

Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 25 May 2022
Alexandra Council Chambers
Perkins Street
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 27 April 2022.

RECOMMENDATION

That Council confirm the minutes of the 27 April 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 2022/23 DRAFT BUDGET SUBMISSIONS

3.1 Public Participation - Hearing of Submissions

The Mayor will invite each submitter to speak to their submission for a maximum of 5 minutes.

3.2 Budget Submissions

Attachment(s)	Confidential Attachment 1 – 2022-23 Budget Submissions Received (distributed to Councillors separately)
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 submissions.

The public submission period closed on 13 May 2022 and this report provides Council with a summary of five submissions received. All submitters have been offered the opportunity to present their submissions at tonight's meeting.

RECOMMENDATION

That Council consider the submissions received in relation to the 2021/22 Annual Budget prior to its final adoption at the 22 June 2022 Scheduled Meeting.

Background

Council endorsed the draft 2022/23 Annual Budget (Budget) at the 13 April 2022 Unscheduled Council meeting, 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 and its customer service centres. The public exhibition period and submission process was advertised on Council's Facebook page and in a range of publications and newspapers. Submissions were due by 13 May 2022.

At the time of preparing the agenda, five submissions had been received by Council. All submissions have been provided to Councillors for review prior to this Scheduled Meeting of Council.

An acknowledgement was sent to each submitter, confirming receipt of their submission and informing them of the opportunity to attend this meeting to speak to their submission if they wished.

Discussion

Five submissions were received in relation to the draft Budget. A summary of each submission is provided below:

No.	Summary of submission
1	Submitter: Suzanne Hastings Request for Council to consider hard rubbish collection in Buxton.
2	Submitter: Ruth Selover Requests to speak to Council about the budget allocation for Alexandra's Street tree planting in the 2022/23 draft budget. <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.
3	Submitter: Samuel Dean Questions if there is a budget allocation for the sealing of Saleyards Street, Yea in the 2022/23 draft budget. <ul style="list-style-type: none"> • 2019 petition by Phil Armstrong • Works requests submitted • Council officer previously suggested possibility of inclusion in budget
4	Submitter: Naomi Beinheim Requests for the full submission to be read by a Council Officer. Questions rate increase, previous works, and service provision. Requests: <ul style="list-style-type: none"> • wider roads in the town centre • additional parking • further clearance of trees and shrubs • road maintenance and weed control • reduction of severe traffic and fire hazards. Request for an annual advertised public meeting in Kinglake or Kinglake West.
5	Submitter: David Webb Ware Requests to speak to Council about the inequitable distribution of the rate burden. This submission requests that: <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.

Following this meeting, any proposed changes to the draft Budget in response to the submissions will be presented to Council at the 22 June 2022 Scheduled Council Meeting for Council's endorsement as part of the adoption of the budget.

All submitters will receive a written response on the outcome of their submission following the adoption of the budget.

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

Local Government Act 2020.

Financial Implications and Risk

There are no financial or risk considerations regarding the hearing of submissions.

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 and The Loop from 14 April 2022 to 13 May 2022. The draft Budget was advertised on Council’s Facebook page and in a range of local publications. Submissions closed on 13 May 2022.

4 PUBLIC PARTICIPATION

4.1 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.

4.2 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.

5 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

5.1 Planning Application - 1059 Maroondah Highway, Narbethong - Extension of Use of Land for a Caravan Park

Attachment(s)	Attachment 1 - Applications Documents [5.1.1 - 9 pages] Attachment 2 - Applications Documents [5.1.2 - 23 pages] Attachment 3 - Applications Documents [5.1.3 - 40 pages] Confidential Attachment 1 – Submissions (<i>distributed to Councillors separately</i>)
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision

Land: 1059 Maroondah Highway, Narbethong
 Proposal: Extension of use of land for a caravan park
 Applicant: Daniel Pardon
 Zoning: Farming Zone
 Overlays: Bushfire Management Overlay
 Triggers: Clause 35.07 - Farming Zone - Use of land for a Caravan Park

Locality Plan





Executive Summary

This application is for the extension of the use of the land at 1059 Maroondah Highway, Narbethong to be used for a caravan park and for retrospective approval for buildings and works associated with existing camp facilities. The land is currently used by the Jeep Club for camping and has a certificate of existing use rights for camping on the land.

Following the notice period two objections were received for the application. The objections generally related to impacts on the river, agricultural properties and amenity impacts on residential.

It is considered that the extension of the use to cater for additional groups will support tourism within the shire. The proposal aligns with encouraging business expansion and employment opportunities.

On balance the proposal meets the objectives of the Planning Policy Framework, Zone and Overlay controls.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer Recommendation.

RECOMMENDATION

That Council issue of Notice of Decision to Grant a planning permit for the use and development (retrospective) of the land for a camping and caravan park at 1059 Maroondah Highway, Narbethong subject to the following conditions:

1. Prior to the use hereby permitted commences, a landscape plan prepared by a suitably qualified (*or experienced*) landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be in accordance with the landscape requirements contained within Goulburn Murray Water requirements and for the purpose of screening for the adjoining property. The landscape plan must show:
 - a. The area or areas set aside for landscaping;
 - b. A schedule of all proposed trees, shrubs/small trees and ground cover
 - c. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - d. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - e. Appropriate irrigation systems.
2. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans, shall not be altered or modified without the consent in writing of the Responsible Authority.
3. The camping and caravan use approved by this permit must not exceed:
 - a. 25 weekends per year
 - b. 35 patrons per weekend between the months of September to May.
4. The consecutive camping weekends may only proceed upon satisfactory compliance with the conditions of the permit for the previous event to the satisfaction of the Responsible Authority
5. No additional communal camp-fire areas are to be provided other than the existing campfire pit shown in the application documentation which is endorsed to form part of this permit.
6. No other campfires are to be lit or allowed to remain lit within the subject site.
7. All tents erected on the site, caravans and all waste must be removed from the land no later than 24 hours after the completion of each weekend, to the satisfaction of the Responsible Authority
8. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality
9. The owner / operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority
10. Prior to the commencement of use, the permit holder must erect signage prohibiting entry on to surrounding nearby land adjacent to the stretch of the

river adjoining the campsite to the satisfaction of the Responsible Authority. The signage must be maintained and visible to the satisfaction of the Responsible Authority

11. The use hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
12. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres
13. The campsite operates in accordance with the Black Rabbit Run Campsite – Bushfire Emergency Plan Version 2022 - B dated 08/03/22 unless otherwise agreed in writing by the Responsible Authority.

Environmental Health

14. Prior to the commencement of the use, the recommendations included in the provided Land Capability Assessment (Report No. L140/2019 by *Mansfield Land Capability & Soil Assessments*) must be actioned with appropriate permits.
15. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority, Land Capability Assessment and the Responsible Authority. All effluent shall be disposed of and contained within the boundaries of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.

Engineering

16. Prior to the commencement of the use, a suitably prepared engineering plan detailing the proposed driveway, earthworks and drainage, including the erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.
17. Access to the site from Maroondah Highway must be made available to the satisfaction of the Department of Transport.
18. All permanent buildings and access roads shall be at least 300 mm above the 1 year ARI flood level.
19. Prior to developing the site, any new or otherwise sealed vehicular entrance to the subject land from the road must be constructed at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Regional Roads Victoria guidelines standard drawings.

20. Prior to the commencement of the use, all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.
21. The internal access road to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles.
22. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5 metres side clearances and 4 metres vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.
23. Passing lanes shall be provided at least 200 metres intervals to the satisfaction of the Responsible Authority.
24. Provide culvert across the access road where necessary to the satisfaction of the Responsible Authority.

