



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 22 June 2022
Yea Council Chambers
The Semi Circle
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

The meeting will be opened with the Mayor reading the following on behalf of the Murrindindi Shire Council:

“Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire.

We pay our respects to their Elders past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land.”

1.2 Councillors' Pledge

“The Councillors, democratically elected to represent our community as the Murrindindi Shire Council, are committed to working together in the best interests of the people who live in our municipality, those who conduct business here and those who visit.”

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via our Facebook page and made available for public access on its website along with the official Minutes of this meeting.

2.2 Apologies and Request for Leave of Absence

2.3 Disclosure of Interest or Conflict of Interest

In accordance with section 130 (1)(a) of the *Local Government Act 2020* Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

Disclosure must occur immediately before the matter is considered or discussed.

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 25 May 2022.

RECOMMENDATION

That Council confirm the minutes of the 25 May 2022 Scheduled Meeting of Council.

2.5 Petitions

Petitions received will be tabled at the Scheduled Meeting of Council.

2.6 Community Recognition

Council may suspend standing orders to thank and acknowledge particular community achievements.

2.7 Matters Deferred from Previous Meeting

Council may resolve to defer a matter to a future meeting for consideration for various reasons. Where a matter has been previously deferred it will be tabled for consideration under this section.

2.8 Urgent Business

Council may by resolution admit an item of urgent business only if:

- a. it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- b. deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- c. the item involves a matter of urgency as determined by the Chief Executive Officer; and
- d. it cannot be addressed through an operational service request process.
- e. Provided the matter does not:
 - I. substantially affect the levels of Council service
 - II. commit Council to significant expenditure not included in the adopted budget
 - III. establish or amend Council Policy.

3 PUBLIC PARTICIPATION

3.1 Open Forum

Section 8 of the *Governance Rules 2020* allows for Community Participation in Council Meetings. Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.

3.2 Questions of Council

Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.

4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Planning Application - 61 Acheron Road, Acheron - Use and Development of the Land for a Dwelling

Attachment(s)	Attachment 1 - Plans [4.1.1 - 31 pages] Confidential Attachment 1 – Approved Planning Permit and Endorsed Plans (<i>distributed to Councillors separately</i>) Confidential Attachment 2 – Submissions (<i>distributed to Councillors separately</i>)
Presenter	N Grey, Planning Officer
Approved by	Director Assets & Development
Purpose	For decision
Land:	61 Acheron Road, Acheron
Proposal:	Use and development of land for a dwelling (amendment application to change the location of a dwelling)
Applicant:	James and Zehra Stewart
Zoning:	Farming Zone
Overlays:	Floodway Overlay (partial)
Triggers:	Clause 35.07 Farming Zone – a planning permit is required for the use and development of land for a dwelling on a lot less than 40 hectares and for works within 100 metres of a waterway.

Locality Plan





Executive Summary

An amended planning permit is required for the use and development of land for a dwelling under the provisions of the Farming Zone in the Murrindindi Planning Scheme. The proposed dwelling is intended to support the proposed farming activities on the land which include an olive grove and stock grazing for beef.

The objective of the proposal is to relocate the already approved dwelling, to a higher elevation on the property with an amended associated Farm Management Plan. The applicant intends to reside permanently on the land to manage the agricultural activities and sustainable environmental land management.

The subject site is approximately 11.1 hectares and adjoins the Goulburn and Acheron Rivers along the northern and eastern boundaries respectively. The property has an existing direct access to Acheron Road and access to the Maroondah Highway via a carriageway easement through an adjoining property to the west.

The land is relatively clear of vegetation, with some native scattered paddock trees and Silver Wattle near the Rivers. There is a significant slope rising from Acheron Road to the west boundary.

The property is in the Farming Zone and is partially affected by the Floodway Overlay along the northern boundary, where the Goulburn River encroaches into the subject land. The remainder of the land is not impacted by any Overlays.

The application has been broadly advertised to all adjoining and nearby property owners, including properties within 500 metres of the subject site which have views to the proposed development. Nineteen (19) submissions were received of which seven (7) were supportive of the application and twelve (12) were submissions objecting to the proposal. The twelve objections

relate to how the dwelling would stand out in the landscape from the Acheron valley and adjoining properties.

The application has been referred externally to Agriculture Victoria and the Department of Environment, Land, Water and Planning (as an adjoining land manager) and internally to Council's Environmental Health, Environmental Programs and Engineering units. The responses from the authorities have been included as part of the assessment of the application.

This report recommends that a refusal to grant an amended planning permit be issued for the use and development of land for a dwelling at 61 Acheron Road, Acheron. The application is being reported to Council because twelve (12) objections have been received in relation to the proposal and the recommendation is for a refusal. The amendment application proposes the dwelling to be in a highly visible location which could have amenity impacts to surrounding properties and views from the rivers and the broader landscape.

RECOMMENDATION

That Council issue a refusal to grant an amended planning permit for the use and development of land for a dwelling at 61 Acheron Road, Acheron (Plan of Consolidation 151980), on the following grounds:

- 1. The proposed amendment does not comply with the requirements of Clause 15.01-2S Building Design, the objectives and strategies of which include:**
 - a. Minimise the detrimental impact of the development on neighbouring properties, the public realm and the natural environment***
 - b. Ensure development is designed to protect and enhance valued landmarks, views and vistas***
 - c. Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.***
- 2. The proposed amendment is inconsistent with the requirements of Clause 15.01-6S Design for Rural Areas as the objective to ensure development respects valued areas of rural character and the strategies includes:**
 - a. Ensure that the siting, scale and appearance of development protects and enhances rural character***
 - b. Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located***
 - c. Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.***
- 3. The proposed amendment does not suitably address the requirements of Clause 35.07-6 Farming Zone, in particular Decision Guidelines:**
 - a. The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality***
 - b. The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.***

The Land and Surrounds

The land is described as 61 Acheron Road, Acheron or Lot 1 on Plan of Consolidation 151980. The subject land is located approximately 7.5 kilometres south of the Alexandra Township. The site is approximately 11.1 hectares (27.4 acres) of cleared grazing land with some scattered native paddock trees. The edge of the Goulburn River encroaches into the property along the north-eastern boundary, occupying approximately 0.38 hectares. There is a small portion of river flats, abutting the Goulburn and Acheron Rivers, and the remainder of the land is sloping. The slope of the land varies with some very steep, inaccessible areas, on the bank of the Goulburn River and some more undulating terrain suitable for stock grazing and vehicle access. There is a couple of small structures near the southern property boundary that have been used for agricultural storage and there are powerlines through the site on an east-west line near the southern boundary.

There is an existing access and internal driveway from Acheron Road, near the bridge over the Acheron River. There is also an indirect access from the subject site to the Maroondah Highway via a carriageway easement through the adjoining property to the west.

The land is bound on the north by the Goulburn River and by the Acheron River to the east, just north-east of the subject land the two rivers meet. The southern portion of the east boundary is adjacent to Acheron Road and the remainder of the property abuts private land, mostly being used for stock grazing. There are dwellings on most of the surrounding properties and eight (8) dwellings within a 500 metre radius of the subject land. The Breakaway Twin Rivers Caravan Park is nearby, approximately 650 metres north-east of the subject land.

Background

The property has previously been used for cattle grazing for many years and was recently sold to the current owners and applicants.

The original planning permit application was submitted to Council July 2021 and followed the standard application process. The proposal was for a dwelling to be located on a small, relatively flat, east-west ridgeline near to the Acheron River. The dwelling location proposed to utilise the existing farm access tracks and would not impact on any existing vegetation.

The application was referred externally to the Department of Environment, Land, Water and Planning (DELWP) as an adjoining landowner and internally to Council's Environmental Programs, Environmental Health and Engineering units. The proposal for a dwelling was supported by all authorities. The application was also advertised to all adjoining properties, following the notice period no submissions were received.

In support of the proposed dwelling a Farm Management Plan was submitted which proposed an olive grove, land for stock grazing and some stock exclusion areas near to the rivers and where the slope of the land is too steep for safe access. The Farm Management Plan was considered in support of the dwelling as part of the assessment of the application to use and develop the land for a dwelling.

Council Officers determined that on the balance of the application that the proposal was consistent with the Murrindindi Planning Scheme and issued a planning permit for the dwelling, subject to conditions and in accordance with the submitted plans. The conditions of the planning permit specifically required the land to be managed in accordance with the Farm Management Plan and for the olive grove to be reasonably established prior to the use of dwelling.

The planning permit was issued and plans were endorsed on 8 September 2021. Shortly following the issuing of the permit, the applicant enquired with Council about amending the permit to relocate the dwelling. The applicant was advised that a planning permit amendment application would be required.

In accordance with the conditions of the approved planning permit the landowners have commenced works onsite for the upgrading of the internal driveway from Acheron Road to the approved dwelling location. This driveway is now suitable for use as an all-weather vehicle access.

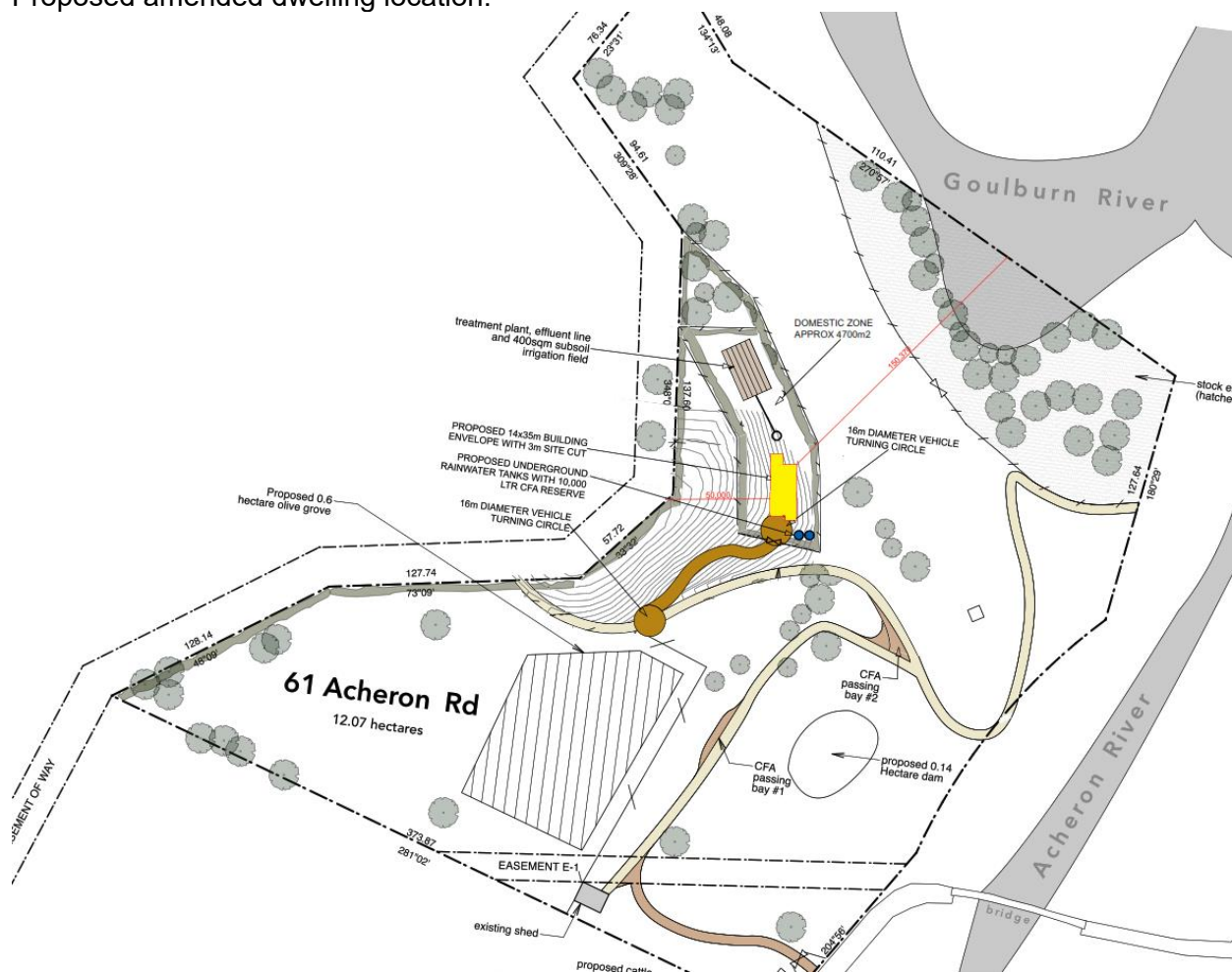
Originally approved dwelling location:



Proposal

The application proposes to amend the previously approved planning permit by relocating the approved dwelling. The proposed amended location for the dwelling is setback 50 metres from the west property boundary in an existing cleared area. The existing driveway access from Acheron Road is proposed to be extended to provide all-weather vehicle access to the dwelling.

