.	NA
	Changes of building height between new and existing should be graduated.	<input checked="" type="checkbox"/>
<b>B8 – Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	The site area covered by buildings should not exceed: <ul style="list-style-type: none"> <li>• The max. site coverage specified in the schedule to the zone; or</li> <li>• If no max. site coverage, is specified 60%.</li> </ul>	<input checked="" type="checkbox"/> Total coverage = 39%
<b>B9 – Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	At least 20% of the site should not be covered by impervious surfaces.	<input checked="" type="checkbox"/> 46% of the site will be permeable and the standard is therefore complied with.
<b>B10 – Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Orientation of buildings should make appropriate use of solar energy. Siting and design of buildings should not reduce the energy efficiency of buildings on adjoining lots. If practicable the living areas and private open space are to be located on the north side. Solar access for north-facing windows should be maximised.	<input checked="" type="checkbox"/> The development has been designed to make appropriate use of solar energy and meets the energy efficiency objective.  <b>However, for those dwellings to the south of the proposed accessway it is generally understood to be impracticable to locate the living areas on the north side.</b>
<b>B11 – Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	Public open spaces should: <ul style="list-style-type: none"> <li>• be substantially fronted by dwellings.</li> <li>• provide outlook for dwellings.</li> <li>• be designed to protect natural features.</li> <li>• be accessible and useable.</li> </ul>	N/A - No public open space adjoins the site.
<b>B12 – Safety</b> Layout to provide safety and security for residents and property.	Entrances to dwellings and residential buildings should not be isolated or obscured from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways Good lighting, visibility and surveillance of car parks and internal accessways. Protection of private spaces from inappropriate use as public thoroughfares.	<input checked="" type="checkbox"/> The layout does not create any concerns regarding safety and security. Bollard lighting will be employed.

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<p><b>B13 – Landscaping</b> To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	<p>Landscape layout and design should:</p> <ul style="list-style-type: none"> <li>• Protect predominant landscape features of the neighbourhood</li> <li>• Take into account the soil type and drainage patterns of the site</li> <li>• Allow for intended veg. growth and structural protection of buildings</li> <li>• In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>• Provide a safe, attractive and functional environment for residents</li> </ul> <p>Development should:</p> <ul style="list-style-type: none"> <li>• Provide for the retention or planting of trees, where these are part of the character of neighbourhood.</li> <li>• Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</li> </ul> <p>Landscape design should specify landscape themes, vegetation location &amp; species, paving &amp; lighting.</p>	<p><b>No landscaping plan has been provided but would be required by condition.</b></p>
<p><b>B14 – Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Accessways should provide:</p> <ul style="list-style-type: none"> <li>• Safe, convenient and efficient vehicle movements and connections to the street network</li> <li>• Designed to ensure that vehicles can exit in a forward direction if the accessway serves more than 5 car spaces, 3 or more dwellings or connects to a road in a Road Zone.</li> <li>• A width of at least 3m.</li> <li>• An internal radius of at least 4m at changes of direction.</li> <li>• A passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more car spaces and connects to a road in a Road Zone.</li> </ul> <p>The width of the accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33% of the street frontage; or</li> <li>• 40% if the width of the street frontage is less than 20m.</li> </ul> <p>For each dwelling fronting a street, only one single width crossover should be provided.</p> <p>The location of crossovers will maximise the retention of on-street car parking spaces.</p> <p>Access points to a road in Road Zones to be minimised.</p> <p>Access for service, emergency and delivery vehicles must be provided.</p>	<p><input checked="" type="checkbox"/> Accesses meet required standards.</p> <p><input checked="" type="checkbox"/> Accesses are less than the standard.</p> <p>N/A</p> <p>N/A</p> <p><input checked="" type="checkbox"/> Upgrade to an existing access is proposed. See further discussion earlier within this report.</p> <p><input checked="" type="checkbox"/> Complies.</p>



Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
	<p>or</p> <ul style="list-style-type: none"> <li>Where there are existing or simultaneously constructed walls or carports abutting the boundary of an abutting lot, the length of the existing or simultaneously constructed walls or carports - whichever is the greater.</li> <li>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in effective height of the wall or carport being less than 2m on the abutting property boundary.</li> <li>A height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1m of a side or rear boundary should not exceed an average of 3m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.</li> </ul>	
<p><b>B19 – Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	<p>Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum dimension of 1m clear to the sky (this can include land on the adjoining lot).</p> <p>Walls or carports more than 3m in height opposite should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	<p><input checked="" type="checkbox"/> There are no affected existing windows.</p>
<p><b>B20 – North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Buildings should be setback 1m if an existing north-facing habitable window is within 3m of the abutting lot boundary. (Add 0.6m to this setback for every metre of height over 3.6m and add 1m for every metre over 6.9m.) Refer to 55.04-4 for further clarification (a diagram is included).</p>	<p><input checked="" type="checkbox"/> There are no affected existing windows.</p>
<p><b>B21 – Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Where sunlight to a private open space of an existing dwelling is reduced, at least 75%, or 40sqm with min. 3m, whichever is the lesser area, of the open space should receive a min. of 5 hours of sunlight between 9 am and 3pm on 22 Sept. If the existing sunlight to the private open space of an existing dwelling is less than these requirements, the amount of sunlight should not be reduced further.</p>	<p><input checked="" type="checkbox"/> There will be no overshadowing on adjoining properties.</p>



Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<p><b>B22 - Overlooking</b> Limit views into existing secluded private open space and habitable room windows.</p>	<p>A habitable room window, balcony, terrace, deck or patio should be designed to avoid direct views into the secluded private open space of an existing dwelling within 9m (see clause for details) should have either:</p> <ul style="list-style-type: none"> <li>• A minimum offset of 1.5m from the edge of one window to the other.</li> <li>• Sill heights of at least 1.7m above floor level.</li> <li>• Fixed obscure glazing in any part of the window below 1.7m above floor level.</li> <li>• Permanently fixed external screens to at least 1.7m above floor level and be no more than 25 % transparent.</li> </ul>	<p><input checked="" type="checkbox"/> Overlooking within the 9m arc does not impinge on habitable rooms or private open space.</p>
	<p>Obscure glazing below 1.7m above floor level may be operable if there are no direct views as specified in this standard.</p>	<p>N/A</p>
	<p>Screens to obscure view should be:</p> <ul style="list-style-type: none"> <li>• Perforated panels or trellis with solid translucent panels or a maximum 25% openings.</li> <li>• Permanent, fixed and durable.</li> <li>• Blended into the development.</li> </ul> <p>See Clause 55.04-6 for instances where this standard does not apply.</p>	<p>N/A</p>
<p><b>B23 – Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower level dwelling or residential building within the same development.</p>	<p>No overlooking will occur within the development given the single storey dwellings and use of separating fences.</p>
<p><b>B24 – Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p><input checked="" type="checkbox"/> No noise sources are located near bedrooms.</p>
	<p>Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.</p>	<p><input checked="" type="checkbox"/> There are no noise sources on immediately adjacent properties.</p>
	<p>Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.</p>	<p><input checked="" type="checkbox"/></p>
<b>Clause 55.05 On Site Amenity and Facilities</b>		
<p><b>B25 – Accessibility</b> Consider people with limited mobility in the design of developments.</p>	<p>Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p><input checked="" type="checkbox"/> Dwelling entries are accessible or able to be made accessible.</p>
<p><b>B26 – Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.</p>	<p>Entries are to be visible and easily identifiable from streets and other public areas.</p>	<p><input checked="" type="checkbox"/> The dwelling entries are visible and identifiable from the internal driveway</p>
	<p>The entries should provide shelter, a sense of personal address and a transitional space.</p>	<p><input checked="" type="checkbox"/> Shelter and/or personal address is provided.</p>



Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<p><b>B27 – Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.</p>	<p>Habitable room windows to face:</p> <ul style="list-style-type: none"> <li>• Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or;</li> <li>• Verandah, provided it is open for at least one third of its perimeter or;</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><input checked="" type="checkbox"/> Daylight to habitable room windows is provided to comply with the standard.</p>
<p><b>B28 – Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Unless specified in the schedule to the zone, a dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or;</li> <li>• Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or;</li> <li>• Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room.</li> </ul>	<p><input checked="" type="checkbox"/> Each dwelling has at least 68sqm of private open space.</p>
<p><b>B29 – Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>The private open space should be located on the north side of the dwelling if appropriate.</p>	<p><input checked="" type="checkbox"/> Private open space is provided to the north for dwellings 1-18.</p> <p><b>For dwellings 19-32 the constraints of the block make solar access difficult to provide and a variation to the standard is required (as per below).</b></p>
	<p>Southern boundary of open space should be setback from any wall on the north of the space at least <math>(2+0.9h)</math> h= height of wall.</p>	<p><input checked="" type="checkbox"/> The boundary of the open space is setback accordingly;</p> <p>That being <math>2 + 0.9 \times</math> the height of the wall <math>(2 + (0.9 \times 2.8)) = &gt;4.52</math> meters to comply with B29. The minimum proposed southern boundary setback is 5 metres and is therefore compliant.</p>

Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
<p><b>B30 – Storage</b> Provide adequate storage facilities for each dwelling.</p>	<p>Each dwelling should have convenient access to a minimum 6m<sup>3</sup> of externally accessible, secure storage space.</p>	<p><input checked="" type="checkbox"/> Storage is provided in the garden.</p> <p>However, the storage is not considered to be convenient. The location of the indicative storage space is at the extremity of the proposed private open space, away from each proposed dwelling. Therefore, the proposed storage meets the objective by being adequate. However, it is not considered convenient.</p>
<b>Clause 55.06 Detailed Design</b>		
<p><b>B31 – Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Design of buildings should respect the existing or preferred neighbourhood character and address:</p> <ul style="list-style-type: none"> <li>• Façade articulation &amp; detailing.</li> <li>• Window and door proportions.</li> <li>• Roof form.</li> <li>• Verandahs, eaves and parapets.</li> </ul>	<p><b>See further discussion below.</b></p>
<p><b>B32 – Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>The front fence should complement the design of the dwelling or any front fences on adjoining properties.</p>	<p><input checked="" type="checkbox"/> No front fence is proposed.</p>
	<p>A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <ul style="list-style-type: none"> <li>• 2m if abutting a Road Zone, Category 1.</li> <li>• 1.5m in any other streets.</li> </ul>	<p>N/A</p>
<p><b>B33 – Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	<p>Should be functional and capable of efficient management.</p>	<p><b>See further discussion below .</b></p>
	<p>Public, communal and private areas should be clearly delineated. Common property should be functional and capable of efficient management.</p>	<p><input checked="" type="checkbox"/> The 'overall roof plan' delineates the private and communal land.</p>
<p><b>B34 – Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p>	<p>Dwelling layout and design should provide for sufficient space and facilities for services to be installed and maintained.</p>	<p><input checked="" type="checkbox"/> Complies</p>
	<p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and should blend in with the development.</p>	<p><input checked="" type="checkbox"/> The proposal has provided a waste management strategy which includes a private waste collection service.</p>