Goulburn Murray Water

25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
26. A 30 metre buffer strip of vegetation must be established and maintained along the Acheron River adjacent to the camping area and no camping is to occur within this 30m buffer zone. Stock must be prevented from having access to this area.
27. The discharge of wastewater from the current kitchen sink area must cease and wastewater from any new kitchen sink facilities must be connected to the existing septic tank system.
28. Additional wastewater trenches must be installed if deemed necessary by council's Environmental Health Department to cater for the anticipated volumes of wastewater that could be generated from the dwelling and ablution blocks under full occupancy.
29. The wastewater disposal area and any additional trenches must be located at least 60m from the Acheron River and all other waterways and dams.
30. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

Planning Permit Expiry

This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be

made before or within six months after the permit expiry date, where the use of development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

Notations

An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004*.

The Land and Surrounds

The subject site is approximately 16.84 hectares and irregular in shape. It is developed by way of a single dwelling and associated domestic and agricultural shedding. The land is vacant and used for cattle grazing with patches of native vegetation.

The site is located to the west of Maroondah Highway and south of the township of Narbethong. The site abuts the Acheron River to the South and has a stretch of direct access. There is Council owned and maintained by council that is an access to the subject site. Tarnpirr Road is located further south of the site. The lots abutting this road to the north-east range from approximately 0.15 hectares to 0.28 hectares. Twenty three lots are used and developed for residential purposes.

Background

It has been submitted by the applicant that the subject site has been used by the Jeep Club for over 60 years. The site recently received a Certificate of existing use rights for the use of the land for camping by the Jeep Club. This followed an assessment of the evidence provided by the landowner and the Jeep Club. The Certificate of Compliance was issued in accordance with section 97N (1)(a) of the *Planning and Environment Act 1987* on 5 May 2021.

A certificate of existing use rights is limited to use by the Jeep Club and cannot be used by other groups. It is also limited to use for up to 25 weekends and up 50 campers who are required to be members of the Jeep Club.

Proposal

The application seeks approval for an extension of the use of the land for a camping and caravan park. It is proposed that the use will be limited to 25 weekends per year for up to 35 patrons.

There is an existing campsite which covers an area of 1.46 hectares and consists of:

- Male & female toilet/shower blocks
- Car club meeting room
- Store & Mower shed
- Covered cooking and eating space
- Covered BBQ and fire pit.

These buildings were constructed on the site following the 2009 bushfire to replace buildings destroyed by the fires. These have remained on the site since this time. The male and female toilet blocks and meeting room have been included in the application as retrospective development.

Cultural Heritage Management Plan

The use of the land has occurred prior to 2007 and 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 as follows:

- By letter to surrounding properties.

Two submissions objecting to the application have been received. The submissions objecting to the application can be summarised as follows:

- Noise impacts to surrounding properties
- River pollution into the Acheron River and the impact this may have on properties that rely on the river for drinking water
- Increased bushfire risk associated with the extension of the use
- Increased traffic risk
- Increased foot traffic onto adjoining and nearby properties via the river
- Poor environmental impacts including, loss of riparian vegetation zone and aquatic wildlife and water quality as a result of human waste, littering, dust pollution and erosion from increased vehicular access and foot traffic and intensive leisure use of the river
- The risk of caravans being permanently sited on the river
- A creeping development
- Impacts on surrounding farming uses such as tourists disturbing and interfering with livestock and complaining about permitted farming practices such as the operation of machinery.

Included in one submission were some conditions that may assist in addressing their concerns. These included:

- A time limited permit so that the impact can be assessed and not further precedent for expansion of use is set
- Limit campfires to communal pit only
- Maximum of 20 weekends of use per year, 35 people inclusive of CCJC and others
- A visual barrier between the campsite and adjoining properties
- Mitigation of environmental impacts on the river
- Number of caravans stored on site to be restricted at time other than the permit camping weekends
- Erection of signage prohibiting entry on to surrounding nearby land adjacent to the stretch of the river adjoining the campsite.

Referrals

The application was referred to the Country Fire Authority, Goulburn Broken Catchment Management Authority, Goulburn Murray Water and Department of Transport who provided conditional consent to the application.

The application was referred internally to the Environmental Health Team and Council's Development Engineer.

Discussion - Planning Considerations

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 to be consistent with the objectives and strategies of the Murrindindi Planning Scheme as is discussed below.

Clause 02.02 Vision

Includes:

- Council seeks to enhance the liveability, amenity and quality of life in the municipality
- Council will facilitate sustainable population and economic growth
- A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity
- Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.

Increased economic growth and investment will have the potential to enhance population growth, employment and social and cultural benefits for the municipality.

The proposed extension of use of land for camping will increase the exposure of the municipality to a wider range of visitors than currently accommodated on the site.

Clause 02.03 Strategic Directions – Environmental and Landscape Values

In protecting environmental and landscape values, Council supports:

- Protecting environmental values, including native vegetation, roadside vegetation, and scattered paddock trees
- Encouraging environmentally sustainable design and energy and water efficiency
- Protecting biodiversity and environmental values of local, state, national and international significance
- Protecting and enhancing habitat and wildlife corridors across the landscape.

It is considered that the environmental and landscape values are able to continue to be protected with the extension of use of land. The application will not allow any additional vegetation to be removed and is designed to protect water quality.

Clause 02.03 Strategic Directions – Natural Resource Management

Council aims to protect the viability of agricultural land and waterways by:

- Protecting high quality agricultural land for ongoing agricultural use
- Protecting rural land for productive agricultural uses and compatible rural uses
- Ensuring that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land.

It is considered that the proposal will not remove high quality land from ongoing agricultural use as the land has been used for camping for a considerable amount of time. There will be sufficient setbacks from surrounding agricultural uses that will limit the impacts that the camping may have on the agricultural use of nearby land.

Clause 02.03 Strategic Directions – Economic Development

In promoting economic development, Council supports:

- Encouraging business expansion, investment and employment
- Facilitating the growth of home-based business, small businesses, niche industries and rural based industries
- Encouraging sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions
- Encouraging small enterprises in tourism, creative arts, home-based businesses, overnight accommodation and farm enterprises and markets that showcase local produce
- Supporting the development of education opportunities, including outdoor education.

The proposal will promote and provide access to the natural assets of the municipality and consequently promote tourism.

Clause 12.01-1S Protection of Biodiversity

This objective is to assist the protection and conservation of Victoria's biodiversity. Strategies include ensuring decision making takes into account the impacts of land use and development on Victoria's biodiversity and avoiding impacts of land use and development on important areas of biodiversity.

The proposed use will be wholly contained within the subject site with appropriate buffers between the camping and the significant vegetation along the Acheron River. The permit holder will be required to plant a riparian area along the river to ensure the protection and promotion of the biodiversity of the area.

Clause 13.02-1S Bushfire Planning

Objective is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Strategies include consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.

The CFA have provided the following advice:

CFA support the closure trigger in the amended Black Rabbit Run Campsite – Bushfire Emergency Plan being changed to any declared Total Fire Ban day and acknowledge the Applicant's consideration of CFA's previous comments in respect of shelter in place strategy in vehicles.

CFA recommend that the campsite operate in accordance with the Black Rabbit Run Campsite – Bushfire Emergency Plan Version 2022-B dated 08/03/22.

13.03-1S Floodplain management

This planning policy aims to assist the protection of:

- *Life, property and community infrastructure from flood hazard*
- *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 coastal health.*

This is to be achieved by:

- *Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes*
- *Avoid intensifying the impact of flooding through inappropriately located use and development*
- *Plan for the cumulative impacts of use and development on flood behaviour.*

This policy relates to the natural environment and its associated hazards in and around the subject site. There is no indication that the proposed extension of use will remove native vegetation, or that the development of the site will not interfere with the natural flood carrying capacity of the nearby stream or floodplain. The existing development isolated away from the natural drainage lines of the site, and any wastewater from the campsite will be appropriately managed by a wastewater treatment system as supported by the Land Capability Assessment.

