



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 23 February 2022
Virtual Meeting via Zoom
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 Council's Facebook page and is 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 15 December 2021

RECOMMENDATION

That Council confirm the minutes of the 15 December 2021 Scheduled Meeting of Council.

2.5 Petitions

Petitions and joint letters that are submitted and meet the requirements under section 8 of Council's Governance Rules 2020 will be presented to Council for acknowledgement and referral to a future meeting or to the CEO or Director for consideration.

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 COMMUNITY PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

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

4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Planning Application - Place of Assembly - 36 Extons Road, Kinglake

Attachment(s)	Attachment 1 - Place of Assembly - 36 Extons Road, Kinglake Central [4.1.1 - 27 pages]
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision

Land:	36 Extons Road, Kinglake Central
Proposal:	Use and Development of the land for a Place of Assembly
Applicant:	Linda Brown (Cheeky Fox Retreat)
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Environmental Significance Overlay
Triggers:	Clause 35.07 - Use of land for a Place of Assembly in the Clause 35.07 Farming Zone buildings and works associated with a Section 2 Use, earthworks and for buildings: <ul style="list-style-type: none"> - within a 100m of a waterway or floodplain - within a 100m of a dwelling not in the same ownership Clause 35.07-2 – Development of the land for a Section 2 Use Clause 44.06 - Development for a Bushfire Management Overlay

Locality Plan





Executive Summary

This report recommends that a notice of decision to grant a permit be issued for the Use and Development for the purpose of a Place of Assembly at 36 Extons Road, Kinglake Central.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for Use and Development for the purpose of a Place of Assembly at 36 Extons Road, Kinglake Central, (Lot: 1 PS: 603283), subject to the following conditions:

- 1) This permit allows twelve events annually subject to satisfactory compliance with condition (2) below, to the satisfaction of the Responsible Authority
- 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) Prior to the commencement of use of 'Option 1 Picnic Site' a Landscaping Plan must be submitted to and approved by the Responsible Authority. Once approved, these plans will be endorsed to form part of the permit. Such plan must show:
 - a) Screen planting along the Northern boundary for 70 metres beginning 50 metres from Extons Road (The area for 'Option 1 Picnic site')

Such planting must provide for screening between the subject site and the adjoining property to the north and must occur prior to the use of the 'Option 1 Picnic Site' to the satisfaction of the Responsible Authority.

- 4) Temporary fencing must be installed prior to each event in the following locations to the satisfaction of the Responsible Authority:
 - a) Option 1 Picnic Area: 20 metres from the northern boundary, for the length of the picnic area
 - b) Option 2 Picnic Area: As shown on provided plans.

Such fencing must be at least 1.8m in height and be mesh like material for the purpose of screening and prevention of any debris or rubbish crossing property boundaries.

- 5) The consecutive events may only proceed upon satisfactory compliance with the conditions of the permit for the previous event to the satisfaction of the Responsible Authority
- 6) The events may occur between the hours of 10am to 4pm unless with the written consent of the Responsible Authority
- 7) No more than 100 patrons plus event staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority
- 8) No pets are permitted on the property in association with the picnics
- 9) All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority
- 10) All temporary structures erected on the site and all waste must be removed no later than 72 hours after the completion of the event on the land, to the satisfaction of the Responsible Authority
- 11) 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
- 12) The owner / operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority
- 13) The car parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority
- 14) The use or development 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, wastewater, waste products, grit, oil or the presence of vermin or otherwise

- 15) Portable toilets to be used on Trail Days with no impact to existing on-site septic system
- 16) Prior to commencing of any events, 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 Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and standard drawing SD 255. An appropriate rural road number plaque at the access point to development to the satisfaction of the Responsible Authority
- 17) Prior to the commencement of the use, a traffic management plan must be approved in writing by the Responsible Authority. The approved traffic management plan must be implemented during any events
- 18) 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
- 19) Car spaces, access lanes and driveways must be kept available for these purposes at all times during the picnic days.

Country Fire Authority

- 20) The 'Cheeky Fox Trail' business must be operated in accordance with the Cheeky Fox Retreat – 36 Extons Road, Kinglake Central - Bushfire Emergency Management Plan prepared by Linda Brown dated 16 September 2021.

Planning Permit Expiry

The 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.

The Land and Surrounds

The subject site is in Kinglake Central to the east of Extons Road to the north of the intersection with Whittlesea- Kinglake Road. The site is rectangular in shape, measures approximately 1100 metres in length and 190 metres in width and is 21 hectares in area. There is an easement covering the rear of the property. Native vegetation covers more than half of the site. The site is developed by way of a large 6-bedroom dwelling, a swimming pool and two sheds. It is currently used as a residence and bed and breakfast.

The site abuts a similar sized property to the north which is developed by way of a shed and is used for agriculture. To the east of the property is significant vegetation with a clearing for a large electricity easement. South of the site are smaller sized lots developed for residential use. Further south is the Kinglake Memorial Reserve which consists of tennis courts, netball courts, an oval and a hall. On the eastern side of Extons Road directly opposite the subject site is the Middle Kinglake Primary School which includes a childcare centre.



Background

The site has been used as a bed and breakfast known as the Cheeky Fox Retreat.

Bed and Breakfast is defined by the planning scheme as *A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.*

In the Farming Zone the use of the dwelling for a bed and breakfast does not require planning approval if it meets the following two conditions:

- No more than 10 persons may be accommodated away from their normal place of residence.
- At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.

The accommodation is in the existing dwelling and caters to up to 10 visitors and provides sufficient carparking on site, therefore a planning permit is not required for this use.

Planning Permit 2000/16 allowed for the use and development of the land for a 'dwelling, dependent persons unit and shed'. The dwelling was constructed in 2006 and other sheds completed earlier. The dwelling was not impacted by the 2009 bushfires however the sheds were destroyed. Planning Permit 2009/74 was issued to allow for the reconstruction of the sheds.

Proposal

The applicant seeks approval to hold picnics in association with their trail walking enterprise, 'Cheeky Fox Trails'. It is proposed that the picnics will take place up to 12 times each year for up to 100 patrons including adults and children.

As outlined in the application, the Cheeky Fox Trail is intended to provide an activity-based nature experience consisting of a self-guided tour of major attractions in Kinglake. It is intended to

begin at the subject site with visitors arriving from 10am and returning to the site at a time after 11:30am for an afternoon picnic. The picnic will consist of food, a bar and games and will run until 3pm with visitors asked to leave the property by 4pm.

The applicant has requested 2 options for the location of the picnics. 'Option 1 – Picnic Area' is located to the north of the site while 'Option 2 – Picnic Area' is located to the south.

The planning permit application was accompanied by:

- Site Plan and images
- Details of the proposed use
- Emergency Management Plan
- Response to the relevant clauses of the Murrindindi Planning Scheme
- Land Capability Assessment – Waste Management
- Land Management Plan.

On 17 January 2022 updated plans were provided which provided an alternative picnic site and the images of the picnic games. This was included in the application and the application was re-advertised on 18 January 2022.

Cultural Heritage Management Plan

The site is not 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* as follows:

- *By letter to surrounding properties*
- *Sign on site.*

Following the notice period, 8 submissions of support have been received and 3 submissions objecting to the proposal have been received.

The 8 submissions supporting the application can be summarised as follows:

- Middle Kinglake School provided a letter of support
- Kinglake Pub advised that it would be likely to increase visitors to the area which would assist local businesses
- Kinglake Historical Society support the application as it will increase the number of visitors to the heritage trail and heritage centre
- Tourism North East sees this innovative product as being a destination driver in its own right, instrumental in generating positive tourism outcomes through influencing extended stays, regional dispersal and return visitation
- Increase in employment opportunities for local residents
- Economic growth
- Educational opportunities for participants focusing on nature, respect for the environment, local history
- A positive family orientated nature activity will contribute to people's overall wellbeing
- The trail with showcase Kinglake attractions.

The 3 submissions objecting to the application can be summarised as follows:

- The land should be used for agriculture as the land is in the Farming Zone
- The proposal will adversely impact on the agricultural use on adjoining properties
- Does not meet the requirements for comprehensive and sustainable land management practices and infrastructure provision
- Incompatible with adjoining uses – agricultural use will be negatively impacted
- Potential that rubbish will blow into adjoining property
- Potential that people will wander off tracks
- Road safety concerns
- Overlooking/Loss of privacy at 44 Extons Road and use of shed and potential future dwelling
- Food health and safety concerns
- Inadequacy of parking/turning
- Traffic generation
- Noise and disturbance
- Misleading information being provided to Council, breach of Environmental Health Department regulations, breach of Victorian Commission for Gambling & Liquor regulations, prospective compensation and awards of costs against the council
- That other uses that differ from what has been applied for will occur, this includes, an open air restaurant, amusement park, a licensed bar
- Negative impacts on other businesses in the area.

The applicant provided a response to all submissions received. The response can be summarised as follows:

- The applicant will make every attempt to ensure rubbish does not cross property boundaries. The picnic area will be monitored, and temporary fencing is proposed. The grazing boxes have minimal packaging
- The noise created is unlikely to be considered unreasonable given factors such as the character of the noise (talking and children playing), the time of day (middle of the day), the duration of each picnic and the limited number of occasions
- The bushwalk component of the Trail takes place along a well-defined, sign-posted bush trail on public land within the Kinglake National Park
- They would always use a professional caterer, who carries the appropriate registrations and insurances
- They are seeking only a limited liquor licence to allow us to sell a limited quantity of alcohol, on a handful of occasions, to a restricted number of adults to have with their picnic lunch
- The walk is along the Stuart Judd track at Jehosaphat Gully and is used by the general public all year round. Facilities at the walk include public toilets, barbecues, seating, undercover shelters, and sign posted directions and information boards
- No. 36 is completely fenced around its perimeter with 6 wire rural hinge joint, as is each internal paddock. The picnic paddock is securely fenced, and we are proposing to use that paddock because it is the safest paddock on the property in terms of fencing and slope of land. Children must always be supervised by their parents, and they will not allow attendees to wander to any other areas of the property
- Trail attendees are not permitted to bring dogs
- The portable toilets proposed to be used are clean and hygienic and have a waste tank capacity of 370 litres, or up to 650 flushes. They will be delivered on the Friday and removed on the Monday. Each picnic will be attended by a maximum of 20 family groups, which could potentially be up to 100 adults & children. In the event that there were picnics on both a Saturday and a Sunday, there is potential that the toilets would be used by up to 200 patrons over the course of a weekend. This is only for a maximum of 4.5 hours each day

- The tree line referred to in the application refers to half a dozen pine trees on our property in the picnic paddock along the fence line. This used to be a full tree line along this boundary, however unfortunately some of the trees died in recent years. We will re-plant this tree line next spring to facilitate privacy between the picnic paddock and No.44's shed
- There is no proposal for an open-air licensed bar or open-air restaurant.

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

Referrals

The application was referred to the Country Fire Authority who provided conditional consent to the application.

The Department of Environment, Land, Water and Planning was notified of the application as an adjoining land manager. They did not object to the application or recommend any conditions.

The application was also internally referred to Environmental Health, Engineering and Environmental Programs.

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.*

The proposed trail walks and picnics will allow for increased tourism to the area which in turn will provide economic growth. Furthermore, the event will allow for exposure of the municipality by a significant number of people.

The timing of the events, being 10am to 4pm, will encourage tourism in the area and add to existing tourist offerings which can lead to an increase in overnight stays in the area. This will increase tourist spending in Kinglake over weekend periods and greater utilisation of local hospitality and retail businesses.

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.*

The proposed trial and picnic will promote the protection of the environment. The proposal includes a self guided nature walk which includes information on post fire regrowth, habitat trees, types of ferns and water sources.

The proposed area to be used for the picnics is clear of any native vegetation that would be required to be removed.

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.*

The existing use of the land for agriculture will be able to continue in conjunction with the proposed use of the land. As included in the application, the land is currently used for sheep grazing which would be able to continue during the picnics. The proposal does not include any permanent additional permanent structure on the site. The land will not be permanently removed from agricultural uses at any time.

The surrounding land uses have been considered in the assessment of this application, particularly the current or potential agricultural use on the lot to the north. As shown in the application documents, the 'Option 1' the picnic area is 20 metres of the adjoining property to the north. For 'Option 2' the picnic area abuts a 20 metres road reserve to the south.

The applicant has proposed temporary screening to limit the impact the proposed use could have on the productive capacity of the adjoining property. The applicant has confirmed that they would have no intention of interfering with the existing agricultural use. There will be measures in place to ensure that trespassing does not occur as outlined by condition and a requirement for temporary fencing outlined by condition.

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 proposed use of the land is consistent with the strategic directions as it will provide for a unique tourism experience while showcasing the natural assets of the area. Furthermore, it will encourage overnight visitor accommodation, promote farming enterprises and support local businesses.

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 picnic and surrounding agricultural uses.

The application detailed methods to prevent the rubbish from blowing on to adjoining properties. Additionally, condition requires that a temporary fence be required to enclose the picnic area. This will prevent the trespassing of patrons onto adjoining lots and effectively

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 provided Event Management Plan and Fire Management Plan outline the proposed management of the site in relation to fire risks.

The application was referred to the Country Fire Authority who provided conditional consent to the application and did not raise any concerns.

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 dwelling (18 Extons Road) to the subject site is approximately 100 metres from the car parking area and 185 metres from the 'Option 1' picnic area and approximately 75 metres from 'Option 2' picnic area. Given that the event takes place between 10am to 4pm it is not considered that there will be an adverse impact from noise generated by the picnics on nearby residential uses.

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.

As discussed, there are significant buffers between the picnic sites and nearby residential uses.

The number of patrons and the size of the event has been taken into consideration. The provided management plan and conditions included in the officer recommendation are considered adequate to mitigate the offsite amenity impacts on residential uses from the event. The frequency, length and operating hours of the picnics have been taken into consideration.

Further, compatibility with nearby agricultural uses and the proposed picnics have been considered in the assessment of the application. It is considered that the picnics and surrounding agricultural uses will be compatible and minimal impacts on each other.

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 site continues to be used for sheep grazing throughout the duration of the picnics. As no permanent works will be required in association with the picnics the site will not be permanently removed from agricultural use.

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.

In addition to the direct monetary benefits to local groups as a result of the picnics, the event also allows the promotion of the area to visitors which is likely to have a flow on economic benefit to the area.

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 a picnic following a nature trail complement 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 a minimal section of the site. 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 picnics 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 and the application was accompanied by a comprehensive land management plan that promotes sustainable land 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, educational and a sports centre.

The proposed optional picnic areas have been sited towards the front of the subject land, in close proximity to existing buildings, ensuring the majority of the land will not be impacted by the development.

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 picnics will be accessed via the existing access on the subject land. The car park will be placed within the unused horse area. 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 of 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 development consists solely of temporary development which will not impact on soil quality or permanently remove the land from agricultural production. When either 'Option 1' or 'Option 2' areas are not in use for picnics they will continue to be used for agriculture.

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 site is located within close proximity to a range of uses including residential, education and a recreational reserve. 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 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 land is high quality agricultural land, covered by the Environmental Significance Overlay – Schedule 1.

The existing site access will be utilized with the development. Access to the site is located approximately 375 metres from the intersection of Extons Road with Whittlesea-Kinglake Road. Whittlesea-Kinglake Road is a major road. This access is considered a benefit to the location of the proposed picnic area.

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 proposed 'Option 1' picnic area is 100 metres from the closest waterway on the lot to the north. The waterway will be protected from any rubbish due to the inclusion of temporary fencing.

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

The proposed picnic sites are 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.

Significant land management has already occurred on the site. The proposal protects biodiversity by locating the picnic area away from the native vegetation on site. The native vegetation and biodiversity links into adjoining parklands are part of the proposal and while there is a risk opening access to these areas, there are significant benefits from an educational perspective which will lead to wider protection of biodiversity.

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. Given the lack of permanent development and nature of the events 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 picnic sites will not be connected to any utilities. The shed will be accessed by

using an existing driveway. No works will be required for the carpark as it will be located in the existing horse arena.

Clause 42.01 -5 Environmental Significance Overlay –Schedule 1

The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.

No vegetation is required to be removed as part of this proposed use and development.

Maintain the productive potential of high-quality agricultural land.

As discussed above, non-permanent nature of the proposed use will not impact the potential of the sites agricultural use. Conditions have been included in the officer recommendation to limit any potential impact the proposal may have on the productivity on surrounding and nearby agricultural uses.

