



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 23 March 2022
Alexandra Council Chambers
Perkins Street
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

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

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

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

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via 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 23 February 2022.

RECOMMENDATION

That Council confirm the minutes of the 23 February 2022 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 PUBLIC PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

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

4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Planning Application - Relocation of Post Office - 1061 Whittlesea-Kinglake Road, Kinglake West

Attachment(s)	Attachment 1 - Application Documents [4.1.1 - 7 pages] Confidential Attachment 1 – Submissions (distributed to Councillors separately)
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision

Land: 1061 Whittlesea- Kinglake Road, Kinglake West and 6 McMahons Road, Kinglake
 Proposal: Demolition of a heritage building and construction of a building
 Applicant: Kinglake Historical Society

6 McMahons Road, Kinglake

Zoning: Public Use Zone – Other Public Use
 Overlays: Heritage Overlay (HO64), Bushfire Management Overlay
 Triggers: Demolition of a building under Clause 43.01 Heritage Overlay

1061 Whittlesea- Kinglake Road, Kinglake West

Zoning: Public Park and Recreation Zone
 Overlays: Bushfire Management Overlay
 Triggers: Construction of a building

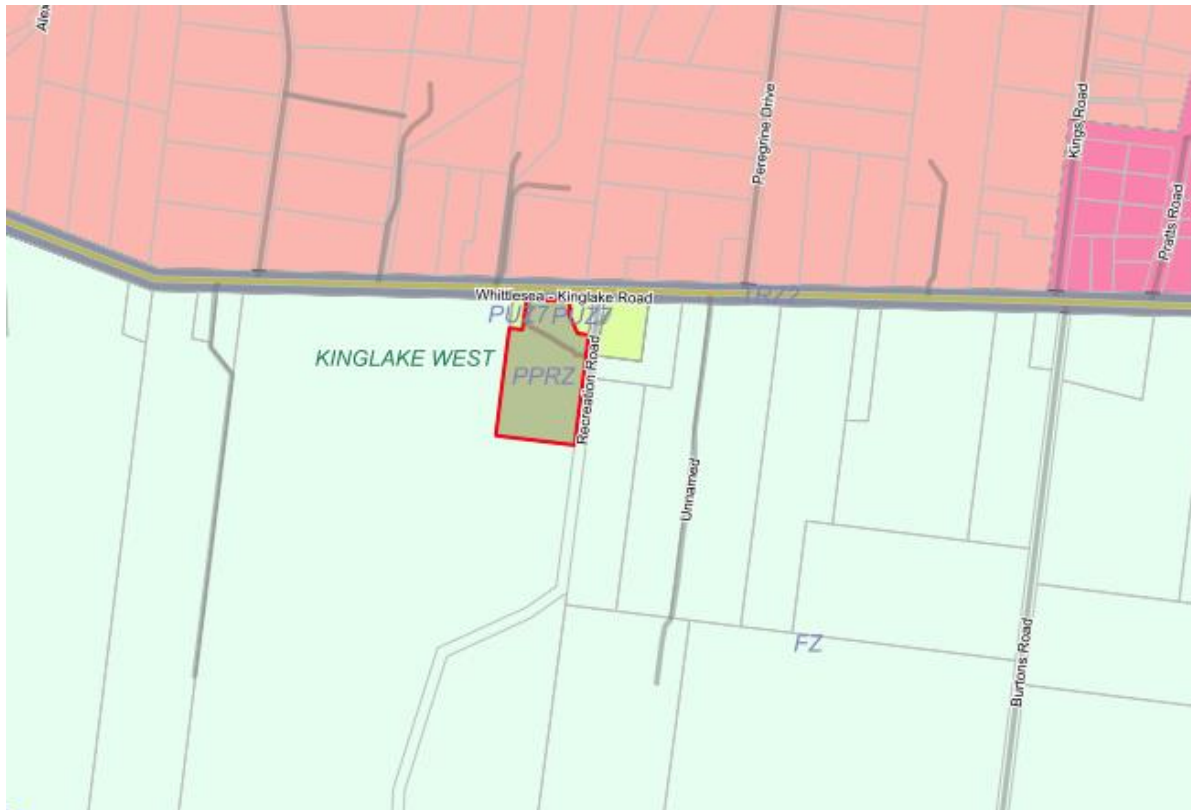
Locality Plan – 6 McMahons Road, Kinglake – Kinglake Ranges Neighbourhood House





Locality Plan - 1061 Whittlesea- Kinglake Road, Kinglake West – Kinglake West Recreation Reserve and Kinglake Heritage Centre





Executive Summary

This report recommends that a notice of decision to grant a permit be issued for the relocation of post office from 6 McMahons Road, Kinglake to 1061 Whittlesea-Kinglake Road, Kinglake West. The application proposes the removal of the historic Kinglake Post Office from the land at 6 McMahons Road and reconstruction on the land at 1061 Whittlesea-Kinglake Road, Kinglake West which is currently occupied in part by the Kinglake Heritage Centre run by the Kinglake Historical Society. The remainder of the site contains sporting facilities. This includes a disused tennis court on which the post office is to be located.

A planning permit is required for the removal of the post office building from the land at 6 McMahons Road, Kinglake that is affected by the Heritage Overlay. A permit is required for its reconstruction at 1061 Whittlesea-Kinglake Road under the provisions of the Bushfire Management Overlay as this is considered as buildings and works associated with the use of land as a museum.

The Post Office building was previously located in the Kinglake Township at 28 Whittlesea-Kinglake Road and was relocated to the land at 6 McMahons Road over 15 years ago. The building has not operated as a post office from this site, nor is this use intended for the building into the future.

The proposed relocation of the building is being done in conjunction with the expansion of the existing facilities at the Kinglake Heritage Centre in Kinglake West.

The application has been advertised to all adjoining landowners of both properties as well as a notice being placed in the Mountain Monthly. Three objections were received. One was subsequently withdrawn, and two objections remain outstanding. The objections largely relate to the proposed use of the land by the Kinglake Historic Society, specifically the tennis courts and the impacts on the community as a result of the loss of this sporting infrastructure.

The application has been referred to the Department of Environment, Land, Water and Planning as the public land manager, Fire Rescue Victoria (Formerly CFA) as well as Council's Heritage Advisor. The application has been supported by both referral authorities and the Heritage Advisor, the latter of whom has provided advice which has resulted in conditions to be included on any permit issued.

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

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

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for the removal of a heritage building and reconstruction of a building at 1061 Whittlesea- Kinglake Road, Kinglake West (PCA:14, CAL:C), 6 McMahons Road, Kinglake (C/A:6; CAL C) subject to the following conditions:

- 1. Prior to the development (including the removal of the building from 1060 Whittlesea-Kinglake Road, Kinglake West) starts, a conservation management plan for the heritage building to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the conservation management plan will be endorsed and will then form part of the permit. The conservation management plan must include:**
 - a. Window, roof and door repairs/restoration.**
 - b. External joinery restoration.**
 - c. Removal of the slate tiles on the portion of the building, which is to be demolished, and their re-use to repair the remaining roof.**
 - d. A Transport Management Plan showing the proposed methods of transport of the building from 6 McMahons Road, Kinglake to 1061 Whittlesea- Kinglake Road, Kinglake West**
 - e. Proposed actions to ensure the building is not altered or destroyed.****Works to the heritage building must be undertaken in accordance with the conservation management plan 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 plan, shall not be altered or modified without the consent in writing of the Responsible Authority**
- 3. The building (old Kinglake Post Office) must not be destroyed or altered in any way without the written consent of the Responsible Authority**
- 4. No works are to occur that will impact on the tennis courts at 1061 Whittlesea-Kinglake Road. In the event that the building is removed from the site, the tennis courts must be reinstated to their condition at the date of issue of this planning permit.**

Planning Permit Expiry

This permit shall expire if the demolition or 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 or 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

This application relates to two different sites. The post office is currently located at the Kinglake Ranges Neighbourhood House at 6 McMahons Road in Kinglake. It is proposed to move the post office building to Kinglake West Recreation Reserve at 1061 Whittlesea-Kinglake Road, Kinglake West to become part of the Kinglake Heritage Centre.

6 McMahons Road, Kinglake

6 McMahons Road, Kinglake is used as the Kinglake Ranges Neighbourhood House. The Kinglake Ranges Neighbourhood House is a community-based organisation where people meet to participate in a variety of social, supportive and educational programs, activities and services.

The land is managed by Murrindindi Shire Council with the Kinglake Ranges Neighbourhood House having a lease over the land.

The site was previously used for Kinglake State School No. 2188. There are several heritage buildings on the property which has a total area of approximately 1.2 Hectares.

The land is in the Public Use Zone – Other Public Use (PUZ-7) and is affected by the Heritage Overlay (HO64) and the Bushfire Management Overlay. The site is in close proximity to the Township Zone, Public Conservation and Resource Zone, Low Density Residential Zone, Public Use Zone 7 and the Farming Zone.

1061 Whittlesea- Kinglake Road, Kinglake West

The subject site is the Kinglake West Reserve located to the south of Whittlesea-Kinglake Road. It is currently managed and used by the Kinglake Historical Society. The main building on the site is used as a historical centre that provides information on the history of Kinglake. There is a large oval to the south of this building which is used and maintained by the Committee of Management. To the north of the historical centre are the unused or maintained tennis courts where the post office is proposed to be located.

To the west of the site is the Kinglake West Primary School. The properties to the south of Whittlesea-Kinglake Road in close proximity to the subject site range in size approximately from 3 hectares to 70 hectares. The properties are generally used for both agricultural and residential uses. Properties to the north of Whittlesea-Kinglake Road are generally smaller in size and used for residential purposes.