The application was referred to the Goulburn Broken Catchment Management Authority and Goulburn Murray Water who did not raise any concerns with the application.

Clause 13.05 -1S Noise Abatement

This objective is to assist the control of noise effects on sensitive land uses. Strategies include ensuring that development is not prejudiced, and community amenity is not reduced by noise emissions by using a range of land use separation techniques as appropriate to the land use functions and character of the area.

It is considered that the noise impacts associated with the proposed use of the land can be mitigated through appropriate conditions and relevant legislation.

The closest dwellings are over 500 metres from the camping and caravan area and as such the impacts from noise from the camping on residential uses is limited.

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. Strategies include ensuring that use of development of land is compatible with adjoining and nearby land uses.

It is considered that the use of the land for camping is compatible with surrounding agricultural, residential and public land uses. The amenity impacts for camping are not considered to have the same rights to quiet enjoyment of land as a dwelling would. Accordingly, the impacts from surrounding agricultural uses are considered appropriate.

Clause 14.01-1S Protection of Agricultural Land

This objective is to protect the state's agricultural base by preserving productive farmland. Strategies include protecting strategically important agricultural and primary production land from incompatible uses.

The proposed extension of the camping area is located within the existing area already used for camping. There remains a significant area that will be able to continue to be used for agricultural purposes.

Clause 17.01-1S Diversified Economy and Clause 17.01-1R Diversified Economy (Hume)

Clause 17.01-1S Diversified Economy objective is to strengthen and diversify the economy. Strategies include facilitating growth in a range of employment sectors and supporting rural economies to grow and diversify. Clause 17.01-1R Diversified Economy (Hume) strategy is to encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

The proposed use of the land for tourism will allow for an economic advantage to surrounding and nearby businesses. It will provide accommodation in the area which will assist in the promotion of the municipality.

Clause 17.04-1S Facilitating Tourism and Clause 17.04-1R Tourism (Hume)

Clause 17.04-1S Facilitating Tourism aims to encourage tourism development to maximize the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Strategies include encouraging the development of a range of well-designed and sited tourist facilities, promoting tourism facilities that preserve, are compatible with and built on the assets and qualities of surrounding activities and attractions and creating innovative tourism experiences. Clause 17.04-1R Tourism (Hume) strategies include supporting opportunities for nature-based tourism throughout the region.

The proposed use of the site for camping and promotes the existing natural environment and will encourage visitors to experience the region. The proposal makes use of existing assets and qualities of the attractions. It is well sited with access to existing infrastructure servicing the site

Clause 35.07 Farming Zone

The purpose of the Farming Zone is to protect agricultural land and allow for the use of the land for agriculture. The proposed use and development has been assessed against the purpose and decision guidelines of the Farming Zone.

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

The size and characteristics of the site allow it comfortably to accommodate the proposed use. The proposed use utilises the existing campsite. There is sufficient space for car parking and activities without impacting the agricultural use of the site.

How the use or development relates to sustainable land management.

The siting of the proposed use of land for camping near existing buildings ensures minimal impact on the subject land so that it can continue being used for agricultural production. The land will continue to be used for agriculture use.

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

Surrounding land uses consist of agriculture, residential and public land.

The existing camping areas have been sited towards the front of the subject land, in close proximity to existing buildings, ensuring adjoining land will be minimally impacted by the use

It is considered that the proposed picnics are compatible with the surrounding land uses. Given the frequency and daytime nature of the picnics are considered complementary to all surrounding uses.

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

The proposed camping area will be accessed via the existing access on the subject land. The area is already flat and no earthworks are required.

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

The use and development proposed will assist the land to continue to be used for agriculture by providing an additional income without the removal from agricultural land.

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

The proposed use is located in the area used for camping and there will be no additional impacts on soil quality as a result of the extension of the use of land.

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

The existing and potential agricultural use of adjoining and nearby properties has been considered in the assessment of the proposed use. The proposal will not limit the expansion of adjoining agricultural uses.

The capacity of the site to sustain the agricultural use.

The existing use of the land for sheep and cattle farming will not be impacted by the proposed use.

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

The existing site access will be utilized with the development. Access to the site is located from Maroondah Highway which provides appropriate access.

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

There will be no impact on soil or water quality. The waterway (Acheron River) will be protected from any waste by the riparian zone and setbacks required.

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

The existing camping area is clear of native vegetation and no vegetation will be required to be removed. There will be no impact on the flora and fauna on the site and its surrounds.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The proposal does not require the removal of any native vegetation and will require the revegetation of land including a riparian buffer along the Acheron River.

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.

It is considered that the proposal will not impact on the natural scenic beauty of the area. It is considered that there will be minimal impact on the character and appearance of the area given the setbacks for the road and natural screening.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewage facilities.

As discussed above, there is no new infrastructure proposed. The existing site access will be utilized and the camping area is already connected to utilities.

Bushfire Management Overlay

The purpose of this overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The application was accompanied by an Emergency Management Plan that addresses the bushfire risk associated with the site. The application was referred to the CFA and received conditional consent.

Land Subject to Inundation Overlay

Pursuant to Clause 44.04 of the Murrindindi Planning Scheme the subject site is fully covered by the Land Subject to Inundation Overlay.

The purpose of this overlay is to:

- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the application.

Clause 44.03 - Floodway Overlay

The purpose of the Floodway Overlay which is detailed at Clause 44.03 of the Murrindindi Planning Scheme is, '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 minimisation of soil erosion, sedimentation and silting'.

The application was referred to the Goulburn Broken Catchment Management Authority and Goulburn Murray Water who did not raise any concerns with the application.

Discussion - Submissions

- *Noise impacts*

As discussed above, the proposed extension of use of the land will lead to an increase in patronage at the site which may come with additional noise issues.

It is considered that the noise impacts will be minor and the setbacks from nearby dwellings has been considered in this assessment.

- *River pollution into the Acheron River and the impact this may have on properties that rely on the river for drinking water*

It is noted that the application was referred to the Goulburn Broken Catchment Management Authority and Goulburn Murray Water.

Goulburn Broken Catchment Management Authority did not raise any concerns with the application.

Goulburn Murray Water have included conditions to ensure the protection of the Acheron River.

It is noted that the river is able to be accessed by the public and accordingly it is considered that there will not be an additional risk as a result of the proposed extension of the use.

- *Increased bushfire risk associated with the extension of the use*

The applicant has provided a Bushfire Emergency Management Plan that has been assessed by the Country Fire Authority. This includes measures to ensure that the risks associated with the increased use are appropriately mitigated.

- *Increased traffic risk*

It is considered that the subject site is well serviced by a Principal Road maintained by the Department of Transport.

- *Increased foot traffic onto adjoining and nearby properties via the river*

As included in the Officers Recommendation, the proposed extension will include signage and ensure patrons do not access adjoining properties.

- *Poor environmental impacts including, loss of riparian vegetation zone and aquatic wildlife and water quality as a result of human waste, littering, dust pollution and erosion from increased vehicular access and foot traffic and intensive leisure use of the river.*

As discussed, a riparian zone will be protected and enhanced as a result of the extension of the use.

- *The risk of caravans being permanently sited on the river*

Caravans being permanently located in the site has not been included in the application. It would require additional approval and the caravans will be required to be removed following the use of the land for camping.

- *Impacts on surrounding farming uses such as tourists disturbing and interfering with livestock and complaining about permitted farming practices such as the operation of machinery*

In regard to the conditions proposed by one of the submitters to assist in addressing their concerns, they have been considered as follows:

- *A time limited permit so that the impact can be assessed and not further precedent for expansion of use is set*

This was not able to be considered as it would significantly change what was applied for. The applicant has applied for an ongoing planning permit and accordingly this is what can be considered.

It is noted that this will not create a precedent for an expansion of the use and an application to increase patron numbers or the frequency of camping will be assessed on its merits. Any application to amend the current permit will be on public notice and will be able to be submitted to.