Consider the suitability of high-quality agricultural land in the assessment of development proposals. Buildings or works are to be sited to avoid or minimise loss of good quality agricultural land.

No permanent buildings and works are proposed. The land will be able to return to being used for agricultural uses when the picnics are not occurring.

In considering any proposal, the responsible authority may consider the need for:

The preparation and approval of a whole farm plan to outline proposed and future development, identify agricultural opportunities on the land, and protect future agricultural potential of the land.

The application was accompanied by a Land Management Plan that outlines the existing and proposed management of the land over a 5 year period. The plan relates to maintaining grazing and shelter for stock, weed management, pest control and managing water related erosion risk.

The development will not change the existing use of the land, which is currently managed in accordance with the existing farm operations of the landowner.

The need to forward the application for comment to the Department of Primary Industries if the proposal may result in a major loss of productive agricultural land

The application was referred to the Department of Environment Land Water and Planning who did not object to the application.

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.

Clause 52.06 Car Parking

Pursuant to Clause 52.06, Car Parking is required to be provided at a rate of 0.3 spaces per patron. As 100 patrons are proposed, 30 car parking spaces are required. Car parking is to be provided within the existing horse arena. The application has been referred to Council's Development Engineer who is satisfied that this area can be used for car parking and will accommodate all patrons however there is additional car parking available on site, should this be required.

Discussion - Submissions

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

The land should be used for agriculture as the land is in the Farming Zone.

As discussed above, the application has been considered against the purpose of the Farming Zone. A range of non-agricultural uses can be considered in the Farming Zone. It is considered that this proposal will have minimal impact on the agricultural use of the subject site and surrounding agricultural uses.

The proposal will adversely impact on the agricultural use on adjoining properties.

The existing and potential agricultural potential of adjoining properties has been considered in the assessment of the application.

Does not meet the requirements for comprehensive and sustainable land management practices and infrastructure provision.

The application is consistent with sustainable land management practices and makes use of existing infrastructure.

Incompatible with adjoining uses – agricultural use will negatively impact the proposed use.

As discussed, it is considered that there will be sufficient buffers between the proposed picnic areas and agricultural uses. This includes a 20 metre setback, the inclusion of landscaping and temporary fencing.

Potential that rubbish will blow into adjoining property.

As discussed above, it is considered that the temporary fencing will prevent this from occurring. Additionally, the monitoring of the picnic areas will be undertaken and bins to be provided.

Potential that people will wander off tracks.

The walking on the public trails is not included in the application. However, it is not considered that the participants will be anymore likely to wander off tracks than other members of the public.

Road safety concerns.

As discussed above, it is considered that the subject site is well serviced by a sealed road maintained by council and in close proximity to Whittlesea-Kinglake Road.

Overlooking/Loss of privacy.

It is considered that there will be no loss of privacy to residential uses. The dwellings to the south are over 60 metres from the 'Option 2' picnic site and the closest dwelling to the north from 'Option 1' picnic site is 250 metres. There are also considerable buffers.

It is not considered that the privacy associated with agricultural use or the potential use of the site adjoining to the north for residential use are valid considerations. There is no application for a planning permit for the use or development of this site for a dwelling. However, it is noted that screen planting, temporary fencing, the buffers and frequency and length of events mitigate any potential impacts.

Food health and safety concerns.

The Officer Recommendation includes Condition 9 which requires that all food providers hold required licenses and approvals.

Inadequacy of parking/turning.

The application was assessed by Council's engineering department who have no concerns with the proposal. It is considered that there is sufficient space on the site for carparking. The Officer Recommendation includes Condition 19 which requires carparking to be signed appropriately and set aside for the use of car parking.

Traffic generation.

As discussed above, traffic generation from the event is considered to be minimal given the numbers of patrons to be at the site at any time. Further, the site is located close to a busy intersection which is well services and maintained.

Noise and disturbance.

As discussed above, the daytime hours, nature of the events and frequency have been considered in the assessment of any noise disturbance associated with the events. It is considered that these impacts are minimal and able to be accepted.

Misleading information being provided to council, breach of Environmental Health Department regulations, breach of Victorian Commission for Gambling & Liquor regulations, prospective compensation and awards of costs against the council, Negative impacts on other businesses in the area, That other uses that differ from what has been applied for will occur, this includes, an open air restaurant, amusement park, a licensed bar and the sale of packaged liquor.

These are not valid planning considerations. The assessment is only in relation to the application as it has been applied for.

Conclusion

It is considered that the use and development of the land for a place of assembly are appropriate, and any adverse impacts can be mitigated by the inclusion of conditions included in the officer recommendation. The proposal will support economic development, tourism promotion and environmental education. The proposed picnic areas have been 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 place of assembly is consistent with the provisions of the Murrindindi Planning Scheme.

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” and “To create a better place for our community and visitors to live in harmony with our rural character, natural beauty and heritage”.

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

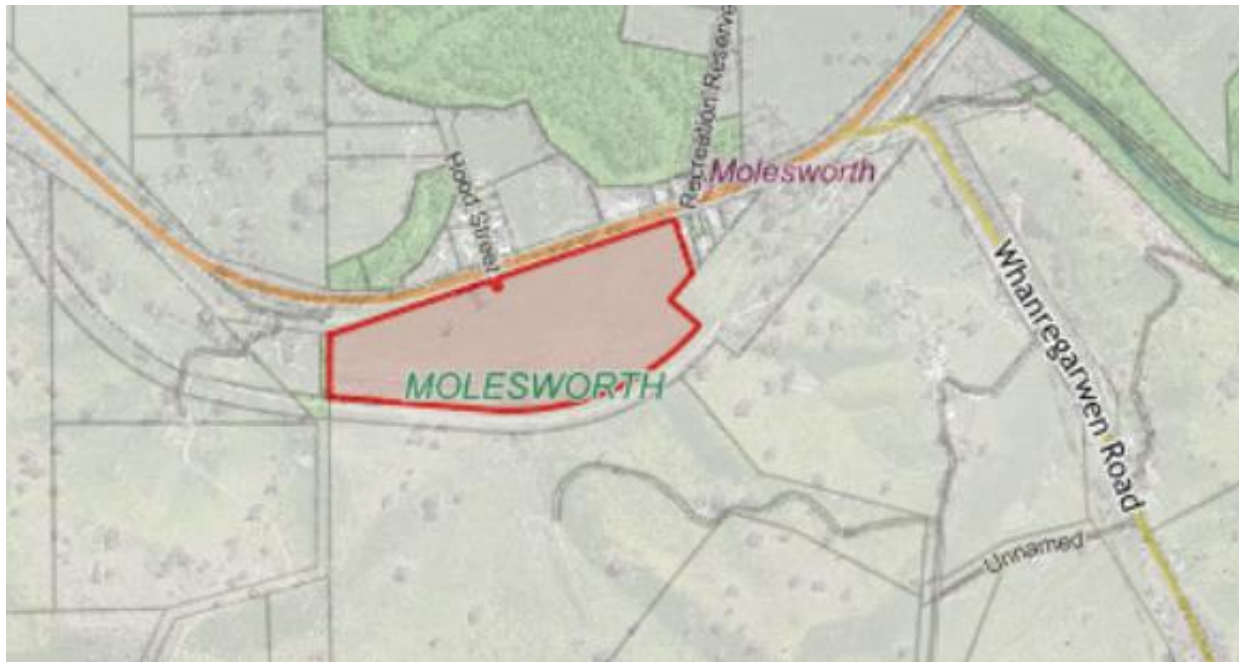
There are no declared conflicts of interest by Council officers in relation to this report.

4.2 Planning Application - Use and Development of Land for a Dwelling - 1565

Attachment(s)	Attachment 1 - Use and Development of the Land for a Dwelling - 1599 Whanregarwen Road, Molesworth [4.2.1 - 82 pages]
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision
Land:	1565 Whanregarwen Road, Molesworth
Proposal:	Use and Development for a purpose of a single dwelling
Applicant:	Conlan Hamilton (Croydon) Pty Ltd
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Environmental Significance Overlay – Schedule 1, Land Subject to Inundation Overlay and Floodway Overlay
Triggers:	Clause 35.07 - Farming Zone - Use of land for a dwelling on a lot under 40 hectares Clause 35.07 - Farming Zone - buildings and works associated with a Section 2 Use, earthworks and for buildings: <ul style="list-style-type: none"> - within a 100m of a waterway or floodplain - within a 100m of a dwelling not in the same ownership

- within a 100m of a Road Zone, Category 1.
- Clause 44.06 - Bushfire Management Overlay - Buildings and works associated with accommodation
- Clause 42.01 - Environmental Significance Overlay – Schedule 1 - Buildings and works associated with accommodation
- Clause 44.04 - Land Subject to Inundation Overlay - Buildings and works associated with accommodation
- Clause 52.29 Land Adjacent to a Road Zone, Category 1 - alter access to a road that is a Category 1 Road.

Locality Plan





Executive Summary

This report recommends that a notice of decision to grant a permit be issued for the use and development of land for a dwelling at 1565 Whanregarwen Road, Molesworth (Lot 3 TP:10492).

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for use and development of the land for the purpose of a dwelling at 1565 Whanregarwen Road, Molesworth (Lot: 3 TP: 10492), subject to the following conditions:

1. Prior to the commencement of buildings and works, updated plans must be provided and approved by the Responsible Authority. Such plans must be generally in accordance with the plans provided but amended to show:
 - a. Screen planting along the eastern boundary property for purpose of screening from the residential dwelling to the east. Along with the proposed timing of the planting of the screen vegetation.
 - b. A suitably defined and fenced domestic zone around the dwelling with the remainder of the land to be shown for agricultural use. The domestic zone must not exceed 5000 square metres and must not extend beyond 85 metres from the eastern boundary or 80 metres from the northern boundary
2. Prior to the use of the dwelling, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:
 - a. Prohibition of any additional dwelling or subdivision which increases the number of lots in accordance with Condition 21 of this planning permit.
 - b. No domestic buildings or works are to occur outside the defined domestic zone

The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Council will undertake to have the Agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

3. Prior to the commencement of use, an updated street address to reflect access from Goulburn Valley Highway must be approved and displayed on site to the satisfaction of the Responsible Authority
4. 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.
5. A copy of this planning permit must be provided to any new landowner.
6. All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
7. On the construction of the dwelling a water system shall be provided to accommodate a total minimum of 45,000 litres for domestic purposes.
8. All stormwater and surface water discharging from the buildings and works must be conveyed to a point of discharge, approved by the Responsible Authority. Stormwater discharge from downpipes or overflow from storage tanks and surface water must not be directed or caused to be directed in a concentrated form that causes erosion and/or adverse effects within the site or to adjoining and neighbouring land.
9. Driveway culverts must be constructed to handle runoff for 1 in 100 year flood event.
10. Only one access shall be permitted from the subject land to the Goulburn Valley Highway located as shown on the site plan appended to the application.
11. Prior to the occupation of the dwelling, the crossover and driveway are to be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria in accordance with VicRoads.
12. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

Country Fire Authority

13. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have

force and effect after the development authorised by this permit has been completed.

14. The Bushfire Management Plan – Lot 3, 1599 Whanregarwen Road, Molesworth (prepared by Millar Merrigan, drawing no. 27379 BMP1, dated July 2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Goulburn Broken Catchment Management Authority

15. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 171.6 metres AHD, i.e. 171.9 metres AHD, or higher level deemed necessary by the responsible authority.
16. Any proposed buildings, including sheds, must be located at least 30 metres from any designated waterways
17. Any proposed septic systems, including effluent fields, must be located at least 60 metres from any designated waterways.
18. The Applicant must prepare a flood response plan that allows for the evacuation of guests and staff in the event of flooding along the Goulburn River. Such a plan should be linked to upstream river gauges on the Goulburn River, and be prepared by a suitably qualified consultant who has been accredited by the Victoria State Emergency Service as a Level 2 Flood Analyst.
19. The Applicant is required to enter into a Section 173 Agreement under the *Planning and Environment Act 1987* with Murrindindi Shire Council stating that you acknowledge that the property cannot be subdivided, and multiple dwellings are not permitted on the property. All costs associated with such an agreement will be borne by the applicant.

Permit Expiry

1. The 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.

The Land and Surrounds

The subject site is located to the south of Goulburn Valley Highway within the main activity area of the township of Molesworth that was described in the *Murrindindi Small Towns Study 2005* as follows:

Molesworth is a small rural settlement located on the Goulburn Valley Highway, approximately 10 kilometres north east of Yea. It is located in the valley of the Goulburn River, which runs to the north of the main activity area of the district where community facilities and a number of businesses are located.

The main activity area itself comprises a Hotel/Motel, General Store, Community Hall, CFA building and a number of houses that front the Highway. There are only two established roads

that intersect with the Highway in this area, the road leading to the Caravan Park and Recreation Reserve and Hood Street, which leads to the new CFA building.

The 11 hectare site is irregular in shape with a 590 metre frontage to Goulburn Valley Highway. The site is undeveloped and cleared with some scattered paddock trees. The site is currently used for grazing cattle.

The site abuts the rail trail to the south, a church to the west and residential uses and Molesworth Hall to the east. To the north of the site is the Molesworth Hotel/Motel, residential uses and the Molesworth Caravan Park.

The entire township of Molesworth is in the Farming Zone and prone to flooding. The town is divided by the Goulburn Valley Highway that connects Alexandra to Yea. The town consists of a hotel/motel, caravan park, church, hall and takeaway shop and a number of houses along the Goulburn Valley Highway and Hood Street which is located opposite the site towards the centre of the frontage of the land.

Background

The subject site is part of a larger property holding of agricultural land which is not included in this application. The subject site has never been developed and has been used for agricultural uses in conjunction with other land holdings.

The town of Molesworth was previously in the Rural Zone. In 2006, Amendment C18 rezoned all land in the Rural Zone into the Farming Zone. This amendment implemented the government's commitment to introducing new zones in Victoria's rural areas. The amended zones were designed to better reflect land use expectations. The Rural Zone allowed for alternative uses such as retail to occur which is prohibited in the Farming Zone in its current form. While the new zoning generally reflects land use expectations, pockets of land throughout the state still exist where the zoning of the land does not reflect the well-established character of an area.

The explanatory report to this amendment outlines that this occurred due to 'concern that the rural zones did not adequately recognise the importance of agriculture leading to increased land use conflicts by allowing a range of non-agricultural uses to be established in rural areas'.

While the previous zoning does not guide decision making with this application it provides the context for the development of the township of Molesworth.

Proposal

The proposal is for the use and development of the land for the purpose of a dwelling. Plans of the proposed dwelling show:

- 9 bedrooms
- 5 bathrooms
- 3 separate toilets
- Study
- Rumpus Room
- Open plan kitchen and living area
- A triple car garage
- Alfresco area to the rear of the dwelling
- 5 car parking spaces.

The dwelling has been sited in the north-eastern corner of the site, 22.5 metres from the front boundary and 25 metres from the site's eastern boundary. Access will be located along the frontage in the proposed domestic zone from the Goulburn Valley Highway. Although

considerably larger than existing residential development, the proposed dwelling has been sited close to the existing boundaries. The proposed siting of the dwelling will have the characteristics of the existing residential development in the township rather than a rural living type appearance. The applicant has included that they would intend to use the dwelling as a bed and breakfast. In the Farming Zone the use of the dwelling for a bed and breakfast does not require a planning approval if it meets the following two conditions:

- *No more than 10 persons may be accommodated away from their normal place of residence.*
- *At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.*

The application was accompanied by:

- A Site Plan
- Floor plans and elevations of the dwelling
- A Planning Report addressing the provisions of the Murrindindi Planning Scheme
- Land Capability Assessment
- Bushfire Management Statement and Plan.

The existing agricultural use of the land consists of land management and the grazing of cattle which has not been proposed to change.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. However, as the application is for the use and development of a single dwelling, 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:

- Notice to adjoining and nearby neighbours

The three objections received for the application can be summarised as follows:

- Impacts on the residential use of the land to the east
- The location of the carpark
- The intended nature of the use of the dwelling for a bed and breakfast
- Noise impacts
- Visual impacts
- Scale of the dwelling
- Location of the dwelling
- The impacts on the character of the town
- Concerns in regards to effluent disposal
- Drainage concerns.