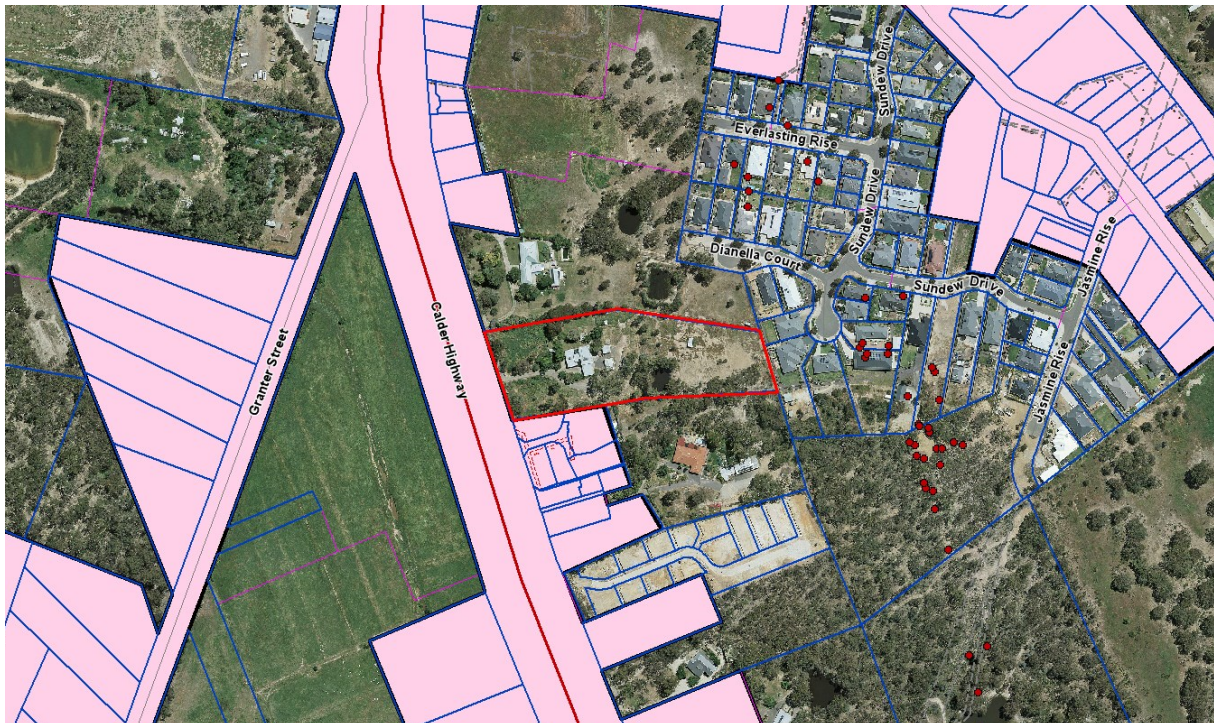
Title and objective	Standard	Comments where applicable. <input checked="" type="checkbox"/> Complies <input checked="" type="checkbox"/> Does not comply
	The site facilities including mailboxes should be located for convenient access. Bin and recycling enclosures located for convenient access. Mailboxes provided and located for convenient access as required by Aust. Post.	<input checked="" type="checkbox"/> The proposal does provide for space directly in front of the dwellings for mail and waste services.

As shown through the assessment of Clause 55 tabled above, the following objectives of standards are of concern:

- *Standard B1: Neighbourhood Character;*
- *Standard B3: Dwelling diversity; and*
- *Standard B15: Parking location*
  
- *Standard B1: Neighbourhood Character*

The objective of Clause 15.01-5S Neighborhood Character is “to recognise, support and protect neighbourhood character, cultural identity and sense of place.”

The applicant has correctly advised that the subject land is not located within the Kangaroo Flat Residential Character Precinct 6 and therefore is not subject to the objectives and design criteria of this precinct.



**Figure 8:** Aerial mapping with the Kangaroo Flat Residential Character Precinct 6 coloured in purple.

In lieu of this, the applicant has described the character as ‘in transition,’ and references that some adjoining allotments retain a rural character and that some are newer residential developments.

Taking this into consideration, the subject land is located within an area which is transitioning. In time, the area to the east of Calder Highway and west of the railway line will likely be further subdivided. However, in a spatial sense, the subject land is adjacent to the Farming Zone and on the border of the Bendigo Urban Growth Boundary at what is arguably 'the main entrance to Bendigo' when arriving from Melbourne. Whilst the applicant references the newer contemporary development to support their proposal, they do not provide commentary on how it respects the existing rural aesthetic. This coupled with Clause 22.08 Highway Entrances and Boulevards Policy - which considers the Calder Highway to "*provide an important transport opportunity and create an impression of the municipality,*" - suggests that the proposal should better address the transitional character of its locality. Clause 22.08 goes on to state that "*applications for new uses and developments which... detract from the appearance and amenity of the area, (and) result in unnecessary loss of vegetation, will not be supported.*"

The proposal provides an area of some 10 to 20 metres between Calder Highway and the proposed dwellings to contain some vegetation, stormwater detention basins and parking. However, further into the site there would be 32 dwellings facing inward to a 6 metre wide accessway. While the configuration of the site does pose challenges to any layout, it must be noted that the proposal seeks a greater density than that which is generally found within the locality. Dwelling density is not something prescribed, but given that the proposal;

- Is on the edge of the Bendigo Urban Growth Boundary;
  - Is adjacent to the Farming Zone and other development of a rural aesthetic;
  - Is in an area of transitional character governed by the Highway Entrances and Boulevards Policy;
- it becomes difficult to accept a greater density than that generally found within the rest of the locality.

This desire for density would additionally require wholesale removal of vegetation across the site, with minimal opportunities for the replanting of canopy trees due to the compact layout of the proposal. Subsequently, the proposal is not considered to meet the objectives of Clause 55.02-1 as it does not respond to the features of the site and the surrounding area.

- *Standard B3: Dwelling diversity*

The proposal incorporates 32 dwellings;

- 20 have 3 bedrooms;
- 8 have 4 bedrooms; and
- 5 have 2 bedrooms.

However, each '2 bedroom dwelling' contains one additional room labeled 'study' with similar dimensions and configurations to the bedrooms found in other dwellings. Subsequently, the difference between the '2 bedroom' and '3 bedroom' dwellings is purely semantic. There is no 'study' identified in any other proposed dwelling. Excluding this semantic difference, the proposal actually consists of 25 '3 bedroom dwellings' and 8 '4 bedroom dwellings,' therefore 78% of the dwellings are '3 bedroom dwellings,' with the remainder containing 4 bedrooms.



Standard B3 of ResCode states that “development of 10 or more dwellings should provide a range of dwelling sizes and types.” The range in this instance is either 3 or 4 bedroom dwellings. There is no further variation by way of type, as all dwellings are single storey with identical materials.



**Figure 9:** ‘2 bedroom dwellings’ clear, ‘3 bedroom dwellings’ are highlighted yellow, and ‘4 bedroom dwellings’ are highlighted green.

Clause 21.05-4 of the Scheme (Housing density and diversity) observes the following:

*In the City of Greater Bendigo there is a significant mismatch between the type of dwellings that exist and household size with an oversupply of three plus bedrooms. While there are one and two person households who will want a larger dwelling, the current lack of dwelling size choice is an issue that the Greater Bendigo Residential Strategy (2014) addresses.*

This became a key issue in a recent appeal at the Victorian Civil and Administrative Tribunal in *Alderette V Greater Bendigo* (VCAT P12/2020) at 50 Mill Street, Strathdale, where the Tribunal required the conversion of a three bedroom dwelling to a two bedroom dwelling to respond to this mismatch between supply and demand of smaller housing types. The Tribunal noted as follows:

*I do not agree with the submissions of the applicant that the proposal will provide the diversity the Scheme is seeking. I also do not agree that the provision of a dwelling with less than 3 bedrooms would be an incorrect application of policy – the Scheme seeks diversity in dwelling size noting the oversupply of three plus bedroom dwellings and the lack of smaller dwelling sizes, where this proposal provides only three and four bedroom dwellings, all with two living areas. This strikes me as proposing “more of the same” which is exactly what the Scheme seeks to avoid at clause 21.05-4...On this basis, I will require that a bedroom be deleted from dwelling 4, which is a three bedroom dwelling with no study.*

In the current application the applicant has been afforded the opportunity to make modifications. However, they have not elected to respond to the changes requested by planning officers regarding dwelling size and type. The above comments from the Tribunal are directly applicable to this application and even more so given the larger scale of the proposition and the Planning Scheme's directive to ensure diverse and affordable housing forms are available across the City.

Subsequently, the proposal is not considered to meet the objective of encouraging a range of dwelling sizes and types.

- *Standard B15: Parking location*

The proposal includes a central access way with a minimum width of 6 metres. The applicant provided a Parking Impact Assessment Report by EB Traffic Solutions Pty. Ltd. The report concluded that;

- The statutory requirements for parking were met by the proposed design; and
- The proposal could facilitate movements of waste and emergency vehicles.