Proposed amended dwelling location:



The amended proposal is for a three-bedroom, plus study single storey dwelling with an attached two-car garage to be set into the hill with a significant site cut. The dwelling is proposed to sit below the ridgeline of the hill and is to be constructed of natural looking external materials, with the eastern elevation being mostly glass. The proposed dwelling has a maximum roof height of 4.5 metres above the natural ground level on the eastern edge, with two proposed chimneys sitting above the roof.

The proposed dwelling would be connected to water storage onsite with two large underground water tanks proposed to provide potable water for the dwelling and firefighting water for CFA. The plans also detail a wastewater treatment and disposal system located north of the dwelling.

The submitted plans detail the proposed access with two passing bays, meeting the previously approved planning permit condition requirements suitable for emergency service access, and stock exclusion fencing around the river flats near the Acheron and Goulburn Rivers. Furthermore, a domestic area is proposed to be fenced off and would include the dwelling and attached garage, water storage tanks, vehicle turning area and wastewater disposal field.

An updated Farm Management Plan (FMP) was submitted in support of the application and includes a 0.6 hectare olive grove to be planted near the south-western boundary and fenced off from stock. The remainder of the land, not used for the olive grove, dwelling and stock exclusion zone (river flats) would be used for cattle grazing continuing the existing agricultural land use. The FMP also details a proposed large water storage dam, which would provide water for stock, and cattle yards near the existing Acheron Road access.

Following the notice period of the amendment application the applicant applied under *Section 57(A)(2)(c)* of the *Planning and Environment Act 1987* to amend the application. The amendment included a new full set of plans:

- Amend the location of the dwelling to have a 50-metre setback from the west boundary
- Altering the floor plan to move the dwelling to the southern elevation, reducing the overall width of the dwelling and required site cut
- Altering the floor plan and removing the split-level
- Removing the proposed cantilevered ends of the dwelling
- Include vehicle turning circles to demonstrate compliance with Bushfire and Farming Zone policies to ensure emergency service vehicle access
- Reduce the area of the Domestic Zone around the dwelling to the minimum area possible
- Details for landscaping around the dwelling.

Council Officers recognise that this amendment application made a significant effort to reduce potential visual impacts of the proposed dwelling and would reduce the site cut needed and would set the dwelling lower on the hill.

The amended application (under *Section 57(A)(2)(c)* of the *Planning and Environment Act 1987*) was notified to all residents who were previously notified of the application and any person who had made a submission to Council regarding the amendment.

Cultural Heritage Management Plan

The site is not in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. Additionally, the use and development of land for a dwelling is not considered as a 'high impact' activity under the regulations. Consequently, a Cultural Heritage Management Plan is not required.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* and *Murrindindi Planning Scheme* in the form of letters to adjoining and nearby neighbours. Following the notice periods nineteen (19) submissions were received, twelve (12) objecting to the proposal and seven (7) supporting the proposal. The objections relate to:

- Dwelling will be visible from surrounding land and will impact the visual amenity of the area
- Dwelling will overlook the Acheron and Goulburn Rivers
- Loss of privacy for dwellings nearby
- Internal driveway access will cause visual amenity impacts to the natural landscape
- Dwelling located on top of a hill is out of character with the surrounding landscape
- Proposed development site is too steep for building works (as per Murrindindi Rural Living Development Guidelines)
- Potential for light spill into neighbouring properties
- Separation between neighbours
- Displacement of the existing native fauna (Grey Kangaroo)
- Lack of agricultural justification for a dwelling
- Unnecessary bushfire risk.

Responses to the above objections are discussed in greater detail later in this report. Following the second notice period (amended amendment application) one of the submissions was withdrawn and a new submission was received. The submissions supporting the application relate to:

- Proposed agricultural uses are suitable for the landscape
- Permanent residence on the land will ensure suitable land management and care for stock
- Proposed landscaping will beautify the hill
- Proposed dwelling design is architecturally modern and will add value and character to the area.

Referrals

The application was referred for comment under Section 52 of the *Planning and Environment Act 1987* to Agriculture Victoria who have provided a detailed assessment of the Farm Management Plan and recommended conditions for a permit. The response received made the following comments in relation to the amended application:

- *The primary agricultural use of the land for horticulture and grazing animal production requires regular supervision and management of trees and stock but this could be achieved without the need for a dwelling on the site.*
- *Application has not addressed how the re-siting of the dwelling enhances agricultural potential and productive capacity of the land.*
- *Domestic area of 0.8 hectares is disproportionate to the proposed 0.6 hectare olive grove.*

This recommendation has been considered as part of the Officer Recommendation in this report.

The application was referred externally to the Department of Environment, Land, Water and Planning (DELWP) as an adjoining land manager, as the river reserves of the Acheron and Goulburn Rivers are on Crown Land. DELWP did not object to the amended siting.

The application was also referred internally to Councils Environmental Programs, Environmental Health and Engineering units. The responses from internal authorities have been included in the assessment of the application and have been considered as part of the Officer Recommendation in this report.

Discussion – Planning Considerations

The amended planning permit application is submitted to Council in accordance with Section 72 of the *Planning and Environment Act 1987*, the application proposes to relocate an already approved dwelling. The planning permit which was issued for a dwelling at 61 Acheron Road considered how a dwelling would support the proposed agricultural use of the land and any adverse impacts. It was determined by Council Officers at the time that on the balance of the application it was reasonable to approve a dwelling on the land.

The current planning permit allows the land to be used and developed for a dwelling and includes conditions which require the landowners to manage the land in accordance with the endorsed Farm Management Plan indefinitely and to establish the olive grove prior to residing in the dwelling.

The amended application proposes to relocate the dwelling onto a higher elevation of the property, with varied floor plan, and consequently rearrange the configuration of the agricultural activities.

The amendment process enables Council to consider the proposed changes, specifically the siting and design of the proposed dwelling and any environmental impact to the subject land or amenity impact to surrounding land. Council is not able to re-consider the use of the land for a dwelling as this has already been approved. Furthermore, the approved permit has determined that a dwelling on the land will support and enhance the proposed agricultural activities. The proposed relocated dwelling requires the olive grove to also be relocated, which is a consideration as part of the assessment for the amendment application.

Planning Policy

The proposal has been assessed against state, regional and municipal Planning Policy Framework (PPF) contained in the *Murrindindi Planning Scheme*. Overall, it is considered that the proposed amendment is not reasonably consistent with the objectives and strategies of this framework, as is discussed below.

Clause 02.03 - Strategic Directions

Council supports protecting environmental values, including native vegetation and scattered paddock trees.

Rural areas are identified as being protected to ensure land is used for productive agricultural uses and compatible rural uses.

As was previously considered and supported by the original application and permit issued, the proposal for a dwelling to be used in conjunction with agricultural activities is considered an appropriate use of the land which is compatible with surrounding land uses. A permanent residence on the land would enable the owners to manage the proposed olive grove and stock and ensure the land is sustainably managed. The overall suitability for the use of a dwelling on the subject land is generally considered consistent with the Strategic Directions.

Clause 12.03-1S – River Corridors, Waterways, Lakes and Wetlands

The objective is to *protect and enhance river corridors, waterways, lakes and wetlands*. The relevant strategies include:

- *Protect the environmental, cultural and landscape values of all water bodies and wetlands.*
- *Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.*
- *Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.*
- *Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.*

The submitted plans, and specifically the Farm Management Plan, include a stock exclusion area for the river flats adjacent to the Goulburn and Acheron Rivers. The proposed fencing is to be located just above the river flats and would ensure the banks of the rivers are not impacted by cattle.

The proposed dwelling location is set approximately 112 metres from the bank of the Goulburn River and approximately 191 metres setback from the Acheron River. Council's Environmental Health Technical Officer has assessed the application in relation to the proposed wastewater treatment and disposal system and has determined that the proposal is in accordance with Council's Domestic Wastewater Management Plan and therefore would not pose a risk to the nearby rivers.

It is quite likely that the proposed dwelling would be visible from the Crown Land of the Acheron and Goulburn Rivers however, the proposed site cut would enable the dwelling to be set into the hill-scape and not protrude out over the land. The dwelling is proposed to be constructed of natural looking materials, excluding the windows, which could naturally complement the surrounding landscape. There are also some large existing native trees below the proposed dwelling site to the east which could naturally screen the view to the dwelling from some locations.

Clause 13.02-1L – Bushfire Planning

The subject land is within a Bushfire Prone Area. The policy includes strategies to mitigate bushfire risk, which require uses and development to be located, designed and managed to reduce the risk to human life, property and infrastructure from bushfire.

The submitted plans appended to the application detail emergency access passing bays every 200 metres along the proposed internal access from Acheron Road to the dwelling, these passing bays would allow for vehicles to safely pass when travelling up and down the driveway. The plans also include two 16 metre diameter vehicles turning circles, one at the southern end of the dwelling in front of the proposed garage and the other at the beginning proposed new access to the dwelling.

The site plan also includes two underground water tanks with a minimum 10,000 litre water supply reserve for firefighting use, the water supply would be accessible to CFA vehicles via a remote outlet, as is required by the currently approved permit conditions. The dwelling is proposed to be located in an area that is already clear from vegetation and therefore would have appropriate defensible space.

As the subject site is not within the Bushfire Management Overlay specific bushfire plans were not a requirement and the application did not need to be referred to CFA. The application has appropriately addressed the requirements of the Bushfire Planning policy.

Clause 13.03-1S – Floodplain Management

The objectives are to assist the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

The relevant strategies include:

- *Avoid intensifying the impact of flooding through inappropriately located use and development.*
- *Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.*

The subject land includes a small section of the Goulburn River and is adjacent to the Acheron River, these rivers are on Crown Land and are subject to flooding. There is an area of river flats in the north-east corner of the property which has a rich pasture and some native trees.

The documents submitted with the application, including the Farm Management Plan, propose to fence off and exclude stock access to the rivers and river flats to protect the natural environment. There is an existing vehicle access track to the river flats which enables the landowner to manage weeds, such as blackberries and manage the area providing a natural habitat for local fauna.

The proposed dwelling location is sited on an elevation well above the flood levels of the rivers and is therefore considered an appropriate location in response to this policy.