To address the community responses, the applicant has agreed to the following changes to the proposed plans:

- Increase the setback of the dwelling on the site to increase the separation from the existing dwelling to the east
- Provided a landscape buffer along the frontage to reduce the visual impact from the highway and the hotel over the road
- Provide a landscape buffer on the eastern boundary to improve separation from the existing dwelling.

As a result of these changes, one objection was withdrawn and two objections remain.

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

Referrals

The application was referred to the Department of Transport, Country Fire Authority and Goulburn Broken Catchment Management Authority.

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 11.01-1S Settlement

It is the objective of this planning policy to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies to achieve this include:

- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Plan for development and investment opportunities along existing and planned transport infrastructure.

The basis of *Clause 11.01-1s Settlement* of the Murrindindi Planning Scheme is to promote sustainable growth in Victoria by guiding the structure and development of settlements throughout the state. Molesworth is considered to be a regional town which is characterised by its agriculture and proximity to the Goulburn River. The proposed dwelling is in line with the pattern of residential and agricultural use within the township of Molesworth and surrounds. Many of the active farming properties contain dwellings for the landowner to better manage their agricultural uses

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 native vegetation or biodiversity.

Clause 13.02-1S Bushfire Planning

This 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 application was accompanied by a Bushfire Management Statement that was reviewed and approved by the Country Fire Authority.

The application was referred to the Country Fire Authority who provided conditional consent to the application and did not raise any concerns.

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 development and agricultural uses 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 proposed development will be located away from the natural drainage lines of the site, and any wastewater from the dwelling will be appropriately managed by a wastewater treatment system as supported by the Land Capability Assessment.

The initial plans submitted with the application were referred to the Goulburn Broken Catchment Management Authority who objected to the proposal. Following the public notice period, the applicant has amended plans to address the flooding issues raised by the GBCMA as well as the amenity issues raised by neighbours. Following receipt of the amended plans, the GBCMA have withdrawn their objection and provided amended conditions which are included in the recommendation.

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.

The proposed dwelling is within the main activity area of the town and is located close to an existing residential dwelling. The domestic zone for the dwelling does not abut agriculturally used adjoining properties and it is considered that there are no land use compatibility concerns between the proposed residential use with agricultural uses.

Clause 14.01-1 Protection of agricultural land and Clause 14.01-2S Sustainable agricultural land use

Clause 14.01-1 Protection of agricultural land aims to protect productive farmland that is of strategic significance in the local or regional context. This is to be achieved by:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

- Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.
- Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land*
- *Assessment of the land capability.*

Planning for rural land use should consider:

- *Land capability*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

Clause 14.01-2S Sustainable agricultural land use aims to encourage sustainable agricultural land use. To be achieved by:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.*

Clauses 14.01-1 Protection of agricultural land and 14.02-2S Sustainable agricultural land use both relate to the site as its use for both a dwelling and agriculture; that use and development should not adversely affect soil quality or permanently remove all land from agricultural production nor will it adversely limit the operation/expansion of adjoining and nearby agricultural uses.

The proposed dwelling has been sited away from any adjoining or abutting properties used for productive agriculture. The domestic zone (measuring approximately 4.5% of the subject site) proposed for the dwelling adjoins residentially used and developed land with the remainder of the property adjoining the rail trail. This area of land to be used for domestic uses is already limited in its agricultural uses given the proximity of residential uses.

It is noted that the agricultural use is not proposed to be intensified or ceased as a result of the proposed dwelling. The applicant has not advised that the dwelling is required for further agricultural use or land management.

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 consented to the proposal as well as Council's Environmental Health Unit who have provided consent subject to conditions which would ensure wastewater resulting from the proposal will be appropriately managed. It is considered that the proposal meets the objective of this clause.

Clause 15.01-6S Design for rural areas

This planning policy aims to ensure development respects valued areas of rural character. This is to be achieved by:

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

Clauses 15.01-6S Design for rural areas and 16.01-5s Rural residential development ensure that development in rural areas does not affect the agriculture in the area, and that it does not negatively affect the visual amenity of the landscape. The proposed dwelling and domestic zone contains a relatively small footprint (approximately 5%) on the site and is situated away from the roadside towards the rear of the property and will be single storey. The colour scheme is proposed to be in muted tones that will not detract from the landscape.

Clause 16.01-5S Rural residential development

The objective of this planning policy is to identify land suitable for rural residential development. To be achieved by the management development in rural areas to protect agriculture and avoid inappropriate rural residential development.

The location of the site, adjoining and abutting the main activity area of the township of Molesworth (despite being zoned Farming) is quite unique. The site is bound to the south by the Great Victorian Rail Trail. This significant piece of Tourism Infrastructure separates the site from the remainder of the property. The suitability of this land for Farming needs to be appropriately considered against potential land use conflict with the surrounding dwellings and commercial land uses. It is considered in this instance that the siting of the dwelling as it is proposed will appropriately respond to the existing character of the township area and will retaining the maximum area of land available which can continue to be used for agricultural production.

Clause 17.04-1S –Facilitating Tourism, Clause 17.04-1R Tourism – Hume

Clause 17.04-1S –Facilitating Tourism is state policy that aims to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive tourism destination. Regional planning policy, Clause 17.04-1R Tourism aims to, facilitate rural tourism activities that support agricultural enterprises such as cellar door and farmgate sales and accommodation in appropriate locations.

The proposal is for a dwelling that is intended to be used as a bed and breakfast. The use of the land for accommodation for people away from their permanent place of residence supports tourism in the region. Given the proximity to the Great Victorian Rail Trail and the Goulburn River the dwelling has the capacity to promote the municipality.

Clause 35.07 Farming Zone

Pursuant the Clause 35.07 of the Murrindindi Planning Scheme the subject site is contained within the Farming Zone.

The purpose of the Farming Zone includes:

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

Decision Guidelines

An assessment of the proposal against the decision guidelines of the Clause 35.07 of the Murrindindi Planning Scheme is as follows:

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

The land is of a suitable size dispose of wastewater as outlined in the provided Land Capability Assessment) and allow the establishment of a dwelling. The application was referred to Council's Environmental Health Department who have supported the proposal subject to conditions.

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

Full time onsite management of the subject site will assist in reducing land degradation through pest and weed control.

The proposed use and development of the land for a dwelling is considered compatible with surrounding land uses which comprises of smaller sized rural residential lots containing dwellings.

The proposal is not considered to limit the operation or expansion of any existing farms given the positioning of the proposed dwelling and immediately adjoining land uses (rural residential).

While the environmental values of the site are classified as high agricultural quality, consideration must be given to the application as whole. When considering the application in its entirety, Council must also consider the size of the site, adjacent land uses and nearby dwellings and how this could limit opportunities for agricultural use on the site.

Therefore, it is considered that the proposed use and development will maintain the current agricultural use of the land. The location of the proposed dwelling is consistent with the existing character of the township area while retaining the balance of the land to be usable for productive agriculture.

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

The new dwelling will not result in the loss or fragmentation of viable agricultural land. The property is neighboured by similar sized properties used for rural residential purposes.

The proposed domestic zone will be limited to 5,000 square metres which is under 5% of the total site area.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Whilst the size of the property does not allow for substantial agricultural operation it is proposed to establish a farm use on site that will make effective use of the site's topography, and the dwelling will have a relatively small footprint on the site's overall use.

The dwelling will not be adversely affected by agricultural activities on adjacent and nearby land, given the character of adjoining uses being either residential, the Goulburn Valley Highway or the Great Victorian Rail Trail. The siting of the proposed dwelling allows for considerable setbacks to be achieved from agricultural uses on adjoining properties.

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

As discussed above, the subject site is located within the township of Molesworth. The town was established in the 1800s and was the result of the proliferation of dwellings.

This land is surrounded by small allotments used for residential and commercial uses and is isolated from larger farming land by the Great Victorian Rail Trail and as such the proposal will impact on surrounding agricultural uses.

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

It is considered the proposal will not adversely impact upon the natural physical features and resources of the area. An appropriate regime for the management of onsite effluent and wastewater disposal will be undertaken in accordance with the EPA and Council requirements to minimise the environmental risks, as laid out in the land capability assessment.

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

No native vegetation is proposed to be removed as part of the application.

Further to the above there is potential for future occupiers of the property to undertake weed and vermin management to facilitate an environmental gain for the site.

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 direct or indirect removal of any native vegetation.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The proposal ensures the effluent disposal system can be contained within the lot boundaries. The effluent field is 600 square metres and not located within close proximity to any native vegetation. The proposed effluent system and Land Capability Assessment have been assessed by Council's Environmental Health Department and the Goulburn Broken Catchment Management Authority who are satisfied that there will be no impact on waterways.

Design and siting issues

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

As discussed above, due to the size for the allotment and surrounding development, the siting of the house will not present adverse impacts on surrounding agricultural land or represent a loss of productive land.

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

The proposed dwelling will be located within the western portion of the site and is unlikely to present adverse amenity impacts. The proposed materials and finishes, provides a sympathetic design response to the surrounding landscape and surrounding built form.

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

The proposed siting of the dwelling is considered appropriate and in keeping with the character of the area.

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

Access to the dwelling will be provided via a new crossover and short driveway from Goulburn Valley Highway. It is considered that this will minimise the land being removed from agricultural use.

Whether the use and development will require traffic management measures.

While the site is located on the Goulburn Valley Highway, it is located within a 60km/h zone and very straight. The application was referred to the Department of transport and received conditional consent.

Clause 44.04 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 provided conditional consent. Conditions have been included from the GBCMA that mitigate the risks associated with the development and are included in the recommendation.

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'.

As the proposed buildings will be sited outside of the Floodway Overlay, a planning permit is not required under the provisions of the Overlay.

Clause 44.06 - Bushfire Management Overlay

The purpose of this overlay which is detailed at Clause 44.06 of the Murrindindi Planning Scheme 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 referred to the Country Fire Authority and received conditional consent. The dwelling will be required to be constructed to the Bushfire Attack Level (BAL) of 12.5 which is considered low risk.

Clause 42.01 -5 Environmental Significance Overlay –Schedule 1

An assessment of the decision guidelines of Schedule 1 to Clause 42.01-5 of the Murrindindi Planning Scheme is detailed below:

The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.

No vegetation is required to be removed as part of this proposed use and development.

Maintain the productive potential of high-quality agricultural land.

The proposed dwelling is located within the existing rural township in close proximity to existing residential uses. It is considered that the agricultural activities on the subject site and surrounding sites will not be impacted.

Consider the suitability of high-quality agricultural land in the assessment of development proposals. Buildings or works are to be sited to avoid or minimise loss of good quality agricultural land.

The dwelling has been sited to reduce the impact on the agricultural land. The domestic area is close to the road and other dwellings and will remove a minimal area from agricultural use.

In considering any proposal, the responsible authority may consider the need for:

The preparation and approval of a whole farm plan to outline proposed and future development, identify agricultural opportunities on the land, and protect future agricultural potential of the land

The application discusses the intention for the use of the land for a farm stay in association with the bed and breakfast. It was not considered that a whole Farm Plan was required in this instance given the characteristics of the site. Whether a Farm Plan is required is at the discretion of the Responsible Authority.

The need to forward the application for comment to the Department of Primary Industries if the proposal may result in a major loss of productive agricultural land

The application was referred to the Department of Environment Land Water and Planning who did not object to the application.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

The purpose of this particular provision of the Murrindindi Planning Scheme is to ensure appropriate access to identified roads.

As per Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road a permit is required to create or alter access to a road that is a Category 1 Road. As Goulburn Valley Highway is classified as this type of road, a permit is required to create or alter access, in the case of the proposal, a driveway access.

The application has been referred to the Department of Transport who initially requested additional plans showing the removal of an internal footpath from the front of the site to the dwelling. Amended plans were forwarded to DoT in October 2021 and no additional response has been received. While officers' preference is to have a response prior to deciding on an application, it is considered appropriate for a decision to be made. general conditions requiring the permit holder to have vehicular access approved by the Department of Transport prior to the commencement of use should be included on any permit issued.

General Provisions

Discussion - Submissions

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

The location of the carpark

The proposed car parking area is located along the eastern site boundary beside the proposed dwelling. This has been supported by the GBCMA and will be required to be screened to minimise visual impact.

The intended nature of the use of the dwelling for a bed and breakfast

The use of land for a bed and breakfast is not proposed however it is noted that a planning permit is not required for the use of land for a bed and breakfast provided no more than 10 people are accommodated away from their normal place of residence.

Noise impacts

Despite being in the Farming Zone, residential and commercial developments adjoin or abut the property on two sides. It is considered by officers that the proposed use of the site for a dwelling is unlikely to lead to significant noise impacts.

Visual impacts

The applicant has prepared a concept landscaping plan showing screen planting to be done along the eastern boundary and the northern boundary in front of the dwelling. This, offset by large setbacks will minimise the visual impacts of the proposed dwelling from adjoining properties while still being significantly set back from the Rail Trail which runs along the site's southern boundary

Scale of the dwelling

Officers acknowledge that the dwelling is large, especially in comparison to other dwellings within the Molesworth Township. While this is acknowledged, landscaping and greater setbacks have been accommodated for to reduce this impact on character of the area.

Location of the dwelling

The current location of the dwelling has been amended from its original location to address the concerns of adjoining landowners as well as the Goulburn Broken Catchment Management Authority who raised concerns in relation to flooding and floodplain management.

Concerns in regards to effluent disposal

The application has been referred to Council's Environmental Health Department who have consented to the proposal subject to Conditions.

Drainage concerns.

The application has been referred to Council's Development Engineer who has consented to the proposal subject to conditions

Conclusion

It is considered that the use and development of the site for a dwelling on the subject site is appropriate. The proposal has addressed the provisions of the zones and overlays and will allow for residential use within an existing settlement. The flood, fire and agricultural considerations have been sufficiently addressed by the proposal. On the balance, it is considered that the use and development of the site for dwelling 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 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

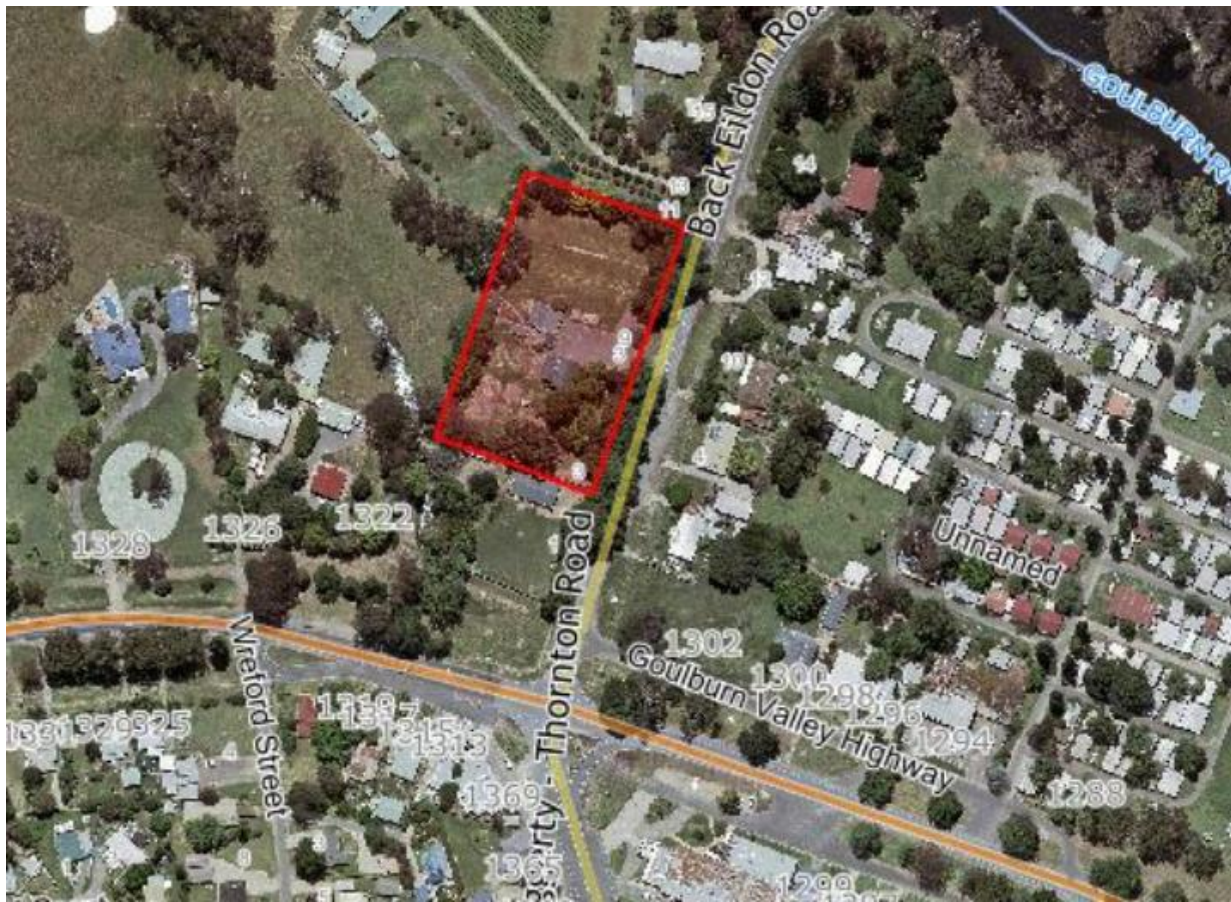
There are no declared conflicts of interest by Council officers in relation to this report.