The report also recommended;

- The provision of bicycle parking, pursuant to Clause 52.34;
- Maximum gradient past parking spaces be 1:16 and at other segments 1:4;
- Height clearances for garages be a minimum of 2.1 metres;
- Any potential obstructions from bollards, letterboxes, and vegetation have a height less than 900 millimetres;
- That the access way be a signed 10 km/hr shared zone; and
- Traffic management devices (speed humps etc.) be installed every 50 metres.

If a permit were to issue, these requirements could be accommodated as conditions.

However, the objective of Clause 55.03-10 is *"to provide convenient parking for resident and visitor vehicles."* Car parking facilities should *"be reasonably close and convenient to dwellings and residential buildings."* It is acknowledged that the parking provided for each proposed dwelling meets the minimum requirements, however, there remain concerns regarding the separation of the visitor parking area from the rear of the allotment. The visitor parking spaces:

- Are greater than 80 metres from the dwellings located at the rear of the subject land;
- Are greater than 10 metres below the finished floor levels of the dwellings located at the rear of the subject land; and
- Are not connected to any of the dwellings within the subject land by anything more than a 6 metre wide shared access way.

Subsequently, the proposal is not considered to provide visitor parking which is convenient. Amendments by way of a pedestrian path and additional visitor parking at the rear of the subject land could be required in order to rectify this issue, however this has been raised throughout the assessment and has not been addressed to date. It would be difficult to impose this as a condition as these items should form part of the initial assessment. Addressing this through the imposition of a condition could have further consequences to the design and layout. Subsequently, the proposal is not considered to meet the objective of Clause 55.03-10.

## Conclusion

The proposal is considered to be an over development of the subject land and at variance with the transitional rural/residential neighbourhood character of the area. It is noted that the subject land will likely be part of the first and last impression of the Bendigo urban area for many people travelling to and from the City and therefore it is imperative to secure an acceptable planning outcome. The proposal has been assessed as not in accordance with the Greater Bendigo Planning Scheme on the following grounds.

1. The proposal results in the removal of an excessive amount of native vegetation and has not reasonably sought to avoid or minimize its impact on native vegetation.
2. The proposal does not adequately recognise, support, or protect the neighbourhood character as a peri-urban interface.
3. The proposal fails to support the Highway Entrances and Boulevards Policy, pursuant to Clause 22.08.
4. The proposal does not provide convenient parking for visitors to all dwellings within the subject land.
5. The proposal does not provide an adequate diversity of dwellings.
6. The proposed development's layout and form is not responsive to the site and local context, and constitutes an overdevelopment of the land.

To resolve the matters listed above an applicant would need to provide as part of a future application:

- A proposal that better responds to the rural residential interface.
- Access that would facilitate frontage to public roads and potential access to other local road networks.
- Access that would facilitate convenient visitor parking.
- A greater diversity of dwelling sizes and types.
- A general reduction in dwelling numbers.

A landscape plan would be required of any subsequent proposal.

To affirm, these matters above are not able to be addressed by way of condition on any Planning Permit. It is the recommendation of officers that the present application be refused to allow for a more appropriate application to be made in the future.

## Options

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

**15. WELLBEING AND FAIRNESS****16. STRENGTHENING THE ECONOMY****16.1. Bendigo Airport lease of Lot IX23 and O7**

Author	Vicki Bayliss, Senior Business Services Officer
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

**Purpose**

This report seeks Council's decision on the granting of two leases at the Bendigo Airport: Community Two Way Radio Systems Pty Ltd for an initial term of seven years for Lot IX23 commencing 1 March 2021 with one seven year options, at a commencing rent of \$2,400 plus GST per annum, with rent review every three years.

Phoenix Aviation Pty Ltd for an initial term of 25 years for Lot O7 commencing 1 March 2021, with no further options, at a commencing rent of \$1,680 plus GST per annum, with rent review every three years.

**Summary**

Council has completed the statutory procedures under sections 190 and 223 of the Local Government Act 1989 regarding the lease proposal. Public notice was given in The Bendigo Advertiser on December 19, 2020 giving Council's intention to enter a lease with two tenants on the following terms:

- Community Two Way Radio Systems Pty Ltd.
- Initial seven-year term commencing 1 March 2021 with one seven-year options.
- Commencing rent of \$2,400 plus GST per annum.
- Market rent reviews every three years.
- Permitted use of the premises is for an airport hangar, a space to operate his recreational aviation school, and storage of related equipment and consumables.

and

- Phoenix Aviation Pty Ltd.
- Initial seven-year term commencing 1 March 2021 with one seven-year options.
- Commencing rent of \$1,680 plus GST per annum.
- Market rent reviews every three years.
- Permitted use of the premises is for storage of aircraft for private (nonpaying) operations only, and storage of related equipment and consumables.

At the close of the submissions period on 18 January 2021, no written submissions were received. Council can now decide whether or not to grant a lease to the tenant.



## RECOMMENDATION

That Council, having complied with sections 190 and 223 of the Local Government Act 1989 (the Act) by having:

- Given public notice in the Bendigo Advertiser on December 19, 2020; and
- That no submissions were received,
  1. Grants a lease to Community Two Way Radio Systems Pty Ltd for 440 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot IX23 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar, a space to operate his recreational aviation school, and storage of related equipment and consumables (Lease Proposal), for a term of seven years (with one seven-year option), with a commencing rent of \$2,400 per annum plus GST.
  2. Grants a lease to Phoenix Aviation Pty Ltd for 216 square metres of land, being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954, known as Lot O7 at the Bendigo Airport situated on 35 Victa Road, East Bendigo, (Land) for the purposes of an airport hangar (Lease Proposal), for a term of 25 years (with no further options), with a commencing rent of \$1,680 per annum plus GST.

## Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 3 Strengthening the economy

Strategy Reference (include weblink as applicable):

<https://www.bendigo.vic.gov.au/sites/default/files/2018-06/city-of-greaterbendigo-bendigo-airport-strategic-plan-update.pdf>

Strategic Direction 2: Effectively Manage and Maintain Bendigo Airport Assets

## Background Information

Council is the owner of the land known as the Bendigo Airport which is located on 35 Victa Road, East Bendigo (being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954).

Community Two Way Radio Systems Pty Ltd has sought a lease of the part of the Land which is shown Lot IX23 on the plan attached to this Report (Premises). Community Two Way Radio Systems Pty Ltd proposes to use the premises for the purposes of an airport hangar, a space to operate his recreational aviation school, and storage of related equipment and consumables, over a lease term of seven years with one seven-year option to renew the lease. The premises comprises approximately 440 square metres. The City has assessed the annual market rental for the Premises at \$2,400 per annum, plus GST. City officers have proposed an annual rental of \$2,400 per annum, plus GST, upon the basis that a market review is undertaken every three years and the lease is compliant with the Lease Policy approved in 2019.

Phoenix Aviation Pty Ltd has also sought a lease of the part of the Land which is shown Lot O7 on the plan attached to this Report (Premises). Phoenix Aviation Pty Ltd proposes to use the premises for the purposes of storage of aircraft for private (non-paying) operations only, and storage of related equipment and consumables, over a lease term of 25 years with no options to renew the lease. The premises comprises approximately 216 square metres. The City has assessed the annual market rental for the premises at \$1,680 per annum, plus GST. City officers have proposed an annual rental of \$1,680 per annum, plus GST, upon the basis that a market review is undertaken every three years and the lease is compliant with the Lease Policy approved in 2019.

## **Report**

The Bendigo Airport is located at 35 Victa Road, East Bendigo (being part of the land in certificate of Title Part Lot 3 PS 422204F, Volume 10557, Folio 954 (Land).

The Bendigo Airport has seven (7) vacant hangar sites available to lease. The uptake has been very strong over the last few years with 15 leases commencing in the last two years.

Public notice was given in The Bendigo Advertiser on 19 December 2020 giving Council's intention to enter a lease with these two tenants. No written submissions were received.

## **Consultation/Communication**

External Consultation:

A public notice was placed in the Bendigo Advertiser on 19 December 2020.

## **Resource Implications**

The costs associated with the negotiation and development of the lease documentation can be absorbed in the Business Services operation budget. There will not be an increase in ongoing maintenance or operational expenses as a result of this lease.

If Community Two Way Radio Systems Pty Ltd's lease is approved an additional \$2,400 per annum, plus GST revenue will be made.

If Phoenix Aviation Pty Ltd's lease is approved an additional \$1,680 per annum, plus GST revenue will be made.

The revenue will increase annually as per the Bendigo Airport Lease Policy.

## **Attachments**

Site locations

Attachment 1 - Bendigo Airport - Attachment - Site Locations



## 16.2. Appointment of new members to the Farming and Agribusiness Advisory Committee

Author	Sally Beer, Agribusiness Support Officer
Responsible Director	Bernie O'Sullivan, Director Strategy and Growth

### Purpose

This report seeks Council endorsement to adopt the proposed members of the new Farming and Agribusiness Advisory Committee (FAAAC).

### Summary

The Farming and Agribusiness Advisory Committee aims to be a strategically focussed advisory group to the City of Greater Bendigo, on issues pertaining to the agricultural sector. The forerunner, the Farming Advisory Committee, which has been operating since 2013, held the final meeting in the current format on September 17 2020, which coincided with the adoption of the revised Terms of Reference for the Farming and Agribusiness Advisory Committee (FAAAC) in September of 2020.

Calls were made for applicants to apply through an expression of interest process. Interviews were then conducted in January, to identify committee members going forward.

### RECOMMENDATION

That Council adopt the new committee members listed for the Farming and Agribusiness Advisory Committee.

### Policy Context

The Greater Bendigo Community Plan recognises the vital impact farming and agriculture has in creating the world's most liveable community. The FAAAC has the following objectives that align with the Community Plan:

- Strengthen and diversify the local and regional economy, grow jobs, attract visitors, work closely with all sectors, including ...manufacturing, tourism, ...and agriculture to enhance their success.
- Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities by building better connections, and quality of life for all.
- Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.
- Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains healthy ecosystems.

In addition, the following strategies also align with and will be referred to by the Committee.

- Food Systems Strategy 2020
- Rural Communities Strategy 2016
- Environment Strategy 2016-2021
- Implementation Framework and Action Plan for the City of Gastronomy (Bendigo) 2020 - 2024.