- *Limit campfires to communal pit only*

This has been included as a condition in the officer recommendation and was included in the Bushfire Emergency Management Plan.

- *Maximum of 20 weekends of use per year, 35 people inclusive of CCJC and others*

This was not able to be considered. However, it is noted that there are restrictions on the use of the land given that it will not be able to operate on days of total fire ban or in the months of June and July. Accordingly, it is considered that the use of the land is limited.

- *A visual barrier between the campsite and adjoining properties*

Landscape planting will be required to create a buffer between the camping area and the adjoining properties.

- *Mitigation of environmental impacts on the river*

Conditions have been included in the officer recommendation to address these concerns.

- *Number of caravans stored on site to be restricted at time other than the permit camping weekends*

This has been included in the officer recommendation that all caravans are removed within 24 hours of the weekend.

- *Erection of signage prohibiting entry on to surrounding nearby land adjacent to the stretch of the river adjoining the campsite*

This has been included in the officer recommendation and the applicant has agreed to this.

Conclusion

It is considered that the use and development of the land for a camping and caravan park is appropriate, and any adverse impacts can be mitigated by the inclusion of conditions included in the officer recommendation. The proposal will support economic development and tourism promotion. The existing camping areas are considered appropriately sited and designed on site as to not negatively affect the agriculture, land or amenity of the surrounding area. On the balance it is considered that the use of land for a camping and caravan park to the proposed limited capacity and frequency is consistent with the provisions of the Murrindindi Planning Scheme.

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 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”.

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”.

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy “to protect and enhance our natural environment, supporting environmental sustainability, community resilience, innovation and adaptation to climate change to achieve net-zero emissions by 2035”.

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy to “protect our waterways and improve associated human health outcomes”.

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 financials implications or risks associated with the consideration of this application for planning permit.

Conflict of Interest

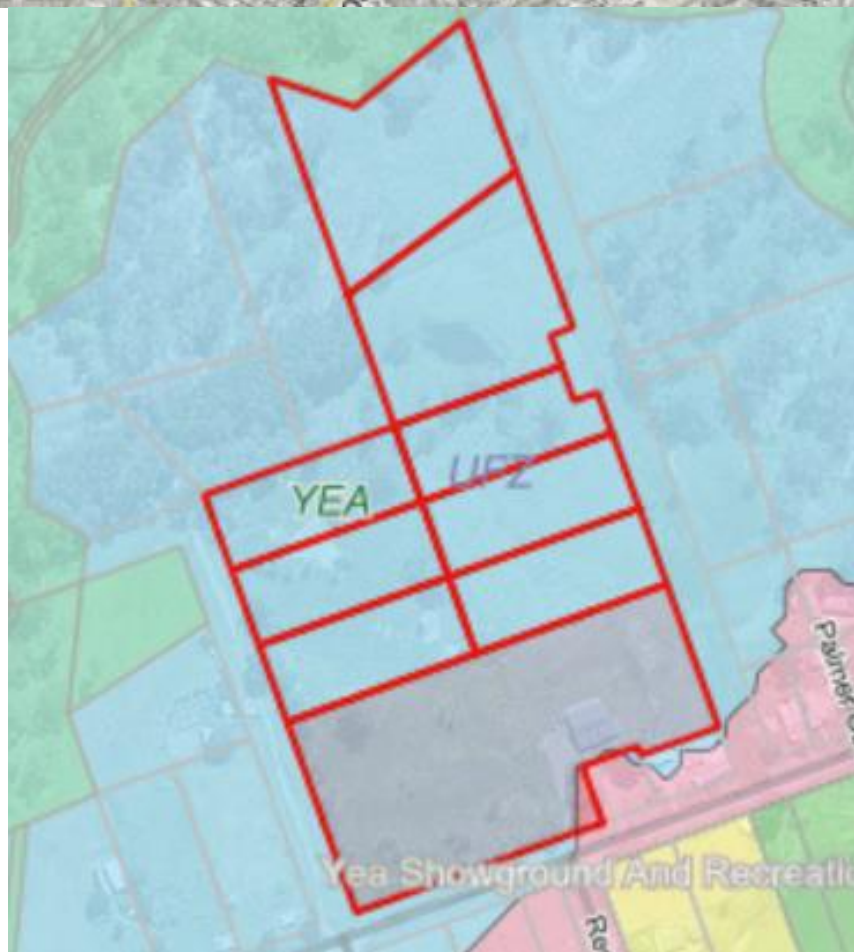
There are no declared conflicts of interest by Council officers in relation to this report.

5.2 Planning Application - 12 - 14 Craigie Street, Yea - Two Lot Re-subdivision and Roadworks

Attachment(s)	Attachment 1 - Application Documents [5.2.1 - 40 pages] Confidential Attachment 1 – Submissions (<i>distributed to Councillors separately</i>)
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision

Land:	12 – 14 Craigie Street, Yea
Proposal:	Two – Lot Re-subdivision; Roadworks
Applicant:	T G Sargaent
Zoning:	Urban Flood Zone, General Residential Zone
Overlays:	Land Subject to Inundation Overlay
Triggers:	Clause 35.08-3 – General Residential Zone - Two Lot Subdivision Clause 37.03 Urban Flood Zone: - Two lot Re-subdivision - Roadworks Clause 44.4-3 Land Subject to Inundation Overlay: - Two Lot Subdivision

Locality Plan





Executive Summary

This application is for a two lot re-subdivision and roadworks in the Urban Flood Zone at 12 and 14 Craigie Street, Yea which is made up of 9 lots.

The application proposes to reduce the overall number of lots across the two properties from 9 to 2.

The subject site is predominantly in the Urban Flood Zone with a small section in the General Residential Zone with a Land Subject to Inundation Overlay covering this area.

Following the notice period, five objections were received for the application.

It is considered that overall, the proposal is consistent with the Murrindindi Planning Scheme. The primary concern in the assessment of this application was the impacts on the floodplain. It is considered that the flood risks have been mitigated as there will be engineering requirements for the road construction. The proposal will not increase the development potential of the land.

On balance the proposal meets the objectives of the Planning Policy Framework, Zone and Overlay controls.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer Recommendation.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for a 2 lot subdivision and creation of access at 12 and 14 Craigie Street, Yea (SEC: 45 C/A: 6, SEC: 45 C/A: 6 CAL: A, SEC: 45 C/A: 6 CAL: B, SEC: 45 C/A: 6 CAL: C, SEC: 45 C/A: 6 CAL: D, SEC: 45 C/A: 7, SEC: 45 C/A: 7 CAL: A, SEC: 45 C/A: 7 CAL: B, PC: 369113), subject to the following conditions:

1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
2. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
3. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
4. Prior to certifying the plans, a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, including the erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.
5. Prior to the issue of a Statement of Compliance, the permit holder must construct the building/access in accordance with approved construction drawings.
6. Prior to issuing statement of compliance, new vehicular entrances to Lot 2 from the existing road reserve must be constructed at the permit holder's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 – Rural Vehicle Crossings and standard drawing SD 260.
7. Prior to issuing statement of compliance, existing vehicular entrances to Lot 1 from Craigie Road must be upgraded at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 – Rural Vehicle Crossings and standard drawing SD 260. It will be necessary to move this driveway access westward outside of the existing intersection.
8. Prior to statement of compliance, the access road (within the existing road reserve) from Craigie Street must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. The access road (In road reserve) must be constructed to one of the following two options:

- A) In accordance with IDM standard drawing 610 (SD 610) must have a 4m wide carriageway (gravel) with 1.5m Shoulders.
Or
- B) Section 173 agreement for a private road within the public road reserve, the agreement would require the property owner to cover any and all required maintenance on the “private road” from Craigie Street to the legal point of access (Driveway). This would allow the road to be constructed to a reduced standard requiring only all-weather access, 4m width, 4.3m height clearance and 0.5m side clearance.
9. The internal access driveway to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles.
10. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5m side clearances and 4 m vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.