The land at 1061 Whittlesea-Kinglake Road has a total area of approximately 3.24 Hectares and is located in the Public Park and Recreation Zone and is affected by the Bushfire Management Overlay

Background



The Old Kinglake Post Office

The former Kinglake Post Office is a tiny, single-room, gable-fronted weatherboard building with a corrugated iron-clad roof. There is a door and a window on the facade. According to the Heritage Study:

The Post Office was built in c1895 and was originally located at the site of the National Park Hotel (28 Whittlesea-Kinglake Road, Kinglake, see separate citation), then known as Aurelia Villa.

Historically, the former Post Office is one of the earliest surviving public buildings in the Kinglake district and appears to be intact. It illustrates how tiny these early post offices were. It also has associations with the Thompson family, who ran the Post Office from 1895 to 1953 at its original site, next to the Aurelia Villa guesthouse. (RNE criteria B.2, H.1)

The building has been located at 6 McMahons Road, Kinglake for over 15 years.

The Kinglake Heritage Centre and Kinglake Historical Society

The Department of Environment, Land, Water and Planning are landowners of the Crown Land described as 1061 Whittlesea- Kinglake Road, Kinglake West.

The land is managed by a committee of management which consists of nine community representatives.

The Kinglake Heritage Centre, run by the Kinglake Historical Society, the planning permit applicant, have been at the site since 2018. The Kinglake Historical Society works to collect and preserve the information and memorabilia related to the history of the district.

The Kinglake Historical Society has a license to use/occupy the Heritage Centre building and the tennis courts for 10 years. The license was signed by DELWP, the Kinglake West Mechanics Institute and Reserve Committee of Management and the Kinglake Historical Society.

The application

The application initially included an extension to an existing building used for the Kinglake Heritage Centre, however, the application was amended to remove this aspect of the application. The extension to the building was approved under a separate planning permit.

Proposal

The application is to relocate the old Kinglake Post Office building from 6 McMahons Road Kinglake West, to 1061 Whittlesea-Kinglake Road, Kinglake West, the Kinglake West Recreation Reserve.

The post office is proposed to be located on the tennis court area to the north of the Kinglake Heritage Centre building. It is intended to be used as an attraction for people visiting the Kinglake Heritage Centre. Patrons will not be permitted to enter the building but can look through the front door.

The Lions Club in Kinglake wishes to restore the old Kinglake Post Office building to restore the building's heritage value.

A planning permit is required under the provisions of the Heritage Overlay for the removal of the building from the land at 6 McMahons Road, Kinglake. A planning permit is not required under the provisions of the Public Use Zone or the Bushfire Management Overlay for the removal of the building from this site.

A planning permit is required under the provisions of the Bushfire Management Overlay for the reconstruction of the building at 1061 Whittlesea-Kinglake Road, Kinglake West. A permit is not required under the Public Park and Recreation Zone for this development.

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:

- Notice in the local paper, *Mountain Monthly*
- Letters sent to surrounding neighbours of both properties.

It is noted that the only component of the original application which was not exempt from public notice requirements relates to the removal of the old Post Office from the land at 6 McMahons Road, Kinglake

Two objections and one submission of support were received.

The objections relate to the placement of the post office on the tennis court. The concerns relate to:

- The Kinglake West Hall and Reserve Committee and Kinglake Historical Society are not representative of the youth of the Kinglake West/Pheasant Creek Community
- The Tennis Courts have been allowed to deteriorate because the Kinglake West Hall and Reserve Committee have failed to maintain this facility. In addition, they have failed to investigate or consider the proposal to convert one of the courts to a Bowls Rink. This was successfully done at Flowerdale Reserve and the Whittlesea Bowls Club have written a letter of support
- Murrindindi Shire Council arranged for an independent quotation for the repair of the Kinglake West Tennis Courts. The Committee were negligent in their investigation of this report
- DELWP should be actively supporting sporting facilities in the area as too should the Murrindindi Council
- If this permit is allowed the whole future of the sporting facility is placed in jeopardy.
- The Post Office could be located on other areas within the Kinglake West Reserve adjacent to the Heritage Centre
- The integrity of the Post Office Building should also be investigated by Council and its suitability for relocation
- By their own admission, the Kinglake Historical Society do not necessarily see a long term future at the Kinglake West Reserve.

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

The submission of support was received from the Committee of Management of the Kinglake Ranges Neighbourhood House. The Committee of Management unanimously agreed that the old Kinglake Post Office should be removed from the site and located to the Kinglake Heritage Centre.

Following the amendment of the application to remove the extension to the Historic Society, the application was readvertised. The works associated with this were exempt from public notice pursuant to Clause 44.06-7 of the Murrindindi Planning Scheme.

Referrals

The application was referred to the Department of Environment, Land Water and Planning and the Country Fire Authority.

Pre-application advice was received in relation to moving the old Kinglake Post Office building from heritage consultant, Nigel Lewis.

Discussion - Planning Considerations

Planning Policy

The proposal has been assessed against state, regional and municipal Planning Policy Framework (PPF) contained in the *Murrindindi Planning Scheme*. Overall, it is considered to be consistent with the objectives and strategies of this framework as is discussed below.

Clause 02.02 Vision

The municipal 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.*

Clause 15.03-1S – Heritage Conservation – State Planning Policy

The objective is to ensure that conservation of places of heritage significance. Strategies to achieve this objective include:

- *Provide for the protection of natural heritage sites and man-made resources*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*

It is considered that the proposed relocation of the old Kinglake Post Office will allow for it to be restored and provide for better protection.

It is not considered that the current location of the building contributes to the significance of the heritage place.

Clause 15.03 - 1L – Heritage Conservation – Local Planning Policy

This local planning policy impacts all land under the Heritage Overlay.

Strategies to achieve heritage conservation include:

- *Support the continued original use of buildings by upgrading to meet present day requirements and standards, including improved energy efficiency*
- *Allow an alternative use when the original use of a building is no longer viable, or in accordance with a Conservation Management Plan.*
- *Support the demolition of part of a Significant or Contributory place where its demolition will not adversely affect the significance of the place and will either:*
 - *Assist in the long term conservation or maintenance of the place.*
 - *Support the viability of the existing use of the place or facilitate a new use that is compatible with the on-going conservation of the building.*

It is considered that the demolition of the heritage place will assist in its conservation. The proposed methods of restoration will be approved by the Responsible Authority.

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 addition of the old Kinglake Post Office to the Kinglake Heritage Centre will allow for an economic advantage to surrounding and nearby businesses.

In addition to the direct monetary benefits to local groups, the intensification of the use 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 inclusion of the old Kinglake Post Office within the Kinglake Heritage Centre will encourage visitors to learn about the history of Kinglake. Being located on the 'Kinglake Heritage Trail' the proposal makes use of existing assets and qualities of the attractions.

Clause 36.02 Public Park and Recreation Zone

The purpose of this zone is to recognise areas for public recreation and open space, to protect and conserve areas of significance where appropriate and to provide for commercial uses where appropriate.

The application has received Land Manager Consent.

It is considered that the proposed development will not change the existing use of the land for the Kinglake Heritage Centre.

Clause 43.01 - Heritage Overlay

The purpose of the Heritage Overlay is to conserve and enhance heritage places of natural or cultural significance and to conserve and enhance those elements which contribute to the significance of heritage places.

In determining the application to the relocation of the old Kinglake Post Office, the decision guidelines were considered as follows:

The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place

It is considered that there is not a significance with the current placement of the old Kinglake Post Office.

Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy

The Murrindindi Shire Council Heritage Study was considered in the assessment of this application.

Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place

The proposed siting of the old Kinglake Post Office will complement the existing building and use of the site for the Kinglake Heritage Centre.

Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place

The application technically includes the 'demolition' of a heritage building. However, the old Kinglake Post Office will continue to be significant.

Whether the proposed works will adversely affect the significance, character or appearance of

the heritage place.

The proposed works to the Kinglake Post Office will not impact on the significance of the building. It is considered that the proposed works will work to restore the significance and structural integrity of the building.

Discussion – Submissions

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

The use of the tennis courts should be restored and maintained by council

This is not relevant to the assessment of this planning permit application.

The Kinglake West Hall and Reserve Committee and Kinglake Historical Society are not representative of the youth of the Kinglake West/Pheasant Creek Community.

Council Officers do not consider the Kinglake Historical Society or Kinglake West Hall and Reserve Committee to represent the youth.

An assessment of the application has considered the zoning of the property, applicable overlays and relevant planning policy.

The Tennis Courts have been allowed to deteriorate because the Kinglake West Hall and Reserve Committee have failed to maintain this facility. In addition, they have failed to investigate or consider the proposal to convert one of the courts to a Bowls Rink. This was successfully done at Flowerdale Reserve and the Whittlesea Bowls Club have written a letter of support.

This is not a relevant planning consideration for this application.

A detailed service review of Recreation and Open Space within the shire has been undertaken. It was determined that there is an over-supply of tennis courts and investigation into consolidation or repurposing of these assets should be undertaken.

Google maps indicate a 5-minute drive or 6.7km journey from the Kinglake West Courts to the new Tennis facility at the Kinglake Memorial reserve built after 2009.

Murrindindi Shire Council arranged for an independent quotation for the repair of the Kinglake West Tennis Courts. The Committee were negligent in their investigation of this report.

This is not a planning consideration.

DELWP should be actively supporting sporting facilities in the area as too should the Murrindindi Council.

This is not a planning consideration.

If this permit is allowed the whole future of the sporting facility is placed in jeopardy.

It is not considered that the placement of the old Kinglake Post Office will impact the future of the sporting facility. The sporting oval which includes a cricket pitch will not be impacted by the proposal.