Clause 13.07-1S – Land Use Compatibility

The objective is to *protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site*

impacts. The strategies include ensuring that use and development of land is compatible with adjoining and nearby land uses.

The land adjoining the subject site includes the Crown Land for the Goulburn and Acheron Rivers and two private properties, each with an existing dwelling and land used for agricultural activities.

The adjoining private property to the west of the subject land is a large property comprising two Titles of approximately 38 hectares, there is a long driveway which traverses the boundary near the subject land. This access is also shared by the owners of the subject site by way of a carriageway easement. The property has some large native trees near the proposed development site and a dwelling located more than 290 metres from the development site. This existing dwelling cannot be seen from the proposed development site as it is situated on the other side of the hill. The dwelling is situated on a small Title of approximately 4.2 hectares.

The adjoining private property to the south of the subject land is a small property comprising approximately 9 hectares with a single dwelling in the southern corner and access from Acheron Road. This property is lower than the subject site and it would be expected that the proposed dwelling would be visible from this property. The proposed dwelling location is approximately 500 metres from the existing dwelling on the adjoining property to the south.

The adjoining private properties are currently being used for low-impact agricultural purposes, such as stock grazing, it is considered that the proposed dwelling and associated agricultural uses would be compatible with the existing land uses nearby.

The originally approved plans detailed the dwelling to be setback from the west boundary approximately 135 metres, the amended application reduces that setback by 85 metres. As the existing access for the adjoining property to the west currently follows the property boundary there is an existing buffer between the proposed residential use of the land and any land use of the adjoining property. Furthermore, the peak of the hill is within the subject land, therefore any agricultural or other land use of the adjoining property to the west is behind the hill and not visible from the proposed relocated dwelling site. The potential for land use conflict between the proposed dwelling and adjoining land to the west is considered to be very low risk.

Clause 14.01-1S – Protection of Agricultural Land

The objective is to *protect the state's agricultural base by preserving productive farmland*. The relevant strategies include:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Limit new housing development in rural areas by:*
 - o *Directing housing growth into existing settlements.*
 - o *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*

The subject land in its previous ownership (prior to September 2021) was used for cattle grazing, whereby the stock roamed the entire property with direct access to the Goulburn and Acheron Rivers.

The proposal for a dwelling includes a domestic area to include the dwelling, water storage tanks and wastewater disposal field, this area would be fenced off to exclude stock access. The submitted Farm Management Plan also proposes to exclude stock from the river flats and Goulburn and Acheron Rivers which is supported by the Department of Environment, Land,

Water and Planning, the relevant water authority and Councils Environmental Programs unit. The domestic area and stock exclusion zone for the rivers would be permanently removed from agricultural use.

In addition to the existing use of land for stock grazing the applicant proposes to plant a 0.6 hectare olive grove near to the south-western property boundary, which would be managed by the residents of the dwelling. Water supply for the olive grove could be from the proposed dam and water storage captured from the dwelling. The olive grove would be fenced off from the rest of the property to ensure stock do not damage the trees.

The submitted site plan shows a domestic area of approximately 0.46 hectares, a 0.6 hectare olive grove and a 1.43 hectare stock exclusion zone for the river flats, which also includes a portion of the land which is too steep to access. These areas would all be fenced off from stock, which would provide approximately 8.6 hectares of land left for stock grazing purposes, subject to sufficient pasture.

The subject land and surrounding land are not recognised as being high quality in terms of agricultural production and therefore are suitable for low-level stock grazing and a small olive grove. The proposal details that the olives would be harvested and used in association with other olive producers in the local area.

The originally approved planning permit included a Farm Management Plan, very similar to the proposed amendment. The FMP included a 0.6 hectare olive grove and land for stock grazing. As the proposed dwelling location has changed the layout of the FMP has been altered accordingly. The most significant change is the proposed location of the olive grove, which was previously approved to be located in the area now proposed for the dwelling. The olive grove, as shown in the amended FMP, is proposed to be located near the south-western property boundary on the southern face of the hill. This location is clear of large trees and although facing south would generally receive sufficient natural sunlight to service the olive trees. Furthermore, the newly proposed location for the olive grove is not as steep as the previously approved location and therefore would provide easier access for the residents to care for the olive trees. The amount of land available for stock grazing has not changed from the originally approved plans.

Clause 15.01-2S – Building Design

The objective is to *achieve building design outcomes that contribute positively to the local context and enhance the public realm*. The relevant strategies include:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of the development on neighbouring properties, the public realm and the natural environment.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

A site analysis was completed by the applicant and is detailed in the submitted plans, the site plan shows all existing features of the subject land, including vegetation, the powerline easement and the existing internal access track. The natural ground line and proposed site cut for the dwelling is detailed on the elevation plans and gives context for the proposed building height and how it could sit within the landscape. The plans further detail the proposed site cut, fill and batter for the driveway and all associated works for the dwelling.

The proposed dwelling would be visible from surrounding land and the adjoining Acheron River, Goulburn River and nearby roads, including Acheron Road and Breakaway Road. While proposed to be situated quite high within the landscape the amended dwelling location would not impact any existing vegetation and therefore the canopies of the existing large native trees below the proposed dwelling site could soften the visual impact or divert attention from the dwelling. The dwelling location is also proposed to be set well below the ridgeline removing any impact on the skyline. However, when viewed from the south or north from a lower elevation the dwelling may stand out beyond the hillside.

The landscape of the subject site is not specifically identified as significant in terms of being a landmark. However south of the subject land the Cathedral Ranges, which are specifically identified as significant, are visible. The proposed dwelling development would not obstruct the view to the Cathedral Ranges from any surrounding properties or detract from the surrounding landscape views.

The previously approved dwelling location was set lower on the property however was sited on a natural saddle, reducing impact on the ridgeline and was set low enough that most of the dwelling would not have been visible from the valley or Acheron Road. The previously approved dwelling location had much less of a visual impact on the surrounding landscape than the proposed amended location.

The proposed amended location of the dwelling would result in it being visible from most of the adjoining and surrounding properties as well as from public land. While being visible is not directly contradictory to this objective of the Murrindindi Planning Scheme, consideration must be given to the impact of not only the dwelling itself but also associated works including the driveway utilities and the required associated earthworks. The proposal requires significant earthworks and would impact on wider amenity values which are discussed further into this report. It is considered on balance that the proposal fails to meet this objective of the Murrindindi Planning Scheme.

Clause 15.01-6S – Design for Rural Areas

The objective is to *ensure development respects valued areas of rural character*. The relevant strategies for the policy include:

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

The submitted plans show the proposed dwelling to be set into the landscape with a significant site cut to reduce the visual impact of the dwelling from surrounds. While this may limit visibility of the dwelling, the site cut required would be visible from a significant distance. The proposed external colours and materials have been included in the submitted plans and detail mostly grey colours, including concrete, *Woodland Grey* roofing and a metal mesh façade surrounding the balconies off the bedrooms which would reduce any reflection from the windows. The eastern elevation would be mostly windows and metal mesh. The proposed colours are quite earthy and naturally occurring in the surrounding landscape. The submitted plans also include a landscaping plan which specifically details proposed plantings surrounding the dwelling and to landscape the batters with native shrubs and plants. Any landscaping would further soften the visual impact of the proposed dwelling and would eventually remove the visual scar of the site cut.

As previously discussed, the amended proposed dwelling location would be visible from adjoining and nearby private properties and would be visible from the Crown Land of the Acheron and

Goulburn Rivers. The design of the dwelling, with the significant site cut proposes for the dwelling to be setback into the landscape of the hill.

Whilst the proposed plans do not indicate that the dwelling would be on a ridgeline or protrude into the skyline the proposed location would be prominent in the landscape and visible from a substantial distance. The proposed landscaping would reduce the potential visual impacts however overall the siting of the dwelling and associated earthworks, including for access, is not considered to have been designed to minimise the visual impacts to an acceptable standard in response to this policy.

Clause 35.07 - Farming Zone

The proposed amendment application includes information pertaining to how the dwelling is able to be connected to electricity onsite, there is an Easement along the southern boundary with an existing powerline. Water storage onsite is proposed to be connected to the dwelling and would be able to be used for domestic, firefighting and agricultural purposes. There are two existing accesses for vehicles, one direct from Acheron Road with a winding driveway up to the proposed dwelling site and a secondary access through the adjoining property to the west to Maroondah Highway with a carriageway easement. The application also details the proposed wastewater treatment and disposal system onsite in accordance with Councils Domestic Wastewater Management Plan.

The purpose of the zone is, as relevant:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The subject land has an existing character of being used for stock grazing, generally in rotation with nearby properties and when there is adequate or excess pasture. The proposal to use and develop the land for a dwelling is proposed to do so in accordance with the existing agricultural use and to incorporate a small olive grove on the land. The olive grove would be located on the southern face of the hill and be approximately 0.6 hectares.

The subject land is not recognised as being of high agricultural quality, specifically the Environmental Significance Overlay for high quality agricultural land in the Murrindindi Shire does not apply to the subject site, or any of the surrounding properties. The property has previously been used inconsistently for stock grazing when there is sufficient pasture. Generally stocking levels have been low to reflect the carrying capacity of the site. The application to include an olive grove would increase the productivity of the land. Furthermore, having permanent residents on the property would ensure sustainable land management and protect the environmentally sensitive areas, such as the steep slopes and river flats. This assessment was determined as part of the original application and approval for a dwelling in the previously approved location.

The proposed amended application for the relocation of the previously approved dwelling does not alter the amount of land to be used for domestic purposes. The proposed 'domestic area' is shown on the submitted plans to be of approximately the same size as previously approved and would not remove any additional land from agricultural uses. The domestic area is shown to be approximately 0.46 hectares, which acceptably the minimum area required for the proposal and could contain the dwelling, vehicle turning area, water storage tanks and effluent treatment and disposal system.

The use of a dwelling at this location, set on the eastern face of the hill, would have very limited impact to adjoining and nearby agricultural activities. The dwelling would, if at all, only be partially

seen from the driveway of the adjoining property to the west, which the dwelling would be closest to with a proposed boundary setback of 50metres. The siting of the dwelling would also protect it from dust, noise, odour or use of chemicals from the adjoining property to the west. The dwelling is proposed to be a setback a minimum 150 metres from all other boundaries and therefore it is very unlikely that agricultural uses on adjoining properties would be impacted.

The application was supported by a Farm Management Plan which details the proposed agricultural uses and protection of the river flats and steep, inaccessible areas of the property. The execution of the FMP would encourage a more productive property with sustainable land management, which would benefit existing and future agricultural activities on adjoining properties. The amended proposal does not change or improve the previously approved Farm Management Plan.

Clause 35.07-6 – Decision Guidelines of the Farming Zone

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The submitted amendment application and associated Site Plan detail a proposal for wastewater treatment and disposal onsite in accordance with Councils Domestic Wastewater Management Plan. The application has been reviewed by Councils Environmental Health unit who have determined that the proposed site for wastewater treatment and disposal is suitable and would not impact on the nearby rivers or private properties.

How the use or development relates to sustainable land management.

As previously discussed, the proposal includes an amended Farm Management Plan which incorporates sustainable land management, including the management of pest plant and animals, stock exclusion from significantly steep areas of the property with a risk of erosion and stock exclusion from the river flats.