4.3 Planning Application - Use and Development of the Land for Group

Attachment(s)	Attachment 1 - Use and Development of the Land for Group Accommodation - 3 Back Eildon Road, Thornto [4.3.1 - 18 pages]
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision
Land:	3 Back Eildon Road
Proposal:	Use and development of the land for group accommodation
Applicant:	Bell Legal and Planning
Zoning:	Township Zone
Overlays:	Heritage Overlay, Floodway Overlay
Triggers:	Clause 32.05 - Township Zone – Use of land for group accommodation Clause 32.05 - Township Zone – Buildings and works associated with a Section 2 Use Clause 43.01 - Heritage Overlay – Building and works

Clause 44.03 - Floodway Overlay – Building and works

Locality Plan





Executive Summary

This report recommends that a notice of decision to grant a permit be issued for the use and development of the land at 3 Back Eildon Road, Thornton.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for the use and development of group accommodation at 3 Back Eildon Road, Thornton (PC: 380245), subject to the following conditions:

- 1) Before the development 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 generally in accordance with the landscape concept plan lodged with the application. The 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 group accommodation approved by this permit must not exceed 4 cabins with a total maximum occupancy of four people per cabin and 16 people in total**
- 4) The cabins must not be used as a permanent place of residence**
- 5) All external cladding including the roof and trims of the building must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority**
- 6) 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**
- 7) 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**
- 8) Prior to commencing construction, a suitably prepared engineering plan detailing the proposed driveway, earthworks and drainage, including erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.**
- 9) All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties.**
- 10) The approved works must not cut off natural drainage to adjacent properties.**
- 11) 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**
- 12) Prior to the commencement of use or the occupation of the development starts, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority**
- 13) Car spaces, access lanes and driveways must be kept available for these purposes at all times**

- 14) Before the building is occupied 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.

Goulburn Broken Catchment Management Authority

- 15) The proposed cabins must be located on land which floods to a depth of no greater than 0.5 metres. Revised plans which demonstrate that cabins are not located on land subject to flood depths greater than 0.5 metres during a 100-year ARI (1% AEP) flood event must be submitted to the Goulburn Broken CMA for its consideration and approval prior to Council's endorsement of a planning permit.
- 16) The finished floor level of the proposed cabins must be constructed at least 300 millimetres above the applicable 100-year ARI flood level, or higher level deemed necessary by the responsible authority. Revised plans which nominate the finished floor levels of each cabin must be submitted to the Goulburn Broken CMA for its consideration and approval prior to Council's endorsement of a planning permit.

Planning Permit Expiry

The 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.

Notation:

1. Council encourages the retention of the mature trees where possible.

The Land and Surrounds

The subject site is rectangular in shape and 7,800m². The frontage to Back Eildon Road measures 115 metres with a depth of 68 metres.

The site was previously used as a primary school and contains an old school building which is now used as a café. This building is considered to be of local historical significance and protected under the Heritage Overlay. The site also contains a toilet block, kitchen and office all associated with the use of the land for a café. There is also a bitumen basketball court which provides for seating associated with the café along with a sheltered area. Additionally, the oval from the use of the land for a primary school has remained undeveloped. The site contains significant established native and exotic vegetation. Screen planting has recently been planted along the frontage of the site.

The use of the site for a café commenced in November 2020 following planning approval being granted in October 2020. There have been some minor changes to the site with the building being painted, the installation of a new septic system and minor works to construct car parking spaces. None of these works required planning approval.

The subject site has four direct abutments, three of which are of similar size and are residential properties. Abutting the site to the west is an agricultural lot of approximately 49 hectares. There are five properties on the eastern side of Back Eildon Road which face the subject site.

The area can generally be characterised as a small mixed-use township, with residential and commercial uses throughout the town. Thornton consists of a population of approximately 300 people (2016 census) and includes a butcher, general store, Rubicon Hotel-Motel, Goulburn River Lodge, a memorial hall, a caravan park, petrol station, recreation reserve and some food and drink premises. The town is located on the Goulburn Valley Highway which is a major thoroughfare for tourists visiting Lake Eildon or Rubicon Valley.

Background

The subject site was previously zoned Public Use Zone – Schedule 2 (PUZ2). The PUZ2 identifies public land used for educational purposes. The use of the site for Thornton Primary School ceased in 2013. The site was rezoned in 2018 by the State Government to Township Zone.

A planning permit for the use of the land for a café was received in July 2020. The application was referred and advertised to 25 neighbouring properties. Three objections were received which were unable to be resolved. Accordingly, the application was required to be determined by councillors at a meeting of Council. Council officers recommended approval of the application subject to conditions. Council determined to issue a Notice of Decision to issue a planning permit for the proposed use. The decision was not appealed and planning permit 2020/103 was issued on 12 October 2020. The use of land for a café commenced in November 2020. There is a current application with Council to allow for an amendment of this permit for an extension of hours and patron numbers.

An application for a General Liquor License was determined at the October meeting of council. Council officers recommended approval of the application subject to conditions. Council determined to issue a Notice of Decision to issue a planning permit for the General Liquor License. A Planning Permit 2021/170 for a General Liquor License was issued on 29 November 2021.

Proposal

It is proposed that 4 units be constructed for the purpose of group accommodation. The units are proposed to be located in the south western corner of the site. The units will be accessed by an extension to the existing driveway. The units will be connected to the existing effluent disposal system.

Unit 1 is proposed to be one bedroom and units 2 – 4 to be two bedrooms. Plans of the units show that each unit will contain:

- Bathroom
- Separate toilet
- Loungeroom
- Verandah
- A carparking space.

The application was accompanied by the following documents:

- A Preliminary Heritage Assessment Test
- Site Plans
- Floor plans and elevations
- A planning report addressing the Murrindindi Planning Scheme.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. A Preliminary Aboriginal Heritage Test was provided that confirmed that a Cultural Heritage Management Plan (CHMP) was not triggered by the development. 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:

- letters to adjoining and nearby property owners and occupiers

Following the notice period, 1 submission of support and 4 objections were received.

The grounds of objection can be summarised as follows:

- Additional units will change in character of the property
- No onsite manager to supervise patrons
- Noise impacts
- Non-compliance with current planning permit
- Car parking availability
- Traffic impacts
- Hours of operation particularly for fishers.

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 and to a Heritage Consultant.

Internally, the application was referred to the Environmental Health Unit and the Engineering Unit.

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)

The planning scheme outlines the overall vision for the municipality. This includes:

- Council seeks to enhance the liveability, amenity and quality of life in the municipality
- Council will facilitate sustainable population and economic growth
- The municipal rate base will be actively grown through sound planning, support for continued economic development and protection of the natural and built environment
- 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.

The proposed use of land for group accommodation will increase the exposure of the municipality.

Amenity impacts are considered to be assessed as part of the development.

Clause 02.03 (Strategic Directions)

This local planning policy requires the consideration of the economic development policies in making a determination of planning permit application. Council supports the following strategies to promote economic development:

- 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 visitor accommodation and farm enterprises and markets that showcase local produce.

The use of the land for group accommodation is located within close proximity of Murrindindi Shire's natural assets such as Goulburn River, Rubicon Forest and Lake Eildon. The proposal will promote and provide access to these natural assets to promote tourism.

Clause 13.07-1S (Land use compatibility)

Planning decisions must take into consideration Clause 13.07-1S (Land use compatibility) policy which requires the Responsible Authority to, 'safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects'.

To meet this objective, council officers must consider whether the proposed land use is appropriate for the existing functions and character of the area. Land use compatibility concerns can be reduced by directing land uses to appropriate locations and using a range of building design, urban design, operational and land use separation measures.

The proposed use of the land for group accommodation is compatible with the commercial and residential characteristics of the area. Given the proposed setbacks of the development and required landscaping there will be a considerable buffer between this use and the neighbouring residential uses. Furthermore, the small scale of the proposed group accommodation will limit any amenity impacts to surrounding residential uses.

Clause 17.03 - 1S (Tourism)

The objective of this planning policy is 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.

The proposal is consistent with the above objectives of state policy relating to tourism. There will be increased exposure of the municipality which may result in additional visitation to the area. The experience provided by this type of use is sought after and its close proximity to Melbourne will make it an accessible rural tourist experience.

Clause 35.07 - Township Zone

The purpose of the Township Zone is:

- to provide for residential development and a range of commercial, industrial, and other uses in small towns
- to encourage development that respects the neighbourhood character of the area

- to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The Township Zone falls under the overriding categorisation as a Residential Zone. However, it differs from other residential zones in what is permitted and encouraged. Township Zones are generally in smaller townships whereby services are located in closer proximity to residential uses than in larger towns.

The decision guidelines for assessing this proposal include:

- the protection and enhancement of the character of the town and surrounding area including the retention of vegetation
- in the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*
- the effect that existing uses on adjoining or nearby land may have on the proposed use
- the safety, efficiency and amenity effects of traffic to be generated by the proposal.

The proposed units will result in the removal of two trees on the site. The removal of these trees does not require planning approval.

The units have been situated behind the existing heritage building. The design will not adversely impact on the character of the town and locality.

The site and existing wastewater system is considered to have the capacity to treat the additional wastewater generated by the proposed use and development. The application has been referred to Council's Environmental Health Unit who are supportive of the proposed wastewater system. The applicant will be required to maintain and use the system as per the manufacturers recommendations.

The site is located in close proximity to both residential uses and commercial uses. It is not considered that these uses will negatively impact the proposed use given the buffers and landscaping requirements.

The proposed development site is located in close proximity to land in the Farming Zone. However, it is considered that this land is already limited by surrounding residential uses. The potential of farming enterprises on this lot is already limited and will be unlikely to intensify to a level that will impact on the group accommodation use of the property.

Clause 43.01 - Heritage Overlay

The purpose of the Heritage Overlay is to conserve and enhance those elements which contribute to the significance of heritage places and ensure that development does not adversely impact on the significance of heritage places.

The subject site is covered by the Heritage Overlay. *Murrindindi Shire Stage 2 Heritage Study (revised 2008)* outlines the significance of the site and buildings. The Thornton schoolhouse, which is now used for the café, is a two-room weatherboard building with a corrugated iron roof built in two phases. The smaller room, now on the west side, was constructed in 1902 and moved to the present site in 1923. At that time a much larger room was added on the east side and decorative flourishes added to integrate the two building phases. In comparison with other schoolhouses in Murrindindi Shire, this is the earliest one identified (the 1902 section). It is also very intact, with not post-1923 changes noted. The site is considered to be of local historic, social and aesthetic significance to the shire.

The proposal will be located in an area away from the significant buildings and the mature oak tree which is identified in the Heritage Study. It will however involve the loss of two mature planted trees. Mature trees are referenced in the statement of significance. The building design is low key and generally compatible with the significant buildings.

Council Officers sought advice from heritage consultant, Nigel Lewis in relation to the proposal. He has provided the following comments:

- *The proposal will be located in an area away from the significant buildings. It will however involve the loss of two mature trees. Mature trees are referenced in the statement of significance. As no arborist report has been provided, the removal of two mature trees is considered unacceptable*
- *The building design is low key and generally compatible with the significant buildings.*

While the comments of the Heritage Advisor are noted, the overlay in this instance does not trigger the need for a planning permit for the removal of the two trees which could be consequently required to be removed because of this proposal.

Clause 44.03 - Floodway Overlay

The purpose of the Floodway Overlay 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 site is entirely within the Floodway Overlay. The application was referred to Goulburn Broken Catchment Management Authority (GBCMA) who initially consented to the original application which proposed six units. This consent however contained conditions that were unable to be complied with. Following a revision of the plans to reduce the number of units to 4 and some minor re siting, the amended plans were forwarded to GBCMA who have since provided an amended response with updated requirements. The GBCMA are supportive of the proposal, subject to conditions, which are included in the recommendation.

It is considered that the proposal is consistent with the purpose and decision guidelines of the Floodway Overlay.

Clause 52.06 - Car Parking

The purpose of Clause 52.06 is 'to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality'.

Clause 52.06 requires one car parking space for each proposed unit. Each of the accommodation units are provided with one car parking space alongside the units is a location proximate to the entrance to each unit. This is in addition to existing car parking on site. This is consistent with the requirements of the planning scheme.

Discussion - Submissions

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

The grounds of objection can be summarised as follows:

Additional units will change in character of the property

The use of land for various forms of accommodation is encouraged in the Township Zone. Land to the east behind the properties on the eastern side of Back Eildon Road is currently used for a well-established caravan park. While the proposed use does change from the previous uses as well as the current use of the land, this is not considered by officers to be character changing to a point of refusal of the application.

No onsite manager to supervise patrons

The use of land for accommodation purposes can operate under many different management structures. While an onsite manager provides a level of supervision of guests at the facility, guests are also required to rules set by the accommodation operator as well as an ongoing requirement to act in line with EPA guidelines.

Noise impacts

The proposed use of the land will lead to an increase in patronage at the site which will come with additional noise issues

Non-compliance with current planning permit

This application must be assessed on its merits, compliance matters previously raised cannot be considered as part of this application.

Car parking availability

Car parking is available on the site at the rates required by the Murrindindi Planning Scheme. These requirements will be required to be met before the use can commence.

Traffic impacts

The application has been referred to Council's Development Engineer who has consented to the proposal subject to conditions. Perimeter landscaping along the northern and north eastern corners of the site will go some way reduce the overall visual amenity impacts of additional traffic on adjoining properties.

Conclusion

It is considered that the proposed use and development of the land for group accommodation is appropriate and any adverse impacts can be mitigated by the inclusion of conditions included in the officer recommendation. The proposal supports economic development and tourism promotion. It is appropriately located within the township of Thornton in close proximity to other businesses. On balance it is considered that the proposed use of the land for accommodation 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 Beautiful Towns and Rural Settings* strategic objective "to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community".

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

4.4 CONT21/34 - Path Renewal Program 2021/22 - Contract Award

Attachment(s)	Attachment 1 - CONT21/34 Path Renewal Program 2021/2022 [4.4.1 - 13 pages] Confidential Attachment 1 - CONT21/34 Path Renewal Program 2021/2022 (distributed to Councillors separately)
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report is to recommend the appointment a contractor for the delivery of CONT21/34 Path Renewal Program 2021/22.

RECOMMENDATION

That Council:

1. accept the tender from Tender 1 for the lump sum price of \$388,525.50 and award CONT 21/34 - Pathway Renewal Program, consisting of works to be completed by 27 May 2022 on sections of the following paths:
 - Whittlesea-Kinglake Rd Ranges Shared Path (Kinglake/Kinglake Central)
 - Downey St (GV Hwy) S Side (Alexandra)
 - Taggerty-Thornton Rd W Side (Thornton).
2. note that the above lump sum price includes a \$35,320.50 contingency to be expended if required on legitimate variations
3. release this resolution including the name of Tenderer 1 into the Minutes of the Scheduled Meeting of 23 February 2022.

Background

The 2021/2022 Capital Works Program has identified various renewal projects as part of its pathway renewal program.

The scope includes the renewal and replacement of pathways in various locations across the shire.

The following areas are those included in this tender and attachment provides the locations for this renewal.

Segment Number	Locality	Asset Name	Treatment Required
Red Gate Ward			
PATH000089	Alexandra	Downey St (GV Hwy) S Side	Concrete 125mm
PATH000091	Alexandra	Downey St (GV Hwy) S Side	Concrete 125mm
Kinglake Ward			
PATH000978	Kinglake	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH000979	Kinglake	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH000994	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH000995	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH000996	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH002865	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH000980	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
PATH000982	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Spray Seal, 7mm stone C170 binder
Eildon Ward			
PATH000362	Thornton	Taggerty-Thornton Rd W Side	Concrete 125mm

Discussion

The request for tender was released through the Council's procurement portal on 01 December 2021.