## **Background Information**

At the Ordinary Meeting of Council, held September 16 2020, the request was put to Council to adopt the reviewed Terms of Reference, and to endorse commencement of an Expression of Interest process to call for applications for members to participate on the Farming and Agribusiness Advisory Committee. Council adopted the reviewed Terms of Reference and endorsed the commencement of the Expression of Interest process.

Council also thanked the outgoing committee for their previous contributions over their term.

## **Report**

The Expression of Interest Process was started 26 October 2020 and applications were open until 20 November 2020. Sixteen applications were received. Interviews were conducted between 14 and 22 January 2021.

The interviews commenced, with an exceptional standard of applicants. Summaries of each applicant interviewed are attached. 12 community members have been selected from a possible pool of 16 submitted applications. One application was rejected during the interview process, two applicants withdrew their applications before attending an interview, one applicant has been co-opted to participate on the committee.

The decision was made that Coliban Water needed representation on the committee as a co-opted officer, and their representative will be Darren Heritage. This decision was made because Coliban Water has historically participated on the Farming Advisory Committee, to act as a resource for other members of the Committee. As Bendigo is a drought-prone area, water security is an issue regularly raised at the committee.

The decision was made that representatives should be drawn from La Trobe University (Bendigo) and Bendigo TAFE to participate on the committee as co-opted officials. This decision was made because both of these institutions provide important training and education resources for members of the farming and agribusiness community, and have an important part to play in attracting young people to the sector.

The decision was also made that a representative from the Dja Dja Wurrung should participate on committee as a co-opted position. Contact has been made with the Dja Dja Wurrung, asking for a nominated person.

The Terms of Reference require that representation is drawn from the Sustainability and Environment Advisory Committee and the Rural Communities Advisory Committee. Requests have been made that in the first meetings for 2021, nominations are called for from both of these committees.

The Terms of Reference also require that one Greater Bendigo Youth Councillor participates on the Committee. Requests have been made that nominations are called in the first meeting of 2021.

The final list of Farming and Agribusiness Committee members proposed for appointment are:

<b>Proposed Committee Members</b>
Jane Foster
Chris Drew
Vicki Lane
Jemma Pearl
Geoff Kroker
Brodie Roberts
Gavin Beever
Jordan Collin
Jim Long
Matt Gill
Alister Knight
Danny Pettingill

Priority/Importance:

This is a matter of high priority. If the committee members are appointed, meetings will commence as soon as possible. The last Farming Advisory Committee Meeting (FAC) was held on September 17 2020. It is of high priority that the Farming and Agribusiness Advisory Committee meets to discuss upcoming issues affecting the agricultural community in Bendigo and the Greater Region.

Options/Alternatives:

1. Appoint the committee members listed to the Farming and Agribusiness Advisory Committee.
2. Do not appoint committee members listed, therefore the Farming and Agribusiness Advisory Committee will be dissolved and will not reform.

Risk Analysis:

The project has minimal risks. The committee is a strategic advisory group.

There is a small risk that from the pool of applicants, some important agricultural sectors have not been included. This risk stems from those sectors not applying to be part of the original pool of applicants, despite advertising the Expression of Interest through a wide range of networks. An example of a missing sector includes the wine sector. This risk will be mitigated by working closely with the Gastronomy Committee, to ensure issues that affect both agribusiness and Gastronomy can be discussed at both committee meetings, and therefore considered from all angles.

## **Consultation/Communication**

### Internal Consultation:

Internal consultation has taken place with City staff within the Regional Sustainable Development and Community Partnerships units who both have a role in supporting the committee.

The interview panel has been conducted internally comprising:

- Cr Andrea Metcalf - Deputy Mayor, one of three appointed Councillors to the Farming and Agribusiness Advisory Committee;
- Sally Beer - Agribusiness Officer, Regional Sustainable Development Unit;
- Leon Moulden - Acting Stronger Communities Officer.

### External Consultation:

Expressions of Interest to attract applicants were distributed through a number of channels, in order to attract a wide range of quality applicants in a number of sectors. Distribution channels include:

City of Greater Bendigo social media channels (Linkedin, Facebook)

Newspaper advertisements: Mclvor Times, The Bendigo Advertiser

Regional newsletters:

- Loddon Mallee Ag News Bulletin
- Various free community newsletters, distributed by the communications team.

Sector specific social media channels:

- Young Farmer Business Network (facilitated by AG VIC)
- The Central Victorian Young Farmers
- Young Farmers Connect

Previous committee members were also given the opportunity to reapply.

This has ensured applicants have been drawn from a wide background, to ensure a strong, strategically focussed committee going forward that is representative of the diverse range of agricultural industries in the region.

## **Resource Implications**

Resourcing will be managed through the Regional Sustainable Development Unit with costs for any meeting resources (printing costs, refreshments for face to face meetings) covered within the operational budget for this unit.

## **Attachments**

Nil.



## 17. ENVIRONMENTAL SUSTAINABILITY

### 17.1. Wolstencroft Reserve – Request for Transfer of Funds from Resource Recovery Reserve for Site Rehabilitation

Author	Brett Martini, Manager Engineering
Responsible Director	Brian Westley, Presentation and Assets

#### Purpose

This report provides background to Councillors on the previous operations at the Wolstencroft Reserve and required funding to complete the rehabilitation at the site. This includes the requirements of the Pollution Abatement Notice (PAN) issued by the Environment Protection Authority (EPA), works undertaken to date and remaining works to satisfy the requirements of the PAN. These works shall be undertaken ahead of the development but in conjunction with the implementation of the Masterplan for the site.

In order to complete this rehabilitation, funding from the Resource Recovery (Waste) Reserve is required to be endorsed by Council.

#### Summary

This report outlines the requirements of the requirements of the EPA PAN which has been served on the City of Greater Bendigo (CoGB). The PAN requires the CoGB to engage suitably qualified consultants and an environment auditor to undertake investigation and prepare and implement a Remediation Action Plan (RAP) for the site in accordance with section 53X of the Environment Protection (EP) Act.

This rehabilitation work has been developed in conjunction with the development of the masterplan for the site including the earthworks for the play space and other active and passive elements.

As a former landfill site, it is requested that the money for the site rehabilitation be sourced for the Resource Recovery Reserve. Given that the reserve was established in part to fund the rehabilitation of previous landfill sites, this is an appropriate use of reserve funds. An estimated \$1.2M is sought from the reserve to cover the cost of the site rehabilitation.

#### RECOMMENDATION

That Council, in order to enable the completion of the rehabilitation works at the Wolstencroft Reserve in accordance with the Environmental Protection Authority's Pollution Abatement Notice:

1. approve the commitment of \$1.05M of funding from the Resource Recovery Reserve for the rehabilitation of the site in the 2020/2021 financial year
2. Approve \$150k to complete the after-care monitoring and final reporting 2021/2022 financial year
3. As with all reserve funded projects, any unspent funds would remain in the Resource Recovery Reserve at the completion of the project.



## **Policy Context**

The rehabilitation of the Wolstencroft Reserve as a Major Initiative in the Annual Action Plan 2020/2021 under the Community Plan 2017 – 2021.

The Financial Reserves Management Policy sets out the processes for transfers to and from reserves. Wolstencroft remediation has been budgeted in long term waste modelling which Councillors will review again in February 2021, but not within the 2020/2021 budget specifically, hence this paper seeks Council endorsement of this commitment.

## **Background Information**

The City purchased the Wolstencroft Reserve site from Sandhurst Brickworks in 1985. The area was the former clay pit used by the brickworks. EPA issued a license for the filling of the site in May 1989 and filling continued until 2002. The site has since been used as public open space.

The site rehabilitation requirements in the EPA license included the covering with a minimum of 500mm of compacted earth and the surface be shaped and vegetated to prevent ponding of stormwater.

## **Report**

Following the adoption of the original masterplan for the site adopted in 2008 extensive investigation was undertaken of the site and surrounding area. This investigation identified that the site was a source of air pollution through the generation of gas from the decomposition of material landfilled and pollution of groundwater through the production of leachate as water moved through the fill material.

Following presentation and discussion with the EPA of the test results, a Clean Up Notice (CUN) was issued to the City by the EPA in April 2017 with requirements to complete additional environmental assessment works at the site to characterise the nature and extent of impacts and to prepare a RAP for the site. In addition, the site is to be subject to an environmental audit in accordance with clause 53X of the EP Act.

The CUN was subsequently revoked and the CoGB issued with a PAN on 2 November 2018 with the same broad requirements including the requirement to complete an environmental audit under Section 53X of the EP Act by 30 August 2022. As part of this requirement, the environmental consultants must prepare and submit to the independent environment auditor and ultimately the EPA a Clean Up to the Extent Practical (CUTEP) submission.

As part of the monitoring program elevated concentrations of landfill gases were recorded in some landfill gas bores. Whilst the flow of gas was negligible there was further testing carried out in the vicinity of the adjoining residential dwellings to the north of the site. To minimise any migration of gas to the north, a gas cut-off trench was constructed along the northern boundary of the site. Due to the low gas volumes the gas is being managed and dispersed via a bio filter (organic mulch) before coming to the surface.

The RAP for the site has generally been designed around minimising the surface water penetration into the landfill material. Testing has indicated that the site does not have the minimum cover required nor was this material compacted in accordance with the landfill license to manage the seepage of water into the landfill material. The ground water, landfill gas and surface testing has shown that this site is a source of air and water pollution and that the additional capping of the site is required to address the migration of surface water into the landfill material.

In parallel with investigation of the environmental issues of the site has been the development of a new masterplan for the ultimate use of the reserve. The design of the additional capping has been undertaken in regard to the masterplan. The landfill capping will incorporate the earthworks incorporated in the masterplan. The RAP includes the installation of a geotextile layer along with additional clay and topsoil cover material. The use of the geotextile layer has reduced the depth of the clay layer which is important at this site given the site constraints of matching into the existing levels and the site boundaries. The current small volume of gas migrating through the current cap will be collected under the new cap layer and vented to the air via a biofilter.