The proposal has not suitably demonstrated how the amended dwelling location would improve sustainable land management compared to the previously approved dwelling location.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The previously approved application determined that the subject land was suitable for a dwelling and that a permanent residence would support agricultural and sustainable land management activities. The proposal for a dwelling in the proposed amended location is considered reasonably compatible with adjoining and nearby land uses. The adjoining and nearby private properties are mostly used for low-scale agricultural activities, such as stock grazing, supported by dwellings. Specifically, the adjoining properties to the west and south each have a dwelling to support the existing agricultural uses. The proposal for a dwelling on this property is consistent with the existing character of use in the area. While the use of land for this purpose is considered suitable, it is the amended siting of the dwelling which is not considered to be consistent with adjoining land uses due to the visual impacts on amenity.

How the use and development makes use of existing infrastructure and services.

There are two existing access points to the subject land, one from Acheron Road and the other through a Carriageway Easement on the adjoining property to the west from Maroondah Highway. The proposed amended dwelling location would be sited to enable use of both existing accesses.

Whether the use or development will support and enhance agricultural production.

The application submits that the use and development for a dwelling on the subject land is proposed to support and enhance the existing stock grazing and would improve the productivity of land by including a small olive grove.

The original planning permit application, for the previously approved location, made reference to VCAT Case, Wiseman v Moorabool SC (2008) VCAT 737 in which the Tribunal determined:

Various Tribunal decisions emphasise a relationship between a dwelling and bona fide agricultural activity conducted on the land itself. The lot size, physical characteristics of the land and its context, and nature of existing and proposed agricultural activity on-site are critical in considering this relationship. The decisions refer to a dwelling assisting in a meaningful and practical way – how will a dwelling assist an existing, developing or proposed agricultural activity? It is not, however, the case that a dwelling must be found to be essential to support the operation of agricultural activities. Rather, a dwelling must contribute to achieving the purposes of the Farming Zone and applicable policies.

In this amended planning permit application, and the original application, it may be that a dwelling is not essential on the land for the proposed agricultural activities however, a dwelling could assist the landowners to ensure the proposed agriculture is conducted in a safe and sustainable manner. As previously mentioned however the proposed amended dwelling location does not allow for any improved agricultural activities and does not demonstrate how the proposal will further contribute to achieving the purposes of the Farming Zone.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The proposed amended dwelling location is for a site much steeper than the originally approved location and therefore would require much more extensive earthworks for the site cut and for the additional length of the internal accessway. The additional site works would require measures to reduce the risk of erosion, sediment runoff and appropriate drainage design would be necessary. The requirement for the extensive site cut would appear unnecessary when there are flatter areas on the property more suited to development which would require significantly less excavation works and would have much less potential erosion and sediment runoff. The previously approved dwelling location is considered to better comply with the requirements of this policy. While it is considered unlikely for there to be any direct effects on the existing soil quality through contamination etc, the earthworks proposed, if not managed appropriately could have a significant impact on soil stability.

The proposed amended plans detail a domestic area to be approximately the same size as was previously approved and therefore the proposed amendment would not permanently remove any additional land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The dwelling is proposed to be setback 50 metres from the west property boundary and therefore would be unlikely to limit the operation and expansion of adjoining agricultural uses. The dwelling would be set below the ridgeline, where the boundary is, and therefore would have the protection of the hill from any noise, dust, or spray drift.

The capacity of the site to sustain the agricultural use.

The subject land is not considered to be of high quality in terms of potential for agricultural productivity however, the proposed land uses are suitable for the property and are respectful of

the surrounding landscape. Due to the slope of the land the carrying capacity of the site for stock is quite low and would likely need to be seasonal when pasture is in excess.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

The existing agricultural qualities of the land, including soil quality and access to water would not be impacted by the proposed dwelling. However, the application also proposes a new water storage dam which would capture natural overland waterflow and could be utilised for stock and watering the proposed olive grove. The proposal for a water storage dam does not require planning approval however was included in the originally approved plans.

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

The amended dwelling location is proposed to be relatively close to the western property boundary, with stock grazing surrounding the domestic area. It is not expected that the proposed dwelling would result in the loss or fragmentation of agricultural land on the subject site or on adjoining or nearby properties. The surrounding properties are in separate ownership and have existing dwellings therefore any proposal on the subject land would not further fragment farming land.

Whether the dwelling will be adversely affected by the operation and expansion of adjoining and nearby agricultural uses.

As previously discussed, the proposed dwelling would have a significant setback from the north, east and south boundaries and would be protected by the hill from the west. The proposed amended location for the dwelling would ensure that the dwelling could not be affected by dust, noise, odour, or use of chemicals. Noise across the valley would carry on a low-wind day and therefore the occupants of the proposed dwelling would likely be able to hear farm machinery being operated in the valley.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The proposed dwelling would become one of nine dwellings within a 500-metre radius of the subject site. The nearby dwellings are located on properties of varying sizes, most similar to or smaller than the subject land. The existing dwellings nearby are mostly located near roads and support small agricultural enterprises or are used in association with multiple parcels of land in the same ownership. The nearest dwelling to the proposed development site is approximately 280 metres away and therefore the proposal would not create a concentration or proliferation of dwellings if approved.

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The proposal for a dwelling at the amended location would require a significant site cut and therefore measures would need to be taken to ensure stability of the landscape and appropriate drainage for natural water run-off. The application has not specified any proposed measures to be undertaken to reduce the risk of erosion from the dwelling site cut or earthworks required for the internal access. However, the plans include a landscaping plan which proposes native shrubs and plants on the site cut batters, it would be expected that the root structure of these plants would assist to stabilise the earth.

The Farm Management Plan submitted with the application details how fencing is to be installed to restrict stock access to the rivers and river flats, which would protect the water quality of overland waterflow in the rivers.

The impact of the use or development on the flora and fauna on the site and its surrounds.

There is existing native vegetation onsite in the form of large scattered trees, the proposed dwelling and the internal access provide reasonable setbacks from all vegetation to ensure there would be no impact.

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

There is a small existing farm storage shed near to the southern property boundary, however the proposed dwelling is not sited near the shed. The dwelling would be located close to the western property boundary on an eastern facing slope. The proposal does incorporate the wastewater disposal field and water storage tanks within the same domestic area as the dwelling to reduce any potential loss of agricultural land.

The impact of the siting, design, height, bulk, colours, and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposed dwelling would be located on a hill with an approximate elevation of 60 metres above the adjoining rivers and Acheron Road. Due to the elevation the dwelling would be visible from the surrounding land, including private properties, the rivers and nearby roads. The submitted plans detail a significant site cut, approximately 3 metres, and a low-profile roof for the proposed single-storey dwelling which would reduce the visual impact of the overall height of the dwelling above natural ground level. The proposed external colours and materials would be muted in varying greys with a substantial number of windows along the eastern elevation, likely to reflect light during the morning. The proposed site cut for the dwelling would minimise visual impacts for the adjoining property to the west as the proposed dwelling would only be visible from the driveway of the adjoining property.

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The character of the area includes river flats surrounded by steep hills covered in grasses and some large scattered native trees, with varying agricultural uses and farm houses. The proposed dwelling set on the hill would be visible from the river flats and due to the extensive proposal for windows across the eastern façade would be prominent in the landscape. The application has included measures to mitigate the impact on the surrounding landscape including the use of earthy tones and materials for the dwelling and to landscape around the dwelling. The dwelling would also be cut into the hill and would not protrude above the ridgeline.

While the application has taken steps to reduce the overall impact of the proposal in a number of ways including use of innovative materials and lowering the location to be well clear of the ridgeline, it is considered that the proposed dwelling will still have a significant impact on the character and appearance of the area in a way that is not seen by other land uses in the immediate vicinity of the site.

Clause 44.03 - Floodway Overlay

The purpose of the overlay, as relevant is:

- *To identify waterways, major flood paths, drainage depressions and high hazard areas which has the greatest risk and frequency of being affected by flooding.*

- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisations of soil erosion, sedimentation and silting.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

The floodway overlay applies to a small section of the subject site where the Goulburn River encroaches into the land and an additional approximate 25 metres of the river flats.

The amended application does not propose for any buildings or works within the overlay and therefore there is no permit trigger. The land subject to the floodway overlay is proposed to be within the stock exclusion zone which would protect the bank of the river.

The amended proposal is consistent with the purpose of the policy.

Discussion – Submissions

A response to the issues raised by the objectors is set out below.

Dwelling will be visible from surrounding land and will impact the visual amenity of the area

The dwelling, proposed to be located on the eastern face of the hill at an elevation of approximately 60 metres above the river flats, would be visible from the adjoining and nearby land to the north, east and south of the subject site.

The existing character of the area includes the river flats and surrounding hills dotted with farmhouses and varying agricultural uses. The proposed dwelling and associated agricultural uses are consistent with the surrounding land uses however the proposed amended dwelling location would likely be prominent in the landscape. The dwelling plans detail windows across the eastern façade which could reflect light, particularly during the morning.

Dwelling will overlook the Acheron and Goulburn Rivers

The amended dwelling location is proposed to have a significant site cut to sit the dwelling into the landscape and have views out over the Acheron Valley which includes both the Acheron and Goulburn rivers.

The proposed dwelling would be setback approximately 100 metres from the river and would be on an elevation 60 metres higher than the river. The proposed orientation of the dwelling overlooks the valley and is not directed at the meeting of the rivers.

Loss of privacy for dwellings nearby

There are a number of dwellings in proximity of the subject site, the closest of which is set behind a hill and would not be visible from the proposed amended dwelling location. Additionally, there are two dwellings on Breakaway Road which are approximately 280 metres from the proposed amended dwelling location and a dwelling to the south approximately 540 metres away. Given the extensive distance between the nearby dwellings and the proposed dwelling it is unlikely that there would be any loss of privacy. The policy in the Murrindindi Planning Scheme relating to loss of privacy is generally only applicable to medium to high density development, typically in urban areas. The policy does not provide any guidance for privacy protection in rural areas.

The assessment of the amended dwelling location has considered the view from neighbouring properties and recognises that being able to see the proposed prominent dwelling would impact on the amenity of the area but would not be likely to impact on privacy.

Internal driveway access will cause visual amenity impacts to the natural landscape

The existing internal driveway was previously used as an access track and was not well formed or often used. Following the approval of the original application the driveway has been upgraded to a standard suitable for vehicles and as such some excavation works have exposed raw soil and a contrasting-coloured gravel has been used. Over time the gravel might fade, and the exposed soil could naturally regenerate and would once again be covered by grasses, which would significantly reduce the visual impact. If the amended proposal was to be approved further earthworks would be required to complete the driveway and provide access to the proposed dwelling site.

Dwelling located on top of a hill is out of character with the surrounding landscape

The amended proposal for a dwelling on the eastern face of the hill would be visible from surrounds and may stand out in the landscape. The submitted plans detail how the proposed site cut and low-profile roof would enable the dwelling to sit well below the ridgeline. There are some existing dwellings on the hills surrounding the Acheron Valley which are mostly visually hidden by landscaping and large trees.

The proposed dwelling would need to be significantly surrounded by vegetation to screen it from view, and any proposed planting would take many years to be established enough to reduce the visual impact. The canopies of the existing native trees below the proposed dwelling site could slightly screen views to the dwelling from some locations in the valley.

Proposed development site is too steep for building works (as per Murrindindi Rural Living Development Guidelines)

The Murrindindi Shire Rural Living Guidelines (2004) (RLDG) were developed to guide 'landscape changes' in relation to uses, development and subdivision in the Rural Living Zone. As the subject land is within the Farming Zone this policy is not able to be considered.

The proposed amended dwelling location is on a significantly steeper slope than the originally approved location. The original location was in a saddle and was relatively flat whereas the amended proposal is for a slope which is quite steep and requires an approximate 3-metre site cut. The amended location for the wastewater disposal field is also fairly steep however has been assessed by Councils Environmental Health unit who concluded that it is an appropriate location and does not pose any risk of contamination to the rivers.