Tender specifications were prepared by Council officers. They included information from Council officer site inspections, Infrastructure Design Manual and VicRoads Standards. The specification included two options for the renewal of the Kinglake Rangers Shared Path, option one was renewal in spray seal while option two was renewal in asphalt. Respondents were asked to submit a price for both options.

The request for tender was advertised from 07 December 2022 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- Marysville Triangle.

The tender for these works closed on 23 December 2022. One submission was received at the close of tender.

Council's Policy requires that all tenders be evaluated by a tender evaluation committee. The committee responsible for evaluating this tender comprised of:

- Capital Works Engineer
- Coordinator Project Delivery
- Project Engineer.

Tenders were assessed against the following criteria:

- Price – 50%

- Capacity to Deliver (resources/equipment) – 20%
- Capability to Deliver (OH&S/systems) – Pass/Fail
- Understanding of the Requirement – 10%
- Social and Environmental – 10%
- Relevant Experience – 10%.

The submission was assessed for compliance prior to evaluating.

Because only one submission was received, the submitted rates were compared against the rates from successful bids from previous years, to ensure that the prices received in the submission were on market and represented value for money. The prices submitted for the 2021/2022 Path Renewal Program were nearly identical when compared to the prices submitted for the 2020/2021 Path Renewal Program. It was concluded by the panel that the submission did represent value for money for Council.

Based on the analysis undertaken by the tender evaluation committee, Tender 1 is the preferred tender. They are considered capable, with the capacity and experience to undertake the works and complete the program before the required deadline.

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

Based on the analysis undertaken, the Committee recommend Tender 1 be awarded CONT 21/34 - Pathway Renewal Program for a lump sum price of \$388,525.50.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “connect our communities through improved roads, footpaths and public transport”.

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989*.

Financial Implications and Risk

The project budget is \$403,730.00.

The project cost is summarised below:

	Cost	
Tender price – All segments (option 1: Spray Seal)	\$353,205.00	Full tender price: \$388,525.50
10% Contingencies - Provisional Included in tender price.	\$35,320.50	
Project management		\$15,204.50
Total Project Cost		\$403,730.00

This contingency allowance of \$35,320.50 will allow council to manage latent conditions or unforeseen circumstances within the project and investigate delivering key sections of the Kinglake Ranges Shared Path in asphalt.

Below is a budget comparison between the project cost and the project budget:

Project	Budget	Total Project Cost	Variance
Pathway Renewal Program	\$403,730	\$403,730	\$0

Conflict of Interest

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

Community and Stakeholder Consultation

The Kinglake Rangers Shared Path passes through an area designated by VicRoads as a 'Significant Roadside Area'. VicRoads has been notified of council's intention to undertake the planned renewal work in this area.

VicRoads requested that DELWP, TLaWC and the council environmental team should also be notified. These groups have all been notified and have been provide with an opportunity to have input into the project.

The Kinglake Ranges Rotary Club was planning works along section of the Kinglake Ranges Shared Path. This organisation has been contacted to compare timeframes and ensure that the planned projects will not coincide.

4.5 CONT21/38 - Falls Road & Mt Kitchener Avenue Marysville - Contract

Attachment(s)	Confidential Attachment 1 - CONT/21 38 Falls Road & Mt Kitchener Avenue, Marysville (distributed to Councillors separately)
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report is to recommend the appointment of a contractor for the delivery of CONT21/38 Falls Road & Mt Kitchener Avenue Marysville.

RECOMMENDATION

That Council:

1. **approve the tender from Tenderer 1 and award CONT21/38 - Falls Road & Mt Kitchener Avenue Marysville – for a lump sum price of \$372,978.00 to complete all required works**
2. **approve a contingency of 5% or \$18,648.90 to be expended if required on legitimate variations which may occur**
3. **approves the transfer of \$93,483.90 of project savings to this project as detailed in table 3 below**
4. **release this resolution and the name of Tenderer 1 into the Minutes of the Scheduled Meeting of 23 February 2022.**

Background

Council last financial year completed the detailed design of two stages of new footpath along Falls Road, Marysville. The was done in response to increasing community pressure to provide a pedestrian link along falls road to the numerous side streets and increase the safety of pedestrians. Council currently has funded the construction of stage 1 from Mt Kitchener Avenue to Gould Terrace.

In addition, Council has had long standing drainage issues along the Southern side of Mt Kitchener Road, Marysville between Kings Road and Falls Road. Inadequate drainage is in place which is not capable of handling inflows from upstream properties. This leads to maintenance

issues for Council in the area, Council included the design and construction of this project under the Local Roads & Community Infrastructure (LRCI) phase 2 program.

Due to the proximity of the two projects, it was decided to minimise the impact on residents as well as reduce the costs involved with two separate site establishments by combining both projects into a single tender process.

The scope includes:

- Preliminary documentation such as project management plans (OH&S, Environmental management, Traffic Management Plans (TMP) and others.
- Location & protection of existing services
- New underground drainage
- New kerb & minor pavement works
- Earthworks
- Supply and placement of reinforced concrete pathway.

Discussion

The request for tender was advertised in late December 2021 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- Marysville Triangle.

The request for tender was also released and advertised from 22nd December 2021 via Councils online tendering resource, Tender Search portal.

Tender specifications were prepared by Council officers that included a detailed project specification and VicRoads standard technical specifications.

The tender for these works closed on 28th January 2022. Three submissions were received at the close of tender.

Council's Procurement Policy requires that all tenders be evaluated by a tender evaluation committee (Committee). The Committee responsible for evaluating this tender comprised of:

Panel members of Murrindindi Shire Council are as below:

- Coordinator Project Delivery (Chair)
- Capital Works Engineer
- Project Engineer.

All Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability to deliver (Resources, equipment) – 15%
- Occupational Health & Safety (OH&S), Insurance & Quality Management Systems (QMS) – Pass/Fail
- Understanding of the requirements -15%
- Previous experience – 10%
- Sustainable Procurement -10%.

All submissions were assessed for compliance prior to evaluating, some elements were not included in the specific submissions. These issues were discussed by the tender panel, some were deemed as minor non-conformances and agreed by the evaluation panel to seek clarification from the relevant respondents, namely Tenderers 1 & 2.

The submission from Tenderer 3 was however agreed to be non-conforming by the evaluation panel as it lacked too many key components. As such, it was not evaluated further.

Based on the analysis undertaken by the tender evaluation committee, Tenderer 1 is the preferred tenderer. They are considered capable and competent with the financial capacity, resource capacity, knowledge and experience to undertake and deliver the works.

A reference check was then completed on the preferred tenderer.

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

Based on the analysis undertaken, the Committee recommend Tender 1 be awarded CONT21/38 - Falls Road & Mt Kitchener Avenue Marysville – for a lump sum price of \$372,978.00.

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 Beautiful Towns and Rural Settings* strategic objective “to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community”.

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “provide spaces within our towns that are vibrant, attractive, safe and accessible”.

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989* and *Road Management Act 2004*.

Financial Implications and Risk

The total funding available for this project is \$332,729, this is composed of \$270,000 from LRCI 2 and \$62,729 from the Falls Road Pathway ledger.

The total project cost is summarised below:

Table 1

	Cost
Tender Price (including provisional items)	\$372,978.00
Project Management	\$10,000.00
Design costs already expended	\$24,586.00
Contingency 5%	\$18,648.90
Total Project Cost	\$426,212.90

An allowance of \$18,648.90 (Excl GST) contingencies is proposed to cover any latent conditions that may be experienced during the delivery of the project.

Below is a budget comparison between the project cost and the project budget:

Table 2

Project	Total Budget	Total Project Cost	Variance
Falls Road & Mt Kitchener Avenue Marysville	\$332,729.00	\$426,212.90	-\$93,483.90

It is recommended that the budget shortfall be made up from the following projects:

Table 3

Project	Budget	Savings	Suggested transfer	Justification
Kinglake Memorial Tennis Courts LRCI 2	\$32,000.00	\$32,000.00	\$32,000.00	Works complete last financial year. Is also an LRCI project.
Shire Wide Residual Current Devices	\$75,000.00	\$45,000.00	\$45,000.00	All required works committed, under budget.
Marysville Swimming Pool Truck Bund Compliance works	\$65,000.00	\$40,000.00	\$16,483.90	Project fully scoped and projected savings confirmed
Total			\$93,483.90	

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.

4.6 Dog Hill Court Eildon - Proposed Works

Attachment(s)	Nil
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report details the background regarding Dog Hill Court, Eildon and the reason for the recommendation for works.

RECOMMENDATION

That Council approve the allocation of a maximum of \$7,500 for materials to undertake once-off emergency works to improve the accessibility of 158 meters of Dog Hill Court Eildon for the adjoining properties.

Background

In 2004 the state government introduced the *Road Management Act 2004* which required all road authorities including local councils to produce both a municipal public roads register and a Road Management Plan.

As part of this process all councils state-wide underwent major operational changes and assessed the roads which they would commit to maintain under the provisions of the new act, these roads were then included on the road register. It was at this time that Murrindindi Shire Council chose not to include Dog Hill Court on its Municipal Public Roads Register and as such to no longer undertake maintenance activities on this section of road, this was likely due to the road in question appearing to only act as a private driveway to a single residence.

The length of Dog Hill Court from Ti Tree Drive to the resident's property gate is approximately 158m with another 49m to the gate access for the water tank and communication tower. The proposal is to improve access for the 158 metre section only.

Discussion

Regardless of the above decision, recent feedback from the local CFA regarding access to the resident in case of emergency, water tanks from this track as well as the reliance on this access by the telecommunication industry for servicing the nearby phone tower have indicated a need to reassess Council's decision regarding this access track.



Council's current level of service for a road not on the road register is for no maintenance activities take place.

The Council's Road Management Plan (RMP) and the Municipal Road Register (MRR) are currently being reviewed but it will take some time to complete the process. It is likely that following the review of the RMP and MRR, the unsealed section of Dog Hill Court will be added to the list of maintained Council roads. While Dog Hill Court is currently not on Council's register, hence it is not being maintained by Council, under the *Road Management Act 2004*, Council remains the co-ordinating Road Authority for the road. Hence, anyone wishing to undertake any works on the road reserve, must seek Council approval in the form of a permit.

In the short term to make sure the access is suitable for the resident, CFA and telecommunication tower an estimate has been provided from the Council Operation Team to undertake some once off limited maintenance works to improve access. However, no further maintenance on the road will occur until the completion of the review of the Road Management Plan.

Council officers will then as part of the review of the Road Management Plan, consider the best future direction for this access track.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “connect our communities through improved roads, footpaths and public transport”.

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective “to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community”.

Relevant Legislation

Road Management Act 2004.

Financial Implications and Risk

The risk associated with this access track in its current form are as follows:

- The road continues to deteriorate and CFA access to the water storage becomes restricted
- Council is now aware of the state of the access track and if no action is taken and a serious injury occurs, Council may be held responsible as the Coordinating and Managing Road Authority.

The financial implication for the proposed immediate works estimated to be \$5,500 (Excl GST) however to give some level of contingency it is recommended that \$7,500 (excl GST) should be allocated, this will allow Council's operation team to:

- Rip the existing surface, water it and roll to break up exposed course rock
- Repair the table drains and correct the formation to correctly shed the water
- Transport and place a new 100mm wearing course composed of 20mm Class 4 fine crushed rock.

These works can be funded from Operation Maintenance budgets with limited impact to services. The cost outlined above is for material only as Council Operational teams will undertake works during their normal allocated work hours. (Note staff and equipment cost estimated to be up to \$10,000)

Conflict of Interest

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

Community and Stakeholder Consultation

Community Consultation has been undertaken with the residents who currently use the access track and the Eildon CFA.

4.7 Cobham Road, Kinglake - Current Outcome report

Attachment(s)	Confidential Attachment 1 - Cobham Road, Kinglake (distributed to Councillors separately)
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report is to provide Council with an update on the removal of fencing, cages and other obstructions belonging to an adjoining property owner, from a section of the road reserve at Cobham Rd Road, Kinglake.

RECOMMENDATION

That Council

1. **note the Officers' report on the reinstatement of public access to the full width of Cobham Road reserve, Kinglake; and**
2. **request Council Officers to install appropriate signage that prevent vehicle access on the road reserve but maintain pedestrian access along the unformed linear track.**

Background

In 2009 Council was contacted by the resident of 77 Whittlesea Kinglake Rd regarding the land adjacent to their property, to raise the prospect of purchasing a section of road reserve from Council. At that time this section of the road reserve was not formally owned by Council as the title had remained in the name of the original developer. Nevertheless, this land had been vested in Council at the time of the sub-division as a road reserve.

Following this information, the resident sought out the decedents of the original developer in the attempt to purchase the land in question. During this period the resident of 77 Whittlesea-Kinglake Rd erected a fence along the road reserve parallel from the resident's west property boundary 10 meters from the boundary (refer to plan below) in an attempt to gain exclusive access and enact the process for an adverse possession claim. It is noted, however that the *Road Management Act 2004* stipulates that it is not possible to adversely possess a public road reserve.

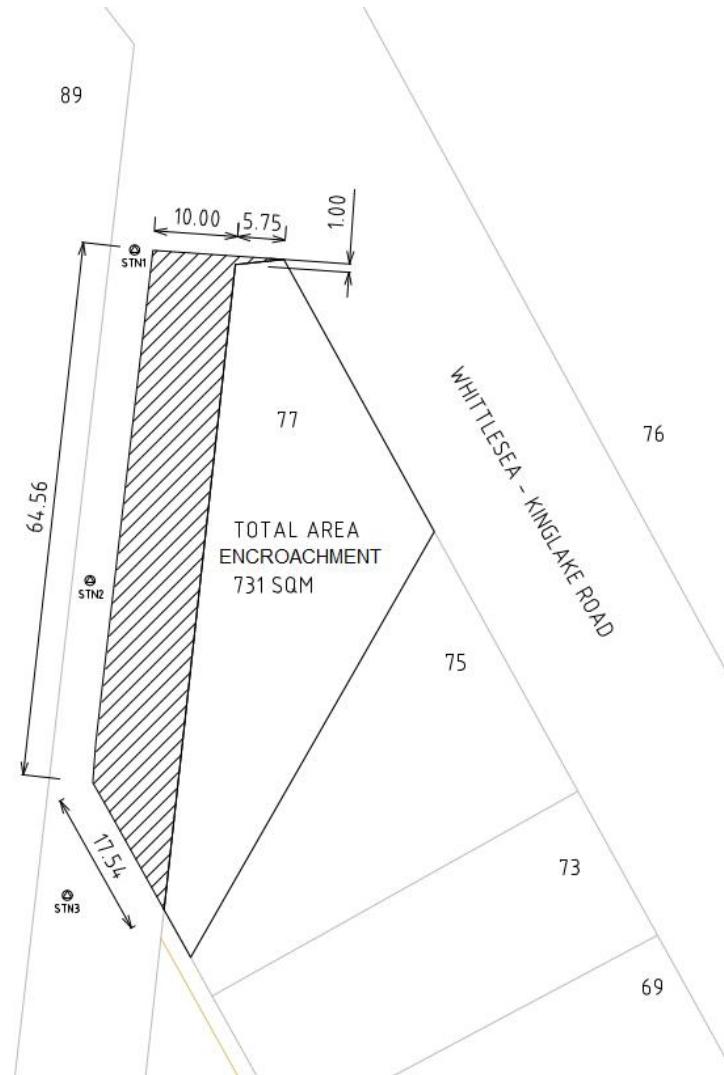
In the meantime, in 2017 a project administered by Land Use Victoria was undertaken state-wide to correct a vast number of these legacy issues regarding road reserve titles vested in Councils but left in developers' names across the state of Victoria. This led to the issuing of a new updated title in Council's name in 2018.

In March 2020, Council officers received a complaint in relation encroachment of the resident's fence line into the road reserve of Cobham Road Kinglake through a complaint from a resident. On 4 August 2020 Council officers sent a letter to the resident asking to remove obstructions that encroached the road reserve.

On 2 November 2020, Council received a joint letter from the Ward Street, Kinglake Fire Guard community group signed by over 20 residents of Ward Street, Cobham Road and Capel Street.