Stringent controls are required to ensure that the geotextile layer is constructed and installed satisfactorily, that the cap material is compacted, and that fall is created so that the current ponding of surface water is eliminated. . A local earthmoving contractor has been engaged for the supply and placement of the clay and topsoil layers through the panel contract for plant and machinery hire. Contracts have been let through a public tender process for the supply and installation of the geotextile layer including gas collection, geotechnical testing of the compacted capping material and for the survey of the works. External consultants have also been appointed through a competitive tender to inspect the works and provide documented evidence to the environment consultants and auditor.

Rehabilitation works were included the 2019 / 2020 budget however the due to delays in finalisation of the capping design and an increase in costs from the original estimate this work will be undertaken this financial year. The estimate for the rehabilitation works is currently \$981k. In addition to the construction works costs will also be incurred with auditor supervision at specific stages in the rehabilitation works. Additional after-care monitoring is required along with preparation CUTEP reports to be submitted to the EPA. The consultant and auditor costs are estimated at \$200k.

The rehabilitation works are due to commence in late February with works completed in May. The after-care monitoring will be undertaken in three rounds at the completion of the rehabilitation works and later in 2021.

The CoGB Resource Recovery Reserve was established to manage fluctuations of resource recovery expenditure. This is particularly so in the remediation of past landfill sites and the development waste treatment. As Wolstencroft Reserve is a former landfill site it is appropriate to utilise the reserve to fund these works. The cost of the remediation has been included in the long-term modelling of the Resource Recovery Reserve.

The design of the rehabilitation works has been undertaken in coordination of the with the design of the Masterplan for the Wolstencroft Reserve. Bulk earthworks for the playspace will be undertaken as part of the rehabilitation works. Stage 1 development of the Reserve will commence directly following the rehabilitation works. This will include the installation of the playspace, walking paths and reinstatement of the fun goals.

## OPTIONS CONSIDERED

Given the requirements of the EPA PAN and the strong community desire to redevelopment of the reserve for greater passive and active use, the rehabilitation works are required. An alternate cap design utilising only clay material rather than a geotextile cap was considered. However, the additional depth of material required would have greater impact on adjoining properties through the greater risk of overlooking into rear private yards and provide greater design challenges and less useable space in order to transition back to the existing levels at the site boundaries.

### **Consultation/Communication**

#### COMMUNICATIONS & ENGAGEMENT

The local community have been strong advocates for the upgrade of the reserve over many years. One of the major delays in finalising the masterplan for the reserve was the resolution of the remediation of the site. Members of the Masterplan Community Advisory Committee were updated on progress of the rehabilitation as part of the development of the Masterplan. Nearby property owners have been advised of the commencement of the rehabilitation works with the implementation of Stage 1 of the masterplan to commence directly following the site capping works.

#### INTERNAL CONSULTATION

The Engineering and Parks and Open Space teams have worked closely together in the design of the capping and development of the Wolstencroft Reserve Masterplan.

The Financial Strategy unit has been consulted in relation to the Waste reserve modelling and policy application.

### **Resource Implications**

The original estimate of costs was based on early concepts and funding based on the initial estimate was provided in the 2019/ 2020. Due to delays in detailed design and environment approvals works will now be undertaken in the current financial year. Through the development and of concepts and detailed design the more detailed and accurate estimate of costs has been prepared however this is higher than the original estimate. The estimate of costs is based on contract rates that have been obtained through either individual contracts for works or rates submitted under existing panel contracts. The budget for the works is proposed to be funded from the Resource Recovery Reserve. The expenditure at Wolstencroft Reserve has been considered in the long-term financial modelling of the Resource Recovery Reserve in previous years. Rehabilitation of cells 1,2 and 3a of the Eaglehawk landfill has also been funded from the Resource Recovery Reserve in the current financial year with \$2M for this work.

### **Attachments**

Financial Reserves Management Policy

**Attachment 1 - Financial Reserves Management Policy****FINANCIAL RESERVES MANAGEMENT POLICY**

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Organisation
<b>Approval Date:</b>	4/11/2019
<b>Review cycle:</b>	Four Yearly
<b>Review Date:</b>	30/06/2023
<b>Responsible Officer:</b>	Manager Financial Strategy
<b>Owner:</b>	Financial Strategy
<b>Responsible Director:</b>	Corporate Performance
<b>Relevant Legislation/Authority:</b>	Local Government Act 1989 Planning and Environment Act 1987 Subdivision Act 1988 Australian Accounting Standards
<b>DOCSETID:</b>	4205941

**1. PURPOSE**

- a) To ensure that the City of Greater Bendigo (the City) has established Reserve Funds that account for income that has been received from specific sources for a future application;
- b) To establish requirements around the creation of Reserves, transfer to reserves and subsequent expenditure of funds from these reserves; and
- c) To ensure sustainable and responsible management of the City's cash balances and financial reserves through consistent identification, administration and use of externally and internally restricted financial reserve accounts.

**2. BACKGROUND**

This policy is required to ensure a consistent and transparent approach to the establishment requirements around the creation of Reserves, transfer to Reserves and subsequent expenditure of funds from these Reserves.

**3. SCOPE**

This policy is applicable to all reserves (previously referred to as discretionary and statutory reserves for the City) created to account for income received for a specified future application.



It does not apply to the Asset Revaluation Reserve which arises under the Australian Accounting Standards to reflect changes in asset values rather than a collection of funds for the management of future capital expenditure.

**4. DEFINITIONS**

“Reserves” are funds that have been set aside from Operating and Capital incomes for future funding of both Operating and Capital expenditure. From an accounting perspective the value of these funds are recorded in Equity Balance Sheet ledger accounts. There are two main categories of Reserves, being Externally Restricted Reserves & Internally Restricted Reserves.

“Externally Restricted Reserves” are Reserves for which the purpose is subject to external restrictions. External restrictions generally relate to legislated conditions. These reserves are to be 100 per cent cash backed by the City.

“Internally Restricted Reserves” are Reserves established by Council to ensure that sufficient funds are available when required for a specific purpose. These reserves do not generally have a requirement to be 100 per cent cash backed by the City.

“EMT” refers to the Executive Management Team of the City of Greater Bendigo.

**5. PRINCIPLES**

The policy will provide clear direction to City officers and Council regarding the creation, management and use of Reserves. It establishes guidelines that direct the City to:

- Ensure the appropriate level of funds are available at the appropriate time to support strategic objectives;
- Support financially responsible and prudent management of risks;
- Ensure Councils’ reserve activities are in accordance with legislative and common law responsibilities;
- Support probity and transparency

**6. POLICY**

**6.1 Cash Reserves**

6.1.1 All Externally Restricted Reserves are required to be 100 per cent cash backed.

6.1.2 The City will retain a minimum cash balance equivalent to the basis detailed below:



6.1.3 Council may commit additional cash to fund a specific project if there is not adequate reserve funding available with the following conditions:

- Additional cash allocation does not cause a material breach of item 6.1.2;
- An assessment of existing reserve requirements is completed; and
- An adequate payback period is to be established prior to the commitment of cash to the project.



6.1.4 Reserve accounts will be closed at the end of their useful lives through approval by Council.

**6.2 Classification of Reserves**

**6.2.1 Externally Restricted Reserves**

The following criteria apply to externally restricted reserves:

- The reserve is subject to legal requirements that govern the use of the funds; or
- The reserve includes funds that have not been utilised for the purpose for which they were received, and an obligation or requirement to return unused funds to the contributor exists.

<b>Externally Restricted Reserves</b>	
Unexpended Grants & Contributions	<p><b>Overview</b> This reserve is used to hold the balance of unexpended grants and contributions received from external contributors/funding bodies.</p> <p><b>Purpose of Funds</b> The funds are held until they can be expensed in line with the funding conditions. External restrictions apply in line with individual funding agreements.</p>
Development Contribution Plan (DCP)	<p><b>Overview</b> A DCP identifies the necessary infrastructure for the City resulting from new development, and establishes a framework to ensure that the cost of infrastructure is shared equitably by all development proponents and by the broader community where relevant. It is a mechanism used to levy developers of new developments for contributions to planned infrastructure required by the future communities of those developments. The City collects development contribution levies from new developments through an approved DCP that forms part of the Greater Bendigo Planning Scheme. The Minister for Planning must approve an amendment to the Planning Scheme in order to incorporate a DCP.</p> <p><b>Purpose of Funds</b> Provide funding for infrastructure projects in line with the requirements of the DCP.</p>
Public Open Space	<p><b>Overview</b> A Public Open Space Contribution is required to be paid prior to the issue of a statement of compliance for an approved subdivision of residential land (generally more than 2 lots). The contribution can be in the form of land or cash (or combination of both), in accordance with clause 53.01 of the Greater Bendigo Planning Scheme or Section 18A of the Subdivision Act 1988. Only cash contributions are recorded in the Reserve account. Land is to be recognised as a donated asset.</p> <p><b>Purpose of Funds</b> The funds are to be utilised for the development of new open space and recreation assets, as well as upgrade or expansion of existing assets. The intention of the City is to spend these funds on assets within the vicinity of the developments from which the funds were received.</p>