While the guidelines do not apply to dwellings in the Farming Zone, it is acknowledged by officers that, specifically Guideline 5, Rural Landscapes and Significant Ridgelines seeks to protect landscapes and vistas and reduce the impact of development on adjoining landowner and surrounding land users, including both the local and tourist population.

Additionally, Guideline 5 seeks to avoid buildings and works on slopes greater than 15% or when building and works would protrude above natural significant ridgelines.

The proposed amended development site for the dwelling is a slope greater than 15%. It is estimated that the natural slope ranges between 30% and 40%. The slope of the land is significant and would require extensive excavation works for the proposed site cut and additional measures would be necessary to prevent soil erosion and sediment runoff. Furthermore, the site cut, fill and batter may require additional techniques to stabilise the exposed earth.

As the subject site is within the Farming Zone, the Murrindindi Shire Rural Living Development Guidelines are not applicable, and the application is not able to be considered in relation to the guidelines.

Potential for light spill into neighbouring properties

As previously discussed, the proposed amended dwelling location would have a greater setback from the dwellings to the east than the originally proposed location. Any external lights from the proposed dwelling would not be able to extend to the nearby dwellings however, the residents of the surrounding dwellings would likely be able to see lights of the proposed dwelling.

Separation between neighbours

The potential impact from the reduced setback between the proposed dwelling and the adjoining property to the west is mitigated by the elevation of the dwelling being below the ridgeline and not visible from the dwelling. It is recognised that the proposed dwelling would likely be visible from the driveway and shared carriageway easement on the adjoining property to the west which is considered reasonable and unlikely to detract from any existing or proposed land uses.

Displacement of the existing native fauna (Grey Kangaroo)

The subject land has previously been sporadically grazed by cattle and for many months of the year has been vacant allowing the native kangaroos to roam the property and graze freely.

The application has been assessed by Councils Environmental Programs unit who have advised that kangaroos are typically not territorial and will frequently adapt to new developments and people or move to a more suitable location. The proposal for a dwelling on the subject land would not completely exclude the kangaroos from the property, however, may just encourage them to graze on other areas. The Grey Kangaroo is protected under the *Wildlife Act 1975* however, is not specifically protected by the Murrindindi Planning Scheme.

It is considered that the impact to native fauna would be the same as the previously approved dwelling location.

Lack of agricultural justification for a dwelling

The amended application includes a Farm Management Plan, very similar to the originally approved plans, with some amendments including the relocation of the olive grove as required due to the proposed relocation of the dwelling.

As previously discussed, an amendment application process does not assess whether a dwelling is necessary on the land to manage and enhance the agricultural activities however, it can consider how the amended location might impact on the use of the land for agriculture and how the existing and proposed agriculture on the site may be affected by the amendment

A permanent residence on the land would ensure stock are appropriately cared for, the olive grove is tended to as necessary and pest plants and animals are managed on an on-going basis. The proposed amended dwelling location has not changed the proposed in terms of agricultural land uses however, it is noted that the amendment does not include any detail as to how the proposed location might improve agricultural production.

Unnecessary bushfire risk

The subject site and all surrounding properties are within the Bushfire Prone Area, however, are not subject to the Bushfire Management Overlay. The Bushfire Prone Area is recognised as having a much lower bushfire risk where dwellings have a minimum construction standard in terms of bushfire response. Clause 13.02-1L and Clause 13.02-1S Bushfire Planning of the Murrindindi Planning Scheme specifically set out policy and recommendations for development in Bushfire Prone Areas.

The amended proposed dwelling location is considered to have a minimally increased bushfire risk compared to the previously approved location, as the slope of the land is greater and the driveway access from Acheron Road is longer due to the greater setback. However, in relation to the surrounding landscape the amended location does not increase or reduce the bushfire risk.

In response to the bushfire risk and the relevant policy, the application includes details pertaining to firefighting water being stored onsite specifically for CFA use, an appropriate all-weather access suitable for emergency service vehicles and the dwelling being sited in an area clear of vegetation.

Conclusion

It is considered that the proposal to change the location of the approved dwelling 61 Acheron Road, Acheron is not appropriate and has not appropriately responded to the provisions on the Planning Policy Framework and Farming Zone. It is acknowledged that the previously approved planning permit for use and development for a dwelling determined that the subject land is suitable for a dwelling.

The potential impact to surrounding visual amenity has not been sufficiently addressed by the proposal and while some issues may be able to be mitigated by conditions on any amended permit issued, it is considered that the proposal would be of significant impact to the wider visual amenity as a result of the proposed location, considering the information provided. Furthermore, the application has not included any justification for how the proposed amended location is a better outcome in terms of agricultural production and environmental impacts. The extensive earthworks which would be required for the amended location are unnecessary when there is an already approved suitable location for development.

On balance, it is considered that the relocation of the dwelling site is inconsistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “deliver efficient, sustainable land use planning outcomes to enhance liveability, protect our unique rural character and natural beauty, and to enable growth”.

Relevant Legislation

The proposal is being considered under the provisions of the *Murrindindi Planning Scheme* and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with the consideration of this application for planning permit.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

4.2 Murrindindi Shire Council 10 Year Asset Plan (LGA2020) - For adoption

Attachment(s)	Attachment 1 - Draft MSC Asset Plan [4.2.1 - 54 pages]
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report presents the Council's 10 Year Asset Plan (Plan). In accordance with section 92 of the *Local Government Act 2020* the plan is to be adopted by 30 June 2022.

The Plan includes information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council.

Although community consultation is not required for this initial release, officers will conduct deliberative consultation with the community alongside future releases of the Council Plan and 10-year Financial Plan.

The Asset Plan is intended to be a strategic public-facing document that informs the community on how the council-controlled infrastructure assets are to be managed to achieve the Community Vision and supporting Council Plan objectives.

RECOMMENDATION

That Council adopt the 10 Year Asset Plan as contained in Attachment 4.2.1.

Background

The *Local Government Act 2020* requires all Councils to develop and adopt (by 30 June 2022) a 10-Year Asset Plan that includes information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council.

The plan was developed by bringing together existing information from adopted public and operational documents including the:

- Community Vision and Council Plan
- 10-year Financial Plan
- Financial Reports
- Annual Budget
- Condition audit results
- Predictive asset deterioration and condition modelling results
- 20-year Long-term Capital Works Plan – which is used for budget preparation.

The Asset Plan is a document that communicates the importance and magnitude of the infrastructure assets for which the Council is the custodian. This will result in more informed community engagement and a mutual understanding of the best use of council assets in the interest of the community.

Discussion

The purpose of the Asset Plan is to:

- improve the transparency around asset value and performance
- better inform the community on the type of assets under council management and the financial impost
- embed responsible asset management practices into the Integrated Planning and strategic framework
- contribute to council's long-term objectives, strategic intent, and finances
- improve the efficiency and effectiveness of asset management practices through a more engaged community and informed council
- better align decisions around assets to community needs, service levels and standards, and
- financial sustainability
- articulate and communicate the challenges on service levels, costs risks, and the considerations for the decisions made.

The plan explains how Council intends to manage infrastructure assets under its control over the next 10 years. Information included in the plan includes:

- Background, context, and current approach
- Current state of the assets
- Risks, Challenges and Opportunities
- Council's current approach and plan for the next 10 years on maintenance, capital works - renewal, acquisition, expansion, upgrade and to a lesser extent disposal, and decommissioning.

Over the next 10 years, Council expects to spend \$77.1 Million on maintenance, \$61.49 Million on renewal, \$53.9 Million on upgrade expansion and acquisition of new assets.

The fixed assets included in the plan are:

- Roads and Carparks,
- Bridges and Major Culverts,
- Pathways and Cycleways,
- Drainage,
- Corporate Buildings
- Recreation, Leisure, and Community Facilities
- Open Space and sportsground Assets
- Saleyards and Waste Facilities.

It should be noted that required asset renewal works, that cannot be funded, have the potential to pose a financial burden and reduce the standard of services provided in future years. This Plan makes no new asset-related commitments.

The Plan commits to future community engagement to deliberate on asset management decisions and to continuous improvement in Council's asset management documents, processes, and data to improve decision making.

Following the initial adoption of the plan Council will seek community feedback on this first release Asset Plan.

Prior to the next version of the plan following the council election, the community will be engaged to deliberate on acceptable and desirable service delivery standards and other asset planning decisions, including asset disposal.

Key challenges and opportunities that are highlighted in the Plan will be addressed in future revision of the plan. They include:

- **Balancing conflicting needs and increasing expectations** of residents, businesses and industries including agriculture, forestry, and tourism
- **Climate change.** Our assets and community are exposed to a high-risk environment. Intense bushfires, floods, damaging winds, and long droughts are increasingly likely
- **Ageing, underutilised assets dispersed across the Shire.** Many assets no longer meet required standards, including accessibility, and we cannot afford to upgrade them all
- **Duplicated assets due to long distances between townships,** service the needs of small communities but pose a significant burden on our maintenance and renewal budgets
- **Limited financial capacity.** With few rateable properties, our rate revenue is low (and capped). Recurrent grant funding is not sufficient to meet our asset renewal needs, and competitive grant opportunities do not always match Council or community priority needs
- **Matching our financial resources to the size and complexity of our asset portfolio.**

An option for consideration in developing future revisions of the plan is the establishment of an Asset Planning Advisory Committee of Council with broad representation (aligned with demographics) for deliberative community consultation.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025*:

- *Beautiful Towns and Rural Settings* strategic objective “to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community” and
- *Transparency, Inclusion and Accountability* strategy to “ensure Council remains financially-sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate”.

Relevant Legislation

The *Local Government Act 2020* requires Councils to ensure that their Asset Plan aligns with the Council Plan, Council Budget, Annual Report, Community Vision, and Financial Plan, in keeping with the Integrated Strategic Planning and Reporting Framework.

Section 92 of the *Local Government Act 2020* requires Councils to develop, and keep in force, a Plan for a period of at least the next 10 budget years.

The Local Government Act (Planning and Reporting) Regulations 2020 requires Councils to record their compliance with section 92 of the Act. The Mayor and CEO must certify the Governance and Management Checklist which must also be included with Councils Annual Report.

Financial Implications and Risk

There is a risk of non-compliance with the *Local Government Act 2020* if the Asset Plan is not adopted by 30 June 2022.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

There is no requirement under the Local Government Act to consult on the first release of the 10 Year Asset Plan, however, the current document will form the basis for future consultation with the community. This consultation will be seeking information on:

- Challenges/ opportunities from their perspective (as residents, ratepayers, visitors, business operators)
- Thoughts on the way Council plans to spend their money
- What should our asset management performance targets be?
- How do people interact with our assets, what needs are not met?
- What is surplus to their needs?

4.3 Councillor nomination for Local Government State-wide Waste Forum

Attachment(s)	Attachment 1 - Email invitation - Local Government State-wide Waste Forum [4.3.1 - 2 pages]
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

Council has been approached by the current chair of the Goulburn Valley Local Government Forum, Cr Clark of Mitchell Shire Council, advising of the suggested creation of a new waste forum. It is proposed to commence from 1 July 2022 with the commencement of the new waste reform arrangements, which see the beginning of Recycling Victoria (RV) and the end of the current regional Waste & Resource Recovery Groups. His email (Attachment 4.3.1) seeks the appointment of a councillor from Murrindindi Shire to participate in the regional sector of the new Forum.

This report seeks the nomination of a councillor representative on waste and recycling matters to participate in the regional sector of the proposed Local Government State-wide Waste Forum.