The tennis courts are in a lease agreement between the Department of Environment, Land Water and Planning and the Kinglake Historical Society. They are not in a state that they can be safely used.

The Post Office could be located on other areas within the Kinglake West Reserve adjacent to the Heritage Centre.

The siting of the old Kinglake Post Office has been proposed on the old tennis court as the area is already flat and no works will be required.

The integrity of the Post Office Building should also be investigated by Council and its suitability for relocation.

A Heritage consultant has investigated the integrity and determined that the building is capable of being moved and has recommended that a conservation plan be prepared prior to any removal.

By their own admission, the Kinglake Historical Society do not necessarily see a long-term future at the Kinglake West Reserve.

The Kinglake Historical Society have signed a 10 year lease and undertaken improvements of the site to allow for the continued use.

Conclusion

It is considered that the relocation of the post office is appropriate and supported by various planning policy. It is considered that the objections to the application are not considered planning grounds. On the balance it is considered that the relocation of the heritage building is consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “celebrate the community's vibrant, diverse and creative people”.

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “deliver, support and promote opportunities for all people to connect with each other, collaborate and plan for the future”. This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “advocate for improved access to health and community services”.

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”.

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.

4.2 Planning Application - Use and Development of the Land for a Dwelling / Outbuilding / Agricultural Shed - 517 Ghin Ghin Road Ghin Ghin

Attachment(s)	Attachment 1 - Application Documents [4.2.1 - 25 pages] Confidential Attachment 1 – Submissions (distributed to Councillors separately)
Presenter	N Grey, Planning Officer
Approved by	Director Assets & Development
Purpose	For decision

Land:	517 Ghin Ghin Road, Ghin Ghin
Proposal:	Use and development of land for a dwelling and associated outbuilding and development of land for agricultural shed
Applicant:	Mr Clinton Mullin
Zoning:	Farming Zone
Overlays:	None
Triggers:	Clause 35.07 Farming Zone – a planning permit is required for the use and development of land for a dwelling on a lot less than 40 hectares and for works within 100 metres of a waterway.

Locality Plan





Executive Summary

This report recommends that a notice of decision to grant a permit be issued for the use and development of land for a dwelling and associated outbuilding and development of land for an agricultural shed at 517 Ghin Ghin Road, Ghin Ghin. The application is being reported to Council because four (4) objections have been received in relation to the proposal.

A planning permit is required for the use and development of the land for a dwelling under the provisions of the Farming Zone.

The proposed dwelling is intended to support the use of land for an equine business which trains and agists horses.

The objective of the proposal is to facilitate the relocation of an existing equine business from Flowerdale.

The subject site is located on the southwestern corner of Ghin Ghin Road and Old Ghin Ghin Roads and is in the Farming Zone. The site is not affected by any overlays and has an area of approximately 4.8 hectares.

The application has been advertised to all adjoining landowners as well as a sign being displayed on the site. Seven submissions were received of which four were and three were submissions of support. The four objections relate to the use of land in the Farming Zone for rural living purposes leading to the proliferation of dwellings in this zone and the subsequent impact on agriculture.

The application has been externally referred to Agriculture Victoria and internally referred to Council's Environmental Programs, Environmental Health and Engineering units. The application has received support from all internal and external referral authorities.

A key objective of the Murrindindi Planning Scheme is to protect farming land across the municipality. The application has been considered on its merit and on balance, it is considered by officers that the proposal meets the parameters of the Murrindindi Planning Scheme.

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

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for the use and development of land for a dwelling and associated outbuildings and development of land for an agricultural shed at 517 Ghin Ghin Road, Ghin Ghin (Crown Allotment 8, Section 3, Parish of Ghin Ghin), subject to the following conditions:

- (1) Prior to the commencement of any development an integrated Land Management Plan is required to be submitted to and approved by the Responsible Authority. Once approved the Land Management Plan will be endorsed and form part of this permit.**

The Land Management Plan must include the following to the satisfaction of the Responsible Authority:

 - a. Exclusion fencing setback a minimum of 3 metres from the bank of the waterway. The *exclusion area* between the fence and the waterway is not to be used by animals/stock, people, and vehicles or for trenching of services**
 - b. Designated and fenced 'domestic area' including the wastewater treatment and disposal field, which is excluded from use by stock and is no larger than 4,000 square metres**
 - c. Crushed rock/gravel within the waterway at the two designated stock/pedestrian crossing locations to minimise impact on the waterway and limit sediment runoff**
 - d. Underground services must not encroach into the Structural Root Zone of any existing native tree**
 - e. Excavation (driveway) and landscaping works within Tree Protection Zones must not reduce the natural soil level by more than 50mm. Any large tree roots (more than 50mm diameter) if encountered must be left intact**
 - f. Measures to protect and enhance native vegetation and habitat areas including areas in proximity to the waterway**
 - g. Measures for weed control and pest animal control**
 - h. Measures for undertaking agricultural uses of the land such as maintenance of ground cover**
 - i. A schedule of works to be implemented over a five-year period in relation to land management works.**
- (2) The Farm Management Plan and Land Management Plan must be implemented on an ongoing and continuing basis to the satisfaction of the Responsible Authority. The management of the land and the activities on the site must accord with the endorsed Farm Management Plan and Land Management Plan, as amended from time to time and with the prior written consent from the Responsible Authority, to the satisfaction of the Responsible Authority.**
- (3) Prior to the commencement of any building works the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must state:**

- a. The property is to be managed in accordance with the Land Management Plan, endorsed under the permit and amended from time to time with the prior written consent of the Responsible Authority, to the satisfaction of the Responsible Authority on a continuing basis
- b. The use of land for domestic purposes must be ancillary to the primary use of the land for agriculture
- c. Domestic buildings and works are to occur only within the designated 'domestic area', in accordance with the Land Management Plan
- d. The land must not be further subdivided so as to increase the number of lots
- e. No more than one (1) dwelling is to be on the land
- f. The owner of the land acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production
- g. A copy of the planning permit must be provided to any new land owner. The land owner must pay the reasonable costs of the preparation, execution and registrations of the Section 173 Agreement.

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*.

- (4) Prior to the commencement of use of the dwelling the actions included in the endorsed Farm Management Plan must have commenced to the satisfaction of the Responsible Authority. The actions implemented must enable the agricultural activities on the land to either commence prior to, or concurrently with, the use of the dwelling
- (5) Prior to the commencement of use of the dwelling an updated Street Address to reflect the access from Old Ghin Ghin Road must be approved and displayed onsite to the satisfaction of the Responsible Authority
- (6) 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
- (7) The use of the land for a dwelling must be ancillary to the primary use of the land for agriculture
- (8) A copy of this planning permit must be provided to any new landowner
- (9) All external cladding including the roof and trims of the buildings 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
- (10) All wastewater is to be treated to a secondary 20/30 treatment standard and disposed of via sub-surface irrigation in accordance with supplied Land Capability Assessment Report No: A211103, to the satisfaction of the Responsible Authority
- (11) A permit to install a septic system will be required prior to the commencement of any works

- (12) 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**
- (13) The approved works must not cut off natural drainage to adjacent properties**
- (14) Prior to commencing of any residential building works, any new or otherwise 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**
- (15) On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for firefighting purposes, the latter being in the lower portion of the tank, or in a separate tank. All outlets from the lower tank shall be fitted with 64mm 3 thread/25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four (4) metres of the coupling. Should the tank not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50mm centrifugal water pump shall be provided, driven by an internal combustion engine.**

EXPIRY

- (1) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) 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 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.**

NOTATIONS

- (1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval**
- (2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application**
- (3) An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004 and associated regulations.**

The Land and Surrounds

The land is described as Crown Allotment 8, Section 3, Parish of Ghin Ghin, Volume 05905 Folio 848. The subject land is currently vacant with some scattered native paddock trees, a small seasonal waterway running through the property from north to south and a small water storage dam close to the western boundary. The land is bound by a post and wire fence which is in disrepair and there are two existing gates for access, one from Ghin Ghin Road and another from Old Ghin Ghin Road. The property is an irregular rectangle shape of approximately 4.8 hectares (11.9 acres) and the topography of the land is very gently undulating. The property is currently being used for irregular low-scale stock grazing in association with the adjoining land to the west.

The subject site is located at the corner of Ghin Ghin Road (bitumen) and Old Ghin Ghin Road (gravel), approximately 8.9 kilometres from the Yea township. There is a cluster of small Crown Allotments, once planned for a small township, surrounding the property which are all vacant. The land in this area is mostly used for stock grazing, with some olive grove plantations nearby and a heavily vegetated area to the north of the site.

The surrounding properties, within a one-kilometre radius, include six existing dwellings, cleared land used for stock grazing and the Yea Resource Recovery Centre which is approximately 700 metres from the subject land.

Background

There have not been any other applications made in relation to this land in the past.

Proposal

The application proposes a 4-bedroom double storey dwelling with an associated garage (outbuilding) and agricultural shed to be located on the western side of the waterway with access proposed from Old Ghin Ghin Road. The domestic use of the dwelling is proposed to support the relocation of an existing horse stud *Rising Star Friesians*. The use of land for Horse Husbandry is defined as *land used to keep, breed, board or train* horses, in the *Murrindindi Planning Scheme* and does not require a planning permit at this location. This business was established over 14 years ago and includes importing horses from Holland, breeding Friesian horses, training and exercising horses for clients and introducing an education program about horse health and wellbeing.

The proposed access from Old Ghin Ghin Road will wind in between existing large native trees to provide access first to the agricultural shed, which is proposed to be located in an existing clearing near the dam, and then to the dwelling and garage, approximately 230 metres from the Old Ghin Ghin Road property boundary. The dwelling and garage will be located in an existing large clearing with a minimum setback from the watercourse of approximately 40 metres. An onsite wastewater treatment and disposal system is proposed to be located north of the dwelling with a minimum 30 metre setback from the watercourse.