Ausnet

11. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*. The applicant must –
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Goulburn Valley Water

12. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment
13. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
14. Provision of one water tapping per lot and/or Common Property at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
15. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer’s expense, to be wholly within one allotment only,

including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;

16. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
17. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
18. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
19. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
20. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the *Subdivision Act, 1988*.

Goulburn Murray Water

21. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
22. Lot 2 must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
23. Stormwater from the site must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

EXPIRY

(1) This permit shall expire if the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the responsible authority may allow in writing on an application made before or within six months after such expiry.

NOTATIONS

(1) Separate consent for 'works within the road reserve' and the specifications of these works may be required under the Road Management Act 2004. For the purposes of this application the works will include provision of:

- a. Construction of a crossover; and
- b. Any other works in the arterial road reserve.

The Land and Surrounds

The subject site is in the township of Yea, to the north of the central business street, High Street. The site abuts the Yea River to the north which also wraps around the area to the east and west.

The site and nearby sites are prone to flooding (see map above showing Urban Flood Zone). As the zone significantly impacts on development potential on these lots, many are vacant. There are some dwellings in Craigie Street whether the land is slightly less prone to flooding.

The subject sites have a total area of 5.93 hectares is made up of 9 lots. The site is generally clear of vegetation and there are two dams on the property. The largest lot to the south of the site (PC 369113) is developed by way of a shed that is used for agricultural purposes and storage. The shed is approximately 400 square metres. There is an existing agricultural use of the land for cattle grazing.

The subject site contains approximately 263 square metres of land in the General Residential Zone that is also covered by the in the Land Subject to Inundation Overlay.

Background

The Urban Flood Zone

The subject site was re-zoned from Farming Zone to the Urban Flood Zone in 2009 by Amendment C022. The purpose of the amendment was to implement the *Yea Flood Study 1996*. The CO22 Amendment Explanatory Report states:

Land in various sections of the Yea township are being rezoned from Farming, Public Park and Recreation, Public Conservation and Resource and Public Use 7 (Other public use) to Urban Floodway and Residential 1 to reflect the nature and function of the area as a major floodpath. The majority of affected land is vacant land that is being rezoned to Urban Floodway. Very small areas of land in Marshbank and Craigie Streets are also being rezoned from Farming to Residential 1 to reflect the lesser flood risk areas that have existing residential development located on them.

History of the subject site

A planning permit for a detached dwelling was refused on 5 November 1996 on grounds relating to flooding.

A planning permit was issued in 2005 for the use and construction of a dwelling and shed. The land was zoned as Farming Zone at this time. A site inspection was completed in December 2006 where it was observed by council officer that the land was used for grazing. The shed was originally proposed to be 9 by 12 metres. The application was subsequently amended to allow an 18 by 20 metre shed to be constructed. The shed was constructed in 2007 however, the dwelling was not. The application was active and expired in 2010 after being extended on one occasion.

It is noted that at the time of the planning scheme amendment CO22 there was an existing permit for a dwelling on the land that is now zoned as General Residential Zone, as discussed above the zoning of the land to GRZ reflected a lesser flood risk and areas that have existing residential development on them.

A planning permit was issued in 2015 for the use and construction of a single dwelling. A condition was included on the planning permit that required no part of the dwelling to be located in the Urban Flood Zone. The planning permit was extended on one occasion and refused following a second request for an extension of time.

Proposal

The proposal is to consolidate 9 lots into 2 lots with a boundary realignment and allow for roadworks in the Urban Flood Zone. The two diagrams below show the existing and proposed lot layout:



Existing Lot Layout

Proposed Lot Layout

The proposal will create Lot 1 which will have an area of 2.41 hectares and contain:

- The existing access
- Predominantly Urban Flood Zone with a small area of 263m² in the General Residential Zone
- A dam.

The proposed Lot 2 will be 3.52 hectares and contain:

- An existing farm shed
- A dam
- Wholly in the Urban Flood Zone
- Lot 2 will be accessed from the road reserve.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. 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 in the form of letters to adjoining and nearby neighbours.

Following the notice period five submissions objecting to the proposal were received. The objections related to:

- The current use of the land is for cattle grazing holding area. The following objections relate to the use and concerns that existing concerns will be exacerbated because of the proposal:
 - There are existing traffic impacts associated with cattle trucks. The proposed creation of access will create additional traffic hazards and impacts, particularly for residential uses and the nearby Recreation Reserve
 - Impacts on the floodplain from the creation of a road suitable for cattle trucks
 - Impacts on the amenity of the area due to the access
 - Existing noise, dust and after-hours disturbances that currently occur will be exacerbated
 - Loss of privacy for residential uses.

The applicant has provided a response to all submissions stating that:

- The objections relate to the proposed access and existing use not the proposed subdivision
- The proposal presents an acceptable flood risk. The application has been referred to GBCMA – as the floodplain management authority – who provided conditional support for the proposal
- The traffic volume of the proposed road is unlikely to impact the largely unused rear access to the Recreation Reserve
- The proposed road will be consistent with the existing roads such as Palmer Court and Craigie Street and would facilitate safe vehicle movement. The traffic volume of the proposed road is unlikely to impact the largely unused rear access to the Recreation Reserve.

Responses to the above objections are discussed in greater detail later in this report.

Referrals

The application was referred to Goulburn Broken Catchment Management Authority, Ausnet, Goulburn Murray Water and Goulburn Valley Water.

Ausnet, Goulburn Murray Water and Goulburn Valley Water have all provided conditional consent.

Goulburn Broken Catchment Management Authority have not objected or provided comments to the application but have provided the following comments:

Based on available ground surface level information, the property would flood between 0.9 to 2.5 metres deep in a 100-year ARI flood event. However, the accessway to both lots would be cut by flood waters during the similar magnitude of flood.

Please note that the newly created two lots are entirely on Urban Floodway Zone, which means any new dwelling on these lots will be Section 3 use, which is prohibited. Furthermore, any buildings and works would not likely be supportive.

Discussion - Planning Considerations

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 to be consistent with the objectives and strategies of this framework as is discussed below.

Clause 02.03 - Strategic Directions

The serviced townships, particularly Alexandra and Yea, are identified as being suitable for further residential expansion including infill development. A variety of housing choice should be provided within townships, including Yea and Council specifically seeks to promote and facilitate residential development and housing diversity.

The capacity for the land to be used for residential purposes is limited. The proposed subdivision does not allow for a change in the requirements for applying for a dwelling on the land. There is a very small area zoned as General Residential Zone. However, this land is also covered by the Land Subject to Inundation Overlay. The Goulburn Broken Catchment Management Authority have indicated that the development of this land for residential purposes may not be supported.

Clause 12-01-1s Protection of biodiversity

This objective is to assist the protection and conservation of Victoria's biodiversity. To be achieved by strategically planning for the protection and conservation of Victoria's important areas of biodiversity.

The proposal is considered consistent with this strategy as it is designed and sited not to impact on any protected native vegetation or biodiversity.

Council Officers note that there is a patch of native vegetation contained within the General Residential Zoned land. The applicant has confirmed that this vegetation was planted and is not protected by the Murrindindi Planning Scheme. Aerials of the site further confirm that the vegetation is planted and therefore exempt from requiring planning approval for removal.

13.03-1S Floodplain management

This planning policy aims to assist the protection of:

- *Life, property and community infrastructure from flood hazard*
- *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 coastal health.*

This is to be achieved by:

- *Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes*
- *Avoid intensifying the impact of flooding through inappropriately located use and development*
- *Plan for the cumulative impacts of use and development on flood behaviour*

This policy relates to the natural environment and its associated hazards in and around the subject site. There is no indication that the proposed earthworks on the site will interfere with the natural flood carrying capacity of the nearby Goulburn River or floodplain.