This letter highlighted concerns regarding restricted access to the road reserve and requesting that Council remove the obstructions (Confidential Attachment 1).

An investigation of the site was undertaken including a feature survey to determine how far into the road reserve the encroachment had progressed. This concluded that a width of approximately 10m of the 15m road reserve had been privately occupied and obstructed as shown below.



Council's officers prepared a briefing paper for Council's consideration in January 2021, with the following options to consider:

- Sell the area of land currently fenced off to the resident and retain the existing pedestrian/shared path to allow access by the public.
- Lease the area of the land currently fenced off to the resident and retain the existing pedestrian/shared path to allow access by the public.
- Request the resident to remove the encroaching fence and all private belongings from the public road reserve so that access to the full width of the road reserve is available.

It was determined that due to the requests from the Ward Street, Kinglake Fire Guard community group to remove the encroachment by the resident of 77 Whittlesea Kinglake Rd, the preferred option was the removal of the encroachment and the reinstatement of the public road reserve.

As a result, Council sent a further letter on 8 February 2021 to the resident requesting the removal of the fence and sheds occupying the road reserve within 6 months of the date of the letter.

Due to the lack of response or action by the resident, Council issued a notice under the *Road Management Act 2004* on 8 October 2021. The resident responded in writing on 3 November 2021 contesting the order to remove and requesting further information, as well as requesting time to present their case to Council.

Following an exchange of emails, a final letter was delivered to the resident on 10 January 2022, which further outlined the details regarding the title change and the process required by Council.

Discussion

The resident has now removed the wire and star pickets from the fence line as well as relocated the small shed and cages which were on the road reserve. The gates have also been removed and the area is again accessible to the general public.

The corner strainer posts are located among fairly dense vegetation, as such their removal is not an urgent matter for Council. As the road reserve does not contain a formed accessible road it is proposed that appropriate signage be placed at the southern end of the road reserve to preclude access by vehicles whilst allowing pedestrian access to the current unformed track that acts as a linear trail.

Council will also maintain the road reserve as a pedestrian access track in line with Council standard maintenance levels for a linear trail.

In addition, Council is aware there is currently a garden bed remaining within the road reserve, this garden does not restrict access by other members of the public and as such Council is amenable to the adjacent landowner's request for it to be retained in place. However, Council will not take responsibility for the ongoing maintenance of the garden bed and has the right to remove the garden bed if deemed necessary in the future.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to "provide spaces within our towns that are vibrant, attractive, safe and accessible".

Relevant Legislation

Local Government Act 1989
Road Management Act 2004.

Financial Implications and Risk

The financial impact for council is limited to the ongoing maintenance for this section of the road reserve, which will involve programmed mowing in line with Council's maintenance standards for linear trails. The cost is approximately \$1,000 per annum and will be funded from existing operational maintenance budgets.

The risks to Council associated with the reinstatement of pedestrian public access to this section of the road reserve are minimal, unnecessary attempt to access this path by vehicles will be addressed by signage.

Should the garden bed stop being adequately maintained by the resident and become a tripping or fire hazard then Council reserves the right to remove it.

Conflict of Interest

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

Community and Stakeholder Consultation

Ongoing discussions have been underway with the owner of 77 Whittlesea Kinglake Road and communication will shortly occur with the residents who raised the original concerns to formally advise them of the outcome of this matter.

4.8 Capital Works Quarterly Report - December 2021

Attachment(s)	Attachment 1 - Capital Works Quarterly Report - December 2021 [4.8.1 - 5 pages] Attachment 2 - Capital Works Quarterly Report - December 2021 [4.8.2 - 4 pages]
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report provides an update on the 2021/22 Capital Works Program (CWP) for the second quarter of 2021, from 1 July to 31 December 2021. It also seeks Council's approval for funding adjustments previously reported during this period.

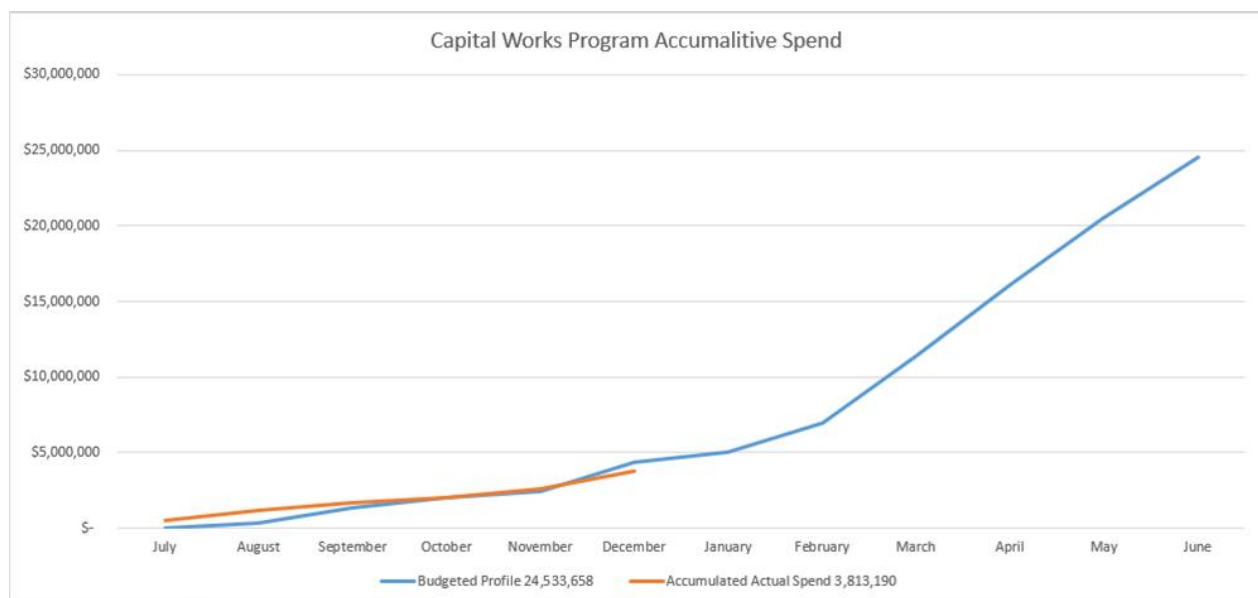
RECOMMENDATION

That Council:

1. receive the quarterly report ending 31 December 2021 on the status of delivering the Capital Works Program
2. approve the funding adjustments and carry forward funding as presented by Table 2 and Table 3 shown below.

Background

This is the second quarterly progress report of the CWP for the 2021/22 financial year. The period of reporting is to the end of December 2021. The CWP is comprised of those projects endorsed by Council as part of the 2021/22 budget, projects identified for carry forward from the 2020/21 program and any approved projects that have received grant funding during the financial year.



Discussion

A general overview of the Capital Work Program delivery status:

Most projects are on track for delivery (Green) and a significant number of projects are now marked complete (Black). The other traffic light indicators presented by the attached report are on hold (Blue), possible carry forward (Yellow) and expected carry forwards (Red). These are highlighted in the Attachment 1. Total projects current anticipated for delivery are 121.

Council currently 50.9% of the revised budget is committed and 17% of the program is spent. The expenditure rate is expected to increase in the coming months.

Key highlights for the Quarter (non-Level 1 Projects):

- Safety audits have been completed on the Whittlesea Kinglake Service Road, Kinglake.
- The upgrade & sealing of Mary & Anne Street Yea, Marshbank & Craigie Street, Yea have been completed.
- The road safety works on Brooks Cutting Road Alexandra have now been completed.
- The Yarck Road Bridge, Yarck, the Break O'day Bridge, Glenburn renewal works are both awarded and progressing well with designs progressing and construction of T beams commenced.
- The rehabilitation works for the closed Yea landfill have been awarded and works have commenced.
- The annual gravel road resheet program is awarded and works have commenced.
- The annual reseal program has been awarded and is due to begin in late February 2022.

A general overview of the Capital Work Program financial position:

Original Budget: \$14,690,156

The current revised budget is \$24,482,951

Total Actual & Committed: \$12,060,932

Actual Expenditure is \$3,757,938

Year to Date Anticipated Expenditure is \$3,749,463 (December financial report)

Anticipated Carry Forward is \$5,450,000 – It is proposed that part of the funding for a number of projects that will now be delivered over two financial years will be carried forward. The funding will be adjusted as part of the budget mid-year review. As such the revised budget will be also adjusted accordingly.

As of 31 December 2021, anticipated savings that can be returned to Infrastructure Reserves is \$42,013

The largest expenditures for this quarter are as detailed in table 1 below:

Table 1

Project	Expenditure Previous quarter	Total current expenditure	Status
Kinglake Streetscape	\$450,415	\$1,317,551	Complete
Gravel Road Resheets	\$0	\$405,041	Ongoing
Eildon Playspace	\$50,537	\$102,270	Ongoing
Sealing Mary & Anne Street, Yea	\$135,155	\$337,485	Complete
Brooks Cutting – Road Safety Audit works (LRCI)	\$40,000	\$101,058	Complete
Marshbank & Craigie Street, Yea (LRCI)	\$32,000	\$114,161	Complete
Snobs Creek Road Widening	\$9,546	\$40,246	Ongoing
Yea Recreation reserve Lighting Upgrade	\$103,724	\$194,809	Complete, Final costs pending
Passenger Vehicles	\$121,942	\$226,367	Ongoing
Major Plant & Machinery	\$262,923	\$308,953	Ongoing

The following projects have been completed in this quarter:

- Kinglake Streetscape
- Sealing Mary & Anne Street, Yea (LRCI)
- Road Safety Audit works- Brooks Cutting (LRCI)
- Marshbank & Craigie Street Sealing (LRCI)
- Yea Recreation Reserve Lighting Upgrade
- RRC Fire Prevention Infrastructure.
- Rail Trail Box Culvert Yarck (No.283) Renewal & Upgrade.

REVIEW OF LEVEL 1 PROJECTS

GVRT Art Installation & Signage - Grant 983

Preparation of draft project management plan is completed. Discussions with neighbouring Councils still progressing and project manager appointed. Community engagement completed, community reference group created. Tender process for artist engagement beginning.

Blue Gums Recreation Trail - Grant 980

Tender closed and only a single submission received and was over the Quantity Surveyor report value as well as Council internal estimates.

Draft variation has been received by RDV and currently being assessed for a completion date in late November 2022. Works are expected to be rereleased in Mid-February for an April Award. Works are expected to take 5 months to complete with enough allowance for inclement weather.

Kinglake Streetscape

All works completed which include installation of electric vehicle charging points, civil works, landscaping and installation of street furniture.

Eildon Reserve - Stage 1 Schematic Design:

Formal response from Taungurung feedback has been received. Community consultation on the splash park and playground area has been undertaken. Feedback from the consultation is being incorporated in the next stage of the design.

A parking study is also underway to understand parking impact due to the upgrade of the reserve.
Alexandra Rotary Park & Visitors activity precinct

The construction of the project is being advertised for tender and closing in late January.

Final design plans are available for the community to review and provide any further minor comments or request for changes.

Kinglake West/Pheasant Creek Streetscape - Stage 1 design

The project is now completed.

This project will then be added to the 20 year Capital Works Program and funding sought through a suitable funding stream.

Landfill Capping Design Cell 1A - Alexandra - Stage 1

Investigation have concluded for the option to change the landfill classification criteria from type 2 to type 3, unfortunately this was not successful.

Design of the landfill capping has commenced.

Yarck Road Bridge Gobur B139

The design is progressing towards issue 3rd party proof engineered design plans.

Break O'day Road Bridge Glenburn B32

Request for tenders have closed and the project has been awarded.

A detailed communication plan is currently being developed.

Yea Caravan Park Court Street Bridge Yea

The tender for the design and construction of the bridge has closed and being assessed.

Thornton Drainage Upgrade – Design Stage

Design is undergoing internal review by Council officers prior to final signoff.

Kinglake Glenburn Road – Drainage Upgrade – Design & Construct

Design is completed and the tender for the construction is being advertised

Footpath extension and connection - Halls Street - West side Downey St to Nihil St - Construction

A tender has been advertised for the construction works

Consultation to coordinate the timing of the works with the Alexandra High school has been completed. Timing of works proposed for the March School holidays.
Currently on budget.

Street Tree Program - Nature Strip in-fill tree planting of trees to replace/removed

Sites identified as Yea median strip, Molesworth Township. Currently identifying appropriate species for each location. Planting works planned for May / June 2022.

Bailey Street works have been completed.

MCH & CWA Perkins Street Alexandra building structure renewal

Works programmed to begin mid to late February 2022.

Kinglake West memorial carpark - Tree Sculpture

Tree sculpture contractor has provided concept designs and approved by Ranges Art group. Works due to start early January with one log being sculptured into a seating log, the other being milled into furniture sized pieces and a park table and seating being created by a local resident. Further works anticipated on the toilet block northern wall currently in discussion with the Dindi Arts Trail group.

RRC Relocation / redevelopment, Yea - Pre-feasibility and due diligence investigations

Progressing with quotes for waste consultant to develop operational and business plans for Council's future assessment.

Kinglake - Investigation and design for closed landfill rehabilitation

Scoping for the consultant is complete.

Alexandra Landfill - Cell development and design

Design of the new cells progressing

Closed Landfills Rehabilitation Works - Eildon

Works have been completed

Closed Landfills - Rehabilitation of Yea RRC

Rehabilitation works have commenced

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “connect our communities through improved roads, footpaths and public transport”.

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective “to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community”.

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “provide spaces within our towns that are vibrant, attractive, safe and accessible”.

Relevant Legislation

Nil.

Financial Implications and Risk

Timely reporting of financial issues assists in early identification of the need for corrective action or reallocation of budget where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and communicates delays if they occur.

Several projects required funding adjustments due to scope changes or insufficient funds to complete the project. The additional funding is sourced from savings from within the capital works program.

A detailed financial summary and status report of the Capital Works Program as of the end of December 2021 is shown in Attachment 2.

Table 2 - Funding adjustments – December 2021

Project requiring funds	Funds Required (\$)	Project with funding that can be transferred	Funds Available	Transfer amount to Project (\$)	Reason for additional Funds
Yea Swimming Pool – AC Heating & Cooling. Original Budget \$0.00	\$5,000	Eildon Pool Upgrades \$20,000	\$7,000	\$5,000	Intended to be combined with the Eildon AC heating and Cooling to reduce costs
Williams Street, Alexandra – Footpath extension Original budget: \$189,000	\$44,000	Marysville Swimming pool liner (Project Complete savings confirmed)	\$44,000	\$44,000	Design component was not budgeted for. In addition, tenders closed slightly higher than estimate.
Halls Street, Alexandra Pathway missing link – Construction stage 1 Grant Funding: \$140,000	Council contribution required: \$75,000	Design projects placed on hold/deferred: Castella Road, Castella Sealing stage 1 Design Melbourne Rd, Yea footpath Myles Bridge stage 1 investigation	\$32,000 \$30,000 \$15,000	\$32,000 \$30,000 \$13,000	Funding agreement requires Council contribution of \$75,000 this was not originally included in the adopted budget.
Alexandra Visitor and Youth activity precinct Grant Funding: \$1,050,000 Council: \$423K	\$77,000	Customer service centre desk Alexandra Library - Alexandra Operation Centre - Modular Buildings	\$45,000 \$54,000	\$45,000 \$32,000	The two separate funding agreements require \$500,000 Council contribution. The two listed project are no longer required.

Table 2 - Funding carry forwards – December 2021

Project Name	Original Budget \$	Carry forward moved to next financial year \$
Great Victorian Rail Trail (GVRT) Art Installation & Signage	\$1,200,000	\$1,100,000
Blue Gums Recreation Trail	\$1,770,000 (\$190,000 Council Contribution also required \$1,960,000)	\$1,300,000
Alexandra Visitor Activity Project	\$1,472,828 (Council further \$77,172 approved but not yet moved total would be \$1,550,000)	\$900,000
Yea Caravan Park Bridge	\$660,000	\$400,000
Snobs Creek Road – Widening construction	\$751,300	\$600,000
Resource recovery centres - Infrastructure Upgrade – Grant 981 – Various sites.	\$373,222	\$250,000
Major Plant & Machinery	\$2,104,785	\$900,000

Conflict of Interest

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

Community and Stakeholder Consultation

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

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

5.1 Access and Inclusion funding changes

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 inform Council about changes to Commonwealth funding that impact the delivery of Council's Access and Inclusion Program.