There are some small existing crossings through the waterway which have been created by cattle, which will be able to be utilised for the proposal and will provide access to the east side of the property for the horses and owners of the land. Access through the waterway will allow the owners to care for and feed the horses.

The Farm Management Plan (FMP) submitted with the application details the proposed property layout, including eight (8) paddocks to separate the horses and a fence surrounding the dwelling and garage to create a specific domestic area. The proposed domestic area, including the internal driveway will be no more than 4,000 square metres which will allow for approximately 4.4 hectares of land to be used for agriculture. The waterway is proposed to be fenced off and will include an exclusion area for stock and vehicles. A vegetation plan included in the FMP also details some vegetation to be planted along the internal driveway and for all existing native trees to be retained.

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* and *Murrindindi Planning Scheme* in the form of letters to adjoining and nearby neighbours and a sign on site. Following the notice period seven submissions were received, four objecting to the proposal and three supporting the proposal. The objections related to:

- Creating a precedent and proliferation of dwellings on small lots in farming areas
- Over-development of the site
- Rural living use of the land in the Farming Zone

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

The submissions supporting the application related to:

- Owners of 'Rising Star Friesians' currently maintain a very well-kept property
- Ongoing agricultural pursuit.

Referrals

The application was referred for comment under Section 52 of the *Planning and Environment Act 1987* to Agriculture Victoria who have provided a detailed assessment of the Farm Management Plan and recommended conditions for a permit. This recommendation has been considered as part of the Officer Recommendation in this report.

The application was referred internally to the engineering department, who assessed the proposed access and onsite drainage and the environmental health department, who assessed the proposed wastewater treatment and disposal system.

The application was also referred internally to Councils Environmental Programs Officer who assessed the Farm Management Plan in relation to environmental impacts and specifically how the land will be managed. The proposal to use approximately 10.9 acres of the property for a horse stud (horse husbandry) would be able to accommodate 9 to 10 horses with suitable pastures and supplement feeding during particularly dry and wet seasons. As the application proposes for one stallion, four mares for riding and breeding plus up to two foals per year the subject land, with some pasture management and paddock rotation, will have a suitable carrying capacity for the proposed use when balancing with the protection of the environmental values of the site. The recommendations made by internal referrals make up part of the Officer Recommendation in this report.

Discussion – Planning Considerations

Planning Policy

The proposal has been assessed against state, regional and municipal Planning Policy Framework (PPF) contained in the *Murrindindi Planning Scheme*. Overall, it is considered to be consistent with the objectives and strategies of this framework as is discussed below.

Clause 02.03 - Strategic Directions

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

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

Clause 12.01-2S – Native Vegetation Management

The objective is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

The subject site is home to many large native trees which will not be impacted through the proposed use or development.

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

The objective is to protect and enhance river corridors, waterways, lakes and wetlands. Strategies for implementing the objective include ensuring development responds to and respects the significant environmental assets of water and ensuring development is sensitively designed and sited to maintain and enhance environmental assets.

The proposed development, including the dwelling and its wastewater treatment system, garage and agricultural shed, are to be located with maximum setbacks from the waterway whilst maintaining appropriate setbacks from the western property boundary. The submitted FMP details exclusion fencing along the waterway to ensure the horses are not able to access the waterway. The application was also supported by a Land Capability Assessment to determine how wastewater can be appropriately treated and retained onsite without impacting the waterway.

Clause 13.02-1L – Bushfire Planning

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

The proposal includes an appropriate internal driveway which would provide appropriate access for emergency service vehicles and sufficient water storage onsite for agricultural, domestic and firefighting purposes. The dwelling is proposed to be located in a large existing clearing with maximum possible setbacks from existing vegetation allowing for sufficient defensible space, without requiring any vegetation removal.

Clause 13.07-1S – Land Use Compatibility

The objective is to *protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*. The strategies include ensuring that use and development of land are compatible with adjoining and nearby land uses.

The proposed use and development for a dwelling and horse stud is considered low impact as the dwelling has reasonable setbacks from the property boundaries and will be orientated to overlook the subject land, rather than adjoining properties. While consideration must be given to the impact of the proposal on adjoining land, consideration must also be given to the impacts of surrounding land uses on the proposal. The horses will be kept in secure paddocks where the owners will be able to see them at all times. The use of land for keeping, training and breeding horses is a very similar land use to stock grazing which occurs on the adjoining land to the west and nearby properties to the east across Ghin Ghin Road. It would be very unlikely that the proposed use of the land would have any adverse off-site impacts to adjoining or nearby land uses. Additionally, it is considered that surrounding agricultural uses are compatible with the proposed use of land for a dwelling which is proposed to support the relocation of an existing equine business to the site.

Clause 14.01-1S – Protection of Agricultural Land

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

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

The proposal for horse husbandry is as-of-right in the Farming Zone and the submitted plans show a small area allocated for domestic use to support the horse stud, it is detailed in the submitted plans that the minimum amount of land will be used for domestic purposes whilst maintaining most of the land for the agricultural use.

The subject site and surrounds are not identified in the *Murrindindi Planning Scheme* as being high quality agricultural land. As the land has not been actively managed in the past it is currently in a relatively poor condition with pasture grass and scattered large native trees. The submitted FMP details proposed actions for pasture improvement and management and repairs to the fencing. A new boundary fence will be safer for any stock on the adjoining properties.

The predominant proposed use of the land will be agricultural in the form of the 'Rising Star Friesians' horse stud which requires the support of a dwelling for the ongoing management of land, monitoring the health and safety of the horses and to tend to the horses needs with changes in weather and feeding requirements. It is noted that the proposed business in its current location is also supported by a dwelling on site.

There is no defined pattern of lot sizes or development in this area of Ghin Ghin as the land surrounding the subject site includes some very large farming properties and some very small Crown Allotments, there are some dwellings and a variety of domestic and agricultural shedding. This property is not considered to be isolated as it has road frontage on two sides (north and east) and shares a boundary with six small Crown Allotments on the west side.

It has been demonstrated that the development and use of a dwelling on the subject site will not impact on any surrounding agricultural use to the satisfaction of officers. This proposal is consistent with the policy for protecting agricultural land as the majority of the subject site will be able to be used for agricultural activities and management of property will subsequently include improved environmental outcomes.

Clause 14.01-2S – Sustainable Agricultural Land Use

The objective is to *encourage sustainable agricultural land use*. The strategies of the policy include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources*
- *Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.*

The proposed use of land for horse husbandry supported by a dwelling is appropriate for the subject land as it is a manageable size and the pastures will be able to be improved over time with the implementation of the submitted Farm Management Plan. Having a permanent residence

on the land will enable ongoing land management, including improvement for the seasonal watercourse.

The character of the land surrounding the subject site is cleared land used for stock grazing which will not be detrimentally impacted by any domestic use on the subject land. As the applicants intend to use the subject site for horse husbandry, they will be accustomed to agricultural activities, including noises and odour. The proposed use of land for a dwelling should not impact on the amenity of the area as it will not be the primary use of the land.

Clause 15.01-6S – Design for Rural Areas

The objective is to *ensure development respects valued areas of rural character.*

The subject site and surrounding land are characterised by slightly undulated pasture land with inconsistent scattered paddock trees and significant patches of native vegetation.

The relevant strategies for the policy include:

- *Ensure that the siting, scale and appearance of development protects and enhances rural character*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

The proposed dwelling, garage and agricultural shed are to be located on the western side of the seasonal watercourse with a setback from Ghin Ghin Road of more than 100 metres. The view to the proposed buildings will be buffered by the roadside vegetation, paddock trees within the subject site and vegetation along the seasonal watercourse. Furthermore, the topography of the subject land sets the dwelling slightly lower than the road, thereby reducing any visual impact of the proposed two-storey dwelling.

The submitted dwelling, garage and agricultural shed plans detail Colorbond cladding in muted tones which will blend into the natural landscape.

Clause 35.07 - Farming Zone

The proposal includes information pertaining to how the dwelling will be connected to an off-grid solar system to provide electricity, an onsite water storage system for domestic and firefighting purposes, road and driveway access from Old Ghin Ghin. The application also included a Land Capability Assessment to determine how wastewater will be retained and treated onsite.

The purpose of the zone is, as relevant:

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

The primary proposed use of the land is horse husbandry which is agricultural and does not require a planning permit. Approximately 4.43 hectares of the subject site will be retained for agricultural uses and 4,000 square metres are to be used for domestic purposes. The dwelling is proposed to support and enhance the agricultural use and as discussed will enable full-time management of the horses and the land to implement an appropriate caring, feeding and training program.

The land has previously been used for cattle grazing as part of a larger farming enterprise, however has since been identified as surplus to the needs of this existing operation. The land is separated by dilapidated fencing and has not been actively used for farming in some time. The site is bound by this adjoining farm which will continue to the south and west, Ghin Ghin Road to the east (which is used for farming) and Old Ghin Ghin Road to the north (which contains a

dwelling and vacant, vegetated land within the Farming Zone). This somewhat limits opportunities for the land to be consolidated with adjoining properties.

The Farming Zone seeks to avoid creating a situation where a dwelling becomes the primary use of the land. This a pertinent consideration when considering an application for equine industry which runs a very fine line between a genuine agricultural use and a rural living 'hobby farm' type of outcome. The permit applicants in this instance are bona fide equine operators as has been shown in the application documentation and as evidenced by the operation of this business for the last 14 years on another property within the shire.