The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the proposal. They have also indicated that any additional buildings and works will require planning approval.

It is considered that floodplains will not be impacted by the re-subdivision as not additional ability to develop will become as of right. Conversely, it is considered that a reduction in the number of lots within the Urban Floodway Zone, either wholly or in part, is a better land use outcome than the current lot layout.

Clause 13.07-1S – Land use compatibility

The purpose of planning policy relating to land use compatibility is to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse offsite impacts. To achieve this consideration is given to whether a use or development of land is compatible with adjoining or nearby land uses.

Council records indicate that the use of the land for grazing commenced prior to the land being rezoned from Farming Zone to the Urban Flood Zone. This application does not include a change or extension to the existing use of the land for cattle grazing. The changes in the location of the access to the site has the potential to create land use conflicts with nearby residential uses. However, this is only able to be given limited consideration as the existing use does not require planning approval and is not considered to have changed as a result of the change of access point. The applicant has submitted that the use of the access for trucks is limited in frequency.

Clause 14.02-2S Water quality

This planning policy aims to protect water quality, by:

- *Protect reservoirs, water mains and local storage facilities from potential contamination*
- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*

The application has been considered against this policy. Being located within a flood plain raises several issues that need to be considered. The application has been referred to the GBCMA who have not objected to the application.

There is no proposed change to the land use. It is considered that the proposal meets the objective of this clause.

Clause 16.01-2L – Residential Development in Serviced and Non-Serviced Towns

The objective of this Clause is to locate housing in serviced towns that offer a range of community and physical services.

The strategies of the policy for serviced towns are to:

- Facilitate residential expansion in established, serviced townships that have potential for further growth, in particular Yea and Alexandra
- Encourage a diversity of housing including higher density housing, retirement villages and residential aged care facilities
- Encourage housing in well serviced areas to maximise infrastructure provision
- Facilitate housing in locations that ensure a high level of community safety, particularly from bushfire.

The proposed subdivision is located within the township of Yea. Minimal infrastructure is required should a dwelling be approved to be constructed in the General Residential Zone at the front of the property noting that a dwelling is a prohibited land use in the Urban Floodway Zone. As discussed above, the proposed re-subdivision does not increase the likelihood of a dwelling being approved on the site.

Clause 32.08 General Residential Zone

The purpose of the General Residential Zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A planning permit is required for the subdivision of land within the General Residential Zone. Despite no changes to boundaries within the area of the site within this zone, consideration must still be given to the provisions of the Murrindindi Planning Scheme.

Only a small part of the land as it currently exists is located within the General Residential Zone. No changes to this area of the site are proposed. Access to the site remains from Craigie Street however a planning permit may be required for the development.

It is considered that this area of the site, can still be developed with a single dwelling should this be required by any future owner. The use of this land is significantly limited, however not impossible, for this use due to the extent of flooding on the site. Any dwelling or associated outbuildings will be required to be contained within the area of the site zoned for residential purposes. The proposed subdivision of the land does not jeopardise the potential for this land to be used for a single dwelling.

It is considered that the proposal is generally consistent with the purpose and decision guidelines of the General Residential Zone.

Clause 37.03 Urban Flood Zone

The purpose of the Urban Flood Zone is to:

- To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have 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 minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989*.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

The decision guidelines include:

- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- Any other matters specified in the schedule to this zone.

Clause 37.03-3 of the Murrindindi Planning Scheme requires that a planning permit is issued for the subdivision of land in the Urban Floodway Zone. Subdivision in this zone is prohibited unless one of the following applies:

- The subdivision does not create any new lots, which are entirely within this zone. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.

- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

As this proposed subdivision is a re-subdivision, with no additional lots being created, it is not prohibited.

The proposed re-subdivision is considered consistent with the Urban Flood Zone. The reduction of lot numbers from 9 to 2 lots is considered consistent with the protection of waterways. As discussed, the proposal will not allow for any additional development of the site.

The road works within the Urban Flood Zone have been considered in the assessment of the application. It is considered that the minor nature of the works allows the potential risks with flooding to be sufficiently mitigated.

Clause 44.04 Land Subject to Inundation Overlay

Pursuant to Clause 44.04 of the Murrindindi Planning Scheme the subject site is partially fully covered by the Land Subject to Inundation Overlay.

The purpose of this overlay is to:

- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

The application was referred to the Goulburn Broken Catchment Management Authority who have not objected to the application.

The area covered by the Land Subject to Inundation Overlay is within the General Residential Zone. Consequently, were this land to be developed a planning permit would be required and the Land Subject to inundation would be the primary consideration.

Clause 65.02 - Approval of an Application to Subdivide Land

Before deciding on an application to subdivide land, the responsible authority must also consider general considerations. Most relevant to this application are the following:

- *The suitability of the land for subdivision.*

The land would not be considered suitable for a subdivision that would increase the number of lots.

- *The existing use and possible future development of the land and nearby land.*

There will be no change to the use or development potential of the subject site. Nearby sites are limited in regard to development due to the restrictiveness of the Urban Flood Zone.

- *The effect of development on the use or development of other land which has a common means of drainage.*

The proposed road will be required to be constructed to a standard that ensures that it will not impact on surrounding properties.

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*

The proposed subdivision will not result in the loss of any native vegetation. The dams will each be on a lot.

- *The density of the proposed development.*

No development is proposed. The ability of the land to be developed will not be changed as a result of the proposed resubdivision.

- *The area and dimensions of each lot in the subdivision.*

It is considered that the proposed lot sizes being significantly larger than the existing is appropriate for the site.

- *The layout of roads having regard to their function and relationship to existing roads.*

The proposed road construction within the existing Road Reserve is considered appropriate.

- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*

The application has been referred to a received conditional consent from service providers

- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

No impact on any native vegetation.

Discussion - Submissions

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

- The current use of the land is for cattle holding area. The following objections relate to the use and concerns that existing concerns will be exacerbated because of the proposal:
 - *There are existing traffic impacts associated with cattle trucks. The proposed creation of access will create additional traffic hazards and impacts, particularly for residential uses and the nearby Recreation Reserve*

As discussed, a planning permit is only required under the Murrindindi Planning Scheme for the road works under the Urban Flood Zone.

- *Impacts on the floodplain from the creation of a road suitable for cattle trucks*

The impacts on the floodplains have been a primary consideration in the assessment of the application. It is considered that given the small section of road is within the Urban Flood Zone,

the impacts will be able to be mitigated through appropriate conditions. The application has been referred to the Goulburn Broken Catchment Management Authority, as the relevant floodplain manager, who are supportive of the proposal.

- *Impacts on the amenity of the area due to the access*

As discussed, the road works are located on an existing road reserve which is currently not built. The reduction in the number of lots adjoining this unmade road reserve limits the extent to which it may be required to be built into the future. The construction of a road is generally exempt from planning permit requirements under Clause 62 of the Murrindindi Planning Scheme however in this instance, a planning permit is only required under the Urban Flood Zone.

- *Existing noise, dust and after-hours disturbances that currently occur will be exacerbated*

As discussed, the property has existing use rights for the use of the land for agricultural purposes. It is not considered that the change of access is sufficient to consider the proposal as an extension of the use.

- *Loss of privacy for residential uses*

It is not considered that the construction of a road associated with the existing use of the land for agriculture will have a significant impact on the privacy of nearby residential uses.

Conclusion

It is considered that the proposed subdivision and construction of a road on the subject site is appropriate. The proposal will result in an overall reduction of the number of individual allotments within the natural floodplain which will reduce the risks to adjoining properties and the wider community from flooding. While only a small portion of the site is able to be developed, the subdivision does not worsen these existing limitations.