The report seeks Council's endorsement for a financial allocation to offset a shortfall in recurrent Commonwealth funding in order to maintain existing services under the Program.

RECOMMENDATION

That Council:

1. **commit an additional \$28,608 in the 2022/23 annual budget for Council's Access and Inclusion Program to offset an equivalent reduction in Commonwealth Service System Development funding, as discussed under Option 2 in this report**
2. **note that Option 2 will involve the need to commit officer time to support Service Providers with the forthcoming Aged Care Sector reforms.**

Background

Council resolved to withdraw from Aged and Disability direct service delivery effective from 1 January 2020, with services transitioning to Nexus Primary Health and Menzies Support Services. As part of the withdrawal, Council was successful in negotiating the retention of a portion of indirect Commonwealth funding under the Sector Support and Development program – Service System Development (SSD).

The SSD funding objective has been supporting people over the age of 65 via:

1. Promotion of Aged Care services
2. Supporting individuals to navigate the Aged Care services system
3. Financially supporting Seniors Citizen Centres.

The SSD funding has been under review by the Commonwealth with current funding (\$57,160) guaranteed until the end of the current contract expiring on 30 June 2022.

The Access and Inclusion program was created following Council withdrawal from direct service delivery. It was identified that Council should maintain a role in supporting community to navigate the Aged Care and Disability service system.

During the Covid-19 pandemic, Council received a Community Activation and Social Isolation (CASI) grant via State Government to support vulnerable community members to remain connected to services and community. This funding supported the establishment of Council's DindiLink service that expanded the initial intent of the Access and Inclusion program to reach a wider element of the community.

In 2021, 68 community members were directly supported from the program to connect to services, with many others benefiting from the promotional material developed so they could independently connect to services. The program now supports a greater range of vulnerable community members to connect to supports available in addition to Aged and Disability services. This includes people at risk of homelessness, requiring mental health support as well as people experiencing financial hardship and requiring food and material aid support.

The Access and Inclusion revised expenditure budget for 2021/22 is \$138,480 not including the CASI grant expenditure of \$49,000 carried forward from 2020/21, with grant funding from:

1. Commonwealth SSD - \$57,160
2. State Government - \$22,930.

Council is contributing \$58,138 to the 2021/22 Access and Inclusion program.

The \$138,480 expenditure consists of:

Labour costs	\$99,600
Access Audits	\$20,000
Senior Citizen Centre contribution	\$9,200
Seniors' week celebration	\$2,500
Projects	\$7,180

Discussion

As part of the current Commonwealth Government review into Service System Development (SSD) funding, Council is guaranteed the full \$57,160 in 2021/22. For 2022/23, \$28,608 of the anticipated \$58,018 grant will be re-categorised into Direct Service Delivery – Social Support. This is the portion of funding aligned with supporting Seniors Citizens Centres. Council can accept this change to the funding agreement or choose to not accept this change and relinquish the associated funding.

If Council chooses to accept this re-categorisation, the requirements for the Social Support component of funding would then fall under the conditions of Direct Service Delivery, which Council previously withdrew from. As a Registered Provider this would require heightened administration requirements.

This would require Council to work directly with the Seniors Centres operations in Alexandra and Kinglake to ensure members are registered with My Aged Care, and that programs align with Commonwealth requirements and appropriate reporting controls are maintained. Council would be further required to develop and maintain Policies and Procedures in line with the Commonwealth Direct Service Delivery Requirements. These are additional operational requirements not currently undertaken within the Access and Inclusion program.

A decision not to accept this re-categorisation will result in a 49% reduction in Commonwealth SSD funding in 2022/23. Council currently budgets for \$9,500 annual funding to Seniors Centres for paying utility costs at Alexandra and providing Kinglake an annual grant. This will not be subsidised if the reduction is confirmed.

The remaining \$29,410 will continue to be funded under the original terms of SSD funding in supporting service promotion and navigation for people over 65. However, from 1 July 2022, 75% of this funding must be used to support Aged Care Service providers to implement outcomes of the Aged Care Sector reforms that are anticipated from the recent Commonwealth Aged Care review.

This means that approximately \$7,350 (25%) of the \$29,410 funding would be allocated to support service navigation and promoting Aged Care Services. Current Commonwealth SSD

funding guidelines support approximately \$48,500 of funding allocation to supporting service navigation and promotion of Aged Care services.

There are three different options Council could pursue:

Option 1 – Continue to receive all of the SSD funding (\$58,018 for 2022/23) and transition back into direct service delivery. This decision would require greater administrative requirements including:

- establishing a client management system and working with the Seniors Centres to ensure they operate in line with Social Support funding requirements
- increased officer time for monitoring and reporting of Seniors Centres activities and
- increased officer involvement in the running of the Centres.

The extra oversight of the Seniors Citizens Centres will place extra burden on these groups to provide detailed information to meet reporting requirements.

Supporting Option 1 represents a consistent annual Council contribution in 2022/23 of \$63,431. However, the cost on officer time will detract from Council's capacity to maintain existing service levels that support health and wellbeing outcomes for elderly and vulnerable community members.

Option 2 – Choose to receive the reduced SSD funding (\$29,410) and commit to support Service providers through the Aged Care Sector reforms. This option would enable a portion of SSD funding to offset the Access and Inclusion program, however approximately one day a week will need to be allocated to support Service Providers with the forthcoming Aged Care Sector reforms.

Supporting Option 2 would require Council to increase its contribution to \$92,039 for 2022/23, an increase of \$28,608. This includes continuing to subsidise Senior Citizen Centres in Alexandra and Kinglake to the value of \$9,500.

This strategy would enable Council to maintain current service standards with community and local service providers.

Option 3 – Choose to withdraw from Commonwealth funding completely and not take up a new contract. This will mean that there are no restrictions on how Council designs the Access and Inclusion program, including officer time.

The Council contribution in 2022/23 under this strategy would increase by almost 50% from \$63,431 to \$121,449.

The proposed Commonwealth Government changes to SSD funding will apply constraints to the current Access and Inclusion program. The Covid-19 pandemic and creation of the DindiLink service has positioned Council's Access and Inclusion Program as a key service for supporting not only elderly community members with service referral, navigation and support, but also other vulnerable community members experiencing challenges such as financial and food insecurity, homelessness, mental health and social isolation to also navigate the service system.

Officers recommend Option 2 as the preferred position for continuing the Access and Inclusion program from 2022/23. This option is recommended by officers as it provides the most affordable way to maintain existing services to the community, without incurring the additional administrative requirements associated with being a direct service provider.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “engage with the community and partner organisations to enable older and vulnerable people to live safely, enjoy good health and stay involved”.

Relevant Legislation

There are no legislative obligations on Council relevant to this matter.

Financial Implications and Risk

Table 1 shows the 2022/23 Access and Inclusion funding model based on the 3 Options discussed above. The table highlights the impact on Council reserves based on opting for Option 2 or 3 over the current status quo Commonwealth SSD funding.

Table 1: 2022/23 Access and Inclusion funding model

Funding Source	Option 1 (Status Quo)	Option 2	Option 3
Commonwealth	\$58,018	\$29,410	\$0
State	\$22,930	\$22,930	\$22,930
Council	\$63,431	\$92,039	\$121,449
Total	\$144,379	\$144,379	\$144,379

It is noted that Commonwealth and State funding guidelines are subject to future changes that could further impact this funding model.

Becoming a Direct Aged Care Service Provider would mean a loss of flexibility in delivery of the Access and Inclusion Program due to the extra resource requirements associated with maintaining Service Provider status under the terms of the Commonwealth funding.

Conflict of Interest

A conflict of interest was declared by a Council officer in relation to this report. The partner of the Access and Inclusion Officer is a senior executive with a local aged care service provider. The advice and recommendation to Council in this report has been prepared by the Manager Community Wellbeing and reviewed by Council’s Executive Management Team prior to presentation to Council.

Community and Stakeholder Consultation

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

5.2 Grants and Contributions Program - February 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 January 2022 Grants and Contributions Program applications and variations for noting and endorsement.

RECOMMENDATION

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

Application	Original Grant Awarded	Variation Request
Relax and Unwind Massage Therapy - Wellness, Massage & Beauty Studio	\$10,000	Timing change
Yarra Valley Yurts - Glamping & Events Ablution Block	\$15,000	Timing change
Yarck Mechanics Institute and Library Inc - Yarck Hall Promotional Grant	\$4,876	Timing change

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 provided recommendation for decision by Council:

Business Growth and Establishment

1. Relax and Unwind Massage Therapy - Wellness, Massage & Beauty Studio

This project is to build a wellness studio and create a space that people can come too, to enjoy a selection of massage and beauty treatments.

The applicant is seeking a variation due to COVID-19 restrictions impacting the ability to source the final materials required to complete the project. The applicant is requesting a 3-month extension to their grant timeline to allow them complete the final stage of works.

Grant variation recommended.

2. Yarra Valley Yurts - Glamping & Events Ablution Block

This project will deliver a glamping & events ablution block to support the development of glamping venture.

The applicant is seeking a variation due to COVID-19 restrictions impacting staffing and material delays to complete the block and enable it to be delivered to site. The applicant is seeking a 2-month extension to their current milestone and a 6½ month extension to their final milestone.

Grant variation recommended.

Community Sponsorship

1. Yarck Mechanics Institute and Library Inc - Yarck Hall Promotional Grant

This grant will be used to promote post-covid, market and theatre events, at the Yarck Hall. These events are essential so the hall remains a vibrant social hub for the health and wellbeing of the community. The events are also an essential source of income for hall upkeep.

The applicant is seeking a variation due to COVID-19 restrictions impacting the ability to deliver the proposed market and theatre events. The applicant requests a 9-month extension to their timeline to enable them to deliver the proposed grant activities.

Grant variation recommended.

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	February allocations	Previous allocations	Total 21/22
Fee Reductions	\$0	\$10,200	\$10,200
Governance, Skills and Capacity Building	\$0	\$0	\$0
Quick Response	\$0	\$600	\$600
Community Sponsorship, Projects and Events	\$0	\$37,492	\$37,492
Tourism Events	\$0	\$30,000	\$30,000
Business Plan Support	\$0	\$0	\$0
TOTAL	\$0	\$78,292	\$78,292

The indicative total budget of the Grants and Contributions Program for the 21/22 financial year is \$180,000.

Conflict of Interest

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

Community and Stakeholder Consultation

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

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 Council Plan 2021-2025 Progress Report 1 July - 30 December

Attachment(s)	Attachment 1 - Council Plan 2021/2025 Progress Report 1 July - 30 December 2021 [6.1.1 - 46 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

This report provides a summary of the progress to date in delivering the actions in Council's Priority Action Plan 2021/22 and Council Plan 2021-2025.

RECOMMENDATION

That Council note the Council Plan 2021-2025 Progress Report – 1 July 2021 to 31 December 2021 as contained in Attachment 6.1.1.

Background

Council adopted its *Council Plan 2021-2025* at its 27 October 2021 Scheduled Meeting. The Council Plan is the result of collaboration between Council and the communities of Murrindindi Shire. The Council Plan outlines shared goals and aspirations for the future and provides concrete and achievable actions for Council to deliver. Council also adopted the *Annual Action Plan 2021/22* at the 27 October 2021 Scheduled Meeting, which outlines the actions that Council will pursue in the 2021/22 year.

Discussion

The *Council Plan 2021-2025* is structured around five themes:

- Resilient Communities
- Beautiful Townships and Rural Settings
- Growth and Opportunity
- Our Protected Environment
- Transparency, Inclusion and Accountability.

At 31 December 2021, 90% of actions were reported to be on track, the attached progress report provides a summary of the activity undertaken in the first and second quarters of the Priority Action Plan 2021/22 for each of the five themes.

Highlights from the first half of the year include the following:

Resilient Communities

- We collaborated with the Murrindindi Health and Wellbeing Consortium to develop the 2021-2025 Municipal Public Health and Wellbeing Plan.
- We facilitated a Heat Health information session attended by 20 organisations to prepare for extreme heat and climate change-related weather events in the future.
- We started the community planning program for Eildon with a variety of drop-in sessions

delivered that supported forming a core project team consisting of six community members to guide the project.

- Our online consultation platform "The Loop" welcomed 4,800 visits from participants across the 13 projects published.
- Seven young leaders graduated from the 2021 Murrindindi Youth Leadership program following a six-month personal development experience.
- We adopted the Domestic Animal Management Plan.

Beautiful Townships and Rural Settings

- We met with representatives of Regional Development Australia to promote a range of economic development opportunities including the need for funding to seal Skyline Road above Lake Eildon.
- We awarded the contracts to replace the Yarck Bridge and Break O'Day Bridge in Glenburn.
- We completed the Kinglake Streetscape Renewal Project which has enhanced the amenity of the main street of Kinglake as well as providing additional parking.
- We completed the infill planting project on Bailey Street in Alexandra.

Growth and Opportunity

- We provided support to 17 business enquiries through the Business Concierge service and further streamlined the engagement process for businesses by fast tracking simple enquiries directly to the relevant Council team.
- We worked with Tourism North East to develop a business development program for tourism businesses in the Kinglake Ranges and to work on the development of local destination marketing plans.
- We continued to progress the development of new wayfinding and interpretive signage for the Great Victorian Rail Trail, appointing a manufacturer and installer for the signage with a view to installation taking place in early 2022.
- We commenced the \$1.2M Great Victorian Rail Trail Art Installations Project, appointing a project manager and undertaking community engagement to seek input on possible art locations and potential art development themes.

Our Protected Environment

- We completed the identification and assessment phase of Council managed bushland sites, including works on priority sites manage fire risk, pests and weeds and protect biodiversity.
- We have become a member of the Goulburn Drought Resilience Plan Reference Group that will develop a drought plan for the region. The first meeting has occurred in December 2021.
- We are working with Goulburn Valley Water to improve water management and drought preparedness through involvement with the Goulburn Broken Integrated Water Management Forum and the Goulburn Drought Resilience Plan Reference Group.

Transparency, Inclusion and Accountability

- We adopted a new Complaints Policy and a Complaint Register was created and implemented across the organisation, to enhance tracking and responsiveness to complaints and enable accurate reporting from the consolidated data.
- We completed the Information, Communications and Technology Strategy and Roadmap in November 2021. Key projects are being prioritised for implementation.

- Council adopted the Murrindindi Shire Council 10-year Financial Plan which will assist Council when considering the longer-term financial impacts of its decisions.
- We have formed a collaborative arrangement with the Mansfield, Strathbogie and Benalla rural councils called Lower North East Rural Council Collaborative (LNERCC) to investigate opportunities to collaborate and share resources and services where there are mutual benefits to each organisation and their respective communities.
- We commenced the preliminary work to investigate the feasibility and viability of utilising vacant Council land adjacent to the Yea Saleyards as a demonstration site for farm forestry purposes.
- We have completed several items in relation to the implementation of the *Local Government Act 2020* since 1 July 2021, these include:
 - Adoption of the 10 Year Community Vision
 - Adoption of the Council Plan 2021-2025
 - Adoption of the 10 Year Financial Plan
 - Adoption of the CEO Employment and Remuneration Policy
 - Appointment of the CEO Employment and Remuneration Committee including independent member
 - Adoption of the Procurement Policy
 - Review and adoption of the Customer
 - Complaints and Feedback Policy
 - Review of the Employee Code of Conduct
 - Review of the Recruitment, Screening and Induction Policy
 - Adoption of the Workforce Management Strategy.

Council Plan/Strategies/Policies

The Council Plan 2021-2025 is a key document for local community groups, residents, investors, and other levels of government who play a vital role in helping the Council to deliver on its commitments, and aspiring to achieve aspirations set out in the Murrindindi 10-year Community Vision. It sets out what Council expects to achieve over a four-year period and guides the allocation of resources accordingly.

The progress report provides an update regarding how the annual actions are progressing.

Relevant Legislation

The requirement for the Council Plan is detailed under section 90 of the *Local Government Act 2020*.

Financial Implications and Risk

The *Council Plan 2021-2025* has been prepared to ensure the implications of Council's longer term financial and strategic risks are minimised as far as possible.

The Council Plan initiatives and priorities for services, infrastructure, and amenity identified in the Year 1 Priority Action Plan are funded in the 2021-2022 Annual Budget.

Conflict of Interest

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

Community and Stakeholder Consultation

As part of the development of the *Council Plan 2021-2025* an extensive deliberative engagement process was undertaken to ensure that communities objectives are met.