RECOMMENDATION

That Council:

1. note that the State Government has introduced legislation that dissolves the regional Waste and Resource Recovery Groups (WRRGs) effective from 1 July 2022;
2. note that the WRRGs have provided an effective mechanism for regional collaboration between councils on waste and resource recovery matters. This has provided substantial benefit to the participating Councils and their communities, including delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement; and
3. appoint Cr _____ as the councillor representative on recycling and waste matters, including for the purposes of:
 - meeting with other councils in the Goulburn Valley region to consider recycling and waste matters, and to provide advice to councils in the region.

- appointing a chair of the regional advisory group on recycling and waste, who would represent the region in a state-wide advisory group, including electing a state-wide chair.
- developing a proposal for governance (including a Terms of Reference) of regional coordination between the councils, for consideration by Council at a future date.
- calling on the state government to support regional collaboration by providing the secretariat function via Recycling Victoria RV.

Background

The *Circular Economy (Waste Reduction and Recycling) Act 2021* (the Act) establishes a new waste authority, Recycling Victoria (RV), as a new directorate of the Department of Environment, Water, Land and Planning (DELWP) which will commence on 1 July 2022. On commencement of RV, the Waste and Resource Recovery Groups (WRRGs) will be dissolved, and relevant functions will be transferred to RV, and all the staff currently working for the WRRGs will become staff of RV.

The WRRGs were established on 1 August 2014 as statutory authorities under the Environment Protection Act 1970 (the EP Act). They act as the link between the State and local governments, the community and industry, and are responsible for facilitating a coordinated approach to the planning and delivery of infrastructure and services for all waste streams.

The Goulburn Valley WRRG (GVWRRG) is a successor organisation of Resource GV, and Murrindindi Shire Council is one of 6 member councils served by the GVWRRG.

The structure of the WRRGs included a board of 8 directors, with 4 being councillors, as well as a Local Government Forum comprising of Council representatives. All Councils had at least one councillor embedded in the structure, with Murrindindi Shire Council lately represented by Cr Lording on the board, and Cr Haslam on the Forum.

Discussion

With RV coming into being on 1 July 2022, there is to date very little information about how the new authority will provide the same functions and support to local government that the WRRGs have previously done. The legislation requires only that “the Minister must establish at least one advisory committee that includes persons with relevant skills, knowledge and experience relating to local government and rural and regional communities.”

In response to this, the Chairs of the Local Government Forums of all the WRRGs have established a new body to be their direct successor, the Local Government State-wide Waste Forum (the new Forum). The new Forum aims to maintain direct linkages with all councils throughout the State, to provide support to the Minister and the Head of RV in designing and implementing mechanisms to deliver the bold vision outlined the Recycling Victoria policy.

On 10 June, Council was approached via email by the current chair of the GV Local Government Forum, Cr Clark of Mitchell Shire Council, advising of the intended creation of the new Forum, and seeking the appointment of a councillor from Murrindindi Shire to participate in the establishment of the new Forum (see Attachment 4.3.1).

Cr Clark’s letter rightly recognises the very strong contributions made by the GVWRRG to all their member councils through sharing of expertise and fostering knowledge development in staff and councillors, collaboration on procurement and advocacy, and the delivery of substantial projects supporting strategic decision making, among many other admirable achievements.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy “minimise waste and increase recycling to reduce our environmental footprint”.

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective “to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future”.

Relevant Legislation

The *Circular Economy (Waste Reduction and Recycling) Act 2021* was established on 2 December 2021. This Act will see the establishment on 1 July 2022 of a new Authority, Recycling Victoria, a dedicated government business unit with distinct legislative functions to oversee and provide strategic leadership for the waste and recycling sector.

Financial Implications and Risk

Participation in this proposed new forum is likely to require similar resources as participation in the current Local Government Forum of the GVWRRG.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

5.1 Contract 22/1 - Great Victorian Rail Trail Art Installations Project

Attachment(s)	Attachment 1 - Great Victorian Rail Trail - Installation Locations Map [5.1.1 - 1 page] Confidential Attachment 1 - Contract 22/1 Great Victorian Rail Trail Art Installations (<i>distributed to Councillors separately</i>)
Presenter	S Brown, Director Community Engagement
Approved by	Director Community Engagement
Purpose	For decision

Executive Summary

This report recommends to Council the commissioning of eight artists for eight sculptural opportunities for the Great Victorian Rail Trail (GVRT) Art Installations Project.

RECOMMENDATION

That Council:

1. **accept the tender recommendation to appoint the following artists to the 8 opportunities at the noted value:**
 - **Site A - \$190,000 installation – Tenderer 2**
 - **Site B - \$80,000 installation - Tenderer 4**
 - **Site C - \$80,000 installation - Tenderer 8**
 - **Site D - \$190,000 installation - Tenderer 10**
 - **Site E - \$80,000 installation - Tenderer 13**
 - **Site F - \$80,000 installation - Tenderer 16**
 - **Site G - \$190,000 installation - Tenderer 17**
 - **Trail long opportunity - \$50,000 installation - Tenderer 19**
2. **authorise the signing and sealing of contracts number 22/1 Great Victorian Rail Trail Art Installations Project**
3. **release this resolution and the names of the successful tenderers into the Minutes of the Scheduled Meeting of 22 June 2022.**

Background

In 2020 the State Government provided \$1.2 million in funding to Murrindindi, Mitchell and Mansfield Shire Councils to deliver a series of art installations along the GVRT to increase visitor use of the trail. Murrindindi Shire Council is the auspice for the grant funding. Through the development of the Art Installations Project, 8 artwork locations (site map attached) have been identified across the three Shires. The opportunities are within three tiers, 3 opportunities at \$190,000, 4 opportunities at \$80,000 and one trail long opportunity at \$50,000.

To appoint artists for the 8 opportunities, best practice guidelines from the National Association for the Visual Arts have guided the 2-stage procurement process utilised for this project.

The first stage, undertaken in February 2022, was an expression of interest (EOI) process open to artists across Australia. The EOI sought to understand how artists might creatively respond to the opportunities, their experience in delivering high quality outcomes in the public realm, and

examples of their previous practice. 190 artists registered their interest via Murrindindi Shire Council's Tendersearch portal and subsequently 79 EOI submissions were received by the closing date of 28 March.

A detailed EOI evaluation process was undertaken in line with Council's Procurement Policy and against EOI evaluation criteria. A Selection Panel was used for both EOI and Tender evaluation. The Panel comprised representation from Murrindindi, Mitchell, and Mansfield Shire Councils and 4 independent members, appointed on a skills basis which included a requirement to have experience of previous public art curation. The Panel also included representation from the Taungurung community.

Based on the EOI Selection Panel's evaluation, a recommendation was endorsed by the Project's Control Group to invite 22 artists into the Tender phase of the project.

Discussion

In stage 2 of the procurement process the 22 directly invited artists were supplied with an Artist Brief Tender document which requested artists to submit a design concept for a specific site together with information about proposed materials, timeline and demonstration of capacity to deliver the project. The Tender stage opened on 22 April and closed on 23 May. As part of the process the following briefing sessions were held for artists:

- Online Tender briefing session
- In person and online site visits to all sites
- Occupational Health and Safety expectations briefing session.

A request was received during the tender period for an extension to the closing date from an artist tendering for Site E who was significantly impacted by COVID-19. This was considered under Council's procurement policy and an extension of 3 days was subsequently provided to all three artists invited to tender for this site.

19 Tender submissions were received as part of the process including one artist tendering for Site A who experienced significant technical issues who was approved a late submission exemption under Council's procurement policy. One artist withdrew from the process and two further artists failed to meet the Tender submission deadline and were not eligible for consideration of an exemption.

All submissions were assessed as conforming to the requirements set out in the tender document and were suitable to proceed to the scoring phase.

The selection panel assessed Tenders against the following criteria:

- The creativity, quality, ambition, and imagination of the artwork concept – 25%
- Response to the curatorial direction, location and specific site for the artwork that will deliver an impactful work with the potential to meet tourism objectives – 20%
- Understanding of requirement and demonstration of suitable capability and experience to deliver the project or team to support delivery (resources, budget, timelines) - 20%
- Consideration of materials, fabrication techniques, durability, and permanence of works appropriate to the artwork site and intended lifespan – 20%
- Demonstration of knowledge of OHS risks related to project and how these will be addressed – 10%
- Social and environmental considerations – 5%.

In addition to providing a written response to the Tender document, each submitting artist was also invited to present their concept, providing background and context to proposals during a 30-minute online presentation which also allowed the panel to seek any further information in relation to the submission.

Following artists presentations, each submission was then evaluated individually by Selection Panel members to consider the Tenderer's ability to meet the requirements of the contract. Tenders were assessed with particular attention to the evaluation criteria requirements.

The Selection Panel convened as a group at the completion of the individual evaluations to discuss the outcomes. Pricing was not part of this conversation. All panel members assessed the submissions according to the criteria. Individual scores were then averaged and applied to the master spreadsheet. This provided an overall score for each Tenderer.

The Project's Control Group subsequently met and endorsed the recommendations of the Selection Panel.

A detailed evaluation of the Tenders is provided as a confidential attachment to this report.

Based on the analysis undertaken, the Selection Panel recommend the following tenderers be awarded Contract 22/1 Great Victorian Rail Trail Art Installations Project:

- Site A opportunity - \$190,000 contract– Tenderer 2
- Site B opportunity - \$80,000 contract - Tenderer 4
- Site C opportunity - \$80,000 contract - Tenderer 8
- Site D opportunity - \$190,000 contract - Tenderer 10
- Site E opportunity - \$80,000 contract - Tenderer 13
- Site F opportunity - \$80,000 contract - Tenderer 16
- Site G opportunity - \$190,000 contract - Tenderer 17
- Trail long opportunity - \$50,000 contract - Tenderer 19.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Townships and Rural Settings* strategy "to create a better place for our community and visitors to live in harmony with our rural character, natural beauty and heritage".

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy to "boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow".

Relevant Legislation

The procurement processes for these works were carried out in accordance with Council's Procurement Policy and Section 186 of the Local Government Act 1989.

Financial Implications and Risk

The total funding available for this project is \$1.2 million. This is comprised solely of \$1.2 million from the Victorian State Government's Regional Tourism Investment Fund.

The total project cost is summarised below:

Item	Cost
Project Manager	\$120,000
Art recognition and wayfinding signage	\$40,000
Project design and process costs	\$40,000
Tenders	\$940,000
Contingency 5%	\$60,000
TOTAL	\$1,200,000

Once installed the art installations will become Council assets and will require periodic ongoing maintenance. Each Council will bear the responsibility of maintaining the installations located within their municipality for the life of the asset.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Community consultation was undertaken during a 6-week period in November / December 2021. Information gathered during the consultation helped to inform the art installation locations and curatorial direction of the project, 'Connections,' used to guide artists during the procurement process.

A project Community Reference Group (CRG) formed as part of the community consultation phase provides ongoing input and feedback to the project. The CRG comprises a range of skill-based appointments from members of the business, arts and wider community from Mitchell, Murrindindi, and Mansfield Shire. The CRG provides ongoing input during the project and provided advice on the number of artworks to be delivered and location recommendations.

The Project Control Group comprises key stakeholders to the project including Mitchell and Mansfield Shire Councils, Taungurung Land and Waters Council, Tourism North East, Department of Jobs, Precinct and Regions, Regional Development Victoria, and Department of Transport.