The proposal has addressed the provisions of the zones and overlays ensures that flood risk will not be increased as a result of the proposal. On the balance, it is considered that the proposal is consistent 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”.

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy to “protect our waterways and improve associated human health outcomes”.

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 financials 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.

6 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

6.1 Grants and Contributions Program - May 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 April 2022 Grants and Contributions Program applications and variations for noting and endorsement.

RECOMMENDATION

That Council:

1. Endorse the following variations recommended by the Grants and Contributions Assessment Panel:

Application	Original Grant Awarded	Variation Request
CPE-21/22-011 Eildon Action Inc - Eildon Easter Twilight Market	\$5,000	Budget change
CPE-21/22-010 Murrindindi East U3A - Positive Ageing in Murrindindi	\$2,000	Timing change

2. Endorse the following allocations recommended by the Grants and Contributions Assessment Panel:

Application	Amount
CPE-21/22-024 HIGHLANDS COMMUNITY HALL - Repairs and Termite Peace of Mind	\$5,000

3. Note the following allocations made by the Grants and Contributions Assessment Panel under delegation:

Application	Amount
FR-21/22-007 Australia Post Alexandra – Additional PO Boxes for Alexandra Post Office	\$583
FR-21/22-016 Rotary Club of Yea – ANZAC Day lunch and refreshments	\$50
FR-21/22-018 Murrindindi Film Society - Murrindindi Film Society 2022 Season	\$63
FR-21/22-017 Murrindindi Beanie & Fibre Festival	\$360

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 variations and provide the following recommendations:

Variation requests

1. Eildon Action Inc - Eildon Easter Twilight Market

This project aims to host a twilight market for the Eildon community.

The planned Taungurung Welcome to Country and Cultural program was cancelled at short notice and as such the applicant wishes to vary the budget to include alternative activities provided musicians.

Grant variation recommended.

2. Murrindindi East U3A - Positive Ageing in Murrindindi

This project aims to produce a A3 information page to provide information on activities available for Murrindindi 50+ aged community.

A timing variation has been requested to delay the timing of the project in order that the A3 pamphlets can be included in the local newspaper to coincide with Seniors Week in October 2022.

Grant variation recommended.

New applications

Council officers have assessed the following grant applications which include panel-approved fee reductions for noting by Council and grant applications with panel recommendations for decision by Council:

Fee Reduction

1. Australia Post Alexandra - Additional PO boxes

This project is seeking a planning permit fee reduction in order to add freestanding PO boxes to enable community residents to receive their mail. Currently the post office has over a dozen mail holds for residents unable to receive mail to their residential address free of charge. Australia Post Alexandra has a long waiting list of other residents who wish to get a PO box for the same reason.

Roadside mail service is not available to everyone in the community, and the installation of additional post office boxes will provide a benefit to the community by addressing a service gap and helping to support connectivity for community residents.

Fee reduction of \$583 approved by Panel.

2. Rotary Club of Yea - Anzac Day Lunch and refreshments

The Rotary Club of Yea is seeking a fee reduction for the hire of the Yea Railway Reserve kitchen to support them in providing a free BBQ and hot refreshments following Anzac Day service.

The Rotary Club of Yea provides an important service to community and events on ANZAC day. These events recognise our history and foster community connection.

Fee reduction of \$50 approved by Panel.

3. Murrindindi Beanie & Fibre Festival

The Beanie festival is held in the Alexandra Town Hall over two days and showcases beanies, winter warmers and teapot beanies that have been handmade and compete across 5 categories. The event is seeking a fee reduction for the use of the Alexandra Shire Hall. Money raised from the sales of these items is donated back into the Murrindindi Shire. This event attracts many visitors into the local area to enjoy the many attractions the shire has to offer. The festival endeavours to bring the community together and help to build relationships with community groups and promote tourism.

The event provides strong benefits to the local community and acts as a tourism attractor.

Fee reduction of \$360 approved by Panel.

4. Murrindindi Film Society 2022 Season

Murrindindi Film Society is seeking a fee reduction for the use of Yea Shire Hall to show 5 films for members in a pleasant social environment on the 3rd Friday of each month May - September inclusive.

The proposed events are an opportunity to bring members of the community together to socialise.

Fee reduction of \$63 approved by Panel.

Community Projects and Events

1. CPE-21/22-024 - HIGHLANDS COMMUNITY HALL

The Highlands Community Hall committee is seeking a grant for building maintenance to enhance preserving the asset for future generations. This initial request to Council is for phase one of a two phase project. Phase one will deliver upgrades to gutters and spouting, sub floor timber bearers mitigating moisture under the building and minimising further termite activity.

Phase two of the project (not included in this funding application) will complete timber and plaster repairs internally from termite damage including: kitchen floor, doorjambes, doorways and wall panelling, and may require further funding to complete. The community is currently investigating funding sources.

Recommended for a grant of \$5,000.

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	May Allocations \$	Previous allocations \$	Total 21/22 \$
Fee Reductions	1,056	12,870	13,926
Governance, Skills and Capacity Building	0	0	0
Quick Response	0	600	600
Community Sponsorship, Projects and Events	5,000	51,693	56,693
Tourism Events	0	30,000	30,000
Business Plan Support	0	0	0
TOTAL	6,056	95,163	101,219

The indicative total budget of the Grants and Contributions Program for the 21/22 Financial Year is \$180,000. We estimate 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.

7 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

7.1 Enterprise Risk Management Policy Review

Attachment(s)	Attachment 1 - Enterprise Risk Management Policy [7.1.1 - 11 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

Council has an Enterprise Risk Management Policy (the Policy) in place to promote an integrated and consistent approach to risk management across Council so that the risks affecting the achievement of Council objectives are identified, assessed and treated to an acceptable level.

This Policy has been reviewed by Council to ensure that it meets the legislative requirements, industry best practice and reflects Council's approach to risk management. The purpose of this report is to present the Enterprise Risk Policy (attached), which includes a Risk Appetite Statement, to Council for adoption. This Policy has been presented to Council's Audit and Risk Committee and its feedback has been incorporated into the review.

RECOMMENDATION

That Council adopt the revised Enterprise Risk Management Policy as per Attachment 7.1.1.

Background

Council last adopted the Enterprise Risk Management Policy (the Policy) at its 23 October 2019 Ordinary Meeting. The Policy has been reviewed in light of recent changes to the Victorian Risk Management Framework which prescribe the following mandatory requirements for public agencies such as councils:

- the agency must have a risk management framework in place consistent with AS *ISO 31000:2018 Risk Management – Guidelines*
- the risk management framework is to be reviewed annually to ensure it remains current and is enhanced, as required
- a positive risk culture in the agency can be demonstrated
- the agency defines its risk appetite
- responsibility is clear for managing each risk
- shared risks are identified and managed through communication, collaboration and/or coordination by the impacted agencies
- the agency contributes to the identification and management of state significant risks, as appropriate
- strategic and business planning and decision-making processes embed risk management and demonstrate consideration of the agency's material risks
- adequate resources are assigned to risk management
- the agency risk profile and risk appetite are reviewed at least annually.

As a result Council's Policy has been reviewed and updated to ensure compliance with the above requirements, and to enhance Council's maturity in its risk management approach.

Discussion

Significant change has occurred since the 2019 adoption of the Policy in how Council identifies, manages and monitors risk and Council continues to improve the systems and processes supporting risk management.

The Policy introduces a new approach to measuring risk, the Risk Appetite Statement, which categorises risks and establishes an appetite level to each category that reflects the level of risk that Council is willing to accept in the pursuit of its objectives. Each risk category has tolerance statements and metrics which are designed to identify, monitor and report on how well risk are being managed relative to the agreed tolerance levels.

In addition to the above changes, the revised Policy now defines the process for assessing the effectiveness of the controls put in place to manage risks. This practice is already in place within Council and change is simply ensuring the practice is reflected in the Policy.