6.2 Finance Quarterly Report - December 2021

Attachment(s)	Attachment 1 - Financial Statements December 2021 [6.2.1 - 4 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

This report provides the quarterly financial report for the period ending 31 December 2021.

RECOMMENDATION

That Council:

1. receive the Quarterly Financial Report to 31 December 2021
2. note that the Chief Executive Officer advises that the formal adoption of a revised budget for the 2021/22 financial year is not required.

Background

The Quarterly Financial Report for the period ended 31 December 2021, is presented for consideration by Council, in accordance with the *Local Government Act 2020* ("the Act").

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow
- Reconciliation of Non-Discretionary Cash & Reserves.

In accordance with Section 97(3) of the Act, the second quarter financial report requires a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

Under Section 95 of the Act, the adoption of a formal revised budget is required if Council intends to:

- make a variation to the declared rates or charges
- undertake any borrowings that have not been approved in the budget
- make a change to the budget that the Council considers should be the subject of community engagement.

The Chief Executive Officer advises that the formal adoption of a revised budget for 2021/22 is not required as Council does not intend to make changes to the budget that would trigger the requirement to adopt a revised budget.

Discussion

The statements for the second quarter to 31 December 2021 are included in Attachment 1.

Income Statement (Statement A)

The Income Statement for the period 1 July 2021 to 31 December 2021 (also within the attached report) is presented below:

Statement A

 Murrindindi Shire Council
 Income Statement
 For the period ended 31 December 2021

	NOTE	September Revised Budget 2020/21	Annual Revised Budget 2021/22	(1) Forecast Adjustment 2021/22	YTD Budgets 31/12/2021	Actual 31/12/2021	(2) YTD Budget V Actual Variance 31/12/2021
		\$	\$	\$	\$	\$	\$
Revenue							
Rates & Charges	1	22,016,713	22,030,713	14,000	21,991,230	22,039,893	48,663
Statutory fees and fines	2	1,218,699	1,404,840	186,141	715,836	735,327	19,491
User fees	3	990,096	1,080,846	90,750	522,108	541,987	19,879
Grants - Operating	4	6,956,395	7,167,441	211,046	2,791,160	2,783,660	(7,500)
Grants -Capital	5	10,540,850	6,590,850	(3,950,000)	4,964,593	4,964,593	-
Contributions - Cash	6	206,600	293,025	86,425	213,570	243,172	29,602
Contributions - Non Cash	7	600,000	600,000	-	-	-	-
Reimbursements	8	290,257	338,052	47,795	93,606	100,615	7,009
Other revenue	9	725,065	812,574	87,509	380,829	390,558	9,729
Total Revenue		43,544,675	40,318,341	(3,226,334)	31,672,932	31,799,805	126,873
Expenses							
Employee Benefits	10	15,607,456	15,552,091	(55,365)	7,905,618	7,685,551	(220,067)
Materials and Services	11	11,982,720	13,328,707	1,345,987	5,915,886	5,956,906	41,020
Depreciation and amortisation	12	8,920,102	8,305,822	(614,280)	-	-	-
Bad and Doubtful Debts		-	-	-	-	45	45
Other Expense	13	361,886	388,886	27,000	164,322	172,913	8,591
Total Expenses		36,872,164	37,575,506	703,342	13,985,826	13,815,415	(170,411)
Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	14	(622,047)	(618,411)	3,636	107,658	137,273	29,615
Surplus (deficit) for the period		6,050,464	2,124,424	(3,926,040)	17,794,764	18,121,663	326,899

This statement provides information on two budgetary components:

1. *Forecast adjustments*: adjustments to the September revised budget figures to reflect the predicted result at the end of the 2021/22 financial year (refer to the column titled "(1) Forecast Adjustment").

The forecast position for the financial year has decreased by \$3.92 million moving from a predicted surplus of \$6,050,464 to a surplus of \$2,124,424. This significant movement was heavily influenced by a downward adjustment to capital grants of \$3.95 million. The recognition of these grants has been deferred to a future accounting period and will be recognised when the capital works activities they fund are completed. A complete analysis of the budget movement is provided in the table below.

2. *Year-to-date budget variances*: variances between December's revised year-to-date budget and the year-to-date result (refer to column titled "(2) Budget Actual Variance").

The \$18.12 million operating result for the December 2021 quarter is \$326,899 or 2% favourable to the year-to-date budget.

Detail explanations of the forecast adjustments (1) and year-to-date variances (2) are included in the table below:

Note	Line item	(1) Explanation Forecast Adjustment	(2) Explanation YTD Budget V Actual Variance
1	Rates & Charges	\$14,000 increased revenue from rates.	Within Budget tolerance
2	Statutory fees and fines	\$186,141 increased revenue. Anticipated extra \$70,000 for both building and planning fees, extra \$60,000 development plan checking fees. Reduced budget for shipping container fees \$15,000.	Within Budget tolerance
3	User fees	\$90,750 increased revenue from waste charges.	Within Budget tolerance
4	Grants - Operating	\$211,446 increased revenue. New grants including \$60,000 Disaster Recovery, \$300,000 Covid Outdoor Activation, \$35,627 Roadside Weed and Pest management.	Within Budget tolerance
5	Grants -Capital	\$3,950,000 reduced revenue. Capital grants are recognised as the capital works they fund are constructed. The following grants have been deferred, or partly deferred and will be recognised in a future accounting period. \$1,300,000 Blue gums to Eildon Rail Trail. \$1,100,000 GVRT Art and Signage installation. \$800,000 Alexandra Rotary Park and Visitor Precinct. \$500,000 DITRDC Heavy Vehicle and Bridge funding.	Within Budget tolerance
6	Contributions - Cash	\$86,425 increased revenue. \$38,030 contribution to capital projects. \$35,003 contributions collected on behalf of the Goulburn Murray Climate Alliance. \$11,028 contributions to fire protection works.	\$30,051 received ahead of schedule from Community Committee for the Eildon Boat Ramp.
7	Contributions - Non Cash	No Change	No Variance
8	Reimbursements	\$47,795 increased revenue. \$36,000 insurance claims and \$7000 for Naturally Cooler Towns project on behalf of Strathbogie Council.	
9	Other revenue	\$87,509 increased revenue. \$97,809 sale of scrap metal, partly offset by reduced interest on investments \$12,300	

10	Employee Benefits	<p>\$55,365 reduced expenditure. Savings from vacancies and delayed starts across a number of areas. Some positions have been filled utilising temporarily labour hire arrangements, these costs are reported as Material and Services. The savings have been partly offset by the cost associated with the cessation of Municipal Association of Victoria (MAV) WorkCare scheme as reported in item 11.5 October 2021 Council meeting \$180,000 Additional resource have been allocated for Environmental Services.</p>	<p>\$220,067 behind budget. The Enterprise Bargaining Agreement is yet to be finalised, depending on the outcome, a back pay may be required, currently this is estimated at \$150,000 of the variance. The remainder of the variance is likely to equalise as positions are filled. There has been a build of accrued annual leave and RDO's over the year mostly likely due to Covid restrictions on travel. The extent of leave taken over the remainder of the year will determine the final employee operational cost.</p>
11	Materials and Services	<p>\$1,345,987 additional expenditure. \$230,000 expenditure relating to new grant Covid safe Outdoor activation. \$330,000 employment positions budgeted as employee cost, but now being provided temporarily by labour hires services. \$615,726 extra cost landfill operation, including \$245,000 for leachate management, \$200,000 repair to, and hire of replacement for the compactor. \$120,000 environmental audit. Other items \$ 60,000 rehabilitation works associated with storm damage on the 10th June 2021, these expenditures are likely to be reimbursed by government disaster recovery funding.</p>	<p>Within Budget tolerance</p>
12	Depreciation and amortisation	<p>\$614,289 reduced expenditure. Following the last condition review of the roads infrastructure, depreciation has decreased by \$478,042. Building depreciation is forecast to reduce by \$320,179 due to some short life assets components being fully depreciated. Depreciation on Plant is likely to increase by \$143,780 due to items being held longer for utilisation due to Covid, or delays in getting items to auction.</p>	<p>Within Budget tolerance</p>
13	Other Expense	<p>\$27,000 increased expenditure. \$20,000 expected increase Councillor allowances following tribunal outcome. \$7,000 completing internal audit projects delayed from the previous year.</p>	<p>Within Budget tolerance</p>

14	Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	\$3,636 reduced gain. The final outcome will be heavily influenced by the extent of the completion of the capital works renewal and upgrade program. The underlying book value of the infrastructure assets renewed or upgraded will be written out of the balance sheet and recorded as a cost here in the operating statement.	The few items of plant that have been disposed have sold well. The majority of this budget happens around June when the years capital projects are complete and the underlying book value of the renewed and upgraded infrastructure assets are written out of the balance sheet.
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Balance Sheet (Statement B)

The Balance Sheet is included Attachment 1.

The Commentary below refers to Column (1) forecast adjustment, being the movement in the Balance Sheet from the previously reported September Budget review to the current budget revision as at 31 December 2021.

Assets

The statement shows a \$766,158 increase in Current Assets being cash movement, this is explained in the Statement of Cash flows. Non-Current Assets are expected to decline \$4,219,013 as result of the reduction of the capital works still to be completed.

Liabilities

Employee Provisions both Current and Non-Current are expected to increase due to staff deferring leave during the pandemic.

Equity

As at 31 December 2021 the statements show an unfavourable \$3,926,404 decrease in equity. These variances are explained in more detail by the commentary outlined in Statement A – Income Statement.

Cash Flow Statement (Statement C)

This statement combines the cash related movements from the Income Statement and the Balance Sheet into one statement. This Statement shows how funds are generated and consumed. The revised budget projects that cash will decrease by \$766,158.

Cash from Operating Activities

The statement shows a decrease of \$4,078,956 mostly relating to the timing of income recognition of capital grants.

Cash Flow from Investing Activities

The variance \$4,845,114 is increased cash due to some capital works being deferred and a slight increase in cash from the sale of assets.

Cash flow from financing activities

No budget changes.

Non-Discretionary Cash and Council Reserves (Statement D)

Included as part of this report is a statement of Council's Non-Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust, these are required to be refunded, and an allowance for the provision of employee

entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability.

The September budget figure for total unallocated cash was \$11.3 million, the December revised budget figure is now \$11.9 million.

Councillor Expenses (GST Exclusive):

As required in the adopted Councillor Expenses and Support Policy (July 2020), Council reports quarterly on the Councillor related expenses. The following table details Councillor expenses for the second quarter period ending 31 December 2021.

Councillor Expenses for 3 months ended 31 December 2021:

	Allowances	Travel	Childcare	Communications	Conference & Training	Other
Cr Carpenter	15,119.98	1,642.00	0	92.73	857.15	92.23
Cr Gallagher	5,788.47	1,951.70	0	126.67	857.15	92.23
Cr Gerenscer	5,788.47	659.36	0	150.41	857.15	88.05
Cr Haslam	5,788.47	1,371.30	0	153.18	857.15	88.05
Cr Lording	5,788.47	218.16	0	197.76	857.15	88.05
Cr McAulay	7,961.57	1,492.80	0	235.35	857.15	88.05
Cr Walsh	5,788.47	180.00	0	167.21	857.15	88.05

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

Section 97 of the *Local Government Act 2020* requires that at the end of each quarter of the financial year, a quarterly budget report is presented to the Council at a Council meeting which is open to the public. In addition, the second quarterly report must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

Financial Implications and Risk

The financial governance of a council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

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 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Karine Haslam

7.3 Cr Ilona Gerencser

7.4 Cr Eric Lording

7.5 Cr John Walsh

7.6 Cr Sandice McAulay

7.7 Cr Damien Gallagher

7.8 Cr Sue Carpenter - Mayoral Report

7.9 Chief Executive Officer Report

8 ASSEMBLIES OF COUNCILLORS

Purpose

For noting.

Executive Summary

This report presents the records of assemblies of Councillors for 15 December 2021 to 16 February 2022, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

RECOMMENDATION

That Council receive and note the records of assembly of Councillors for 13 December 2021 to 18 February 2022.

Background

In accordance with Section 80A of the Act, written assemblies of Councillors are to be reported at an Scheduled Meeting of Council.

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 15 December 2021 to 16 February 2022:

Meeting Name/Type		Council Pre-Meet		
Meeting Date:		15 December 2021		
Matters Discussed:		1. 6 Unit Development - 102 Falls Road, Marysville 2. 3 Lot Subdivision, 44 Villeneuve Street 3. CONT21/8 - Civil Works Panel - Tender Evaluation 4. CONT21/21 - Break O Day Road Bridge Glenburn - Tender Evaluation 5. CONT21/25 - Sealed Roads Reseals Award - Tender Evaluation 6. CONT21/20 - Gravel Roads Resheeting Program 2022 - Tender Evaluation 7. CONT21/23 - Yea Closed Landfill Rehabilitation 2021 - Tender Evaluation 8. Eildon Improvement Precinct Funding Model 9. Grants and Contributions Program - December Allocations 10. Service Provision and Fire Danger Ratings Policy 11. Council Meeting Schedule 2022 12. Audit and Risk Committee Minutes		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr J Walsh, Cr I Gerencser, Cr E Lording		
Council Officer Attendees:		L Bonazzi, M Chesworth (Virtual), V Albicini, S Brown, T Carter, N Stewart, C Fraser, C Gartland, N Grey		
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?
9	Cr S Carpenter	No	Yes	Before
9	Cr D Gallagher	No	Yes	Before

Meeting Name/Type		Briefing Session		
Meeting Date:		19 January 2022		
Matters Discussed:		1. Capital Works Program Review 2. Middle Kinglake Primary School – Donated Land 3. Council Plan 2021-2025 Progress Report (1 July 2021 to 31 December 2021)		

Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr J Walsh, Cr I Gerencser, Cr K Haslam
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, T Carter, S Russell, B Scott
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	2 February 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Guest Speaker - Joyride Mountain Bike Coaching - Mountain Bike Coaching Project by Steve Downey 2. Waste Budget Overview including 10 Year Forecast 3. Collaborative Procurement of Kerbside Services - Proposed MOU for Execution 4. Visitor Services Review
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr J Walsh, Cr I Gerencser, Cr E Lording, Cr K Haslam
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, C Nickels-Beattie, L Harrison, J Russell, C Fraser, M Thomas
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session			
Meeting Date:	9 February 2022			
Matters Discussed:	<ol style="list-style-type: none"> 1. Annual Budget 2022/23 - New initiatives and Fees and Charges 2. Capital Works Budget 2022/23 3. Planning Application - 1569 Whanregarwen Road Whanregarwen 4. Planning Application - 3 Back Eildon Road Thornton 5. Planning Application - 36 Extons Road Kinglake Central 6. Great Victorian Rail Trail Art Installations Project 			
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr J Walsh, Cr I Gerencser, Cr E Lording			
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, C Fraser, C Nickels-Beattie, C Gartland, S Russell, L Kelly, M Thomas			
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?
4	Cr J Walsh	No	Yes	Before

Meeting Name/Type	Briefing Session
Meeting Date:	16 February 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Information and Communications Technology Strategy 2. Access and Inclusion funding changes 3. Grants and Contributions Program - February Allocations 4. Capital Works Quarterly Report - December 2021 5. Capital Works Monthly Report - January Period 6. CONT21/34 Path Renewal Program 2021/22 - Contract Award 7. CONT21/38 - Falls Road & Mt Kitchener Avenue Marysville - Contract Award 8. Dog Hill Court Eildon - Proposed Works 9. Cobham Road, Kinglake - Current Outcome report 10. Provision of Street Sweeping Services (Discussion) 11. Development Services - Planning Report February 2022
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr J Walsh, Cr I Gerencser, Cr E Lording
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Collier, S Elliott, A Dennis, R Ravary, C Nickels-Beattie, A Langley, S Russell, B Scott, M Spinks, P Dundas, N Stewart,
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

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

Relevant Legislation

For full details of Council’s requirement for assemblies of Councillors, refer to Section 80A of the *Local Government Act 1989*.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT21/16	22 December 2021	Formal Instrument of Agreement between Murrindindi Shire Council and CASA Projects Pty Ltd for McDonalds Bridge - Yarck Road Gobur - Replacement - 2021/2022	Livia Bonazzi Cr Sue Carpenter
CONT21/23	11 January 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for Closed Landfill Rehabilitation – Yea – Civil Works and Conservations Works	Livia Bonazzi Cr Sue Carpenter

RECOMMENDATION

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