5.2 Grants and Contributions Program - June Allocations

Attachment(s)	Nil
Presenter	S Brown, Director Community Engagement
Approved by	Director Community Engagement
Purpose	For decision

Executive Summary

The purpose of this report is to present Council with the May 2022 Grants and Contributions Program applications and variations for noting and endorsement.

RECOMMENDATION

That Council endorse the following allocations recommended by the Grants and Contributions Assessment Panel:

Application	Amount
CPE-21/22-027 - Flowerdale Community House Inc – Flowerdale Quilt Show	\$1,000
CPE-21/22-029 – Foggy Mountain Inc – Foggy Mountain Primary School Song Writing & Performance Project	\$4,500
CPE-21/22-033 - Ukrainian Youth Association Melbourne - Winter Camp	\$2,200

Background

The Grants and Contributions Program provides the opportunity for not-for-profit community groups and organisations, social enterprises and businesses to seek funding from Council to support events, activities and projects that align with the *Murrindindi Shire Council 2021-2025 Council Plan*.

The funding streams provided under the program are:

- Fee Reductions (and waivers by exception)
- Quick Response
- Governance, Skills and Capacity Building
- Sponsorships (including eligible individuals)
- Community Projects and Events
- Small and New Tourism Events
- Events of State Significance
- Business Plan Support.

Each stream has its own objectives, eligibility and assessment criteria and can be found in the Program Guidelines on Council's website.

Assessment occurs monthly for Fee Reductions, Quick Response and Governance, Skills and Capacity Building grant streams and in March, July and October for all other streams.

Discussion

Council officers have assessed the following grant applications and provided recommendation for decision by Council:

Community Projects and Events

1. Flowerdale Community House Inc – Flowerdale Quilt Show

The Flowerdale Quilting Group is seeking funding to hold their large Quilt Show which occurs every 2 years and has not been able to be held since 2019 due to COVID19.

The project supports a niche element of the art community to exhibit quilts and encourages community participation and wellbeing.

Recommended for a grant of \$1,000.

2. Foggy Mountain Inc – Foggy Mountain Primary School Song Writing & Performance Project

The project will provide the opportunity for children from the six primary schools throughout the Kinglake Ranges to participate in the Foggy Mountain Primary School Song Writing program. The guidance from professional musicians will provide role models as they are encouraged to express themselves through music and song writing.

The project supports youth participation and engagement via creative methods which will enhance participants wellbeing and confidence, whilst also supporting a celebration and social connection within the broader community.

Recommended for a grant of \$4,500.

3. Ukrainian Youth Association Melbourne - Winter Camp

The Association is seeking to host a winter camp at their property in Buxton and invite 22 newly arrived Ukrainian refugee children aged 3-16 years old to foster new friendships, create new connections and bonds and create a supportive atmosphere.

The project presents a strong opportunity for Council to support newly arrived young Ukrainian refugees to build connections and aligns directly with Council's recent signing of the Refugee Welcome Zone.

Recommended for a grant of \$2,200.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategic objective "to prioritise and promote a culture in which the economy, businesses and community can grow and thrive".

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy to "boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow".

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy "support and promote our tourism and events sector to boost the economy through increased visitation".

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

The below financial table shows grant funds allocated to date in this Financial Year:

Grant Stream	June Allocations \$	Previous allocations \$	Total 21/22 \$
Fee Reductions	0	13,926	13,926
Governance, Skills and Capacity Building	0	0	0
Quick Response	0	600	600
Community Sponsorship, Projects and Events	7,700	56,693	64,393
Tourism Events	0	30,000	30,000
Business Plan Support	0	0	0
TOTAL	7,700	101,219	108,919

The indicative total budget of the Grants and Contributions Program for the 21/22 Financial Year is \$180,000. The budget will be underspent this financial year, due to the impact of COVID lockdowns in 2021 on the community's ability to deliver projects and events.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 2022/23 Annual Budget

Attachment(s)	Attachment 1 - 2022-23 Draft Annual Budget [6.1.1 - 68 pages]
Presenter	C Nickels-Beattie, Manager Business Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

Council endorsed the draft 2022/23 Annual Budget (Budget) at the 13 April 2022 Unscheduled Council meeting, for the purposes of public exhibition and the receiving of submissions. The public submission period closed on 13 May 2022. Five submissions were received, and all submitters were offered the opportunity to present their submissions at the 25 May Council meeting.

This report provides Council with an updated draft of the 2022/23 Annual budget for consideration and adoption at this meeting. It includes recommended Council responses to the five budget submissions received.

RECOMMENDATION

That Council:

1. having heard and considered public submissions on the draft 2022/23 Annual Budget, accept the officer's recommendation for each submission outlined in the body of this report notify submitters of Council's decision noting that responses will be issued by the Manager Business Services.
2. adopt the 2022/23 Annual Budget (Attachment 6.1.1) noting the following changes to the exhibited draft Annual Budget:
 - the rates in the dollar and property valuation figures have been confirmed following the receipt of the final revaluation data from the Valuer-General Victoria (no change)
 - following the submissions, the operating budget has been amended to increase the funding allocation for additional street tree planting by \$25,000
 - Fees and Charges Schedule amendment for Sales Yard fee - Cow & Calf Unit fee to \$14.30 including GST, at the request of the Yea Saleyards Committee of Management.
3. confirm the differential rates, municipal charge and waste service charges as detailed in the 2022/23 Budget per Attachment 6.1.1.
4. authorise the rates officers of Council to levy and recover the differential rates so declared in accordance with the Act.
5. note the due date for the full payment of rates is 15 February 2023 and the due dates for rate instalments will be as follows:
 - a. Instalment 1: 30 September 2022
 - b. Instalment 2: 30 November 2022
 - c. Instalment 3: 28 February 2023
 - d. Instalment 4: 31 May 2023.

Background

At the 13 April 2022 Unscheduled Council meeting, Council endorsed the draft 2022/23 Annual Budget (Budget) for the purposes of public exhibition in accordance with the *Local Government Act 2020* (the Act).

Submissions were sought from the public and the draft Budget was made available on Council's website. The public exhibition period and submission process were advertised on Council's Facebook page and in a range of local publications and newspapers. Submissions were due by 13 May 2022.

An acknowledgement was sent to each submitter, confirming receipt of their submission and informing them of the opportunity to attend the Scheduled Meeting of Council on 25 May 2022 to speak to their submission if they wished. Three people spoke to their submission at the meeting.

Discussion

The Budget details the resource requirements and project priorities that are in accordance with the key strategic objectives that have been set in the *Council Plan 2021-2025*.

The Budget has been prepared on the principle of responsible financial management to achieve an operating result that ensures and maintains long term financial sustainability.

Whilst always difficult to raise revenue, especially in times of uncertainty, the rate increase of 1.75% for 2022/23 is in line with the rate cap set by the State Government and provides for a continued mix of responsible operating and capital budget expenditures.

The Budget has been developed based on the following parameters:

- to increase average rates by 1.75%. This is in line with the average rate increase allowable under the State Government's Fair Go Rates System for 2022/23
- to take on no new debt; Council has no outstanding loan debt following a decision to pay off all existing debt in the 2020/21 financial year. This represents the lowest level of absolute debt Council has held in more than a decade.
- to benchmark user fees and charges against our neighbouring councils. Some fees have been adjusted to reflect the cost of service provision, rather than rate payers subsidising these 'user-pay' services. All other non-statutory user fee increases have been limited to a 1.75% increase.

The draft Budget identifies that Council will spend \$55.8 million to deliver services and improve infrastructure. This includes a \$18.8 million Capital Works Program.

Highlights of the Capital Works Program include:

- Snobs Creek Road widening (\$600,000)
- Bridge replacement at the Yea Caravan Park (\$400,000)
- Great Victorian Rail Trail art installations and signage (\$1,100,000 fully grant funded and joint project with Mitchell and Mansfield Shires)
- Blue Gums to Eildon Trail (\$1,300,000)
- Alexandra Rotary Park & Visitor Precinct (\$900,000)
- Waste Transfer Station and Landfill upgrades (\$4.7 million)
- Alexandra Maternal & Child Health internal fit out (\$100,000)
- Further Kinglake Streetscape Works (following Kinglake Village development) (\$150,000)
- Yea Recreation Reserve Football Pavilion upgrade (\$220,000)
- Upgrades to a number of recreation, leisure and sporting club buildings across the Shire (\$1,778,000)

- Improvements to Yea Saleyards, including traffic management, sealing of asphalt and fences and boom gates (\$220,000)
- Skyline-Maintongoon-Sonnberg Rd - Stage 1 Design for Road Sealing (joint project with Mansfield Shire Council) (\$605,000)
- Improvement works across the Shire's four swimming pools (\$830,000)
- Farm Forestry Demonstration Project (this allocation is subject to the outcome of a feasibility study and viable business case currently underway) (\$175,000).

Other new initiatives included in the budget to support the achievement of our goals under the Council Plan 2021-25 include:

- additional funds allocated to maintain new infrastructure transferred to Council following recent subdivisions (roads, drainage, footpaths etc.) (\$135,000)
- strengthening our Maternal Child and Health services to better support vulnerable clients and supporting our nurses to be able to focus on direct service delivery requirements (\$50,000)
- funds to support the implementation of Council's first Indigenous Reconciliation Action Plan (\$15,000)
- improving compliance with regulatory requirements associated with development and approvals to enhance amenity and support positive community outcomes (\$72,000)
- continued implementation of Council's Tourism and Events Strategy, to support economic recovery of this sector, including new printed maps, visitor guide and tourism marketing brochures, new digital maps of key nature-based attractions and increased buy-in to promotions campaigns run by Tourism North East (\$62,500)
- a feasibility study into the development of a truck wash facility at the Yea Saleyards (\$20,000)
- conservation assessment, fuel load reduction and improved maintenance of Council owned and controlled bushland in the Shire, including bushland around Council's recycling and waste management facilities (\$85,000)
- development of a pathway of priority actions to encourage and involve the entire community in meeting Council's target of net zero emissions by 2035 across the Shire (\$25,000)
- additional funds to support grant seeking by Council and the community to leverage existing funds and in-kind support and improve outcomes for the Shire (\$24,000)
- advice to support and inform Council's review of its Rates and Revenue Plan to ensure it continues to reflect current socio-economic conditions (\$20,000)
- additional street tree planting (\$25,000) as a result of Council's consideration of budget submissions.

Public Submissions

Five submissions were received in relation to the draft Budget. All submissions were presented for Council's consideration at the Scheduled Meeting of Council on 25 May 2022.

A summary of the submissions received and associated officer recommendations is included in the table below:

No.	Summary of submission
1	Submitter: Suzanne Hastings Request for Council to consider hard rubbish collection in Buxton. That Council: Inform the submitter <ul style="list-style-type: none"> • that Murrindindi Shire does not presently offer a hard waste collection service; similar to other rural councils within the Goulburn Valley and North East regions.