The proposal to use the subject site for a dwelling is considered consistent with the decision guidelines of the Farming Zone. The site is of a sufficient scale to be able to effectively treat and retain wastewater onsite with the required setbacks from boundaries and waterways. The inclusion of comprehensive and sustainable land management practices in the submitted FMP demonstrates that the subject land, adjoining and nearby properties specifically those downstream of the subject site, will benefit from full-time land management. Furthermore, improved pastures and protection of the seasonal watercourse through the implementation of the FMP will ensure the land is optimised to a higher capacity.

Code of Practice for the Welfare of Horses

Use of land for agricultural purposes in Victoria must be in accordance with the relevant Code of Practice, specifically relevant to this application is the *Code of Practice for the Welfare of Horses (Bureau of Animal Welfare, DJPR)* which sets out minimum standards for keeping, training and breeding horses and also provides guidelines for improved practices and considerate treatment of horses.

Guideline G3.2 includes *horses kept under intensive management in stables and yards should be inspected, fed and watered at least twice a day.*

Minimum Standard S5.2 includes *supervision during feeding must be provided to observe behaviour patterns and response to feed.*

Guideline G17.5 includes *Special nutrition should be provided to the mare to cope with the burden of pregnancy, foaling and lactation* and Guideline G5.16 includes *lactating mares require about 70% more energy than idle, adult horses.*

For the owners of 'Rising Star Friesians' to successfully operate a horse husbandry business at the subject land with a breeding program they will be required to constantly manage and tend to the horses, specifically during breeding season. The gestation period for horses is approximately 340 days (more than 11 months) and therefore it is critical that the owners of the horses are present and providing the best possible care.

Discussion – Submissions

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

Creating a precedent and proliferation of dwellings on small lots in farming areas

There is a general character of dwellings in the Ghin Ghin area, typically on lots of varying sizes and supporting agricultural uses. In the immediate surroundings of the subject site there are six dwellings within a one-kilometre radius. There are quite a few dwellings along Ghin Ghin Road, south of the subject land on mixed size lots which include some over the minimum lot size of 40 Hectares. The proposed dwelling will be ancillary to and will support agricultural use of the land and therefore will not create a precedent for residential uses in farming areas.

This application has demonstrated that the proposed agricultural use of horse husbandry requires full-time management, therefore any dwelling on this site would not be setting a precedent for any additional development in the area as any application is required to be assessed on its merits.

Over-development of the site

The proposal for a four-bedroom dwelling, garage and wastewater treatment system will occupy approximately 4,000 square metres of the 4.83 hectares. The submitted Land Capability Assessment determines that wastewater from the dwelling will be able to be treated and retained onsite, ensuring there is no impact to surrounding land or the seasonal watercourse.

The Farm Management Plan supporting the application includes a proposal for 5 permanent horses (1 stallion and 4 mares) with up to two foals per year. As the proposed agricultural portion of the land will be over 4.4 hectares it is considered that the land will be capable of supporting the horse stud and associated dwelling to ensure appropriate management of the land and care for the horses.

The proposal suggests that the property will be divided up into eight (8) paddocks to be used by the horses which allows for horses to be separated, or paddocked in pairs or groups, whilst always maintaining some vacant paddocks for rest. Appropriate paddock rotation allows for pasture regeneration and weed management, it will also provide some flexibility to ensure suitable paddocks are being used depending on the season and land conditions.

The subject land size is considered capable of accommodating the proposed agricultural and domestic uses.

Rural living use of the land in the Farming Zone

The submitted application documents, specifically including the Farm Management Plan, detail how the horse husbandry agricultural use will be the primary use of the land the domestic use of the dwelling will be secondary and will support and enhance the agriculture.

In many instances horses can be considered domestic pets and therefore land may be used for 'rural living' purposes. However, in the case of this application the submitted documents satisfactorily outline how the current horse stud 'Rising Star Friesians' in Flowerdale is an established business importing Friesian horses from Holland and breeding horses for local sale. Furthermore, the applicant includes in their FMP the intention to intensify the business to include training of other horses and providing educational programs focussing on animal health and wellbeing.

One of the submissions objecting to the application also referenced the following VCAT Cases and raised these issues:

- *A permit for a dwelling should only be given when it is necessary for agriculture*
- *If a permit is not granted then the land will be saved for agriculture*
- *A permit for a dwelling makes it more likely that the land will not be used for agriculture.*

Morabito v Macedon Ranges SC (2018) VCAT 1313

Proposal was for a dwelling on a lot less than 40 hectares (16.25 hectares) in the Farming Zone, with the Environmental Significance Overlay and Land Subject to Inundation Overlay applying to the land. There was an existing olive grove with 600 trees which was poorly maintained. A Sustainable Farm Plan was provided with the application.

The VCAT Member concluded that a dwelling was not required for the ongoing management and improvement of agricultural activities on the subject land as the owners could live in an established township nearby and tend to the land as needed.

The VCAT Case Morabito v Macedon Ranges SC greatly differs from the proposed application as the land was subject to additional policies which complicated the application, the subject land at 517 Ghin Ghin Road is not subject to any overlays. Furthermore, this application relates to the management of an Olive Grove which has been determined to not require full-time management and supervision. The proposed dwelling at 517 Ghin Ghin Road will enable the owners to provide supervision and care for their horses including a stallion which may require additional care, and breeding mares and their foals which would require feeding and care more than once daily. Horses that are in full competition work, such as the client's horses who would be trained at the

subject site, would also require rugging depending on the weather, which could need changing multiple times a day.

This VCAT Case is not considered relevant to this application.

Webster v Golden Plains SC (2020) VCAT 71

Proposal was for a dwelling on a lot of approximately 10 hectares to support horse husbandry. The applicant resided on the adjoining property however was not the owner of the land. The subject site included a large patch of native vegetation and some very steep land towards the rear down towards a creek. The applicant proposed that a dwelling was required to keep and breed horses.

The Tribunal determined that a planning permit would be not granted as a new dwelling on the lot would further fragment land which is otherwise used for agricultural purposes. Surrounding land uses would cause a land use conflict with the dwelling for any future potential resident of the proposed dwelling and a dwelling at this location would constrain the expansion of some agricultural activities on adjoining properties. The Member concluded that the proposed horse breeding and keeping would not be the main use of the land and that the proposed number of horses would not be able to be sustained.

The VCAT Case Webster v Golden Plains SC is similar to the proposed application as they both relate to using land for a dwelling associated with horse breeding and keeping. However, the proposal at 517 Ghin Ghin Road details how the agricultural activities will be the main use of the land and the dwelling will be a secondary use, to support the agriculture. The subject land has also been determined to have a carrying capacity sufficient for the proposed use as detailed in the submitted FMP.

Whilst this VCAT Case is very similar to the application proposed at 517 Ghin Ghin Road, the decision by the VCAT Member to refuse to grant a permit is not applicable in this instance as the circumstances of the subject land are very different and the agricultural activities on adjoining and nearby land are far less intense. The proposal at 517 Ghin Ghin Road is considered to not impact or constrain any current agricultural uses on land adjoining or nearby.

Ward v Macedon Ranges SC (2013) VCAT 2077

Proposal was for a dwelling to support the existing agricultural use of the land for breeding cattle. A number of planning overlays applied to the property and the land was significantly smaller than the surrounding properties.

The VCAT Member determined that a permit would not be granted for a dwelling as Macedon Ranges Shire Council had very specific policy for the area which included a vision for productive broad acre farming and ensuring high quality agricultural land was protected. The land was recognised as being of 'high quality' in terms of its potential for agricultural productivity.

The VCAT Case Ward v Macedon Ranges SC differs greatly from the subject land at 517 Ghin Ghin Road where there is no specific policy that applies and Murrindindi Shire Council's own 'High Quality Agricultural Land' overlay (Environmental Significance Overlay – Schedule 1) does not apply. The subject land has previously been used for stock grazing in association with the adjoining properties, particularly in the last few years as the derelict boundary fencing has disintegrated, the stock have been able to roam freely across the land. Additionally, there is no nexus between the current, or previous, use of the land and the proposed agricultural use. The proposal for a dwelling is to support a new agricultural activity in the Ghin Ghin area and will be enhanced by sustainable land management activities.

The decision by the VCAT Member is not relevant in relation to the proposal at 517 Ghin Ghin Road as the case was largely based on specific local policy regarding high quality agricultural land which does not apply to the subject land.

Victorian Civil and Administrative Tribunal (VCAT) Cases

Evans v Yarra Ranges SC (2013) VCAT 270

Proposal was for the use and development of land for a dwelling in association with a Farm Management Plan (FMP), the application for review was to determine if it was necessary for a Section 173 Agreement to ensure implementation of the FMP.

The VCAT Member determined that the implementation of the FMP through a Section 173 Agreement would unnecessarily restrict the future use of the land for alternative agricultural purposes.

This VCAT Case is relevant to the application at 517 Ghin Ghin Road as it was supported by a FMP which is very specific to the applicant's proposed agricultural activities for horse husbandry. Similar to the VCAT Case it would be inappropriate to restrict any future alternative agricultural use of the land and therefore the recommendation included in this report requires a Land Management Plan to be included in a Section 173 Agreement, which requires sustainable land management practices suitable to a variety of agricultural uses. The submitted FMP would be endorsed through planning permit conditions and could be amended as necessary.

Briggs v Baw Baw SC (2015) VCAT 1330

Proposal was for the use and development of land for a dwelling on less than 40 hectares, associated with breeding cattle (vealers).

The Tribunal resolved that the use of land for breeding cattle was much more intense than cattle grazing and required additional supervision and closer attention to animal welfare, which could not be achieved without residing on the land.

Similar to the application at 517 Ghin Ghin Road where the applicant has demonstrated that they are bona fide equestrians with the essential knowledge and experience to undertake the proposed horse husbandry, their proposal requires constant supervision of horses which cannot be achieved without having a dwelling on the land.