<p>Drainage</p>	<p><b>Overview</b> The Drainage Contribution is utilised to ensure measures are in place to manage the quantity of stormwater discharged from development sites. A Drainage Contribution is applicable to development sites where on-site detention may not be appropriate and the developer opts to not provide on-site stormwater detention.</p> <p><b>Purpose of Funds</b> Provide funding for drainage projects to manage the additional stormwater flows caused by residential or commercial development.</p>
<p>Street Tree Planting</p>	<p><b>Overview</b> A Street Tree Planting Contribution is collected from developers in lieu of street tree planting as part of a development. Fees are collected in line with the Fees, Charges and Contributions Relating to Land Development document.</p> <p><b>Purpose of Funds</b> The contribution is used by the City to plant trees within the development.</p>
<p>Stormwater Quality Reserve</p>	<p><b>Overview</b> To ensure efficient land use, developments may be provided with an option of partially or fully offsetting stormwater quality requirements by contributing to the Stormwater Quality Reserve. The contribution is charged where subdivision or development sites do not implement measures on-site to treat stormwater to best practice standard.</p> <p>Fees are collected in line with the Fees, Charges and Contributions Relating to Land Development document.</p> <p><b>Purpose of Funds</b> To provide funding for projects related to stormwater quality treatment works, including pollutant mitigation measures and stream habitat restoration activities.</p>
<p>Resource Recovery</p>	<p><b>Overview</b> Waste related fees and charges are only utilised to support waste and resource recovery related expenditure. This reserve is a part of the mechanism employed by the City to ensure this utilisation. Funds held will take account of the City's annual kerbside and waste charge fees. Long term, the reserve enables peaks and troughs related to waste expenditure to be managed efficiently and transparently.</p> <p><b>Purpose of Funds</b> Contributions may be utilised to support Resource Recovery and Education expenses, and may include:</p> <ul style="list-style-type: none"> <li>• Remediation works of past and existing landfill sites</li> <li>• Future works at current Landfill sites to extend their useful life</li> <li>• A replacement waste treatment facility when the current Landfill sites are exhausted</li> <li>• Capital works directly associated with resource recovery</li> <li>• Purchase of capital items related to the collection and disposal of waste (e.g. garbage trucks)</li> <li>• Other projects directly linked to resource recovery and education</li> </ul>





**6.2.2 Internally Restricted Reserves**

The following criteria apply to internally restricted reserves:

- The reserve is not subject to legal requirements governing the use of the funds; and
- The reserve has been established for a specific internal purpose; however, if that purpose does not eventuate or Council changes its priorities, the funding can be diverted to other purposes.

<b>Internally Restricted Reserves</b>	
Land & Building	<p><b>Overview</b> Funds are generally transferred to this reserve from the sale of any City owned land and building assets.</p> <p><b>Purpose of Funds</b> This reserve is designed to provide funds for future strategic purchases of land and building assets within the municipality.</p>
Car Parking	<p><b>Overview</b> Funds are collected from developers in lieu of the provision of onsite car parking.</p> <p><b>Purpose of Funds</b> This reserve is designed to provide funds for additional car parking facilities and amenities within the Bendigo CBD. The funds may also be utilised for upgrade works associated with existing car parking infrastructure.</p>
Defined Benefits Superannuation	<p><b>Overview</b> This reserve is designed to hold funds to assist with any future funding call associated with defined benefits superannuation liabilities. Council has set a cap of \$2,000,000 for this reserve in line with potential risk.</p> <p><b>Purpose of Funds</b> Assist with funding any future funding calls associated with the defined benefits superannuation liabilities.</p>
Strategic Initiatives Reserve	<p><b>Overview</b> These reserves will fund strategic initiatives for the future development in line with Council agreed plans and the Strategic Resource Plan.</p> <p><b>Purpose of Funds</b> Support for specific initiatives or purposes must be identified in order to have funds allocated.</p>

**6.3 Establishment of Reserves**

**6.3.1 Establishment of Externally Restricted Reserves**

A reserve will be established for any value if there is a legal requirement or a requirement under the Australian Accounting Standards.





**6.3.2 Establishment of Internally Restricted Reserves**

As a general rule, income and expenditure should be budgeted for the financial years in which it occurs. However, Council can create Internally Restricted Reserves where:

- It is anticipated that extensive works will require funding over a period of time; or
- Funds are collected specifically for particular capital works;

Internally Restricted Reserves would generally not be created where it is expected that the balance of the Reserve will not reach \$250,000.

**6.4 Transfers of Funds to Reserves**

Developer Contributions	100% of developer contributions will be transferred to the Reserve in the financial year that funding is received.
Waste Charges	The surplus from allowable waste operations will be transferred to the Resource Recovery Reserve on an annual basis.
Budget Transfers	Transfers determined as part of the budget process.

For all Reserves currently in existence at the date of approval of this policy, the source of funds paid into the Reserves is the current balances of Reserves. New Reserve amounts transferred to the Reserve must be from the sources outlined above.

**6.5 Transfers of Funds from Reserves**

Transfers of funds from a reserve must be for the agreed purposes of the Reserve. Reserve transfers will be reported as part of Quarterly Financial Management Report presented to EMT and Council.

Transfers Approved as Part of Annual Budget Process	<p>In most cases the transfer of funds from reserves will be approved as part of the Budget process.</p> <p>For example, Capital Works Projects include details of project funding including any planned use of reserves. Projects are then evaluated and approved in the budget process.</p>
Transfers in Excess of Approved Budget	<p>In cases where a transfer of funds from a reserve was approved in the budget but subsequently a higher level of funding is required from reserves, approval must be sought prior to transfers being made.</p> <p>For amended transfers which are less than a 10% variance to budget, approval is required from the relevant Director.</p> <p>Where the difference to budget is more than 10% refer to "Transfers not Approved in Budget".</p>
Transfers not Approved in Budget	<p>From time to time there may be a requirement to transfer funds from a reserve for purposes not foreseen when the annual budget was developed, or transfer amounts approved in the annual budget may then be found to require more than a 10% variance.</p> <p>Any such transfer must be approved:</p> <ul style="list-style-type: none"> <li>• Amounts up to \$100,000 – Director approval is required</li> <li>• Amounts up to \$250,000 – CEO approval is required</li> </ul>



	<ul style="list-style-type: none"> <li>• Amounts &gt;\$250,000 – Council endorsement is required</li> </ul> <p>All variations to transfers are to be reported in Quarterly reports to the Finance Committee.</p>
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**7. ROLES AND RESPONSIBILITIES**

Creation of new reserves may be recommended by EMT and are subject to a Council approval, normally through Quarterly Financial Management Reports. Transfers from reserves are subject to the responsibilities outlined in Section 6.5.

**8. RELATED DOCUMENTS**

Employees are encouraged to access the related internal documents which are available on the intranet and/or external resources which are available as per the below.

- Local Government Act 1989
- Planning and Environment Act 1987
- Subdivision Act 1988
- Australian Accounting Standards

Further information or advice on this policy should be directed to Financial Strategy.

**9. HUMAN RIGHTS COMPATIBILITY**

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

**10. ADMINISTRATIVE UPDATES**

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

**11. DOCUMENT HISTORY**

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
November 2019	NRM	Financial Strategy	Review (significant)	1.0	June 2023

## **18. EMBRACING OUR CULTURE AND HERITAGE**

Nil

## 19. LEAD AND GOVERN FOR ALL

### 19.1. Councillor Code of Conduct

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

#### Purpose

The purpose of this report is to present a draft Councillor Code of Conduct made in accordance with the requirements of the *Local Government Act 2020* (Vic) for Council to consider adopting.

#### Summary

The Local Government Act 2020 (Vic) requires Council to develop and adopt a new Code of Conduct within 4 months of the 2020 general election, by 24 February 2021.

In consultation with Councillors, the City's Legal Services Team have prepared a draft Code of Conduct. The final draft of the Code is attached to this report for Council's consideration.

#### RECOMMENDATION

It is recommended that:

1. Council adopt the Code of Conduct; and
2. Each Councillor promptly signs and dates the Councillor acknowledgement section of the Code of Conduct.

#### Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021: Goal 1 - Lead and govern for all

#### Background Information

Nil

#### Report

The Local Government Act 2020 (Vic) requires Council to develop and adopt a new Code of Conduct within 4 months of the 2020 general election, by 24 February 2021.

The Act requires that Council develops and adopts a new Code of Conduct within 4 months of the 2020 general election – 24 February 2021.

The Act provides that the new Code of Conduct must:

- must include the standards of conduct prescribed by the regulations expected to be observed by Councillors;

- must include any provisions prescribed by the regulations for the purpose of this section;
- must include provisions addressing any matters prescribed by the regulations for the purpose of this section; and
- may include any other matters which the Council considers appropriate, other than any other standards of conduct.

There are currently no regulations addressing items (b) and (c) above.

In consultation with Councillors, the City's Legal Services Team have prepared a draft Code of Conduct. The final draft of the Code is attached to this report for Council's consideration. The draft Code includes:

- the prescribed standards of conduct;
- additional obligations Councillors have indicated they wish to include in their Code; and
- a proposed approach to resolving disputes before making application for arbitration.

The dispute resolution procedure expands upon the procedure set out in the existing Councillor Code of Conduct. The procedure now mandates Councillor disputes must progress through four steps of increasing formality to address disputes - starting with self-help/discussion, then informal mediation, formal mediation and finally arbitration via application to the Victorian Government's Principal Councillor Conduct Registrar. The existing code only requires a non-mandatory mediation prior to arbitration. This expanded procedure is intended to encourage Councillors to resolve disputes as quickly and cost effectively as possible, only escalating to more costly later steps when absolutely necessary.

#### Priority/Importance:

Adopting a Code of Conduct compliant with the Act is a legislative obligation for Council. Additionally, reviewing and adopting a new Code is an important governance step for Council as it presents an opportunity to for Councillors to consider and refine their commitment to each other and the community and determine procedures to be followed to address Councillor disagreements or behavioural issues should they arise.

#### Options/Alternatives:

Council must adopt a Code of Conduct compliant with the Act within 4 months of the general election. It follows that the requirement to adopt a new code is not optional, but the content and structure of the code is flexible. The Act requires that the Code of Conduct includes the prescribed standards of conduct. Beyond that Council may also include in its Code of Conduct anything else it considers appropriate.

#### Risk Analysis:

Failure to adopt a Code of Conduct compliant with the Act by 24 February 2021 would result in Council being in breach of the Act. Whilst the current Code of Conduct would continue to apply until a new one is adopted, the existing Code does not comply with the requirements of the 2020 Act and does not include the revised procedure for dealing with Councillor disputes.

## **Consultation/Communication**

### Internal Consultation:

Two workshops were held with Councillors in January to work through early draft versions of the Code and obtain feedback to inform a final draft.

### External Consultation:

Nil

## **Resource Implications**

Nil

## **Attachments**

1. Councillor Code of Conduct

**Attachment 1 - Councillor Code of Conduct (FINAL DRAFT)**



# **Councillor Code of Conduct**

**Adopted 15 February 2021**

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## 1. Introduction

Greater Bendigo City Council (**Council**) is a municipal council which is governed by the *Local Government Act 2020* (Vic) (**Act**). Council's vision is to work together to be the world's most liveable community.