No.	Summary of submission
	<ul style="list-style-type: none"> • all waste disposal services need to be fully funded by the user of the service, either through fees paid at the point of disposal or through a separate waste charge. • however, Council is currently investigating a range of options to assist ratepayers with managing their hard waste, including consideration of kerbside collections and other methods to improve access to hard waste disposal • we recently compared our costs to other Councils and found that our current costs of disposal were lower than most other councils. <p>Recommend: No change to budget</p>
2	<p>Submitter: Ruth Selover</p> <p>Requests to speak to Council about the budget allocation for Alexandra's Street tree planting in the 2022/23 draft budget.</p> <ul style="list-style-type: none"> • Last year's budget for tree planting decreased from \$30,000 to \$25,000 for the whole of Murrindindi Shire • 900,000 is allocated for Rotary Park but no specific funds for street tree planting. • During summer, the heat for residents can be oppressive. Consideration of the rate payers over tourism. <p>That Council: Inform the submitter</p> <ul style="list-style-type: none"> • that Council has a recurring street tree budget of \$25,000 for infill tree planting across the municipality. • the locations are selected on a ward based approach to spread the benefits to the wider community. • Council Operational budgets also assist in further street tree planting. In the 2021/22 financial year Council planted trees along Bailey Street Alexandra as well as a number of other locations throughout the municipality. • The funds for the Rotary Park project also include landscaping and plantings. <p>Recommend: Increase allocation for street tree planting by \$25K in operating budget, offset from corporate materials budget.</p>
3	<p>Submitter: Samuel Dean</p> <p>Questions if there is a budget allocation for the sealing of Saleyards Street, Yea in the 2022/23 draft budget.</p> <ul style="list-style-type: none"> • 2019 petition by Phil Armstrong • Works requests submitted • Council officer previously suggested possibility of inclusion in budget <p>That Council: Inform the submitter</p> <ul style="list-style-type: none"> • At this stage Saleyards Street in Yea is not listed for upgrade works in this year's budget. It is listed for consideration within the 10 year forward works program (at this stage 2026/27) however funding has not yet been identified. • Council regularly applies for additional funding to supplement the Capital Works program. • A Special Charge Scheme could also be considered, where the residents contribute to the funding of the sealing of this road. <p>Recommendation: No change to budget</p>
4	<p>Submitter: Naomi Beinheim</p> <p>Requested for the full submission to be read by a Council Officer.</p> <p>Questions rate increase, previous works, and service provision.</p> <p>Requests:</p> <ul style="list-style-type: none"> • wider roads in the town centre

No.	Summary of submission
	<ul style="list-style-type: none"> • additional parking • further clearance of trees and shrubs • road maintenance and weed control • reduction of severe traffic and fire hazards. <p>Request for an annual advertised public meeting in Kinglake or Kinglake West.</p> <p>That Council: Inform the submitter</p> <ul style="list-style-type: none"> • that rate revenue needs to be increased as it funds the rising costs of providing Council services. Increases are limited to the 1.75% rate cap as per the Local Government Act requirement. • ratepayers experiencing genuine financial hardship are encouraged to contact the Rates Department to discuss eligibility for concessions, alternative payment plans or applications for hardship. Further details available on Council's website. • the design process for the Kinglake Streetscape went through community consultation prior to issuing the final designs, these included multiple online meetings as well as one site meeting held at the Bollygum park. • the road widths were designed to achieve two outcomes as requested by the community: <ul style="list-style-type: none"> ○ reduce the speed of traffic through the township ○ improve the visual amenity of the centre of town • that the parking numbers in the township have increased as a result of the streetscape project. Previously there were 47 carpark spaces in Kinglake. Following the completion of the works there are now 58 carpark spaces. • a public meeting is scheduled to be held in Kinglake in June. Council is holding a community open forum session with Councillors on 29 June from 4pm until 7pm at the Kinglake Ranges Neighbourhood House. This will be advertised in the upcoming Mountain Monthly edition. <p>Recommendation: No change to budget</p>
5	<p>Submitter: David Webb Ware</p> <p>Requests to speak to Council about the inequitable distribution of the rate burden. This submission requests that:</p> <ul style="list-style-type: none"> • further consideration of equitable rates be undertaken for Rural 1 ratepayers • Council considers revising the budget figures so that each rating zone gets an equitable level of increase • Council further refines the rating strategy and gives ratepayers an opportunity to contribute to the discussion on how to make the system more equitable and sustainable. <p>That Council: Inform the submitter that:</p> <ul style="list-style-type: none"> • The 2022/23 rates are allocated according to the Council's current Rating Plan. The 2022/23 budget includes an allowance for the review of the Council's Rating Plan. • Community consultation will be invited to inform the review of the Rating Plan and the matters raised in the submission can be considered as part of this review. • ratepayers experiencing genuine financial hardship are encouraged to contact the Rates Department to discuss eligibility for concessions, alternative payment plans or applications for hardship. Further details available on Council's website. <p>Recommendation: No change to budget</p>

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “ensure Council remains financially-sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate”.

Relevant Legislation

The adoption of the Budget is a statutory requirement of the *Local Government Act 2020* and sets the financial framework in which Council will operate for the 2022/23 financial year.

Financial Implications and Risk

The 2022/23 Budget is fiscally responsible in its scope of discretionary spending. The Budget details how Council can manage its requirement to keep average rate increases within the rate cap of 1.75% legislated by the State Government for 2022/23, whilst providing a responsible and viable financial plan for the ensuing year.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The draft Budget was made available to the community on Council’s website from 14 April 2022 and advertised on Council website, Facebook page, and in a range of publications, with written submissions sought by 13 May 2022.

6.2 Priority Action Plan 2022/23

Attachment(s)	Attachment 1 - Priority Action Plan 2022-23 [6.2.1 - 4 pages]
Presenter	D Echeverry, Coordinator Integrity and Governance
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

The purpose of this report is to present the Priority Action Plan 2022/23 to Council for endorsement. The Council Plan 2021-2025 establishes the Strategic Objectives which Council has set out to achieve over its four year term. Annually Council adopts a Priority Action Plan that identifies the key activities and initiatives for the coming financial year that support the delivery of the Council Plan Strategic Objectives.

RECOMMENDATION

That Council adopt the Priority Action Plan 2022/23 as included in Attachment 6.2.1

Background

In accordance with section 90 of the *Local Government Act 2020* (Act), Council must prepare and adopt a Council Plan for a period of at least the next four financial years after a general election, in accordance with its Community Engagement Policy.

During the life of the Council Plan, a Priority Action Plan is developed annually outlining the major initiatives the Council is committed to delivering in the following financial year in order to achieve the strategic outcomes set in the four-year Council Plan. The Council Plan 2021-2025 including the Priority Action Plan 2021/22 was adopted on 27 October 2021. This report concerns the endorsement of the Priority Action Plan for the 2022/23 financial year.

Discussion

In 2021, Council undertook extensive community consultation to support the development of the Council Plan 2021-2025. The Council Plan 2021-2025 is divided into five pillars:

- Connected communities
- Beautiful townships and rural settings
- Growth and opportunity
- Our protected environment
- Transparency, inclusion, and accountability.

The Priority Action Plan 2022/23 sets the year two key projects and activities that support the delivery of the Council Plan 2021-2025 strategic objectives. Identification of the 2022/23 actions and the outcomes sought against each strategic objective has been guided by community feedback, Council direction and the budget planning process.

Progress against the Priority Action Plan 2022/23 is reported quarterly to Council and a final summary forms part of the Annual Report each year.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective “to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future”.

Relevant Legislation

The requirement for the Council Plan is detailed under section 90 of the *Local Government Act 2020*. The Priority Action Plan is a section of the Council Plan that sets out the major initiatives the Council is committed to delivering over the next financial year.

Financial Implications and Risk

All proposed initiatives in the Priority Action Plan 2022/23 have either been included in the 2022/23 Annual Budget or will be delivered within existing resources.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Extensive community consultation occurred for the building of the *Council Plan 2021-2025* which has guided the Priority Action Plan 2022/23.

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Karine Haslam

7.3 Cr Ilona Gerencser

7.4 Cr Eric Lording

7.5 Cr John Walsh

7.6 Cr Sandice McAulay

7.7 Cr Damien Gallagher

7.8 Cr Sue Carpenter - Mayoral Report

7.9 Chief Executive Officer Report

8 ASSEMBLIES OF COUNCILLORS

Purpose

For noting.

Executive Summary

This report presents the records of assemblies of Councillors for 25 May 2022 to 15 June 2022, for Council to note.

RECOMMENDATION

That Council receive and note the records of assembly of Councillors for 23 May 2022 to 17 June 2022.

Background

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

Discussion

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

The following summary details are for 25 May 2022 to 15 June 2022:

Meeting Name/Type		Council Pre-Meet		
Meeting Date:		25 May 2022		
Matters Discussed:		<ol style="list-style-type: none"> 1. Planning Application – 1059 Maroondah Highway, Narbethong – Extension of Use of Land for a Caravan Park 2. Planning Application – 12 – 14 Craigie Street, Yea – Two Lot Re-subdivision and Roadworks 3. Grants and Contributions Program – May Allocations 4. Enterprise Risk Management Policy Review 5. Audit and Risk Committee Charter 6. Audit and Risk Committee – Confirmation of Minutes 		
Councillor Attendees:		Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser		
Council Officer Attendees:		L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, N Stewart, C Fraser (V), C Gartland, C Nickels-Beattie		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
3	Cr S McAulay	No	Yes	Before
3	Cr K Haslam	No	Yes	Before

Meeting Name/Type		Council Budget Briefing		
Meeting Date:		25 May 2022		
Matters Discussed:		1. Budget Submissions		
Councillor Attendees:		Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser		
Council Officer Attendees:		L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, C Nickels-Beattie		
Conflict of Interest Disclosures: Nil				

Meeting Name/Type	Briefing Session
Meeting Date:	1 June 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application – 1059 Maroondah Highway, Narbethong – Extension of Use of Land for a Caravan Park 2. Planning Application – 12 – 14 Craigie Street, Yea – Two Lot Re-subdivision and Roadworks 3. Grants and Contributions Program – May Allocations 4. Enterprise Risk Management Policy Review 5. Audit and Risk Committee Charter 6. Audit and Risk Committee – Confirmation of Minutes
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr I Gerencser (V)
Council Officer Attendees:	L Bonazzi, S Brown (V), V Albicini, C Nickels-Beattie, M Thomas, C Fraser, C Gartland, M Piritidis
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	8 June 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Priority Action Plan 2022/23 2. Local Government Inspectorate Presentation 3. Community Planning Review 4. Planning Application: 621 UT Creek Road, ALEXANDRA 5. Planning Application: 61 Acheron Rd ACHERON
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, S Brown, V Albicini, T Carter, S Coller, A Paix, D Echeverry, C Fraser, N Grey
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	15 June 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. ALGA Motions 2. Budget update 3. Draft Governance Rules 4. Community Communication Preferences Project Recommendations - Approach and Risk Mitigation 5. Container Deposit Scheme Policy – State Government Proposal 6. Great Victorian Rail Trail Art Installations Project – Contract Award 7. Murrindindi Shire Council 10 Year Asset Plan (LGA2020) 8. Road Safety Trauma Study 9. Capital Works Monthly Report - May 2022 10. Development Services – Planning Report June 2022 11. Grants and Contributions Program – June Allocations
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	L Bonazzi (V), M Chesworth, S Brown, V Albicini, T Carter, C Nickels-Beattie, M Thomas, C Allingham (V), J Rabel, R Kane, L Kelly, S Russell, B Scott, N Stewart
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “maintain transparent, inclusive and accountable governance practices”.

Relevant Legislation

This report supports the *Local Government Act 2020* overarching governance principles, in particular “the transparency of Council decisions, actions and information is to be ensured”.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the assembly of Councillors tables listed above.

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT21/8	23 May 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Stabilico	Livia Bonazzi Cr Sue Carpenter
CONT21/34	24 May 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Noth Central Construction - Path renewal Program 2021/2022	Livia Bonazzi Cr Sue Carpenter
CONT21/8	10 June 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Foley Services Pty Ltd for Civil Works Panel	Livia Bonazzi Cr Sue Carpenter

RECOMMENDATION

That the list of items to which the Council seal has been affixed be noted.