The land has previously been sporadically used for cattle grazing which is considered to be less intense and less productive than the proposal for horse husbandry. Furthermore, the application also proposes sustainable land management which will improve productivity of the land and benefit adjoining and nearby properties.

Jordan v Baw Baw SC (2021) VCAT 903

Proposal was for the use and development of land for a dwelling on a lot of 4.8 hectares associated with the establishment of a flower farm and management of livestock. The application to the Tribunal was made by a nearby landowner for review of the permit issued by Council to determine whether a dwelling would adversely affect the use of the subject land and surrounding land for agricultural production.

The Tribunal determined that the dwelling would be a secondary use and ancillary to the flower farm and that the proposed dwelling was an acceptable outcome having regard to the physical context of the land and surrounds.

The VCAT case is applicable to the consideration of the proposal at 517 Ghin Ghin Road in determining adverse effects from the proposed dwelling on adjoining and nearby land. The dwelling location proposed for 517 Ghin Ghin Road is respectful of the natural landscape with a generous setback from the seasonal watercourse and from the rear property boundary. Additionally, there are numerous large established gum trees along the watercourse and along the fence line within the adjoining property which will screen the dwelling from views along Ghin Ghin Road and from nearby land.

The adjoining land to the west is currently used for infrequent and low-scale cattle grazing and therefore it is very unlikely that the use of land for a dwelling on the subject land will have any impact. Furthermore, if the agricultural use on the adjoining land should change or intensify in the future the proposed setback from the boundary being 12 metres, along with the orientation of the dwelling, is sufficient to ensure there is no restriction on that intensification of agricultural and use.

Conclusion

It is considered that the use and development of the land for a dwelling at 517 Ghin Ghin Road, Ghin Ghin are appropriate. The proposal has addressed the provisions of the Planning Policy Framework and Farming Zone and will allow for a dwelling to support an agricultural use of the land. It is acknowledged that the subject land may be too small to generate a financial return sufficient to support a household without other sources of income however, the proposal will generate a higher return than the current land use. Moreover, the proposal for horse husbandry and specifically breeding Friesian horses will target a 'boutique' market and will provide a unique service in the area.

Any potential impact to surrounding agricultural land and the natural environmental features of the site have been sufficiently addressed by the proposal and will be able to be mitigated by conditions on a permit. Additionally, the proposed land management as part of the proposal will be environmentally beneficial to the subject land and surrounding properties and will significantly increase the carrying capacity of the site. On the balance, it is considered that the use and development of the site for dwelling and associated outbuilding and development for an agricultural shed are 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".

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.

4.3 Discontinuance of Brunel Street, Narbethong

Attachment(s)	Attachment 1 - Aerial - Brunel Street Narbethong [4.3.1 - 1 page] Attachment 2 - Plan of Survey [4.3.2 - 2 pages] Attachment 3 - Title Plan [4.3.3 - 1 page]
Presenter	V Albicini, Director Assets and Development
Approved by	Director Assets and Development
Purpose	For decision

Executive Summary

This report seeks Council's endorsement to discontinue part of Brunel Street, Narbethong, being an unused Government Road (as shown in bold on the title plan attached to this report) to enable the Department of Environment Land Water & Planning (DELWP) to transfer the unreserved Crown Land to the adjoining owner of 12 Dom Dom Road, Narbethong.

RECOMMENDATION

That Council:

1. **discontinue the unused Government Road that is part of Brunel Street Narbethong (as shown coloured yellow on the survey plan attached to this report)**
2. **publish a notice of discontinuance of this Government Road in the Government Gazette**
3. **Following (2), refer the matter to DELWP to arrange for the transfer of the unreserved Crown Land in the Government Road to the adjoining land owner.**

Background

The owner of 12 Dom Dom Road, Narbethong purchased the property in 2010. An unused section of Brunel Street (Government Road) passes through the property. Unbeknown to the owner at the time of purchase, some of the buildings on the land are situated on part of the Government Road (as shown by the survey plan attached). The occupation of the Government Road was not authorised and is believed to have existed for decades. A recent planning proposal by the owner highlighted the fact that the buildings were constructed on the Government Road. The owner has inherited the issue, rather than caused it.

DELWP is the legal owner of the unused Government Road and has given its approval to progress a road discontinuance process with the intent to ultimately transfer (sell) the unreserved Crown Land to the property owner, subject to Council's consent.

It is noted that the Government Road is not on Council's register of Public Roads.

Council's consideration of Government Road discontinuance processes is undertaken in accordance with provisions in the *Local Government Act 1989*.

Public notice of the proposed discontinuance of this road is required under section 223 of the *Local Government Act 1989* with a requirement on Council to consider any submissions.

The statutory processes associated with discontinuance of a Government Road, include the following steps:

- The prior determination by Council under officer delegation that the Government Road is no longer reasonably required for general public use
- Give public notice of the proposed discontinuance of the Government Road (under officer delegation) and for Council to receive and consider any submissions
- Council to resolve whether or not to discontinue the Government Road
- If the Government Road is to be discontinued, publish a notice of discontinuance of the Government Road in the Victorian Government Gazette.

Following publication in the Gazette, Council would advise DELWP accordingly, so the transfer (sale) of the unreserved Crown Land to the owner can proceed.

Discussion

In October 2021 officers assessed the proposed road discontinuance and determined that the unused road is not reasonably required for public use and that there is no strategic future need for the road, and that consideration should be given to a Government Road discontinuance process.

Accordingly, Council gave public notice for 28 days of its intention to discontinue the Government Road in accordance with clause 3 of Schedule 10 of the *Local Government Act 1989* (LG Act 1989).

Council is obliged to consider any submissions received in accordance sect 223 of the LG Act 1989 before deciding whether the Government Road is to be discontinued.

No submissions were received in response to the public notice.

If Council were to resolve that the Government Road be discontinued, then notice of the discontinuance of the Government Road would be published in the Victorian Government Gazette.

Council officers recommend that Council consider discontinuing the Government Road based on the Government Road being unused, not reasonably required for public use and impractical for use as a Government Road or any other type of access.

Council Plan/Strategies/Policies

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

Relevant Legislation

The statutory process for a proposed Government Road discontinuance has been initiated under officer delegation in accordance with clause 3 of Schedule 10 of the LG Act 1989. Council is required to consider submissions (if any) in accordance with sect 223 of the LG Act 1989, before deciding whether or not to discontinue the Government Road.

Note, whilst the *Local Government Act 2020* is now in place, property sections in the Act which remain post 1 July 2021, include sect 223, right to make submissions, but only in relation to road powers under schedules 10 and 11 of the 1989 Act.

If Council decides to discontinue the Government Road, Council must publish a notice of discontinuance of the Government Road in the Victorian Government Gazette. Council must also

give notice of its decision and the reasons for its decision to all persons who made submissions in respect of the proposal.

Financial Implications and Risk

The land owner is required to pay all costs associated with the closure process, plus preparation of the title plan of the Government Road. The owner must also meet all costs associated with DELWP's proposed transfer of the unreserved Crown Land once the road is discontinued.

Conflict of Interest

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

Community and Stakeholder Consultation

Consultation has occurred between Council's staff, DELWP representatives, legal representatives, the property owner and the surveyor on this matter.

A public notice was placed in the Alexandra Standard and Marysville Triangle with a response date of 20 October 2021.

By following the statutory notification process, the community has had an opportunity to comment on the discontinuance of the Government Road.

4.4 CONT21/22 - Contract Cleaning Council Facilities

Attachment(s)	Confidential Attachment 1 – CONT21/22 Contract Cleaning Council Facilities (distributed to Councillors separately)
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

The purpose of this report is for Council to appoint a contractor for the provision of Contract Cleaning – Council Facilities. The scope of the contract is to provide cleaning services for 19 Council facilities across the municipality. This contract is a three year lump sum contract with schedule of rates for miscellaneous cleaning with a further two year contract extension.

Tenders were called on the 9th November 2021 and seven submissions were received. A detailed evaluation process was undertaken in line with Council's Procurement Policy and against tender evaluation criteria by a Tender Evaluation Committee.

Based on the evaluation, the Committee recommended Tender 2 be awarded Contract 21/22 Contract Cleaning – Council Facilities for the lump sum price of \$729,072 for the three (3) year contract (\$472,133 Standard Routine Cleaning and \$256,938 COVID 19 Routine Touchpoint Cleaning) for the 3 year period with an option for a further two years subject to satisfactory performance. It is further recommended that an annual contingency of \$55,000 be allocated for cleaning variations over the three (3) year contract period.

RECOMMENDATION

That Council:

1. appoint CONT21/22 - Contract Cleaning Council Facilities to Tender 2 for an initial period of three years for a lump sum price of \$729,072 commencing 3 April 2022 to 3 March 2025, with the option to delete COVID 19 annual lump sum cleaning at any time and the option for a two-year extension;
2. approve a contingency of \$55,000 per annum of the contract for miscellaneous emergency cleaning as detailed by the report noting that the total contract expenditure will not exceed \$1,521,004 for the 5-year period (includes extension);
3. authorise the Chief Executive Officer to extend CONT21/22 Contract Cleaning – Council Facilities beyond the initial term for a further two-year period subject to satisfactory performance; and
4. release this resolution and the name of Tenderer 2 into the Minutes of the Scheduled Meeting of 23 March 2022.