Council considers that good governance is a key tenet in the progression and achievement of Council's vision. The role of the Council is to provide good governance in the Greater Bendigo municipal district for the benefit and wellbeing of the municipal community. The Council consists of its Councillors who are democratically elected in accordance with the Act.

Councillors must participate in Council decision making, always represent the interests of the municipal community in that decision making and contribute to the strategic direction of the Council. Councillors must always consider the diversity of interests and needs of the municipal community, act lawfully and act in accordance with prescribed standards of conduct.

To promote and ensure accountable governance, section 139 of the Act requires that the Council develops and adopts this Code of Conduct.

The primary purpose of this Code of Conduct is to set out prescribed standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including providing an environment for Councillors and the organisation that enables effective decision making, is respectful, safe and free from discrimination, all forms of harassment and vilification.

This Code of Conduct also incorporates any other matters which the Council considers appropriate, including preliminary procedures for addressing alleged breaches of the Code of Conduct which are not otherwise addressed by the Act.

Councillors also take this opportunity to record their commitment to an agreed set of values which represent how they will work together in the conduct of their role as Councillors. Councillors will act in a way that demonstrates *respect, support, understanding* and *kindness* towards each other. Councillors will seek to *listen, contribute* and apply a *careful thought process* in the way they carry out their duties and Councillors will act with *honesty* and seek to interact with each other with *good humour* and *patience*.

## 2. Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010 (Vic);
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality;
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

This standard also requires that:

- (a) Councillors must not engage in behaviour that is or is likely to be discrimination, sexual harassment or victimisation as defined in the *Equal Opportunity Act 2010 (Vic)*;
- (b) Councillors must use their best endeavours to promote organisational and community wellbeing;
- (c) Councillors must use their best endeavours to develop their understanding and awareness of the diverse cultures within the municipality, including traditional owners.
- (d) Councillors must use their best endeavours to foster strong working relationships with other Councillors and the organisation; and
- (e) Councillors acknowledge that Councillors engaging in bullying or sexual harassment of other Councillors or Council staff commit serious misconduct. Councillors alleged to have engaged in bullying behaviour or sexual harassment will likely be subject to a Councillor Conduct Panel in accordance with the Act and may face other consequences at law.

### **3. Performing the role of a Councillor**

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor;
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions;
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

This standard also requires that:

- (a) Councillors must be fair and transparent in their decision making. Including without limitation:
  - i. diligently reviewing materials and reports prepared for them by Council staff and asking questions of staff when clarification is needed to promote informed decision making; and
  - ii. considering the legitimate interests of all members of the community impacted by a decision,
- (b) Councillors must only communicate on behalf of the Council in accordance with agreed internal policies or processes;
- (c) Councillors must only speak with media in accordance with agreed internal policies or processes; and
- (d) Councillors must use their best endeavours to undertake their role, and encourage the organisation to conduct its business, in accordance with best industry practice.

#### **4. Compliance with good governance measures**

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following:

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act; and
- (d) any directions of the Minister issued under section 175 of the Act.

This standard also requires that:

- (e) Councillors must lodge personal interests returns in the time and manner required by Part 6 Division 3 of the Act;
- (f) Councillors must diligently and properly comply with all Council policies that apply to Councillors, including policies which apply to Councillors only and organisational policies which are expressed to also apply to Councillors;
- (g) Councillors must understand the extent of their role and responsibilities with respect to town planning processes under the *Planning and Environment Act 1973* (Vic) and must not take any action in planning matters beyond their remit prescribed by law and any internal processes agreed by the Councillors; and
- (h) Councillors acknowledge that any electronic document or communication generated by Councillor's in performance of their role, including documents and communication housed on Councillors' personal electronic devices, is a Council record and may be discoverable in the course of legal proceedings or obtainable via freedom of information.

Councillors must assist Council staff with responsibility for collating, maintaining and

releasing Council records as required.

## 5. Councillor must not discredit or mislead Council or public

- (a) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- (b) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

This standard also requires that:

- (c) Councillors must proactively report through appropriate channels apparently fraudulent or corrupt activity by other Councillors or Council staff; and
- (d) Councillors must proactively report through appropriate channels apparent instances of serious or gross misconduct by another Councillor. Serious misconduct by a Councillor may be constituted by, amongst other things, bullying behaviour, sexual harassment, disclosure of confidential information, directing a member of Council staff or the failure to disclose a conflict of interest.

## 6. Dispute resolution procedure

This dispute resolution procedure must be followed if Councillors have a conflict or dispute amongst themselves, including where it is alleged that a Councillor has breached their obligations under this Code of Conduct.

This procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through discussion, debate and voting in Council meetings.

### Disputes between Councillors

- Councillors must be mindful that having and expressing differing and sometimes opposing viewpoints is a normal function of the process of democratic local government. Sharing and expressing these different views leads to informed and well considered debate. All Councillors have the right to influence the decisions made by Council through this debate.
- Whilst Councillors must always endeavour to foster and encourage positive and productive interactions, conflicts or disputes may emerge when the differences between Councillors become personal or the behaviour of Councillors towards each other is of a nature that threatens the effective operation of Council's decision-making process.
- A conflict or dispute may arise between two individual Councillors, between one Councillor and another or a group of Councillors or between two or more different groups of Councillors. This dispute resolution procedure will apply regardless of the dynamics and numbers involved.

### **Steps in dispute resolution procedure**

- Council's dispute resolution procedure is comprised of four steps as follows. They are:
  1. Self-resolution
  2. Internal mediation
  3. External mediation
  4. Internal arbitration procedure

Before commencing any formal dispute resolution process Councillors must be mindful that they have an individual and collective responsibility to use their best endeavours to resolve disputes in an efficient, courteous and respectful manner to prevent them from escalating unnecessarily and creating additional expense for the organisation.

Parties to a dispute must work through these steps in sequence. Step 3 must be completed before step 4 is instigated.

Note: step 4 will only apply where a dispute alleges that a Councillor has breached this Code of Conduct.

### **Compliance mandatory without exemption**

Each step in the dispute resolution procedure is mandatory, unless a Councillor to a dispute receives an exemption from the Mayor.

A Councillor that, without exemption, fails to comply with this dispute resolution procedure commits a breach of this Code of Conduct.

### **Exemption by Mayor**

Upon becoming aware of a dispute, a Councillor involved may request that the Mayor exempt the dispute from mandatory compliance with any of the first three steps in the dispute resolution procedure.

The request must:

- be made in writing;
- provide reasons why the dispute should be exempted (examples include where the allegations are serious enough to warrant direct referral to arbitration or where the relationship between the relevant Councillors has broken down significantly enough that self-directed resolution would be counter-productive); and
- must be received at least 5 days before the expiry of the timeframe for the parties to comply with step 1 of the dispute resolution procedure.

The Mayor must consider each request on its merits and must, before the expiry of the timeframe for the parties to comply with step 1, determine to:

- exempt the dispute from any of the first three steps in the dispute resolution procedure; or
- refuse to exempt the dispute and require the Councillors involved to comply with each step in the dispute resolution procedure.

The Mayor must promptly notify each party involved in the dispute of their determination.

### **Step 1 - Self resolution**

Councillors should take personal responsibility and endeavour to resolve disputes in an informal but courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

- A Councillor claiming that a dispute has arisen must notify the other party or parties in writing of the details of the dispute (**Dispute Notice**).
- A dispute will only arise upon service of a Dispute Notice.
- The parties must meet within 10 days of the service of a Dispute Notice and negotiate in good faith to resolve the dispute.

Either party may ask the Mayor, as the leader of the Council team, to informally facilitate any discussions between the parties to the dispute.

In the event of a party not agreeing to self-resolution (without exemption), a party not complying with the agreed outcome of that discussion or if the discussion does not achieve a satisfactory outcome, either party has the option to progress to step 2 of the dispute resolution procedure.

### **Step 2 - Internal mediation**

- If Step 1 is unsuccessful, a formal request for internal mediation must be made to the Mayor. As leader of the Councillor team, the Mayor will facilitate formal discussions between the parties in dispute. The Mayor will ensure the CEO is advised of the situation.
- This request must be made in writing, describing the nature of the dispute, the names of those involved, (if relevant) provisions of the Code of Conduct that are alleged to have been breached and any evidence to support the allegation and the name of a Councillor representative if the request is being made by a group of Councillors. The Councillor making the request must also notify the other party of the request and provide them with a copy of the request at the same time it is made to the CEO.
- The request must be made within 20 days of the dispute arising and the Mayor must use their best endeavours to ensure that the internal mediation occurs within 10 days of the request being received.
- The Mayor may, at their discretion, request any assistance they desire from organisation staff to assist in undertaking the informal mediation, including attendance and mediation facilitation.
- The Mayor (or staff at the request of the Mayor) will convene an informal mediation at the earliest available opportunity.

- During the informal mediation each party must:
  1. be given the opportunity to present their view of the alleged dispute;
  2. be given a right of reply to any new matters raised at the mediation; and
  3. use their best endeavours to resolve the dispute and agree upon a set of outcomes.
- The Mayor will document any outcomes from the informal mediation and will provide copies to all parties.
- In the event of a party not agreeing to informal mediation (without exemption), a party not complying with the agreed outcome of an informal mediation or if the informal mediation does not achieve a satisfactory outcome, either party has the option to progress to step 3 of the dispute resolution procedure.
- If a conflict or dispute involves the Mayor, the Deputy Mayor will perform the role of the Mayor in facilitating discussion between the parties in dispute and liaise with the CEO.