This reviewed Policy ensures that Council has a strong organisational framework to identify, mitigate and manage risks based upon the type of risk and Council's appetite for risk.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

The *Local Government Act 2020* has a general requirement that the Audit and Risk Committee will provide advice on financial management and broader aspects of the council's operations, particularly where compliance issues and risks are involved.

Financial Implications and Risk

The Policy directly relates to the management of risk by Council, it provides a framework for assessing, mitigating and managing risk. The Policy and the associated procedures reduce Council's liability, by ensuring that both operational and strategic risks are identified and controlled appropriately.

The review of the Policy does not have a direct financial impact on Council, however the appetite statement within the Policy provides the acceptable parameters for taking financial risks and therefore strengthens Council's approach to the appropriate use of public funds.

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.

7.2 Audit and Risk Committee Charter

Attachment(s)	Attachment 1 - Audit and Risk Committee Charter 2022 Review [7.2.1 - 12 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate and Shared Services
Purpose	For decision

Executive Summary

The purpose of this report is to seek Council's adoption of the Murrindindi Shire Council Audit and Risk Committee Charter, which has been revised as part of the annual review undertaken by officers and the Audit and Risk Committee.

RECOMMENDATION

That Council adopt the revised Murrindindi Shire Council Audit and Risk Charter as contained in Attachment 7.2.1.

Background

The Audit and Risk Committee (the Committee) is established by Council in accordance with the *Local Government Act 2020*. Council, at its 22 July 2020 Meeting, adopted the Audit and Risk Committee Charter. The Charter has been reviewed by the Committee and Council annually since.

Discussion

The Audit and Risk Charter has been reviewed by Officers and the Committee to ensure that it meets legislative requirements and industry best practice. Whilst in the most part the Audit and Risk Charter – 2022 remains unchanged there were a few sections that required some alterations to meet current practices, these are highlighted in Attachment 7.2.1.

One of the key areas of change is that the reviewed Charter now allows for virtual meeting attendance. During the COVID-19 Pandemic restrictions, provisions for councils to conduct meetings and decision-making processes virtually were put in place. These provisions remain in place until 1 September 2022. Following this date councils are required under amended legislation to incorporate the provision for virtual attendance into the Governance Rules and any Committee Charters and including the parameters for approval of attendance virtually. Therefore section 4.2 of the Charter, Meeting Attendance, has been revised to include the ability for the Chair to approve virtual attendance.

This does not preclude the Committee from diarising in person meetings, it simply provides a mechanism for approving hybrid attendance or the meeting to be completely held virtually.

Section 7 has been added to address transparency. The *Local Government Act 2020* promotes transparency and Council's 2021-2025 Council Plan has a strong focus on transparency in decision making processes. In an effort to bring transparency to the forefront, a section has been added to the Charter concerning the minimum requirements of openness with the public.

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 *Local Government Act 2020* section 54 requires Council to prepare and adopt an Audit and Risk Committee Charter.

Financial Implications and Risk

There are no financial implications in relation to the review of the Audit and Risk Committee Charter.

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.

7.3 Audit and Risk Committee - Confirmation of Minutes

Attachment(s)	Attachment 1 - 2022-05-12 Audit and Risk Minutes [7.3.1 - 29 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

The purpose of this report is to present the minutes of the 12 May 2022 Audit and Risk Committee Meeting to Council for noting.

It is noted in the Minutes that Mr Ian McKaskill has finished his term as an Independent Committee member after completing 9 years on the Committee, including terms as Chair of the Committee. During this time he assisted in developing the oversight role of the Committee and provided valuable advice to Council, particularly in the area of enterprise risk management.

RECOMMENDATION

That Council:

- 1. receive and note the minutes of the 12 May 2022 Audit and Risk Committee Meeting as enclosed in Attachment 7.3.1.**
- 2. provide a letter of appreciation to Mr McKaskill in recognition of his service to the Council’s Audit and Risk Committee.**

8 COUNCILLOR AND CEO REPORTS

8.1 Notices of Motions

8.2 Cr Karine Haslam

8.3 Cr Ilona Gerencser

8.4 Cr Eric Lording

8.5 Cr John Walsh

8.6 Cr Sandice McAulay

8.7 Cr Damien Gallagher

8.8 Cr Sue Carpenter - Mayoral Report

8.9 Chief Executive Officer Report

9 ASSEMBLIES OF COUNCILLORS

Purpose

For noting.

Executive Summary

This report presents the records of assemblies of Councillors for 27 April 2022 to 18 May 2022, for Council to note.

RECOMMENDATION

That Council receive and note the records of assembly of Councillors for 25 April 2022 to 20 May 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 27 April 2022 to 18 May 2022 (see following pages)

Meeting Name/Type		Council Pre-Meet		
Meeting Date:		27 April 2022		
Matters Discussed:		<ol style="list-style-type: none"> 1. Planning Application – 969 Goulburn Valley Highway Thornton – Tanglewood Music Festival 5 Year Permit 2. Planning Application – Amendment to Application 2020/103 – 3 Back Eildon Road, Thornton 3. Contract 21/32 – Yea Caravan Park – Bridge Renewal – Stage 2 – Construction – 2021/2022 4. Contract 21/33 – Alexandra Youth Precinct – Tender Award 5. Blue Gums to Eildon Recreational Trail 6. Capital Works Report – Quarterly Report – March 2022 7. Grants and Contributions Program – March Allocations 8. Borrowings Policy 9. Finance Quarterly Report March 2022 10. Council Plan 2021-2025 Quarterly Performance Report – 1 January to 31 March 2022 		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh		
Council Officer Attendees:		L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, N Stewart		
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?
2	Cr J Walsh	No	Yes	Before
7	Cr S Carpenter	No	Yes	Before

Meeting Name/Type		Briefing Session		
Meeting Date:		4 May 2022		
Matters Discussed:		<ol style="list-style-type: none"> 1. Community Planning Future Directions 2. External Guest Elizabeth Fisher, Nationals Candidate - Indi Federal Election (In Person Attendance) 3. Library Strategy and Murrindindi Library Service Update 4. Kerbside Services Procurement Consultation Round 1 5. Charcoal Barbeques and Safety 6. Enterprise Risk Management Policy and Appetite Statement 		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh		
Council Officer Attendees:		L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, S Coller, A Paix, J Rabel, C Ramsden, L Harrison, J Russell, C Price		
Conflict of Interest Disclosures: Nil				

Meeting Name/Type	Briefing Session
Meeting Date:	11 May 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. External Guest - Ross Lyman, Liberal Candidate - Indi Federal Election (Virtual) 2. Flat Lead Road Farm Forestry Briefing - External Presenter Clinton Tepper (Virtual) 3. Youth Services - How Work Works – External Guest Trent McCarthy CRLLLEN 4. Planning Application: 1059 Maroondah Highway, Narbethong 5. Planning Application: 12 - 14 Craigie Street, Yea
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, N Stewart, C Fraser, C Gartland, S Collier, N Carter, L Harrison
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session			
Meeting Date:	18 May 2022			
Matters Discussed:	<ol style="list-style-type: none"> 1. Climate Change Action Plan – Progress Report and Timelines 2. 10-Year Asset Plan Workshop 3. Capital Works Monthly Report 4. Planning – Fun facts about planning #1 5. Development Services – Planning Report May 2022 6. Grants and Contributions Program – May Allocations 			
Councillor Attendees:	Cr S Carpenter (V), Cr D Gallagher, Cr K Haslam, Cr E Lording (V), Cr S McAulay, Cr J Walsh			
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, N Stewart, C Fraser, L Harrison, Z Blakeney, S Russell, L Kelly, B Scott			
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?
6	Cr S McAulay	No	Yes	Before

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.

10 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT21/8	29 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Bells Civil	Livia Bonazzi Cr Sue Carpenter

RECOMMENDATION

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