Background

Council Facility Cleaning services were contracted in 2017 for an initial period of 3 years with 2 x 1 year extensions which were exercised. Following the expiration of this contract Council tendered for a short-term cleaning arrangement to run in parallel with the tendering of a new longer term opportunity. The strategy for this process allowed for the current service provision to continue without interruption while the specification for the longer term cleaning contract was established. This process was used due to the increased service requirements and COVID19 Infection Control cleaning (daily and emergency cleaning). A collaborative tender option was investigated with Mansfield, Whittlesea & Mitchell Shires, however timeframes with neighbouring Councils did not align. The current short-term contract for cleaning services is due to expire on 2 April 2022.

Council's cleaning service provides cleaning of Council's facilities for 19 buildings across the municipality. It also provides ad-hoc cleaning across a number of other facilities as required. Cleaning requirements have significantly increased over the term of the preceding contracts, with COVID 19 and service delivery levels having an impact on cleaning requirements.

Stakeholders from each site were consulted in relation to existing services provided, a minor increase in services and any additional cleaning requirements as part of the scoping of the project specification. The specification reflects these requirements

The tender sought a suitable supplier for a three-year lump sum with schedule of rates contract with the option of a further two years for the cleaning of all of Council facilities. The contract sought lump sum pricing for annual routine cleaning and annual COVID19 routine touchpoint cleaning that can be deleted from the contract at any time when COVID19 cleaning is not necessary. This would reduce the cost for cleaning Council's facilities. The contract also sought a schedule of rates from the Tenderer for emergency cleaning, additional emergency COVID19 touchpoint cleaning and whole facilities COVID19 cleans.

Mandatory site inspections of each site were conducted on 24 November 2021 with all registered respondents. The site inspections provided an opportunity for tenderers to view sites for evaluating times required for providing the specified outcomes and to price accordingly.

Discussion

The request for tender was advertised from 9 November 2021 in the following publications:

- Alexandra Standard
- Yea Chronicle

- The Age
- The Local Paper
- Council Website
- E Procure Tender Portal
- Council Website.

Tenders were assessed against the following criteria:

- Price – 40%
- Capacity to deliver (Resources, equipment) – 10%
- Capability to deliver (OHS Systems) – 10%
- Understanding of the requirement - 20%
- Relevant experience – 10%
- Social/Environmental Procurement – 10%.

The tender for the works closed on 6 December 2021. Seven submissions were received at the close of the tender.

All submissions were assessed for compliance prior to evaluating. Clarifications were issued to five Tenderers in relation to omitted response details and pricing elements and all Tenderers responded within the required timeframes. Based on the responses, the Committee deemed all submissions compliant.

Each submission was then evaluated individually to consider the Tenderer's ability to meet the requirements of the contract. Tenders were assessed with particular attention to the evaluation criteria requirements.

The Committee, including the probity advisor, convened as a group at the completion of the individual evaluations to discuss the outcomes. Pricing was not part of this conversation. All panel members assessed the submissions according to the criteria. Individual scores were then averaged and applied to the master spreadsheet and pricing included. This provided an overall score for each 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 2 be awarded Contract 21/22 Contract Cleaning – Council Facilities for the lump sum price of \$729,072 for the three (3) year contract (\$472,133 Standard Routine Cleaning and \$256,938 COVID 19 Routine Touchpoint Cleaning) for the 3 year period with an option for a further two years subject to satisfactory performance. It is further recommended that an annual contingency of \$55,000 be allocated for cleaning variations over the three (3) year contract period.

Council Plan/Strategies/Policies

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

Relevant Legislation

The procurement process for these works was carried out in accordance with Council's Procurement Policy and section 186 of the *Local Government Act 2020*.

Financial Implications and Risk

The Draft 2022/23 Council budget has a budget allocation for cleaning of \$300,000. This amount increases each financial year by CPI.

The estimated total yearly cost for Facility cleaning using the preferred Tenderer (Tenderer 2) tender price for Annual Lump Sum Price cleaning cost (with bin service as required), Annual Touchpoint Lump Sum Price cleaning cost and \$55,000 contingency funding for emergency cleaning, ad hoc cleans, ad hoc touch point cleaning, detailed COVID 19 cleans and allowances for expansion of Facilities compared to the budget for the three (3) year contract period 2022-2025 is shown in Table 4 below.

Table 4:

	2022/2023	2023/2024	2024/2025
Annual Standard Routine Cleaning	\$153,508	\$157,345	\$161,279
Annual Standard Routine Touch Point Cleaning	\$83,540	\$85,628	\$87,769
Contingency	\$55,000	\$55,000	\$55,000
TOTAL	\$292,048	\$297,973	\$304,049
BUDGET	\$300,000	\$304,500	\$309,067

Based on the comparison the budget is sufficient to fund the contract.

Should the contract service its full five years, the maximum anticipated contract sum assuming a contingency of \$55,000 per annum will be the lump sum price for the full clean service of \$1,246,004 plus contingency of \$275,000 being a total of \$1,521,004.

Conflict of Interest

A conflict of interest was declared by a Council officer in relation to this report.

There was a declared conflict of interest by a Council officer in relation to this report. A panel member declared a potential existing professional relationship with a bidder. The probity advisor was consulted and advised that the officer could participate in the evaluations as a panel member. Another officer was nominated as Chair of the team to ensure compliance with managing the conflict of interest declared.

Community and Stakeholder Consultation

Stakeholders from all Council operated sites were consulted in relation to the current specification, and noted some minor increase in service levels and any additional items to be included in the scope of works.

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

5.1 Grants and Contributions Program - March 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 February 2022 Grants and Contributions Program applications and variations for noting and endorsement.

RECOMMENDATION

That Council:

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

Application	Original Grant Awarded	Variation Request
CS-21/22-002 - Alexandra Secondary Collage Sponsorship of 2021 College Dux Student	\$600	Timing change
FR-21/22-003 – Yea Primary School – Annual Musical	\$1,000	Timing change

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

Application	Amount
Taungurung Land and Water Corporation - TAUNGURUNG WURRUNG-our marrening ba gaberring	\$1,500
Taggerty Community Progress Group - Outdoor Seating	\$2,500
Alexandra District Health - Healthy at Alex Hub	\$900
The Outdoor Education Foundation - Young Men, Old Mountains	\$2,500
Yea & District Historical Society - The History of the Yea and District Memorial Hospital	\$1,000
Alexandra Football Netball Club - Anzac Spirit and Community Celebration	\$2,000
Mother's Day Classic Foundation – Alexandra, Yea & District Regional Event	\$3,500

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:

Community Sponsorship

1. Alexandra Secondary Collage Sponsorship of 2021 College Dux Student

This project is to support the annual award for the Dux of the College which is the College's most prestigious award. Due to social distancing rules the event has had to be postponed. The applicant has advised they are hoping to have a joint Investiture/Presentation Day as soon as is allowed and prior to the end of April 2022.

Grant variation recommended.

Fee Reduction

1. Yea Primary School – Annual Musical

This project is to provide assistance for hall hire for Yea Primary School students to rehearse and perform in their annual school musical. The applicant is seeking a variation due to COVID-19 restrictions impacting the rehearsal and performance schedule. The applicant has requested an extension of time for the hall hire.

Grant variation recommended.

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

Community Projects and Events

1. Taungurung Land and Water Corporation - TAUNGURUNG WURRUNG- our marrening ba gaberring

This project will see the development, illustration and publishing of the first of a series of short stories related to the cultural activities, customs and language of the Taungurung people. The book is to be written in the Taungurung language, with English translation. It will be primarily aimed at mid-primary school students. The story will provide an insight into Taungurung cultural

activities and their survival as a people living in the Murrindindi area for thousands of years and will help readers to understand the lifestyle of a family living off the land, and interacting with other clans in the high country.

Recommended for a grant of \$1500

2. Taggerty Community Progress Group - Outdoor Seating

The Taggerty Community Progress Group are seeking funding for aluminium outdoor seating for the grounds around the Taggerty School (CHAT) for the use at markets and for general community use.

Recommended for a grant of \$2500

3. The Outdoor Education Foundation

Young Men Old Mountains is a 7-day outdoor education program held around Murrindindi Shire. Activities include bushwalking, high ropes and canoeing. Year 8 boys explore positive risk taking and develop a deeper understanding of themselves. Professional outdoor educators assist them reflect on and promote the transfer of these skills to the next stage of their lives. This program aims to connect students to their natural environment, improve physical and mental health, promote personal growth, leadership development, and community building and participation.

Recommended for a grant of \$2500

Community Sponsorship

1. Yea & District Historical Society - The History of the Yea and District Memorial Hospital (YDMH)

This project aims to capture the history of the YDMH since its inception in 1928 through the identification and cataloguing of data, artefacts and memorabilia. Additionally, an oral history repository will be created through interviews with over 20 past and present staff members and affiliates of the hospital. Eventual project outputs include a memorial wall at YDMH, a book and a website containing images, audio recordings and a written history.

Recommended for a grant of \$1000

2. Alexandra Football Netball Club - Anzac Spirit and Community Celebration

Saturday, 23rd April, 2022 will see the local football/netball derby between Alexandra and Broadford Football Netball Clubs played at the Alexandra Showgrounds and Recreation Reserve as part of the League's Anzac round. This project will pull the two communities together to invite everyone to come along to reflect on the Anzac message whilst celebrating a longstanding local sporting rivalry.

Recommended for a grant of \$2000

3. Alexandra District Health - Healthy at Alex Hub

Alexandra District Health (ADH) Primary Health staff and Alexandra Community Hub, are partnering to provide 13 health promoting workshops and activities in 2022, at no cost to participants. Activities will take place at Alexandra Community Hub and surrounds. Primary Health Staff will engage with community on a range of topics to promote health and well-being across all ages. Inclusion and access will be key to the success of the workshops.