### **Step 3 - External mediation**

- Prior to any dispute proceeding to step 4 of this dispute resolution procedure, the relevant parties to any dispute must refer the dispute to external mediation.
- The applicant must provide, in writing to Council's Principal Conduct Officer (PCO), the reason for the dispute, the names of those involved, provisions of the Code of Conduct that may have been breached and any evidence to support the allegation and the name of a Councillor representative if the request is being made by a group of Councillors. The applicant must also notify the other party of the request and provide them with a copy of the application at the same time the application is made to the PCO.
- The application must be made by the later of:
  1. 30 days after the dispute arising; and
  2. 5 days after the completion of step 2.
- Where external mediation is sought, the PCO will ascertain whether or not the other party to the dispute will attend. Councillors agree that declining to attend external mediation constitutes a breach of this Code of Conduct.
- If the other party agrees to participate in external mediation, the PCO will advise the applicant, the Mayor and the CEO accordingly. The CEO will, with the assistance of the City's Governance Unit, engage the services of an external and independent mediator to conduct the mediation at the earliest available opportunity.
- The mediation must be conducted within 45 days of the application for mediation being received.
- The mediator will document any agreement or outcomes reached at the meeting and copies will be provided to both parties. In the event of one party not agreeing

to formal mediation (without exemption), one party not complying with the agreed outcome or if mediation does not achieve a satisfactory outcome, either party has the option to progress to step 4 of the dispute resolution procedure.

- If the dispute remains unresolved, the mediator will be required to provide a written report for Councillors and the parties involved in the dispute as to why the process did not result in a resolution.

#### **Step 4 - Internal arbitration process**

- If a conflict or dispute arises from an alleged contravention of this Code of Conduct and it has not been resolved through any of the previous procedures, an application may be made for internal arbitration of the dispute.
- The application may be made by:
  1. the Council following a resolution of the Council; or
  2. a Councillor or a group of Councillors.
- The application must be made to the Victorian Government's Principal Councillor Conduct Registrar, using any form or processes required by regulations.
- The application must be made within 3 months of the alleged breach of the Code of Conduct.
- The Principal Councillor Conduct Registrar, after examining an application, must appoint an arbiter to the Council to hear the matter if the Principal Councillor Conduct Registrar is satisfied that:
  1. the application is not frivolous, vexatious, misconceived or lacking in substance; and
  2. there is enough evidence to support an allegation of a breach of the Code of Conduct as specified in the application.
- The Principal Councillor Conduct Registrar must reject an application if the Principal Councillor Conduct Registrar is not satisfied of points 1 and 2 above.
- The rejection of an application by the Principal Councillor Conduct Registrar does not prevent a further application being made in respect of the same conduct by a Councillor that was the subject of the rejected application. However, if an application to the Principal Councillor Conduct Registrar is rejected the parties to a dispute must re-attempt the dispute resolution procedure.
- The arbiter will ensure that parties involved in the internal arbitration process are given an opportunity to be heard by the arbiter.
- The arbiter will ensure that a Councillor who is a party to an internal arbitration process does not have a right to representation unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly.



- Information provided to an arbiter or produced by an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons, is confidential information.
- If after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the Code of Conduct, the arbiter may make a finding of misconduct against the Councillor and apply any sanction available under the Act for such a finding, which may include:
  1. directing the Councillor to make an apology in a form or manner specified by the arbiter;
  2. suspending the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month; or
  3. directing that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter.
- A failure by a Councillor to comply with step 4, and a failure of a Councillor to comply with any sanction required by an arbiter following a finding of misconduct, constitute serious misconduct.

### **Disputes between members of the public and Councillors**

Where a complaint is received from the public in respect of a Councillor, the matter will be referred to the Mayor for consideration. Where the Mayor determines a breach of the Councillor Code of Conduct has occurred, the Mayor will progress the matter in accordance with this dispute resolution procedure.

Where the complaint involves the Mayor, the Deputy Mayor will progress the matter in accordance with this dispute resolution procedure.

If the Mayor or the Councillor subject to the complaint wish to exempt the dispute from mandatory compliance with all four steps in the dispute resolution procedure, the Mayor and the Deputy Mayor must discuss the matter and agree on whether an exemption should be granted.

### **Disputes between Councillors and staff**

The CEO has sole responsibility for the management of Council staff. In the event of a dispute between a Councillor and a member of Council staff, it must be brought to the immediate attention of the Chief Executive Officer. The CEO will investigate the dispute and progress the matter in accordance with the following procedure:

- Informal resolution

The Councillor and CEO will attempt to resolve the matter in an informal but courteous and respectful manner regardless of whether the dispute was raised by a Councillor or staff member.

- Formal complaint

If the informal process is unsuccessful and a Councillor wishes to lodge a formal complaint against a member of Council staff, this complaint must be lodged with the CEO. It will remain at the discretion of the CEO as to what, if any, action is

undertaken, however, the CEO will report back to the Councillor who made the complaint, once that complaint has been investigated.

- If the complaint involves the CEO and informal resolution has been unsuccessful, the complaint must be lodged with the Mayor. It will remain at the discretion of the Mayor as to what, if any, action is undertaken. If the Mayor considers appropriate the matter will be raised at the next Councillor only session attended by the CEO.
- If the informal process is unsuccessful and a staff member wishes to lodge a formal complaint against a Councillor, this complaint must be lodged with the CEO who will, if appropriate, discuss the matter with the Mayor. Where the Mayor considers that a breach of this Code of Conduct has occurred, the Mayor will progress the matter in accordance with the dispute resolution procedure outlined in the above section titled Disputes Between Councillors.
- If the complaint involves the Mayor, the CEO will discuss the matter with the Deputy Mayor and/or all Councillors as the CEO considers appropriate.
- Further Actions

If a Councillor is found to be in breach of any relevant legislation and under that legislation the CEO is required to formally investigate a complaint from a staff member, then the CEO will not do so until the above steps have been undertaken in an attempt at resolution and the issue has been discussed with all Councillors.

## **7. Code does not limit robust public debate**

Nothing in this Code of Conduct is intended to limit, restrict or detract from robust public debate in a democracy.

## **8. Consistency with legislation**

This Code of Conduct is inoperative to the extent that it is inconsistent with any Act (including the *Charter of Human Rights and Responsibilities Act 2006* (Vic)) or regulation made under any Act.

## Councillor acknowledgment

This Code of Conduct was adopted at the Council Meeting of the Greater Bendigo City Council held on 15 February 2021.

By signing below Councillors acknowledge they have made an oath or affirmation stating that they will abide by this Code of Conduct and will uphold the standards of conduct set out in this Code of Conduct.

Cr Andrea Metcalf ..... Dated:

Cr David Fagg ..... Dated:

Cr Greg Penna ..... Dated:

Cr Jennifer Alden ..... Dated:

Cr Julie Sloan ..... Dated:

Cr Margaret O'Rourke ..... Dated:

Cr Matthew Evans ..... Dated:

Cr Rod Fyffe ..... Dated:

Cr Vaughan Williams ..... Dated:

## 19.2. Contracts Awarded Under Delegation

Author	Lee Taig, Governance Development Officer
Responsible Director	Andrew Cooney, Director Corporate Performance

### Purpose

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

### Summary

N/A

### RECOMMENDATION

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

### Policy Context

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

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021

Goal 1 : Lead and govern for all

Objective: 1.2 Be innovative and financially responsible

### Background Information

N/A

### Report

Refer to table outlined in the attachments

### Consultation/Communication

N/A

### Resource Implications

N/A

### Attachments

1. Contracts Awarded Under Delegation

**Attachment 1 - Contracts Awarded Under Delegation**

<b>Contract No</b>	<b>Project</b>	<b>Successful Contractor</b>	<b>Delegated Officer</b>	<b>Date Signed</b>
<b>Capital Contracts</b>				
CT000546	Epsom Huntly Recreation Reserve Synthetic Pitch Renewal	Tuff Turf N Co Pty Ltd	Craig Niemann	30/11/20
	Price \$649,160.40	Practical Completion: 15 March 2021		
	Budget: Capex 83175 - \$874,472.00			
CT000542	Weeroona Oval Sports Lighting Upgrade	Eascom Electrical Bendigo Pty Ltd	Vicky Mason	03/12/20
	Price: \$209,250.00	Practical Completion: 2 April 2021		
	Budget: Capex 82863 - \$293,200.00			
CT000543	Strauch Reserve Sports Lighting Upgrade	Eascom Electrical Bendigo Pty Ltd	Vicky Mason	03/12/20
	Price: \$203,650.00	Practical Completion: 2 April 2021		
	Budget: - Capex 83169 - \$293,200.00			
CT000534	Supply & Delivery of One (1) Wheel Loader	Komatsu Australia	Brian Westley	17/12/20
	Price: \$332,086.36	Practical Completion: 30 June 2021		

	Budget: - Capex 80892 - \$310,000.00			
<b>Service Contracts</b>				
Contract Number	Project:	Successful Contractor:	Delegated Officer:	Date Signed
CT000528	Bendigo Airport Fees and Charges	Avdata Pty Ltd	Bernie O'Sullivan	17/11/20
	Price: Schedule of Rates	Initial Term: 1 year	Extension Options: 2 years (1 + 1)	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$25,000.00			
CT000533	Provision of Metal Fabrication, Welding and Various Fencing	<b>Panel of Providers</b> <ul style="list-style-type: none"> <li>• Shelton Fencing</li> <li>• Bendigo Metal Works</li> <li>• DG &amp; JA Tyler Pty Ltd</li> <li>• Bendigo Temporary Fencing</li> <li>• BLR Provincial Construction Pty Ltd</li> <li>• SEF Services</li> <li>• East End Engineering</li> <li>• Centre State Engineering</li> <li>• Allweld Constructions</li> <li>• SouthSide Welding &amp; Fabrications Pty Ltd</li> <li>• Bellys Engineering Pty Ltd</li> <li>• First Class Engineering and Maintenance</li> </ul>	Debbie Wood	01/10/20
	Price: Schedule of Rates	Initial Term: 3 Years	<b>Extension Options:</b> 2 years (1 + 1)	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$480,000.00			

**20. URGENT BUSINESS**

**21. NOTICES OF MOTION**

Nil

**22. COUNCILLORS' REPORTS**

**23. MAYOR'S REPORT**

**24. CHIEF EXECUTIVE OFFICER'S REPORT**

**25. CONFIDENTIAL (SECTION 66) REPORTS**

Nil