Recommended for a grant of \$900

4. Mother's Day Classic Foundation – Alexandra, Yea & District Regional Mother's Day Classic

This is a regional event within the offering of Mother's Day Classic events in Australia and will raise awareness of breast cancer and necessary funds for breast cancer research. Many in our local communities have experienced breast cancer or witnessed a loved one navigating illness and treatment, and this event is a way for the community to come together and walk for the elimination of breast cancer from our community.

Recommended for a grant of \$3500

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	March 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	13,900	33,012	43,412
Tourism Events	0	30,000	30,000
Business Plan Support	0	0	0
TOTAL	13,900	73,812	86,832

2030 Yea have provided an update to Council that they no longer have capacity to deliver the 'Curtain linings and carbon footprint assessment for home energy efficiency' project for which they received \$4,480 in grant funding. This has been reflected in the financial table above by making a reduction in the previous allocations.

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

Conflict of Interest

A conflict of interest was declared by a Council officer in relation to a grant assessment. The officer took no part in the assessment or decision making process for that grant.

Community and Stakeholder Consultation

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

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 Australian Local Government Association Advocacy Priorities

Attachment(s)	Attachment 1 - ALGA Advocacy Priorities [6.1.1 - 16 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

The Australian Local Government Association (ALGA), representing the local government sector nationally, has developed its advocacy priorities for the upcoming federal election. These are based on the themes of economic recovery, improved transport and community infrastructure, building resilience, supporting the circular economy and improving intergovernmental relations.

The ALGA is seeking endorsement of these priorities by councils prior to its National Assembly in June. The priorities are consistent with several objectives in the Murrindindi Shire *Council Plan 2021-2025*.

RECOMMENDATION

That Council endorse the ALGA's federal election priorities as outlined in the 'Don't Leave Communities Behind Federal Election Priorities' statement attached to this report.

Background

As the national voice of local government, the Australian Local Government Association (ALGA) advocates on behalf of Australia's 537 councils for funding and policy outcomes that support local governments to deliver better results for their communities.

Each year the ALGA holds a National General Assembly (NGA) in Canberra where councils from around the nation discuss current and emerging challenges and opportunities and advocate to the Federal Government on critical issues facing the local government sector.

This year's Assembly will be held in Canberra from 19-22 June with the theme being *Partners in Progress*, focusing on how partnerships, particularly between the Australian Government and local governments, can tackle the immediate challenges facing communities to confidently prepare for the future.

Given there is a federal election year the ALGA has prepared its federal election advocacy priorities - called *Don't Leave Communities Behind, Federal Election Priorities* (refer attachment 1). In the lead up to the Assembly and the federal election the ALGA is seeking endorsement of these advocacy priorities by councils and candidates attending the Assembly.

This report seeks Council's endorsement of these national advocacy priorities.

Discussion

There are 17 election advocacy priorities outlined in the attached document which have been informed by motions passed at last year's NGA, and endorsed by ALGA's Board in conjunction with its member state and territory local government associations.

They cover key priority portfolios of economic recovery, improved transport and community infrastructure, building resilience, supporting the circular economy and improving intergovernmental relations, and they outline what local government could achieve, if formally recognised and adequately funded.

Many of the priorities relate directly to the strategic objectives and strategies in the *Council Plan 2021-2025*, as shown later in this report.

According to the ALGA the priorities have been assessed by independent economists, and if implemented by the next Federal Government are estimated to create at least 42,975 new jobs and add \$6.39 billion per annum to Australia's GDP.

In addition to endorsing the federal election priorities the ALGA seeks the support of councils by identifying local projects and programs that could be delivered with better funding partnerships, writing to local members and candidates, and highlighting the value strong funding partnerships can deliver for local communities.

Council Plan/Strategies/Policies

This report supports the following strategic objectives and strategies in 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"
- *Beautiful Towns and Rural Settings* strategy to "connect our communities through improved roads, footpaths and public transport"
- *Growth and Opportunity* strategic objective "to prioritise and promote a culture in which the economy, businesses and community can grow and thrive"
- *Our Protected Environment* strategy "minimise waste and increase recycling to reduce our environmental footprint"
- *Transparency, Inclusion and Accountability* strategy to "improve emergency readiness through active emergency management planning to enhance community preparedness and resilience"
- *Transparency, Inclusion and Accountability* strategy to "establish a team approach in partnership with our communities to represent our collective interest to the State and Federal Governments".

Relevant Legislation

There are no legal implications associated with this report.

Financial Implications and Risk

There are no financial implications or risks associated with Council's endorsement of the ALGA's national advocacy priorities.

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.

6.2 Audit and Risk Committee Biannual Report

Attachment(s)	Attachment 1 - Audit and Risk Committee Biannual Report - July to December 2021 [6.2.1 - 3 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

The Murrindindi Shire Council is committed to providing good governance, public transparency and accountability to the communities of the Murrindindi Shire. The Audit and Risk Committee (the Committee) is an independent advisory committee to Council, established under section 53 of the *Local Government Act 2020* (the Act) to provide oversight, guidance and assurance to assist Council and Council's Executive meet this commitment.

The attached Audit and Risk Committee Biannual Report describes the activities of the Committee for the July to December 2021 period.

RECOMMENDATION

That Council note the Audit and Risk Committee's Biannual Report for July to December 2021.

Background

The Audit and Risk Committee Charter was adopted by Council at its 22 July 2020 Ordinary Meeting. This Charter requires that the Committee provide biannual reports to Council on the activities of the Committee for the previous 6 months. This Biannual Report was prepared by the Audit and Risk Committee Chair and covers the period July-December 2021.

Discussion

The Audit and Risk Committee at its 10 March 2022 meeting endorsed the attached biannual report to be presented to Council. The report seeks to highlight developments, achievements or risks of concern to the Audit and Risk Committee.

Council Plan/Strategies/Policies

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

Relevant Legislation

The Audit and Risk Committee is established under Section 53 of the *Local Government Act 2020*. Council adopted the Audit and Risk Committee Charter in accordance with section 54 of the *Local Government Act 2020*, which mandates that the Committee provide biannual reports to Council.

Financial Implications and Risk

The Audit and Risk Committee is established to monitor Council's approach to mitigating and managing risk and financial performance.

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.

6.3 Audit and Risk Committee - Confirmation of Minutes

Attachment(s)	Attachment 1 - 2022-03-10 Audit and Risk Committee Minutes [6.3.1 - 28 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

The purpose of this report is to present the minutes of the 10 March 2022 Audit and Risk Committee Meeting to Council for noting.

RECOMMENDATION

That Council receive and note the minutes of the 10 March 2022 Audit and Risk Committee Meeting as enclosed in Attachment 6.3.1.

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 23 February 2022 to 16 March 2022, for Council to note.

RECOMMENDATION

That Council receive and note the records of assembly of Councillors for 21 February 2022 to 18 March 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 23 February 2022 to 16 March 2022:

Meeting Name/Type		Council Pre-Meet – Planning Items		
Meeting Date:		23 February 2022		
Matters Discussed:		<ol style="list-style-type: none"> 1. Planning Application - Place of Assembly - 36 Extons Road, Kinglake 2. Planning Application - Use and Development of Land for a Dwelling - 1565 Whanregarwen Road, Molesworth 3. Planning Application - Use and Development of the Land for Group Accommodation - 3 Back Eildon Road, Thornton 		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh		
Council Officer Attendees:		L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, N Stewart, C Fraser, C Gartland		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
3	Cr J Walsh	No	Yes	Before

Meeting Name/Type	Council Pre-Meet
Meeting Date:	23 February 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. CONT21/34 - Path Renewal Program 2021/22 - Contract Award 2. CONT21/38 - Falls Road & Mt Kitchener Avenue Marysville - Contract Award 3. Dog Hill Court Eildon - Proposed Works 4. Cobham Road, Kinglake - Current Outcome report 5. Capital Works Quarterly Report - December 2021 6. Access and Inclusion funding changes 7. Grants and Contributions Program - February Allocations 8. Council Plan 2021-2025 Progress Report 1 July - 30 December 2021 9. Finance Quarterly Report - December 2021
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, S Coller
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	2 March 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Guest Speakers - Presentation by Foundation Murrindindi 2. Community Briefing Sessions 2022 3. Climate Change Action Plan update
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, G Taylor, L Harrison, J Kirkwood, L Campbell
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	9 March 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Draft Annual Budget – Financial Statements 2. Child Care in Murrindindi 3. Planning Application: 517 Ghin Ghin Road GHIN GHIN (Multiple Objectors) 4. Planning Application: 1061 Whittlesea-Kinglake Road KINGLAKE - Relocation of Post Office (Multiple objectors)
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, N Stewart, C Fraser, C Gartland, N Grey, C Nickels-Beattie, S Coller, S Porter
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	16 March 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Gender Equality Action Plan 2021-2025 2. Discontinuance of Brunel Street Narbethong 3. Housing and Settlement Strategy by Navy Blue Planning Consultants – Tom Harrington 4. Community Communications Preferences Project – Findings and Recommendations 5. Grants and Contributions Program - March Allocations 6. Capital Works Monthly Report - February 2022
Councillor Attendees:	Cr D Gallagher, Cr I Gerencser, Cr K Haslam (Virtual), Cr E Lording, J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, S Russell, J Carns, N Stewart, C Fraser, K Girvan, J Rabel, T Elkington, R Kane
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
CONT21/20	8 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for 2022 Gravel Roads Resheeting Program	Livia Bonazzi Cr Sue Carpenter
CONT21/8	8 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and McDonough Contracting for Panel Works Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8	8 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and AWS Services for Panel Works Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8	8 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Bitu-mill (civil) for Panel Works Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8	8 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Boral Resources Panel Works Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8	8 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and GW & BR Cramer Panel Works Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8	16 March 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Roadside Services & Solutions P/L Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter

RECOMMENDATION

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